

Terms of Reference for the Provision of Legal Aid Services in Dar-ul-Amans

Background of Legal Service in Dar-UI-Aman:

Women in Pakistan face staggeringly face high rates of domestic violence. The underlying cause of this violence is the control on women's freedom of movement, decision-making and exercise of autonomy. Some studies suggest that between 70% and 90% of women are faced with physical, sexual or verbal abuse by their spouses.

The state, through its provincial department of Social Welfare (hereinafter called SWD), has the responsibility and duty to provide shelter to women in distress. In Punjab, there are 34 governmental shelter homes established for women, called Dar-ul-Aman i.e. "House of Protection". Women are admitted to a Dar-ul-Aman, usually through court orders. During recent year, it is observed that women are also being admitted on self basis.

Social Welfare Department has been committed to provide all necessary support to the women for their rehabilitation including legal aid and family counselling. Since, very beginning of establishment of Dar-ul-Amans, the concept of legal support was present there. Presence of lawyers in the advisory committee and panel¹ has helped the department to provide legal aid to the women residents. To improve the range and quality of services, SWD signed a partnership agreement with Médecins du Monde (Doctors of the World) to establish medical, social, psychological and legal services in all DUAs in the Punjab. Since 2004, Médecins du Monde France has actively contributed to ensure individual legal counselling, family counselling and group sessions as well as legal aid to residents, all free of charge. For that Medecins du Monde with the collaboration of SWD established a group of volunteers in every district, who provided free of charge services to the residents of DUA. SWD has also developed with the technical assistance of Medecins du Monde, various tools and manual in order to support volunteer lawyers to provide quality services.

Legal services in DUA depend greatly on support of volunteer lawyers. In April 2010, the Chief Minister of Punjab has announced 19 recommendations to improve the living conditions of residents in DUA setting including the establishment of a pool of 10 lawyers for each DUA to provide free of charge services. SWD with the collaboration of district bar associations has constituted the pool of lawyers for every district. These terms of reference provides guidance to help better understand the role and responsibilities of the new pool of lawyer and to regularise the work.

Role of pool of lawyers

In 2010, almost 8000 women and their children have been admitted at DUA to seek for shelter and protection. As the majority of women in these DUA are victims of gender based violence, their needs are multiple and therefore access to free comprehensive multidisciplinary services is essential to improve their wellbeing and safety.

A lawyer plays a very vital role in an institution dealing with protection of women survivors of violence. Social Welfare Department has already been providing different professional services, with the help of civil society members on volunteer basis. These services are key element towards the rehabilitation of the women.

¹ Before recent development to legal services, previously there were lawyers nominated by City District Governments to deal with the cases of DUA. This practice was observed in some big DUAs. If this does not have the official authentication from Social Welfare department, then it might be deleted.

Majority of the women seeking shelter in DUAs have one or another legal issue. Keeping in view, their low socio-economic status, it is important that they should have been provided not only help to contest their cases but also provided with the basic legal information and counselling on regular intervals. The role of lawyers in this regard is very important.

In DUA, it is important to provide variety of legal services to the residents, keeping in mind their needs. The activity concerning legal awareness is an important aspect of legal services being provided to the residents in DUA. As many of these women have low education background, it is important to provide them with the basic information about their rights and procedures. Another important aspect of the services is to provide them with individual and family counselling. The women in DUA have been observed to be under immense psychological stress, mainly due to their legal issues. Providing regular counselling does help them to get alternative options and make decisions about their problem by themselves. (For details see Chapter I and II of the Legal Support Manual, available at DUAs). Another important legal service is concerning legal assistance and aid to the residents. Though, many of the residents seeking shelter in DUA have already been engaged a counsel but still there are a number of residents who either do not have financial capacity to engage a counsel or wish to opt for another counsel.

Position of pool of lawyers

With the recent recommendations of the Chief Minister of the Punjab, the pool of ten lawyers has been established in every district by the Social Welfare Department, with the consultation of District Bar Associations. The basic role of this pool of lawyer is to provide support to DUA as an institution and to the residents to support them through legal help to make the process of their rehabilitation more effective. The pools of lawyer have been nominated with consultation of District Bar Associations and the pool will work directly with the Incharge of DUAs.

To conduct, different in-house activities, the consultation rooms have been established by SWD, with the help of Medecins du Monde. The consultation rooms are equipped with Legal Support Manuals, by which the pool of lawyer can seek help to conduct different in-house activities. For activities, outside DUA (i.e providing legal assistance and aid), it is important to make proper documentations. For this purpose, it is important to use the different technical tools, provided in the Legal Support Manual.

Terms of Reference for the pool of lawyers

With reference to constitution of the pool of lawyers for each DUA, following are proposed terms of reference for the pool of lawyers with respect to their commitments and role & tasks for DUA.

1. Constitution of the Pool:

- The pool will be comprised of any such lawyers,(in most cases the number is ten) who are proposed by DUA In-charge, in consultation with the respective District Bar Association and notified by the Directorate of Social Welfare, Punjab for a period of one year.
- In-charge DUA shall make and maintain the record of the basic profile of the pool members including their names, official addresses, contact & email, area/expertise of professional work and bar membership details. The list will also be displayed at the notice board of each DUA.
- The pool will elect amongst themselves a member as the Focal Person of the pool, with a simple majority of pool members.
- The Focal Person shall coordinate between the In-charge and the pool of the lawyers and will be acting as the secretary of the pool.
- A meeting of the pool of lawyers along with In-charge DUA will be held at DUA, in every two months. The holding of such meetings and agenda will be communicated to all members through Focal Person.
- In-charge DUA shall maintain a record of minutes of such meetings and will communicate it to the member of pool, through Focal Person of the pool.
- The Focal Person along with In-charge will hold meetings with the District & Session Judge after every two months, in order to discuss the issues and challenges about DUA.

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2. Commitments of the members of the pool of lawyer:

The members of the pool of lawyers are committed to:

- Provide free of charge services to the women and children residents of DUA
- Contribute to promote and protect the fundamental rights, envisaged in the Constitution of Pakistan and International Human Right Instruments including but not limited to Universal Declaration on Human Rights, CEDAW and Charter of Humanitarian Aid (Krakow Charter).
- Implement the activities according to the technical manual 'A manual for the legal Support in DUAs', approved by Department of Social Welfare Punjab.
- Dedicate their efforts for the elimination of gender-based violence and discriminatory customs and traditions
- Contribute to build good image of DUA institution and the residents
- Advocacy to district judiciary and other relevant stakeholders to refer women to DUAs

3. Relationship and Tasks Regarding DUA Institution:

The pool of lawyers will:

- Work with direct responsibility of the in-charge of DUA and Incharge with the help of this pool will ensure that there is a good exchange of visits, findings and actions to be undertaken in support of residents. The planning of lawyer's visit will be organised together with Incharge and it will be ensured by the Incharge that the number of visits are in relation with the activities, needs and numbers of residents.
- Provide free of charge legal aid to the women residents
- Provide free of charge legal support and technical guidance to help the DUA administration to take adequate steps to ensure the safety and security of the institution and the residents
- Provide some basic guidelines to DUA staff for the protection of administration from contempt of court orders
- Help the administration by representing it before the courts, in case any legal proceeding is initiated against it. It is pertinent that in case of any conflict of interest arises between a resident and DUA, the priority will be given to the legal interest of the resident.
- Develop a liaison with the local judiciary, district bar association and the DUA Administration. For this purpose, the Focal Person of the pool along with In-charge will hold regular meetings with the District and Session Judge.
- Hold some assessment of needs for the capacity building session for DUA staff on legal issues and organize session at the premises, free of charge
- The pool of lawyer or any member thereof does not have any sort of monitoring /inspection inside DUA powers.

4. Role and Tasks of the Pool of Lawyers:

Following are main roles and tasks of the pool of lawyers towards residents:

1. Conduct free, individual legal counselling for residents:

The pool of lawyer will:

- Conduct and fill in the admission consultation forms of the resident, in order to assess their legal needs
- Provide information to the residents with regard to possible impacts of any legal action in order to help them come to an informed decision.
- Liaise with the other bar members, especially the lawyers who are dealing with the cases of the residents in independent capacity.
- For those residents who want to see the lawyer, the pool members will coordinate with the In-charge/Assistant In-charge to give an appointment and inform of their availability on specific day and time.
- Provide legal support and family counselling in the process of rehabilitation of the residents
- Inform the residents about different stakeholder / institution whom they can approach, in case of any further threat / trouble.
- Conduct free, legal awareness raising to residents (group / individual)

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- Organize legal awareness group sessions once a week for the residents in order to raise awareness about their basic rights. The technical manual will be a guiding tool in this regard.
- Conduct individual sessions as per need of the residents. The technical manual will be a guiding tool in this regard.
- Raise awareness, sensitize and provide individual and group counselling for the residents

2. Provide legal aid services through payment of legal aid documentation expenses by DUA

The pool of lawyers will:

- Provide free of charge legal aid, in case a resident have already not engaged a counsel and/or is unable to engage a counsel, after filling the Legal Aid Request Form. The legal aid will be provided only through those member(s) of the pool who have been carrying on the other activities of legal awareness, individual and family counselling & assistance on regular basis and for at least previous three months.
- Accompany resident to the court for her court hearing, if required, and will monitor the overall progress of the case and will update the resident about it.
- Make referral(s) to the necessary institutes, as per need of each case

3. Role & Tasks Regarding Community:

The pool of lawyers will:

- Conduct sensitization meeting with the families and relatives of the residents regarding women's rights
- Take initiative at the level of Bar Association to hold seminars and workshops, both inside and outside courts premises, in order to aware and sensitize the general public about the issue of GBV. The financial resources for such events will be arranged by the bar associations, with the collaboration of local civil society organisations and bar funds.

Medecins du Monde will play her role through developing and strengthening the relationship between pool of lawyers and SWD and will provide with the technical support. For the purpose the basic orientation to the pool of lawyers will be provided during meetings. Legal Support Manual will also help In-charge/pool of lawyer to organise different activities in DUA.

In case of breach of conduct by any member of the pool of lawyer, the in-charge will inform concerned about it verbally later in written form and afterwards , cancels his/her membership immediately after informing District Bar Association and approved of D.G office even if its before end of the notification period.