



Briefing: Measuring Impact of Legal Awareness and Legal Aid Services Provided by UNDP Pakistan in Khyber Pakhtunkhwa's Merged Districts

INTRODUCTION

The first step towards building peaceful and just societies where the rule of law reigns supreme is to create awareness among the citizens about their legal rights and provide them with avenues to avail those rights. Unfortunately, in Pakistan, there has been a dire lack of legal rights awareness among the citizens, which has added to the inaccessibility of justice in the country. These conditions are further exacerbated in the peripheries of the country.

The United Nations Development Programme (UNDP) Rule of Law Programme aims to strengthen justice and security sector governance to create more peaceful and just societies in Pakistan. In light of the above, in 2018, with funding from the United States Agency for International Development (USAID), UNDP Pakistan Rule of Law Programme launched a project in the Merged Districts (MDs).¹ The project aimed at raising legal awareness and providing legal aid in Kurram, Khyber, Orakzai, Bajaur, Mohmand, North Waziristan, and South Waziristan, especially to women, juveniles, minorities, and persons with disabilities.

The project focused on enhancing the knowledge and understanding of the laws, rights, justice mechanisms, and support available for allaying legal disputes among the communities in the MDs through legal awareness. Under the project, the UNDP Pakistan Rule of Law Programme undertook a two-pronged strategy:



Conducted dedicated sessions on legal awareness in communities in the MDs, which also acted as a key channel for referrals for legal aid.



Provided free or pro-bono legal aid to people in the MDs, based on the referrals.

1. In this brief, UNDP uses the term Merged Districts (MDs), except where reference to the former Federally Administered Tribal Areas (FATA) merger is made.

The project concluded in July 2022, following which the UNDP Pakistan Rule of Law Programme conducted a qualitative study² to evaluate the project results and assess the effectiveness of legal awareness and legal aid interventions in the MDs.

The methodology for this study included 15 key informant interviews of the beneficiaries, 10 focus group discussions (FGDs), the collection of administrative data, and observations made during 2 awareness sessions. The study also drew lessons from the implementation experience. However, the study was constrained by the non-availability of any baseline data for comparisons and the lack of access to three of the seven MDs. Therefore, the study used recalls, experience sharing, and indirect storytelling by key informants to offset some of the likely effects of these constraints. The evaluation also led to a few substantial recommendations that can benefit scale-up, institutionalization, programme management, and evidence-based reporting.

The study focused on the following key areas:

				
Knowledge of rights, forums, and institutions among the beneficiaries	Access to and accessibility of institutions	Service providers ³ understanding of the concepts, approaches, and practices	Level of commitment of the service providers to the project objectives	Risk assessment and mitigation



2. UNDP Pakistan Rule of Law Programme, "Study on the Effectiveness of Legal Awareness and Legal Aid UNDP Rule of Law Programme". December 2022.
3. The service providers are the personnel involved in the implementation of the activities, who also constitute the study's key informants. These include the pro-bono lawyers, district focal persons (presidents of the district bars), members of legal aid committees, mobilizers, and session moderators.

KEY FACTS

Over **30,000** people received legal awareness sessions in 3 years.

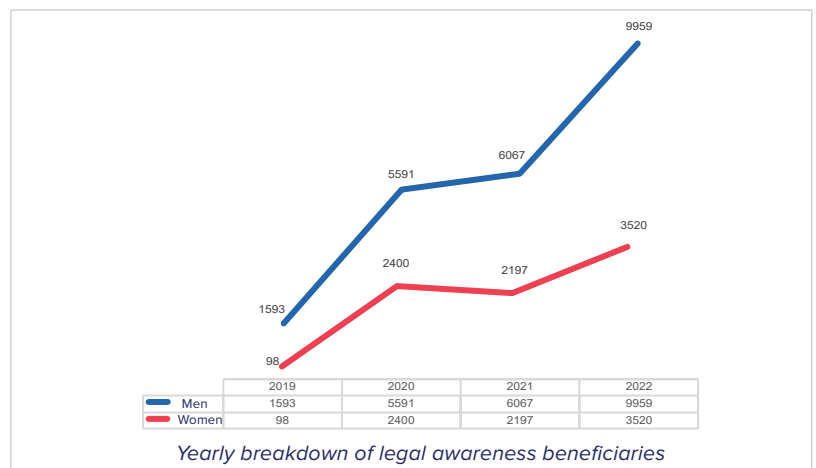
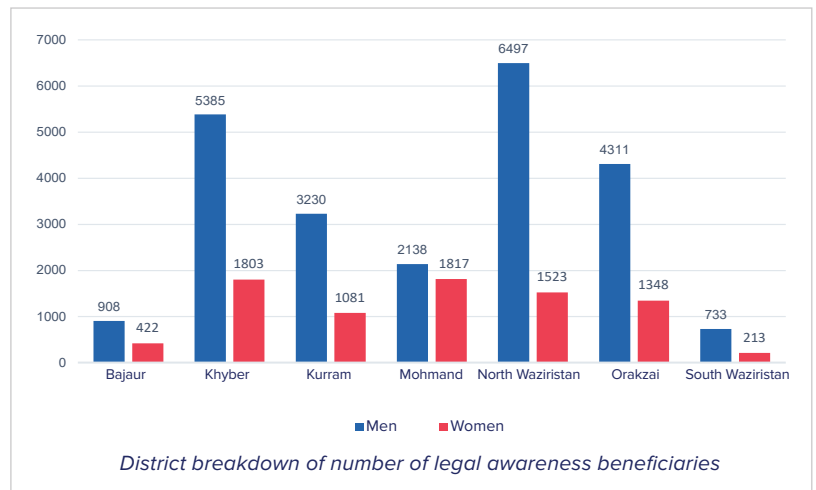
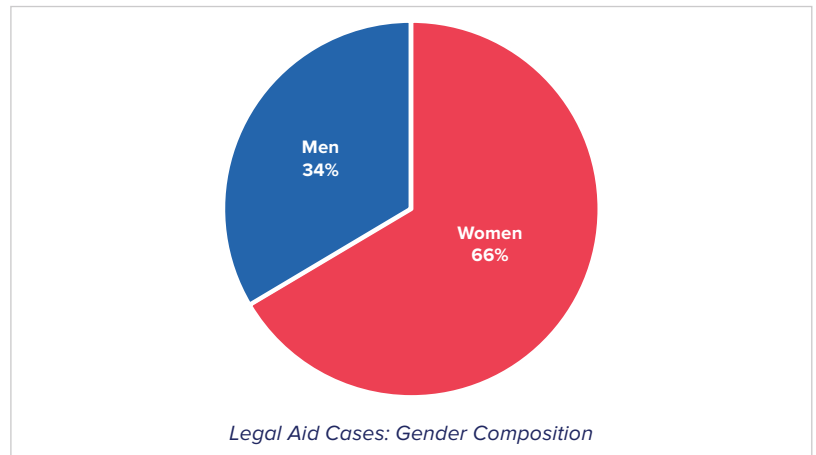
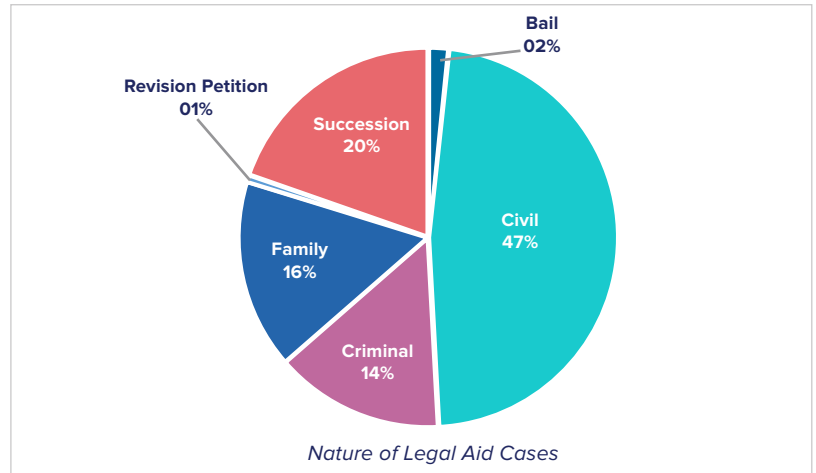
Over **700** residents of the MDs received legal representation through legal aid.

While more men beneficiaries attended awareness sessions compared to women, the majority **66%** of cases given legal aid were related to women.

WOMEN beneficiaries showed greater knowledge of rights, institutions, and processes as compared to men.

The highest number of beneficiaries were from District **North Waziristan** followed by Khyber while Mohmand had the best gender mix.

Despite men beneficiaries' number growing in cumulative terms, the year-on increase in the number of women beneficiaries was **5X HIGHER** than men compared to the base year of 2019.



KEY FINDINGS



Knowledge of Rights, Forums, and Institutions

- Beneficiaries showed good knowledge of their fundamental rights.
- “Right to education,” followed by the “right to life” and “safeguard against discrimination” were the most cited fundamental rights in the FGDs.
- Residents of Kurram were the most knowledgeable about their fundamental rights, followed by Bajaur and Mohmand.
- Women beneficiaries attained a higher level of knowledge of fundamental rights than men beneficiaries through the legal awareness sessions.
- FGD participants expressed their desire for the continuity of legal awareness sessions in the MDs, and considered the sessions important for legal literacy among citizens.
- Beneficiaries exhibited substantial knowledge of formal justice institutions, such as courts, judiciary, and the police. They were also aware of the legal aid provided by Khyber Pakhtunkhwa Bar Council and the District Legal Aid Committees.



The team conducting the awareness sessions is doing a great service. My sisters should continue to gain awareness through the session. Educate us on how to solve our problems and where to go in case we face problems. Help us become aware of how to avail our rights. We have the right to live here in Pakistan, we have the right to practice our religion and the right to education, and most of us didn't know about these rights.”

**Women Minority FGD
Participant, District Mohmand**



Access to and Accessibility of Institutions – Satisfaction and Preferences

- Most FGD participants expressed their preference for the formal justice system as compared to traditional jirga. This preference was higher among women compared to men where the former also expressed concerns about general gender discrimination in the MDs.
- The preference for the formal justice system was motivated by expectations from the new legal regime, following the merger of former Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa, to which the project significantly contributed.
- Participants cited several examples of close family members or relatives seeking justice through the formal system which showed that just solutions to legal issues were being reached, contributing to citizens' satisfaction with the formal system.



The new formal system is more satisfying because laws are supposed to treat everyone equally regardless of their socio-economic class.”

**Men FGD Participant
District Khyber**



Service Providers' Understanding of the Concepts, Approaches, and Practices

- While the service providers – pro-bono lawyers, community focal persons, and mobilizers – were not able to use the technical vocabulary associated with human rights-based approaches, their work on the ground with communities in the MDs reflected internalized knowledge of many key elements of best practices associated with human rights-based approaches to service delivery.



People respect us for the work we do. They know we stand for them and for the protection of their rights. If our work would not have empowered them, they would have lost their trust in us and the justice system. We treated every legal aid beneficiary as we would treat a paying client.”

**President of Bar Council
District Bajaur**



Level of Commitment of the Service Providers to the Project Objectives

- Service providers demonstrated a high level of commitment to the project's objectives. This was evident in the time they remained associated with the project and the way they valued this association.



The biggest motivation for me is that when someone is not able to raise his or her voice for their rights, I stand for them. I am even more committed now because of my ability to reach out to minorities in Landikotal and Ghalanye. This was made possible by the project.”

Women Minority Pro-bono Lawyer



Risk Assessment and Mitigation

- Despite the absence of formal risk assessment and mitigation mechanisms at the project implementation level, frontline service providers carefully handled disputes.
- Understanding local sensitivities and building rapport and trust with the clients enabled protection.
- In situations where a clear threat to a person was evident, service providers ensured legal options, such as surety bonds, to guarantee personal security.
- Interviews further showed that service providers not only responded to concerns expressed by litigants but also proactively assessed situations to discover any risks, discussed them, and followed through even if a litigant did not express any such concern.



Trust building with the court system is important, but so is building rapport with your clients and through them you build a rapport with the public. This will change the role one can play for the protection of the indigent.”

**Chairman Legal Aid
Committee
District Kurram**

RECOMMENDATIONS

- To further improve the learning outcomes of the legal awareness sessions, more focused sessions should be organized with a smaller group of participants and should be followed by periodic refreshers or recalls. The use of pedagogical tools in the sessions can be increased, including learning aids that can improve beneficiaries' learning experience, eventually leading to higher assimilation of knowledge, complemented with regular feedback collection to track knowledge retention and transfer.
- In addition to consolidating efforts to deepen focus - instead of expanding outreach - draw on instances of legal aid cases, successfully handled by lawyers to better demonstrate the impact of the intervention.
- Translate elements of good practice into a reference manual covering minimum standards, approaches, and practices for use by service providers in the field and experiment with their implementation. If this approach is beneficial, develop it into a framework for all aspects of service delivery, including updated sessions on standard operating procedures, new guidelines, and tools for data management, reporting, and referrals, as well as engagement options in case key stakeholders change.
- Use the relationships built and the authorization space created to advocate for the expansion and adoption of the project activities beyond the current project cycle. Explore prospects of formal multilateral Memorandums of Understanding with Khyber Pakhtunkhwa Bar Council (KPBC) and other stakeholders, like the Peshawar High Court's Human Rights Cell and relevant government departments.
- Strive for more direct communication with the district bar associations and through the district legal aid committees, explore the possibility of setting up permanent legal aid desks and lobby with KPBC and other partners to support the initiative.