

# The legal dimension of empowerment

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There are visible gaps in the policy, discourse and practice of social development vis-a-vis the legal dimension of empowerment in Pakistan. Most of the social-mobilisation programmes have not incorporated the constitutional provisions of legal entitlements of men and women in their sensitisation campaigns.

One of the key impediments to social transformation of the poor is lack of awareness about their constitutionally guaranteed rights as well as lack of access to affordable instruments of justice. Even those who have managed to access the legal system have their cases pending for years without any outcomes. In Pakistan, delayed justice seems to be the only form of justice for common citizens. Nearly two million cases are pending at all levels of the country's courts since years or even decades in some cases. Millions of poor people have not been able to pay for the unending legal processes and procrastination of the judicial bureaucracy.

Since people do not have an alternative to this defunct legal system, their only recourse is opting for out-of-court settlements, in which the poor and marginalised suffer the most. Women and children are the most vulnerable sections of our society when it comes to settlement of conflicts through traditional and informal justice systems. An informal justice system does not provide an even keel in a traditional society where women are prejudiced against and seen as subservient to moral norms set forth by a patriarchal system.

While the mainstream discourse on development does not provide much ingredient to support the integration of legal empowerment in its projects, it is, nonetheless, gaining some momentum. Most recently, the Rural Support Programmes (RSPs) and the UNDP took legal empowerment initiatives in Pakistan.

The Legal Empowerment of the Poor (LEP) initiative emerged as a key conceptual framework in the development and governance domain after the United Nations High Level Commission on Legal Empowerment of the Poor (UNCLEP) published its report in 2008. The concept expands the more traditional rule of law focus on the supply side, defined by a narrow ‘justice sector’, to include the demand side of the legal empowerment equation, ie the citizen.

In Pakistan, seminal work on legal empowerment was carried out by the UNDP in 2008 in the form of a report prepared by Dr Iffat Idris. This report builds on the concept of legal empowerment in three important ways. The first one entails enhanced focus on the poor for the demand-side analysis. The second is about an in-depth technical and historical analysis of institutions and policies for the supply-side analysis. The third way pertains to extensive primary data collection.

In this sense, the LEP is not only demand-driven but also a bottom-up approach. The fundamental principle of the LEP is that the articulation of the needs and issues of the poor should precede and inform any reform programme. The programme itself may intervene in both, the state’s delivery structures (supply side) or the ability of citizens to make the law work for them (the demand side).

Apart from this theoretical work of the UNDP, the LEP initiative was put to practice by the Rural Support Programmes Network (RSPN) for the first time in Pakistan. The key ingredients of LEP programmes which can potentially raise the bar of empowerment of the poor inform the RSPN’s social mobilisation strategy of economic and political empowerment, deployed in the districts of Bahawalpur and Rajanpur. This includes access to justice and rule of law, property and labour rights.

Access to justice itself has been divided into three sub-sets: the courts, police and alternate dispute resolution (ADR) mechanisms. Additionally, the devolution of powers to the grassroots level through social mobilisation is linked with creating a critical mass of legally-empowered and politically-conscious citizens who are equipped to lead the critical functions of facilitating the empowerment of the poor. It has also accelerated the pace and intended impact of social transformation at the local

level, and has helped build a system of accountability by scaling up the aggregated voices of the poor to demand justice.

One of the key contributions of the RSPN's initiative is to build the capacity of the locals. A number of paralegals have been trained from within the local communities who provide free-of-cost advice to the poor on legal matters. Health, hygiene and education have been included as additional areas due to their importance in empowering the poor, as per the demand-side of the empowerment process. The focus on labour rights is an important and integral part of the programme which is more about raising the awareness of legal protection among the working class.

The project, implemented by the National Rural Support Programme (NRSP), is designed to address two sets of factors: the 'structural' versus the 'transactional' issues and the supply-side versus the demand-side issues. These 'structural' factors can be considered endemic to society or an institution, and require high levels of political commitment, financial investment and a long duration of sustained intervention. The 'transactional' factors pertain to the issues that may arise at the point of interaction of the poor with state institutions within the current structural framework. They can be addressed in the context of a programme.

The RSPN's initiative espouses a common approach to rural development in that social mobilisation centers on the belief that the poor have an innate potential to help themselves, that they can better manage their limited resources if they are organised and provided with technical and financial support. The RSPs provide social guidance, technical and financial assistance to the rural poor. The RSPN provides capacity-building support to the RSPs, and assists them in policy advocacy and connecting to the larger ecosystem of policymaking.

A social-mobilisation approach entails organizing communities in rural and peri-urban areas into three tiers of local institutions. At the first tier, these communities are organised into community organisations (COs), working in neighborhoods. These consist of members from 15 households on an average. The COs ordinarily carry out

activities such as household-level development planning, trainings and savings and credit.

At the second tier, the COs work at the village level and converge into a village organisation (VO). A VO's membership consists of two nominated members from each CO in the village. The latter carries out development activities across the village on community infrastructure, partnerships with local government and other agencies, and on issues which affect the entire village. At the third tier, the VOs become union councils to form a local support organisation (LSO).

To be precise, the objective of the LEP initiative is to promote the RSPs' legal empowerment work carried out under 'strengthening legal empowerment in rural communities through community-based paralegals' in South Punjab. The project is being implemented in eight rural union councils of Rajanpur and Bahawalpur districts in southern Punjab. Under the technical supervision of the RSPN, the project is being implemented by the NRSP.

The paralegals raise awareness about legal rights in rural communities and facilitate communities to resolve their legal issues. Paralegals are embedded in local community institutions: the LSOs, VOs and COs. Furthermore, to foster linkages of LSOs with different stakeholders, district legal empowerment forums have been created to extend all possible support of the stakeholders to address issues related to legal empowerment.

This initiative has helped link the legal dimension with the empowerment agenda of a development programme which must be scaled up for a larger impact. The initiative must be supported or replicated at the provincial level so that it generates adequate reverberations in the policy corridors to initiate inclusive legal reforms in our justice system.

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