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Justice for All



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Ensuring Justice for All

In Pakistan, legal and rights experts must continue to identify new and emerging dimensions of injustice, and explore multifaceted solutions to ensure justice is served.

The world is rife with injustice. There are large income gaps between the rich and the poor, girls in some parts of the world still have poorer access to education as compared to boys, and climate change is pushing more and more people into poverty every year. Injustice is a pervasive problem that can take many forms. Addressing it requires a collective effort to promote equality, opportunity, and justice for all.

It is said that 'law is will to justice'. This means that our pursuit for justice is driven by the legal system, which provides a framework for resolving disputes, punishing wrongdoers, and protecting the rights of individuals and communities. The legal system also plays a crucial role in creating better policies, by ensuring that laws and regulations are in line with the principles of justice, fairness, and equality. It provides a framework for accountability and enforcement, and can act as a check on the power of policymakers, helping to prevent abuses and ensure that policies are in the public interest. It is therefore important that this system

is constantly evolving to reflect changes in society and the world at large. This means that in Pakistan, legal and rights experts must continue to identify new and emerging dimensions of injustice, and explore how these require multifaceted solutions to ensure justice is served.

As an example, the world is increasingly focusing on climate change as an importance justice issue. Oxfam International points out that the richest one percent of the world's population is responsible for more than twice as much carbon pollution as the poorest half of humanity. People who are most affected by climate change are also often the poorest, as they have limited access to healthcare and infrastructure, rely on natural resources-based livelihoods, and may be forced to migrate due to climate-related impacts. This was evident during Pakistan's 2022 floods, where women, poor agricultural workers, and those in makeshift dwellings by the riverbeds were impacted the most.

We must therefore ask ourselves how



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laws can be used to ensure justice for the most climate-vulnerable communities. This could involve passing legislation that supports adaptation and mitigation policies, or endorsing environmental protection laws that regulate the emission of greenhouse gases, for example. In this context, Pakistan's National Climate Change Policy, approved in 2012, is a landmark in climate change response, and provides a much-needed foundational framework for any subsequent climate action programmes and projects. However, further initiatives, such as micro-insurance and disaster risk financing can also be implemented to support disaster recovery efforts and avoid longer-term disruption of economic growth for the benefit of Pakistan's poorest.

Similarly, the legal system can also ensure justice in the economic domain. UNDP's Pakistan National Human Development Report on Inequality reported that the richest one percent of the country held nine percent of the national income in 2018-2019. To redress this, labour laws can be passed to protect workers' rights and ensure fair wages, and tax laws and social safety nets can also be implemented to reduce income inequality and poverty. Of course, the success of this lies in the way laws are structured and the extent to which wrongdoers are penalized. For example, in order for tax ordinances to truly have an impact on income inequality, as outlined in the Pakistan NHDR 2020, we must work towards combatting tax evasion, rethinking exemptions, and bringing effective tax rates in line with expert recommendations. We must also ensure thorough evaluation and implementation. This kind of nuance is extremely crucial

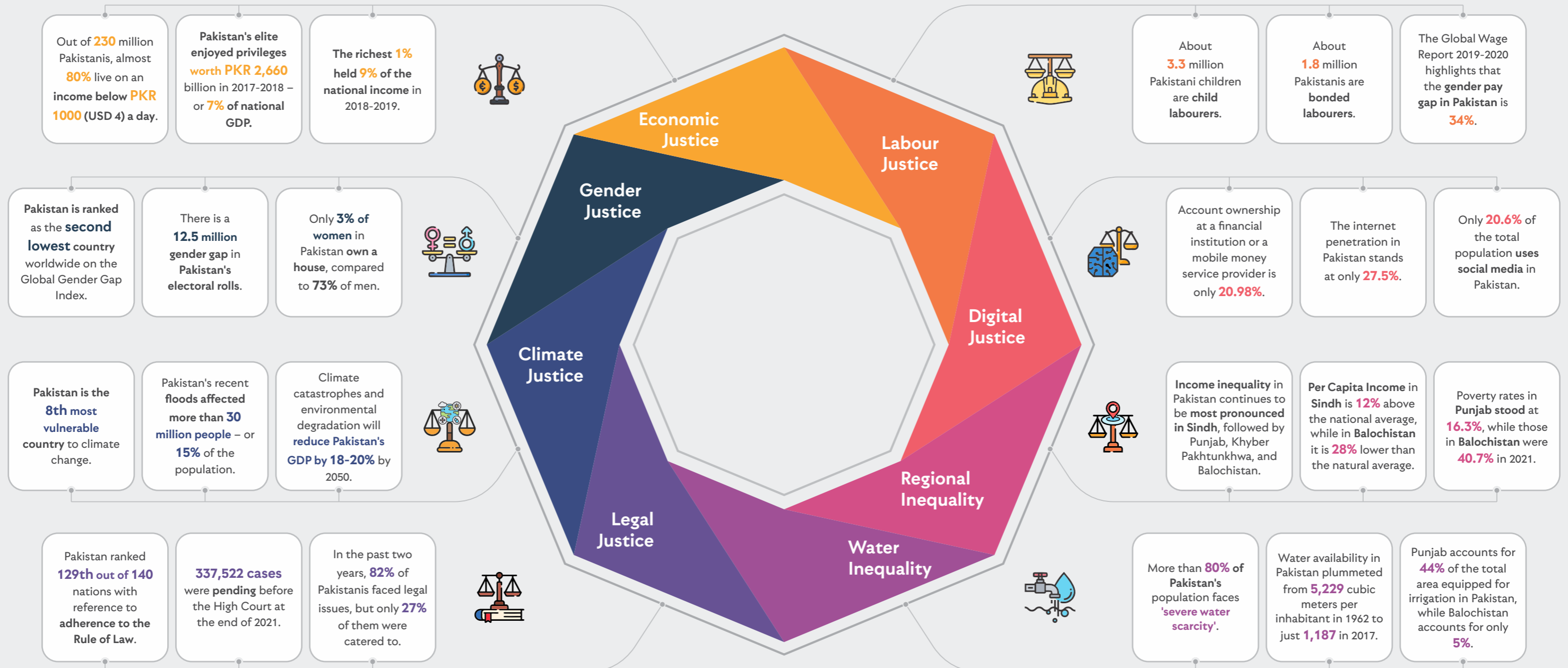
to ensure justice for all.

Another facet of injustice is centred around gender. Pakistan is ranked as the second lowest country worldwide on the Global Gender Gap Index, necessitating urgent action. The country already has a number of laws aimed at achieving gender equality, such as those against discrimination, domestic violence, harassment in workplaces, dowry and bridal gifts, and so on. At the same time, however, it is clear that laws must not be drafted in a sociocultural vacuum. We must ensure that diverse voices are involved in the policymaking process, that impact assessments are carried out to explore the potential impact on people, and that laws are adapted to local contexts as much as possible.

Of course, laws cannot vanquish all injustices on their own. It is therefore equally important to promote education and awareness about the underlying causes of injustice. This can include advocating for policies that promote equality and fairness, promoting diversity and inclusion, and supporting initiatives that address systemic inequalities. This will serve as a helping hand to vulnerable individuals, to ensure they are not allowed to slip through the cracks of injustice. By striving for justice for all, we can create a world where every individual is treated with dignity and respect, and No One is Left Behind.

The Contours of Justice in Pakistan

There is a critical need to reframe the way justice is defined, to include broader understandings of how it intersects with and is impacted by gender, climate change, the economy, digitalisation, regional inequality, and more. This can help us create a more holistic framework of ensuring justice for all. Below, we provide a snapshot of the major dimensions of justice in Pakistan today.



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Justice Ayesha A. Malik

Judge of the Supreme Court of Pakistan



Simplifying legal procedures can also help make legal justice more accessible. This involves reducing bureaucracy, making legal language more understandable, and ensuring that legal processes are transparent and easy to follow.

What are some critical challenges related to justice in Pakistan today?

Pakistan faces several challenges in ensuring justice for its citizens. One of the most pressing challenges is the judicial backlog and slow pace of litigation. Cases take a long time to resolve due to multiple reasons including adjournments, delays and burdened workload which slows down the process. Inevitably, this in itself increases the volume of litigation along with the fact that the daily induction of new cases, at all levels, is fairly high. There is also a conservative approach in handling the caseload, which means that the existing system is no longer efficient nor can it help in resolving the heavy caseload.

Another significant challenge is the weak institutional framework in Pakistan. Government departments such as the police, and the prosecution that supports the judicial process, are often ineffective, inefficient and fail to address the challenges. The procedures and processes are inadequate and the legal system alone is under-resourced and overburdened to deal with this deficiency. In the crim-

inal justice sector, weak investigation, low rate of conviction and the delays have resulted in a trust deficit. On the other hand, in the civil justice sector, delays, poor process of service and tedious procedures for enforcement of the judgment and decree are some of the fundamentals where the system is weak and ineffective.

Gender inequality is also a critical challenge in Pakistan. Women face significant discrimination and bias which is a root cause of inequality. The lack of a gender-sensitive approach is often intensified by a weak justice system, which fails to protect women's rights and also does not recognize the gender perspective.

Climate change is another significant challenge facing Pakistan. The country is vulnerable to natural disasters such as floods and droughts, which can have a devastating impact on the population and the economy. Climate change can exacerbate poverty and social inequality, making it harder to ensure justice for all.

Finally, economic development is a critical challenge in

There have been attempts by the courts to strengthen the legal framework, uphold the rule of law for protecting citizens, and strengthen institutions to increase confidence and trust in them.

Pakistan. The country faces significant poverty and inequality, with many citizens struggling to access basic services such as education, healthcare, and clean water. This in itself becomes a cause to litigate on. Furthermore, money claims, terms of commercial contracts and arbitration are frequently litigated, adding disputes on matters related to terms and conditions of service, payment of salaries and pensions and payment of taxes. These challenges adversely impact the economy and reduces stability.

What strides have we made in terms of access to justice?

Despite the challenges, there have been some improvements in the justice system as well. One of the key improvements has been the expansion of fundamental rights in Pakistan. The judiciary has taken an active role in recognizing and protecting fundamental rights such as the right to education, health, and a clean environment. There have been attempts by the courts to strengthen the legal framework, uphold the rule of law for protecting citizens, and strengthen institutions to increase confidence and trust in them.

Access to justice has also comparatively improved. Efforts have been made to establish legal aid services and initiatives to increase legal literacy, making it easier for citizens to understand their legal rights and access the justice system. The promotion of alternative dispute resolution mechanisms, such as mediation and arbitration, has also helped to reduce the burden on the court system to overcome the general perception which is that litigation is the only way to resolve disputes.

The introduction of specialised courts in Pakistan has also been a positive development. These courts, such as the gender-based violence courts, gas utility courts, child protection courts, and ombudsperson on harassment, have been established to provide speedy and specialized justice to citizens through these special forums.

Technology has also played a role in improving the justice system in Pakistan. Videolink and case management systems have been introduced, making it easier for citizens to file cases and track their progress as well as appear before courts. This has helped to reduce delays and tackle the pendency of cases.





Another key step to making justice more inclusive and accessible is to promote social cohesion by addressing root causes of disputes.

Overall, these improvements have helped to strengthen the justice system in Pakistan and improve access to justice for citizens. However, there is still much work to be done to address the critical challenges facing the justice system and ensure justice for all.

How can we make legal justice more inclusive and accessible?

To make legal justice more inclusive and accessible, several measures need to be taken. Firstly, closure to litigation, which means accepting decisions after the appellate stage or after reviews or revisions. The general practice is to challenge these decisions in constitutional jurisdiction and before the Supreme Court which further increases the life of the case – closure brings certainty and ends the dispute. Hence, we need to improve the mindset and change attitudes on accepting decisions. And this primarily requires awareness of rights and remedies and related forums. It also includes training and capacity building of all institutions involved in the road to accessing justice including courts and its staff. Training, which must be at all levels, in-

cludes training facilitation on case management and on the gender perspective.

It is pertinent to address the poor implementation and enforcement issues especially on settled issues to prevent repeat of cases. Departments and institutions should be the first forum of providing quick enforcement, simple procedures and guidelines with an aim to provide resolution and effective delivery of justice. It is essential to ensure that the laws are enforced and that the necessary mechanisms are in place to improve efficiency, provide stability, and ensure that litigation is reduced. A strong system of governance creates stability and improves access to justice.

Simplifying legal procedures can also help make legal justice more accessible. This involves reducing bureaucracy, making legal language more understandable, and ensuring that legal processes are transparent and easy to follow. Also, awareness campaigns can result in people being better-informed of their rights and remedies. It basically means ensuring that the system responds in a smart and efficient manner to resolve issues.

Inclusion of a gender perspective in the justice system can also help address gender-based discrimination and ensure gender-sensitive justice.

Another key step to making justice more inclusive and accessible is to promote social cohesion by addressing root causes of disputes. This involves building trust and confidence in the justice system among citizens from different backgrounds and communities. Encouraging diversity, fair representation and inclusiveness in the legal profession and ensuring that judges and legal practitioners are representative of the population they serve can help to build this trust.

It is also essential to include a gender perspective in the justice system to ensure that women's experiences are taken into account. Inclusion of a gender perspective in the justice system can also help address gender-based discrimination and ensure gender-sensitive justice.

Similarly, the protection of minorities is critical to ensuring

that legal justice is inclusive and accessible. This involves addressing discrimination and protecting the rights of marginalized communities, such as religious minorities and ethnic minorities, to ensure all have equal access to justice by building tolerance.

Finally, the use of technology can also improve accessibility. This includes an effective case management system which is able to systematically manage the workload. There must be systems which track the cases from one court to the next level, informing citizens of regular updates and orders. Electronic filing, and video conferencing could also reduce the need for physical attendance in court and further speed up the process. We also need better collection of data on the types of cases, the delays, and the outcomes, so that the system can monitor itself. It can also help to improve transparency and accountability in the legal system.



Rabiya Javeri Agha

Chairperson,
National Commission for Human Rights, Pakistan



As Pakistan battles sharp economic decline, devastating climate disasters, and political instability, human rights conditions in the country are facing neglect.

How are human rights issues also issues of justice?

Human rights and justice are closely intertwined. Access to justice is acknowledged by international standards as a fundamental human right, and as a mechanism for safeguarding other universally accepted human rights. Often, even when human rights are protected on paper, their implementation is negligible. This renders marginalized communities susceptible to abuses, and they face significant obstacles in achieving their rights, particularly when dealing with the legal system. According to the United Nations, "In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable." The National Commission for Human Rights (NCHR) aims to empower individuals and communities to receive their rights from the state, fostering just and transparent justice systems, and reinforcing the frameworks that uphold human rights on national, regional, and global scales. NCHR recognizes that economic disparity plays a role in access to justice and human rights. The United Nations asserts that, "One of the major obstacles in accessing justice is the cost of legal advice and representation". Hence, legal

aid programs are integral in protecting the human rights of marginalized communities.

What are some key challenges to human rights and social justice in Pakistan?

As Pakistan battles sharp economic decline, devastating climate disasters, and political instability, human rights conditions in the country are facing neglect. NCHR is particularly concerned by the increase in violence against women. According to UN Women, "Over 34 percent of women in Pakistan who are or have been married have experienced spousal physical, sexual, or emotional violence, and 56 percent of those women did not seek help or tell anyone". Furthermore, NCHR has witnessed an influx of cases regarding domestic violence against women in its complaint cell. There is no federal legislation against domestic violence in Pakistan, making it an issue of social justice.

Another concerning problem is the right to information and media protection. Reporters without Borders (RSF) ranks Pakistan 157 out of 180 for media freedom—in the

There is no federal legislation against domestic violence in Pakistan, making it an issue of social justice.

bottom 15 percent. Although NCHR has launched a complaint cell for journalists, there is a need for implementation of laws protecting journalists. Transgender rights, minority rights, issues related to mental health, prison reform and protection of undocumented immigrants are other areas where NCHR has witnessed a need for reform and the implementation of legislation.

What policies must be implemented to guarantee justice for all in the country?

Pakistan needs support mechanisms for protection, mitigation, and response to violations against human rights, particularly those that affect the most vulnerable. With regards to existing laws that tackle urgent human rights issues such as the Protection of Journalists and Media Professionals Act, 2021; the Torture, Custodial Death, and Custodial Rape (Prevention and Punishment) Bill, 2021; and the Transgender Persons (Protection of Rights) Act, 2018, human rights violations must be prevented by strengthening implementation, data collection and oversight.

Existing policies, institutions, and actors that safeguard

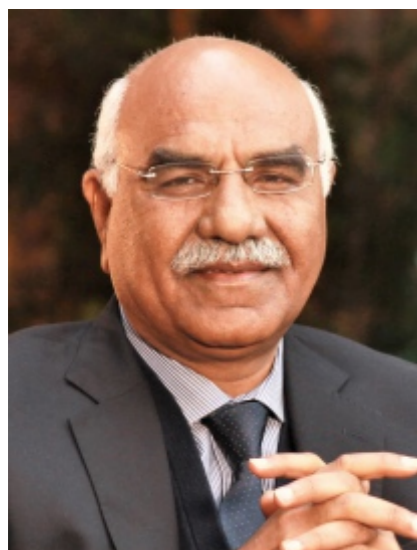
against human rights abuses must be strengthened and promoted. As mentioned before, an issue of particular concern to NCHR is violence against women. Although all provinces of Pakistan have established laws to protect women against domestic violence, the lack of implementation and the lack of accessibility and awareness regarding complaint mechanisms for victims results in severe underreporting. For instance, NCHR inspections have revealed that Dar ul Amans (women's shelters) across the nation suffer from lack of funding, inconsistency in management, and sometimes, participate in mistreatment of residents. There is a dire need for federal legislation against domestic violence in Pakistan, which NCHR has been lobbying for. Another example of a law that requires implementation is the Enforcement of Women's Property Rights Act 2020, which "protects the rights of women to property ownership and possession while ensuring that such rights are not violated by means of harassment, coercion, force, or fraud." This is made evident by the case of Tahira Sultana, a 91-year-old widow who has been fighting to receive her inheritance rights for 53 years. Lack of implementation of inheritance laws have resulted in injustices for women like Tahira Sultana across Pakistan.



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Taking on Pakistan's Poverty Trap: Economic Justice for All

It is only when economic justice is provided that individuals will be able to achieve a creative, dignified, productive, and free life for their well-being and progression.



By
Dr. Muhammad Amjad Saqib
Executive Director, Akhuwat

In 2021, the World Bank reported Pakistan's poverty rate as 36.4%. Given its population, 84 million people in the country are caught in the chains of poverty. With the onset of COVID-19 and the 2022 floods, disparities between the rich and the poor have only worsened.

As poverty is a multidimensional problem, there are many tools which can be used to address the problem in all its complexity. One such tool that can be used to reduce the widening gaps between the haves and the have nots is economic justice.

In essence, economic justice is the concept whereby economic infrastructure is designed to provide equal opportunities and access to each member of society, irrespective of income, race, gender, caste or creed. It is only when these opportunities are provided that individuals will be able to achieve a creative, dignified, productive, and free life for their well-being and progression.

With over 22 million children in Pakistan out

of school, and millions of others deprived of food, shelter, and access to healthcare, economic justice and equality remains a far-fetched dream. This dream can only be achieved if efforts are made in collaboration with the government to ensure fair distribution of resources, protect the rights of workers and businesses to circumvent injustice, and help vulnerable segments of the society. There is no single solution to a problem of this magnitude, rather multiple initiatives which have to be undertaken.

One such initiative is financial inclusion. In order to create a society where economic justice is served, citizens must become financially included and empowered members of society. The World Bank has also identified financial inclusion as an enabler for seven out of the 17 Sustainable Development Goals. In a developing country like Pakistan, the poor are deprived of the resources they need to earn a decent wage. Banks are also not usually willing to lend to individuals who belong to low-income families since they have no collateral to show against the loan. In the



Financial inclusion is an enabler for seven out of the 17 Sustainable Development Goals.

As we continue to work towards reducing economic injustice in Pakistan, it is crucial that we focus on policies and strategies that prioritize the needs of the most vulnerable.

rare case where they are granted loans, commercial banks charge interest rates as high as 25 percent. Thus, with the rising rates of inflation, and the worsening poverty trap, there is a dire need of a system of financial inclusion through services such as credit, insurance, and interest-free microfinance. Akhuwat – as an organization which aims to alleviate poverty by empowering marginalized segments through interest-free microfinance and education - pioneered this in 2001. It has helped over 5.5 million individuals amounting to PKR 193 billion.

Moreover, as the world moves towards digitization, and the prevalence of e-learning, there is an opportunity to educate both Out of School children and the semi-literate population through the use of technology. AIQITI (Akhuwat IQ Information Technology Initiative) aims to deliver the highest quality technology trainings to enable youth in becoming self-reliant through IT skills, employability training, and entrepreneurial spirit to enhance their full potential,

build their career and serve the nation. Education has always been a crucial means for individuals and families to strive towards justice, be it economic, social, or gender. It is the first step towards becoming economically and socially empowered. It is unfair that in our part of the world, the right to education is often decided based on the income of one's family. Reducing barriers to education and encouraging workforce participation especially for women and other disadvantaged segments of the society can contribute to having a just society.

Keeping this in mind, Akhuwat Education Services adopted 302 public schools and built three colleges, along with Pakistan's first fee-free university - the 'Akhuwat College University Kasur' - where students from all provinces of Pakistan are provided quality education entirely free of cost. Through this venture, 43,000 students are receiving an education, with the hope that they will carry forward the torch of optimism and compassion for future



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Reducing barriers to education and encouraging workforce participation especially for women and other disadvantaged segments of the society can contribute to having a just society.

generations. Akhuwat adopted NJV (Narayan Jagannath Vaidya High School) from the Sindh government with a mission to restore its previous glory and preserve its heritage as it was Sindh's first government school established in 1855. Akhuwat has devoted itself to restoring this historical building, and today NJV is again a site for educational and holistic training for its students, working in partnership with the Government of Sindh.

In addition to the aforementioned initiatives, investing in infrastructure, reducing barriers to trade and investment, and fostering entrepreneurship and innovation can contribute to growth. These initiatives can all be undertaken swiftly, through partnerships and collaborations between the public, private and not-for-profit sectors, where each party brings forward their expertise. Similarly, effective policy measures that help promote social and economic mobility and improve the overall standard of living can be designed and implemented to achieve the dream of an economically and socially just society.

As we continue to work towards reducing economic injustice in Pakistan, it is crucial that we focus on policies and strategies that prioritize the needs of the most vulnerable and marginalized populations. Only then can we hope to create a more equitable, just and compassionate society for all. Inequality and poverty have

caused pain to the most subjugated and vulnerable segments of society, and they are the ones who have to be supported and empowered if economic justice is to prevail.



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Water Justice in Pakistan: Combatting Systemic Inequalities

Pakistan's economy is actually a 'water economy' where a significant proportion of Pakistan's industrial development is based on the outputs of agriculture and livestock. The interests of the groups that dominate these sectors define 'water rights' and 'water justice'.



By
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Water justice means finding solutions to the multifaceted economic, social and environmental challenges of water such that a more just and equal society is possible. The concept of water justice is hard to propound in Pakistan, where 97 percent of all its surface water, and almost all its fresh groundwater, is used in agriculture. Pakistan's economy is actually a 'water economy' where a significant proportion of Pakistan's industrial development is based on the outputs of agriculture and livestock and the interests of the groups that dominate these sectors define 'water rights' and 'water justice'.

Water justice is also heavily interconnected with historical injustices: Pakistan's irrigation system was originally developed by the British colonizers to grow crops in plantation mode to meet the requirements of the British Empire. The British also eliminated the traditional common lands and local systems and put into motion a landholding pattern that created a class of big landowners in large parts of what is now Pakistan. Land ownership continues to be the condition for claiming water rights, whether in rural or urban areas. This has led the

biggest injustice in the water sectors – landless people and sharecroppers in rural areas and people living in unplanned or squatter settlement in urban areas, have no direct right to water.

Land and water belong to the people of Pakistan and form their endowment and entitlement. They are Pakistan's main natural and economic resources for which there is substantial infrastructure available and where a very large segment of the population is provided livelihood opportunities.¹ Pakistan's water should, therefore, be a source of development, dignity and prosperity for all citizens, and not a source for inequality and injustice. But Pakistan's 'water economy' continues to be situated firmly within a discernable pattern of systemic inequalities.

Without owning land, the poor in Pakistan have no direct right to water or water services. As per the current plethora of water laws, one has a right to water when one owns land (or leases it). All the subsidies and engineering works on canals, for example, raise the value of land for the landowners, who become richer.

1. Hisaar Foundation, Pakistan's Water Policy Framework, 2016



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A comprehensive set of water laws that define water rights, uses, value, conservation and principles of pricing, subsidies, licenses and polluter penalties are needed.

In addition, there is a toxic power structure fueled by patriarchy, masculinity, tribal and feudal norms that purportedly has the final word on every subject – including water. This means that many of the water challenges are not even on the table. Women, young people, landless farmers, city dwellers, people who live in marginal areas and downstream communities have no voice. They have few forums to share their concerns and are largely absent from the water debate, currently waged by ill-informed TV 'anchors', social media 'influencers' and many water 'experts' that are not known in the water sectors. This is a grave injustice.

A new challenge this century is the direct impact of climate change on water. There are emerging realities as the entire water regime of Pakistan is affected – the shifting of seasons, natural regions, ecosystems and agro-ecological zones. These challenges often get swept aside in the national obsession with more irrigation infrastructure development.

Drinking water, domestic water and sanitation are human rights and social entitlements of each Pakistani and each one must receive a fixed amount in this context. Per capita water entitlement should be fixed and used for calculating and supplying water for domestic use to rural areas, cities and towns. This means that everyone will get free water up to an established entitlement.² Over and above that, people would have to pay - water is also a unit of production in

industry and agriculture and should be properly priced for this purpose.

Most importantly, access and right to water for agricultural or other activities will have to be separated from the ownership of land. Therefore, a comprehensive set of water laws that define water rights, uses, value, conservation and principles of pricing, subsidies, licenses and polluter penalties are needed.

We can shift to building more people-friendly water interventions, such as a million ponds to hold flood and rain water and millions of moisture and rainfall harvesting systems. These systems with many names have been part of the culture and agriculture of large parts of Pakistan and are seen as 'common' resources which all parts of a community can access. They are not 'owned' by individuals or families. They would be a fair intervention, open to all people.

Another fair system to counter inequalities would be a focus on ecosystems that embody a functioning relationship between climate, land, water, biodiversity and livelihoods of people. This would mean a functioning local government system and political will to provide funding to the lowest levels. Given that women are much more engaged with ecosystem services, this approach would mean extensive gender mainstreaming and leadership of local women.

2. The WHO lower limit is 50 liters of water per person per day

Climate Justice: Holding the Greenhouse Elite Accountable

Scientists, researchers and scholars have gathered a lot of data about who contributes what to climate change. According to one estimate, the wealthiest one percent of the world's population has "produced more than twice as much carbon emissions as the poorest half of the world".



By
Badar Alam
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Consider Thar – a vast desert spread roughly over 20,000 square kilometers.¹ If it was located in the Persian Gulf, it could have been a separate country. Larger in size than Kuwait, it is endowed with massive energy sources -- lignite coal reserves estimated to be 175 billion tonnes² and capable of producing 100,000 megawatts of electricity for 200 years – just as several states in that region are.

This is as far as the similarities between the two regions go, since those living in Thar are among the poorest residents of Pakistan whereas the residents of Gulf have some of the highest per capita incomes in the world. Similarly, per capita electricity consumption in the Gulf state of Bahrain is 17,844 kilowatt-hours³ whereas per capita electricity consumption in Pakistan is

merely 399 kilowatt-hours.⁴ It is even less in Thar where most people use a single electric bulb and fan in their homes. Yet, there is already evidence that coal-mining and coal-based power generation in Thar is destroying its air quality and poisoning its water resources.

This situation raises an important question: who will benefit from the loss of Thar's natural and environmental resources? The answer involves a concept called climate justice.

This concepts rests on two basic premises: Firstly, rich countries and rich individuals living anywhere in the world use disproportionately high amounts of energy largely produced from fossil fuels such as oil and coal and thereby emit greenhouse gases such as methane, carbon monoxide and

- <https://www.britannica.com/place/Thar-Desert>
- <https://profit.pakistantoday.com.pk/2022/08/21/going-the-thar-route/>
- <https://www.worlddata.info/asia/bahrain/energy-consumption.php#:~:text=Per%20capita%20this%20is%20an,trade%20energy%20with%20foreign%20countries.>
- <https://www.worlddata.info/asia/pakistan/energy-consumption.php>



According to integrationists, factors such as "poverty, existing infrastructures, and the responsiveness of political authorities" are crucial in determining who will be impacted how much and in what ways by climate change.

carbon dioxide in large quantities. These gases, in turn, cause climate change which is characterized by increased temperatures, rising sea-levels and severe weather events such as storm surges and heatwaves. The brunt of these climatic disruptions, in terms of their ecological, economic, social and medical costs, is, however, mostly borne by the poor – non-whites, women and indigenous communities living in rich nations and the residents of global south. Secondly, rich nations and wealthy individuals should be made to "take extra responsibility for fighting this crisis while keeping uppermost in mind the needs of those most grievously affected".⁵

Scientists, researchers and scholars have gathered a lot of data about who contributes what to climate change. According to one estimate, the wealthiest one percent of the world's population has

"produced more than twice as much carbon emissions as the poorest half of the world".⁶ On the other hand, the World Bank predicts that, by 2050, climate change will force 86 million people to leave their homes in the poor states of Sub-Saharan Africa alone.⁷ This is despite the fact that these states are responsible for only two percent emissions of greenhouse gases. In South Asia, which includes Pakistan, the estimated number of people to be displaced because of climate change over the next 25 years could be 40 million.⁸

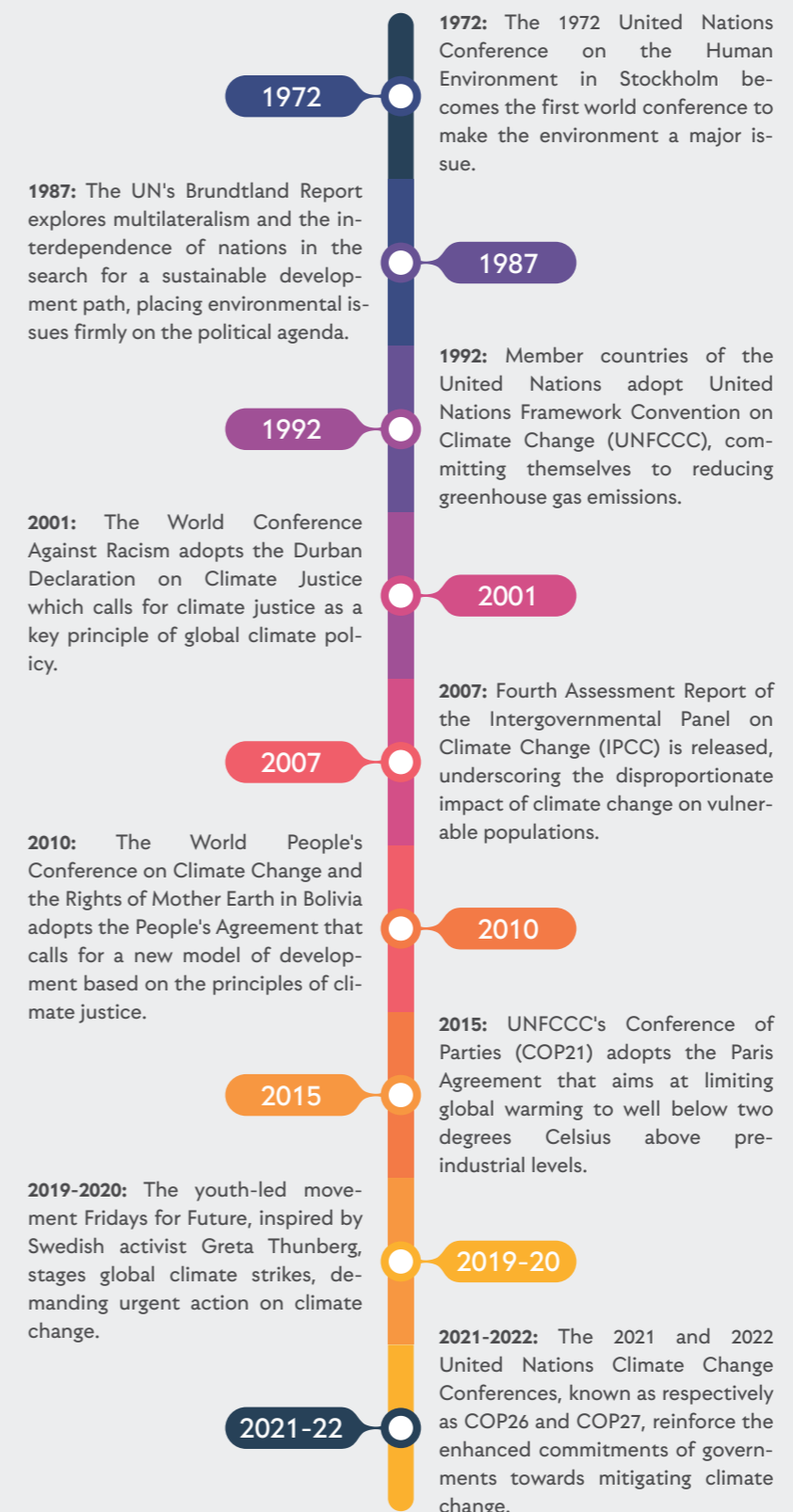
Not only this, but "wealthy nations gain disproportionate access to capital and externalize the costs of capital accumulation onto nations in the Global South".⁹ This explains why some core capitalist nations are not just successfully dumping their toxic industrial and



5. <https://www.npr.org/2022/04/22/1093292717/this-earth-day-one-book-presents-global-warming-and-climate-justice-as-inseparab>
 6. <https://www.npr.org/2022/04/22/1093292717/this-earth-day-one-book-presents-global-warming-and-climate-justice-as-inseparab>
 7. <https://www.worldbank.org/en/news/press-release/2021/09/13/climate-change-could-force-216-million-people-to-migrate-within-their-own-countries-by-2050>
 8. <https://www.worldbank.org/en/news/press-release/2021/09/13/climate-change-could-force-216-million-people-to-migrate-within-their-own-countries-by-2050>
 9. [file:///C:/Users/Hp/Downloads/Pellow%20and%20Brehm%20-%202013%20-%20An%20Environmental%20Sociology%20for%20the%20Twenty-First%20Ce%20\(1\).pdf](file:///C:/Users/Hp/Downloads/Pellow%20and%20Brehm%20-%202013%20-%20An%20Environmental%20Sociology%20for%20the%20Twenty-First%20Ce%20(1).pdf)

The Origin of the Climate Justice Movement

Environmental groups began to recognize the disproportionate impact of climate change on marginalized communities as early as 1980s. This realization gained significant momentum in the early 2000s, with the emergence of campaigns like the Global Climate Justice Movement and the World Social Forum. Given below is a brief history of this phenomenon:



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“ Some people say that the climate crisis is something we have all created. But that is just another convenient lie. Because if everyone is guilty then no one is to blame. ”

— Greta Thunberg, Climate Activist

Some experts insist that climate justice can only be guaranteed by addressing the larger structural inequalities and disruptions being caused by capitalism and its accompanying imperialist world order.

urban waste in the countries on the periphery, they are also “exporting [their] most hazardous production facilities” to the poorer countries. At the same time, however, they are “extracting energy and other forms of ecological wealth from the periphery and paying less than market value for it”. This system creates a paradox: while “core nations may appear to be greening their industrial policies ... peripheral nations might seem to be less committed to ecological sustainability.”¹⁰

The injustice highlighted through these examples is certainly too obvious to ignore.

Scholars have devised two different approaches to understand the causes and effects of this injustice: isolationism and integrationism. The former approach “holds that it is best to treat the ethical issues posed by climate change in isolation from other issues (such as poverty, migration, trade and so forth)”. Its proponents seek “to bracket [out] these other considerations and treat climate change on its own”. The champions of the latter approach hold “that it is best to treat the ethical issues posed by climate change in light of a general theory of justice and in conjunction with other issues (such as poverty, development and so on)”.¹¹

Integrationists believe that energy usages which cause climate change are “causally intertwined with economic growth, poverty alleviation, urban design, and land use.” According to them, factors such as “poverty, existing infrastructures, and the responsiveness of

political authorities” are crucial in determining who will be impacted how much and in what ways by climate change. Even on the flip side, they say, the “policies proposed to tackle climate change themselves affect a wide range of other phenomena such as land use, access to food, health, poverty alleviation, biodiversity loss, individual liberty, and so on”. The flag-bearers of integrationism, therefore, propound that “any attempt to cordon off climate change and apply principles of justice to it in isolation seems misguided and quixotic.”¹²

These different interpretations are not the only sticky points in debate over climate justice. There are also wide ranging differences about how best to ensure it. Consider the case of mitigation, adaptation and compensation – seen by a large number of scholars, almost all the governments and many international organizations such as the United Nations as the preferred mechanisms for addressing the causes and effects of climate change. As is obvious from their scholarly definitions below, they seem to be quite reasonable and practical – at least in theory.

“Mitigation involves either reducing the emission of greenhouse gases or creating greenhouse gas sinks (which absorb greenhouse gases), or both. Adaptation involves making changes to people’s context so that they can cope better with a world undergoing climatic changes. Examples of adaptation might be constructing buildings that can cope better with extreme heat, or building seawalls that can cope with storm surges.”¹³ Compensation is usually paid in situations in which mitigation and adaptation do not work and people have to leave their homes and hearths to avoid the harmful impacts of climate change.

Yet, their critics argue that they are neither comprehensive nor entirely just. They say that the problem with these mechanisms in general and compensation in particular is that they do not consider non-material losses even though it is obvious that history, community, culture and unique knowledge may also vanish as a result of climatic disasters. This is borne out by the fact that those living in small island states stand to lose all these things as the ice melts and their homes disappear because of rising sea levels.

These clearly unequal impacts of climate change give rise to three fundamental questions about the mechanisms mentioned above: “First, who should engage in mitigation and adaptation, and to what extent? Let us call this the Climate Action Question. Second, who should bear any cost involved in mitigation and adaptation? Let us call this the Burden-Sharing Question. And third, who has the



© UNDP Pakistan/ Hammad Baig

10. [file:///C:/Users/Hp/Downloads/Pellow%20and%20Brehm%20-%202013%20-%20An%20Environmental%20Sociology%20for%20the%20Twenty-First%20Century%20\(1\).pdf](file:///C:/Users/Hp/Downloads/Pellow%20and%20Brehm%20-%202013%20-%20An%20Environmental%20Sociology%20for%20the%20Twenty-First%20Century%20(1).pdf)
 11. <https://plato.stanford.edu/entries/justice-climate/#:~:text=One%20approach%20isolationism%20holds%20that,climate%20change%20on%20its%20own.>
 12. <https://plato.stanford.edu/entries/justice-climate/#:~:text=One%20approach%20isolationism%20holds%20that,climate%20change%20on%20its%20own.>
 13. <https://plato.stanford.edu/entries/justice-climate/>

After the Flood: Interconnected Vulnerabilities

“Without identity cards, we are not eligible for many flood relief packages and other kinds of support,” deplored Zahida, an Afghan refugee, following the August 2022 floods that devastated part of her neighbourhood in Quetta. Refugees, like others vulnerable populations, found themselves in an even more precarious situation, as they already lacked access to social and protection services. Similarly, people with low income and from economically marginalised areas still suffer from the aftermath of the floods. Sakina, another resident of Quetta and a mother of five, explains: “The water damaged my husband’s brick factory, and now no work is left for him. People like us don’t have savings. We consume what we earn in a day”.



© Reuters/ Amer Hussain

responsibility to ensure that (a) those designated to engage in mitigation and adaptation do so and (b) those designated to bear any financial burdens discharge their responsibilities? Let us call this the Political Action Question.”¹⁴

These questions are mostly addressed by following three basic principles:

- 1) The Polluter Pays principle - the burdens of climate change should be borne in proportion to how much greenhouse gases an individual, community, corporate organization or country has emitted
- 2) The Beneficiary Pays principle - individuals alive today (and those living in the future) who enjoy benefits that result from previous emissions-generating activities should pay at least some of the costs incurred
- 3) The Ability to Pay principle - the costs of climate change should be borne primarily by the most advantaged communities who can afford them

Some experts, however, argue that climate justice cannot be attained merely by imposing various types of costs on individuals, communities and countries responsible for polluting the planet or just by developing mechanisms for the payment of compensation for loss and damages to individuals, communities and countries

being destroyed by climate change. Instead, it can only be guaranteed by addressing the larger structural inequalities and disruptions being caused by capitalism and its accompanying imperialist world order.

For them, ensuring climate justice means that the destruction caused by “greenhouse gangsters” – rich individuals, powerful communities, large corporations and developed, industrialized countries – must be opposed “at every step of the [capitalist] production and distribution process”. Yet, this opposition does not necessarily mean that the capitalist system should be overthrown overnight. It, indeed, can take much less drastic forms which range from seeking “a moratorium on new oil exploration to stopping the poisoning of communities by refinery emissions, from drastic reductions in [automobile] emissions to the promotion of efficient and effective public transportation.”¹⁵

Governments are also often expected to fulfil their responsibilities in this regard by imposing carbon taxes, laying down quotas for the emission of greenhouse gases, or devising carbon emission regulations that everyone must comply with. They can similarly discharge their responsibilities by subsidizing clean sources of energy or by designing urban spaces so as to encourage people to walk or cycle or use public transport rather than drive.¹⁶

These steps can ensure that the root causes of climate inequality are addressed, creating a more equitable and sustainable future for all.

14. <https://plato.stanford.edu/entries/justice-climate/>
 15. [file:///C:/Users/Hp/Downloads/Martinez-Alier%20et%20al.%20-%202016%20-%20Is%20there%20a%20global%20environmental%20justice%20movement%20\(1\).pdf](file:///C:/Users/Hp/Downloads/Martinez-Alier%20et%20al.%20-%202016%20-%20Is%20there%20a%20global%20environmental%20justice%20movement%20(1).pdf)
 16. <https://plato.stanford.edu/entries/justice-climate/>

The Provincial Equation: Pakistan's Persistent Regional Inequality

National economic inequality statistics mask the grave spatial disparities that exist among the provinces of Pakistan, especially in terms of equal opportunities, infrastructure, income, and wealth.



By
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Since its inception, Pakistan has inherited unique and multi-dimensional inequalities which have further sharpened since. Inequalities in power, voice, and ability to participate in political process have led to larger economic inequalities. The unique feature of caste, class and gender inequalities was perpetuated by colonial structures, and remained strong in the post-colonial period. Unequal access to natural resources such as land, unequal distribution of fiscal resources, and exceptionally high gender inequalities are the key determining factors of overall disparity. The combination of low political participation, negligible access to natural resources, low investment, poor public services, and unequal opportunities led to high income and wealth disparities.

The mutual reinforcement of different kinds of inequalities and structures such as patriarchy and neo-liberal economic policies that enabled an oppressive economic and social system have provided little chance for people at the bottom of multiple layers of disadvantages to move up the social ladder. However, national economic inequality statistics mask the grave spatial disparities that exist among the provinces of Pakistan, especially in terms of equal opportunities, infrastructure, income, and wealth.

Income inequality among provinces¹

Income inequality is an important measure to judge the disparities among the different provinces of Pakistan. Table 1 presents the provincial distribution of Pakistan's population

1. For the sake of brevity, this paper does not discuss Pakistan Administered Kashmir and the Gilgit Baltistan region.



About two-third of women in Balochistan do not have access to pre- and post-natal care services, while this ratio is a little over one-third in Punjab.

Unequal opportunities either among different geographical units or across generations increase income inequality and limit the potential of low-income earners to move up the social ladder.

Table 1: Provincial distribution of population in national income quintiles, 2018-19

	Quintile 1 (%)	Quintile 2 (%)	Quintile 3 (%)	Quintile 4 (%)	Quintile 5 (%)	% Share in National Population
Punjab	44.7	49.1	52.7	58.1	64.7	53.9
Sindh	26.9	21.7	22.5	22.2	21.7	23.0
KP	18.9	20.1	18.9	16.0	11.4	17.1
Balochistan	9.3	9.00	5.8	3.4	2.08	5.9
Pakistan	100	100	100	100	100	100

Source: UNDP, Pakistan National Human Development Report 2020.

across different national income quintiles. Quintiles 1 and 5 are the poorest and richest national income quintiles respectively.

The pattern of provincial income inequality is quite visible from Table 1. The lowest national income quintile (Q1) includes the segment of population living in extreme poverty. Sindh and Balochistan's share in this quintile is high - 26.9 percent and 9.3 percent respectively - compared to their share in the overall national population distribution. This is the segment of population within these two provinces that was further hit during the recent surge in food inflation and

the 2022 flood.

At the same time, Punjab has a larger share in the two richest quintiles (Q4 and Q5) - at 58.1 percent and 64.7 percent respectively - while its overall share in the national population distribution is 53.9 percent. Similarly, Khyber Pakhtunkhwa has a higher share in the middle-income quintiles (Q2 and Q3) - at 20.1 percent and 18.9 percent respectively - while its overall share in the national population distribution is 17.1 percent. This distribution of population in different income quintiles among the provinces of Pakistan implies an increase in interprovincial inequality.

Table 2: State of education in Pakistan's provinces (2018-19)

	Adult literacy (15 years and older)	NER rate at Primary level (age 5-9;	NER rate at Middle level (age 11-13)	NER rate at Matric level (age 13-14)	% of Out of School children (age 5-16)
Pakistan	57	51	37	13	32
Punjab	61	56	41	16	24
Sindh	57	45	32	9	44
KP	49	49	38	8	32
Balochistan	44	46	26	5	47

Source: PSLM 2018-19; UNDP's National Human Development Report 2020

2. UN. <https://www.un.org/en/un75/inequality-bridging-divide#:~:text=Inequalities%20are%20not%20only%20driven,persist%2C%20within%20and%20between%20countries.>



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Inequality of opportunity

The other important dimension of inequality is inequality of opportunity. Markers representing inequality of outcome - such as income - are, among others, a function of unequal opportunity. Unequal opportunities either among different geographical units or across generations increase income inequality and limit the potential of low-income earners to move up the social ladder. Several factors determine unequal opportunities in each society, including gender, age, origin, ethnicity, disability, sexual orientation, class, and religion.² In the section below, I will explore the equal access to education, health, nutrition, and digital services as a determining

factor to earn income.

Table 2 shows vast disparities in all five key indicators of education among provinces. The overall situation of education in Pakistan is not better either, with adult literacy falling below 60 percent and one third of children being out of school. Balochistan lies at the bottom in all five parameters; less than half of its adult population is literate, 47 percent of children are out of school, and the net enrollment rate at the Matric level (10th grade) is only 5 percent. These trends diminish future income earning opportunities.

The importance of access to digital technology and devices

Table 3: Access to computer, smart phone and internet

	% of households with a computer/laptop/tablet	% of household with a mobile smart phone	% of households with internet
Pakistan	11.75	93.15	32.77
Punjab	12.90	93.93	34.40
Sindh	10.18	90.85	31.92
Khyber Pakhtunkhwa	12.37	94.94	32.72
Balochistan	6.45	91.88	21.15

Source: PSLM 2018-19

This disparity among federating units demonstrates a political bias in policy making and distribution of fiscal resources, but is also partly linked to provincial governance, development priorities, and social structures.

Table 4: Immunization and child stunting

Indicators	Pakistan	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan
% of children aged 12-23 months that have been immunized [based on record and recall]	81.0	89.0	73.0	77.0	53.0
Prevalence of stunting	40.2	36.4	45.5	40.0	46.6

Source: PSLM 2018-19; NNS 2018.

has been vividly demonstrated during the COVID-19 pandemic and subsequent lockdowns. The internet enabled workers to work from home and children to access online education. However, this luxury is not available to many in Pakistan, with Table 3 illustrating the digital divide in Pakistan. Over 90 percent of households own a smart phone, but only one-third of all households have access to the internet in all provinces (except Balochistan where only one-fifth of all households are connected to the internet). A very limited number of households own a computer in all the provinces, but Balochistan again comes at the bottom, with only 6.45 percent of households owning a computer - which is half of the households in Punjab and Khyber Pakhtunkhwa.

Access to health services and nutrition

Another important factor that determines labour productivity, healthy lives, and equality is access to health services and

immunization. Table 4 shows that there is a visible difference between child stunting between the provinces - a key factor affecting both physical and cognitive health of children. The national average stunting rate is also alarming, but three provinces - Sindh, KP and Balochistan - have a higher child stunting rate than the national average, with Balochistan and Sindh having the highest rate at 46.6 and 45.5 percent respectively.

Balochistan also lags behind in the immunization of children, with a little over half of its 12-23-month-old children immunized, while Punjab is first with an 89 percent immunization rate, followed by Khyber Pakhtunkhwa at 77 percent.

Intersectionality

The inequality of income or opportunity is not same for each group, and when income or opportunities interact with

Table 5: Intersectional inequalities (2018-19)

Female	Pakistan	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan
% without access to prenatal and post-natal care	41.5	36.5	40.0	51.0	61.5
% of female population with primary or higher education	44	52	40	30	19
Female Labour Force Participation Rate	50.1	26.5	12.1	11.3	7.9

Making Space for Gender Desks in Khyber Pakhtunkhwa

When posted as a Gender Desk Officer for the first time in her native district of the former FATA, recently merged to the province of Khyber Pakhtunkhwa, Ms. Ayesha* knew that her job would not be easy. "The main challenge was to get accepted. It's very difficult for women to work here," she said, explaining how due to decades of underdevelopment and cultural norms in the former tribal areas, even some local government officers were at first skeptical at the idea of working with women. 'But I slowly managed to build rapport with the government staff', she recalls. Following months of insistence and advocacy, the attitude of her counterparts began to change, and she started gaining the respect of her peers. She could then properly voice women's needs and priorities within the local government structure of the newly merged areas. Her and her colleagues' hard work to mainstream gender issues in decision-making paved the way for the Women Facilitation Centers, established in all newly merged areas of Khyber Pakhtunkhwa under a joint initiative of the provincial government and UNDP.



*Names have been changed to protect the privacy of individuals.

gender, the condition becomes even worse and varies across provinces. About two-third of women in Balochistan do not have access to pre- and post-natal care services, while this ratio is a little over one-third in Punjab. Similarly, only 19 percent of women in Balochistan have a primary or higher education, compared to 52 and 40 percent in Punjab and Sindh respectively. The female labour force participation is another indicator of women's economic empowerment, and a critical factor in reducing gender inequalities. Overall in Pakistan, the female labour force participation is very low. However, it is just 7.9 percent in Balochistan compared to 26.5 percent in the best performing province of Punjab.

There is a wide disparity across provinces in income inequality as well as inequality of opportunity. The inequality becomes grim when it intersects with gender. Though Pakistan's economy is currently struggling with a low economic growth rate and many other macro-economic challenges, there have historically been periods of good economic growth whose rising tide has not been able to lift all boats equally.

This disparity among federating units demonstrates a political bias in policy making and distribution of fiscal resources, but is also partly linked to provincial governance, development priorities, and social structures. In light of the facts above, the following policy options are recommended:

- For immediate income support to the bottom fifth of the population as shown in Table 1, existing income support programmes such as BISP should expand their operation and outreach targeting those left behind, in order to lift them out of poverty.
- A national education and skill development drive is an important policy action to be carried out jointly by federal and provincial governments, to bridge the education and skill gap along with access to digital equipment such as internet facilities.
- The fiscal allocation for education and health at both the provincial and federal level must be increased to achieve relevant SDG targets. Community voices and participation are critical for planning and implementing education and health interventions to ensure transparency and accountability in the use of fiscal resources. This is why an enabling environment for people's participation must be created.
- A special economic development project can be initiated in prioritized provinces and districts with lower Human Development Index values, and this criterion must guide the future NFC award. A national commission tasked to remove disparities among federating units must be created to coordinate and monitor the projects and programmes designed to remove geographical disparities.

Decoding Discrimination

The justice sector in Pakistan needs to be strengthened, particularly given the country's challenging economic and sociopolitical context.



By
Yasser Latif Hamdani
Author and Lawyer

Dubbed the 'rule of law recession' by the World Justice Project, 4.4 billion people now live in countries where the rule of law has declined.¹ Pakistan is no exception, ranking 129 out of 140 countries in the Rule of Law Index in 2022.²

This index focuses on factors such as the extent to which the fundamental rights of people are protected, how efficiently regulations are enforced, the effectiveness of civil courts, the impartiality of criminal justice, the absence of corruption, and so on. In this context, the justice sector in Pakistan needs to be strengthened, particularly given the country's challenging economic and sociopolitical context.

Despite Article 25 of Pakistan's Constitution ensuring equality before the law and equal protection of the law, in practice, marginalized groups might find that they have poor access to justice. As an example, the Constitution states that there shall be no discrimination on the basis of sex alone. Further, Article 34 of the Pakistani

Constitution speaks of the full participation of women in national life and several principles of policy outline the need to provide opportunities to all citizens regardless of their sex. At the same time, it is clear to see that in Pakistan, gender equality and gender justice leaves much to be desired. In fact, the country is ranked 145 out of 146 countries on the Gender Gap Index. This is further exacerbated by systemic inequalities and entrenched cultural norms that perpetuate gender discrimination through an unequal access to employment, education, and political participation.

The inheritance law applicable to the Muslim majority in the country gives a female heir the right to half of the male's share. Often, women are forced to forfeit this right to property by their families, which are instead signed off to the male heirs. In practice, then, women in the country are often not able to benefit from the guarantees that have been made to them under Article 25 of the Constitution. This highlights how ideals of justice can be

1. <https://worldjusticeproject.org/news/wjp-rule-law-index-2022-global-press-release>
2. <https://worldjusticeproject.org/rule-of-law-index/>



**We need a holistic approach to the justice system.
The rule of law in Pakistan must be strengthened,
and equal access to justice must be ensured.**

enshrined in the law but at the same time can be difficult to achieve in practical terms.

Laws in Pakistan must therefore be strengthened and made more inclusive. For instance, guaranteeing digital justice to women and safeguarding them from cyber bullying, hate speech, and invasion of their privacy entails the enforcement of data protection laws, cyber harassment laws, or laws that mandate the removal of exploitative online content that is produced without a person's explicit consent.

The legal system can be leveraged to improve justice in other ways, too. More recently, Pakistan has attempted to rectify the ills caused by denial of property rights to women. The Pakistan Penal Code now criminalizes any attempt to deny women their property rights. This will not only provide women with a means of economic empowerment, but will also give them greater autonomy over their lives.

It is especially important to acknowledge that progressive steps taken towards a just society can often be reversed due to certain catastrophes. The most obvious example of this was the devastation caused by the recent floods in Pakistan, rendering millions homeless

and crippling Pakistan's agriculture, which in turn caused economic damages of more than USD 40 billion. In particular, these setbacks impacted women in the country, owing to their high engagement in the agrarian economy and lower capacity to negotiate risks. Underlying injustices can therefore create new injustices, or exacerbate existing ones.

The solution to many of these challenges therefore lies in a holistic approach to the justice system. The rule of law must be strengthened, through the promotion of an independent judiciary, effective enforcement of laws, and ensuring equal access to justice for all Pakistanis. At the same time, laws should be made more inclusive, with a special emphasis on gender-sensitive legal reform. Improving people's awareness of the law is also critical here, as is ensuring technological innovation in the legal system. This requires the modernization of the legal system, as well as sensitization of judges and prosecutors alike to be more inclusion-minded. It also requires revisiting Pakistan's procedural laws, which should be updated to meet uniquely modern challenges. These steps can ensure a more equitable society that guarantees justice for all.



Protecting the Transgender Rights Act

The domino effect of politicizing transgender issues is knocking down a community already on its knees.



By
Rimmel Mohydin
Human Rights Campaigner
and Writer

Women in Pakistan are used to danger lurking in the streets, in parks, on highways, and in their homes. For transgender women, the danger is bold. Brazen. It makes no attempt to hide.

A few years ago, Pakistani authorities did something quite incredible. They recognized the danger posed to a marginalised and exposed community and brought them to the table. They heard them out, and let their legal machinery be informed by their specific needs and experiences. These provisions were then prioritized and pushed through both houses of parliament. By May 2018, the Transgender Rights Act was made part of the law of the land - a land that is darkened by its troubling human rights record.

The Act brought a nuance, range and

clarity not often seen in human rights legislation. It allows the people of Pakistan to self-identify their gender; bans discrimination in public places like schools, work, and public transportation; streamlines the process to change gender in government records; and delineates heavy penalties for assault, unlawful eviction and harassment.

While authorities have been quick to publicise stories of Pakistan's first transgender news anchor, or election observer, and heavily advertise it as 'progress' at the 2023 Universal Periodic Review at the UN Human Rights Council, they must recognize that exposure without protection is a trap.

Violence against the transgender community has never really gone away. The 2018 Act – a codified set of instructions to accord them dignity, protection and access – was supposed



A manufactured crisis of morality is now threatening to undo all the human rights gains painfully attained through years of advocacy by the transgender community.

to change that. Only, what seems to be changing is worsening violence, manufactured transphobia and the Transgender Rights Act itself. The law - without an understanding of the highest level of deep-seated patriarchy that fuels violence and perpetuates impunity, without robust adoption and implementation, and without political will - has proven woefully ineffective. While visibility for transgender issues seems to have rocketed, it has also put them in a position susceptible to vicious misinformation campaigns that have proven deadly for the community.

Transgender activists have consistently been targeted by vicious social media campaigns, galvanizing anti-transgender rhetoric that has ranged from comically misinformed to outright threatening. They have been baselessly but

ferociously accused of promoting vulgarity and homosexuality. They have been called heretics which can, in Pakistan, trigger a blasphemy allegation - which has sealed the fate of many for the worse.

Assailants came to the home of Shahzadi Rai, a community leader and outspoken transgender rights activist, with bottles of acid, threatening to burn her with it. Marvia Malik, Pakistan's first transgender TV anchor was fired upon by two men on a bike. While the assassination attempt failed, it came as no surprise as Malik had been receiving threatening calls - that she had, in fact, brought to the police's attention but to no avail. There are frequent reports of transgender women being maimed or killed. Most do not want to report these attacks to the police for fear of making things worse. And



Policing Gender Identity: The Story of Reem

Despite facing transphobia for years, Ms. Reem Sharif managed to work towards the service of her community. Since she revealed her gender identity, Ms. Sharif has faced stigma, discrimination and bullying. "My mother was by my side, but the rest of my family withdrew their support," she recalls. Today, she holds a Masters' degree in International Relations, and is the first ever transgender police officer of the Rawalpindi Police. Reem has been appointed as a 'Victim Support Officer and Facilitator', and is tasked with dealing with complaints from the transgender community. Housed in an adjacent area to the women police station of Rawalpindi city, Reem's responsibilities also include psychological counselling, as well as sensitization of the police force to the rights outlined in the Transgender Persons (Protection of Rights Act), 2018.



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If Pakistan wants to continue to reap the benefits of being perceived as being at the forefront of transgender rights, these rollbacks on the 2018 Transgender Rights Act must be halted.

when their experience with the police is largely characterized by impunity, it is no wonder they choose to suffer in silence.

The transgender community has become a pawn in the political machinations of the country, as a distraction from the real issues. A manufactured crisis of morality is now threatening to undo all the human rights gains painfully attained through years of advocacy by the transgender community. Previously, the Council of Islamic Ideology issued statements in support of the Transgender Rights Act. Now they are calling for a revision. The Senate Standing Committee on Human Rights hastened to replace 'transgender' with 'intersex' in a 2018 Act - thereby reducing gender to a matter of biology, betraying a correct understanding of what gender really is. The domino effect of politicizing transgender issues is knocking down a community already on its knees.

The already limited access available to the transgender rights community has now been strangulated. This includes their

ability to access healthcare, employment opportunities, adequate housing and safety. The economic hardships that have characterized their lives are now plunging them into abject poverty. What is truly tragic is that this was not an inevitable outcome, certainly not after the hard and necessary work of being protected by the law had already been done.

If Pakistan wants to continue to reap the benefits of being perceived as being at the forefront of transgender rights, these rollbacks on the 2018 Transgender Rights Act must be halted. Any attempts to amend the Act that make it impossible to obtain documents that reflect gender identity without abusive requirements must be withdrawn. The man-made moral panic, fueled by misinformation, must be tempered with reality checks.

Otherwise, the state is making it clear that instead of protecting the transgender community from danger, it would prefer to institutionalize it.

Accelerating Asia-Pacific: Unleashing the Power of Innovation and Inclusion



By

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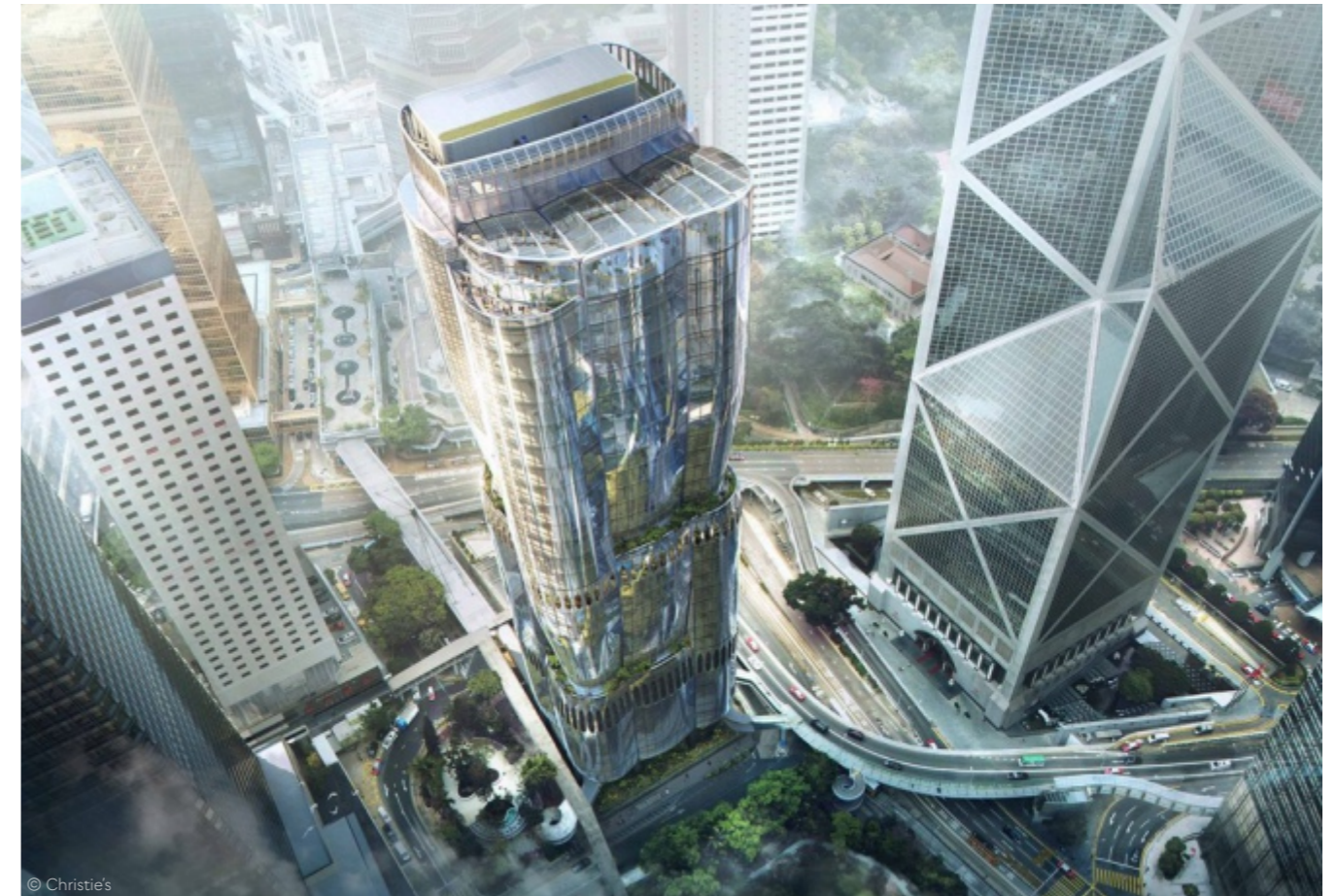
The region is experiencing a slow-burning development crisis that is widening the gap between the reality of where we are and the counterfactual ambition of where we want to be.

The tide is turning: the economic recovery in the Asia-Pacific region is picking up steam. Last week's forecasts from the IMF suggest that economic growth in the region's developing and emerging countries will rise from 4.4 percent in 2022 to 5.3 and 5.1 percent in the current and following year. The region is unique in its growth improvement and boasts the fastest expansion worldwide. China and India alone are set to fuel half of the world's growth.

Yet beneath this veneer of progress lies an incomplete, uneven recovery riddled with looming risks. China's resurgence may skew the regional average, but most countries brace for slower growth in 2023. The recovery has yet to

compensate for lost output over earlier years and several downside risks persist: China's revival may falter, inflation could bring surprises, the Ukraine conflict might intensify further, and financial markets could suddenly reevaluate risks with dire consequences.

An even larger view reveals a deep, ongoing crisis that continues to engulf the region: not merely a macro-financial crisis as in some countries, but a slow-burning development crisis that is widening the gap between the reality of where we are and the counterfactual ambition of where we want to be.



The polycrisis is in essence a crisis of political will. We have faltered in predicting, preventing, and adeptly addressing the crisis.

This is evidenced by the fact that the region is not on track for achieving any of the SDGs, with current projections pushing completion well beyond 2065. While COVID-19 and conflict in Ukraine have dealt severe blows, the region's development challenges pre-date the pandemic, with climate change, demographic shifts, slower globalization, and disruptive technological trends erecting new barriers.

Asia-Pacific's predicament embodies that of the polycrisis: a cocktail of disruptive forces, where the mix is more dangerous than the sum of its ingredients (consumed sequentially). The concept is not new, but its modern manifestation is special in that it is marked by a rapidly shrinking gap between systemic trends and the daily lives of people. This has been demonstrated very vividly by the pandemic and the cost-of-living crisis and is consistent with the finding of UNDP's 2022 Special Report on Human Security that more than 6 in 7 people worldwide feel insecure.

Blaming lackluster development momentum on disruptive shocks and trends, many external, as if they were untouchable forces impervious to policy intervention, would be an oversimplification that conveniently absolves policymakers of responsibility. Rather the opposite is true: the polycrisis

is in essence a crisis of political will. We have faltered in predicting, preventing, and adeptly addressing the crisis, wasting the opportunity to transform its challenges into invaluable opportunities.

Against this backdrop, four priorities emerge as we look into the future:

First, unlock the vast untapped potential for innovation. Key enablers of innovation encompass robust access to talent, cutting-edge technology, and financial resources. However, to fully utilize these enabling assets, we must ignite the engine of innovation: competition. This requires embracing exposure to internal and external competition, which both are crucial for motivating stakeholders to create innovative products, discover new solutions, and explore new markets.

However, the region's complex interplay between business and politics presents significant challenges to the innovation agenda. Addressing issues related to entrenched market power and suppressed competition is vital for enabling companies, employees, and governments to tackle multifaceted crises more effectively and with greater agility. The polycrisis adds complexity but also urgency to the need for



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The tangled web of risks due to the polycrisis can strangle human development, hitting the most vulnerable hardest and magnifying existing inequalities.

reform. Standing still is an option, but not a very good one.

Second, alongside competitive economies, build compassionate societies. The tangled web of risks due to the polycrisis can strangle human development, hitting the most vulnerable hardest and magnifying existing inequalities. Greater competition may support innovation and the competitiveness of economies, but may also augment human insecurity. To combat this, we must weave innovation and inclusion into a seamless tapestry.

Since technological advancements can widen inequalities, we should encourage the active participation of diverse segments of society in the innovation process by bridging skill gaps through education and training initiatives. It is also crucial to ensure that the benefits of innovation are equitably distributed, leaving no one behind as we strive for progress.

Third, reimagine the concept of inclusive growth. Traditional growth-with-equity models falter in the face of structural exclusion affecting vast population segments.

The belief that growth will trickle down to benefit all has led to social protection measures as mere afterthoughts. Instead, we must boldly embrace “inclusive development”.

Inclusion needs to infuse every aspect of our actions, guaranteeing the full participation of vulnerable or excluded groups in the economic, social, and political arenas. This approach is vital for sustained development. By championing transformative economic and social justice, we can ensure equal access to healthcare, education, social protection, dignified living and working conditions, political participation, transparent decision-making processes, and opportunities for everyone.

Fourth, double down on implementation. Pinpointing bottlenecks and crafting policy solutions is just the beginning; the true challenge lies in effectively implementing these solutions, where “effective” signifies continuous and consistent execution of appropriate policies. As we look to the future, intensifying our focus on implementation is crucial. This is arguably the single most important recommendation in terms of expected development bang-for-buck.

Pinpointing bottlenecks and crafting policy solutions is just the beginning; the true challenge lies in effectively implementing these solutions.

To achieve this, we must devise strategies that snap the equilibrium of the status quo. This involves motivating key decision-makers to become changemakers for the common good, urging them to seize the crisis (“never squander a crisis”, let alone a polycrisis!) and acknowledge that fostering opportunity for all enhances legitimacy. Simultaneously, we must collaborate with civil society to cultivate a demand for effective leadership and governance to ensure no one gets or is left behind. Ultimately, we must champion a forward-thinking approach to policymaking, balancing aspiration and pragmatism, all the while keeping our sights on the ever-changing landscape of tomorrow.

Pursuing economic justice is not only a moral imperative but also essential for achieving the Sustainable Development Goals, where a glaring gap remains between our aspirations and actual progress. Improvement is both necessary and achievable, as even in the more difficult environment of the polycrisis lies hope and opportunity for change. However, to get development back on track, we need a heightened emphasis on building competitive economies and nurturing compassionate societies. We also



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need a fundamental reevaluation of structural exclusion and an unrelenting focus on the political economy of reform.



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The Mutasreen-e Mirani Movement: Human Rights Defenders in Balochistan



By

Granaz Baloch

Environmental Rights Defender & Independent Researcher

It is essential for the state to engage with local communities to understand the impact that a project would have on local populations, identify the risks and challenges involved, and to increase knowledge relating to ways in which projects can be made beneficial for the community.

As I write this, I cannot help but think about the memories of my childhood and the blissful moments I experienced in the house which had been passed on to us through three generations. We lived in an utterly unique sixty-four-year-old house where every room had been designed at a particular height, surrounded by strategically placed windows to allow for good air flow. Our life existed around this house, which was located near lush agricultural lands, local hotels, the neighboring village and the karez (irrigation tunnel) which we all jumped in during the summer.

At midnight on 26th June 2007, we had to leave our house and life behind. The land was being used to develop a dam, we were told. The Mirani Dam was built as a part of the 'National Water Resource and Hydropower Development Programme: Vision 2025.' While the feasibility report for the dam was completed in 1956, construction did not begin until 2002. The primary goal of the dam's construction was to

provide irrigation water to both sides of the non-perennial Dasht River, which relies mainly on rainwater in the upper catchment area, with an average of 4.2 inches per year. The completion of the project was expected to bring significant benefits to the local population, including increased employment opportunities for unskilled workers during both the construction and post-construction periods of the project, and an improved standard of living.

Despite these positive intentions, the dam's construction resulted in the displacement of over 800,000 people and the loss of 200 lives during floods caused by the dam's commissioning. Most of the affected individuals were from lower-middle-class families who were caught unprepared as the downpour hit unexpectedly. The affected population had to hike to higher ground to protect themselves. Some sought refuge in schools and mosques, while others spent the night in the rain. The impact of the disaster was

felt by the community for years to come, with many families struggling to recover from the loss of their homes and possessions. The project is thus a clear example of how infrastructure projects can lead to unintended negative consequences, particularly for marginalized populations who may not have the resources to effectively resist or negotiate the project's impacts.

These negative effects could be owed to the absence of an Environmental Impact Assessment prior to construction. An Environmental Impact Assessment which requires engagement with local communities would have revealed concerns relating to minimization of inundation of local areas and populations. At the time, activists, individuals, and experts had argued that storing floodwater in the dam would affect 50,000 people upstream of the Dasht River. Although the dam's height was raised from 80 to 127 feet, a survey had revealed that Nodiz and Nasirabad Union Councils would still be inundated upon the dam's commissioning.

To raise these concerns, a local movement, 'Mutasreen-e Mirani' began to highlight the impact of the project on flooding and resettlement (Mutasreen means affected). The aim of the movement was to voice concerns relating to the height of the dam due to which protests were organized from 2002-2005 to raise awareness. It was reported that community members were not against the construction of the dam but were concerned because the height of the dam was initially kept at 80 feet, without realising that after heavy rainfalls, water could potentially reach neighbouring villages and exacerbate the risk of flooding. However, community engagement remained lacking and all hope for a fair resolution of the matter was lost.

Nonetheless, local communities and defenders of the land and environment were at the epicenter of the movement to raise awareness of the potential adverse impacts of the project. They were not resisting the construction, but wished for construction to be done in a manner which was beneficial for all. These individuals, who may not have identified as human rights or environmental defenders, played



the same role, and organised various meetings with government officials from Nasirabad to Turbat and from Quetta and Islamabad. They also held press conferences and led protests to get their voices heard. In addition, they wrote letters to various departments in Turbat, and to the President of Pakistan, attempting to leverage any forum where their voices could lead to change.

Wall chalking (graffiti) was also used to raise awareness of these concerns and mobilise more community members. The local community was observed to have knowledge that experts involved in the construction did not have, highlighting the importance of community engagement within large infrastructural projects.

Environmental human rights defenders then, were central to the 'Mutasreen-e Mirani' movement, even if they did not label themselves as such. It is therefore essential for the state to engage with local communities to understand the impact that a project would have on local populations, identify the risks and challenges involved, and to increase knowledge relating to ways in which projects can be made beneficial for the community. The project led to widespread displacement, adverse impact on land and environmental rights, and caused resentment within the local community. This response could have been avoided if community members, activists and defenders had been engaged before the construction of the dam to listen to their concerns, and by adopting an approach through which adverse impacts could have been mitigated.

Thus, it is essential for relevant stakeholders to ensure effective engagement and seek opinions from environmental human rights defenders who have the expertise and knowledge to identify ways in which land and environmental rights can be better protected within such projects, which should not be conducted at the expense of fundamental rights.



Tech for Justice

Contributions from UNDP Kenya, UNDP Pakistan, UNDP Peru, UNDP Tunisia



Pakistan: Amplifying Citizen Voices

90 percent of the world's data has been generated in the last few years. 80 percent of this is unstructured, heterogeneous, and expressed in different languages. Under the Tech for Democracy initiative, UNDP Pakistan has partnered with AI technology platform CitiBeats to extract actionable insights from the social data of Pakistani citizens. The Social Risk Monitor tool analyzes and structures insights on themes related to gender, digitalization, justice, resilience, governance, and more.

This 'deep listening' has allowed us to hear from communities and understand their lived experiences in their own words. As an example, since Pakistan's devastating floods of 2022 and the country's current economic crisis, governance has been a central matter of debate among citizens, representing 17 percent of the national conversation. Insights such as these are being deconstructed further, to be integrated into different UNDP projects with the aim to identify immediate needs, draft more responsive and people-centered policies, and build a sustainable future where every voice matters.



Peru: Actionable Digital Citizen Agenda

During 2021-22, UNDP's Country Office in Peru joined hands with a coalition of partners around the already-existing Redpública Platform to promote digital citizen engagement by leveraging the resources and momentum of the global Tech for Democracy initiative. In Peru, this was done by developing a pilot project that tested open-source digital tools' potential to strengthen a weakened social contract and restore the State-citizen relationship by addressing citizens' barriers to effective political participation.

Specifically, the pilot has allowed UNDP and partners to experiment with expanding reach and impact by revamping the Redpública digital infrastructure. Thus, Redpública has



reached 480,000 people and co-created a Digital Citizen Agenda, a portfolio of 50 high-potential innovative solutions, which was crowdsourced by more than 1,500 changemakers around the country and will be implemented with the support of national development allies. Revamping the digital infrastructure has also led to kickstarting "GovTech Generation", Peru's first Digital Public Goods-focused incubator, so that young people can leverage multi-stakeholder support to transform their ideas into actionable, ready-to-deploy solutions to the existing governance challenges. Redpública is a necessary digital stimulus to ensure that young people are not only seen as future actors of transformation but a present brand-new way of doing politics under a digital democracy revolution.

Digital solutions can promote human rights, make democratic institutions more responsive, and create conditions to promote justice for all. However, the digital realm has yet to fulfil its potential in creating a world where no one is left behind.

Tech for Democracy is a Danish-led initiative that has brought together representatives from governments, multilateral organisations, the tech industry, and civil society to make technology work for democracy and human rights, not against it. As a partner on the Tech for Democracy initiative, UNDP is working to ensure that voices, experiences, and solutions from the Global South, with a particular emphasis on young people and 'Leave No Behind' principles, are brought into the initiative. To achieve this, UNDP has conducted consultations and research, convened a global coalition of experts, and piloted projects in Pakistan, Peru, Tunisia, and Kenya. Below is a snapshot of the lessons learned from these pilot projects.



Tunisia: Creating Trust in Public Institutions

In Tunisia, the dual issues identified and addressed through the Tech for Democracy pilot initiative are (i) the need to strengthen trust, especially by young persons, in public institutions and (ii) the need to identify and promote youth priorities related to the SDGs. The pilot focused on the application of digital tools to harness data on levels of confidence of the population, especially youth, in public institutions, as well as a digital portal for meaningful engagement.

The effort to strengthen real-time data availability on issues related to youth expectations, governance and trust is based on a social media sentiment analysis. The pilot's other key component is a more action-oriented effort to foster youth participation in the elaboration of public policies by allowing young people to express more easily their needs towards public institutions. The pilot engaged youth in scoping and designing tech solutions to broaden civic space through consultations with youth and representative organizations, and through a hackathon. The hackathon winning team benefitted from mentoring sessions in order to further develop the beta versions of their proposals.



Kenya: Fighting Information Pollution

Disinformation has become one of the most significant challenges faced by democratic societies worldwide. In recent years, the proliferation of information pollution has posed a considerable threat to the integrity of elections. Fact-checking platforms, utilizing artificial intelligence and machine learning algorithms, can operate in real-time to identify and debunk false claims, monitor disinformation and flag suspicious content. The pilot project in Kenya focused on measuring the impact of UNDP's iVerify, with the aim to improve the impact for subsequent implementations in other contexts.

iVerify is UNDP's automated fact-checking tool that can be used to identify false information and prevent and mitigate

its spread. It was implemented during the Kenya 2022 General Elections. The evaluation informed the design of a logical framework for the iVerify support package as part of the overall monitoring and evaluation plan, and helped to develop guiding programmatic principles for countering information pollution during elections. A principal conclusion found that the platform can have a far-reaching impact if it is perceived as an ongoing service to aid journalism professionals in verifying the truthfulness of stories related to social or civic issues. Establishing an on-the-ground presence beyond just around election cycles will enable journalists, and ultimately citizens too, to recognize its value as a reliable fact checking resource.

1. <https://redpublica.pe/>

2. <https://www.undp.org/policy-centre/oslo/publications/undp-verify-monitoring-and-evaluation-framework>; <https://www.undp.org/policy-centre/oslo/publications/guidance-implementation-undp-verify>

Justice Delayed, Justice Denied: Virtual Courts in Khyber Pakhtunkhwa



By

Amna Karim

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One of the reasons for the high pendency of court cases in Pakistan is the lack of a digitalized justice system to ensure the speedy delivery of justice to citizens.

The high pendency of cases remains one of the most alarming challenges faced by the justice sector in Pakistan.¹ In March 2023, the National Assembly of Pakistan was briefed that almost 1.86 million cases² were still pending in the country's courts.

Similarly, the large number of pending cases has resulted in protracted delays in case disposal leading to continual adjournment of trials for decades. Many litigants are left in limbo waiting for their cases to be heard, while for many, hefty legal fees are becoming simply unaffordable. Pakistan also has one of the largest under-trial prisoners and they remain in custody and unsentenced for years. This perpetual state of delayed justice continues to deny justice to those who seek redress, thus losing confidence and trust in the

formal justice sector to protect and safeguard their right to access and seek justice.

Amongst others, a shortage of staff, limited resources, archaic rules, and tedious and bureaucratic processes are key constraints that contribute to the pendency of cases in Pakistan. Against this backdrop, the most crucial gap is the lack of a digitalized justice system to ensure faster and speedy delivery of justice services to citizens and enhance their access to affordable and time-efficient justice.

UNDP Pakistan in partnership with the Peshawar High Court (PHC) is changing the trajectory by establishing virtual courts in Khyber Pakhtunkhwa.

7 March 2023, Peshawar: Demonstration of virtual court proceedings in a meeting of the Delegation of the European Union to Pakistan with UNDP Pakistan and District Courts Peshawar.



Virtual courts and virtual points have significantly improved the pace of justice delivery in Khyber Pakhtunkhwa and the Merged Districts.

The initiative was first taken in December 2019 by PHC in the districts of Kohat and Mardan where there was a high case pendency. The PHC established two 'virtual benches,' connecting litigants, lawyers and witnesses from Kohat and Mardan to the PHC Peshawar's principal seat through a video conferencing facility. The virtual benches allowed the conduct of case hearings and court proceedings with litigants and lawyers who attended the hearings virtually from Kohat and Mardan, without having to adjourn due to their physical unavailability at PHC, Peshawar.

However, the two virtual benches at the PHC level were not sufficient to address the huge backlog of cases and related challenges including delayed hearings and endless adjournments. In order to provide time-efficient delivery of justice to people in Khyber Pakhtunkhwa, UNDP's Rule of Law Programme³ joined forces with the PHC and Khyber Pakhtunkhwa Judicial Academy (KPJA) in 2020-2021 with generous support from UNDP Global Fund and the United States Agency for International Development (USAID) to upscale the virtual courts system in the province. The objective of this joint initiative was to enhance efforts in digitalizing justice service delivery and improve people's access

to justice in the province.

To date, the Rule of Law Programme has provided technical assistance in the development of Standard Operating Procedures (SOPs) to establish and implement virtual courts. It has supported the operationalization of 35 virtual courts and 75 virtual points in Khyber Pakhtunkhwa, including the Merged Districts. UNDP also provided the necessary security software, IT equipment, and networking facilities to increase efficiency. The virtual courts are designated for judges in the courtrooms, whereas the virtual points are established at each district court from where the lawyers, litigants, and witnesses can attend a case hearing remotely. PHC and Prisons Department of Khyber Pakhtunkhwa have also connected the virtual courts to six prisons in the province. This allows under-trial prisoners to attend their trials remotely, without having to travel to district courts or to the virtual points.

Virtual courts and virtual points have significantly improved the pace of justice delivery in Khyber Pakhtunkhwa and the Merged Districts. Moreover, another key outcome of the digitalization of justice delivery through the virtual courts

1. <https://dailytimes.com.pk/1078876/1-86-million-cases-pending-in-courts-na-told/>
2. <https://dailytimes.com.pk/1078876/1-86-million-cases-pending-in-courts-na-told/>

3. The UNDP Rule of Law Programme is implementing a range of interventions to strengthen security and justice sector governance in Pakistan.

The virtual courts system has proven useful in reducing delays as well as costs associated with the adjudication of cases.

system is strengthening gender-responsive court proceedings.

Advocate Maheen Kamal who works with women litigants and witnesses in both Peshawar District and High Courts underscored that in gender-based crime cases, women litigants and witnesses are always at risk of security threats. Another aspect is the cultural, religious and social norms prevalent in Khyber Pakhtunkhwa, where women often avoid public spaces where men are present, especially places such as courtrooms. "Creating safer spaces for women in court proceedings is integral to encouraging more women to approach the formal justice system in Pakistan. I have been practicing law for five years in Khyber Pakhtunkhwa. **I cannot emphasize enough how virtual courts and points have completely transformed the court experience for women litigants and witnesses.**"

Prior to the establishment of virtual points in prisons, for case hearings, under-trial prisoners were transported by road to courtrooms. Due to safety and security protocols of prisoner movements, it required additional deployments of police officials to courtrooms and courthouses, as well as leading to further overcrowding of courts with families and relatives of prisoners. In the case of VIP movements, due to

the unavailability of a large number of police, the scheduled hearings used to get adjourned as well. Connecting virtual courts with prisons has largely reduced prisoner movements to courts, resulting in a lesser burden on courts as well as the police.

At the same time, due to easy access and flexibility of time to conduct case hearings and court proceedings from multiple locations remotely, the virtual courts system has proven useful in reducing delays as well as costs associated with the adjudication of cases.

Another major impact has been the quick disposal of cases due to flexible and efficient time scheduling of case hearings that are mutually agreed by judges, lawyers, litigants, and witnesses, and avoiding time-intensive in-person court proceedings.

Moreover, affordable and easy access to courtrooms by litigants living in hard-to-reach districts is another important milestone of remote legal proceedings through virtual courts. It allows litigants to attend a case hearing from their district without having to travel, promoting the formal justice system in communities where alternate dispute resolutions have always been prevalent, especially in the Merged



© Peshawar High Court

Mapping Justice in Khyber Pakhtunkhwa

To strengthen the **digitalization of Khyber Pakhtunkhwa's justice sector**, UNDP's Rule of Law Programme along with its partners has operationalized the following to enhance access to justice in the province:



11 Virtual Courts at High Court and its Benches



24 Virtual Courts at District Judiciary



75 Virtual Points at High Court, Benches and District Judiciary

Districts. Similarly, the virtual courts also allow lawyers to appear in court proceedings remotely from multiple locations saving time and costs. For example, a lawyer from Bajaur and Dir does not need to visit the PHC Bench Dar-ul-Qaza Swat for their case. Instead, they can connect from their own district and conduct hearings virtually.

Witnesses residing outside Pakistan, who may not be able to attend in-person evidence recording or case hearings in Pakistan can avail the facility of virtual hearings through the Pakistan Embassy in their country of residence.

Lastly, virtual courts and points have largely facilitated the participation of judges who conduct suspect identification parades in the appellate court as witnesses without having to leave their duty stations and having to adjourn cases to permit travel time to attend in person.

Speedy case disposal, reduced case adjournments, cost and time-efficient case hearings, affordable and enhanced accessibility to courts by litigants and witnesses, and remote facility to avail under-trial prisoners in hearings through virtual courts system have notably improved justice delivery in Khyber Pakhtunkhwa and Merged Districts. According to available data from the PHC, as of date, more than 20,000 hearings have been conducted using the virtual courts system and during the last three months (January to

March 2023), more than 15,000 prisoners have been produced in court hearings through virtual points that connect prisons with the PHC in Khyber Pakhtunkhwa

Furthermore, thanks to the virtual courts system hundreds of people in the province are benefiting on a daily basis to access justice that is both affordable and time efficient. Nevertheless, in a province with a pendency of an estimated 43,208⁴ cases unresolved by PHC and 26,401⁵ cases unresolved by Khyber Pakhtunkhwa district courts, and for a visible impact there is a dire need to further digitalize the justice sector in the region. There are about 600 courts and approximately 23 prisons in Khyber Pakhtunkhwa, that have not yet been connected to the virtual courts system.

Cognizant of this need, UNDP's Rule of Law Programme, under 'Deliver Justice Project' implemented with generous support from the European Union, aims to establish 15 more virtual courts at the District Courts of Mardan. They will also connect with prisons through the PHC.

These efforts will help to ensure that justice services and referral pathways are brought to the doorstep of litigants, witnesses and lawyers in a time-efficient and affordable manner across Khyber Pakhtunkhwa and Merged Districts – an intervention that is key to ensuring safer and peaceful communities.

4. <https://peshawarhighcourt.gov.pk/app/site/3/p/Statistics.html>

5. Ibid.

85,000 Souls: My Activism in Pakistan's Brick Kilns



By

Syeda Ghulam Fatima

General Secretary,
Bonded Labour Liberation Front Pakistan

I started my struggle against bonded labour in my teens, with empty hands but a passionate heart. I got inspiration from my father's selfless serving of brick kiln workers. He told me, "Life is about making an impact, not making an income".

In the beginning, my father and even the brick kiln workers themselves told me that I have stepped into dangerous territory. For many nights, I kept on thinking about the risks involved in assisting people who were in mental and physical servitude. But I was bolstered by each trying circumstance, hardship, and attack.

Thus began my work of helping brick kiln workers in Pakistan. I started off by trying to motivate the workers to learn, and convincing my friends to teach at kilns voluntarily. Within a very short span of time, I succeeded in setting up adult education programs at ten brick kilns. I learned that work is leadership. Gradually, I raised resources and through different forums, also started providing legal assistance to free enslaved families. I initiated 250 "One Teacher, One School" programs near the vicinities of brick kilns, where more than 10,000 children of brick kiln workers received their primary education.

Gradually, school teachers, students, and freed workers began to enhance our struggles through large public rallies. Such massive agitations became my base for raising the issue of the forced labour system in Pakistan. So far, I have released 85,000 workers and provided education through my organization to more than 100,000 children. Most of them assist us in the freeing and rehabilitation of other workers. Throughout my entire struggle, victims have been turning into activists - a sustainable strength.

I have devoted my life towards the total eradication of the bonded labour system and its accompanying injustice, illiteracy, and inequality, and to promote poverty alleviation and ILO's Decent Work agenda. In addition to the empowerment of the labour class, my life's objectives include securing equal rights for women, respect for children's rights, and a positive change in the society toward sustainable development. In pursuance of my mission, my organization,



the Bonded Labour Liberation Front, has adopted a multi-pronged strategy. We carry out lobbying and advocacy through demonstrations, seminars, art exhibitions, and dialogues with parliamentarians, legal stakeholders and the media, as well as through documentaries.

At the same time, we also educate workers through both formal and informal education system. Community organization, and the formation and capacity building of trade unions and federations is our salient feature and strength. To make our struggle more coherent, the BLLF Pakistan plans to allocate a trained representative with an internet-enabled tablet at each brick kiln and village in Pakistan's agriculture areas, in order to get swift information out to these spaces from our headquarter at the Fatima Freedom Resource Center. I also have an ambition to establish a world class Institute of Labour and Economic Research to influence labour and economic policies.

I have been beaten, shot at, electrocuted, and imprisoned many times, but I have never lost heart. In a society dominated by a patriarchal mindset, I do not let my age and gender be my weakness.

So far, I have influenced the government to legislate the Bonded Labour System Abolition Act (1992); the Prohibition of Child Labour at Brick Kilns Act (2016); the Integrated Program for Eradication of Bonded Labour and Child Labour at Brick Kilns with a huge allocation in 2016; the promulgation of the Anti-Human Trafficking Act (2018);

and allocate one hundred million rupees for the National Action Plan for Bonded Labour and Child Labour (2000).

Despite all these successes, there is still a lot of work to be done. Many workers do not have national identity cards mandatory for legal entitlements and welfare schemes launched by the government. We also need to bring workers into the fold of social security and old age benefits. Data is also a challenge. So far, no survey has been conducted on the total number of bonded labourers in Pakistan. In addition, workers need to be made aware of their rights, and more stringent and efficient legislation needs to be prioritized for the eradication of the bonded labour system. For example, according to law, the age limit of a child to work should be 18 years, but currently it is only 14 years for ordinary work and 16 years for hazardous work. This must change.

The Government should also establish an efficient emergency complaint redressal mechanism for victims of forced labour and human trafficking. Strict monitoring mechanisms should be created for the ethical procurement of mega projects in public and private projects, and the payment of wages according to the notified rate should be made possible through compulsory bank transfers. Through these policies and practices, we can ensure that no man, woman, or child, has to ever live under the yoke of bondage in Pakistan.



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