Strengthening the Rule of Law – the Law & Justice Commission Approach

Research Agenda & Opportunities

Pakistan Institute of Development Economics, Islamabad

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Striving for a rule of law based Pakistan
Contents

• Introduction
• The Technical Approach and Scope
• Recommendations for Research
Mandate, Functions & Scope

- **Lead** law and justice narrative, policy and reforms
- **Strategic** and systematic in its outlook and activities
- **Sectoral, systems** approach
- **Activities** focused, mutually reinforcing, action-orientated – not pulling in different directions and piecemeal

Research is a key activity

**Striving for a rule of law based Pakistan**
• **Our Goal** is a Pakistan based on a fair and substantive rule of law

• **Our Vision** is to promote a fair, impartial, inclusive and substantive rule of law as the foundation of a modern and dynamic Pakistan

• **Our Mission** is to lead the reform of law and justice institutions to be fair and inclusive; strengthening organisational capacities and accountability to be effectively responsive to citizens’ security and justice needs and well-being; and empowering citizens to assert their rights and claim their entitlements, and exercise their duties and obligations.

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Overview & Driving Reforms

Reform and research must be demand driven

Input: Policy Guidance

Output: Policy, research & projects

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The Technical Approach and Scope
State effectiveness is a function of state service delivery, state society integration and social cohesion.

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State effectiveness is a function of state service delivery, state society integration and social cohesion.

State Building [Weber]
- Service Delivery
- Justice Sector
  - [Weak, lack of inclusion]

State–Society Integration
- Accountability, Transparency
- Civic engagement, oversight
- Representation, Dispute resolution
  - (viz - State)- PGR
- [Lack of representation, inclusion & equity]

Social Cohesion (Fragmentation)
- Legal Empowerment
- Sectarianism
- Dispute Resolution
- Ethnic Violence, Terrorism, Crime

Research agenda and activities for LJCP and ADF

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Connecting State & Society

• **The Disconnect**: State autonomy
  - Representative – elite capture
  - Inclusive – growth is not pro-poor
  - Impartial – partial, discriminatory institutions and service delivery

• **Reconnecting**: Legitimacy (lens) – strengthen constitutionalism, political settlement

• Policy reforms/shifts = political settlements/agreements

**Development is political**

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Theory of Change: State–Society & Rule of Law Dynamic -Sectoral-Systems Focus

Supreme Court of Pakistan
  |  
  High Court/MIT
  |  
  Magistrate

Police  Prosecution  Judiciary  Prison  Prob. & Parole  Lawyers

Investigation  Prosecution  Adjudication  UTPs, imprisonment  Prob. & Parole  Litigation

Inter-agency Coordination

Provincial Justice Committee
District Justice Coordination Committee

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Technical Focus – Improving Service Delivery

Justice sector is a critical actor in strengthening state and society through protection of rights, development and stability

Supply-side
Institutional Strengthening
Organisational Development
Capacity Building
Budgets

Demand-side
Legal Empowerment

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Transferring Development

Need to enhance understanding of how development is transferred in the rule of law sector and how best to measure such transfers

<table>
<thead>
<tr>
<th>Transfer/Focal Area</th>
<th>Justice Needs/Demands</th>
<th>Laws &amp; Legal Policy</th>
<th>Plans, Operational Procedures, Processes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer of knowledge, information</td>
<td>Shift in societal values, attitude and beliefs</td>
<td>Shift in political cultural values, attitude and beliefs</td>
<td>Shift in organizational culture values, attitude and beliefs</td>
</tr>
<tr>
<td>Transfer of skills</td>
<td>Enhancing civil society and social capacities to engage with the State</td>
<td>Enhancing “political” capacities to engage with citizens, constituencies, organisations and issues</td>
<td>Enhancing organisational capacities to engage with State and society</td>
</tr>
<tr>
<td>Transfer of processes, procedures and practices</td>
<td>Strengthening platforms/space and mechanisms etc. to effectively engage with the State</td>
<td>Strengthening political space/mechanisms etc. to be more responsive to citizens’ justice needs</td>
<td>Strengthening service delivery mechanisms etc. to be more responsive to citizens’ justice needs</td>
</tr>
<tr>
<td>Outcome</td>
<td>Enhanced demand mobilization &amp; articulation of justice needs</td>
<td>Shifts in political choices and [to be “pro-development”]</td>
<td>Shifts in operational choices and service-delivery [to be “pro-development”]</td>
</tr>
</tbody>
</table>

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Research Challenges & Opportunities

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Research

• 131 law reforms reports (1979-2015) published based on desk reviews
• No analytic capacities
• Research is not demand driven – ad hoc and piecemeal
• No recognised methodologies and assessment tools developed and applied
• Limited or no consultation with stakeholders
• No distribution policy based on stakeholders - limited circulation of reports

Recommendations/Action taken

○ Research focus and policies to be developed

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Research: Public Awareness Campaign

- 7 volumes/354 simplified laws published (2002-2013)
- Documents not user-friendly
- No social media presence
- No civil society outreach

Recommendations
- Campaign to focus on stakeholders’ needs
- Outreach strategies to be developed
- Advocacy & communications

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### Access to Justice Development Fund

#### Details of the profit & disbursement of Access to Justice Development Fund

<table>
<thead>
<tr>
<th>AJDF Windows</th>
<th>%age</th>
<th>Total Share amount</th>
<th>Commitment</th>
<th>Uncommitted amount</th>
<th>Balance</th>
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<tbody>
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<td>Disbursed</td>
<td>Undisbursed</td>
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<tr>
<td>Provincial Judicial Development Fund (PJDF)</td>
<td>60.3</td>
<td>1060.31</td>
<td>430.85</td>
<td>60</td>
<td>569.46</td>
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<tr>
<td>Legal Empowerment Window</td>
<td>13.5</td>
<td>237.38</td>
<td>53.55</td>
<td>52</td>
<td>131.83</td>
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<tr>
<td>Legal Innovations Window</td>
<td>4.5</td>
<td>79.13</td>
<td>11.42</td>
<td>0</td>
<td>67.71</td>
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<tr>
<td>Judicial/ Legal Research Window</td>
<td>4.5</td>
<td>79.13</td>
<td>0.175</td>
<td>0.08</td>
<td>78.88</td>
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<tr>
<td>Federal Judicial Academy Fund</td>
<td>4.5</td>
<td>79.13</td>
<td>0</td>
<td>58.11</td>
<td>21.02</td>
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<tr>
<td>Underdeveloped Area Window</td>
<td>10</td>
<td>175.84</td>
<td>71.96</td>
<td>49.90</td>
<td>53.98</td>
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<tr>
<td>Fund Management Window</td>
<td>2.7</td>
<td>47.47</td>
<td>6.07</td>
<td>22</td>
<td>19.4</td>
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<tr>
<td><strong>Total</strong></td>
<td>100</td>
<td><strong>1758.4</strong></td>
<td><strong>574.025</strong></td>
<td><strong>242.085</strong></td>
<td><strong>942.28</strong></td>
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Access to Justice Development Fund

- Total accumulated amount: PKR 1184 million, Performance – massively underperforming

Recommendations

- Connect to LJCP, NJP/NJPMC
- Development of policy for each window complementing research agenda
National Judicial Policy 2009 & revisions

- Over 300 monitorable actions
- No M&E framework
- Not connected to LJCP research, AJDF windows

Recommendations/Steps Taken
- Communications & advocacy strategies – inform stakeholders about policy
- Connecting to research policy – LJCP, AJDF

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Constructing an Evidence Base

• Collecting extensive basic raw data – not actionable, no policy recommendations derived
• Outdated technologies and software being applied
• Data collection manual
• No analytic capacities

Recommendations for Researchers
• LJPC holds substantial raw data
• Can obtain specific data (as required)

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Recommendations for Research
# Technical Focus & Policy Setting Agenda

<table>
<thead>
<tr>
<th>Thematic</th>
<th>Access to Justice</th>
<th>Good Governance</th>
<th>Economic Growth</th>
<th>Rule of Law</th>
<th>Islamic Rule of Law</th>
<th>Criminal Justice</th>
<th>Inter-agency coordination</th>
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<td>Sectoral</td>
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<td>Ombudsman</td>
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<td>Admin. Justice</td>
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<td>Parole and Prob.</td>
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<td>Judiciary</td>
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<td>Prosecution</td>
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<tr>
<td>Core Capacities</td>
<td>Communication &amp; Advocacy</td>
<td>M &amp; E</td>
<td>Legal &amp; Judicial Education</td>
<td>Institutional Strengthening</td>
<td>IT</td>
<td>Social Mobilization in civil society</td>
<td>Administration</td>
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Implementation Model

**LJCP**
- NJP
- Research
- Donors
- T.A (research projects)

**AJDF**
- “Projects” & Research

**Provincial Justice Coordination Committee**
- District Justice Coordination Committee
  - Headed by D & SJ

**Police**
- Prosecution
- Judiciary
- Prison
- Prob. & Parole
- Lawyers

Focal districts
- General cases: Settled urban and rural districts
- Special cases: Megacities, tribal

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Thank you