



**UNODC**

United Nations Office on Drugs and Crime



**COVID-19  
RESPONSE**

## **UNODC PAKISTAN'S RESPONSE TO COVID-19**

### **I. INTRODUCTION**

The outbreak of COVID-19 is novel in many ways. While the world is forced to take a pause in the midst of the pandemic, the crisis is bringing out the interdependencies and vulnerabilities of the national response systems across the world, advocating for the need to innovate rapidly to devise human-centered response strategies. This presents an opportunity in disguise to review and fix the system in areas where it hurts the most to address the looming crisis of COVID-19.

The reality in Pakistan is not any different. The Government of Pakistan in collaboration with development partners, policy makers, technical experts, humanitarian and UN agencies is working hard to reconfigure policies and programmes to respond to the unforeseen nature of the crisis. To this end, UNODC Country Office in Pakistan (COPAK) is at the forefront, proactively engaging with the relevant stakeholders to address the most critical issues related to the pandemic in the most agile and strategic manner, helping Pakistan to adapt to the new normal.

The pandemic has also unleashed the limitations and institutional weaknesses within the criminal justice system, underscoring the need for implementing timely and adequate response strategies to emerging issues. The police - being the first responder - is facing various challenges related to the protection of its staff, maintaining law and order, enforcing lock-down and cases dismissal. The issue in prisons is even more grave due to the already overpopulated prisons jeopardizing the quick spread of the virus coupled with the scarcity of space not allowing social distancing measures. Also, a sharp increase in the cases of violence against women, particularly domestic and intimate partner violence, not just in Pakistan but across the globe, has exposed the gruesome face of the crisis. There is an urgency to act through rapid response mechanisms to ensure preparedness and mitigation of the associated risks, particularly the ones associated to the protection of the vulnerable groups such as women, girls, juveniles and prison inmates across the country in the face of a rapidly evolving health crisis before it proliferates and overwhelms the Criminal Justice system.

UNODC Pakistan has responded rapidly to the crisis caused by COVID-19 and the imposition of social distancing rules, including a nationwide lockdown. Key elements of the UNODC's response include adapting work streams to make them relevant to the COVID-19 crisis, while providing technical assistance and support to each institution within the criminal justice chain. UNODC's responses did not miss to keep an eye on the vulnerability of the current crisis to corruption and continued with its technical support to key government institutions.

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## II. UNODC'S MANDATE RELATED TO CRIMINAL JUSTICE AND THE IMPACT OF COVID-19

UNODC Pakistan is mandated to support and strengthen the rule of law to work towards a just, secure, peaceful and inclusive criminal justice system where the institutions uphold the rule of law whilst ensuring the delivery of quality and timely services to citizens in a coherent, impartial, equitable, transparent and accountable manner.

The COVID-19 pandemic has changed and disrupted the normal functioning of the Criminal Justice Institutions (CJI) in Pakistan. UNODC recognizes this and has rapidly developed strategies and plans to support the CJI to adapt to and better manage the crisis. A weekly strategic coordination platform has been set up along with criminal justice stakeholders to discuss challenging issues during the current crisis and embark on practical solutions to respond to the COVID-19 crisis.

In order to understand the impact of the COVID-19 crisis on the Criminal Justice Institutions, UNODC has initiated the conduct of a dynamic impact assessment that will be carried out on a quarterly basis to provide criminal justice leadership with real data to inform critical decision-making. The impact assessment will generate evidence of the impact of COVID-19 across the system and provide recommendations to improve and hone the CJI response to the crisis.

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## III. ADVOCACY TO THE GOVERNMENT OF PAKISTAN DURING COVID-19 CRISIS

The pandemic emphasizes the need to rethink and proactively seize the opportunity to engage critical policy and decision makers in the criminal justice system through a decisive and targeted advocacy campaign.

As part of UNODC's support to the Government of Pakistan, UNODC has launched a targeted Virtual Advocacy Campaign (VAC) to support stakeholders to:

- a. Identify and position high priority issues in the criminal justice system related to COVID-19;
- b. Enable criminal justice leadership to establish strategic preparedness and crisis response; and
- c. Effectively lobby to generate swift response and apply the relevant mechanisms to achieve greater impact on those whose lives are at stake due to the risks posed by COVID-19

The VAC is being rolled out through a series of thematic 'Knowledge Sharing Seminars' developed and designed as a springboard for disseminating key outputs and recommendations from the knowledge products of various components, such as Advocacy Briefs and other products being developed in response to COVID-19. UNODC has developed and disseminated four advocacy briefs, two of which focus on the prevention and mitigation of COVID-19 in prisons, while the other two highlight the impact of COVID-19 on women and girls. All briefs propose recommendations to be considered by the relevant criminal justice stakeholders, provincial departments and civil society organisations.

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## IV. POLICE CRISIS RESPONSE

### A The COVID-19 Risks and Impact on the Policing Sector

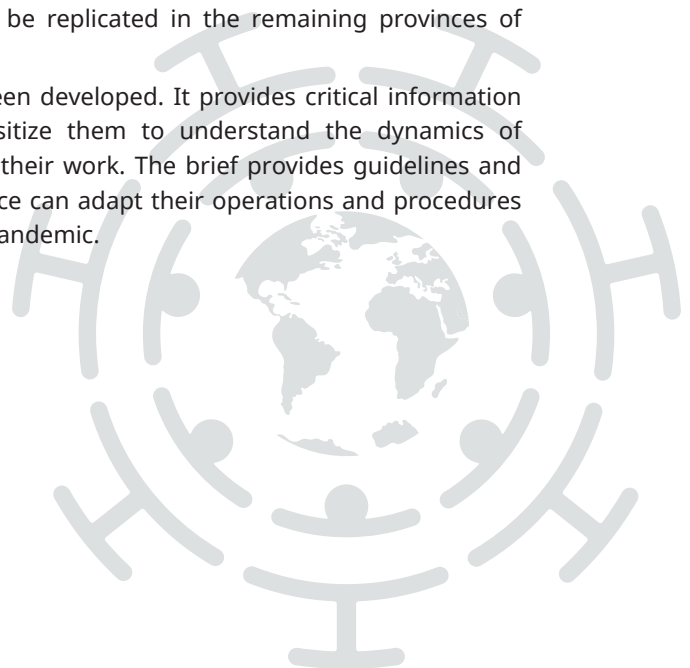
The police have emerged as one of the most essential public service providers in the wake of COVID-19. Pakistan's National Plan of Action (NPA) for COVID-19 looks up to the police to play a vital role in controlling the pandemic through surveillance; enforcing lockdown; protection of life and property; quarantining people in their localities; supporting the distribution of cash, food and medical supplies. The NPA further requests to undertake public awareness raising on COVID-19. The police are adjusting their human resources and operations to cope with the pandemic, however, they are not prepared and capacitated for such a situation where there is also a significant lack of protection gears for police personnel.

The role of the police staff as front-liners increases their risk of getting and transmitting the virus to the public. These risks can be mitigated by social distancing and the use of Personal Protective Equipment (PPE). However as of yet, new procedures and PPEs have not been fully rolled out. Despite the challenges surrounding the police operations, an adaptive approach to respond to the crisis would help to reduce the burden on the criminal justice system. The Police has adopted arrests as a last resort, and offenders with minor offences are not been taken into custody. In Sindh, Police officers have started using on-the-spot tickets and fines as mitigating measures to enforce social distancing.

### B The UNODC Response

UNODC Pakistan's ongoing programmes to support and improve the police service in Balochistan and Sindh have responded to the COVID crisis through the following initiatives:-

- A series of online training modules have been developed, focusing on the police. The modules include thematic areas related to personal protection, best practices for protection against COVID-19, managing stress due to challenges posed by the pandemic, community-police engagement to fight against COVID-19 and safety measures for vulnerable populations especially women and children. The training will be covering different functions of policing including; arrests, detention, dealing with criminals and community policing. The trainings will be rolled out starting with Balochistan and will be replicated in the remaining provinces of Pakistan.
- A policy brief for the police has been developed. It provides critical information to assist police officers and sensitize them to understand the dynamics of COVID and how the virus impacts their work. The brief provides guidelines and recommendations on how the police can adapt their operations and procedures to manage the risk caused by the pandemic.



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## V. COVID-19 PREPAREDNESS AND RESPONSE IN PRISONS

### A COVID-19 Risks and Impact on the Prisons Sector

The risk of a COVID-19 outbreak in prisons across Pakistan is acute. The Prison Department recognises this and is taking measured steps to minimise the challenge. The prisons in Pakistan are the most vulnerable population in the wake of COVID-19 when it comes to transmission from person to person. Prisons are overpopulated and thus COVID-19 poses a huge threat to the lives of prisoners and prison staff. These risks are exacerbated by poor hygiene, lower immunity systems, poor diets, and prevalence of pre-existing conditions amongst prison inmates.

The prison departments are not fully equipped to capacitate prisons staff to respond to the current situation since there is a shortage in personal protection equipment also. However, they have taken preventive measures to contain the spread of the virus as much as possible under the given circumstances. The Prison Departments have prohibited the admission of new inmates without being tested and obtaining a screening certificate as a mandatory requirement. New admissions are also quarantined for the period of 14 days to prevent any possible transmission. Prisons are providing inmates with official mobiles allowing them to make a call to get in touch with their families.

### B The UNODC Response

In the context of UNODC's ongoing programmes to support and improve the prison services in Pakistan, the following interventions have been rolled out in response to COVID-19 crisis:

- Two advocacy briefs, focusing on Sindh and Balochistan prisons developed and disseminated to prisons leadership, staff and the relevant CSOs. These briefs aim to support the Governments of Sindh and Balochistan in their critical efforts to contain the crisis and provide key recommendations to mitigate the threat of COVID-19 in prisons.
  - UNODC has successfully launched a Prison Management Information System (PMIS) in 42 Prisons in Punjab and the same is underway for 22 facilities in Sindh. With the advent of the COVID-19 pandemic, UNODC has developed a special module entitled "Pandemics" to assist the prison management in preventing, controlling and mitigating the spread of COVID-19. This module is linked to the overall PMIS Health module. The new module will enhance the capacity of prison staff in pandemic management and provide a platform for analysing the impact of diseases and vulnerabilities to pandemics. It will also help the Prison Department to mitigate the COVID-19 crisis and prepare for disease outbreaks and pandemics currently and in the future as well.
  - Virtual Training Modules for Prison Department staff have been developed with the objective to sensitise and orientate a cadre of key stakeholders as 'change agents' and 'champions' to take proactive policy decisions to develop and implement COVID-sensitive measures for prevention, control and mitigation of risks to the COVID-19 outbreak among prison inmates. The sessions are developed to sensitise participants on the critical nature of the infectious diseases with the knowledge and understanding of international and national laws, regimes and best practices that govern and guide protection measures for vulnerable population, including Nelson Mandela Rules for the Treatment of Prisoners, The Pandemic Act 2014, Other Pandemic Acts in Pakistan and
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Gendered Response of Prisons to COVID-19. The training is envisaged to run over three days in each province across Pakistan. The module was launched on 14-16 April 2020 through the delivery of the first online training session in Sindh, where the IGP and DIGs Karachi, Sukkur and Hyderabad including the Prisons Training Academy have attended with a wide range of prison staff. The total number of participants is 26 representing 26 Prisons facilities of Sindh. The 2nd training has taken place in Khyber Pakhtunkhwa on 21-23 April attended by the total number of 63 prison staff, covering all of the 23 prisons of KP and Merged Districts, including Haripur Training College. The remaining two trainings will be rolled out within the next couple of weeks.

## VI. COVID-19 JUDICIAL RESPONSE

### A COVID-19 Risks and Impact on Judicial Services

The extraordinary nature of the crisis did not spare the judiciary. Due to the pre-emptive measures imposed by the provincial governments to mitigate the risk related to the current crisis, courts are either closed or partially operational challenged by suspending the majority of hearings. Courts lack technological means to enable them to hold virtual trials that would have been ideal in this case. Hence, preventive measures have been imposed - in those courts that are partially functioning - by restricting families from attending hearings with the suspect.

Furthermore, the issue of releasing Under Trial Prisoners (UTPs) has become controversial and therefore voided by the Supreme Court (SC) after the directions given by the High Courts to release prisoners. The reasons behind the SC decision is that:

- a. High Courts do not have Suo moto powers; and
- b. Steps taken by the Provincial Governments to release prisoners under S. 401 of Cr.P.C are without legal effect.

The Supreme Court judgment has not curtailed powers of the Provincial Government under S. 401. All provincial governments can still exercise their powers under S.401 of Cr.P.C, to provide remissions or suspend sentences of convicted prisoners. Sections 401-402 of the Cr.P.C empowers the provincial governments to issue directives to release prisoners in order to manage prison populations and suspend or commute sentences. Currently, the provinces can do so by making a list of cases in line with the AG recommendations on convicted prisoners. The following categories of convicted persons may be considered for release by the Provincial Governments under Section 401 Cr. P.C:<sup>1</sup>

- a. Convicts who have otherwise completed their sentences but remain in jail on account of non-payment of fine/monetary penalty
- b. Women/juvenile convicts who have completed 75% of their sentence and have no history of past convictions
- c. Convicts whose remaining term in jail is six months or less provided offence was not violence against women or children
- d. Women/juvenile who were sentenced to a term of one year or less

<sup>1</sup> Legal opinion, impact of the judgment by the supreme court of pakistan on releasing prisoners during covid-19 in criminal petition no. 299 Of 2020

Provincial Governments can also allow omnibus release of prisoners under S. 401 in addition to further steps that the Provincial Government can take since the Supreme Court has not curtailed its powers to do so. Further legal avenues that can also be explored by the Provincial Governments under different acts.<sup>2</sup>

## B The UNODC Response

UNODC – through the established weekly virtual forum with the provincial criminal justice stakeholders including the judiciary – has dedicated a session on discussing and deliberating over the UTPs issue and the meaning behind the SC decision, including the available possibilities for provincial governments to exercise the release of prisoners under the current law. This session has been facilitated by a UNODC expert. A number of recommendations have emerged from the discussion. The next session will be dedicated to reviewing and finalising the recommendations and the way forward to provide hands-on support to provincial governments.

The unprecedented nature of the outbreak of Coronavirus Disease 2019 (COVID-19) has also opened up opportunities including the one utilised by the UNODC Country Office Pakistan to ingeniously reconfigure its engagement methodology to continue its support towards strengthening the rule of law reforms in Pakistan. A notable intervention to this end is the launch of the Inter-Provincial Judicial Education Forum, which advocates for effectively making use of a virtual space mobilized for sensitization and capacity building of the judicial officers from the various Provincial Judicial Academies across Pakistan. The first orientation of the virtual exchange has been successfully steered on 20 April 2020 to introduce the concept of Judicial Education Forum, inviting top management from the three provincial judicial academies of Sindh, Punjab, and Balochistan. The Director Generals and representatives from the academies actively participated and agreed that the Forum is a timely move and an excellent opportunity to improvise and adopt distance learning as a regular feature, institutionalizing the outreach and delivery of training.

This is the first time ever that the judicial officers from the three provinces jointly carried out an informal and open exchange, which is unique given the continued legacy of firm rules of engagement in the Criminal Justice Institutions. The Judicial Education Forum is providing an enabling space to open up, share and institutionalize knowledge and skills across the judicial spectrum. The forum unanimously agreed to meet fortnightly to discuss and adopt best practices to enhance their professional expertise through continuous support from UNODC.



<sup>2</sup> a. Release prisoners under Rule 146 and Rule 397 of the Pakistan Prison Rules; b. Grant bail under S. 6 of the JSA 2018; c. Grant parole under S. 2 of the Good Conduct Prisoners' Probational Release Act 1926; d. Ask for the Presidential Pardon under Art. 45 of the Constitution; and e. Decree an ordinance under Article 128 of the Constitution.

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## VII. GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS

### A COVID-19 Risks and Impact on Women and Girls

The prevailing situation of COVID-19 does not spare women and girls. Emerging data shows that since the outbreak of COVID-19, reports of violence against women, and particularly domestic violence, have increased in many countries since the lockdown has been implemented. Evidence from social services shows that violence against women and girls has increased in Pakistan since the introduction of the lockdown. In emergency situations this state of affairs is further compounded as WHO reports levels of sexual or Intimate Partner Violence (IPV) faced by women and other forms of Gender-Based Violence (GBV) tend to grow more acute due to factors such as broken social and protective networks and lack of essential services. Women's personal and economic safety is at a heightened risk during the current pandemic. The very conditions that are needed to battle the disease—isolation, social distancing, restrictions on freedom of movement—are, perversely, the conditions that feed into the hands of abusers who now find state-sanctioned circumstances that potentially provide an environment for increased abuse.

Despite several women-friendly laws and policies across Pakistan, challenges in implementation continue to mar the prospects for women and children in Sindh. Majority of vulnerable women continue to lack access to free or affordable essential services in health, police, justice and social support.

Essential services for survivors and victims of GBV remain ad-hoc and scanty. The Women Development Departments (WDDs), Human Rights Department and the Social Welfare Department are amongst the administrative departments which have remained closed since 19 March 2020 as part of precautionary measures. Staff remains available on-call, however, the crisis centres and complaint cells of the WDDs have been rendered non-functional at a time when women need these social and protection networks the most. Shelter homes have not been provided with any safety equipment or protective gear though they have suspended visitation rights for all residents as precautionary measures.

As the pandemic of COVID-19 continues to spread, it is necessary to recognise the gender dimensions of the impact from the outbreak and for the Governments, both Federal and Provincial, to respond to the immediate and intermediate needs of women and children. It is critical for countries to have plans in place to achieve prescribed standards and quality in provision of services in a manner that is responsive, women and child friendly and accountable to victims and survivors.

### B The UNODC Response

In the context of UNODCs ongoing programmes to support and improve the position of women and girls in the criminal justice system, UNODC has developed Gender Based Violence policy briefs for Sindh and Punjab, targeting criminal justice actors, the relevant provincial authorities including women departments and civil society organisations. The briefs shed light on the current crisis with a focus on women and girls predicament against a lack of adequate response mechanisms and means to support women and for women to reach out in cases of violence. The papers propose immediate and mid-term recommendations for the CJS, provincial governments, women departments, civil society and media to work together to address increased risks to women and girls due to the lockdown.

UNODC has also devoted a distinct module tackling gender violence in all its virtual trainings delivered to prisons staff and police during the COVID-19 crisis.

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## VIII. ACCOUNTABILITY AND PREVENTION OF CORRUPTION

### A COVID-19 Risks and Impact on the Accountability Sector

The necessary speed with which the government has introduced and begun to roll out its Fiscal and Financial Relief Programme has inevitably led to relaxed safeguards in trading compliance, oversight and accountability. Thus, unwittingly leading to a significant increase in opportunities for corruption and money laundering.

To mitigate the impact of COVID 19, the federal and provincial governments have launched a substantial fiscal, monetary, and macro-financial relief programmes. The necessary and rapid introduction of these measures will increase risks of corruption and money laundering.

A relief package of PKR 1.2 trillion was announced by the Federal Government on March 24, 2020. Key measures include: (i) elimination of import duties on emergency health equipment; (ii) relief to daily wage workers (PKR 200 billion), (iii) cash transfers to low-income families (PKR 150 billion), (iv) accelerated tax refunds to the export industry (PKR 100 billion), and (v) financial support to SMEs (PKR 100 billion). The economic package also earmarks resources for an accelerated procurement of wheat (PKR 280 billion), financial support to utility stores (PKR 50 billion), relief in fuel prices (PKR 70 billion), support for health and food supplies (PKR 15 billion), electricity bill payments relief (PKR 110 billion), an emergency contingency fund (PKR 100 billion), and a transfer to the National Disaster Management Authority (NDMA) for the purchase of necessary equipment to deal with the pandemic (PKR 25 billion).

### B The UNODC Response

In the context of UNODCs ongoing programmes to fight corruption and money laundering, we are urging federal and provincial authorities in Pakistan to maximise the transparency and effectiveness of the COVID-19 Financial Relief Programme by:






- Strengthening country ownership and participatory decision-making as means to enhance transparency and oversight of the relief programme
- Enhancing clear, objective and transparent regulatory and supervision mechanisms for financial supervision and monitoring
- Establishing revised and effective legislative and regulatory frameworks for provisions in the relief programme, including the provision of support in managing the risks of corruption in humanitarian relief operations
- Ensuring effective monitoring, reporting and compliance mechanisms – strengthening the role of private sector reporting and compliance plus supervision frameworks

The comprehensive approach of UNODC is aligned with Pakistan's vision 2025.

Striving to achieve the Sustainable Development Goal (SDG) 16 on Peace, Justice and Institutions: *“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”* Also contributing to the SDG Goals 3, 5, 8, 11, 15 and 17.



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