



## PROTECTION WORKING GROUP – Southeast Turkey

Ad hoc meeting of legal actors - Meeting Minutes

<b>Meeting subject:</b>	Provision of legal assistance and counseling related to the Syria response
<b>Time &amp; location:</b>	13:30 Wednesday January 11 at UNHCR Office Gaziantep
<b>Chaired by:</b>	Terra MacKinnon
<b>Minutes prepared by:</b>	Terra MacKinnon
<b>Participants:</b>	UNICEF, UNHCR, Gaziantep Bar Association and ABA ROLI (ASAM sent regrets)
<b>Agenda:</b>	<ol style="list-style-type: none"> <li>1. Determine how to best manage legal cases in the southeast</li> <li>2. Establish a network of lawyers involved in the humanitarian response</li> <li>3. Coordinate legal outreach activities (including with Mukhtars)</li> <li>4. AOB</li> </ol>

### MEETING HIGH LEVEL ISSUES

It was agreed that:

- The bar association legal aid bureaus are the best entry point for legal assistance, but they must be supplemented by independent lawyers contracted by humanitarian organizations to cover afterhours and weekend emergencies
- Legal counseling is an essential complimentary programme type that helps reduce burden on legal aid and improves refugee knowledge of their rights and obligations under the law more broadly, with positive protection impacts (suggestions were made on how to overcome national restrictions on providing legal counseling)
- A network of lawyers working in the humanitarian sector in the southeast is a good starting point to ensure the dissemination of legislative updates, sharing of challenges/solutions and access to capacity building opportunities (suggestion to create a network of bar association heads and legal aid bureau officers next, building on the experience of the first network)

AGENDA POINT	DISCUSSION
1.	<p><u>General points:</u></p> <ul style="list-style-type: none"> <li>• There are several barriers to accessing/providing legal assistance: granting power of attorney; knowledge (of both refugees and lawyers); and license to practice in Turkey.</li> </ul>



- Sensitizing local authorities to benefits of allowing access to legal assistance and counseling may help ease some obstacles (for instance, it is beneficial to have new arrivals to the country understand both their rights and obligations and how to navigate the things like civil status documentation)
- Many organizations are training lawyers, but there has been no tracking of this so far. It was agreed that this should be coordinated and tracked

Legal counseling:

- There are state restrictions on who can provide legal counseling (must be an independent lawyer with a tax number), which UTBA upholds on the basis of ensuring quality
- There is a minimum fee/tariff structure for legal counseling that inhibits pro bono work, since the lawyer would have to pay tax on the fees that they did not receive
- UTBA understanding of ‘legal counseling’ is likely different than what is understood by humanitarian actors who simply want to provide general legal information (there has been some space to provide this general legal counseling without heavy restrictions, but still must be done by a lawyer due to the technical nature of the information)
- Two types of counseling/awareness raising is needed, one for refugees and the other for NGO staff (ABA ROLI has a curriculum already developed with 10 topic areas)
- A pathway for referral is needed both from legal counseling to legal aid and vice versa

Suggestions made for possible paths forward on legal counseling:

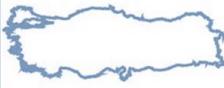
- DGMM, UNHCR and UTBA could form a partnership focused on registration and legal counseling, using the ‘pre-registration’ window as a point where all newly registered refugees would receive legal counseling as part of their orientation to life in Turkey
- The model of a ‘legal clinic’ could be used, which would offer general legal information and answer questions and could be staffed partly by legal students or recent graduates, similar to the MoJ ‘access to justice’ centres that it runs in partnership with universities in Turkey. Referral from these centres are multiple (not just to legal aid) and could include ombudsperson, human rights centres, etc. This idea is in line with the GoT national legal reform strategy, which should include changes to restricting legislation

Funding:

- Criminal cases are fully funded by the state, but bar associations may receive outside funding for civil cases. However, this is unlikely to be allowed under a state of emergency. Funds for civil cases could also be given to UTBA, which would then distribute to the bar associations.
- The UN (UNDP, UNICEF and UNHCR) should coordinate and jointly approach the MoJ/UTBA to offer financial support for civil cases related to refugees. The three UN agencies should avoid individual initiatives, but rather go together with a joint strategy.



2.	<p>The Gaziantep Bar Association shared a proposal to create a network of lawyers to help improve the quality and consistency of legal work in relation to the humanitarian response. The group discussed the idea with the following result:</p> <ul style="list-style-type: none"><li>• Members agreed that this is a good idea, which would have a positive impact on legal service provision</li><li>• Both a network of 1) lawyers working in or for humanitarian organizations and 2) heads of bar associations and legal aid bureau officers) were proposed, but it was agreed to start with the first and to possibly create the second at a later date</li><li>• Creating an alliance of lawyers with a secretariat was discussed as a possible model, but agreed that this was more appropriate at the national level. In southeast we can have a less formal structure, with email list, possibly Google drive space and monthly meetings.</li><li>• It is estimated that there are around 20 staff lawyers working for humanitarian organizations. An email will go out to all southeast protection sector members asking for contact details of their lawyer staff. The network will be initiated with this contact list. The network will be mostly connected through email communication but may decide to hold monthly meetings.</li></ul> <p><u>Objectives</u> of the network are to:</p> <ul style="list-style-type: none"><li>• Circulate information on legislative updates</li><li>• Create a forum for sharing /solving field based challenges</li><li>• Create or share capacity building opportunities</li><li>• Identify and complete tasks that will improve or facilitate legal work</li><li>• Information sharing</li></ul>
3.	<p>Meeting participants became aware that there are many legal related outreach programmes that could potentially overlap or benefit from complementarity, if coordinated. <u>Initiatives include:</u></p> <ul style="list-style-type: none"><li>• Gaziantep Bar Association and ABA ROLI info sessions with Mukhtars and at community centres (ongoing)</li><li>• UNHCR Mukhtar and Imam outreach strategy (not yet launched)</li><li>• UNICEF Mukhtar and Imam outreach project on child marriage (ongoing)</li></ul> <p><u>Coordination:</u></p> <ul style="list-style-type: none"><li>• UNHCR and Gaziantep Bar Association agreed to have a bilateral to coordinate their strategies</li><li>• UNICEF agreed to share the list of Mukhtars and Imams that they have already covered/plan to cover and are interested to include their child marriage content in the content used by UNHCR and the bar association</li><li>• The Gaziantep Bar Association will share the list of Mukhtars that they have covered after discussion with UNHCR</li></ul>
4.	<ul style="list-style-type: none"><li>• Gaziantep Bar Association shared examples of SGBV ‘referral cards’ (in Arabic) with information on available services and how to access them in Gaziantep. The discrete cards created by ABA ROLI are an example of a good practice. More can be printed upon request. Consider for distribution during international Women’s Day (March 8) events.</li></ul>



	<ul style="list-style-type: none"> <li>• UNICEF is creating similar for CP services targeting both Syrian and Turkish children.</li> <li>• Gaziantep Bar Association shared an example of a map (in Turkish) created for Gaziantep with multi-sector information for SGBV survivors. The map and information are well laid out and user friendly. Another possible good practice to be picked up by the SGBV SWG.</li> <li>• The Gaziantep Bar Association proposed to hold a symposium in Gaziantep for the March 8 International Women’s Day. They are now coordinating the event with UNHCR and will also contact UNFPA. UNHCR may want their reporting office (Sara) to cover this event as a PI story.</li> </ul>
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ACTION POINTS SUMMARY				
No.	Action	Responsible	Deadline	Status
1.	Propose to UNHCR Ankara (Nese and Christine) the idea of a joint UN proposal (UNICEF, UNDP and UNHCR) to UTBA/MoJ for providing support for legal counseling through bar associations or clinics. To be followed up at national level.	Terra	Jan. 31	
2.	Propose to UNHCR Ankara (Nese, Christine, Hanno and Paolo/Luca) the idea of DGMM, UNHCR and UTBA could form a partnership focused on registration and legal counseling, using the ‘pre-registration’ window (or verification process) as a point where all newly registered refugees would receive legal counseling as part of their orientation to life in Turkey. To be followed up at national level.	Terra	Jan. 31	
3.	Email all protection sector actors to acquire contact information for their in house/contracted lawyers	Terra	Jan. 31	
4.	UNICEF to share with Terra the list of Muhktars/Imam already counseled or planned to be counseled as part of the child marriage project (Terra to share with UNHCR)	Goktan and Arda	Jan. 31	
5.	UNHCR and Gaziantep Bar Association to share with Terra the Muhktar/Imam lists of those already counseled and those planned	Tayba and Zehra	Jan. 31	
6.	UNHCR and Gaziantep Bar Association to coordinate regarding March 8 Women’s Day symposium and have UNHCR’s Reporting Officer cover the event	Tayba and Zehra	Jan. 31	
7.	Create a system for tracking outreach to Imam and Muhktars in the southeast and share info/system with the group members	Terra and Megan (IMO)	Feb. 28	