

TURKEY

LEGAL AID EXTERNAL UPDATE

September 2016



20 June 2016

MoU signed with the Union of Turkish Bar Associations

500

Turkish lawyers from different Bar Associations throughout the country attended UNHCR workshops.

9 May 2016

Legal Clinic was established in Ankara and staffed by 60 3rd and 4th year law students

Resettlement

ranked as the most queried topic after an evaluation conducted by the Legal Clinic

OPERATIONAL CONTEXT

ACCESS TO JUSTICE AND LEGAL REMEDIES IN THE CURRENT LEGAL FRAMEWORK

- The endorsement of the Law on Foreigners and International Protection (LFIP) in April 2014 introduced a specific provision **reinforcing access to justice and legal remedies**, including *pro bono* legal assistance for asylum applicants and refugees as well as judiciary review by the Administrative and Magistrate Courts in the appeals procedure. The LFIP is complemented by administrative instructions issued on an *ad hoc* basis to manage evolving challenges related to access to legal representation.
- The right to **submit individual applications to the Constitutional Court** strengthened available legal remedies: In 2010, pursuant to Constitutional amendments, any person whose fundamental rights and freedoms, as set forth in the ECHR and guaranteed by the Constitution, have been infringed upon by a public authority can apply to the Constitutional Court.

UNHCR STRATEGY AND ACTIVITIES

- In view of the legislative developments and rapidly evolving needs in the sphere of asylum related subjects, UNHCR is increasing its engagement with Bar Associations in Turkey to **make legal representation accessible to all persons of concern** in judicial and administrative matters that fall in the scope of the LFIP or that may relate to civil and criminal law. Throughout 2015 and 2016, UNHCR reached out to more than 500 lawyers through several activities organized to spur their engagement in refugee protection. These events provided Turkish lawyers with invaluable experience in the field of international protection, and more importantly, refugees gained access to quality legal assistance from professionals equipped with expertise.
- On 20 June 2016, World Refugee Day, UNHCR signed a Memorandum of Understanding (MoU) with the Union of Turkish Bar Associations (UTBA), an umbrella organization bringing together 79 Bar Associations and representing approximately 95,000 advocates. Through this MoU, UNHCR declared its commitment to complement UTBA's efforts to **enhance Bar Associations' expertise in refugee-related work**, and to **increase awareness among lawyers on the legal framework as well as rights and obligations** of refugees, stateless persons, and other persons who had to flee their countries of origin. Both parties have committed to working together to **improve the legal framework and implementation of existing legislation**. UNHCR and UTBA developed a joint work plan to realize all of these objectives. The two will also organize a number of joint activities, including trainings, workshops, seminars, and roundtable consultations as well as develop reference materials targeting lawyers in 81 provinces to strengthen Turkey's international protection system.
- UNHCR has been organizing events to support judges with asylum-related cases brought before the courts: UNHCR and the Justice Academy, the institution in charge of designing programmes and projects for **increasing knowledge on international refugee law among judges and prosecutors**, are engaged in close cooperation to organize joint activities throughout 2016 and beyond. Bilateral consultations to sign a Memorandum of Understanding are expected to be concluded in the near future.

A Training of Trainers (ToT) workshop for 20 judges is planned as the first joint event and will be organized in 2016.

- A Legal Clinic providing **counselling to asylum-seekers and refugees** opened in Ankara on 9 May 2016: The clinic is a joint initiative of DGMM, UNHCR, ASAM and Yıldırım Beyazıt University and was established as part of a project co-funded by Turkey and the EU. Being the first of its kind in Turkey, the clinic aims to enhance refugees' awareness on their rights and obligations, as well as marriage, divorce, custody, birth registration, and access to courts. The Clinic is staffed by 60 third and fourth year law students who have received extensive training from UNHCR and can accommodate up to 400 requests and prioritizes applicants with vulnerabilities.
- As of 8 September 2016, 332 refugees and asylum-seekers from 51 different provinces have visited the clinic on 402 different occasions. Sixty four per cent of those seeking counselling were male and thirty-six per cent were female. Iranians were the largest nationality group to seek assistance followed by Iraqis, Syrians and Afghans.

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