

TURKEY

LEGAL AID EXTERNAL UPDATE

January 2017



26-27 November 2016

Meeting on Access to Legal Assistance and Legal Aid by Refugees in Turkey was organized in cooperation with the Union of Turkish Bar Associations

Almost 710

Turkish lawyers from different Bar Associations throughout the country attended UNHCR capacity building workshops in 2015-16.

Resettlement

Continues to rank 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 other legislation already recognizing the right to legal aid for persons seeking international protection in Turkey.
- 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, around 710 lawyers were reached 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 100,000 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** to lift any practical and administrative hurdles in access to legal aid and representation. In the framework of a joint work plan, a number of joint activities, including trainings, workshops, seminars, and roundtable consultations will be organized and reference materials targeting lawyers in 81 provinces to strengthen Turkey's international protection system are being developed.
- Events continue to be organized to support judges with asylum-related cases brought before the courts: UNHCR and the Turkish 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. Within this scope, five needs assessment were conducted between October and December 2016 in Konya, Sanliurfa, Hatay, Istanbul and Bodrum/Mugla. During these exercises, UNHCR and representatives of the Turkish Justice Academy met with prosecutors, and administrative, civil and criminal law judges. In order to share the needs assessment findings and to gather additional information on gaps and challenges in access to justice by refugees and asylum-seekers, as well as propose solutions, a two day meeting was held on 2-3 February 2017 with the participation of six prosecutors and 24 judges from 12 different provinces, two rapporteurs from the Council of State and the Constitutional Court, and three judges from the Justice Academy. Bilateral consultations to sign a Memorandum of Understanding are expected to be concluded in the near future between UNHCR and the Turkish Justice Academy.

- A Legal Clinic providing **counselling to asylum-seekers and refugees** opened in Ankara on 9 May 2016: The clinic was 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 served 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 received extensive training, and prioritizes applicants with vulnerabilities.
- As of 31 January 2017, 982 refugees and asylum-seekers from 64 different provinces approached the clinic on 1152 different occasions. Sixty-five per cent of those seeking counselling were male and thirty-five per cent were female. Iraqis were the largest nationality group to seek assistance followed by Iranians, Syrians and Afghans.

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