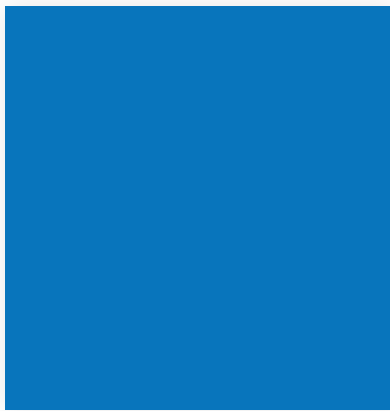


The Potentials of Pro Bono Partnerships in Turkey for Securing Refugees' Access to Rights:

Observations and Recommendations from RSN-RRT's Pilot Project



November 2019

I. Introduction

Turkey is currently the largest refugee-hosting state in the world, with approximately 4 million individuals seeking protection in the country from neighboring Syria, as well as other countries of origin including Afghanistan, Iraq and Iran. These refugee populations have a variety of legal needs, ranging from protection-specific assistance while navigating asylum procedures, to other issues that are common to refugees and citizens alike (such as matters relating to family law, and access to basic services like health, education, and legal employment).¹ Under Turkish law, the state-funded legal aid system (Adli Yardim) is tasked with providing free-of-charge legal assistance to both citizens and non-citizens who do not have the means to pay for a lawyer, including foreign nationals subject to asylum and immigration procedures.² However, as in many other contexts, the state-funded legal aid system in Turkey is strained by funding and capacity limitations. These challenges are exacerbated when it comes to refugees subject to complicated administrative and judicial procedures, not only due to the massive scale of the population in need, but also because involvement in this field requires considerable specialized expertise on a range of substantive legal issues.³ A number of non-governmental non-profit associations (NGOs), such as Refugee Rights Turkey, run free-of-charge legal service programs to help address the needs of this growing population. However, such NGO-administered programs are reliant on limited, project-based funding that result in services being strategically targeted to address the most urgent needs.

Drawing from the experience of a 2019 pro bono pilot project, which brought together the Refugee Solidarity Network (RSN), Refugee Rights Turkey (RRT), and two Istanbul-based law firms, this paper examines how pro bono partnerships between NGOs and private lawyers from for-profit law firms can generate additional complementary capacity to help address the legal assistance and representation needs of the refugee population in Turkey.

The Refugee Solidarity Network (RSN), a US-based non-profit that works to support refugee protection in the Global South, and Refugee Rights Turkey (RRT), a leading national refugee legal assistance provider and migration and asylum policy actor in Turkey, have been working together since 2015 to help address the most crucial legal information and assistance needs of the refugee population in Turkey, and to expand the supply and quality of legal representation available to refugees. The organizations have long recognized the potential for private lawyers and law firms in Turkey to contribute to refugee protection, and in 2019 initiated a pro bono pilot project in collaboration with two law firms to explore this possibility further, and to establish a pro bono partnership model that could guide and inspire other NGOs and law firms in Turkey to follow suit.

This was a pioneering project in the Turkish context, in that it brought pro bono resources to an existing national NGO legal service program for the direct benefit of refugees. The pilot involved a partnership with an international and a national firm, to expand and complement RRT's existing provision of legal

1 For the purposes of this paper, the term “refugee” is used to encompass the variety of statuses that are available under Turkish law, whether refugee status, conditional refugee status, subsidiary protection status or temporary protection status. The term is meant to include both those who have already been granted one of these statuses and those still awaiting final decisions on their application for protection – also occasionally referred to in the text as “asylum-seekers” or “protection-seekers”, and in some cases may include individuals who have either not yet initiated a request to seek refugee protection, or are ultimately found not to qualify for it, and may be more generally termed “migrants.”

2 For further information on the Turkish Legal Aid system, see generally Refugee Rights Turkey, “Access to State-Funded Legal Aid Services by Asylum-Seekers and Migrants in Turkey: Challenges and Opportunities”, January 2019, available at <http://mhd.org.tr/images/yayinlar/MHM-74-EN.pdf> (hereinafter “RRT Legal Aid Paper”).

3 Law on Foreigners and International Protection, 11/4/2013, dated Official Gazette (No: 28615); for further information on the law, see generally Turkey Country Report, Asylum Information Database, available at <https://www.asylumineurope.org/reports/country/turkey>; for further information on the Turkish Legal Aid system, see generally RRT Legal Aid Paper.

information and counseling for refugees in Turkey. The experience of the pilot has provided a significant learning opportunity for all actors involved. It is hoped that observations and reflections drawn from this experience can be channeled to future efforts toward promoting and establishing similar pro bono partnerships in Turkey and potentially elsewhere.

This paper first situates the pro bono concept within the global context before outlining the need for and current supply of legal assistance for refugees in Turkey. Included in the paper's analysis are an overview of the relevant legislation in Turkey regarding the right to legal assistance and guidelines for attorney practice, a brief background on how pro bono partnerships can and have been structured in other contexts, and some comparative deductions from settings that have a strong pro bono culture. After showcasing the pilot, the paper turns to reflect on the lessons learned from this experience, and identifies a number of considerations intended to inspire and inform future efforts to mobilize pro bono partnerships for refugee protection.

It is hoped that this paper, which encapsulates the knowledge gained from this exercise by RSN and RRT, can be used by others interested in exploring similar initiatives in Turkey and other refugee host states where rights advocates and law firms are interested in contributing to refugee protection through pro bono partnerships.

II. Pro Bono Practice: Basics and Global Context

The purpose of pro bono legal services is to provide free, high-quality legal assistance and representation to people who face difficulties in accessing legal assistance, often due to economic hardship.⁴ Pro bono generally denotes legal work performed by lawyers in pursuit of a public cause, as opposed to for-profit economic interests. Critically, pro bono services are provided on a voluntary basis and at no cost to the client, while still adhering to the same standard of quality and professionalism that would be afforded to a paying client.⁵ Law firms all over the world engage in pro bono work. The most recent edition of the TrustLaw Index included information from 134 law firms in 75 jurisdictions, representing data on about 64,500 attorneys who performed a total of 2.5 million hours of pro bono work around the world in 2015.⁶ Specifically relevant to this report, while pro bono practice falls along many thematic lines, there has been a substantial increase in pro bono work relating to asylum in recent years.⁷ Globally, in 2015, "Immigration, Refugees and Asylum" was selected by 41.4% of law firms as a focus area (a substantial increase from the previous two years).⁸

Pro bono partnerships between law firms and NGOs can serve to bolster legal systems and increase capacity on both sides of the partnership, and have fostered access to justice in countries all over the

4 See, e.g., PILnet, Association of the Bar of New York City – Cyrus R. Vance Center for International Justice, Pro Bono Handbook, 2015, at 17, available at <https://www.pilnet.org/public-interest-law-programs/pro-bono-law/pro-bono-handbook.html> (hereinafter "PILnet Pro Bono Handbook"). The Pro Bono Handbook put out by PILnet and the Vance Center is one of the leading resources on how pro bono can be developed, managed, and promoted.

5 See, e.g., PILnet Pro Bono Handbook, at 17.

6 TrustLaw Index of Pro Bono 2016, Thomson Reuters Foundation, April 11, 2016, at A5, available at <http://www.trust.org/contentAsset/raw-data/d31d8b72-0f82-4241-88e1-71abc90e3d72/file>

7 The 2016 TrustLaw Index found that 'Immigration, Refugees and Asylum' was identified as a "key focus area" for pro bono work by 41.4% of respondent law firms, an almost two-fold increase over the previous two years. (TrustLaw Index 2016, at A3).

8 TrustLaw Index 2016, at 18.

world. Historically, pro bono attorneys in the United States have played a key role in numerous legal battles that have changed the laws and social landscape of the United States, including toward landmark cases against discrimination. Recent examples of this relate to the travel ban litigation, as well as various lawsuits pending against U.S. government immigration policies.⁹ Although institutionalized pro bono is a more recent development in Europe, the last fifteen years has seen incredible growth in pro bono practice in the region, largely consisting of private law firm-NGO partnerships.¹⁰ Asia has also seen an impressive increase in pro bono, with a 40 percent year-on-year increase in pro bono hours performed since 2014, and a rapidly expanding regional pro bono infrastructure.¹¹ Pro bono has also been identified as an avenue for the private sector's engagement with refugee assistance more broadly, as demonstrated at the recent Global Refugee Forum, where a landmark commitment was made by over 20 public and private legal actors (including law firms and in-house counsel at multinational corporations), who together pledged to commit 125,000 hours per year of pro bono legal support for refugees and stateless people.¹² The continued global increase in the use of pro bono to facilitate access to justice, especially for refugee-related issues, suggests that pro bono partnerships could represent an untapped resource to complement current structures to address some of the gaps identified regarding free-of-cost legal services in Turkey.

III. Context for Pro Bono in Turkey: Need, Current Supply, and Landscape of Legal Assistance for Refugees

Framework for the Provision of Legal Assistance to Refugees

Turkey is the largest refugee-hosting state in the world, with approximately 4 million individuals seeking protection in the country.¹³ Since 2011, Turkey has experienced a large-scale influx of Syrian nationals (as of Nov. 2019 around 3.6 million), and it continues to face significant arrivals of refugees from other countries as well (as of Nov. 2019 approximately 400,000).¹⁴

The Government of Turkey has engaged in ongoing efforts to put into effect comprehensive legal reforms to improve legislation and strengthen administrative capacity vis-à-vis refugee processing and migration

9 Debra Cassens Weiss, BigLaw pro bono efforts challenge Trump administration on immigration, ABA Journal, November 27, 2018, http://www.abajournal.com/news/article/biglaw_pro_bono_efforts_challenge_trump_administration_on_immigration; Hannah Hayes, Answering the Call: Pro Bono Lawyers Respond to the Immigration Crisis, American Bar Association, August 31, 2018, <https://www.americanbar.org/groups/diversity/women/publications/perspectives/2018/summer/answering-call-pro-bono-lawyers-respond-the-immigration-crisis/>; for one specific example, see Mayer Brown pro bono team secures victory for thousands of asylum seekers, Mayer Brown, November 21, 2019, <https://www.mayerbrown.com/en/news/2019/11/news-mayer-brown-pro-bono-team-secures-victory-for-thousands-of-asylum-seekers>.

10 The Growth of Pro Bono in Europe, PILnet, November 9, 2016, https://www.pilnet.org/component/docman/doc_download/163-the-growth-of-pro-bono-in-europe.html.

11 2016 TrustLaw Index, at A2 and H1.

12 Private sector steps up for refugees as Global Refugee Forum opens in Geneva, UNHCR, December 16, 2019, <https://www.unhcr.org/news/press/2019/12/5df3ba964/private-sector-steps-refugees-global-refugee-forum-opens-geneva.html>

13 Turkey Fact Sheet, UNHCR, October 2019, <https://www.unhcr.org/tr/wp-content/uploads/sites/14/2019/11/UNHCR-Turkey-One-Page-Fact-Sheet-Oct2019.pdf>

14 Id.

management in recent years.¹⁵ Turkey's Law on Foreigners and International Protection (LFIP),¹⁶ adopted in 2013 and entered fully into force in 2014, represented an important step in harmonizing the country's laws with international and European standards, and together with other relevant legislation,¹⁷ sets out rights and entitlements for refugees and outlines procedures for individuals subject to immigration detention and/or removal. The LFIP distinguishes two legal statuses available to refugees in Turkey – “temporary protection”¹⁸ (currently in place for refugees from Syria) and “international protection”¹⁹ (available to refugees from other countries) – and provides various safeguards and access to rights and entitlements for both groups.

Multiple provisions of the LFIP, as well as associated secondary legislation, reiterate the possibility to seek legal assistance provided under the state-funded legal aid scheme (Adli Yardim), and to obtain advice from civil society organizations. The legal aid scheme covers personal and family law (such as marriage, divorce, domestic violence, custody, and guardianship), other civil and employment law, legal actions against administrative acts and actions, and insolvency and bankruptcy law.²⁰ Matters regulated under the LFIP and the Temporary Protection Regulation, such as appeals against negative decisions on international protection applications, deportation orders, administrative detention, or residence permits, fall within the scope of administrative actions and are therefore covered by the legal aid scheme.²¹

Importance of Access to Legal Assistance for Refugees

In order to effectively access the aforementioned rights afforded to refugees under the LFIP and to benefit from the safeguards provided in practice, refugees often require qualified and specialized legal assistance and representation. Legal issues arising under the implementation of the LFIP are generally complex, and an erroneous decision can lead to irreparable damages and consequences (such as being subject to return to a country where the person shall be at risk of torture and ill-treatment). Furthermore, with few exceptions, the majority of the unfavorable status and procedural decisions that refugees may encounter can only be challenged in court. Therefore, even though refugees are legally allowed to represent themselves pro se before Turkish adjudicators,²² access to legal assistance and the involvement of lawyers specialized in asylum and immigration law is critical to ensure the full realization of the right to legal remedy and to ensure access to justice for those individuals. Refugees have been widely recognized as experiencing significant additional challenges such as language barriers, traumatization and loss of social networks, all of which further hinder their effective access to justice, making access to legal

15 Id. Turkey is a signatory to the 1951 Refugee Convention, and has acceded to the 1967 Additional Protocol, but has retained the original geographical limitations of the Convention. (See, UN High Commissioner for Refugees (UNHCR), Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: The Republic of Turkey, June 2014, available at: <https://www.refworld.org/docid/5541e6694.html>). While Turkey's status vis-à-vis the Refugee Convention and Additional Protocol theoretically limits its internationally-based obligations towards refugees, recent developments in Turkish domestic law provide a legal framework and a number of protections for would-be refugees in Turkey. (See, e.g. Law on Foreigners and International Protection, 11/4/2013, dated Official Gazette (No: 28615))

16 Law on Foreigners and International Protection, 11/4/2013, dated Official Gazette (No: 28615) (hereinafter “LFIP”)

17 Regulation on the Implementation of the Law on Foreigners and International Protection, art. 103; Temporary Protection Regulation, art. 59; Regulation on Combatting Human Trafficking and Protection of Victims, art. 28/2(d).

18 LFIP, art. 91.

19 LFIP, arts. 61-63.

20 Legal Assistance, Information Portal for Refugees in Turkey, Refugee Solidarity Network & Refugee Rights Turkey, <https://multecihaklari.info/services/legal-assistance/?section=questions> [accessed October 15, 2019]. It is additionally relevant to note that there is a separate state-funded scheme for free-of-charge legal representation in criminal proceedings in Turkey (CMK), which is similarly designed to serve citizens and non-citizens alike.

21 Id.

22 Code of Civil Procedures, Law No. 6102, 4/2/2011 dated Official Gazette (No: 27836), art. 71. This right is also enshrined in the Constitution. Article 36 of the Constitution reads: “(1) Everyone has the right of litigation either as a plaintiff or a defendant and the right to a fair trial before the courts through legitimate means and procedures. (2) No court shall refuse to hear a case within its jurisdiction.”

assistance all the more important.²³

Multi-Faceted Needs for Legal Assistance and Expertise on Refugees and the NGOs That Support Them

The legal assistance requirements of refugees in Turkey range from individual representation and assistance needs in connection with status claims, detention and removal procedures, or other access to services on an individual basis, to more general, non-case-specific legal information needs regarding rights, procedures, services and obligations, which can be addressed by way of counselling and information services, whether on individual basis or in group sessions. These services can address a broad range of topics such as work rights, land and property, family reunification, and marriage and divorce.

Furthermore, in a country like Turkey, with a recently modernized legislative framework and a fledgling national asylum and migration system, policy advocacy and strategic litigation efforts also play an important role in promoting higher protection standards and improvement of legislation and policies with a view to benefitting the refugee population at large. While NGOs such as RRT assume an important role engaging in advocacy and litigation efforts, they would benefit from opportunities to further expand in their own legal expertise and judicial action capabilities.

Pro bono partnerships between NGOs, private lawyers and law firms can serve a critical role not only in generating a supplementary capacity to help address the legal assistance needs of the refugee population, but also bolstering the capabilities and effectiveness of NGO service providers and rights advocates.

Current Shortage of Free-of-Charge Legal Assistance

While bar associations and NGOs in Turkey have taken significant steps in recent years toward building their capacities and extending their services to refugees, “lingering gaps and challenges continue to hinder access to legal aid services,”²⁴ for this population, and the need for legal assistance still far outstrips the available resources.²⁵ The modestly-funded state-funded legal aid scheme administered by bar associations around the country continues to struggle to cope with legal aid requests originating from citizens and non-citizens alike on a wide scope of legal issues and problems. NGO service providers such as RRT are challenged to expand services to more locations and beneficiaries in the face of daunting funding limitations as well as difficulties arising from the Turkish regulatory environment. Due to this context, refugee rights remains an area with critical unmet legal assistance needs in Turkey.²⁶

Against this backdrop, pro bono partnerships can serve as an additional pillar to complement the state-funded legal aid system and serve to extend the reach and effectiveness of valuable NGO-run legal

23 European Council on Refugees and Exiles (ECRE), “Survey on Legal Aid for Asylum Seekers in Europe”, October 2010, p.6; see also, RRT Legal Aid Paper, at 10; and Refugee Solidarity Network, “Pro Bono for Refugee Protection: A Practical Guide for Pro Bono Partnerships in Emerging Refugee Host States”, December 2017, pp. 5-6, available at <https://refugeesolidaritynetwork.org/wp-content/uploads/2019/01/RSNProBonoPaper2-19-18WebFinalSingle.pdf> (hereinafter “RSN Pro Bono White Paper”).

24 RRT Legal Aid Paper, at 4.

25 Id.

26 Pro Bono Practices and Opportunities in Turkey, Latham & Watkins LLP, May 2019. <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-turkey-3.pdf>

service programs. Ensuring that quality legal assistance is available to refugees in a country like Turkey is a challenging undertaking, and requires the leveraging of all resources available, whether they be from NGOs, the state-funded legal aid system, or pro bono support from the private sector.²⁷

Regulatory Framework for Provision of Legal Services

In Turkey's legal professional community, pro bono culture is still in an early stage of development. In order to understand the potential for pro bono partnerships in the Turkish context (and its associated challenges), it is instructive to briefly examine the regulatory framework that governs the provision of legal services generally. While on balance the regulatory framework does not specifically preclude or limit pro bono practice, there are a number of provisions that govern attorney compensation that may have a bearing on pro bono legal services and therefore would benefit from additional clarification. Furthermore, bar associations in Turkey are entrusted with key functions in the regulation of attorney practice. As such they are critical stakeholders which can exert a positive influence on efforts to develop pro bono partnerships.

The legal profession in Turkey is regulated primarily through the Attorney Act (No.1136).²⁸ The Attorney Act defines the legal profession as both a public service and a liberal/independent profession,²⁹ aiming to both recognize and safeguard the independence of attorneys, as well as maintain a strong emphasis of the public nature of the profession. According to the Attorney Act, provincial bar associations and the Union of Turkish Bar Associations (UTBA) each assume significant functions in the regulation of attorney practice across the country.

In each of Turkey's 81 provinces (with a small number of exceptions) there is a provincial bar association, to which all attorneys practicing in the province must be registered. These professional associations organized in each province are responsible for "defending and safeguarding the order, morals, and propriety of the legal profession,"³⁰ and have the right to set and enforce local regulations (provided they are within the range of the general legal framework set by the Attorney Act and the UTBA), and have the authority to impose disciplinary sanctions.³¹ More broadly, bar associations are required to uphold the rule of law and to protect and defend human rights.³²

The Union of Turkish Bar Associations (UTBA) is the umbrella organization of the bar associations across Turkey. The UTBA is recognized as a separate legal entity entrusted with the mandate to adopt binding rules and regulations with respect to the legal profession.³³ These include, among others, the Code of Professional Conduct,³⁴ the Regulation on the Prohibition of Advertisement,³⁵ the Legal Aid Regulation,³⁶ and the annually-updated Minimum Attorney Fee Scale.³⁷ The UTBA also serves as an appellate body for disciplinary actions taken by local bar associations.³⁸ Finally, the UTBA also has a duty to uphold the rule

27 RSN Pro Bono White Paper, at 21.

28 Attorney Act, 7/4/1969 dated Official Gazette (No: 13168).

29 Attorney Act, art. 1.

30 Attorney Act, art. 76.

31 Attorney Act, art. 141.

32 Attorney Act, art. 76.

33 Attorney Act, art. 110. It is also important to note that public professional organizations are also expressly acknowledged in the Constitution under Article 135.

34 Union of Turkish Bar Associations, Code of Professional Conduct, as adopted in the IV. General Assembly, 8-9 January 1971, of the Turkey's Union of Bar Association and entered into effect on the date of its publication in the Bulletin of the Union of Turkish Bar Associations on 26 January 1970, http://d.barobirlik.org.tr/mevzuat/avukata_ozel/meslek_kurallari/tbb_meslek_kurallari.pdf, [accessed on 1 October 2019].

35 Union of Turkish Bar Associations, Regulation on the Prohibition of Advertisement, 21.11.2003 dated Official Gazette (No: 25296).

36 Legal Aid Regulation of Union of Turkish Bar Associations, 30.03.2014 dated Official Gazette (No: 25418)

37 The scale is determined by Union of Turkish Bar Associations on an annual basis and is binding for all lawyers in Turkey. For 2019's Minimum Scale, see: The Minimum Attorney Fee Scale, 02.01.2019 dated Official Gazette (No: 30643).

38 Attorney Act, art. 142, 157.

of law and to protect and defend human rights.³⁹

The singular reference in the Attorney Act to the concept of pro bono practice – without employing the term “pro bono” itself, comes in Article 164, which governs the provision of unpaid legal services generally and merely indicates that, where a lawyer offers her services free of charge (i.e. pro bono), she must inform the board of directors of the bar association.⁴⁰ Aside from that, the most relevant, and potentially complicating, part of the Attorney Act for pro bono services is the Minimum Attorney Fee Scale. In line with the independent nature of the legal profession, lawyers are legally entitled to a fee for all legal services.⁴¹ While Article 163 of the Attorney Act provides freedom to contract for attorney’s fees, Article 164 introduces a mandatory minimum and maximum scheme for those fees which, per Article 168 are published and updated on an annual basis by the UTBA.⁴² This means that, while attorneys have some flexibility in how much they charge for their services, they are prohibited from charging a lesser fee than the minimum required by law (known in some jurisdictions as “low-bono” services). While it is generally accepted that this mandatory price scheme primarily aims to address unfair competitive practices within the legal community,⁴³ and to safeguard tax interests of the Government, and even though it does not expressly speak to pro bono (as free-of-cost services), this provision presents a point of hesitation among some stakeholders regarding pro bono engagements.

Current State of Pro Bono in Turkey

At present, pro bono is a relatively new concept for the Turkish legal community, and dedicated pro bono programs run by law firms or legal departments of larger for-profit corporations are few in number. Therefore, there is much room for growth and development.

It is important to acknowledge the pioneering efforts of Istanbul Bilgi University Pro Bono Network which, since 2006, has been promoting dedicated pro bono partnerships between NGOs and law firms in Istanbul.⁴⁴ This initiative, led by Istanbul Bilgi University School of Law, has sought to bring together NGOs seeking legal advice (mostly for their organizational needs) with pro bono lawyers and law firms. Additionally, a relatively small number of international law firms through their local affiliates and for-profit corporations, have started implementing modestly-scaled pro bono activities in recent years, either linked to Istanbul Bilgi University’s initiative or developed independently. However, the overall volume and visibility of these emerging pro bono programs is quite limited in terms of impact on the legal community at large, and do not address refugee issues specifically.

It is important to note that there is a tradition in Turkey of some lawyers engaging in a relatively small number of unpaid legal cases, described as “volunteer” work, to facilitate access to rights for disadvantaged groups or individuals often associated with certain causes, or aligned to the work of NGOs or human rights organizations in line with their political and social sensitivities. In the same vein, it is observed that

39 Attorney Act, art. 110/17.

40 Attorney Act, art. 164(ii).

41 Attorney Act, art. 163.

42 Article 164 also states that the maximum rate that may be agreed upon by the parties as an attorney fee is 25% of the value of the claim and Article 163 further reads that in cases where parties exceed this allowable ceiling, the agreement shall not be declared null and void, yet the fee will still be capped at 25% of the value of the claim. Article 164/4 of Attorney Act also states that in case where parties have not agreed on a fee, or where there is not a written agreement showing the agreed amount, or where the formulation is ambiguous and thus subject to a dispute between parties, the courts have the power to set the rate between 10% and 20% of the value of the claim, provided that this final fee is not below than those stipulated under the minimum fee scale. For cases where the value of the claim cannot be measured in terms of money, the rates set under the minimum fee scale shall be applied.) In some provinces, particularly in greater metropolitan cities (such as Istanbul, Ankara, Izmir, Adana, Antalya and Kocaeli, among others), provincial bar associations also publish “advisory” fee scales. These scales are often higher than the rates set under the minimum attorney fee scale published by Turkey’s UTBA and are merely of an advisory nature. Lawyers therefore may refer to these scales while negotiating attorney fees with clients but are not required to do so. The price ceiling set under the Attorney Act continues to prevail, even in these contexts.

43 See, e.g., 24 January 2014 dated decision of the Disciplinary Board of the Union of Turkish Bar Associations, E: 2013/639, K: 2014/45.

44 Pro Bono Legal Assistance Network, Istanbul Bilgi University, <https://probono.bilgi.edu.tr/en/> [accessed October 15, 2019].

a growing number of young lawyers express an interest to contribute to not-for-profit, public interest causes, including legal protection of refugees as indicated by the growing number of private practice lawyers reaching out to RRT to ask how they may help. Indeed, a number of small-to-mid size local law firms led by such motivated younger lawyers have been participating in Istanbul Bilgi University's pro bono network activities. However, these partnerships are generally designed to benefit NGOs as organizations, as opposed to individuals in need of access to justice support.

RSN and RRT believe that dedicated, organized pro bono partnerships between NGOs and law firms can tap into preexisting interest on the part of larger law firms and corporations, small-to-mid sized law firms, and private legal practitioners to contribute to rights protection and/or public interest causes in ways that can maximize their impact and the number of beneficiaries served.

2015-2019 Judicial Reform Strategy and Strategic Plan

Although pro bono is an emerging concept in Turkey and is not specifically addressed in the regulatory framework governing attorney conduct, Turkey's Ministry of Justice (MoJ) has indicated an interest in promoting the expansion of pro bono engagement in recent years.

The MoJ 2015-2019 Judicial Reform Strategy highlighted pro bono as a "new practice area" within the scope of improving access to justice.⁴⁵ It also set out a detailed plan for providing pro bono legal services for the benefit of society in Objective 8.6, noting that "the institutionalization of the pro-bono practices within the scope of the fundamental goal of strengthening the access to justice is going to be a significant step that will lead to a change in the legal culture of Turkey..." and that "steps that will ensure the implementation of pro-bono legal services are going to be taken."⁴⁶ Additionally, the MoJ 2015-2019 Strategic Plan (a "complementary document to the Judicial Reform Strategy"⁴⁷), highlighted pro bono as one element to addressing Goal 2 of improving access to justice and practices for victims and disadvantaged groups, and included plans to organize events on pro bono legal services and to review and develop relevant legislative infrastructure.⁴⁸ While the most recent MoJ Judicial Reform Strategy and Strategic Plan (2019-2023) do not make specific mention of pro bono services,⁴⁹ these previous inclusions indicate an interest from the government to explore pro bono as a potential vehicle to improve access to justice.

45 2015-2019 Judicial Reform Strategy, Republic Turkey Ministry of Justice, April 2015, at 12, available at http://www.sgb.adalet.gov.tr/Yargi-Reformu-Stratejisi_2015_ingilizce.pdf

46 Id., at 116.

47 2015-2019 Strategic Plan, Republic of Turkey Ministry of Justice, at 14, available at <http://www.sgb.adalet.gov.tr/ekler/yayin/Stratejik-Plan-2015-2019.pdf>

48 Id. at 99.

49 2019-2023 Judicial Reform Strategy, Republic of Turkey Ministry of Justice, http://www.sgb.adalet.gov.tr/ekler/pdf/YRS_ENG.pdf; 2019-2023 Strategic Plan, Turkey Ministry of Justice <http://www.sgb.adalet.gov.tr/ekler/yayin/Stratejik-Plan-2019-2023.pdf>

IV. Pro Bono as a Complementary Supplement to Legal Aid

It is important to emphasize that RSN and RRT consider pro bono to be a complementary potential, as opposed to an alternative, to the free-of-charge legal services currently offered to refugees under the state-funded legal aid scheme administered by provincial bar associations. RRT, having long-recognized the challenges of supplying free-of-charge legal aid to the growing refugee population in Turkey, has spent the last 15 years promoting interest and building expertise among bar associations around Turkey to direct existing state-funded legal aid services to refugees and detained migrants subject to removal proceedings. RRT also successfully advocated in the early 2010s during the drafting process of the LFIP for specific references in the law to the state-funded legal aid scheme. RSN and RRT continue to implement programs in Turkey to train lawyers involved in the legal aid services run by bar associations and present policy recommendations aiming to improve the accessibility and effectiveness of legal aid services for refugees and detained migrants.

V. RSN-RRT Pro Bono Partnership Pilot Project

Despite the above-discussed efforts, the overall supply of legal assistance services through the legal aid system and NGO programs continues to fall short of meeting the vast legal assistance needs of the over 4 million refugees currently in Turkey, in addition to significant numbers of 'refugees in transit' apprehended each year in border regions and who find themselves subject to detention and removal procedures. In this context, RSN and RRT identify pro bono partnerships as a way to mobilize an additional, complementary supply of quality and free-of-charge legal services to refugees who are unable to pay for a lawyer, but also as a way to strengthen and expand legal expertise available to NGO service providers. Therefore, in 2016 RSN and RRT began identifying opportunities to engage in pro bono partnership projects with law firms in Turkey as a way to explore the potentials of pro bono partnerships to generate an additional capacity to address the legal assistance needs of refugees in Turkey.

RSN and RRT's pilot project was developed with multiple goals in mind:

- To expand the supply of free-of-charge and quality legal counselling and representation for refugees in Turkey;
- To inspire similar pro bono partnerships between law firms and NGOs by presenting a model for other NGOs to adapt and follow, thereby leading to a more significant impact on the field;
- To explore and identify challenges arising from the regulatory context or other practical concerns raised by law firms and articulate appropriate solutions that can guide future practices;
- To promote interest on the part of law firms and private practice lawyers to engage in pro bono partnerships with NGOs benefitting refugees;
- To develop contacts and linkages between NGOs working in the field of refugee protection and private lawyers and law firms in Turkey, and thereby contribute to greater connectivity and synergies.

As a first step in the exploratory stage of this initiative, and in order to channel the relevant experiences

and lessons from the US context and to examine their applicability elsewhere, RSN researched and published a White Paper on Pro Bono Partnerships in December 2017.⁵⁰ In creating a guide specifically for civil society, private lawyers and law firms in emerging refugee host states in the Global South, RSN's publication is a unique output among the various resources and publications available on pro bono.

In 2018, RSN organized and hosted a study visit to the United States for senior RRT staff, which gave them an opportunity to meet with non-profit service providers and private lawyers engaged in pro bono partnerships catering to refugees in the United States, in order understand the practical aspects and challenges of such collaborations. Among the many valuable insights gained, the visits principally provided an understanding of the measures taken by non-profits to mitigate challenges in working with volunteer pro bono lawyers and the motivations for law firms to participate in such partnerships.

Following the study visit, in early 2019 RSN and RRT initiated a process of reaching out to key contacts at law firms in Turkey for preliminary consultations followed by a more targeted outreach to selected international and national law firms. Through this engagement, RSN and RRT gained valuable perspective on law firm interest regarding pro bono partnerships, as well as their concerns, including in relation to political perceptions and sensitivities around the refugee issue, as well as broader concerns regarding pro bono case work involving litigation to challenge state practices.

In exploring the thematic scope and modalities most appropriate for a pilot pro bono partnership in the Turkish context, RSN and RRT weighed several factors, including contextual sensitivities and perspectives as well as RRT's organizational needs. Ultimately, RSN and RRT agreed on a pilot project concept focused on legal research, resource-development and group counselling.⁵¹ The ensuing pilot was designed to expand existing counselling content developed by RRT on two key topics affecting refugees: workplace and employment rights; and civil law proceedings regarding marriage and divorce and preventive and protective measures against sexual & gender-based violence.

Building off of pre-existing relationships and the targeted outreach, RSN engaged two law firms, GKC Partners (local affiliate of international firm White & Case LLP) and Dündar & Sir, an Istanbul-based local law firm, to introduce the pilot project concept and to facilitate cooperation with RRT.⁵²

The pilot project began with a legal research phase in March 2019. Following a first round that involved review of existing materials, the pilot then allowed for law firm associates to conduct additional research on the respective topics, channeling findings into the content of group counselling presentations and then participating in the delivery of such presentations themselves. As of publication of this report, the pilot generated three group counseling sessions that reached approximately 100 refugees from Syria, Afghanistan, Iran, Cameroon, Nigeria, Uganda, Côte d'Ivoire, and Congo. In addition to the direct number of beneficiaries reached, the project has significantly expanded and improved the content of the information session materials RRT had previously developed on these topics. A further significant return from this pilot partnership has been the collective learning experience for RRT, RSN and the two law firms involved, providing lessons drawn from and ideas canvassed for follow-on efforts toward building similar pro bono partnerships between NGOs and law firms to strengthen refugees' access to justice in Turkey.

50 RSN Pro Bono White Paper.

51 In addition to providing individualized legal assistance and representation services, RRT also organizes group-based information sessions for different refugee communities in Turkey on legal and procedural rights and obligations concerning migration and asylum in Turkey, and increasingly on other fields such as civil law proceedings, economic and social rights, rent and property, workplace rights and so forth. During these sessions, information on how to access a particular/a set of right(s) is presented by RRT staff, followed by a question and answer session, during which participants can ask any questions they may have. This modality of group-based information sessions has proven to be an effective way to address common questions refugee communities have, and to correct some of the prevailing misconceptions about certain laws and practices.

52 RSN and RRT would like to express their sincere gratitude to GKC Partners, Dündar & Sir, and White & Case LLP for their time, energy and commitment to this pro bono partnership. This pilot project would not have been possible without these generous investments.

VI. Preliminary Observations and Recommendations

Presented below are a series of preliminary observations and recommendations drawn from the pilot. The paper seeks to introduce these conclusions as a way to foster further thinking around the expansion of pro bono partnerships for refugee protection in Turkey and elsewhere. While some of the observations and recommendations listed concern ways in which pro bono partnerships can be developed specifically targeting the legal assistance needs of refugees, others are relevant for pro bono partnerships generally on a range of thematic areas, regardless of the specific subject matter and modalities adopted.

i. There are a variety of modalities for NGO-law firm pro bono partnerships

The RSN-RRT pilot partnership project took on a unique modality, involving both a research and presentation component with each law firm. RSN and RRT invested time to identify the proper approach to meaningfully engage with pro bono, taking into account contextual limitations, the needs RRT had identified, and available resources. The methodology and subject matter ultimately agreed upon have proven to enhance RRT's expertise and provide meaningful support to RRT's beneficiaries. Pro bono attorney teams first conducted research on either work or gender related themes, then integrated that research to update RRT's preexisting counselling materials, and ultimately presented on those same topics during the group counselling session component of the pilot project. RRT staff attorneys also took part in the sessions, and were able to answer any questions that came from the participants on asylum and immigration law-specific issues that fell outside of the scope of expertise of the pro bono attorneys. This division of labor ensured a high quality of information and advice for participating refugees who had the opportunity to ask a broad range of questions during the sessions, but it also presented a valuable learning opportunity for the pro bono attorneys involved.

Through this pilot project, RSN and RRT observed that simply bringing together private lawyers and NGOs is not sufficient in expanding quality legal assistance services for refugees. Identifying the most appropriate scope and carefully considering modalities are crucially important. Pro bono partnerships can (and do) take on a variety of forms, and should be developed in a context-specific manner. A variety of options are available for law firms and NGOs to investigate and pilot, including modalities that involve direct client representation and those which provide supplementary support to enhance NGOs' legal assistance capabilities by way of research, training or mentoring. A flexible approach duly evaluating the needs, capabilities and constraints of both parties would be helpful in identifying the most optimal partnership modality. (For a broader introduction and discussion of the various models and structures available to consider for pro bono partnerships, see RSN's White Paper on pro bono, *Pro Bono for Refugee Protection: A Practical Guide for Pro Bono Partnerships in Emerging Refugee Host States*.⁵³)

ii. Training and orientation on asylum law and refugee assistance will elevate both the impact and motivations of law firm attorneys participating in pro bono partnerships targeting refugees

In Turkey, until very recently, migration and asylum law was not a field many lawyers chose to specialize in, and with few exceptions, the majority of law schools in Turkey did not offer courses on these subjects.

53 See, generally, RSN Pro Bono White Paper.

Although this has started to change, the number of lawyers with specialized knowledge of applicable international and national legislation and practical experience assisting refugees remains modest. In this context, it is unlikely that most law firm attorneys have prior familiarity and experience in this field (it should be noted that this is also part of what motivates them to participate). Therefore, successful pro bono partnerships should envision built-in mechanisms for participating pro bono attorneys to acquire at least a basic level of familiarity with the migration management regime in place, including associated legislation and administrative practices. If the modality of the partnership will require pro bono attorneys to directly interact with refugee beneficiaries, basic guidance on how to work with traumatized individuals and how to effectively communicate with clients via interpreters would also be helpful.

Although the modality adopted for the RSN-RRT pilot project did not anticipate the pro bono attorneys providing legal counselling on asylum procedures *per se* or engaging in asylum status-related legal interventions, it was decided that some amount of training to familiarize the pro bono attorneys with the Turkish asylum system and relevant legislation would be a valuable investment, not only in terms of enhancing the quality of the project output envisioned, but also to elevate the sustainability of the collaboration. RRT as an experienced capacity-building actor for lawyers in Turkey is well-positioned to assume such a training role. Furthermore, the counselling sessions jointly conducted by RRT lawyers and pro bono attorneys provided a valuable learning opportunity for the pro bono attorneys on ways to effectively interact and communicate with refugee beneficiaries, and situating questions posed by the beneficiaries in relation to the asylum procedure-specific legal context.

As demonstrated above, such a training component and practical exchange of experience in anticipation of longer term pro bono collaborations requires commitment and investment from both NGOs and law firms.⁵⁴

iii. Building and sustaining a successful pro bono partnership requires significant time and human resources investments

RSN and RRT recognized early on in this process that establishing a pro bono pilot project in a national context where pro bono is not commonplace would be a challenging undertaking. Developing any partnership involves start-up costs, not least from a management and staff-time perspective. It takes time and effort to canvass potential law firm partners, engage and identify those that may be interested, build a level of trust and mutual understanding, explore and agree on the most appropriate scope and modalities for the partnership, and then together implement partnership activities, which requires frequent interaction and communication. The building and nurturing of successful long-term partnerships between NGOs and law firms requires significant investment.

Following development, outreach and engagement efforts involving senior managers on both the RSN and RRT side, and once the pilot partnership frameworks were in place, RRT assigned a member of its senior management team to assume the responsibility of training the pro bono attorneys, guiding and reviewing the research process they carried out, coordinating between their availability and beneficiary availability to manage the information sessions, and supervise the jointly held information sessions. While the returns were very promising and satisfactory, it was a challenge for the RRT senior manager to balance the fulfilment of the tasks required to manage the pro bono partnership process with her other duties and responsibilities. Considering the substantial staff time that had to be invested into the process, it was agreed it would be preferable if these duties and responsibilities could be entrusted to a dedicated staff person going forward.

⁵⁴ Ideally, given the long-term investment involved, these projects should be developed and planned within a codified framework including a memorandum of understanding that sets out clear principles and objectives for the partnership.

iv. Dedicated funding is necessary for pro bono projects and partnerships to flourish

As outlined above, in order to realize the full potential of pro bono partnerships, investment must be made in human resources to ensure that there is sufficient staff time on the part of both the NGO and the law firm to dedicate time and energy into the various practical aspects of the partnership process. Given that NGOs rely on public funding that is often project-based, donors should consider making grants available to support such engagements and efforts.

v. A thematically specialized “pro bono clearing house” could facilitate and help sustain connections and partnerships between NGOs seeking to benefit refugees and law firms interested in providing assistance

As explained above, for both NGOs and law firms alike, finding appropriate partners and developing the basic parameters and modalities of a pro bono partnership requires a significant investment of time and effort. RSN and RRT believe that a thematically specialized “pro bono clearing house” specifically tasked with helping to connect refugee assistance NGOs with suitable law firm partners could potentially not only speed up the development of such partnerships but also offer expertise and support to the NGOs and law firms involved during the development and implementation of such collaborations. A thematically-focused clearinghouse would allow for more focus on refugee issues and would go beyond assistance for NGOs, which is the current focus of existing programs in Turkey.

In some ways, RRT has been serving a clearing house-like function for refugee cases in the Turkish legal aid context, by facilitating and supporting access to state-funded legal aid services by making case referrals to provincial bar associations, as well as offering trainings, case-specific advice and mentoring to legal aid lawyers who are assigned refugee cases. RSN and RRT believe a thematically specialized “pro bono clearing house” could assume a similar function to help realize the potential of pro bono partnerships in Turkey by supporting NGOs and law firms to build and implement pro bono partnerships that deliver either direct or indirect legal services for refugees.

vi. Pro bono partnerships can provide significant value for law firms, and there is keen interest on the part of law firms to engage in these types of partnerships

Generally speaking, in countries with established pro bono cultures, engagement in pro bono projects elevates the recognition and brand value of the law firm and offers training opportunities for its lawyers, and in some contexts, helps meet professional ethics code requirements. The types of work and engagement that pro bono projects entail provide opportunities for junior attorneys to build upon existing skills and acquire new skills that support their growth as attorneys. More specifically, these projects can: develop lawyering skills in young attorneys; help with recruitment and retainment of new associates and improve employee morale; enhance the reputation of the law firm among other practitioners and the public; and strengthen connections possibly leading to the generation of new business.⁵⁵

The RSN-RRT pilot project provided law firm attorneys with the opportunity to engage in research, drafting,

⁵⁵ See, e.g., PILnet, Pro Bono Handbook; see also, Harvard Law School, Pro Bono Guide: An Introduction to Pro Bono Opportunities in the Law Firm, 2008, available at <https://hls.harvard.edu/content/uploads/2008/07/guide-pro-bono.pdf>.

give presentations, and provide in-person spontaneous legal advice. These are all skills relevant to legal practice broadly. The fact that these services are provided in a context outside the one traditionally experienced by law firm attorneys strengthens the diverse training aspect of such opportunities. The pro bono attorneys who were assigned to the RSN-RRT pilots indicated that they were also motivated by the cause itself, and were happy to have the opportunity to work on such a critical issue in Turkey.

From the outset of this project, RSN-RRT hoped that this pro bono partnership would serve as a pioneering example that others could model off of in the future. In this respect, the feedback received to date from the two law firm partners involved in this project has been very positive and encouraging. Counterparts from the respective leaderships of both partner law firms have expressed interest not only in follow-up collaborations with RRT and RSN, but also in forming similar partnerships with other NGOs as well, and more importantly have indicated they will encourage other law firms from their network to follow their example. Such indications of interest point to further opportunities for the development of a pro bono culture in Turkey, specifically adapted to help address the legal assistance needs of refugees as well as other vulnerable groups.

vii. International law firms can play a key role in growing pro bono culture and projects among their in-country offices and affiliates

In jurisdictions like Turkey where there is not yet a strong culture of pro bono, one critical ally for the growth of such programs are international law firms. Many of these firms originate from jurisdictions where pro bono is a more ingrained and systematically integrated part of the professional practice, and they can thus encourage their in-country counterparts and affiliate offices to embrace pro bono projects. This was specifically the experience of RSN-RRT in developing the pilot project, where engagement with the White & Case Headquarters Office in New York helped facilitate engagement with the Turkish affiliate GKC Partners. GKC Partners has in turn demonstrated extraordinary leadership and capability in putting together a strong partnership framework with RSN and RRT. These types of connections can help to provide context for pro bono, ease concerns and provide guidance within the law firm.

viii. Small-to-mid-sized local law firms as well as single practice lawyers also constitute a significant potential for pro bono involvement

RSN-RRT's outreach demonstrated that while larger international law firms have a pre-existing familiarity with the pro bono concept and have an important role to play, small-to-mid-sized local law firms – which are far more prevalent in Turkey– can also be interested in and engage in pro bono partnership initiatives and make important contributions, as was the case with Istanbul-based Dündar & Sir. The firm's partners, renowned members of the Turkish legal field, were responsive to the idea of pro bono and embraced the partnership prospect with RSN and RRT not only as a way to contribute to public interest but also as an opportunity for their firms' attorneys to gain experience in a growing and vibrant area of legal practice.

Such potential interest from smaller local law firms is also confirmed by the occasional inquiries received by RRT outside the context of this pilot project from lawyers either practicing privately or within a small or mid-sized local law firm, who inquire about ways to contribute to RRT's legal assistance work in what they characterize as a "volunteer" capacity. However, integrating "volunteer" contributions can be quite challenging, and in the absence of clearly defined terms and commitments, it is unlikely that NGOs will achieve optimal returns. RSN and RRT believe that dedicated, formalized and appropriately designed pro bono partnership modalities can tap into this "volunteer" enthusiasm, more efficiently and effectively utilize pro bono contributions of private practice lawyers, and ensure quality standards and efficient use of scarce resources.

ix. Legislative clarity (and, where necessary, reform) and/or professional guidelines would be valuable in fostering pro bono partnerships in Turkey

The Attorney Act and other relevant regulations do not prohibit pro bono practice in Turkey, however they also do not provide clarity regarding how attorneys can or should engage in pro bono practice. Although accepting a fee lower than that set out in the Minimum Fee Scale of the Attorney Act is forbidden, the notion of pro bono services is not explicitly addressed in Turkish legislation. Given the lack of any specific prohibition of pro bono, as well as the Ministry of Justice's expressed interest in developing pro bono services as a way to enhance access to justice, it would be beneficial to have clear, instructive guidelines regulating pro bono practice. The process of establishing and clarifying pro bono regulations should involve all relevant stakeholders (bar associations, NGOs, members of the legal community, etc.) to ensure ownership as well as practical rules and standards.

In the Turkish context, provincial bar associations and the Union of Turkish Bar Associations can assume a key role in promoting pro bono practices as an additional capacity to contribute to access to justice of disadvantaged groups, including refugees. A key principle that should be emphasized in this regard is the potential of pro bono initiatives as a supplement – as opposed to an alternative – to the critical access to justice benefits delivered by the state-funded legal aid system administered by bar associations. Pro bono partnerships should also be identified as a way to bolster the expertise and capabilities of NGO legal service programs that deliver similarly complementary legal information and assistance services to refugees in Turkey, as they are arguably the most under-served disadvantaged population in the country.

x. Efforts to expand pro bono would greatly benefit from leaders in the profession embracing the practice and promoting it

Where hesitation exists among the Turkish legal professional community regarding the prospect of pro bono partnerships, it may be due to a confluence of factors including a lack of legislative clarity and/or professional guidelines, but also misperceptions and/or lack of familiarity on the part of lawyers. In this context, bar associations are well-positioned to play a role in clarifying this point of hesitation and encouraging pro bono practices. As of present, more discussion and ownership is required to this end, as pro bono is a widely unfamiliar new concept in the Turkish legal community, but also because the state-funded legal aid scheme administered by the provincial bar associations is generally deemed as the apparatus for the provision of unpaid legal services to disadvantaged individuals.

Leaders in the field have begun to address this, and should be encouraged to speak out more, in order to cultivate understanding and to counteract the common misconception that those who cannot access legal services due to financial hardship should obtain legal assistance solely from the state-funded legal aid scheme. Professor Turgut Tarhanlı, Dean of Istanbul Bilgi University Law School, at an event co-hosted by the Istanbul Bar Association and Istanbul Bilgi University in July 2018, offered exactly this kind of much needed leadership in his remarks highlighting the role law firms can play in bringing about the 'public good':

The real issue here is the issue of bridging the attorneyship profession with 'common good', 'public good'. There is another distinctive factor as well. This factor is significant from the perspective of human rights. This is the concept of empowerment. So, when you aim to benefit the society via pro bono legal services, you do not actually only provide legal assistance for a specific individual or organization but you also contribute to a common good by facilitating their access to justice without making them having to bear the financial burden of it. This is in fact the primary responsibility of the state and the state provides this

service under the name of legal aid. But the real issue here is that ... the number of societal actors shouldering this responsibility (for the 'common good') should be able to expand in an open society.⁵⁶

Given the extensive needs among refugee communities in Turkey for free-of-charge legal services, in a context where the currently available supply via state-funded legal aid services and NGO programs significantly falls short, it is imperative that leaders in Turkey's legal community promote creative approaches to supplement current capacities, including through pro bono partnerships.

xi. Pro bono partnerships can contribute toward meeting development goals and commitments

For governments, including Government of Turkey, pro bono partnerships can serve to bolster existing efforts to meet both domestic and international development goals, as also addressed in the Sustainable Development Goals (SDGs) adopted in 2015 by the UN General Assembly. Indeed, the Government of Turkey's 10th National Development Plan for 2014-2018 aligns with the SDGs, including Goal 16, which focuses on Access to Justice. In the Turkish Ministry of Development's report on the preliminary steps taken by the Turkish Government to implement the SDGs, Turkey made a clear commitment to enhancing the right to legal defense and judicial assistance. Strengthening access to justice has also been identified as one of the key objectives of Turkey's Judicial Reform Strategy. Pro bono partnerships can be particularly impactful toward achieving development goals (whether domestic or international), especially regarding Goal 16 of the SDGs.

xii. Pro bono partnerships offer an opportunity for private law firms to join other stakeholders in the private sector to address challenges refugees face around the globe

Pro bono partnerships also represent public-private partnership and engagement of the private sector that embodies the spirit of the Global Compact for Refugees and the Global Forum for Refugees, as well as the "whole of society" approach they espouse. While there is still far to go, the private sector has begun to engage in this way.⁵⁷ At the inaugural Global Refugee Forum in December 2019, 218 private actors committed to 96 pledges to assist on global refugee issues.⁵⁸ Specifically with regard to legal assistance for refugees, PILnet put forth a joint pledge at the Forum on pro bono partnerships, in which 27 public and private legal actors committed to 125,230 pro bono hours per year.⁵⁹ The kind of pro bono partnerships such as the RSN-RRT pilot project allow private law firm attorneys to leverage skills and resources they already possess to contribute in a manner in line with what are swiftly becoming global norms for the private sector.

56 Pro Bono in Turkey, Istanbul Bar Association, July 25, 2018 <https://istanbulbarosu.org.tr/HaberDetay.aspx?ID=13614&Desc=T%C3%BCrkiye%E2%80%99de-Pro-Bono>

57 Private sector steps up for refugees as Global Refugee Forum opens in Geneva, UNHCR, December 16, 2019, <https://www.unhcr.org/en-us/news/press/2019/12/5df3ba964/private-sector-steps-refugees-global-refugee-forum-opens-geneva.html>

58 Pledges & Contributions Dashboard, UNHCR, <https://globalcompactrefugees.org/channel/pledges-contributions>.

59 Global Refugee Forum: RSN pledges and participation, Refugee Solidarity Network, December 17, 2019, <https://refugeesolidaritynetwork.org/announcements/global-refugee-forum-rsn-pledges-and-participation/>; Herbert Smith Freehills Joins Forces With Legal Community and PILnet to Present Pro Bono Pledge at The Global Refugee Forum at the UN, Herbert Smith Freehills, December 16, 2019, <https://www.herbertsmithfreehills.com/news/herbert-smith-freehills-joins-forces-with-legal-community-and-pilnet-to-present-pro-bono-pledge>

VII. Conclusion

In countries like Turkey, that are grappling with large refugee populations and complex migration flows in the context of nascent legal frameworks and strained administrative resources, there are inevitable gaps in the availability of legal information and assistance services for refugees. While the Turkish state-funded legal aid system and NGO-run legal service programs continue to play a vital role in addressing these needs, the current overall supply of free-of-charge legal assistance services falls dramatically short. Pro bono partnerships bringing together NGOs, private lawyers, and private law firms can generate a critical supplement to the legal services being delivered by the state-funded legal aid scheme and NGOs, ultimately helping to bridge that gap. Pro bono partnerships also give private practice lawyers and law firms a valuable opportunity to contribute to the public interest, and offers a fulfilling supplementary path for personal professional development for the attorneys involved.

The RSN-RRT pilot pro bono partnership project, which drew substantive contributions from two law firms to support RRT's existing legal information and assistance services for refugees, was the first ever collaboration of this kind in Turkey, where the concept of pro bono is still not very well-known in the legal community. The project has not only demonstrated the viability and potential of such partnerships, it has also allowed RSN and RRT to draw valuable observations, reflections and recommendations that could shed light on and inform similar future initiatives in Turkey and elsewhere. Building and sustaining such pro bono partnerships for refugee protection, as with any other lasting capability, requires a significant amount of investment and resources both at the development stage and over the course of the project to ensure quality and efficient and effective returns. A specialized pro bono clearinghouse could help facilitate and speed up such efforts by recruiting and connecting interested law firms and NGOs and offering trainings and other support services.

By involving law firms as key private sector stakeholders for the realization of the 'public good' in refugee protection, pro bono partnerships can channel new energy and harness previously untapped talent to address current challenges in the field.

About the Authors



The Refugee Solidarity Network (RSN), a New York-based non-profit association, protects the rights of people uprooted from their homes and strengthens the communities where they seek safety. RSN employs a partnership model with advocates and local stakeholders in the Global South, to develop national capacities and advance legal frameworks as a means to refugee protection. RSN has contributed to projects involving the provision of legal assistance, information dissemination, training, and strategic litigation for refugees in Turkey, Bulgaria, Greece, Bangladesh, and Mexico and engages in research and advocacy on a regional and global level.



Refugee Rights Turkey (RRT) is a leading NGO legal assistance provider for refugees, asylum seekers and detained migrants in Turkey. The organization delivers a range of specialized legal information and representation services in connection with asylum and migration procedures and access to rights issues under Turkish law. RRT also offers a range of trainings and other expertise support services to lawyers and CSO legal practitioners across Turkey, and advocates for improvements in Turkey's legislation and policies affecting refugees and migrants in line with international standards.



A publication of the Refugee Solidarity Network and Refugee Rights Turkey. Produced in the context of a project funded by the US Department of State Bureau of Population, Refugees and Migration.

© Refugee Solidarity Network 2019, All rights reserved



RSN

LOCAL SOLUTIONS TO GLOBAL CHALLENGES

www.RefugeeSolidarityNetwork.org

