



المركز العربي لتطوير حكم القانون والنزاهة

Arab Center for the Development of the Rule of Law and Integrity – ACRLI

IRAQI LEGAL HELP DESKS:

PREVIOUS EXPERIENCE IMPLEMENTED BY ACRLI

(2013-2016)

INDEX

- Introduction
 - Projects and Institutions' Overview
 - Projects' Objectives
 - Projects' Activities
- Approach and Principles adopted
- Statistics on Quantity and type of cases
- Success Stories/cases
- Challenges and Impediments
- Lessons Learned and Recommendations

PROJECTS & INSTITUTIONS' OVERVIEW

INTRODUCTION

INTRODUCTION - 1

PROJECTS OVERVIEW (1)

- ACRLI has been providing legal aid services in Iraq through its local partner Dar El-Khibra, since 2013.
- ACRLI and Dar EL-Khibra have implemented two consecutive projects supported by UNDP- Iraq and in coordination with the High Judicial council and the Iraqi Bar Association:
 - 1- "Provision of Legal Assistance Services in Rusafa Justice Palace, Baghdad, Iraq" which was extended to cover Basra and Karikh Justice Palace. (2013-2016)
 - 2- The second project was "Protection of Women and girl IDP's (Internal Displaced Persons in Central and South of Iraq". (2016-2017)

INTRODUCTION - 1

Projects Overview (2)

- The projects consisted of providing free legal and psycho-social assistance services to underprivileged people unable to afford private lawyers' fees, and marginalized, vulnerable persons including the internally displaced person (IDPs), women, girls and youth residing outside and inside the camps.
- Additional Health and medical assistance services were also provided to marginalized and vulnerable people, through referral mechanisms.
- The help desk offices were created at the justice palaces in Rusafa, Basra and Karikh; and another office was established in Al Kasinzan Camp.
- Legal aid services were also provided through mobile clinics covering some large parts of Baghdad and adjacent districts.
- Awareness campaign was created and implemented to raise the knowledge of the vulnerable people on their rights to access justice and other care services

INTRODUCTION -1

INSTITUTIONS' PROFILE

The Arab center for the Development of the Rule of Law and Integrity - ACRLI

[ACRLI \(www.arabruleoflaw.org\)](http://www.arabruleoflaw.org) is a regional non-governmental and not-for-profit organization that is headquartered in Beirut (Lebanon) with branches and representatives in several Arab countries. The overall mission of ACRLI is to contribute to the promotion of the international standards and norms of good governance on the Rule of Law, integrity and anti-corruption combat, in the Arab region. ACRLI's working experience includes judicial, parliamentary and media reforms; human rights matters; legal reforms including criminal law, civil and commercial law reform; and the role of civil society in rule of law reform.

Dar Al-Khibra (DKO)

Dar Al-Khibra (DKO) (www.dkoiraq.org) is a non-governmental and not-for-profit organization located in Baghdad (Iraq). DKO works to contribute in the development of Iraq mainly in integrity, transparency, human rights, education, health, child and environment; improve the fight against financial and administrative corruption; promote the legislations development, control their enforcement and provide free legal assistance to ensure the respect of human rights and a democratic society.

PROJECTS' OBJECTIVES

INTRODUCTION

INTRODUCITON-2

PROJECTS' OBJECTIVES

- **Overall objectives:**

1- To enforce the rule of law and protect citizen's rights through providing the marginalized communities with better access to justice and advocacy, which in turn would lead to reinforcing the accountability and transparency of the judiciary.

2- To ensure an effective legal aid system to the Iraqi citizens, particularly to the vulnerable and marginalized groups, who are either not aware of their legal rights or unable to afford a private lawyer, namely: women, juveniles, poor and people with special needs, in an attempt to guarantee the quality, efficiency, accessibility and cost-effectiveness of legal assistance services

- **Specific Objectives:** the project will specifically achieve the following results:

1) Increase access to formal justice and provide greater protection and prevention. Vulnerable segment of internal displaced women and girls within and outside the camps will have the possibility to resort to the courts and secure their rights legally;

2) Promote a higher standard of justice and raise awareness on legal rights and on the assistance scheme, through developing a legal outreach program, and undertaking legal outreach and awareness raising activities.

3) Build women and girls' capacity (from among IDPs) on their legal rights and to advocate the subject matter.

4) Ensure psycho-socio and medical assistance to victims in exceptional circumstances via a referral process, and to refer people requiring other types of assistance to suitable specialized organizations.

5) Provide a general overview on the SGBV situation aiming to analyze and assess the types of SGBV cases and the needs of displaced women and SGBV survivors.

ESTABLISHING, OPERATING AND PROMOTING THE HELP DESK SERVICES IN IRAQ

INTRODUCTION - PROJECTS' ACTIVITIES

INTRODUCTION -3

PROJECTS' ACTIVITIES (1)

1- Establishing and Operating the Legal Help Desks: to provide free legal assistance and advice; As mentioned previously three offices were established in Rusafa, Basra and Karikh justice Palace and one office in Al Kasinzan Camp in addition to several mobile clinics covering several districts:

| Baghdad | Kut |
|---------------------|------------------|
| Ninawa/Nineveh | Diyala, |
| Al-Anbar | North of Babylon |
| Salaheddine/Saladin | Yusufiyah |
| Kirkuk | Najaf |

2- Location and Set-up of the Legal Help Desk Offices of the legal help desks at the justice palaces were offered by the Iraqi Higher Judicial Council upon the request of UNDP-Iraq and were located at the entrance of the Justice Palaces (allowing an easy access for citizens). The location in itself constituted a form of advocacy as citizen would directly spot it. Their spaces have been expanded to include additional rooms which were used by lawyers and social workers. All offices were renovated (painting, electricity installation, etc.) furnished and electronically equipped, allowing people to be properly received and adequately processed.

It should be noted that the location and set-up of the office have ***respected and highly considered the security and safety concerns***. In fact, the project team has performed all the needed measures to ensure the ***personal security of the staff and citizen*** as well as the ***confidentiality of the data and information***.

INTRODUCTION -3

PROJECTS' ACTIVITIES (2)

3- Operation and Services of the Legal Help Desk

The legal help desk provided a wide range of *Legal assistance services*, including:

- Consultations on client's legal rights and responsibilities;
- Provision of Legal advice on the competent courts and the judicial and administrative procedures before them;
- Drafting legal and official claims and motions and handling follow-up before the court's clerks.

The Legal Help Desks also provided *psycho-social, health and medical assistance* through:

- Projects' social services providers
- Referral mechanism to specialized institutions (shelters, centers, medical centers, Hospitals, NGOs)

Developping the case management system to archive all the clients' records and files that automates and tracks all aspects of a case life cycle from initial filing through disposition and appeal (Sample of case record- Slide 12)

4- Elaborating a Manual on the Policies and Procedures of the Legal Assistance System:

This manual explained the intake procedures, clients' record systems, case file structures and the client referral procedures. It included:

- A detailed overview on the operation and work methodology of the legal help desk;
- The templates and forms that should be filled by the clients to apply for its services;
- A general description on the system that was adopted to archive all the clients' records and files and to track all aspects of a case life cycle from initial filing to first instance and appeal, etc.

مكتب تقديم الخدمات الاستشارية القانونية في محكمة استئناف بغداد الرصافة/ الاتحادية

السجل العام للوقوعات لسنة 2014

| الملاحظات | | مسار العمل | | | | | موضوع المراجعة | | | | الاسم والعنوان | الرقم | التاريخ | |
|------------------------------|---------|-----------------------------|----------------------------|--|---|---------|----------------|------------|---------|-----------|----------------|---|---------|------|
| ملاحظات اخرى او مرحلة الدعوى | الاحالة | الوقت المستغرق لتنفيذ العمل | تاريخ تنفيذ الاجراء المتخذ | الاجراء المتخذ | الواقعة | التاريخ | التمثيل | استشارة | المشورة | الاستفسار | | | | |
| | | | | | | | مراجعة | تقديم دعوى | تفاوض | المشورة | | | | |
| | | نصف ساعة | 1/20 | تم افهامها ان بإمكانها تقديم طلب الى قاضي تحقيق الرصافة للتحقيق في الموضوع وتلقيق صحة صدور الجواز ومن ثم احالتها الى محكمة الجنح لاتخاذ قرار بتغريمها ومنحها جواز سفر بديل . | تعرض جواز سفرها للتلف وتستشير عن كيفية استبداله . | 1/20 | | | | x | | كوثر عبد الاله عبد الرسول العنوان / العطيفية م/ 405 ز / 32 د / 24 00128943 | 11 | 1/20 |
| | | نصف ساعة | 1/20 | تمت اجابته ان بإمكان خطيبته تقديم شكوى الى قاضي التحقيق ضد القائم بالتهديد لاتخاذ الاجراءات القانونية بحقه وتمتعين بالشهود لاثبات ذلك . | تعرضت خطيبته الى التهديد من قبل اقاربها بسبب قبولها الاقتران به ويطلب كيفية ردعهم . | 1/20 | | | | X | | علي منير حمزة العنوان/ كراة داخل م/ 907 ز / 19 د / 9 هـ / 079012256 36 00035599 | 12 | 1/20 |

INTRODUCTION -3

PROJECTS' ACTIVITIES (3)

5- Developing a Legal Outreach Campaign to Promote Legal Rights and Awareness of the Legal Assistance Scheme:

This campaign started from the assumption that the underprivileged people often suffer from limited knowledge on legal related matters, and thus need to be continuously informed about their rights through media and outreach outlets, such as radio appearances, newspaper interview articles, printing publications, posters, brochures, banners.

Thus, a communication plan was developed, based on clearly-defined objectives, to convey a set of coordinated messages through specific activities, tools and products.

5.1- Developing Outreach Materials: pamphlets on the project's services; large posters that were placed at the entrance of courts; Series of brochures entitled "know your rights" included a detailed explanation of very important topics in the field of personal status matters, such as *marriage and divorce*, *custody* and *guardianship of minors*. These brochures, were directed mainly at the vulnerable groups (targeting mainly women) who are mostly still ignorant of their basic legal rights, and were circulated to more than 2300 persons during the legal clinic sessions as well as in the courts, police stations, prisons, detention centers, universities, juvenile rehabilitation centers; relevant organizations of child, women, and vulnerable groups; as well as the under developed neighborhoods and poor areas.

- [Brochure on marriage and divorce](#)
- [Brochure on custody](#)
- [Brochure on guardianship of minors](#)

INTRODUCTION -3

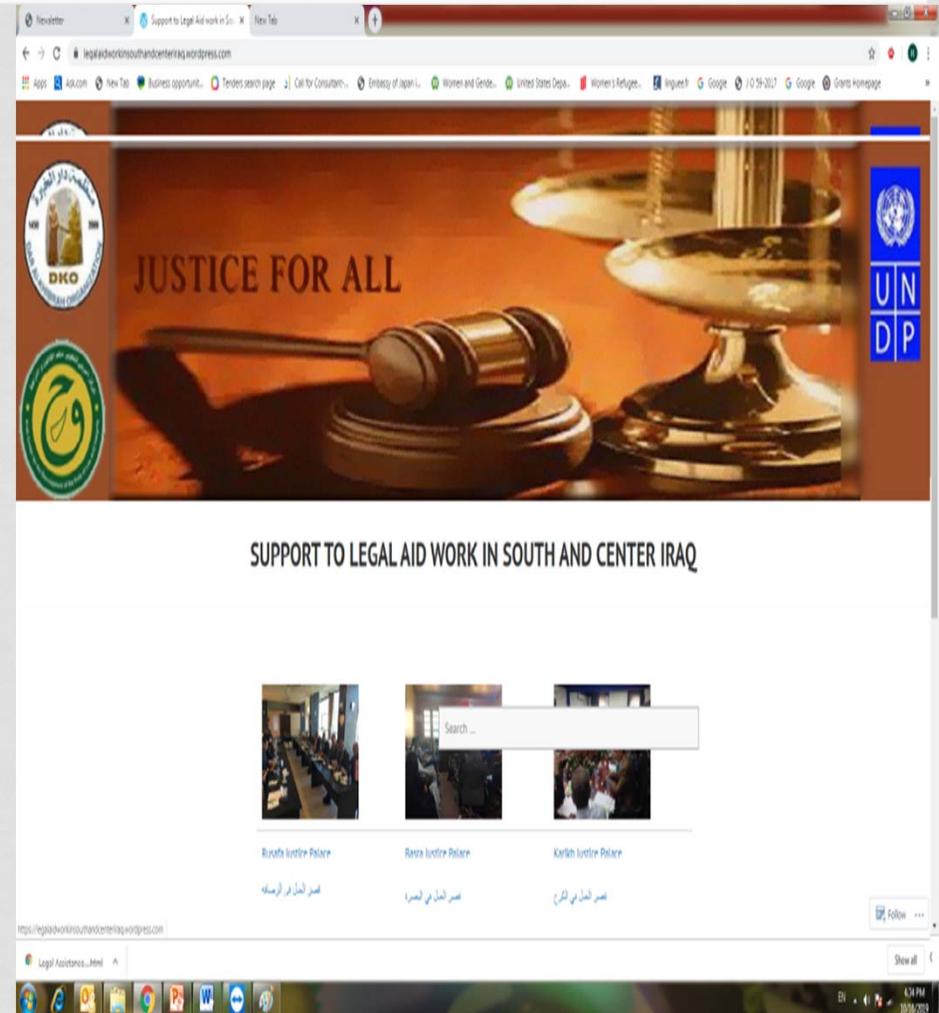
PROJECTS' ACTIVITIES (4) –

5.2 -DEVELOPING & IMPLEMENTING OUTREACH SERVICES

An *online blog* for the project was developed on the following address:
<https://rusafalegalhelpdesk.wordpress.com/>

Said blog provided an overview on the project, the legal assistance services, its objectives, main activities, as well as partners and allies.

Also, each of Dar El-Khibrah (<http://dkoiraq.org>) and ACRLI (www.arabruleoflaw.org) have enabled a space on their website for the project and the blog, linking it to other related and useful websites such as the Iraqi Higher Judicial Council, Iraqi Ministry of Justice, Iraqi Human Rights Ministry, and other related sites.



INTRODUCTION -3

PROJECTS' ACTIVITIES (5) –

5.2 -DEVELOPING & IMPLEMENTING OUTREACH SERVICES

A *short movie* was developed and posted on YouTube https://www.youtube.com/all_comments?v=pKQ_4gNk2ak to encourage citizens to visit the legal help desk and use its services. In the same line, a Facebook page was created to introduce its followers to the project and to their basic legal rights. Also, the News ticker of the Iraqiya TV channel included reference to the legal help desk of the project



Brief Table on the Twelve Clinic Sessions Conducted within the LHD Project

| Description of the Activity | Date | Place | Audience | Points of Discussion |
|-----------------------------|------------|--|--|--|
| Clinic session 1 | 12/01/2014 | Higher Institute for Security and Administrative Development- The Iraqi Ministry of Interior | - Students in the Institute | <ul style="list-style-type: none"> • The importance of the citizen's access to justice. • The role of governmental institutions, among which the ministry of interior, in raising the citizens' awareness on their legal rights. • An overview on the services of the legal help desk in Rusafa Justice Palace. |
| Clinic session 2 | 24/01/2014 | Oil and Cultural Center- Baghdad | - CSOs representatives - Media representatives - Parliamentarian committees representatives | <ul style="list-style-type: none"> • An overview on the services provided by the legal help desk in Rusafa Justice Palace to the vulnerable and marginalized groups. • The importance of cooperation between the help desk, the concerned CSOs and the parliamentarian committees. |
| Clinic session 3 | 06/03/2104 | Cultural Center- Ministry of Culture- Baghdad | - Cultural Centers representatives from various areas of Baghdad - Teachers - Directors in the ministry of culture - Lawyers - Media representatives | <ul style="list-style-type: none"> • The importance of the citizen's access to justice. • An overview on the services of the legal help desk in Rusafa Justice Palace. |
| Clinic session 4 | 11/03/2014 | Al-Mansour University- Baghdad | - University students - Representatives from the Ministry of Interior - Media representatives | <ul style="list-style-type: none"> • The importance of the citizen's rights to access to justice. • The role of the legal help desk in Rusafa Justice Palace. • An overview on the legal services of the help desk office. |
| Clinic session 5 | 01/04/2014 | Al Sunni Wakef Center- Baghdad | - Staff of the Center - CSOs representatives | <ul style="list-style-type: none"> • A detailed explanation of the legal help desk and the role it can provide to the disadvantaged people who are unable to afford private lawyers. |

INTRODUCTI ON -3 PROJECTS' ACTIVITIES (6)

5.3 Implementing 12 Legal Clinic Outreach Sessions to provide awareness on the legal help desk and its services to the citizen as well as the related policies and procedures

INTRODUCTI ON -3 PROJECTS' ACTIVITIES (6)

**5.3 Implementing 12
Legal Clinic Outreach
Sessions** to provide awareness on the legal help desk and its services to the citizen as well as the related policies and procedures

| | | | | |
|-------------------|------------|---|--|--|
| Clinic session 6 | 12/04/2014 | Women for Future Organization- Baghdad | <ul style="list-style-type: none"> - CSOs representatives - Divorced women | <ul style="list-style-type: none"> • The importance of the citizen's rights to access to justice. • An overview on the legal services of the help desk office. |
| Clinic session 7 | 20/05/2014 | Rusafa Justice Palace | <ul style="list-style-type: none"> - Staff of the different departments in Rusafa Justice Palace | <ul style="list-style-type: none"> • An overview on the legal help desk and the type of services and legal assistance that can be offered to the citizens. |
| Clinic session 8 | 21/05/2014 | National Center for Administrative Development and Information Technology | <ul style="list-style-type: none"> - Employees of the Center | <ul style="list-style-type: none"> • An overview on the legal help desk and the type of services and legal assistance that can be offered to the citizens. |
| Clinic session 9 | 31/05/2014 | Peace Ard Al Nakhlah Organization | <ul style="list-style-type: none"> - CSOs representatives - Representatives from some concerned public departments - Representatives from the academic sector | <ul style="list-style-type: none"> • The importance of the citizen's rights to access to justice. • An overview on the legal services of the help desk office. |
| Clinic session 10 | 12/06/2014 | Rusafa Justice Palace | <ul style="list-style-type: none"> - National Center for Human Rights, - CSOS representatives - Law students - Staff from Rusafa Justice Palace | <ul style="list-style-type: none"> • An overview on the legal services of the help desk office. • The need for cooperation with the concerned CSOs dealing with human rights issues. |
| Clinic session 11 | 12/08/2014 | Arab Geology Union Room | <ul style="list-style-type: none"> - Staff of the commission of Integrity - CSOs representatives | <ul style="list-style-type: none"> • An overview on the legal services of the help desk office. |
| Clinic session 12 | 14/08/2014 | Baghdad Hotel | <ul style="list-style-type: none"> - Women for Peace staff - CSOs representatives | <ul style="list-style-type: none"> • An overview on the legal services of the help desk office. • The need for cooperation with the concerned CSOs dealing with human rights issues. |

INTRODUCTION -3

PROJECTS' ACTIVITIES (7) -

6. Creating a National Legal Aid Network to Provide Suitable Assistance to the Legal Help Desk Clients when needed:

- Psycho-social and medical support, to the beneficiaries of the legal help desk clients. This network consisted of governmental institutions as well as non-governmental organizations in the human rights field i.e. women, juvenile, etc... in addition to psychology departments and legal medicine.
- Some of the CSOs: " Al Suruh for development organization", "Women for Peace organization", "Tammouz Organization for Social Development TOSD", "Iraqi Organization for Woman and Future", "the Organization for Justice and Peace", "the Iraqi Council of Minorities", "the Martyrs Organizations", and "the Cultural Forum for the Iraqi Women Association". Al-Safouh organization for Human Rights. Al-Rabie organization.
- The project has built strong relations with the Iraqi Bar association, the directorate of the family protection police, Psychological Research Center at the Ministry of Higher Education & Scientific Research, and chiefs of tribal in Samarra region, namely with elders at the private clan Nissan; chiefs of Jabbour clan in Baghdad

APPROACH AND PRINCIPLES ADOPTED

IRAQI HELP DESKS

APPROACH & PRINCIPLES ADOPTED BY THE LEGAL AID SYSTEM -1

1. Principles adopted by the Help desk team: The legal aid system should be based on the following principles:

- Accessibility of free legal aid services;
- Focus on the needs of free legal aid services' beneficiaries;
- Equality in utilization of free legal aid and prohibition of discrimination of beneficiaries;
- Providing incentives for general dissemination of legal information and for counseling on the part of the organ providing free legal aid;
- Providing incentives for peaceful dispute resolution;
- Efficiency and sustainability;
- Transparency of all forms of activities regarding management and decision-making;
- Efficient monitoring, control and improvement of free legal aid services' quality.

APPROACH & PRINCIPLES ADOPTED BY THE LEGAL AID SYSTEM - 2

2. Quality Assurance mechanisms and measures:

In line with international norms and best practices, the project has created and followed a system of quality assurance in provision of legal aid services, guaranteeing a high level of professionalism and high quality of legal aid services, in to create and develop a culture of quality. Quality of outcome will depend on:

- The quality of legal advice (for example in terms of accuracy and completeness, as well as the absence of manifest errors)
- Service quality in terms of how the legal advice is being delivered to the client (i.e. client care).
- Quality Assurance (QA) involves confirming that **(1)** service meets all requirements when measured against the purpose of and targets for providing that service. For example: those seeking legal advice should feel that they have received the advice they expected in a timely way; and **(2)** legal aid providers maintain the highest standards of ethical conduct and the highest level of customer service by providing:
 - a **confidential** and impartial environment to discuss the clients circumstances;
 - a **constant presence** to ensure the provision of continuous legal advices;
 - a **respectful, courteous, careful** and **professional** service representative who will listen to the clients concerns;
 - **accurate and timely** response time to the clients' inquiries and requests for information and legal advice

APPROACH & PRINCIPLES ADOPTED BY THE LEGAL AID SYSTEM - 3

3. Providers of the legal aid and other assistance services

Qualified legal aid providers should be nominated, providing high-quality legal aid with optimal usage of available resources. Legal aid service should be offered by:

- **Practicing lawyers**, members of the bar association, having at least 5 years of experience in the field; or
- **Retired Judges** having the right of representation before the courts;
- **Paralegals** assisting clients by dedicating time to discuss information and facts with them and helping them to access other services, assist the lawyers for executing legal research as well as to promote and raise awareness of the legal assistance service; and
- **Social workers** having a minimum of 2 years of experience in working with vulnerable people and have the right attitude toward community problems

Service providers' team:

Each help desk office includes:

- 4 lawyers who provided legal assistance and representation
- 2 Two social workers who provided social and psychological support to the beneficiaries such as mental health assistance, social assistance, etc. and for additional services such medical assistance beneficiaries were referred to specialized institutions, etc...
- An outreach communication officer who was responsible for raising awareness on the legal aid services.
- In addition to the management and administrative staff.

All legal aid providers possess education, training, skills and experience commensurate with the nature of their work, including the gravity of the offences, and the rights and needs of women, children and groups with special needs.

STATISTICS ON QUANTITY AND TYPE OF CASES

IRAQI HELP DESKS

QUANTITY AND TYPES OF CASES - 1

*Project "Provision of
Legal Assistance
Services in Iraqi
Justice Palaces-
LHD"*

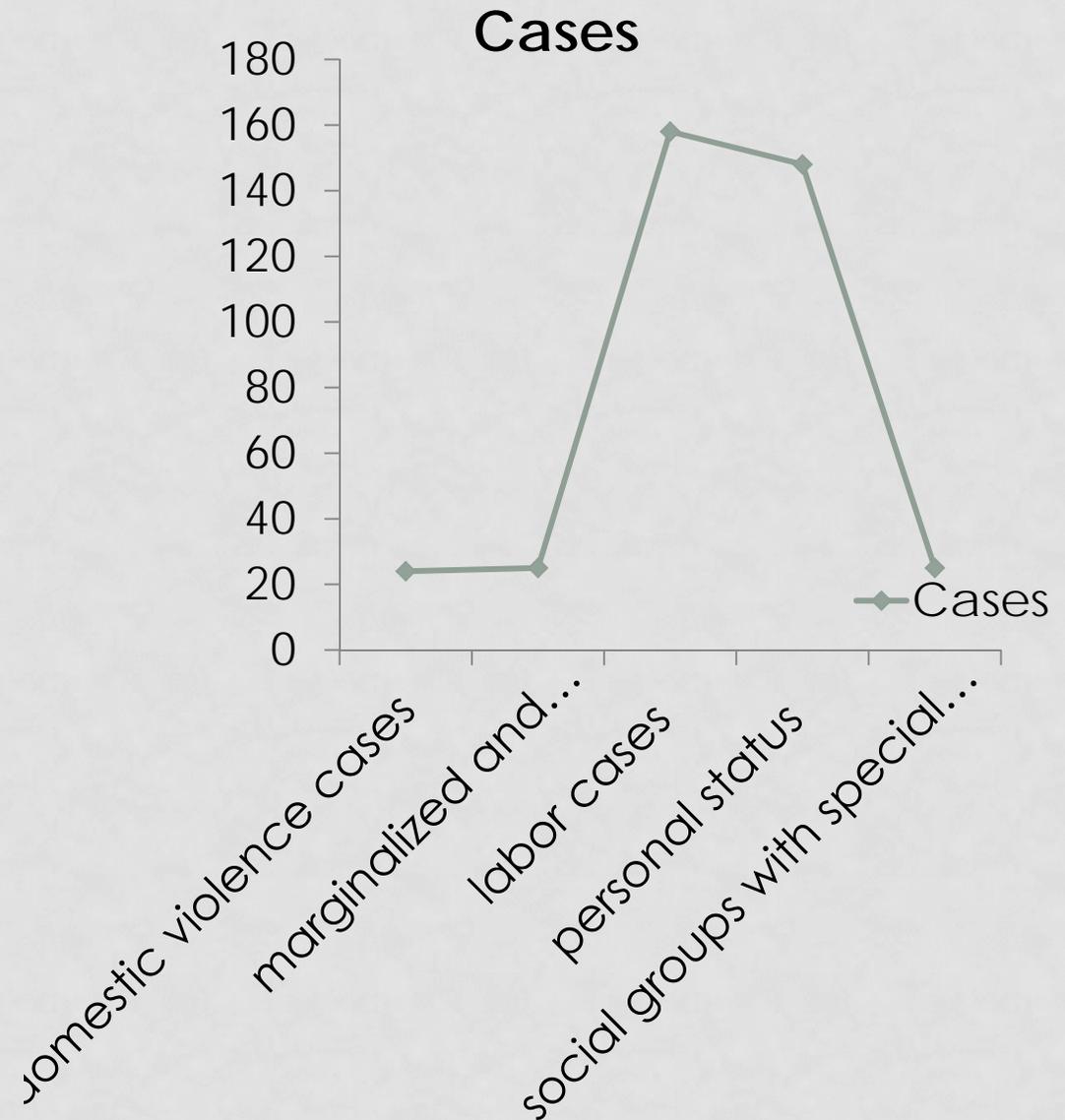
According to the statistics provided by the legal help desk, as revealed by the electronic records and files of the legal aid system:

- The help desk provided legal consultations and advices for around 386 cases over a period of 10 months; this amounts to an average of 32 new cases per month.

- These cases were distributed among -
 - 24 domestic violence cases,
 - 25 marginalized and vulnerable women cases,
 - 158 labor cases (employees and poor citizens),
 - 148 personal status and civil cases,
 - 25 cases for social groups with special needs.

QUANTITY AND TYPES OF CASES - 1

Project "Provision of Legal Assistance Services in Rusafa Justice Palaces- LHD

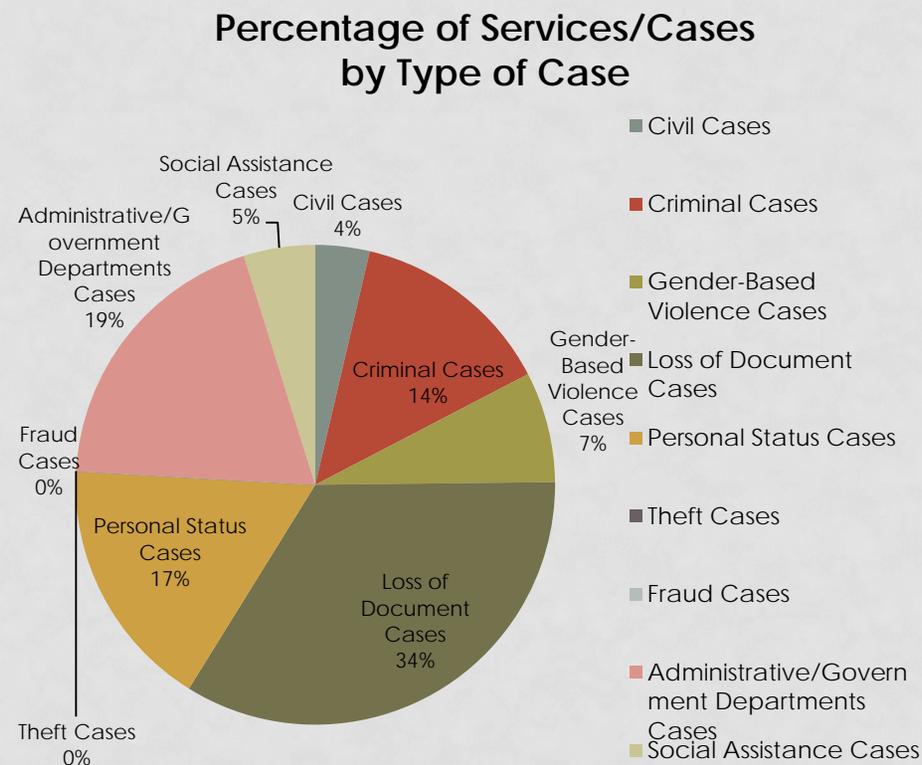


QUANTITY AND TYPES OF CASES - 2

PROTECTION OF WOMEN AND GIRL IDP'S IN CENTRAL AND SOUTH OF IRAQ" (PWG) - 1

Repartition of Legal Assistance Services and Legal Representation Cases by Nature of Cases/Consultations

| Nature of Cases/Consultations | Number |
|---|------------|
| Civil cases | 25 |
| Criminal cases | 94 |
| Gender-Based Violence cases | 51 |
| Loss of Document cases | 233 |
| Personal Status cases | 117 |
| Theft cases | - |
| Fraud cases | - |
| Administrative/Government Departments cases | 132 |
| Social Assistance cases | 33 |
| TOTAL | 685 |



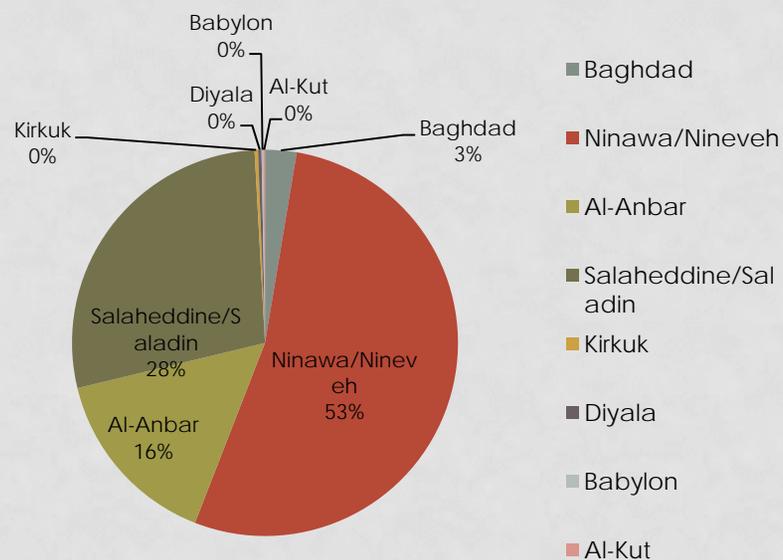
QUANTITY AND TYPES OF CASES - 2

PROTECTION OF WOMEN AND GIRL IDP'S IN CENTRAL AND SOUTH OF IRAQ" (PWG) - 2

Repartition of Legal Assistance Services and Legal Representation Cases by Geographical Areas

| Province/City | Number |
|---------------------|------------|
| Baghdad | 18 |
| Ninawa/Nineveh | 365 |
| Al-Anbar | 105 |
| Salaheddine/Saladin | 191 |
| Kirkuk | 2 |
| Diyala | 2 |
| Babylon | 1 |
| Al-Kut | 1 |
| TOTAL | 685 |

Percentage of Services/Cases by Areas



SUCCESS STORIES & CASES

IRAQI HELP DESKS

SUCCESS STORIES & CASES

PROJECT "PROVISION OF LEGAL ASSISTANCE SERVICES IN JUSTICE PALACES- (LHD) - 1

Samples of some of the success stories:



These names and images are not of the actual beneficiaries

DIANA

Diana, an old Iraqi woman, purchased a residential house from the government in 1992. This house, which was confiscated by the regime, belonged to a family of Iranian descent that was forced to leave the country.

After the fall of the former regime in 2003, the Iranian family returned and filed a lawsuit against this woman claiming the return of the house, based on a law issued under the new regime.

The legal help desk enabled Leila, to defend her right in the house that she legally purchased and to obtain a court decision in her favor, keeping the house in her name.



These names and images are not of the actual beneficiaries

FARAH

Farah, a poor widowed woman with minor children (under 18 years old) sought the aid of our legal help desk.

She asked for legal advice on how to obtain for herself and her minor kids, a support claim at the expense of her sole employed daughter.

The help desk prepared a strengthened statement of claim for Farah and filed it before the Court of Personal Status. The legal advisor also worked on presenting confirmation from official authorities and witnesses that Farah is a poor widow with no financial resources.

This case was successful and the Court issued the required support.

SUCCESS STORIES & CASES

PROJECT "PROVISION OF LEGAL ASSISTANCE SERVICES IN JUSTICE PALACES- (LHD) - 2

Samples of some of the success stories:



These names and images are not of the actual beneficiaries

LEILA

Leila, an Iraqi mother, referred to the legal help desk claiming that there was a legal separation (divorce) between her son and his wife.

The couple has a daughter together, yet, the ex-wife does not allow the man to see his daughter.

Thus, the help desk assisted the son to file a lawsuit before the Court of Personal Status against his divorcee to grant him the right to see his daughter once or twice per month.

After several pleadings, the court issued a decision obliging his divorcee to allow him to see his daughter once per month at the place agreed upon.



These names and images are not of the actual beneficiaries

SAMER

Samer, a middle-aged Iraqi, works at a private sector company.

He was subject to an injury that resulted into a 30% physical disability, and the company refused to compensate for his injury.

He sought advice in our legal help desk on how to obtain his right. Hence, we helped him file a lawsuit before the Court of Labor demanding the company (that does not observe the workers' safety measures) to compensate for the physical and moral damages incurred on him as a result of the injury.

After several pleadings, the company offered him a certain amount of money as compensation in exchange of withdrawing the lawsuit.

Samer thus received the requested compensation and the court issued a decision in this regard.

SUCCESS STORIES & CASES

PROJECT "PROVISION OF LEGAL ASSISTANCE SERVICES IN JUSTICE PALACES- (LHD) - 3



These names and images are not of the actual beneficiaries

KHALED

Khaled, a retired Iraqi, used to work for a private sector company. However, his retirement pension allocation was delayed for several months due to the company's negligence and its delayed payment of the social security charges imposed by the Law.

Khaled was affected by this delay and requested the legal help desk's assistance in order to obtain financial compensation from the company for such damage.

The legal advisors prepared a statement of claim to be submitted to the relevant Labor Court, where it has been reclaimed to compel the company to compensate Khaled for the damages inflicted on him.

After several pleadings, the company acknowledged Khaled's rights before the Court, and expressed its willingness to compensate him with an amount of money agreed upon in court in exchange of withdrawing the lawsuit.

Indeed, Khaled was compensated and he received the amount agreed upon.



These names and images are not of the actual beneficiaries

SARAH

Sarah, along with her daughters, was subject to mistreatment by her husband.

So, she filed a complaint (lawsuit) against him. The husband was transferred to the Penal Court for trial and later on he changed his behavior and started to treat Sarah and her daughters well.

Sarah referred to our legal help desk to enquire on whether she can withdraw the lawsuit filed against him in order to guarantee the unity of the family.

We informed her that withdrawing the complaint is possible because the offense occurred between relatives.

The help desk also advised Sarah about the need to withdraw the lawsuit before the judge during trial for the purpose of conciliation and family reunification.

The court responded to Sarah's request and decided to close the case.

SUCCESS STORIES & CASES

PROJECT "PROVISION OF LEGAL ASSISTANCE SERVICES IN JUSTICE PALACES- (LHD) - 4

NOUR



These names and images are not of the actual beneficiaries

Nour, a 27-year-old Iraqi woman was subject to battering from her husband with whom she has 3 children.

The beating marks were seen on her face, and Nour suffered from psychological distress especially that she considered her husband to be an educated person whom she had known since college.

Upon presenting the case to the social researcher and legal counselor, they decided to resolve the issue by resorting to two methods.

The first one is by advising Nour to get a medical report that proves her suffering and helps in filing and winning a lawsuit. The second one is by succeeding in bringing in the relatives of the husband and wife and reaching an agreement that spares the family the consequences of jailing the father.

A reconciliation took place and Nour returned to her house.

Most importantly, the legal help desk informed the husband that it, along with humanitarian organizations, can interfere at any time in case the beating reoccurs.

KARIM



These names and images are not of the actual beneficiaries

Karim, an Iraqi man, was assaulted during a fight with another one person. This fight left bruises on Karim.

Karim referred to our legal help desk. The legal advisor prepared a request which was submitted to the investigating judge who issued a decision to arrest the man who assaulted Karim.

However, due to the accused's young age and his family intervention to resolve the issue without resorting to court, our help desk encouraged Karim to reconcile with the accused who has promised to never repeat such action.

The lawsuit was dropped and the accused was released.

SUCCESS STORIES & CASES

PROJECT "PROVISION OF LEGAL ASSISTANCE SERVICES IN JUSTICE PALACES- (LHD) - 5

AYA



These names and images are not of the actual beneficiaries

Aya lent an amount of money to another person in conformity with a promissory note due for collection on call.

However, the person has refrained from paying Aya despite her continuous requests.

She consulted the legal help desk on how to reclaim the debt. The legal advisor organized a statement of claim before the relevant court requesting it to compel the debtor to pay the amount.

After several pleadings, the court issued a decision obliging the debtor to pay the amount to the Aya.

IMAN



These names and images are not of the actual beneficiaries

Iman, a poor Iraqi, resides in a house that she divided into two and rented one of them to another family in order to support her family.

After a period of time, the rented house was about to collapse and the family residing therein refused to evacuate.

Thus, Iman consulted the legal help desk on how to oblige the family to evacuate in fear of the house collapsing.

We filed a lawsuit before the relevant court to compel the family to evacuate the house for safety purposes.

After several pleadings, the court decided to oblige the family to evacuate the house and hand it empty, as it was convinced of the evacuation's reasons.

SUCCESS STORIES & CASES

PROTECTION OF WOMEN AND GIRL IDP'S IN CENTRAL AND SOUTH OF IRAQ -6

1- The team of lawyers has provided a woman victim of gender-based violence with the adequate legal advise/consultation to file a complaint against her husband. The help desk lawyers have met the woman-victim. She was mistreated by her husband and suffered from domestic violence, which led to take her to a hospital. The help desk team has also helped the woman to take all necessary measures to protect herself in order to avoid her exposure again to violence.

2- The help desk lawyers have met a divorced woman victim of domestic violence who was suffering from the absence of her children. Her ex-husband has taken the children by force even though she has the custody in her favor. She was afraid to confront her husband and she was not aware about the legal procedure to follow in order to get back her children. The lawyers at the help desk have informed her about her rights and provided with the needed advise to file a complaint before the court.

3 - A woman has asked for the assistance of the help desk office in order to inform her whether she can get a divorce from her husband or not. Her husband has refused to divorce her despite the fact that he was sentenced to death. The project team has provided the women with the needed legal consultation in order to get a judgment of divorce from the court.

4- The team of lawyers has succeeded to inform a woman about her rights to get separated from her husband who left her for more than two years. The woman was in belief that she cannot present an official request of separation unless her husband is present and approves the separation. The team has provided the woman with the needed legal assistance.

5- The lawyers' help desk have succeeded to provide a woman with the adequate legal consultation regarding her rights to get separated from her husband who left her for more than two years. The woman believed that she could not present an official request of separation. The team has informed her about her right to present a lawsuit and assisted her in following the legal and administrative procedures.

SUCCESS STORIES & CASES

PROTECTION OF WOMEN AND GIRL IDP'S IN CENTRAL AND SOUTH OF IRAQ -7

6- The project team has noticed that lot of women were subject to theft treat and even to theft actions in Najaf area. The help desk lawyers have met several women-victims and have provided them with the needed assistance. Th7 team has also succeeded to provide additional security measures to protect the IDPs. For this purpose, the team has coordinated with the head of the Appeal Court in Najaf and the competent police department.

7- The lawyers' help desk have provided the required legal assistance to a divorced woman who was afraid and in ignorance about her rights regarding the custody. The team has assisted the woman and informed her that she is legally entitled to have a right for the custody of her minor daughter. The team has also informed the woman of her right to request a financial compensation and other related rights. As a result, the woman may file a lawsuit case before the competent court in order to defend her rights.

8- The project team has positively managed and succeeded to coordinate with the judge of personal status in order to facilitate the procedures related to filiation and parental descendant chain cases, bearing in mind that such cases are presented by IDPs. In fact, the IDPs cases were collected, gathered and received, children were referred to the forensic medicine to fix their ages. It is noteworthy to mention that the courts were not accepting to register filiation and parental descendant chain cases; however, the project team has succeeded to reinstate the legal individual rights and adjust the situation. We consider this course of action by the project team as being an outstanding achievement of human rights implementation.

9- The team of lawyers has succeeded to undertake and complete all the required procedures in order to enable many displaced families to return and resettle at their own homes, previously quitted due to force majeure/security reasons matters.

CHALLENGES & IMPEDIMENTS

IRAQI HELP DESKS

CHALLENGES & IMPEDIMENTS -1

Some impediments have delayed and halted certain activities of the project. The project team, succeeded in most of the times to overcome these impediments and resume the timely, efficient and effective operation

| Challenges | <i>Risk Mitigation</i> |
|---|--|
| <p>1- Security Situation has deteriorated during the project's implementation. Al Kasinzan Camp was bombed several times and several IDPs were injured. The United Nations High Commissioner for Refugees (UNHCHR) has stated that Al Kasinzan Camp is one of the most dangerous and risky camps in Iraq. The emerging bad security situation has created a sense of fear among women and has impeded the possibility to access the help desk office</p> | <p>The project team has increased and intensified the mobile clinics' work in order to target the refugees and IDPs who were unable to access the office premises due to the security situation. The project's lawyers, the social worker and the community mobilisers have deployed immense efforts and have provided their services as mobile teams i.e. they have visited the IDPs tents to provide the legal and psycho-social services.</p> |
| <p>2- The non-receptiveness of the target groups to the activities of the project, especially in view of the existing trust crisis between the citizens and the actors of the justice system.</p> | <p>The project team was attentive to this situation and addressed it though focusing on raising awareness as a basic component of the outreach campaign, whereby it introduced the citizens to the legal services of the project and focused on their ultimate goal which is increasing the access to justice and strengthening the transparency of the judiciary</p> |
| <p>3- The women non-receptiveness to benefit from the services: a large number of refugees and displaced women were not aware of their legal rights and/or were unable to recourse to court and to afford to pay a lawyer.</p> | <p>An awareness campaign was launched focusing on women's, refugees and IDPs rights, the importance of access to justice and the availability of the help desk services. The approach of the project's mobile team has encouraged the clients to benefit from the help desk services. It is noteworthy to highlight that the project's team awareness efforts have led to positive results.</p> |

| Challenges | <i>Risk Mitigation</i> |
|---|--|
| <p>4- The target groups' reluctance to benefit from the help desk because of their proud to ask for free services: Due to the high self-esteem of many beneficiaries who viewed the project's free services as damaging to their person ego, given the closed Iraqi community. A large number of displaced women were embarrassed to recourse to the help desk services. They were anxious and uncomfortable to seek free services.</p> | <p>The outreach campaign stressed the fact that the legal services will be provided with utmost confidentiality while respecting the privacy of the recipient and the related case. The team has ensured the women's relief while providing the services. The professionalism of the team who provided very smoothly and discreetly the services has progressively eliminated all concerns.</p> |
| <p>5- The non-receptiveness and reluctant SGBV survivors to expose their real-life stories: Women victims of gender based violence, sexual violence, domestic violence or even any family related matters refuse to recourse to the help desk services. They are hesitant, unwilling and reluctant to expose their privacy to public.</p> | <p>The project team has insisted on the confidentiality and privacy of the services. The team has worked very smoothly and discreetly and has ensured the women's relief in the aim to gain their confidence</p> |
| <p>6- Hesitancy of the Iraqi Bar Association to cooperate with the project. Such position is believed to have resulted from the bar's misconception that the project poses a competition to legal services offered by the Bar and the lawyers, and would eventually lead to a decrease in the work of many member lawyers</p> | <p>The project team, in cooperation with UNDP-Iraq, has exerted all efforts to meet with the representatives of the Bar Association in order to emphasize the idea that the legal help desk will restrict its services to specific low-income beneficiaries who cannot afford a private lawyer; and thus will refuse to assist any individuals whose financial situation allows them to seek private representation. The Project team also suggested signing an agreement with the Bar Association for mutual referrals; this means that any client who is unable to afford a private lawyer would be referred to the legal help desk by the Bar Association and contrariwise any client whose financial situation enables him to afford private representation would be referred to a lawyer member of the Bar by the legal help desk.</p> |

LESSONS LEARNED & RECOMMENDATIONS

IRAQI HELP DESKS

LESSONS LEARNED & RECOMMENDATIONS

-1-

The project team reached a number of experience-based generalizations that can be used for future projects; these are the lessons learned.

1- An effective reform project has to take a comprehensive and long-term perspective in defining its objectives and formulating its activities, and thus should set sustainability as a basic priority. This can be achieved mainly through capacity-building trainings and technical assistance, as well through advocacy and outreach campaigns.

2- Civil society actors play an important role in representing the views of local people and can provide analysis and insight into the informal practices of institutions and actors. Thus, engaging with CSOs is vital, especially in projects that set outputs at the community level and that aim to enhance governance and transparency in the justice service sector. This engagement should be done at the initial phases of the project in order to ensure a buy-in that would reflect in the active cooperation of the organizations all through.

3- For a reform project to achieve its desirable results, especially in the justice sector, a relaxed timeline should be set; i.e. the project activities should be implemented over a lengthy period of time and not compressed in one single year in order to leave room for assessment-based modifications and adaptations

LESSONS LEARNED & RECOMMENDATIONS

-2-

Lessons Learned

4- In post-conflict countries, especially those that still suffer from violence and instability, reform is viewed as a luxury. Thus, extra effort should be exerted in order to convince people of the importance of reform as, both, a consequence and introduction to security. The key is conducting awareness raising campaigns that underline the urgent need for judiciary modernization, which should not be mutually exclusive with the demand for security, and that introduce various reform initiatives

5- Outreach activities, which have a strong impact on the citizen's awareness and lead to an increase in the number of beneficiaries, always benefit from the recruitment of a media expert as part of the project team. When planning an outreach campaign, determining 'how, when and where' information is to be disseminated is as critical as determining 'what' information is to be disseminated. Thus, allocating the necessary financial and human resources for media planning, purchasing and monitoring generally improves the efficacy of media campaigns.

6- Communication with stakeholders is the key to success; this communication should start at the initial stages of project development. The lack of consultation with key local actors can unwittingly create obstacles and challenges during implementation; thus, all stakeholders and their opinions should be taken into account in the process of design, implementation and assessment

NUMBER AND FIGURES

1- LEGAL SERVICES (1)

A- IDP camp:

| Service provided during reporting period | Total No. | Female | Male |
|--|-----------|--------|------|
| Legal consultation (once-off meetings with lawyer) | 183 | 179 | 4 |
| Legal counselling (on-going assistance - counted per service provided to client/ per problem assisted with (not per person)) i.e. helping client with divorce = 1, helping client with ID document = 1. | 17 | 17 | - |
| Overall how many people were helped by legal consultation and counselling (here count people, not services) | 200 | 196 | 4 |

Description of legal cases seen:

| Case # | Type of case | Service provided by the help desk |
|--------|---|---|
| | Loss of Document cases | Legal consultations and legal counselling |
| | Personal status cases | Legal consultations and legal counselling |
| | Criminal cases | Legal consultations |
| | Administrative/Government Departments cases | Legal consultations |
| | Gender based violence cases | Legal consultations |

NUMBER AND FIGURES

1- LEGAL SERVICES (2)

B- Mobile Team:

| Service provided during reporting period | IDP | | Refugee | | Total |
|---|--------|------|---------|------|-------|
| | Female | Male | Female | Male | |
| Legal consultation (once-off meetings with lawyer) | 408 | - | - | - | 408 |
| Legal counselling (on-going assistance - counted per service provided to client/ per problem assisted) | 77 | - | - | - | 77 |
| Overall how many people were helped by legal consultation and counselling (here count people, not services) | 485 | - | - | - | 485 |

Description of legal cases seen:

| Type of case | Service provided by the help desk |
|---|-------------------------------------|
| Loss of Documents cases | Legal consultations and counselling |
| Personal status cases | Legal consultations and counselling |
| Criminal cases | Legal consultations |
| Gender Based Violence cases | Legal consultations |
| Administrative/Government Departments cases | Legal consultations |
| Social Assistance cases | Legal consultations |

Cumulative legal service provided since the inception of the project (both camps and mobile included):

| Service provided | No. | Female | Male |
|--------------------|-----|--------|------|
| Total consultation | 591 | 587 | 4 |
| Total counselling | 94 | 94 | - |

NUMBER AND FIGURES

2- PSYCHO-SOCIAL SERVICES

A- IDP camp:

| Service provided in reporting period | Total No. | Female | Male |
|--------------------------------------|-----------|-----------|------|
| Psychosocial consultation | 73 | 73 | - |
| Psychosocial follow up | - | - | - |
| House Visit | - | - | - |
| Mediation | - | - | - |
| Other | - | - | - |
| Total | 73 | 73 | |

Description of psychosocial cases seen

| Type of case | Service provided |
|---------------------------|--|
| Psychosocial consultation | Advises, psychological assistance, social assistance |

B- Mobile Team

| Service provided in reporting period | IDP | |
|--------------------------------------|-----------|----------|
| | Female | Male |
| Psychosocial consultation | 25 | - |
| Psychosocial follow up | - | - |
| House Visit | - | - |
| Mediation | - | - |
| Total | 25 | - |

Description of psychosocial cases seen

| Type of case | Service provided |
|---------------------------|--|
| Psychosocial consultation | Advises, psychological assistance, social assistance |

CUMULATIVE PSYCHOSOCIAL SERVICES PROVIDED SINCE THE INCEPTION OF THE PROJECT (IN BOTH CAMPS AND MOBILE TEAM)

| Total no. | Female | Male |
|-----------|--------|------|
| 98 | 98 | - |

NUMBER AND FIGURES

3- TYPE OF CASES

A- Sexual and Gender Based Violence (SGBV) cases during reporting period: (note that SGBV includes both sexual and non-sexual violence.)

| Service provided | Number | | |
|------------------------|--------|--------|------|
| | Total | Female | Male |
| Legal consultation | 49 | 49 | - |
| Legal counselling | 2 | 2 | - |
| Psycho-social services | 43 | 43 | - |
| Investigative | - | - | - |

B- Other (non-SGBV) (specify) during reporting period

| Service provided | Number | | | Type of matters (criminal, documentation, etc.) |
|------------------------|--------|--------|------|--|
| | Total | Female | Male | |
| Legal consultation | 542 | 542 | 4 | Civil cases, criminal cases, loss of documents cases, personal status cases, and administrative/government departments cases |
| Legal counselling | 92 | 92 | - | Civil cases, criminal cases, loss of documents cases, personal status cases, and administrative/government departments cases |
| Psycho-social services | 55 | 55 | - | Advises, psychological assistance, social assistance. |

NUMBER AND FIGURES

4- BENEFICIARIES

TOTAL NUMBER OF BENEFICIARIES DURING REPORTING PERIOD:

| Activity or services | Total | Female | Male | How many of these were children? |
|--|-------|--------|------|----------------------------------|
| Legal services | 685 | 681 | 4 | - |
| Psychosocial services | 98 | 98 | - | - |
| Investigation | - | - | - | - |
| Flyers, brochures, booklets disseminated | 1180 | 880 | 300 | - |
| Other if available (specify) | - | - | - | - |