

Vital role of legal assistance for displaced Iraqis

by Olivier Beucher

Given the dramatic deterioration in the situation in Iraq over the last four years, the British NGO Ockenden International has had to re-design its legal aid and protection activities in order to target the displaced Iraqis who have been fleeing the sectarian violence since February 2006.

We started work in Iraq in May 2003, with the objective of addressing needs resulting from the US-led war and the previous regime and then contributing to reconstruction. Ockenden established with the support of UNHCR its first legal aid centre in the city of Amarah in the governorate of Missan in southern Iraq in December 2003. Initially providing support to refugees returning from Iran, the centre has progressively had to address the needs of huge numbers of IDPs

arriving in the governorate. The same is true of Ockenden's two other Legal Aid and Information Centres (LAICs) in the cities of Karbala and Kut. Legal assistance in Iraq is vital for refugees and IDPs. It allows them to recover the basis of a well-organised life, whether waiting to return or trying to integrate into the host communities.

The majority of Iraqis fleeing to the southern governorates come from Baghdad and surrounding areas. In the three governorates where

Ockenden work, IDPs (new and old) represent 61% of the population, while returning refugees represent 16% and the host community 23%. Newly displaced people face a constant struggle to meet daily needs, and represent around half of those seeking legal advice or representation in court or to administrative bodies.

Possession of legal documentation – particularly birth and marriage certificates – is essential. Without ID a family cannot register their children in school or access health services. Recovery of land confiscated by the previous regime requires a certificate of ownership that is often very difficult to obtain. For many displaced Iraqis, recovering documents which may have been confiscated by the Saddam regime,

Female outreach lawyer collecting information on newly displaced family. Al Eyog village, Kerbala governorate.

destroyed or lost in the chaos of violence and displacement is a major challenge. Most IDPs face difficulties in getting ration cards or in transferring ration cards issued to them in their places of origin. Without them they are hardly able to access the Public Distribution System (PDS) – the system established by the Iraqi government in 1990 to provide monthly food rations at subsidised prices. The PDS is under great strain in many areas and is highly inefficient. Many Iraqis have seen cuts



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in their food rations. Lawyers at the legal aid centres help recent arrivals cope with the registration procedures – and obtain replacements for lost IDs – in order to access their entitlements.

The 17 Ockenden-supported legal advisors represent displaced Iraqis in court: most cases involve marriage conflicts, inheritance, property disputes and (re)issuance of documents. Since 2003 they have dealt with more than 21,000 requests for assistance. We have helped IDP and ex-refugees achieve successful outcomes in 99% of cases. Efforts are made to ensure, whenever possible, that half the members of legal teams are female. The centres work in close partnership with local women's and human rights groups. Ockenden has also been implementing a human rights awareness campaign to promote tolerance and acceptance. We have facilitated workshops at which large numbers of people have discussed culturally sensitive topics such as gender and children's rights.

We have worked with partners to successfully overcome difficulties. Occasionally some local government bodies have proven incapable or inefficient and associations of lawyers have sometimes seen the LAICs as potential competitors. Courts have a huge backlog of cases in front of them and this breeds frustration.

We liaise closely with the Iraqi Ministry of Displacement and Migration (MoDM), the International Organization for Migration (IOM) and UNHCR. Our legal advisors follow UNHCR criteria when we take on cases:

- The beneficiary must be a person of concern to UNHCR and/or needy.
- The legal issue in case involves a serious breach of a fundamental right.
- Prima facie evidence exists of a violation of the beneficiary's rights.
- The court or administrative body is likely to reach a positive verdict for a beneficiary or a decision could strengthen an interpretation of a law relevant for the resolution of similar cases.
- Court or administrative costs can be kept to a minimum.

Promoting self-reliance of Iraqi refugees and displaced people in southern Iraq has been at the heart of Ockenden's programme since 2003 and will continue to shape our work in legal aid, human rights, development and income generation.

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