

## **Concept Note**

### **Webinar: Cross-border Legal Aid Interventions in Humanitarian Contexts - Sharing good cross-border practices**

The legal aid and justice issues and needs of conflict- and displacement-affected people will often transcend borders, as conflict and displacement affected people have legal aid needs not only in the country of displacement or in the country of destination, but also while being on the move, in transit or upon return. In addition, some of the legal aid needs of displacement/conflict affected population possess a “cross-border” dimension: (i) legal actions have to be undertaken in the country of origin in order to retrieve a legal or civil documents in the country of displacement; (ii) ownership have to be obtained by the civil registry of the country of origin in order to proceed with housing, land, property compensation/restitution claims or inheritance cases; (iii) displaced population across different countries may want to solve family civil or HLP disputes. Strategic litigation may concern justice and redress claims with cross- border nature: (i) a refugee may file a complaint in the country of asylum for violations allegedly suffered in the country of origin or transit; (ii) an asylum seeker may need to compile information for refugee determination process gathering evidence of violence suffered in the country of transit or origin. Thus, cross-border legal aid programming can be an important and relevant way of addressing a host of legal aid issues and needs.

Cross-border legal aid programming seek to address the many legal obstacles that conflict- and displacement- affected people face. For example, cross-border legal aid programming can be initiated to address obstacles in relation to access to territory, including by providing information on entry/stay requirements. In addition cross border legal aid programming can assist displaced population who allegedly suffered rights violations while in the crossing the border, including through deportations and/or pull/pushbacks. Equally, cross-border legal aid can also address legal aid issues and needs of documentation of legal identity, or with family reunification, access to employment or securing housing, land and property rights, for instance through obtaining civil documentation or filing applications as a cross-country collaboration.

Humanitarian, development and peace actors actively engage with cross-border legal aid programming. Depending on the context and legal issues there are several approaches/modalities for cross-border legal aid programming, which include: (i) Legal aid analysis and research; (ii) Legal information dissemination; (iii) Legal assistance and representation; (iv) Legal environment building (strategic litigation, law and policy engagement etc).

Taking into account do no harm principle and practices, it is key to understand the possible risks of cross-border legal aid activities. Designing and implementing cross-border legal aid always requires an in-depth knowledge and understanding of two or more legislative/normative frameworks and practices and close coordination across border between two different legal systems and judicial authorities Other risks relate to the complex data protection issues that can arise in cross-border legal aid programming.

This webinar, co-organised with UNHCR, is a continuation of the series of learning events organised last year by the GPC Task Team on Law and Policy that aim to contribute to the compilation of good

practices on *Legal Aid in Humanitarian Settings*<sup>1</sup>, particularly focusing on three aspects deserving attention:

1. Enhance synergies between humanitarian, human rights, development and peace actors in the design and implementation of access to justice and legal aid interventions in humanitarian contexts;
2. Build sustainable partnerships with national legal aid actors (civil society, private sector, duty bearers) for more sustainable access to justice and legal aid interventions in humanitarian contexts;
3. Design and implement legal aid and access to justice interventions aimed at addressing and resolving legal aid needs of hard-to-reach populations.

The focus of this specific webinar, that also goes beyond the scope of work of protection clusters by examining cross-border dimensions of legal aid work, has been decided by UNHCR and other key members of the Task Team given that several previous webinars raised and touched upon questions related to this area of work. It should be highlighted that many TTLP members are also members of the Global Legal Community Pledge Core Group, that developed and put forward a multi-stakeholder Legal Community Pledge at the Global Refugee Forum (GRF) in 2019 and 2023, with the purpose of increasing legal assistance for and with refugees, asylum-seekers, stateless people, and internally and other displaced people and advancing systemic change to facilitate access to rights, justice and solutions. More information is available [here](#).

The webinar aims at discussing the following guiding questions:

- ✓ *Which legal issues for displacement affected people typically transcend borders?*
- ✓ *How have legal aid actors addressed these legal issues, through which modalities*
- ✓ *What are the main considerations to keep in mind when designing and implementing cross-border legal aid programmes?*
- ✓ *What are the most common challenges and potential risk of cross-border legal aid interventions? And how can they be mitigated?*
- ✓ *What are some of the key lessons learnt and good practices that can be shared in all these areas? What tools are available to support those interested in doing more in this area? Could/should new tools be developed?*

---

<sup>1</sup> The field survey was shared with Protection Cluster (co)coordinators and field staff. A total of 100 responses were received representing a total of 31 countries, 25 countries affected by internal displacement and 5 refugee crisis. The survey was complemented by a series of KII with donors' representatives. The Study Report as all other tools produced in the framework of the Project are available at: <https://www.globalprotectioncluster.org/Legal-Aid-in-Humanitarian-Settings>