

# Jimma University School of Law Legal Aid Center 2021/2022 Report: The Success Stories and Challenges

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## Introduction

It is believed that peoples' right to human rights in general and rights to due process, fair, and right to speedy trial and hearing should not depend on an individual's pocket power. On the other hand, justice has never been equal for the rich minority and the poor majority as they are unable to hire a lawyer for their case. What makes the problem bad to worse is that it is women, children, prison inmates, HIV/AIDS victims, and veterans who are unable to seek and enforce their basic constitutional and human rights.

Jimma University School of Law Legal Aid Center (hereinafter 'JUSL-LAC') was established to nut out the gap between access to justice and indigence as its main objective among others. Although it is a long-aged experience in the developed world to help the poor by establishing such kinds of centers, JUSL-LAC is the first of its kind in South, Southwest, and West Ethiopia, and is one of a handful number of pioneers in the nation.

In addition to the academic staff of Jimma University School of Law and the full-time employed lawyers for the centers outside of Jimma town, JUSL-LAC runs its daily business by utilizing clinical students and volunteers who study law at the University. Each volunteer and clinical student is expected to contribute four hours per week and academic staff members are expected to handle and supervise clients' cases.

Currently, JUSL-LAC is rendering legal services at **eleven (11)** centers in Jimma Zone namely, *Jimma main office, Jimma Woreda Court, Jimma High Court, Jimma Zone prison administration, Agaro, Gera, Shabe, Dedo, Serbo , Omo Nada and Setemma* and is keen to keep up the already started good work. JUSL-LAC opened its 11<sup>th</sup> center at **Setemma** Woreda, in the year 2021.

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## 1. Background

**Jimma zone is one of the** largest zonal administrations in Oromia regional state with an estimated total population of three million. Half of the total population is women. Jimma University (hereafter '**JU**') is a public higher educational institution established in December **1999** by the amalgamation of Jimma College of Agriculture (founded in **1952**) and Jimma Institute of Health Sciences (established in **1983**) to contribute its best to the academia world and serve the population of the zonal administration in many spheres. The two campuses are located in Jimma city **335** km southwest of Addis Ababa with an area of **167** hectares.

Jimma University is Ethiopia's first innovative Community Oriented Education Institution of higher learning. In line with this philosophy, Jimma University School of Law Legal Aid Center (hereafter **JUSL-LAC**) was established based on the unanimous decision of the Academic Commission of the then Law Faculty (now School of Law) on Dec 25, 2008, primarily with the vision of providing free legal services to indigents and *vulnerable groups like the poor, women, veterans, HIV/AIDS victims and children in and around Jimma town* on one hand, and to expose students Law School to the practical aspect of the law on the other hand.

Justice is the major concern of our democracy that we cannot take for granted. Our laws guarantee basic rights and protection for all of us – not just those who can afford to hire a lawyer. The Constitution also requires that justice should be available without unnecessary delay. By contrast, we usually find family cases in which women's rights are violated, children abused by trafficking and domestic ill-treatment, and other classes of society adversely affected by the system. On the contrary, the people have failed to defend the injustice, and even when they want to do so, they face many tackles. These problems resulted because of the deep-rooted financial problem the society is entrenched in. Indeed, vulnerable people who have the means to pay for a lawyer also face the problem of getting access to justice. Providing free legal service to these vulnerable groups means the difference between food on the table and hunger, life and death penalty, shelter and homelessness, economic stability and insolvency, and productive work and unemployment.

The initiative to establish **JUSL-LAC** came up because of this apparent growing need for our society to have access to justice. The Civil Procedure Code and FDRE Constitution have made

an attempt to help the poor to have access to justice by allowing suit by pauper and bestowing the right to get appointed council respectively.

But this attempt alone does not suffice to watch justice in motion. **First**, allowing a suit by a pauper in a civil matter by itself alone is not a guarantee to have access to justice. It simply means that one can bring his/her claim to court without paying court fees. Although it is one step in creating access to justice, it is way far from creating access to justice in its full sense. The person should be able to effectively defend his/her rights upon initiating a civil suit. This can be done if the person gets legal support even after s/he institutes her claim. In civil matters, our laws (like the laws of other nations) do not provide a duty that the government shall appoint a counsel for a needy person in civil matters. Therefore, the attempt to create access to justice for the needy in civil matters is very limited.

**Secondly**, the Constitutional guarantee that accused persons have the right to be represented by a state-appointed counsel if they do not have financial means, and thereby a miscarriage of justice may happen is hampered by the government's limited resources. Besides, the law provides legal assistance when the accused has no sufficient financial means – it does not address other vulnerable groups such as women, children, HIV/AIDS victims, veterans, and disabilities who are usually underserved. Therefore, the constitutional guarantee to create access to justice in criminal matters is hampered by a lack of resources and a lack of comprehensive focus on all types of vulnerability. It is with the aim of achieving these objectives that the JUSL-LAC is established.

Apart from helping society, the JUSL-LAC would help the students to know how the law is being practiced. Law students should be able to acquire practical knowledge to be able to serve society in the future and be able to cope with the dynamic world under a tornado of change. Traditionally, law students were not exposed to the practice of law. This had been making the students unable to live up to what is expected from them. The Justice and Legal Systems Reform Institute of Ethiopia (which is renamed the Federal Justice and Legal Research and Training Institute) have also noticed this problem and has spearheaded the inclusion of practical courses in the Ethiopian Law School Curriculum.

For prospective law graduates, trying to serve society without having a glimpse of the legal practice could be like trying to walk while you don't have one leg. Providing free legal services to society without equipping graduates of law with practical legal knowledge would not solve the

legal problems of society in the long run. Doing so would be like ‘*hitting a snake on the tail – not on the head*’.

Indeed, creating access to justice for the needy should be coupled with producing competent legal professionals who work in the justice system. The last decade's practice in legal education in Ethiopia shows that law students were being taught merely based on theory. In this type of legal education, it is difficult to produce law graduates who understand the legal problems of society and who put their effort into solving those problems rather than watching as a passerby. When graduates are theory-based, they will have a reduced capacity to create access to justice and play a role in the democratization process of the nation.

Indeed, this is why the vision of JUSL-LAC should be both creating access to justice for the needy and equipping law graduates with practical legal knowledge. The experienced law students acquire by working at JUSL-LAC would make them agents of change in the Ethiopian legal system, and would give them exposure to see legal problems of the society ahead and makes them aspire to solve the problems upon their graduation.

In order to remedy the problems stated in the above paragraphs, and reach out to the ardent hope and fervent desire of society, further justice for all initiatives is still required. The best, actually the prominent, initiative is to employ the ripe and talented skill of Junior lawyers, law school instructors, and students in order to cast this prevailing problem aside. Thus, organizing to make use of this skilled manpower by sustaining, the existing centers, and opening new legal aid centers has paramount importance in the lives of hundreds of thousands of people JUSL-LAC aspires to serve.

Having these multifaceted goals JUSL-LAC has been rendering its cherished legal service at **eleven centers** including the one at the head office. Initially, service delivery was started by opening two centers at Jimma Zone High Court and Jimma Woreda Court. However, the number of centers was increased to *six* in the year 2003 E.C. by opening new centers in Agaro, Dedo, Serbo, and Jimma Zone Prison Administration. In 2008 E.C., new centers opened at Gera, Omo Nada, and Shabe Woreda courts. This year, on September 2021, JUSL-LAC opened a new center at **Setemmma** Woreda in collaboration with IOM. Currently, the center has a total of **eleven (11)** centers

## **2. Organizational Structure of the Center**

To enable the center to attain its objective and contribute effectively to the furtherance of access to justice, the organizational structure of **JUSL-LAC** was framed into different structures. On the top of the organizational structure is the director who is empowered to supervise the day-to-day activities and operation of the Center. Under the director, there are two vice directors, one vice director for service provision and quality management with the power and the duty to manage and coordinate the different activities of the Centers and the other vice director for research and capacity building with the power and duty to direct and conduct capacity building activities for service providers, beneficiaries, and organs involved in the administration of justice; to direct and conduct researches related to the vision and mission of the Center, and to conduct promotions about the availability of free legal service and build the public image of the Center.

## **3. Partners**

JUSL-LAC is currently working with Addis Ababa University Center for Human Rights, Ethiopian Human Rights Commission, Oromia Supreme Court, and Oromia Justice Bureau as its partners. Addis Ababa University Center for Human Rights is working on Joint Project with the center as a funder on Human Rights Protection and Promotion, while the Ethiopian Human Rights Commission has also been the main funder of the center. The Oromia Supreme Court also supports the center with service-delivering offices and some finance. Oromia Regional State Attorney General supports the center by giving and renewing advocacy licenses.

## **4. Linkages with the Stakeholders**

To be effective, legal aid service requires the cooperation and coordination of various stakeholders. Accordingly, JUSL-LAC has many stakeholders with which its cooperations are vital in the accomplishment of the center's objectives. Accordingly, Jimma zone high court, different woreda courts, Jimma zone Justice office, different woreda justice offices, Jimma zone

prison administration, police offices, woreda labor, and social affairs offices, women and children affairs offices, Ethiopian human rights commission Oromia branch office and kebele administrations are among the main stakeholders with which JUSL-LAC has a linkage.

## **5. The Services provided by the Center**

There are three main activities that JULAC provides. These are legal services, legal education, and research and capacity building.

### **1. Legal Services**

These services are those services that in one way or other connected with justice sectors and administrative government organs. Through its legal services, the Center provides the following major services to its clients

- ❖ Free Legal Counsel
- ❖ Writing Statement of Claim
- ❖ Writing Statement of Defense
- ❖ Writing r different applications to the court and other organs
- ❖ Advocacy (Representation before the court)
- ❖ Mediation (with the view to reaching amicable solutions)

So far the Center is offering these legal services to the population in its **eleven (11)** service centers located in seven towns (Dedo, Serbo, Agaro, Shebe, Gera, Omo Nada, Setemma, and Jimma). In seven of the service centers, at Dedo, Serbo Shebe, Gera, Omo Nada, Setemma, and Agaro, the Center has managed to employ a junior lawyer to run the services. The Center however relies on School of Law students to run the services at Jimma Woreda Court, Jimma zone High Court, and Jimma Zone prison Administration. The students are assisted by the academic staff of the School. The Center's office located in the JU Main campus functions as a coordinating center for all the services and functions.

### **2. Legal Education (Awareness Raising Program)**

The Center understands that the majority of abuses and human rights violations suffered by the vulnerable parts of the population are the result of a lack of awareness, especially of the rights of these groups. Accordingly, it strongly believes that ensuring respect for their rights can better be

realized through effective and broad-based community legal education programs. Thus far the Center has relied on the Jimma University Community Radio in which it has been able to run four hours-long awareness raising program per week in two languages (Amharic and Afan Oromo) but there are critical limitations both in terms of the structure, breadth, effectiveness, and sustainability of running the program through this medium.

Accordingly, different laws related to Prisoners' Rights, Child and Woman's Rights, Human Rights Laws, Procedural law and Self-Advocacy skills, Oromia Land Law, Family Law, Law of Property and Succession, Employment and Labor Law, Tort Law, Anti-Corruption Law, Administrative law and good governance, Law of Contracts and Commercial Laws have been broadcasted through the community radio so as to enhance the society's basic knowledge on those subject matters.

The Center, however, aims to run the program effectively by utilizing various available means and media such as community organizations, centers, and other channels with broad audiences but this requires the availability of adequate financial and infrastructure (including transportation) supports.

### **3. Research and Capacity Building**

It is crucial that legal service and legal education programs at the Center be supported by appropriate evidence. Research is therefore a critical part of its strategic approach as it helps to identify the need and areas of focus for its services. In addition, it also helps engage the community and stakeholders in addressing the problems in a more effective and sustainable manner. In addition, research also plays a crucial role in empowering and building the capacity of the community, stakeholders, and the Center itself in dealing with the root causes of the problem of human rights violations and lack of access to justice for vulnerable members.

Thus far there is no baseline research conducted not just in Jimma Zone but in the whole Country in relation to the state of need for free legal aid services. There is also no standard developed in relation to providing the service. In fact, the level of awareness of the idea of free legal aid and its role is at a critically low level in the Country. The Center aims to address these problems by using research and capacity building as its strategic approach. To this end, the following are areas in which the Center needs strong support for its areas of activities

- ❖ organizing thematic and generic conferences and workshops and training programs

- ❖ publication
- ❖ conducting baseline survey for legal aid service needs in Jimma Zone
- developing standards and guidelines for the provision of services

In this regard, due to high budgetary constraints, the center has only managed to develop standards and guidelines for service provision.

## **6. Service Delivery Mode and Service Quality Management System**

JUSL-LAC employs different modes of service delivery. The service delivery model varies purposely to attain the objectives of the center, which are community services and equipping law students with practical skills. For centers found in Jimma city, JUSL-LAC uses fourth and fifth-year law students to deliver the services and in those centers outside of Jimma town, the center uses junior lawyers as they are at a distant place from the university.

Besides, the center also uses volunteer law school staff and licensed lawyers. The center doesn't compromise the service quality and employs different service quality controlling mechanisms to these ends. Accordingly, the center has daily and weekly meeting with the students and it has also developed strict reporting.

## **7. Summary of overall activities**

The **JUSL-LAC** service shows tremendous progress from time to time in quality and accessibility and currently, thousands are benefiting from the service of the center annually. Resisting all the challenges it faced, the center has managed to reach **one thousand seven hundred ninety-one (3285)**. The service distributions were counseling **1440**, ADR/ mediation **180**, document preparation **1072**, and representation **593**. Out of the total cases it represented and disposed of **by** the court, the center won **70** and lost only three. The cases the center won were represented and litigated **by** fifth-year law students. The service fee the center provided is estimated to be **5,516,000ETB** ( **Five million and five hundred sixty thousand birr**). The winning rate of the center is **99.5 %**. This is mainly due to the fact clients who come before the center have strong cases but lack only the financial capacity to litigate before the court. An estimated 450,000 people have benefited from the Radio program and over 2,000 brochures were



distributed on various legal issues. The types of services rendered and the beneficiaries together with the centers that have provided the legal service have been summarized as follows.

Type of legal Service	Jimma Woreda	Jimma Zone High Court	Head Office	Jimma Zone Prison	Agaro	Serbo	Dedo	Gera	Shebe	Omo Nada	Setemma	Total
Counseling	350	250	330	150	40	45	60	50	55	70	40	1440
ADR	60	12	40	-	15	10	9	10	9	10	5	180
Documents	350	118	158	142	70	54	37	29	39	40	35	1072
Representation	170	104	150	22	33	19	16	18	28	23	10	593
<b>Total</b>	930	484	678	314	158	128	398	342	397	372	157	3285

### 7.1. Some of the Cases the Center Represented and Won in 2021/22

Our center, in its different centers, has represented hundreds of cases on behalf of its clients some of which are disposed of while the rest are still pending. The number of cases has been increasing year to year and this year too. In the year 2020/2021 alone, until the time of the report about 75 cases have been decided in our favor. These cases were those whom our fifth-year law students and lawyers in different centers have represented the clients and won at Jimma Woreda Court, Jimma Zone High Court, Agaro Woreda Court, Serbo Woreda Court, Shabe Woreda Court, and Omonada Woreda Court.

### Some of the Cases Represented by the Center

	Name of the client and story of his/her case	Sex	Type of the case	Court entertained	File no.	Judgment/award
1	<p><b>Hafiz A/Jihad</b></p> <p>✓ The migrant returnee who just come back from Dubai. The beneficiary has returned back, unfortunately, found his marriage on the verge of divorce and took the matter to the court.</p>	M	Family, Property	Jimma Town Woreda Court	42304	Able to gain a house estimated to be 1 million and Five hundred thousand (1,500,000 ETB) from the division of common property due to divorce.
2	<p><b>Fadila Ahmed and Kazina A/Jihad</b></p> <p>✓ Their case was regarding a nuisance created on their property.</p> <p>✓ Our center takes filed a possessory action</p>	F	Property	Jimma Town Woreda Court	45702	The beneficiary won the case and it is decided that the nuisance be ceased and the cost they incurred to be reimbursed.
3	<p><b>Faiz Temam</b></p> <p>✓ The beneficiary lives in Jimma town and was planning to migrate. While his mother and stepfather are divorced, his stepfather claims Faiz's house to be his. He approached our center and the center provides her with pleading writing and</p>	M	Family/Property	Jimma Town W/Court	35678	It is decided that the property claimed by his stepfather belongs to Faiz. The property is estimated to

	representation.					have a value of 550,000 ETB.
4	<b>Nasra A/Bulgu</b>	F	Prope rty	Jimma Town W/cour t		The court decision over the matter is in favor of the beneficiary who is a client of our center.
5	<b>H/Naga A/Jobir</b>	F	Prope rty	Karsa W/Cour t	59520	The case was decided in our favor of intrusion in the possession of our client has stopped.
6	<b>Yusra A/Macca</b>	F	Succe ssion/ Prope rty	Karsa W/Cour t	37659	Finally, the case was decided in favor of our client and our client managed to take part in the succession.
7	<b>Burtukan Bekele</b>	F	Labor /Empl oyme nt	Karsa Woreda Court	30070	Our client won the case and got different payments after the termination of her employment contract.

## 7.2. Subject matters on which legal awareness education has been delivered through JUFM

Based on the assumption that at least 10% of the population the FM Radio reaches would listen to the broadcast, the total number of the beneficiary is estimated to be about 450,000.

Despite the challenges it faced in terms of human power as well as financial constraints, the center managed to render awareness creation radio programs on the following subject matters.

Airing Time and Broadcast Language	Total subject matters on which legal awareness has been created.							total
	Prisoner's Right	Child and Women's Right	Tort Law	Family law	Labor Law	Illegal Human Trafficking	Land Laws	
Afan Oromo	2 hours	3 hrs	2 hours	3 hours	3 hours	3 hours	2 hours	18 hours
Amharic	2 hours	3 hrs	2 hours	3 hours	3 hours	3 hours	2 hours	18 hours
<b>Total</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>4</b>	<b>36 hours</b>

## 8. Challenges faced by the center

Despite the challenges surrounding it, JUSL-LAC is rendering exemplary community service and equipping law students with practical skills. There are a number of challenges that hinder the center's service delivery. Unlike the preceding years, the center encountered the most challenging year in the year 2021/2022, due to the universities decision not to hire workers on a contract basis. Such a decision has highly affected the center, especially after the quarter of 2014 E.C., as many lawyers of the centers left their job and the centers' work was inactivated. Among others, the followings are the major challenges,

- ❖ **Financial Constraints** - the existing finance is not sufficient, timely, and is not sustainable.
- ❖ **High turnover**- there is a high turnover of center lawyers due to very low salaries.
- ❖ **Transportation** – lack of adequate transportation for students and supervisors
- ❖ **Lack of phone service**- particularly for center lawyers in order to communicate with their clients
- ❖ The universities decision not to hire workers on a contract is also the main challenge that the center faced in the year 2021/2022.
- ❖ **Absence of secretaries**- specifically outside Jimma city where lawyers are carrying out the legal service and other jobs (particularly typing and reporting) lonely.
- ❖ **Busy schedule**- from the coordinators of the center and the service providers, compared to the increasing number of service seekers.
- ❖ Lack of responsiveness from some stakeholders.

## Summary

The center is providing legal services such as counseling, preparation of pleadings, and representation on litigations for children, women who are victims of domestic violence, people living with HIV, people living with disabilities, etc. In addition, the center admits students to clinical courses and externship programs and they acquire basic knowledge of the practical world. Moreover, the center is providing basic legal education to hundreds of thousands of

residents of Jimma Zone via Jimma Community FM Radio. Capacity-building training is also one of the functions of the center to enhance the knowledge of the center's lawyers.