

# Jimma University Legal Aid Center 2017/18 Report: The Success Stories and Challenges

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## 1. Introduction

JU 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 (here in after JUSL-LAC) was established based on the unanimous decision of Academic Commission of the then Law Faculty (now School of Law) on Dec 25, 2008.

JUSL-LAC was primarily established 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 of the Law School to the practical aspect of law on the other hand.

Having these multifaceted goals JUSL-LAC has been rendering its cherished legal service at eleven centers including the one at the head office in Jimma University. 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 by six more in the year 2003 EC by opening new centers in Agaro, Dedo, Serbo and Jimma Zone Prison Administration. In 2008 EC new centers have been opened at Gera, Omo Nada and Shabe Woreda courts. Currently, the center has a total of ten (10) centers.

## 2. Background of the JUSL-LAC

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-treatments, and other classes of the 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 a 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, productive work and unemployment.

The initiative to establish JUSL-LAC came up because of this apparent growing need of 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 counsel respectively.

But this attempt alone does not suffice to watch justice in motion. First, allowing suit by pauper in 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 courts 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 resource. 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 lack of resource and 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 the society, the JUSL-LAC would help the students to know how law is being practiced. Law students should be able to acquire practical knowledge to be able to serve the society in the future and be able to cope up with the dynamic world under 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 in 2018) has also noticed this problem, and has spearheaded the inclusion of practical courses in Ethiopian Law School Curriculum.

For prospective law graduates, trying to serve the 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 service to the society without equipping graduates of law with practical legal knowledge would not solve the legal problems of the 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 decades 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 legal problems of the 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 experience law students acquire by working at JUSL-LAC would make them agents of change in Ethiopian legal system, and would give them the 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 the society, a further justice for all initiative is still required. The best, actually the prominent, initiative is to employ the ripe and talented skill of the Junior lawyers, law school instructors and students in order to cast this prevailing problem aside. Thus, organizing to make use of this skilled man power 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.

### **3. 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.

#### **a. Legal Services**

These services are those services which in one way or other connected with justice sectors and administrative government organs. Through its legal services the Centers provide the following major services to its clients

- free legal counsel
- writing statement of claim
- writing statement of defense
- writing different applications to the court and other organs
- Advocacy (Representation before the court)
- Mediation (with the view to reach on amicable solutions)

So far the Centers are offering these legal services to the population in its 10 service centers located in seven towns (Dedo, Serbo, Agaro, Shebe, Gera, Omo Nada and Jimma). In six of the service centers, at Dedo, Serbo, Shebe, Gera, OmoNada and Agaro, the Centers have managed to employ 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 staffs of the School. The Center's office located at the JU Main campus functions as a coordinating center for all the services and functions.

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

The Center believes that the majority of abuses and human rights violations suffered by the vulnerable parts of the population are the result of 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 two 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 Women's Right, Human Rights Laws, Procedural law and Self-Advocacy skill, 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.

#### **4. Research and Capacity Building**

It is crucial that legal service and legal education programs at the Center be supported by appropriate evidences. 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 to this, it also helps engaging with the community and stakeholders in addressing the problems in a more effective and sustainable manner. Rresearch 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 to the 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 service. 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 services need 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.

## 5. Summary of overall activities

Resisting all the challenges it faced, the center has managed to reach 7,398 (seven thousand three hundred ninety eight) beneficiaries in the 2017/18 work year. The types of the 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 | Head Office | Jimma Zone Prison | Agaro | Serbo | Dedo | Gera | Shabe | Omo Nada | Total        |
|-----------------------|--------------|------------|-------------|-------------------|-------|-------|------|------|-------|----------|--------------|
| Counseling            | 450          | 391        | 282         | 1090              | 307   | 219   | 258  | 182  | 218   | 244      | <b>3,741</b> |
| ADR                   | 58           | 28         | 39          | -                 | 49    | 17    | 19   | 22   | 11    | 19       | <b>262</b>   |
| Documents             | 432          | 308        | 158         | 972               | 307   | 307   | 118  | 239  | 169   | 127      | <b>2,916</b> |
| Representation        | 160          | 50         | 42          | 36                | 77    | 25    | 17   | 27   | 13    | 30       | <b>479</b>   |
| Total                 | 1,098        | 781        | 542         | 2,049             | 656   | 399   | 533  | 400  | 373   | 420      | <b>7,398</b> |

### 5.1. Some of the cases the center represented and won in 2017/18

There are a number of cases that the center has represented in different branches. The numbers of cases have been increased tremendously this year and more than 216 cases have been litigated through representation of the center at different courts where the branches of the center are located. These cases were those in which 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.

*The following are the details of some of the cases entertained by the center:*

| S.N | Name of the client and story of his/her case   | Sex | Type of the case | Court entertained | File no. | Judgment/award  |
|-----|--|-----|------------------|-------------------|----------|---|
| 1   | <p><b>Tolossa Belay</b></p> <p>√ Our client suffered bodily injury due to damage caused as a result of collision with vehicle</p> <p>√ The age of our client was 12 years</p> <p>√ The tortfeasor is punished criminally</p> <p>√ The center sued the liable individual and earned 13,500 birr as compensation</p> | M   | Tort             | Agaro             | 34318    | 13,500 birr awarded for the damage  |
| 2   | <p><b>Alem Tadesse</b></p> <p>√ There was a conflict with her husband on the property they acquired during marriage</p>  | F   | Contract         | Agaro             | 35080    | They agreed with help of the center and family arbitrators and dropped the suit |
| 3   | <p><b>Iriftu Beyene</b></p> <p>√ She has given cows on the terms to share the profits equally</p> <p>√ The recipient denied the contract and the existence of the cows</p> <p>√ He used the cows for himself alone</p>   | F   | Succession       | Agaro             | 32686    | She is entitled to half of the land that was in dispute                         |
| 4   | <p><b>Rabiya Abatemam</b></p> <p>√ it was a claim made for maintenance of a child</p> <p>√ her husband has divorced her and refused to</p>   | F   | Maintenance      | Agaro             | 34016    | 300 birr monthly Installment  |

|   |  |   |             |       |       |  |
|---|--|---|-------------|-------|-------|--|
|   | <p>pay maintenance</p> <p>√ she is entitled to 300 birr monthly installment</p>  |   |             |       |       |  |
| 5 | <p><b>Muslima Tibabu</b></p> <p>√ she appeared at the center to write an application for maintenance</p> <p>√ the father of her three children was not volunteer to pay the maintenance</p> <p>√ the center represented her in court and earned her 700 birr maintenance monthly</p> | F | Maintenance | Agaro | 30160 | Entitled to 700 birr monthly installment                     |
| 6 | <p><b>Awaliya Abanura</b></p> <p>√ she wanted to represent her in court to partition a rural land gained from succession</p> <p>√ after proving she was a genuine successor she is entitled to the part of the land with other successors</p>  | F | Succession  | Agaro | 31572 | She got the land with other successors                       |
| 7 | <p><b>Yideg Zemed</b></p> <p>√ a minor injury caused to our client</p> <p>√ the person who caused damage has been punished criminally</p> <p>√ the center claimed compensation from the family of the tort feisor and earned compensation</p>  | M | Tort        | Agaro | 34162 | He is entitled to 11,50 birr award                           |
| 8 | <p><b>Mohamedzen Abagaro</b></p> <p>√ in his defense with third party, the advocator of the third party took the property of his opponent</p> <p>√ the properties taken were coffee land and a cow</p> <p>√ the center represented him and entitled to</p>                           | M | Tort        | Agaro | 34394 | The advocator gave back the property he has taken unlawfully |



|    |  |   |                           |       |       |   |
|----|--|---|---------------------------|-------|-------|---|
|    | the properties taken by the advocator  |   |                           |       |       |   |
| 9  | <p><b>Admasu Waritu</b></p> <p>√ our client was an employee at Ethio telecom south region</p> <p>√ he is dismissed from his job unlawfully</p> <p>√ the center represented the client and earned him 6 months' salary, different fringe benefits and his reinstatement to the job</p>  | M | Labor                     | Agaro | 33044 | Entitled to 11,657.80 birr payments during his suspension from job and reinstated to work |
| 10 | <p><b>Bulti Shehked</b></p> <p>√ she denied the right to share common property gained in marriage</p> <p>√ the property they used to own in common include house which values 300,000 birr, land used to cultivate chat and coffee and others household equipments</p> <p>√ in addition, her husband refused to pay maintenance to three children they got in marriage</p> <p>√ finally, the court decided to partition all properties equally and pay monthly installment of 700 birr to the children</p> | M | Family                    | Agaro | 31832 | Entitlement to partition of common property and maintenance of 700 birr monthly           |
| 11 | <p><b>Awdi Elias</b></p> <p>√ a 16 year old Awdi got pregnant from a man named Aman</p> <p>√ the man is sued and punished for having sex with minor</p> <p>√ but Aman disowned the child, and the center litigated on behalf of the minor Awdi which resulted in establishment of paternity of Aman</p> <p>√ then Awdi is entitled to monthly installment</p>  | F | paternity and Maintenance | Agaro | 35054 | The defendant is established to be the father of the child and decided to pay maintenance |

|    |   |   |            |                    |       |  |
|----|---|---|------------|--------------------|-------|--|
|    | of 400 birr until the child reaches majority  |   |            |                    |       |  |
| 12 | <p><b>Elias Abamecha</b></p> <p>√ our client has been suspected for committing crime and detained</p> <p>√ as there was no formal charge instituted against him, the center defended for his right to bail which he finally has been awarded</p>  | M | Bail right | Omonada            | 15714 | The court acquitted him with bail  |
| 13 | <p><b>Hawwi A/ Diga</b></p> <p>√ Our client has suffered from physical injury by the defendant which cause 40% reduction of his capacity.</p> <p>√ The defendant was also punished criminally.</p> <p>√ Our center has instituted an action against the defendant and the court has awarded 9,895 ETB for our client.</p> | M | Tort       | Serbo              | 20793 | The court has awarded 9895 ETB for our client up on institution of a court action by the center. |
| 14 | <p><b>Fedila M/Zein</b></p> <p>√ The defendant borrowed 17,000 ETB from our client and the defendant denied the money.</p> <p>√ Our center has instituted an action against the defendant and the court has decided for the payment of the amount</p>   | F | Family     | Agaro              | 34666 | The court has decided for payment of 17,000 for our client.                                      |
| 15 | <p><b>Mekonnen Zeleke</b></p> <p>√ He was an employee at a private institution</p> <p>√ Due to his imprisonment his employment contract was terminated lawfully</p> <p>√ He didn't use annual leave in the institution where he served for 31 years and the employer didn't want to pay</p>                               | M | Labor      | Jimma woreda court | 41538 | The annual leave for the duration he spent at work paid in cash which is 16,494 birr             |
| 16 | <b>Sofia Mohamed</b>  | F | Tort       | Jimma              |       | She is entitled to   |

|    |   |   |       |                                      |        |  |
|----|---|---|-------|--------------------------------------|--------|--|
|    | <p>√ Her minor child got bodily injury by others</p> <p>√ The child has been disabled in which his working capacity is reduced by 4%</p> <p>√ She has no evidence for all the expenses spent for medication</p> |   |       | zone High court                      |        | 21,596 birr compensation for the injury her child sustained  |
| 17 | <p><b>Sintayehu Assefa</b></p> <p>√ The employer of Sintayehu dismissed him unlawfully from the job which he has worked for more than 10 years</p> <p>√ There was no notice given to the client even</p>        | M | Labor | Jimma woreda court                   | 39270  | He is entitled to compensation of 22,200 birr  |
| 18 | <p><b>Warke Zerga</b></p> <p>√ She is an employee at Ethiopian electric service south west region</p> <p>√ She is dismissed unlawfully and without notice</p>   | M | Labor | Oromia supreme court cassation bench | 254969 | The cassation bench of the region finally decided to entitling Adissu with 55,000 birr as compensation |
| 19 | <p><b>Berhanu Mitiku</b></p> <p>√ He is dismissed from Jimma Degitu Hotel where he used to serve as club manager</p> <p>√ The termination was unlawful</p>  | M | Labor | Jimma woreda court                   | 41716  | 29,000 birr compensation is awarded to our client  |
| 20 | <p><b>Abdulkerim Kemal</b></p> <p>√ He is dismissed from his job unlawfully</p> <p>√ The employer agreed to pay him compensation which is set by the negotiation between the center and the two parties</p>     | M | Labor | Mana woreda court                    |        | 51,000 birr is paid to our client as a compensation  |
| 21 | <p><b>Etaferaw Damto</b></p> <p>√ She was a teacher in Tesfa Tewahido primary school where she was fired for asking</p>   | F | labor | Jimma woreda court                   | 41361  | Entitled to 14,000 birr compensation   |

|    |   |   |              |                                |       |   |
|----|---|---|--------------|--------------------------------|-------|---|
|    | <p>her rights</p> <p>√ the center open file for unlawful breach of employment contract</p> <p>√ the court decided 14,000 birr compensation in favor of our client</p>   |   |              |                                |       |   |
| 22 | <p><b>Birtukan Abamecha</b></p> <p>√ she was in marriage with Zeynu, from whom she gave birth ten children</p> <p>√ the marriage dissolved and the court decided the common house to be Birtukan's property</p> <p>√ the husband appealed the judgment up to the federal cassation but all the courts upheld the lower court's decision</p> | F | Proper<br>ty | Jimma<br>zone<br>high<br>court | 40794 | The house that was in dispute is decided to be our client's personal property |

## 6. Challenges

JUSL-LAC is rendering an exemplary community service and equipping law students with practical skills. This, however, is not without challenges. There are a number of challenges which hinder the center's service delivery. The followings are the major challenges, among others:

- **Financial constraints** - the existing finance is not sufficient, timely and is not sustainable.
- **High turnover**- there is high turnover of center lawyers due to very low salary.
- **Transportation** – lack of adequate transportation for students and supervisors.
- **Lack of phone service**- particularly for center lawyers in order to communicate with their clients.

- **Absence of secretaries**- specifically outside Jimma city where lawyers are carrying out the legal service and other jobs (particularly typing and reporting) by themselves without a hand of secretaries.
- **Busy schedule**- from the coordinators of the center and the service providers, comparing to the increasing number of service seekers.
- Lack of responsiveness from some stakeholders

## **Summary**

The center is providing legal services for children, women who are victims of domestic violence, peoples living with HIV, people living with disabilities and the like. In addition, the center admits students for 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 in order to enhance the knowledge of the lawyers working at the center.