

Jimma University Legal Aid Center 2019/2020 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 in particular, 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 kind 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 the 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 ten centers in Jimma Zone namely, *Jimma main office, Jimma Woreda Court, Jimma High Court, Jimma Zone prison administration, Agaro, Gera, Shabe, Dedo, Kersa, and Omo Nada*, and is keen to keep up the already started good work. JUSL-LAC is also on the verge of opening three new centers in *Manna, Limu Seka, and Sokoru Woredas*.

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 are women. Jimma University (hereinafter '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-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 drenched 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, 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

attempted 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 suit by 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 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 ensure access to justice in criminal matters is hampered by a lack of resources and a comprehensive focus on all types of vulnerability. It is to achieve these objectives that the JUSL-LAC is established.

Apart from helping the 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 up 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 in 2018) has 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 service to

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 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 experience law students acquire by working at JUSL-LAC would make them agents of change in the 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.

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 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 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. 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 to different structures. On 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 of advocacy license.

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 affair 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 which in one way or another 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 ten (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, Omo Nada 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 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 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 to enhance the society's basic knowledge on those subject matters.

The Center also 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.

On the other hand, the center has been providing legal awareness in the court compound morning from 2:30-3:00 twice a week and many people have become beneficiaries of the incidental legal awareness while waiting for the court adjournment.

However, the awareness creations at community gatherings and in the court compound have been canceled due to the COVID-19 pandemics in the fourth quarter of the year. As result, the center primarily relies on the community radio program to reach out to the community.

3. Research and Capacity Building

Legal service and legal education programs at the Center must 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. Besides, it also helps engage with the community and stakeholders in addressing the problems more effectively and sustainably. Also, 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 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 a baseline survey for legal aid service 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 and publication of pamphlets.

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 a daily and weekly meetings with the students and it has also developed a strict reporting mechanism.

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 5,691(Five Thousand Four Hundred Ninety-One), excluding the awareness creation program through community radio. The

service distributions were counseling 501, ADR/ mediation 26, document preparation 1280, and representation 125, and awareness creation in the court compound 3759. Out of the total cases it represented and disposed of by the court, the center won the majority of it while some cases are still pending. The cases the center won were represented and litigated by fifth-year law students in four centers existing Jimma town and legal experts of the center working in six woredas. The service fee the center provided is estimated to 8,236,500 (Eight million two hundred thirty-six thousand Five Hundred 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 460,000 peoples have benefited from the Radio program and over 2,000 brochures were distributed on various legal issues. 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 High	Head Office	Jimma Zone Prison	Agaro	Serbo	Dedo	Gera	Shebe	Omo Nada	Total
Counseling	12	13	31	5	64	38	45	115	7	171	501
ADR	-	-	6	-	-	6	4	8	-	2	26
Awareness Creation	-	-	-	200	144	2107	102	830	-	378	3759
Documents	40	22	115	11	304	135	120	152	36	345	1280
Representation	51	15	12	6	12	5	4	16	-	4	125
Total	103	50	164	222	524	2291	275	1121	43	898	5691

7.1. 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 beneficiaries are estimated to be about 460,000.

No.	Subject Areas Broadcasted	Languages of Broadcasting		Total hours of broadcasting
		Afan Oromo	Amharic	
1	Promotion of the center and the project	2	2	4
2	The Rights of persons with disability	2	2	4
3	Human Trafficking	2	2	4
4	Labor Law	4	4	8
5	Child Rights	2	2	4
6	The rights of women	2	2	4
7	Bail Rights	3	2	7
8	Prisoners' Rights	2	2	4
9	Economic, social and cultural rights	3	4	7
10	Civil and Political Rights	3	3	6
11	HTP and the rights of women and children	2	2	4
12	COVID-19 and Human rights	2	2	4
13	State of Emergency proclamation on Covid9	2	2	4
14	Covid-19 and Consumers Rights	2	2	4
15	Labor rights amidst COVID-19: With Focus on Unlawful Termination	2	2	4
16	Protection of the Rights Available to Persons Under	2	2	4

	Custody			
17	Protection of Women's and Children's Right Amidst COVID 19	4	3	7
18	Regulation of Inflation of Price in some Basic Goods and Rights of Customers Amidst COVID-19	2	2	4
Total		43	42	85

7.2. Some of the Cases the Center Represented and Won in 2018/19

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 numbers of cases have been increasing year to year and this year too. In the year 2019/2020 alone, until the time of the report about 80 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, Kersa Woreda Court, Shabe Woreda Court, and Omonada Woreda Court. *The followings are some of the cases entertained by the center:*

S.N	Name of the client and the story of his case	S ex	Type of the case	Court enterta ined	File no.	Judgment/awar d
1	Haji A/Fogi <ul style="list-style-type: none"> ✓ Our client was a farmer whose land has been taken forcefully by the defendant ✓ Our Center represented him in the litigation claiming for the cessation of the unlawful intrusion 	M	Prope rty	Karsa Woreda Court	53624	It is adjudicated that our client is entitled to the two plots of land that has been unlawfully taken from him.

2	<p>Abdulaziz A/Dura</p> <ul style="list-style-type: none"> ✓ Abdulaziz was denied his right to succeed his late father by the rest co-heirs ✓ As soon as he approached our center, our lawyer prepared pleadings and represented Abdulaziz on the litigation 	M	Prope rty, Succe ssion	Karsa Woreda Cou rt	51972	Disposed totally in our favor and the client is entitled to the succession of his father legatee (7 plots farmland about 50 seeds of coffee)
3	<p>Sore Saman</p> <ul style="list-style-type: none"> ✓ Sore was a young lady who gave birth to a child without being in a wedlock ✓ The claimed father disown the baby and is not interested in providing maintenance ✓ Our center takes the case to court claiming a proof of paternity and then for an adequate maintenance 	F	Famil y	Gera Woreda Court	13903	The defendant is declared to be the father of the baby and he shall provide maintenance
4	<p>Abdalla Tarfasa</p> <ul style="list-style-type: none"> ✓ Abdella was a permanent worker at the defendant's office ✓ The defendant terminated the contract unlawfully ✓ Our Center represented him in the litigation claiming different payments against the employer (defendant) 	M	Labor	Gera Woreda Court	13080	Disposed totally in our favor and the client is entitled to an award of 13000 Birr.
5	<p>Ahmed Shifa</p> <ul style="list-style-type: none"> ✓ Ahmed was a farmer whose land farm has 	M	Prope rty,	Gera Woreda	12988	Mr. Ahmed is entitled to get

	<p>been taken by the government in 2000 EC and for which they gave him land that belongs to another person as a replacement.</p> <ul style="list-style-type: none"> ✓ Later the real possessor of the land appears, sues him in a court of law, and took the land under Ahmed's possession. ✓ Then, Ahmed approached our center and we direct our suit towards the government bureau which has taken his land 10 years ago. 		Land	Court		another replacement land or an equivalent amount of compensation.
	<p>Abdulkerim Awol</p> <ul style="list-style-type: none"> ✓ Our client was a Bajaj driver who causes a car accident that resulted in the death of the victim. ✓ Our center represented him on a criminal bench as his defense attorney 	M	Criminal	Goma Woreda Court	27443	Our client also is found guilty based on the evidence there, we were able to reduce the sentence from 5 to 4 and 15000 ETB to 3000 ETB.

7.2. Challenges

Despite the challenges surrounding it, JUSL-LAC is rendering exemplary community service and equipping law students with practical skills. Several challenges 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 a high turnover of center lawyers due to a very low salary
- ❖ Transportation – lack of adequate transportation for students and supervisors
- ❖ Lack of phone service- particularly for center lawyers 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) 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, peoples living with HIV, people living with disabilities, etc. Besides, 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 to enhance the knowledge of the center lawyers.