



## **Jimma University Legal Aid Center 2016 Report: The Success Stories and Challenges**

### **Introduction**

Peoples' rights to Human Rights in general and rights to due process and fair hearing in particular should not depend on the depth of individual's pocket. Justice has never been equal for the poor majority as they are unable to hire a lawyer. Equally affected are women, children, prison inmates, HIV/AIDS victims and veterans who are unable to seek and enforce their constitutional rights.

Jimma University School of Law Legal Aid Center (henceforth 'JUSL-LAC') was established to bridge the gap between access to justice and indigence. Although such center was established in developed world long ago, it is the first of its kind in South, Southwest and West Ethiopia, and is one of a handful number of pioneers in the nation.

JUSL-LAC basically utilizes clinical students and volunteers who study law at the University 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. 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.

JUSL-LAC is rendering legal services at 11 Woredas in Jimma Zone namely, *Jimma main office, Jimma Woreda Court, Jimma High Court, Jimma Zone prison administration, Agaro, Gera, Limu Kosa, Shabe, Dedo, Serbo 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 (henceforth '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.

JU is Ethiopia's first innovative Community Oriented Education Institution of higher learning. In line with this philosophy, 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.

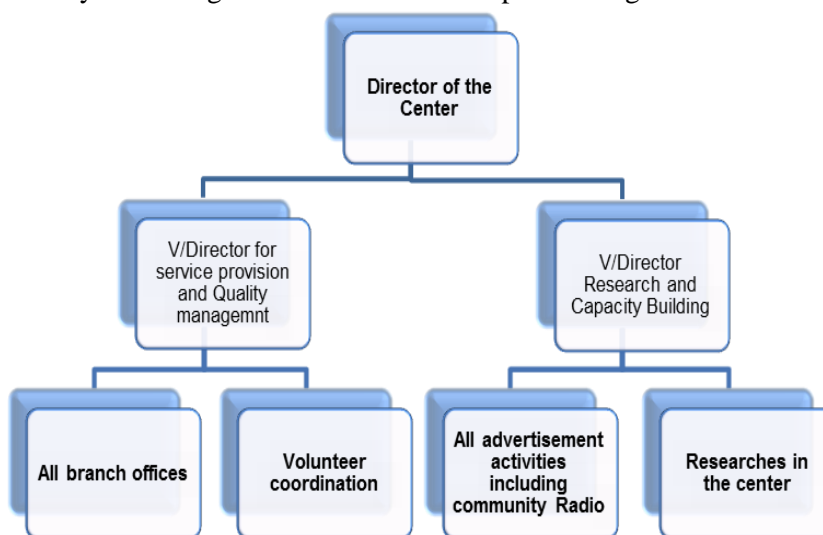
Having these multifaceted goals, JUSL-LAC has been rendering its cherished legal service at 11 centers, including the one at the head office. Initially, service delivery was started by opening two centers at Jimma Zone High Court and Jimma Woreda Court. However, the number of centers was increased to *six* in the year 2003 EC by opening new centers in Agaro, Dedo, Serbo and Jimma Zone Prison. In 2008 EC new centers have been opened at Gera, Omo Nada, Shabe and Limu Kosa. Currently, the center has a total of 11 centers. Through its Jimma Community FM Radio legal awareness education program, the Center has also equipped hundreds of thousands of people with basic legal knowledge.

## 2. Organizational structure of the center

To enable the center attain its objective and contribute effectively in the furtherance of access to justice, the organizational structure of JUSL-LAC was framed to 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

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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. The number of centers and their locations

Currently, JUSL-LAC has a total of 11 centers. Center expansion was made on the basis of the community demand for the establishment of centers and JU's commitment to deliver community services to the needy societies. Accordingly, the followings are the number of centers with their locations.

1	Jimma university main office	Jimma university main campus
2	Jimma town woreda court	Jimma town
3	Jimma zone high court	Jimma town
4	Jimma zone prison administration	Jimma town
5	Kersa woreda court	Serbo
6	Omo nada woreda court	Omo Nada
7	Dedo woreda court	Sheki
8	Shabe sonbo woreda court	Shabe
9	Gomma woreda court	Agaro

10	Gera woreda court	Gera
11	Limmu kosa woreda court	Limu kosa

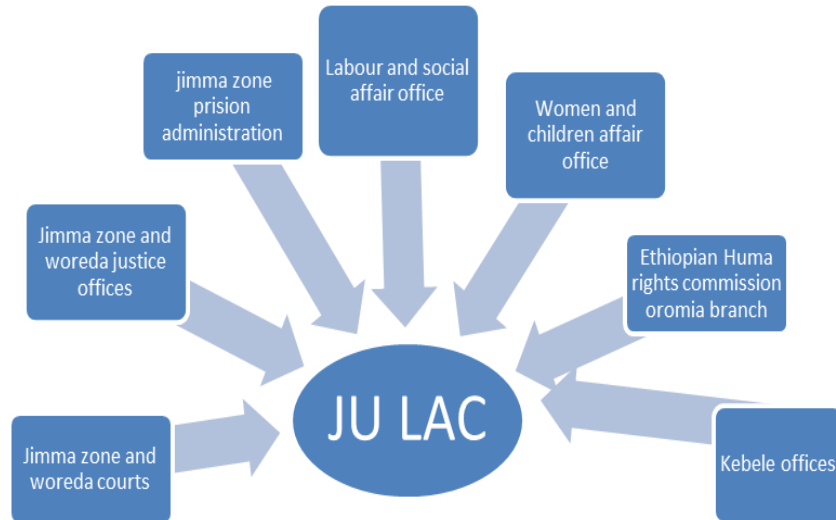
#### 4. Partners

Ethiopian Human Rights Commission, Oromia Supreme Court and Oromia Justice Bureau are the partners of the center. The Ethiopian Human Rights Commission has been the main funder of the center. The Oromia Supreme Court also supports the center with materials and some finance. Oromia Justice Bureau supports the center by giving and renewing advocacy license.

#### 5. 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. Jimma zone high court, different woreda courts, Jimma zone Justice office, different woreda justice offices, jimma zone prison administration, police offices, woreda labour 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.

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### 6. The services the center provides

There are three main services that JUSL-LAC provides. These are legal services, community legal education and research and capacity building.

#### 6.1 Legal Services

These services are those which are 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 and statement of defense
- writing different applications to be submitted to the courts and other organs
- Advocacy (legal representation before courts)
- Mediation

So far the Center is offering these legal services to the population through its 11 centers. In six of the centers, the Center has managed to employ lawyers to run the services. The center however relies on School of Law students to provide 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.

### **6.2 Legal Education (Awareness Raising Program)**

The Center believes that the abuses and human rights violations suffered by the vulnerable parts of the population are attributable to lack of awareness especially of the rights of these groups. Accordingly, it strongly believes that ensuring respect for their rights can be promoted 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 an hour-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. 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 supports.

### **6.3 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. It also helps us engage with the community and stakeholders in addressing the problems in a more effective and sustainable manner. 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 in Jimma Zone nor in the country in relation to the need for 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 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 activities

- Organizing thematic and generic conferences and workshops and training programs
- Publication

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- Conducting a baseline survey of legal aid service need in Jimma Zone
- Developing standards and guidelines for the provision of services

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

### **7. 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 distance place from the university. Beside these, 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 meeting with the students and it has also developed a strict reporting format.

### **8. Summary of the services and success stories of the center**

The JUSL-LAC service shows tremendous progress from time to time in quality and accessibility. Initially, the service of the center was very limited in variety and the number of beneficiaries it reaches. The center, however, shows progress from time to time in increasing the variety of the services and accessibility. Currently, thousands are benefiting from the service of the center annually. In the 2016 budget year alone, the center managed to reach a total of **8466** clients. Out of these, 6845 were female and **1601** were male. The service distributions were counseling **4422**, mediation **171**, document preparation **3526** and representation **347**. Out of the total cases it represented and disposed by the court, the center won **81** and lost only two. The cases the center won were represented and litigated by fifth year law students. The service fee the center provided is estimated to **16,932,000 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 peoples have benefited from the Radio program and over 5,000 brochures were distributed on varies legal issues. The following tables show the summary of the services.

8.1 Summary of overall activities

Type of legal Service	WOREDA	JIMMA PRISON	HIGH CT	AGARO	DEDO	SERBO	HEAD OFFICE	GEERA	LIMMU	SHEBE	NADDA	TOTAL
Counseling	1888	682	720	221	284	323	188	26	21	31	38	4422
ADR	12	-	12	18	28	26	46	8	2	10	9	171
Documents	1082	946	468	213	250	242	96	65	10	89	65	3526
Representation	78	28	44	32	36	48	54	5	2	8	12	347
Total	3060	1656	1244	484	598	639	384	104	35	138	124	8466



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### 8.2 Distribution Of Service By Subject Matters

Subject Matter	JIMMA JUDICANT	WOREDA	HIGH CT	AGARO	DEDO	GEERA	SERBO	HEAD OFFICE	GEERA	NADDA	SHEBE	LIMMU
Family Matters	-	2020	1040	212	248	42	459	288	46	67	76	25
Succession and Property	-	431	121	98	168	15	42	47	23	23	23	4
Tort	10	118	19	36	31	5	32	30	-	5	5	1
Land Dispute	12	218	21	82	42	10	42	4	35	16	18	5
Employment	-	133	19	22	54	12	20	3	3	4	6	-
Contractual disputes	-	124	24	13	39	8	2	10	-	6	7	-
Others	-	-				-		-	-	-	-	-
Criminal cases	1646	16	8	21	14	12	3	2	-	3	3	-
<i>Sub total</i>	<b>1658</b>	<b>3060</b>	<b>1244</b>	<b>484</b>	<b>536</b>	<b>104</b>	<b>639</b>	<b>384</b>	<b>104</b>	<b>124</b>	<b>138</b>	<b>71</b>

### 8.3 Distribution of service by beneficiaries

<b>Female</b>	<b>6865</b>
<b>Male</b>	<b>1601</b>
<b>Total</b>	<b>8466</b>

**8.5 Subject matters on which legal awareness education has been delivered through JUFM**

Subject matters on which legal awareness education delivered.	Airing time		Total Annual Airing Time	Beneficiaries
	Length of broadcast			
	Amharic broadcast	Afaan Oromo broadcast		
<i>Prisoners' Rights</i>	1 hour	1 hour	104 Hours/Year (52 hours in Amharic Language and 52 hours in Oromiffaa Language)	450,000 persons (This is based on the assumption that at least 10% of the population the FM Radio reaches would listen to the broadcast)
<i>Child and Woman's Right</i>	2 hours	2 hours		
<i>Human Rights Laws</i>	6 hours	6 hours		
<i>Procedural law and Self-Advocacy skill</i>	2 hours	2 hours		
<i>Oromia Land Law</i>	2 hours	2 hours		
<i>Family Law</i>	2 hours	2 hours		
<i>Law of Property and Succession</i>	2 hours	2 hours		
<i>Employment and Labor Law</i>	2 hour	2 hour		
<i>Traffic Law</i>	1 hour	1 hour		
<i>Tort Law</i>	2 hours	2 hours		
<i>Anti-Corruption Law</i>	1 hour	1 hour		
<i>Administrative law and good governance</i>	2 hour	2 hour		
<i>Law of Contracts</i>	1 hour	1 hour		
<i>Commercial Laws</i>	2 hours	2 hours		
<i>Other Subject Matters</i>	24 hours	24 hours		

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**9. The cases the center represented and won from the end of September 2016- January 2017**

There are a number of cases that the center represented in different branches. The number of cases increased tremendously this year and, since September 2017 alone, there were around 32 cases which were decided in favor of the center in Jimma town centers. The followings are the details of the cases.

S · N	Name of the client	s e x	Type of the case	Represe ntation	Adjudic atory court	File no.	Judgme nt
1	<p><b>Kedija Kedir</b></p> <ul style="list-style-type: none"> <li>• Marriage has been dissolved</li> <li>• The client has two children</li> <li>• The husband is not voluntary to pay maintenance, even though he is capable to do that</li> <li>• The client has spent three months with her children without any payment</li> <li>• The center has litigated on behalf of the client in court of law, which earned her 1800 birr for three months</li> <li>• Currently she is receiving 600 birr monthly from her husband through her bank account</li> </ul>	F	mainte nance	Represe ntation	Jimma woreda	356 54	Paymen t of 600 birr monthly as mainten ance
2	<p><b>Nasra A/oli</b></p> <ul style="list-style-type: none"> <li>• the client is a mother for three children</li> <li>• following pronouncement of marriage dissolution, she had nothing to feed her children</li> <li>• The center has</li> </ul>	F	mainte nance	Represe ntation	Jimma woreda	355 70	2400 birr unpaid monthly mainten ance

	<p>represented her in court of law by 2008 and she has got a judgment of 600 birr monthly</p> <ul style="list-style-type: none"> <li>• After certain period, the judgment debtor suspended payment</li> <li>• In 2009 the center has re-litigated the issue on her behalf, by which she is awarded 2400 birr as installment (unpaid maintenance)</li> </ul>					
3	<p><b>Yeshi Kenea</b></p> <ul style="list-style-type: none"> <li>• She was living in an irregular union</li> <li>• She got one child during the union</li> <li>• After a moment, the partner has left the client and the child alone</li> <li>• He disowned the child</li> <li>• She suffered for a long period of time with the child</li> <li>• The center has represented the client in court and proved that the partner in the union was the father of the child, and has got judgment of 350 birr as a maintenance monthly</li> </ul>	F	Maintenance and paternity	Representation	Jimma woreda	350 birr monthly maintenance and paternity
4	<p><b>Lemlem Fekadu</b></p> <ul style="list-style-type: none"> <li>• The issue was about partitioning common property</li> <li>• The court that entertained the issue first was Gommaworeda court.</li> <li>• Gommaworeda court decided that the dwelling house, 2</li> </ul>	F	Property (family)	Representation	32026	Jimma zone high court has been

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	<p>coffee plantation plots of land and a cow were personal properties of the husband while the fact was that they were their common property.</p> <ul style="list-style-type: none"> <li>The issue was appealed to Jimma high court and the center represented the client at high court. Then the case was remanded to Gommaworeda court and the court divided the property equally among the individuals.</li> </ul>						reverse d
5	<p><b>Abebech Ayele</b></p> <ul style="list-style-type: none"> <li>The clients marriage has been dissolved upon court judgment</li> <li>During the marriage she gave birth to three children</li> <li>The defendant didn't pay maintenance for the children for 10 months.</li> <li>The client has suffered with the children during those times</li> <li>The center has represented the client in court during the litigation and finally earned her 1500 birr unpaid maintenance and then after monthly payment of 500 birr</li> </ul>	F	Mainte nance	Represe ntation	Jimma woreda	391 64	Three months unpaid mainten ance of 1500 birr and monthly paymen t of 500 birr
6	<p><b>SenaitAbreha</b></p> <ul style="list-style-type: none"> <li>The marriage between the client and the defendant has been dissolved by court</li> <li>The defendant was arguing that a house with</li> </ul>	F	Proper ty (in marria ge)	Represe ntation	Jimma woreda	313 72	She has been entitled to equal partitio n of

	<p>four services and two shops belongs to third party while in fact it were their common property</p> <ul style="list-style-type: none"> <li>• In the litigation, the defendant brought his mother as the owner of the properties and made her the intervener</li> <li>• The center has enabled the client to get half of the two shops and half of the house that have four services</li> </ul>						shops and a house with four services together with other properties in the home
7	<p><b>Rashad A/macca</b></p> <ul style="list-style-type: none"> <li>• The client was serving in a certain institution as a guard</li> <li>• she has served there for three years</li> <li>• she has been fired from her job</li> <li>• The center has represented the individual and finally earned her an award of 8223 birr compensation and with job experience</li> </ul>	M	Labor	Representation	Jimma worda	-	8223 birr compensation for unlawful termination of employment contract
8	<p><b>AbzarYahya (child)</b></p> <ul style="list-style-type: none"> <li>• Our client was a child under 18</li> <li>• His father is dead</li> <li>• After the death of his father, his grandmother has fired him from home for the fear that he might claim inheritance one day.</li> <li>• The child's father acquired one house and five rooms service during his lifetime. After the center has</li> </ul>	M	Succession	Representation	Jimma worda	-	He has been entitled to succeed his father equally the rest children

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	litigated on behalf of the child, he has been entitled to succeed equally with the rest two children						
9	<p><b>Marshet Worku</b></p> <ul style="list-style-type: none"> <li>• Their marriage has been dissolved following court order</li> <li>• The defendant and our client got one child during their marriage</li> <li>• The defendant has tried to hide the properties they acquired in marriage</li> <li>• He has tried to suspend the litigation by bringing different interveners at different times</li> <li>• The litigation was delayed for two years</li> <li>• At last, the properties acquired during marriage, including house, service with four classes, seven cows, four sheep and properties used in the home have been divided equally</li> </ul>	F	Family (property)	Representation	Jimma woreda	33756	Properties acquired in marriage, house, service with four classes and domestic animals have been divided between them equally
10	<p><b>Sinshaw Kifle</b></p> <ul style="list-style-type: none"> <li>• Our client was employed as a waitress in a private enterprise</li> <li>• He served in the enterprise for 3 years and 9 months, but fired without notice and payment</li> <li>• After the center has represented the client in a court of law, he has been a judgment</li> </ul>	M	Labor	Representation	Jimma woreda	38998	Since the contract was unlawfully terminated, he has been entitled

	creditor of 11559 birr as the termination was illegal						to a payment of 11559 birr as compensation
1 1	<p><b>Aster Abera</b></p> <ul style="list-style-type: none"> <li>• Our client and the defendant were living in an irregular union</li> <li>• They got one child during their union</li> <li>• The defendant has left his child and the partner alone after a certain moment</li> <li>• The center has represented our client and enabled her to get maintenance payment of 400 birr monthly together with unpaid 1400 birr</li> </ul>	w	Maintenance	Representation	Jimma woreda	405 02	A monthly payment of 400 birr and accumulated unpaid maintenance of 1400 birr
1 2	<p><b>Amina Abbamecha</b></p> <ul style="list-style-type: none"> <li>• The contention was upon partition of property following divorce</li> <li>• The center has proved with evidence that the properties denied actually exist and belong to both of them. Then after the court remanded the case to woreda court, and finally our client has been entitled to half of the property.</li> </ul>	F	Property (family)	Representation	Jimma zone high court	388 46	200000 birr and a house were proved to be common property and this reversed an earlier judgment of a woreda court

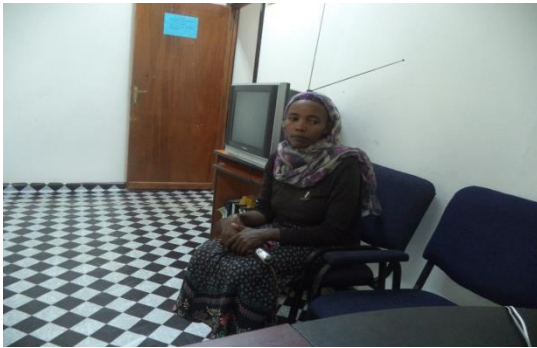


**10. Some notable cases**

**A. Hussein Jemal**



Our client Hussein Jemal is a resident of Jimma town. Currently he is a laborer at a woodworking workshop. His case was about property rights. His parents passed away long time ago. Neighbors of his family were appointed as guardians and tutor by the time. His parents left a house with a thousand (1000m<sup>2</sup>) land as an inheritance which the guardians were empowered to administer. The guardians sold 500m<sup>2</sup> of this land by preparing false title deed and claimed the remaining land as their own. The guardians expelled the boy and left him to streets. Just a year after the guardians dissolved their marriage by divorce, they started to partition a land which belongs to our client. Our client got this information and approached our center. The center represented him before the court and after a lengthy court proceeding the center won the case. The decision of the court was an order to the guardians to demolish the house they built on the land and hand over the land to our client.

**B. Almaz Gebre**

W/o Almaz Gebre was an employee at one of the cafeterias in Jimma town. She served in the cafeteria for more than nine years. She was finally dismissed from her job for a reason she doesn't know. After the dismissal, she begged her employer to write her work experience and give her some money, which she claimed was three hundred birr. Her employer refused to effect any payment and simply write her four years work experience. She was disappointed by the act of her employer and approached Jimma town labour and social affairs office. The office directed her to our center by writing her a letter of support. The center represented her before the court of law. The center finally won the case and the decision of the court was an order for the employer to pay 9,451 birr.

**C. Sheik Nasir A/Mogga, Zara Sheik Nasir And Muhammed Sheik Nasir**

These clients are family members and residents of jimma zone Gomma woreda. They were suspected of homicide and arrested on 26/09/2007 EC. After the investigation file was closed, they were sent to Jimma prison administration and spent there more a year without any charge. They don't have a relative who follows up their cases and they don't know also what to do to avoid this unlawful detention. They approached our center at the prison administration and narrated the story to our students working there. The students took the case and communicated the facts to Jimma zone justice office. They didn't get concrete response and then took the case to Jimma zone high court. The court, after hearing the application, ordered our clients to be released from detention. They finally went home on 15/10/2008 EC. This was another wonderful job done by our law school students working at the center and an instance where justice is actually served.

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### **11. 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 sustainable
- ⊕ High turnover- there is high turnover of center lawyers due to low salary
- ⊕ Transportation – lack of adequate transportation for students and supervisors
- ⊕ Busy schedule
- ⊕ 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, etc. In addition, the center admits students for clinical courses and externship program 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 was also given to lawyers working at the centers.