

Needs Assessment Report
on
The State of Legal Aid Service in Addis Ababa, Adama,
Assosa, Bahirdar, Hawasa, Jigjiga and Mekele

Ethiopian Lawyers' Association

August 2014

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Executive Summary

1. This is a needs assessment report which was set out to assess the status of legal aid service in seven towns: Addis Ababa, Adama, Assosa, Bahir Dar, Hawsa ,Jigjiga and Mekele. The activity is an essential part of the project entitled ” Engaging the Justice Sector for Good Governance: Enhancing Justice Sector Stakeholders’ Capacity on Rights Information, Legal Aid, Resource Centre and Legislative Advocacy to Promote the Rule of Law” funded by the European Union, EU.
2. The needs assessment was conducted to find out who the beneficiaries of legal aid service are and the criteria, if there is any, used for selecting them, assess the relevance as well as the extent/ scope of coverage of the service, probe how adequate the service is, explore whether or not a follow-up/ monitoring mechanism is in place to ensure the service rendered to the beneficiaries is up to the standard as well as identify the formidable challenges encountering the service.
3. Key informant interviewee, FGD and survey techniques were used to collect data on the status of legal aid service in the targeted areas. Participants drawn from courts, MoJ and regional justice bureaus, legal aid providers, legal professionals, beneficiaries as well as prospective beneficiaries of the service drawn from Addis Ababa, Adama, Assosa, Bahir Dar, Hawsa, Jigjiga and Mekele were involved in the needs assessment.
4. The findings of the assessment revealed that the provision of legal aid service is crucial in ensuring access to justice for the poor, the disempowered and vulnerable groups as well as in conducting fair trial that keeps the incident of miscarriage of justice at bay. The findings further established that legal aid service is a vital strategy in realizing the right to access to justice and legal aid centers as vehicle to achieve that end. The assessment further revealed that the appearance of the poor at court of law without being represented by an attorney is a cause for repeated adjournment and the consequent delay in the proceedings in courts.
5. The result of the reeds assessment also revealed that there is a great deal of discrepancies among legal aid service providers in terms of the extent/scope of the service they provide and types of cases they handle. While some of the service providers entertain both civil and

criminal matters, others limit their service to criminal cases. Some give only oral advice, and /or prepare pleadings. Others offer comprehensive services ranging from oral advice to preparation of pleadings to representation to mediation and psycho-social support.

6. The study also showed that legal aid providers, despite their efforts, haven't done enough in ensuring access to legal aid service to the needy. Compared to the demand on the ground the service given by the existing legal aid providers is inadequate to say the least. The findings further revealed that there is a glaring difference between the quality of service given by public defenders to an accused person on the one hand and the service provided by a private attorney to its client on the other and cast doubt on the effectiveness and quality of service given by the former. The findings also showed that majority of the service providers are reliant on paralegals, notably, law school students for the service provision which might compromise the quality of the service given to beneficiaries.
7. The findings of the assessment further disclosed that in some legal aid centers (e.g. Bahir Dar University and others) the service is sporadic due to budget constraint. The unpredictability of the service has its own negative bearing on the quality of the service rendered to the needy. The study also indicated that several University Legal Aid Centers are reliant on external funding. If the external funding dries out the centers' the likelihood of quitting the service seems high.
8. The quality of legal aid service partly depends on the strength and efficiency of the monitoring system in place. In the absence of the latter, it is hard to ensure that the service delivered by legal aid providers is up to the required standard. Besides, in the absence of a strong supervision mechanism, it will be highly unlikely to ensure compliance of advocates who are obliged by law to provide *pro bono* service. Consistent with this understanding, the findings of the needs assessment show that despite difference in the robustness of the system in place, almost all agencies involved in the needs assessment claimed to have some sort of monitoring mechanisms. Although a robust supervision mechanism has been designed in some legal aid providers, it is not functional as one might expect it to be due to the problem of understaffing. In practice agencies responsible for overseeing the enforcement of the 50-hour *pro bono* service imposed by law on advocates have done little in terms of ensuring advocates compliance.

9. The needs assessment identified a host of problems plaguing the legal aid service. They include the fuzziness of the scope of coverage of legal aid, the absence of a clear directive to put into effect the 50-hour pro bono service, the inadequate staffing and budgeting of the Public Defender's Office, the lack of awareness on the availability of the legal aid, the financial constraints, the absence of objective criteria for eligibility of accessing the legal aid service, the distrusting of evidence of pauperism issued by social courts, the lack of coordination among legal aid providers, the absence of standard for quality assurance in the service provision as well as the absence of supervisory mechanism for tracking the performance of advocates while providing pro bono service.

10. Considering the challenges and gaps identified in the provision of legal aid service, the report forwarded measures that need to be taken by MoJ, courts, legal aid providers, universities and donors. Major recommendations include but not limited to strengthening the PDOs both at the federal and state levels through staffing, allocating adequate budget, furnishing them with different facilities such as vehicles, and equipment, strengthening the existing legal aid center and expanding the service far and wide, putting in place effective monitoring system to ensure the compliance of advocates obliged to provide the 50-hour pro bono service and other legal aid service providers, set eligibility criteria for selecting beneficiaries of the service, issue directives that guides legal aid service providers to determine who should get oral advise or preparation of pleadings or court representation to curb arbitrariness in the service provision, allocating adequate budget by universities to university-run legal aid centers and carryout promotional activities to increase the turnout of beneficiaries of the service and issue policy on legal aid service. .

PART - ONE

1. 1. Background

The Ethiopian Lawyers Association (ELA), was initially organized in 1965 under the name Advocates' Welfare Association. As the name indicates, it was organized only for social purpose. One year later, in 1966, the Association evolved into Advocates' Association and got registered with the then Ministry of Interior. Later, in 1967, it was renamed the Ethiopian Bar Association. Following the promulgation of the Charities and Societies Proclamation No.621/2009, the Association re-registered as Ethiopian Society under the new name, the Ethiopian Lawyers Association (ELA). The Association currently has 528 members (working in various fields such as private practitioners, judges, prosecutors, academics, policy makers) drawn from Tigray, Amhara, Harari, Dire Dawa Administration, Southern Nations, Nationalities and Peoples Regional State (SNNPRS) as well as the Addis Ababa City Administration. ELA is a founding member of the Pan African Lawyers' Union (PALU) whose headquarters is found in Addis Ababa, Ethiopia.

ELA was established with the aim of promoting the interest of its members, the development of the legal profession, upholding the rule of law and the independence of the judiciary, good governance, human rights as well as ensuring the dignity and independence of the profession besides working to upgrade the legal skills of practicing lawyers along with the provision of legal aid service to the needy. Currently, ELA is implementing a 24-month project entitled “Engaging the Justice Sector for Good Governance: Enhancing Justice Sector Stakeholders’ Capacity on Rights Information, Legal Aid, Resource Centre and Legislative Advocacy to Promote the Rule of Law” funded by the European Union, EU.

Providing legal aid to the poor and other vulnerable groups, notably, to the disabled, to prisoners, to workers living with HIV/AIDS, to women and children, is one of ELA’s core activities planned to be undertaken during the project implementation period. The Black’s Law Dictionary defines legal aid as “free or inexpensive legal services provided to those who cannot afford to pay full price.”¹ The dictionary further states that legal aid is “administered locally by especially

¹ Black’s Law Dictionary Seventh Edition

established organizations.”² Others define the concept as “provision of the service of legal nature free of charge or at a discount to those who cannot afford such services”.³

The purpose of legal aid could be appreciated from the social policy perspective and from a human rights angle. While the social policy perspective “recognizes legal aid as vital legally mandated social service essential in maintaining a functioning justice system and promoting equality and justice”⁴, the human rights perspective, on the other hand, takes for granted legal aid as a vehicle for ensuring “the right to access to justice, fair trial, and equality before the law”⁵.

The relaxation of the regulatory framework on the establishment, operation and dissolution of associations set out since 1991 not only paved the way for the proliferation of a new breed of organizations undertaking legal aid service as their core activity, but also triggered inward looking professional associations to embark on legal aid service. In line with this, advocacy organizations such as Action Professionals Association for the People (APAP), Association for the Nationwide Action and Protection Against Child Abuse (ANNPCAN), Children’s Legal Protection Center (ACPF/CLPC), and the Ethiopian Women Lawyers’ Association (EWLA), just to mention a few that dominated the legal aid service landscape for over a decade served the poor, children (who were victims of neglect, deprived of their liberty and abused) and women who were victims of Gender Based Violence (GBV) up until most of them shifted to other spheres of development activities in 2009 due to the enactment of the Charities and Societies Proclamation.

The emergence of universities–run legal aid centers, the involvement of the Federal Ministry of Justice (MoJ) and Regional Justice Bureaus, Women and Children Offices offset the void created in the service provisions by the sudden withdrawal of advocacy NGOs from the field of legal aid service.

The constitutional recognition given to access to justice and the subsequent efforts made to operationalise constitutional clauses pertaining to the later through legislative measures including the 50-hour *pro bono* service imposed on advocates per annum, the establishment of the Public Defender’s Office at the federal and regional levels, the active involvement of the justice offices

² Ibid

³ Getnet Mitiku, Muhaz Magazine vol.1.No.9. August 2012.

⁴ Ibid.

⁵ ibid

and bureaus at the federal and regional levels to give legal assistance to vulnerable groups such as women and children, the surge for service providers' in drove and their geographical spread across regions resulted in a remarkable improvement in the service provision. Notwithstanding this success story, "quality and affordable legal aid service is not available for most Ethiopians".⁶ Given the enormous demand on the ground, accessibility of the service leaves much to be desired as well.

In view of this, ELA undertook a needs assessment in sites where its program is operational to gauge the perceptions of different stakeholders on the status of legal aid and devise a workable strategy for strengthening existing legal aid providers. Establishing new legal aid centers as well as providing prompt information on the state of legal aid across the regions are also additional objectives of the needs assessment.

1.2. Structure of the Report

The report has three parts. While Part-One presents background, Part Two touches upon objective, methodology and organization of the report. Part-Three comprises five sections and several sub sections. While section one discusses on the beneficiaries of legal aid service and the criteria set for the selecting them. Section two presents issues on the relevance and extent/scope of coverage of legal aid service. While Section Three looks into the adequacy of the service, Section Four assesses the existence and strength of the follow-up mechanism put in place. Section five deals with the challenges of legal aid service, the last section presents conclusions and recommendations.

⁶ Desalegn R., Akalewold B. and Yoseph E.,(2010) , CSOs/NGOS in Ethiopia: Partners in Development and Good Governance

PART-TWO

2. Objectives and Methodology

2.1.Objectives of the Study

The needs assessment which took place over a period of three weeks has the following objectives:

- To probe whether access to legal aid service is a pressing need for the targeted beneficiaries;
- To identify gaps in the provision of legal aid service;
- To identify stumbling blocks impeding access to legal aid service to the needy; and
- To suggest a remedy to address the identified problems.

2.2. Methodology

Different tools have been used to conduct the needs assessment on the status of legal aid service in the targeted towns. Focus Group Discussion (FGD), key informant interview and survey (questionnaire) techniques were employed to generate relevant data for the study. Consequently, the assessment gathered a combination of quantitative and qualitative information from legal aid providers, practicing lawyers, judges, prosecutors, persons who benefited from legal aid service as well as prospective beneficiaries.

2.2.1. Focus Group Discussion(FGD)

During the needs assessment one FGD, involving exclusively legal aid providers whose offices are in Addis Ababa (some of them have outreach programs in regions), was conducted. The FGD involved representatives drawn from the Ministry of Justice (MoJ), the Public Defenders' Office (PDO), the Ethiopian Women Lawyers Association (EWLA), the Human Rights Council (HRC) and the Supreme Court Child Justice Project on the assumption that government and non-governmental organizations engaged in legal aid service have adequate knowledge on the

condition of legal aid service in general and , the performance of legal aid providers in particular and the challenges they often face.

2.2.2. Key informant interview

Separate interview guides for judges, prosecutors, public defenders, legal aid providers were prepared. A total of 40 persons, which were drawn from judges, prosecutors, public defenders, officers from Women, Children and Youth Bureaus and persons in charge of legal aid centers in the targeted towns and Addis Ababa, participated in the key informant interviews. While it has been possible to reach almost all representatives of relevant agencies in the targeted towns, in some areas such as Jigjiga and Hawasa the key informant interview involved only reachable informants.

2.2.3. Questionnaire

Three types of questionnaires were developed for use of the survey, i.e., for legal professionals, for persons who benefited from legal aid service and for prospective beneficiaries. All the questionnaires were prepared in Amharic for use by respondents. In the questionnaires, a series of closed and open-ended questions were provided. The open ended questions were intended to make respondents provide more feedbacks and introduce new ideas. While the questionnaires administered to the beneficiaries and prospective beneficiaries of legal aid service, apart from questions on substantive issues, sought information on the respondents' age, gender, employment, family status, number of dependents, the questionnaire directed to legal professionals sought information based on their place of work, fields in which they are engaged in, and years of experience in addition to the subject matter of the assessment.

The FGD, the key informant interviews as well as the survey were mainly conducted by the staff of the Ethiopian Lawyers Association (ELA) and the Ethiopian Young Lawyers Association (EYLA). While the numbers of beneficiaries who filled out and returned the questionnaire were 33, the number of prospective beneficiaries who completed the questionnaires was 59. Similarly, the total number of legal professionals who completed the questionnaires was 54.

The tables below show the profiles of respondents drawn from beneficiaries, prospective beneficiaries of legal aid and legal professionals who filled out the questionnaires.

Table-1 Profiles of the prospective beneficiaries who filled out the questionnaires

| Sex | | Age | | Occupation | | Family Status | | Dependents | |
|--------------|----|----------------------|-----------|----------------------|-----------|--------------------------|-----------|--------------------------------------|-----------|
| M | 19 | <18 | 4 | Full time Employment | 20 | Married and have kids | 29 | No dependent | 11 |
| F | 40 | 19-25 | 18 | Part time Employment | 5 | Married but have no kids | 2 | 1 to 4 dependents | 31 |
| | | 26-38 | 22 | Unemployed | 16 | Single | 20 | 5 to 10 dependents | 12 |
| | | 39-50 | 9 | Unfit for work | 1 | Single but have kids | 5 | Respondents who Skipped the question | 5 |
| | | >50 | 2 | Pension | 5 | Divorced | 2 | Skipped the question | |
| | | Skipped the question | 4 | House maid | 4 | Skipped the question | 1 | | |
| | | | | Private business | 2 | | | | |
| | | | | Skipped the question | 6 | | | | |
| Total | | | 59 | | 59 | | 59 | | 59 |

Table-2 Profiles of the beneficiaries of legal aid service who filled out the questionnaires

| Sex | | Age | | Occupation | | Family Status | | Dependents | |
|--------------|-----------|-------------------------------------|-----------|----------------------|-----------|-------------------------------------|-----------|-------------------------------------|-----------|
| M | 9 | <18 | 2 | Full time Employment | 13 | Married and have kids | 17 | No dependent | 4 |
| F | 24 | 19-25 | 10 | Part time Employment | 6 | Married but have no kids | 1 | 1 to 4 dependents | 16 |
| | | 26-38 | 9 | Unemployed | 9 | Single | 5 | 5 to 10 dependents | 10 |
| | | 39-50 | 5 | Unfit for work | 1 | Single but have kids | 6 | Respondent who skipped the question | 13 |
| | | >50 | 4 | Pension | 2 | Divorced | 3 | | |
| | | Respondent who skipped the question | 3 | House maid | 2 | Respondent who skipped the question | 1 | | |
| | | | | Self employed | | | | | |
| Total | 33 | | 33 | | 33 | | 33 | | 33 |

Table-3 Profiles of legal professionals who participated in filling out the questionnaires

| Place of work | | Occupation | | Years of experience | |
|---------------|-----------|-------------------|-----------|---------------------|-----------|
| Adama | 9 | Judge | 6 | <5 Years | 21 |
| Hawasa | 13 | Public Prosecutor | 6 | 5-10 | 15 |
| Bahirdar | 12 | Law Instructor | 4 | 10-20 | 13 |
| Mekele | 10 | Attorney | 27 | Skipped | 5 |
| Assosa | 5 | Lawyer | 9 | | |
| Gonder | 1 | Law Student | 2 | | |
| Jigjiga | 1 | | | | |
| Addis Ababa | 3 | | | | |
| Total | 54 | | 54 | | 54 |

2.3 Selection of Sample Towns

The targeted sites for the needs assessment were selected based on the information contained in the approved project document. Consequently, out of nine regional states towns, seven towns were selected, i.e., Adama, Assosa, Bahir Dar, Hawasa, Jigjiga, Mekele as well as Addis Ababa.

2.4 Selection of Study Participants

Generally, legal aid service brings aboard a wide array of actors having different levels of involvement/participation such as service facilitators, service providers and beneficiaries. In view of this fact, the study team involved participants drawn from courts, legal aid providers (both state and non-state actors), and beneficiaries (those who got the service) and prospective beneficiaries (persons who will most likely go to legal aid providers if they face some legal problem because of their economic status) in Adama, Assosa, Bahir Dar, Hawasa, Jigjiga, Mekele as well as Addis Ababa.

2.5 Process of Data Capture and Analysis

The FGD results, the findings of interviews together with field notes were organized in line with the questions spelled out in the interviews and FGD guides. Thereafter the text was translated into English. Similarly, the completed questionnaires were returned to the data collectors and checked for completeness. The response for both closed and open-ended questions were listed and tabulated. Data clearing for errors was done. The findings obtained from the FGD, Key informant interviews and the results of the questionnaires were discussed under various themes that emerged in the course of the analysis.

PART-THREE

3. Findings and Discussions

3.1. Beneficiaries of Legal Aid Service and the Criteria for Selecting

3.1.1. The Beneficiaries of the services

One FGD participant drawn from the Public Defenders' Office (PDO) remarked that,

The questionnaire as things stand now, we provide the service both for the haves and the have-nots alike. A person having millions of birr in his/ her coffer may benefit from the service. There are defendants who openly tell us they are not paupers. Currently, we are representing defendants having property worth millions of Birr” (Representative from the PDO).

On the other hand, another FGD participant disclosed that “95% of the recipients of the service are poor women with children” (EWLA). Interviewees from Jigjiga University Legal Aid Center noted that “most of the people who come to the center seeking the service belong to the lowest stratum of the society such as pensioners, and workers whose contract of employment is terminated illegally” (Solomon Guade, Jigjiga University Legal Aid Center Coordinator and Melaku Beza Deputy Coordinator).

3.1.2. Criteria for Selection of Beneficiaries

The findings of the needs assessment show that most of the legal aid providers do not have objective criteria for the selection of beneficiaries. Others, apart from questioning the wisdom of setting a standard, they heed little to the selection of beneficiaries. In line with this thesis, one FGD participant expressed that his organization is committed to give legal aid service to any person irrespective of gender, income or social status provided that they are victim of human rights violations.

As long as the existence of a violation of rights is established, we provide the service to any one irrespective of their economic status. In principle, any person who has grievance may request for legal aid service. The only criterion for benefiting from the service is being victim of human rights violations. We espouse the idea that access to legal aid service should be guaranteed to people coming

from all walks of life. We do not discriminate service recipients on the basis of income or gender, etc. So, on our part the criterion is a bit lax (HRC).

Likewise, a respondent from Adama Legal Aid Center said,

There is no clear cut standard for screening beneficiaries. However, in most cases we determine whether a person should get the service or not after hearing the case. The fact that a person is wealthy doesn't mean he/she can hire an advocate and get the service. A person may be in a dire situation to get access to his own property. In such a situation we should support him (Adama University Legal Aid Center).

Same interviewee, however, underlined when it comes to secure the service of representation, one should come up with evidence of pauperism from the Woreda Administration” (Adama University Legal Aid Center). Another FGD participant noted,

We provide the service to those who cannot afford to hire advocates. But again, we do not have objective criteria for screening beneficiaries. Of course, we assess the income level of those who seek free legal aid service. Obviously we deny the service for some claimants based on their personal account and our own observation (CJP).

An interviewee from the Somali Regional State Women, Children, and Youth Bureau said “Women from all walks of life, from the poor to the rich come to our office” (Zahra Abdi - Somali Regional State Women, Children, and Youth Bureau Gender Core Process Coordinator). One more FGD participant noted, although in the majority of cases gender and income level are cumulatively used to screen beneficiaries of the service, on some occasions the service providers disregard these criteria.

The criteria for screening service recipients are cumulative, being a woman and poor. On occasions, however, we do provide support to women with high impact cases (strategic cases) irrespective of their income. If the case brought to our attention is found to be of high impact or is believed to have the potential of educating women and other actors, the case will be pursued regardless of the economic status of the complaint lodging woman. The notorious Case of Kamilat is a case in point (EWLA).

An FGD participant from the MoJ on his part suggested that income is only one but not the sole criterion for the selection of beneficiaries. According to him,

Income is one but not the sole selection criterion for accessing the service. Being an HIV/AIDS patient, deprived or disabled entitle access to free legal aid service.

Recipients of the service are required to produce evidence of pauperism from the Kebele Administration of their residence to access the service (MoJ).

An FGD participant drawn from the Public Defenders' Office stated that his office neither set criterion nor selected beneficiaries of the service.

The Public Defender Office does not set criteria for selection of service recipients. It is up to courts to determine who should be entitled to the service. A court assigns defense council if and when it thinks miscarriage of justice will ensue unless a defendant is represented. Defendant's affidavit and courts' verification of the authenticity of the former is the only requirement to access our service (PDO).

3.1.3 Discussion

Generally, there seems to be a consensus among interviewees as well as FGD participants drawn from legal aid providers, courts and legal professionals with respect to who should be the beneficiaries of the legal aid service. The findings of the needs assessment by and large show that service recipients' for the most part belong to low income group although this does not mean that all service providers board identical target groups. While some of the legal aid providers exclusively target women, others bring aboard exclusively women and children. Still others provide service to the poor who cannot afford to hire advocates irrespective of their age and gender. Others in addition to women and children target people with disability, HIV positives and other vulnerable groups. The Public Defenders' Office on its part provides service exclusively to persons accused of serious crimes. What makes the service of the PDO a bit different from other service providers is that it renders the service to the poor and the rich alike. Targeting a particular social group or reaching out a wide array of social groups by itself has no problem provided that the service meant for the needy and other vulnerable groups is not abused.

Findings from the assessment show that while some service providers set criteria for the selection of beneficiaries, others do not. The findings further revealed that there is no uniform standard even among those who claim to have selection criteria. In line with this, while some legal aid providers put age, gender, and inability to hire an advocate as selection criteria for providing legal aid service, others apply gender as the sole criterion for accessing the service. Although they are marginal there are also legal aid providers who uphold the principle that everyone is entitled to legal aid service. The real challenge that needs to be trashed out is whether there should be a uniform approach among legal aid providers in rendering the service,

whether the discretion to determine beneficiaries of the service should be left to each legal aid provider considering their respective specific situation.

3.2. Relevance and Extent/ Scope of Coverage of Legal Aid Service

3.2.1. Relevance of the Service

Interviews and surveys were conducted to gauge the perceptions on the importance of legal aid service of judges, persons who benefited from legal aid service and prospective beneficiaries drawn from Adama, Assosa, Bahar Dar, Hawassa, Jigjiga, Mekele and Addis Ababa. The findings of the assessment and the subsequent discussion represented below.

One informant, for instance, opined that the poor “face problems from the preparation of pleadings all the way to ignorance of procedure to demanding redress/relief” (Guade Kebede, Berhanu Maru, and Yeshiwork Debebe - Municipal Court Judges). The interviewees further pointed out, the poor more often than not,

Implore persons for the preparation of pleadings. As these persons work for free, they may not give due attention while preparing a pleading. As a result they may overlook formality requirements or commit an error of law. When the poor file such flawed pleading to the court It will definitely affect their right or interests adversely” (Guade Kebede, Berhanu Maru, and Yeshiwork Debebe - Municipal Court Judges).

According to these respondents)

Since the ‘raport tsehafis’(secretaries working near courts who help people draft/write applications using certain pre-established formats)do not have legal background; they prepare pleadings without consulting the relevant provisions of the law. At times, the plaintiffs submit pleadings that have nothing to do with the case they want to litigate. If we are convinced that the pleading is detrimental to the right/interest of the plaintiff (we know the raport tsehafis hanging around courts), we will call and tell them to fill the gaps and rewrite the pleadings accordingly (Guade Kebede, Berhanu Maru, and Yeshiwork Debebe- Municipal Court Judges).

Another informant expressed the gravity of the problem the needy often face. According to this informant,

The problem with the poor is not only money. They are devoid of the ability to convey whatever idea they have in their mind. Consequently, while talking to them we devote sufficient time. We give them direction i.e., where to go and whom to talk

to. Of course we also urge advocates to take time while talking to them. That is the bottom-line (Misrak Brehane, Federal First Instance Court 2nd Family Bench Judge).

In the same way, one more respondent reflected a strikingly similar view with the earlier statement. According to him, “unless the needy are represented by advocates they cannot explain in detail the case they filed to the court and demand the relief they seek. If they do not present their claim properly, they are most likely to lose their case” (Habtamu Mekonen Federal High Court Civil Bench Secretary). A respondent from the Amhara Region Supreme Court, on his part, noted “the poor fail to produce evidence, or accurately present their case due to ignorance of the law. As a result, they bump into problems and we observe miscarriage of justice” (Kidist G/Hiwot-Amhara Region Supreme Court Judge). A Woreda Court President from Mekele had this to say:

When a person litigates at a court of law without legal assistance, not only the plaintiff or the defendant but the court as well faces challenges. The decision will not be fair because the parties may not be on equal footing. A person might fall prey of self-incrimination as a result of lack of legal knowledge. As ignorance of the law has no excuse, persons who lack legal knowledge are more likely to lose their case due to procedural faults or out of sheer lack of knowledge on how the system works. This is not only morally damaging for judges but it also undermines the courts’ legitimacy as the truth in the eyes of the general public and the truth in the eyes of the judges is different. The public might perceive that the court ruled otherwise by disregarding glaring facts (Mitiku Berhe Mekele Woreda Court President).

Similarly, a High Court Judge too noted that “whenever a person litigates with a public prosecutor or an attorney without legal assistance, it is hard to give fair decision and the result will be miscarriage of justice”(Abreha Berhe -Mekele High Court Judge). Another respondent said, “As court administrators we feel bad to litigate a case with a public prosecutor or an attorney without legal assistance to the litigant. It is not that easy to litigate unequal parties” (Asha Amin Adama High Court President). The Assosa Woreda Court Judge also admitted the challenge courts face while litigating a case in the absence of legal assistance to litigants. “It will be tough for the court to give fair judgment on a person (even if he is capable of defending himself), who has no idea whatsoever about the *modus operandi* of the court, participating in court proceedings without being represented by advocates” (Mihiret Fekadu- Assosa Woreda Court Judge). Similarly, SNNP Region First Instance Court Vice President said,

Although judges observe the trampling of the right of pleaders (often poor ones) who are not duly represented by advocates during civil suits, they could do nothing about it except feeling pity. If at all we should give assistance to the poor, it should be given before the examination of the merit of the case commences. Once the examination of merit begins, we cannot revert the process as the law prohibits us (W/o Demekch Dawit -SNNP Region First Instance Court Vice President).

Surveys have been made to gauge the perceptions of lawyers on the need for legal aid service for the poor who are involved in a civil suit or criminal proceeding. In line with this issue, all respondents (100%) drawn from Bahir Dar concurred that free legal aid service is not a matter of choice but that of necessity. A little over half of the respondents from Bahir Dar (53.8%) justified why the legal aid service is a necessity by arguing that one should not be denied of justice because one cannot afford to hire an advocate. In the same way, a third of the respondents (30.8%) reasoned that legal aid is a means for the realization of the right to access to justice. The rest of the informants answered that there is no need to explain why legal aid is essential. It is very important. Likewise, respondents from Hawassa said, the significance of the existence of legal aid service lies in that “it enables the people to get justice. It shields the poor from being denied of fundamental rights. It plays a huge role in realizing the right to access to justice.” Participants from Assosa accentuate the importance of legal aid service in a strikingly similar way. Some of them said, “Free legal aid is important because it guards the poor (who do not have money) from being denied of their fundamental rights”. Others reacted, “it is very much useful for beneficiaries who have neither the money nor the knowledge on the law”. Still others responded that legal aid “is crucial especially for women and children”. Respondents from Mekele gave the following justifications as regards the relevance of legal aid service:

- “It (legal aid) is important because the poor have neither the money nor the knowledge on the law. Hence it protects them from being denied of justice”;
- “The Constitutional right of access to justice will be protected”;
- ”It will bring about justice, peace and security”; and it protects the poor from being “denied of justice simply because they do not have enough money to hire a professional lawyer or legal counsel”.
- “It prevents the occurrence of maladministration as a result of injustice”; and
- It “reduces the workload of other justice organs.”

On another note, the results of the survey conducted on the beneficiaries of the legal aid service provided in Hawassa, Bahir Dar, Adama and Mekele indicate that there is unanimity among respondents on the importance of legal aid service for the needy. The findings of the survey conducted to the prospective beneficiaries of the legal aid service drawn from Hawassa, Bahir Dar Adama, Mekele, Assosa and Jigjiga too show that there is consensus among the respondents on the importance of legal aid service for the needy as well.

3.2.2. Extent/Scope of Service Given to Beneficiaries

One FGD participant from the MoJ, for instance, disclosed that the “Ministry provides service both in civil and criminal cases including oral advice, preparation of pleadings, and representation...we provide *pro-bono* service on civil matters” (MoJ). Similarly, an FGD participant from EWLA on her part, explained in detail the type of service the organization renders to its beneficiaries including “mediation, oral advice, preparation of pleadings, representation as well as psycho-social support” (EWLA). She further noted,

Although women are at the forefront, substantial number of cases coming to our organization involves children. As we entertain family matters, we provide mediation service as well. We also represent clients at court of law if the case brought to our attention so requires. If the case is simple/straightforward EWLA organizes a kind of eye opener training to beneficiaries to represent themselves at a court of law. As far as domestic violence is concerned, we do not send victims of violence back home. We provide them shelter. However, following the coming into force of the Charities and Socialites Proclamation, we no longer provide such service directly to victims of domestic violence (EWLA).

Interviewees from Jigjiga Legal Aid Center on their part explained the types of cases the Center entertains.

Eviction from Kebele owned houses, family matters (payment of livelihood maintenance costs for spouse or children), inheritance, issues of filiations’, partition of joint property, issues involving vulnerable groups and rarely, criminal cases are some of the cases that keep coming to the Center (Solomon Guade and Melaku Beza, Jigjiga University Legal aid Center Coordinator and Deputy Coordinator).

The interviewee also disclosed the extent of the service the Center provides.

Mostly, we give advisory service... We resolve disputes through mediation and mutual understanding. Particularly, we expedite the determination of maintenance allowance (livelihood expenses) and help spouses sign an agreement

(Solomon Guade and Melaku Beza, Jigjiga University Legal aid Center Coordinator and Deputy Coordinator).

An interviewee from the Hawassa University Legal Aid Center enumerated the types of service the Center provides, notably, “preparing pleadings, giving them (the beneficiaries) guidance, conferring power of attorney to SNNP and Oromia Regional States’ Courts through referral system and linking beneficiaries to other institutions so that they will be able to access other services” (Admasu Alemayehu -Hawassa University Legal Aid Coordinator). According to this interviewee,

Beneficiaries seek services mostly in areas such as family, succession, property, land issues, and labor disputes. If we disaggregate the type of services by beneficiaries across gender lines, male beneficiaries tend to seek out services related to labor disputes while females lean towards family matters (Admasu Alemayehu-Hawassa University Legal Aid Coordinator).

The Coordinator of the AAU Human Right Center at Hawassa on his part observed, “The majority of the cases brought to the attention of the center include criminal offence, family matters, labor disputes, succession and other matters (Yednekachew Ayalew- AAU Human Right Center Legal Aid Coordinator). When it comes to the type of services the Center provides, the center’s coordinator identified the following: “preparing pleadings, statement of defense, appeal, resolution of disputes through mediation and negotiation to save disputants from incurring avoidable costs” (Yednekachew Ayalew- AAU Human Right Center Legal Aid Coordinator). A respondent from Adama University Legal Aid Center on his part stated that the center provides comprehensive legal aid service, notably, “legal advice, preparing pleadings to courts, representation and mediation.” According to him, the Center gives services on,

All matters involving legal issues. The Center also resolves cases like family matters through mediation. Based on the memorandum of understanding signed between the Oromia Supreme Court and the Center, the latter has got special license to represent the poor at courts of law. In other words, a person assigned by the Center can represent beneficiaries in court. Law students i.e. paralegals are also allowed to assist advocates in courts (Adama University Legal Aid Center).

An informant from the Addis Ababa University Legal Aid Center (in Adama) also disclosed that the Center provides comprehensive service, namely, legal advice, preparation of pleadings and representation”. The interviewee further remarked, “Around 14 volunteer attorneys work with the Center and give representation service whenever there is a need... Representation service

will also be given by paid attorneys as well” (Addis Ababa University Legal Aid Center in Adama).

Surveys have been conducted on legal professionals on the type of service they rendered to beneficiaries. Accordingly, while 50% of the respondents from Bahir Dar said they gave some of the services, the remaining half (50%) said that they gave comprehensive (all types) services to the needy. Similarly, while 73.3% of participants of the study from Hawassa said they gave only legal advice to beneficiaries, 20% of them noted that the type of service they gave to beneficiaries was writing legal briefs. Only 6.7% of them said they represented the needy at court of law. Equally, 57.1% of the respondents drawn from Asosa and who were involved in the survey said that they provided legal advice and writing pleadings, while 42.9% of them claimed to have given comprehensive services including legal advice, pleading writing and court representation. On the other hand, while 41.7%, of the needs assessment participants drawn from Adama responded that they gave legal advice, 16.7% of them answered that they prepared pleadings. Another 16.7% said they represented beneficiaries at court of law. In the same way, 50% from among lawyers who partook in the needs assessment conducted at Mekele claimed to have given comprehensive (all types of service including legal advice, writing pleadings and representation). 30% of them said that they represented beneficiaries at court of law with only 20% of them saying that they provided only legal advice.

When it comes to the question what should be the extent of the service in the future, 100% of the beneficiaries drawn from Bahir Dar, Adama, and Mekele as well as 75% of the informants drawn from Hawassa are found to be in favor of “comprehensive service”(legal advice, preparation of pleadings and representation), to be given to beneficiaries. Only 16.7% of the informants from Hawassa suggest both legal advice and pleading writing. 8.3% of the respondents are in favor only pleading writing. Similarly while 75% of the beneficiaries of the service drawn from Addis Ababa proposed that the service be limited to pleading writing, the remaining 25% suggested that it should be comprehensive,

In the same way, the findings of the survey conducted to gauge the perceptions of the prospective beneficiaries drawn from Hawassa, Bahir Dar, Adama, Jigjiga, Mekele and Assosa show no different results. While 77.8% of the respondents from Hawassa said that the service should be “comprehensive”, 11.1% suggested it should be limited to legal advice. Another

11.1% of the respondents said the service should be limited to “pleading writing” only. Similarly, while 70% of the respondents from Bahir Dar suggested the service should be “comprehensive”, 20% of them said it should be limited to legal advice whereas the remaining 10% proposed only “pleading writing” to be given. Similarly, while 83.3%, of the total respondents drawn from Hawassa recommended that the service should be “comprehensive service”, 3% of the respondents proposed the service should be “legal advice” only with the remaining 8.3% “suggesting the service should be both “legal advice” and “pleading writing.” By the same token, 75% of the Mekele respondents proposed that the service should be comprehensive with 25% of them saying the service should be limited to “legal advice only. Likewise, while 75% of the respondents from Jigjiga suggested that the service should be comprehensive, the remaining 25% said it should be limited to “pleading writing only.” On the other hand, while 84.6%, of the respondents from Assosa proposed “comprehensive” service should be given to beneficiaries, 7.7% of the respondents suggested the service should cover legal advice and pleading writing with the remaining 7.7% of the respondents suggesting that only pleading writing should be given as service. Also 66.7% of the respondents drawn from Addis Ababa go for comprehensive service and 16.7% of them are in favors of legal advice and another 16.7% suggested that the service should be limited to pleading writing.

3.2.3 Discussion

The findings from the assessment revealed that the problem with the poor is not only related to scarcity of money to cover legal costs. They are also devoid of the ability to convey whatever idea they have in their mind. As a matter of fact, if the needy do not properly present their claim at a court of law, most probably they end up losing their case. The findings further show that in the absence of legal aid service the choice for a poor plaintiff remains to implore someone with legal knowledge and skills to help him/her in the preparation of the pleadings for free. As these persons are not paid (while preparing a pleading or statement of defense) they may not show due diligence and care as paid attorneys do. This would inevitably have its own toll on the outcome of the law suit. The other alternative for the poor will be to pay for *raport tsehafis* (persons with little legal knowledge and experience) for the preparation of pleadings. On occasions, poor plaintiffs may submit pleadings to courts (prepared by *raport tsehafis*) that have nothing to do with the case they want to litigate. This will be a double jeopardy for the poor, as they will lose

both the case and the meager money that they have. The third choice for the poor and what often transpires in practice is to appear at a court of law with no legal assistance. The findings of the assessment show that the appearance of the poor without being duly represented by an attorney is a cause for repeated adjournment and the consequent delay in the proceedings. The findings also show that even if judges observe the trampling of the right of pleaders (often poor ones) who are not duly represented by an advocate during a civil suit, they could do nothing about it except feeling pity due to professional etiquette. Such state of affairs not only damages the morale of judges but also contributes to undermining courts' reputation as custodians of fundamental rights and freedoms.

The assessment also reveals how legal aid service can be crucial in ensuring access to justice for the poor, the disempowered and vulnerable groups in the society as well as in conducting fair trial that keeps the incident of miscarriage of justice at bay. The findings also show that making legal aid service readily available to the needy is a point of consensus among key stakeholders including legal aid providers, beneficiaries and courts. According to the findings of the assessment, the provision of legal aid is an effective strategy to ensure access to justice to the needy and other vulnerable groups. It goes without saying that a large segment of the society is not in a position of hiring advocates. Legal aid centers, thus, play an important role in realizing the right to access to justice. Thus, the existing legal aid service providers need to be reinvigorated, encouraged and further expanded.

Furthermore, the findings from the FGD, interviews and survey conducted show that there is a great deal of discrepancies among legal aid providers in terms of the extent/scope of the service and the types of cases they handle. While some of the service providers entertain both civil and criminal matters, others limit their service only to criminal cases. PDOs for instance exclusively entertain criminal matters. Equally, while some of the legal aid providers give only oral advice, and /or prepare pleadings, others offer comprehensive services ranging from oral advice to preparation of pleadings, to representation to mediation and psycho-social support. It can also be inferred from the same findings that the types of services beneficiaries harness varies from one legal aid provider to another and from one place to another. The findings also show that while legal advice and pleading writing are common services among legal aid providers across regions, such is not the case with court representation. The findings suggest that the services given to low

income persons, women, children and other vulnerable groups need to be comprehensive covering legal advice, writing pleadings and court representation. This indicates the paramount importance given to the comprehensive legal aid service.

3.3. Adequacy of the Service

3.3.1 FGD Participants and Interviewees' Perception on Adequacy of the Service

For the purpose of the needs assessment, adequacy refers to the availability of the service vis-à-vis the need on the ground, its accessibility to the needy as well as its quality. Since the quality of the service given partly depends on the knowledge and experience of service providers, the latter qualification has also been probed during the needs assessment. Against this background, the needs assessment looked into the adequacy of the legal aid service in the selected sites.

An FGD participant from the MoJ said,

I do not think the service we provide is adequate...Although there are some attempts to address this issue, I don't think we have done enough and a lot remains to be done in terms of expanding the service. If people are aware of the availability of the service, the turnout will definitely be overwhelming (MoJ).

The respondent noted that regardless of the pervasive limitation “no one goes back home without getting the service so long as he/she meets the basic requirements”(MoJ). An FGD participant from the HRC on his part argued “we evaluate the adequacy of the turnout of people seeking the service vis-à-vis our action plan. He goes on to say,

In 2009 we did not deliver as per the target set in the annual plan. We faced lots of challenges following the coming into force of the Charities and Societies Proclamation. There was significant staff reduction at the time with a number of branch offices forced to close. The coalitions formed by organizations that provide legal aid service were also dissolved. Promotional activities were downplayed during the transition period as well. Many people felt that we quitted providing the service altogether. At the national level, I do not think adequate effort has been exerted to reach as many people as possible (HRC).

In the same vein another FGD participant had this to say: “in the past, due to the availability of adequate resource we had many branch offices, but now the service is limited to certain centers due to the financial constraint” (EWLA). A representative from the PDO complained that

although there has been a plan to expand the service to the lowest court structure, this has not materialized”. According to him,

Those who are in need of the service do not know about the availability of our service. Likewise, those who should come and benefit from the service have not yet showed up. What’s more, defendants’ hesitance or reluctance to openly assert: ‘I will not be tried in the absence of defense council has its own toll in debilitating the Public Defender’s Office (PDO).

An Appellate Court Prosecutor from Somali Regional State commented on the availability of legal aid and the adequacy of the service. According to him,

Accused persons barely know that they can plead to the court to assign a public defender to represent them. Courts do not ask the accused person whether he/she wants defense lawyer either. They do not solicit advocates to provide the 50 hours pro bono service imposed on the latter by law. The advocates do not show any interest to represent the accused (Mohammed Hussein- Appeal Court Prosecutor- Jigjiga).

The respondent further remarked that,

There is the Public Defenders’ Office. Yet when you compare the quality of service public defenders gives to the accused vis-à-vis the service rendered by private advocates, you can easily observe the glaring difference between the two. The service given by private defense lawyers and the one given by public defenders cannot be compared. There is a huge gap in terms of diligence and commitment (Mohammed Hussein- Appeal Court Prosecutor - Jigjiga).

By the same token, the same interviewee also assessed the service given by the Jigjiga University Legal Aid Center. According to him “the Jigjiga University has opened a legal aid center. However, its performance is not that satisfactory. The service providers do not appear in courts and publicize the legal aid service the Center provides. The people do not know the availability of the service” (Mohammed Hussein- Appeal Court Prosecutor - Jigjiga). A respondent drawn from the Somali Regional State’s Women, Children, and Youth Bureau observed,

The problem is rampant. There are a lot of people who are in trouble and silently endure their pain with no clue as to where to go for legal aid. Lack of awareness is hence a big obstacle. Since the awareness of the people is increasing, the turnout of the people is also increasing side by side (Zahra Abdi: Somali Regional State Women, Children, and Youth Bureau Gender Core Process Coordinator).

Another interviewee from the SNNPR expressed her optimism by saying that “we are seeing some improvement in the quality of services catered to the needy. We also observed that the service is benefiting poor communities (W/o Demekech Dawit, SNNP Regional State First Instance Court Vice President). On the other hand, one interviewee remarked that “since adequate promotional activities have not been carried out; the turnout of beneficiaries is not as much as we would like to have”(Wegayhu Getu representative of the Regions Administration Violence against Women and Children Response Project). Similarly, an interviewee from the Somali Region Justice Bureau stated,

The total number of lawyers embraced by the Advocate Association is about 27. There are not many volunteer lawyers at Jigjiga University who provide free legal aid service to the needy. Most of the poor do not even know that they are entitled to free legal aid service. After having endured a lot of ups and downs, they come to our office. Accordingly, the tantalizing and yet unanswered question is what if lots of beneficiaries come seeking the service? Obviously, we will not be able to provide the service due to the evident shortage of qualified lawyers (Imran Omar: Document Authentication, Association Regulation and Advocate Licensing Core Work Process leader)

Likewise, a respondent from Adama Zone Women and Children Office opined,

we can say that the turnout of clients is so high that it is beyond our capacity. We don't have the capacity in terms of human resource (professionals) to handle huge number of clients. The demand and supply are not comparable. Currently, the number of clients has declined to some extent due to the change of address of our office and the new site is a bit far to beneficiaries. As a result the community faces accessibility problem (Shegitu Qabeto Deputy Officer of Women and Children Office of Adama Zone).

Another respondent from Bahir Dar Women, Children and Youth Bureau stated:

There is no clear organizational structure. There are no legal professionals. As a result it is imperative to refer clients to other institutions. To fill this gap, assigning a professional who will provide legal advice, prepare pleading or represent beneficiaries at a court of law is imperative. Since we do not provide these services, beneficiaries are forced to pay for the preparation of pleadings. Occasionally, the justice bureau provides these services based on evidence of pauperism. However, the service does not reach the masses (Interviewee from Women, Children and Youth Bureau).

An interviewee working as legal aid provider in the Amhara Region Justice Bureau on his part observed, “owing to lack of awareness and low expansion of accessibility of the service many

people are not benefiting from the service. Moreover, shortage of human resource as well as inconvenience created by the locations of service providers posed additional problems” (Temesgen Melaku Justice Bureau: Legal Aid Service Provider - Bahir Dar). The Coordinator of the Legal Aid Center at the Bahir Dar University had to say,

The turnout of people is not as expected. The service is given sporadically. In the past the Centers has been closed for about six months as we had no secretary. After having promoted the service, the Center has resumed its service afresh. The service is not given to clients on a regular basis. The erratic nature of the service has contributed to the decline of beneficiaries who want to access the service. While the Centers have widespread recognition its intermittent service has not only posed serious question on the sustainability of the center but also impeded the flow of beneficiaries. (Henock Bogale – Lecturer at Bahir Dar University and Coordinator of the Legal Aid Center).

The Mekele University Legal Aid Center Coordinator on his part remarked, “The Center has four branches, and yet when we compare to the demand on the ground, it is not enough” (Mekele University Legal Aid Center Coordinator).

3.3.2 Courts ‘Perceptions on Adequacy of the Service

Courts’ assessment of the legal aid service is disparate. One respondent, for instance, said, “Only those who have the information ask the court to assign advocates. However, the court assigns a public defender only for defendants accused of homicide. Nothing has been done for persons accused of other types of criminal offences” (W/o Kidist, Regional Supreme Court Judge). The Adama High Court President Ms. Asha Amin on her part said, “Occasionally clients request support from the court”. She further remarked, “The existing service is not enough. Service providers are law school students. Sometimes they lack practical knowledge. In addition, the service is not available in all working days.” On the other hand, one respondent said, “we cannot clearly evaluate the outcome of our support but sometimes clients tell us how much they have benefited from the service.” Another respondent casts doubt on the adequacy of the service given by PDOs.

I do not think the service provided by public defenders is effective as they meet and talk to defendants in the court premise. They do not empathize with the accused persons by considering the case as their own and follow-up the case seriously. Let alone give other support, they frame issues for witnesses here in the court premise

after having asked the bench to give them some time to talk to the latter (W/o Kidist G/Hiwot - Amhara Region Supreme Court Judge).

A judge from the Amhara Region First Instance Court Children Bench at Bahir Dar noted that the legal aid service is shrouded with quite a number of problems. According to her,

Juvenile offenders are not aware of the availability of the service. We judges know the 50 hours pro bono service imposed on the advocates and we request the latter to provide the service. However, advocates give little heed to their statutory obligation. So we refer clients to Women, Children and Youth Affairs Bureau. The latter asks clients to present evidence of pauperism. Since the Kebele Administration does not provide them the evidence, they come back to the court and complain (W/o MuluMekonen First Instance Court Children Bench Judge).

Similarly, interviewees from the Bahir Dar Municipal Court pointed out,

We have never seen the court's effort in facilitating access for free legal aid service to the needy. Occasionally, when HIV/AIDS patients and persons with frail health come, we help them in linking with advocates and give them some advice. We also refer them to justice offices. If possible, we request the office to assign advocates to handle their case. In the past, we used to refer them to the Ethiopian Women Lawyers Association, EWLA. Unfortunately EWLA is now no longer operational (Guade Kebede- Brhanu Maru, and Yeshiwork Debebe- Municipal Court Judges).

A respondent from Assosa on her part noted, “The court tries to persuade advocates to assist the needy” (Mihiret Fekadu - Assosa Woreda Court Judge). According to her, “at times attorneys are willing to support the poor and represent them at a court of law” (Mihiret Fekadu- Assosa Woreda Court Judge). On the other hand, the Oromia Supreme Court Administrator noted that “we could not harness the services of the legal aid centers as the Oromia Supreme Court is located in Addis Ababa. As a result, we cannot support clients in the Supreme Court. We are giving support only for criminal cases by harnessing the service of public defenders and volunteer attorneys” (Oromia Supreme Court Administrator).

On the other hand, SNNP Region First Instance Court Vice President expressed her optimism by saying, “we are witnessing improvement in the quality of service given to the needy. We are also observing that the service is doing well to the poor” (W/o Demekech Dawit - SNNP Region First Instance Court Vice President). Likewise, the Adama High Court President remarked that “the court works together with the nearby legal aid providers. We follow their work and they inform us if they face any problems. The court has given them space for the legal aid center” (Adama High Court President Ms. Asha Amin). The Federal First Instance Court Second Family Bench

Judge on her part noted that” the service providers are advocates who are assigned by the MoJ. I would say the service they provide is effective” (W/o Misrak Brehane - Federal First Instance Court Second Family Bench Judge).

3.3.3 Beneficiaries’ Perception on Adequacy of the Service

Respondents who accessed legal aid service from Bahir Dar, Hawassa, Assosa, Adama and Mekele were asked to indicate the legal aid provider from which they received the service, the type of service they got and its relevance. In line with this, all informants (100%) drawn from Bahir Dar said that they “received free legal aid service from Bahir Dar University Legal Aid Center.” As far as the type of service they received is concerned, 83.3% of the respondents said “pleading writing”, while 16.7% of them said they got “legal advice”. Moreover, all respondents (100%) rated the quality of the service as “Very Good.” Likewise, respondents from Hawassa replied that they accessed the legal aid service from Addis Ababa University Legal Aid Center (in Hawassa) as well as Hawassa University Legal Aid Center”. As regards the type of service they received, “50% of the respondents said they received legal advice, while 16.7% of them said they got the service of pleading writing and 33.3% of them said they received both legal advice and pleading writing” services. Regarding the quality of service, 100% of the respondent rated as “very important.” In the same vein, respondents from Adama said, they accessed the service from “Addis Ababa University Legal Aid Center (in Adama) and Adama University Legal Aid Center.” All informants (100%) who participated in the survey claimed that they received “legal advice and pleading writing” services. Besides, 80% of the respondents rated the service “very important”, while the remaining 20% rated the service as “fair”. By the same token, all respondents drawn from Mekele who benefited from the legal aid service said that they got the service from “Mekele University Legal Aid Center.” The types of service they received include legal advice (33.3%), pleading writing (33.3%), both legal advice and pleading writing (16.7%), and representation (16.7%). While rating the quality of the service they received 83.3% of the respondents said “very important”, and 16.7% of them rated the service as “fair.” Respondents drawn from Addis Ababa and who participated in the survey said that they received the service from the Federal Supreme Court Child Justice Project and Bole Sub City Women, Youth and Children Office. When it comes to the type of service they received 50% of them said they got the service of pleading writing while the remaining 50% replied that they got both legal advice

and pleading writing. As far as the quality of the service is concerned 50% of the respondents rated the service “very important” and the remaining 50% rated it as fair.

3.3.4 Qualifications of Service Providers

An interviewee from the Hawassa University Legal Aid Center suggested that while the Center “engages 4th year and 5th year law school students with excellent academic track record, beneficiaries are represented by academic staff qualified with LLM degree” (Admasu Alemayehu - Hawassa University Legal Aid Coordinator). Respondents from the Jigjiga University Legal Aid Center too said, “Law school students under the supervision of law school teachers provide legal aid service.” According to them, “cases will be given to law school students and weather their opinions and comments” (Solomon Guade, Jigjiga University Legal Aid Center Coordinator and Melaku Beza Deputy Coordinator). An interviewee from AAU Human Right Center in Hawassa on his part remarked, “Currently, 17 paralegals, drawn from 4th year and 5th year law school students, who received proper training, are working in the Center. The Center regularly organizes training to them so that they improve their competency” (Yednekachew Ayalew - AAU Human Right Center Legal Aid Coordinator). The same interviewee further said, “The Center Coordinator is LLM degree holder. In the past five years, he has not only been teaching in law school but was also involved in the provision of legal aid service” (Yednekachew Ayalew- AAU Human Right Center Legal Aid Coordinator). According to him, “there is no problem of competency in delivering the service” (Yednekachew Ayalew- AAU Human Right Center Legal Aid Coordinator). Another informant from the Adama University Legal Aid Center suggested that “some of the employees of the Center have degree and diploma in law. Law school students working as paralegals give legal advice and prepare legal briefs” (Adama University Legal Aid Center). In the same way, an interviewee from Bahir Dar University Legal Aid Center stated that “there are three clusters of persons involved in the legal aid service provision. The first group consists of third year and above law school students. The second cluster comprises fourth year students and 4 month practicum (40-50 persons). They are assigned to provide the service regularly. The third group involves lecturers” (Henock Bogale- Lecturer at Bahir Dar University). According to this informant, “each lecturer is duty bound to provide community service. Providing community service is one requirement for promotion. So, both lecturers and the administration are highly involved in the legal aid service

provision. We organized a two-day training to students by professionals on how to handle clients as well as identify areas they should give due attention in a given case and related matters”(Henock Bogale – Lecturer at Bahir Dar University). Equally, a respondent from Mekele University Legal Aid Center noted that “the service providers are lawyers having a minimum of LLB. There are also law students who are practicing law in the Center” (Mekele University Legal Aid Center Coordinator).

On the other hand, a respondent from the MoJ remarked that,

The Ministry works with professionals who secured a minimum of first degree in Law. There are also diploma holders with extensive experience. Given their knowledge and experience, I don’t think they have a problem with respect to legal knowledge. If at all there is a problem, it could be ethical ones. I would say they are qualified for providing legal aid service (MoJ).

Similarly, an FGD participant from the PDO stated that “except two or three person, all public defenders are degree holders” (PDO). An FGD participant drawn from the HRC said,

The educational qualification of service providers in our organization is LLB degree and above. Nearly all of them have accrued years of experience in the area as well. When we advertise vacancy, we give preference to women and encourage those professionals with experience of working as judge, and advocacy activities to apply (HRC).

An informant from the CPJ noted that in addition to qualified professionals the office deploys paralegals as legal aid providers.

Service providers are qualified with LLB and above degrees. Most of them served as judges, prosecutors, and law school lecturers. Final year law school students are recruited by the AAU Human Rights Center and are tasked, among other things, to assist advocates, follow-up cases, and carryout case review (CJP).

One more FGD participant said, “in the past we provided pro bono service in Bahir Dar, Hawassa, Adama, Assosa, Dire Dawa and, Gambella through paralegals. We used to organize quite a number of skills upgrading training to legal aid providers. We also used to assign law school students under the supervision of practicing lawyers” (EWLA).

3.3.5 Discussion

FGD participants, interviewees drawn from courts, prosecutors as well as the survey conducted explored the adequacy of the service given by legal aid providers. The findings by and large show that regardless of the effort being made, legal aid providers haven't done enough to ensure access to legal aid service to the needy. The findings revealed that a lot needs to be done in expanding the service.

The findings from the assessment also indicate that there is a problem in the quality of service rendered by legal aid providers. The findings revealed as there is a glaring difference between the service given by public defenders to an accused person on the one hand and the service provided by a private attorney to its client on the other. Invoking the practices whereby public defenders meet and talk to defendants in the court premise, the findings of the needs assessment showed as there is doubt on the effectiveness and quality of service given by the former. There is yet another problem inherent in the service of Public Defenders Office which is brought to the lime light through the findings of the needs assessment, i.e., in most of the sites where the assessment has been conducted courts more often than not assign public defenders only for those who are accused of homicide and nothing has been done for others who are indicted of other kinds of offences.

Equally, the findings from the assessment also showed that the performance of some of the legal aid centers is not that satisfactory to say the least. Although a considerable number of beneficiaries of the legal aid service who participated in the survey rated the service as "very good"/"very important", in reality, all is not well with the service as it is plagued by a number of challenges. Some of the challenges spelled out in the findings of the needs assessment are: First, most of the legal aid centers provide either legal advice or pleading writing or both and rarely give court representation service which is crucial for beneficiaries. Second, some legal aid centers do not go out of their comfort zone (the university campuses) and create linkage with courts where there is overwhelming need for the service. Third, no less important problem is that some service providers do not publicize their service to the general public either.

As is indicated earlier, the quality of service given to the needy partly depends on the qualifications and experiences of persons assigned to provide legal aid service. In line with this,

the needs assessment also appraised the competencies of personnel deployed by the legal aid providers. While the findings of the needs assessment indicate that most of the legal aid providers claimed to have been deployed are legal professionals with a minimum of LLB degree, a few of the service providers stated that they assign diploma holders with extensive work experience together with degree holders. However, the findings show the majority of the service providers are reliant on paralegals, notably, law school students for the service provision. In other words, in many legal aid centers service providers are law school students. Obviously, lack of practical experience and knowledge has its own toll on the quality of services given. Moreover, the findings show that in some legal aid centers the service is intermittent due to budget constraint.

3.4. Follow-up Mechanism

Under this sub section an attempt has been made to assess whether service providers have put in place a system that helps them track the status of the case and whether the system in place is robust or not. FGD participants and interviewees drawn from universities legal aid centers, the MoJ, justice bureaus, PDOs and NGOs extensively discussed on the monitoring mechanisms put in place in their respective agencies in the context of legal aid. In line with this, one FGD participant gave a detailed account of the experience of his organization. According to him,

There is a court monitoring system tasked to track the status of a case. What we do is after having prepared pleadings to clients someone from the court monitoring department will follow up the case. Throughout the trial, the court monitoring department tracks the manner of presentation of evidence, testimony of witnesses as well as the entire court proceeding up-until the case is concluded. For each pending case, we have a court monitoring dossier where the profile of the client and the status of the case are recorded. The organization assigns a staff who regularly appears at court of law and report. Moreover, the court monitoring department tracks the trials of high profile cases such as terrorism charges (HRC).

In the same way, another FGD participant from the MoJ remarked,

Although it is not that efficient a follow up mechanism is in place to supervise advocates assigned to provide pro bono service. The Department responsible for licensing and disciplining advocates tracks the status of the case and by extension the performance of assigned advocates by collecting reports from the latter. The department also entertains grievances of clients as the latter are given a chance to put forward their complaints on the performance of an assigned advocate (MoJ).

The informant also said while robust controlling mechanism has been designed, the system in place is understaffed. Consequently, there is no well-organized and functioning monitoring system.” As far as the supervision of prosecutors who provide legal aid service is concerned, the same respondent remarked that prosecutors “like all other civil servants... undergo performance evaluation” (MoJ). Similarly, another FGD participant shared the practice in her organization with respect to follow up. According to her,

EWLA has developed a form to be filled out by service providers (advocates) concerning the service they provide to clients. They report on regular bases. Beneficiaries also give feedback by filing out questionnaires which help us gauge clients' satisfaction. We also keep records of landmark cases as well as conduct court monitoring on cases involving violence against women. There is a bi-annual and annual reporting mechanism as well. Previously there was a mechanism for tracking cases brought to our office. Currently tracking the legal aid service has become part of the Executive Director's portfolio (EWLA).

One FGD participant from PDO, on his part said, “Case follow up system is in place to track cases handled by our office. A follow up form has been developed and implemented” (PDO). According to him, “a Public Defender is required to document/record in a form the status of the case in every court appearance and at all stages of the trial. There is also a circuit court at Assosa and Dire Dawa whereby the status of cases handled by public defenders in regions can also be tracked” (PDO).

Same FGD participant further remarked,

A monthly report by a public defender is submitted to the office. Equally, a monthly, quarterly, bi-annual and annual performance report is submitted to the Federal Supreme Court by the Public Defenders' Office. The report comprises the service provided from the commencement of the trial to the stage where it reached, the type of service provided by the assigned public defender and what is lacking as well as other activities carried out by assignees including visit paid to the defendant in prison. Since each case handled by our Office is documented and the form contains a section that helps trace the stage of the proceeding, any public defender can take up the case from where it stopped and proceed (PDO).

A respondent from the Children Justice Project, on her part, explained the follow up system in place and how it is working. According to her,

There is a follow up mechanism. We classify cases brought to our center at three levels. The first cluster embraces those who are accessing the service in the head office and other two centers. The second one is clients' whose pleadings have been submitted to courts or other administrative bodies and the third one involves beneficiaries whose cases are closed and are no longer looking for the service(CJP).

She moreover said,

We record the status of the case and the stage it reached. If advocates are assigned we track the progress of the case through reporting. If advocates are not assigned but pleadings are filed in courts or other administrative bodies, then we will track the progress of cases through telephone. Even after the case is closed we give a call to beneficiaries at least once (CJP).

On the other hand, a respondent from the Somali Regional State Public Defenders Office remarked that,

The office does not have special follow up mechanism. We know the number of cases handled by our office at zonal and regional levels. As we record for the purpose of report, we know the number of cases we won and lost. We also submit report to the Regional Supreme Court every quarter (Abdwali Jama Ibrahim, Public Defenders Office).

The respondent further stated in addition to periodic reporting, the office conducts supervision.

We appear in court and observe the performance of public defenders and easily identify their shortcomings. We also get feedbacks from courts whether the assigned person provides quality service, whether he is in attendance in court on the day scheduled for hearing, whether he submits pleadings or appeal within the time prescribed by law” (Abdwali Jama Ibrahim-Public Defenders Office).

An informant from the Hawassa University Legal Aid said the Center employs different follow up mechanisms. “We make calls to beneficiaries. If the case involves representation then the assigned advocates are required to report on the status of the case to the Center” (Admasu Alemayehu, Hawassa University Legal Aid Center Coordinator). Similarly, an informant from the Adama University Legal Aid Center stated that,

After giving the service to beneficiaries we will follow up the case. For each beneficiary we open a dossier and record all relevant information so that we can easily track the case by referring to the document. Moreover, the Center follows up the case via phone calls as well. We also tell to beneficiaries to return to the office and brief us on the progress of the case so that we can support them at every stage of the case (Adama University Legal Aid Center).

In the same vein an interviewee from the Tigray Region Justice Bureau suggested that

After providing the legal aid service (advice or preparing pleadings) to the needy, we follow up the case by appearing in court. When it comes to representation, a case recording system is in place so as to track the progress of a case from day one. Clients also come to the office and brief us about the status of the case (Goytom H/Mariam - Tigray Region Justice Bureau Head).

On the other hand, the Mekele University Legal Aid Center Coordinator says “we do not have that much developed follow up system. We expect clients themselves to come back and brief us about the status of the cases. If they do not appear, it will be presumed that they have succeeded in their court case” (Mekele University Legal Aid Center Coordinator).

3.4.1. Discussion

The quality of legal aid service partly depends on the strength and efficiency of the monitoring system in place. In the absence of the latter, it is hard to ensure whether the service delivered by legal aid providers is up to the required standard. Besides, in the absence of a strong supervision mechanism, it will be highly unlikely to ensure compliance of advocates who are obliged by law to provide *pro bono* service. Consistent with this understanding, the findings of the needs assessment show that regardless of difference in the robustness of the system in place, almost all agencies involved in the needs assessment claimed to have some sort of monitoring mechanism. The findings from the assessment indicated that some legal aid providers (Jigjiga PDO) claimed as there is no special follow up system in their office other than the customary periodic reporting and supervision of public defenders in courts. Others like the HRC claimed to have put in place a court monitoring system tasked to track the status of a case. Still others, like the PDOs, at the federal level, claimed that their office has introduced a case follow up system to track cases handled by their office. NGOs like EWLA, on their part, stated that the organization has developed and implemented a form to be filled out by service providers (advocates) regarding the service they rendered to clients. Moreover, they also claimed to have conducted assessments on client satisfaction by letting the latter fill out questionnaires to get relevant feedbacks. Some legal aid centers said they have a dossier for each client who came to the center seeking legal aid service and record all relevant information to easily track the status of a case by cross-referring to the documents. Others like the MoJ stated that the department responsible for licensing and

disciplining advocates is in charge of tracking the status of a case and by extension the performance of the assigned advocates through a reporting system. The findings of the assessment revealed that legal aid providers, both government and non-governmental ones, have to go a long way to put an effective monitoring system. They also reveal that although a robust supervision mechanism has been designed in some agencies like the MoJ, it is not functional as one might expect it to be due to the problem of understaffing. Consequently, its leverage to enforce the 50-hour *pro bono* service imposed on advocates has been debilitated. Similarly, the findings also show that most of the justice bureaus that participated in the needs assessment experienced similar challenges.

3.5 Challenges of Legal Aid Service

3.5.1 Legal Aid Providers' Perceptions on the Challenges of Legal Aid Service

One FGD participant identified the major challenges impeding his office to properly deliver the legal aid service. According to him, one of the culprits is “the lack of awareness among the general public regarding the availability of the service” itself (PDO). He also pinpointed “failing to allocate adequate budget for the Public Defenders’ Office” as another major challenge. The respondent indicated that the Office “does not even have a single vehicle” (PDO). On the other hand, an FGD participant drawn from the MoJ identified a host of problems deemed as stumbling blocks for providing proper legal aid service. According to him, the first problem is that the “scope of coverage of legal aid is unclear, as legal aid embraces even legal education” (MoJ). The second obstacle, according to this informant, is that “organizations, driven by their respective interest, undertake the service in isolation. Little effort has been made among organizations to collaborate and create synergy” (MoJ). The third problem the respondent refers to is

Following the coming into force of the Charities and Societies Proclamation, legal aid activities carried out by NGOs has declined significantly. To our dismay, there has been little effort on the part of NGOs to overcome the newly imposed legal impediments and resume the provision of legal aid as before (MoJ).

The respondent, invoking the experience of the African Child Policy Forum said that the latter “negotiated with the government and got the permission to work on legal aid. Other NGOs could have explored possible avenues to get permission and continue providing legal aid service”

(MoJ). A Public Prosecutor from Adama mentioned that the main challenge impeding beneficiaries from accessing legal aid is “lack of information on the existence of the service and inaccessibility of the existing service to the community who reside especially in rural areas” (Gurmesa Befuta-Public Prosecutor). Similarly, a respondent from the Assosa Women, Youth and Children Office said the huge challenge his office confronted is shortage of legal professionals. According to him,

There is only one lawyer (LLB holder) in this office ... There are a number of backlog cases. Grave crimes committed against women and children are rampant in the region. There are also harmful traditional practices like early marriage and abduction. Human trafficking is also another challenge. Especially children are not only victims of child trafficking but also involved in drug trafficking not to mention their vulnerability to child labor. Compared with the serious crimes pervasive in the area, the number of lawyers is insignificant (Asmamaw Alemayehu, a lawyer at Women, Youth and Children Office - Assosa).

Respondents from Jigjiga on their part noted that,

The all-encompassing problem in the region is the visible gap in legal knowledge. The registrar present cases to the court that fail short of formality requirements. Even judges who are supposed to pass judgment seek advice from other bodies to decide on a case (Solomon Guade, Jigjiga University Legal Aid Center Coordinator and Melaku Beza, Deputy Coordinator).

Another informant not only questioned the authenticity of evidence of pauperism issued by social courts, but also looked upon the latter’s performance comparable to a snail’s pace.

Social courts are the ones which provide evidence of pauperism. These institutions are run by volunteers. They convene during holidays not to jeopardize their livelihoods. During the holidays, they might have social commitments and may not appear in the court’s session. Besides, there are no standard selection criteria for screening beneficiaries. They give evidence of pauperism arbitrarily. They are exposed to bribes as well. This show the ups and downs of getting any evidence of pauperism...This is the first obstacle. The second barrier refers to those who are supposed to provide free legal aid service but focus merely on something that generates them an income. As a result, they close the case without giving a lasting solution (Getahun Hunde-Public Prosecutor-Bahir Dar).

The Bahir Dar University Legal Aid Coordinator identified the challenges the center encounters by saying,

Our problem is shortage of human resource. We do not have full time staff. Although the university employs secretaries on a contractual basis, they frequently resign. We do not have permanent legal professional staff either. What is worse is that the university does not own and allocate a budget for running the legal aid program. The Center has also been plagued by problems of institutional arrangement (Henock Bogale- Lecturer at Bahir Dar University and Coordinator of the Legal Aid Center).

One informant from the Mekele University Legal Aid Center on his part noted, “On occasions we run out of stationary and supplies. The center is also understaffed. The size of the staff and the number of beneficiaries coming to the center are not proportional” (Mekele University Legal Aid Center Coordinator). This same respondent talked about “lack of awareness about the existence of the service” as one of the challenges of legal aid service. He further added, although the Mekele University Legal Aid Center is performing well, it is short of budget” (Tigray Region Justice Bureau Public Prosecutor)

3.5.2 Courts’ Perceptions on the Challenges of Legal Aid Service.

A considerable number of informants drawn from regions reflected on the underlying problems of the *pro bono* service. One informant, for instance, highlighted that

The huge challenge courts are grappling with, is absence of a clear directive to determine the 50-hour pro bono service. On top of this, when the case is referred to the Federal Supreme Court through Appeal or Cassation, courts have no mandate to force advocates to handle a case as it is outside their jurisdiction. As a result, we are witnessing that beneficiaries are undergoing lots of ups and downs (W/o Demekech Dawit, SNNP Region First Instance Court Vice President).

In the same way, another informant commented that “while advocates are obliged to provide the 50-hour *pro bono* service in practice, they do not do that as there is no supervisory body” (Solomon, Regional Supreme Court Judge). One more regional Supreme Court judge indicated that the Justice Bureau has failed to track “the enforcement of the 50-hour *pro bono* service” (W/o Kidist, Regional Supreme Court Judge). The statement of interviewees drawn from the Bahir Dar Municipal Court reinforces the foregoing assertion. According to these informants:

Advocates are asked about the status of the case they handle only when they appear to Justice Bureau for license renewal. They simply submit the name of clients. This problem is pervasive among advocates as well as justice office staff. It would have been helpful if advocates are required to showing the status of the case in some way (Guade Kebede, Berhanu Maru, and Yeshiwork Debebe - Municipal Court Judges).

Respondents also identified challenges undermining the ongoing legal aid service. One among these problems relates to beneficiaries' selection criteria. One respondent for instance mentioned the unreliability of evidence of pauperism as a challenge for the service. According to this respondent, "persons who produce evidence of pauperism from the Kebele Administration are found to be persons who can afford to hire advocates. We have witnessed such practices over and over again" (W/o Demekech Dawit - SNNP Region First Instance Court Vice President). Likewise, a Regional Supreme Court Judge too entertained a strikingly similar view with a previous informant. According to him, "there are no objective criteria for eligibility of accessing the service. For instance, a person who seeks the service may be required to produce evidence of pauperism from the Kebele. However, the impartiality of the latter as well as the criteria they apply to select beneficiaries is unclear" (Solomon Goraw - Amhara Region Supreme Court Judge).

The findings of the needs assessment also identified understaffing as one of the inherent problems of Public Defender's Office. The Regional Supreme Court Acting President and Cassation Bench Judge noted that the Public Defender's Office, one of the major legal aid providers, is fraught with the problem of understaffing. According to him, "there is very limited number of public defenders in the Region"(Negimed in Almahadi - Assosa Regional Supreme Court Acting President and Cassation Bench Judge). Another interviewee also raised the problem of inadequate staffing particularly with respect to public defenders "as one of the challenges of the legal aid service among others"(Kidist G/Hiwot- Anhara Region Supreme Court judge).

Lack of awareness on the availability of legal aid service is deemed by a considerable number of respondents as the major challenge that impeded the provision of legal aid service far and wide. The Assosa Woreda Court Judge, for instance, attributed lack of awareness about the existence of legal aid providers" to the low turnout of people in accessing legal aid service (Mihiret Fekadu- Assosa Woreda Court Judge). In the same way, a High Court Judge from Mekele on his part said, "lack of awareness about the existence of the service" is one of the challenges hindering clients from accessing legal aid service" (Abreha Berhe-Mekele High Court Judge). Similarly, the Federal First Instance Court 2nd Family Bench Judge shares the same view with the earlier respondents when she says, "One reason for the low turnout of beneficiaries is lack of

awareness. They do not know about the existence of institutions that provide free legal aid service” (W/o Misrak Brehane -Federal First Instance Court 2nd Family Bench Judge).

The findings also indicated ignorance of legal right among the general public makes the legal aid service even more imperative. According to one respondent,

There are people who do not even know whether they should admit or deny the alleged charge, or what to say at the closing stages of a proceeding as well as during plea for mitigation of penalty. Some do not have the faintest idea about whether they should rebut evidences brought against them. What’s more, even if they know that they should rebut the evidence brought against them, they do not have the skill to do that. This delays the proceeding (Haleluia Ayzoe- Coordinator at the Federal First Instance Court Kolfe Keranio Bench).

Acting Regional Supreme Court President and Cassation Bench Judge on his part opined that as “majority of the people are illiterate; they know little about their right leave alone to defend themselves at court of law” (Negimedin Alme Hadi - Assosa Regional Supreme Court Acting President and Cassation Bench Judge). According to him, “the lack of awareness and the absence of legal aid centers” are some of the challenges impeding people from accessing free legal aid service” (Negimedin Alme Hadi - Assosa Regional Supreme Court Acting President and Cassation Bench Judge). One more respondent identified a couple of problems encumbering the legal aid service. The first problem according to him is the issue of accessibility. In his view “the service providers are not in close proximity to courts. Another problem identified by this informant is that “students who represent clients do not have license and courts naturally will ask them to show their license” (Solomon Goraw- Amhara Region Supreme Court Judge).

3.5.3 Discussion

The needs assessment identified a host of problems plaguing the legal aid service. They include the fuzziness of the scope of coverage of legal aid, the absence of a clear directive to put into effect the 50-hour *pro bono* service, the inadequate staffing of the Public Defender’s Office, the lack of awareness on the availability of the legal aid, the financial constraints, the absence of objective criteria for eligibility of accessing the service, the distrusting of evidence of pauperism issued by social courts, the lack of coordination among legal aid providers, the absence of standard for quality assurance in the service provision as well as the absence of supervisory mechanism for tracking the performance of advocates while providing *pro bono* service.

The needs assessment revealed quite a number of challenges impeding the effective delivery of legal aid service to the needy. Lack of awareness on the availability of legal aid service (which is attributable to absence of publicity) is deemed by a considerable number of respondents as the major challenge that obstructed the provision of legal aid service far and wide as well as a major factor for the low turnout of beneficiaries. While some respondents admit that they have never done any promotional activities, others expressed that they publicize the availability of the service to the general public on a regular basis. Few informants, however, stated that they intentionally skipped publicizing the service for fear that they will be overwhelmed by surging demands for the service. The bottom line is awareness creation is recognized as a vital tool to inform the public on the availability of the legal service. Also the findings of the needs assessment showed that adequately popularizing the availability of the legal aid service among the general public, more specifically among the needy, is an important strategy to increase the turnout of beneficiaries of the service.

The findings of the needs assessment also revealed that many of the universities neither own the legal aid program nor allocate budget for running the legal aid centers. Consequently, financial constraint has remained a major challenge haunting universities' legal aid centers. Several universities seem to be reluctant to recognize that the legal aid centers are engaged in community servicing which is in line with their missions. What's more, most of them give little heed to the added value of the legal aid centers in creating opportunities for law school students in terms of practicing what they have learned in class not to mention exercising voluntarism. Also most of the centers suffer from understaffing and under budgeting. In some legal aid centers, the staff is disproportionately small when compared with the number of beneficiaries that keep coming to the center in droves seeking the service. As a result, in some of the university-run legal aid centers, the service is sporadic.

Although the problem of understaffing and budgeting seems more prominent among university-run legal aid centers, other legal providers also suffer from same problem. The findings from the needs assessment indicate that understaffing is one of the inherent problems of the Public Defender's Office. The latter, which is one of the major legal aid providers, is fraught with the problem of understaffing.

The assessment also shows that there are no objective criteria for eligibility for accessing legal aid service. On top of this problem, doubt has also been cast on the authenticity of evidence of pauperism issued by social courts. Persons who produce evidence of pauperism from the Kebele Administration are found to be persons who can afford to hire advocates. Consequently, misgiving to the reliability of evidence of pauperism issued by social courts is deemed as one more challenge of the legal aid service. The lengthy and very slow process to secure an evidence of pauperism is causing another burden on the poor seeking justice. Similarly, the findings also exposed that both the haves and the have-nots, with no distinction, avail the meager services of the Public Defenders' Office as well.

The findings have brought to the limelight the vagueness of the 50- hour *pro bono* service imposed on advocates. There is no clear directive when the count up for the 50-hour begins and when it ends. The assessment also revealed that in practice agencies responsible for overseeing the enforcement of the 50-hour *pro bono* service imposed by law on advocates have done little in terms of ensuring their compliance. Equally, courts are also haunted by the problem of enforcing the *pro bono* service (when a case is referred to the Federal Supreme Court through appeal or cassation) as they have no mandate to order advocates to handle a case which is outside their jurisdiction. In short, the problems mentioned above entail the need to review the 50 hour *pro bono* service imposed on advocates as legal obligation and the strengthening of the follow-up mechanism to ensure advocates compliance with their legal obligation.

The lack of coordination among legal aid providers as an extra problem facing the legal aid service is what has also transpired from the assessment. It is indicated that coordination among legal aid providers could have solved some of the problems the service faces.

The absence of a standard for quality assurance in the service provision is an additional challenge worth tackling, according to the findings. Absence of standards compromises the quality of service and thereby inflicts incalculable damage on the poor meant to be served. Those who are out to help the needy with good intention may harm the poor unless there is a clear and uniform standard on the quality of service to be delivered by legal aid centers. The role to be played by paralegals, law school students and professionals should also be clearly delineated.

PART-FOUR

4.1. Conclusions and Recommendation

Below are the conclusions and recommendations which came out of the needs assessment.

The findings of the needs assessment by and large show that service recipients' for the most part belong to low income group although this does not mean that all service providers board identical targets. The findings moreover revealed, while some service providers set criteria for the selection of beneficiaries, others do not. Doubt has also been cast on the authenticity of evidence of pauperism issued by social courts. For the most part, there are no objective criteria for eligibility for accessing legal aid service. Accordingly,

- MoJ should issue uniform eligibility criteria for the selection of beneficiaries binding all legal aid providers;
- Courts should use additional method other than affidavit to make sure those defendants who assert that they cannot hire defense lawyer and appeal to the court to assign them public defender; and
- The Ministry of Justice should issue a guide binding all legal aid providers to effectively deter the misuse of the legal aid service meant for the poor and other vulnerable groups.

The findings of the assessment revealed that the provision of legal aid service is crucial in ensuring access to justice for the poor, the disempowered and vulnerable groups as well as in conducting fair trial that keeps the incident of miscarriage of justice at bay. The appearance of the poor at court of law without being represented by an attorney is a cause for repeated adjournment and the consequent delay in the proceedings in courts. It may also result in miscarriage of justice. Legal aid centers, thus, play an important role in realizing the right to access to justice. Accordingly the government as well as donor agencies should,

- Encourage and reinvigorate the existing legal aid service providers; and
- Provide an all-out support for the expansion of legal aid service.

There is a great deal of discrepancies among legal aid service providers in terms of the extent/scope of the service they provide and types of cases they handle. While some of the service providers entertain both civil and criminal matters, others limit their service to criminal cases. Some give only oral advice, and /or prepare pleadings. Others offer comprehensive services ranging from oral advice to preparation of pleadings to representation to mediation and psycho-social support. Accordingly,

- The services given to low income persons, women, children and other vulnerable groups should be comprehensive covering legal advice, writing pleadings and court representation; and
- MoJ should issue directives that guides service providers who should get what kind of service (oral advise or preparation of pleadings or both as well as beneficiaries that should get the service of court representation) to curb arbitrariness in the service provision.

The study conducted explored the adequacy of the service given by legal aid providers. The findings show that regardless of their effort, legal aid providers haven't done enough in ensuring access to legal aid service to the needy. Compared to the demand on the ground the service given by the existing legal aid providers is a drop in an ocean. A lot needs to be done by concerned governmental and non-governmental bodies to expand the legal aid service far and wide. To achieve this end, Resident Charities and the government should take the following steps:

- Ethiopian Resident Charities who used to provide legal aid service prior to the coming into force of the Charities and Societies Proclamation should start lobbying the Ministry of Federal Affairs, MOJ and other relevant state actors for a special permit to carry out legal aid service; and
- In view of the social policy and access to justice principles and being mindful of the significance of legal aid service to the needy, the Ministry of Federal Affairs and MoJ should consider granting special permit to the former legal aid providers as well to the new ones that aspire to involve in legal aid service.

The findings of the study revealed that there is a glaring difference between the service given by public defenders to an accused person on the one hand and the service provided by a private attorney to its client on the other. The findings also showed that there is doubt on the effectiveness and quality of service given by the former. The limitations mentioned above are attributable to case load, availability of facility, remuneration for public defenders and other factors. To address the problems identified, concerned bodies at the federal and regional states should,

- Allocate adequate budget for the recruitment of additional public defenders;
- Review the salary scale to retain the existing staff as well as make the job more attractive to competent professionals; and
- Provide the PDOs at the federal and regional states with equipment and vehicles to facilitate their work.

The findings show that majority of the service providers are reliant on paralegals, notably, law school students for the service provision. This might affect the quality of service given to the beneficiaries of the service. To ensure the quality of the service given by the legal aid centers up to the standard the Ministry of Justice should,

- Issue a guide that clearly defines the role and responsibilities of practicing lawyers, law school students and other paralegals; and
- Legal aid providers are duty bound in ensuring that law school students or paralegals that give voluntary service in the legal aid centers carry out their tasks under strict supervisions of practicing lawyers.

In some legal aid centers (e.g. Bahir Dar University and others) the service is sporadic due to budget constraint. The unpredictability of the service has its own negative bearing on the quality of the service rendered to the needy. The study also indicated that legal aid centers have created opportunities for law school students to practice whatever they learn in class not to mention exercising voluntarism. What's more considerable numbers of University Legal Aid Centers are reliant on external funding. If the external funding dries up centers' will most likely quit their service. Accordingly, universities,

- Need to be aware that running legal aid centers is consistent with one of the three missions they are established for (teaching research and service);
- Allocated adequate budget which is not only a prerequisite to effectively run the centers and provide quality service to their beneficiaries but also a means extricate the centers from dependency on external funding. Financing the legal aid service given by the centers is a guarantee for the continuity of the service given to the poor communities.
- Respect the autonomy of the Centers; and
- Encourage legal aid centers to go out of their comfort zone (university compasses) and start outreach programs where the demand for the service is rife

The quality of legal aid service partly depends on the strength and efficiency of the monitoring system in place. In the absence of the latter, it is hard to ensure whether the service delivered by legal aid providers is up to the required standard. Besides, in the absence of a strong supervision mechanism, it will be highly unlikely to ensure compliance of advocates who are obliged by law to provide pro bono service. Consistent with this understanding, the findings of the needs assessment show that despite difference in the robustness of the system in place, almost all agencies involved in the needs assessment claimed to have some sort of monitoring mechanism. Although a robust supervision mechanism has been designed in some legal aid providers, it is not functional as one might expect it to be due to the problem of understaffing. In practice agencies responsible for overseeing the enforcement of the 50-hour pro bono service imposed by law on advocates have done little in terms of ensuring their compliance. Thus,

- Both government and non-governmental agencies have to go a long way to put an effective monitoring system; and
- Agencies empowered by law to oversee the compliance of advocates obliged to provide the 50-hour pro bono service should put a robust monitoring mechanism.

The findings of the needs assessment have brought to the limelight the vagueness of the 50- hour pro bono service imposed on advocates. There is no clear directive when the count up for the 50-hour begins and when it ends. Regional state courts are also haunted by the problem of enforcing the pro bono service (when a case is referred to the Federal Supreme Court through appeal or

cassation) as they have no mandate to order advocates to handle a case which is outside their jurisdiction. MoJ should,

- Issue directives that clarify all the ambiguities surrounding this law.

It is indicated that the low turnout of beneficiaries of legal aid is partly attributable to absence of promotional activities. Accordingly legal aid providers should,

- Aggressively promote the availability of the legal service among the general public to increase the turnout of beneficiaries of the service;

The lack of coordination among legal aid providers is identified as one more problem facing the legal aid service. Accordingly, legal aid providers should,

- Consider to forge some kind of coordination among themselves to avoid duplication of efforts and to support each other,

The needs assessment identified a host of problems plaguing the legal aid service including the fuzziness of the scope of coverage of legal aid, the absence of a clear directive to put into effect the 50-hour pro bono service, the inadequate staffing of the Public Defender's Office, the lack of awareness on the availability of the legal aid, the financial constraints, the absence of objective criteria for eligibility of accessing the service, the distrusting of evidence of pauperism issued by social courts, the lack of coordination among legal aid providers, the absence of standard for quality assurance in the service provision as well as the absence of supervisory mechanism for tracking the performance of advocates while providing pro bono service. To address the challenges and the gaps identified above MoJ should,

- Come up with a comprehensive legal aid. Policy.