



Study of the Provision of Effective Legal Services for Women and Vulnerable Groups

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Contents

Contents	1
Acknowledgements.....	2
Acronyms	3
Executive Summary.....	4
Introduction	5
Methodology and Scope of the Study.....	7
Conceptual Framework.....	9
Findings	12
Profile of Legal Service Providers and the Type of Services Provided	12
Analysis of Regional Variations in Legal Service Provision for Women and VGs.....	18
Strengths and Limitations in Legal Service Provision for Women and VGs.....	19
Strategy to Provide Effective Legal Service for Women and VGs.....	21
Improve Availability of Service.....	21
Improve Accessibility of Service	21
Improve Quality of Service.....	22
Improve Coordination	22
Monitoring Framework for the Implementation of the Strategy	24
References	26

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Acronyms

AD	Adjudication and Demarcation
DFID	Department for international Development
FT	Field Team
GHO	Grievance Hearing Office
GOE	Government of Ethiopia
FAO	Food and Agriculture Organization
II	Individual In-depth Interview
IJS	Informal Justice System
KII	Key Informant Interview
LAO	Land Administration Office
LSA	Labour and social Affairs
LIFT	Land Investment for Transformation
M4P	Making Markets Work for the Poor
NGOs	Non-Government Organizations
OP	Office of the Prosecutors
PD	Public Display
RLAS	Rural Land Administration System
SLLC	Second Level Land Certification
UNDP	United Nations Development Program
VGs	Vulnerable Groups
WC	Woreda Coordinator
WCA	Women and Children's Affair

Executive Summary

This study was conducted with the objective of assessing the available services, practice, gaps and challenges in the provision of legal services for women and vulnerable groups (VGs) in rural areas in four regions of Ethiopia: Amhara, Oromia, SNNP and Tigray. The study examined available legal services to recommend a practical, strategic interventions to enable women and VGs to access legal aid services and secure their land rights.

The study was conducted in selected woredas in the four LIFT sites and used a combination of methods to collect primary and secondary data. The results and proposed set of actions were presented and validated in a multi-stakeholder workshop.

'Legal aid' refers to legal service provided in criminal as well as in civil and administrative matters to individuals who are poor, marginalized or otherwise in need of special legal protection, to enable them to exercise their rights. This includes the provision of legal advice, representation in court or proceedings under other state tribunals, assistance in drafting of documents and pleadings, mediation, assistance in navigating the rules and procedures of state administrative agencies, along with a range of other services.

To facilitate analysis, the study identified three parameters to analyze legal service provision. These include (1) accessibility of legal aid service, (2) modality of legal aid service provision, and (3) quality of legal service.

The study found an encouraging trend of engagement by the different government offices and community structures in public legal awareness. Justice offices (now office of the prosecutors), courts, women and children affairs, police, land administration and use offices, grievance hearing offices, and women development groups reported that they provide public legal awareness and legal aid service. However, the awareness raising interventions are uncoordinated and legal services, be it by justice office, court or women and children affairs offices, are available only at the woreda centers.

There is a lack of robust, formal and systematized coordination and collaboration among legal service providers and with the wider stakeholders. Hence, the response to women and VGs having a grievance is not uniform and responsive to their needs. There are, of course practices demonstrating collaboration among offices, such as by referring individuals with a grievance to relevant institutions to address land related grievances. The qualification of the personnel providing the legal service varies from region to region with professionals trained in law. However, many do not have specialized training in rural land administration and use regulations and the rights and special needs of women and VGs. From the assessed area, none of the legal service providers have standardized guidelines to ensure professional delivery of free legal aid services and as a result, these services are provided in a haphazard manner with no internal working rules guiding their administration.

These problems have to an extent made legal services inaccessible to woman and VGs when they are faced with land rights violation and violence. The study therefore recommends interventions that can improve availability, accessibility, quality and coordination of legal services. This includes but is not limited to: scaling up of the Amhara region prosecutors office experience, strengthening the mobile court approach, establishing systems and procedures for the montaging of *pro bono* service providers, updating of judges and prosecutors on land law, regulations and guidelines, the use of local structure for accessing information, engagement of civic organizations, philanthropic individuals and trust funds (for financial accessibility), coordinated awareness and a referral system.

Introduction

Background and Context of the Study

Every democratic society that aspires to social justice regards empowerment as a key driver towards equality. Empowerment is a socio-political and economic process that brings about shifts in political, social and economic powers between and across both individuals and social groups.¹ Hence, empowerment of disadvantaged and marginalized groups has been acknowledged worldwide as an important means of bringing about positive socio-economic change.

Due to deeply embedded social factors, women and VGs have less personal autonomy, fewer resources at their disposal and limited influence over the decision-making processes that shape their society's and their own lives in many ways. To realize an equitable society, women and VGs should be empowered. Empowerment can be seen in terms of capabilities (education, health) and opportunities (economic and decision making), which increase women and VGs' real power over resources and decision-making processes that influence their lives. Women and VGs' economic participation and empowerment are vital to improve their quality of life and enable them to have control over their lives.

Women and VGs' economic empowerment can be achieved through equal access to and control over critical economic resources and opportunities, and the elimination of structural barriers. Economic empowerment expressed in the form of access to and control of productive resources such as land is vital in agricultural countries such as Ethiopia where land is the most important productive resource.

Ethiopia is aspiring to reach a middle-income economy by 2025. Further, the UN has identified 17 Sustainable Development Goals in its Agenda 2030 to which Ethiopia has subscribed and most of these goals are directly or indirectly related to the empowerment of women and VGs as they relate to eradication of extreme poverty as well as provision of equal access to productive resources, basic services and social protection for the vulnerable members of society including women.

If Ethiopia has to achieve its vision of reaching middle income economy by 2025 and the SDGs by 2030, women and VGs have to be economically empowered. So far, the Government of Ethiopia has adopted policies and taken successive practical measures to realize the economic empowerment of women. FDRE Constitution under Art 35(7) proclaims that women have equal rights with men with respect to the use, transfer, administration and control of land. In pursuance of this constitutional promise the Government has taken various measures aimed at ensuring access to and use of rural farmland by women and VGs. Legislation has been reviewed and administrative measures taken to ensure that women's rural landholding rights are realized to benefit them. As a result, over the past few years, women's share in rural landholding has increased. More and more women have farmland registered to their name and certificate of landholding issued to them to give them security over their landholding.

However, despite the progress made to make women and VGs have access to and benefit from rural farmland, women and other VGs face violation of their landholding right. Deeply rooted cultural prejudices against women's property rights exacerbate the problem. In this regard, two studies² supported by LIFT have revealed the types of land rights violations that women and VGs encounter in exercising their landholding rights. Based on the studies, women and VGs experience widespread land rights violations and related violence. Women, children, the elderly, persons with disability, individuals belonging to marginalized social groups and individuals having no relative or supporter in their community are the community members whose land rights are commonly violated. The common types of violence include dispossession, border encroachment, denial of title to land, illegal transfer of title to land, denial of benefits from sharecropping and rental arrangements, and denial of inheritance and land sharing rights after divorce.

This brings to fore question of how the justice system can be of help in providing redress for land right violations encountered by women & VGs'. Successive measures taken by the Government of Ethiopia to make women and VGs benefit from the country's rural land resource would not be meaningful if effective redress is not provided by the justice system for violation of women & VGs' legislatively recognized and consolidated rural landholding right. While a number of factors determine the utility of the justice system, access to legal service

¹ S. Batliwala, 'Taking the Power out of Empowerment: An Experiential Account', Development in Practice, Vol. 17, No. 4, PP. 557-565.

² Espinosa, D. and A. Aberra. (2016). Rapid Assessment of Land Conflict Drivers, Land Disputes, and Grievance Redress Mechanisms in Three Regions of Ethiopia. LIFT Report; and Hana Abate et al (2017)., Strategy for Preventing and Mitigating SLLC Related Violence against Women and Vulnerable Groups.

is key. Access to the service of a professional trained in law is important to successfully navigate through the justice system. Seeking remedy from justice institutions is a very technical and bureaucratic process. This makes it difficult to understand and deal with even for better educated persons, let alone for women or VGs from rural areas, most of whom cannot read and write. Women have difficulty representing and expressing themselves before court.³

Yet the service of a professional trained in law is not available freely upon demand. As a matter of common professional practice, the service of lawyers is available for those who can afford to pay and mostly in urban areas which makes it inaccessible for women and VGs thriving with minimum income in rural areas.

To address the problem of inaccessibility of legal service, free legal service programs are devised by various governmental and non-governmental actors. The Federal Attorney General and justice bureaus in some regional states provide free legal service for indigent sections of the community. In some regional states the Women and Children Affairs offices provide a similar service. Lawyers have, as a matter of professional responsibility, the duty to provide 50 hours of *pro bono* service for indigent community members. Law departments in some public universities have offices providing free legal service. Some professional associations and NGOs also have legal aid schemes.

The effectiveness of redress mechanisms for land right violations encountered by women and VGs depends on the accessibility and availability of free legal service. This is a matter on which an intervention can be made to empower women and VGs to protect their landholding rights. Providing legal service is one possible way of empowering women and VGs to use it effectively to claim and protect their land rights.

This calls for an examination of existing free legal service provision initiatives to identify gaps and put in place intervention measures to ensure that free legal service provision is available, accessible and responsive to the needs of women and VGs. This study, therefore, aims to assess existing legal service initiatives and map an intervention strategy to provide effective legal service for women and VGs who encounter violation of their land rights.

Objective of the Study

This assignment aims to develop a strategy to provide effective legal services for women and VGs. The specific objectives include:

- Understand the demand and supply side of the legal aid service for women and VGs
- Identify the level of unmet needs of women and VGs for a legal aid service
- Identify the impact of lack of legal aid services on women and VG and its consequences
- Recommend a strategy to advocate for the enforcement of the criminal code to address land rights violations
- Develop a strategy to provide a sustainable and effective legal aid service for women and VGs during SLLC and beyond.

³ Hana Abate et al (2017)., Strategy for Preventing and Mitigating SLLC Related Violence against Women and Vulnerable Groups.

Methodology and Scope of the Study

Study Area

The study was conducted in the four LIFT operational regions: Amhara, Oromia, SNNP and Tigray Regional States. Two Woredas from each region were selected based on their SLLC status - either SLLC completed or SLLC ongoing woredas (see Table 1). SLLC ongoing woredas are either at the Adjudication and Demarcation (AD) or Public Display (PD) stages. SLLC completed woredas are those where SLLC activities had been completed and have no ongoing LIFT intervention. All woredas were selected in consultation with LIFT head office team and regional coordinators. Selection of target kebeles for SLLC ongoing sites was done in consultation with the LIFT Woreda Coordinators and Woreda Land Administration and Use Officer. In woredas in which SLLC implementation had been completed, the Woreda Land Administration Offices identified the kebeles. Table 1 shows the list of woredas and kebeles covered in the study:

Table 1: Study site by Project Intervention Status

No.	Target Regional States	Identified Woreda			
		SLLC Ongoing Woreda/ Kebele		SLLC Completed Woreda/ Kebele	
1	Amhara	Ensaro	Dermu	Awebel	Dengora
			Salayesh		Yegodena
2	Oromia	Sasiga	Oda	Cheliya	Jarso
			Warakuru		Racho
3	SNNPR	Ezga	Bozegebar	Hadero Tunto	Hachecho
			Ketane		Lalo
4	Tigray	Lalay Adiabo	Adi-Abage	Medeba Zana	Adi gesheti
			Fetehi		Hakfen

Four working days were allocated for fieldwork in each identified woreda. A team of two researchers traveled to a region to carry out the interview with the identified woreda and kebele officers and with individual women and/ or VG respondents. In two rounds/ trips, the research team has collected data from target institutions⁴ and relevant individuals within the four regional states. While in the field, team members shared information on the progress and challenges of data collection.

Sampling and Sample Selection

To undertake this study, gathering accurate data, firsthand information was vital. Hence, a sampling technique appropriate enough to respond to the objective of the TOR and which depends on situations⁵ including nature of the population and type of investigation was employed. A multi-stage sampling was followed starting from regions to woreda and kebele.

The study covered all the four project target regions and collaboratively with the project team a mix of purposive sampling and availability sampling methods was followed.

A homogeneous purposive sampling is done when identifying institutions in all targeted areas. Institutions that are involved in promoting legal service delivery to safeguard land entitlement related matters of W&VGs were selected. Availability sampling was also utilized when identifying individual interviewees within targeted institutions and within the communities. Respondents to the study were identified collaboratively with LIFT, Land Administration Office (LAO), LIFT WC (Woreda Coordinator) and Field Teams (FTs).

⁴ Wore Court, Justice Office, Land Administration Office, Grievance Hearing Office, Police, Women & Children Affairs, Good Governance Taskforce, Women Development Group

⁵ Robson, C. (2002) Real World Research (2nd ed.), Oxford, Blackwell.

Data Collection Method

The survey utilized both primary and secondary data sources as main sources of information.

Primary Data Collection

Primary data collection was done through KII and III.

KIIs and IIIs were conducted with relevant GoE informants at grassroots level, woreda and kebele level, and relevant legal service institutions to get their perspectives on the supply of legal services and on the effectiveness of the technical and management approaches, contributions, gaps and overlaps towards ensuring land rights of women/ VGs and to identify any cross-cutting interventions influencing the supply of legal services to women and VGs. The research team drew out frank and confidential opinions about the effectiveness and sustainability of the services, stakeholder engagement and on the processes and relationships between the wider groups. In addition, informants were asked about the extent to which human and institutional capacity exist, its adequacy of ownership and its responsiveness to the needs of the beneficiaries. Informants were selected from all identified key stakeholders in SLLC completed and ongoing woredas. Individual In-depth Interviews were also conducted with legal aid clients/ victims to unpack case stories of the challenges or successes encountered by women and VGs.

Desk Review

Desk-based research was employed to collect evidence and data to complement information collected from the survey and enrich the report. Data were extracted from project documents, reports/assessments, publications at the local, national and regional levels and other relevant sources. Documents used for the research are listed under reference section.

Data Analysis

The research team used the study objectives to guide the development of the data analysis plan. The qualitative data collected through KII and III was initially organized by coding response patterns to open-ended questions and follow-up probes using a codebook. Analysis matrices were constructed to identify common answers to the interview questions. Data were organized into themes and synthesized. Changes in practices regarding access to and quality and utilization of key services among the target groups were analyzed and disaggregated by region to compare service provision across regional states and guide the development of the strategic document.

Statement of Ethics

This research team followed comprehensive research ethical standards. The team adopted the principles of do-no-harm and confidentiality. To ensure confidentiality the names of respondents were replaced with pseudonyms.

Limitation of the Study

The study focused on analyzing the available legal services at woredas and kebele levels, and community structures. At the time when the study was conducted there was a change in the Ethiopian political settings which affected the field data collection. Officials were unavailable and unwilling to respond to the interview questions due to other government priorities during working hours and political unrest. The team had to travel to the communities looking for KII respondents because most of the target respondents were not available in their offices.

Conceptual Framework

Meaning of Legal Aid

Generally, the term 'legal aid' refers to the provision of legal service assistance to people who are unable to get legal advice and representation as well as access to the justice system. Legal aid service is regarded as essential to ensure access to justice.

Depending on the purpose for which it is employed the term 'legal aid' has different connotations. In a narrower and classical sense the term is used to refer to the state's obligation to provide legal assistance in criminal cases to defendants unable to hire a private lawyer on account of indigence and when the interest of justice so requires.⁶ Broadly considered, legal aid is understood as "any sort of legal assistance that is provided to the poor not only in criminal cases but also in civil and administrative matters by governmental and non-governmental organizations committed to the realization of access to justice for all irrespective of the depth of their pocket".⁷ In a more commonly accepted sense the term 'legal aid' is defined as "... free or subsidized [legal] services to eligible individuals or groups, mainly poor and vulnerable people, provided as a means to strengthen their access to justice, for example legal information and education, legal advice and assistance, alternative disputes resolution (ADR) and/or legal representation".⁸

For the purpose of this study 'legal aid' refers to legal service provided in criminal as well as in civil and administrative matters to individuals who are poor, marginalized or otherwise in need of special legal protection, to enable them to exercise their rights. This includes the provision of legal advice, representation in court or proceedings under other state tribunals, assistance in drafting of documents and pleadings, mediation, assistance in navigating the rules and procedures of state administrative agencies, along with a range of other services.

Legal aid services are provided by state and non-state actors. In Ethiopia both governmental and non-governmental actors are involved in the provision of legal aid service.

The provision of legal aid service by the government is mandated by various laws. The provision of legal service in criminal matters is the primary responsibility of the state. As a result, the Government of Ethiopia engages in the provision of legal assistance for criminal defendants through the Public Defenders' Office (PDO) established under the Federal Supreme Court. Similar structure exists under regional state supreme courts. Indigent criminal defendants have a constitutional right to legal representation at the expense of government where the interest of justice so requires.⁹ The PDOs make legal service available to indigent criminal defendants.

The Government is also directly involved in providing free legal service through the Federal Attorney General which is mandated to conduct litigation by representing citizens who do not have financial capacity to institute civil action, especially women, children, disabled, and the elderly.¹⁰ Some regional state justice bureaus likewise provide free legal service for the indigent and vulnerable members in their respective communities. In Oromia and SNNPR, women and children affairs offices have legal experts but do not represent in court.

Another form of legal aid service provision is through the mobilization of the legal profession, which has historically been the main provider of legal aid service to the poor as required by the professional codes of conduct governing the legal practice. In the context of Ethiopia, the provision of free legal service by legal professionals is either mandatory pro bono service or voluntary service of legal professionals.

⁶ E Skinnider, The Responsibility of States to Provide Legal Aid, The International Centre for Criminal Law Reform and Criminal Justice Policy, Paper prepared for the Legal Aid Conference, Beijing, China, March 1999, p. 4.

⁷ B Beyene, Legal Aid Best Practices: A Lesson from the Experiences of Countries, a paper presented at Workshop on 'The Role of Legal Aid Centres in Ethiopian Legal System' which was organized by Jimma University Legal Aid Centre, 2 December 2011, p. 2. For broader understanding of legal aid, see also Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, 2004, Conference on Legal Aid in Criminal Justice: The Role of Lawyers, Non-Lawyers and other Service Providers in Africa Lilongwe, Malawi, Para 8, at <<http://www.penalreform.org/files/pdf>> [last accessed on 2 June 2018]

⁸ The Danish Institute for Human Rights (DIHR), "Access to Justice and Legal Aid in East Africa: A Comparison of the Legal Aid Schemes used in the Region and the Level of Cooperation and Coordination between the Various Actors", online, 2011, pp.1-176, at <<http://www.humanrights.dk/files/images/Publikationer/pdf>> [last accessed on 2 June 2018], p. 17.

⁹ FDRE Constitution, Art 20(5).

¹⁰ Federal Attorney General Establishment Proclamation, Proclamation No.943/2016, Article 6(4) (e) and (f).

The requirement to provide mandatory pro bono service is provided by law. The Federal Courts Advocate's License and Registration Proclamation and corresponding regional legislation require practicing lawyers to provide 50 hours of pro bono legal service for the indigent annually. On the other hand, members of the legal profession come together to organize and deliver legal aid service. For example, the Ethiopian Lawyers Association, Ethiopian Bar Association, and Ethiopian Women Lawyers Association provide legal aid service, mainly concentrated in urban centers and small towns. In some regional states associations of legal professionals have been engaged in legal aid service provision.¹¹ NGOs providing legal aid service include Human Rights Council and the Ethiopian Christian Lawyers Association.

Legal aid centers of law schools in the public universities are also other alternative avenues for providing legal aid service, but their coverage to the rural area is minimal. Almost all 27 law schools in the country run legal aid centers in their respective campuses and engage law students, academic staff and lawyers to provide legal aid service to the poor and vulnerable groups.¹²

Rationale for Legal Aid Service Provision

The justifications for providing legal aid services are many and at times overlapping. It is believed that making free legal service available for the indigent and marginalized groups plays an important role in enhancing good governance, the rule of law, protection of human rights, empowerment of the poor and poverty alleviation.¹³ The provision of legal aid is regarded as pertinent from the perspective of social policy, empowerment and human rights.

The social policy and empowerment perspectives consider poverty as a result of social exclusion and marginalization.¹⁴ Poverty is increasingly understood as not just lack of income but as "lack of opportunity, lack of control, and lack of pathways to fully participate in society".¹⁵ In other words, the key driver of poverty is social exclusion resulting from various complimentary underlying factors.¹⁶

There is a growing understanding that the law and its institutions can be used to address the problem of exclusion and empower disadvantaged social groups. In this connection legal aid service is regarded as a vital social service essential to maintain a functioning justice system and promote equality and justice in society.¹⁷

The human rights perspective to legal aid service has two dimensions. On the one hand, access to legal service is regarded as a right on its own. However, access to legal service is not directly recognized in national or international legal instruments, except for criminal defendants. The right to access to legal service is inferred from other rights such as access to justice, fair trial and equality before the law, rights which would not be meaningfully realized if access to legal service is not meaningfully guaranteed. On the other hand, availability of legal service is regarded as a pre-requisite for the enforcement of human rights. It is argued that the recognition of a right would be meaningless without access to legal services which is an essential tool to enforce rights.

The Measures of Legal Aid Service

Given the definition and the rationale for legal aid service provision, four functional factors can be adopted to measure or assess legal aid programs. These are accessibility, modality of service delivery, quality of service, and networking and collaboration.

¹¹ Anchinesh Shiferaw and Ghetnet Mitiku, Assessment of Legal Aid in Ethiopia: A Research Report, in Kokebe Wolde (ed.), Assessment of Legal Aid in Ethiopia: A Research Report & Proceeding of the National Workshop of Legal Aid Providers, Centre for Human Rights, Addis Ababa University, December 2013, p. 37.

¹² Mizanie Abate et al, National Impact Assessment of Free Legal Service in Ethiopia, A Report Submitted to Ethiopian Human Rights Commission, Sep. 2018.

¹³ S. Golub, 'Forging the Future: Engaging Law Students and Young Lawyers in Public Service, Human Rights, and Poverty Alleviation', An Open Society Justice Initiative Issues Paper, 2004, p. 1.

¹⁴ Legal Aid Queensland, Strategic Policy Framework and Policy Program, 2006-2008, p. 4.

¹⁵ D. Martin, A Seamless Approach to Service Delivery in Legal Aid: Fulfilling a Promise or Maintaining a Myth? Legal Aid Research Series, Osgoode Hall Law School, York University, 2001, p. 1.

¹⁶ See: Cabinet Minister for Social Exclusion, Reaching out: An Action Plan on Social Exclusion (London: Government of U.K., 2007), p. 49; A. Currie, 'Legal Problems of Everyday Life', in R. Sanderfur, (ed.), Access to Justice, The Sociology of Crime, Law and Deviance, Emerald Group Publishing, 2009, p. 46 available at: www.justiceinitiative.org/db/resource2?res_id=103868.

¹⁷ A. Brewin and K. Govender, Rights-Based Legal Aid: Rebuilding BC's Broken System, Canadian Centre for Policy Alternatives, 2010, p. 4.

Accessibility of Legal Aid Service

Accessibility of legal aid service is very important to meet the justice needs of the target beneficiaries. As legal aid services target indigent and vulnerable segments of society, accessibility of the service to these groups is essential. The accessibility of legal aid services in turn is determined by several factors that include access to legal information, physical access, public awareness about the legal aid scheme and financial capacity.¹⁸

A key factor that determines the utility of legal aid services is the target communities' awareness of legal rights and the mechanisms for enforcing them. If an individual is not aware of his/her legal rights and the mechanisms for claiming those rights, he/she will not be seeking legal aid service.¹⁹ Thus, legal awareness creation plays an important role for the effectiveness of legal aid programs.

Another factor affecting the accessibility of legal aid services is the physical accessibility of the service to the target beneficiaries. Physical accessibility refers to the geographical proximity of the legal service to the community members it aims to serve.

Target beneficiaries should also be given awareness about the existence of the legal aid service for it is only when they know about its existence that they can benefit from its use. It is therefore very important that the availability, location, and terms of use of the service be publicized to the target beneficiaries using various means.

Another factor that determines the accessibility of legal aid services is the extent to which accessing the services entails direct or indirect financial burden on the beneficiaries. As lack of finance is one of the challenges that hinder indigent and vulnerable groups from otherwise accessing legal service, legal aid programs should cause less or no direct or incidental financial burden on the beneficiaries.

Modality of Legal Aid Service Provision

The modality of legal aid service delivery refers to the profile of beneficiaries, identity of legal aid service providers, types of cases entertained, the range of services provided and the method of delivery.

The beneficiaries of legal aid service are by default the indigent or vulnerable or those who are prevented from accessing the justice system for various reasons. Some legal aid providers may identify specific vulnerable groups such as women or children.

Legal aid service can be provided by professional legal experts or by community paralegals or law students. The types of cases legal aid service providers cater has no limit. They can deal with civil, criminal or administrative matters as they wish.

Services provided by legal aid service providers includes (within and outside the justice system) legal counseling, preparation of written pleadings and other documents, and representation before a court of law. In some cases, the scope of the service provided includes mediation service and support in the negotiated settlement of disputes.

Quality of Legal Service

This refers to the effectiveness of a legal aid service provider in addressing the justice need of legal aid beneficiaries. Factors that determine the quality of legal aid service include the qualification and competence of the service providers; the existence of professional standards for service delivery; standardized case management and follow up; and the existence of ongoing need-based capacity enhancement programs for service providers.²⁰

Professional standards of service delivery include integrity, thoroughness, promptness, responsiveness, and record keeping and case management. Ongoing need-based training in substantive legal concepts and applicable laws as well as skills in communication, counseling, advocacy, negotiation and mediation are also an integral part of effective legal aid program.²¹

¹⁸ T. Geraghty and D. Geraghty, 'Child Friendly Legal Aid in Africa' in *Child Friendly Legal Aid in Africa*, UNICEF and UNDP, UNDOC, 2011, Executive Summary, p. 9.

¹⁹ Ibid.

²⁰ UNICEF, 'Child-Friendly Legal Aid in Africa: Outcome Report', First Draft, Dakar, Senegal, June 2010, p. 42.

²¹ Geraghty and Geraghty, *supra* note 17, pp. 17-18.

Findings

Profile of Legal Service Providers and the Type of Services Provided

This section describes the legal service providers available in each LIFT region and the types of services they provide.

Tigray Region

Women Affairs Office

Exist at the Woreda and Kebele level. The women's affairs structure engages in creating awareness for women about land rights. They use kebele structures and also prepare different rights promotion papers and posters. The office is also reported to use different public gathering fora organized by other sectoral offices to impart information on women's rights. The Kebele Women Affairs Officer is a kebele level representative of the Woreda Women Affairs Office. The officer reports to both the Woreda Women Affairs Office and the Kebele Administration. The office advises them on the necessary documents needed, where to go and what procedures to follow to obtain justice. It also refers women having cases, as appropriate, to the woreda rural land administration, and/ or grievance hearing offices.

Women's Development Group

Women's Development Groups (WDGs) exist at the kebele/community level. They are created at the community level with the facilitation of the women's affairs structure and kebele administration to create grassroots women's movement to work on development issues of concern to women. The WDGs work in collaboration with Woreda Women's Affairs Office through the intermediary of the Kebele Women Affairs Officer and the Kebele Land Administration Committee (KLAC). The WDGs organize awareness creation fora to inform and sensitize women about their rights including land use rights. They also use the 1-to-5 community structure to disseminate similar information. As reported by key informant (Women Development Group Leader) from Adiaberga Kebele in Lailay-Adyabo Woreda, they also use churches, marketplaces & *Iqub* meetings to reach out to women. They also facilitate women's participation in awareness creation events organized occasionally by the woreda land administration expert.

Members of the WDGs are drawn from the community and most are illiterate. They say, however, that they have basic knowledge of the services provided by the Women Affairs offices at the woreda and share with the community members the information they have. When members encounter a woman whose land right is violated, they advise her what to do and where to go. To assist women with grievances related to land right violation, they help in the collection of information, documents and identification of witnesses in collaboration with Kebele Land Administration Committee members. They also channel information given from the kebele and woreda administrations to their community members. However, because they are essentially a women's group, they do not concern themselves with other VGs in the male category or orphans. They do not have an operating budget and office space to sustain and strengthen their rights awareness activities.

Woreda Grievance Hearing Office

The main grievance hearing offices exist at the woreda level. At the kebele level it is the administrator who does the task of handling grievances. They provide awareness raising to community members on grievance hearing mechanisms and procedures. They use different fora to disseminate information and use the kebele administration structure and IEC (information, education, communication) materials to disseminate information. The key messages on awareness raising programs of the grievance offices include what constitutes grievance, types of cases entertained as grievance and the grievance hearing process. Awareness creation on grievance procedures and land entitlement rights is done in all kebeles twice a year. According to informants from Madeba-Zena Woreda, the grievance office, through the kebele Administration, makes sure that women participate in these fora. Attendance of participants segregated by sex is taken to check women's participation. They work in collaboration with the woredas land administration office to raise awareness on the land law governing and use rights.

The grievance offices have developed a checklist for assessing their achievements and monitoring implementation. The Civil Service also gives them feedback after collecting information from all concerned stakeholders, including members of the community. They undertake individual and joint monitoring visits to the Kebele and collect feedback concerning their activities. There is also joint performance review forum involving concerned sectoral offices.

Land Administration and Use Office

Woreda land administration and use offices conduct public awareness campaigns on land rights issues twice a year and on a general level. There is no mechanism to ensure that women and VGs receive the information. However according to key informants from Madeba-Zena Woreda Land Administration and Use Office they assess the main needs and gaps concerning women and VGs' land rights and develop checklists of issues concerning women and VGs which will then be addressed by organizing public awareness raising campaigns. They make sure that women participate and require the kebele administrations to ensure gender balance during participants' invitation/registration. Experts brief participants about the latest rules (manuals and regulations) on land use rights. Attendance is taken, and women's participation is checked. They believe that women's awareness about their land rights are increasing as shown by the increase in the number of grievances lodged by women.

Police

Provides legal awareness for community members focusing on land entitlement and usage issues; rights and responsibilities of citizens; causes of crime; acts regarded as crime; crime prevention and community-police relationship. Lailay-Adyabo police reported that they include in their legal awareness program the criminal consequence of land rights violations. The practice shows that when the police encounters land rights violation and related violence they try to resolve the problem on the spot by negotiating with the parties. Cases which are difficult and need serious intervention are referred to the woreda court; otherwise reconciliation is a better solution. Cases that are referred to the court include boundary encroachment of individuals, encroachment of communal grazing land, failure to pay land rental fees, illegal transfer of title, mischief, inheritance and divorce related land partitions. There is no special support for women and VGs other than what is provided for the general public.

Justice Office

Provide legal awareness for communities in all kebeles. Issues addressed in the awareness creation programs include land rights issues, appeal procedures on the decision of the Woreda court, temporary transfer of land, where and how to file cases when encountering violence, etc. twice a year, usually in January and June. They have also developed templates for common cases to be used by applicants to the woreda court or those who want to make an appeal on the decision of the Woreda court. There is, however, no quality assurance and feedback collection mechanism.

Their legal literacy program is having an impact on securing the land rights of women and VGs. More and more women are bringing their case to the police, grievance office, women's affairs office, justice office and land administration and use office. The awareness creation activities instil confidence among women about their rights and enable them to fight for justice when they encounter violation. particularly in the hands of Kebele Land Courts.

The limitations of the justice office, as reported by them, is they do not give legal service to women and other VGs who approach the office. Due to limited human resources, they are unable to provide free legal service for women and VGs.

Woreda Courts

The woreda courts hold regular legal awareness raising sessions for about 30 minutes every morning for court attendees. Topics cover family law, early marriage, protecting proprietary interests, especially land entitlement within family and during marriage, care to be taken when signing land rental agreements. Land rights issues and the governing legal framework are addressed in these legal literacy sessions because land related disputes are the most common cases handled by the courts. The woreda courts also brief the attendees about the required documents and the process to file cases in the courts. They have developed templates for most common paper works which clients can easily utilize without the need to pay for service providers.

The courts give priority to women, the elderly and persons with disabilities during court deliberation. Otherwise no special support or service is provided to women or VGs; court services are equal for all irrespective of sex, colour or race. However, according to a key informant from Medeba-Zena Woreda court, if the client is a child most of the time the court would make effort to find a pro bono lawyer who can help him/her.

SNNPR

Women and Children Affairs Office

Engage in community rights awareness creation activities through the WDG structures at the kebele level. They reported that they collaborate with the grievance office, justice office, Kebele administration and Kebele women development groups.

When a woman reports a land rights violation to them, they communicate to the woreda land administration office and check the title holder of the land in dispute. In Hadero-Tunto Woreda Women and Children Affairs Office, if the case is administrative, they will resolve the matter within their office, act as mediator and decide. Administrative cases include attitudinal matters such as “when a man prohibits his wife from exercising her right to use the land just because she is female”. They also assist women who are financially constrained by assisting them to acquire from the kebele a letter attesting their financial situation. These women are then referred to the justice office, so a lawyer can be assigned. The Ejeza Woreda Women and Children Affairs Office do not have a legal officer who can provide free legal service for women in need because they were unable to employ a law graduate with the current salary for the post. However, the women and children’s affairs office in Hadero-tunto reported that they have a legal officer who provides free legal assistance to women. The legal officer assists them by preparing and organizing the paperwork; no representation in court is provided. To be eligible for the assistance they only need to produce a letter of support from their kebele attesting that they are poor.

Women Development Group

Use women development groups and the 1-to-5-community structure to meet and discuss every week community programs and adult life skills. They also discuss land rights concerns.

Grievance Hearing Office

The Woreda Grievance Hearing Office is under the Woreda Administration office, directly accountable to the Woreda Administrator. There are two Process Owners and one of which is the Grievance and Complaints Process Owner that deals with land related grievances. At the kebele level there is a grievance officer mainly engaged in creating awareness on good governance issues.

The community knows about the existence of the grievance office because awareness is created in each Kebele about its services. It also provides awareness on the resolving land related disputes.

Land Administration and Use Office

Provides legal awareness on land rights issues for the public. They have an annual awareness raising program in which the woreda land administration office, kebele administration, social courts and Kebele Land Administration and Use Committee take part. There are no special arrangements to ensure that women and VGs receive the information.

Police

Do not provide legal awareness on land rights issues. Awareness creation campaigns are conducted on child labour and trafficking which was found to be a serious problem in the study areas. One of LIFT’s previous study woredas assigns social workers at the kebele level to work with the community police, then refers women with grievances to the Women and Children Affairs office for assistance. However, not all the woredas have kebele level police officers due to shortages in the budget.

Justice Office

Engage in community legal awareness programs. Landholding rights is one of the main issues addressed in the legal literacy programs. They do not provide free legal service on its own. However, the Justice Office facilitates access to free legal service to practicing lawyers who have the duty to provide 50 hours of pro bono service per year. When women and other VGs report to them for legal assistance they refer them to one of these lawyers registered with their office. The only requirement to be a beneficiary of this arrangement is a letter of support from the kebele social court attesting that the applicant is indigent. This pro bono service is facilitated through the Zone Justice Office and, as such the service is inaccessible to women and VGs at the woreda level.

Woreda Court

Provide legal support for women and VGs who cannot afford to pay lawyers. The woreda courts have developed pleading templates for common civil cases. Legal officers hired as assistant judges help those

seeking free legal assistance fill in relevant templates and file a case. If the case is unique and there is no existing template, the legal officers draft the application anew. One of the duties of the legal officers is to provide legal advice, prepare court pleadings and create legal awareness. They also assist indigents, who are dissatisfied with the decision of the woreda court and want to appeal to the high court, by writing memoranda of appeal. The officers assigned by the court, provide representation service especially for children and poor women.

The courts also refer indigents who need the service of pro bono lawyers to the Zonal Justice Office. Under the law regulating the practice of law in SNNPR, lawyers are required to provide 50 hours of free legal service. When the court encounters an indigent party, who needs legal representation it refers them to the zone justice office which will assign a pro bono lawyer.

Good Governance Taskforce

Woredas have a Good Governance Taskforce (GGTF). Members of the Taskforce include Justice Office, Security and Administration Affairs Office, Women and Children Affairs Office, and Land Administration and Use Office. When a land related dispute is brought to its attention, it will assess the documents and then render a mediated decision. If found necessary to examine a certain issue, the GGTF will send some of its members to the site of the disputed land to assess the situation.

A copy of the decision is provided to the Woreda Land Administration Office, Zone Administration, and to the Woreda Good Governance Office. The taskforce then orders the Kebele Land Administration to measure the land and transfer possession to the lawful holder. The GGTF considers its main responsibility to examine the documents and settle disputes in an amicable manner through mediation. These have helped reduce courts' caseload on land related disputes. In addition to dealing with cases brought to their attention by individuals with grievances, the GGTF also deliberates on improving the overall governance system with a view to ensure good governance and reduce administrative grievances.

Oromia Region

Women and Children Affairs Office

The Woreda Women and Children Office collaboratively works with Kebele administrator and kebele level women groups. The office collaborates with stakeholders in the woreda that are working to protect the rights of women and vulnerable groups. The office gives due attention to women and also in addition to providing advisory services, the Woreda Office also provides financial support to W&VG if found in a dire economic situation. The office is challenged by limited professional personnel who are able to address the need.

Grievance Hearing Office

Gives awareness on grievance hearings in different meetings. The messages in the awareness raising programs include the criteria for filing a grievance application, period of limitations for submitting grievances, procedures of grievance application and the prohibition of lodging unfounded grievances. There is no way of ensuring that women and VGs are getting the information. The office does not have an officer who provides free legal. When a women or VG seeks legal assistance, the office advises them where to go, for example to the Woreda Land Administration Office, Women and Children Affairs Office, court or justice office depending on the nature of the case.

At the Kebele level the grievance office is represented by the Kebele Manager. Individual grievances must first be lodged with the Kebele Manager before these can be taken to the Woreda Grievance Office. Cases pending in court are not eligible for grievance review. There is no system of channelling grievances to the Grievance Hearing Office before they are taken to court.

Land Administration and Use Office

This structure also exists at the kebele level, where there is the Kebele Land Expert. The land administration and use structure provides public awareness on women and VGs' land rights. Officers from the woreda office and the kebele land administration expert attend community meetings to give awareness on land rights issues.

Sasisga Woreda Land Administration and Use Office has been undertaking the second level land certification. It has provided awareness about what rights women have in relation to land and how they must register it together with their husband. It also provided in-depth awareness raising on procedures that women should follow in case their land right is violated. The office has reached out to women who need assistance, including those who may have difficulty going to the office due to health reasons. The staff visit their homes to give them information about SLLC and take a photo to be attached to the certificate.

The Land Administration and Use Office does not believe that women and VGs know their rights in relation to rural land as well as they should because awareness creation has not been provided as widely as possible due to the size of the woreda and the lack of budget, transportation and communication support. However, this situation has now been fully addressed in LIFT woredas supported by Social Development Officers (SDOs) during SLLC.

Woreda Police

Engages in legal awareness creation through community police officers in each kebele. They provide awareness on rights and obligation not only in relation to rural land holding but also on other matters. Awareness creation activities are directed to all sections of the society, not specifically for women and VGs. Messages include criminal consequences of infringing land rights.

Justice Office

Justice offices of the two woredas covered in the study engage in legal awareness creation activities as it is one of the mandates clearly given for them by law. The justice offices group kebeles into clusters and assign one public prosecutor for each cluster to carry out legal awareness activities. They, however, do not have separate awareness raising programs directed towards women and VGs.

The justice offices do not provide free legal service for women and VGs for several reasons. There is a loophole in the law. The law simply provides that the justice office can provide legal representation function for indigent people without specifying who should bear the costs. Lack of budget is another limiting factor. The budget allocated for the offices is so small and does not allow them to plan and provide representation service for women and VGs. Some respondents from the Justice Office indicated that the budget for transportation and communication was insufficient and that a lack of coordination with other justice sector institutions was a limiting factor.

Woreda Court

In general, the woreda courts do not provide support or guidance for women and VGs before court session. During court proceedings, if there are misunderstandings or mistakes regarding procedures that women and VGs are expected to follow or adhere to, they are given guidance as to what should be done. For instance, there is a tendency for mixing interference with possessory right of land with dispossession of land. In such cases the judges will direct them to reframe their case according to its actual nature. Judges tell parties not represented by a lawyer the time within which appeal must be lodged from the decision of the court. Claimants are advised to present relevant information and how to present their case especially if they are not represented by a lawyer.

Amhara Region

Women and Children Affairs Office

They give information about their services at the community level and also raise the awareness of women on what to do to ensure their rights and to report to them when they face violations. They advise them what to do or where to go to enforce their rights. They are also working to raise the awareness of women about land related rights in collaboration with the Kebele Land Administration Expert.

Women Development Group

In collaboration with the woreda land administration office and women's affairs office, they organize different awareness raising fora to raise the awareness of women about their rights and give them information on the existing mechanisms and structures to seek redress for violation of their rights. The legal awareness raising activities include awareness about landholding rights of women. In their legal awareness creation endeavour, the Women Development Groups are assisted by the Kebele land administration expert. When the development group identifies women in need of a legal service, the group facilitates for the women to get a letter of support from the kebele and refers them to the Woreda Women and Children Affairs Office who will help them get a pro bono lawyer. The support letter is issued by the Kebele Social Court upon application and identification of three witnesses who can testify about the economic standing of the person requesting assistance.

Grievance Office

Give awareness on grievance hearing procedures using different fora, including IEC materials and school media. The information disseminated during the awareness creation campaign includes clarification on cases that qualify for grievance hearing and the procedure for lodging grievances. They also inform the public that

cases being reviewed or taken up by the police or court are not eligible for grievance review. The office does not have a mechanism to ensure if women and other VGs understand the grievance hearing mechanism. This was identified as one of the gaps in their work.

Land Administration and Use Office

This structure also exists at the Kebele level where a kebele land administration expert is employed. The Kebele Land Administration Expert conducts awareness creation activities. This includes house visits to ensure that households, in particular women and VGs are aware of their land rights. The Land Administration and Use Office does not provide free legal services. When they encounter women or other VGs who need free legal service they refer them to the Woreda Justice Office which will provide them free legal service provided that they have a letter of support from their kebele attesting that they are indigent.

Police

Provides legal awareness for the public through the community police officers existing in most kebeles. Messages conveyed during legal awareness activities include rights of citizens before the law, criminal protection against violent acts and the consequences of specific criminal conducts. The community police officers also teach about the criminal consequence of land right violations.

Justice Office

Works to create awareness to the community on different legal issues. There is a unit within the offices that plans and organizes awareness raising forums and provides awareness on new laws and amendments on existing laws. This includes the land administration proclamation. Public prosecutors create awareness regarding rights of land holders under the rural land administration proclamation and the recourse mechanisms when land right violations happen.

The Woreda justice offices also provides free legal service for poor people in society. The only condition for getting access to free legal service from the justice offices is having a support letter from the kebele administration.

Woreda Court

Hold legal awareness raising sessions to court attendees every morning before court session. Court attendees are given general information about what documents to fulfil and other information to facilitate a timely decision by the court. There is no special support or guidance for women and VGs.

Woreda courts are in the administrative capital of each woreda. Women and VGs must travel on foot for long hours to file their case or to follow it up. To tackle such problems and to reach out to communities living in remote areas, some courts use mobile courts to improve accessibility especially to women and VGs in rural areas. Except in Tigray Regional state, all other regions use mobile court arrangements to reach out to communities living in remote areas. The site of mobile courts is determined based on location of kebeles from the seat of the woreda administration. The other consideration in determining the location of mobile court is the number of cases. If the number of cases coming from a particular area is high, a mobile court will be assigned there. Mobile court hearings are conducted either on a weekly or monthly basis. The date and location of mobile court hearings is announced to the target community through the respective kebele administrations.

While the mobile court arrangement is a very good measure to bring courts closer to home for rural women and VGs, there are practical challenges and limitations. Mobile court hearings are not conducted at regular intervals in all the woredas and some woredas have discontinued mobile court hearings because of the unavailability of transportation support, office space and equipment.

Good Governance Task Force

The Good Governance Taskforce (GGTF) exists at the woreda and kebele level. At the woreda level it is comprised of the following; police, land administration and use office, court, justice office, women and children affairs, and grievance hearing office. At the kebele level the kebele land administration expert, Kebele community police, Kebele land administration committee and the Kebele Social Courts comprise the GGTF. The Woreda GGTF has a quarterly report hearing and review forum. It also reviews violations of women's and VGs landholding rights. When it is found necessary, it refers cases for the Woreda administrator for its intervention and administrative resolution of the case. The women and children affairs office assists women to follow up cases under review and provides them with updates. Interviews from the LIFT office indicated that in SLLC woredas that have the service of SDOs (Social Development Officers), the GGTF plays an important

role of mediation when dispute cases disfavour women and VGs. On the other hand, the GGTF delegates the Justice office to file cases for Review of Judgment when prior court decisions are found to have fundamental error of law.

At the kebele level, the Kebele land administration committee meets every two weeks and reviews land related disputes, cases that are complicated and beyond the capacity of the kebele land administration committee are reported to the kebele level (GGTF) for a collective review of the case by all concerned stakeholders.

Analysis of Regional Variations in Legal Service Provision for Women and VGs

This study revealed that across the regions legal aid service is virtually non-existent and inaccessible for women and VGs in rural areas. In Tigray, at least in the Woredas selected for the study, no legal aid service provider – be it state operated or privately run – was found. Unlike the practice in Amhara or SNNP regions, the Tigray Regional State had, until recently, no state sponsored legal aid scheme for the indigent and vulnerable section of the society. However, of late, there is a policy change on the part of the regional state and the regional council that passed a law that provides for state sponsored legal aid service provision for indigent members of the society. The law is passed just recently (after data collection for this study is finalized) and how it will be put in practice will only be seen in the future.

In Amhara Region the Justice Bureau provides legal aid service through public prosecutors in its Woreda offices. The free legal service is available for civil cases for individuals who can prove that they cannot afford to pay for the service of a lawyer. The legal service they provide includes advising on legal issues, preparation of pleadings, statement of defence and other documents as well as representing clients in court. There is no other legal aid service provider. According to the key informant from Awabel Woreda WCA office there was an attempt by Debre Markos University Department of Law but this was discontinued due to logistical difficulties.

In SNNPR the courts provide legal assistance for women and VGs using legal officers employed as assistant judges. The legal officers provide advice and prepare pleadings and application memoranda for the indigent clients coming to the court including women and VGs. The courts have developed templates for writing pleas for common civil cases, including land right violations, coming to the court. When women and VGs coming to the court seek assistance in preparing pleas, the legal officers fill out the appropriate civil case template and help them in filing their case. If the specific case requires writing original pleading, the legal officers will do so. However, the legal officers do not have the mandate to represent and litigate on behalf of the women or VG he/she helped write a plea for. Sometimes when the court is convinced that a woman or VG should be represented by a lawyer, it will write letter to the Zone justice office requesting to cooperate by assigning a practicing lawyer for a pro bono service. Under a law governing the practice of law in SNNPR, lawyers have the obligation to provide 50 hours of pro bono service to have their license renewed. Accordingly, the zonal justice office will look into the list of practicing lawyers registered with it and assign one to handle the case referred to it by the court.

In Oromia & SNNPR, Women and Children Affairs offices also provide legal assistance for women and VGs who are seeking justice. The Woreda WCA offices have legal officers that provide legal assistance for women and children having legal cases. The assistance they provide is advising clients on legal issues and writing pleadings. However, they do not represent clients and litigate in court.

In Oromia there is no institution that provides legal aid service across the region. Neither the justice office nor the women and children affairs office or the courts are providing legal assistance for women and VGs. A resource person in woman and children affairs office provides general guidance for women on where to take their case. One key informant from Sasiga Woreda justice office noted that the law defining the powers and responsibilities of Oromia Region Justice Bureau mandates it to provide free legal service for individuals who cannot afford to cover the cost of paid legal services. The Bureau has not, however, put in place a system for the provision of the service. According to the key informant, this is because of the absence of detailed law that specifies the modality of service provision and budgetary constraints.

As reported by key informants from Chalia Woreda of East Wollega Zone in Oromia, there was attempt by Wollega and Ambo universities law departments to run a legal aid program in the Woreda, but both did not continue the initiative for a long time. The law departments did not continue the free legal service provision because of the distance between the Woreda centre from their main office and the associated limitations in logistics.

Strengths and Limitations in Legal Service Provision for Women and VGs

Availability of Legal Service

The study found an encouraging trend in all areas covered by the study is the growing engagement by the concerned government offices and community structures in public legal awareness creation. Justice offices, courts, women and children affairs structures, police, land administration and use offices, grievance offices, and women development groups reported that they provide public legal awareness on key legal issues and redress mechanisms, including rural land administration and use right issues.

The public legal awareness campaigns, however, appear to be disjointed, unfocused and not sustained. There is also no meaningful follow up, feedback and evaluation mechanism to measure the effectiveness and impact of the awareness creation programs.

On the other hand, availability of legal service for women and VGs is limited. It is only in the Woredas from Amhara and SNNP regions that some sort of legal support is available for women and VGs. Even in the regions where legal aid service is available its quality is very low on a number of measures, as will be shown below.

Information on the availability of the legal aid service is not also widely available. It is women and children affairs structures, kebele administrator, woman development groups, and land administration and use offices that refer women and VGs to legal aid providers.

Accessibility of Legal Service

Accessibility of legal services is important to respond to the justice needs of the beneficiaries. Legal service provision that targets women and VGs must be accessible to them. Four parameters can be used to gauge the accessibility of legal services for women and VGs: access to information, physical access, eligibility, and cost for getting the service.

For women and VGs to use the available legal services, they should have access to information that can be seen in two levels. First, women and VGs must have awareness about their rights, for it is only when they are aware of their legally protected rights and knowledge about the mechanisms for enforcing them that they would want to seek justice and go to legal service providers. Second, women and VGs should have information about the availability of legal services and the conditions for accessing it. For these reasons public legal awareness is considered as a prerequisite for effective legal service provision.

Another measure of the accessibility of legal service is easy physical access. Here, the term physical access refers to the spatial proximity of the legal service for women and VGs. It can be seen from this study that even in the regions where legal aid service is available, it is not provided at the kebele level, except informal advices and guidance by kebele land administration experts, women affairs officers or women development group members. Women's responsibility at home, physically challenged VGs like the elderly and person with disability cannot afford to travel to the woreda centre. Distance, lack of infrastructure for motor transport (not all kebeles are connected to the woreda centre), and transportation cost make legal aid service remote, even when it is available.

In terms of the eligibility requirements to provide with available legal services, it can be said that existing legal service providers largely cater for women and VGs. It should, however, be noted that it is not every woman and VG that is entitled to make use of available legal services. While public legal awareness generally targets all segments of the population, specific forms of legal service support such as preparation of pleading papers and in-court representation are available for individuals who fulfil certain conditions. In the regions where, legal service is available (Amhara and SNNPR), the only condition for getting the service by women and VGs is showing that they are poor by producing paper from their Kebele social court that attests the same fact. In all regions the kebele social courts issue the evidence after hearing witnesses who know about the economic status of the person claiming to be indigent. There is no administrative fee or cost that women and VGs incur to get the legal aid service, be it from the justice office in Amhara Region or the courts, justice office or women and children affairs offices (in SNNPR). Legal aid clients however cover their own transportation and other related costs.

Quality of Legal Service

The quality of legal service is a measure of its effectiveness in addressing the justice needs of women and VGs. A quality legal service provides services that are performed completely in accordance with professional and ethical standards and positively impacts the condition of beneficiaries, i.e. women and VGs. There are a number of factors that determine the quality of legal service provision. Key among these are: the scope/type

of service provided, the qualification of service providing personnel, the existence of service delivery standards, and existence of system monitoring, follow-up, and evaluation of service delivery.

Legal service provision covers a broad range of services necessary to meet one's justice needs. Broadly this includes oral advice and counselling, preparation of pleadings and other documents, and representation before a court of law. Legal service provision would be meaningful if the whole range of these services is available to the beneficiaries. From the legal service providers that are available in the study areas, it is only the Woreda Justice Office in Amhara Region and the Zone Justice Office in SNNPR which provide a complete legal service. The Zone Justice Office in SNNPR in fact does not provide the legal service on its own. It rather assigns licensed lawyers as part of their obligation to give fifty hours of pro bono service a year. The Woreda Justice Office in Amhara Region, however, assigns public prosecutors to provide the required services for indigents. The free legal service available from Woreda Justice Office in Amhara Region and the Zone Justice Office in SNNPR include oral advice, preparation of court documents, and in-court representation and litigation for women and VGs.

As indicated earlier, Woreda Courts and Women and Children Affairs Offices in SNNPR and Oromia also provide legal assistance for women and VGs. The Women and Children affairs office uses legal officers employed for this purpose. The Woreda courts also use legal officers employed as assistant judges to provide legal literacy and assist indigents. The free legal service available to women and VGs from the women and children affairs office and the woreda courts (legal assistant) is limited to oral advice and preparation of pleadings and other court documents. Their service does not include representation and litigating in court for women and VGs. This is a severe limitation to the legal service provided by the two institutions, especially given the reality that women have difficulty presenting their case in court. Key informants from courts have emphatically indicated that women litigants have difficulty expressing themselves and are often outmanoeuvred by their male adversaries. Providing in-court representation and litigation service could have helped to address the problem.

The qualification of the personnel providing the legal service is another measure of the quality of legal service. The existing legal aid providing institutions in Amhara and SNNP regions use professionals trained in law. Be it the public prosecutors in Amhara region or the legal officers in the woreda courts and women and children affairs offices in SNNPR and Oromia have minimum of first degree in law. However, they do not always have specialized training or at least familiarization with the land law and the rights and special conditions of women & VGs.

Another factor that determines the quality of legal service is the existence of the service provision guideline that standardizes and guides the professional delivery of legal service. None of the legal service providers the study identified having such an instrument. Free legal service in most cases is provided in a haphazard manner with no internal working rules guiding its administration.

Another factor that seriously compromises the quality of existing free legal services is the absence of any system of follow up, monitoring and evaluation. A close up look at the work of institutions that provide legal services showed that there is no case management and recording system that provides information on the profile of beneficiaries, the cases or grievances, service provided and follow up information. In many cases follow ups are not conducted once cases are assigned to an individual officer or pro bono service provider. On the other hand, necessary information is not given on the next steps including appeal or execution procedure.

Coordination and Collaboration

The study found out that robust, formal and systematized coordination and collaboration among legal service providers and stakeholders is weak. Because of this, response to women and VGs having a grievance is not uniform and responsive to their needs. There are of course practices of collaboration with or referring individuals with a grievance to institutions thought relevant to address grievances of women and VGs. For instance, in all study areas when kebele level structures such as women development groups, Kebele Land Administration Committee or Kebele land expert are approached by women with grievance, they often refer them to woreda Women and Children affairs offices for help. The woreda Women and Children Affairs Office in turn contact the woreda land administration and use office, grievance office or justice office for assistance in providing support for women and VGs with grievance. The police refer land dispute cases of a non-criminal nature to court.

Overall, it appears that the public legal awareness initiatives are sporadic, uncoordinated and not aimed at building momentum in terms of creating a vibrant information base that empowers members of the public, including women and VGs. Further, there is no means of ensuring that the existing legal literacy programs are

accessible to women and VGs in rural area. Currently most legal literacy initiatives are conducted in woreda centres – in court compounds or during public meetings – which are remote for most rural women and VGs. The existing practice is often random and not institutionalized. Collaborative actions are often based on individual initiatives and not sustained.

Strategy to Provide Effective Legal Service for Women and VGs

This section tries to propose strategies for scaling up good practices identified from the different regions. It seeks to address the gaps and weaknesses in the current situation and endeavours to provide a practical and implementable set of action points. The strategies respond to the current gap in terms of availability, accessibility, and quality.

Improve Availability of Service

Legal Service Availability

The experience of Amhara region that assigns public prosecutors to provide the required services for indigents is a good experience to be scaled up by other regions. This service includes oral advice and counselling, preparation of pleadings and other documents, representation and litigating in court. The experience of SNNPR Legal Assistant is also good. However, it doesn't provide a complete service, but rather refers to a pro bono service providers, which has been less effective due to the weak monitoring and accountability system. On the other hand, the experience of Oromia and SNNPR WCA offices having legal experts in their office, is worth scaling up in Amhara and Tigray regions. Labour and Social Affairs (LSA) should also consider legal support for the elderly and PwD who have land right problems. In the case of Tigray, even children are under the LSA, unlike other regions where it is under the WCA.

Information Availability

A key factor that limits women and VGs from protecting and enforcing their land right is lack of awareness or information about their right, the precautionary measure they need to take to protect rights, the mechanisms and processes for seeking redress. They neither have the knowledge nor a resource person in their locality to discuss issues when they are faced with problems. If individuals selected from the community can be trained as paralegals on women and VGs land rights issues, they can serve as a reliable and accessible source of information for women and VGs.

Improve Accessibility of Service

Physical Accessibility

The term physical access refers to the spatial proximity of the legal service for women and VGs. It can be seen from this study that even in the regions where legal aid service is available, it is not provided at the kebele level, except informal advice and guidance by kebele land administration experts, women affairs officers or women development group members. The Mobile Court approach is a great initiative that responds to women and VGs who are challenged by both social and physical constraints. However, this initiative often failed to meet expectations due to budget and logistics. Improving budget allocation and coordinating of resources with other sectors will improve accessibility.

Financial Accessibility

The cost of legal service is free for poor women and VGs. However, when women and VGs required to cover their own cost, the WCA, Women Associations and Labour and Social Affairs need to provide such support. WCA and Women Associations have this experience. However, it is ad-hoc and on an individual basis. It would be useful to organize the existing practice and make it system based, so that it can engage civil society organizations and the private sector (philanthropic individual and trust fund).

Information Accessibility

Current legal literacy initiatives are conducted in woreda centres – in court compounds or during public meetings, which are remote for most rural women and VGs. Further, there is no means of ensuring that the existing legal literacy programs are accessible to women and VGs in rural areas. For women and VGs to use the available legal services, they should have access to information that can be seen in two levels. First, women and VGs must have awareness about their land rights, and second, information about the availability of legal service and the conditions for accessing it. Empowering WDGs and 3Cs (Community Care Coalition) with the required information will improve accessibility of information by women and VGs. The current limited role of WDG on health and reproductive health issues and 3Cs on welfare issues, need to embrace land right issues and where to access legal service in times of dispute.

Improve Quality of Service

Education and Training of Professionals

Existing legal service providers (public prosecutors in Amhara, legal officers in the woreda courts of SNNPR, and women and children affairs offices in SNNPR & Oromia) have a first degree in law at a minimum. Yet, they need training and familiarization in new or revised laws including the land law, focusing on the rights and special conditions of women & VGs.

Standard Procedure

None of the legal service providers covered by the study have guidelines that standardizes and guides professional delivery of legal service. Free legal service is provided in a haphazard manner with no internal working rules guiding its administration. A standard procedure should therefore be prepared by the regions or by the Office of Attorney General.

Monitoring of Practicing Lawyers

There is no system to follow up, monitor and evaluate free legal aid providers through the *pro bono* arrangement. Some anecdotal evidence suggested prosecutor decline on the date of court appointment for various reasons. This happens mainly because there is no monitoring system that holds them accountable and needs to be established.

Registration and Coding of Cases

There is no case management and recording system that provides information on the profile of beneficiaries, the cases or grievances, service provided and follow up information. Records are not made and follow ups are not conducted once cases are assigned to individual officer or *pro bono* service provider. There should be a system for registration and coding of cases.

Updating of Judges and Prosecutors on Land Laws

Judges and prosecutors can depend on general and older laws because they didn't get updates. It is overlooked in most of the cases, but they must get training and orientation every time a new law is made or updated. This includes on updated regulations and guidelines.

Quality of Information

Women and VGs lost cases due to lack of information on next steps. Especially those women and VGs who don't have the support of lawyers, the court should make sure they get sufficient explanation and guidance on the next steps that include appeal or execution procedure.

Friendly Environment During Court Hearing

Key informants from courts have emphatically indicated that women litigants have difficulty expressing themselves and are often outmanoeuvred by their male adversaries. Creating an enabling environment by way of arranging a separate bench, or a different form of communication that can put women at ease may help them to communicate better. Judges and prosecutors should also get training and orientation on the overall land right challenge women and VGs face and the special care they need during court hearing.

Awareness to Local elders and Mediators

Local elders and mediators are at the forefront of providing legal services. However, they are influenced by custom and tradition that may disadvantage women and VGs. It is therefore necessary to provide good awareness on land rights of women and VGs and the negative impact that may cause if decisions are made against them.

Improve Coordination

Coordination of Public Awareness

It is appreciated that different actors provide public legal awareness. However, it appears that the public legal awareness initiatives are sporadic, uncoordinated and not aimed at building momentum in terms of creating a vibrant information base that empowers members of the public, including women and VGs. Further, there is no means of ensuring that the existing legal literacy programs are accessible to women and VGs in rural area. There is also no meaningful follow up, feedback and evaluation mechanism to measure the effectiveness and impact of the awareness interventions. It is therefore highly recommended that all actors coordinate and plan well be it by specialization or geographic coverage. This can be achieved by strengthening the role of the

woreda Good Governance Task Force. The GGTFs provide a significant contribution to working with LIFT SDOs and implies the need to sustain the catalytic role of the SDO.

Coordinate Referral System

When women and VGs' want to take their case beyond local mediators, they report it to the woreda court directly. However, this situation puts them in a difficult position to get possible legal support from others, because once it is a court case, it must go through the court procedure. Judges from different sources indicated "we know from the outset that they will lose the case, in most of the cases. We use two approaches to help such women and VGs: 1) encourage them to resolve the dispute through mediation, and 2) advise to rewrite the pleading; (sometimes by helping them to get support (though this is not the role of the judge). However, this has two challenges: a) as their adversaries know their better position, they usually refused mediation and want to conclude by the court of law, b) when the judge advises to revise the pleading, they take it as the court becomes bureaucratic, or they don't get the right support".²²

Most grievance hearing offices also reported that women and VGs came to report their complaint after it became a court case. They say, "women and VGs come after the case is dead". With the aim of helping such women and VGs to get the right legal advice and support before going to court, it is good to establish a referral system between WCA, LCA, Police, Grievance Hearing Office, Justice Office and the Court. Details of the referral system shall be worked out by these actors, but there has to be a system that clears women and VGs' appeal before going to the court.

Establish a System for Whistle-blowers

When any crime is committed, it is any one's responsibility to report the crime to police or any nearby concerned individual or group. Likewise, land rights violations and violence on women and VGs should be reported. Because of their weak position and low voice to defend themselves, they deserve protection from their fellow community members or whoever comes across with problem. A reporting mechanism shall be established and should be accessible.

Facilitate Forums for Reviewing and Scaling Up Good Practices

Different regions and woredas have experiences in supporting women and VGs with their own strength and limitation. Those good experiences can be scaled up to have a broader impact, while it can at the same time help to improve limitations. Forums to review experiences and scale up good practices need to be organized and that requires the coming together of actors at regional or federal levels. This can be coordinated with other events or can be organized independently, as appropriate.

²² Presiding Judge and Judge of Angolelana Tera, North Shoa, Amhara region. November 2018 Interview with LIFT GESI team

Monitoring Framework for the Implementation of the Strategy

The strategy attempts to build on existing practice at the woreda level with its potential impact on community level actions. The monitoring framework therefore shows those woreda actors with a lead and collaboration role. It is a self-monitoring tool.

No.	Strategy/Intervention	Responsible/ Lead	Collaborators	Indicator
1	Improve Availability of Service			
1.1	Legal Service Availability	Office of the Prosecutor (OP)/Justice Office	WCA, LSA, Court	Well defined service
1.2	Information Availability	Land Administration Office (LAO)	WCA, LSA, Court	Awareness of women and VGs
2	Improve Accessibility			
2.1	Physical Accessibility	Court	WCA, LSA,	Distance and frequency of Mobile Court sessions
2.2	Financial Accessibility	Women and Children Affairs (WCA) Labour and Social Affairs (LSA)	Civic Organizations	Support vs need
2.3	Information Accessibility	WCA, LSA,	GHO	Local structures engaged
3	Improve Quality of Service			
3.1	Education and Training of professionals	OP	WCA, LSA	#of Trained vs total judges and prosecutors
3.2	Standard Procedure	Office of the Prosecutors (OP)	Court, LAO, GHO	Transparency of procedure
3.3	Monitoring of Practicing Lawyers	OP	LAO, WCA, LSA, GHO	Monitoring and accountability report
3.4	Registration and Coding of cases	OP	LAO, WCA, LSA, GHO	Availability of information
3.5	Updating of Judges and Prosecutors on land laws	LAO	OP, Court	Frequency of trainings

No.	Strategy/Intervention	Responsible/ Lead	Collaborators	Indicator
3.6	Quality of information	Court	OP	# of missed cases due to missed information
3.7	Friendly environment during court hearing	Court	OP	Confidence of women and VGs during court hearing
3.8	Awareness to Local Elders and Mediators	LAO	WCA, LSA, GHO	Less biased decision of elders
4	Improve Coordination			
4.1	Coordination of public awareness	OP	WCA, LSA, GHO, GHO	Quality and coverage of awareness
4.2	Coordinate referral system	GHO	Court, WCA, LSA, GHO	# of cases directly reported to court
4.3	Establish a System for Whistle-blowers	GHO	Court, WCA, LSA, GHO, police	# of cases reported
4.4	Facilitate forums for reviewing and scaling up good practices	LAO	WCA, LSA, GHO	# of and frequency of forums

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