

Justice Needs and Satisfaction in **Ethiopia** 2020

Legal problems in daily life



It is nice that we can make user-friendly vacuum-cleaners, but we think justice is a little bit more urgent.

We are friendly rebels who are passionate about social impact. We aim to help empower 150 million people to prevent or resolve their most pressing justice problems by 2030. Why?

Each year, a billion people have a new justice problem. Shockingly, over 70% of those people do not find a satisfactory resolution. 30% don't even feel sufficiently empowered to take action. This has a great impact on their lives and society: from violence to seriously damaged relationships and business conflicts.

To make a long story short: justice does not deliver what people need in their most difficult moments.

The problem is that we are still using models developed in previous centuries. This makes the process of getting justice today slow, difficult, and very expensive.

We truly believe basic justice care for everyone is possible. With data and technology, we co-create high-quality justice based on what people need in today's world.

At HiiL we call it user-friendly justice.

Justice that is affordable, accessible and easy to understand. It is justice that works.

This research was supported by the Ministry of Foreign Affairs of the Kingdom of The Netherlands. The Federal Attorney's General Office, the Federal Justice and Legal System Research and Training Institute, and Dr. Zewdineh Beyene Haile were invaluable knowledge partners, and this research benefited greatly from their collaboration.

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We thank Dr. Zewdineh Beyene Haile, our legal expert in Addis Ababa. His insights and advice were instrumental for the success of this project.



Government of the Netherlands



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Disclaimer

This report is a living document and subject to revision. Whenever the report is revised it will be posted at www.hiil.org/projects. This version of the report was generated on December 1, 2020.

Executive Summary

In the last months of 2019 and the beginning of 2020, just before the Covid-19 pandemic, Hiil together with the Office of the Federal Attorney General and the Federal Justice and Legal Research and Training Institute (JLSRTI) conducted the first nation-wide survey of people's justice needs in Ethiopia. We spoke to 5400 randomly selected individuals from 6 regions. This representative portion of the population of Ethiopia told us about the legal problems they experienced in the last 4 years, what they did to solve the problems, and ultimately – whether they managed to reach a fair resolution. These data were triangulated with in-depth interviews and collective workshops with experts from key justice institutions.

Legal problems are omnipresent in the everyday lives of the Ethiopian people. Forty percent of the population have to deal with one or more serious and difficult to resolve legal problems every four years.

This means that every year at least 7.4 million impactful legal problems occur in Ethiopia. A number this high is 2.5 times the number of malaria cases annually registered in the country!

Justice is in high demand in Ethiopia.

Many of these problems - 2.2 million - are resolved fairly. However, many more - 5.2 million - according to the people do not reach a fair resolution. There is a significant justice gap that requires bold and innovative actions from the justice stakeholders in the country.

The legal problems with lower impact are resolved more often. The existing informal and formal mechanisms, however, struggle with the more impactful problems. This is concerning because people need a higher level of protection when dealing with the most serious and impactful legal problems.

In daily life, the people of Ethiopia most often encounter disputes around land, various crimes, disagreements with neighbors, family and domestic violence problems, money-related disagreements, and employment legal problems. The scale is immense and demanding. Every 4 years there are between 8.2 and 8.7 million land-related legal problems. Between 5.7 and 6 million people become victims of crimes. The estimated number of disputes between neighbours is

between 3.2 and 3.4 million!

The legal problems affect people differently. Women encounter somewhat different problems compared with men. Family problems and domestic violence are more common for women. Men, on the other hand, are more often involved in land and employment-related legal problems.

Residents of urban and rural areas of Ethiopia differ significantly with respect to the problems they encounter, how they seek resolution, and ultimately - how problems are resolved. Urban citizens report more but also different legal problems. In cities and towns, there are significantly more crimes and employment problems. In the villages, people more often have to deal with land disputes, domestic violence and disagreements between neighbours. With a view on the future, the rapidly developing processes of urbanization will continue to increase the justice needs of the people of Ethiopia. Without action the justice gap will grow. The current and future strategies, policies and services should take these changes into serious consideration.



Education is another factor that interacts with justice needs and access to justice. Higher levels of education is related to more legal problems. People with no education report a slightly different structure of legal problems – more problems with obtaining ID documents, police-related problems, and disputes related to social welfare. In the near future, as the Ethiopian society becomes more affluent and more people receive formal education, we can reasonably expect to see change in the volume and type of justice needs.

The people in Ethiopia actively pursue informal and formal strategies for resolving legal problems. Approximately 80% of the people take some form of action. From the most serious problems, 40% are completely resolved; 4% are partially resolved; 31% are in the process of resolution, and 26% are not resolved.

In Ethiopia, there is a wide variety of justice journeys. Traditional justice is the most commonly used dispute resolution mechanism. Village elders are the key provider of justice at community level. Forty-three percent of the people who have legal problems seek the support of village elders. People perceive the quality of the justice processes delivered by village elders as high compared with other

informal or formal providers.

Compared with other countries, many legal problems in Ethiopia are taken to courts (including Social courts). Eighteen percent of the most serious problems reach a court.

Village elders and courts deliver significantly more resolutions than other formal and informal justice providers.

Compared with the use of courts and social courts, lawyers are very rarely involved in the resolution of legal problems. In only 1% of cases (mostly in urban areas) people engaged a lawyer. The key implication is that the model of ensuring access to justice through legal services delivered by trained lawyers is unlikely to bridge the justice gap. Different, innovative, and forward-looking models for delivering justice at scale are needed in Ethiopia. The potential of the community justice mechanisms in Ethiopia bears greater promise for access to justice.

Many people go to family members, friends, and neighbours when they encounter a legal problem. But the social network is not very effective in resolving justice issues. Family members, friends, and neighbours mostly advise the parties what to do. Their resolution rates are lower than for village elders and courts.

Two dispute resolution treatments outperform the other approaches in Ethiopia. Active mediation and deciding (adjudicating) the matter are most effective in resolving legal problems. Relatively rarely do these two treatments result in legal problems that are abandoned without resolution. Integration of active mediation and deciding into informal and formal dispute resolution mechanisms can reinforce their potential to deliver fair resolutions to millions of legal problems.

Ethiopian people are also active in seeking information and advice for legal problems. Two-thirds of people with problems seek some sort of information or advice. Most often such help comes from the people around them (family members, friends and neighbours). Local elders are also actively involved in providing information and advice. The public institutions are less visible in the area of delivery of legal advice and information. The study also did not register a noticeable impact at the national level of civil society organizations.

Based on the survey with people and the interviews with justice-sector stakeholders, HiIL formulates several dimensions or strategies that seem promising towards delivering people-

centered justice:

- Continue to gather, analyse and act upon data about people's justice needs and experiences;
- Develop mechanisms to triage and prioritise serious legal problems that need more resources and attention. Consider the needs of the vulnerable groups – women, children, illiterate and poor people, refugees and internally displaced people;
- Build bridges between informal and formal justice that ensure wide access to justice at community level and accessible formal justice mechanisms when this is needed;
- Continue to study “what works” and replicate the best practices at scale in both informal and formal justice journeys;
- Initiate a justice transformation process at various levels – informal and formal; state and federal. Key ingredient of the justice transformation process is the relentless and sustained focus on people, their needs for justice and experiences with justice journeys.

We invite you to read the whole report but also interact directly with the survey data in the Justice Dashboard at: dashboard.hiil.org

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Methodology of the study



Why bottom-up justice matters

We spoke to 5400¹ randomly selected adults in Ethiopia about their justice needs. Many people experience multiple legal problems in their daily lives. Few people bring their problems to the formal justice system, predominantly understood as courts and lawyers.

Understanding people's demand for justice services from the bottom-up is key for a justice sector that wants to supply effective resolutions of legal problems. Firstly, effective solutions put people's needs and their experiences at the centre of justice services. And they prioritise solutions that Ethiopians need most and are proven to work best in their daily lives.

Secondly, justice innovation is about the re-design and improvement of people's justice journeys. If we know what journeys people take in their attempts to resolve a legal problem, we will know how to design better and more innovative justice services. This is an iterative process which has the potential to deliver more justice to the people of Ethiopia, and elsewhere. There are no small justice problems: Every injustice that is prevented or resolved fairly contributes to the legal empowerment of citizens as well as the country's development. It is about respect,

accountability, and about nurturing a prosperous and inclusive society.

The Hiil bottom-up approach to justice

At Hiil, we refer to the difference between the justice solutions people need and the solutions that people receive as the justice gap. To help bridge this gap, Hiil collects data that shows what exactly people's legal problems are, and how they have experienced them. With such data, we hope to give justice providers and innovators the information they need to design and deliver user-friendly justice services. To achieve that, this is what Hiil does:

- Focuses on justice in people's lives to understand their experiences in seeking access to justice. We map out formal and informal justice journeys, rather than following what is in the laws or in the books.
- Assesses the fairness of outcomes and processes in detail, so it becomes visible how people feel respected and heard during their justice journeys.
- Enables decision-makers to focus on justice when and where people need it the most. Citizens highlight the problem areas that are the most pressing for them. This is a true bottom-up approach.

- Provides robust evidence to support programming and policy-making in the areas of justice and the rule of law.
- Builds on local knowledge about what works best in resolving legal problems, indicating what the bright spots and the obstacles for user-friendly justice delivery are.
- Informs users and providers of justice about the perceived quality of existing services. Enables users to be informed about where to go and which services to use and assists providers in improving their services. Offers a cost-effective way of monitoring progress in the justice sector. A standardised and replicable approach leads to economies of scale, a reduction in operational costs, increased efficiency, and cross-country benchmarking.

What we did: Methodology

In cooperation with Ethiopia's Federal Office of the Attorney General and the Justice and Legal System Research and Training Institute (JLSRTI), supported by the Government of the Kingdom of the Netherlands, Hiil conducted its Justice Needs and Satisfaction survey (JNS). The JNS survey identifies people's legal problems and their experiences in attempting to resolve them. As such, it offers a people-centred assessment of the overall justice needs in Ethiopia.

To reach the point at which we could visit people's houses and knock at their doors, we implemented a proven and tested plan to move from a base questionnaire to the report you are reading now.

In 2019, we conducted a workshop in Addis Ababa with 40 participants from the justice sector, universities, and other relevant areas. In this workshop, as well as providing insights into the people-centred justice approach, we asked for feedback in the adaptation of the questionnaire, so it provides valid and relevant answer choices for the respondents.

Hiil trained enumerators from the leading Ethiopian company ABCON in a three-day workshop in Addis Ababa in September 2019.

During and after the fieldwork, Hiil monitored the data collection process, and checked partial and final datasets for quality control.

The report writing process and the validation stage took place when the COVID-19 pandemic was becoming a harsh reality in Europe and in Ethiopia.

Unable to physically travel and gather with local experts, Hiil teamed up with REOS Partners and Destiny Ethiopia to conduct a Justice Data Lab on 24 June 2020. Twenty-five experts representing

¹ Two records were excluded from the analysis for missing data.

various justice sector institutions took part in the Data Lab. During the discussions, the workshop discussed the key points of the survey data. Special attention was paid to how the experts interpreted the data as well as the possibilities they see to move from data to action. Many of the ideas and findings in this report originated in the Justice Data Lab.

Between March and June 2020, legal researchers from JLSRTI conducted 38 in-depth interviews with justice leaders from the Ethiopian justice sector. The interviews were conducted with the House of People’s Representatives, experts from the Federal Attorney General’s Office, the Federal Supreme Court, the Federal High Court, the Federal First Instance Court, the Federal Police Commission and other police departments, the Federal Prison Administration Commission, the Federal Ombudsman, the Human Rights Commission, the Ethiopian Women Lawyers’ Association, and others.

These interviews were systematically coded and interpreted. In the report we include quotes when a trend was clearly supported by the respondents in the in-depth interviews.

The JNS tool: Measuring access to justice

The line of research in this report corresponds to the legal needs survey guidelines, as defined by the OECD.² Hiil’s Justice Needs and Satisfaction survey is specifically designed to measure legal needs in societies based on the premise of people-centred justice. The tool consists of a questionnaire with over 100 questions about people’s justice journeys. The questionnaire addresses types of legal problem people encounter, the resolutions they achieve through a wide variety of actions, how they seek legal advice and information, and how they experience the resolution process and outcomes. We have applied the JNS methodology in 18 countries thus far.

Below we provide some examples of the questions we asked our respondents:

To what extent:

- Did the process of solving your problem make you feel frustrated?
- Did the process of solving your problem make you feel angry?
- Were you able to express your views and feelings during the dispute resolution process?

- Were the same rules equally applied to you and to the other party/parties?
- Was the dispute resolution process based on accurate information?
- Did the third party explain your rights and options during the process thoroughly and make sure you understood them?

We also asked, for example:

- How many days did you spend bvb resolving the problem?
- How much money did you spend resolving the problem?

Justice journeys

One of the distinctive features of the JNS tool is that it measures the costs and perceived quality of the dispute resolution journeys people travelled. People use formal and informal processes to resolve their legal problems. We call these sequences of steps towards resolving problems “justice journeys.” Hiil maps these justice journeys by asking people about their perceptions of three dimensions: The process, the outcomes, and the costs of the journeys. The questions are categorized and displayed in ten easy-to-understand indicators of the costs and quality of access to justice, as set out in the following table:

Costs of justice

Money spent on the process	Monetary costs for legal fees, travel, advisors.
Time spent on the process	Time spent searching for information, evidence, attending hearings, travel, other logistical expenses’.
Stress and emotions	Stress and negative emotions attributed to the process.

² OECD/Open Society Foundations (2019), Legal Needs Surveys and Access to Justice, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9a36c-en>.

Quality of procedure

Voice and neutrality	Process control, decision control, neutrality, consistent application of rules.
Respect	Respect, politeness, proper communication
Procedural clarity	Timely and accurate explanation of procedures and rights.

Quality of outcome

Fair distribution	Distribution is fair according to needs, equity and equality criteria.
Damage restoration	Fair compensation for monetary loss, emotional harm and damage to relationships.
Problem resolution	Extent to which the problem is resolved, and the result is enforced.
Outcome explanation	Extent to which the people receive access to outcome information.



Respondents are asked to rank their satisfaction with the above ten indicators of the cost and quality of access to justice, on a scale of 1 to 5 - 1 being not at all satisfied, 5 being very

satisfied. We can then conveniently visualize people's overall satisfaction with their justice journeys in a spider web representation, like in the example below:





A word of caution about the data

Despite the efforts made to ensure a strong research design that includes quantitative survey data, qualitative interviews with users of justice, and interviews and rounds of feedback with local experts, inevitably, there are limitations to the data, just as in every study. A small proportion of the findings are based on answers from a small sample, particularly when the disaggregation in the sub-samples gets closer to the end of people's justice journeys, or when a problem category with small prevalence is analysed in depth. For detail about people's experiences with specific justice journeys, different and larger samples are needed, for example, with a study that enquires about one particular legal problem.

Also note that people tend to underreport specific legal problems. Domestic violence incidents, for example, are considered a sensitive topic, making people, particularly women, less likely to report them. Other examples include:

- Some people might not report problems due to shame and fear. For example, when people have spent time in prison or have had problems with figures of authority.

- Cultural norms may cause people to under- or over-report problems.

Lastly, we did not include sub-samples of some of the most vulnerable groups, such as the disabled. We recognise that these are important members of society and hope to collect data on their justice needs in the future, for example, through conducting focus group interviews.

2

Sample:
the people
we talked to



Sampling procedure

HiIL and the data collection partner, the Ethiopian company Abcon, spoke to 5400 men and women from all over Ethiopia. We selected respondents randomly, in order to generalize about the overall population of Ethiopia.

The selection of individual respondents followed a multi-stage randomization process. First, because Ethiopia is a big and diverse country, we selected 6 states based on socio-demographic and political characteristics. The results are representative of the populations of these states.

Second, from these states, we randomly selected zones, woredas and kebeles. Third, once in the field, the interviewers followed a robust procedure to randomly pick for interviews men and women from diverse backgrounds. The interviews took place in the privacy of respondents' homes.

Sample size: 5400 respondents



Education

On average, the respondents had low levels of education. Forty-six percent of the respondents say that they did not follow a formal education. For many we can assume that this means illiteracy. Such a distribution corresponds to data from other authoritative sources that place the illiteracy rate of Ethiopia at similar levels.³

Education, gender and urban or rural status are all strongly linked. Women from rural areas had the lowest level of education.

- 56% of the Ethiopian women had no formal education compared with 36% for men.
- 58% of the rural population had no education. In cities, the proportion of illiterate residents was 21%.
- 98% of older women living in rural areas had no formal education.

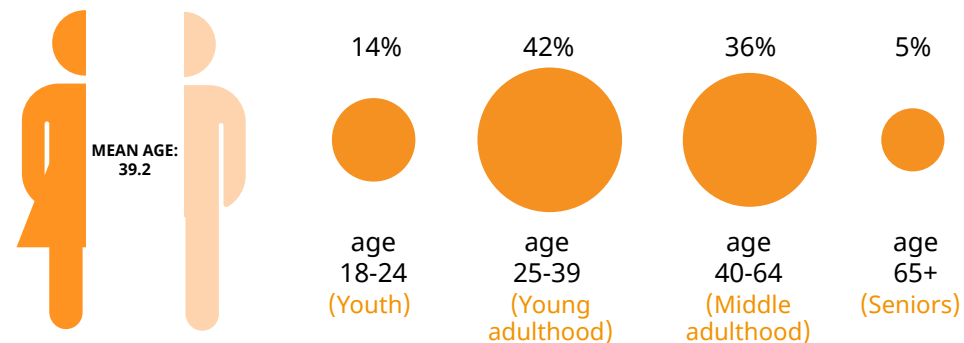
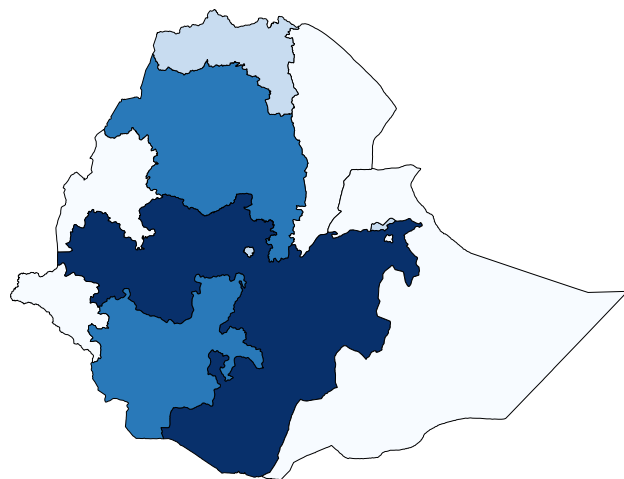
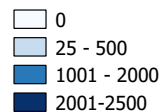
Marital status

The vast majority of the respondents (72%) were married. 12% were single, 7% were widowed and 4% were divorced. On average, the respondents shared a household with five other people

³ World Bank data puts the literacy rate of adults in Ethiopia for 2017 at 52%. See <https://data.worldbank.org/indicator/SE.ADT.LITR.ZS?locations=ET>



Respondents per state



The male respondents were slightly older with a mean age of 41 years. The mean age of the women in the sample

was 38 years. Urban respondents were younger compared with rural residents.

Respondents per region

Region	N	%
Tigray	375	7
Amhara	1,375	25
Oromiya	2,149	40
SNNP	1,099	20
Addis Ababa	376	7
Dire Dawa Astedadar	25	0.46

Respondents per region

Location	N	%
Rural	3,672	68
Urban	1,726	32



work and income

59% is employed
 14% is unemployed
 9% is student
 14% is home carer
 2% is retired

Most people who were employed were engaged in some sort of self-employment. 67% of the rural residents and 51% of the urban residents described themselves as self-employed. In rural areas, self-employment most commonly means work in agriculture. Furthermore, 22% of the rural residents and 10% of the urban residents said that they were employed in the informal economy.

More than half of the respondents (58%) assessed their financial situation as difficult: not having enough to buy the most basic necessities. About a quarter (26%) could buy only the most necessary items. Fifteen percent said that they could afford almost all they wanted. Rural residents more often described themselves as poor and deprived.

connectivity

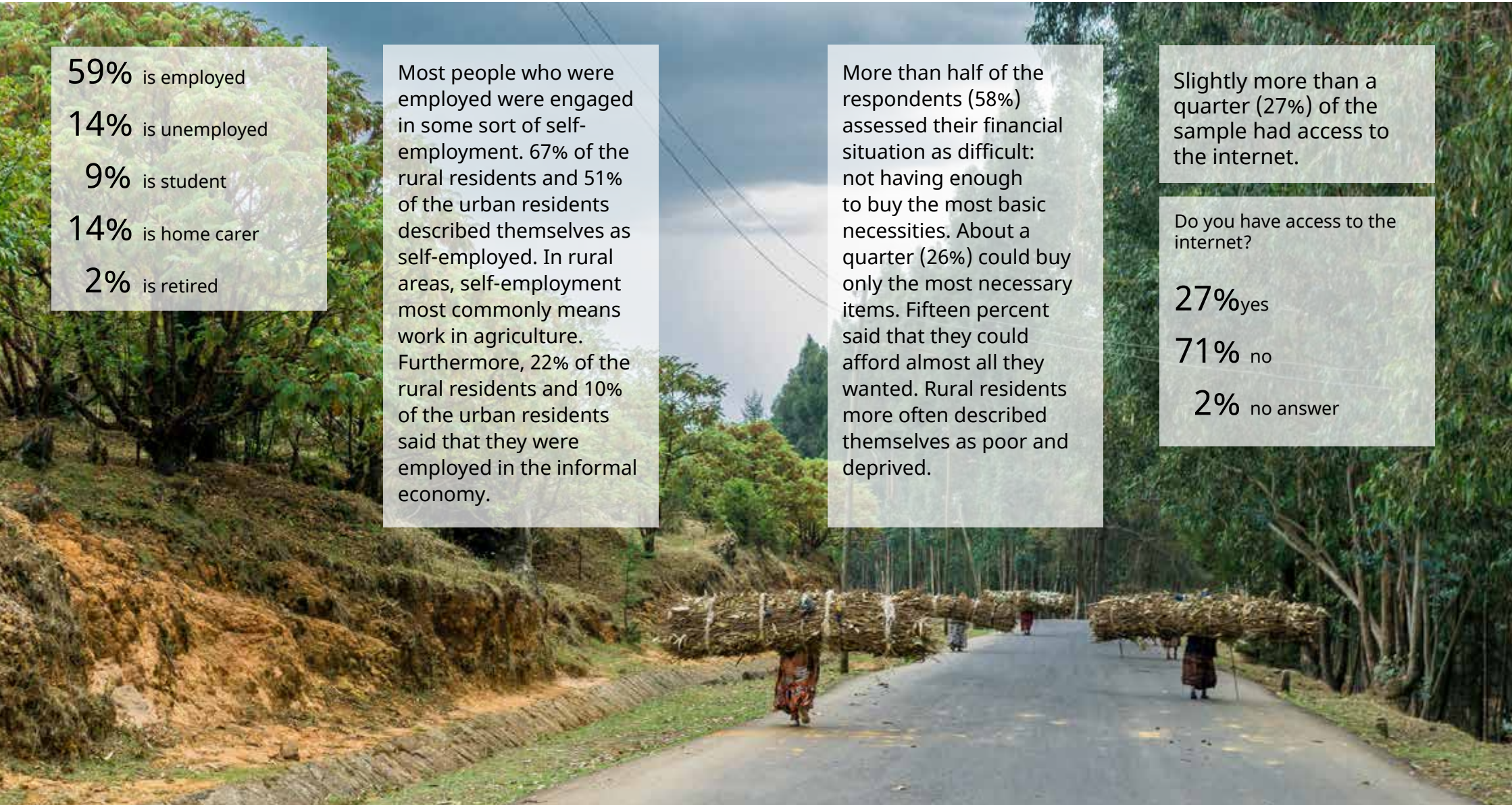
Slightly more than a quarter (27%) of the sample had access to the internet.

Do you have access to the internet?

27% yes

71% no

2% no answer



3

Justice needs in Ethiopia



Key findings

- Legal problems are an inevitable part of daily life for many people in Ethiopia. **Forty percent of the respondents faced one or more legal problems every four years.**
- Every year, the people in Ethiopia have to deal with **7.4 million** legal problems.
- From these 7.4 million legal problems, **2.2 million are resolved fairly**, according to the respondents.
- A large proportion, **5.2 million problems, however, remain unresolved or are perceived as resolved in an unfair manner.**
- The most frequently occurring types of legal problem are **disputes around land, crime, disputes with neighbours, family issues, domestic violence, money-related disagreements, and employment problems.**
- **Forty-five percent of the legal problems are resolved but 55% are not.**
- **It is mainly the less impactful problems that are resolved.**
- Of the treatments applied by third-party neutrals **deciding on the matter, active mediation and advice** tend to work better in resolving legal problems.
- Referrals and representation are less effective.
- **Village elders are the most frequently used** third party for resolving disputes in Ethiopia.
- Lawyers offer valuable services but are extremely rarely used in Ethiopia. Only 1% of **legal problems are consulted on with a lawyer.**

Steep slopes on the pyramid of legal problems

Four out of ten respondents encountered one or more serious and difficult-to-resolve legal problems in the previous 4 years that. On average, respondents reported 1.3 legal problems. Extrapolated to the country's adult population, this means that every year there are **7.4 million** problems, which require effective and accessible justice journeys.

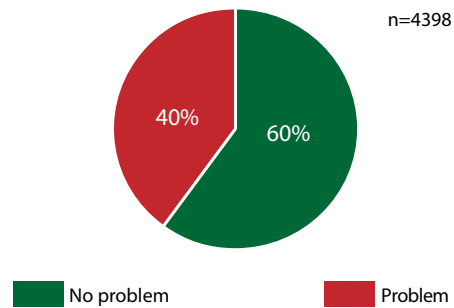


Most resolved problems are considered resolved in a fair manner. However, 18% are perceived as resolved in unfair or very unfair manner.

45% of problems are resolved, 55% are not resolved

40% experience a legal problem every 4 years

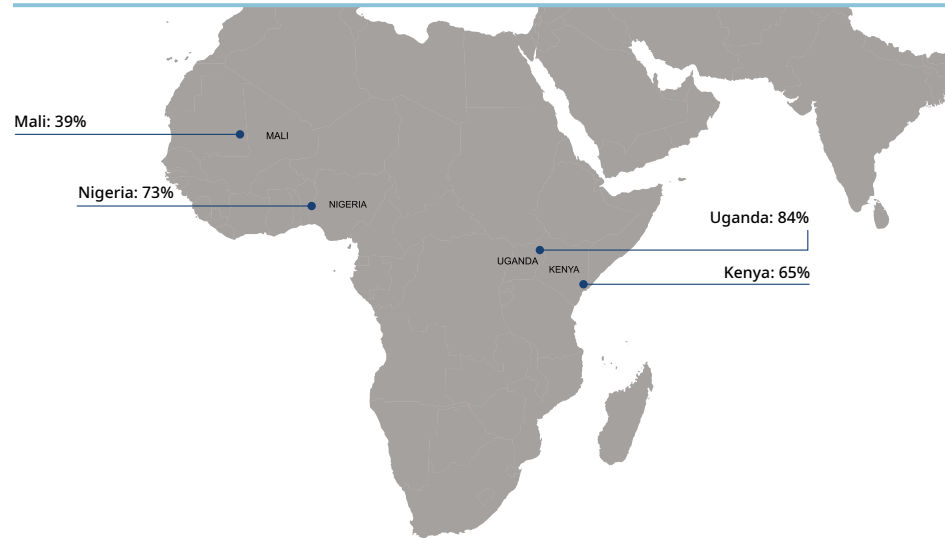
Have you encountered a legal problem in the previous 4 years?



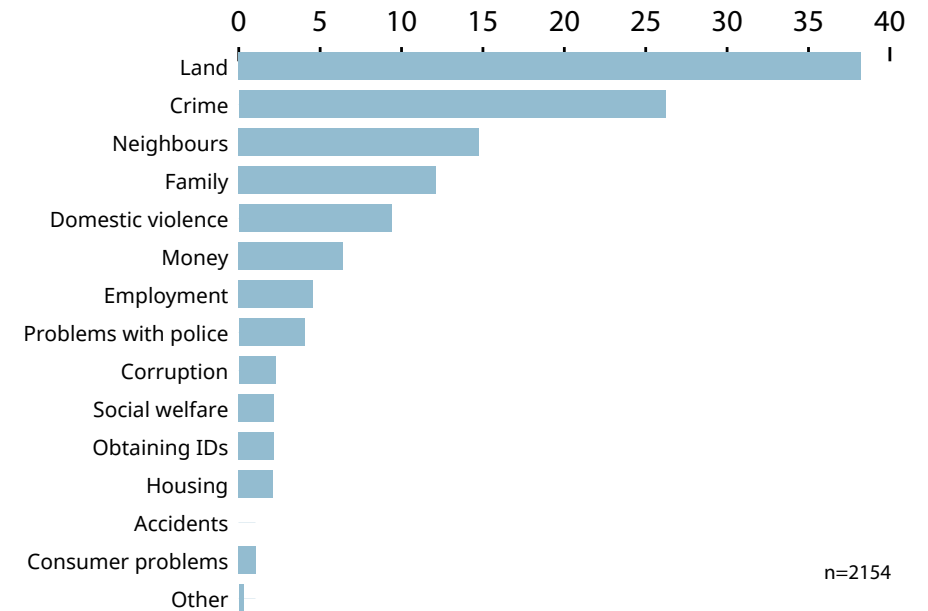
Compared with other countries in Sub-Saharan Africa, the number of legal problems the people of Ethiopia encounter is at the lower end. What really matters, however, is how many of their legal problems the people manage to resolve fairly.

Land disputes are the most prevalent category of legal problems in Ethiopia. Thirty-eight percent of the respondents who encountered a legal problem had to deal with a land-related issue. Crime, disputes with neighbours, family problems, domestic violence, and debt-related legal problems follow next.

Percentage of people who encountered a legal problem



Legal problems in Ethiopia



Percentage of respondents



The distribution of the legal problems in Ethiopia is not very different from

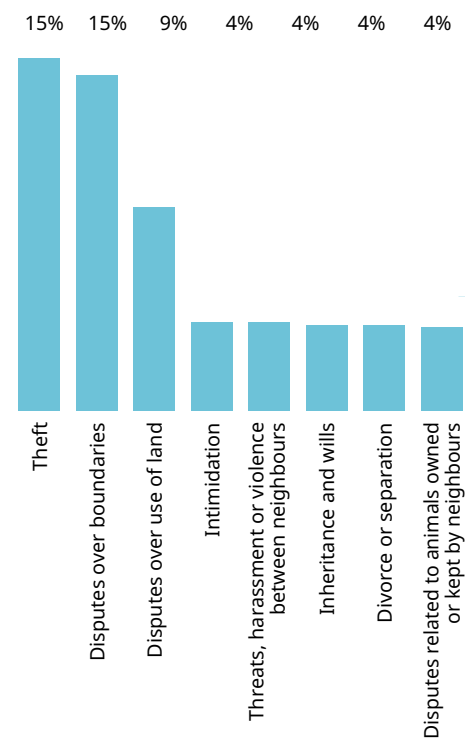
what we see in other countries in Sub-Saharan Africa.

	Kenya	Mali	Nigeria	Uganda
1	Crime	Land	Neighbours	Crime
2	Land	Crime	Crime	Land
3	Employment	Money	Money	Neighbours
4	Family	Employment	Land	Domestic violence
5	Money	Neighbours	Employment	Employment

The chart on the left shows the broad categories of legal problem.⁴ When we look inside the categories, into the individual problems, theft, land disputes over boundaries,

disagreements over use of land, intimidation, harassment, inheritance, and divorce emerge as the most prevalent legal problems.

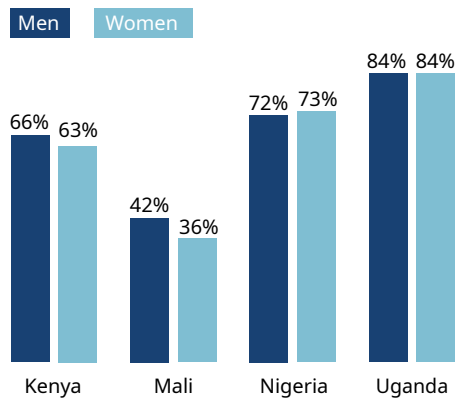
Particular legal problems



⁴ Each category includes several specific problems. For instance, the category of Land legal problems includes boundary disputes, use of land issues, expropriation from land, lease of land etc.

It is common for men to encounter more legal problems than women. In both Kenya and Mali this is also the case, while in Nigeria and Uganda there are only very small or even no differences between men and women in terms of encountering legal problems.

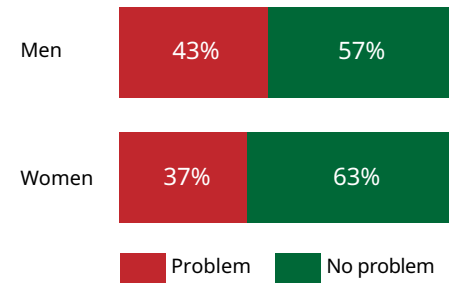
Percentage of people who encountered a legal problem



Men and women experience different problems

Male respondents report facing more legal problems compared with female respondents.

Legal problems by gender



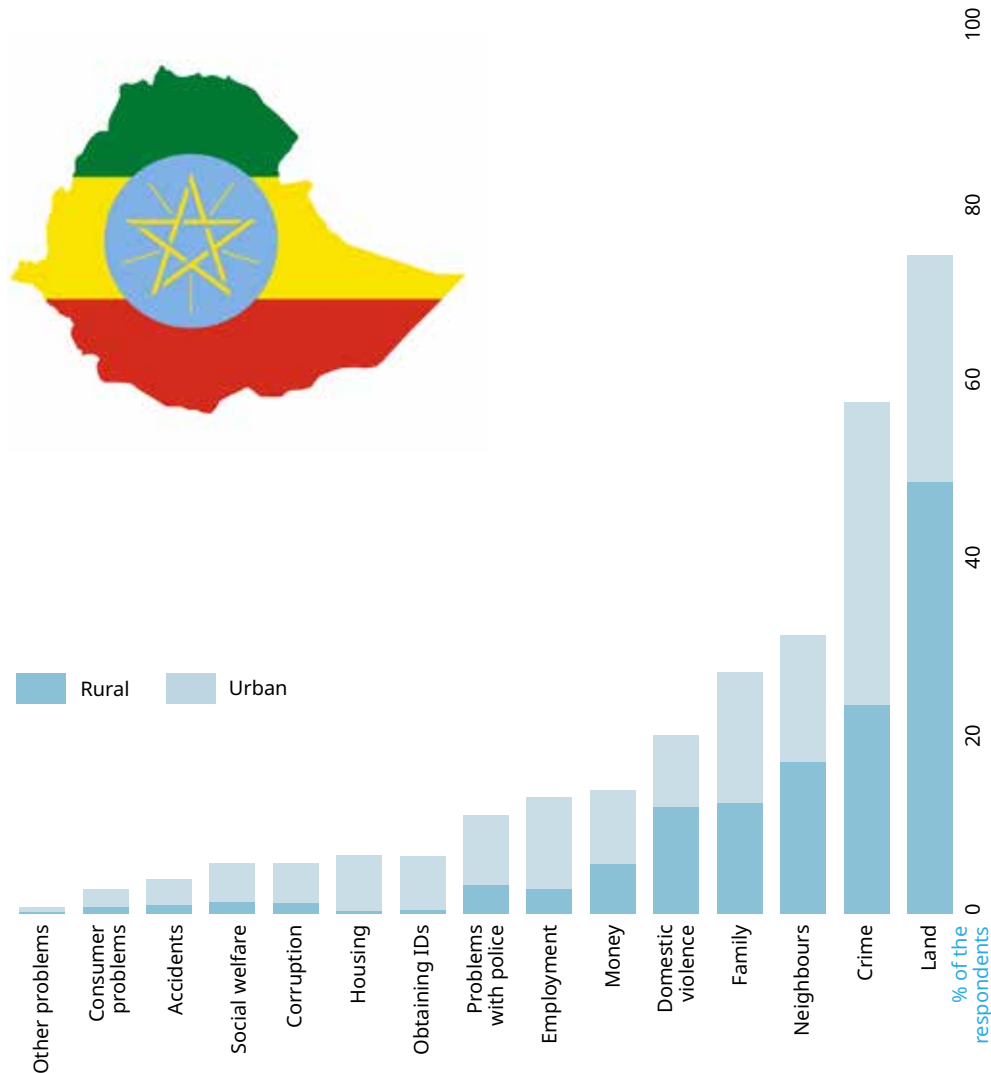
Men report facing significantly more land disputes (men, 44%; women, 36% of all respondents with problems) and employment issues (men, 8%; women, 2%). Women, on the other hand, face more family-related legal problems as well as domestic violence.

Justice needs vary by region

Geography plays a role in the experience of legal problems. Respondents living in cities report facing more legal problems. 45% of the urban respondents had faced serious legal problems in the previous four years. Among the rural respondents, this proportion was 38%.

There are significant differences between the categories of problems that urban and rural Ethiopians encounter. Land issues are very frequent in rural areas (48% of all problems reported by respondents from rural areas). For comparison, 25% of the legal problems of urban citizens concern land (see more in **Chapter 8: Land problems in Ethiopia**).

Legal problems in urban and rural areas



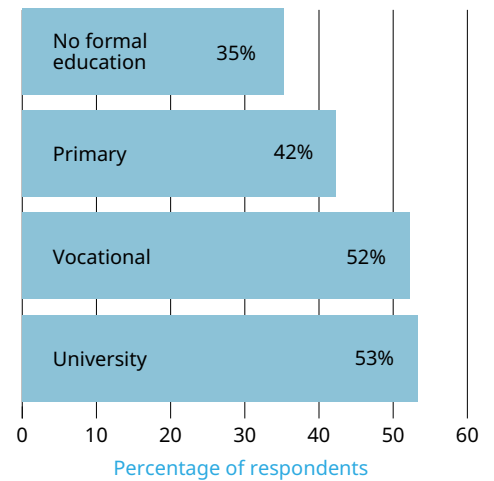
Crime, however, occurs more often in urban areas. A third (34%) of the problems of urban residents involve being the victim of crime. In rural areas, the proportion of crime among all reported legal problems is 23%. In addition, employment-related disputes occur significantly more often in urban areas. In rural areas most people work in agriculture. Their employment problems take the form of land disputes because land is the most important resource for production.

Legal issues around interactions with public authorities such as obtaining ID documents, problems with the police, and claiming social welfare benefits occur predominantly in urban areas.

Socio-demographic background: Legal problems affect different groups of people differently

People with higher levels of education are more likely to encounter a legal problem. Only 35% of the illiterate individuals experienced legal problems. This percentage increases with increasing levels of education. For comparison, 53% of the respondents with university degrees said that they had had to deal with one or more legal problems in the previous four years.

Prevalence of legal problems by education level

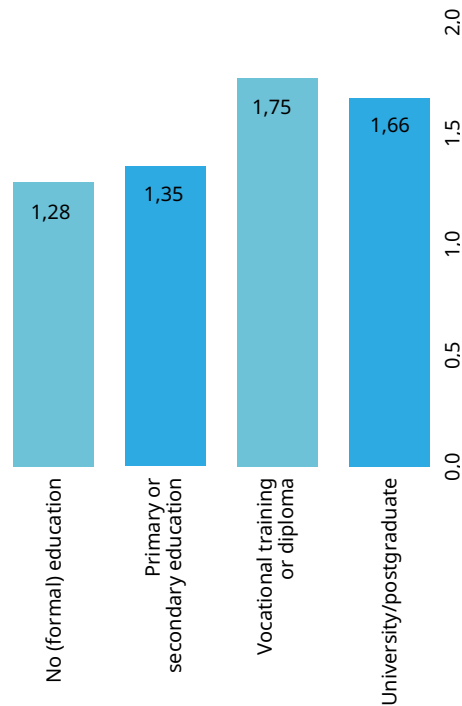


People with a higher level of education report legal problems more often, but they also report more legal problems on average. People with a higher level of education need to deal with multiple legal problems. They also encounter slightly different legal issues.

More affluent Ethiopians report fewer land problems. Most likely, because fewer of them are involved in agricultural activities. They have to deal with many more ID document issues, disputes with the police and disputes related to social welfare compared with those on lower incomes.

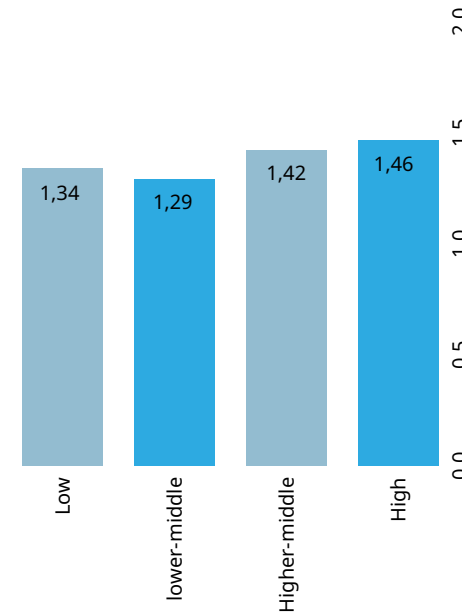
Poorer people are more likely to experience land issues, disputes with neighbours as well as domestic violence.

Education level and average number of legal problems



Education level and income level are highly related. Higher levels of education in general lead to higher income levels. People with a higher income report more legal problems compared with those with lower incomes.

Income level and the number of legal problems



Legal problems change over the lifecycle

Experience of legal problems and age are related. Different stages in life pose their own challenges. The youngest respondents (18-24) were least likely to report a legal problem. This social group is transitioning from adolescence into adulthood. Families, careers, and social relationships are still in the making. At this stage, people in Ethiopia are less likely to experience a legal problem.

This drastically changes in the next stages of life. In the economically active years (between 25-64), people build their most important relationships, accumulate assets, and make the most impactful decisions of their lives, and the number of legal problems increases dramatically.

The trend slows down after the age of 65 for almost all problems except land disputes and social security issues. Land disputes among senior citizens are most likely related to inheritance, transactions, joint ownership etc.



	Youth	Young adults	Middle age	Seniors
Land	5	35	50	10
Domestic violence	17	49	28	6
Housing	12	58	23	8
Neighbours	6	47	41	6
Employment	9	62	28	1
Family	14	50	31	4
Social welfare	9	36	30	24
Crime	15	46	34	5
Problems with police	21	52	25	2
Consumer problems	-	40	50	10
Accidents	21	45	28	7
Money	10	48	35	6
Obtaining ID's	11	46	36	7
Corruption	15	41	41	4

The landscape of the legal problems of the people of Ethiopia: Generalizations for the overall population

From the random sample of respondents, we estimate how many people in Ethiopia encounter legal problems. Our calculation is simple: we look at what proportion of the sample had to deal with a legal problem and how many problems people encountered. Then we divide this number by 3⁵ to adjust to an annual basis and extrapolate to the overall adult population of Ethiopia.



⁵ To be on the safe side we assume that people forget one third of the problems occurring in four years. So, the generalizations made in parts of this report posit that the reported problems in the four-year period actually occur in three years.

Problem category	Lower estimation for 4 years	Upper estimation for 4 years
Land	8.2 Million	8.7 Million
Crime	5.7	6.0
Neighbours	3.2	3.4
Family	2.6	2.8
Domestic violence	2.0	2.2
Money	1.4	1.5
Employment	1	1.04
Problems with police	0.87	0.92
Corruption	0.49	0.52
Social welfare	0.47	0.50
Obtaining IDs	0.47	0.50
Housing	0.45	0.48
Accidents	0.34	0.36
Consumer problems	0.23	0.245
Other problems	0.60	0.64

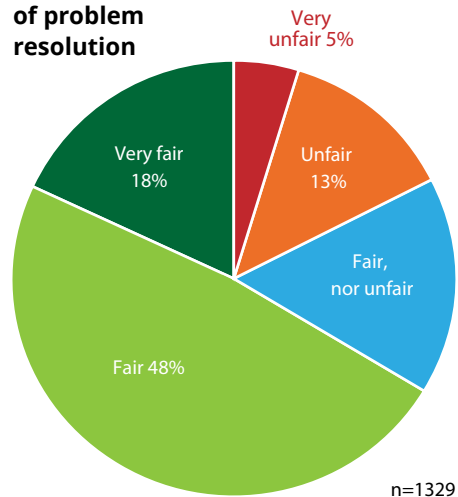
Half of the legal problems are resolved. Half are not.

In this part of the analysis, we look at all problems that people reported during the interviews. For instance, if a respondent reported 6 problems, all occurring in the previous 4 years, we include and analyse all of them. In the next chapters, the focus will shift towards one problem per respondent - the most serious legal problem. Hence, now we lay out the broad picture of the need for justice in Ethiopia. Afterwards, we will delve deeper into people's experiences with their most serious and impactful problems.

Forty-five percent of the legal problems are resolved but 55% do not reach a resolution. This means that every year in Ethiopia, **3.4M legal problems are resolved and 4.05M problems are not.** Furthermore, a problem might be perceived to be resolved on a wide spectrum between fair and unfair. Below we look at whether the resolved problems are perceived to have reached a fair resolution.

Contours of the justice gap: 5.2 million problems every year reach no fair solution

Perceived fairness of problem resolution



About 66% of the resolved problems were reported to have reached a fair resolution (48% fair, 18% very fair). **Through extrapolation, the absolute number of problems that are perceived to be resolved fairly is around 2.2 million.**

A legal problem, however, can end with a fair, partially fair or unfair resolution. Of all problems which were assessed as resolved, 18% were resolved unfairly. Furthermore, 16% ended with a partially fair resolution. Together with

the unfairly resolved legal problems, the group accounts for 34% of all problems defined as resolved. **In absolute numbers, this makes 1.2 million legal problems which reach a resolution but this resolution is not perceived as fair every year.**

Returning to the 2.2 million legal problems which reach a fair resolution: **This is good news, a bright spot for justice in Ethiopia.** It shows that the country has a multitude of paths to justice that turn problems into fairness.

However, there is another quantity that represents a concern and an opportunity at the same time. If from all annually occurring 7.4 million problems, 2.2 million are resolved, we have a balance of around 5.2 million problems.

These 5.2 million legal problems are either not resolved or if resolved, not in a perceived as fair manner.

The legal problems in daily life are serious and pressing

Now, we delve into the impact of the most serious problems. Firstly, we look at the gravity of all reported problems.

On a scale from 1 (least serious) to 10 (most serious,) the reported legal problems have a mean score of 6.68. The most serious problems are accidents, family disputes, social welfare issues, land disputes, and issues with the police. On the other hand, consumer problems and disputes with neighbours are less serious.

[..] most cases resolved at community level are not complicated. In addition, the community resolves its problems on the basis of mutual consent and good will of both parties.
(Senior legal researcher)

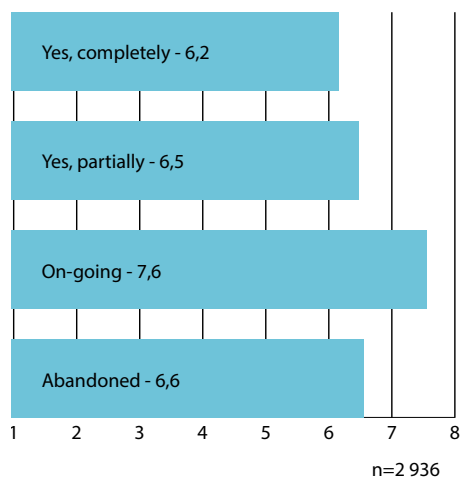
Disputes with neighbours and housing problems are more often resolved. Crime, employment and police-related disputes are resolved least often.

The table on the right shows how the different categories of legal problem are resolved completely or partially, remain locked in the process of resolution or are altogether abandoned.

Contours of the justice gap: 5.2 million problems every year reach no fair solution

The most serious problems are often stuck in resolution processes

The seriousness of problems and their resolution are connected. The legal problems that are still in the process of resolution (ongoing) are the most serious. Below, we will focus on this link to better understand the relationship between the severity of the issue and the degree of resolution. See chapter Dispute resolution.



Resolution per category of legal problem

	problem and Yes, completely	Yes, partially	Ongoing	Abandoned
Land	46	5	36	13
Domestic	43	5	27	25
Housing	63	2	25	10
Neighbours	58	3	23	15
Employment	33	4	32	31
Family	499	7	30	13
Social welfare	24	4	45	27
Crime	22	3	20	555
Police problems	51	2	171	30
Consumer problems	8	8	16	68
Accidents	50	0	21	29
Money	41	6	26	27
Obtaining ID's	25	4	63	8
Corruption	20	2	29	49
Other	33	0	50	17

Focus on the most serious legal problems that the people of Ethiopia encounter.

Many people faced more than one legal problem in the reference period of 4 years. We asked them to focus on the issue which was most impactful. There is no objective measure to rank how impactful legal problems are. Therefore, we asked the people to assess and rank the problems using the subjective criterion of impact on life.

The most serious legal problems are a subset of all problems. Therefore, their distribution is not very different from the distribution of all reported legal problems. Land, crime, disputes with neighbours, family and domestic violence problems top the chart.

Next, we continue the access to justice story in Ethiopia discussing the impact of the most serious problems on people and communities, what people do to resolve their problems and the outcomes delivered.

Conclusions

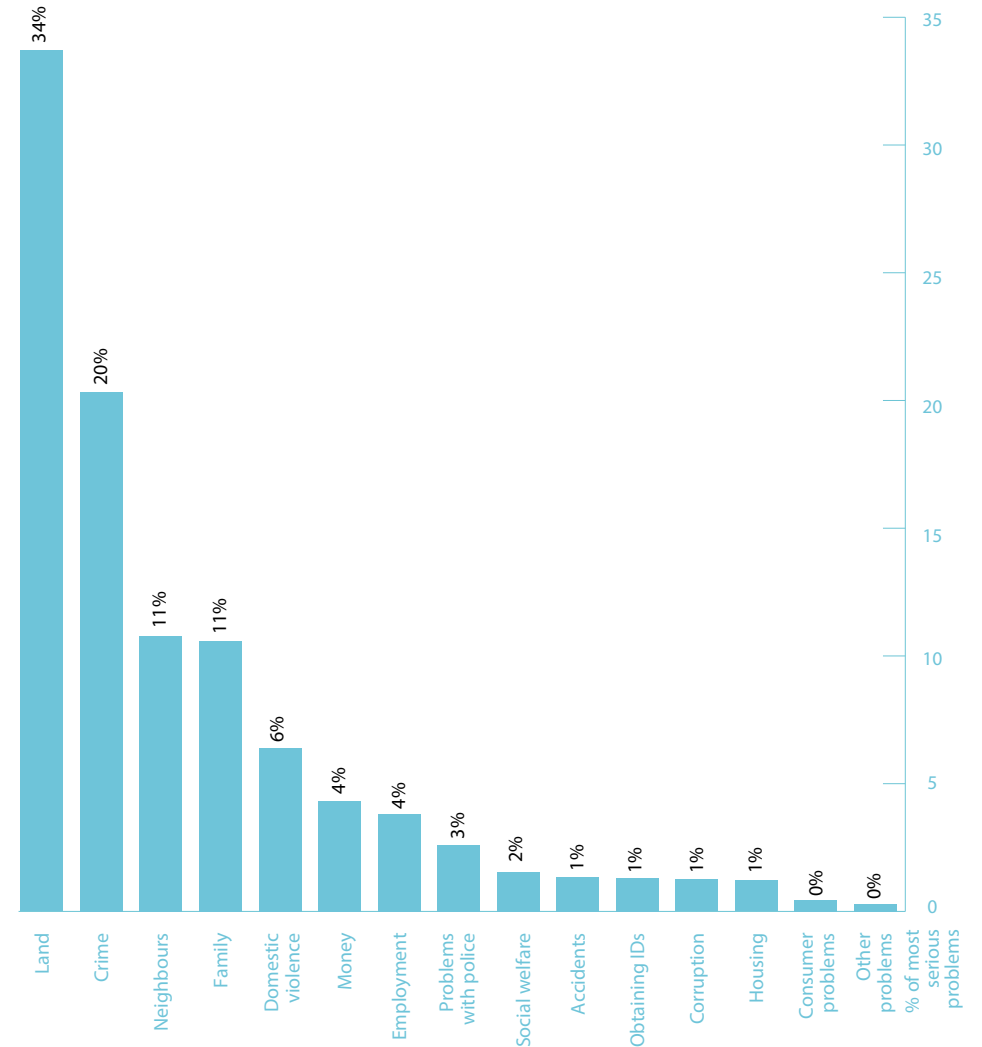
Legal problems are widespread in daily life in Ethiopia. Forty percent of the respondents had to deal one or more legal problems in the previous four years.

The trends visible in the data suggest that in the near future there will be even more problems. Social and economic processes such as urbanization, increased time spent in education and overall economic development will inevitably increase the justice needs in Ethiopia. Most likely the complexity of these needs will also increase. The Covid-19 pandemic is also playing a role with certain categories of legal problem becoming more prevalent.

Millions of legal problems in Ethiopia are resolved. Many more, however, remain without a fair resolution. The justice gap is wide and widening.

Ethiopia and its people need fair and accessible dispute resolution processes that resolve their legal problems at the lowest and cheapest level. In the next chapters, we will first explore the impact of the legal problems and then how the people use and perceive the existing justice journeys.

Most serious categories of legal problems



n=2949

4

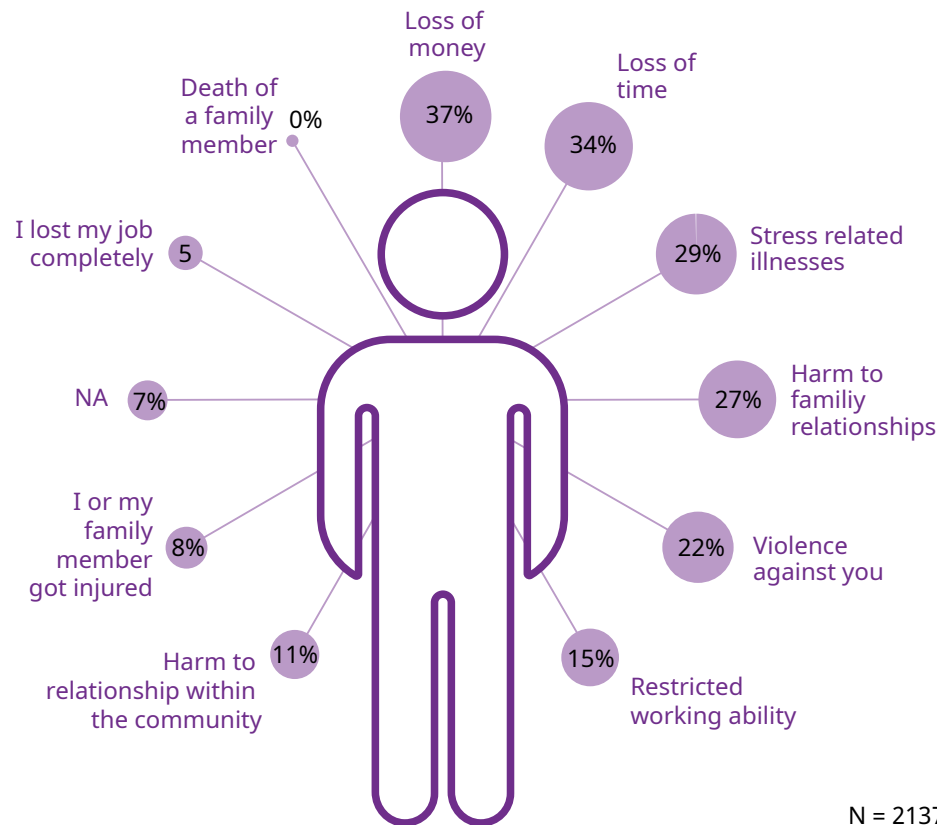
Impact of the legal problems



Legal problems have significant impact on people. This chapter presents the impact of the legal problems as the people experience and report them.

One problem, multiple consequences.

On average, for each legal problem the respondents reported two negative consequences. Loss of money, time, stress-related illness, and damage to family relationships are common effects of legal problems.



N = 2137

The negative consequences due to legal problems relate to the following demographic characteristics:

- Income: Poorer Ethiopians reported fewer negative consequences than people in other groups did (on average, 1.8 in the lowest income group, 2.2 in the highest).
- The consequences are distributed slightly differently amongst income groups: Poorer individuals reported more often harm to family relationships (29%) than people in other groups, less often loss of time (25%), and loss of money (32%). Note that there is a risk of underreporting of certain consequences by the poorest group.
- The highest income group has above average rates for the top three consequences – loss of money, loss of time and stress-related illness. The most distinctive difference is that

they reported above average rates of restricted ability to work (23%).

- The youngest respondents (18-24 years) experienced more often loss of money (42%), and less often harm to important relationships in the community (5%).
- Senior Ethiopians (65+) reported more often stress-related illness (33%) and considerably less often restricted ability to work (7%).
- People without a formal education reported more often harm to relationships in the community (13%) and less often loss of money (31%).
- Rural inhabitants reported less often than urbanites loss of money (34% compared with 42%) and more often harm to relationships in the community (12% compared with 8%).

Where there is better access to justice, there will be development, and if there is development, everybody becomes a beneficiary, including the government, the economy, as well as society. (Prosecutor at federal level)

Another way to disaggregate the consequences is to look at the categories of legal problem. In the table above, the first column shows the consequence. Each of the next columns displays the percentage of people who said that a specific problem caused the respective consequence. Blue colours mean that that consequence affected a relatively small proportion of people in the category, while red colours indicate higher proportions.

For instance, we see that domestic violence causes less loss of money or time, but many people said it leads to damage to family relationships, stress-related illnesses, and violence. People with family problems are even more susceptible to damage to family relationships. People who have disputes with neighbours complain of damage to community relationships.

An average legal problem takes 11 working days to resolve and costs 1800 Birrs

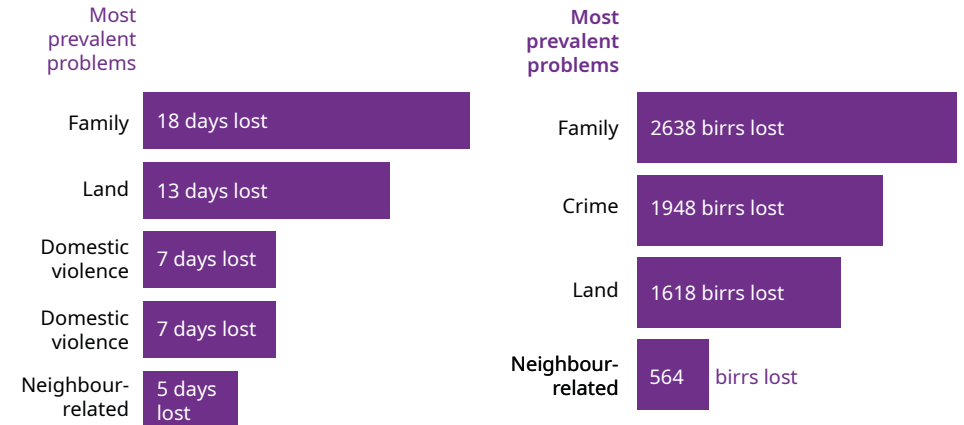
We asked the respondents about two tangible measures of the impact of their legal problems, loss of working days and the monetary implication of the problem. Note that we measure separately the various costs that people make in order to resolve the problem.⁶

11

The average number of working days lost because of the legal problem.

- Costs increase in line with income levels: 10 working days for low-income respondents; 11 for low-middle income groups, and 12 for the high-income groups.
- Women report more lost days (11) than men (10).
- Residents of urban areas report more days lost (12) than those in rural areas (10). The number is even higher for men in urban areas (13).

⁶To avoid the distorting effect of outliers (extreme values that seem unreasonable) we limit the sample to 90% of the values. To avoid losing more information, values higher than the one of the 90% take the value of the highest remaining number.



- Young adults report more working days lost (13) than the other age categories.
- The average amount of money lost increases in line with income levels: 1323 birr for low-income individuals, 1767 for low-middle income groups, 1916 for high-middle income groups, and 2550 for the highest-income groups.
- Men lose more money (1943) than women (1607).
- The cost of legal problems in urban areas (2336) is higher than in rural areas (1486).



1788

Birrs is how much money on average Ethiopians lose because of their most serious legal problem.

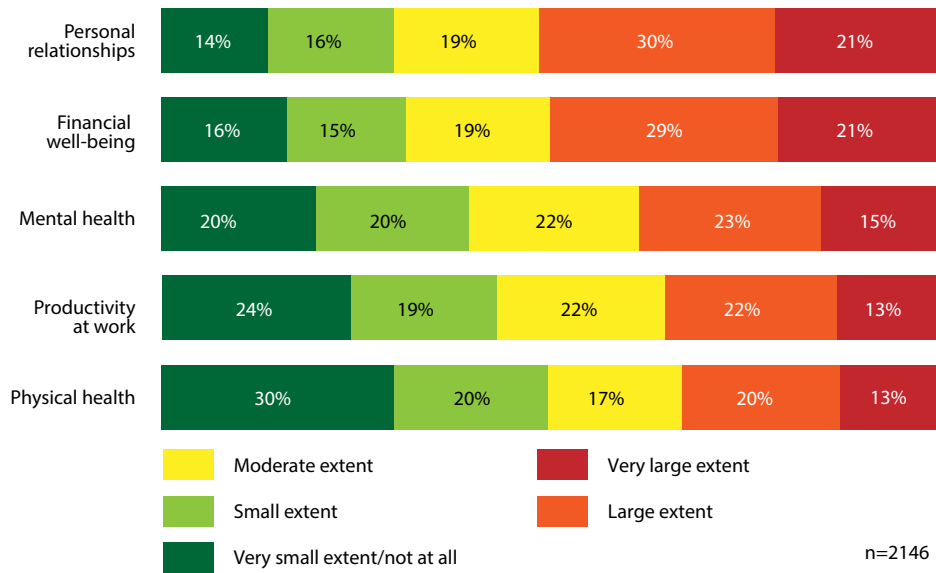
Besides the negative consequences, we use another way to measure how legal problems affect people. We call this measure the impact score.

The impact score is the product of the dimensions of the chart below. The chart shows how people assess the impact of the legal problem on their lives. We asked them about the

key negative consequences of a legal problem: relationships, money, mental health, physical health, and the ability to work.

Legal problems affect significantly personal relationships and financial well-being. Far fewer people see connections between legal problems and physical health.

How much the problem impacted your...



⁷To calculate the impact score, we convert the answers about consequence into a scale. Saying that the problem did not impact, or had a small impact, takes the value of 1. Impact to a very large extent takes the value of 5. For each

person, we average the score of these five dimensions and divide the result by 5, to make it go from the lowest value of .2 (the problem had almost no impact on the dimensions, to 1 (the problem had a large impact).

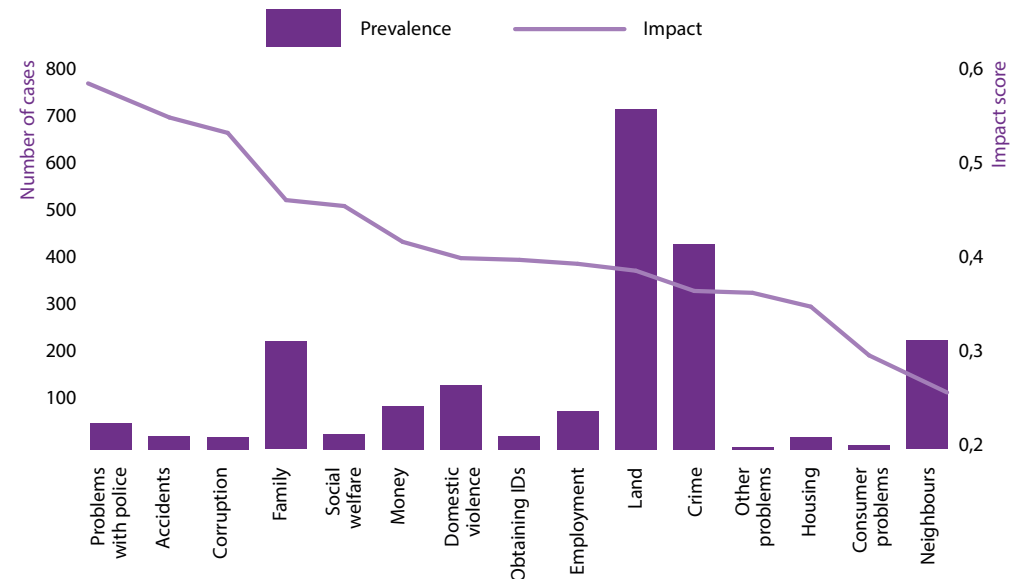
The horizontal line in the chart below plots the average impact score by problem category. The bars show the number of people who report that their most serious legal problem belongs to a particular category. The aim is to discern the impact of the different types of legal problem.

The chart shows that the most impactful problems are those that are relatively rarely reported: problems

with the police, accidents, and corruption. Of the most common problems, family disputes are most impactful. However, the difference between family and other commonly occurring problems, such as land and crime-related problems, is not large.

On the other hand, and somewhat expectedly, neighbour-related problems rank as the problems with the lowest perceived impact.

Average impact score by most serious problem category





Conclusions

Legal problems affect the lives of Ethiopians in diverse and impactful ways. Most often people report loss of money and time. Many have to deal with stress-related illnesses.

There are differences among social groups. For instance, people with lower incomes report fewer negative consequences due to legal problems.

Some problems are more impactful than others. Problems with the police, accidents, and corruption have the highest impact scores. However, these problems occur relatively rarely. Land disputes, family disagreements and crime have a less dramatic effect but, on the other hand, they occur often in daily life.



5

Dispute resolution



Key findings

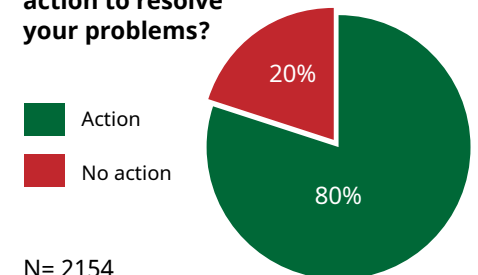
- Around 80% of the people take some form of action to resolve their legal problem. Those who remain passive are at a much greater risk of not being able to resolve their legal problem. Rural and uneducated are more likely to do nothing when a legal problem occurs.
- Forty percent of the most serious problems are completely resolved; 4% are partially resolved.
- Thirty-one percent are in the process of resolution and 26% are not resolved and people do not take further action. When a problem has not been resolved, the people involved are concerned that other similar legal issues will occur.
- Impactful problems are resolved less often. The justice journeys are more effective in resolving the less impactful problems. The system struggles with the more impactful problems.
- There is a large difference in how legal problems are resolved in rural and urban areas. People in rural areas see more of their legal problems resolved.
- Informal justice plays a sizeable role in Ethiopia. Forty-three percent of people with problems seek the support of village elders to resolve their problems. They are also considered the most useful support providers.
- Village elders intervene in more than half of land and family disputes. Village elders are a very popular part of the justice journeys in rural Ethiopia but also have their place in the dispute resolution landscape in urban areas.
- The second most often used strategy is to talk to the other party in the dispute.
- Courts are relatively frequently used; 18% said that they used a court to resolve a legal problem. In family matters, people go to courts for resolutions. However, only 1% engaged a lawyer in attempting to resolve their problems.
- The treatments most often used by neutral parties to resolve problems are advice, active mediation and adjudication (deciding on the matter) to resolve legal problems. Often, they use more than one approach to achieve resolution.
- Village elders mostly mediate and reconcile the disputing parties.
- Public institutions rely more on deciding on the matter and referring the parties to other dispute resolution mechanisms.
- For crime, people receive a lot of advice and relatively little deciding or reconciliation.
- Deciding and mediating are more effective than the other treatments for resolving legal problems. Advice, referral and representation deliver fewer resolutions.
- Village elders and courts deliver more justice, compared with the police and particularly compared with family members, friends and neighbours.
- The justice journeys organised by village elders are perceived as relatively high in terms of process and outcome quality.
- The police and courts deliver less justice, even when we control for the impact of the problem.

Many people in Ethiopia take action in search of fair resolutions to their legal problems

In this chapter, we focus on the most serious legal problem reported by each interviewed individual. If a respondent said that she dealt with more than one legal problem in the previous 4 years, we follow-up in great detail with the one problem that is most impactful. The respondents subjectively chose which problem had the most impact on their lives. The next chapter analyses a subset of 2154 legal problems identified as most impactful.

First, we explore in depth whether people take action to resolve legal problems. Eighty percent of the Ethiopians who did encounter a legal problem took some sort of action to resolve it. Relatively few remained passive. This is a positive finding indicating that people are actively seeking fair resolutions.

Did you take any action to resolve your problems?



N= 2154

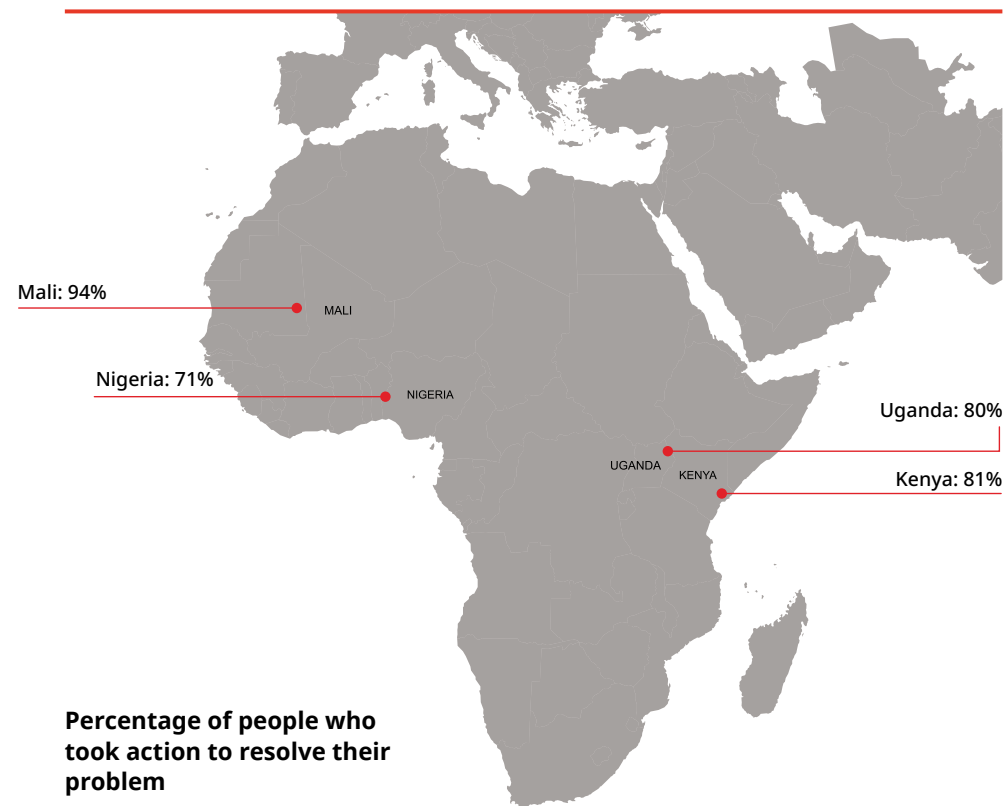
Eighty percent is roughly average compared with other countries in Sub-Saharan Africa. It is higher than in Nigeria, but lower than in Mali. The percentage of people taking action in Kenya and Uganda is the same as in Ethiopia.

There are differences in how people from different regions and social groups respond to legal problems. Who are the people more likely to take action?

- Rural inhabitants (82%) are more active than urbanites (75%) in taking action.
- Ethiopians with lower levels of education (no formal education, basic or secondary school ~ 80%) compared with university graduates (71%) are more active in taking action.

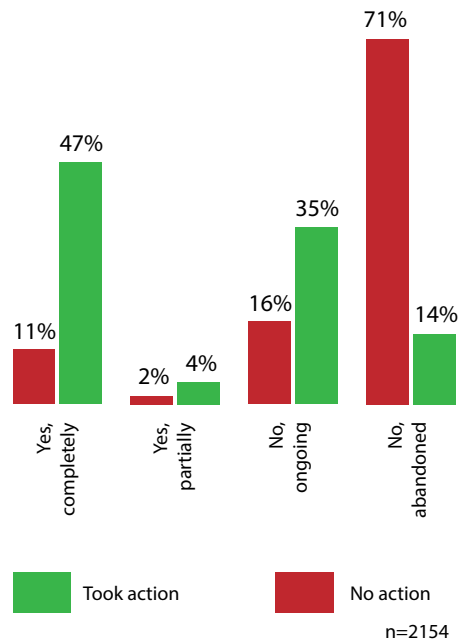
The category of the legal problem also relates to how active people are. The table below shows the problems for which people are most and least likely to take action.

Active problem categories	% of people who took action	Less active problem categories	% of people who took action
Land	91	Consumer problems	50
Family	90	Obtaining IDs	54
Neighbours	87	Crime	58
Money	85	Other problems	67
Social welfare	79	Problems with the police	70
Corruption	78	Employment	72



Willingness to act is an important indicator of access to justice. Active response is one of the best predictors of whether a legal problem will be resolved. The people who undertake an active strategy, either by their own actions or through involving a neutral third party, are significantly more likely to resolve their issue. On the contrary, 71% of those who did not take action said that their legal problem was not resolved.

Resolution rates and action

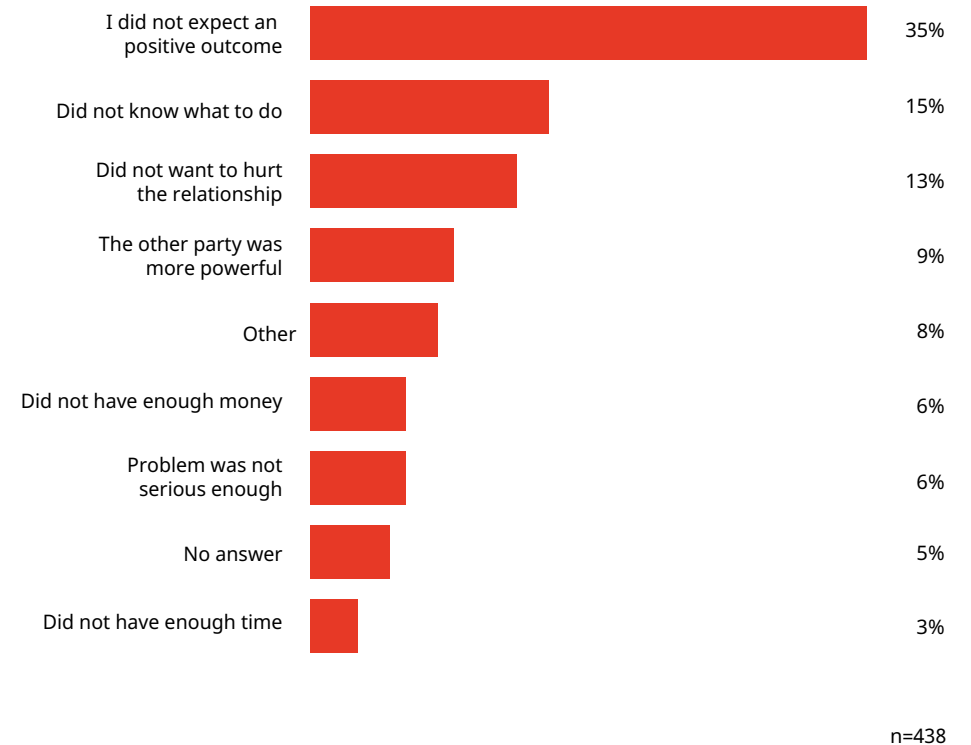


Reasons for not taking action: People do not expect positive outcomes, do not know what to do or want to avoid escalation

Around 20% of the Ethiopians with legal problems do not take any action to resolve them. We asked about the reasons for such inaction. The chart below shows that a third of the respondents who remain passive do so because they have no hope. They do not anticipate a positive result and prefer to minimize their efforts. This negative belief precludes the possibility of achieving a fair resolution and positive outcomes.

Rural inhabitants and people with a low level of education said more often that they remained passive through fear of damaging an important relationship. Money-related considerations are not a significant hurdle in general, but rural inhabitants and people with a low level of education or no education experience it as a more significant barrier.

Reasons for not taking action



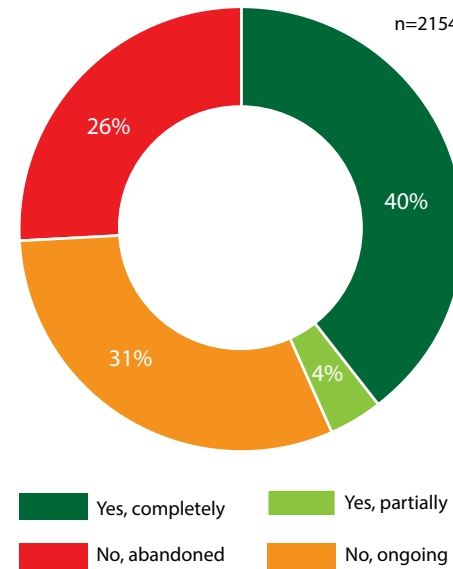
Resolution of legal problems

A well-functioning justice system supports and directs people towards fair resolutions. We asked the respondents about the state of resolution of their problem at the moment of the interview. Four options were presented: “Problem has been completely resolved”, “Problem has been partially resolved”, “Problem is still in a process of resolution” and “Problem is not resolved, and no further actions are foreseen”.

Forty percent of the most serious problems were completely resolved, whereas 4% were partially resolved. On the other hand, 31% of the serious problems were still in a process of resolution



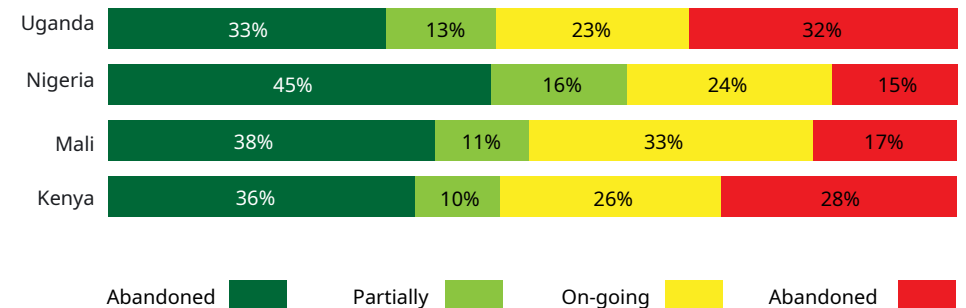
Has your problem been resolved?



With 40% of the most serious problems completely resolved, Ethiopia scores well compared with other countries in the region. Only Nigeria has a higher percentage of problems completely resolved. In the other countries in which HiiL has conducted a JNS study, a lower percentage of the most serious problems is completely resolved. However, people in both Mali and Nigeria have fewer problems that are completely abandoned.

Later in the chapter, we analyse in greater depth the factors that affect the resolution. Here, we assess how the different categories of legal problem are resolved. In order to portray the picture more clearly, we group “Completely” and “Partially” resolved problems into one group: Resolved. We group the remaining two categories into another group: Not resolved.

Has your problem been resolved?



Problem categories	% resolved	Less active problem categories	% of people who took action
Problems with police	59	Consumer problems	10
Neighbours	59	Corruption	19
Family	56	Crime	22
Accidents	55	Obtaining IDs	25
Domestic violence	50	Other problems	33
Land	48	Social welfare	33

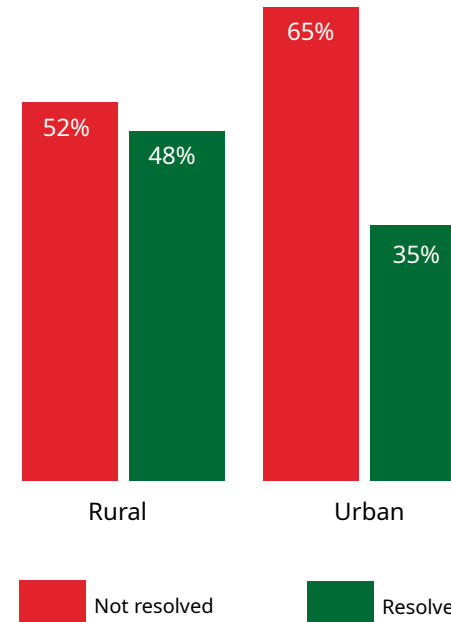
There is no significant difference in how men and women resolve legal problems. However, there is a large difference between urban and rural areas. Urban residents resolve significantly fewer of their problems compared with those in the rural areas of Ethiopia.

The main reasons for problems remaining unresolved are that people *do not know what to do* (26%), the *other party in the dispute is not cooperating* (20%), as well as it being *difficult to understand procedures* (19%).

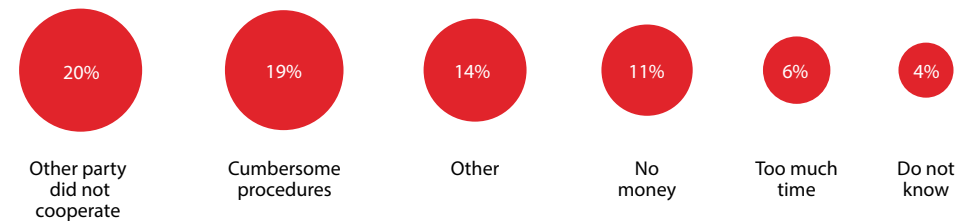
Literate people are much more concerned about the time it takes to resolve a problem (9% compared with 3%). On the other hand, illiterate people see a lack of money as a bigger barrier to accessing justice (17% compared with 8%).

About half (48%) of the people who say that their problem has not been resolved say that they will likely experience similar problems because the first issue has not been resolved.

Has your problem been resolved?



Main reason for not resolving the problem



Who is involved in the resolution of the legal problems?

Most people in Ethiopia actively pursue resolution of their legal problems. Local elders are the most frequently used dispute resolution mechanisms. Almost half (43%) of the respondents who had to deal with a problem say that they involved local elders. The second most frequent strategy is to talk to the other party in the dispute. Engagement of family members and local public officials are the third and fourth most frequently used options for dispute resolution, respectively.

Another noticeable aspect is that Ethiopians go to formal courts quite often compared with other countries. About 20% of the most serious legal problems reached a court of law. This percentage is significantly higher compared with other countries (around 5% on average).

When looking at some other countries in Africa, only Malians go to formal courts more often.

Mediation is more effective because that creates trust. It is also better in terms of saving time and money and the good future relation of parties. (Dean of law school)

Traditional justice in Ethiopia

Traditional dispute resolution are the diverse ways for resolving disputes based on community customs and practices. In a multi-ethnic country as Ethiopia, there is a wide variety of customary practices for resolving individual and group disputes. Village elders (Shimagale in Amharic) are the most common actors in the delivery of traditional justice. Their role is one of “peace-maker, reconciler and/or mediator”. Historically, traditional justice has been the main mean of resolving disputes. With modernization, the balance changes towards written state-sanctioned laws and formal institutions based on explicit rules and procedures. The 1995 Constitution (Art. 34(5)) recognizes customary justice but grants it a relatively limited jurisdiction. Family and personal matters are areas where religious or customary laws can be applied. Such mechanisms can be used if the parties consent.

Other areas of legal disputes are not explicitly excluded from the jurisdiction of customary dispute resolution mechanisms. However, the explicit mention of family and personal matters is an indication that the legislator foresees limited jurisdiction of customary law.

Dispute resolution Mechanism	Percentage of people who took action ⁸
Local elders/Shimaglina	43%
Negotiating with the other party	26%
Family member	23%
Local public authority	18%
Formal court	18%
Police	15%
Neighbour	13%
Friend	8%
Social/City court	5%
Religious authority	3%
Lawyer	1%
Specialized adjudicative board	1%
Religious court (Sharia court)	1%

⁸ The sum of the percentages exceeds 100 because more than one answer was possible to this question.

Shimaglina or village elders, are popularly used across the different types of problems, except for crime. When dealing with crime, people are more likely to engage the police. Family members and neighbours are also frequently involved in the response to crime.

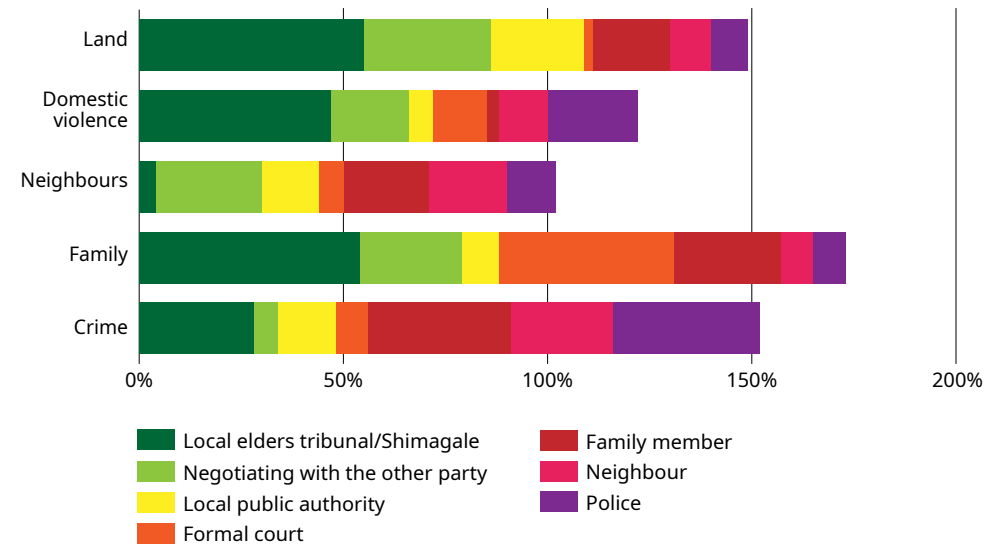
Shimagilewoch⁹ participate in more than half of the land and family disputes. They are also often involved in cases of domestic violence and disputes between neighbours.

[The] formal justice system is costly, while mediation is useful for various purposes. There will be a fair decision. In traditional conciliations the future relations are given attention. Fair compensation will be decided. Evidence is considered properly. The parties cannot bribe the witnesses in [cases decided by] customary leaders. (Senior expert, Ombudsman institution)

[...] mediation is one of the conflict resolution mechanisms. The informal conflict resolution mechanism is best. I think this mechanism is good because things that the state might not control, the court and the police do not entertain, might be solved through mediation. This is helpful for the justice system. (Senior expert, Federal Police Commission)

In the interviews with experts, a recurring topic was the perspective of integrating traditional and formal justice mechanisms. Experts are positive that such an integration has great potential in Ethiopia. They also note, however, that justice mechanisms at community level need to safeguard the basic principles of a fair trial, access to justice and respect for fundamental human rights. A related concern is the role of traditional mechanisms in the criminal justice chain.

Dispute resolution strategy by category of legal problem



Informal conflict resolution plays a great role. It is also important to let the informal conflict mechanisms participate at the levels they deserve. The major and the biggest thing here is that criminals should be punished. If formal and informal justice coordinate with each other, then peace will be created. (Deputy commissioner, Federal Police Commission)

Another challenge is the absence of awareness among people. This may be because of our culture [according to which] people want to resolve criminal cases in the traditional justice system. To solve this problem, people should become aware. I do not think that there is sufficient awareness. (Senior expert, Federal Prison Administration)

⁹ Plural form of Shimaglina

An interesting question is whether village elders are equally popular in terms of problem resolution in rural and urban areas. One might expect that the village elders are more respected and involved in the rural communities. They do not possess formal powers and therefore the authority to resolve disputes is based purely on respect, voluntary recognition, and compliance.

Indeed, in the rural areas of Ethiopia, the village elders are a twice as popular dispute resolution mechanism. In the villages, the shimaglewoch are the main providers of justice. Their role in dispute resolution is less prominent in urban areas. Urbanites are more likely to rely on family members and friends. They also more often seek the involvement of the police and courts compared with rural residents.

Nevertheless, even in urban areas, village elders play an important role in dispute resolution and are a key provider of (traditional) justice.

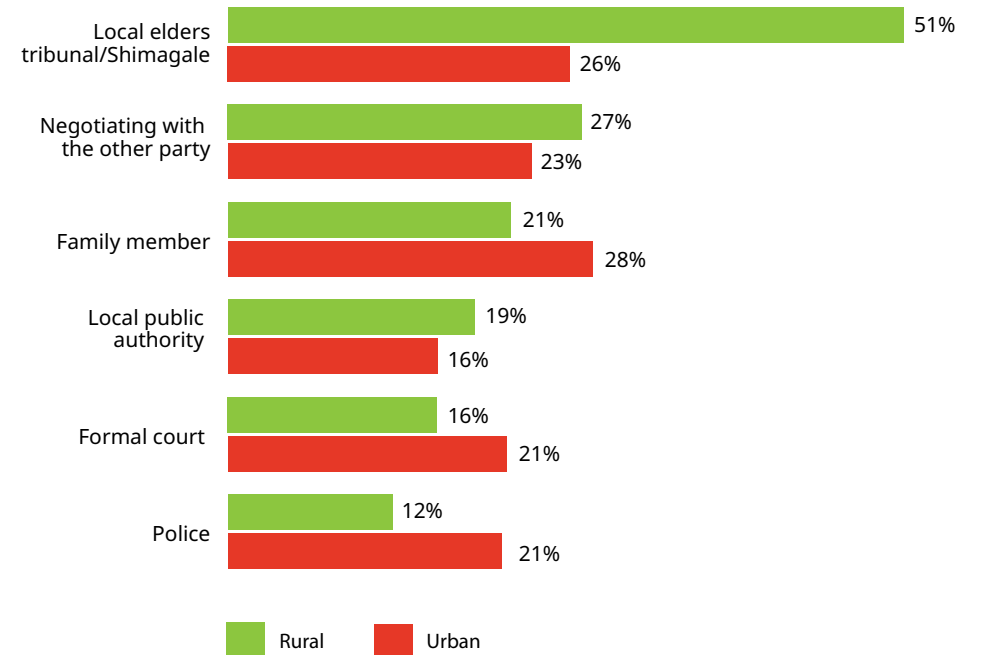
Very few people (less than 1%) use the services of lawyers. Illiterate people are even less likely to bring legal problems to a lawyer.

Women are significantly more likely to engage family members in the resolution of legal problems.

*Most justice institutions are located around towns and are far away. So, due to their distance they may not be able to get the service of justice. Beyond their location for various reasons the justice is not available to the vulnerable groups.
(Public prosecutor at Federal level)*

Education is another characteristic, influencing the use of the social network in dispute resolution. Illiterate individuals report much less often that friends, family members, and neighbours are involved in the resolution of legal problems. On the contrary, respondents with education significantly more frequently rely on people from their environment to resolve legal problems.

Dispute resolution in rural and urban areas



TREATMENTS

Deciding is the process of adjudicating a dispute. A neutral third-party decides the dispute based on relevant evidence and rules.

Mediation is the process in which a neutral supports the parties to reach a decision.

Education is another characteristic, influencing the use of the social network in dispute resolution. Illiterate individuals report much less often that friends, family members, and neighbours are involved in the resolution of legal problems. On the contrary, respondents with education significantly more frequently rely on people from their environment to resolve legal problems. Further studies should reveal whether this is because people who are educated have access to a denser and more capable social network or because they are better equipped with knowledge and other resources to persevere when dealing with a problem and are more capable of mobilizing their support network.

Which treatments and third parties resolve legal problems?

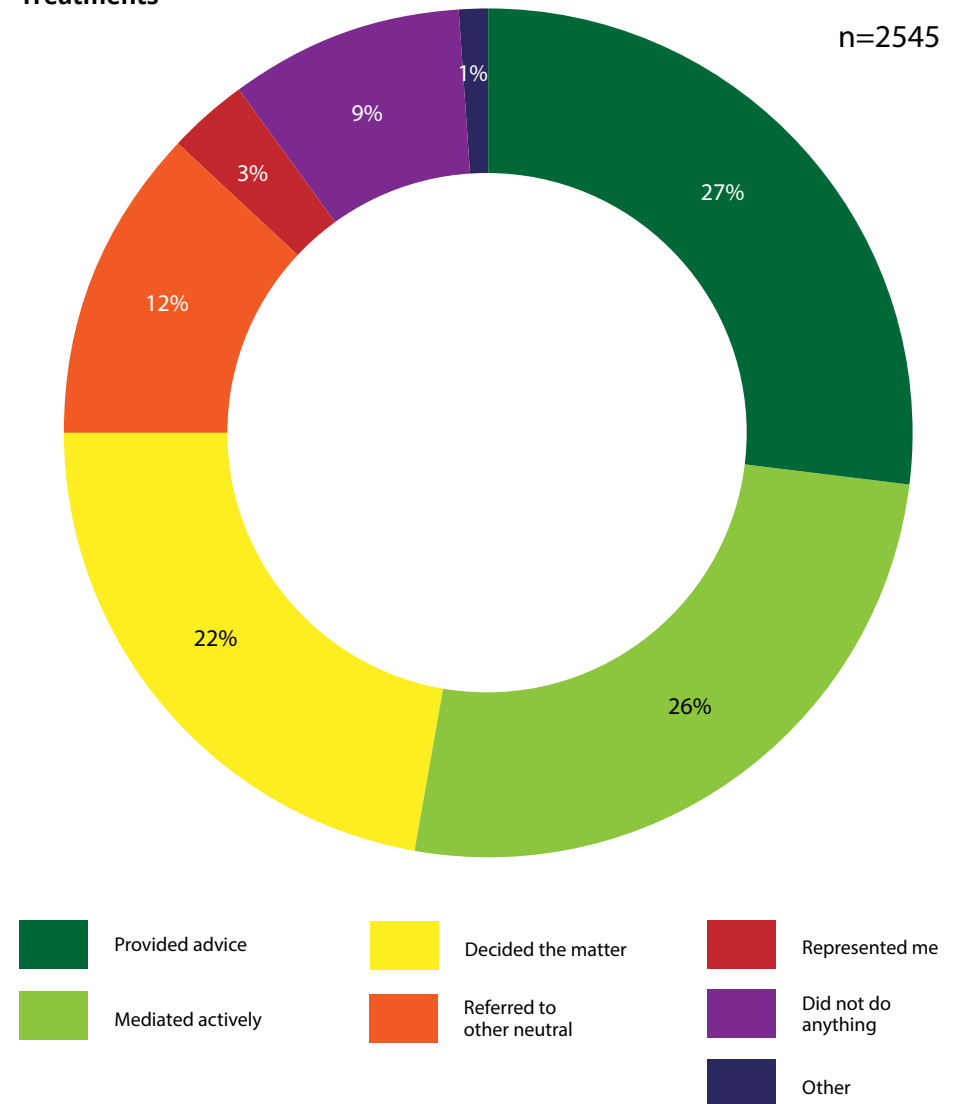
Most legal problems in Ethiopia are resolved through engagement of a third party. Third parties use various methods to resolve legal problems. For instance, a court can use adjudication to decide on the dispute with an authoritative decision, which has a binding effect for the parties. However, courts can also first encourage the parties to settle the dispute amicably. Similarly, informal third parties use diverse methods for resolving disputes. Often, third parties apply multiple methods to resolve legal problems

(see below that on average a neutral party applies 1.6 treatments per justice journey). We call these methods justice treatments. In this study, we asked whether the neutral parties applied any of the following treatments (multiple answers were possible):

- Provided advice
- Mediated actively
- Decided on the matter
- Referred to another neutral party
- Represented the respondents
- Other treatment
- Did nothing

When people engage a third party in dispute resolution, advice, active mediation, and deciding on the matter are the most frequently used treatments for resolving legal problems. Neutral parties apply more than one treatment to resolve the legal problems. In our dataset of 1562 people with legal problems, there were 2545 treatments. This makes roughly 1.6 treatments per justice journey.

Treatments

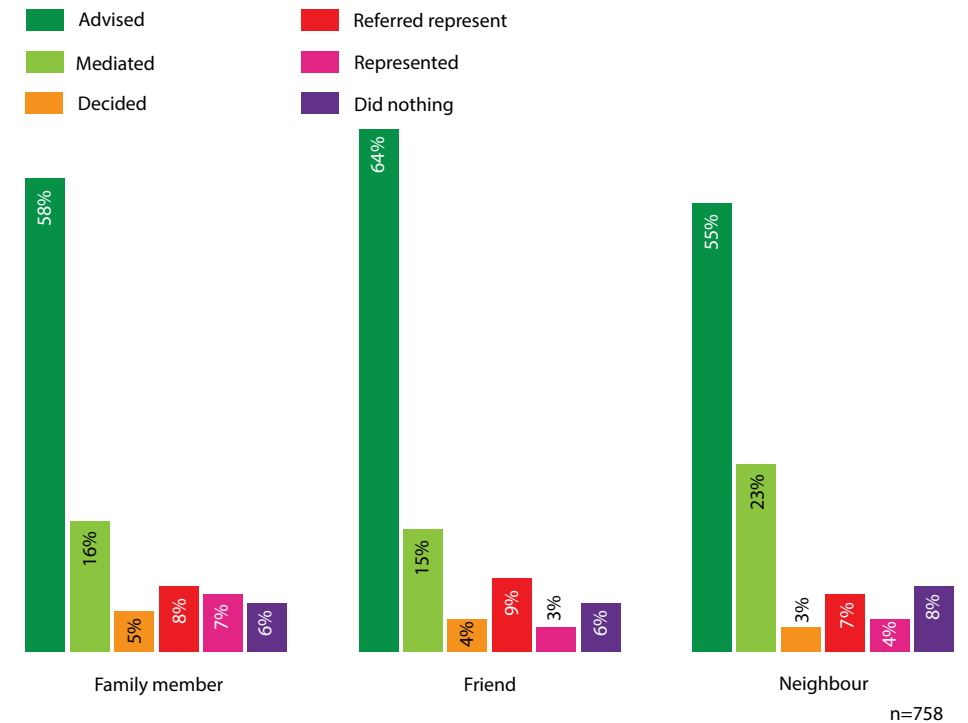


Family members, friends, and neighbours mostly advise the parties what to do. Advice constitutes more than half of the treatments from the people from the social network. The second most used strategy by the social network is mediation between the parties.

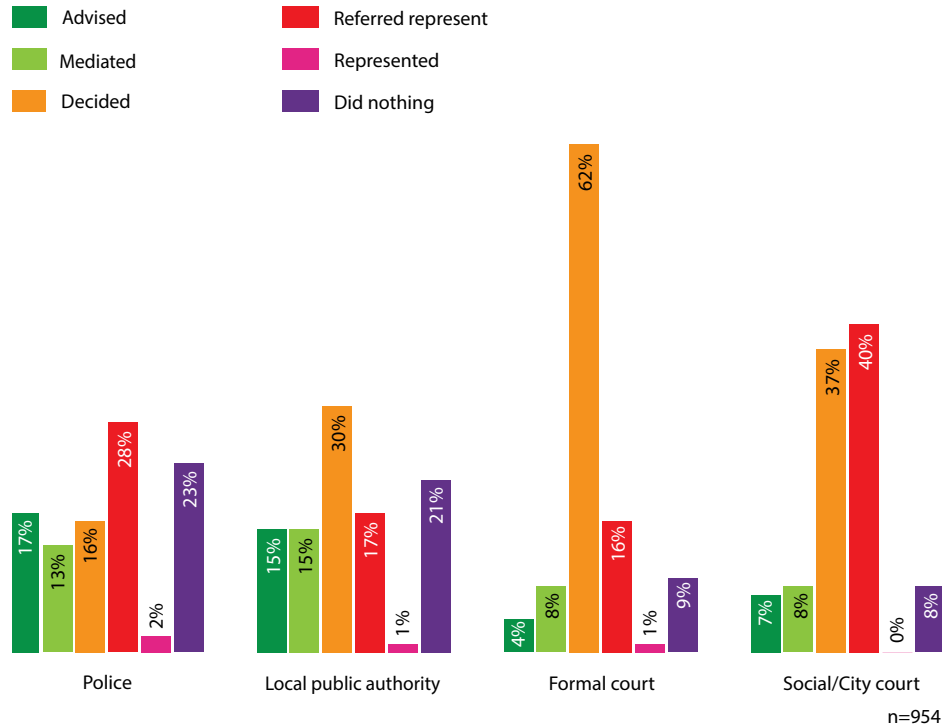
Social courts give a chance to the parties to resolve their issues through agreement before they go to a formal dispute [mechanism]. In this agreement, the court's role is to facilitate the parties to agree. They choose the person who mediates. Most issues will be resolved by agreement. Our customers are satisfied with our service. Because the parties want their case to be seen in our court, they adjust the requirements for our jurisdiction. Issues will be resolved quickly and at low cost.
 (Senior expert, Social court Administrative Council)



Treatments used by the social network



Treatments used by formal institutions



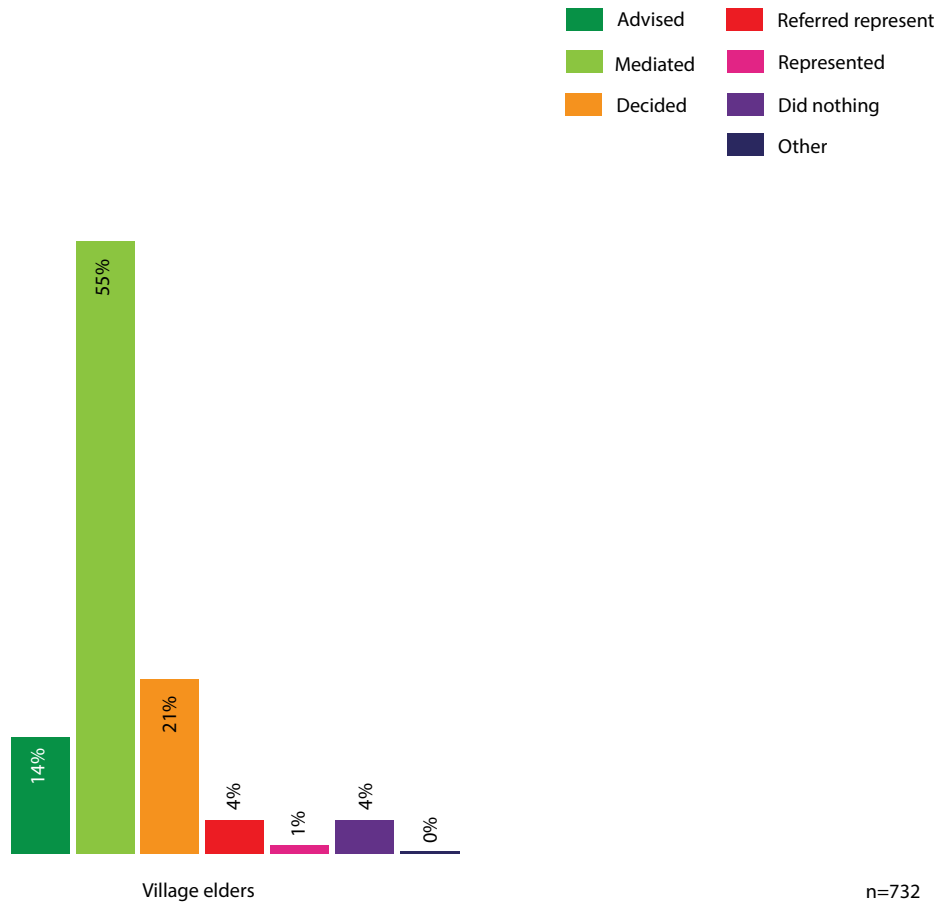
A different pattern of treatments emerges when we look at the public institutions. Courts of law mostly decide on disputes. Social courts decide but also often refer the legal problems to other authorities.

Local authorities and the police very often do nothing according to the respondents. About 30% of the treatments of the local authorities are mediations. The police mediates in 28% of the legal problems.

Village elders rely on different approaches to dispute resolution. In the majority of the cases, they mediate between the parties (in the community justice setting we can call this treatment reconciliation). Mediation represents 55% of all treatments provided by village elders. Another 21% of the treatments of the village elders are decisions by which the issue is resolved.

In order to solve legal affairs, the institutions conclude most cases through reconciliation. With reconciliation, since there is no winner or loser, both parties continue the previous relationship successfully. (Legal officer, Social court)

Treatments used by village elders



How treatments work across the categories of legal problem

Before delving into the question of how these treatments resolve the legal problems, we will look at the categories of legal problem. The objective is to see whether there is a difference in the treatments by legal problem category.

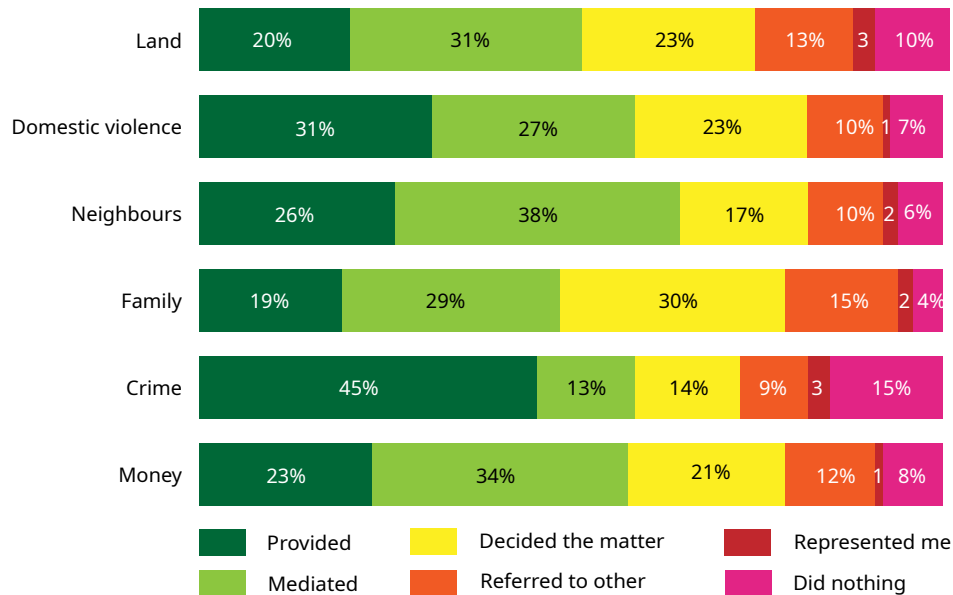
At that level, there are no significant differences. An exception is the category of crimes, where people receive a lot of advice and little mediation or deciding. With crime, there is an alarming rate of cases in which the neutral party, according to the respondents, does nothing in terms of dispute resolution.

People often use mediation for disputes between neighbours and disagreements over money. In family disputes, there is a larger share of deciding on the matter, perhaps because of the more frequent involvement of courts in such cases.

“When we say ‘justice’ it includes the traditional and the formal justice system. The means to solve their conflicts through reconciliation and mediation are some Ethiopians can proudly cite.”
(Public prosecutor, Federal level)



Treatments in the most frequently occurring categories of problem



Treatments that work

Which of the treatments are most effective in resolving legal problems? How are the treatments used by the various dispute resolution providers? We use four criteria to answer these “what works” questions:

- Resolution rate,
- Quality of process,
- Quality of outcomes,
- Costs of justice
- Number of positive outcomes

Each of these indicators measures various dimensions of the justice journey. All of them are important elements of access to justice and none can be prioritized at the expense of the others.

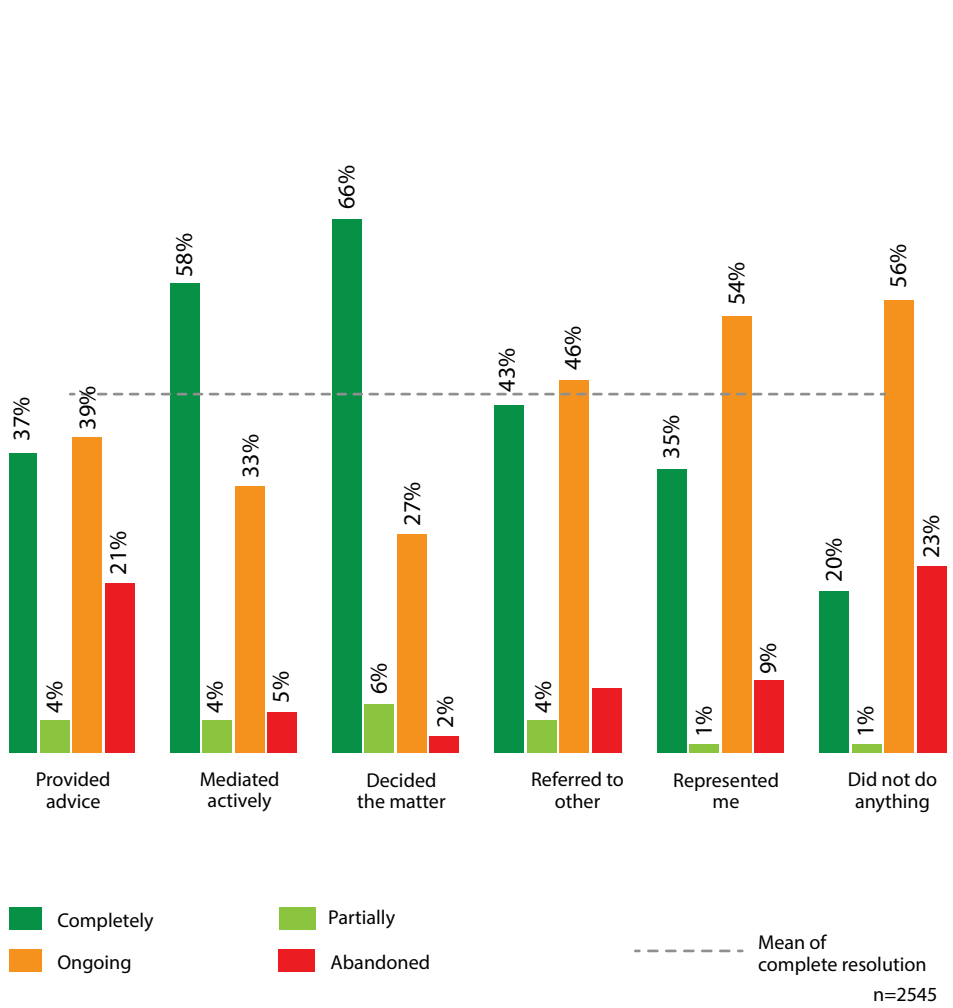
What works: Resolution of the problem

A problem can be resolved partially or completely. It is also possible that the problem is still in the process of resolution. Lastly, a problem might not reach the stage of resolution, and the respondent has lost hope **of resolving the matter. Hence, we asked the people whether their most serious legal problem has been:**

- Completely resolved
- Partially resolved
- Still in a process of resolution (ongoing)
- Not resolved with no further actions foreseen

Above, we have already discussed the resolution of the legal problems (see Figure). Forty percent of the problems are considered resolved completely and a further 4% are considered partially resolved. Here, we look at the neutral parties and the treatments provided in order to answer the question: Who and what resolves more and better the existing legal problems?

Treatments and resolutions



When a neutral party *decides* on or *mediates* in a justice problem, significantly more problems are completely *resolved*. Relatively rarely do these treatments cause abandonment of problems. Treatments such as advice, *referral* and *representation* deliver significantly lower rates of complete resolutions. *Referrals* and *representations* lead more often to prolonged, pending resolutions. Many of the problems for which these treatments have been used are ongoing.

The resolution rates of *deciding* and *mediating* are higher than for other interventions when controlling for the type of problem. Across the different categories of legal problems, *deciding* and *mediating* more often lead to resolutions. People experience these two approaches as ‘working’. In other words, when the neutral parties use *mediation* and *deciding*, more justice is delivered.

Another way to tackle the ‘what works’ question is to explore which neutral parties provide more resolutions for people’s legal problems. Village elders and courts deliver significantly more resolutions compared with the other resolution mechanisms. Particularly interesting is the performance of village elders. They have the highest resolution rate and the lowest percentage of ongoing or abandoned legal problems.

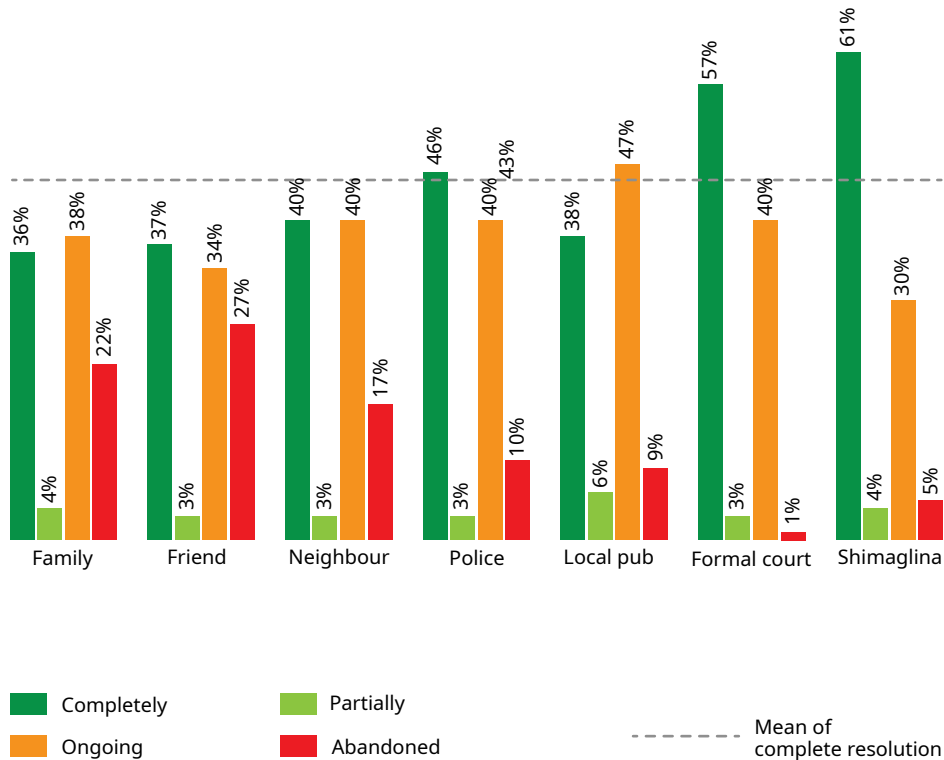
The police is slightly above the mean rate for completely resolved problems.

Social network mechanisms such as the use of family members, friends, and neighbours are often employed but have significantly lower rates of problem resolution. These mechanisms have a significantly higher rate of abandoned problems.

There are different [dispute resolution] options that people can take outside of the formal justice system. Our society is different. Depending on the living conditions of the community, there are many options. They are working. (Judge, Federal Supreme Court)

Ethiopia has a lot of well-accepted alternative dispute resolution mechanisms. On the other hand, there is a formal justice system. These two systems are not working in conformity. It is unable to create a traditional system that supports the formal system. (Senior expert, Ethiopian Human Rights Commission)

Providers and resolutions



What works? Quality of the process

Our second indicator of whether a treatment works is the perceived quality of the process. Dispute resolution processes should resolve justice problems in a fair manner. Research demonstrates that people distinguish between process fairness and outcome fairness. Process fairness is as important as the fairness of the outcomes of a dispute. In other words, when thinking about the experiences of a justice journey, people not only consider the result but also the fairness of the process through which this result is achieved.

To capture people’s perceptions of formal and informal processes we asked (ref to methodology) simple questions such as: “Were you able to tell your part of the story?”; “Did the neutral third party listen to you?”; “Did the neutral party explain the process to you?” We aggregate these and related questions into three indicators of the quality of the process:

- Voice and neutrality (Procedural justice),
- Respect (Interpersonal justice), and
- Procedural clarity (Process informational justice)

The scale of the indicators ranges from 1 to 5, where 1 indicates a very low score and 5 indicates a very high score.



Third parties and the quality of the process

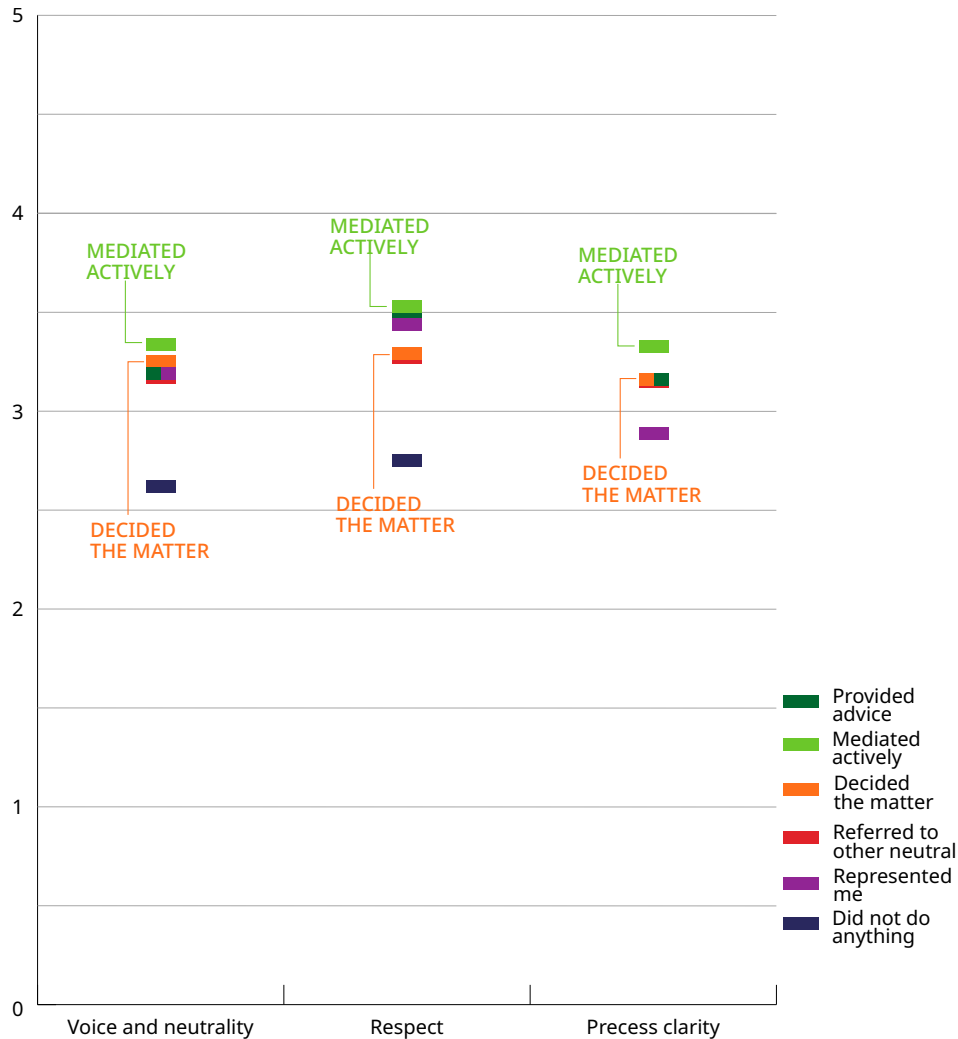


In the chart on the left, we display how the respondents evaluate the five most frequently used dispute resolution mechanisms. *Village elders* receive the highest scores in all three dimensions of the quality of the process. The *police* is at the bottom and courts are somewhere in the middle. When we look at *courts'* aggregated quality of process scores¹⁰, we see that they are in the middle of the scale, with only village elders rated slightly above the middle. Friends and family members provide less quality in terms of processes compared with village elders, but slightly more when compared with the police.

Compared with other treatments, mediation receives relatively high scores on procedural justice. Deciding on the matter has slightly lower marks on the three indicators of process fairness. Providing advice has high scores, just below mediation but higher than other types of treatment in the dimensions of respect and process clarity. Deciding on the matter has a relatively high score on voice and neutrality. Nevertheless, it is clear that the scores of most treatments are around the middle of the scale. **There is plenty of room for improving people's perceptions of the quality of the justice journeys in Ethiopia.**

¹⁰ Mean values of Voice and neutrality, Respect and Procedural clarity

Treatments and the quality of the process



What works? Quality of the result

We also measure people’s perceptions of the results of the justice journeys. The results should be fair, restore damages, improve damaged relationships and positively empower the parties to continue with their lives. Four dimensions of the quality of the results of the justice journeys are measured:

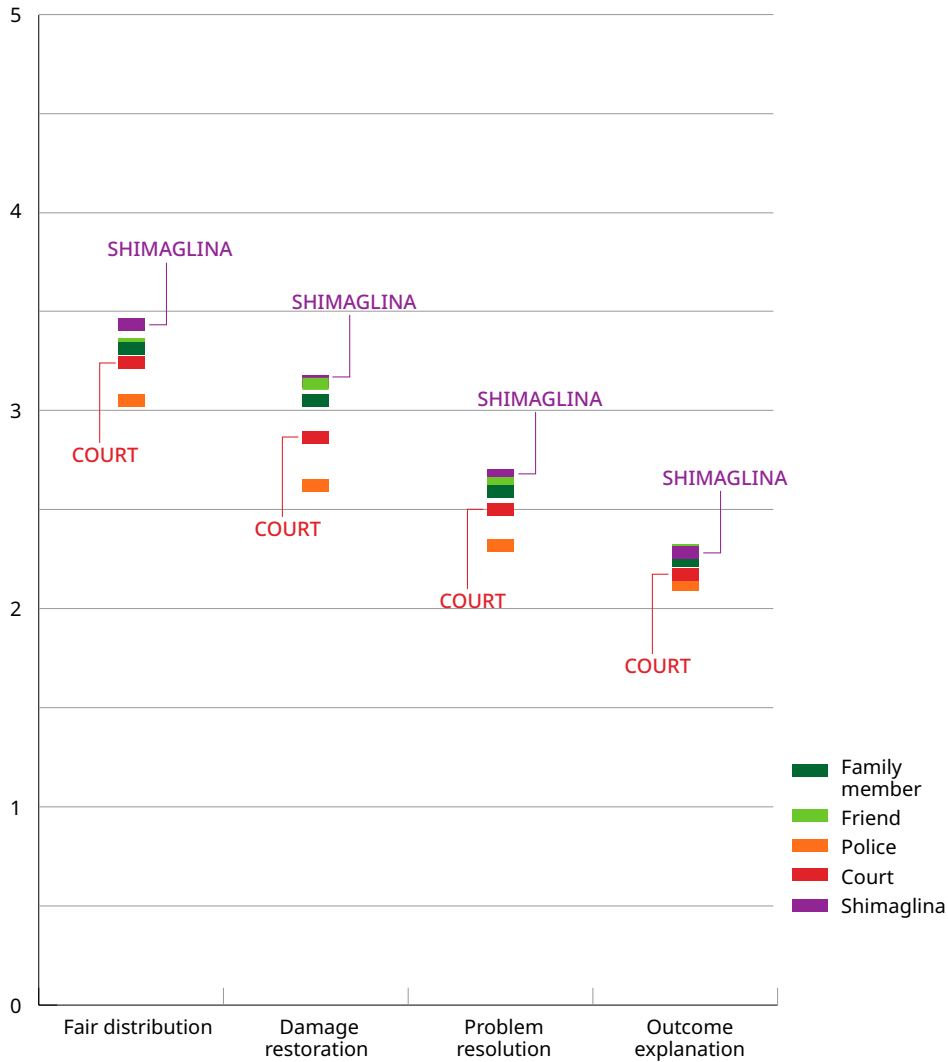
- Fair distribution (Distributive justice)
- Damage restoration (Restorative justice)
- Problem resolution (Enforcement and prevention)
- Outcome explanation (Outcome informational justice)

Similar to the quality of the process, village elders are rated highest on the quality of the results. Village elders have the highest scores on all four dimensions. The results for the courts are lower compared with village elders. Perceived results of the justice journeys in which the police was engaged have the lowest scores.

The chart on the next page clearly shows that there is a significant difference between the four dimensions of outcome quality. Distributive justice scores are highest, whereas the outcome explanation scores are the lowest. This trend applies to all dispute resolution mechanisms.

The traditional justice systems create good social relationships among the societies and they give an opportunity for mutual respect and pardon. They resolve the dispute not only from the top but also from the deep bottom and thus they have positive sides. However, since they are not binding, their effect is not sustainable like the formal system. Therefore, I believe that they should be included in the modern justice system. It is possible to harmonize both justice systems. (Lawyer, Women Lawyers Association)

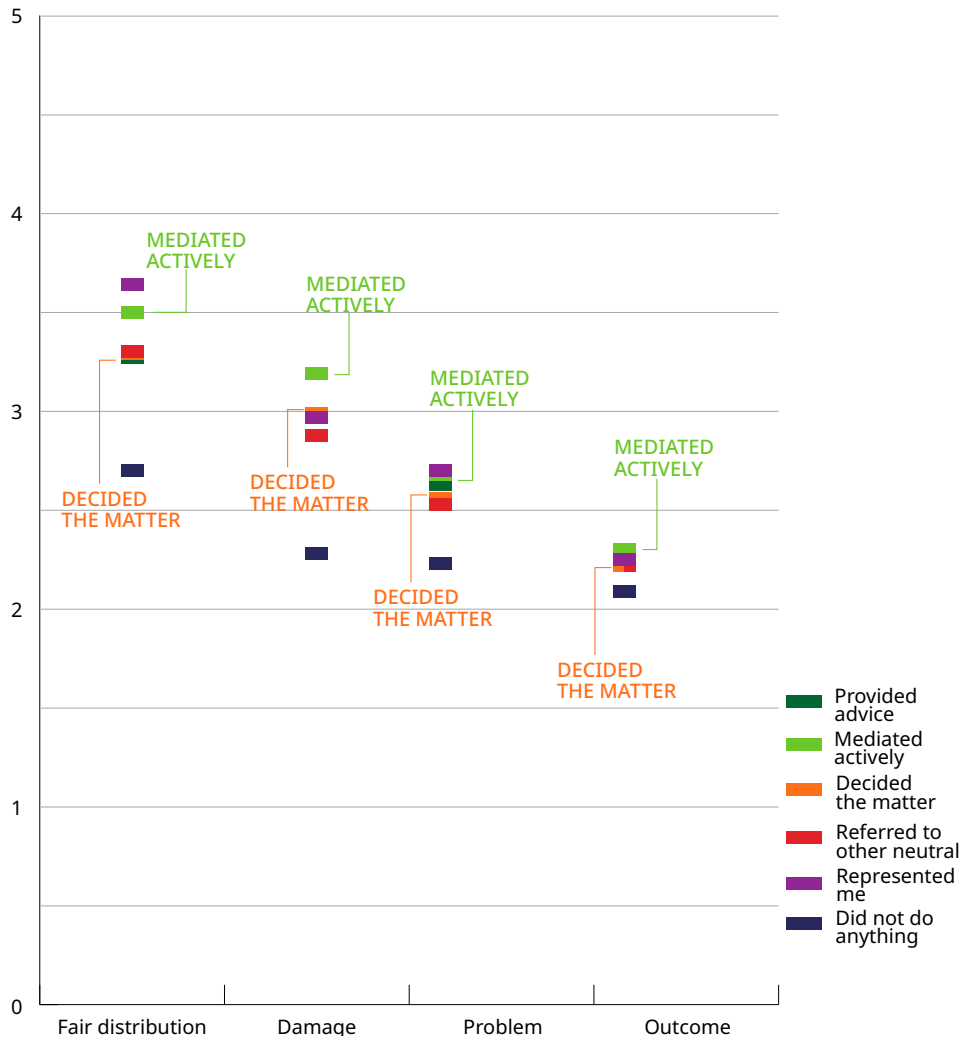
Mechanisms and quality of outcome



Representation and mediation are the two treatments with the highest scores of outcome quality compared with the other treatments. However, in very few justice journeys was there representation (less than 3% of all justice journeys). Active mediation is a much more often used treatment; neutral parties used active mediation in 26% of the justice journeys. Deciding on the matter is also a frequently used option but on outcome quality receives scores in the middle of the available options.



Treatments and quality of results

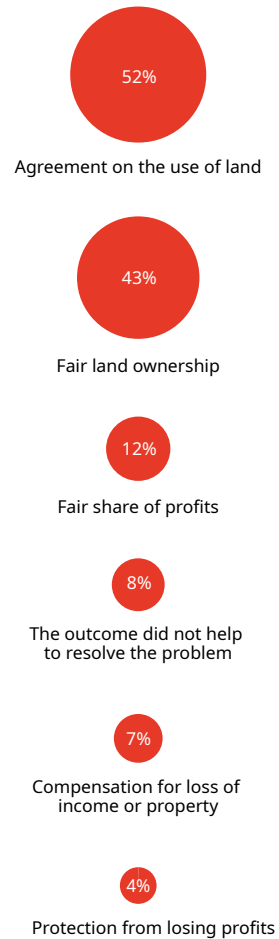


What works? Outcomes

Outcomes are the long-term results that a justice journey delivers to people. An outcome of a justice journey here is something positive – a safe family environment, fair distribution of ownership, receiving an apology, re-occurrence of problem is prevented etc.

The outcomes are specific to the different categories of legal problem. For instance, the outcomes of an employment dispute are somewhat different from the outcomes of a family dispute. Therefore, we use the number of positive outcomes as an indication of ‘what works.’ On average, the users of justice report 1.5 positive outcomes. The theory here is that more positive outcomes mean better justice. Below are examples of the outcomes that the justice journeys in Ethiopia delivered.

What did outcome bring? Land



n=341

What did outcome bring? Domestic violence



n=68

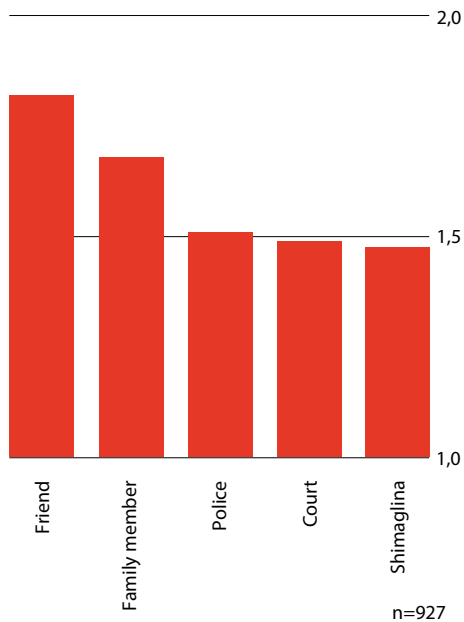
What did outcome bring? Family



n=68

Third parties from the social network achieve more positive outcomes compared with the formal and informal justice institutions. When friends are involved in the dispute, people report 1.8 positive outcomes. For comparison, courts and village elders deliver slightly less than 1.5 positive outcomes.

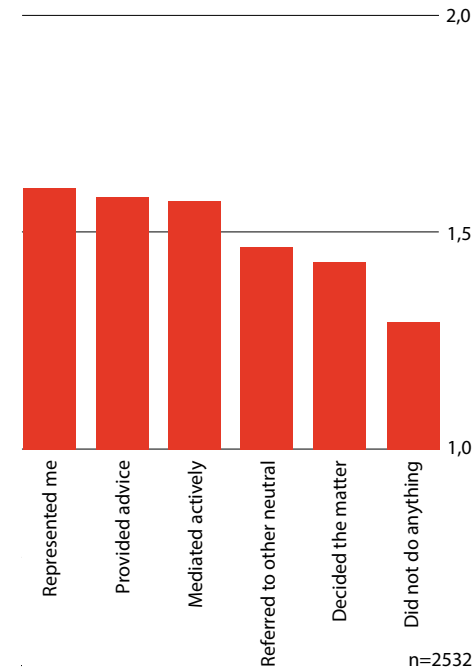
Third parties and positive outcomes



Next, we look at the positive outcomes per type of treatment. Representation, advice, and mediation receive slightly more than 1.5 outcomes on average. Surprisingly, deciding on the matter is almost at the bottom, with 1.4 outcomes. Only the lack of treatment (Did not do anything) scores lower.

The three treatments with the highest scores assume a deeper relationship between a neutral party and the party with the problem. Representation, advice and mediation require active communication and deeper understanding of positions. Particularly in mediation, the parties have the opportunity to participate actively and influence the process and the results. These deeper relationships could be the reason why people perceive better outcomes when such dispute resolution treatments are applied. This proposition, however, needs further research.

Treatments and positive outcomes



Putting it all together and further in-depth testing of “what works”

So far, the analysis of the justice journeys in Ethiopia has focused on the relationships between the types of dispute resolution mechanism and treatment, on the one hand, and four indicators of the quality of the justice processes and outcomes on the other hand. Justice is more complex than that. In real life, many more factors play a role when people evaluate experiences of justice journeys. For instance, the specifics of a problem and its seriousness certainly influence the perceptions of the users of justice. Most likely, the socio-economic characteristics of the people affect their views on justice. Age, income level, education level, social status and gender inevitably play a role. To explore the individual and combined contribution of such factors, we put them all together and investigate how they relate to two key access to justice indicators: resolution rate and quality of justice.



What works if the criterion is problem resolution?

The analysis below explores which factors increase or decrease the likelihood that a legal problem is resolved. We asked people whether their problem has been resolved completely, partially, is ongoing, or is abandoned. For simplicity, we reduce these levels to two mutually exclusive categories: resolved problems and not resolved problems.

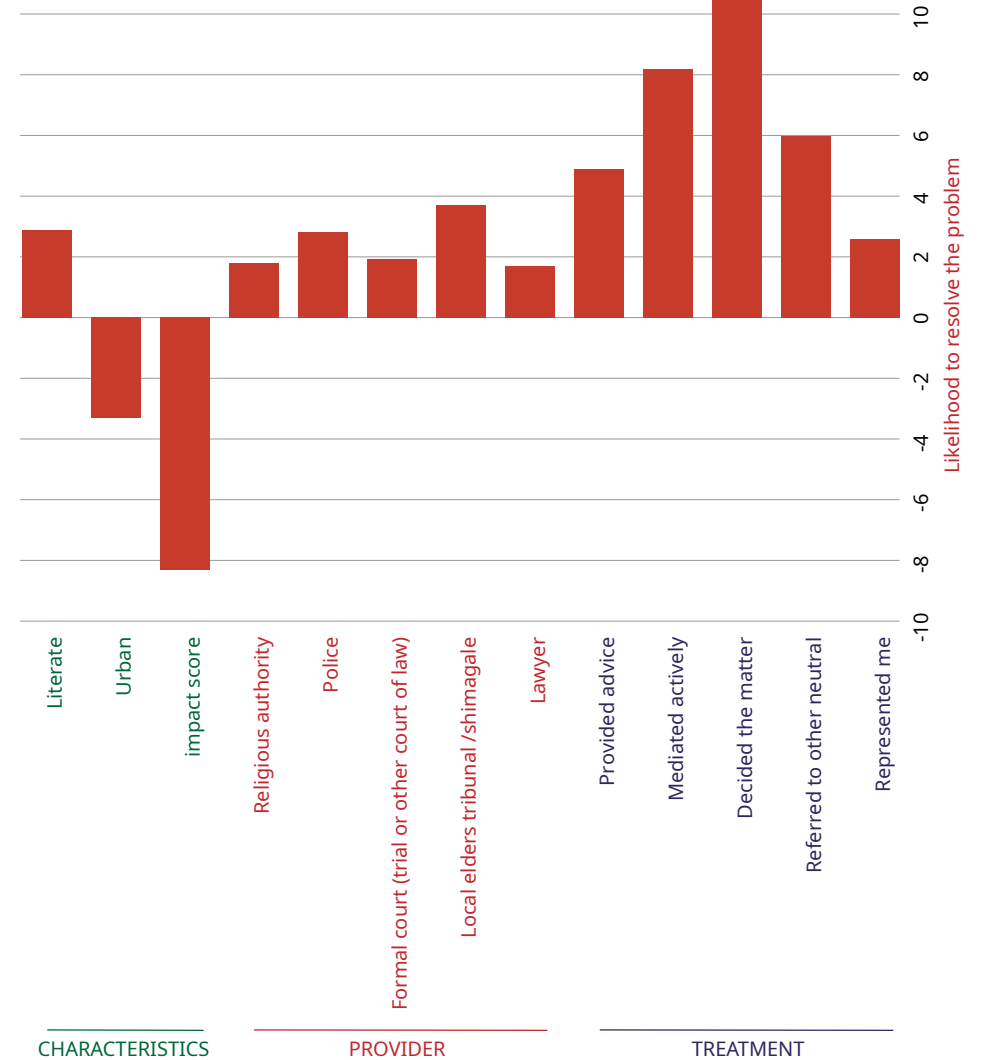
Multivariate statistical analysis determines which factors increase or decrease the likelihood that someone will resolve his or her problem. Model 1 shows the odds ratio¹¹ of the factors, which are statistically significant; they are likely to have an effect on the chance that a problem is resolved.¹² A score above 1 means there is a positive effect, while a score below 1 means a negative effect.

The score itself indicates how much more or less likely it is that a problem is resolved based on that contributing factor, keeping all other factors unchanged. For example, the odds ratio for using a village elder is 1.72. This means that the likelihood of resolving your problem when turning to a village elder is 1.72 to 1. In other words, turning to a village elder puts you at 1.72 greater odds of resolving your problem if other factors do not change.

¹¹ Odds ratio is the ratio of the probability something will happen over the probability it will not happen. For instance, if the probability that a problem is not resolved is 0.2, the probability that it will be resolved is 0.8 (1-0.2). The odds ratio that a problem is resolved will be 4:1 (0.8/0.2).

¹² Within the category DRM, friend, neighbour, local public authority, social/city court, religious court, and specialized adjudicative board were not statistically significant. This means there is a high likelihood the effect found is simply a result of chance. Therefore, they have been omitted from the model.

Model 1- problem resolved



We can make this more concrete. The average resolution rate is roughly 50% (51.77% of people resolve their problem, versus 48.23% who do not). For every ten people who do not resolve their problem, another ten people do reach a resolution. People who turn to village elders have a higher chance of having their problem resolved (odds ratio of 1.72). This means that for every ten people using a village elder and not resolving their problem, roughly 17 people using a village elder do resolve the legal problem.

The model shows that *literate* Ethiopians have a slightly higher chance of resolving their problem than people who are *illiterate*. *People living in urban areas* have slightly lower odds of resolving a legal problem than *people living in rural areas*. However, in both cases the differences are quite small.

All third-party neutrals and treatments in the graph have a positive effect on the odds of resolving the problem, as compared with not using these providers or treatments. However, there are large differences between them, especially between the different treatments. *Deciding on the matter* has the best chance of reaching a resolution, which is perhaps not surprising. *Active mediation* is also associated with good odds of resolving a problem.



What works if the criterion is quality of justice?

In HiiL's bottom-up approach, the quality of justice has three key dimensions – quality of the process, quality of the result and costs of justice. We asked each respondent who encountered a problem and consequently took action to evaluate these three dimensions of justice. We combine all these three indicators into a composite index of the justice journeys to simplify the analysis. On this scale, 5 is the highest score – a process with very high process and result quality, and very low costs. Alternatively, a score of 1 signifies a very low-quality and very expensive justice journey. We call the scale quality of justice. The mean value of quality of justice is 3.28 (SD=.50).

Reconciliation is better. Reconciliation preserves goodwill and does not escalate the conflict. But there is a problem of misunderstanding as to the power of the conciliator. Knowledge and skills are required to do the job. In general, informal justice interventions provide win-win solutions to both parties.
(Researcher, University)

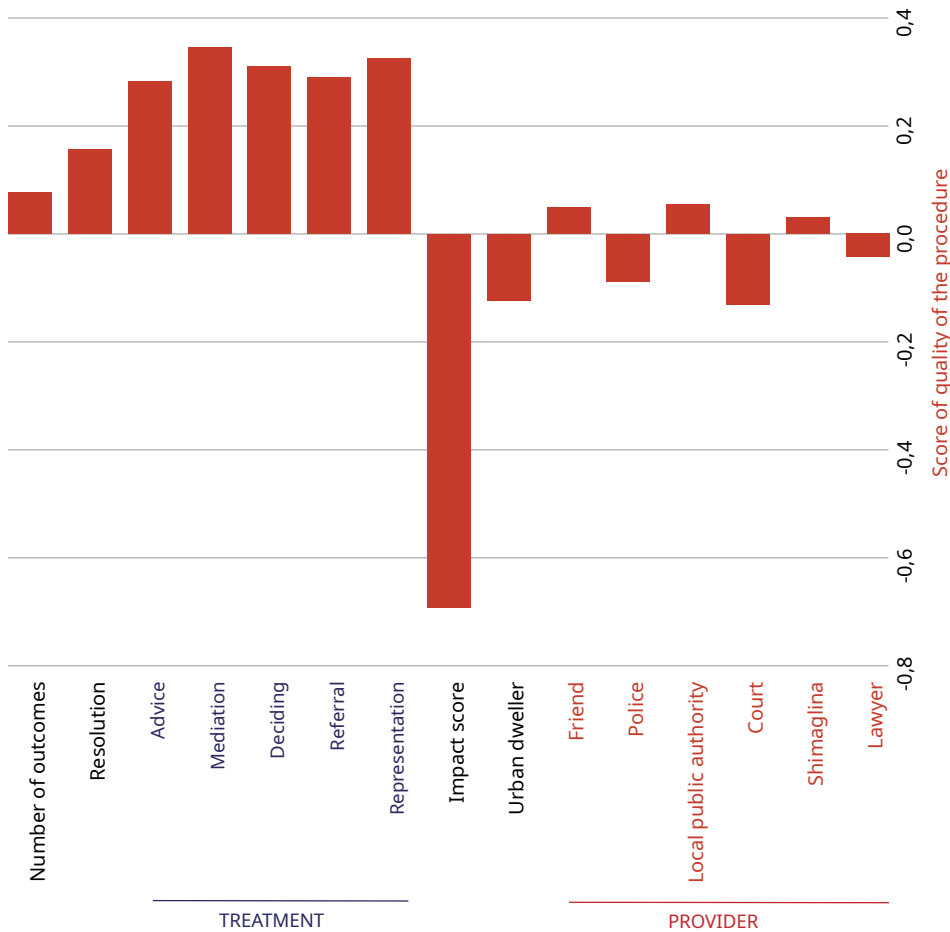
We use the same contributing factors (independent variables) as in Model 1:

- Education
- Urban-rural
- Category of problem
- Problem resolution stage
- Number of outcomes
- Impact of the problem (impact score)
- Dispute resolution mechanism
- Treatment

Model 2 is statistically significant, meaning that the association between the quality of justice and the combination of the contributing factors is not due to chance.

As in Model 1, the chart below, displays a simplified version of the analysis. Bars with positive values show variables that increase the quality of justice index while holding the effect of all other (independent) variables in the model. Bars with negative values show variables that decrease the quality of justice index. The size of the bar shows how much the quality of justice changes with the change of one unit of the contributing factor. For instance, if the impact score moves from 0 to 1 the quality of justice will decrease by .69. In another example, if the intervention is mediation the quality of justice increases by .35

Model 1- quality of justice



The model tells us that **problems with a higher impact decrease significantly the perceived quality of justice**. People perceive receiving better justice when they deal with less impactful problems. Looking back at legal issues with a higher impact, people are much less satisfied with the process, with the results, and with the costs. Living in an urban area is another factor which affects the perceived quality of justice. Urban residents perceive the justice journeys as less fair. Two categories of neutral party, the police and courts, have negative scores. This means that when holding all other factors constant, the police and courts are perceived as less fair on the quality of justice index used in this analysis.

All justice treatments are positive because they are compared with the option of “Doing nothing”. Of the treatments, mediation and representation have the highest scores (odds ratios). **This means that these two interventions increase the most the perceived quality of justice, while holding all other factors constant.**

The most effective of our processes is resolving issues through agreement of the parties. Our role in the parties' agreement process is facilitation. Most of our cases end in agreement. Another effective dimension would be to work on a standard (for agreements). (Judge, Social court)



Conclusions

Ethiopians resolve their most serious legal problems at a high rate. More than 4 out of 10 take active steps to resolve the legal problems that occur in daily life.

However, people with high-impact problems are less likely to have them completely resolved.

When respondents take action, they prefer to go to local elders. This community-based justice mechanism is the most commonly used source of dispute resolution. The use of village elders is particularly prominent for land and family problems. However, the people who go to village elders are more vulnerable than court users; they are less educated, poorer, and live in rural areas.

At 18%, the percentage of people using formal courts is also very high in comparative terms. In most of the other countries where similar JNS surveys have been conducted, the percentage varies around the 5% mark.

Ethiopians who engage many justice providers have problems that are on average more impactful. This is also seen in problem categories like family-related problems.

In an environment where justice interventions are helpful, the village elders are the most helpful. Village elders' most common intervention is mediation.

6

Information and advice for resolving legal problems





Key findings

- 68% of people seek information and advice
- The social network is the most frequently used source of advice
- 1% of legal advice is provided by lawyers

Timely, useful, and accessible information and advice about legal problems is an intrinsic part of access to justice. Information and advice can help with identifying the best ways to solve legal problems. The roles of the providers of information and advice in Ethiopia are broad. Very few people use legal advice in the narrow sense of consulting legal services. Many advisors not only give advice about the law but also furnish broad support and assistance to the people who are affected by legal problems. Considering this nuance, it might be more appropriate to call the advisors ‘helpers.’

There is an important difference between information and advice. Information is knowledge about the problem, the status of the parties, and possible resolutions. Advice is more personal help. Besides providing information, the adviser assesses the specific situation and provides opinions about steps that need to be taken,

parties that need to be involved, and in general, how to resolve the problem. The role of the adviser is more comprehensive than that of a provider of information. Advice requires immediate interaction between the receiver and the giver of the advice.



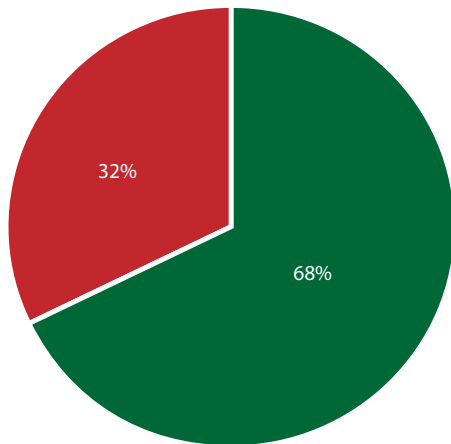
For most problems people receive some form of legal information or advice

After experiencing a legal problem, one in three Ethiopians do not seek legal information or advice. This is important because receiving legal information or advice is a good predictor of whether a legal problem will be resolved or not. Thirty-seven percent of the people who did not receive legal information or advice did not manage to resolve their problem.

Although 68% is not low, it is lower than what we found in some other African countries.

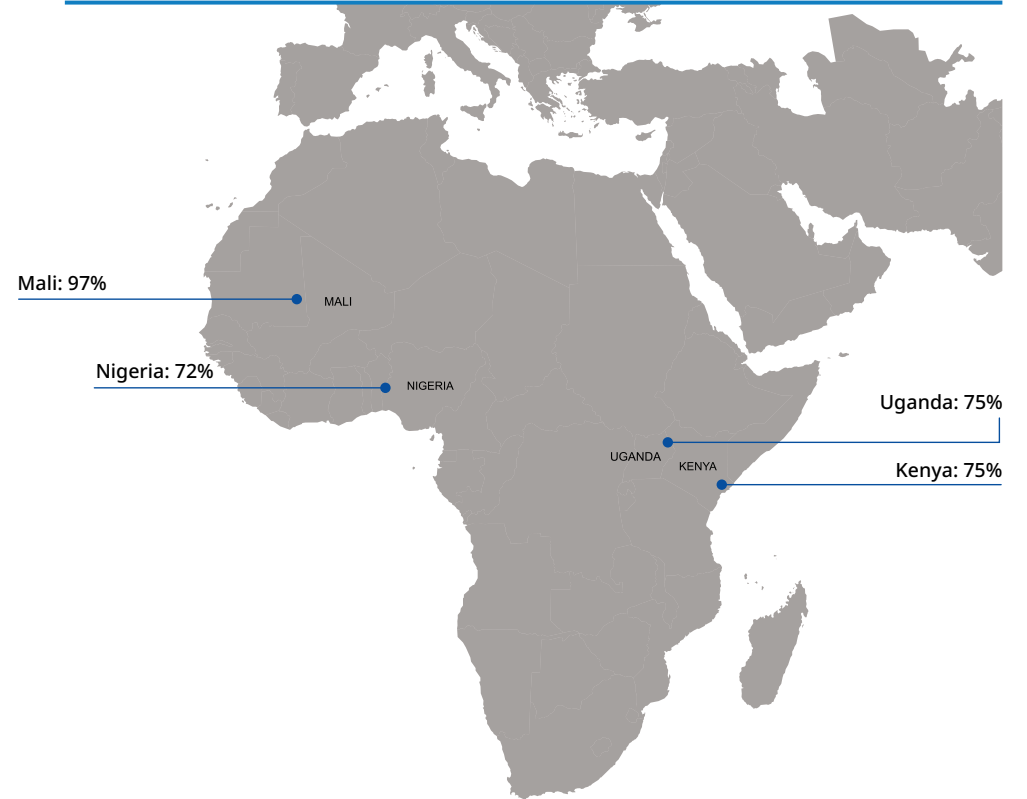
When juxtaposing legal information and advice with the category of the legal problem, we see that people more frequently seek information or advice for corruption (74%), land (71%), employment (71%), and family (70%) problems. People least often seek legal advice for consumer problems. Only one in three respondents dealing with consumer problems consult somebody about the issue.

Do you seek legal advice?



■ Yes ■ No
 n=2154

Do you seek legal advice?





Where Ethiopians look for legal information and advice

Ethiopians most often seek advice from the people around them. Over half of the people who encountered a legal problem consulted family members. Local elders provide advice in approximately one in three cases, and neighbours and friends in about one in four cases. People with higher education levels ask for help predominantly from their friends, while people with lower education levels frequently ask for advice from local elders.

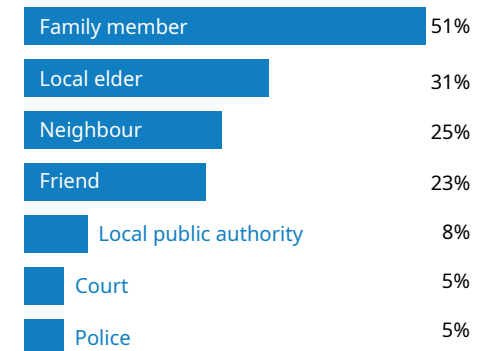
Women are more reliant on family members for legal advice (women, 55%; men, 48%). Men more frequently receive legal advice from friends (men, 27%; women, 19%).

People with lower education levels seek advice from local elders significantly more often. This difference in use of village elders is also apparent at the urban-rural level. Thirty-seven percent of rural residents seek advice from local elders, whereas among urban residents, it is 19%. Urban dwellers are significantly more reliant on friends (urban, 29%; rural, 20%). In urban areas, the percentages for advice sought from the police (urban, 7%; rural, 3%) and lawyers (urban, 4%;

rural, 1%) are higher. However, only a small proportion of individuals with problems receive advice from the police and lawyers.

Less than 10% of people with a legal problem seek advice from a formal provider such as local authorities, courts or the police.

Whom did you ask advice from?



% of all respondents

n=3926

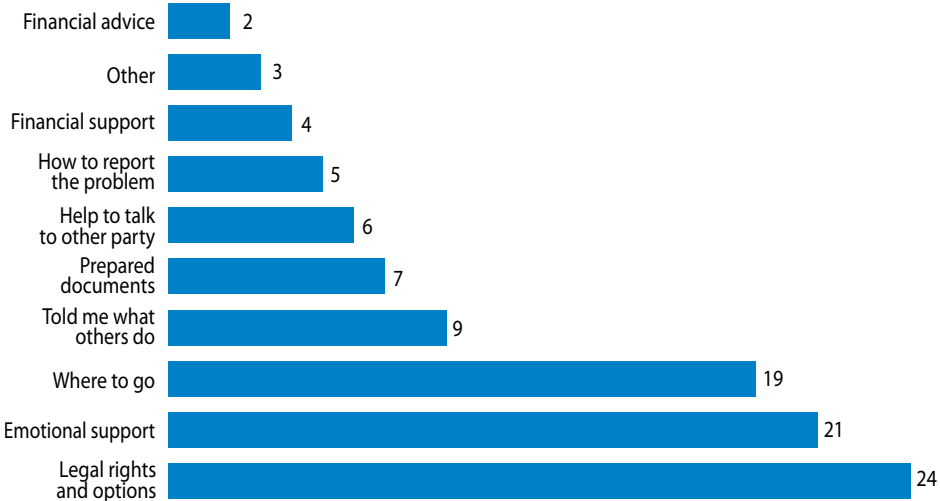
On average, people seek information from 1.6 providers of advice.

Another challenge we have is access to information. As a result, [people] do not know where to go; what to do; to whom they should talk. Thus, they may not receive access to justice, or they may not get it on time. (Public prosecutor, Federal level)

What kind of advice do people receive?

When people go to advisors, most often they receive help concerning their *legal rights and options* in the specific situation. This type of advice is provided by both professional and non-professional advisors (i.e. people who are not trained and qualified to provide legal advice, such as family and friends). *Emotional support* and advice about *where to go to resolve the issue* are the second and third most prevalent options.

What type of advice did you receive?



n=3926 % of all advice

Relatively rarely people receive advice about what others do in similar situations. Preparing documents and helping to talk to the other party/ parties in the dispute are also not very common advice strategies.

Most often, advisors provide information about legal rights and options in land disputes (27% of all advice in land problems), housing (33%)¹³, and domestic violence (25%).

Type of advice per category of legal problems

Type of advice	Land	Domestic	Neighbour	Employment	Family	Crime	Money
Legal rights and options	29	27	24	25	27	25	23
Prepared documents	9	7	4	13	7	4	8
Where to go	21	18	25	22	24	23	17
Emotional support	18	29	24	26	18	28	29
Told me what others do	11	9	10	4	10	12	11
Help to talk to other	7	6	8	6	9	4	7
How to report the problem	6	5	5	4	5	3	4

Emotional support is a significant part of the advice in cases of crime (26%), money-related problems (26%), and domestic violence (29%).

Advisors help with the *preparation of documents* in employment disputes (13%) and in land disputes (9%).

¹³ Cell values for housing are low.

Which adviser does what? (% per type of problem)

Type of advice	Family	Friend	Neighbour	Police	Local authority	Court	Local elder
Legal rights and options	26	24	25	29	36	32	28
Prepared documents	8	6	4	17	14	19	4
Where to go	24	23	24	15	16	15	17
Emotional support	24	29	24	16	14	15	22
Told me what others do	8	10	13	5	6	8	14
Help to talk to other	5	4	4	9	6	2	11
How to report the problem	4	4	6	9	8	10	5

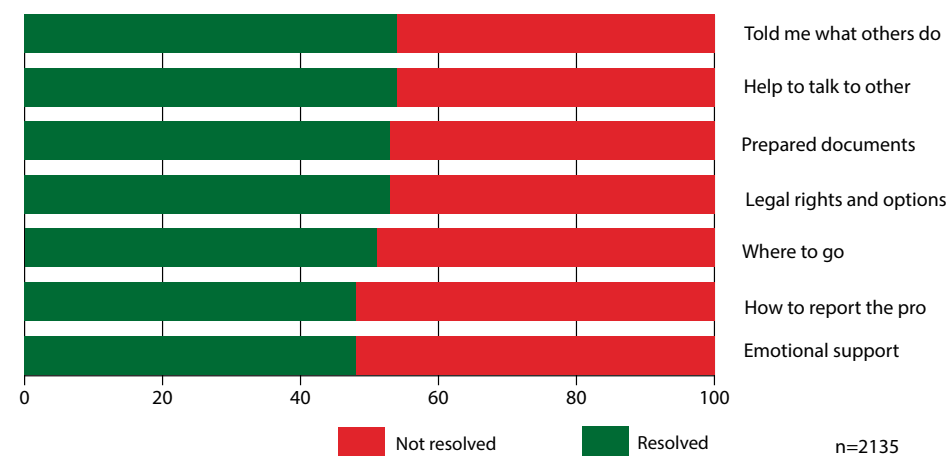
Individuals and organisations who provide advice employ diverse approaches when helping people with legal problems. Formal institutions such as courts, local authorities, and the police mostly tell people about the legal aspects of their problems.

They also often prepare documents for the parties and tell people how to report the issue to the competent institutions.

Advisors from the social network help almost equally in three dimensions – emotional support, telling people where to go to resolve the issue, and providing information about legal rights and options.

The local elders play a hybrid role between the institutions and the social network. They almost equally provide advice about rights and furnish

Effectiveness of advice



emotional support. Of the providers of advice, village elders most actively help the parties to talk to each other. They also provide more often than others advice about what other people do in similar situations

How effective are the different types of advice?

To answer this question, we analyse how the different types of advice relate to the resolution of the problem. For simplicity we use two mutually exclusive categories of problem status: resolved and not resolved.

Two not very frequently used types of advice – telling what other people do in similar situations and helping the disputants talk to each other – are effective in the resolution of the problems. Both options are practiced most often by village elders.

On the other hand, emotional support, which is often provided by family members, friends, and neighbours, is less successful in resolving the legal problem.

Which public sources of information do people use?

Using public sources of legal information is far less common than seeking personalized advice. One in three respondents seek legal information from a source such as the radio, the television, or the internet. This suggests that people with legal problems prefer face-to-face advice that is applicable directly to their case, rather than seeking and interpreting information themselves. It is also possible that there is simply no such information available or people do not know where to find it.

When people receive legal information from a public source, most often it is from radio or television. Social media and the internet are used extremely rarely.

- Radio is a more popular source of legal information in rural areas

Did you seek information from a public source?



No Yes n=2154

(rural, 66% of respondents who use public sources of legal information use the radio; urban, 48%). Men more often receive legal information from the radio than women (men, 61%; women, 52%).

- Television is used to source legal information predominantly in urban areas (urban, 64%; rural, 4%).
- Social media is mostly used in urban areas (urban, 9%; rural, 1%). The internet (web sites) is less popular than social media as a source of legal information. Younger people are significantly more likely to seek information about legal problems on social media.

Conclusions

Many Ethiopians look for information and advice when dealing with legal problems. Very often such information and advice are sought from informal sources - friends, family members, and neighbours. Rarely is information and advice provided by public authorities.

The few lawyers in the country are able to assist a tiny proportion of the people with problems. Only 1% of the legal problems reach a lawyer. Poor, uneducated, and living in rural areas are particularly unlikely to receive help from a lawyer.

From all advisers, the local elders are most active in helping the disputants to talk to each other.

Instead, people seek information and advice from their immediate social environment and community - family members, village elders, neighbours and friends are the most frequently used sources of information

Women rely more on information on family members; men more often seek information from friends.

The top three types of information and advice are:

- Information about legal rights and options
- Emotional support

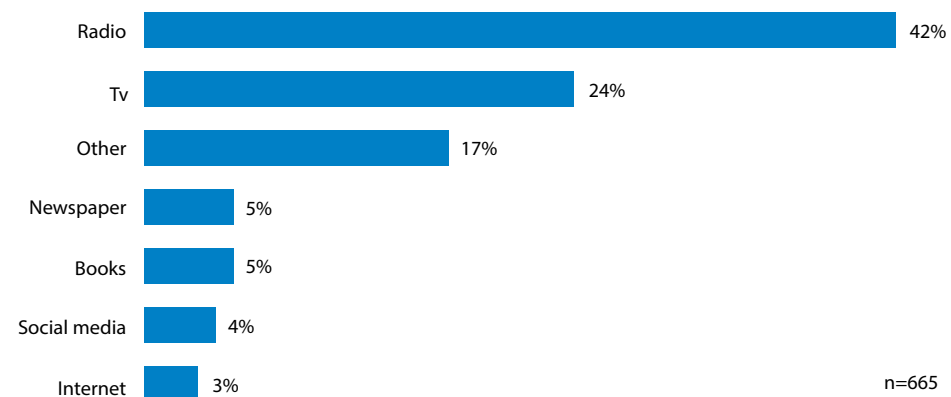
- Advice where to go to solve the problem.

Local elders are the only dispute neutral mechanism outside of the social network that emphasises emotional support.

Courts and local authorities provide mostly information about people's legal rights and options. From all providers, courts are most likely to help people with preparing documents required to deal with the problem

Radio is the most popular source of information in rural Ethiopia. TV plays this role in the urban areas. Internet and particularly - social media - is not very popular yet but young people are more likely to turn to it for dealing with legal problems.

Which sources of public information did you use?



7

The legal problems of women in Ethiopia





This chapter focuses on how women in Ethiopia experience justice. In the next paragraphs, we will analyse the types of problem women encounter, which justice journeys they travel, and the extent to which they receive justice. At the end, we will discuss factors of double vulnerability. Our goal is to identify which sub-groups of women are at a higher risk of injustice.

Demographic characteristics

Forty-six percent of the women in the random sample are between the age of 25 and 39, most of them live in rural areas, and around 70% are married. More than half of the women have received no formal education. 43% are employed; 36% are unpaid family workers; 15% are unemployed. For comparison, 76% of the men are employed.

Almost half of the interviewed women (47%) live on a low income. This indicates women's weaker economic and social position in society and vulnerability to experiencing legal problems and their consequences.



Prevalence of legal problems

During the previous four years, **almost 37%** of women in Ethiopia experienced one or more legal problems. On average, women report fewer problems than men (43% of men report one or more problems). Women experience about 1.3 problems on average. Men experience about 1.4 problems on average. Younger women experience more legal problems. Women of economically active age experience more problems compared with younger and older counterparts. A higher education level as well as living in an urban area increases the risk of encountering a legal problem.

“There is a tendency for [people] to lose their rights because of bad practices, especially the vulnerable sections of society, such as women, children, people with disabilities, and [victims of] crime. (Judge, Federal First Instance Court)

Prevalence of problems in rural and urban areas



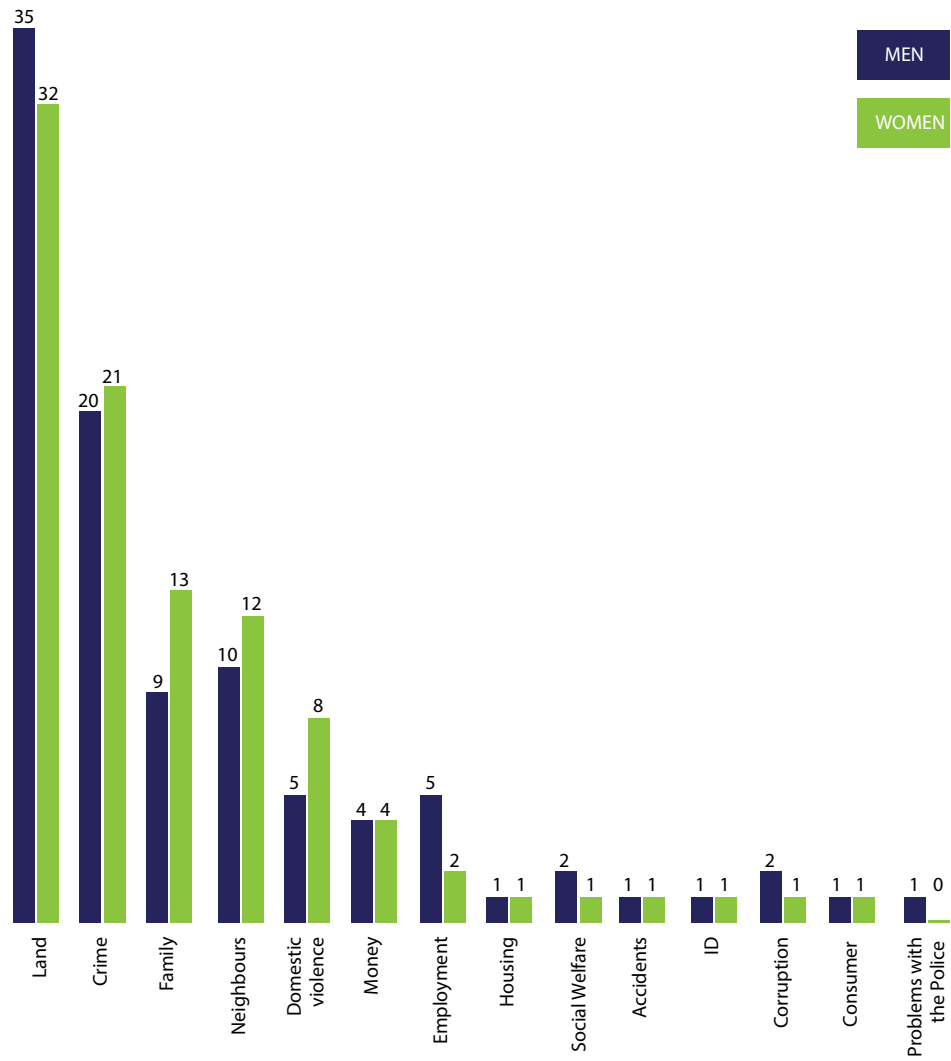
Women’s most frequently occurring and most serious legal problems

Land issues, crime, disputes with neighbours, family disputes and domestic violence are the most prevalent problems for both men and women. Women experience domestic violence and family problems slightly more often than men (about 4% more). Land issues are also the most serious problem reported by men (35%) and women (32%), followed by crime (20%), family disputes and disputes with neighbours.

If we separate the categories into individual problems, we see that most women have to deal with problems related to disputes over boundaries (17%), theft (16%), use of land (10%), divorce and separation (5%), and inheritance and wills (5%).



Most serious problem categories (values are in percentages)



n=2154



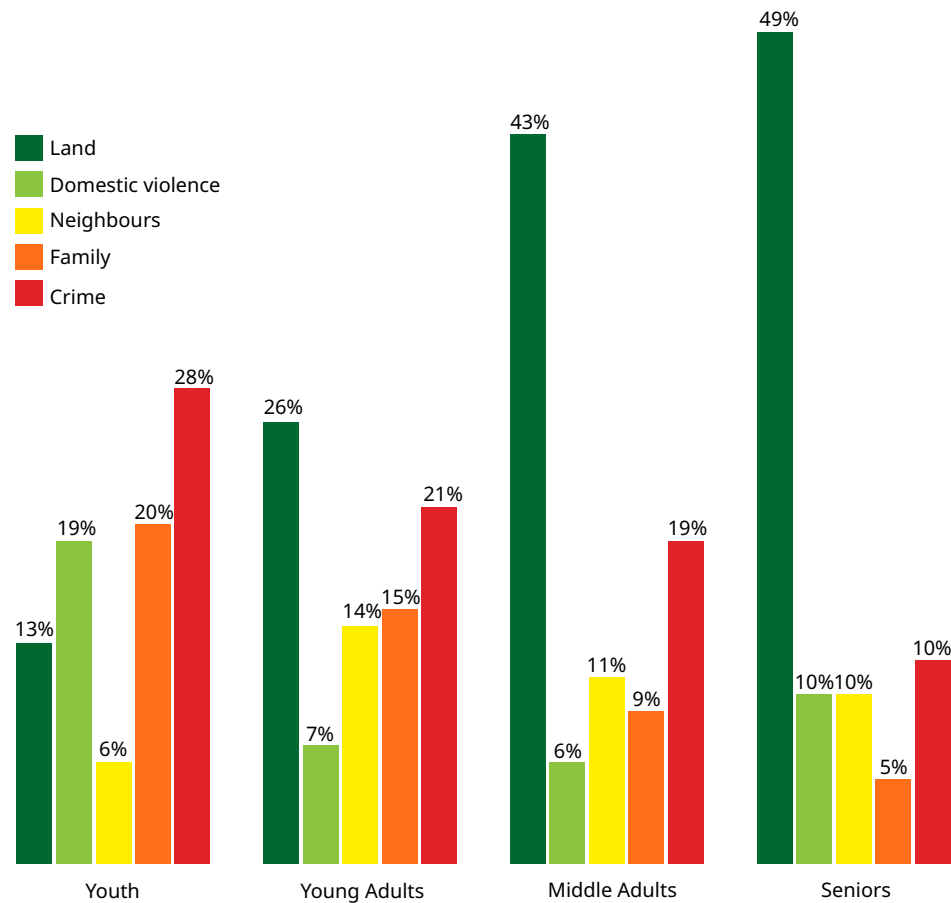
We break down the analysis by age groups. Crime and family issues are more prevalent among younger women (aged 18-24) while land issues

are more prevalent among older women (40- 65+). Women aged 25-39 report issues related to neighbours more often than the other age groups.

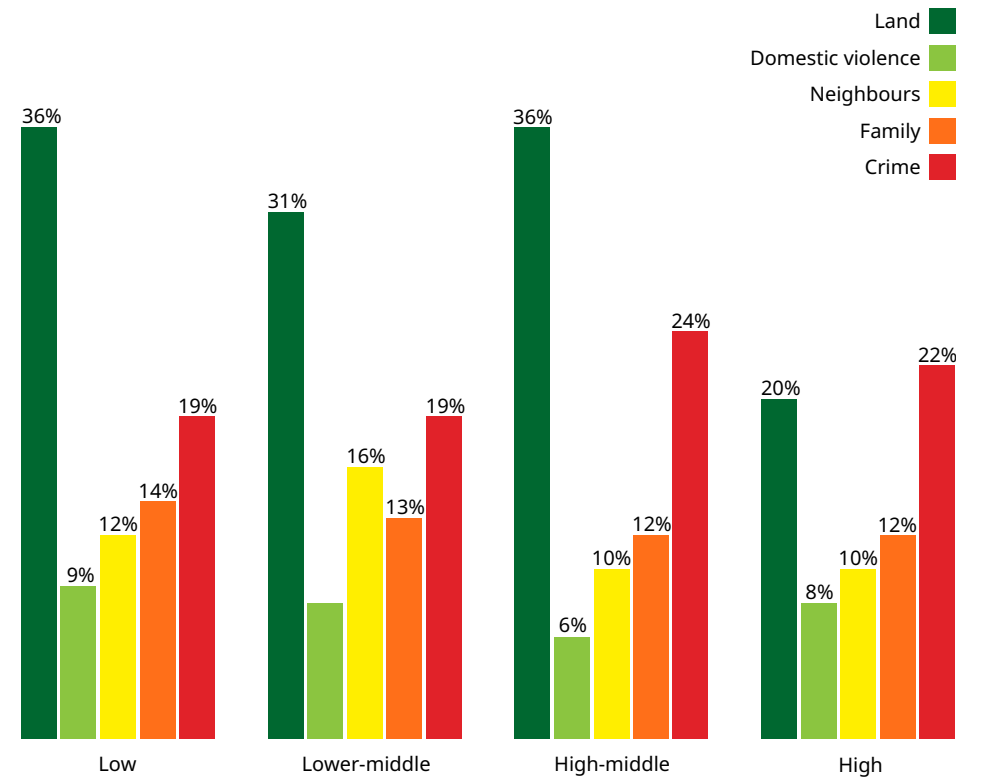
Land issues and crime are the top two most serious problems for women from all income groups. For women in the highest income category however,

crime is the most prevalent problem, followed by land issues.

Women's age and types of problem



Problem type and women's income

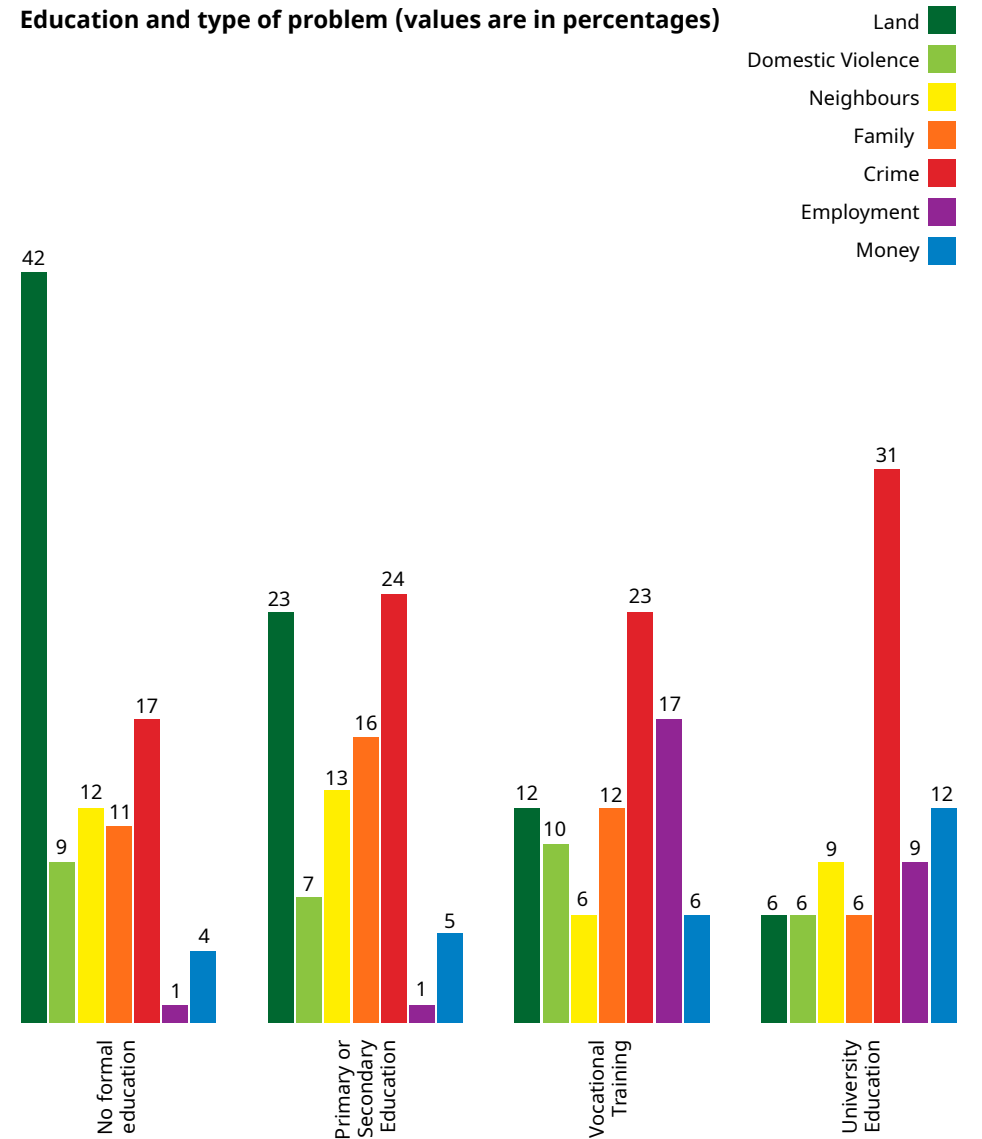


Almost 42% of women with no formal education report a justice problem related to land, followed by 23% of women with a primary or secondary education. Almost 31% of women with a university education report crime

as their most serious problem. Their second most serious legal problems are money-related problems (12%). Women with a vocational training are more likely to have legal problems related to employment (17%).



Education and type of problem (values are in percentages)

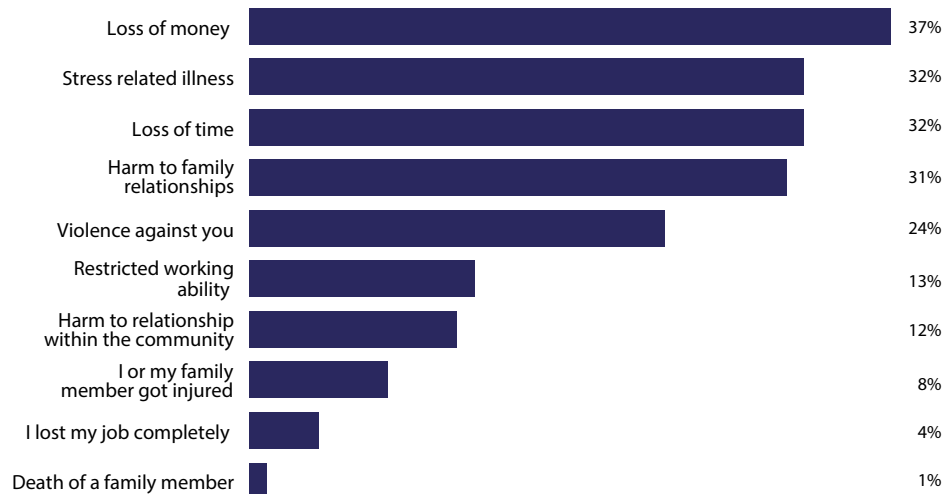


Impact of legal problems on women

Thirty seven percent of the women who had to deal with a legal problem report that they lost money because of the problem they were experiencing. Around 30% also report stress-related illnesses, loss of time and harm to family relationships.

The most important consequences for senior women are stress-related illnesses. For women with a low income and for women living in rural areas, harm to family relationships is the most commonly reported consequence.

Impact of justice problems on women



Dispute Resolution

Women and men are equally active in attempting to resolve their justice problems. Around 4 out of 5 women talk to the other party or involve a neutral party to resolve their legal problem.

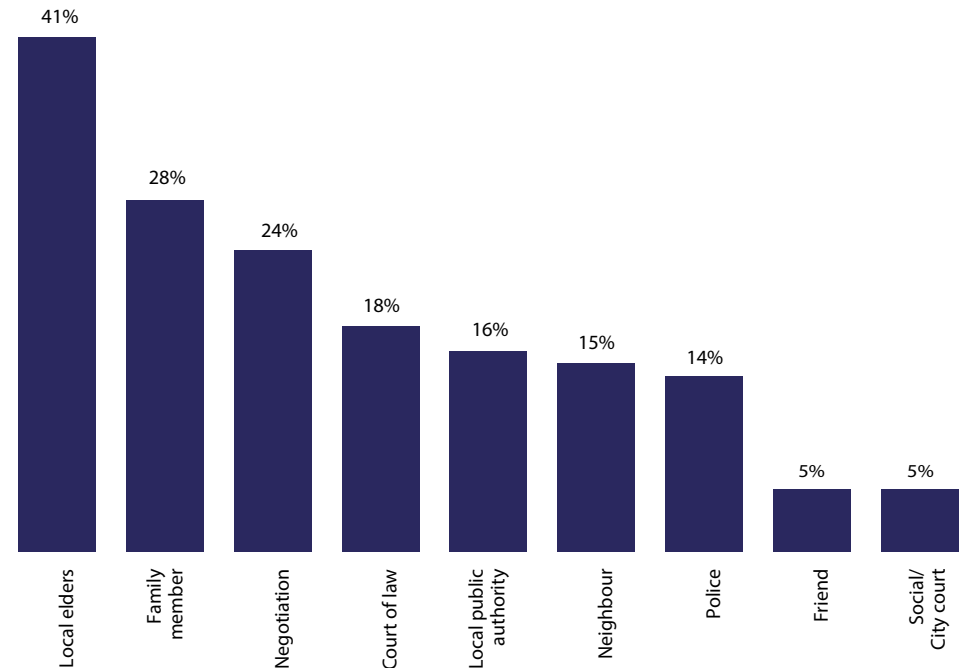
Village elders, family members, and direct negotiations are the most often-used dispute resolution mechanisms by women in Ethiopia.

Education level, income level and living in urban or rural areas greatly affect women's choices of resolution

strategies. These differences are very apparent in the use of local elders by women. **Women from rural areas, with no education, and with low incomes very often take their problems to village elders.** In contrast, women with higher levels of education, higher income and living in urban areas **involve village elders significantly less often** in the process of dispute resolution.

There is a cultural impact on women in rural areas not to claim their rights. A woman is told to keep silent of their ill-treatment. Women are less likely to be heard at lower levels of government administration. Women are gaining a certain level of influence when we come to higher levels of government. (Senior expert, Ethiopian Human Rights Commission)

Justice journeys that women use



Age is another factor that affects how women seek justice. Younger women (18-24, 34%) are much less likely to take their legal issues to village elders. Middle-aged women (44%) often go to village elders to resolve legal problems.

Age, and thus experience, increases the chance that women negotiate with the other party. Use of formal institutions and means of dispute resolution also increase significantly with age. One notable exception is the use of the police. Very young women (18-24) are much more likely to take a problem to the police. On the other hand, the youngest are very reliant on family members (36%). With the advancement of age, women increasingly less often involve somebody from the family in the resolution of the problem (25-39, 27%; 40-64, 27%; 65+, 25%).

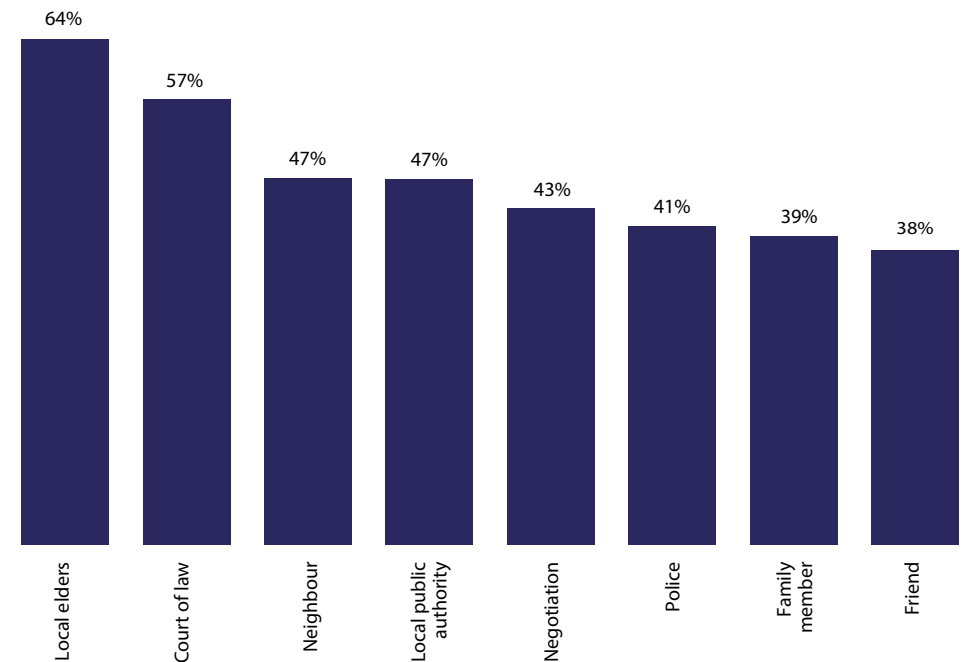
How women resolve their legal problems

There are not great differences between women and men in the resolution of their legal problems. Around half say the problem was resolved fully or partially. The other half of the respondents say the problem is still in a process of resolution or is not resolved at all.

To understand how women cope with justice we first look at the resolution rates of the most frequently used

neutral third parties. Local elders are most effective in resolving legal problems: 64% of the problems referred to local elders are resolved completely or partially. Courts resolve 57% of disputes. All other dispute mechanisms have a resolution rate of less than 50%.

Percent of completely or partially resolved cases



n=388

However, I don't accept mediation (Shimgilina) because it harms children and women. It makes our country anti-female. In our country there is a practice of marrying a child at 8 years old. This is not a useful custom. It is a harmful culture. So, recognizing such tradition affects the rights of women and children. Instead of Shimgilina, it is better to modernize with processes such as arbitration (Legal advisor, House of People's Representatives)

There are views, however, that community justice mechanisms can be biased against or outright unfair to women and children. This requires careful consideration of the advantages and disadvantages of traditional justice mechanisms when strategies for bridging the two are discussed.

People from the social network as well as the police have the lowest rates of achieving positive resolutions. Above we see how specific clusters of women use traditional justice mechanisms, courts and members of social networks.

Does this mean that specific groups of women systematically receive better or worse outcomes? Age, education level and income level do not directly affect the rate of resolving legal problems. Between urban and rural areas, however, there is a sizeable difference. Only 35% of urban women manage to resolve their legal problems. Women from rural areas resolve almost half (48%) of their problems.



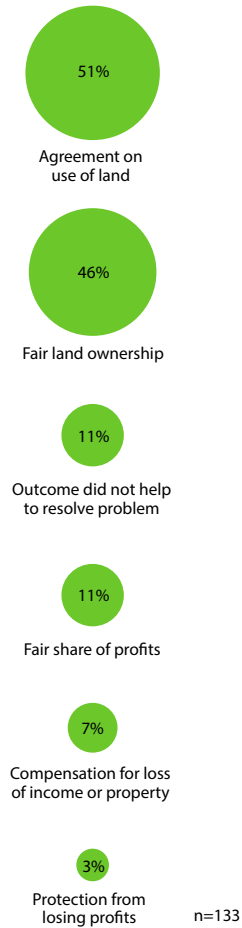
As for the strengths and weaknesses of the judiciary, [they] are the same as the strengths of the mediation [informal justice]. They say, "We have reconciled". The local elders are one of the strongest judges. There is such a thing as children's property. In the case of weaknesses, in the traditional justice system, especially in the area of family land, he [the village elder] might give three-quarters to the man and one-fourth to the woman.
(Judge, Federal Supreme Court)

Women face numerous difficulties in the justice process. Lack of proper attention to the violence against them, wrong perceptions, taking violence against them as normal, absence of enough evidence, undermining crime against women, lack of community's proper participation, delays in the justice system, difference in decisions, and misconceptions among some judges are the major problems women confront in the justice system.
(Senior expert, Ethiopian Lawyers' Association)

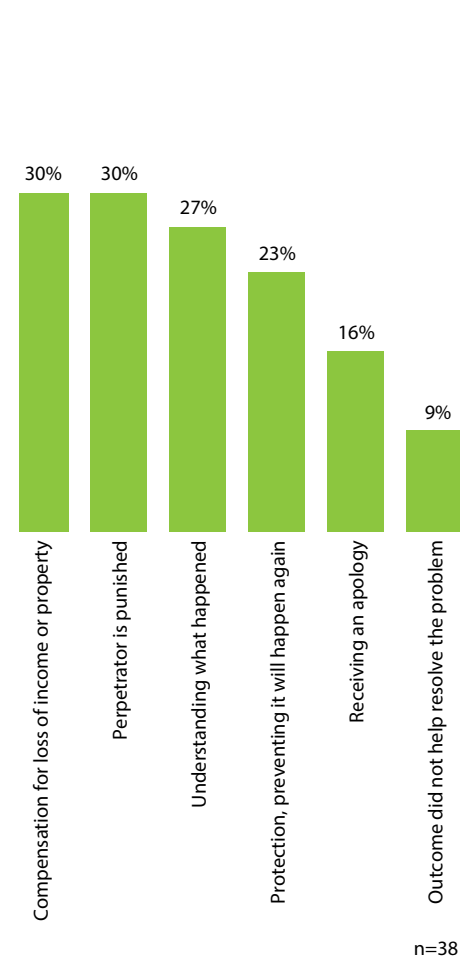
Outcomes women receive from justice journeys

Do women manage to continue with their lives despite the encountered legal problems? To answer this question, we look at the positive outcomes of the resolved problems. Note that the analysis includes only the legal problems that are fully or partially resolved.

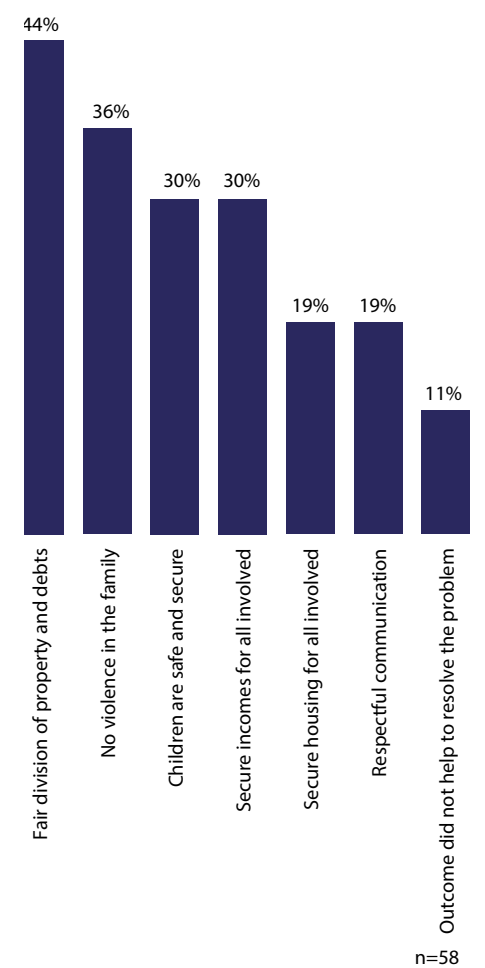
Land disputes



Crime



Family



Men and women seek legal advice equally as much to resolve their justice problems (around 67%). Family members (35%), local elders (Shimagale) (33%), neighbours (17%) and friends (12%) are the most important sources of information and advice for women. Women are more likely to approach family members, while men are more likely to consult their friends.

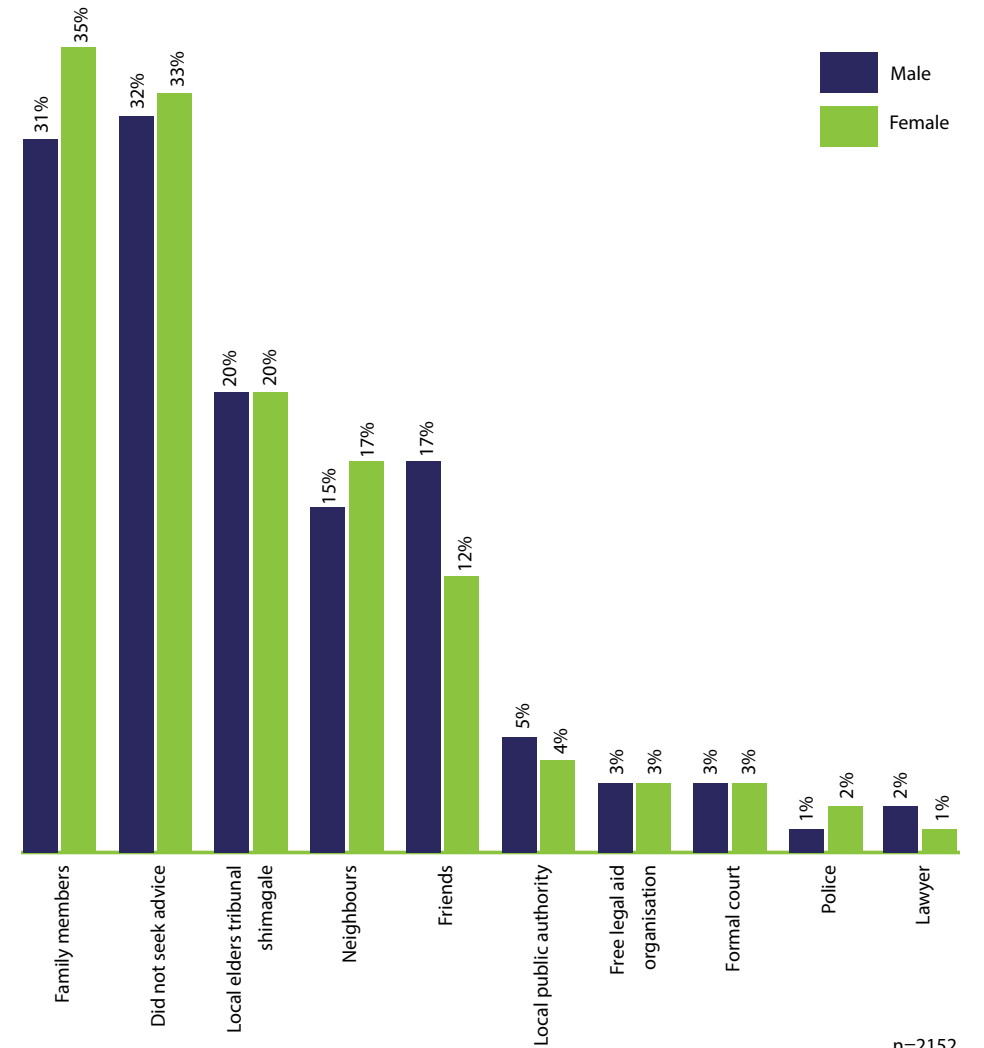
Young women are more likely to consult family and friends, while older women are less likely to seek information and advice. Young adult women and middle adult women are more likely to approach neighbours and the Shimagale. Women with a university education are also more

likely to approach family and friends for advice. Those with no education will mainly approach local elders and neighbours. Rural women are more likely to approach local elders, neighbours or seek no information and advice. Urban women rely more on family and friends.

We also do not observe any significant differences in how the paths are evaluated. Also, not between women living in urban and rural areas. In general, problem resolution and outcome explanation can be improved for those seeking resolution, followed by a reduction of stress and negative emotions and an increase in voice and neutrality.



Who did you seek advice from?



Men and women seek legal advice equally as much to resolve their justice problems (around 67%). Family members (35%), local elders (Shimagale) (33%), neighbours (17%) and friends (12%) are the most important sources of information and advice for women. Women are more

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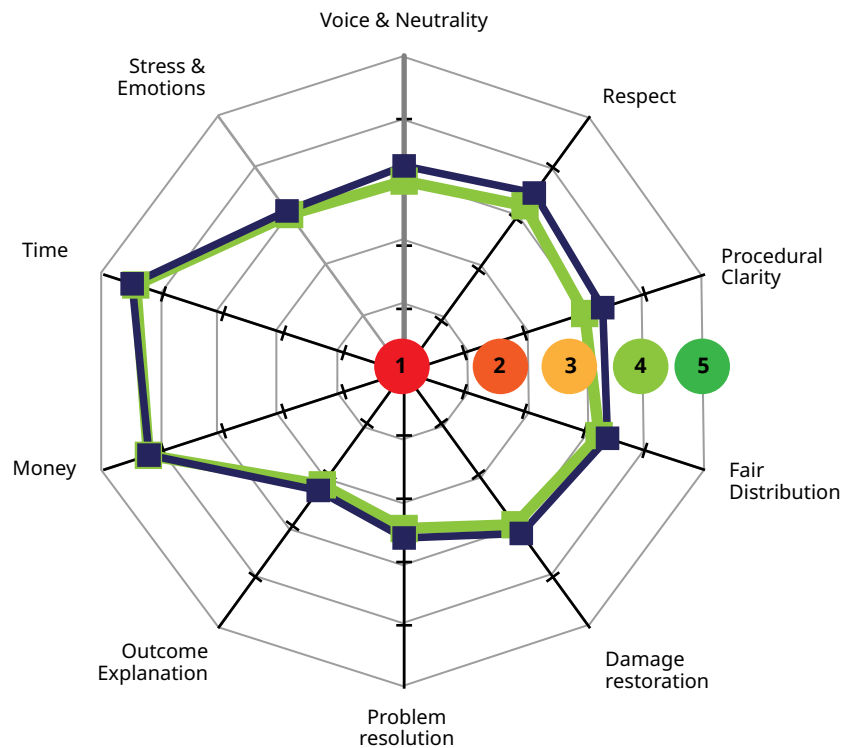
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education and low income, very often take their problems to village elders.

Local elders are most effective in resolving legal problems of women. Experts warn, however, that community justice mechanisms, might not always uphold the values of equality and non-discrimination.

Women in urban and rural areas



Conclusions

Many women in Ethiopia - 37% - have to deal with legal problems in the previous 4 years. Half of their problems are resolved; half are not.

Younger women encounter more problems, women from urban areas and with higher education face more legal problems.

Women have to deal with more family problems and domestic violence compared with men.

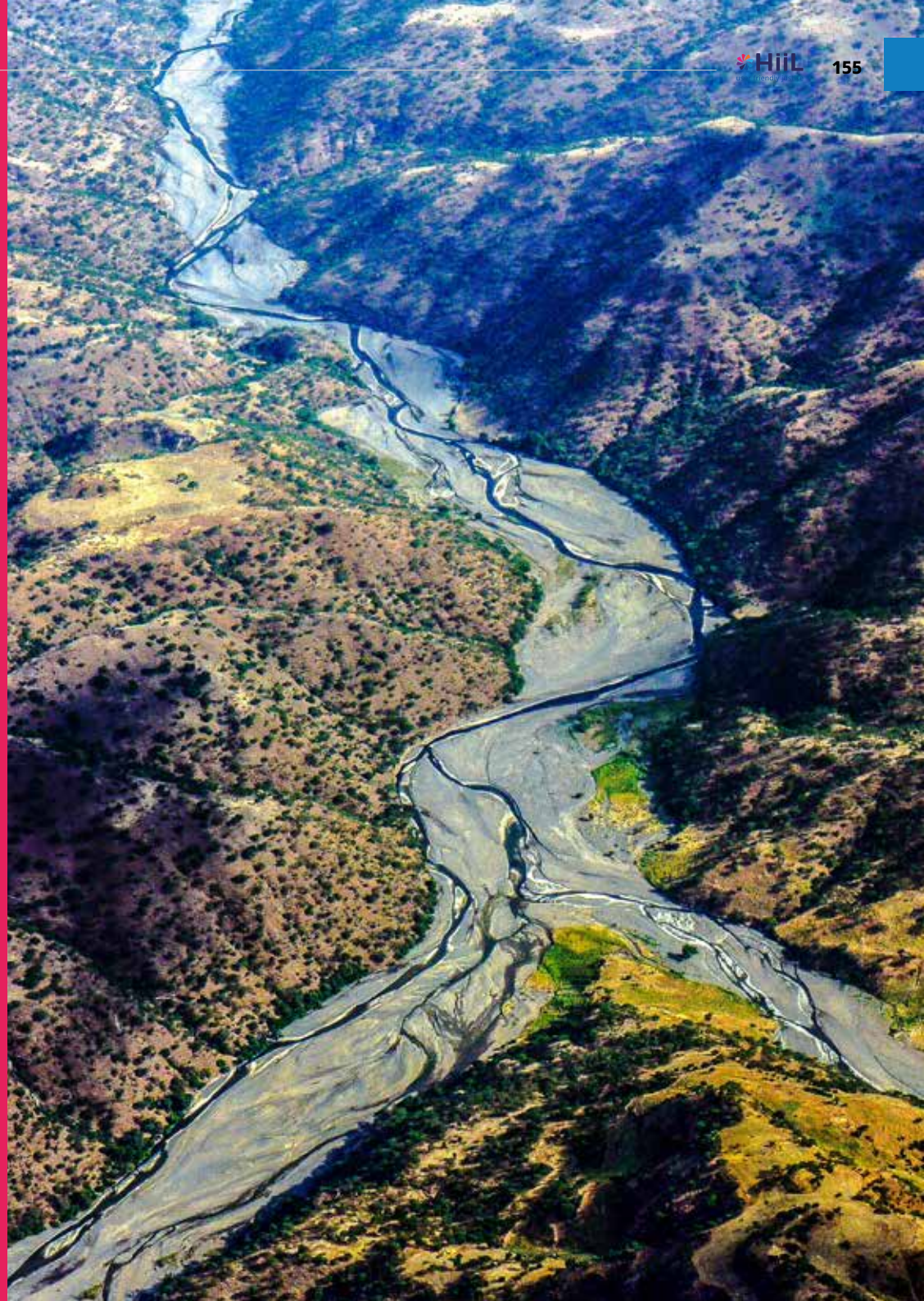
Land disputes increase with age. While crimes and family disputes decrease, domestic violence is a problem of young and old.

Women and men are equally active in resolving legal problems.

Women from rural areas, with no

8

Land problems in Ethiopia





This chapter maps out the justice journeys of those respondents who indicated that land problems were the most serious problem they encountered.

Demographic characteristics of the people who report land problems

Land disputes are the legal problems that most often occur in the lives of the people of Ethiopia. Thirty-eight percent of the respondents who report a legal problem say that they had to deal with a land-related issue in the previous four years. Extrapolated to the general population, this means that every 4 years in Ethiopia there are between 8.2 million and 8.6 million land-related legal problems. Land disputes constitute a sizeable justice, social and economic problem. Moreover, land disputes cause other problems such as crime, family disputes, and quarrels between neighbours, among many others.

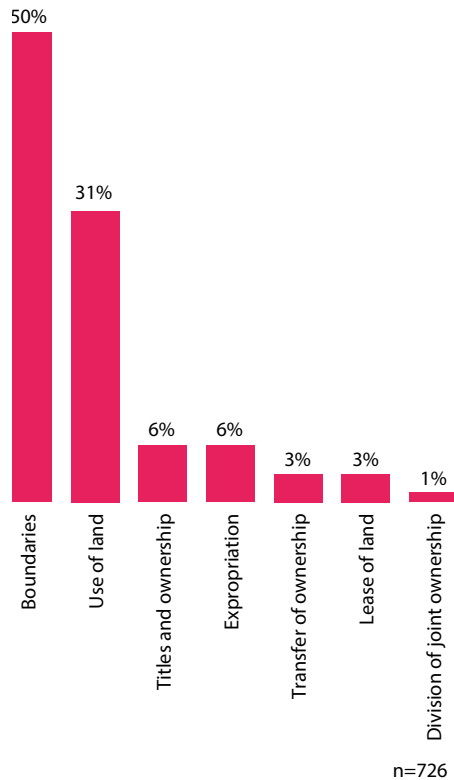
Of the most serious problems, 34% are land-related problems.

- Around half of the problems are related to disputes over land boundaries
- Around a third of the problems are disputes about the use of land.

Ethiopian people are mostly farmers and pastoralists and rely heavily on agriculture and other land-based economy. In Ethiopia, land is the answer to the basic need for food. Without land most Ethiopians would not even be able to feed themselves. (Researcher, University)

In the rural areas, as most people are agrarian, land is the main means of subsistence and source of income. In the urban areas there is a shortage of residential housing. So, for these reasons, there are many [land] disputes. (Prosecutor, Federal level)

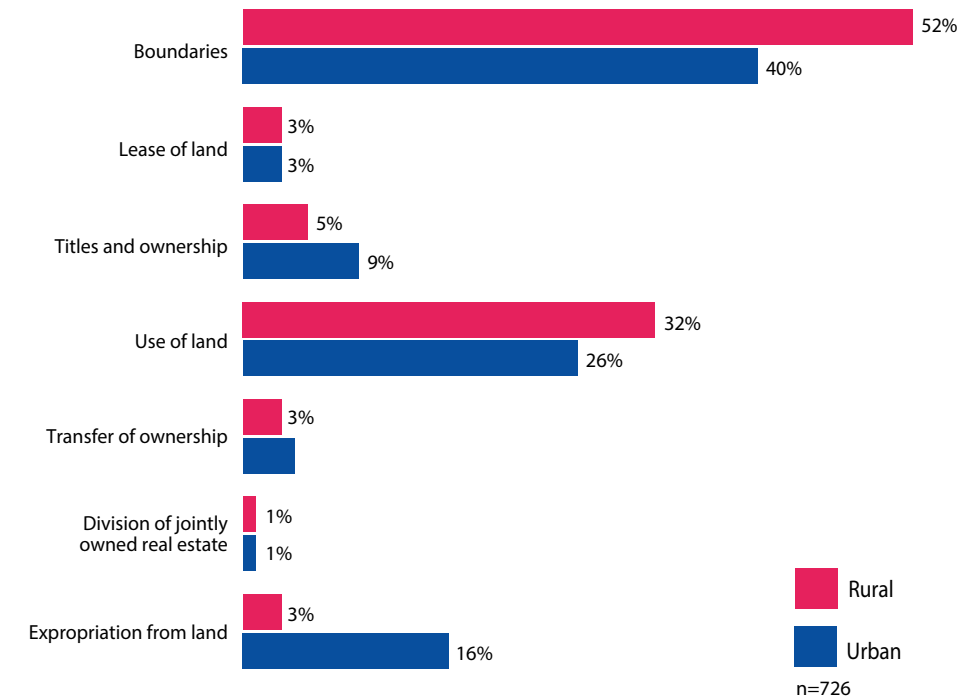
Specific land problems



There are sizeable differences in the types of land-related legal problem experienced based on the respondent's location. In rural areas there are many more disputes about boundaries and use of land. Expropriation from land takes place mostly in urban areas.

In the rural areas, as most people are agrarian, land is the main means of subsistence and source of income. In the urban areas there is a shortage of residential housing. So, for these reasons, there are many [land] disputes.
(Prosecutor, Federal level)

Land problems by location



Below we list the key characteristics of the people who encounter justice problems around land:

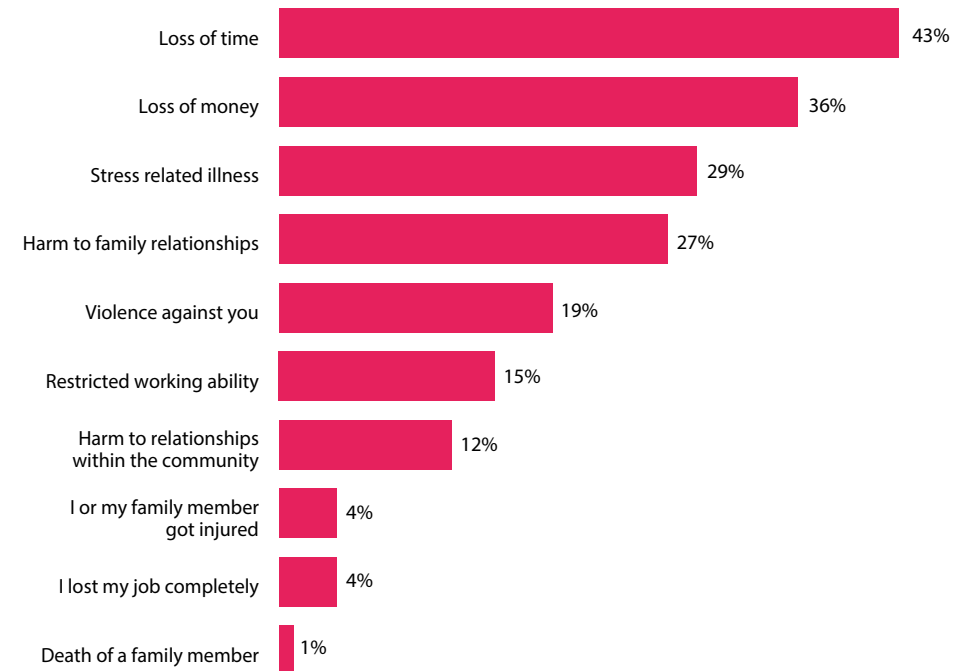
- Fifty-five percent are male and 45% are female.
- In the rural areas, 41% of the people with land disputes are literate. In the urban areas, 74% of the people involved in land problems are literate.
- Most of those who experience land-related problems are married (74%) with approximately two children per household.
- Around six people live on average in the households of the people with land problems. These people are most likely also affected by the land problem.
- Fifty-five percent have no formal education; 43% have a primary or secondary education.
- About 50% are aged 40-64; 35% are aged 25-39.
- Forty-five percent are in the low-income category.
- Seventy percent are self-employed
- Seventy-eight percent reside in rural areas.

The impact of land problems

Land problems most often cause loss of time and money. Other negative consequences are stress-related illnesses and harm to family relationships.

Land is the most expensive and most important issue for many people. (Judge, Federal First Instance Court)

Negative consequences of land problems



n=672

The impact of this injustice on the above-mentioned communities is enormous, and the first is that it is a very serious psychological issue. The second is that they lose their money and property and suffer from material deprivation or economic crisis. As a society, there is a lack of trust between citizens and the government. (Judge, Federal First Instance Court)

People involved in land problems estimate that, due to the problem, they lost 53 days and around 7200 Birr, on average.

How are land problems resolved?

On average, people spend around 30,000 Birrs and 300 days to resolve a land problem. This is significantly more than the cost of the problem itself.

Roughly half of the land problems are completely or partially resolved. The other half remains unresolved. In the category of unresolved problems, pending problems make up the largest

group. At the moment of the interview, 38% of the land problems were still in a process of resolution.

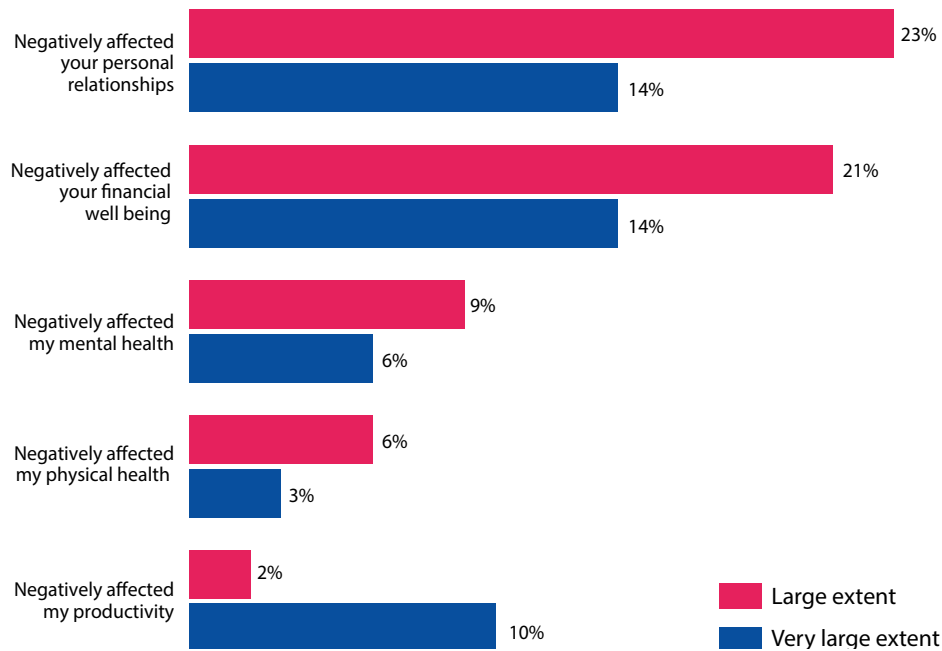
Rural people resolve more land problems, compared with urban people. The former resolve completely or partially slightly more than half of their land disputes. Urban residents manage to resolve a significantly smaller proportion of their issues (39%).

There is a direct correlation between the resolution of land disputes and the magnitude of the problem. The most serious and impactful land disputes are pending (in a process of resolution). Ethiopians resolve better their less serious and impactful land problems.

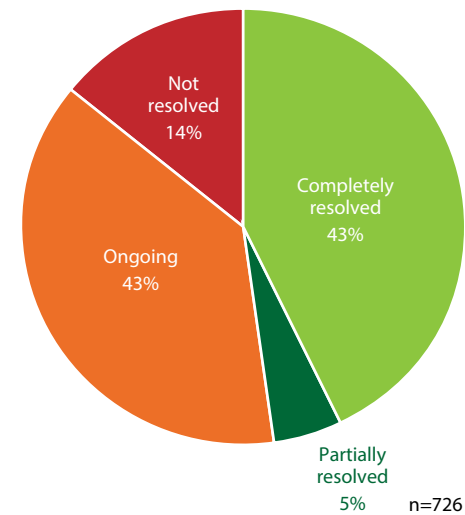
Many land problems are ongoing mainly because people are waiting for the third party (44%) or the other party (23%) to do something. In 17% of cases people do not have enough money, and in 12% of cases they do not know how to resolve the problem.

45% of those who have an ongoing problem believe that their problem will be resolved. Most anticipate a resolution in between 1 month and 6 months. In 31% of ongoing cases people do not believe a resolution will ever be achieved.

Impact of land problems



Has your land problem been resolved?



Where do people seek land justice?

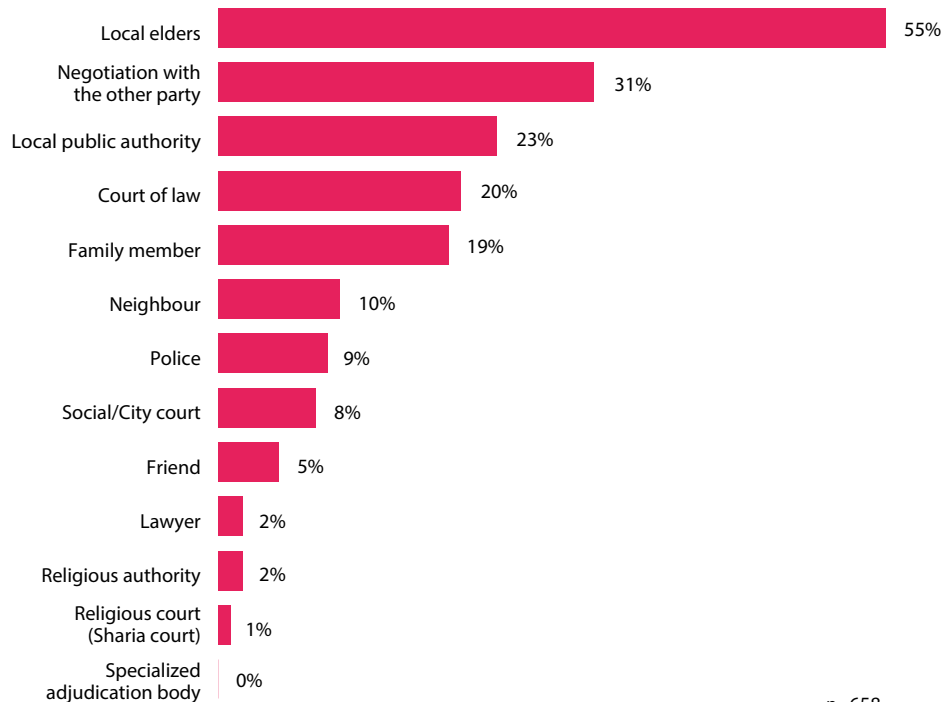
The majority of people prefer to involve a third party in the resolution of their land dispute. Most often the third party in a land dispute are local elders. People submit more than half of their land disputes to local elders. Used, but much less popular than local elders, for solving land disputes are local public authorities, courts, the police and social courts.

Around one in three individuals do engage the other party in a search for a negotiated solution.

Involvement of the social network, such as family members, friends and neighbours, is less apparent compared with the other categories of legal problem.

Only around 2% of the land disputes are taken to a lawyer. More research is needed to understand how this pattern corresponds with the finding that 20% of the land disputes reach a court of law and a further 8% go to a social court. This might be an indication of unrepresented litigants. It also might mean that people go to courts for various services which are delivered and used without legal representation.

Where do people go to resolve their land-related legal problems?



n=658

There are significant differences in the patterns of selection of dispute resolution mechanisms.

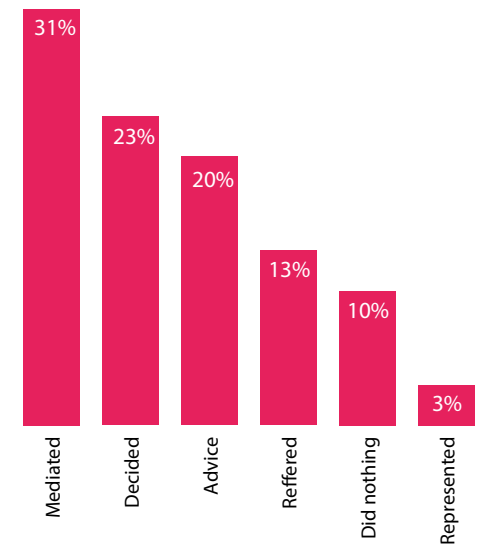
- In rural areas, the local elders are significantly more often engaged in land disputes than in urban areas (rural, 58% of respondents; urban, 43%)
- Men rely more often on dispute resolution conducted by local elders (men, 57%; women, 52%)
- Illiterate people go less often to village elders for land disputes (literate, 58%; illiterate, 51%)
- Urban dwellers are more likely to go to courts to resolve land disputes (urban, 29%; rural, 17%)
- Social courts are more often used in urban areas (urban, 16%; rural, 5%)
- Women involve more often family members in land disputes (women, 23%; men, 15%)

A relatively small minority (10%) did not do anything to solve their land-related problem. This is because people did not expect a positive outcome (26%) and they did not want to damage the relationship with the other party (21%).

How are land disputes resolved? What do the neutral parties do?

Mediation, deciding on the matter and advice-giving are the three most often used interventions in land disputes. The actual term for mediation used in this survey is “active mediation”. In that sense, mediation is closer to a mix of informal reconciliation, mediation and adjudication, which usually takes place throughout the course of unregulated traditional justice mechanisms.

Interventions by neutral parties in land disputes



Significantly more mediation and adjudication are used to resolve the land disputes of rural residents.

Similar to the other legal problems, in land disputes local elders predominantly mediate between the parties (59% of all interventions by local elders). Courts mostly decide on the matter in land matters (52% of all interventions by courts). Family members, friends and neighbours often advise the parties what to do (respectively, 50%, 59% and 48%). The police and local public authorities use a mix of interventions: they decide on the matter, mediate, provide advice, and refer to other mechanisms. The police, in particular, frequently refers the parties to other mechanisms (27% of all interventions by the police in land matters).

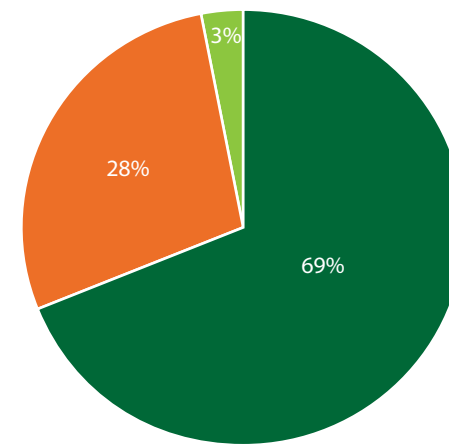
- The land problems of people with no education are more often decided on by neutral parties (illiterate, 26%; literate, 20%)
- People with some education more often receive advice (literate, 22%; illiterate, 17%)



More on the resolution of land problems

We asked about the manner and sequence in which the problems are resolved.

How was the problem resolved?



- Solved with own actions (3%)
- Agreement with other party after neutral intervention (28%)
- A neutral decided the issue (69%)

n=726

In most cases, the land dispute is resolved after a decision of a neutral third party. Above, we saw that this might be a formal or informal third-party dispute resolution mechanism. The second most frequent resolution is when the parties achieve an agreement after the intervention of a neutral party.

Which are the successful interventions?

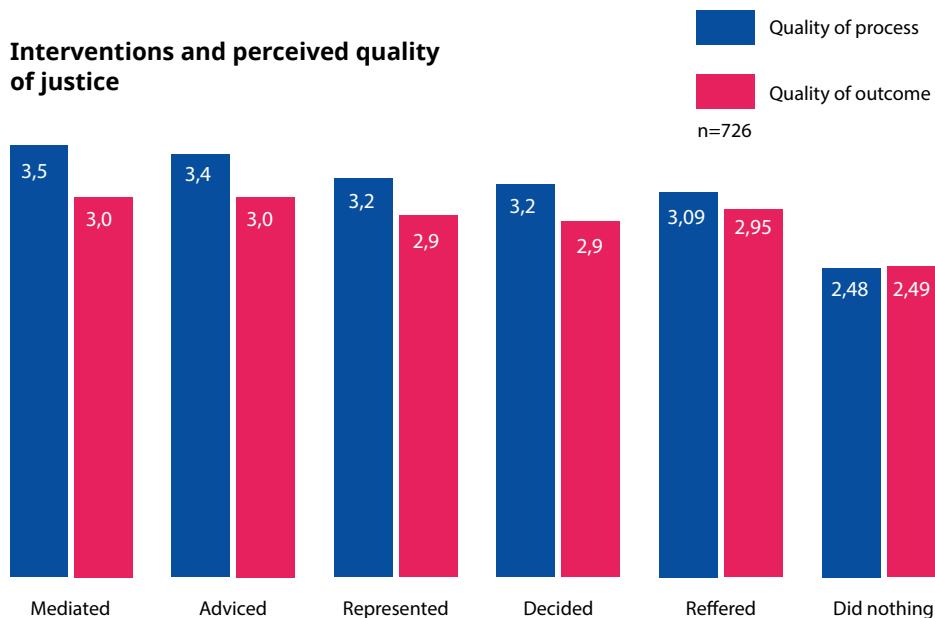
Deciding on the matter and active mediation in land disputes are the most successful interventions if we judge by the current state of the problem (levels: completely resolved, partially resolved, ongoing, abandoned). 68% of the cases in which deciding on the matter was used end with a complete or partial resolution of the problem. 59% of the cases in which the neutral party actively mediated are successfully resolved. The strategy of providing advice comes close, with 56%.

On the other hand, referrals and representations have a success rate of respectively 39% and 35%. The worse possible option is when the neutral does not take steps to resolve the problem; only 24% of such matters are resolved. The rest are abandoned or are pending.

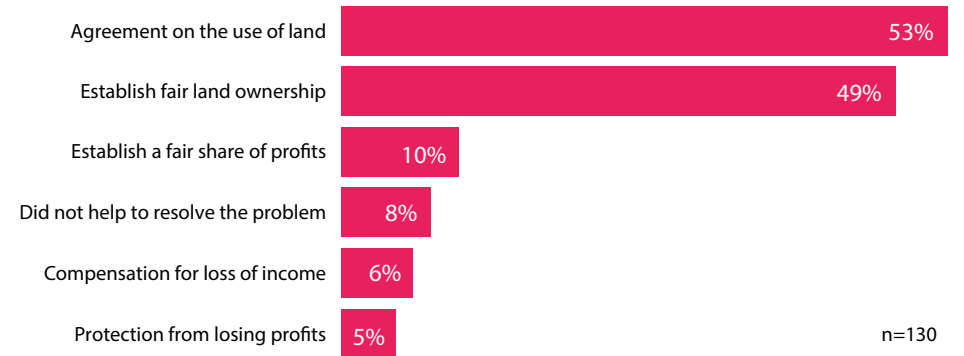
Furthermore, we look at the perceived quality of the justice journeys through which people try to resolve land-related legal problems. Mediation, advice and representation have the highest scores in terms of the quality of the process. The process score for deciding on the matter is slightly lower. Similarly, the scores for the quality of the outcomes of land-related justice journeys show that mediation, advice and referral are experienced more positively compared with deciding on the matter and representation.

We asked the people who said that they managed to resolve their land-related legal problem (53%) what was the outcome of the resolution. By outcome we mean the positive consequences of a resolved problem that contribute to improved well-being of the respondent, her family and community.

Interventions and perceived quality of justice



What did the outcome bring to you?



Advice and information

Most people (71%) actively seek information and advice in order to resolve their land problem. Most often they seek information from family members (32%), local elders (28%), neighbours (15%), and friends (12%). Professional advisers such as lawyers or providers of free legal aid assist very rarely in land problems. Of the formal sources, the local authorities are most often used for advice in land-related legal problems. Around 6% of the people who had to deal with a land dispute went to a local public authority.

However, almost 30% say that they did not seek any sort of information and advice for the resolution of their legal problem.

What sort of advice do people receive?

Advice about rights and legal options is the most frequent type of advice given for land problems. The second and third options are respectively, referral to a place where the problem can be resolved and emotional support.

Other forms of information and advice are used significantly less often. For instance, only 8% of the advice was in the form of document preparation. In 6% of the cases the advice was directed to reaching out to the other party.

It is of great practical importance to understand how the different sources of advice in land disputes deliver value. The chart below shows that there are very different patterns.

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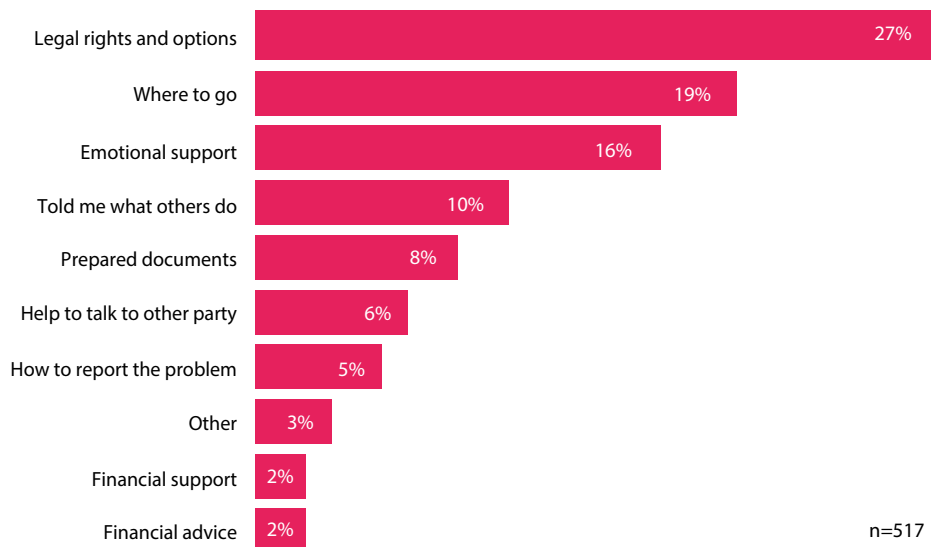
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Local elders are the ones who provide significant emotional support. They most often advise on how to contact and talk to the other party.

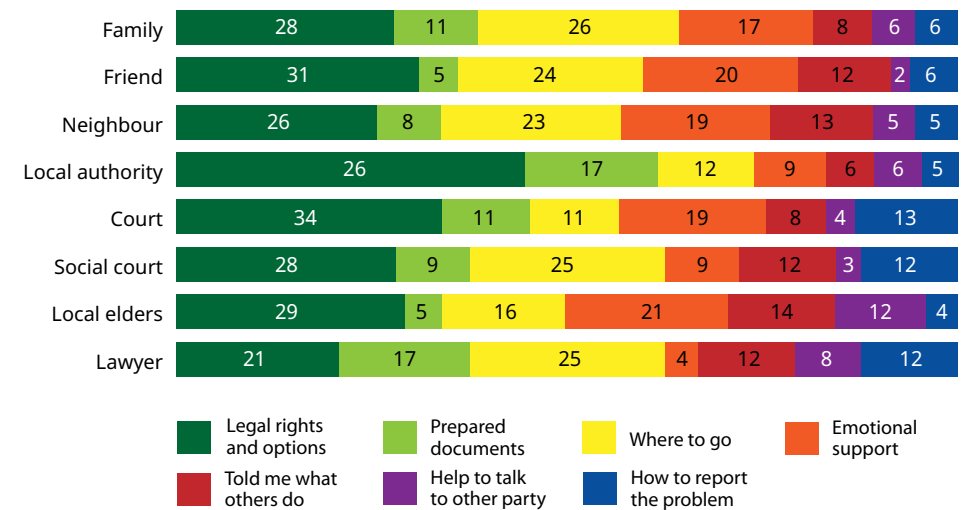
In the process of providing advice, lawyers and local authorities are the sources which most often prepare documents for the parties. Courts and social courts are less active in helping with documents. A significant part of the advice of these institutions is directed towards helping the individuals to report the land problem. Considering the infrequent use of lawyers, this might be interpreted as a form of assistance to pro se litigants. People from the social network as well as local elders rarely deal with preparation of documents.

Institutions and people from the community are strong in giving emotional support. Emotional support, information about rights and legal positions and referral are the three most often used types of help. There are differences, however, among the community mechanisms. Local elders are less likely to refer to other dispute resolution mechanisms or providers of advice. Perhaps this is due to their dispute resolution authority. Instead of referring people to local authorities, the judiciary or elsewhere, most likely the village elders attempt to resolve the problem themselves.

What sort of advice did you receive?



What advice about the land dispute did you receive? (Percentage of type of advice within category of legal problem.)



Which advice is most helpful and useful in resolving legal problems around land?

To answer this question, we juxtapose each form of advice in a land dispute with the problem status. For purposes of simplification, we use two mutually exclusive categories of problem status: resolved and not resolved.

Information about what other people do in similar situations, emotional support, and support in communicating with the other party are most often related to resolving problems. On the other hand, telling people how to report the problem, where to go, or about their rights and obligations work less well in land disputes.

How do people negotiate disagreements over land?

The people who negotiated over the land problem with the other party believe they were able to express their views and feelings during the process (Moderate extent, 23%; large extent, 36%). Furthermore, almost 55% did not think that the other party in the conflict was listening to them (25%, very small extent; 30%, small extent). 24% believed they were listened to to a moderate extent. Moreover, between 60% and 70% did not believe that their

interests were considered or that they were treated with respect by the other party, or that the other party was communicating with them honestly.

Conclusions

Every four years, there are more than 8 million land problems in Ethiopia. Disputes over boundaries of land and disagreements over the use of land are the most frequently occurring types of land legal problems.

More men experience land disputes than women. Loss of time, money, and stress are the main consequences of land issues.

Rural and urban residents have to deal with different land problems. Expropriations and disputes about titles occur more often in urban areas. Boundaries and use of land disputes are more prevalent in the rural regions. This divide requires further exploration.

Forty-three percent of the land disputes are completely resolved; 5% are partially resolved. In process of resolution are 43% and 14% of the problems are left without a resolution.

Ten percent of the respondents do nothing to resolve the land dispute.

Active mediation, deciding on the matter and advice-giving are the three most often used interventions in land disputes. Mediation and deciding are more effective than the other methods in resolving land problems. In general, local elders advice, courts decide, and family and friends provide advice.

More than half (55%) of the land disputes are brought to village elders. This percentage is higher in rural areas. Local public authorities and courts are involved respectively in 31% and 23% of the land disputes.

Why resolving land disputes matters? Of the people who managed to resolve their land disputes, 53% said that they achieved an agreement on the use of land and 49% said that the outcome established fair land ownership. This is clear and compelling evidence of how more land justice can make the lives of millions of people in Ethiopia better and more prosperous.

Relationship between type of advice and problem resolution



9

Key findings



Many justice needs, numerous challenges, and significant opportunities.

The results of this study show how important it is to look at justice from the perspective of the people. Had we only tabulated data from the official institutions, we would not see how important the law is in everyday life.

The main finding of the JNS survey is that **legal problems are common occurrences for people in Ethiopia. Forty percent** of adults have to deal with one or more serious and difficult to resolve problems every four years. This means that every year, there are at least **7.4 million** legal problems that need fair resolution.

Around **45% of all these problems are resolved**. More than half (55%) remain unresolved. This is a **significant justice gap** that needs to be addressed in order to ensure that the people of Ethiopia are able and capable of using the law to develop their full potential and capacity. According to the evidence presented in this study, the justice gap in Ethiopia amounts to **5.2 million** legal problems every year. The positive news is that in the remaining **2.2 million problems**, the people received a fair resolution, meaning the problem has been resolved and they can continue with their lives.

Many lessons can be learned from the **success stories**. With inspiring leadership, courage in innovation, and a sustained focus on user-centred data, these lessons can be turned into a tool to reduce the gap. We outline several strategies for improving access to justice in the next section. With these strategies, the Ethiopian justice sector leaders can prevent and resolve millions of legal problems. Better access to justice will improve the well-being of people and will leverage the economic development of the country.

Legal problems in daily life

In Ethiopia, the most frequently occurring categories of legal problem, in terms of structure and occurrence patterns, are similar to many other countries. People most often have to deal with disputes around **land, crime, disagreements with neighbours, family problems, domestic violence, money-related disputes, and employment problems**. These problems are an inevitable part of social, economic, and political life. What matters is whether the justice needs are resolved fairly with empowering outcomes. What is needed is a system of effective, accessible and fair justice that works for all people regardless of gender, education level, income level, ethnicity or geographic location.

Not all people in Ethiopia have the same justice needs. **Women face different legal problems than men**. Family problems and domestic violence are more common for women. Men, on the other hand, are more often involved in land and employment-related legal problems.

The **differences between the justice needs of rural and urban residents are considerable** and apparent at many levels. Urban citizens report more legal problems, but also different problems compared with their compatriots in rural areas. In cities and towns, there is significantly more crime. Employment problems also occur more often in the lives of urban residents. People from rural areas have to deal more often with land disputes, domestic violence, and disagreements among neighbours.

Geographic location plays a significant role in the process of resolution of legal problems. Rural residents are more likely to engage village elders to resolve their disputes. Urbanites, on the other hand, are more likely to go to a general court of law or a social court in order to find a fair resolution. Rural residents are more satisfied with their resolutions of legal problems compared with urban residents.

Education levels also play a significant role in access to justice in Ethiopia, where 48%¹⁴ of the population does not receive a formal education. In our sample, 46% of the respondents do not have formal education. **People with some formal education report more legal problems**. They need to deal with different types of problems: ID documents issues, police-related problems, and disputes related to social welfare are more frequent. Income level is directly related to education level and has a similar impact. Poorer people report fewer legal problems compared with individuals with higher incomes. It is not difficult to predict that with further development, the prevalence and complexity of legal problems in daily life will increase.

Legal problems occur **predictably in the human lifecycle**. Young people face fewer legal problems. Their most prevalent problem is crime. Domestic violence and family disputes occur more often in the lives of young Ethiopians. In the economically active years between 25-64, the occurrence of legal problems increases. People aged over 65 encounter fewer legal

¹⁴ See <https://data.worldbank.org/indicator/SE.ADT.LITR.ZS?locations=ET>



problems. They mostly have to deal with issues related to inheritance, transactions, joint ownership etc.

Resolution of the most serious legal problems: Half are resolved but mostly the less serious problems

When we focus on the most serious problems, we see that approximately **80% of the people take some form of action** to resolve their legal problems. Some people do not take action because they do not expect a positive outcome.

An active response to legal problems is a necessary step towards fair resolution but is not a guarantee that such will be achieved. **40% of the most serious problems are completely resolved; 4% are partially resolved; 31% are in the process of resolution and 26% are not resolved and people do not take further actions.**

Legal problems with a lower impact are resolved fairly often. The justice mechanisms, however, **struggle with the more impactful problems.** The resolution rates and the perceived quality of justice decrease with the increase of the impact of the legal problems. This is concerning because people need a higher level of protection to deal with the most serious and impactful issues.

The main reasons for legal problems remaining unresolved are that the people who encounter them do not know what to do, the other party in the dispute is not cooperating, or the procedures are difficult to understand.

Dispute resolution: Co-existence of formal and informal dispute resolution mechanisms

Ethiopian people manage to resolve millions of legal problems. There are plenty of justice journeys that turn disputes into opportunities. **Traditional or community justice** is the most productive institution for dispute resolution. Village elders are the key justice mechanism at community level. **Forty-three percent of the people who have legal problems seek the support of village elders. More than half of land and family disputes are brought to village elders.** They are also commonly used in cases of domestic violence and in disputes between neighbours. Village elders are perceived as the most useful justice providers if we use resolution rates and perceived quality of justice as indicators of usefulness.

The use of village elders is particularly popular in rural areas. In cities and towns, they are less used but still have a strong share in the

dispute resolution “market”.

Compared with other countries, many legal problems in Ethiopia are referred to courts (and social courts). **Eighteen percent of the most serious problems reach a court.** This proportion is higher than the usual 5%-10% we see in some other countries. In urban areas particularly, many problems go to the judicial institutions.

Social courts are an interesting example for innovative and flexible justice deliver. Their functioning and results merit further studies. If the model is successful, they might be scaled across the country. A modified model might be applicable outside of the big urban centers.

Compared with the use of courts and social courts, **lawyers are very rarely involved in the resolution of legal problems. In only 1% of cases (mostly in urban areas) people engaged a lawyer.** This raises several questions. First is the question of whether people go to courts unrepresented and how they cope with judicial services without adequate legal representation and advice. The second question is broader: How feasible it is for Ethiopia to follow the (now widely criticized) Western access to justice model of legal services provided by lawyers and paid for by public funds or

delivered pro bono. With only 1% of the serious legal problems being referred to a lawyer, it seems that different models for delivering justice at scale are needed.

What works? Which justice mechanisms and justice treatments are most promising?

Village elders and courts deliver significantly more resolutions compared with other formal and informal justice providers. Many people go to family and friends when they encounter a legal problem. But the social network is not very effective in resolving issues. Their resolution rates are lower than for village elders and courts. **Particularly interesting is the performance of the village elders. They have the highest resolution rate and the lowest percentage of problems that are ongoing or abandoned.** However, helpers from the social network yield the highest number of positive outcomes. They help despite not being seen as very effective in the resolution. This contradiction needs further study to understand the precise mechanisms by which resolutions and outcomes relate to each other.

Family members, friends, and neighbours are often involved in disputes. They mostly advise the

parties on what to do. People from the social network rarely, if ever, mediate or decide on the issues at hand. **Family members, friends, and neighbours are less effective than village elders and formal justice institutions in resolving legal problems.** The disputants perceive such justice journeys as lower process and outcome quality. Clearly people prefer neutral third parties to engage in the process of dispute resolution.

Another part of the ‘what works’ question concerns which of the justice treatments deliver results. **Active mediation and deciding on the matter are most effective in resolving legal problems. Relatively rarely do these two treatments result in legal problems that are abandoned without resolution.**

Compared with the other treatments, mediation has higher scores in terms of perceived procedural justice. People perceive quality processes as better when the neutral party mediates the issue. Perhaps because they most often use mediation, village elders receive the highest scores in all three dimensions of the perceived quality of the procedure. Deciding on the matter has slightly lower marks on the three indicators of perceived procedural justice.

Looking at people’s perceptions of the quality and costs of the justice journeys, it is clear that the scores of most treatments are around the middle of the scale. There is plenty of room for improving people’s perceptions of the quality of the justice journeys in Ethiopia.

Legal advice and information come mostly from informal helpers

Two-thirds of the people seek some sort of legal information or advice to resolve their most serious legal problems. **Most often such help comes from the people around them (family members, friends and neighbours).** Over a half of the people who encounter a legal problem consults family members. Local elders provide advice in approximately one in three cases, and neighbours and friends in about one in four. This raises questions about the quality of such advice.

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The way forward



Develop further the epidemiological picture of user-centered justice in Ethiopia

The data from this study provides rich and actionable insights into the justice needs of the people. There is evidence about the occurrence of the problems, what people do and how they perceive the available justice journeys. This is a solid basis for improved policies, service delivery, and innovation. But very soon it will not be enough. More data will be needed to keep track of the health rate of the justice organism. Systemic data-gathering and analysis must be integrated into the management of justice in Ethiopia.

Our proposal is to incorporate vigorous monitoring of justice into the justice strategies and implementation plans. Integrated data about the needs for justice and the performance of the institutions will make the demand and supply transparent. Such evidence will empower policy makers, service providers and innovators who want to bridge the justice gap and deliver justice to the people. Data will show the needs but also the services that work. From policy and service delivery perspective this means new opportunities to invest in services that 'work' and scaling down or discontinuing others that 'do not work'. For the justice system this will mean

that the resources will be allocated according to needs and efficiency.

A key aspect of such a monitoring system is to look seriously at the outcomes of justice. We did start in this study to track the impact of resolved problems on people's well-being. This work needs to be elaborate further in order to create a compelling picture of the value that access to justice has for people.

Create tracks for serious problems - focus prevention and resolution resources where the largest needs are.

A direct conclusion from the evidence about user-centered justice in Ethiopia is that now there is a clearer picture about the size and extent of the needs. This can make the prioritization of justice delivery truly evidence-based. Most people need protection in situations of land disputes, crimes, family and domestic violence problems. Focusing on these problems and delivering smart, user-friendly, accessible, and effective mechanisms will bring justice to millions of people in Ethiopia.

Another aspect of the prioritization is the focus on vulnerability. Women, illiterate, poor need specific attention. Justice mechanisms catering to their specific needs will help millions in their efforts to gain agency over their lives.

Bridges between informal and formal justice

Informal justice has a sizeable role in Ethiopia. For most people justice takes place in the community. This is a challenge and an opportunity. The challenge is to ensure that traditional justice delivers results and outcomes that are fair and non-discriminatory. Another difficulty for an isolated traditional justice system is enforcement and the related avoidance of 'forum shopping'. In Ethiopia, a country with complex ethnic and religious composition, traditional justice faces an even bigger challenge - the need for uniformity and predictability across people, regions, and states.

These challenge can be addressed through building smart links between formal and informal justice. Particularly in rural areas this might be a practical response to the justice gap. There are models in Ethiopia and the region that can be explored. The Social courts are an interesting and promising example. Another option is to experiment at a lower scale to test how such integration can work.

Courts can complement traditional justice mechanisms in a way that enhances access to justice for people. First, courts can provide redress

for dispute resolution processes organised in the community. In that way, the formal justice mechanism will guarantee that traditional justice yields its positive effects and does not do harm. Second, the courts can focus on the matters which pose greater legal and factual difficulty. Such a division between formal and informal justice requires careful process, organisational and legal design. The needs and expectations of the people should be central in such a design process.

Understand better "what works" and replicate it at scale.

There are gaps but also a lot of successes. A lot of justice takes place in Ethiopia every day. Millions of people manage to resolve their legal problems in a fair manner. They report many positive outcomes - i.e. improved relationships, secure environments, and predictable incomes.

Many lessons can be learned from the treatments that work. Deeper look at mediation and deciding mechanisms will show: what works, when and for whom. These lessons can be codified and scaled-up. It is not effective if every justice worker has to start learning from scratch. There are already good practices of organisational learning. JLSRTI promotes best practices through training of judges, prosecutors, police

officers, and other actors in formal justice. How to learn good practices needs to be introduced in the informal sector. This will ensure that millions of people receive just and fair outcomes.

Innovate the delivery of legal services, information and advice

Only 1% of the legal problems are directed to a lawyer. It is not realistic to expect anywhere soon that there will be enough lawyers to help the people with legal services, information, and advice. It is difficult to imagine that rural communities will have sufficient access to lawyers.

This requires new models that can scale services to the people who need justice. Service providers and innovators from around the world already work on such models. Valuable lessons can be learned from their experience. Ethiopia itself is a great source of inspiration. Ethiopian public officials, lawyers, informal justice leaders, entrepreneurs already have ideas about innovative solutions. Such ideas need to be promoted by forward looking policies and strategies.

Change is not enough. Transformation is what is needed.

In conclusion: the big challenges and opportunities of justice in Ethiopia require a new approach. Changing rules, procedures and services here and there will not bridge the justice gap. What is needed is a justice transformation. A transformation whereby the central focus are the people with their needs, abilities and vulnerabilities.

Justice transformation is not that difficult. It requires solid evidence about what people need, how the institutions perform, and which solutions deliver justice. The next step is to begin a dialogue that leads to concrete improvements and measurable results.



About the JNS

Justice is not just about the number of reported crimes. Nor is it about courts and laws. It is about common people. Their daily lives, their pain and frustration – and the justice outcomes that they get or do not get.

That is why we listen to people in each country to measure their satisfaction. We collect the voices of thousands with our Justice Needs and Satisfaction Survey (JNS) tool. It is the state of play that reveals people's actual legal problems, experiences and access to justice.

Adjusted to the specific context of the country it provides in-depth understanding for people working in the justice sector.

We also make the data available to policy-makers through clever interfaces, so they can work with the findings. The responsible use of this data leads to knowledge, creates empowerment, and builds accountability.

The countries we have worked in since 2014 include The Netherlands, Nigeria, Mali, Tunisia, Ukraine, Kenya, Bangladesh, Fiji and Ethiopia. Our target countries for 2020 are Ethiopia, Burkina Faso and the United States of America.

For more information, data, and insights visit:

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