

Justice Needs and Satisfaction of Refugees and Host Communities **2020**

Somali and Tigray Regions of Ethiopia



Hiil is passionate about social impact. We aim to empower 150 million people to prevent or resolve their most pressing justice problems by 2030. Why?

Each year, 1 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 significant impact on their lives and on society: From violence to seriously damaged relationships and business conflicts.

To make a long story short, justice systems, as they are currently organised, do not deliver what people need in their most difficult moments.

The problem is that the same models to deliver justice in past centuries are still used nowadays. This makes the process of getting justice today often slow, difficult and costly.

We truly believe, basic justice care for everyone is possible. With data and technology, we can co-create high-quality justice based on what we need now.

At Hiil we call it user-friendly justice. Justice that is affordable, accessible and easy to understand. It is justice that works.

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Glossary

Asylum-seeker: “An individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone, whose claim has not yet been finally decided on by the country in which the claim is submitted. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee was initially an asylum-seeker.”¹

City Court: Also known as Municipal or *Woreda* Court. For definition see Formal Court.

Domestic violence: Is used in this report to describe the types of violence that takes place within the home or family between intimate partners as well as between other family members.²

Formal Court: Courts authorised and acting on behalf of the State. Ethiopia has a dual judicial system, with Supreme, High, and First Instance

courts at parallel federal and state levels. At state level, First Instance courts – also known as Municipal, City, or *Woreda* courts – hear cases of civil, criminal, and petty offences, and Social Courts – or *Kebele* courts – hear cases of minor property and monetary disputes. Religious courts are recognised by the State, but are defined separately below as they do not act on behalf of the State.³

Gender based violence: An umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (that is, gender) differences between males and females. This includes acts that inflict physical, mental, or sexual harm or suffering; threats of such acts; and coercion and other deprivations of liberty, whether occurring in public or private life.⁴

¹ UNHCR Glossary of Terms, see <https://reporting.unhcr.org/glossary>.

² Inter-Agency Standing Committee (2015), *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery*.

³ Aneme & Bekele (2020), *Introduction to the Ethiopian Legal System*. NYU Hauser Global Law School Program, at <https://www.nyulawglobal.org/globalex/Ethiopia1.html>; Wojkowska (2006), *Doing Justice: How Informal Justice Systems Can Contribute*, UNDP, p9.

⁴ UNHCR *Glossary of Terms*, at <https://reporting.unhcr.org/glossary>; UNHCR (1951), *Convention Relating to the Status of Refugees*, article 1A(2); UNHCR (1969), *Convention Governing the Specific Aspects of Refugee Problems in Africa*, article 1(2).

General population: The term general population is used to refer to the respondents of HiIL's national JNS survey in Ethiopia as opposed to the respondents of this survey, which was targeted at members of Ethiopia's refugee and host communities.

Host-communities: A community of the host country, usually in a given administrative unit, whose socio-economic circumstances have been impacted (positively and/or negatively) by an influx of refugees.

Internally displaced person: "An individual who has been forced or obliged to flee from his home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border."⁵

Justice demand: People with legal problems, who need resolution of these problems, in such a way that

resolutions result in positive and sustainable outcomes.

Justice gap: People who are not able to resolve their legal problems, either because they are still waiting for resolution or have abandoned any hope of resolution, and those who resolve their legal problems but perceive the resolution as unfair.

Justice intervention: Refers to the journey a person takes from the moment they recognize they have a legal problem until an eventual resolution. The journey includes the search for legal information and advice, and taking actions to try to resolve the problem, either by directly engaging the other party, via a third party or through a combination of both.

Justice journey: Refers to the journey a person takes from the moment they recognize they have a legal problem until an eventual resolution. The journey includes the search for legal information and advice, and taking actions to try to resolve the problem, either by directly engaging the other party, via a third party or through a combination of both.

⁵ UNHCR Glossary of Terms, at <https://reporting.unhcr.org/glossary>.

Justice need: The need to have a legal problem resolved in a way that is affordable, accessible, easy to understand, and resulting in an outcome that positively relieves the person of the most negative consequences of the problem.

Justice provider: A person or organisation that is involved to more or less systematic extents in resolving legal problems. We distinguish between formal and informal justice providers. Formal providers have a State mandate to resolve legal problems based on the State's laws, without any higher authority than State law. Informal providers do not have a State mandate to uphold State law, as their decisions are subordinate to the higher authority of State law. Informal providers may be recognised by State law as providers of support in resolving legal problems but do not act on behalf of the State and its laws. In Ethiopia this means that:

Formal providers can be:

- Formal Courts – Supreme, High, First Instance, or Appellate, at either Federal or State (City or Social) level
- ARRA
- Police
- Lawyer
- Local public authority
- Special adjudicative board
- UNHCR, as it acts on a mandate provided by the state.

Informal providers can be:

- Shimegline, or other traditional Elders with popular authority
- Family
- Neighbour
- Friends
- Religious court or other authority
- Shurta
- Refugee Central Committee
- Other camp-based organisations

Justice supply: Justice providers from both the formal and informal sectors, and/or a combination of both.

Justice user: A person who engages a justice provider in a dispute resolution process.

Legal aid: People seeking to resolve a legal problem may seek personalised advice as to how to address their legal problem. We call the provision of such legal advice legal aid.

Legal information: People seeking to resolve a legal problem may seek legal information. We make a distinction between legal information and legal aid. Legal information is obtained through public sources such as the internet, catalogues, books, and radio. Legal aid is the provision of personalised legal information, or rather legal advice.

Legal problem: A legal problem refers to a problem that takes place in daily life – a dispute, disagreement or grievance for which there is a resolution in the (formal or informal) law. In the legal needs research, the term ‘justiciable events’ is also used. The resolution of the problem could be through an intervention of a third party – i.e. adjudication, administrative process, arbitration (decision) or mediation or through negotiation or reconciliation between the parties. It is not necessary that the respondent knows or recognizes its legal aspects. It is also possible that nothing has been done to resolve the problem.

Outcome (of resolving a legal problem): Outcome refers to the eventual result (positive or negative) of the way a legal problem is resolved. A legal problem may be resolved, for example, by decision of a court or agreement with the help of a mediator. The outcome of resolution may be, for example, restoration of damages or punishment of a perpetrator.

Refugee specific justice providers: Providers of justice services who only provide their services to refugees. In Ethiopia refugee specific justice services are provided by ARRA, RCC, Shurta, UNHCR and potentially other providers of justice services to refugees like universities or international NGOs.

Refugee: Refugees are persons outside their countries of origin, who are in need of international protection because of feared persecution or a serious threat to their life, physical integrity or freedom in their country of origin as a result of persecution, armed conflict, violence or serious public disorder, or who are forced to flee due to external aggression, occupation, foreign domination or events seriously disturbing public order.⁶

Refugee-related legal problems:

Legal problems that are specific to refugees and asylum seekers, such as difficulties obtaining refugee status, obtaining family or individual ration cards, obtaining birth certificates for children born of refugees in Ethiopia, recognition of educational diplomas from the country of origin, or being forced by someone else to engage in activities that are illegal for refugees, among other things.

Police: Ethiopia’s police force, operating at either federal (Ethiopia Federal Police) or regional level (Regional Police Force) in both urban and rural Ethiopian communities with enforcement powers as provided by law.

⁶ UNHCR *Glossary of Terms*, at <https://reporting.unhcr.org/glossary>; UNHCR (1951), *Convention Relating to the Status of Refugees*, article 1A(2); UNHCR (1969), *Convention Governing the Specific Aspects of Refugee Problems in Africa*, article 1(2).

Religious court: In Ethiopia, religious *Sharia* courts are recognised by the State, and may adjudicate in matters of personal status and family law, but only with the consent of all parties to the dispute.⁷

Resolution (of a legal problem): Resolution refers to the status of the problem; whether the respondent considers it resolved (completely or partially), ongoing and waiting or expecting to be resolved, or abandoned without expectation of the problem being resolved.

Shimeglina: Community Elders involved in reconciling disputes, whose authority derives from a popular reputation of being wise, eloquent, impartial, familiar with community customs, and faithful to prevailing norms. Shimeglina are used in both Ethiopia's refugee and host communities, as well as the country's general population.⁸

Shurta: A camp-based community safety mechanism consisting of refugee volunteers who take on the responsibility of maintaining safety of refugees within and around camps. They are supervised by ARRA and the Refugee Central Committee. They do not have enforcement powers

Social Court: Also known as *Kebele* Court. For definition see Formal Court.

User-friendly justice: Justice that is affordable, accessible and easy to understand based on evidence of what works for people seeking to resolve their legal problems. It places the user at the centre of the delivery of a justice service.

⁷ Aneme & Bekele (2020), *Introduction to the Ethiopian Legal System*. NYU Hauser Global Law School Program, at <https://www.nyulawglobal.org/globalex/Ethiopia1.html>.

⁸ Shiferaw (2017), *Effective Decision Making and its Impact on Social Justice: The Federal and Amhara National Regional Courts of Ethiopia*, Warwick: University of Warwick School of Law, p260-261; Getachew & Alula (2008), *Grassroot justice in Ethiopia-the Contribution of customary Dispute Resolution Mechanism*, Addis Ababa: CFEE.

Acronyms

ARRA – Agency for Refugees and Returnee Affairs

CAPI – Computer Assisted Personal Interviewing

CoO – Country of Origin

DRC – Danish Refugee Council

GBV – Gender-Based Violence

GCR – Global Compact on Refugees

HiIL – The Hague Institute for Innovation of Law

IDP – Internally Displaced Person

JNS - Justice Needs and Satisfaction Survey

NCRRS - National Comprehensive Refugee Response Strategy

OCP - Out of Camp Policy

OECD – Organisation for Economic Cooperation and Development

RCC – Refugee Central Committee

SDG – Sustainable Development Goal

UNDP – United Nations Development Programme

UNHCR - United Nations High Commissioner for Refugees



Executive Summary



Introduction (page 18-25)

This Justice Needs and Satisfaction Survey (JNS) for refugees and host communities was commissioned by the United Nations High Commissioner for Refugees (UNHCR) – the UN Refugee Agency, while the Government of Ethiopia’s Agency for Refugee and Returnee Affairs (ARRA) was fully consulted at all stages of the study. The aim of this study is to support the Government and its humanitarian and development partners to advance access to justice for both refugees and host communities. It is the first pilot in a series of JNS studies that will be conducted as part of a global partnership between HiiL and UNHCR initiated in 2019. The focus of this study is on justice experiences of refugees and host communities: The justice problems they have and the way they attempt to resolve them.

Methodology and Sample Demographics (chapter 2, page 26-39)

In January and February 2020, we surveyed 2,001 refugees and people living around the refugee camps (host communities). The data collection for

this study therefore happened prior to the outbreak of the November 2020 situation in the Tigray region. We interviewed 840 refugees and 401 members of the adjacent host communities in the Tigray region, which primarily hosts Eritrean refugees. Another 360 refugees and 400 host community members were interviewed in the Somali region, hosting mostly Somali refugees. The findings were compared with those of a JNS conducted by Hiil and the Government of Ethiopia in 2019, which sampled nearly 5500 individuals across the country (hereafter referred to as the general population) but did not target refugee hosting areas. Data analysis was further enriched with desk research and a triangulation session in August and September 2020, for which we interviewed representatives of the refugee and host communities, ARRA camp officials, UNHCR staff, as well as formal and informal justice providers.

Refugees and Host Communities in Ethiopia (chapter 3, page 40-65)

The Government of Ethiopia seeks to include refugees in national development planning and to improve

socio-economic development and public service delivery for both refugees and host communities, with the support of international donors and development partners. Gradual steps to include refugees and host communities are being considered. Against this background, we also included questions in the survey that are related to the social relations within and between refugee and host communities. The responses to questions about perceptions of discrimination, and mutual respect and safety suggest positive social relations. The same holds for questions on the extent to which refugees access services in the host community, and to which extent the host community accesses services in the camps.

At the time of the survey, the majority of refugees reported that they generally do not feel discriminated against, while one in four respondents reported feeling discriminated against to at least a large extent (23%). The study also highlights that while most refugees possess refugee identity documents, they commonly lack civil documents, especially in the Somali region. This may create obstacles

in accessing public services and participating in Ethiopia's social and economic life.

Justice policies, Institutions and Services (chapter 4, page 66-73)

The Government of Ethiopia has initiated far-reaching governance reforms seeking to strengthen its justice institutions and increase access to justice for Ethiopians. Most people access State level institutions.

ARRA is in charge of refugee affairs and camp management. It is also responsible for the provision of justice services in the camps, such as the provision of security, dispute resolution, and the issuance of legal documents. In order to execute these tasks, it works with the camp governance structure and in particular the Refugee Central Committee (RCC) and the Shurta. The RCC is mandated to settle dispute under the overall guidance of refugee Elders. The Shurta voluntarily offers safety and security support in and around the camps.

The Justice Gap (chapter 5, page 74-93)

43 percent of refugees experienced a legal problem during the last four years. The problem rate was

considerably higher for Eritrean refugees (50%) than for Somali refugees (26%). One possible explanation for this might be underreporting, resulting from stigma or different interpretations of what constitutes a legal problem. The problem rate for refugees is similar to the general population (40%), but considerably higher than for host communities (27%).

Crime (mostly theft and assault) is the most common and most serious legal problem for refugees (58% of refugees who reported a problem experienced a crime), followed by domestic violence and other forms of gender-based violence (GBV, 14%). The latter is most likely underreported because of stigmatization and shame. In host communities, crime is also the most common problem (36%), followed by land problems (25%). For the general population, on the other hand, land problems are most common (38%), followed by crime (26%).

Refugees not only experience more legal problems than host community members and people in the general population, they also rate their problems as more serious. Moreover, they are the least likely group to resolve them: only 23% of refugees resolves their legal problem, compared to 37% of the host community and 45% of the general population. Especially



young refugees frequently give up on their attempts to resolve their legal problems.

Impact of the Problems in Ethiopia (chapter 6, page 94-103)

Refugees tend to report more serious, often violence-related consequences of their legal problems than host community members and people in the general population. The average impact of their most serious legal problem is also higher in a number of specific areas of personal life (e.g. impact on health, work, relations, and finances). This suggests that refugees suffer disproportionately from legal problems.

The only exception is the negative impact of a legal problem on productivity at work. The general population, including host communities, reports more legal problems at work, with a more negative impact on work productivity. This is not because refugees do not have problems at work, but because refugees are much less likely to have work in the first place. Refugees report very little formal, contracted employment. They do report some informal work, but in work that is not based on a contract there is usually little if any legal action that can be taken to resolve disputes - in line with the definition of a legal problem being

a 'justiciable' problem, see glossary.

Dispute Resolution (chapter 7, page 104-133)

There are no differences between refugees, host communities and the general population in the propensity to take action to resolve legal problems. In all groups, 75-80% of people with at least one legal problem take action to resolve this. Disaggregating by gender reveals that women from host communities have a lower action rate of 69%.

44% of refugees abandon their attempts to resolve their legal problems. This is significantly higher than in the host communities (27%) and the general population (26%). 65% of refugees who abandoned their attempt say they did so because they did not expect a positive result. The same reason was given by 63% of the host community members who abandoned their attempts to resolve their legal problem(s), whereas only 35% of the general population selected this reason.

Different groups use markedly different justice providers. The general population mostly engages the Shimeglina (43%) to resolve their legal problems, while host communities mostly engage the police (37%). Refugees from Somalia are most likely to engage ARRA (30%), a neighbour (26%) or the Shimeglina (24%), whereas refugees from Eritrea mostly engage family members (26%), police (22%) and ARRA (22%). Refugees also engage the Shurta (14% of Eritrean refugees and 4% of Somali refugees) and the RCC (11% of Eritrean refugees and 5% of Somali refugees). Refugees are four times less likely than the other two groups to access dispute resolution services of formal courts.

On average, the three groups rate the level of helpfulness for all interventions similarly, but evaluations of specific providers tend to be slightly worse for those who serve refugees. One clear difference is that justice providers apply a different dispute resolution approach for refugees. They provide refugees less often with a decision and more often with advice or referrals to other justice providers. While this could be helpful, it often does not result in a resolution. This might be because refugee specific justice providers such as ARRA, the RCC, and the Shurta do not have enforcement or decision-making powers. However, the police (one of



the few formal providers that we can identify in all groups) also provides more often advice to refugees (32%) and host communities (26%) than to the general population (17%).

The evaluation of the costs and quality of processes and outcomes shows rather low ratings across the different groups. In general, refugees report more negative emotions and stress associated with the procedures. On the other hand, they experience lower monetary costs and spend less time on procedures than the general population. Refugees express lower levels of trust in the police than the other two groups.

Legal Information and Advice (chapter 8, page 134-149)

Access to legal advice is limited in Ethiopia, with no real differences between refugees, host communities, and the general population. On average, about two in three persons in all groups sought a form of advice. This is low compared to other countries in Africa. People who did seek advice have a better chance at resolving their problem. This increase is especially high for refugees, but their resolution rate remains lower than that of host communities and the general population.

All groups turn mostly to family members and other people in their social environment for legal advice. When looking at more formal providers of legal advice, a high percentage of host community members consult free legal aid providers such as universities, local NGOs, and the Danish Refugee Council (DRC). While their services are reportedly also available to refugees, they do not seem to access them, engaging ARRA and the police instead. People in the general population tend to turn to the Shimeglina or local public authorities for advice. Lawyers play little or no role for any of the groups.

Both ARRA and free legal aid providers often give advice on rights and duties. ARRA's legal advice further tends to consist of providing refugees with referrals to other justice providers. About one in three persons from the host communities who consulted free legal aid said that they also received emotional support, while one out of four received financial support.

Findings and Recommendations (chapter 9, page 150-158)

Refugees currently experience more legal problems than host communities and the general population, rate these problems as more serious, and are less likely to resolve their problems.

Crime is the most common problem experienced by both refugees and host communities, followed by domestic violence, including GBV, for refugees and land-related legal problems for host communities. These are problems that have a serious impact on people's lives.

The national JNS showed that land problems are the most common type of legal problem for Ethiopia's general population. This JNS showed that it is the second-most common legal problem for host communities, while refugees hardly report any land problems. This is likely explained by the fact refugees in camps do not usually own or cultivate land. If refugees increasingly access land outside the camps and engage in sharecropping and rental arrangements, this may inevitably lead to more land disputes between members of refugee and host communities. The data also revealed that the majority of refugees lack civil documentation such as birth and marriage certificates. This might create

further obstacles to participate in civic life such as participation in the workforce and public support for family care. To ensure smooth people-centred inclusion approaches, these would be justice priorities to consider.

Finally, to successfully support the above-mentioned justice priorities and turn them into reality, this report has a number of findings that provide important entry points for the design of successful justice interventions. It is recommended that these are being further reflected upon and discussed as part of a multi-stakeholder approach.

1

Introduction



This report is about the justice needs of refugees and host communities in Ethiopia. In a partnership with UNHCR, The Hague Institute for Innovation of Law (HiiL) conducted a Justice Needs and Satisfaction Survey (JNS) in the early months of 2020 (see box 1). Over 2000 members of refugee and host communities were interviewed in Ethiopia's Northern Tigray region and South Eastern Somali region.

The JNS measures the legal problems people have in their everyday lives, what they tried to resolve them, whether that was successful, and what the impact is of unresolved legal problems. With this information, priorities for the improvement of access to justice can be established.

The study of this report was conducted prior to the outbreak of the November 2020 situation in Tigray. This report does not reflect the justice needs, nor the political or humanitarian needs in the area.

Ethiopia is the second largest refugee-hosting country in Africa. The Government of Ethiopia, particularly its Agency for Refugee and Returnee Affairs (ARRA), which is responsible for refugee protection, is considering and implementing changes to its refugee laws and policies. In 2016 and 2019, Ethiopia made several policy pledges in this regard (see box 2). In February 2019, Parliament adopted Refugee Proclamation No. 1110/2019 to facilitate the implementation of these pledges. ARRA is working on a National Comprehensive Refugee Response Strategy (NCRRS) to operationalise the implementation.

BOX 1

HiiL-UNHCR Partnership

This report is the first in a series of Justice Needs and Satisfaction (JNS) surveys conducted as part of a partnership between HiiL and UNHCR initiated in 2019. HiiL is a leader in justice innovation. It is known particularly for its JNS survey that it has spent years refining and which has become an internationally recognized methodology for measuring justice, including in the context of the SDGs. The surveys take a people-centred justice approach, focusing on understanding needs from the perspective of the end user. HiiL has extensive datasets, with citizens surveyed in over twenty countries so far.

UNHCR is mandated to work with States to provide international protection and to seek permanent solutions for persons under its mandate. These include refugees, refugee returnees, stateless persons and in some situations internally displaced populations. Key to fulfilling this mandate is supporting States in ensuring that these populations have access to rights at the same level as nationals or legal residents of a country, without discrimination.

In 2015, HiiL started including samples of displaced populations as part of general population studies in Ukraine, Jordan, Lebanon, and Nigeria. The HiiL-UNHCR partnership was initiated in 2019 to improve the methodology for doing so, more systematically and at scale. The data that HiiL-UNHCR can collect together provides for a better understanding of inequalities, discrimination and potential triggers for conflict that might exist among and between different population groups. It provides a basis for innovation in justice delivery to forcibly displaced and stateless populations and their host-communities and for improving social cohesion. This information is critical for ongoing and future programming by governments and humanitarian, development and other partners engaged in the justice or social sectors, and/or in responses to forced displacement and statelessness. It is key to fulfilling the central premise of the 2030 Development Agenda to leave no-one behind.

At the time of the survey, a small number of refugees live in urban areas, while most refugees live in camps. With support from humanitarian partners, in particular UNHCR, the Government of Ethiopia provides refugees with education, healthcare, justice and other public services, generally in parallel to Ethiopian citizens. Sometimes, the services provided to refugees may even be of better quality than those provided to the local Ethiopian communities that host them (hereafter, host communities). With support from humanitarian and development partners, the Government now seeks to include refugees in national development planning and to improve socio-economic development and public service delivery for both refugees and Ethiopians.

The Government of Ethiopia is considering governance reforms that improve access to justice for refugees and their host communities. As part of its governance reforms, Ethiopia is developing a national justice sector strategy. To include refugees in national justice services, national justice systems may require additional support to strengthen the capacity to serve both refugees and host communities. Ethiopia's ongoing





governance and justice reforms provide opportunities to realize this with support from partners.

As a first of its kind, this JNS for refugees and host communities was commissioned by UNHCR in full consultation with ARRA in response to the changing refugee policy context in Ethiopia. The JNS study was conducted in partnership with and drawing on the expertise from The Hague Institute for the Innovation of Law (HiIL), a leader in the field of justice needs assessments and innovation. The JNS study for refugees and host communities also benefitted from insights from a nation-wide JNS study conducted by HiIL in partnership with the Ethiopia Attorney General's Office. This latter study aimed at identifying the justice needs of the Ethiopian population to inform and advance Ethiopia's governance and justice sector, strengthening processes and progress towards SDG 16.

The aim of the JNS study for refugees and host communities is to help the Government of Ethiopia and its humanitarian and development partners to identify priorities for improvements of access to justice for refugees and host communities.

Specifically, the information will provide insights relevant for implementation of Article 30(1) of Refugee Proclamation No. 110/2019, which accords refugees the right to access to justice on an equal footing with Ethiopians. Justice needs may also be related to the rights to education, work, documents and access to social services. The aim of the JNS study for refugees and host communities is to help the government of Ethiopia and its development and humanitarian partners to identify priorities for improvements of access to justice for refugees and host communities.

ETHIOPIA'S 2016 PLEDGES

Out of Camp Pledge

1. Expansion of the “Out-of-Camp” policy to benefit 10% of the current total refugee population.

Education Pledge

2. Increase of enrolment in primary, secondary and tertiary education to all qualified refugees without discrimination and within the available resources.

Work and Livelihoods Pledges

3. Provision of work permits to refugees and to those with permanent residence ID, within the bounds of domestic law.
4. Provision of work permits to refugees in the areas permitted for foreign workers, by giving priority to qualified refugees.
5. Making available irrigable land to allow 100,000 people (amongst them refugees and local communities) to engage in crop production.
6. Building industrial parks where a percentage of jobs will be committed to refugees.

Documentation Pledges

7. Provision of other benefits such as issuance of birth certificates to refugee children born in Ethiopia, possibility of opening bank accounts and obtaining driving licenses.

Social and Basic Services Pledge

8. Enhance the provision of basic and essential social services.

Local Integration Pledge

9. Allowing for local integration for those protracted refugees who have lived for 20 years or more in Ethiopia.

ETHIOPIA'S 2019 PLEDGES

Socio-economic opportunities

1. Create up to 90,000 socio-economic opportunities through agricultural and livestock value chains that benefit both refugees and host communities.

Skills Training

2. Provide equitable, quality and accredited skills training to 20,000 hosts and refugees.

Energy Solutions

3. Provide market based and sustainable household and facility-based energy solutions for three million people.

Asylum system and Social Protection Capacity

4. Strengthening the Government of Ethiopia's Asylum system and Social Protection Capacity.

2

Methodology and Sample Demographics



This report gives meaning to the notion that access to justice is an essential element of refugee protection. It is based on HiiL's unique survey methodology for the measurement of justice needs and satisfaction.

Identifying the justice needs of refugees and host communities in Ethiopia enables the design of accessible, user-friendly justice services, empowering refugees and host communities to resolve their legal problems.

What are the most prevalent justice needs of refugees and host communities? What do they view as their most pressing justice needs? What obstacles do different people face in their attempts to resolve a legal problem? What consequences do people experience when failing to resolve a legal problem? What outcomes do people expect when they succeed in resolving a legal problem? What do their experiences tell us about how best to serve them?

In 2019, HiiL also conducted a nationwide JNS study in Ethiopia, commissioned by the Government of Ethiopia and conducted in cooperation with its Federal Office of the Attorney General. Almost 5400 men and women from the general population responded to the JNS survey in face-

to-face interviews across the country. The national survey allows this report to compare findings about the justice needs of Ethiopia's refugee and host communities with findings about the justice needs of the country's general population. The comparison may show where overlapping justice needs could be addressed by shared justice services, in line with the GCR's and NCRRS's promotion of refugee inclusion in Ethiopia's national systems..

2.1 The HiiL approach: Measuring justice needs and satisfaction

Measuring what people need and how many people need it is rare in the justice sector. Needs assessments are commonly and successfully used in sectors such as public health, education, and humanitarian relief to establish baselines for planning, design, and distribution of programmes and resources. Needs are diagnosed, so that adequate responses can be planned.

HiiL proposes such a 'diagnose and response model' for the justice sector. Our JNS survey is a unique assessment of justice needs. It combines relevant indicators to measure the size and cost of the justice gap, the general impact of legal problems, and a typology of

common justice journeys. In the case of this UNHCR study, HiIL has added an assessment of the justice needs refugees may have in the future.

HiIL is a pioneer in the conceptualisation and the study of access to justice. We draw on years of refining our JNS survey, which has been tried and tested in nearly 20 countries thus far. Our concept and methodology are recognized by the global SDG 16 community, and our data is used by, among others, the World Bank, the OECD, and the Task Force on Justice, UNDP, and the SDG 16 Pathfinders.

Measuring the justice gap

At HiIL we refer to the difference between the justice resolutions people need and the resolutions they get as the 'justice gap'. We ask people if they have experienced one or more legal problems in the previous four years. If they have, we ask them to indicate what legal problems they had. Respondents choose up to 10 from a list of nearly 100 legal problems, categorised by type of legal problem, like family- or land-related disputes. We added a category of legal problems that relate specifically to refugees.⁹

⁹ This list of legal problems was drafted in consultation with local justice experts, to make sure that it covers all potential legal problems particular respondents may have, in a language that is familiar to them. See appendix 1 for the list of legal problems.



Recognising that legal problems affect people's lives in more or less severe ways, we then ask them to indicate their most serious legal problem. Finally, to measure the justice gap we ask which legal problems people were able and unable to resolve.

Comparing the reported number of legal problems experienced and the number of legal problems resolved, we can approximate the size of this justice gap.

As selected demographic indicators are recorded for each respondent, the justice gap can be disaggregated for relevant groups and locations of people, producing what we call an 'epidemiology' of legal problems and justice needs.

Measuring the impact of legal problems

To understand the impact of unresolved legal problems, respondents are asked about the consequences of their most serious ones. We ask respondents whether they experienced consequences like a loss of income, harm to family relationships, or even the death of a relative.

Disaggregating for relevant demographic indicators, correlations

between types of people and types of consequences emerge. This helps policymakers, justice providers, development and humanitarian actors and donors to set priorities and focus their attention on improving access to those justice services that are most beneficial for people and society.

Measuring the justice journey

Justice services can be improved and made more accessible by designing them from a user's point of view. The JNS survey offers an in-depth analysis of what people need to enjoy efficient, accessible and satisfactory justice mechanisms.

What dispute resolution mechanisms do people engage when faced with a legal problem? Do they first consult with a family member, involve a formal or informal authority, or turn straight to court? What kind of interventions work for people in their attempts to resolve a legal problem? For example, when do people prefer mediation to resolve a dispute, and under what conditions does arbitration work better? What obstacles do people experience in their attempt to use justice services?

The JNS survey then measures how people evaluate the quality of different justice services in three dimensions:

The process, the outcomes, and the costs involved. Questions about these dimensions are categorised and

displayed in ten easy-to-understand indicators, as per the table below.

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 negative emotions	Stress and negative emotions attributed to the process.

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 rank their satisfaction with the above ten indicators of the cost, quality and outcome of their legal problem resolution process. This enables a convenient visualisation of people's overall satisfaction with their resolution process. Spider web charts in Chapter 7 show what does and does not work in people's justice journeys.

Measuring legal information and advice

Awareness of rights and the mechanisms available to claim them is key to understanding the legal dimension of a problem on the one hand, and that help is available to resolve it on the other. But information about rights and legal procedures is not always available, or people may not know where to find it. Part of

accessible justice services is accessible information and advice.

The JNS survey identifies what sources of information people use, and whether advice given effectively helps people resolve their legal problems. Results are telling as to when, where, and how people seek and find what they perceive as the most useful information.

2.2 Implementation and analysis

In 2019, the HiiL team and local UNHCR officers adapted the JNS questionnaire to reflect the reality of the refugee and host community experience of legal problems and justice services in Ethiopia. We formulated answer categories that reflect local realities

and sensibilities. We added questions about social relations, feelings of safety, and access to local services, as indicators of social cohesion between refugee and host communities in the often remote locations of the refugee camps.

The questionnaire was translated into the local languages of the different refugee and host communities and uploaded for use on tablets with Computer Assisted Personal Interviewing (CAPI) software.¹⁰

In consultation with staff of UNHCR's local offices in Ethiopia, a clustered sampling method was adopted. Respondents were selected in and around camps in the Northern border area of the Tigray region and the South Eastern border area of the Somali. Some 1200 refugees and 800 host community members were interviewed.

In December 2019, HiiL conducted a two-day training of Ethiopian survey enumerators from the leading local data collection company ABCON in Addis Ababa. The HiiL and UNHCR teams trained ABCON on working in refugee camps, applying the JNS

questionnaire, the sampling plan and relevant concepts of access to justice.

Interviews were conducted in January and February 2020, just before the COVID-19 pandemic reached Ethiopia and prohibited any such face-to-face data collection. Geo-tagging through CAPI and random calls to enumerators enabled HiiL to verify whether interviews were conducted in accordance with the sampling plan. Further quality checks included partial dataset revisions, supervised interviews and final data check-ups.

As the dataset grew with each interview received through CAPI, HiiL cleaned and structured the dataset. We looked at the distributions inside the different categories to avoid misrepresentation based on sample size. We systematically disaggregated the sample at the levels of gender, age, location, income, and in principle reported only when there is a significant difference in the groups, in some cases explicitly mentioning the absence of significant difference.¹¹

¹⁰ In other words, face-to-face interviews conducted with the support of a programmed questionnaire on a tablet computer.

¹¹ We report significant differences at the $P < 0.05$ level.

Upon receiving the last observations completing the dataset, HiiL conducted a preliminary analysis, and asked local experts to give feedback on the findings. While we usually conduct such 'data triangulation' in focus group discussions with selected experts, COVID-19 prohibited such a gathering. Instead, our colleagues from Reos Partners together with the local help of Destiny Ethiopia and UNHCR field officers organised telephone interviews in September 2020 in order to triangulate the dataset.

Nearly 40 refugees, members of host communities, and camp-level justice sector practitioners from ARRA, UNHCR, and formal and informal justice providers reviewed the preliminary findings and expressed generally positive opinions of the data.

First of all, during this triangulation process, local experts underscored the value of the access to justice perspective taken in the JNS study. Secondly, they recognised what the dataset suggested. Their familiarity with some of the core trends identified confirmed that the study was conducted correctly. Thirdly, some of the more surprising findings were a

source of learning rather than a reason to reject the data.

Some of the responses from the triangulation interviews are included in the analytical chapters below, corroborating, elaborating, and challenging the quantitative findings of the study.

2.3 The survey sample

Enumerators of ABCON visited a total of seven refugee camps in the border areas of the Tigray and Somali regions, where they interviewed refugee camp residents and members of the Ethiopian host communities living in the immediate vicinity of the camps.

HiiL conducted the national JNS survey earlier in 2019, speaking to Ethiopians in the privacy of their homes in six regions across the country (Tigray, Amhara, Oromiya, SNNP, Addis Ababa, and Dire Dawa Astedadar).

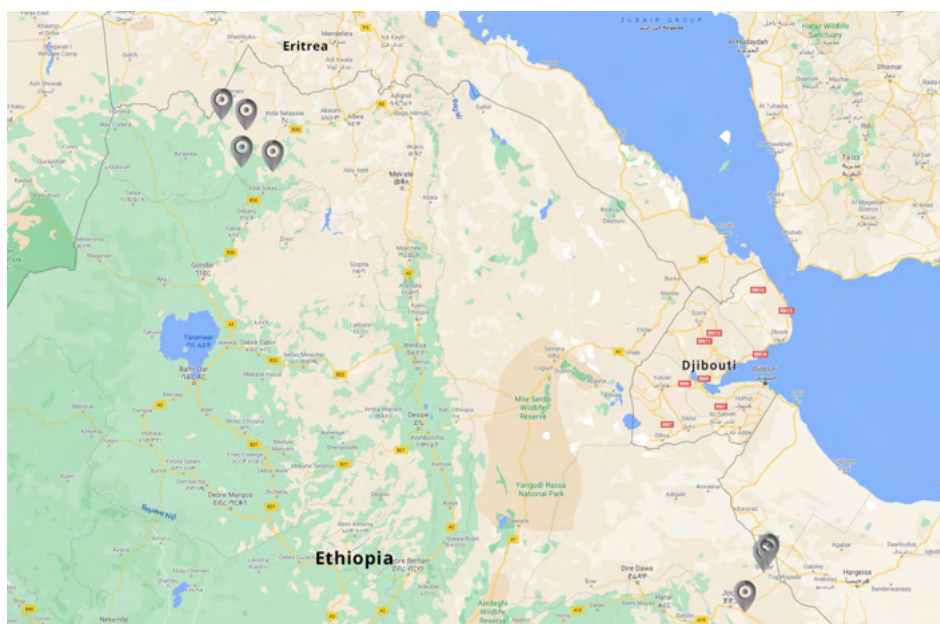
Location and size

In the Northern Tigray region, 840 refugees were interviewed in the four camps of Hitsats, Mai-Aini, Shimelba, and Adi Harush, hosting primarily Eritrean refugees. Around these camps, 401 members of the host community were interviewed.

In the South Eastern Somali region, 360 refugees were interviewed in the camps of Kebrebeyah, Sheder and Aw-Barre, hosting Somali refugees.

Exactly 400 members of the adjacent host communities were interviewed here.

This brings the total number of respondents to 2,001, with 1,200 refugees and 801 members of host communities.



Approximate locations of surveyed refugee camps.

Camp/vicinity	Hosts	Refugees	Total
Kebrebeayah	221	145	366
Sheder	59	120	179
Aw - Barre	120	95	215
Hitsats	193	168	361
Mai-Aini	65	240	305
Shimelba	47	181	228
Adi Harush	96	251	347
Total	801	1,200	2,001

Total number of respondents by location and type.

Where possible and relevant, we compared findings between the general population, host communities, and refugees at the regional level. These comparisons, however, are limited to the Tigray region for two reasons. First, no data was collected among the general population in the Somali region. Second, the number of people reporting one or more problems in the Somali host communities is relatively low. This means the number of responses,

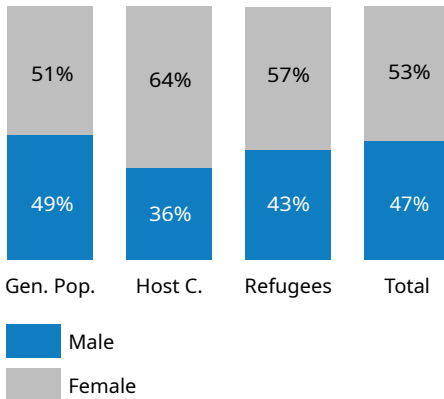
especially on data points further in the justice journey, becomes too small to make reliable and meaningful comparisons.

Basic sample demographics

The gender distribution within the samples of host communities and refugees shows a slight overrepresentation of females. We allowed this to ensure that female voices are solidly represented.

¹⁵We report significant differences at the $P < 0.05$ level.

Gender by sample

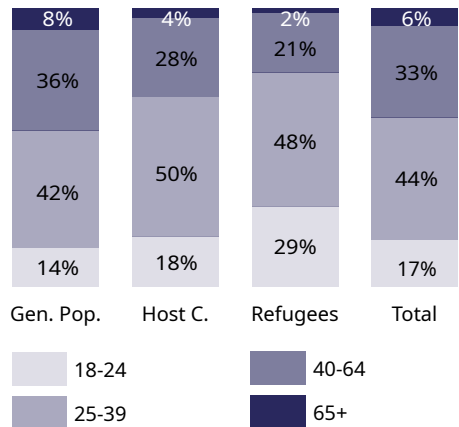


The JNS survey also inquired about the marital status of respondents. Approximately 25% of the refugee sample is single, compared with 12% and 14% for the general population and host community samples, respectively. About 56% of the refugee sample is married,¹² compared with around 70% of both the general population and host community samples.

As the JNS survey is conducted with respondents of adult age only, the sample does not reflect the youth bulge in refugee camps. The sample of host communities and refugees had a high response rate from young adults.

The share of refugee respondents in the age bracket 18-24 is particularly large, and together with the age bracket 25-39 constitutes 77% of the refugee sample.

Age groups by sample

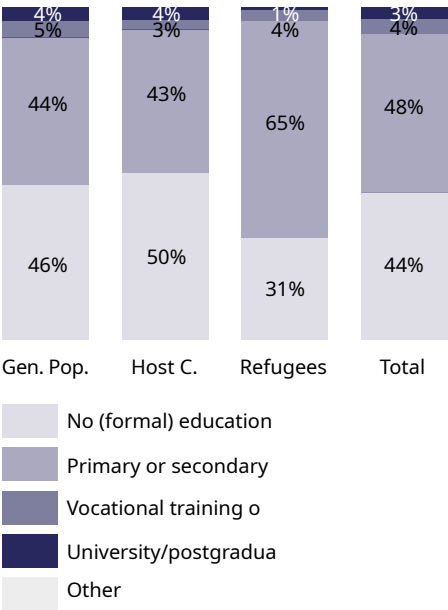


Refugees in the sample show a higher level of education than members of the Ethiopian host communities and the country's general population. Two-thirds of the refugee respondents have had primary or secondary education, compared with less than half of their Ethiopian neighbours. Refugees, however, are less likely to have tertiary degrees, which is commensurate with their young average age and the general absence of tertiary education in refugee camps.

¹² This does not necessarily mean that married respondents lived with their spouse at the time of the interview.



Education levels by sample

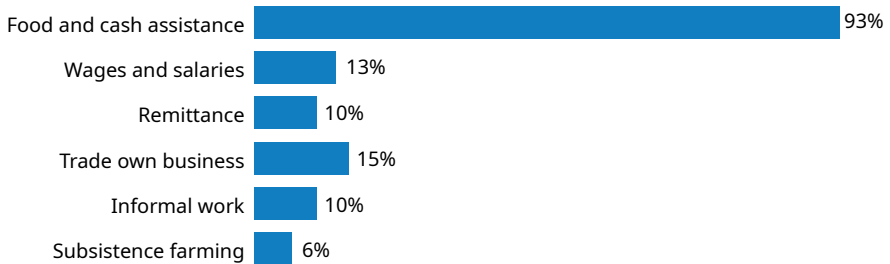


More than 80% of both the refugee and host community samples have access to a phone. With approximately half of the sample reporting access to the internet, they seem to have on average twice as much internet access than Ethiopians. In the country’s general population, including the host communities near the camps, only one in four people report access to internet connectivity.

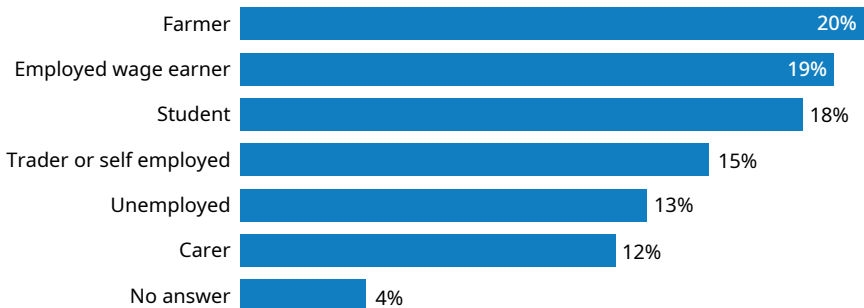
The vast majority of refugees in the sample rely on humanitarian food and cash assistance as their main sources of income. Before they relocated to

Ethiopia, however, more than four out of five refugees were employed, studied, or took on homecare in their country of origin.

Current sources of income



Sources of income before fleeing country of origin



The socio-economic context in which refugees and host communities live, however, varies quite significantly per camp and region.

3

Refugees and Host Communities in Ethiopia



At 31 October 2020, Ethiopia was hosting 796,437 refugees and asylum-seekers, most with refugee status, while a small number awaited the outcome of their asylum application.¹³

Refugees in Ethiopia originate primarily from three of its neighbouring countries: South Sudan, Somalia, and Eritrea. Most of the refugees reside in regions just across the border from these countries of origin (CoO). For historical reasons, they usually find ethnic similarities with the Ethiopian host communities there.

In Ethiopia's South Western Gambella region, 362,787 South Sudanese refugees reside, forcibly displaced by the 2013 eruption of civil war in their young country. They are the country's largest refugee population.

The second largest population of 201,465 Somali refugees reside mainly in the South Eastern Somali region. 37,735 live in the camps of Kebrebeayah, Aw-Barre, and Sheder near the regional capital Jijiga. The vast majority reside in camps around Melkadida further South, which absorb most of Somalia's refugees.

Of the 178,315 Eritrean refugees, most reside in the Northern Tigray region, while some reside more often near and in urban centres, mainly Addis Ababa. Compared to other refugee groups, Eritrean refugees are spread more widely across the country.

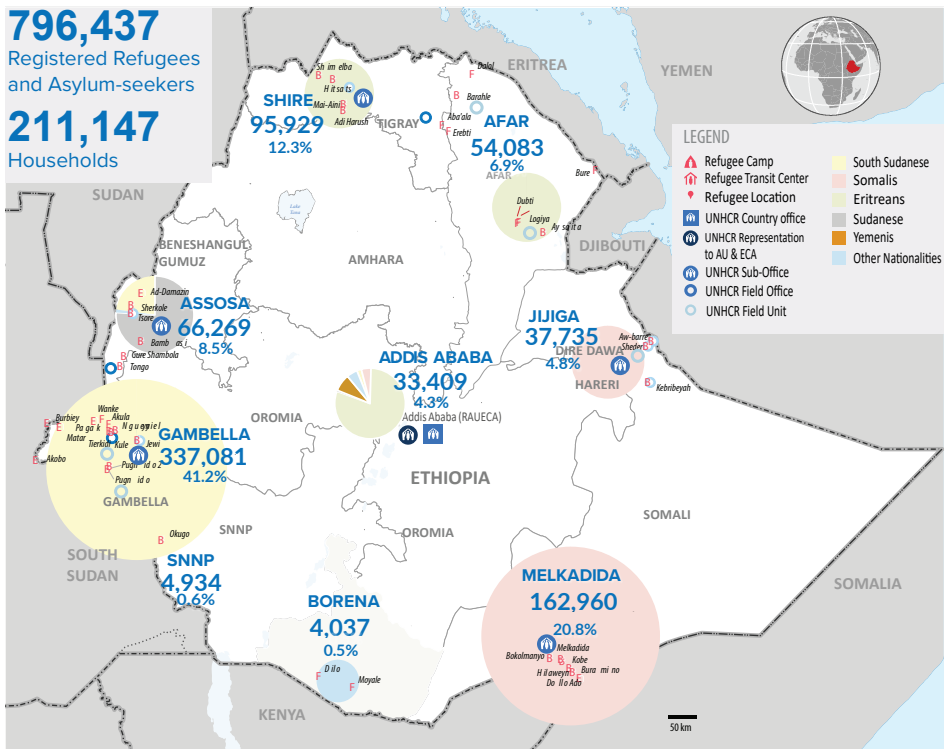
A smaller population of 43,789 Sudanese refugees are in the West near Assosa, where around 10,000 refugees from other nationalities also live. Some 9,000 Yemenis and other nationalities are in or near the capital, Addis Ababa.¹⁴

Most of Ethiopia's camps are located in its relatively under-resourced and under-developed border areas, also referred to as 'emerging regions'. The majority of refugees tend to live in camps situated just across the border from their CoO.

¹³ For ease of reference, this report uses the term refugee to refer to both refugees and asylum seekers; UNHCR (July 2020) *Ethiopia Monthly Refugees and Asylum Seekers Population Data* at <https://data2.unhcr.org/en/documents/details/78116>.

¹⁴ UNHCR (October 2020) *Ethiopia Monthly Refugees and Asylum Seekers Population Data* at <https://data2.unhcr.org/en/documents/details/78116>.

Below we look in more detail at the regions and camps where the survey was conducted.¹⁵



Number of refugees by camp location, UNHCR October 2020.

¹⁵ As outlined in chapter 2, findings of this chapter are based on the two selected refugee hosting locations Tigray and Somali regions.



3.1 Camps and host communities in Northern Tigray region

The locations of Eritrean refugees in Ethiopia are influenced by the history of political relations between their home and host country. Until Eritrea's independence in 1993, Eritreans were Ethiopian citizens. The war the two countries waged between 1998 and 2000 saw a first wave of Eritreans flee across the border, with more following for different reasons since.

Their shared political history reflects shared ethnic ties and cultural practices that precede the erection of the 1993 border but are characterised by diversity no less. Most refugees in Tigray share the Tigray ethnicity and Tigrigna language with the Ethiopian host community. A smaller minority is Kunama and speaks Kunamigna, shared with only a small minority of Ethiopian Kunama. Also, many Eritrean refugees of the Afar ethnic group live in the Afar region in North Eastern Ethiopia.

Christianity and Islam are practiced among refugee as well as host communities. Significant interaction between refugees and hosts take place around religious events. Refugees worship in mosques and churches in local towns and villages,

and their residents attend religious celebrations in the refugee camps. As such, marriages between refugees and members of the host community are not uncommon in Tigray.¹⁶

Most interactions between them, however, take place around economic activity and the use of services, although this varies per camp.

Adi Harush

Adi Harush camp is close to the regional town of Mai-Tsebri, at a distance of some 3 kilometres. This allows refugees to trade in the local market and buy goods and services from local shops and service providers. In October 2020, Adi Harush camp hosted 32,167 refugees, who are predominantly Tigray Eritreans.¹⁷ Their presence provides business opportunities for local Tigrigna-speaking town residents. Pharmacies, restaurants, and internet cafes, for example, are only a few minutes away from the camp. Refugees and local residents tend to use services across both communities. Water availability is

better in Adi Harush, attracting locals, especially during the dry season. Refugee secondary school students receive education in Mai-Tsebri, with schools receiving material support from refugee support agencies. Healthcare facilities in both camp and town are reportedly poor, and referrals to city hospitals are often too costly or the hospitals are too far away.¹⁸

Shimelba

Shimelba is a more remote refugee camp; its approximately 8,702 (October 2020) refugees are situated 30 km away from the nearest town Shiraro.¹⁹ On top of that, it is host to most of the Kunama refugees for whom it is harder to interact with the Tigrigna-speaking locals. With less access to local markets and trade, Shimelba refugees engage in agriculture and herd small numbers of livestock. Sharecropping arrangements with farmers from nearby villages are common, where refugees and their animals work on locally owned lands. In the past, this led to disputes over grazing lands used by refugees, which

¹⁶ Ludi & Yohannes (October 2020), *Tigray Regional Context: 2018-2019 Refugee and Host Community Context Analysis*, ODI/DRC.

¹⁷ At the time of writing, population numbers by camp were internal UNHCR numbers.

¹⁸ UNHCR (2018) *Camp Profile Adi Harush*, at <https://data2.unhcr.org/en/documents/details/62692>; Ludi & Yohannes (October 2020), *Tigray Regional Context: 2018-2019 Refugee and Host Community Context Analysis*, ODI/DRC.

¹⁹ At the time of writing, population numbers by camp were internal UNHCR numbers.

were claimed by locals. Locals tend to access water at Shimelba camp, which reportedly is not a cause of friction with refugees. The camp's secondary education facilities are also much better than in surrounding villages, attracting local students into the camp. Due to Shimelba's isolation, access to healthcare for refugees is an even bigger challenge, with no access to nearby pharmacies and longer travel to city hospitals.²⁰

Mai-Aini

Mai-Aini camp was initially established to provide shelter to mainly single women and female-headed households, although among its 21,682 (October 2020) refugees there are now more men than women.²¹ It is located in the rural Shire district, 5km from the town of Embamadre, on the main road to the Amhara regional city of Gonder.

Proximity to traffic has produced some business activity in the camp, but no significant exchange relationships with host communities that are located further afield have developed.²² Basic services like water, shelter, healthcare, and food are regularly insufficient. Compared with nearby towns, education is again better in the camp and local children go to school there.²³

Hitsats

Hitsats refugee camp is the newest and reportedly least favourable of the Tigray region camps because of less well-established housing.²⁴ Nonetheless, it hosts 25,248 mainly Tigray Eritrean refugees.²⁵ The camp is effectively part of the small local town of Hitsats, without physical separation of the camp and local residencies. Located in a desert area, Hitsats camp and town are both characterised by a

²⁰ UNHCR (2018) *Camp Profile Shimelba*, at <https://data2.unhcr.org/en/documents/details/62695>; Ludi & Yohannes (October 2020), *Tigray Regional Context: 2018-2019 Refugee and Host Community Context Analysis*, ODI/DRC.

²¹ At the time of writing, population numbers by camp were internal UNHCR numbers.

²² Getachew (March 2018), *Moving in the Face of Uncertainty: The Life of Eritrean Refugees in Ethiopia*, at <https://cfec.hypotheses.org/2502>.

²³ UNHCR (2018) *Camp Profile Mai-Aini*, at <https://data2.unhcr.org/en/documents/details/62694>; Creta April 2020), "Ethiopia plans to close Eritrean refugee camp despite concerns," *Al Jazeera English*, at <https://www.aljazeera.com/news/2020/4/19/ethiopia-plans-to-close-eritrean-refugee-camp-despite-concerns>; Hailemichael Legesse (2017), *Human Security and Eritrean Refugees: The Case of Mai-Aini Camp*, ISS.

²⁴ HHD (May 2018), *Hitsats Refugee Camp in Ethiopia: The Forgotten Eritrean Refugees*, at <https://www.hhfd.net/news/2018/5/14/hitsats-refugee-camp-in-ethiopia-the-forgotten-eritrean-refugees>.

lack of natural resources and livelihood opportunities. Both suffer from a scarcity of basic goods and services, such as food, water, shelter, education, healthcare, and internet or telephone connectivity. Relief operations provide food rations and truck in water for refugees once a month. These rations do not, however, extend to local residents.²⁶



²⁵ At the time of writing, population numbers by camp were internal UNHCR numbers.

²⁶ Tilburg University (2018), *Policy Brief No.3: Reprogramming the mix of interventions to support refugees in host communities*; UNHCR (2018), *Camp Profile Hitsats*, at <https://data2.unhcr.org/en/documents/details/66750>.

3.2 Camps and host communities in Eastern Somali region

The Somali region, or ‘Jijiga area,’ was long the stage for geopolitical competition between Ethiopia and Somalia. It has seen complicated movement of Somali refugees over time. Consecutive political and natural crises repeatedly displaced ethnic Somalis from both Somalia and Ethiopia back and forth across the border. The distinction between host and refugee is, therefore, difficult to make. This is further complicated by displacement and settlement largely following clan association rather than nationality, and a history of destitute Ethiopian Somalis moving into camps to access food and services.³⁰

While camps have become quasi-urban centres with administrative systems that run parallel to the local administration, in light of the CRRF, the question remains what prospects there are for refugee inclusion in national systems.³¹

³⁰ Carver, Gedi, & Naish (October 2020), *Somali Regional Report: 2018-2019 Refugee and Host Community Context Analysis*, ODI/DRC; Vemuru, Sarkar, & Woodhouse (2020), *Impact of Refugees on Hosting Community in Ethiopia: A Social Analysis*, World Bank.

³¹ Carver, Gedi, & Naish (October 2020), *Somali Regional Report: 2018-2019 Refugee and Host Community Context Analysis*, ODI/DRC.

Sheder

Sheder camp, in October 2020 hosting 11,399 refugees, is the most rural of the camps surveyed in the Somali region.³² However, while the village of Sheder used to be a tiny agricultural outpost at 54km from the city of Jijiga, the establishment of the camp in 2008 has resulted in significant urbanization of the area over time. Relief operations initiating services and refugees with urban backgrounds bringing in money and diaspora networks, meant Ethiopian Somalis in Sheder could benefit from small business opportunities. Reporting by ODI and DRC describes the relationship between refugee and host communities as one of ‘symbiosis’, as ‘social and economic lives are intertwined.’ Islamic religious rites, markets, and sports events are shared, and local children from Sheder village and further afield attend school in the camp. Camp healthcare centres are frequented by locals as well, although concerns about their capacity to treat both refugees and host communities are common. Such concerns are also raised with regards to host community access to refugee water services.³³

³² At the time of writing, population numbers by camp were internal UNHCR numbers.

³³ Carver, Gedi, & Naish (October 2020), *Somali Regional Report: 2018-2019 Refugee and Host Community Context Analysis*, ODI/DRC.

Aw-Barre

Little information is available about the Aw-Barre camp. Its population and their relationship with the host community seems to have similar profiles and histories as Sheder camp.³⁴ The camp is remote, with only the small town of Aw-Barre nearby at 4km. The closest urban town is Jijiga at 74km. In October 2020, the camp hosted 11,523 refugees.³⁵

Kebrebeyah

The camp of Kebrebeyah hosts a much more destitute and less locally interactive refugee population of 14,813 (October 2020).³⁶ Going back to the height of the Somali refugee influx in the 1980s, Kebrebeyah refugees are among the most protracted in Ethiopia. Unlike Sheder refugees, they initially did not come with money or diaspora connections, although this changed somewhat since. The adjacent town of Kebrebeyah grew into a city of some 40,000 residents, but under its own urban development rather than opportunities presented by the camp.

The camp has a history of insufficient food and services assistance. This has left the onus to benefit from the town's growth on the refugees, which they have done to varying degrees over the past years, particularly in the area where camp and town meet. Social interactions again centre on the shared use of mosques and markets, but the use of services is reportedly a much bigger source of strife than in Sheder.³⁷

³⁴ Vemuru, Sarkar, & Woodhouse (2020), *Impact of Refugees on Hosting Community in Ethiopia: A Social Analysis*, World Bank.

³⁵ At the time of writing, population numbers by camp were internal UNHCR numbers.

³⁶ At the time of writing, population numbers by camp were internal UNHCR numbers. Also see UNHCR (2018), *Camp Profile Kebrebeyah*, at <https://data2.unhcr.org/en/documents/details/62682>.

³⁷ Carver, Gedi, & Naish (October 2020), *Somali Regional Report: 2018-2019 Refugee and Host Community Context Analysis*, ODI/DRC.

3.3 Indicators and perceptions of social relations

We developed some indicators to get a sense of refugee and host community perceptions of social relations. We asked refugees what documents they possess. Documents are for instance formally required to move freely out of camp and – should refugees over time be fully included into Ethiopian society – documents are required to participate in socio-economic life.

We also asked whether refugees feel included into the host society. We asked whether discrimination, respect and safety are felt between them and the host community. And we asked whether refugee and host community members make use of services in each other's respective living environs – i.e. whether refugees make use of services in the host community and the other way around.

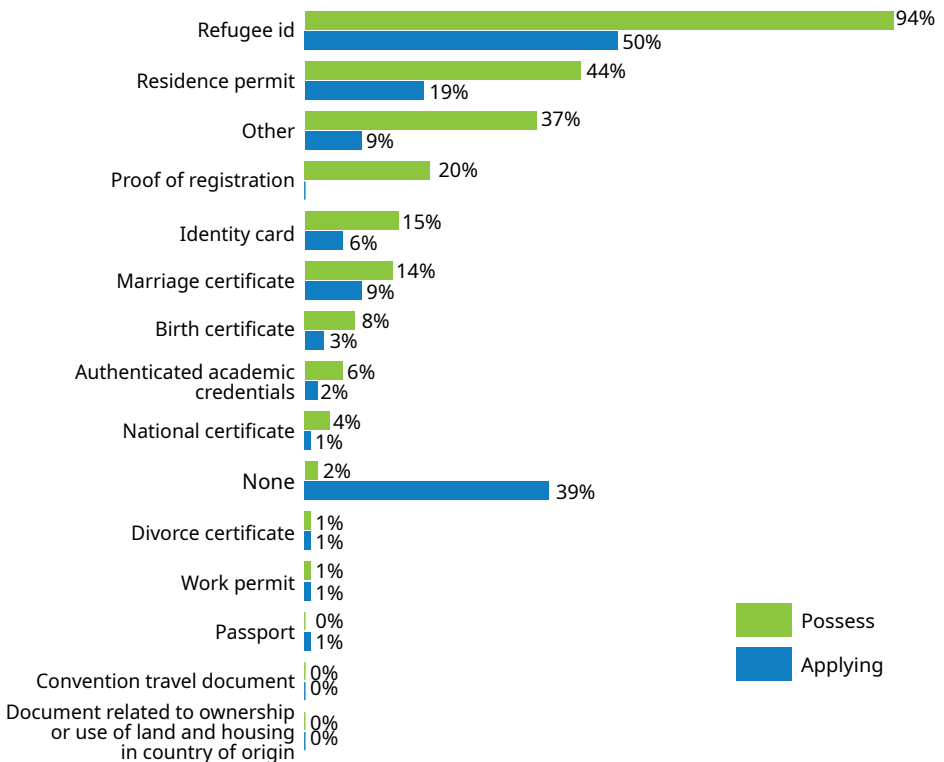


Refugee identity documents are almost universally possessed, but civil documents are commonly lacking. Indicators of social cohesion suggest relatively good relations between refugee and host communities.

Documents

We asked the refugee sample about the kind of legal documents they had, and the legal documents they might have been applying for at the moment of the interview.³⁵

Documents: Possession and application



³⁵ This was a multiple-choice question, therefore, percentages sum up to more than 100.

Almost all refugees had a refugee ID at the time of the interview.³⁶ The rest of the documents were not commonly possessed.

Below we disaggregate the document possession data by camp per region. The Tigray region camps show higher percentages for many documents. Only refugee IDs and marriage certificates have comparable possession rates in both the Somali and Tigray regions.

In several triangulation interviews, officials from ARRA state that legal documents for refugees are in principle provided in every camp, like for example civil status documentation, although they recognise that actual availability might vary in practice.³⁷

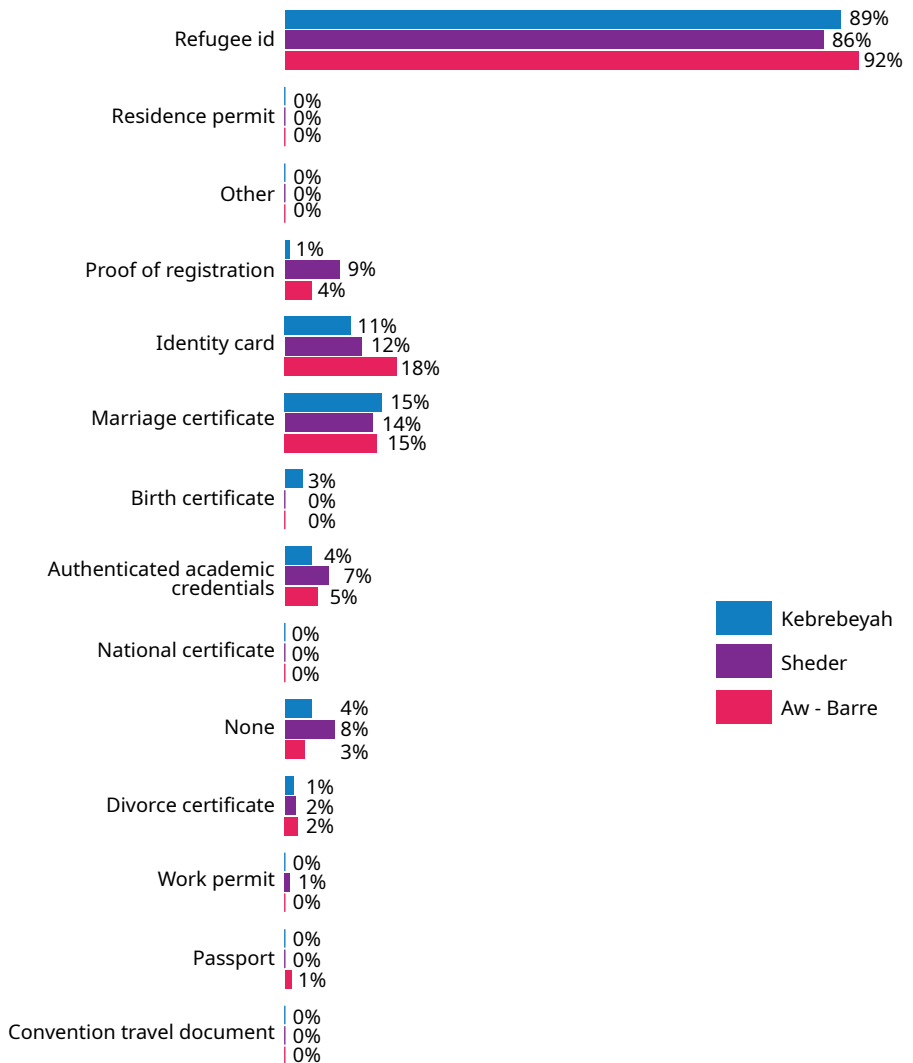
Indeed, interviewed refugees can point to periods in which services for the provision of legal documents was not available. In Tigray, for instance, they told us that *“NRC started providing services that help the refugees getting the right legal documents.”*³⁸

A lack of civil documents, like birth and marriage certificates, might create obstacles to participate in civic life, like participation in the workforce and public support for family care.

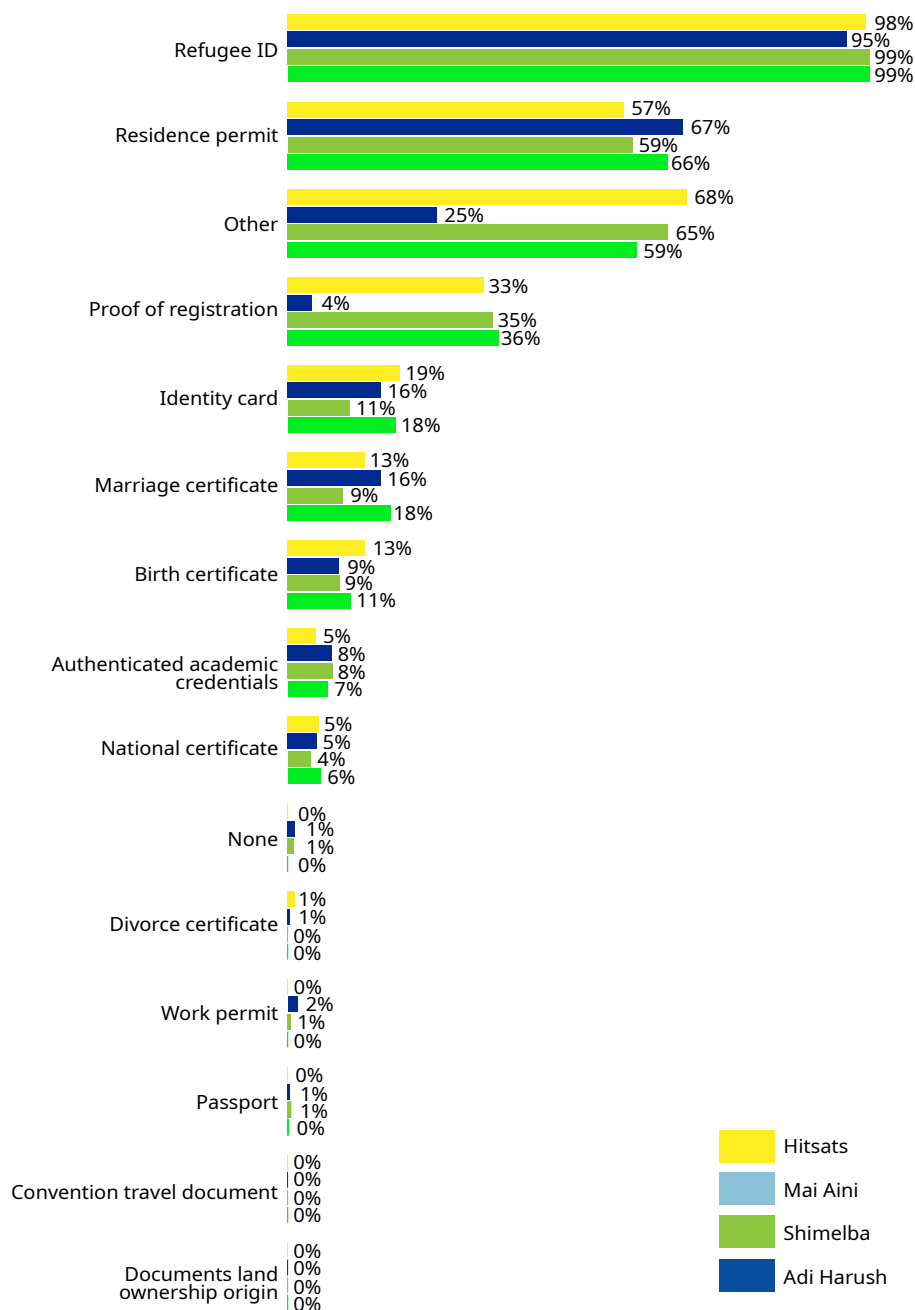
³⁶ Interview ARRA official, Jijiga, 01.09.2020; interview ARRA official, Sheder, 03.02.2020.

³⁷ Interview refugee, Tigray region, 08.09.2020.

Documents by camp (Somali region)



Documents by camp (Tigray region)



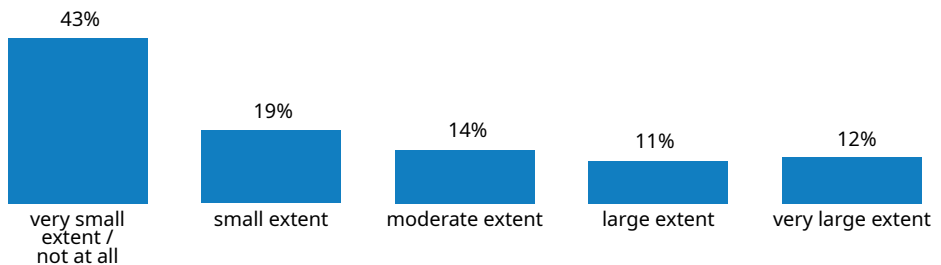
Discrimination

For another indicator of social relations we asked refugees whether they feel discriminated against on the basis of being a refugee.³⁹

The overall majority of refugees said they do not often feel discriminated against (43% to a very small extent, and 19% to a small extent). However, one in four respondents reported feeling discriminated against to at least a large extent (11% very large extent, and 12% to a large extent).

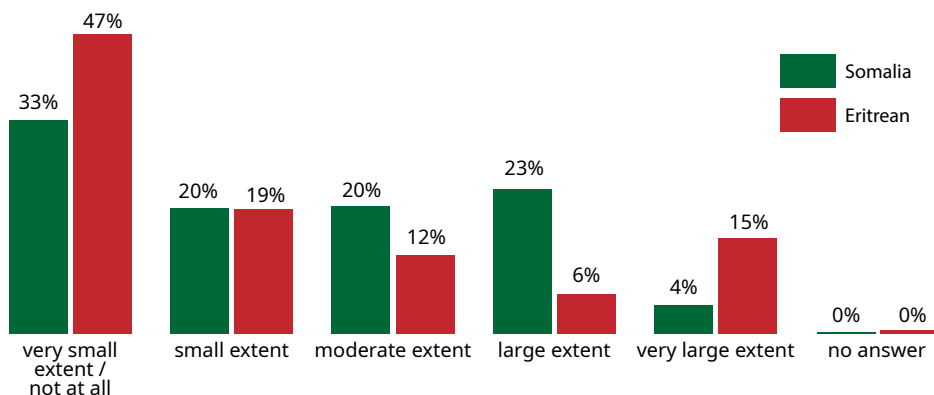
There are some differences based on the nationality of the refugees, with 15% of the Eritreans expressing a feeling to a very large extent (compared with only 4% of Somali refugees). However, Eritreans are also more likely than the Somali refugees to say they do not feel discrimination. A plausible explanation for this apparent contradiction comes from refugees participating in the triangulation exercise. Eritrean refugees told us they mingle with the local community. There are even inter-group marriages. But at the same time, the Eritrea-Ethiopia conflict has left scars in the relationships between the groups. This may explain the diverse extents to which Eritrean refugees report feeling discriminated against.

To what extent have you faced discrimination because you are a refugee?



³⁹ Discrimination was not predefined and explained to respondents. They were asked to respond based on their own perception of discrimination.

Perception of discrimination (by nationality)



An Eritrean refugee in the Tigray region Adi Harush camp, for example, spoke of encountering discrimination:

*"Yes, sometimes, I encounter discrimination. Most people (members of the host community, red.) say they have relatives in Eritrea, and they have a good attitude towards us, but some people might feel that maybe I am the soldier that killed their people during the war with Eritrea, and they do not feel good about us. Even some ARRA authorities reflect this kind of attitude. This was happening three or four years ago. After the peace was reached between the two countries, we do not encounter this kind of attitude anymore."*⁴⁰



Especially refugees in the Somali region around Jijiga do not report high levels of discrimination, particularly in the camps of Sheder and Aw-Barre. This could be explained by the more remote locations of these camps, meaning less contact with the wider local community. A refugee from near Jijiga, for example, shared:

“Ethiopian society is very good to us. We don’t have any complaints. The Government is supportive which is very promising compared to the Government in the past. [...] However, the local integration has to be strengthened and job opportunities must be created. The use of social and cultural groups is very important. Another thing is strengthening the coordination between the refugees and host community.”⁴¹

⁴⁰ Interview refugee, Adi Harush camp, 09.09.2020.

⁴¹ Interview refugee, Jijiga area, 08.09.2020.

⁴² Interview host community member, Kebrebeyah, 26.09.2020.

⁴³ Interview refugee, Adi Harush camp, 03.09.2020.

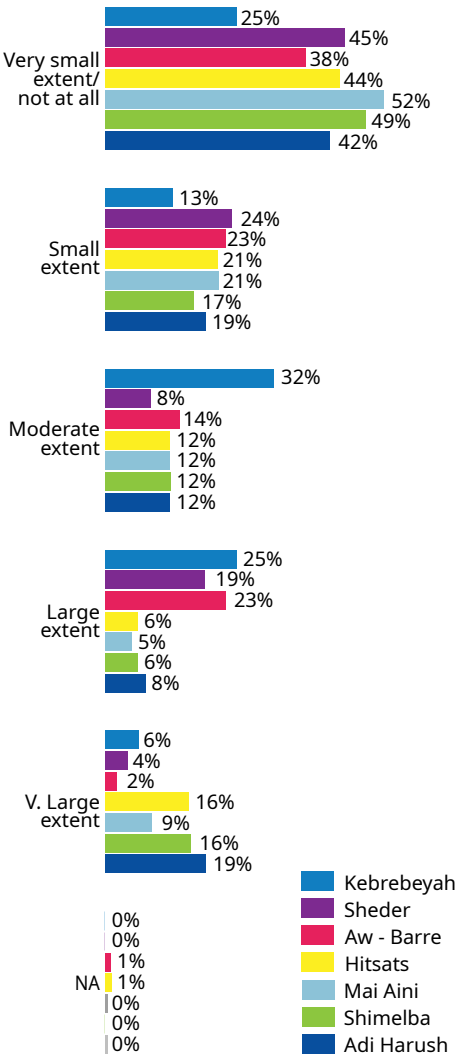
And a member from the host communities near the Somali region Kebrebeyah camp said:

“Since we share the same Somali language, culture, and religion the relation between the refugee community and our community is good and getting better as time passes. [...] From my point of view, their presence attracts NGO interventions that improve our community’s access to basic services like a water supply system, health, education and others, so their existence here in our place creates opportunities, and we are ok with that.”⁴²

Some of the refugees interviewed for the triangulation exercise also remarked that discrimination might occur within the refugee community itself:

“My wife is Ethiopian. As a result, I face discrimination from the refugee community. For that matter, if you are not their clan member, then you can face discrimination. I suffered a lot due to that problem. I do feel very much integrated, because my wife and my child are Ethiopians. My mother is an Ethiopian. So, I feel that I am part of Ethiopian society. In the future he is comfortable to go to Eritrea and he is also comfortable to stay in Ethiopia.”⁴³

Perceptions of discrimination (by camp)



Mutual respect

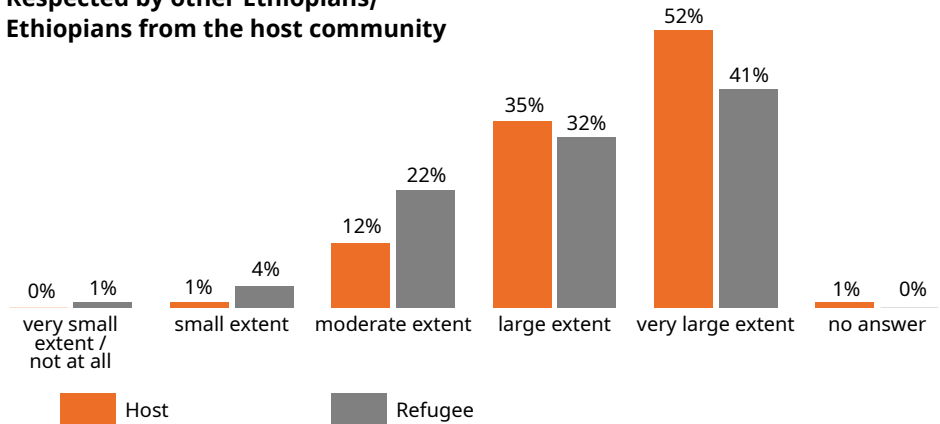
Besides feelings of discrimination, another indicator of social relations is mutual respect.

The graph below shows how the host community members feel in terms of being respected by other Ethiopians, and the extent to which refugees feel respected by the host community or other Ethiopians.

In general, the refugees feel largely respected by the host community and the host community feels respected by other Ethiopians.



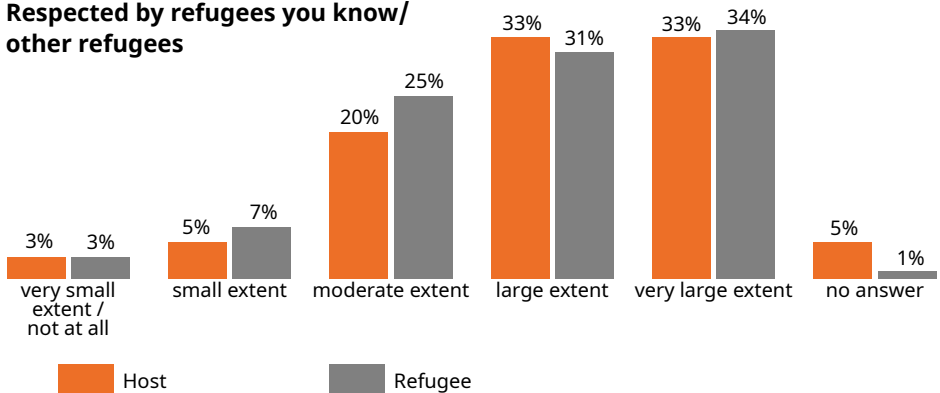
Respected by other Ethiopians/ Ethiopians from the host community



In turn, we asked whether hosts feel respected by refugees, and whether refugees feel respect among themselves. Again, host community members feel respected by refugees.

Only 5% of the host community sample could not answer this question, suggesting that most members of the host community have interactions with refugees.

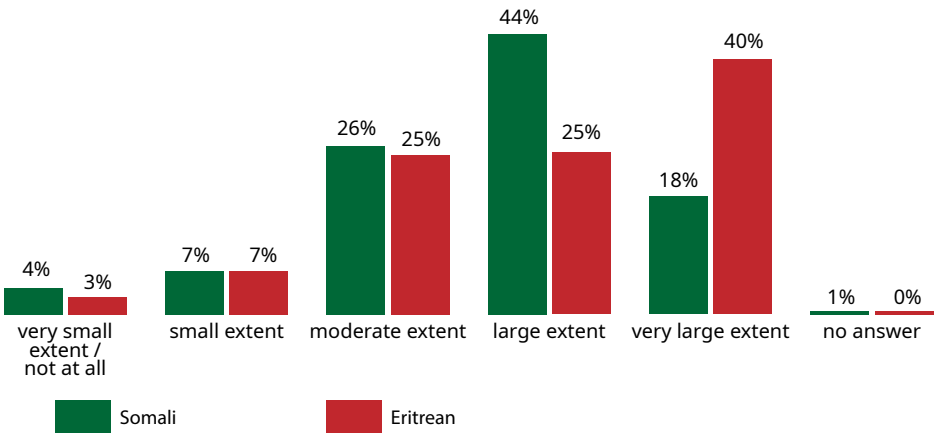
Respected by refugees you know/ other refugees



There are slight differences in intensity concerning how respected refugees feel, according to CoO. Eritreans are more likely than Somalis to express that they feel respected to a very large

extent, but the opposite is apparent at the large extent level. All in all, there are no substantive differences between the groups.

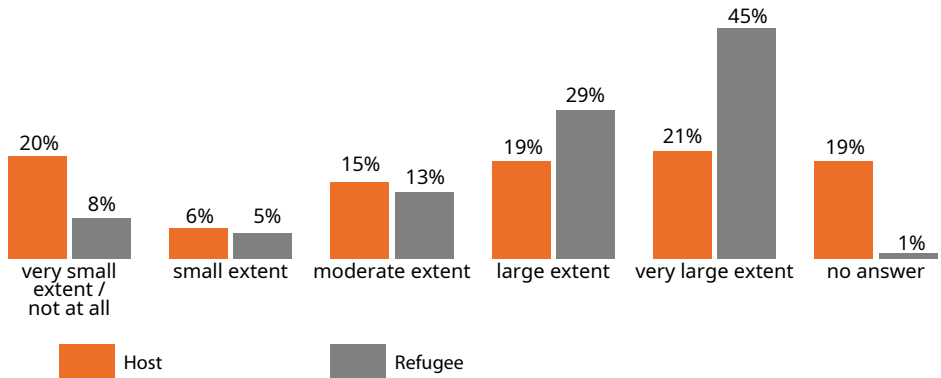
Respected by Ethiopians from the host community



Feelings of safety

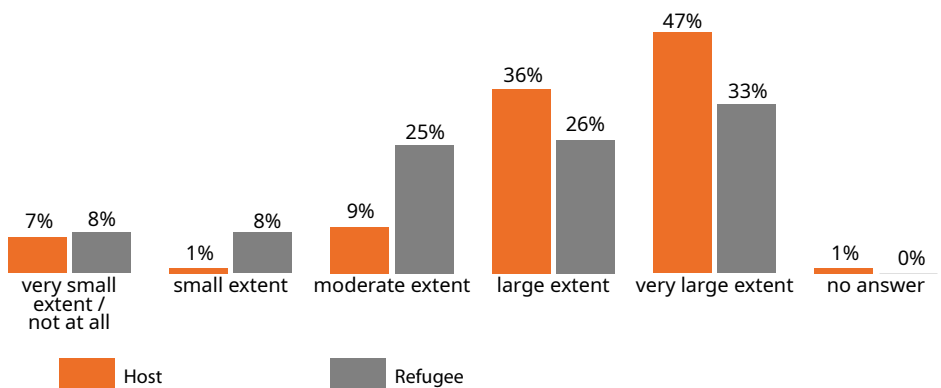
Perceptions of safety largely replicate the other indicators. The majority of the people in the host community and refugee groups feel safe walking outside or inside camps, with the caveat that almost 20% of the host community members declined to reply to the question about safety inside camps, probably indicating that they never walked inside camps.

Safety walking alone inside the camp



In both the host community and the refugee sample, there is no significant gender difference in terms of perception of safety in camps.

Safety walking alone in the community/outside the camp during the day



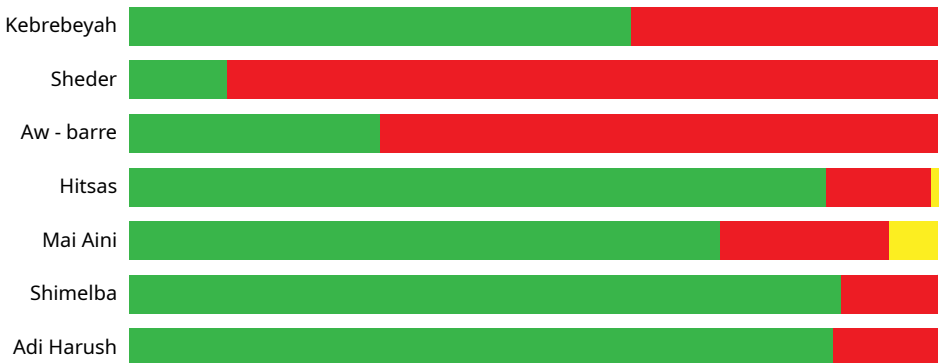


While the majority of both groups, refugees and host community members, feel safe walking in the surroundings of camps during the day, host community women are more

likely to state this to a large extent, while men do so to a very large extent. There are no gender differences in the refugee sample.

Access to services

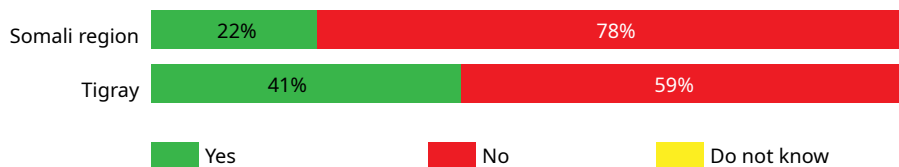
Refugees: Access to services in the host community (by camp)



Except for in Aw-Barre and Sheder camps, refugees commonly make use of services in the host community. In Tigray there are no differences between male and female refugees using host services, while in the Somali region women are substantially less

likely (32%) than men (48%) to do so. This is consistent with the views expressed in the triangulation exercise, in which stakeholders working in the Somali region indeed report that Somali women are usually not very active outside camps.

Host communities: Access to services in camps by region



Host community members report much less use of services in refugee camps. Less than half of the host community members in Tigray said they have made use of services in camps, while in Somali region this is less than one third.

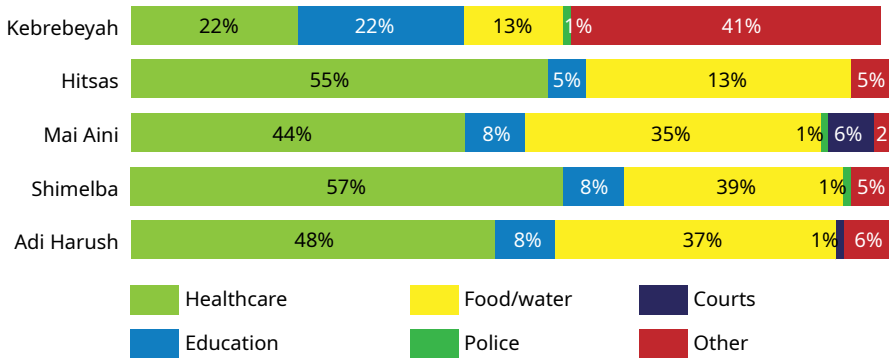
Reasons for not accessing services in camps relate mostly to the fact that such services already exist in the host

community (47%), not necessarily because services are better in the host community (12%) or cheaper (2%).⁴⁴

For those who said they do access services in “the other community” – this is, refugees accessing services in the host community, and host community members in camps – we found that the most likely service to be used is a healthcare facility.

⁴⁴The answer categories in this question did not fully capture the dynamics occurring, as the second most prevalent reason was “other” (39%).

If yes, which services? (Refugees)



For host community members in the Somali region, almost every host community member who said that they access services in camps made use of healthcare services, in the three camps sampled.

In Tigray, around 50% of the services accessed in the camps relate to healthcare, followed by food and water (20%) and education (17%).

In general, when asked why host communities use services in refugee camps, respondents said services are better in camps (53%) or services are cheaper in camps (42%).

So, in the Tigray region, healthcare in the camps tends to attract members of the host community due to its superior quality compared with what is available elsewhere.

In the Somali region, with the exception of Kebrebeayah, there is little exchange of services in and out of camp, particularly for refugee women.

4

Justice Policies, Institutions and Services



In accordance with its federal structure, Ethiopia has a dual judicial system. Federal courts and state courts have parallel, independent structures, administrations, and judicial powers. Each have Supreme, High, and First Instance courts. The High and First Instance courts at State level have the same jurisdiction as their federal counterparts, while State Supreme Court decisions are appealable at the Federal Supreme Court.⁴⁵

There is widespread acknowledgement of the need for improvements in consistency, information sharing, resource distribution, and capacity building between the federal and state level justice systems, in order to increase access to justice.⁴⁶ Indeed, protests have been taking place in Ethiopia since 2015 calling for 'justice and equality in the Ethiopian federal system.'⁴⁷

In recognition of SDG 16 – 'just, peaceful, and inclusive societies, with access to justice for all' – Ethiopia's Prime Minister Abiy Ahmed, has revised or committed to revise terrorism,⁴⁸

media,⁴⁹ electoral,⁵⁰ and freedom of association laws.⁵¹ With new political freedoms opening up, however, old political grievances gained space to surface, mounting security threats to some.⁵² Nonetheless, a Pathfinders committee visiting Ethiopia in 2019 commended the Government's emphasis on people-centred access to justice in its 10-year National Development Plan.⁵³

⁴⁵ Aneme & Bekele (2020), *Introduction to the Ethiopian Legal System*, NYU Hauser Global Law School Program.

⁴⁶ World Bank (2004), *Legal and Judicial Sector Assessment Ethiopia*.

⁴⁷ Núñez, (December 2019), *Ethiopia and SDG16+ - Reflections from a Pathfinders Country Visit*, at <https://medium.com/sdg16plus/ethiopia-and-sdg16-reflections-from-a-pathfinders-country-visit-2d5940015049>; Tessema (January 2018), "Ethiopians take pride in helping bring about reforms," Anadolu Agency, at <https://www.aa.com.tr/en/africa/ethiopians-take-pride-in-helping-bring-about-reforms/103200>.

⁴⁸ The Abiy administration drafted a replacement of the Anti-Terrorism Proclamation No.652/2009, with a narrower and less repressive definition of terrorism. See HRW (April 2019), *Ethiopia: Abiy's First Year as PM, Review of Freedom of Association*, at <https://www.hrw.org/news/2019/04/04/ethiopia-abiy-first-year-prime-minister-review-freedom-association>.

⁴⁹ In his first year, Abiy freed all jailed journalists, opened access to previously blocked media, announced plans for a hate speech law, and has committed to revise the Freedom of Mass Media and Information Proclamation No.590/2008. See HRW (April 2019), *Ethiopia: Abiy's First Year as PM, Review of Freedom of Expression*, at <https://www.hrw.org/news/2019/04/04/ethiopia-abiy-first-year-prime-minister-review-freedom-expression>.

4.1 Access to justice for Ethiopians

At state level, First Instance courts – also known as *Woreda* courts – have jurisdiction over civil, criminal, and petty offences. So called Social Courts – or *Kebele* courts – have jurisdiction over minor property and monetary disputes. Religious Sharia courts may adjudicate on personal and family disputes, only if all parties involved in a dispute consent to the ruling.⁵⁴

The Civil Code of 1960 also recognizes the out of court alternative dispute resolution mechanisms of conciliation,

compromise, and arbitration.⁵⁵ The 2011 criminal justice policy introduces the validity of out of court mechanisms as alternatives to litigation, to make ‘the criminal justice system speedy and accessible.’ The nature of these mechanisms, however, is not yet formally defined.⁵⁶

⁵⁰Independents have been appointed to the Electoral Board and the Supreme Court, and the new Ethiopian Election, Political Parties Registration, and Election Ethics Proclamation No.1162/2019 was introduced, increasing the electoral threshold of establishing a political party and barring public servants from running for office, among other things. See HRW (April 2019), *Ethiopia: Abiy's First Year as PM, Review of Democratic Institutions and Political Space*, at <https://www.hrw.org/news/2019/04/07/ethiopia-abiy-first-year-prime-minister-review-democratic-institutions-and>; and Kiruga (August 2019), “Ethiopia passes new laws ahead of 2020 elections,” *The Africa Report*, at <https://www.theafricareport.com/16693/ethiopia-passes-new-laws-ahead-of-2020-elections/>.

⁵¹ The Abiy administration repealed the repressive 2009 Charities and Societies Proclamation and replaced it with the new Organization of Civil Societies Proclamation No.1113/2019. The new law allows civil society organisations to seek more foreign funding, frees them from government censorship, and provides for appeal over registrations. See HRW (April 2019), *Ethiopia: Abiy's First Year as PM, Review of Freedom of Association*, at <https://www.hrw.org/news/2019/04/04/ethiopia-abiy-first-year-prime-minister-review-freedom-association>.

⁵² HRW (April 2019), *Ethiopia: Growing uncertainty marks Abiy's first year in power*, at <https://www.hrw.org/news/2019/04/04/ethiopia-abiy-first-year-prime-minister-review-freedom-association>.

⁵³ Núñez, (December 2019), *Ethiopia and SDG16+ - Reflections from a Pathfinders Country Visit*, at <https://medium.com/sdg16plus/ethiopia-and-sdg16-reflections-from-a-pathfinders-country-visit-2d5940015049>.

⁵⁴ Aneme & Bekele (2020), *Introduction to the Ethiopian Legal System*, NYU Hauser Global Law School Program.

⁵⁵ Ibid.

⁵⁶ Enyew (2014), “The Space for Restorative Justice in the Ethiopian Criminal Justice System.” *Bergen Journal of Criminal Law and Criminal Justice* 2(2), 215-244; Federal Democratic Republic of Ethiopia (2011), *Criminal Justice Policy*, at <http://www.ethcriminalawnetwork.com/content/fdre-criminal-justice-policy-2011> (Amharic).

Ethiopian nationals have many justice needs

The 2019 national Justice Needs and Satisfaction survey shows that approximately **40% of all Ethiopians had at least one legal problem** in the previous four years, amounting to an estimated total of **7.2 million legal problems each year**. Less than half of these are resolved.

The most frequent types of problems they report are, in order of prevalence, **land disputes, crime, disputes between neighbours, family disputes, domestic violence, and disputes over money**. Peoples' most serious problems follow the same order.

The consequences of unresolved legal problems are **loss of money, loss of time, and stress-related illnesses**. In turn, these consequences usually **harm people's personal relationships, their financial well-being, and their mental health**.

Only 18% of Ethiopians who attempt to resolve their legal problems goes to one of the formal courts, with an additional 5% going to the social, *Kebele* courts. **Most people try to resolve their legal problems out of court.**

Of the cases people bring before it, the **formal justice system does have a relatively high resolution rate (57%). Local Elders, however, still resolve relatively more cases (61%).**

Looking at dispute resolution, **delivering decisions and active mediation are the most successful interventions** for Ethiopian nationals, whether formal courts or informal local Elders offer them

4.2 Policies, institutions, and service providers for refugees

The decentralisation of governance and administration to Ethiopia's regional States does not apply to refugees. Foreign nationals fall under federal jurisdiction and administration. The federal Council of Ministers makes refugee policy, executed by the federal Agency for Refugee and Returnee Affairs (ARRA). ARRA was long embedded in the National Intelligence and Security Services, but is now, since October 2018, part of the Ministry of Peace.⁵⁷

In principle, ARRA is the sole Government authority and service

⁵⁷ Federal Negarit Gazette (November 2018) *Proclamation No. 1097/2018*, art. 32:14. See <https://www.eia.nl/documenten/00000443.pdf>.

provider for refugees, inside as well as outside of refugee camps. It is responsible for the implementation of Refugee Proclamation No.1110/2019 and its new rights and expanded access to services for refugees.⁵⁸ ARRA oversees camp management, provides security, protection, and coordination services, conducts food distribution, implements basic healthcare and education, and is the main liaison with relevant Ministries administering national programmes. UNHCR and a range of international humanitarian partners closely support ARRA with resources, technical support and capacity development in the implementation of services for refugees.⁵⁹

ARRA is also the primary entity delivering justice services in refugee camps. It issues legal documents, like refugee status registration, civil registration of vital life events or letters of support for access to other services.⁶⁰

Opportunities to access protection and assistance services improved with the issuance of individual identity documents for all individuals aged 14 years and above. Access to civil documents/vital events registration is one of the areas in which the Government of Ethiopia has secured inclusion of refugees in the national system. As per the 2017 Vital Events Registration and National Identity (Amendment) Proclamation No. 1049/2017, ARRA has been designated to register vital events associated with refugees on behalf of the Immigration Nationality and Vital Events Agency (INVEA). Refugee Proclamation No. 1110/2019 provides that refugees shall be treated in the same circumstances as nationals with respect to the registration and issuance of vital events. Since 2017, ARRA in close collaboration with the INVEA, UNHCR, and other partners has been issuing vital life events registration certificates (birth, death, marriage and divorce) to refugees (both camp-based and those who are living in urban areas including in Addis Ababa) regardless of their nationality and status.

The 2019 Refugee Proclamation defines identification document broadly, to include various types of documents issued to refugees, such as identity papers, travel documents, birth certificates, and proof of registration

⁵⁸ Maru (2019) *In depth: Unpacking Ethiopia's revised refugee law*. See <https://www.africaportal.org/features/depth-unpacking-ethiopias-revised-refugee-law/>.

⁵⁹ UNHCR (2017) *New Issues in Refugee Research. Working Towards Inclusion: Refugees within the national systems of Ethiopia*, p6.

⁶⁰ See <https://globalcompactrefugees.org/article/ethiopia>.

among others. This definition, by recognizing different types of documents as identification documents, goes beyond the minimum standards set out in the 1951 Refugee Convention. In addition, the 2019 Refugee Proclamation progressively allows for recognized refugees and asylum-seekers to be issued with identity documents, travel documents, exit visas and similar services free of charge, if they are unable to pay the prescribed fee where applicable. Previously, most refugees used ration cards as a means of identification. Through enhancing the use of digital technology, with support of partners, the Government Ethiopia aims to bolster national and local capacity to issue documentation, including civil documentation, while respecting key principles related to data protection and privacy.

In line with the federal jurisdiction over foreign nationals, ARRA also performs a policing role in camps, may conduct informal mediation in cases of refugee legal problems, and is mandated to refer legal problems to the courts.

In practice, ARRA's roles in legal problem resolution are partially delegated to more or less formal structures in camp. ARRA supervises camp governance structures based on volunteer refugee representatives.

The RCC, usually consisting of community leaders and sometimes religious Elders, is ARRA's primary in-camp liaison. The RCC has refugee representatives at the level of camp zones and blocks, and it manages a voluntary refugee police force known as the Shurta, or camp police. The Shurta does not have the law enforcement powers that Ethiopia's police has.

When a refugee has a legal problem, she or he may turn to RCC representatives at the block, zone or Shurta level. The RCC may try to resolve the problem by itself, by providing mediation, advice, compromise, or referral to other forms of customary justice like religious Sharia courts. In case their efforts do not suffice, the RCC may involve ARRA. An ARRA legal officer can compile a case, potentially with the support of an UNHCR Protection Officer. Concerning a criminal offence, ARRA has the authority to apprehend a suspect. Formally, the case is to be reported to the federal police and, if necessary, to be heard at a federal court. Practically, however, ARRA is more likely to report to the regional police and present a case at *Woreda* courts.⁶¹

Free legal advice and information are offered in some camps through cooperation between UNHCR, the Danish

⁶¹ Interview with UNHCR CRRF Officer, 07.10.2020.

Refugee Council (DRC), and a number of Ethiopian university law schools – for example through the cooperation of Aksum University in the Tigray region and Jigjiga University in the Somali region, offering in-camp legal advice and information. ARRA as well as individual refugees can make use of their services, although their accessibility and availability is reportedly disparate and inconsistent.⁶²

A picture emerges of a refugee justice system that essentially operates parallel to the national justice system.

⁶² Interview with UNHCR CRRF Officer, 07.10.2020; Interview with UNHCR Protection Associate, 31.09.2020.

While the regional police administers law enforcement at State level, neither the regional nor federal police is present in refugee camps. The Shurta has no law enforcement mandate or training either, leaving discretionary law enforcement power effectively with ARRA. Refugee access to justice services and the formal court system effectively rests with ARRA as well, whose legal standing as a federal agency before state courts seems to be tenuous. As we will see in Chapter 7, this might explain the relatively high rate of refugees abandoning their attempts to resolve legal problems, especially their more serious ones.



5

The Justice Gap



To assess the justice gap in Ethiopia we asked respondents whether they experienced legal problems, what those legal problems were, and whether they were able to resolve them. As throughout the report, distinction is made between Ethiopia's general population, the host communities in the immediate vicinity of refugee camps and the refugees.⁶³

As noted in chapter 2, regional comparisons between the general population, the host communities and the refugee samples are limited to Tigray, because the Somali region was not part of the general population survey conducted before this study, and numbers of the other groups are too low to make meaningful comparisons.

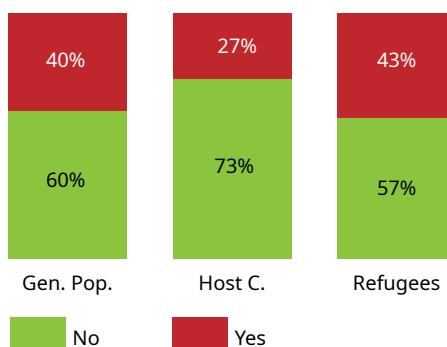
Refugees are more likely to have legal problems than host communities and the general population and less likely to resolve them. The difference between refugees and people in the host communities is particularly notable.

Crime is the most prevalent legal problem for refugees as well as their most serious problem. This is also the case for host communities, while legal problems related to land are the most prevalent and most serious for the general population.

This 'epidemiology' is the first step in HiiL's diagnosis and response model for people-centred justice. It provides national and international policymakers and their development and humanitarian partners with the information to prioritise justice sector resources where they matter most.

Almost half of the refugees experienced one or more legal problems in the previous four years

Experience of legal problems in the previous four years



⁶³ As outlined in chapter 2, findings of this chapter are based on the two selected refugee hosting locations Tigray and Somali regions.

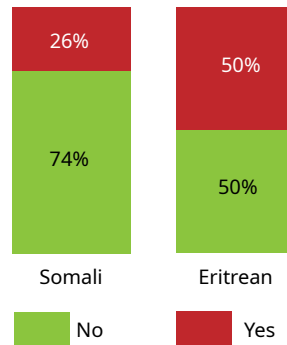
Making comparisons at the regional level of Tigray shows a similar difference between the three groups, but in slightly different proportions.

Around 50% of refugees in Tigray experienced a legal problem, compared to 45% of host community members and 41% of the people in the general population.

In the three groups, people with no formal education are less likely to report problems. This tendency continues if we examine the Tigray region only, except for in the host communities, in which there is no difference in the reporting of legal problems between people with different levels of formal education. The tendency suggests that more educated people are more likely to identify problems as legal problems as opposed to other explanations, such as bad luck or destiny.

Eritrean refugees experience a legal problem almost twice as often as Somali refugees.

Experience of legal problems by origin (Refugees)

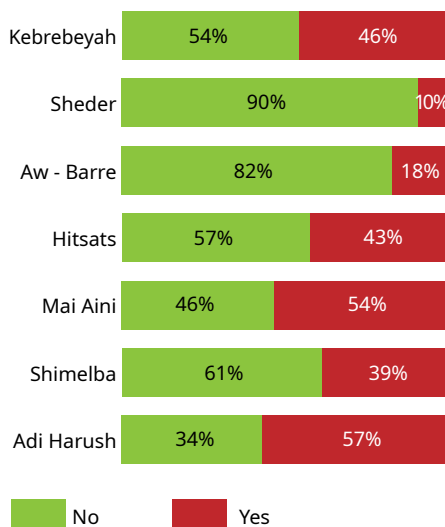


A plausible explanation for this difference comes from the fact that Eritrean refugees tend to have arrived in Ethiopia more recently. More than 70% arrived after 2015, while Somali refugees in the sample arrived often many years earlier and are therefore likely to have established more stable livelihoods and social interactions. Underreporting of problems by the Somali refugee population may also contribute to the difference. Additionally, the four years cut-off to report problems might have some effect on the difference in problem prevalence.

Looking at the surveyed refugee camps, there are stark differences between the percentage of refugees that experienced legal problems in the previous four years, both within and between regions. As expected, more refugees in Tigray than in the Somali region report problems, with the sole exception of Kebrebeayah camp. Again, however, these results should be interpreted cautiously, as underreporting in some of the camps and the four years cut-off period may play an important role here.

more refugees in Tigray than in the Somali region report problems, with the sole exception of Kebrebeayah camp. Again, however, these results should be interpreted cautiously, as underreporting in some of the camps and the four years cut off period might play an important role here.

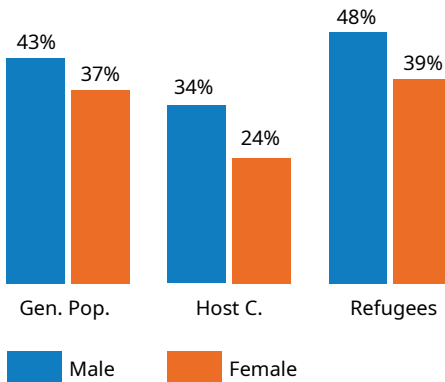
Experience of justice problems (by camp)



Demographic differences rarely explain problem prevalence within groups

In all three groups, men experience legal problems more often than women do. This remains the case when looking at heads of households only, except in the host communities. Female heads of households in host communities report more often having experienced a legal problem (42%) than male heads of households (37%).

Experience of legal problems (by group and gender)



Young people (18-24) in the general population and host communities experience legal problems less often than older adults. However, young refugees report experiencing the same rate of legal problems as adult refugees. The number of young people in the refugee sample is considerably higher than in the other two group samples

People have more than one legal problem

People often experienced more than one legal problem in the previous four years. Although comparatively more refugees experienced at least one legal problem, they experienced slightly fewer legal problems per person on

average (1.30) than people in the host communities (1.34) and the general population (1.37). This means that although refugees experience more often a legal problem, they less often experience more than one problem. However, the differences between the groups are small.

Looking at the Tigray region only, the numbers are higher for all three groups, but especially for the general population. People in the general population in Tigray experience 2.24 legal problems per person, compared with 1.66 for people in the host community and 1.65 for refugees. It is likely that more wealth and contracted exchange relations – such as employment, tenancy, or credit – result in more legal problems per person.

Crime related problems are most common for refugees and hosts

Refugees, host communities and the general population experience similar types of legal problems, most commonly crime, disputes with neighbours, and domestic violence.

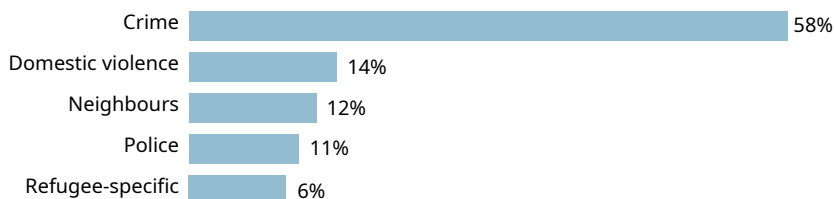
For both refugees and host communities, crime is the most common legal problem. More than half of the legal problems experienced by refugees are crime-related. When domestic violence is included, it accounts for nearly three out of four reported legal problems of refugees.

For the general population, on the other hand, land-related problems are most common. Host communities also report many land-related problems, while for refugees it is a relatively rare category of legal problem. As participants in the triangulation

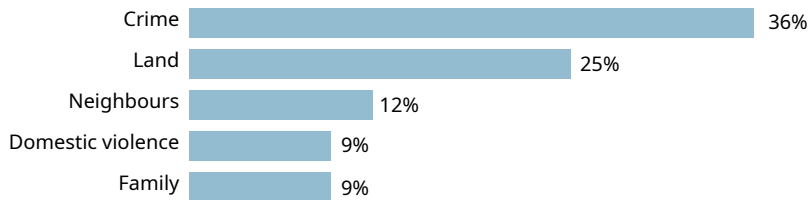
exercise note, this is because refugees generally do not have legal access to land.

People in the host communities and the general population also experience more family disputes than refugees. This is probably because refugees are more often single than members of the other two groups. Refugees, on the other hand, report experiencing problems with the police more often than the other two groups. Naturally, refugee specific legal problems are also reported upon by refugees and not by the host community and general population.

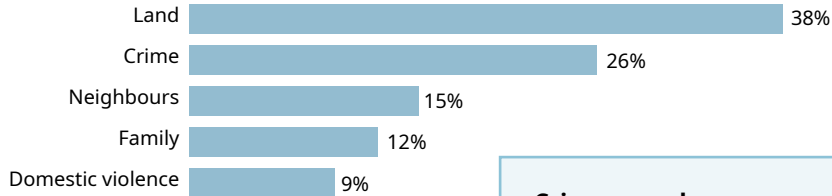
Refugees: Experience with justice problems (Multiple choice)



Host communities: Experience with justice problems (Multiple choice)



General population: Experience with justice problems (Multiple choice)



Crime prevalence internationally compared

'Crime' as percentage of most serious problems

Kenya	17%
Mali	18%
Morocco	18%
Nigeria	15%
Uganda	19%

Looking at the Tigray region alone, the distribution of legal problems between the three groups is similar. There are no major differences between men and women or different age categories when it comes to the types of problem experienced. The only exception to this are land-related problems, which are mostly reported by adult males from the host community. This is likely to be directly related to different rates of land use rights, more common among the local Ethiopian population than among refugees.

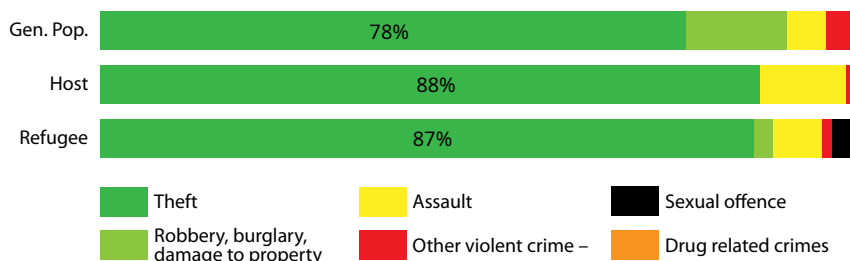
Theft is the most common type of crime reported by all three groups

Theft is by far the most common form of crime experienced by all three groups. All groups also experience

experience assault and other violent crimes, although this is slightly more common in the host community than in the other two groups. People in the general population also experience robberies, burglaries and property damage quite frequently, while refugees experience more sexual offences (3% of all crimes reported) than people in the host communities (0%) and general population (1%).

According to participants in the triangulation exercise – both local and national stakeholders – the occurrence of crimes such as theft and assault may be higher among the refugee community because of widespread poverty and limited work opportunities.

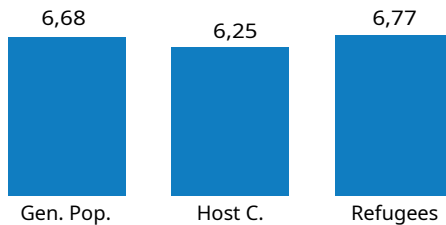
Crimes experienced (by groups)



Assault is likely to be underreported, especially by women

Some participants in the triangulation exercise believe that assault cases, such as domestic violence, rape, and other forms of gender-based violence, are likely to be more prevalent than reported, especially for the refugee population. Such cases are indeed commonly underreported in similar studies HiiL has conducted in other countries.

Seriousness of the problem (Mean score)



Practitioners interviewed in the triangulation exercise gave several reasons why they believed female refugees are more exposed than male refugees to assault. One reason cited is the lack of electricity and water. As women are often the ones fetching water and gathering firewood, they often travel alone in the dark. Another reason is that women often lack income, making them dependent on men and therefore at heightened



risk of domestic violence and other forms of GBV. Finally, one practitioner believed that because many of the refugee women are single, they lacked the protection of a family member.

Refugees rate their problems as more serious than do the general population and host communities

Besides prevalence, the seriousness of problems is another indicator of legal problems that should receive priority resolution. Resolving peoples' most serious problems has the most beneficial impact on their lives.

In general, the legal problems people in Ethiopia have are serious and pressing. Refugees rate their problems on average as slightly more serious than people in the host communities do. On a scale from 1 (not serious) to 10 (extremely serious), the reported legal problems have a mean score of 6.77 (refugees), 6.68 (general population) and 6.25 (host communities), and these averages include all the problems people reported.

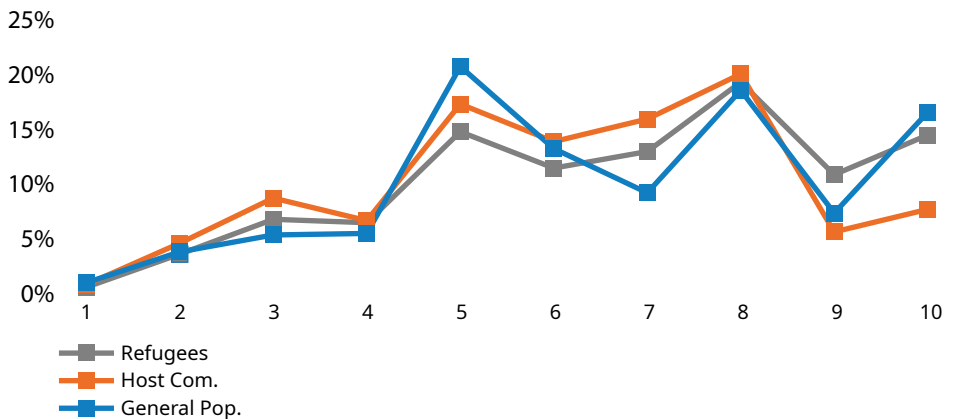


For comparison, the average seriousness of legal problems of the general population in Uganda is 7.94.

The distribution below explains why people in the host communities have a lower mean score for the seriousness of their problems. The horizontal axis shows the range of possible values the self-evaluation can take, and the vertical axis shows the percentage of

the sample that assigns a particular rate to their problems. People in the host communities rate the seriousness of their legal problems less often with a 9 or a 10 than do people in the general population and refugees. Especially the number of problems rated with a seriousness score of 10 is much higher for refugees (14%) and people in the general population (16%) than for people in the host communities (8%).

Seriousness of the problem



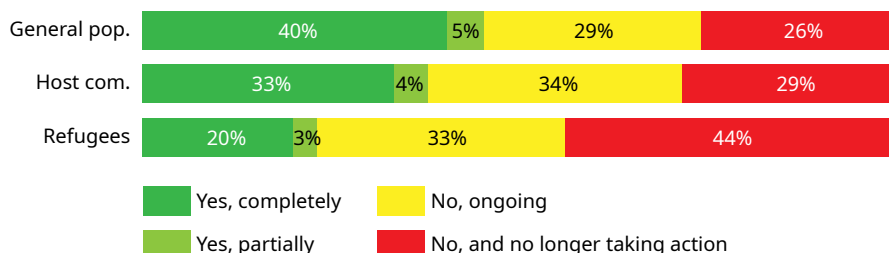
The general population and host communities resolve their problems more often than refugees

All groups in Ethiopia face a serious justice gap. They are frequently unable or unwilling to resolve their legal problems. In all three groups, less than 50% of the problems were partially or completely resolved.

Adults resolve their problems more often than young people in all three groups.

Overall, 38% of adults completely resolve their problems, compared with 25% of young people. Especially young refugees have a low resolution rate (14% completely resolved). Moreover, 50% of them have abandoned their legal problem, the highest percentage of all groups.

Has your problem been resolved? (All problems by group)



The resolution rate is particularly low for refugees. Only 20% of their problems are completely resolved and another 3% is partially resolved. **This means that 77% of the legal problems refugees reported did not reach a resolution (yet). This is considerably higher than for host communities (62%) and the general population (55%).**

In both the refugee and the host community group, women resolve their legal problems more often than men do. In the refugee group, 23% of women have their legal problems completely resolved, compared with 19% of men. In the host community, 36% of the women resolve their problem, compared with 26% of the men. In the general population, men

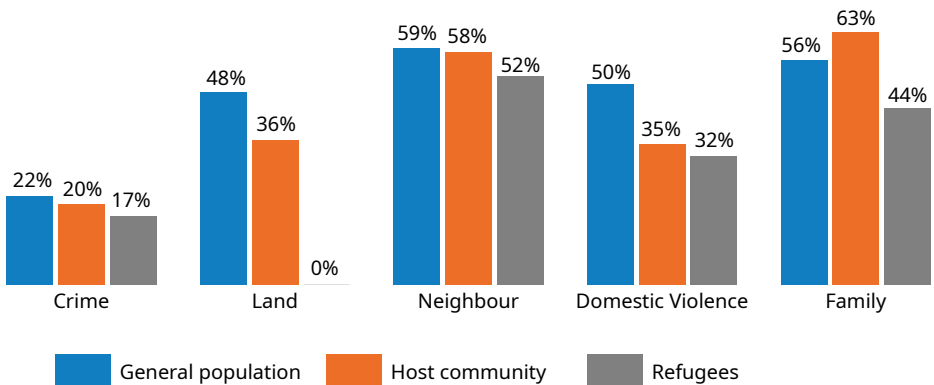
(41%) have their problems slightly more often completely resolved than women do (39%).

One reason for the small chances of resolution for refugees is that crime is a particularly common problem for this group and, comparatively, in accordance with other HiIL data, this problem category generally has a lower resolution rate than other legal problems – as do land problems.⁶⁴ However, this does not fully explain the difference. For each of the most common legal problems, refugees resolve their problem less often than

host community members and people in the general population.⁶⁵

Refugees, who participated in the triangulation exercise, stated that crimes are difficult to resolve for them, because justice providers such as the police do not necessarily prioritise resolving refugees' legal problems. We explain in more detail the relationship between crime problems and resolution rates in Chapter 7 about dispute resolution, where we focus on the most serious problems respondents reported, allowing us to gather more in-depth information.

The problem has been resolved completely or partially



⁶⁴ More HiIL data on justice needs available at dashboard.hiil.org.

⁶⁵ Refugees' land problems are excluded from the graph because of the small number of observations as refugees experience very few land problems.



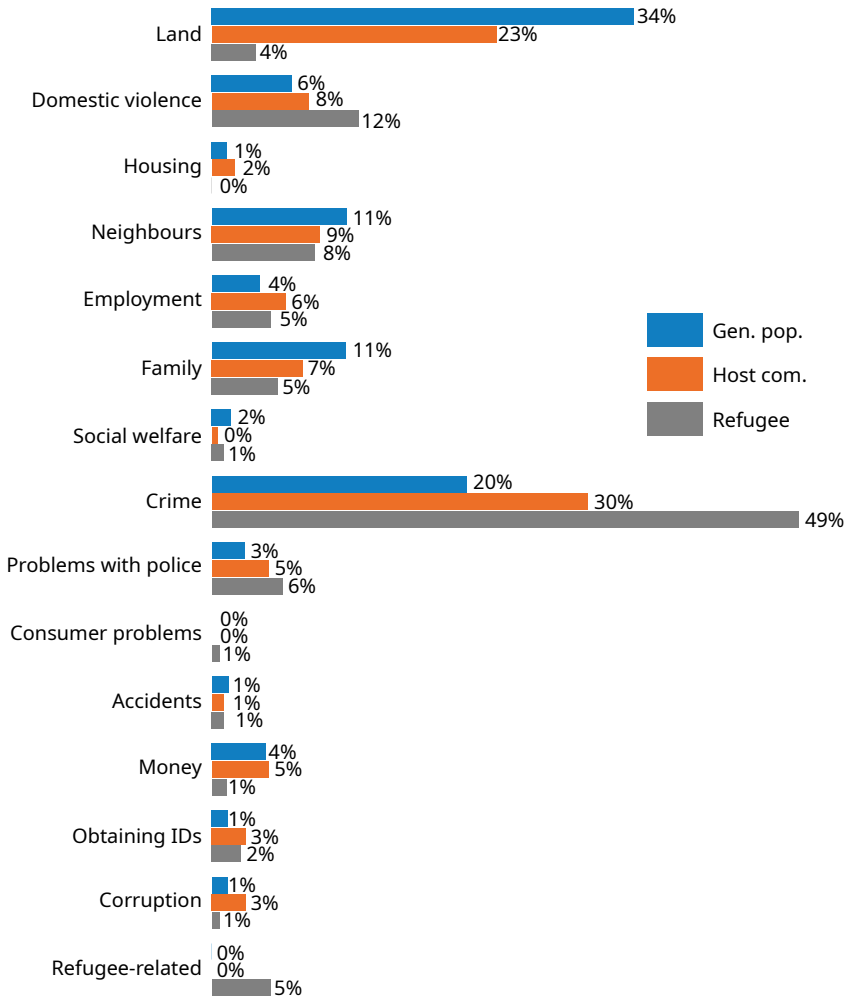
Looking specifically at the Tigray region, overall resolution rates are slightly lower, but the differences between the three groups remain the same. Refugees completely resolve 18% of their problems, compared to 34% in the host community and 30% in the general population living in the Tigray region.

For refugees, crime is not only the most common but also the most serious legal problem

So far, we have focused on all legal problems that people reported. Below we focus on the problem respondents identified as their most serious legal problem of the previous four years.

Refugees and people in the host communities mention crime most often as their most serious problem. For refugees, almost 50% of their most serious problems relate to crime. Moreover, the second problem reported most often as most serious is domestic violence (11%). In host communities, crime is the most serious problem for 30% of the people experiencing a least one legal problem, followed by land disputes (23%). On the other hand, people in the general population most often report land disputes as the most serious problem (34%), followed by crime (20%), and family-related (11%) or neighbour-related (11%) problems.

Most serious legal problem (Single choice answer, by group)

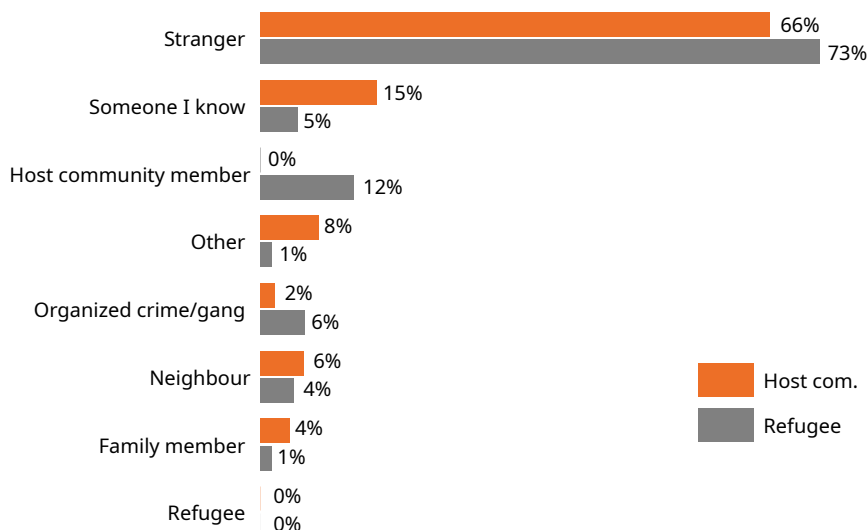


We also asked people who the other party was in the most serious legal problem. Because theft was the most reported crime by both host community members and refugees, it was also reported most frequently as their most serious legal problem. We look here at who was the other party in these cases.

In most crime cases, the other party was a stranger (66% for host community and 72% for refugees). This is not very surprising, since theft is the most common specific problem in the crime category.

Refugees mention host community members as the other party in a crime problem, but, relatively, not very often (12%). Host community members, in fact, never name refugees as the other party. Host community members thus seem to experience little to no crime committed by refugees. This seems to support the suggestion of Chapter 3 that social cohesion between the refugee and host communities is generally good.

Who was/were the other party/ies in the crime problem? (By group)



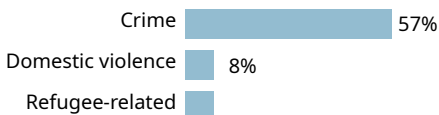
Crime and domestic violence are the most serious problems in all camps

Looking at individual camps,⁶⁶ crime is again the most serious problem for refugees, in some camps significantly more so than others. Kebrebeyah is the only camp in which refugees report land-related problems among the top three of their most serious legal problems – several reasons could be offered to explain this, such as the protracted nature of the camp, the fast urbanization of its environs, its close proximity to the Kebrebeyah town, and/or the occurrence of clan-based claims to land.

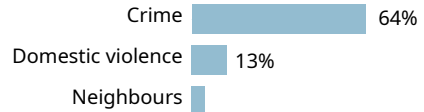
Kebrebeyah



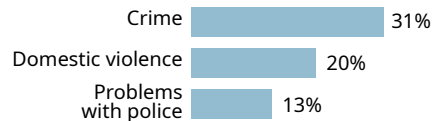
Hitsats



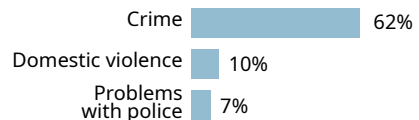
Mai-Aini



Shimelba



Adi-Harush



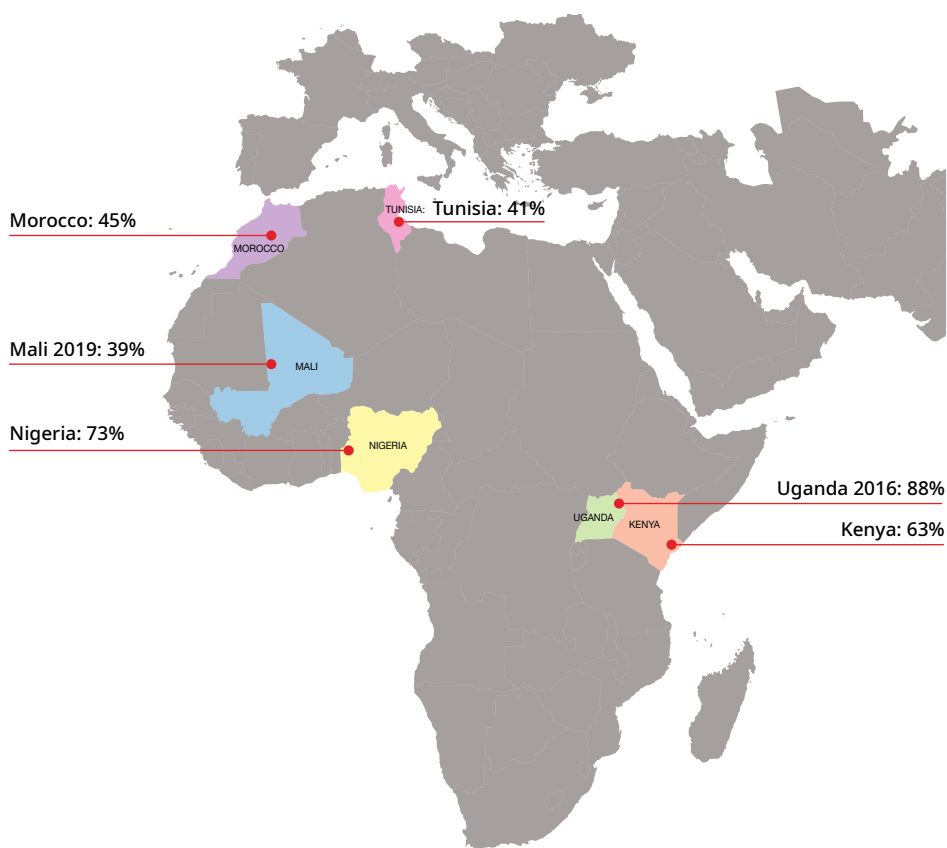
Having established a justice gap of approximately three out of four refugees and host community members not resolving legal problems, mainly related to crimes like theft and assault, the next step in the JNS study is to assess the impact the most serious legal problem has on peoples' lives. Knowing the consequences of legal problems, policymakers and their development partners can anticipate what positive results may come from committing resources to overcoming particular challenges.

⁶⁶ Excluding Sheder and Aw-Barre, due to a small number of observations.

Prevalence compared internationally

Our archive of justice needs reports allows us to provide international comparisons of justice gaps. Ethiopians on average experience legal problems

less often than, for instance, people in other East African countries such as Uganda and Kenya. At around 40%, Ethiopia is in the range of countries from North Africa and the Sahel, as shown in the map below.



Perhaps the most comparable rate of problem prevalence for the refugee population in Ethiopia comes from previous HiiL studies on the justice needs of Syrian refugees in Jordan and Lebanon in 2017-2018.⁶⁷

Syrian refugees in Lebanon: 65%

Syrian refugees in Jordan: 38%

We suspect that the differences between experiencing legal problems in Lebanon and Jordan are a consequence of country-specific circumstances, as the percentages for the general populations are 69% and 33%, respectively. Refugees in Ethiopia report more often than the general population, unlike refugees in Lebanon and Jordan, who report legal problems less often than the respective local population.

Summary

Refugees are more likely to experience justice problems than the host communities or the general population in Ethiopia. Despite this, Somali refugees tend to be less likely to report problems than those from Eritrea.

Crime is one of the two most common and the most serious legal problem in all groups, and particularly in all camps, which shows that preventive measures to curb crime are a common need across the country. Refugees are at a heightened risk of domestic violence and sexual assault, while host community members and Ethiopians from the general population face land problems as both common and most serious problems and suffer great impact from those land problems. Refugees do not have formal access to land, but should they obtain it, or should they integrate into the local communities, because of the high prevalence of land problems, refugees could then expect to face more land problems as well.

Refugees experience more legal problems, and rate these as more serious than host communities and the general population. To complete a picture of vulnerability, out of all the problems reported, refugees are the least likely group to completely resolve them. Especially young refugees frequently abandon attempts to resolve their legal problems.

⁶⁷ Please note that out of the 1800 Syrian refugees interviewed, only a small fraction (>.05%) corresponds to encamped refugees or refugees living in informal settlements. The rest corresponds to refugees living in residential neighbourhoods. Percentages reflect the problem prevalence in those groups.

6

Impacts of the Most Serious Legal Problems in Ethiopia





From now on, we focus on the most serious legal problems people identified in the previous chapter. Until the end of the report, respondents answer our questions having their most serious legal problem in mind.⁶⁸

Not all problems have the same impact. Some of them have physical consequences; others have monetary or psychological consequences. In this chapter we ask respondents what impact their most serious legal problem has had on their lives. It is the second step in HiIL's diagnosis and response model. To know the impact of legal problems is to know where problem resolution can achieve the biggest benefit. This allows policymakers and their development and humanitarian partners to prioritise problem resolution that offers a preferred kind of relief to people.

Again, as noted in chapter 2, when regional comparisons between the general population, the host communities and the refugee samples are made in this chapter, they are limited to the Tigray region.⁶⁹

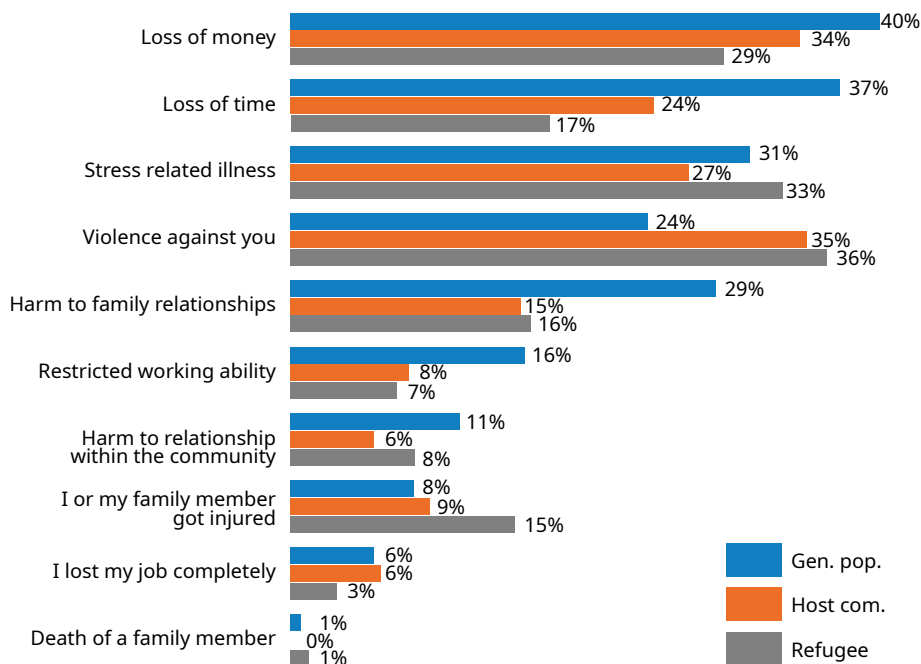
Violence is the most common consequence for refugees and host community members

The legal problems people experience have a number of serious consequences for them. Violence is the most common consequence of legal problems reported in the survey, for both refugees and host community members, followed by loss of money and stress-related illnesses. People in the general population also report loss of money and stress-related illness as common consequences of their legal problems, but report violence less frequently. For them, loss of time is a consequence they report more often than refugees and the local community.

⁶⁸ As outlined in chapter 2, findings of this chapter are based on the two selected refugee hosting locations Tigray and Somali regions.

⁶⁹ This is because the Somali region was not part of the general population survey conducted before this study, and numbers of the other groups are too low to make meaningful comparisons.

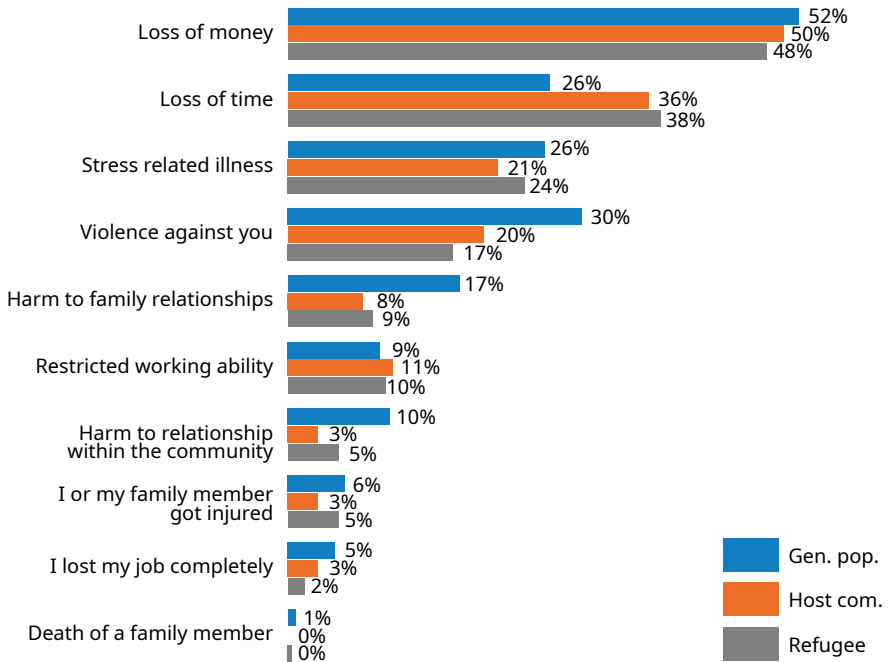
Consequences



As crime is the most reported legal problem by refugees and host communities, and second most reported by people in the general population, we also looked at the consequences of this specific legal problem. There are no major differences between the three groups when it comes to the consequences of experiencing crime. For all three groups, loss of money is the most

common consequence. For both refugees and host community members, this is followed by violence and stress-related illness. For people in the general population, loss of money is first followed by loss of time and then violence and stress-related illness, although the differences between the frequencies of those three consequences are small.

Consequences of crime problems by group



Most people experience more than one consequence per legal problem

A single legal problem tends to cause multiple different problems. On average, people in the general population report two kinds of consequences per problem, per person. Refugees and host community members report an average of 1.7 consequences per person. These

numbers stay the same for refugees and host community members when looking at the Tigray region alone. At 2.2, the general population in Tigray reports slightly more consequences per person, per problem. There are only small differences between men and women (1.98 and 1.87, respectively) and young people and adults (1.82 and 1.94, respectively) in the Tigray region.

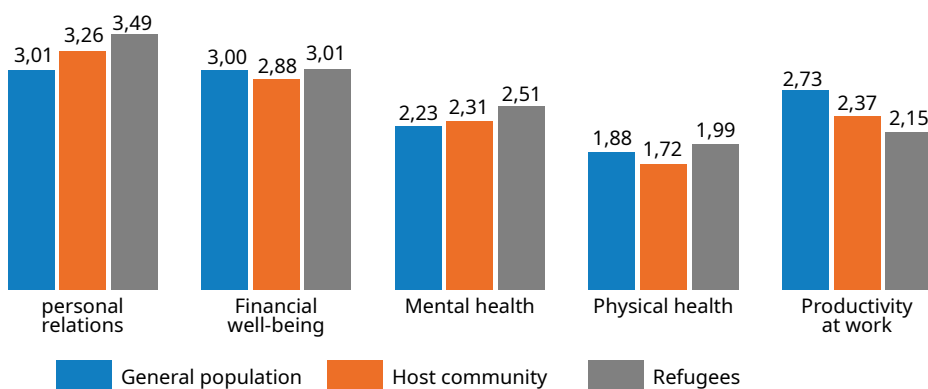
Legal problems have a particularly high impact on refugees

Another way to measure how legal problems affect people's lives is the impact score. This is a measure based on five questions about the extent to which a problem negatively affected personal relationships, financial well-being, mental health, physical health and productivity at work. The answers are on a scale from 1 (very small extent) to 5 (very large extent). For each person, we average the score of these five responses and normalise the distribution. This results in an impact score ranging from zero (the problem had almost no impact) to 1 (the problem had a very large impact).

The impact score of refugees is marginally higher (.41) than the impact score of host community members (.38) and the general population (.39). Refugees report a slightly higher impact on four out of five of the indicators. Only when it comes to the impact on productivity at work do host community members, and especially people in the general population, report higher scores.

Some participants in the triangulation exercise indicated that refugees have legal problems with a higher average impact score because refugees have fewer opportunities and rights, and refugees therefore worry they will not receive fair justice. Past negative

To what extent has the problem affected your...



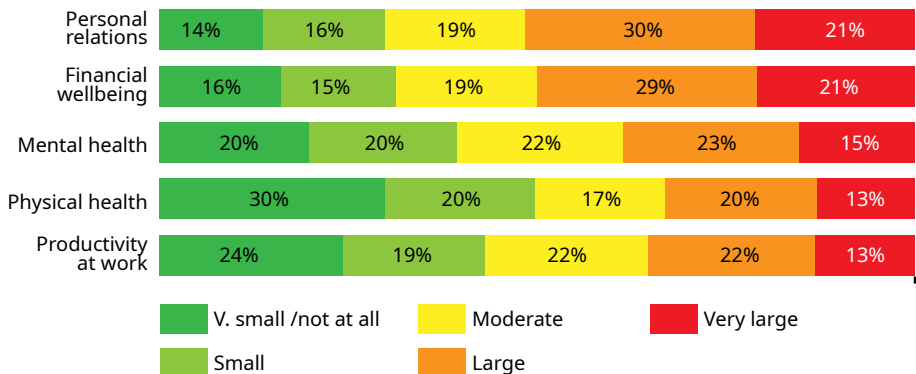
experiences and their psychological impact were also mentioned as possible reasons for their higher impact scores.

Looking at impact scores for distinct consequences per group, we find that all three groups report that personal relationships and financial well-being are greatly affected.

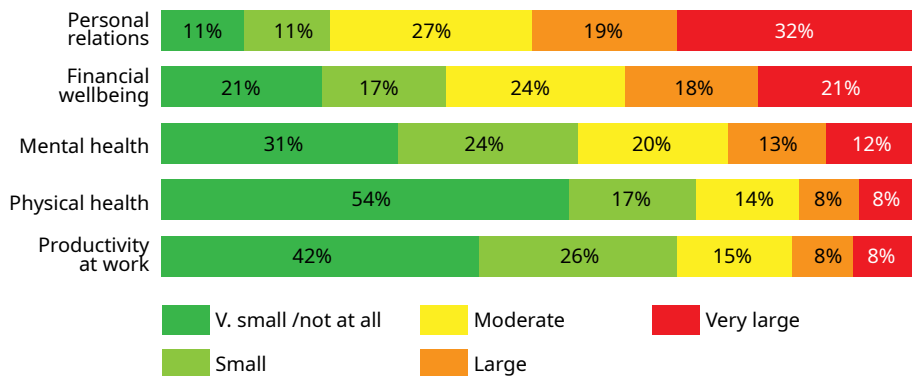
People in the general population report their mental health is affected to a large or very large extent by their most serious legal problem (38%) more often than refugees (25%) and host community members (19%).



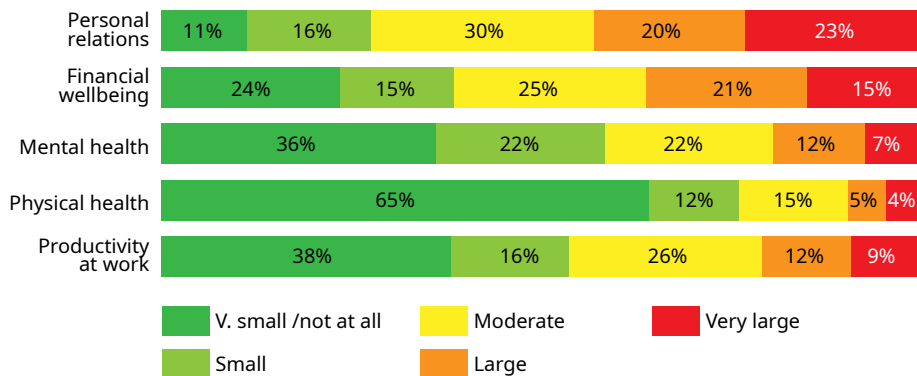
To what extent has the problem affected your... (Gen. pop. only)



To what extent has the problem affected your... (Refugees only)



To what extent has the problem affected your... (Host com. only)



Only 9% of people in the host community report that their physical health is affected to a large or very large extent by their problem, which is less than refugees (16%) and especially people in the general population (33%). In terms of productivity at work, 16% of refugees report their most serious legal problem affected this to a large or very large extent. This is less than host community members (21%) and the general population (35%).

This is probably because refugees are unlikely to be formally employed in Ethiopia. When asked, some refugees did report informal work, but almost none reported formal work. Serious problems may of course occur in informal work. But the lack of a formal employment contract significantly reduces the legal actions one could take to resolve them.

The picture above stays the same when looking at the Tigray region only. There are also no significant differences between men and women or young people and adults.

We identified what type of legal problems are most prevalent and most serious, and we looked at the impact they have on people's lives. We now

want to know what steps people take to resolve their problems, and how they evaluate this so-called justice journey.

Summary

Refugees tend to report more consequences that relate to violence than the other two groups. The average impact score of their most serious legal problem is higher than in the other groups. In every category of impact on life, refugees have a higher score, except for productivity at work which could be because they are less likely to work in the first place. In this way, it is clear from the data that refugees tend to experience more impactful problems than the general population and the host community.

7

Dispute resolution



At the core of a justice journey lies dispute resolution. In essence, justice services provide help in the resolution of a dispute, for example through mediation, advice, or arbitration.⁷⁰

In this chapter, we identify how people attempt to resolve their legal problems, if they succeed as expected, do not try at all, abandon trying along the way, or linger in ongoing problems. What kinds of dispute resolution providers do people engage, and what kinds of interventions do these providers offer? Do different groups of people use different kinds of providers, and how do the former evaluate the fairness and the processes of the latter?

A review of dispute resolution mechanisms is the third step in HiiL's diagnosis and response model for user-friendly justice. Here we identify what works and what does not in people's attempts to resolve their most serious legal problems. To increase access to justice, people need more of what works to prevent or resolve their legal problems.

This information increases the chance that policymakers, development partners and donors direct efforts and resources towards interventions that will actually work to increase people's access to justice.

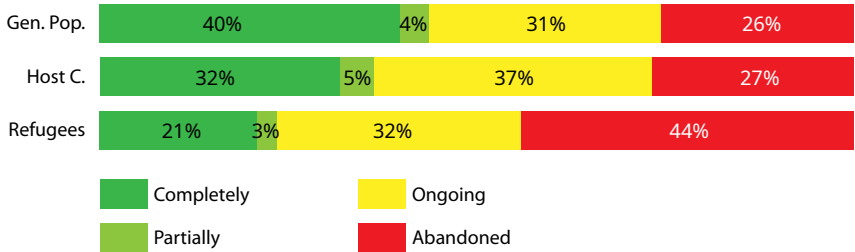
Recall, as noted in chapter 2, that when this chapter makes regional comparisons between the general population, the host communities and the refugee samples, they are based on data from the Tigray region.

Refugees tend to abandon resolving their most serious problems

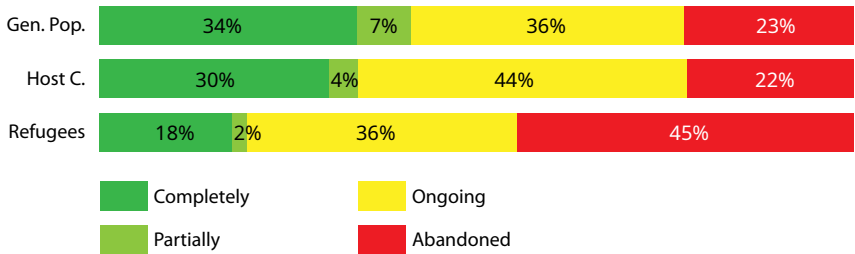
In accordance with what we found in chapter four, the first tangible finding is the systematic difference in resolution rates for the most serious legal problems, just like when we looked at all legal problems people reported. Simply put, refugees in Ethiopia are less likely than people from the general population or the host communities to get a fair resolution for their most serious problems. The three groups replicate the pattern above when the comparison is restricted to the Tigray region, meaning that refugees in the Tigray region are less likely than people in other locations to resolve their most serious problems.

⁷⁰ As outlined in chapter 2, findings of this chapter are based on the two selected refugee hosting locations Tigray and Somali regions.

Is your problem resolved at the moment?



Is your problem resolved at the moment? (Tigray region only)



Resolution rates of the most serious problems compared internationally

When comparing with other countries in Africa where HiIL conducted a JNS, the resolution rate of the general population in Ethiopia is more or less in the middle. This does illustrate that the resolution rate of refugees is particularly low, also when comparing it internationally.

Refugees tend to abandon resolving their most serious legal problems because they cannot get a resolution

Participants in the triangulation exercise suggested several reasons why refugees are less likely than the other groups to resolve their problems:

- 1) The temporary status of being in Ethiopia: For Eritreans, some see Ethiopia as an intermediate step in a longer journey, which makes things look temporary – and then there is little incentive to try to resolve justice problems. There is therefore a lack of knowledge about the Ethiopian justice sector.
- 2) Lack of access to courts which are the justice providers that are most likely to fully resolve problems

through decisions as interventions: Courts are not close enough to the camps. In the words of one Eritrean refugee, *“For example, in divorce cases, the jurisdiction of the court is Mekele. Most refugees do not have the money to take their cases to Mekele. This is a major problem. Due to lack of knowledge of Law, the refugees would go to the wrong places to settle their cases, and mostly they will fail.”*⁷¹

Still, initiatives in place such as mobile courts may increase access to justice.

- 3) Justice providers not being suitable to resolve some of the legal problems of refugees. In particular for the Somali population, which showed a preference for informal mechanisms such as Elders, who may hold a bias against one or a significant segment of the population, for example young or single women. This is particularly relevant in patriarchal societies.

Previous HiIL reports have found a straightforward relationship between the status of resolution of a problem and the impact of the problem measured “before” any action is considered. The emerging trend is that less impactful problems are either completely resolved or abandoned, while on average, problems that are more impactful remain ongoing.⁷²

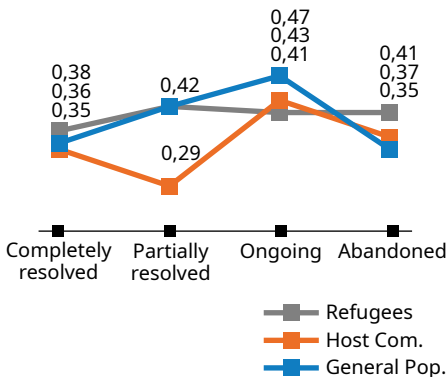
⁷¹ Interview refugee, Shimelba camp, 08.09.2020.

⁷² See HiIL (2020), *JNS in Uganda 2020*.

This means that less impactful problems are usually easier to deal with, therefore more often finding a resolution – or are easier to move on with – and people abandon them. Ongoing problems are those very impactful ones that people cling on to and hope to resolve. This trend is also visible for the general population in Ethiopia and for the host communities in this report.

Refugees, on the other hand, have an average impact score that is equivalent for abandoned and ongoing problems. This suggests that refugees have to abandon impactful problems that they would otherwise still expect to resolve in some way.⁷³ Below we show the relation between the most serious problem categories and resolution status.

Impact by resolution status



⁷³ For both refugees and host communities, the number of observations in the “partially resolved” category is too small to make reliable claims.

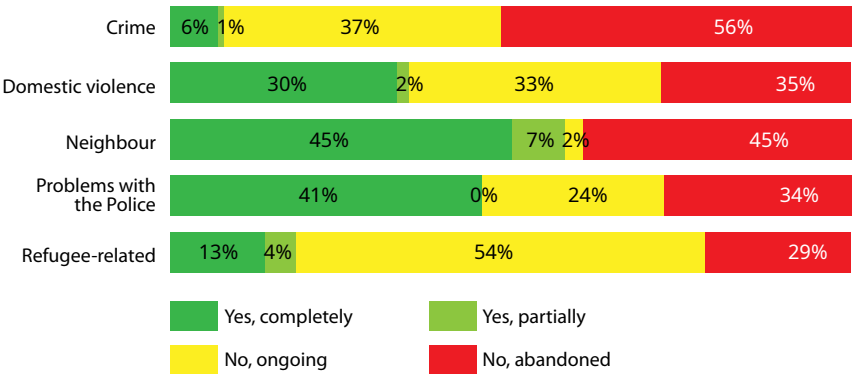


Crime and refugee-specific problems are least likely to be resolved

Another explanation for why refugees abandon impactful problems has to do with the resolution status of commonly occurring problem categories. In the graph below, we find that crime-related problems and refugee-specific problems⁷⁴ are the problems by far the least likely to be resolved. Particularly, crime problems being so prevalent and so much more likely to be abandoned have an important weight in this in the refugee sample.

Participants in the triangulation exercise provided insights into the barriers to resolving crime-related problems. They said that it is difficult for refugees to secure the participation of witnesses, particularly if witnesses are required to go out of camp to testify. Moreover, the costs of travel to court are the responsibility of the victim and their witnesses, and refugees tend not to have the necessary financial means.

Resolution by problem category (Refugees)



⁷⁴Such as difficulties obtaining family or individual ration cards; obtaining birth certificates for children born in Ethiopia; recognition of educational diplomas; being forced by someone else to engage in illegal activities, among others.

People do try to take action, although women less so than men in the host community

We asked respondents whether they have engaged a justice provider from the list below, including the possibility of talking or negotiating directly with the other party involved in the dispute. Positive replies to at least one of the below options indicate that the respondent took action to resolve the problem.

 Negotiating directly with the other party

 Family member

 Friend

 Neighbour

 Religious authority

 Police

 RCC (refugee sample only)

 Shurta (refugee sample only)

 ARRA (refugee sample only)

 UNHCR (refugee sample only)

 Other camp-based organisation (refugee sample only)

 Traditional Elders/community Elders (refugee sample only)

 Local public authority

 Formal court (trial or other court of law)

 Social/City court

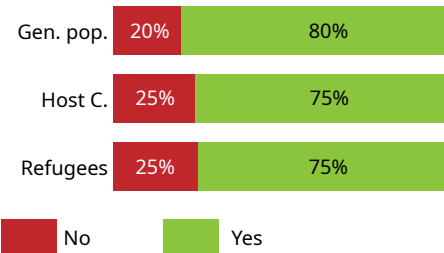
 Religious court (Sharia court)

 Shimeglna

 Lawyer

 Other

Action taken to resolve the problem



Taking action to resolve a problem occurs frequently in all groups, but slightly more often among Ethiopians from the general population sample. There is no difference between the samples of host communities and refugees, however, women from the host communities are significantly less likely than men to take action (69% compared to 84%), while there is no significant gender difference for refugees. Young members (up to 24 years old) of the host community are also less likely than older persons to take action. Further disaggregation by gender leaves too few observations to make reliable claims. There are no significant demographic differences comparing refugees and host communities taking action across the two regions of the study.

Ethiopia’s general population on average engages most justice providers, and the higher the impact of the problem, the more providers everyone engages

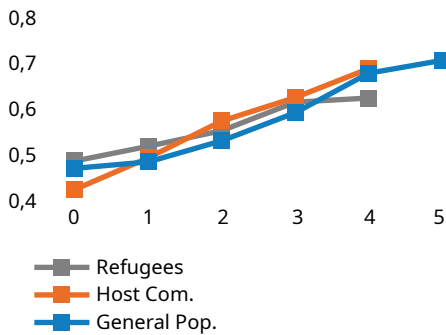
Members of host communities tend to engage fewer justice service providers on average (1.45) than refugees (1.68) and the general population (1.74).

If we restrict the sample to Tigray, the average number of providers is still higher for the general population (2.13), but the host communities and refugees report the same number (1.5).

For everyone, whether refugee, host community or general population, the higher the impact of the problem, the more justice providers they engage to try to resolve it.⁷⁵

⁷⁵ In the graph ‘Average impact by number of providers’, the lines for the refugee and the host communities end at the x-axis value 4, because the number of observations is too small to make reliable claims after that.

Average impact by number of providers

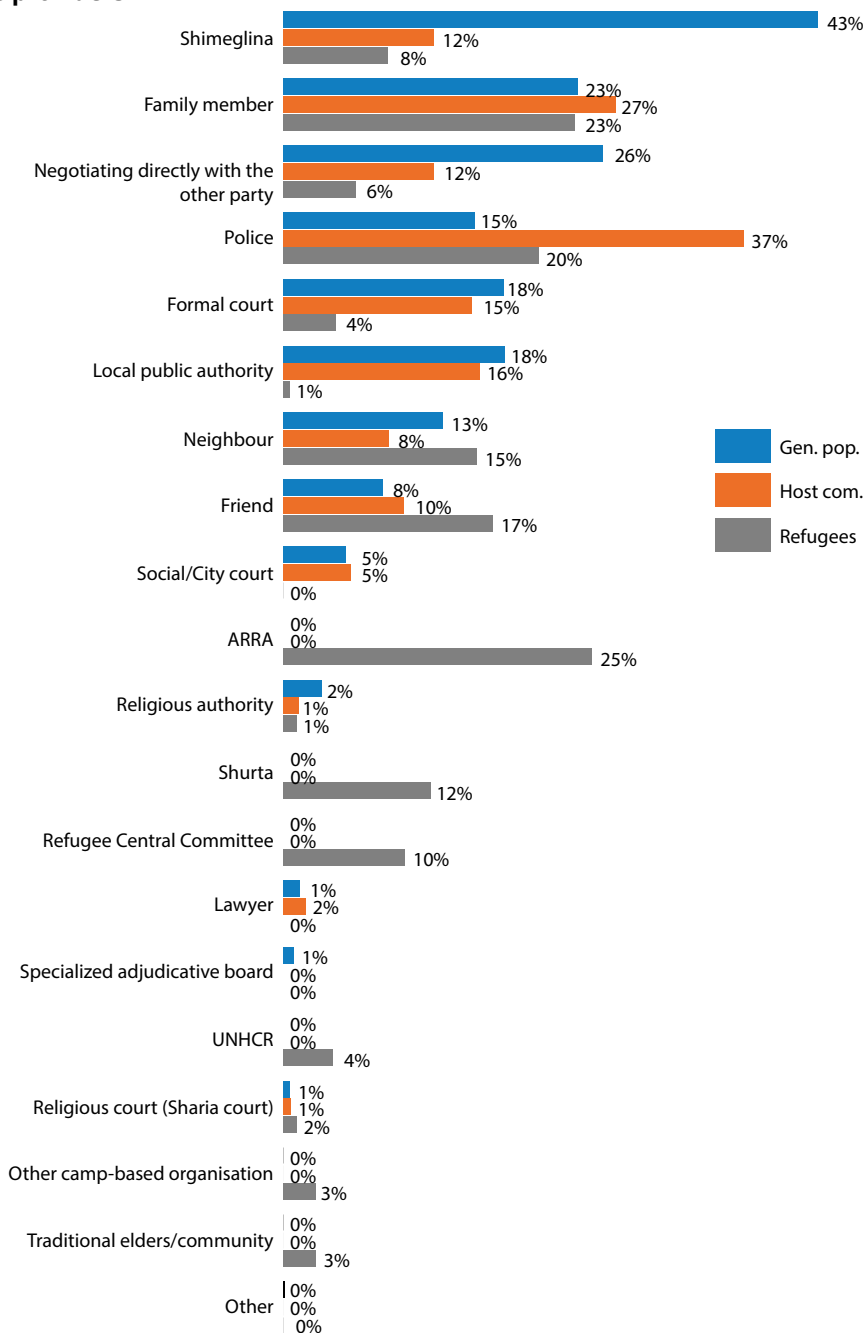


Refugees take legal problems to ARRA, the Shurta, and RCC. Host communities go to the police, and the general population to Shimeglina

There are significant differences within and between groups as to what kind of justice service providers people engage. Refugees are less likely to engage in direct negotiation with the other party involved in a dispute and have little to no access to local public authorities and social or municipal courts.



Justice providers



The most noticeable difference lies in how often refugees engage ARRA (25%), the Shurta (10%), and the Refugee Central Committee (10%). It is also noticeable to see how little use of Shimeglina host communities report (12%) compared to the general population (43%).⁷⁶

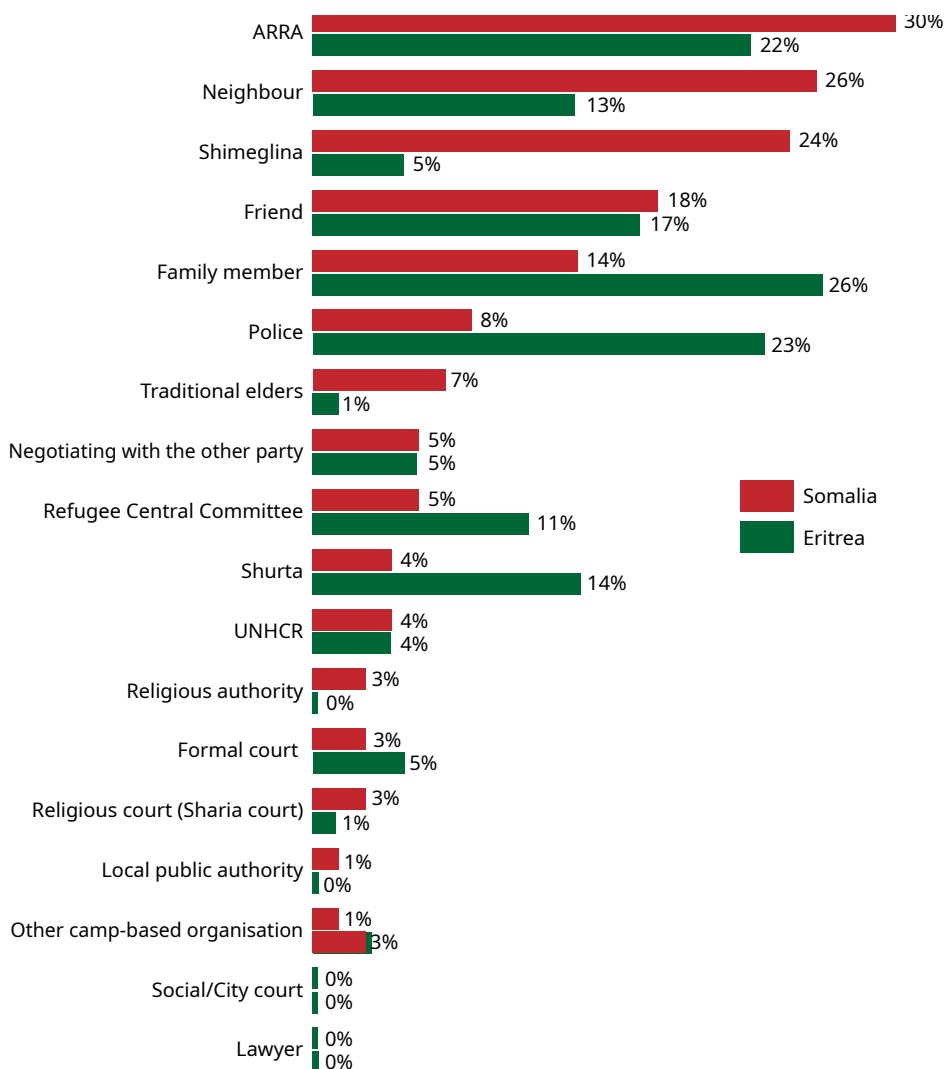
Refugees are at least four times less likely than Ethiopians from the general population or from the host communities to engage formal courts, social courts, lawyers and local public authorities in their disputes.

Compared with Somali refugees, Eritrean refugees are twice as likely to engage the RCC and more than three times more likely to engage the Shurta.



⁷⁶ There is a possibility that host community respondents did not recognise the survey's reference to Shimeglina as we expected them to.

Justice providers by origin of respondent



Throughout this report, we have shown that the refugee population cannot be treated as a homogeneous group. The graph above shows the differences between refugees coming from different CoO. Among those refugees coming from Somalia that engaged at least one justice provider, we see that they are more likely to engage local Elders (or Shimeglina) than their peers from Eritrea. This finding was recognised in the triangulation exercise. Participants said that Eritrean refugees are more urbanized and therefore rely more on formal institutions, while Somali refugees have great respect for their Elders and traditional forms of justice.

Focus on the Tigray region:

Ethiopians from the general population engage more often family members (52%) and direct negotiation with the other party (51%) to resolve their legal problems. The police (27%) and the Shimeglina (20%) follow. The host communities, on the other hand, rely on the police first (39%), then on family members (31%), followed by local public authorities (18%). Only after that, host communities tend to engage formal courts as their fourth avenue (15% - a similar percentage for the general population), and Shimeglina as their fifth (11%).

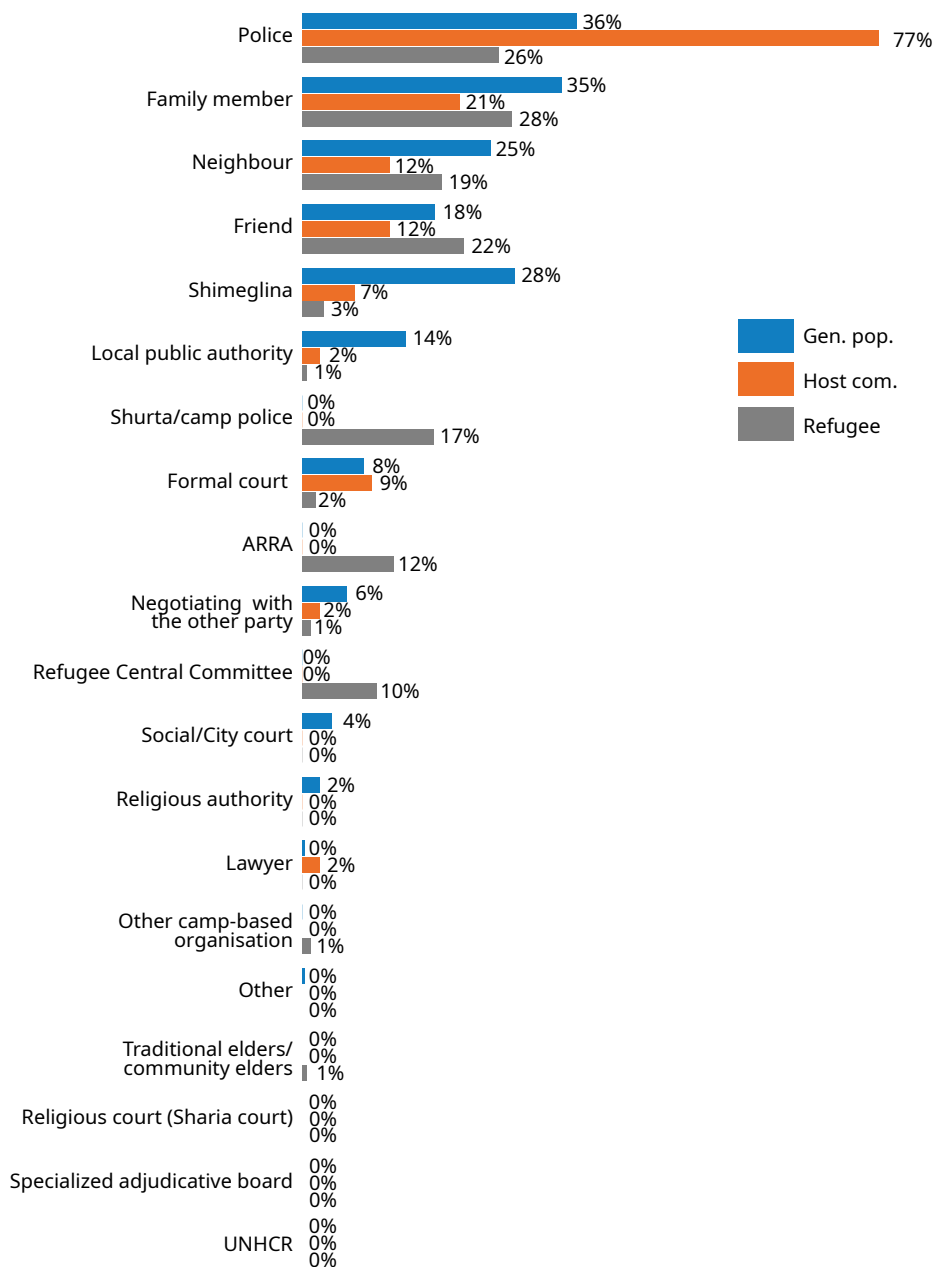
One of the interviewed refugees during the triangulation exercise from the Tigray region briefly described the sequence of engaging justice providers :

*"Yes, I have experience [engaging with justice providers]. Because I am a refugee, for serious cases, I prefer to report the case to ARRA, I can get a solution through ARRA, but for a minor case, I can use neighbours and friends to settle my cases."*⁷⁷

Even by restricting the sample to crime, one of the most common serious legal problems, the host community members are significantly more likely than refugees or the general population to engage the police. The Shimeglina is a common justice provider for the general population, but again, less so for host communities and refugees as a whole in the sample. For refugees, the police, the Shurta, ARRA and the RCC comprise the majority of their actions.

⁷⁷ Interview refugee, Adi Harush camp, 08.09.2020.

Justice providers

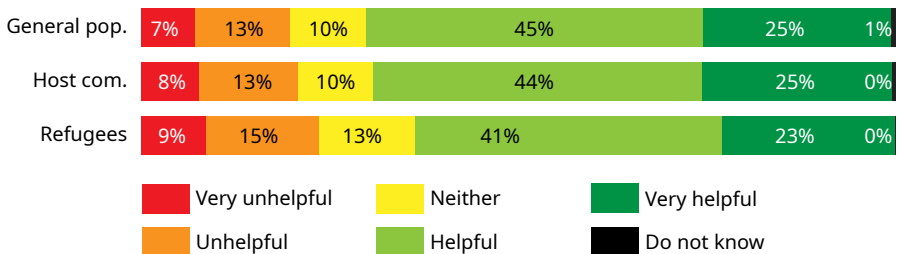


Generally, different groups rate providers equally (un)helpful, but specific providers seem less helpful for refugees than for others

We asked people to tell us in-depth about every justice provider they engaged. We asked how helpful these service providers were, how neutral their intervention was, and what intervention the provider offered.

Taking justice service provision in general, everyone reports similar rates of helpfulness and unhelpfulness, with refugees slightly less positive overall.

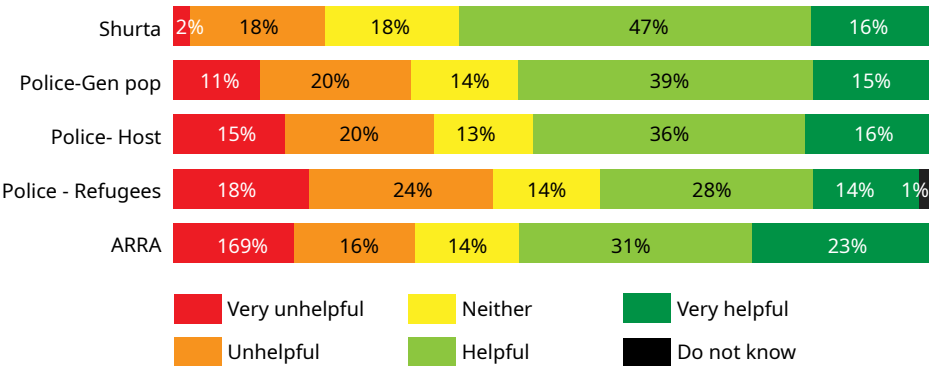
How helpful was the provider?



But different groups engage different providers, so we asked them to rate specific providers. Refugees find the Shurta helpful more often than other providers. Another relevant actor, the police, gets similar evaluations from refugees and host community members.

Looking at gender, two out of three women from the host community and refugee samples received a service that they perceived as, at least, helpful. The percentage is higher (82%) among women from the general population.

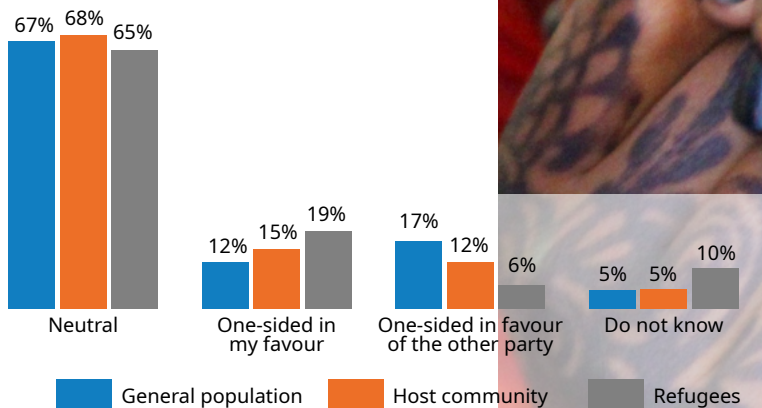
Helpfulness of selected key justice providers for different users



Neutrality is a common characteristic of justice services in Ethiopia, but it varies depending on group and provider

For all groups, two thirds of the justice interventions were qualified as neutral, in the sense that the provider did not side with any of the parties. For the other one-third of the interventions, refugees were more likely than the general population to say the intervening party was siding with them, and almost three times less likely to say the intervention was biased towards the other party. However, they are also twice as likely to not reply to this question.

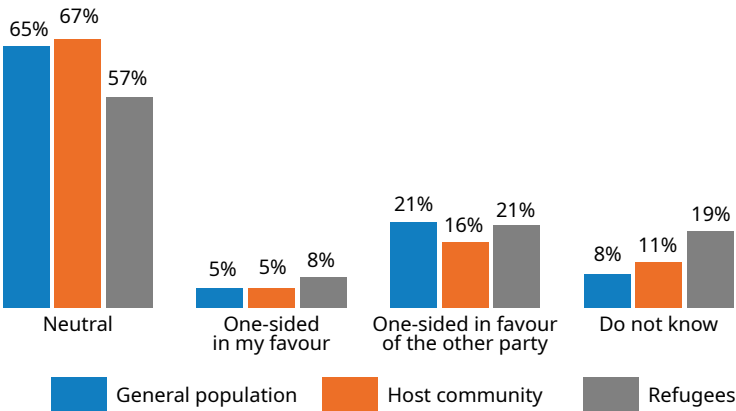
Neutrality of justice providers



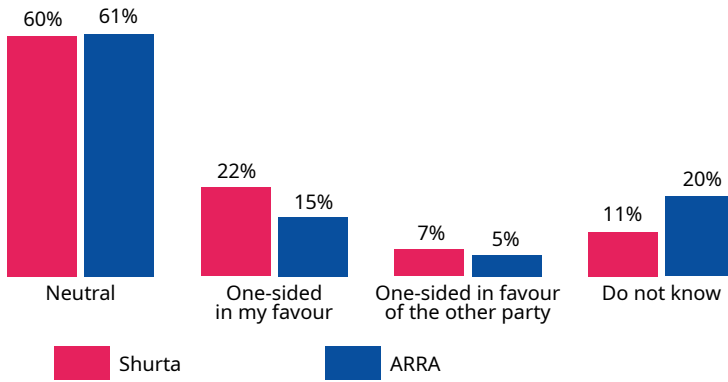
When we focus on the key providers for the refugee sample (ARRA, Shurta, RCC and police), we find that refugees experience police interventions less often neutral (53%) than the other groups (around 65%), and more often do not want to answer this question.

As three of the most important justice providers for refugees, we compared the perceived neutrality of the Shurta, ARRA and RCC. The majority of refugees who engaged them, found them highly neutral.

Police neutrality



Shurta and ARRA Neutrality (Refugees only)



Host communities and the general population receive considerably more mediation and decision making than refugees, who tend to get advice from justice providers.

Besides identifying which justice providers people engage, we want to know in what ways providers intervene. Justice providers can mediate, decide on matters (i.e., arbitrate), represent a person, give advice or refer to another provider. In the worst-case scenario, they do nothing for the person seeking help.

Almost 50% of all the justice providers that dealt with the most serious problem of a refugee only provided advice, twice as much as for the general population.

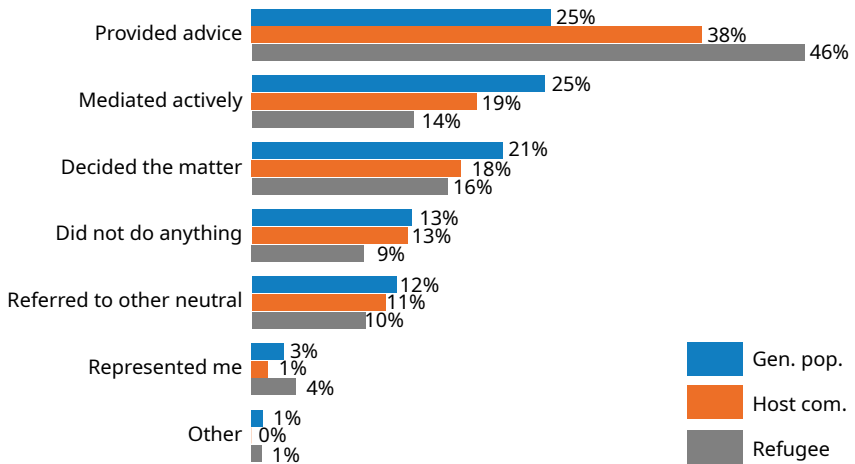
This suggests that the general population's justice journeys are less complex than the journeys of refugees. This may be due to a mismatch between the interventions that available providers can offer and the types of legal problem people seek to resolve.

ARRA, Shurta and the RCC might be less able to settle disputes, because, according to the data, they are less likely to mediate or arbitrate a dispute. Refugees and Ethiopians have access to different justice providers with different mandates, and particularly in the latter group there are differences between the legal problems and justice services in urban and rural communities. In rural locations, the informal Shimeglina deal with a significant number of problems.⁷⁸

Despite the potential for a mismatch between problem and intervention, refugees in particular report few instances where justice providers did in fact do nothing to help resolve a problem (9%).

⁷⁸ For a detailed evaluation of the justice journeys of Ethiopians from the general population, see JNS Ethiopia 2020 report (forthcoming).

What did the justice provider do? (All providers)

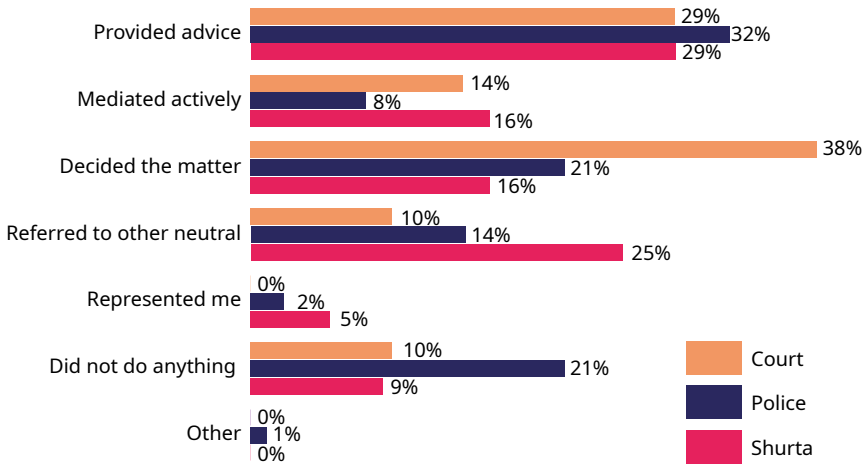


Comparing the key justice providers for refugees, we find several more or less expected differences. Looking at the graph below, and keeping in mind that the number of responses at this point is relatively small,⁷⁹ results show that courts would decide on

matters more often than the police or Shurta. Comparing the two, the police appears more likely to do nothing for refugees seeking their assistance than the Shurta. The latter most commonly provides advice or refers refugees to other third parties.

⁷⁹ Recall that, at this point, people with no legal problems and people who did not take action to resolve their legal problem are no longer part of the sample in the dispute resolution section.

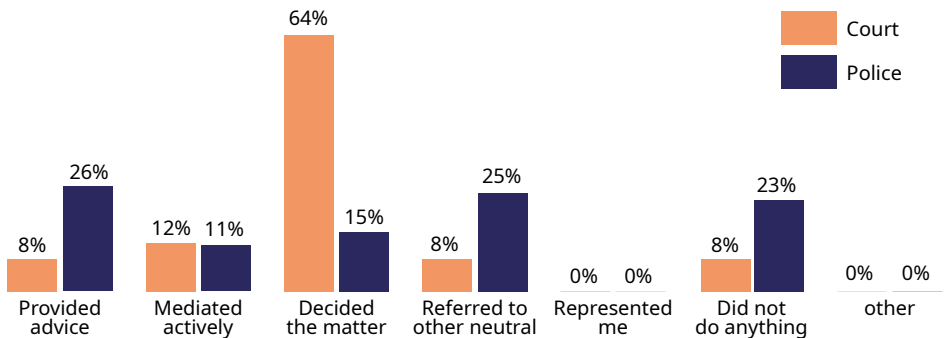
Interventions - key providers (Refugees)



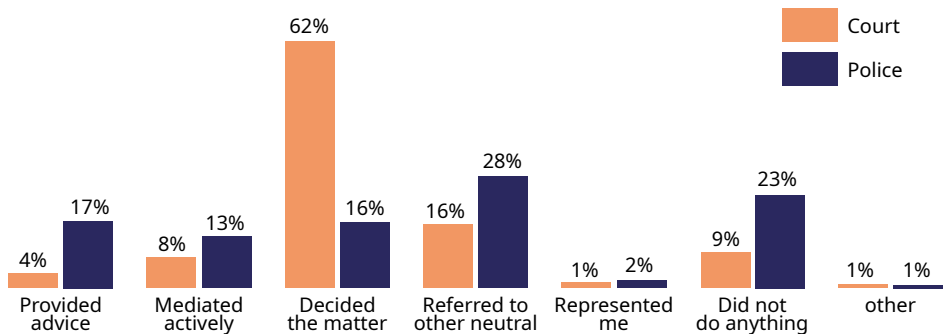
The graphs below show courts and police interventions for the general population and host communities. We chose to show the court system interventions, because they are more common for the general population. In this way, we can compare what they offer to different groups.

As expected, courts resolve matters. The police seem not to do anything in Ethiopia one out of five times. This is a common trend for all groups, except that in host communities the police offer advice more often.

Interventions - key providers (Host com.)



Interventions - key providers (Gen. pop)

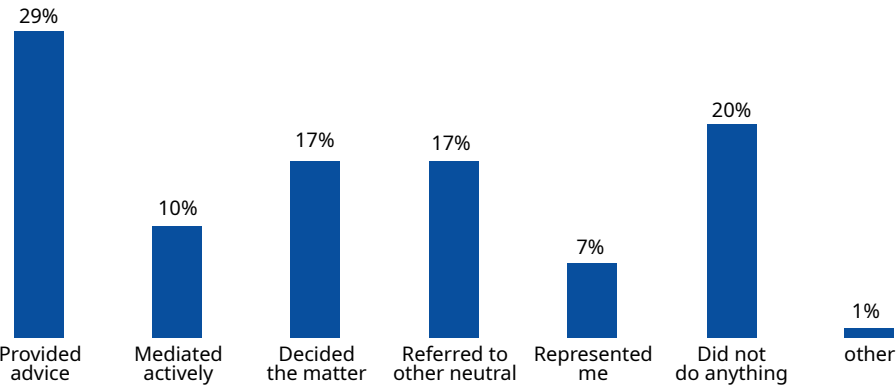


ARRA most often provides refugees with advice on how to solve a legal problem.

When refugees engage ARRA, they mostly get advice on how to deal with their legal problem (29%). Refugees report, however, that for one in five requests ARRA does nothing (20%). Otherwise, ARRA might refer refugees to another third party that can help (17%), or it might actually decide on how matters should be resolved (17%). ARRA is less likely to actively mediate between parties in a dispute (10%) or represent people in front of another justice provider (7%).

ARRA’s most common interventions with regard to justice needs thus do not actually resolve a legal problem. Not doing anything, providing advice, or referring to another justice provider are only steps in a resolution process, and do not in themselves offer resolution to a problem. Only deciding the case or mediation may actually result in resolution by ARRA. And while ARRA is the most commonly engaged justice provider for refugees, ARRA tends to do this in only 27% of cases. Hence, and consistent with the earlier findings on resolution rates of the most serious problems, refugees often perceive their legal problems as unresolved.

Interventions - ARRA



⁸¹ See page 103 for resolution rates.

Lack of trust is the main reason refugees or host community members do not try to resolve a problem

After following in detail the justice journeys of people who took some action to resolve their most serious legal problem, we now turn to those who did not take action.

The table below shows a striking pattern. Recall that the average action rates for different groups are similar,

but that refugees tend not to take any action for more impactful and serious problems, and that women from the host communities are less likely than their male peers to take action. When we asked them about the most important reason for not taking action, two out of three refugees and host community members told us they simply did not expect a positive result.

Reasons for not taking action	Sample group		
	Gen. pop.	Host com.	Refugee
I did not expect a positive result	35%	63%	65%
Did not know what to do	15%	12%	11%
Did not want to hurt important relationship	13%	12%	13%
Other	8%	8%	6%
The other party was more powerful	9%	2%	4%
Problem was not serious enough	6%	2%	0%
Did not have enough money	6%	0%	2%
No answer	5%	1%	0%
Did not have enough time	3%	1%	0%

In order to improve access to fair resolutions, relevant stakeholders have to ensure that a resolution can be achieved. This is of course true for all people who seek to resolve a legal problem, but this is particularly urgent for refugees and host communities as they report lacking such necessary trust in positive outcomes.

For refugees, host community members and the general population, justice journeys involve stress and negative emotions

As explained in Chapter 2, the JNS continues by measuring how respondents rate their justice journeys in terms of process, outcome, and cost. Indicators of these dimensions are shown together in a spiderweb chart, in which the plotted lines represent how the different groups evaluate each indicator. The further out the line (and the higher the number), the more positive the evaluation.

The panhandle shape in the spider web chart below suggests that all justice journeys involve intense levels of stress and negative emotions, particularly

for refugees and members of host communities. Also, the way outcomes are communicated by justice providers is reportedly poor. For better access to justice, it is not only important to receive an outcome, but it should be explained and understood, which seems to be lacking in Ethiopia for all groups.

Ethiopians from the general population seem to rate their justice journeys overall more negatively than people in the other groups. Notably, refugees rate costs and time spent better than the general population and host communities do. This could be because the majority of refugees are accessing justice providers such as ARRA, RCC and the Shurta who are available within the camp setting.

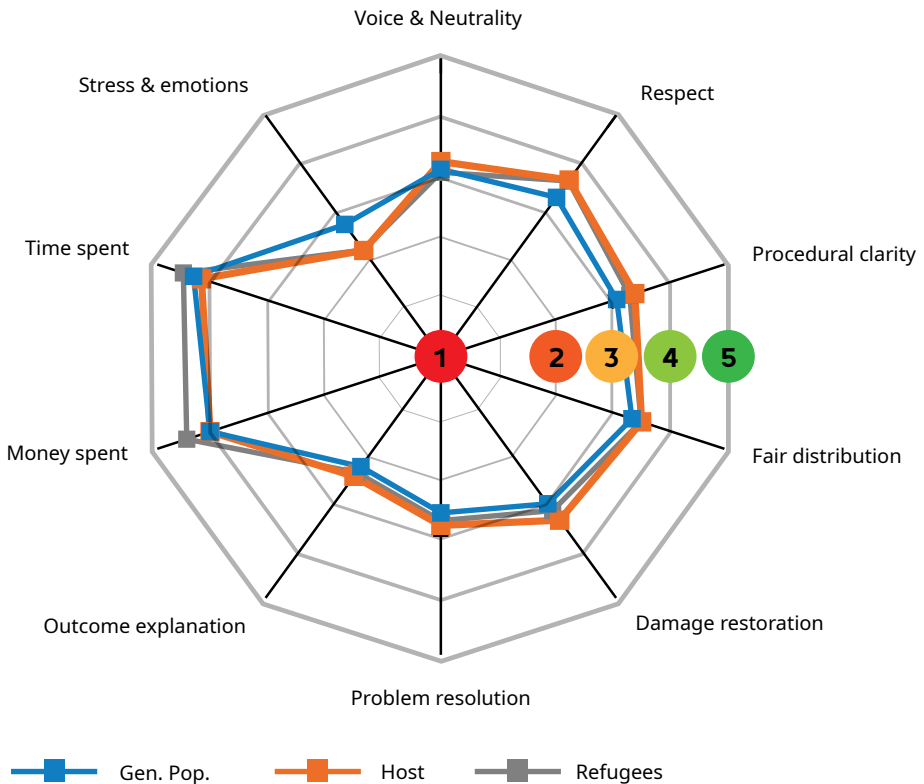
None of the sampled groups (general population, host communities nor refugees) rated other procedural dimensions of the resolution process (as discussed in chapter 2 and shown in the spider web below) with an average above four or five. This means that there is a potential and a need for improvements in the way processes deliver justice for all groups in Ethiopia.

⁸² It is important to specify that questions about the quality of the outcome are only asked to those who consider their most serious problem as resolved, and as shown before, the refugees and host community samples get smaller at that point, compared with the general population.

⁸¹ One outlier removed. The outlier had a cost that was significantly higher and skewed the numbers.

⁸² One outlier removed. The outlier had a cost that was significantly higher and skewed the numbers.

Process evaluation - all problems by group



In general, refugees spend less money on justice

People told us, approximately, how much money they spent in trying to resolve their most serious legal problem. The table below shows the

average cost that includes all of the most serious problems and all of the justice providers in all regions .

General population: **2111⁸¹ Birr**
 Host Communities: **1277⁸¹ Birr**
 Refugees: **639 Birr**

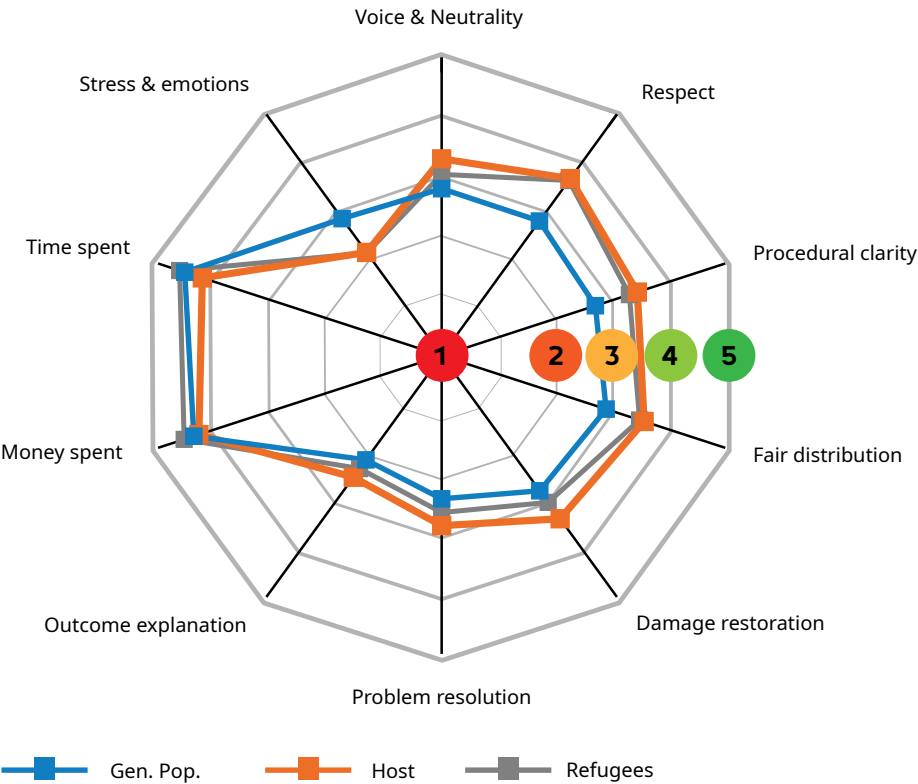
Average monetary costs of justice (all providers) in Tigray

Refugees pay less money than the other groups in Tigray, probably

because justice providers they access are available in the refugee camps.

General population: **997 Birr**
Host communities: **914⁸³ Birr**
Refugees: **638 Birr**

Process evaluation - all problems by group in Tigray



⁸³ One outlier removed. The outlier had a cost that was significantly higher and skewed the numbers.

If we restrict the sample to Tigray, a noticeable pattern appears. In every measure of the quality of the processes and even in the quality of the outcome, the host community and refugee samples rate their justice journeys better than the general population do. Despite all the barriers, refugees and host community members in the Tigray region seem to value the services they get with the sole exception, again, of the stress and negative emotions they go through while trying to resolve their problems.

Summary

A justice journey should end with a resolution. Justice providers should aim at improving people's lives by resolving and addressing pressing needs, particularly for people with specific needs. We see that in Ethiopia, refugees learn to live with impactful problems. Sometimes they maintain hope for a resolution, but in the majority of cases they abandon even that. Sometimes refugees and people from the host communities - particularly host community women - end their justice journeys before getting started because they feel there is no hope of achieving a positive outcome.

While Ethiopians from the general population prefer to resolve their problems at the level of personal

networks or local Elders, Ethiopians from the host communities disproportionately engage the police. Refugees engage providers that are available to them in the refugee camps, such as ARRA, the Shurta and the RCC. Even though on average, the level of helpfulness for all interventions are similar between groups, the evaluations of specific providers tend to be slightly worse for those who serve the refugees. One clear difference is that providers supporting refugees offer less often a decision and more often advice or referrals to other justice providers, while the general population obtains more often decisions that resolve their problems.

Part of the reason for this is that, refugees are four times less likely than Ethiopians from the general population or host communities to benefit from court services, at either federal or state level. This means that in practice they have no access to fundamental justice institutions in Ethiopia, despite the efforts of UNHCR and ARRA to facilitate such access.

The evaluation of the costs and the quality of processes and outcomes shows that refugees in general rate worse the negative emotions and stress associated with the procedures. On the other hand, refugees rate cost and time of procedure better than the general population.

8

Legal Information and Advice





Access to legal information and advice is a cornerstone of justice systems aiming to increase the provision of resolutions to legal problems. Around the world, efforts are focused on providing legal information and advice, to those who could not otherwise afford it, in the form of free legal aid, or through the help of (partially) subsidised lawyers. However, the reality on the ground is that when facing a legal problem, people often will turn to more sources of advice beyond legal aid and private lawyers; family, friends, traditional leaders, etc.

In this chapter, we analyse the patterns of obtaining legal advice to resolve the most serious legal problem people have, as well as the content of the advice that different sources provide. We include personal sources of information and advice such as family and friends, since the resolution of a legal problem usually begins with such informal consultations in the private sphere.

These findings suggest how efficient varieties of advice and information are in the eyes of their users. Policymakers and development partners are subsequently enabled to support those sources of advice and types of information that would deliver the biggest impact.

As noted above and explained in chapter 2, when this chapter makes regional comparisons between the general population, the host communities and the refugee samples, they are limited to the Tigray region.

There is no difference in access to legal advice between groups. Refugees from Somalia are more likely than refugees from Eritrea to seek advice

We asked respondents whether they consulted any of the following sources for legal advice:

Family member

Friend

Neighbour

Religious authority

Free legal aid organisations

Police

Local public authority

ARRA

National public authority

Formal court (Federal, State or Municipal)

Social/ City court

Religious court (Sharia court)

Local Elders tribunal/Shimeglina

Lawyer

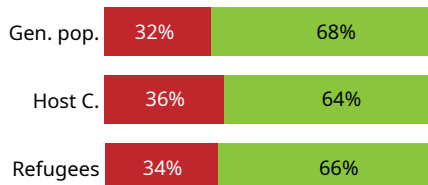
UNHCR

Camp-based authority

Other

Having consulted at least one of these sources registers a respondent as having sought legal advice. Among refugees, host communities, and the general population, the proportions of people who sought legal advice are similar, at about two out of three.

Sought legal advice



■ No ■ Yes

Comparatively, this is on the lower end compared to what we have seen in other countries. The proportions below show how many people – without differentiating between refugee, host community, or general population – in different surveyed countries sought legal advice from any source, professional or not.

Mali (2018)	88%
Uganda (2019)	75%
Nigeria (2018)	72%
Uganda (2015)	65%
Kenya (2017)	65%

In Ethiopia, refugees from Somalia (71%) are slightly more likely than refugees from Eritrea (65%) to seek legal advice. Reasons for this difference may relate to the preference for trust-based, informal advice providers in the Somali region, as shown below, or differences in the availability of legal aid providers per refugee camp.

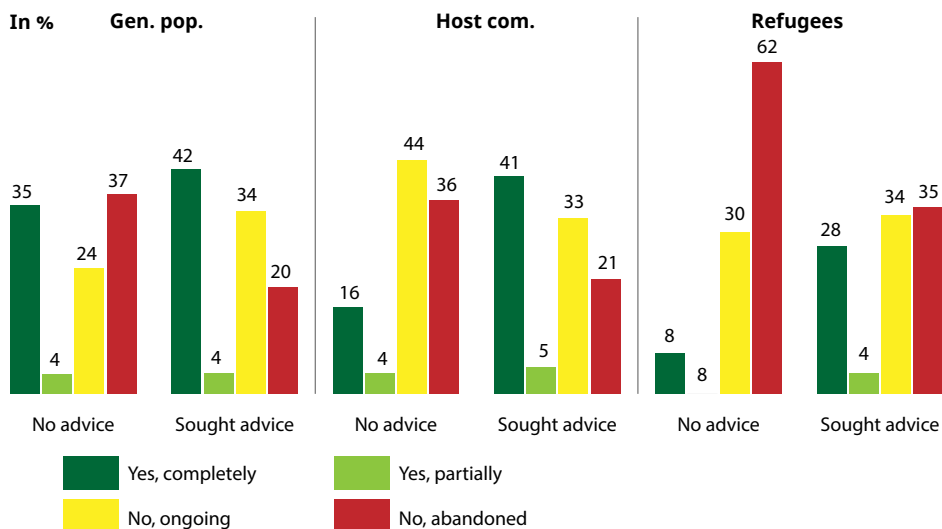
Restricting the sample to the Tigray region only shows that the general population (90%) is more likely than the other groups to seek legal advice, while host community members and refugees still show a rate of two out of three.

Obtaining legal advice significantly increases the chances of resolving problems. Still, the effect is less pronounced for refugees

Increasing resolution rates are expected when a person gets legal advice, especially, but not exclusively, when sought from professionals. We find this effect particularly in host communities. 16% of people who did not seek information or advice from any source completely resolved their legal problem, increasing to 41% for those who did seek legal advice from at least one source, regardless of which one.

The graph shows the different resolution status rates for the three samples, separating those who did and did not seek legal advice to resolve their legal problems. The bars on the left for each group show those who did not, and the bars on the right for each group show those, who did.

Problem resolution status and seeking advice by group sample



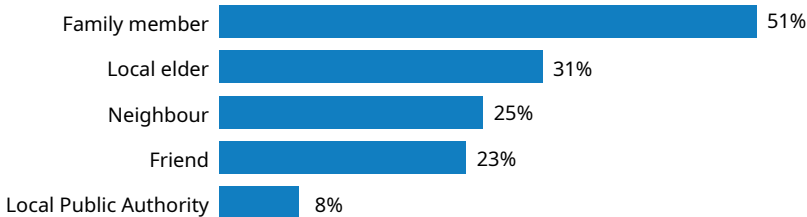
The positive effect of obtaining legal advice is proportionally higher in the case of refugees. In absolute terms, however, refugees still abandon the highest number of legal problems, with or without legal advice. This suggests that the proportional gain that can be made with the provision of more accessible and better-quality legal advice is highest in the case of Ethiopia's refugees.

Host communities, refugees and the general population use different legal advice providers

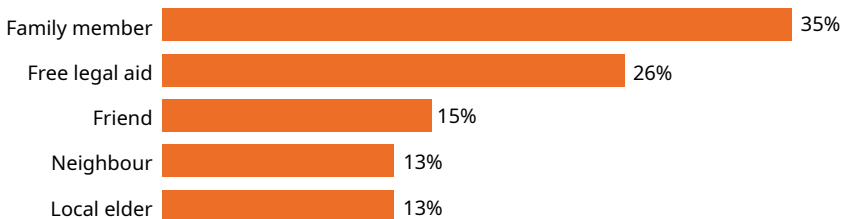
Beyond the difference in access, another relevant aspect is the type of legal advice providers different groups consult. Below we show the top five providers for each group. It is clear that the role of the inner circle of a person's social network is crucial. Family members are always

the most common providers of advice on legal matters, despite the unknown quality of such advice. One out of two Ethiopians from the general population who sought legal advice got it from family members. This proportion decreases to approximately one out of three in the host communities and refugee samples. Courts or lawyers do not make it into the top five in any of the samples.

Top legal advice providers (Gen. Pop.)



Top legal advice providers (Host Com.)



Top legal advice providers (Refugees)



If we restrict the sample to the Tigray region, there is a small difference between host community members (37%) and refugees (31%) consulting family members, which in turn is similar to the overall percentages for those groups.

The use of free legal aid seems most common in host communities, but this finding contradicts experiences on the ground

Given HiiL's experience measuring justice around the world, we find that the use of personal networks to obtain legal advice is common to many countries. What is positively surprising in Ethiopia is the use of free legal aid in host communities. One out of four persons from the host community samples in both the Tigray and Somali regions consulted a free legal aid

provider. This is likely to explain the increase in problem resolution rates, compared with those who did not seek legal advice.

If we restrict the sample only to the Tigray region, we observe that also in the general population access to free legal aid is significant (24%), while host communities there still seek advice more often (30%).

Participants in the triangulation exercise were surprised by the seeming lack of free legal aid in the refugee camps. The majority of practitioners in both regions say free legal aid is available to refugees, via ARRA, universities and DRC, for instance. Some practitioners say free legal aid is also available to host community members via universities, NGOs and formal institutions. Local government officials corroborate the availability of

⁸⁶ Interview ARRA field officer, 03.02.2020.

legal aid services in the refugee camps.

The apparent contradiction between survey data and interviewees' statements may suggest that while free legal aid is officially available to refugees, it is not actually accessed by refugees. There might be obstacles and challenges in accessing the formally available free legal aid, which the providers are not aware of.

Indeed, one practitioner from the Tigray region pointed to the lack of coordination between universities and ARRA, hindering the provision of free legal aid in the refugee camps. Another practitioner from the same region suggested that legal aid providers at the university-NGO clinics are not highly qualified and do not in fact spend much time with refugees.

There might be confusion as to whom free legal aid should actually be provided. According to an interviewee during the triangulation exercise, Mekele and Aksum universities conduct operations that are conceived as a community service in host communities, therefore, people related to the universities get credit for doing that. NGOs ask universities to provide free legal aid services, but universities would ask for compensation, as providing this service would not be strictly considered community service.

This is a potential explanation why we observe proportionally more people using free legal aid in the host community.

But at the same time, a Field Officer from ARRA said, "in the Somali region, Jigjiga University in coordination with ARRA and UNHCR provides free legal aid in all camps."⁸⁵

Another possible explanation for this apparent contradiction is that refugees do not recognise or use the concept of free legal aid. Given answer choices like ARRA or UNHCR, they may have associated the provision of legal aid to those specific providers and not to the generic 'free legal aid' concept. Still, this would suggest that refugees are not aware of the free legal aid provided in the refugee camps, which indicates that awareness raising could increase the use and functionality of the services offered.

⁸⁵ Interview Interview ARRA field officer, 03.02.2020.

Refugees mostly use ARRA and the police as formal providers of legal advice

The table below shows the five main legal advice providers to refugees by region, among those who sought legal advice.

Mostly, refugees get advice from non-organised sources like family members, friends or neighbours. Still, and regardless of the quality of the advice, the importance of ARRA as a legal advice provider is shown in the table below, always becoming one of the top five advice providers, with one out of five refugees who sought legal advice consulting them.

One of the main differences is how refugees in the Somali region rely mostly on personal networks with the sole exception of ARRA among the top five advice providers. Refugees in the Tigray region rely heavily on advice from the police, besides that of family and friends.

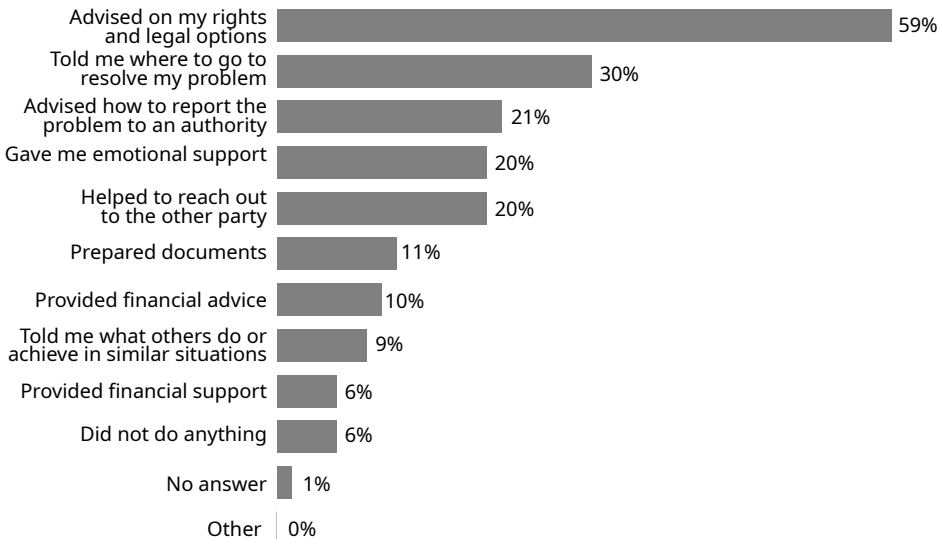
Refugees			
Tigray		Somali region	
Family members	31%	Neighbour	35%
Friends	25%	Local Elder	29%
Police	25%	Family member	28%
ARRA	22%	Friend	22%
Neighbour	19%	ARRA	16%

This means that strengthening the capacity of ARRA and the police or local Elders in the case of the Somali region to provide quality legal advice would be beneficial to refugees, since they already recognise these organised actors as a potential source of trusted help.

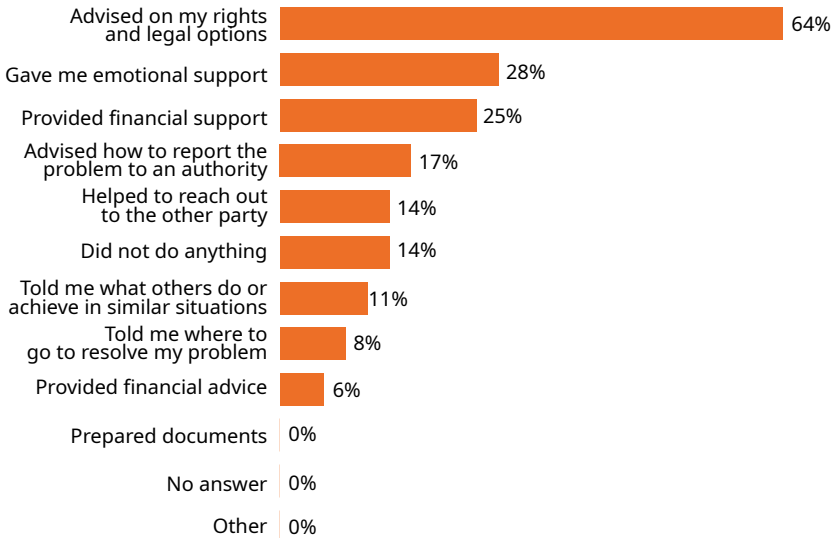
There are some differences in the legal aid refugees and host communities receive

Both refugee and host communities tend to receive advice mostly on their legal rights and obligations from legal aid providers. However, the second and third most received types of legal aid for host communities are psychological, emotional and financial support, while refugees tend to receive referrals from ARRA to another third-party justice provider or advise on how to report the legal problem to an authority.

ARRA: Type of provided advice (Refugees)



Free legal aid: Type of advice (Host com.)



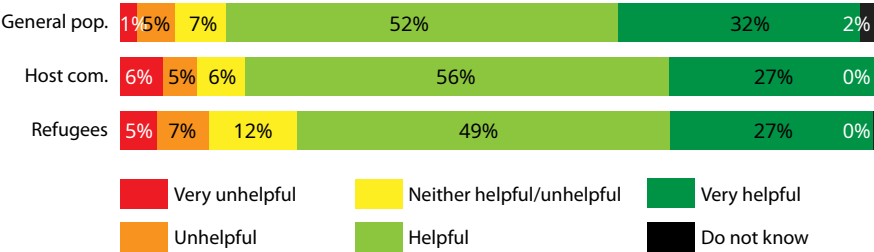
Most people seem to find the legal aid they received helpful

The graph below shows that refugees, host communities, as well as the general population find that, overall, the legal information and advice they receive is helpful or even very helpful.⁸⁶

⁸⁶ The percentage is expressed in terms of advice received and percentage of people.



Legal advice helpfulness



Refugees from Somalia are more likely to say the advice they received was (very) helpful (91%), compared to 73% of refugees from Eritrea, who consulted a legal advice provider. Tigray groups replicate the tendency shown above, meaning that the general population finds legal advice more often (very) helpful (90%) than the host community (82%) or the refugees (73%). There are no gender differences within Tigray refugees.



Summary

Approximately two-thirds of all JNS target populations – i.e. refugees, host communities, and the general population – in Ethiopia report having access to legal aid, which is a relatively low rate compared with other African countries.

Obtaining legal advice significantly improves the chances of resolving a justice problem, particularly for Ethiopians from the general population and host communities. While refugees in fact report a proportionally higher positive impact of seeking advice (28%), their ability to completely resolve a legal problem nonetheless lags behind that of host communities (41%) and the general population (42%).

Just as in chapter 6 on dispute resolution, the role of ARRA is central in providing legal advice to refugees. Many people in host communities consult free legal aid providers. The content of advice seems to differ between advice providers, even though advice on rights and duties is generally offered. On average, one in three persons from the host communities consulting free legal aid report that they received emotional support, and one out of four received financial support from free legal aid providers.

ARRA tends to provide refugees with referrals to other third-party justice providers, where refugees are advised to go to take further action.

Lawyers seem to play little to no role for any of the respondent groups surveyed. Taken together with the information from chapter 6, we can conclude that at present many justice providers available to host communities and the general population do not appear to be accessible to refugees. In fact, even the free legal aid that should be available through the cooperating universities and INGOs appears to be not easily or readily accessed by refugees.

9

Findings and Implications



The aim of this JNS study for refugees and host communities is to help the Government of Ethiopia and its development and humanitarian partners to improve access to justice for refugees and host communities. Specifically, the JNS was conducted to provide insights into the implementation of Article 30(1) of Refugee Proclamation No. 1110/2019, which accords refugees the right of access to justice on an equal footing with Ethiopians. The Government of Ethiopia seeks to include refugees in national development planning and to improve socio-economic development and public service delivery for both refugees and host communities, with the support of international donors and development partners. Gradual steps to integrate refugees and host communities are being considered.⁸⁷

As noted in the introduction, the JNS was concluded before the outbreak of the November 2020 Tigray situation. The findings, nonetheless, remain highly relevant for the Tigray region to support sound recovery and to advance justice and social cohesion, once stability returns.

Below we will first discuss the main findings of the study and the recommendations resulting from them, focussed on ensuring equal access to justice for all. This is followed by a discussion of other relevant findings that invite further reflection and consideration from policy makers, practitioners and innovators working on the design and implementation of justice solutions. In this study we did not investigate who is best placed to follow up on these findings and recommendations. We take the perspective of a (government) agency that is tasked to improve access to justice for all.

⁸⁷ As outlined in chapter 2, findings of this chapter are based on the two selected refugee hosting locations Tigray and Somali regions.

Recommendations to ensure equal justice for all in a context of inclusion

Refugees experience more legal problems than host communities and the general population, rate these as more serious, and are the least likely group to resolve them

The current study demonstrates that refugees experience more legal problems and rate these as more serious than host communities and the general population. They are also less likely to resolve their problems. However, host communities are also left behind in terms of access to justice when comparing them to the general population.

Recommendation:

- Pay specific attention to the justice needs of refugees and host communities in the justice reform process.

Crime, land problems and domestic violence are the most common legal problems of refugees and host communities

The data is very clear on the main legal problems of refugees and host communities. Out of a long list of legal problems – such as employment, social welfare, money, housing, and

documentation (see annex 1) – crime stood out as the number one priority for both, followed by domestic violence, including GBV, for refugees and land-related legal problems for host communities.

Recommendation:

- Crime, GBV, and land disputes all have a serious impact on people's lives. With little purchasing power, even a stolen phone can have serious repercussions on daily socio-economic life. It should therefore be a serious ambition to address these problems and include them as priority areas in national justice reforms, strategies and programming.

From the perspective of refugee inclusion, safety, security, access to housing, land, and documentation also emerge as key justice priorities

The JNS showed that land problems are the most common type of legal problem for Ethiopia's general population and the second-most common legal problem for host communities. Refugees, on the other hand, report few land problems, since they rarely access land outside the refugee camps. For host communities, the problem of trespassing and unauthorised use of land seems particularly troubling. As resources like firewood and grazing lands are scarce

in Ethiopia's remote communities, collecting firewood and building materials or letting cattle graze on lands owned by others can cause serious problems. If refugees increasingly access land outside the refugee camps and engage in sharecropping and rental arrangements, this may lead to more land disputes with host communities.

The data also revealed that the majority of refugees lack civil documentation such as birth and marriage certificates. This may create further obstacles to participation in civic life, such as participation in the workforce and public support for family care. Finally, while existing to some extent, neither refugees nor the host communities or general population reported many serious legal problems in other sectors that are crucial for socio-economic inclusion, such as employment, education, and social welfare.

Recommendation:

- Particular attention will need to be given to documentation and land problems. These problems are related to further socio-economic inclusion of refugees in Ethiopian society that the Government of Ethiopia is contemplating.



Findings to further reflect on and consider in order to design justice solutions that work

To successfully support the above-mentioned justice priorities and turn them into reality, this report has a number of findings that provide important entry points for the design of successful justice interventions. It is recommended that these are further reflected upon and discussed as part of a multi-stakeholder approach:

The low resolution rate for refugees

- Among the most prominent findings of the JNS is the low resolution rate of legal problems for refugees as compared to host communities and the general population. The data also points to a number of reasons for this low resolution rate. These may need to be further explored, discussed and addressed to ensure effective support for access to justice. These data points include:
- Refugees are four times less likely than Ethiopians from the general population or host communities to benefit from interventions by courts. Currently, refugees usually bring their legal problems to ARRA, police, Elders or members in their social circle. They also turn to the Shurta or the RCC. These justice providers do not have resources and capabilities to

investigate, hear witnesses and gather other evidence and often need to refer cases for further action. They also have formally no power to investigate and adjudicate criminal cases which need to be referred to the criminal justice system. From the perspective of refugees, this creates a relatively long and cumbersome justice journey. Interactions with many actors in the resolution process are needed, in particular for criminal cases. Better connection of refugee-specific justice providers to the *Woreda* level law enforcement and court system could be helpful. As noted during the triangulation exercise, *Woreda* district courts are situated far from many of the refugee camps and their rural host communities.

- In the general population, mediation by Elders and reconciliation practices in informal justice mechanisms are successful in resolving low stake, non-criminal problems, particularly in rural areas. Eritrean refugees make much less use of informal justice mechanisms than the host community and Somali refugees do. The cultural similarities and sometimes far-reaching social interaction between refugee and host communities present opportunities here. Community and religious Elders are commonly shared between the two communities. Strengthening the capacity of such

key figures to mediate or arbitrate civil disputes and refer criminal matters to regional State courts may benefit both communities. Closer linkages and collaboration between federal and regional justice service providers and informal justice providers to enhance the delivery of informal justice would be important to further reflect on and explore.

- Finally, this study reveals that even if refugees and host communities use the same justice provider, refugees tend to receive much more often legal advice or a referral than a resolution for their case than the other groups. This needs to be further explored but may point to a certain perceived lack of expertise from refugee-specific justice providers for dealing with legal problems of refugees. This might be improved by capacity development measures.

Significant differences in age, gender, nationality and camp among population groups

- Programmatic interventions need to be tailored to the specific needs of populations. These include the low numbers of legal problems reported in and around Sheder camp, the low legal action rate among host community females, the expected underreporting on GBV cases, the differences in

preference for justice providers amongst Somali and Eritrean refugees, and the high number of young adults who abandon legal cases.

Legal advice and information increase the chance of resolving a legal problem

- This study revealed low levels of access to legal help for all population groups but relatively strong increases in the resolution rate for legal problems when legal help was obtained. As such, investing in measures to improve legal aid seem a worthwhile investment that follow-up interventions should consider.

Preferences for justice delivery

- Host communities and refugees consider affordability of processes as the most important characteristic of a dispute resolution process. Expressing emotions and advice that is available when needed take precedence for these groups, over characteristics that are important for Ethiopia's general population of Ethiopia such as fast and fair solutions. Refugees whose most serious problems relate to domestic violence, crime and family matters express these preferences even more. Host community members whose most serious problems relate to land also express preferences for affordable processes as well as the need for

fairness.

In terms of legal advice, refugees express preference for advice that explains how dispute resolution procedures work, explains their rights and obligations and offers psychological support. When asked about the qualities of legal advice, it is important for refugees that it is delivered face-to-face (not digitally or online) by a professional or someone who has experienced the same type of problem, hinting at the need for more empathy and quality of advice.

Simple, non-legal solutions might work well to prevent and address crime

- Further reflections on how to best prevent and address crime can build on the initial findings from the JNS study. For instance, during the triangulation exercise, local stakeholders and justice practitioners suggested a number of simple measures that could be taken, such as installing street lights in remote communities and refugee camps, and may deter criminal offences. ARRA, the Shurta, the local police and local municipalities could get together to discuss these and other measures as part of a crime prevention and reduction programme. In view of the relatively low levels of trust from

refugees in the police that the JNS revealed, such programmes might also include capacity development and stronger connections and collaboration between the Shurta and the police.

Underreporting of GBV

- The JNS study does not provide many data points that give clues for successfully addressing GBV. Further and in-depth discussions need to be held to design the right solutions to respond to this justice priority. Therefore, further research should be conducted to determine if confidential reporting mechanisms should be part of a government response.

Customary justice works to address land problems

The JNS study points out that customary laws and informal justice providers play a significant role in particular in the Somali region. The design of successful solutions to resolve land-related problems should therefore include reflections on strengthening the capacity of both formal and informal justice providers. Joint justice and peace committees consisting of refugee and host communities that are capacitated to resolve land-related problems amicably may also be considered



Annex 1 List of problems

Land

01 Disputes over boundaries

02 Disputes over use of land

03 Disputes over documents and ownership/use of shelter or commercial buildings

04 Disputes over lease of land

05 Division of jointly owned real estate

06 Disputes related to transferring ownership or use of land

07 Expropriation from land

85 Forced eviction from dwelling

Domestic Violence

08 Physical abuse (hitting, kicking, slapping, throwing objects)

09 Emotional abuse

10 Sexual abuse

11 Intimidation

12 Economic deprivation (spouse is not providing for the other spouse with malicious intent)

Problems of refugees

79 Issuance of a family or individual ration card

80 Birth certificates for children born in Ethiopia

81 Recognition of educational diplomas or certificates

82 Disputes over the use of natural resources (firewood, grazing)

83 Harassment by members of the host community

84 Being forced by someone else to engage or commit illegal activities (e.g., smuggling, theft, etc.)

88 Problems with access to medical care due to discrimination, harassment or bribe

89 Problems with access to education due to discrimination, harassment or bribe

90 Problems with access to emergency services [i.e. police, fire, ambulance] due to discrimination, harassment or bribe

91 Problems with access to public transportation due to discrimination, harassment or bribe

Neighbours

18 Regular and excessive noise

19 Threats, harassment or violence between neighbours

20 Disputes related to animals owned or kept by neighbours

21 Children cause disorder in neighbourhood

22 Disputes over repairs of shared amenities (drains, pipes, walls, roofs etc.)

23 Disputes over paying expenses for shared/communal services (electricity, water, etc.)

24 Disputes over depositing of trash

Employment

25 Unfair termination of employment

26 Non-payment of wages, benefits or over-time

27 Non-payment of social security or health insurance premiums due by employers

28 Disputes over working hours, leave or vacation

29 Dangerous working conditions/ Injury at work/ work accidents

30 Harassment at work

31 Work place discrimination

32 Employment without valid contract (irregular employment)

86 Forced labour

Family

33 Divorce or separation

34 Parental/Custody rights

35 Disputes over maintenance/alimony to or from a former partner

36 Difficulties over maintenance in an existing marriage

37 Disputes over child support

38 Inheritance and wills

39 Forced marriage

87 Family reunification

Social Welfare

40 Disputes over receiving welfare benefits

41 Disputes over access to health care

42 Enrolment of children in kindergarten, school etc.

43 Disputes over pensions

44 Difficulties with obtaining permits from administrative offices

45 Disputes over services for persons with physical or mental disabilities

Crime

46 Theft

47 Robbery, burglary, damage to property

48 Assault

49 Other violent crime – (attempted) murder, bodily injury

50 Sexual offence

51 Drug related crimes

Police

52 Recovery of items held as exhibit by police

71 Physical violence

72 Psychological abuse

73 Torture

74 Arrest without justification

75 Fabricated charges

Consumer problems

53 Buying defective goods

54 Buying dangerous goods

55 Services of substandard quality

56 Refusal to respect warranty

57 Incorrect or disputed bills (for communal services)

Accidents

58 Traffic accident

59 Medical malpractice

Money

60 Disputes over borrowing money

61 Disputes over lending money

62 Being threatened with legal action to recover money you owe

63 Refusal to get loan from bank while eligible

64 Insurance companies unfairly rejecting claims

65 Difficulties with enforcement of contract

66 Problems with paying tax

Identification documents

68 Birth certificates

69 Marriage certificates

70 Death certificates

67 Obtaining ID document (i.e. ID card, passport, driver's license)

Corruption

76 Abuse of power by a public official

77 Asked to pay a bribe by a public official

78 Asked to pay a bribe by a private company

Other

Other: specify

No problem encountered

99 I did NOT encounter such problem(s) in the past 4 years

About the JNS

Justice is not just about the number of reported crimes. Nor is it about courts and laws. It is about 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 (JNS) tool. It 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 policymakers through clever interfaces, so they can work with the findings. The responsible use of this data leads to knowledge, creates empowerment, and builds accountability.

Our concept and methodology of measuring access to justice is recognised by the global SDG 16 community. Our JNS data is used by, among others, the World Bank, the OECD, the Task Force on Justice, UNDP, and the SDG 16 Pathfinders.

The JNS survey methodology has been tried and tested in nearly twenty countries thus far. These include The Netherlands, Nigeria, Mali, Tunisia, Ukraine, Kenya, Bangladesh, Fiji and Ethiopia. Our target countries for 2021 are Burkina Faso, Niger and the United States of America.

For more information, visit
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