Pandemic restrictions in Ethiopia: Impact on family law cases in Amhara regional state courts

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Abstract
This article discusses the impact of pandemic restrictions on the family court system in Ethiopia. As lack of technological infrastructure made shifting to online services impossible, court services remained in-person. Public health measures required a drastic reduction in case hearings in order to allow social distancing. Both federal and regional state courts were partially closed from early March 2020 to end of September 2020 and only entertained cases of “urgent” nature that affected life, liberty, and public safety. The article focuses on strategies adopted by family courts in Amhara Regional State with respect to its impacts on litigating parties in such courts. It argues partial closure of court services disrupted access to justice in family law cases and increased vulnerability of women and children. This article proposes alternative strategies other than partial closure of court services.

KEYWORDS
access to justice, COVID-19, family courts, judicial response

Key points for the family court community
• Lack of ICT (Information and Communications Technology) infrastructure prevented “pivot” to online court sessions. Given need for physical space, options other than the courthouse ought to have been identified.
• Both federal and state courts in Ethiopia offered partial services during the pandemic; investigating and hearing...
only cases identified as “urgent” in nature. These cases did not include child custody cases and divorce cases pending execution.

- The limited type of cases heard by family courts during the pandemic included child maintenance, labor disputes, temporary orders such as attachment orders on property, and divorce cases pending final judgment.
- The partial working of courts in Ethiopia and the limited types of cases entertained by family courts meant that, women, children, and parents faced problems of accessing justice on issues of divorce, property division, and child custody.

**INTRODUCTION**

The focus of this article is on family courts in Amhara Regional State. Amhara Regional State is one of the ten constituting units forming the Ethiopian Federal Republic. It is located in the northwestern and north central part of Ethiopia.\(^1\) Data for this article were collected from the regional capital city of Bahir Dar.

In Ethiopia, family courts were established as special courts independent from civil courts or civil benches through a family law reform in 2000. One goal was to address problems of timeliness in case processing and gender discrimination found in family law rules of the 1960 Ethiopian Civil Code. The now repealed 1960 Civil Code had required fault-based divorce, offered little legal recognition to irregular unions, and did not protect the rights of children born from such unions. The 1960 law granted broader power on divorce and its consequences for the institution of family arbitrators, which was shown by research to be gender discriminatory and inefficient in case processing.\(^2\) In 2000, the family law reform brought an assertion of women’s rights to equality and on the principle of “best interest of the child.”\(^3\) This reform was enacted at the federal level and in seven of the then nine regional states.\(^4\) In the Amhara region, there are family law benches at each level of the court system; this includes the regional First Instance Court, regional high court, and the regional Supreme Court.

The Ethiopian government’s lockdown measures were taken following the World Health Organization’s declaration of COVID-19 as a global pandemic on March 11, 2020, and the first confirmed Covid-19 case in Ethiopia on March 13, 2020. The government enacted an emergency proclamation throughout the nation called a “Proclamation to Counter and Control the Spread of COVID-19 and Mitigate Its Impact.”\(^5\) The emergency proclamation limited public gatherings, ordered school closures, directed high-risk civil servants to work from home, and closed borders. It

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\(^1\)Ethiopia People 2020, THEODORA, https://theodora.com/wfbcurrent/ethiopia/ethiopia_people.html (last visited Jan. 17, 2022).

\(^2\)Lemmesa, G. (2004). Basic Departures of the Revised Family Code from the 1960 Civil Code, Unpublished LLB Thesis, Addis Ababa University. Lovise Aalen et al., *Family Law Reform, Employment, and Women’s Political Participation in Ethiopia*, Social Politics, Summer 2019, 26(2), at 302–303.

\(^3\)The Ministry of Justice worked the draft in consultation with human right advocacy groups like Ethiopian Women Lawyers Association (EWLA), and the Women’s Affair Standing Committee of the House of Peoples’ Representative.

\(^4\)The states that did not adopt the reforms, and thus still use the 1960 Civil Code, are the Somali and Afar Regional states. On June 18, 2020, Sidama Regional State was formed as a tenth member of the Ethiopian federation from the regional state of Southern Nations Nationalities and Peoples (SNNP). This new state is expected to enact its regional family code or use what was enacted by SNNP.

\(^5\)The State of Emergency Proclamation Enacted to Counter and Control the Spread of COVID-19 and Mitigate Its Impact No. 3 (Apr. 8, 2020), https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/110046/136731/F-912290884/ETH110046.pdf.
suspended flights to 120 countries and restricted mass transports.\textsuperscript{6} By the beginning of October 2020, most of the restrictions on public institutions, businesses, and private organizations were lifted and full services resumed while implementing preventive measures such as wearing of compulsory facemasks by service users.

Government intervention to counter and mitigate the spread of Covid-19 included partial closure of court services by federal and regional courts.\textsuperscript{7} Due to poor Information and Communications Technology (ICT) infrastructure in many Ethiopian courts, it was impossible to conduct virtual hearings. Therefore, during the period between early March 2020 to end of September 2020, federal and regional courts across the country shut down most of the services provided in physical court rooms. While being partially closed, courts at the federal level and in regional states allowed a limited number of legal issues related to matters which could not be delayed during public emergency such as cases related to life, liberty, and public safety.\textsuperscript{8} Examples include bail hearings, violation of lockdown measures, and engaging in criminal activities.

This article evaluates the shutdown strategy used by Amhara regional state with special attention to access to justice.\textsuperscript{9} Data were gathered for this article primarily through interviews with family court judges, court administrators, lawyers, and a women’s rights organization. Primary data were gathered at the level of Bahir Dar First Instance Court, where family law cases are submitted for initial investigation and hearings. Secondary data (court orders) were collected from the Amhara Regional State Supreme Court and Federal Supreme Court. Understanding how family courts adjusted their services with the demands of the pandemic during the first phase of the pandemic (i.e., the period from March 2020 to end of September 2020) helps reveal the challenges that litigants in such courts faced in accessing legal remedies and identifies better ways of ensuring access to justice for future situations of public emergency.

METHODS AND DATA COLLECTION

The research for this study used a qualitative approach, drawing primarily upon unstructured interviews and court documents. Unstructured interviews were conducted with family court judges from the three family benches in the Bahir Dar City First Instance Court, four randomly selected lawyers who had cases in Bahir Dar First Instance Court, the head of the regional branch of Ethiopian Women Lawyers Association (EWLA), and the president of the Bahir Dar First Instance court. EWLA is a domestic NGO working on protecting the rights of women. In general, the interviews lasted from 30 min to 1 hour. Research permission was facilitated through a formal letter of cooperation from Bair Dar University, where the author works as a full-time lecturer.

In addition to interviews, orders issued by the Federal Supreme Court and the Amhara Regional State Supreme Court were reviewed to better understand how the federal and Amhara regional courts pivoted their services, and the types of cases they entertained during the period when courts were working partially.

STUDY RESULTS

Reduction of court caseload to “urgent” cases

In legislative matters, regional states in the Ethiopian federation often bluntly copy the practice of the federal government as a model. This is seen in the verbatim copy of the federal constitution, the federal family code, federal Court Advocates’ Code of Conduct Regulations, and other laws by regional states with minor changes. This pattern

\textsuperscript{6}Id. Other measures included in the proclamation are granting a pardon for 20,402 prisoners and also postponing parliamentary and presidential elections.

\textsuperscript{7}See supra note 5, at art. 6(4). https://adisabeba.embaxadaportugal.mne.gov.pt/images/COVID_State_of_Emergency_Implementation_Resolution_v1-after_CM.pdf.

\textsuperscript{8}Order issued by the Federal Supreme court on Mar. 18, 2021 which says “courts shall entertain cases related to bail rights and other urgent cases linked with national security.”

\textsuperscript{9}CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETH. Dec. 8, 1994, art. 37.; CONSTITUTION OF THE AMHARA NATIONAL REGIONAL STATE Nov. 5, 2001,art. 37. Envisaged the right to access to justice before a court of law or any competent body with judicial power.
of imitation continued during the pandemic, and regional courts followed the Federal Supreme Court in its regulation of the functioning of federal courts. On March 18, the Federal Supreme Court issued a detailed order, which instructed federal courts on how they should manage old cases and new ones while remaining partially closed for 2 weeks, adjudicating only urgent cases relating to life, liberty, and public safety. This was followed by another order issued on April 1, 2020, which ordered courts to continue working partially until the expiration of the original 5 months emergency decree.

Using what has been done by the Federal Supreme Court as a model, the Amhara Regional State Supreme Court first issued an order requiring courts to be partially closed for 2 weeks beginning from March 20. During partial closure, courts were allowed to entertain only cases listed in the Supreme Court order as “urgent” in their nature such as child maintenance cases, labor disputes, attachment orders, and other cases that did not require involving witnesses. An example of the latter is divorce by mutual consent.

During what became the overall period of partial closure (i.e., from March to end of September 2020), both federal courts and Amhara regional state courts were postponing final decision-making. This included judgments on previously opened cases pending final judgment, adjourning cases pending execution to a longer date, and adjourning new cases opened at the start of the pandemic after important provisional orders such as attachment orders were given. Courts were prohibited from entertaining new cases other than those regarded as urgent. Urgent cases included previous and new cases for consideration provided that they did not involve major hearings and there was a need for a court order to prevent further violation of rights. For example, new cases related to custody of children and divorce petitions were excluded from the category of “urgent cases” since these cases involve hearing witnesses and examining other evidence. According to the president of the Bahir Dar City First Instance Court, this was done with a view to implement social distancing measures by limiting the number of litigants in the court to reduce the spread of the virus.

As the pandemic continued, the Federal Supreme Court broadened the scope of urgent cases. For example, labor or employment disputes and other cases related to private contracts that involve money were later added in late March 2020 to the list of urgent cases. Such flexibility in the scope of cases to be adjudicated by courts indicates how the judiciary was attempting to address justice needs of the society. The same flexibility followed in the Amhara regional state courts as the region’s Supreme Court issued subsequent orders broadening the scope of urgent cases. As found on the federal level, this expansion included labor disputes and cases related to money payments.

One important exception to the Amhara Regional Court tendency to follow federal decisions was in failing to follow the leadership of the Federal Supreme Court in recognizing the need to classify domestic violence cases as urgent. On April 9, Federal Supreme Court President Ashenafi announced the federal supreme court decision regarding domestic violence cases as urgent through a series of tweets. However, the Amhara Regional State Supreme Court did not follow the federal example. As explained by the head of the regional EWLA branch, the public prosecutor failed to open charges on cases of domestic violence and other criminal cases involving women and children even if these cases were investigated by the police. Investigated cases remained with the police as courts were not entertaining domestic violence cases during the period between early March to end of September 2020.

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10@ashenafi_meaza, Twitter (Mar. 18, 2020, 4:47 AM), https://twitter.com/ashenafi_meaza/status/1240198104621748225?s=20; @ashenafi_meaza, TWITTER (Apr. 9, 2020, 2:03 AM), https://twitter.com/ashenafi_meaza/status/1248129375255527424?s=20. This can be found in the twitter page of the President of the Federal Supreme Court, Meaza Ashenafi as she posted it in her tweets on Mar. 18, 2020 and on another tweet on Apr. 9, 2020.

11The difference between cases pending final judgment and cases pending execution is that in the former parties were awaiting a final judgment, but in the latter case final judgment was delivered by the court and another suit for execution of the final judgment was opened by the winner party to a dispute.

12It is an order granted by a court for the party who claimed for it and such order freezes the property of the debtor or the rival party so that the latter will not transfer or sell the property until judgment is made by the court.

13Interview with Family Court judges of Bahir Dar First Instance Court (Mar. 12, 2021); Interview with employee of the registrar of Bahir Dar First Instance Court (Jan. 15, 2021) [hereinafter Interview with Family Court judges].

14Interview with the president of Bahir Dar City First Instance Court (Mar. 12, 2021).

15Interview with the Head of Amhara Regional State Branch office of Ethiopian Women Lawyer’s Association (EWLA) (Sept. 2021) [hereinafter Interview with Head of Amhara].
Reduction and restructuring of court benches

A key feature of the response of Amhara regional state’s courts to deal with the exigencies of the pandemic was the reduction and subsequent restructuring of different benches at the different levels of courts. This meant that the only functioning benches in Bahir Dar City First Instance Court were the family bench, the criminal bench, and the labor benches. The overall number of benches reduced from ten to four, retaining two family court benches, one criminal bench, and one labor bench. The type of civil cases tried were child maintenance, labor disputes, and civil disputes settled by conciliation agreement.

Because of the reduction of some benches from court service, judges in benches such as “civil case benches” or “variety case benches” were transferred to work in family benches. This increased the number of family court judges for a limited number of cases. Therefore, court administrators scheduled judges to rotate so that each judge worked for 1 week and then was off for 1 week to keep all the judges working in their respective court rooms. This method of rotating the judges allowed them to continue working despite the reduction and restructuring of benches.

Reduced family court caseloads

From March 11, 2020, to the end of September 2020, family benches entertained only cases related to child maintenance. The benches did not hear child custody cases due to concerns that calls for witnesses would result in more people in each hearing, and therefore risk spreading the virus. Consequently, children had to stay only with one of the parents as custody decisions could not be made. At the same time, cases involving property attachment orders were considered categorized as “essential.” In family cases involving property, the family bench judges issued the essential order on property attachment but did not investigate and hear the rest of the cases. Instead, they gave longer adjournments that extended up to the end of period of emergency decree so that the cases would be entertained when courts reopened in the future.

In assessing the response of courts to the challenges created by COVID-19, interviews with judges and the president of the first instance court revealed that they perceive their response as fairly good because they were able to change their working methods to emerging needs, and at times proactively address the challenges resulting from the new ways of handling court cases. Nonetheless, this perspective was not shared by lawyers and the women’s rights organization namely Ethiopian Women Lawyer’s Association (EWLA). These respondents voiced their dissatisfaction on the restricted access to court services during the period courts were partially closed. Therefore, EWLA sought permission for the continued adjudication of cases that had been going on before the breakout of the pandemic such as cases pending execution. They argued against the lack of response from court presidents at different levels of the court for these requests.

Caseload management and access to justice

Reviewing the pandemic response applied by Bahir Dar First Instance Courts, it is very clear that the strategies caused gaps in access to justice rights. The restrictions on type of cases to be submitted to courts foreclosed the opportunity for litigants and their lawyers to access legal remedies for legal problems encountered during the pandemic.

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16Id.
17This is a type of bench which deal with a mix of civil cases such as disputes involving money payments, negotiable instruments such as check, bonds etc.
18Interview with family courts Judge 1, 2, 3 and family court judge 4 (Mar. 12, 2021).
19Interview with Lawyer No. 1 (Feb. 9, 2021); Interview with lawyer No. 2 (Feb. 9, 2021); Interview with Lawyer No. 3 (Mar. 10, 2021); Interview with Lawyer No. 4 (Feb. 15, 2021); Interview with the head of Ethiopian Women Lawyer’s Association Bahir Dar branch (Sept. 2020).
20Id.
21Interview with Head of Amhara, supra note 15.
The partial functioning of courts also disrupted the litigation process on those cases which were being heard before the start of the pandemic and restricted the full hearing of cases.

The courts appeared to use two sets of considerations in deciding which cases would be heard during the pandemic. The first was whether the type of case had been identified as “urgent.” An equally important set of considerations related to expediency and the safety of judges. Courts entertained cases or portions of cases that could be adjudicated with less contact with the litigants and with little time. Cases that entailed full hearings, such as divorce proceedings, post-divorce property partition, and child custody were excluded from court investigation and hearings. Judges explained during interviews that child custody claims involved much investigation and many hearings, which would have exposed the judges to contacts with many people and risk of Coronavirus infection. This combination of considerations found courts entertaining only those portions of a case that met these standards of urgency and safety. For example, family law related disputes were allowed to be opened in the registrar if it had been established that the claim related only to an attachment order or there was a risk of expiration of the statute of limitation unless a case file was opened. However, after the case files were opened and the relevant decisions such as an attachment order were made by the judge, cases were adjourned for future hearings.22

An additional problem was in the management of cases under the period where courts were functioning only partially. Interview data with lawyers who work in Bahir Dar city courts at all levels (i.e., from First Instance Court, High Court to Supreme Court) and EWLA23 revealed a variety of case management problems. Respondents reported instances of the court informing litigants that their case files were lost or could not be found on the day of the hearing. Moreover, during adjournment, important decisions, such as making attachment orders, were delayed, jeopardizing the interests of parties.

The Supreme Court relied on internet technology to inform the society about the adjournment date of cases. This system resulted in instructions that were far from clear, and it created difficulties for parties to follow up on their cases. The registrar informed parties about not receiving case files from the judges and hence could not tell for which date the case was adjourned. As a consequence, parties were unable to know with certainty the date of adjournment and could not follow up decisions on their cases. In a nutshell, there was no clear procedure set up by the court to keep parties to a case informed about the status of their cases and to enable their right to effective participation in their cases.

There was also confusion in the workings of the registrar and courts when the registrar refused to allow lawyers to open appeals on temporary orders given by courts on those cases that were allowed to be heard by courts.24 Lawyers complained of new working procedures in which registrars required lawyers to bring special letters from the Amhara Regional State Supreme Court that allow appeals to be filed on decisions of those cases entertained during the pandemic. Hence, the confusion among registrars and court clerks on the type of cases that should be heard by courts created hurdles on the process of accessing justice as lawyers.

Access to justice for women

Article 2 (c) of the CEDAW, which envisaged women’s equal right to enjoy effective judicial protection, emphasizes women’s right to accessible and available legal remedy whenever they wish to assert their rights.25 Under that Article, the Ethiopian state has a stringent obligation to provide women judicial protection and to make the justice system accessible. This includes the requirement to ensure that women have recourse to affordable, accessible and

22Interview with Family Court Judges, supra note 13.
23Interview with Head of Amahara, supra note 15.
24Id.
25UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (Dec. 16, 2010), https://www.refworld.org/docid/4d467ea72.html.
timely remedies, with legal aid and assistance as necessary. Nonetheless, the partial functioning of courts, during the five-month period when COVID-19 emergency decree was enforced, restricted women’s access to courts and their right to get timely remedies for legal problems. As women could not submit divorce petitions, they could not claim legal rights that are demanded with divorce petitions such as provisional spousal maintenance or the right to stay in the house until divorce is finalized. Hence, legal remedies that could have been accessible to women, had courts entertained such claims, were instead far from their reach. Furthermore, women lost their property rights and other rights since they were unable to seek legal remedies for divorce cases and other civil law claims, such as land disputes, before courts.27 According to head of regional branch of EWLA, the lack of access to court services had immense repercussions on women and, because of this, women had lost confidence in the justice system and on courts as protectors of rights and administrators of justice.

Access to justice impeded by judicial rotations

As noted previously, COVID-19 preventive measures taken by Amhara Regional State Courts and particularly Bahir Dar First Instance Court included making judges who preside in family, labor, and criminal benches work in shifts so that the spread of the virus could be contained as the number of judges who work in a single room decreased, making social distancing possible. This constrained the right of litigants to get decisions in a smooth hearing and investigation process as the working of judges by shifts interfered in the process of decision making.28

In the process used, judges were required to work 3 days a week, replacing one another in their respective benches. Such manner of performing work was stipulated under Article 4(12)29 of the COVID-19 emergency proclamation.

The fact that many judges worked on a single case as they worked in their scheduled shifts in the week created problems of duplication, delay, and inefficiencies. Important orders that should have been made on the file got overseen or repeated by the judge who received the file from another judge on her/his shift. Such obstacles in the process of decision making by judges caused further delay on judgment delivery. Moreover, the rotation of judges undermined the smooth management of cases. For example, respondents reported that cases adjourned for a given day could not be found because they had been taken home by the judges who worked on that case the previous day. As a result, delay in judgments and failure to make important orders due to oversight became common problems caused by judicial shift work.

The way that judges in family courts were required to work in shifts affected the quality of judgments in family cases as it created inconsistent judgments made by two different judges on a single case.30 Litigants further complained about the lack of fair treatment of their cases by judges when they work in shifts.31 For example, they told the president of Bahir Dar First Instance Court that they were asked to explain their cases by the judge who received the cases from the previous judge. It can be observed from the experience of the litigants that the way judges were working by shifts caused problems on the rights to access to justice since it interfered in their opportunities to effectively communicate their cases to the judge and get appropriate legal remedies.

From a judicial perspective, however, it was beneficial when the judges took measures on their own to address the problem emanating from the working of judges by shifts.32 These judges said they kept some files separate

26Access to Justice – Concept Note for Half Day General Discussion: Endorsed by the Committee on the Elimination of Discrimination against Women at its 53rd Session, (Apr. 14, 2021), https://www.ohchr.org/documents/HRBodies/CEDAW/AccessToJustice/ConceptNoteAccessToJustice.pdf.
27Interview with Head of Amahara, supra note 15.
28Interview with Family Bench Judge No. 1 at Bahir Dar First Instance Court (Feb. 12, 2021).
29See supra note 5, Article 4(12) (“All federal or regional, public or private organizations shall ensure that employees working in one room or place of work or using a common transportation means will not be forced to be confined conditions that make it impossible to maintain social distance and towards this end shall allow employees to work in shifts or to work from home or take paid leave”).
30Interview with Family bench Judge No. 1 at Bahir Dar First Instance Court (Feb. 12, 2021); Interview with Family bench Judge No. 2 (Mar. 22, 2021).
31Interview with the president of Bahir Dar City First Instance Court, supra note 15.
32Interview with family bench judge No. 1 at Bahir Dar First Instance Court (Feb. 12, 2021).
instead of transferring it to other judges working in their shift so that they could return to it during their shifts. By doing so, these judges were able to avoid the inconsistency in decisions that could have happened when cases files change hands from one judge to another.

DISCUSSION: INNOVATING MORE OPTIONS

The way Amhara regional state courts responded to the demands of the pandemic through partial closure of court services created many gaps and problems in the administration of justice in the region. Access to legal remedies by women and other litigants in family courts was significantly reduced to a very limited number of cases that were considered as urgent in nature and cases that could involve less contact with litigants and take not much time. In family benches of Bahir Dar First Instance court, parents could not submit a legal claim regarding custody of children and women could not make divorce petitions.

Nonetheless, other mechanisms should have been devised than merely restricting access to physical court rooms and entertaining only selected types of cases. In an interview, the president of Bahir Dar First Instance Court was asked why the court administration did not think of using spacious empty classrooms as a way to keep judges working with reduced risks of corona infection. The president stated this was not considered at the time but conceded this method should have been considered by the court.

In addition to using spacious rooms in nearby schools to provide judicial services, more organized work on the part of the court administration could have enabled courts to entertain different types of cases by way of limiting the number of cases heard per day. This is because the justification behind classifying cases as urgent and less urgent overlooks the impact of delay on people's rights and freedoms. It is difficult to consider any claim for a legal remedy as anything other than urgent. The fact that a legal claim is submitted before a court indicates the urgency to get legal solutions as quickly as possible. That statutes of limitations exist is evidence that delay can result in violation of rights and loss of material interests.

Therefore, limiting the number of cases that are adjudicated per day, coupled with using spacious rooms rather than providing legal remedies only to “urgent cases,” could have tackled the problem of access to justice during the period when the COVID-19 emergency decree was enforced. The court administration could post those cases that will be entertained by each bench on each day using available means such as posting on court premises so that litigants can be notified in advance. This would have helped reduce the number of people who would come to court and the degree of spread of the pandemic.

LESSONS LEARNED

The pandemic has revealed both the weaknesses and strengths of the Amhara region’s judicial system in its tasks of administration of justice. Its strength is demonstrated in its being responsive to the justice needs of the society by its timely revision of cases that fall under the category of “urgent cases.” Similarly, efforts by the regional Supreme Court to reach out to the public informing about the status of pending cases using internet technology should be admired, even though it left much to be desired as it failed to provide clear information to the society, and it was not accessible for majority of members of the society who are illiterate.

At the same time, the pandemic exposed the weakness of the court system in devising more effective methods to address the justice needs of the society. Restricting physical access to courts and making judges work in shifts constrained the rights of people to access legal remedies and compromised the quality of decisions delivered by courts. Thus, alternatives to expand the possibility to present legal claims before courts should have been sought.

33Interview with the president of Bahir Dar City First Instance Court, supra note 15.
The pandemic also exposed communication problems in court administration. There was confusion on the part of the registrar and court clerks at all levels of courts in Bahir Dar city regarding the type of cases that are considered urgent.\(^{34}\) This shows insufficient intervention by the court administration in communicating to the registrar and court clerks about the type of cases that could be submitted to courts. Because of such an administration gap, service seekers and lawyers had difficulties in easily getting their case files submitted to the relevant bench. Besides this, the judicial system did not show enough sensitivity to address the justice needs of women and children as there were no actions to revise and include divorce petitions and custody cases to the list of cases which could be entertained by courts.

CONCLUSION

The way family courts in Bahir Dar City First Instance court responded to the exigencies of the pandemic generated considerable problems to people's right to access justice and on the working process of family benches. A very restricted access to courts and the working of judges by shifts undermined the constitutionally protected rights of people to access legal services in a manner that provide them enough opportunity to be heard and present their claims in a convenient way. As a result, women and children were exposed to many rights violation and women lost their property rights. They also experienced violence and abuse as they could not be able to seek legal protection during the time courts were partially closed. However, all the obstacles on people's right to access justice could have been avoided if there had been a shift in the strategies courts had used to deal with the pandemic. More coordinated work by the management at the three levels of courts in Bahir Dar city could have enabled courts to entertain a limited number of cases per day rather than only urgent type of cases. Most importantly, use of available spacious rooms for conducting court sessions could have prevented the lack of access to justice and could have saved people from actual and potential risk of rights violations.

AUTHOR BIOGRAPHY

Asnakech’s research interest is centered on exploring what role law can play in enhancing protection of women’s rights and freedom to access justice in the way they desire and value. She is interested in family law reform to improve women’s access to justice and protection of their right to equality. Currently she is writing her doctoral thesis titled “Unveiling Muslim Women’s Consent for Adjudication under the Sharia Court System” inquiring the impact of consent on women’s autonomy and right to equality in accessing justice.

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\(^{34}\) See supra note 19.