



# Justice Needs and Satisfaction in **Mali** **2018**

Legal problems in daily life



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

We are friendly rebels who are passionate about social impact. We aim to 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 empowered enough to take action. This has a high impact on their lives and society: from violence to seriously damaged relationships and business conflicts.

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

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

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

At HiiL we call it: user-friendly justice.

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

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## Disclaimer

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 Whenever the report is revised it will be posted at  
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 generated on March 11, 2019.

## Oumar's story

*I bought two plots of land from an owner in a suburb of Bamako. I made the payment and the sales documents were signed by myself, the seller and a witness. While I was waiting for the official property documents to be issued to me, I gave money to the witness to dig two wells on each of the parcels. But unfortunately, he only dug one. So, when the property documents arrived, I was only allocated one parcel. It turns out that my second plot had been sold to someone else by the brother-in-law of the owner. My witness then suddenly died so there was nothing left to prove that I was the owner of the second plot. When I complained to the seller, he told me I should be happy with the plot I have.*

*I wanted to find a solution. I went four times to see the former village chief and twice to the new one, but it was no use. I did not go directly to the courts or the police. I contacted the gendarmerie by chance because I was summoned there for another unrelated case. The gendarmerie then summoned both myself and the owner who sold me the parcel, and he confirmed that he had sold me two plots. Despite his confession, the gendarmerie could not do anything to help me.*

*Initially, I did not want to summon the owner to the police or to courts, because in Mali it is very bad to summon someone to justice, unless one is forced to do so. In the end, I contacted Deme So to initiate a legal procedure two years ago. But I remain very discrete and do not talk about it. The procedure is quietly ongoing. Land problems are very common in Mali. Justice is slow and complicated, so problems remain unresolved. I have even heard of cases where the plaintiffs have been forced to abandon proceedings because they know their chances of winning are slim to none.*

## Executive Summary

In 2014 HiiL conducted the first Justice Needs and Satisfaction Survey (JNS) in Mali to enhance the understanding of the justice needs of ordinary citizens and their paths to justice. Four years later (2018) we conducted a second survey with our partners Deme-So, the Ministry of Justice of Mali and the Polling Organisation GISSE.

The Embassy of the Netherlands in Bamako supported this research. In this second survey we spoke to 8,307 people in all 10 regions and the Bamako district in Mali.

The data identifies areas for innovation. It also provides the building blocks for an evidence-based agenda for justice delivery for stakeholders to decide upon.

Have you experienced one or more legal problems during the past four years 2014-2018?



Did you seek legal information and advice?



Did you seek legal information and advice?



Problem completely or partially resolved



2018 2014



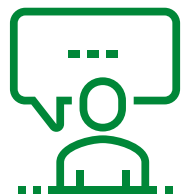
**37%** of the people we talked to in 2018 report a legal problem.<sup>1</sup> This is an increase of five percentage points compared with the first survey conducted in 2014. Rather than perceiving this as a backward step, it potentially indicates increased economic activity or legal awareness of citizens.

**88%** looked for information and advice. This proportion is roughly the same as in 2014.

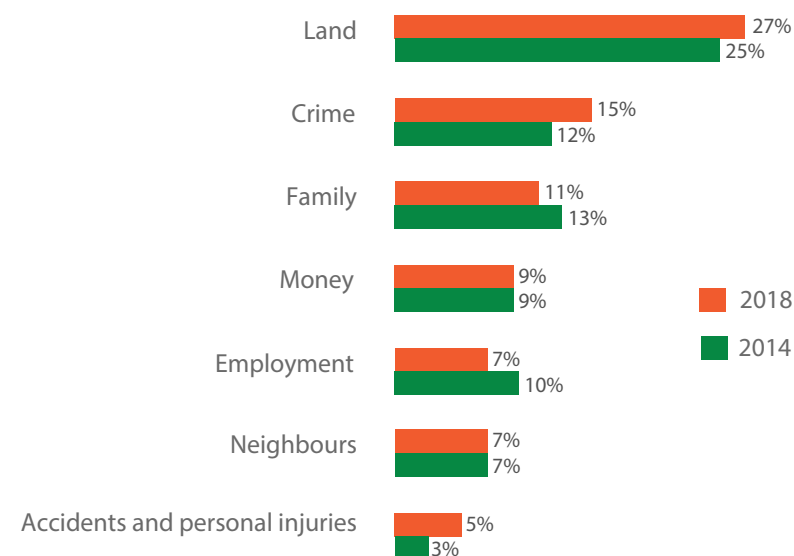
**87%** take some action to resolve their legal problem, an improvement on 2014.

**47%** are able to either completely or partially resolve their problem.

**53%** are unable to resolve their problem. They either gave up or the problem is still ongoing.



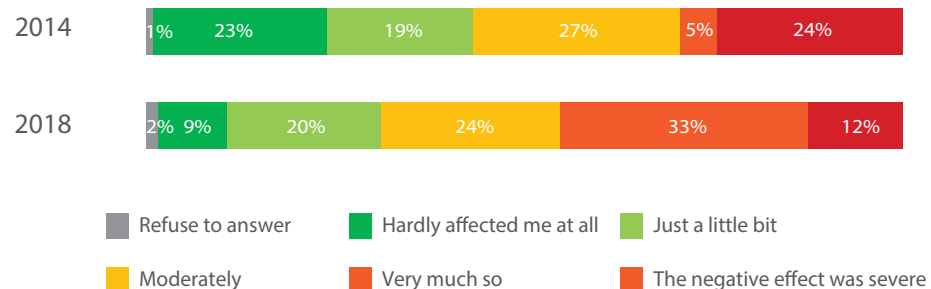
#### MOST SERIOUS PROBLEM



- Similar to 2014, most problems are around land, crime and family.
- Land problems are often issues related to land grabbing, land usage and disputes over land borders with neighbours and family. Crimes mainly have to do with theft. Family problems revolve around divorce and separation and inheritance.
- Land problems are more prevalent among men. Family problems are more prevalent among women.
- Most problems in Mopti, Sikasso and Ségou are about land problems; particularly agricultural land problems according to experts. Most problems in Bamako, Kidal and Ménaka are related to crime. Timbuktu and Gao have high levels of family problems.

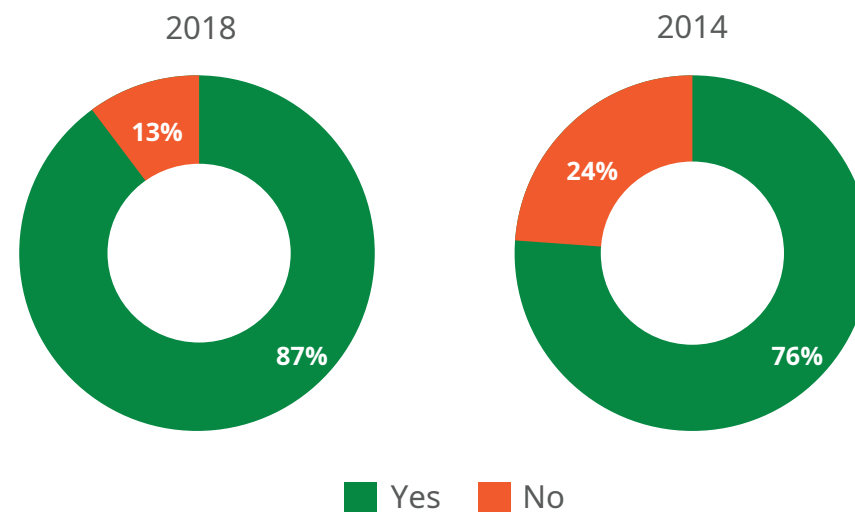
<sup>1</sup> In both the first (2014) and second (2018) survey, we ask Malians about their experiences during their justice journeys during the previous four years.

### HOW HAS THE PROBLEM AFFECTED YOUR LIFE?



- Almost 45% report that the problem has a strong or very strong impact on their lives (33% report strong impact and 12% report very strong impact). Compared with 2014, this is a marked increase of 16 percentage points.
- The impact is even higher for poorer people and for people encountering justice problems related to crime and family problems.

### DID YOU TAKE ACTION TO SOLVE YOUR PROBLEM?

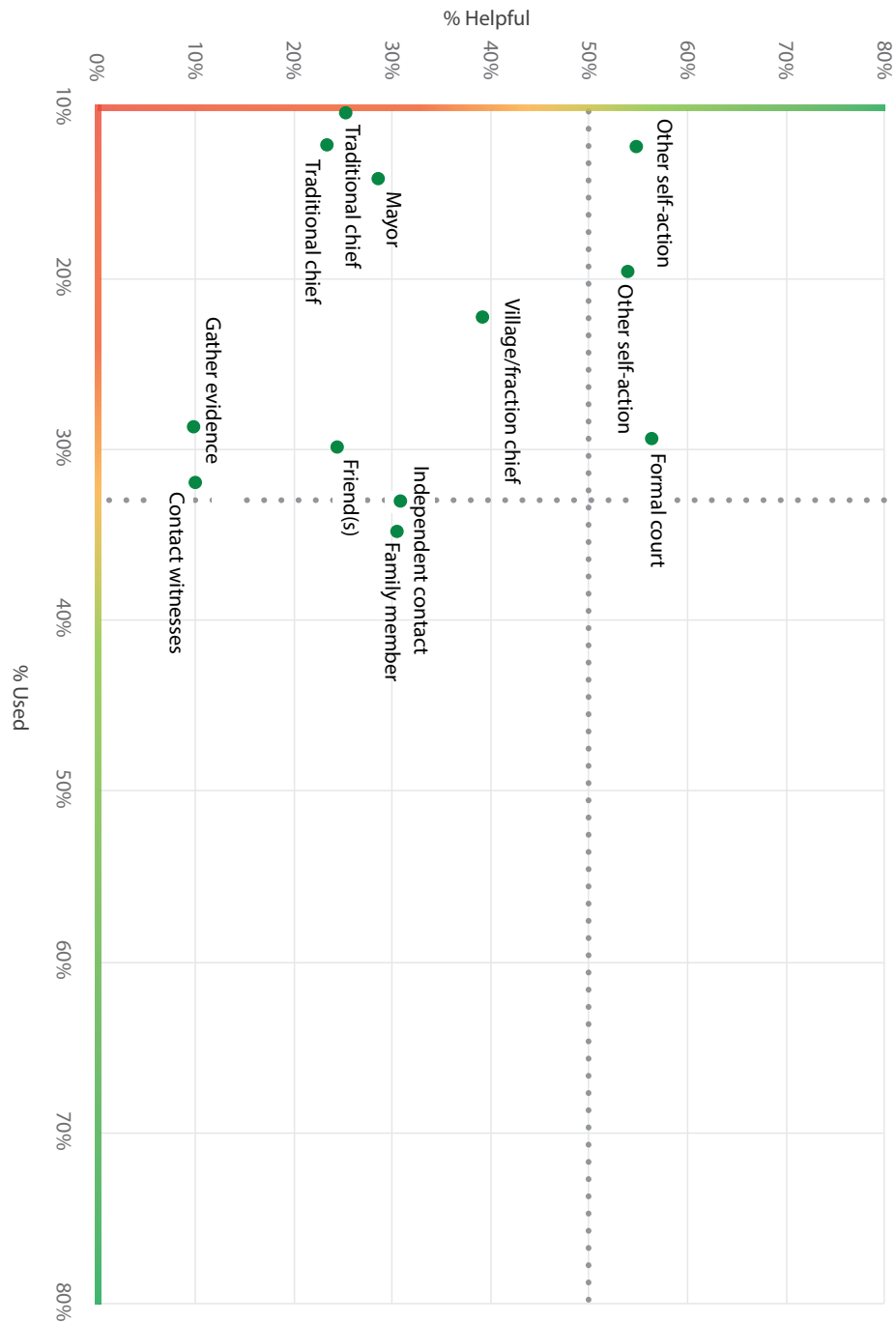


- Nearly nine out of 10 Malians tries to resolve their justice problem (87%). Compared with 2014 (76%), despite experiencing more legal problems, a larger percentage of Malians take action to resolve them.
- They are more likely to seek a resolution for problems related to land and family (around 90%). For crime they are less inclined to act (76%). Still, these are high rates, comparatively speaking.

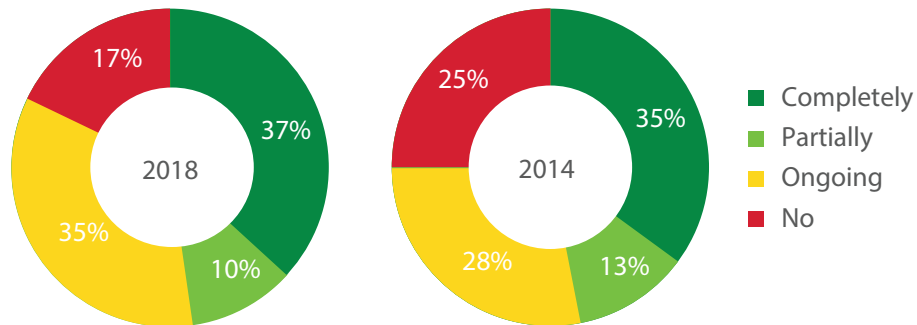


- Courts and the police are seen as useful dispute mechanisms. Nonetheless we notice that there are no individual dispute mechanisms that help a high volume of people and which are also evaluated as very useful. We identify this as a potential innovation space in the Malian justice delivery landscape.
- Traditional chiefs, religious leaders and customary courts all separately cater to smaller groups of people, however, taken together as the informal sector, they provide access to justice to a significant section part of the population.
- In regards to potential for innovation, the fact that many people prefer to engage in negotiation directly with the other party offers an opportunity for DIY (Do it yourself) law, to encourage fair resolutions between the parties.
- Malians use different dispute resolution mechanisms for different justice problems. For family problems, people reach out to courts (33%), religious leaders (20%) and lawyers (10%). For crimes, they go to the police (54%). And for land related issues they reach out to heads of villages (48%), courts (45%), mayors (22%) and traditional leaders (22%).
- Those who do not seek resolution don't do so because they don't believe they can achieve a positive result (24%) or they do not know what to do (14%).

## RELATIVE HELPFULNESS OF DISPUTE RESOLUTION



## HAS YOUR PROBLEM BEEN RESOLVED?



- Nearly half of the people who take action indicate that their problem was completely or partially resolved. For the remaining 53% the problem is either ongoing or they have given up.
- Though the percentage of completely or partially resolved problems has remained relatively stable between the two surveys, fewer Malians gave up entirely on resolving their problems in 2018.
- The resolution rate is highest (63%) when village leaders are involved. Courts have the highest rate of ongoing cases (46%). Almost 22% of cases that went to the police were not resolved.
- Almost 45% of those with a family problem were able to find a resolution to their justice problem. 42% of land problems are still ongoing. And almost 32% of issues related to crime remain unresolved.
- Although a majority of people who approached courts evaluate it as being useful, they still believe that their services can be improved, particularly when compared with the informal sector. People want their voices to be heard and to be treated with respect. They want procedures to be clearer, distributions more equal and their damages to be restored.
- Furthermore, courts (together with other formal institutions) are trusted less than informal institutions. Almost 55% of people we talked to did not trust Malian courts. Also, 55% did not trust the Malian justice system as a whole. Court procedures are seen as long, complicated and incomprehensible. Justice is also considered to be too expensive, corrupt and remote from citizens.

## A note about women in Mali

Overall, our data does not point to any specific disadvantages that women face in the Malian justice system (compared with men).<sup>2</sup>

We acknowledge that gender is a cross-cutting issue. Taking into consideration the particular positions and justice needs of women in Malian society is crucial to ensuring reconciliation and lasting peace. Women in Mali are in a more vulnerable socio-economic position than men. They are less likely to have formal education and less likely to be employed in the formal sector. Almost half (46%) are homemakers. Being confined to the home prevents women from actively engaging with and participating in the labour market and active life more generally.

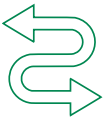
<sup>2</sup> This could be the result of influencing factors such as women wanting to be polite or being afraid to tell the truth during the survey. The way in which we measure justice is also likely to have affected the results in this sense.

Accordingly, while women are not necessarily more likely to have fewer legal problems, they have different legal problems. For example, women have substantially more family problems than men, whereas men have substantially more land problems. Women also experience stronger degrees of anger and humiliation than men when trying to resolve family problems. Women must be afforded the same protection as men under the law. However, in Mali women and men are not provided with the same legal status despite the provision of equal rights in the constitution.<sup>3</sup>

<sup>3</sup> Freedom House <https://freedomhouse.org/report/freedom-world/2018/mali>



# A way forward



## Justice Transformation Lab

HiiL's Justice Transformation Lab can support stakeholders in improving access to fair solutions. It is a methodology, a process that consists of three sequential steps:

1. Form a coalition
2. Develop a Justice Innovation Strategy
3. Deliver a Justice Innovation Strategy

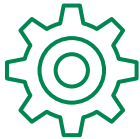
The first step is based on the identification of leaders willing to tackle the country's most pressing needs. Through a convening process, they are the core group who will develop an evidence-based agenda for justice innovation. The group and its agenda will then become the cornerstones of the Justice Innovation Strategy, which will consist of measurable goals and concrete plans to realise them.



## Set up a Malian Justice Innovation Hub

Increasing access to fair solutions in Mali is not only limited to the formal justice sector or the government. Innovation sparks from anywhere where the right idea meets those in need, those who can do something about it, and those who can fund such efforts. And that can be accelerated by setting up a Justice Innovation Hub. Entrepreneurial Malians may get their solutions to justice needs scaled up. This is something that is happening around the world, and it is possible to replicate it in Mali.

The innovations that are scaled up respond to needs that emerge from the Justice Needs and Satisfaction data (Land, Crime and Family) and seek to achieve concrete and evidence-based improvements in people's lives. A specific focus should be given to 'Do It Yourself law platforms' which will help people get the right legal information, find expert advice and prevent or resolve their disputes.



## Continue monitoring the justice system from the perspective of citizens

The interventions emerging from the previous two recommendations need to be tracked to make sure they resolve the problems they claim to be resolving, that policymakers and practitioners learn lessons from these activities which in turn will inform more policies in the future. This can only occur through a well-established measuring system that takes into account the perspective of the users of justice in a consistent way.



## Some specific examples that show what can be done

1. Inclusive justice journeys include hybrid justice chains
2. Local problems require local solutions
3. Keep in mind the nature of the local economy

In Mali, despite the significant role of formal courts in dispute resolution, many problems go through the hands of justice providers from the informal sector. There is a need for bridge-builders who can connect the siloes of the justice journeys that millions of Malians navigate every year.

Different legal problems concentrate in certain areas. People in Bamako suffer crimes often, probably due to its urban character. In predominantly rural areas, land-related legal problems arise: Mopti, Ségou, Kayes, Kolikouro and Sikasso show this tendency. There is no one-size-fits-all approach to preventing or resolving legal problems in Mali.

Many people in Mali rely on the informal economy for their livelihoods. Justice innovation may help millions in Mali prevent legal problems around the unpredictability of informal economic exchange, as well as bring social benefits closer to those who work in the unpaid sector, lifting their quality of life.





# 1

## Introduction

Introduction  
Methodology  
HiiL approach  
Demographics

# Introduction

The Ministry of Justice of Mali commissioned HiiL with the implementation of the second survey in the Justice Needs and Satisfaction (JNS) project in the country, in the spring of 2018. Four years after the first measure, HiiL teamed up again with the local legal aid organisation Deme So to go to the houses of more than 8,000 randomly selected Malians across all the country's regions. GISSE provided technical expertise and their researchers conducted the qualitative interviews that give the numbers a human face. Our shared goal was taking a snapshot of the legal problems Malians face in their daily lives, as well as identifying the sources they use to get legal information and advice, the ways they attempt to get their problems resolved and how people rate them.

Additionally, the technical commission involved in this project included several questions aimed at understanding the transitional dimension of justice, considering the security situation in the country and its efforts towards reconstruction.

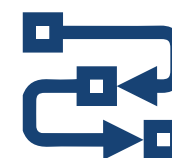
Consequently, this report provides the first opportunity in the JNS series for comparisons among surveys in the same country, not only about justice in daily life, but also about the efforts for reconciliation, after several interventions and events in the four-year lapse between the surveys.

In 2015, after the JNS' first survey, the Ministry of Justice of Mali adopted a Programme d'Urgence for the reform of the justice sector. We can see some of the improvements based on its implementation in this report. Still, several issues remain a challenge for the country, such as the perception of corruption in the public sector, and safety and security. The Ministry has shown willingness to measure and evaluate their progress, tracking indicators that will help to improve public policy in the coming years.

# Methodology

This section provides an overview of the general Justice Needs and Satisfaction (JNS) methodology, with specific details about the research design of the study in Mali. We start by describing HiiL's approach to citizens' needs (a bottom-up justice approach).

We provide an explanation of why bottom-up justice matters. Later, we explain the specific goals of this research, the aim, what we do, and what we do not do, and how we do it. We end this chapter with a word of caution about the data, recognising their limitations.





## INTRODUCTION

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## HiiL's approach

- Focuses on justice in people's lives and understanding their experiences in seeking access to justice. We map out formal and informal justice journeys, rather than following what is in the laws or in the books only.
- Assesses the fairness of outcomes and processes in detail, so it becomes visible how people feel respected, and heard during the justice journey.
- Enables decision-makers to focus on justice when and where people needs the most. Citizens highlight the problem areas that are the most pressing for them; this is a true bottom-up approach.
- Provides robust evidence to support programming and policy-making in the areas of justice and the rule of law.
- Builds on local knowledge about what works best (identifying the bright spots).
- Informs users and suppliers of justice about the quality of existing services. Enables users to be informed about where to go and which services to use and assists suppliers in improving their services.
- Offers a cost-effective way of monitoring progress in the justice sector. A standardised and replicable approach leads to economies of scale, a reduction in operational costs, increased efficiency, a reduction in operational risk, and cross-country benchmarking.

## Why bottom-up justice matters

Maliens experience many justice needs in their daily lives. Very few of these problems are referred to the formal justice system of courts and lawyers. Whether citizens actually receive fair and effective solutions through transparent processes is rarely part of the debate about justice reform and its priorities. Most often, the focus is on the supply side: How do courts, prosecutorial services, police and other justice institutions mobilise resources, cope with demand and deliver results?

Understanding the demand for justice is key for the justice sector. Firstly, more effective and innovative solutions could be designed and implemented if the citizens are at the centre of the reform. Secondly, change works best if it considers the problems at a macro level, and implements

solutions where the people interact with justice mechanisms. Thirdly, justice innovation is about the re-design and improvement of justice journeys. This is an iterative process, which, if implemented well, can deliver more justice to the people of Mali. There are no small justice problems: Every injustice that is prevented or resolved fairly, contributes to the legal empowerment of citizens. Moreover, justice and the rule of law are positively linked to socio-economic development.



## INTRODUCTION

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## How we measure access to justice

We asked 8,307 Malians about their experiences during their justice journeys during the previous four years, meaning between 2014 and 2018, to understand access to justice in everyday life.

We used a specifically designed research instrument, the Justice Needs and Satisfaction Tool, to measure their justice needs. The questionnaire addresses the type of legal problem that people encounter, the resolutions they achieve, how they seek legal information and advice, which dispute resolution mechanisms they engage, and how they experience the resolution process and the outcomes. This has been applied in 15 countries and is thus accepted as a standard methodology. In this opportunity, we worked with a technical commission that involved stakeholders from the Ministry of Justice and statistical experts, which led to the addition of special modules to measure victimisation, perceptions of corruption, and transitional justice. One of the distinctive features of the tool is that we measure the cost

and quality of the dispute resolution procedure identified as the most helpful, by the user. Below you can find some examples of what we ask to measure the cost and quality of the justice journeys:

To what extent (on a 1-5 scale)...

- Did the process make you feel frustrated?
- Did the process make you feel angry?
- Were you able to express your views and feelings during the dispute resolution process?
- Were the same rules equally applied to you and to the other party/parties?
- Was the dispute resolution process based on accurate information?
- Did the adjudicator explain your rights and options during the process thoroughly and make sure you understood them?

And in a separate question:

- How many days did you spend resolving the problem?

People use formal and informal processes to resolve their legal problems. These are called justice journeys. HiiL quantifies these justice journeys by asking people about their perceptions of three dimensions: the

process, the outcomes, and the costs of the journeys. The questions are categorised and displayed in ten easy-to-understand indicators of the costs and quality of access to justice.



## INTRODUCTION

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**1. 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, etc.



Stress and negative emotions attributed to the process.

**2. Quality of the 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.

**3. The quality of the 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.

## What we did

We used a full multi-stage randomized sampling procedure, which gave every adult Malian an equal chance of being part of the sample. We then included quotas for gender, age, rural/urban proportions, and employment status.

8,307 people were sampled in face-to-face interviews. Our partner Deme So provided experienced enumerators and supervisors. HiiL trained them on the particularities of the tool in May 2018, and they were deployed to knock on people's doors in 10 regions and in Bamako. The enumerators conducted the survey with an electronic (tablet) device. This has several advantages:

- Automatic, centralized storage of completed interviews through instant online submission where possible, or daily submissions in remote areas.
- Real-time monitoring of fieldwork.
- Automatic capture of GPS coordinates.
- Built-in logical checks prevent sequence errors.

HiiL and the Ministry of Justice of Mali conducted two triangulation workshops with local experts to get a better understanding of the data during the fall of 2018. HiiL presented the preliminary results of the report

to the attendees, which provided the opportunity for dialogue around the data. This dialogue with stakeholders and local experts added more depth to our understanding of the occurrence of and response to legal problems.

GISSE conducted qualitative interviews and focus groups with users of justice - particularly the most vulnerable groups and justice providers, during the fall of 2018 with the objective of getting a more in-depth account of their experiences. Their stories, in their own words, illustrate and provide in-depth clarifications of the JNS data.

The Malian Ministry of Justice set up a technical commission, comprised of experts from the National Institute of Statistics (INSTAT), the Planning and Statistics Unit of the justice sector (CPS/SJ), DNAJ, DFM, and a coordinating consultant from GISSE. The mandate of the commission was 1) to ensure the application of the quality criteria as defined by the law governing public statistics in Mali 2) to design indicators for the ministries' strategy and 3) to co-create recommendations and concrete actions based on the findings in the data.

## INTRODUCTION

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## Development of questionnaire

HiiL developed the questionnaire in cooperation with the technical commission. The standard Justice Needs and Satisfaction Tool was adjusted and supplemented by specific questions on reconciliation, corruption, and experiences of crime. The final version of the questionnaire was approved by the commission on April 18, 2018.



## Enumerator training and pilot study

The training of the interviewers and supervisors took place in Bamako in late April 2018. It was carried out by HiiL, Deme-So and GISSE. A total of 70 enumerators (among them 20 women) and 11 supervisors (among them 5 women) were trained. The following topics were covered:

- The purpose of the survey
- The survey method
- How to explain what legal problems are
- Harmonisation of the survey questions
- How to use the tablets

After the initial training, three days of interviews were completed as a pilot study. HiiL staff analysed the data and gave feedback to the enumerators. After some revisions, the programmed questionnaire was finalised on May 10. The data for the main study was collected between May 11 and August 2, 2018. 65 enumerators carried out the interviews.

Region	Number of enumerators
Kayes	8
Koulikoro	10
Sikasso	11
Ségou	9
Mopti	9
Tombouctou	3
Gao	2
Kidal	3
Taoudéni	2
Ménaka	2
Bamako	6

## INTRODUCTION

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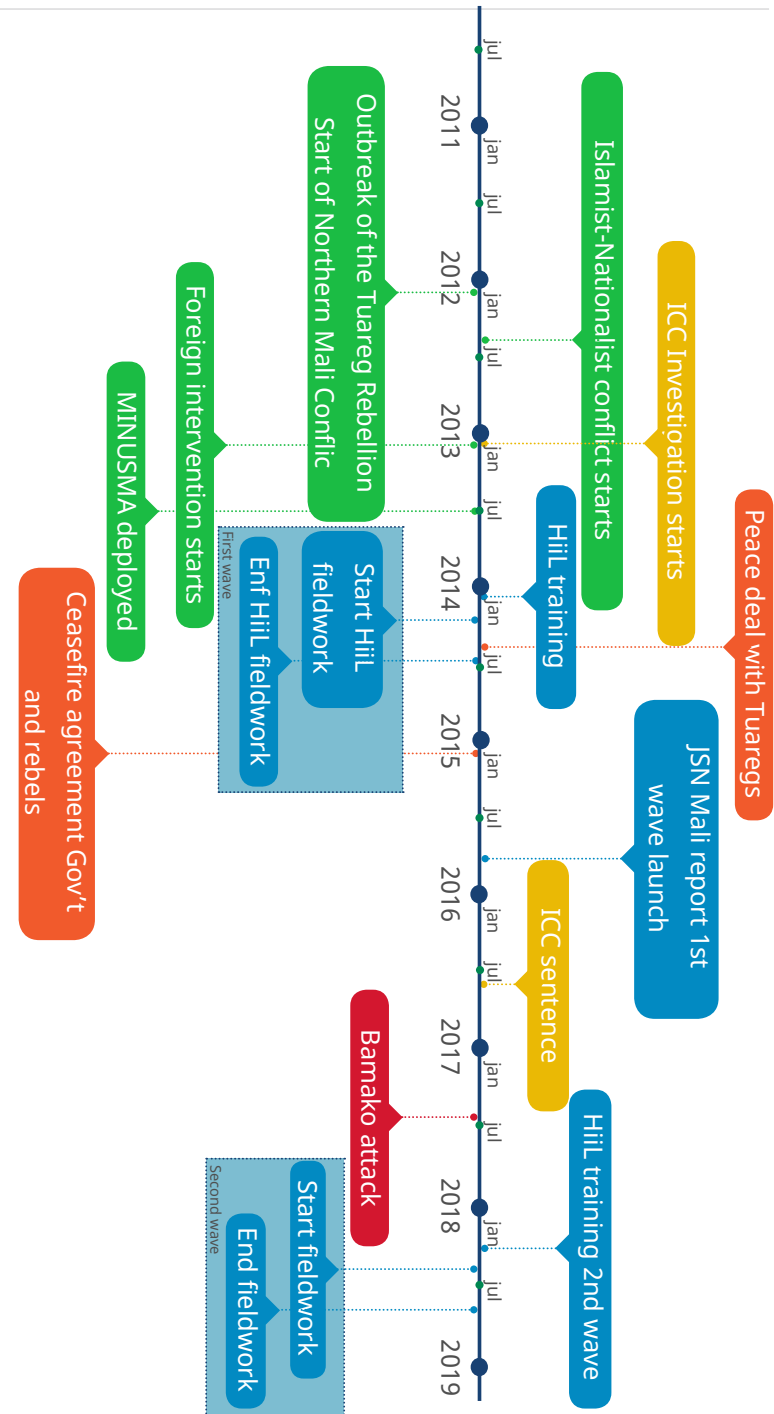
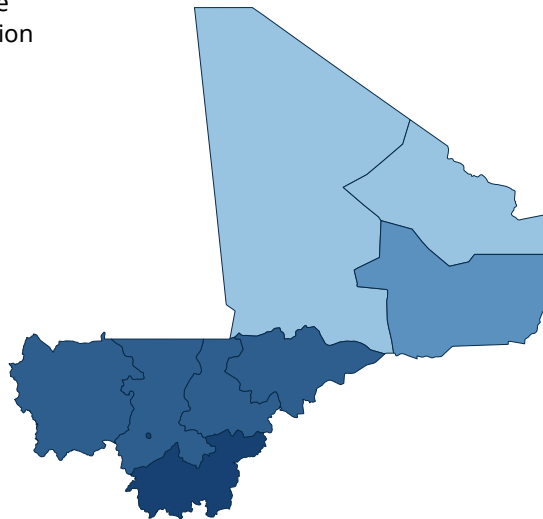
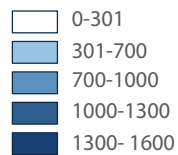
## Data collection

A total of 8,307 interviews of sufficient quality were conducted, which constitutes 92% of the initial target (9,000 interviews). Furthermore, 8.4% of the interviews were conducted under supervision and we called back 9% of the respondents. We removed interviews that did not fulfil the following criteria:

- Duration of interviews should be above 20 minutes if justice problems are encountered
- GPS coordinates should coincide with enumerators' sampling plan
- Random voice recordings are consistent with the information filled in

- Justice problems are in line with the definitions provided by HiIL
  - Number of interviews per day per enumerator should not be too high
- The map below shows the distribution of quantitative interviews per region.

Regional Interviews



## INTRODUCTION

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## Methodological changes between surveys

Research advances when improved. We have revised our methodology during the four-year gap between surveys in Mali. Therefore, some indicators and dimensions are not directly comparable between years. For example, we revisited the way we ask people about the actions they take in order to get

their problems resolved. Therefore, the 2014 and 2018 data are not directly comparable, which precluded us from conducting evaluative inquiries about how the use of institutions, for instance, has changed between surveys.



## A word of caution about the data

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

People tend to underreport specific legal problems. This situation was confirmed by local experts, who indicated that this might be the case for land disputes or family problems such as domestic violence and other gender-based violence. Family disputes, for example, are considered to be a sensitive topic, making people less likely to seek justice outside of the family.

- Some people might not report problems due to shame and fear. For

example, when people have spent time in prison or have had problems with figures of authority.

- Cultural norms may cause people to under or over-report problems.
- The high level of insecurity in the country had a small effect on the survey fieldwork, particularly in Kidal.
- We did not include sub-samples of some of the most vulnerable groups, such as the disabled. We recognise that these are important members of Malian society and hope to collect data on their justice needs in the future through conducting focus group interviews, for example.
- Some areas could not be covered, mostly due to the lack of security: Nara, Niono, Macina, Djénné, Teninkou, Douentza and Koro, parts of Taoudénit, Kidal and Tomboctu.
- There were some difficulties with conducting interviews in areas inhabited by the Soninké and Fulani tribes.
- The interviews were conducted partly during the official presidential election campaign, which added to the suspicion towards the interviewers.

INTRODUCTION

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# Demographics

Sample:  
**8,307**  
randomly selected adults



Interviewed between  
May and July 2018



Respondents:

**55%** male, **45%** female



Average age:  
**41**

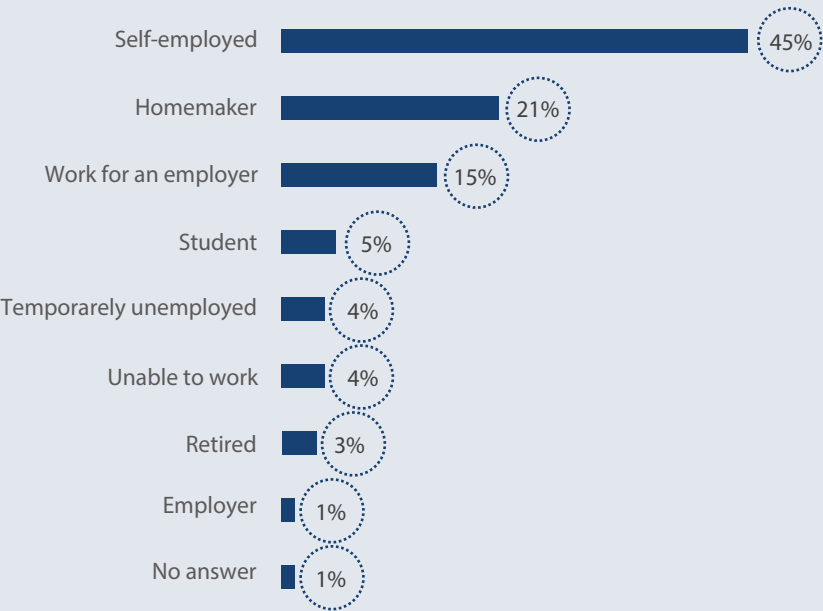
Average household  
consists of  
**12** person



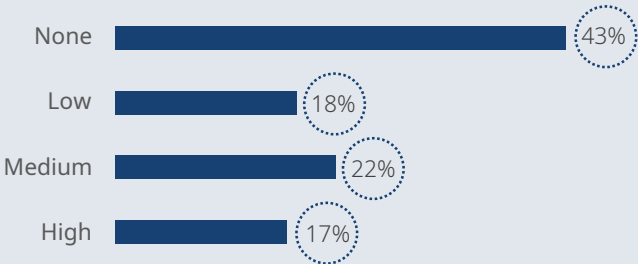
No internet  
access:  
**68%**

Age & Category Name		Marital Status	
Youth (18-24 years old)	16%	Single (Never married)	15%
Young adult (25-39)	29%	Married (Polygamous)	46%
Middle age (40-64)	35%	Married (Monogamous)	31%
Old age (65 and older)	20%	Married, but Separated	1%
Monthly Household Income		Divorced	1%
Less than CFA 50,000	23%	Widowed	5%
CFA 50,001 - CFA 100,000	26%		
CFA 100,001 - 150,000	17%		
More than CFA 150,000	13%		

## OCCUPATION



## EDUCATION<sup>4</sup>



4 None: no formal education/ Low: primary school/ Medium: secondary school and Koranic school/ High: Professional education and beyond.



## INTRODUCTION

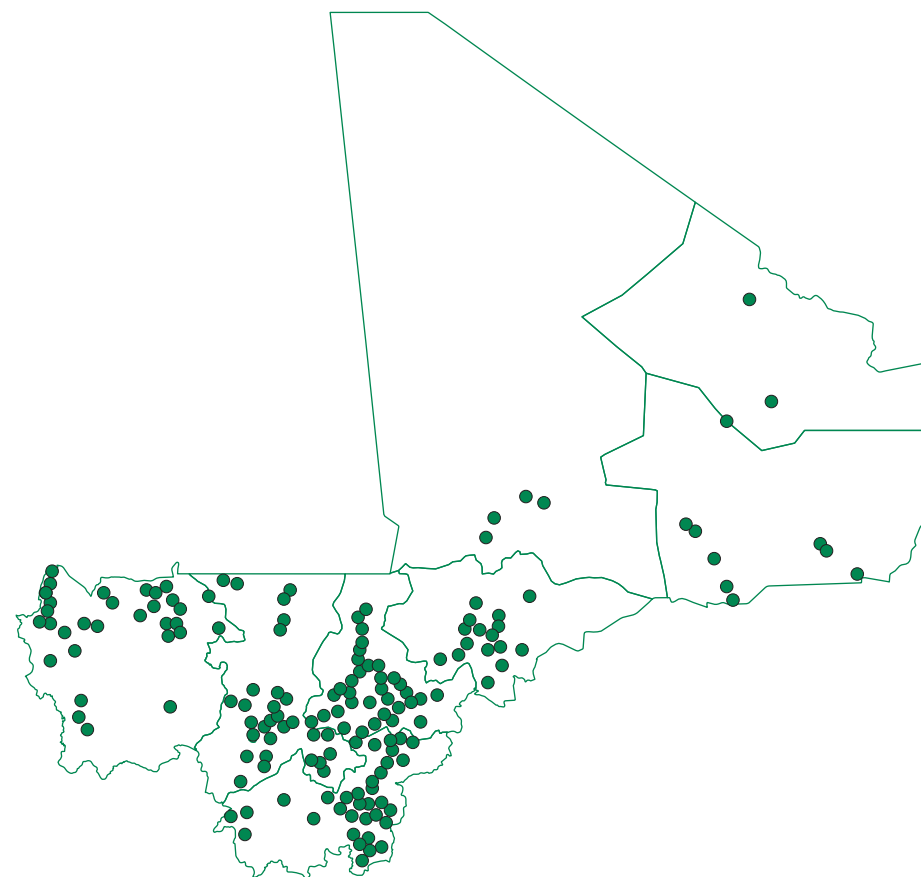
1

Our enumerators went to all 10 regions and the capital district of Bamako. When developing the sample plan based on proportional distribution of the population, some regions ended up with a small number of observations - for instance, Kidal - with about 40 persons to be interviewed. In order to obtain sufficient statistical power to make inferences regionally valid, we needed to correct the number of observations per region, over-representing small ones. However, this has statistical consequences. Therefore, during the analysis we applied a correction coefficient to give each zone its real weight, based on region and urban/rural status.

The table below provides the breakdown of the sample according to regions, before applying population weights. Respondents from rural settings make up 62% of the sample. Urban dwellers represent 38%.<sup>5</sup>

Region	Interviews	Percentage
Bamako	1,059	13%
Kayes	1,173	14%
Koulikoro	1,053	13%
Sikasso	1,519	18%
Ségou	1,219	15%
Mopti	1,044	13%
Tombouctou	282	3%
Gao	303	4%
Kidal	170	2%
Taoudéni	154	2%
Ménaka	331	4%

<sup>5</sup> Urban population is estimated at 42% of the total population (CIA World Factbook) <https://www.cia.gov/library/publications/the-world-factbook/geos/ml.html>



The map above shows the location of about 80% of the interviews. Poor connectivity precluded the

enumerators from geotagging their location at the moment of the interview in the remaining 20% of cases.





# 2

## Legal Problems in Mali 2018

Increase in Legal Problems in Mali Since 2014

Types of Legal Problem

Most Frequent Problems

Most Serious Problems

Consequences of Justice Problems

# What is a legal problem?

It is important to know how many Malians are affected by legal problems, what actions they take to resolve them and how well they work. But what exactly is a legal problem?

We define a legal problem as a problem that arises in daily life – a dispute, disagreement, grievance, or violation of a right – 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 legal resolution could be through the intervention of a third party - i.e.

adjudication, administrative process, arbitration or mediation or through negotiation or reconciliation between the parties. It is not necessary that the respondent knows or recognizes the legal aspects of the problem.

## Increase in legal problems in Mali since 2014

People in Mali suffer from many and diverse legal problems. In 2018, 37% of people indicated that they had experienced one or more problems in

the previous four years. This implies that there has been a five percentage points increase in the number of problems compared to 2014.

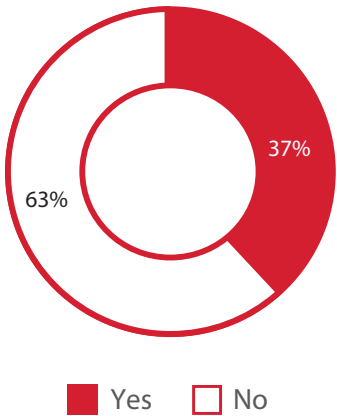
1.3 Million new problems every year in Mali



LEGAL PROBLEMS IN MALI 2018

2

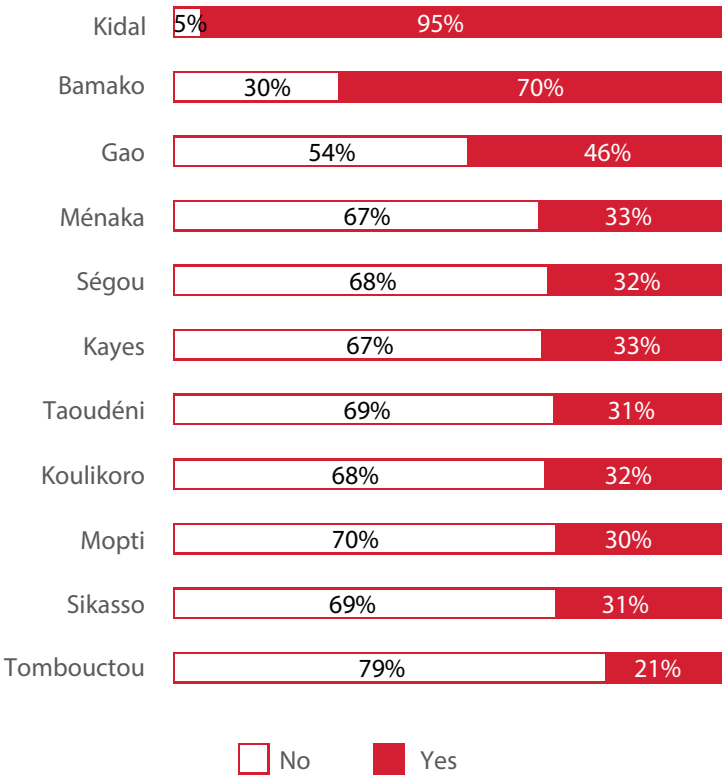
HAVE YOU EXPERIENCED ONE OR MORE  
LEGAL PROBLEMS IN THE PAST FOUR YEARS  
2014-2018?



Men are more likely to encounter a legal problem than women (40% compared with 33%). People with no formal education have the lowest likelihood of encountering a problem (29%), while those with high

education have the highest likelihood of encountering a problem (55%). More highly educated people are perhaps more likely to recognise a justice problem when they encounter one.

PROBLEM PREVALENCE BY REGION (2018)



There is a clear variation in how legal problems are distributed among regions.

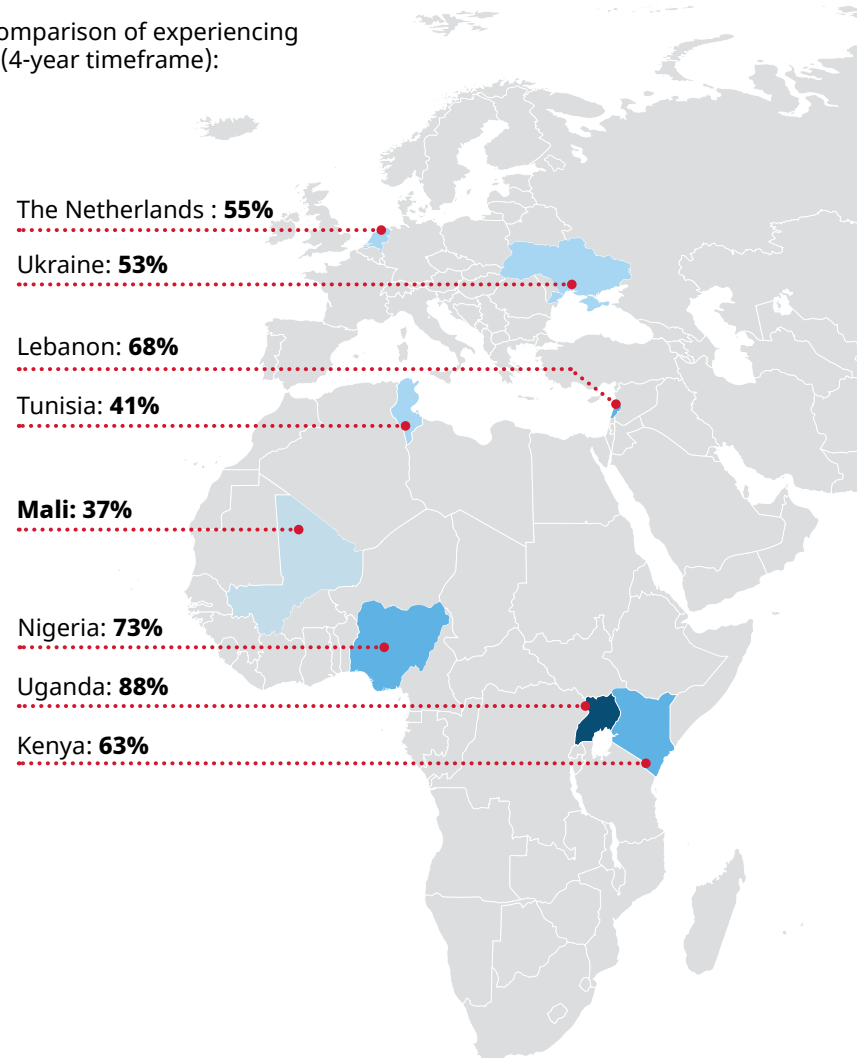
- The majority of the people in Kidal and Bamako have experienced at least one legal problem in the past

four years. People in Gao report problems at a higher rate than the national average. Only people in Tombouctou report problems at a lower than average rate.

## LEGAL PROBLEMS IN MALI 2018

2

International Comparison of experiencing legal problems (4-year timeframe):



## Types of legal problem

To better organise the different legal problems that people experience, we categorise them into the following 14 broad categories:

Land  
problems

Housing  
problems

Neighbour  
problems

Employment  
problems

Family  
problems

Domestic  
Violence

Social Welfare  
problems

Problems with  
obtaining  
identity  
documents

Crimes

Consumer  
problems

Accidents/  
Injuries

Problems  
related to  
borrowing or  
lending money

Problems  
related to the  
police

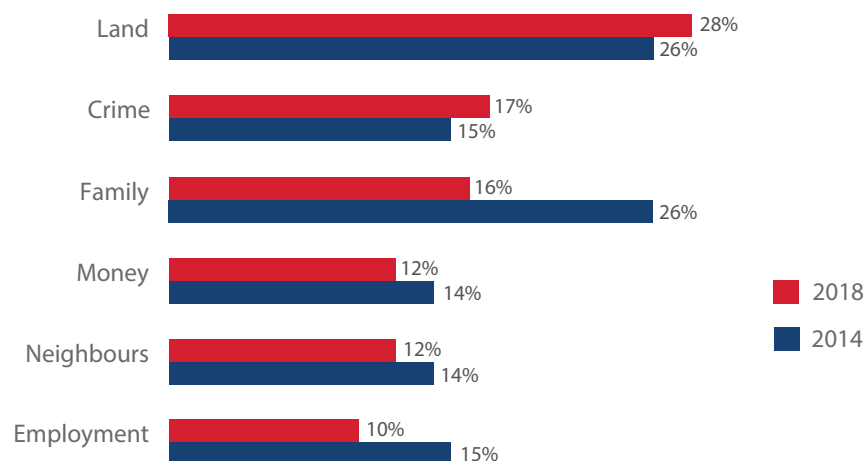
Business  
problems

## LEGAL PROBLEMS IN MALI 2018

2

# Most frequent problems<sup>6</sup>

## MOST FREQUENTLY OCCURRING PROBLEMS



- Family problems decreased by around 10 percentage points between 2014 and 2018.
- Employment problems fell by five percentage points between 2014 and 2018.

other words, they encountered more variety of problems. In 2018, they only experience problems in 1.2 categories, which explains why many problem categories decrease in frequency between the surveys.

In 2014, Malians experienced problems in two categories on average. In

<sup>6</sup> The percentages in some tables add up to more than 100%. This is explained by the type of question posed. Some questions were multiple response, meaning that the respondent is allowed to make none, one or more than one choice.

## Legal problems are different in different regions

Land, family and crime are the categories that affect the highest number of people in all regions, with some distinctions:



In five regions (Mopti, Ségou, Kayes, Kolikouro and Sikasso), land problems are the most common type of legal problem.



In three regions (Bamako, Kidal and Ménaka), crime is the most common problem category.



In three regions in the north (Tombouctou, Gao and Taoudénit), the most common category is family problems.



LEGAL PROBLEMS IN MALI 2018

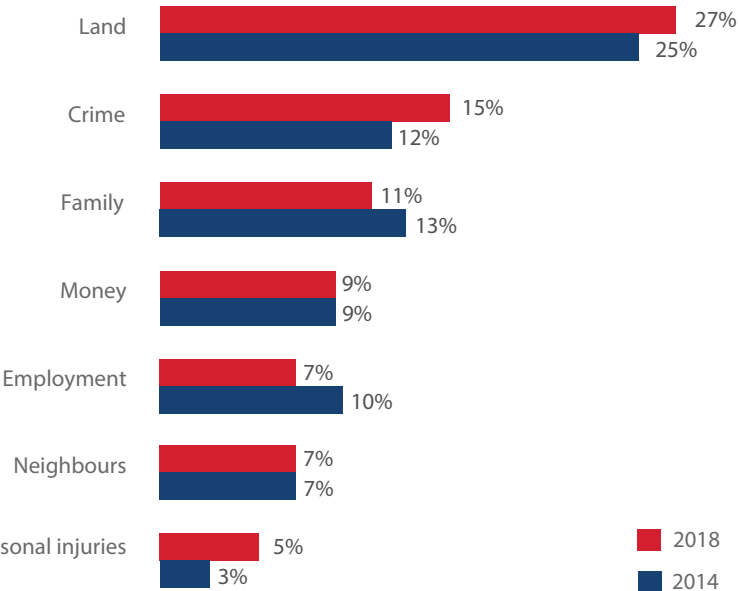
2

# Most serious problems

For those that experience more than one legal problem, we ask them to pick the most impactful and serious problem. The distribution of the most

serious problems shows that land, crime and family problems are the most serious problems.

MOST SERIOUS PROBLEMS



- The incidence of land disputes increases substantially with age (9% for youth to 40% for old age) and decreases with formal education level (34% for no formal education and 16% for those with high levels of education)
- Crime decreases substantially with age (24% for youth to 11% for old age)
- Land disputes are substantially more likely to be found among men (32%) than women (18%)
- Family problems are substantially more likely for women (17%) than for men (7%)
- The most serious specific problems – that is, disaggregated from the broader categories presented previously - are theft (12%), land property (9%), land grabbing (8%) and disputes with neighbours about land boundaries (7%).

Problem	Cases per year
Land	336 000
Crime	195 000
Family	137 000
Money	115 000
Employment	91 000

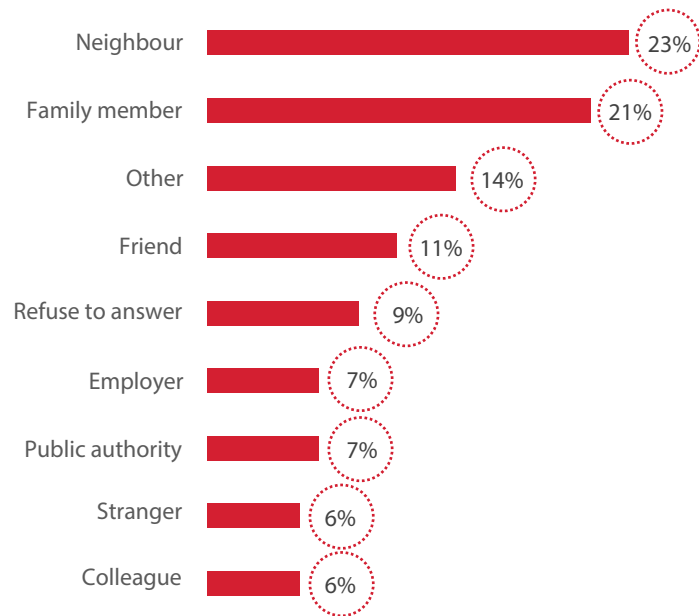


## LEGAL PROBLEMS IN MALI 2018

2

# Who were you in conflict with?

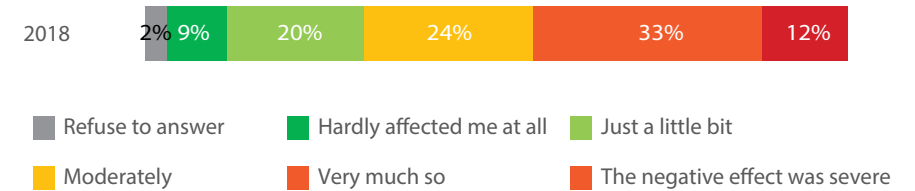
## WHO WERE YOU IN A CONFLICT WITH?



- The majority of people are in conflict with members of their personal network.
- Interestingly, in one in three crimes the other party is someone from the personal network: a neighbour, a family member or a friend.
- The chance of having a member of the family as the other party in a dispute decreases as income increases (27% for the lower echelon, 14% for the highest one).

# Impact

## HOW HAS THE PROBLEM AFFECTED YOUR LIFE?



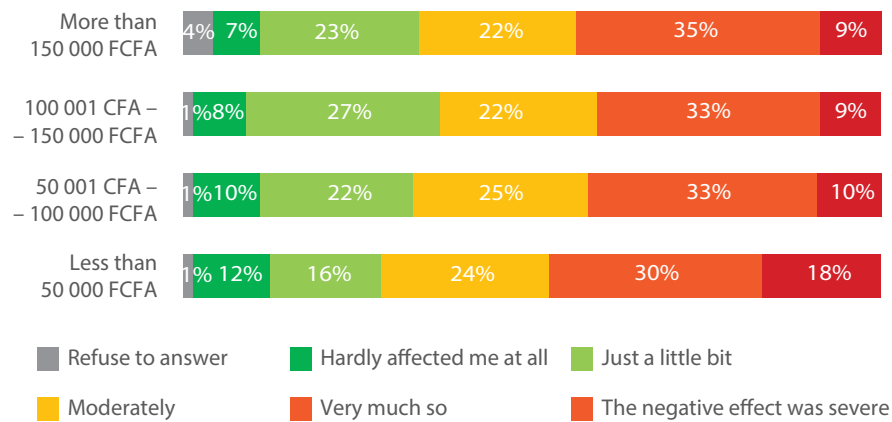
- The impact is strongest for Malians with very little income – twice as severe than for the other income groups.
- Those with family problems, employment problems and crimes are affected most negatively.



LEGAL PROBLEMS IN MALI 2018

2

IMPACT STRONGEST FOR LOW-INCOME FAMILIES

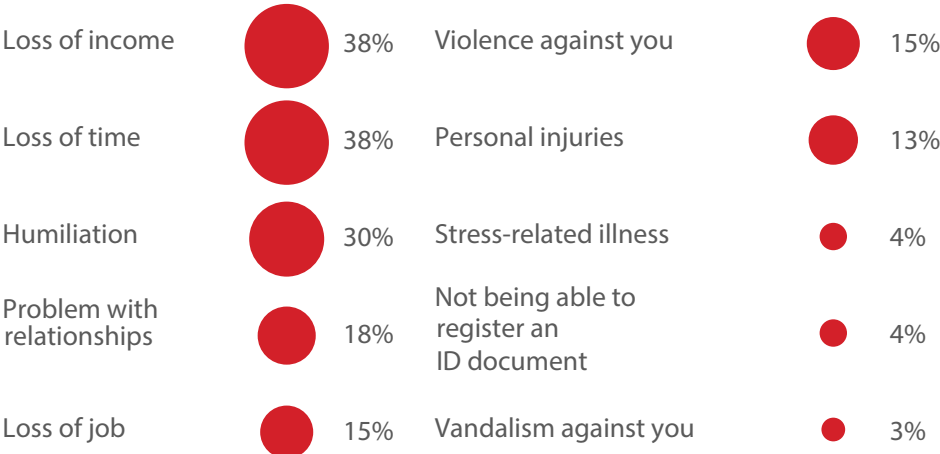


The impact of legal problems on people’s daily lives expresses itself through many different mechanisms.

The consequences range from loss of income and time to physical violence and humiliation.



CONSEQUENCES OF LEGAL PROBLEMS



Men more often lose time and income (10 percentage point difference).



Women more often suffer humiliation and problems with relationships (both with roughly a five percentage point difference).



Loss of income more often affects low-income families: Almost 2.5 times more often for the poor than for the rich. Furthermore, poor people report on average 2.3 consequences, while rich Malians report only 1.5.



LEGAL PROBLEMS IN MALI 2018

2

# Willingness to pay for resolution

In 2018, we also measured how much money people would be willing to pay to get their problem resolved. This section offers a glimpse into how much money Malians are willing to pay for legal services.

The average willingness to pay (WTP) to have a legal problem resolved is 17,208 CFA. Note that half of the people have

a willingness to pay of zero CFA. While there is generally a positive correlation between the perceived negative impact of legal problems and higher willingness to pay. However, those who report the highest level of impact do not have the highest willingness to pay. Willingness to pay varies and depends on the type of problem.

Impact of the legal problem	Mean WTP <sup>7</sup> in CFA
Hardly affected me at all	4 296
Just a little bit	14 331
Moderately	16 103
Very much so	23 600
The negative effect was severe	17 893

Most frequently occurring legal problems	Mean WTP in CFA
Land	22 338
Crime	18 614
Family	17 947
Employment	14 540
Money	12 315

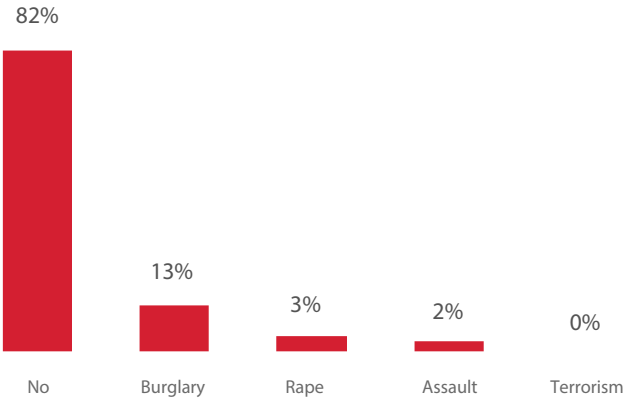
7 Willingness to pay

# Victimisation

We ask people whether they were victims of specific crimes. The vast majority of Malians had not experienced them (one out of five had).

Burglary was the most common crime suffered in the previous four years, particularly in urban areas.

HAVE YOU BEEN VICTIM OF A CRIME IN THE PREVIOUS FOUR YEARS?



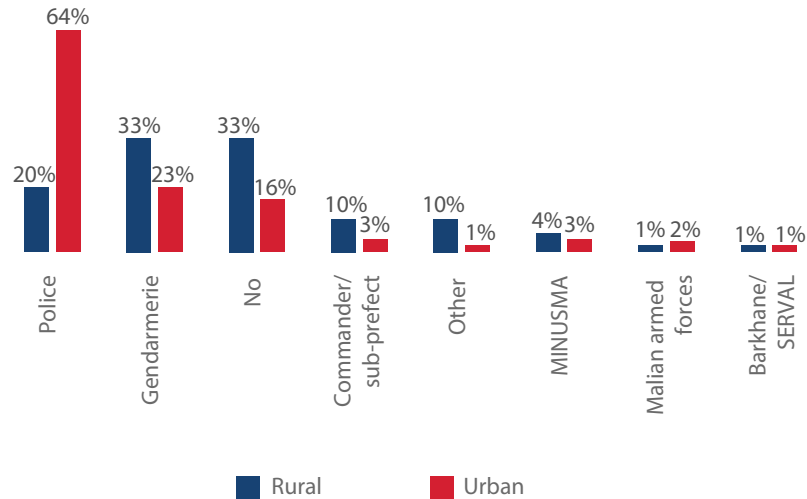
When asked if they reported the crime to law enforcement agencies, we see a clear divide between urban and rural inhabitants. Urbanites do report crime to the police, and the difference compared with rural inhabitants

exceeds 40 percentage points. Another relevant institution is the gendarmerie, which is preferred by rural inhabitants, but the difference in reporting crime to them is not as pronounced as for the police.

## LEGAL PROBLEMS IN MALI 2018

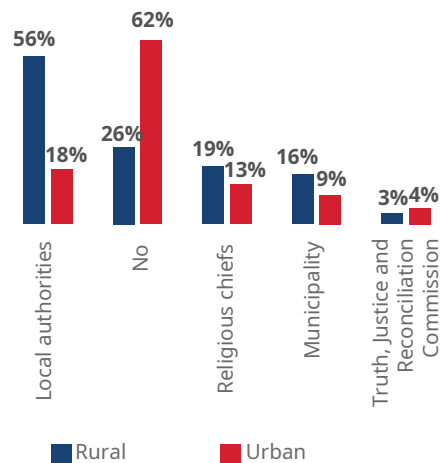
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## DID YOU REPORT THIS CRIME TO THE LAW ENFORCEMENT AGENCIES?



When asked about other competent institutions, it is urban inhabitants who tend not to report crime to them, while rural inhabitants prefer to involve local public authorities.

## DID YOU REPORT THIS CRIME TO ANY OF THE FOLLOWING SOURCES?



## Conclusion

The percentage of Malians who experience one or more problems has increased since 2014 by five percentage points. This means that almost an additional 100,000 people need the protection of the law for their problems. However, the number of problems per person has decreased. More people have a legal problem, but fewer people have multiple problems. In particular, family and employment problems have declined.

The impact on life caused by a legal problem is stronger among poorer households and people with family problems, employment problems and those who have experienced crime. Loss of income and time, and physical violence and humiliation are the most common consequences of these legal problems for Malians. People with high-impact problems do not necessarily have a higher willingness to pay to get their problem resolved.



# 3

## Justice Journeys

Legal Information and Advice and Dispute  
Resolution

Evaluation of Justice Journeys



## Legal information and advice and dispute resolution

When people experience any legal problem, they start on what we call a justice journey. The concept of a justice journey recognizes that there are many different steps in resolving a problem. Most often, these steps are not linear. The entirety of steps that people take to resolve a problem is a justice journey.

The first thing people usually do is seek legal information and advice. By informing yourself on the issue, a legal problem becomes more manageable. The next step is to engage in dispute resolution. This can be anything from talking to the other party directly to hiring a lawyer. This allows us to identify the different alternatives available to resolve a problem, how accessible they are and how helpful they are to people during the process.

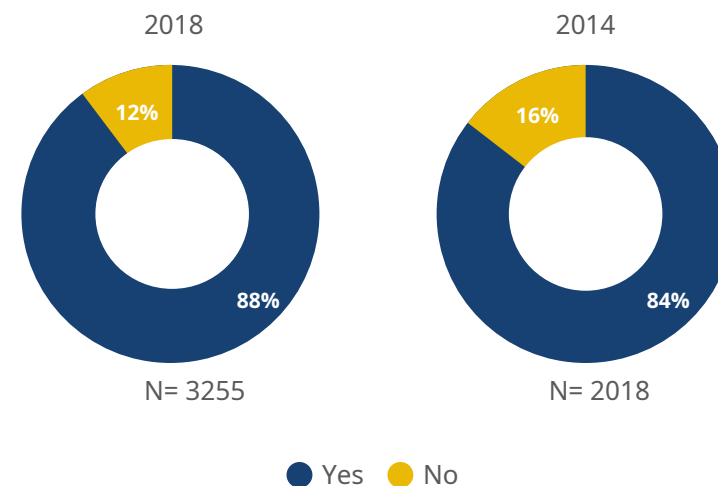
Both legal information and dispute resolution are crucial steps in the justice journey. In this chapter, we explore where people go and whether they can resolve their problems. We will identify barriers that people face and see if there are any vulnerable groups.

Country	Seek information & advice
Kenya	75%
Nigeria	72%
Uganda	65%
Tunisia	60%
Lebanon	58%



## Most Malians seek legal advice when faced with a legal problem

DID YOU SEEK INFORMATION AND ADVICE?



Most people in Mali seek legal information and advice when faced with a problem that can be resolved through legal means. Almost 9 out of ten people do so. This implies that

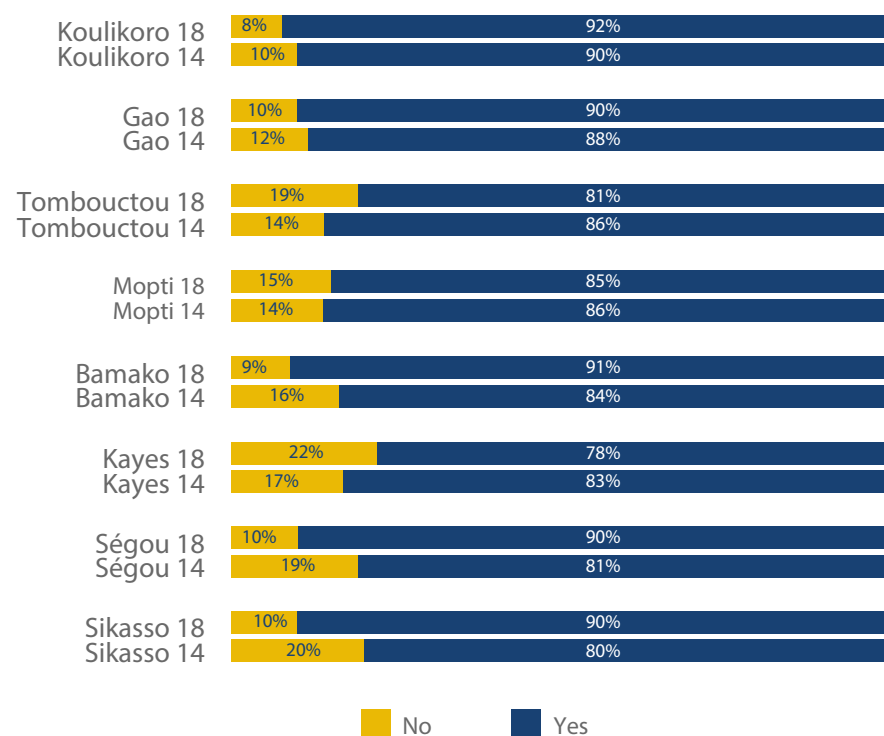
almost 1.1 million Malians seek legal information and advice every year. The proportion is roughly the same as in 2014.

## JUSTICE JOURNEYS

3



## LEGAL INFORMATION AND ADVICE BY REGION (2014-2018)



With regard to regional differences in access to legal information and advice, residents of Sikasso and Ségou report a significant improvement between the two surveys.

Whether or not someone seeks legal information and advice is influenced by the type of legal problem they experience and their level of education:

- For land disputes, family issues and employment conflicts people are most likely to seek legal information and advice, at slightly more than 90%.
- For accidents and obtaining IDs people are somewhat less likely to seek legal information and advice, at around 80%.
- For problems with the police people are least likely to seek legal information and advice, at 65%.
- People with higher levels of formal education are slightly more likely to seek legal information and advice than those with lower levels. People who have a high level of formal education are most likely to do so, at 90%.

People seek legal information and advice from multiple sources; 2.6 sources on average. They are most active when it comes to land disputes (3.6 sources); while for conflicts over money (1.8) and the police (1.8) people are less active.

Individuals with a higher level of formal education and/or income tend to use fewer sources of legal information on average than other groups. A possible explanation for this behaviour could be that these people are more informed and more focused in their search for legal information and advice.



JUSTICE JOURNEYS

3

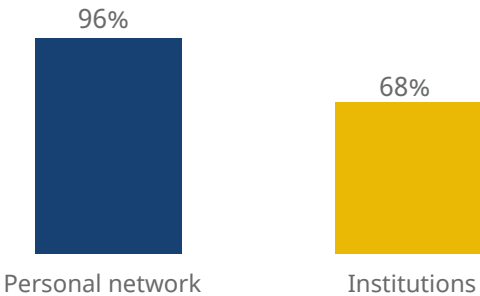
# Sources of legal information and advice

It is not only important whether people seek legal information and advice or not. Where people go for advice also matters. When you consult a knowledgeable expert on a specific family dispute, you will likely get

completely different legal advice than if you ask a police officer or a friend. The following options, split by personal network and institutions, were included in the research:

Personal network	Institutions
Friend	Central public authority
Colleague	Lawyer
Neighbour	Paralegal/legal clinic
Relative	NGO or human rights organisation
Religious leader	The police
Traditional leader	Legal aid organisation
Village leader	Reception and orientation centre
Employer	Griot
Community organisation/ political party	Ad hoc third party – mediator
Other (specify)	Other (specify)

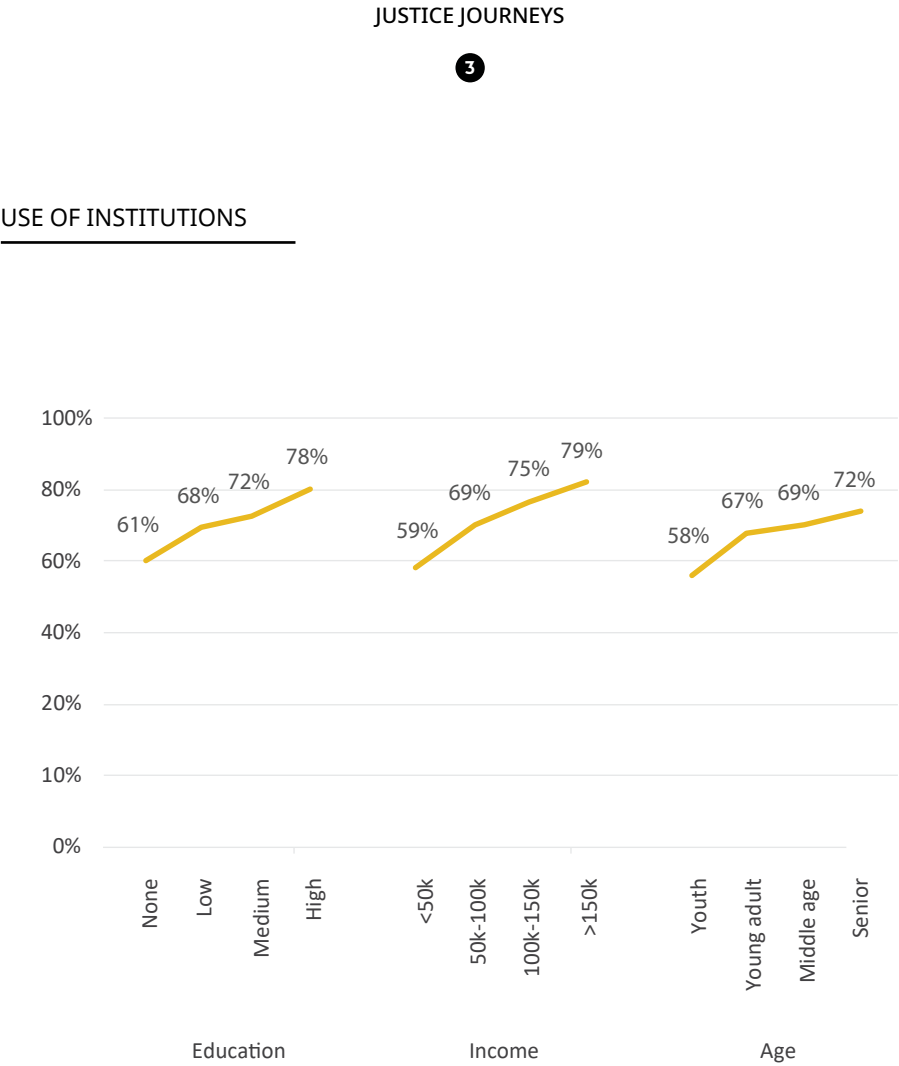
SOURCES OF LEGAL INFORMATION AND ADVICE



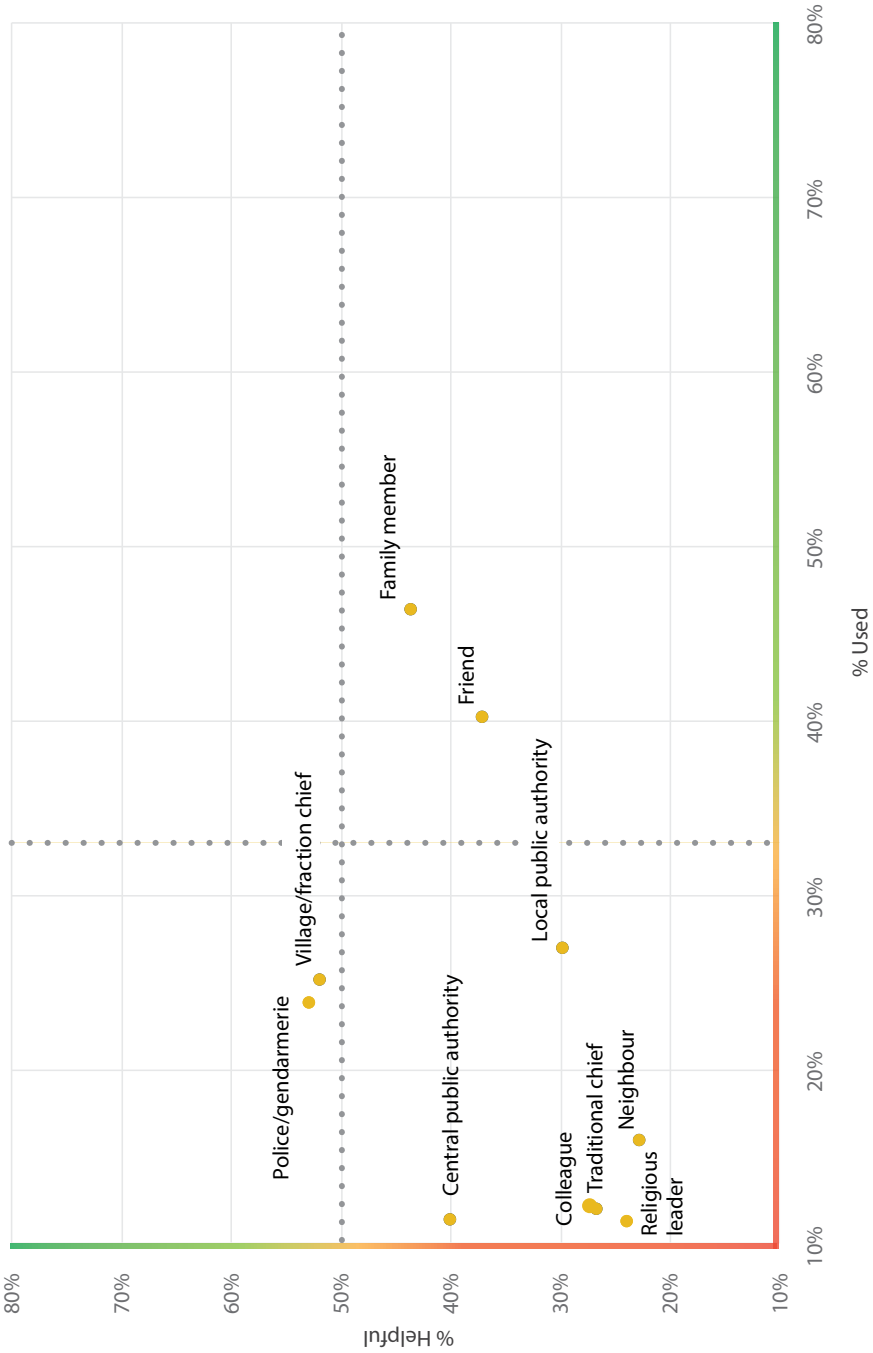
People tend to rely more on legal information and advice from their personal network than from institutions. Among those who seek legal information and advice, nearly everyone uses someone from their personal network. However, there are strong differences when it comes to the use of institutions. Older individuals, those with a higher level of income and those with a higher level

of formal education are all more likely to consult institutional sources of legal advice. The type of problem experienced also plays a role in the use of institutions for legal advice. For land disputes (74%) and crime (73%) people are more likely to consult institutions, while for money issues (59%) they are less likely to do so.

USE OF INSTITUTIONS



RELATIVE HELPFULNESS OF LEGAL INFORMATION AND ADVICE



## JUSTICE JOURNEYS

3

The chart above provides two pieces of information in the form of two percentages:

1. The percentage of people who sought information from a specific source, on the horizontal axis;
2. The percentage of people who felt the specific source was most helpful to them, on the vertical axis.

The dashed lines represent eventual cut-off points to evaluate the source's performance. At 33%, the vertical line assumes that one out of three people consulting a source is a good baseline for evaluating accessibility. At 50%, the horizontal line assumes that one out of two users identifying a source as the most helpful is a good baseline for evaluating helpfulness.

When people seek legal advice from their personal network to resolve their

problems, they rely on people who are close to them. The most common sources to approach are relatives and friends. For legal information and advice from institutions, people frequently approach either local public authorities or the police.

- Richer individuals are three times less likely to consult with a traditional/village chief than poorer people are. On the other hand, they are nearly three times more likely to seek legal advice from a lawyer.
- Older people are more likely to consult both chiefs and lawyers, those with higher levels of formal education rely less on chiefs and more on lawyers.
- People often consult traditional/village chiefs and local public authorities when facing a land dispute.
- For family disputes, people often consult their relatives and friends, but religious leaders also play an important role.
- After a crime, people most frequently seek information and advice from their relatives and the police.
- There are some regional differences in how often people consult certain providers, compared to the national average: Chiefs de village are consulted on above-average rates in Mopti (53%), Ségou (42%), and Sikasso (35%). Lawyers are more often consulted in Bamako (12%).

Which of these sources of legal advice are most helpful? We define the relative helpfulness as the ratio between the number of people who contact a source of information and the number of people who say it was the most helpful source. In other words, it is the vertical axis of the graph.

Paralegals/legal clinics (68%) – not shown because they are consulted by less than 10% of the people, the police (53%) and lawyers (52%) – also not shown – are the most helpful sources of legal advice. Village chiefs (52%) and relatives are the most helpful sources from the personal network (44%).

Lawyers and paralegals/legal clinics are not used very frequently by people who seek legal advice. Those people who do use them, however, indicate they are very helpful and provide satisfactory assistance. A strategy to improve access to information could focus on increasing the availability and accessibility of paralegals and legal clinics.





JUSTICE JOURNEYS

3

# Barriers to seeking legal advice

Recall that about one in seven people do not seek legal information and advice at all.

BARRIERS TO SEEKING LEGAL ADVICE

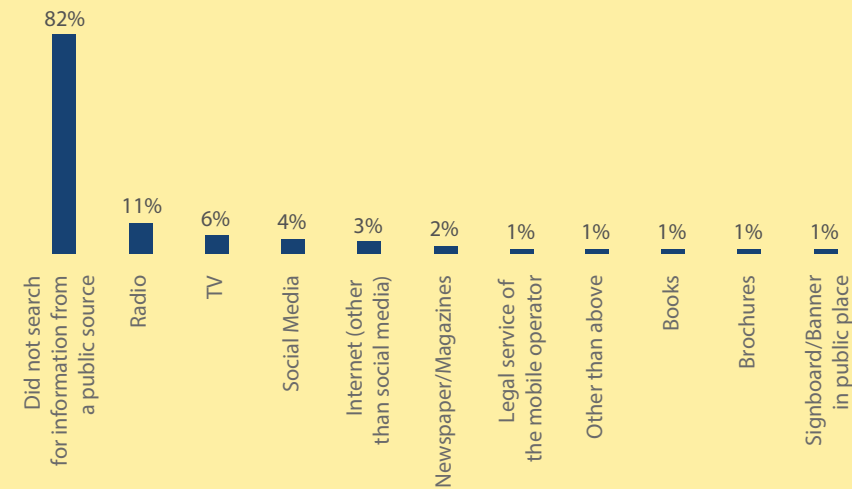


Most people indicate either that they simply did not believe seeking legal information and advice would help

them or that they did not know where to look. However, a large percentage of people refused to answer this question.

Electronic and printed media sources of legal information are still relevant; new opportunities on the horizon

PUBLIC SOURCES OF INFORMATION



## JUSTICE JOURNEYS

3

About two in 10 Malians seek legal information from public sources. Radio and television are used most frequently. However, the use of the Internet and social media is on the rise. This is particularly true for employment and family disputes, the more highly formally educated, more affluent individuals and younger people. If the digital infrastructure of Mali is further developed, this can provide opportunities to distribute legal advice through new, very scalable channels and open pathways for legal innovators.

The next step, after seeking information and advice, is to act to resolve the legal problem. People typically pursue multiple resolution mechanisms and we ask them to list all of them. Then we focus on the one they identify as the most helpful in resolving their problem. This allows us to map out the different alternatives people rely on to resolve their problem and go more in-depth into the one that is most helpful.

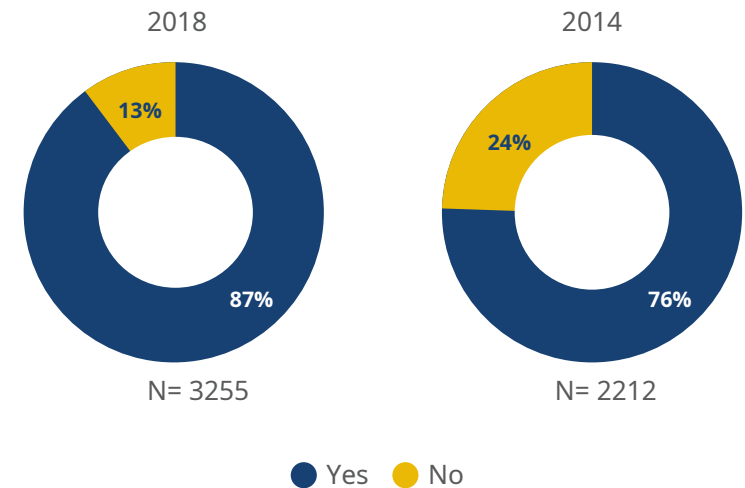


## Nine out of 10 Malians try to resolve their problem

Most Malians act to resolve their legal problems. Of the approximately 1.3 million people who experience legal problems every year, 1.1 million people act. This is an improvement on 2014, when almost eight out of 10 Malians acted. However, it is important to keep

in mind that every year 200,000 people decide not to act when faced with a legal problem. We discuss the barriers faced by this group of people later in the chapter.

### DID YOU TAKE ANY ACTION TO RESOLVE YOUR LEGAL PROBLEM?



## JUSTICE JOURNEYS

3

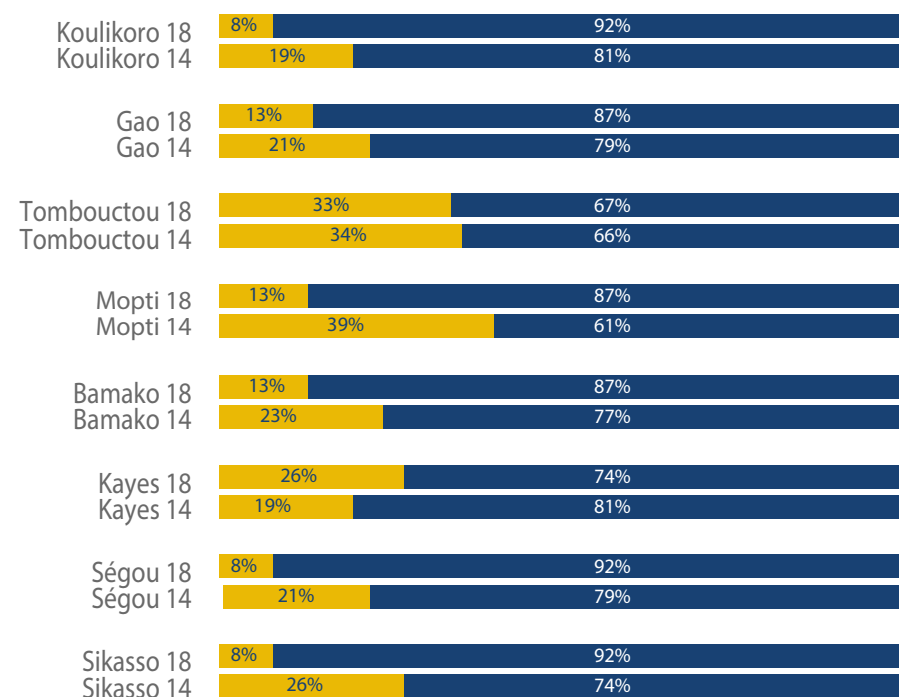
Maliens are the most active in trying to resolve their legal problems compared with other countries in which we have collected data.

The table below highlights that people who sought information and advice are almost three times more likely to act. This signifies just how important access to legal information and advice is for the overall justice journey.

Country	Took action
Kenya	81%
Tunisia	71%
Nigeria	71%
Lebanon	71%
Uganda	62%

		Action	
		No	Yes
Information & advice	No	63%	37%
	Yes	6%	94%

## DISPUTE RESOLUTION ACTION RATES BY REGION (2014-2018)


 No
  Yes



There are regional differences in the rate of taking action between the two surveys: significant increases in Mopti, Sikasso, Ségou and Koulikoro, and a small decrease in Kayes.

The type of problem people experience has an influence on their decision to act:

- For problems concerning land, money and family, people are most likely to act; over 90% do so.
- When faced with a crime, people are less likely to act - at 76%.

Just as before with information and advice, acting to resolve a legal problem is not a binary choice. People act in different ways and pursue a multitude of dispute resolution mechanisms. We divide actions into three categories: self-actions, the personal network and institutions.

## Dispute resolution mechanisms included in the study

Self-action	Personal network	Institutions
Independent contact	Friend(s)	Formal court
Gather evidence	Colleague	Village/Local community courts
Contact witnesses	Neighbour	Legal aid organisation
Other	Family member	Mayor
	Religious leader	Griot/other caste member
	Traditional chief	Police/gendarmerie
	Village/fraction chief	Lawyer
	Employer	Paralegal
	Community organisation/political party	Central public authority
	Other	Local public authority
		National or Local NGOs and/or Human Rights Organization
		Other

JUSTICE JOURNEYS

3

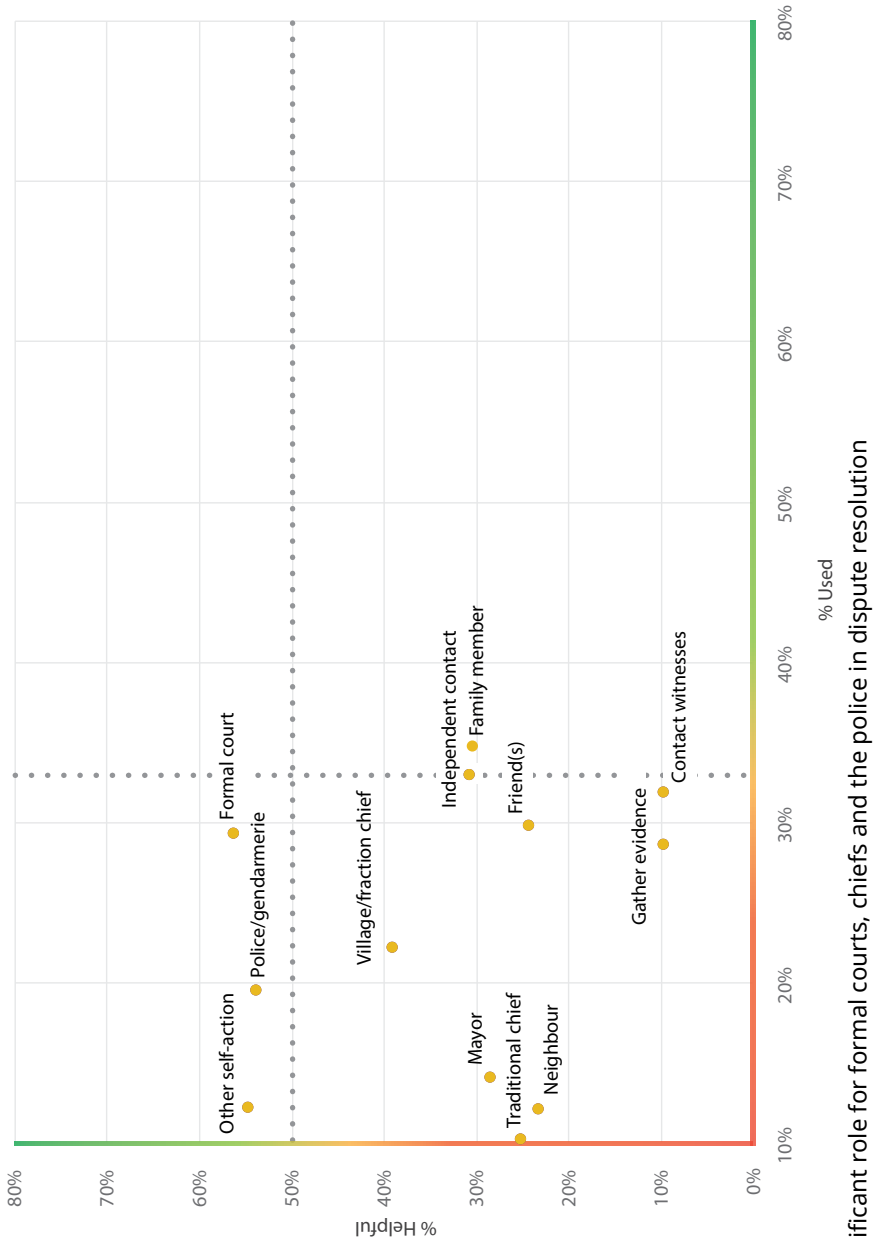
When people act, they are equally likely either to rely on self-actions or approach people in their personal network. About eight out of 10 Malians that act do so. Institutions are engaged less frequently, with approximately six out of 10 people taking this route when resolving their problem. However, people with a low level of income and/or formal education are less likely to try to resolve their problem through institutions by 15% points.

Malians are not only very likely to act when faced with a problem, they also use diverse strategies. On average, people try 3.4 different ways to resolve their problem. This diversity could be a sign of legal empowerment. It could also indicate that certain people have trouble finding the right approach to resolving their problem. However, individuals with a higher level of formal education and/or income take fewer actions. This could imply that vulnerable groups struggle more to find a successful path to justice.

The number of ways people try to resolve their problem also varies with the problem type and by region. For employment (2.7) and money (2.6) disputes, people engage fewer dispute resolution strategies. However, for land disputes people try an average of 4.7 different ways to resolve the problem. In the table below, we notice that people in Mopti pursue the most dispute resolution strategies (6.3).

Region	Average number of actions
Mopti	6.3
Kidal	3.5
Tombouctou	3.5
Koulikoro	3.3
Ségou	3.0
Gao	3.0
Sikasso	3.0
Bamako	2.9
Ménaka	2.9
Kayes	2.6
Taoudéni	2.6

RELATIVE HELPFULNESS OF DISPUTE RESOLUTION



Significant role for formal courts, chiefs and the police in dispute resolution

## JUSTICE JOURNEYS

3

The chart above provides two pieces of information in the form of two percentages:

1. The percentage of people who used a specific way to resolve their dispute, as represented on the horizontal axis.
2. The percentage of people who felt the specific source was most helpful to them, as represented on the vertical axis.

The dashed lines represent eventual cut-off points to evaluate the source's performance. At 33%, the vertical line assumes that one out of three persons consulting a source is a good baseline for evaluating accessibility. At 50%, the horizontal line assumes that one out of two users identifying a source as the most helpful is a good baseline for evaluating helpfulness.

Malians are quite active in all three action categories. They try to contact the other party, look for evidence, use friends and family and approach the village chief. People engage the traditional sector often, as previous research has shown.<sup>8</sup> What is particularly striking in Mali, however, is the proportion of people who rely

on formal courts and the police. Three out of 10 people indicate going to a formal tribunal and two out of 10 go to the police. Compared to HiiL's past studies, these are high figures and it implies a substantial load on the legal system. Also, as in many other countries we have studied, people rely on negotiating directly with the other party, a dimension somewhat overlooked in the literature on access to justice in Mali.

The methods people use to resolve problems vary by age, level of income, level of formal education and problem type:

- Young people rely more on friends. Older individuals rely more on formal courts and village chiefs.
- People with lower incomes are more likely to contact witnesses, gather evidence or use village chiefs. Those with higher incomes are more likely to contact the other party directly, go to the police or use a lawyer.
- People with fewer years of formal education are more likely to engage chiefs. The more educated are more likely to contact the other

party directly, go to the police or use a lawyer.

- In land disputes, there is a significant role for traditional (22%) and village chiefs (48%), mayors (26%), and formal courts (45%).
- In employment conflicts, people often contact the other party directly (45%), go to colleagues (29%), and engage lawyers (11%).
- For legal problems around family matters, people are more likely to go to religious leaders (20%) and use lawyers (10%).
- For crimes, people strongly rely on the police (54%).
- With conflicts over money, people frequently try to resolve the problem by contacting the other party directly (52%).

There are regional differences in how people in different regions rely on different dispute resolution mechanisms and strategies. The table below shows the difference in percentage points between the percentage of people using a particular strategy in a region, and its difference to the national average, only for the most common strategies. For example, the first cell in the top left corner means that people in Bamako engage members of their family in the dispute resolution process four percentage points more often than the national average. The shades of colour provide additional information: the darker the colour, the more striking the difference, blue is negative (less often than the average) while red is positive (more often than the average). This is what is usually called a heat map.



<sup>8</sup> Ursu, 2018. Between Ideals and Needs: Is Malian Customary Justice Incompatible with International Human Rights Standards?



## JUSTICE JOURNEYS

3

	Bamako	Mopti	Ségou	Tombouctou
Family member	3.99	25.12	-0.49	8.74
Independent contact	19.44	-8.04	-6.87	-0.27
Contact witnesses	-18.64	38.4	2.71	4.21
Friends	6.14	10.73	0.48	-13.72
Formal court	-2.82	5.82	-14.68	-27.43
Gather evidence	-19	23.35	8.33	-7.8
Village/fraction chief	-19.2	27.82	13.44	-12.84
Police/ gendarmerie	13.07	-2.27	10.68	-17.57
Mayor	-7.03	20.47	-4.88	-8.41
Other self-action	-0.13	-10.76	-9.17	-6.96
Neighbour	-2.92	24.23	-7.96	-10.19
Traditional chief	-8.03	22.85	-4.17	42.04
Religious leader	-1.27	18.96	-7.46	52.74
Colleague	-1.51	21.35	-6.67	-5.66

To evaluate how helpful the different ways to resolve disputes are, we use relative helpfulness. This is the percentage of people who rate a specific method as most helpful after having used it. In other words, it is the vertical location in the graph.

The most helpful methods of resolving disputes are going to a formal tribunal or the police. These institutions are rated as relatively most helpful by people; more than half the people who

use them indicate they have been most helpful in resolving their problem. For most other ways of resolving disputes this is a third or less. Also noticeable is the share and helpfulness of traditional chiefs, among the personal network providers of dispute resolution.

We asked those who did not engage courts, why they did not. This was an open-ended question. The main reasons we identified from the responses were:

Kayes	Koulikoro	Sikasso	Kidal	Gao	Taoudéni	Ménaka
-3.98	-6.68	-10.39	2.5	-18.49	-18.95	1.53
-4.75	-17.03	0.21	13.12	5.37	5.6	-9.45
1.32	-11.57	14.12	-10.72	-22.08	-18.31	-16.39
-9.61	12.26	-20.72	15.02	-2.38	-11.75	-27.8
-20.09	19.94	2.33	-24.77	40.92	-29.45	-27.32
-7.83	7.92	7.64	-2.71	-18.93	-10.57	-12.69
-0.59	-2.64	6.4	-16.31	-16.2	-8.66	-18.53
-6.44	-7.32	-8.49	-19.59	-14.65	-1.41	-6.16
-2.99	8.55	-2.8	10.39	-9.86	-11.88	-10.38
4.77	-8.97	12.79	0.8	34.22	-10.09	35.69
-4.04	6.75	-7.91	9.94	-3.3	-0.85	-2.05
-2.38	0.36	-4.14	0.6	-1.32	7.83	-6.58
-2.01	-3.16	-5.76	-3.79	-3.8	47.04	-1.75
-3.53	0.12	-5.44	10.26	2.96	3.93	-9.71

1. Lack of trust in courts and the legal system.
2. Preference for other dispute resolution mechanisms, such as police, mayors and chiefs, is often involved. This probably has to do with the type and severity of the problem.
3. Lack of money. In a straightforward way, people argued that they could not afford court procedures.
4. Lack of knowledge, ignorance and complicated procedures were a deterrent.
5. Physical barriers such as long distance, lack of time, etc.

JUSTICE JOURNEYS

3

## Kadiatou's story

*I live in an apartment building in the district of Bamako. My neighbour and I never had any problems but in the last few years we have not gotten along very well. We did not even say hello when we met on the stairs. One night I left to visit friends and when I returned, I realized my neighbour had locked the front door of the building to prevent me from entering. I managed to call the other neighbours and they opened the door for me. When my neighbour saw this, he began to scold me and went so far as to hit me. I was hurt and bleeding from my ear so I screamed to alert the other neighbours who came to my rescue and took me to the hospital.*

*The next day I went to the police station to file a complaint, but I got the impression that they were not taking me seriously. I was shocked when the officer told me that I should drop the case and that both my neighbour and I should pay a fine because, according to him, I had hit him first. I told the officer it was not true, and that this assault was the third time he had violently abused me. I even told him I had witnesses for each of the assaults, including an officer from the gendarmerie. The officer just told me that if I wanted to pursue the case, I needed to file a complaint with the courts.*

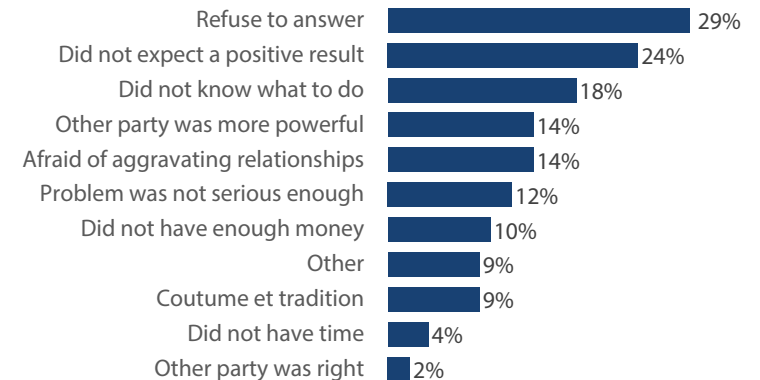
*I was desperate so I decided to go to Deme So and get a lawyer. A complaint was filed at the police station. The new officer dealing with my case also considers that I legitimately defended myself, but my case is still ongoing. When I confronted the police chief asking him why he had not done anything, he claimed he was unaware of my case. I am hugely disappointed with the police. Their behaviour was unjust and gives a very bad perception of justice. It seems that money is the only thing that can solve problems in these cases. With rampant corruption from top to bottom, I really see no solution.*

## Hopelessness, power imbalances and a lack of knowledge are the biggest barriers to seeking a resolution

As previously noted, about 200,000 people do not act when faced with a legal problem every year. We asked these people to indicate why they

remained inactive. The graph below shows their responses.

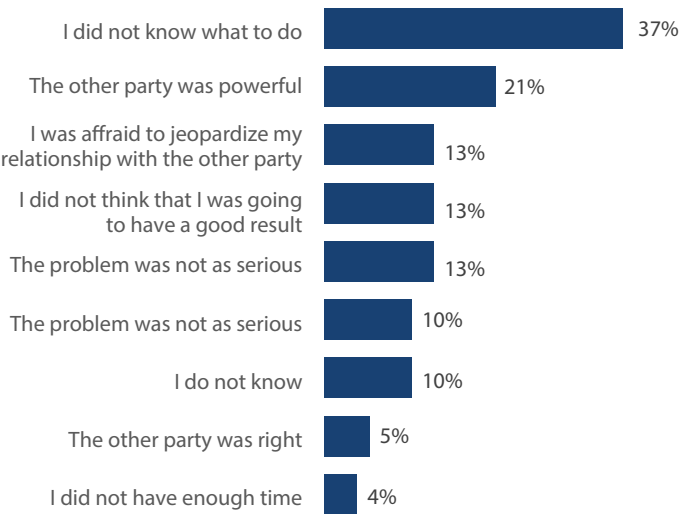
### BARRIERS TO ACTION



JUSTICE JOURNEYS

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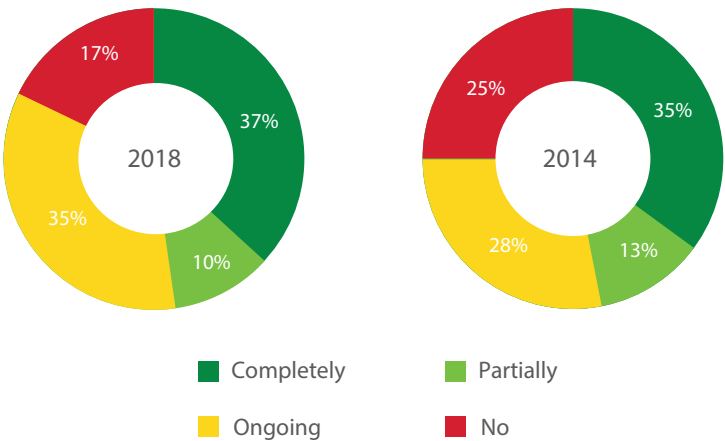
BARRIERS TO ACTION (2014)



As in 2014, the difference in power between the parties is a significant obstacle for people. The most important changes in 2018 are an increased sense of hopelessness and a substantial reduction in the proportion of people who do not know what to do when facing a legal problem.

Four out of 10 Malians manage to resolve their legal problem completely

HAS YOUR LEGAL PROBLEM BEEN RESOLVED?



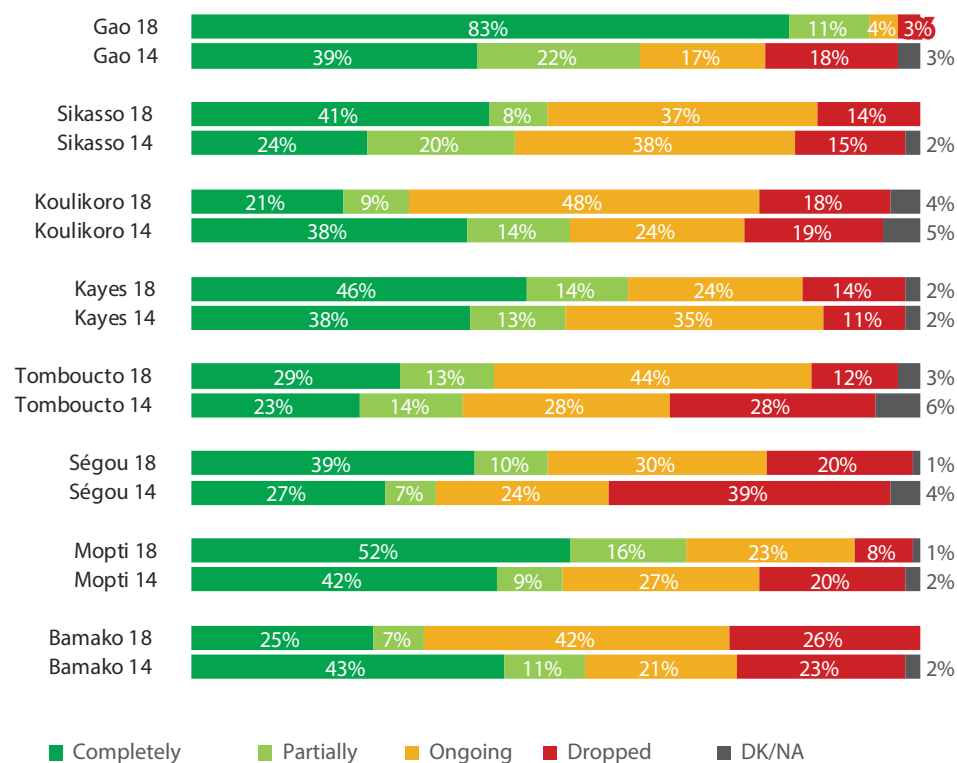
Nearly half of the people who act indicate that their problem is completely or partially resolved at the time of the interview. This is a bright spot for Mali. However, the remaining 50% had not been able to find a fair solution to their problem, despite

acting. If we combine these unresolved problems with the people who did not act and ended their justice journey before even starting, we find almost 740,000 unresolved problems every year.

## JUSTICE JOURNEYS

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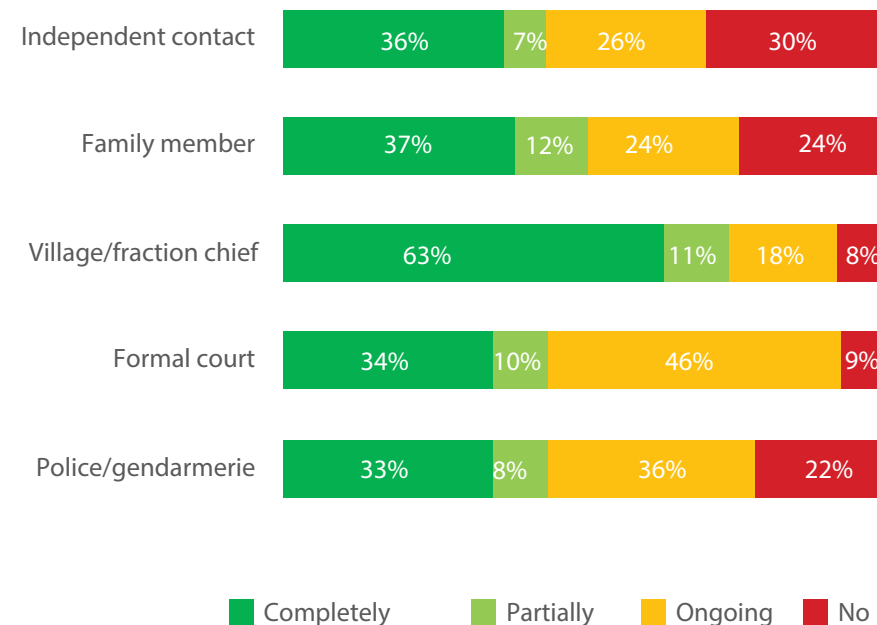
## RESOLUTION BY REGION (2014-2018)



Resolution rates vary between the two surveys, but the overall trend shows an improvement in most regions. Gao is the region that improved resolution rates the most. Residents of Bamako and Koulikoro are the least likely to

get their legal problems resolved. Also important is the fact that fewer people dropped their procedures in 2018 than in 2014, particularly in Ségou and Tomboucto.

## RESOLUTION BY POPULAR MECHANISMS



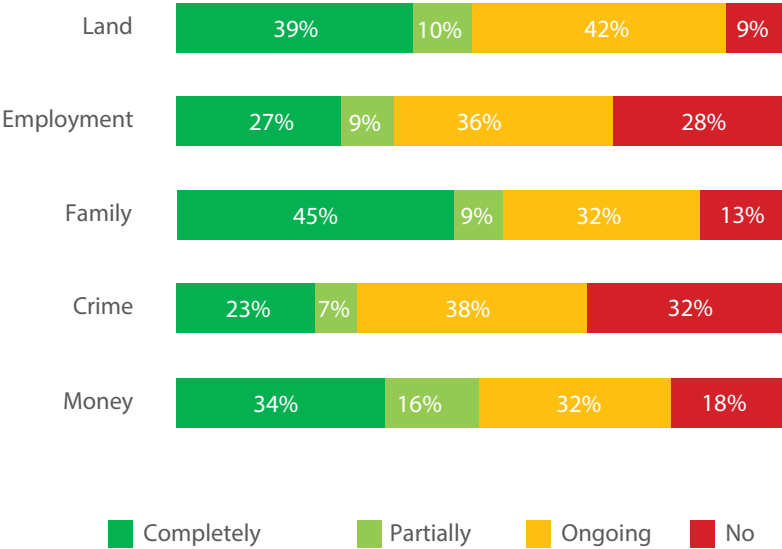
Among the most commonly used mechanisms, village chiefs have the highest resolution rate. Almost three out of every four people have their problem completely or partially resolved by the village chief. Other

common mechanisms score close to the average, with family members and contacting the other party directly having a slightly higher rate of giving up on trying to resolve the problem completely.

JUSTICE JOURNEYS

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RESOLUTION BY THE TOP FIVE PROBLEM CATEGORIES

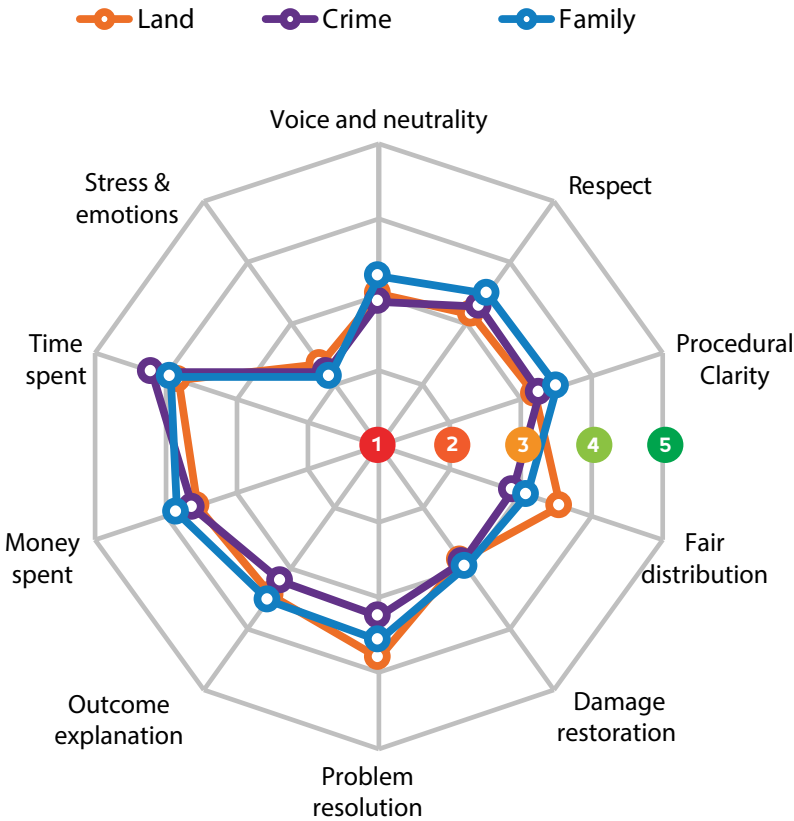


Among the five most common problem categories, people who face family problems have the highest resolution rates. Malians who face crime, on the other hand, are much less likely to find

a fair solution to their problem, with nearly one third giving up on resolution altogether.

# Evaluation of justice journeys

JUSTICE JOURNEYS BY PROBLEM CATEGORY



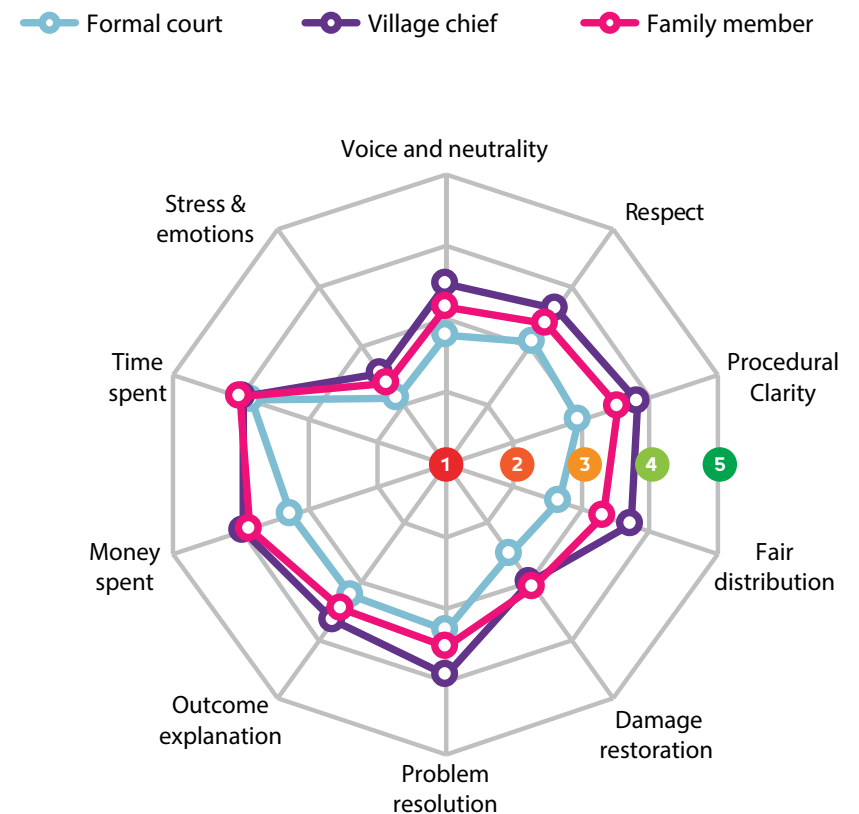


The spider web chart helps us visualise how users of justice rate their journeys in terms of costs and the quality of the procedure and the quality of the outcome. These three aspects are captured in the 10 dimensions of the justice journey. The higher the score on a particular dimension, the higher the level of satisfaction, which leads to a point being located towards the outside of the web.

The chart above looks at the three most common legal problem categories in Mali. It is apparent that people face a great deal of stress and negative emotions in the process of resolving their problem. Furthermore, experiencing a crime puts an individual on a difficult path to justice. Users rate the quality of the procedure and outcome at roughly the middle of the scale. This implies there is great room for improvement.

For family disputes, the quality of the procedure is rated quite positively by users. For legal problems around land, people rate the quality of the outcome quite highly.

### JUSTICE JOURNEYS BY MECHANISM





JUSTICE JOURNEYS

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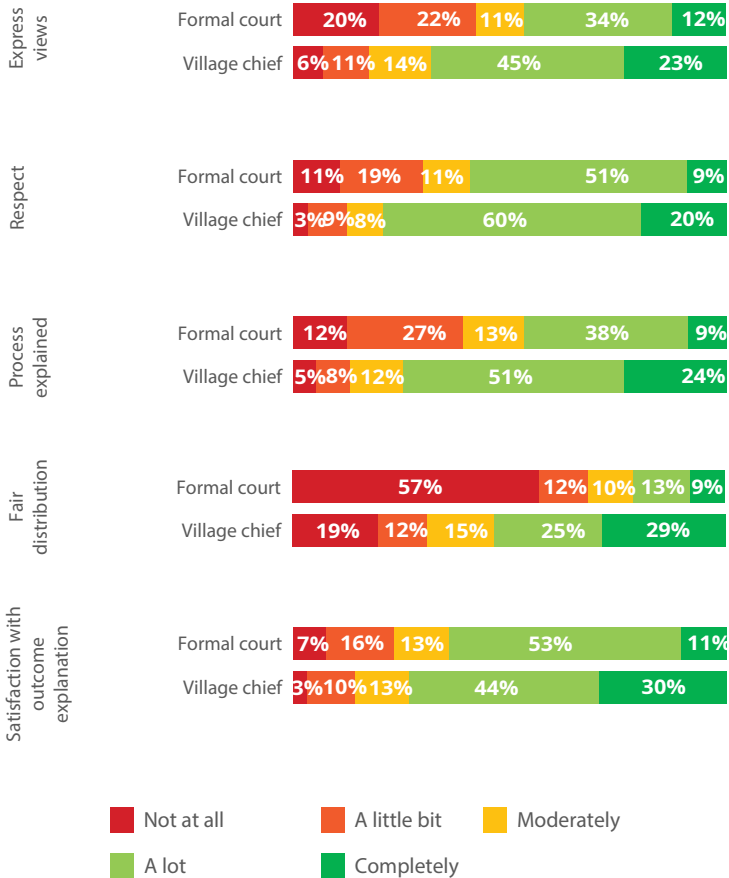
When we look at the most helpful ways to resolve legal problems, as indicated by the people, there are some interesting observations. Formal courts are used quite often and are rated as very helpful, but when we look at the evaluation of the justice journey a different story emerges. Courts score quite low in terms of the quality of the procedure, the quality of the outcome and the costs of justice. Village chiefs, on the other hand, are evaluated very positively by users of justice. Directly contacting the other party is rated well in terms of costs but does less well in terms of the quality of the procedure and the quality of the outcome.

The implication seems to be that people feel more heard and respected by village chiefs and the process is explained to them better. Furthermore, people indicate that the problem is resolved better and more fairly. The graphs below highlight these findings by zooming in on the different measures used to construct the 10 dimensions of the spider web.

Formal courts are directly compared to village chiefs. Village chiefs are evaluated more positively than formal courts on all five of these measures. What really stands out are the different views on the distributive fairness of the decisions of courts and village chiefs. For formal courts, almost six out of 10 people indicate that the distribution is totally unfair, while for village chiefs this drops to two in 10.



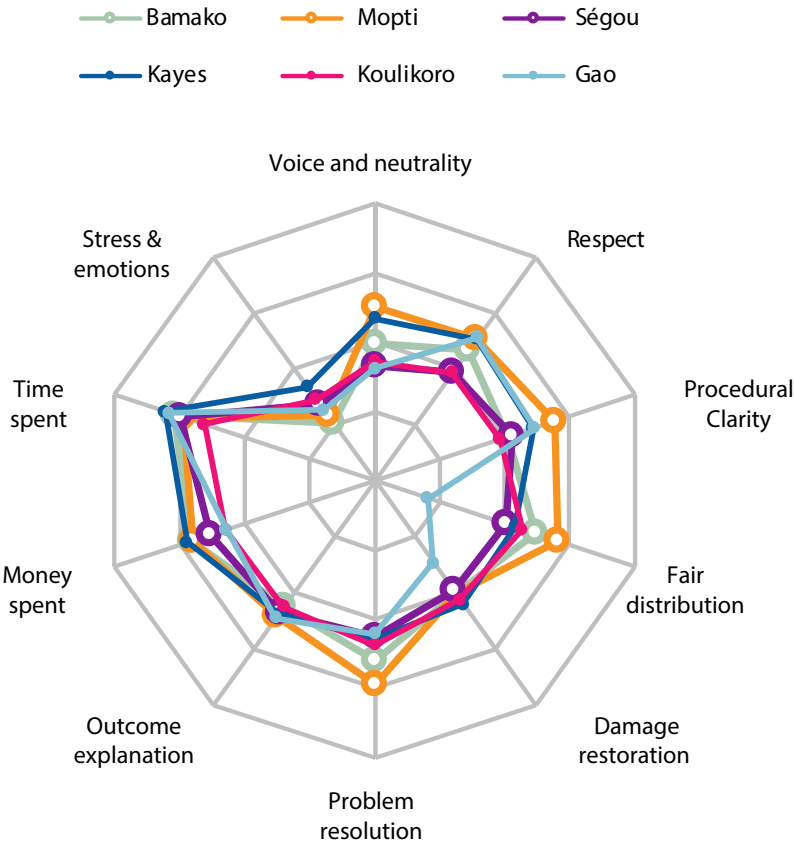
IN-DEPTH JUSTICE JOURNEY EVALUATION



JUSTICE JOURNEYS

3

COST & QUALITY OF JUSTICE BY REGION



There is a wide variety between how Malians rate different procedures in different regions. The chart only shows the five biggest regions plus Gao, which tends to behave differently from the other regions. Dispute resolution mechanisms in Bamako and Mopti receive better ratings than those elsewhere. People feel their voice is heard and they have the chance to speak up for themselves. Procedures are clear and consistent across problems and the outcome received tends to be fair. Nonetheless,

processes are stressful. There is a lot of anger, frustration and humiliation associated with the procedures. Residents of Gao are deeply dissatisfied with the distribution dimension of the outcome. They tend to engage courts heavily and identify them as the most helpful mechanism. Moreover, they are the most effective at getting their problems solved.



## JUSTICE JOURNEYS

3

# Conclusions

Maliens are very active in trying to resolve their legal problems. Nearly nine out of 10 people seek information and advice and the same proportion of people take some sort of action to resolve the problem.

People typically turn to their personal network when seeking information and advice. Institutions are also commonly used, but to a lesser extent. The type of legal problem that people face is the strongest factor in determining whether people seek information.

Generally, people are fairly satisfied with the information they receive. Paralegals stand out and are considered very helpful by the people who used their services. Most people who do not seek information and advice indicate either that they simply did not believe seeking legal advice would help them or that they did not know where to look.

About two in 10 Malians seek legal information and advice from public sources. Radio and television are used

most frequently. However, the use of the Internet and social media is on the rise. If the digital infrastructure of Mali is further developed, this can provide opportunities to distribute legal advice through new, very scalable channels and open pathways for legal innovators.

When acting to resolve their problems, people rely most on taking self-actions and their personal network. Institutions are used less frequently. On average people attempt to resolve their problems with more than three dispute resolution strategies. For land disputes, people are even more active, with an average that is higher than four.

Many people attempt to resolve their problem by self-actions. However, this is not considered very helpful by many of those who attempt it. For the personal network, friends and family stand out. The village chief, however, also seems to have a significant role in the resolution of certain problems

(particularly land disputes). Village chiefs also have a resolution rate that is substantially higher than other popular dispute resolution mechanisms.

Compared with other countries, many Malians indicate that they use the formal court system. It is often seen as the most helpful way of resolving their dispute. However, when evaluating the costs, quality of the procedure and quality of the outcome, formal courts are not rated very highly. This indicates that the road through the

court system is paved with challenges. A way forward could start by reviewing the way courts work to make them more user-friendly. Village chiefs are rated substantially more positively on the same measures. Looking into the differences and extracting best practices could be another approach to improving the way courts serve their users.





# 4

## Access to Justice for Land Problems

Most serious Land Problems

Impact of Land Problems

Public Sources of Information  
Rarely Used for Land Problems

Cost and Quality of the Justice  
Procedures



# Access to Justice for Land Problems

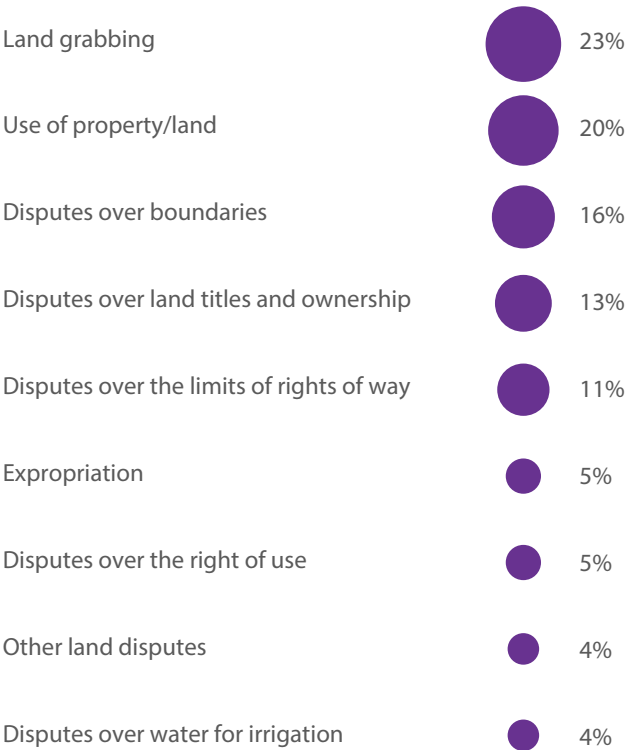


In this chapter, we zoom in on land problems. Land disputes are the most frequently occurring legal problems in Mali, so it is important to investigate how people experience them, where the bottlenecks of the procedures lie and which resolution mechanisms work well.

- Land problems occur in a similar proportion in 2018 compared to 2014.
- Land problems occur much more frequently among men (34%) than among women (20%).
- As seen in other countries, land problems occur more frequently the older the people get: youth (9%), young adult (20%), middle age (33%), old age (41%).
- Land grabbing occurs most frequently among the poorest Malians: 38% of those with land disputes report land grabbing. Among the richest Malians, only 17% experience it. They, on the other hand, report differences over land titles to be the most frequent land issue (31%), while only 15% of the poorest Malians with land problems report that.

- Among Malians who live in urban areas, 31% of those who experience land disputes report differences over land titles. In rural areas, however, only 15% of Malians with land problems report those. This might be due to the fact that people in rural areas do not have official paperwork that states their ownership of their land.
- On average, people report more land-related problems in Mopti (3.3) than the national average (1.5).
- Among people whose most serious problem is land grabbing, 35% are from Mopti, 21% are from Bamako and 20% are from Sikasso, constituting more than 70% of cases countrywide.

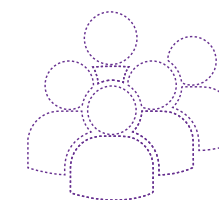
## MOST SERIOUS LAND PROBLEMS



## ACCESS TO JUSTICE FOR LAND PROBLEMS

4

# The perspective of justice providers on land problems



During the discussions with justice providers about land problems a common theme emerged. Land issues are prevalent, complex and impactful.

A significant number of Malians face land problems. The specific problems vary according to rural and urban areas. Malians in rural areas typically face land grabbing, border disputes and migratory herding-related problems. This is in line with the JNS survey data.

Urbanites typically experience problems with land ownership, particularly in cases of inheritance. Common to both rural and urban communities is the multiple ownership of parcels and the illegal sale of land by brokers. These problems affect a range of people in Malian society, especially lower-income individuals.

At the nexus of these land-related

problems are several issues. Malians lack knowledge and understanding of the laws and their rights as citizens. Most are unaware that the land they use and/or live on is property of the state, hence they are not legally allowed to sell it. However, the state does acknowledge customary law and recognizes a right of use. Yet Malians are unaware of how to apply customary law:

*"The major problem, whether it is the peasants or the customary landowners, is that they do not know at all how to exercise customary law. They do not know the limits and extent of a customary law."*

Corruption further complicates the problems as a sense of impunity grows:

*"Today, people are not afraid of justice. They rely on their fortune to commit crimes. They tell themselves that when the case goes to court, they will give money and it will go away. Some land disputes*

*are exacerbated because the court judgments have not been made based on the truth."*

Aggravating factors like unemployment, war and population growth have worsened the situation and amplified the problems. As a result, land problems heavily impact the lives of Malians. Consequences include loss of income, problems with relationships, violence and debt.

*"Land conflicts can cause wars, genocides even. The relationship between two villages can be ruined. No marriages between them. Villagers won't even walk along the same paths. They hate each other."*

These repercussions can drag on because of the slow pace of resolution. The JNS findings reflect this, with 41% of land disputes reported as ongoing.

In Mali there is no standardized method to handle land disputes.

Justice procedures vary on a case by case basis, an observation confirmed by the JNS survey data that showed no systematic difference in the types of dispute resolution procedures that Malians use to resolve land problems.

Nonetheless, people trust the informal justice mechanisms. That's why they tend to go there first. The courts tend to get involved if the situation has worsened. Once at court level, problems often become aggravated. Courts will apply relevant laws when making judgements. However, the current laws are not adapted to the Malian context. They do not reflect local customs and traditions. Accordingly, people sometimes feel that the system is unfair and biased, so they reject the court decisions.

Though the land problems that Malians face are inherently complex, the existing dispute resolution mechanisms further aggravate them.



## ACCESS TO JUSTICE FOR LAND PROBLEMS

4

Justice providers feel that there is room for improvement in the justice journeys of people with land problems.

Firstly, they recommend strengthening the capacities of existing dispute resolution mechanisms. Mali has a number of regional, communal, 'cercles' and village land commissions. These need to be operationalized and better equipped in order to handle the various types of land problems.

*"These commissions create a circuit...of reliable information about land affairs. Their objective is to, one day, create a land repertory that can be consulted from anywhere. When you select a village, you can immediately know who has a land title or a letter of attribution. As of now anyone can hand out these documents: village chiefs, land owners, municipalities, real estate agencies... So, when there is a problem, who are you supposed to go to?"*

Additionally, a bridge must be built between the informal and formal justice mechanisms. The two systems are deemed to be complementary. For example, given that there is a

severe lack of documentation on land ownership, boundaries and occupancy, village chiefs can provide formal institutions with local knowledge on land affairs.

*"Nyamakalas are very influential in our society. All public authorities should have a traditional adviser to remind them of customs in resolving any conflict. The public authority cannot know everything."*

Furthermore, the Malian population, as a whole, needs to be better informed about the laws, their rights and the justice procedures:

*"Justice will always be decided from the basis of the law. The people must respect the decisions. But Malians are uneducated. They have not been to school. They do not know the laws. So even when courts make decisions, they would rather die or go to prison than accept the decisions."*

Other recommendations include:

- Encouraging good governance to fight corruption
- Creating a centralised registration system containing information of all land owners
- Expanding existing laws to better reflect the country's situation. For example, on the recognition of customary law there are still grey areas:

*"There are three or four sections of the code that are devoted to that [the recognition of customary law]. They talk about recognizing customary rights and so on. In reality how do we procedurally handle this? How should we behave towards someone in possession of customary law? These questions are not specified."*

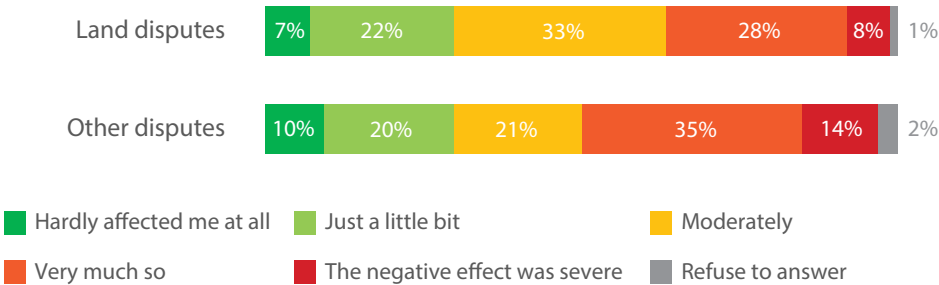


ACCESS TO JUSTICE FOR LAND PROBLEMS

4

# Impact of land problems

HOW HAS THE PROBLEM AFFECTED YOUR LIFE?



The impact of land disputes is less severe than for other disputes.

## Who was the other party in the conflict?

For land problems, the other party in the conflict is often a member of the personal network, such as the neighbour (42%), a family member (25%) or a friend (16%). However, public authorities are also often involved in the disputes (12%). Note that sometimes more than two parties are involved in the dispute.

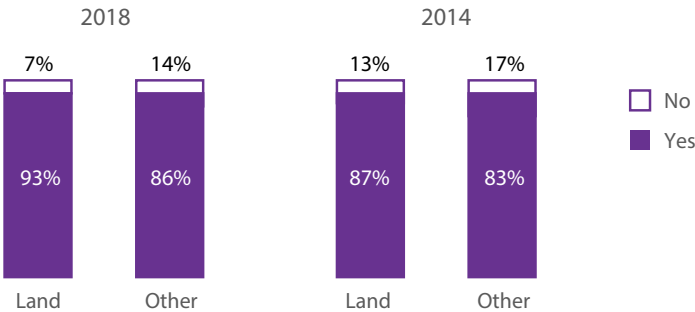


ACCESS TO JUSTICE FOR LAND PROBLEMS

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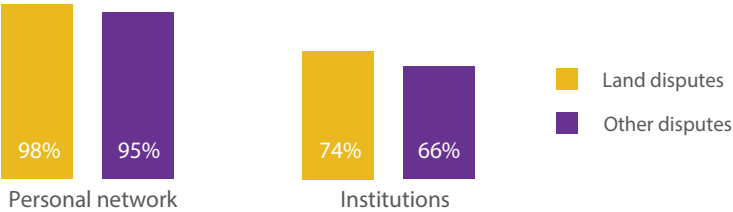
Seeking legal information and advice

DID YOU SEEK LEGAL INFORMATION AND ADVICE?

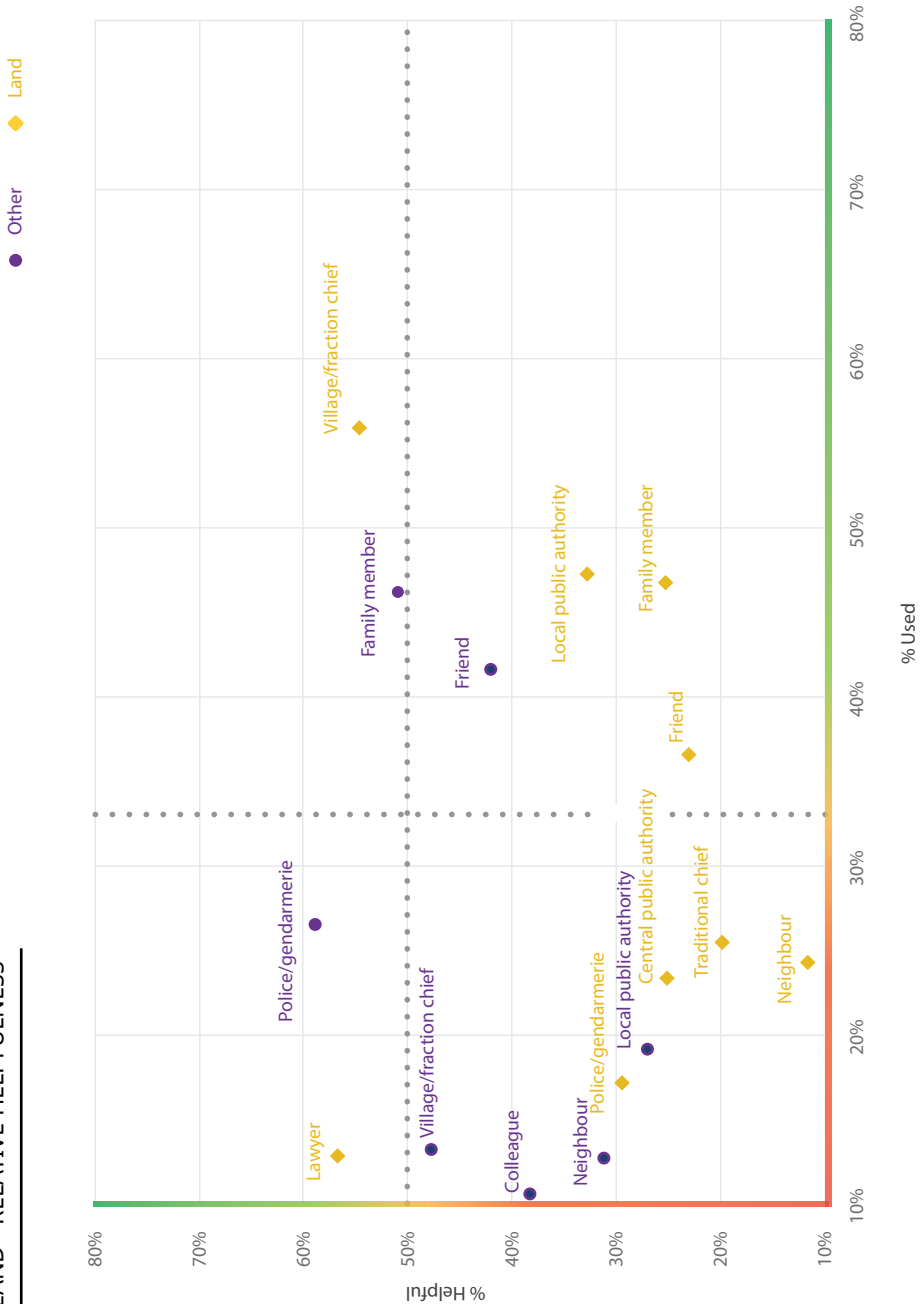


- Malians are seven percentage points more likely to seek legal information and advice for their land problems than for other legal problems.
- While Malians are not more likely to seek information and advice in 2018 than in 2014 overall, we observe that that they more often seek information about land problems in 2018 than in 2014.

PERCENTAGE OF PEOPLE WHO SOUGHT INFORMATION FROM INSTITUTIONS/PERSONAL NETWORK



I&A LAND - RELATIVE HELPFULNESS





## ACCESS TO JUSTICE FOR LAND PROBLEMS

4

## Public sources of information rarely used for land problems

- Malians use different sources of legal information and advice for land problems than for other legal problems. Among their personal network, they consult the chef de village the most. Among institutions, they consult local public authorities most often. Both information sources are also considered relatively helpful.
- While Malians consult family members and friends equally often for land problems as for any other problems, they rate them less often as helpful for land problems.

Malians are more likely to use public sources of information to get legal advice than people in other countries. For land problems, however, only 16% of Malians use media as sources of information. For other legal problems, an average of 19% does so.

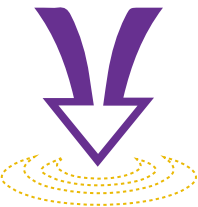
The most common public sources of information that Malians consult for land problems are the radio (9%), the television (3%) and mobile-based information sources (3%).



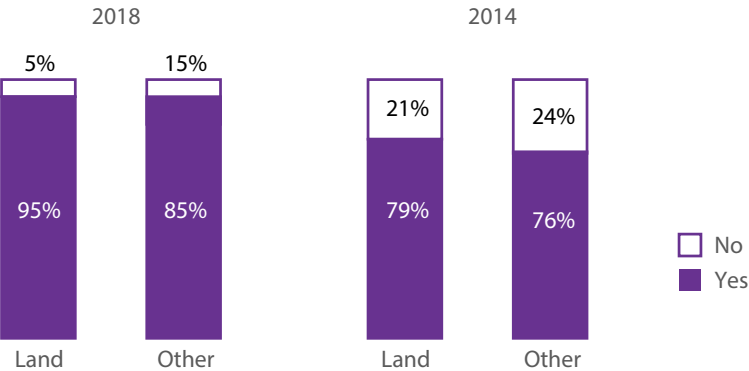
ACCESS TO JUSTICE FOR LAND PROBLEMS

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# Taking action to resolve land problems



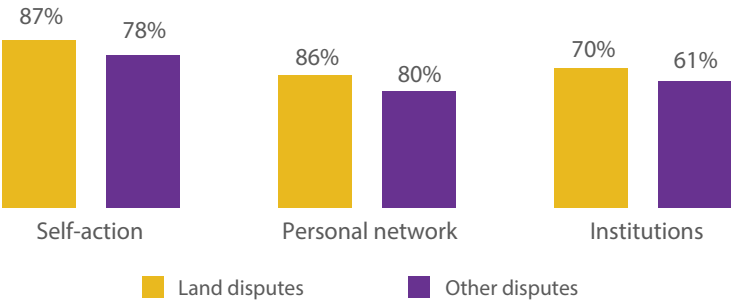
DID YOU TAKE ACTION TO RESOLVE YOUR PROBLEM?



- Between 2014 and 2018 we see an increase in the proportion of people taking action to resolve legal problems. This increase is particularly visible for land disputes.
- As indicated in the chapter about dispute resolution in this report, Malians with land problems are among the group of people that act the most. Almost all Malians with

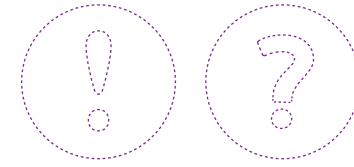
land disputes take some form of action to resolve their problems. Furthermore, they use on average 5 different strategies to resolve their problem, which is more than the average of 3.6 actions for other legal disputes.

SELF-ACTION, PERSONAL NETWORK AND INSTITUTIONS



- There is no systematic difference in the types of dispute resolution procedures that Malians use to resolve land problems, compared with other types of disputes.

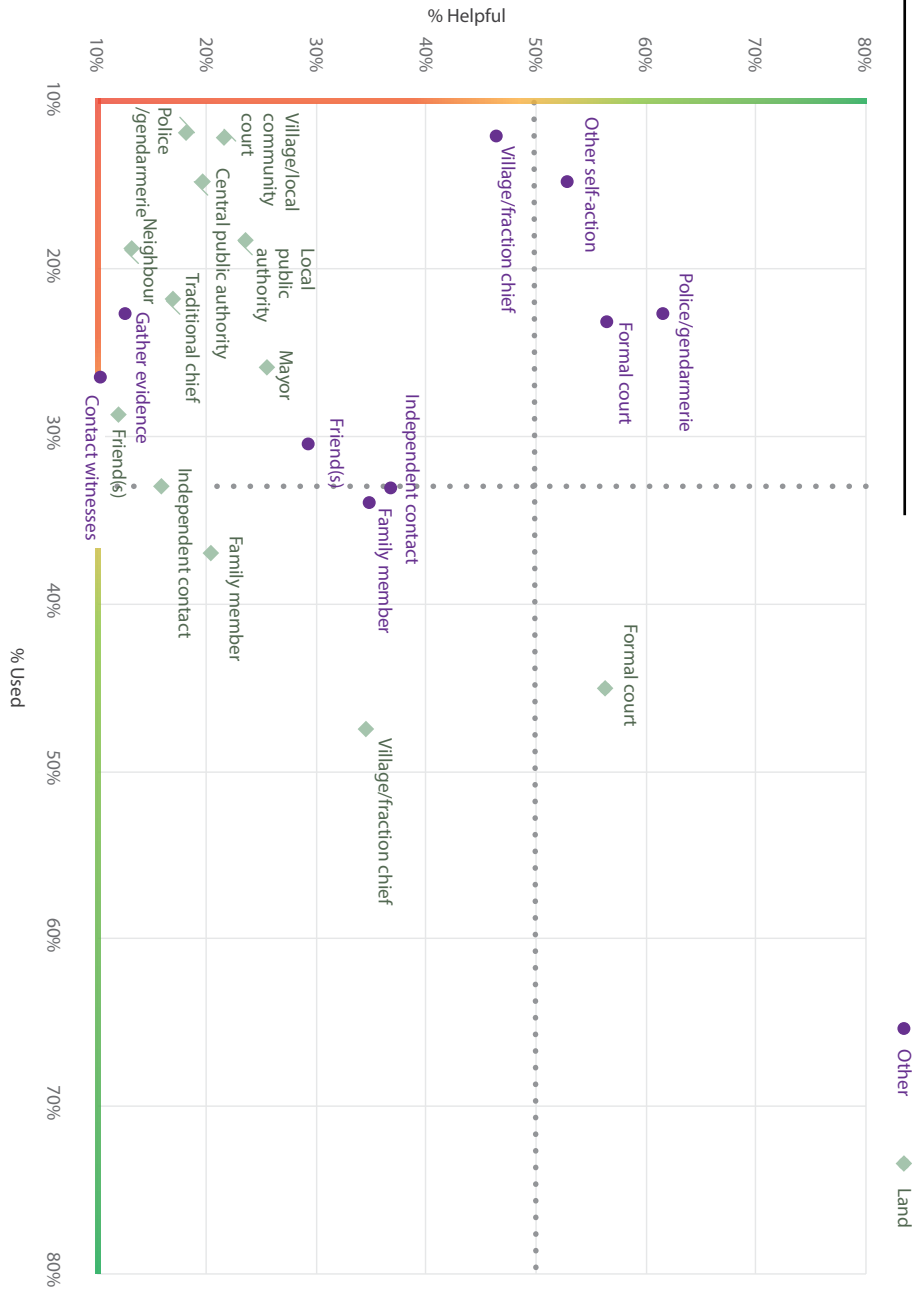
However, they more often use all three types of dispute resolution mechanism combined.



- Of the most frequently used dispute resolution processes for land problems, engaging the chief and formal courts are the most helpful.
- While self-actions are more frequently used for land problems, they seem to be less helpful than for other types of legal disputes.
- Institutions are not only more often used for land problems than for other types of legal dispute, they are also rated as most helpful more often, except for the police.
- The chef de village is the most frequently used and is rated the most helpful dispute resolution mechanism that involves people's personal network. For other types of legal problem, however, this approach seems barely relevant.



## DISPUTE RESOLUTIONS FOR LAND PROBLEMS



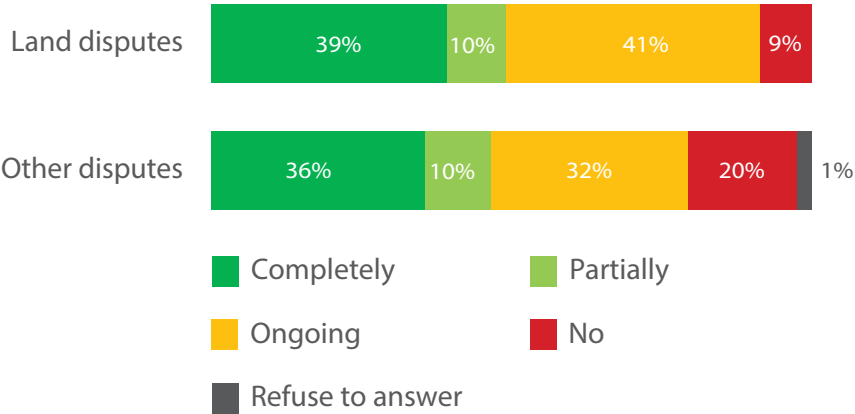


ACCESS TO JUSTICE FOR LAND PROBLEMS

4

# How successful is the resolution?

HAS THE PROBLEM BEEN RESOLVED?



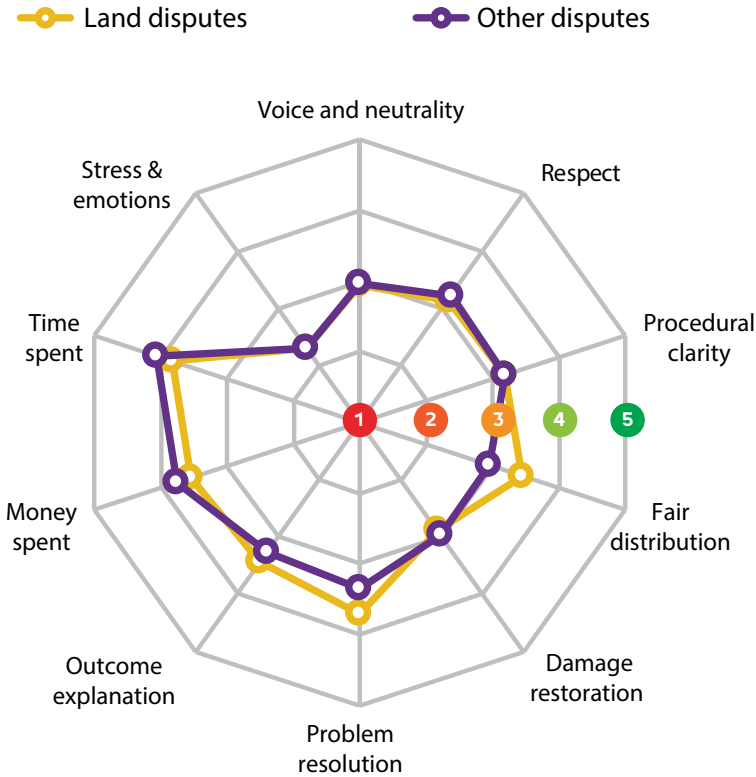
- The percentage of unresolved problems at the time of interview is similar between land problems and other problems. However, apparently a certain portion of land

disputes take a long time to resolve and people do not abandon them. Almost half of the land disputes that were investigated were ongoing.

# Cost and quality of the justice procedures

It is important to evaluate how users of the justice system experience the procedures available to them to resolve their problems.

COST & QUALITY



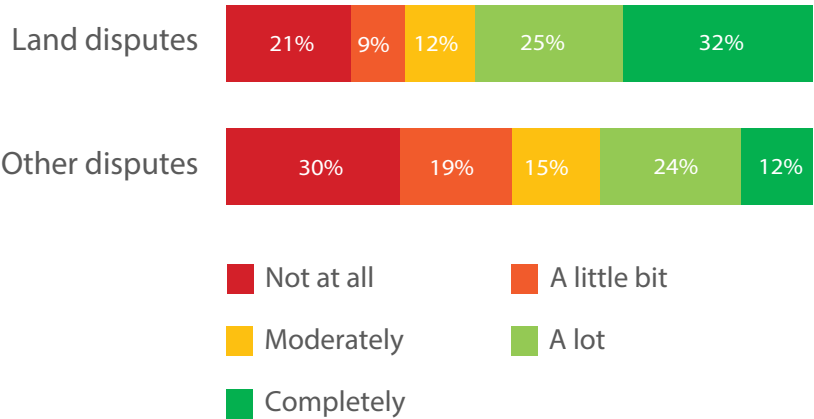
ACCESS TO JUSTICE FOR LAND PROBLEMS

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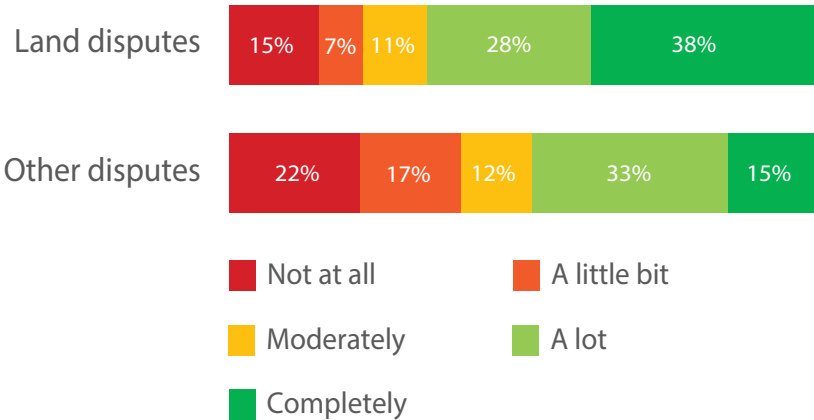
- The resolution procedures for land disputes are generally evaluated similarly to those for other types of dispute.
- Malians with land problems are more likely to evaluate the distributive aspect of the outcomes as fair. This dimension includes the following elements:
  - How fairly was the matter at stake divided between you and the other party?
  - Was the matter at stake divided equally between you and the other party?
  - To what extent was the division of the matter in accordance with what you deserved to receive?
  - To what extent was the division in line with what you needed?
  - To what extent was the division in line with what the other party deserved?
- People who embarked on justice journeys for land problems rate “Problem resolution” highly. This dimension includes the following elements:
  - Does the outcome resolve your problem?
  - Has the outcome been implemented yet?
  - Does the outcome guarantee that the other party will not do the same thing again?



WAS THE MATTER AT STAKE DIVIDED EQUALLY  
BETWEEN YOU AND THE OTHER PARTY?



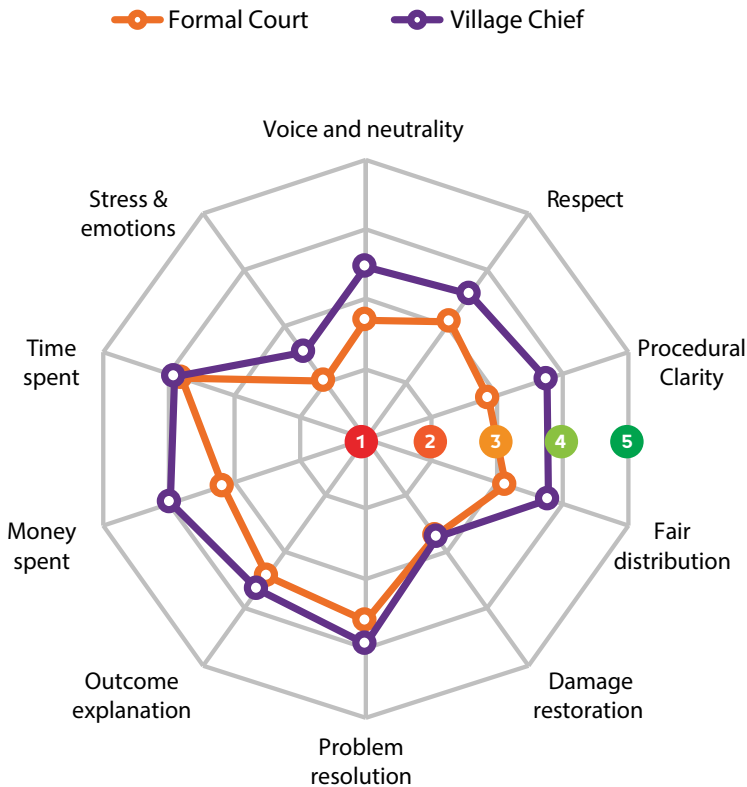
DOES THE OUTCOME GUARANTEE THAT THE OTHER  
PARTY WILL NOT DO THE SAME THING AGAIN?



ACCESS TO JUSTICE FOR LAND PROBLEMS

4

COST & QUALITY



- Village Chiefs score much better on most aspects of delivering justice for land disputes than formal courts do.
- The differences are particularly significant in terms of whether the procedure was clear to all people involved and how much money was spent.

# Conclusion

Disputes over land are the most common legal problems that affect Malians each year. Land grabbing particularly affects the poorest of the country, while differences over land titles affect wealthier Malians and those living in urban areas.

The fact that the other party in the conflict is often a neighbour or a family member makes solving land problems particularly difficult. Most Malians with land problems try to resolve their issues. Those who do not attempt to do so face barriers such as being afraid to harm relationships with the other party; this is the most common reason for not taking action.

Almost all Malians who encounter legal problems try actively to resolve their issues. On average they use five different dispute resolution processes. Filing cases at formal courts and engaging the chef de village are the most common and helpful procedures.

People also often engage their friends and family members or contact the other party themselves. These procedures don't seem to be as helpful. On a positive note, people with land problems are less likely to give up on resolving their disputes than for other legal problems.

People with land problems more often believe that the matter at stake was divided fairly and that the resolution prevents the other party from doing the same thing again. These two aspects of dispute resolution are crucial elements of fair and sustainable dispute resolution. Village chiefs are particularly effective in delivering resolutions.



# 5

## Access to Justice for Women

Most Frequent Problems  
Most Serious Legal Problems  
Seeking Legal Information and Advice  
Taking Action  
Problem Resolution

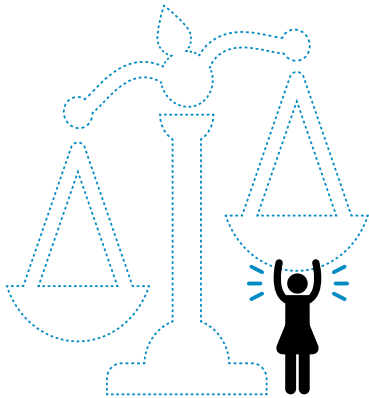
ACCESS TO JUSTICE FOR WOMEN

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# Access to justice for women

In this chapter, we zoom in on the justice needs of women. It is important to investigate whether women suffer from particular problems and whether they encounter special challenges when trying to resolve their problems. In general, it is understood that women’s position in Malian society is vulnerable. Some laws, such as the Family Law, contradict Human Rights obligations<sup>9</sup>. Women tend to have

less access to education and are less economically active than men. For these reasons, we believe they might underreport their problems, and shy away from explaining their justice journeys in detail. Still, the following pages present the experiences of Malian women, in their own words, as told to us.



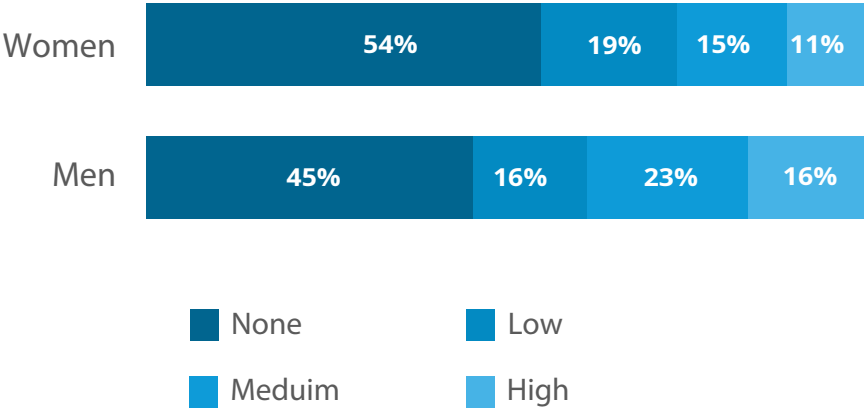
9 African Court Finds Mali’s Family Law Violates Human Rights Obligations <https://ijrcenter.org/2018/05/29/african-court-finds-malis-family-law-violates-human-rights-obligations/>

# Demographics

We interviewed 3,749 women, which makes up 45% of our sample. The women in our survey are on average

four years younger than the men. In addition, they have lower levels of formal education.

FORMAL EDUCATION LEVEL



9 African Court Finds Mali’s Family Law Violates Human Rights Obligations <https://ijrcenter.org/2018/05/29/african-court-finds-malis-family-law-violates-human-rights-obligations/>

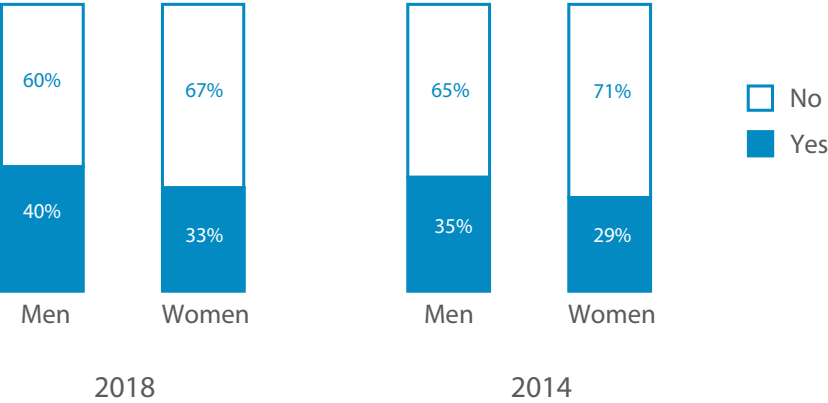
ACCESS TO JUSTICE FOR WOMEN

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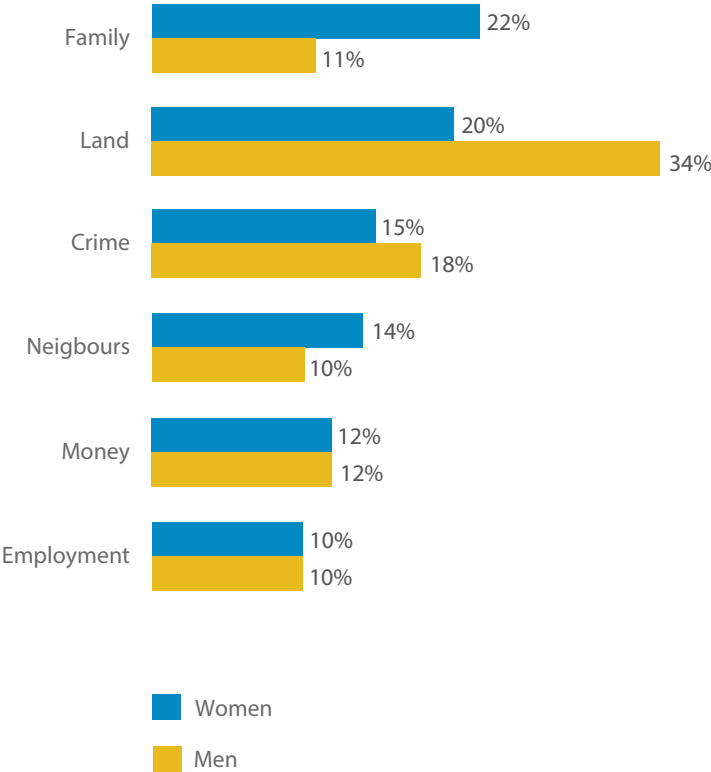
# Justice Issues

On average, Malian women experience legal problems less often than men. The difference is roughly seven percentage points. We observed the same pattern in 2014. Compared to 2014, both women and men experienced more legal problems in 2018.

DID YOU EXPERIENCE ONE OR MORE LEGAL PROBLEMS DURING THE PAST FOUR YEARS?



MOST FREQUENT PROBLEMS

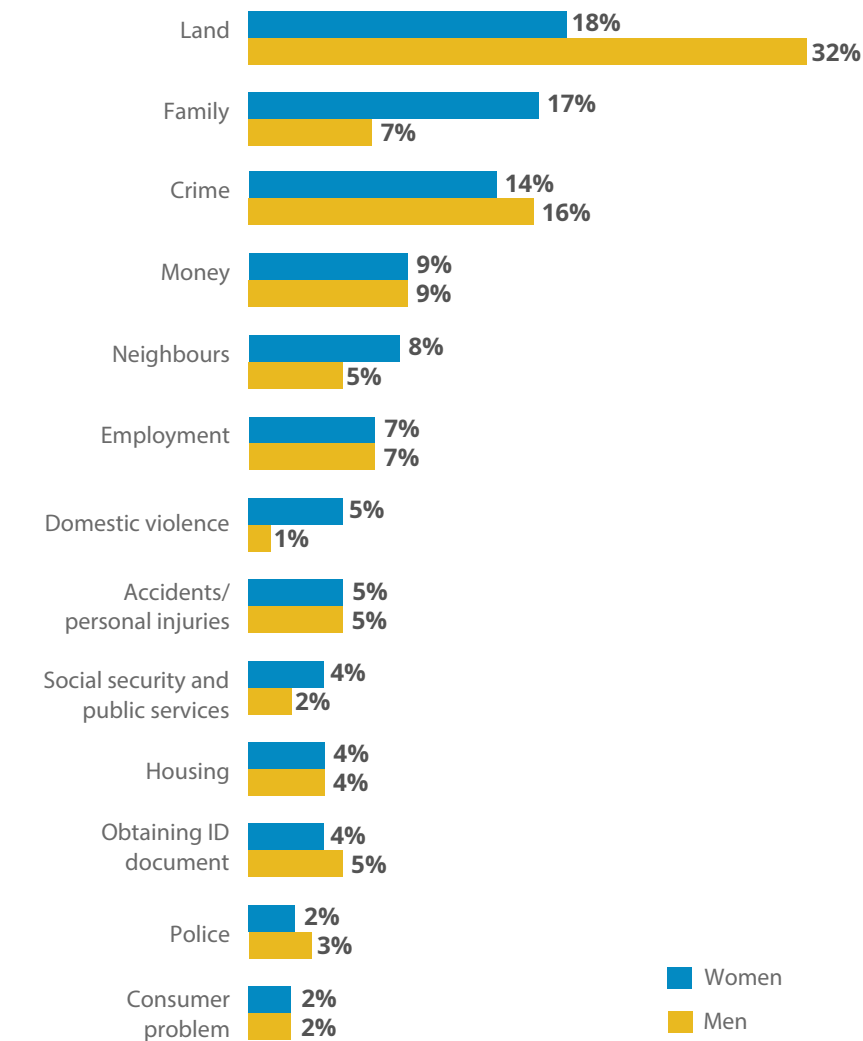




ACCESS TO JUSTICE FOR WOMEN

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MOST SERIOUS LEGAL PROBLEMS



- Family, land and crime are the most prevalent and also the most serious problem categories for women.
- Women experience substantially more family problems than men, whereas men experience substantially more land problems.
- 6% of women report domestic violence.
- Among all crimes, women suffer mostly from theft (60%) and violent crime (28%). Men also suffer from violent crime, but less often (15%).
- Among family problems, women mostly suffer from divorce or separation (40%), child marriage (27%) and violence against children (22%).



## ACCESS TO JUSTICE FOR WOMEN

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## The perspective of justice providers on divorce

Divorce in Mali appears to be on the rise. It occurs at all levels of society, affecting both young and old. There are a range of causes, including poverty, illness, discord with in-laws, domestic violence and polygamy. However, the reasons for divorce differ according to length of marriage. For example, polygamy is more commonly a cause of divorce for couples that have been married for a long time. The arrival of a new wife can cause jealousy and tension in the marriage, especially if she is treated better than the first wife. Newlyweds on the other hand, tend to divorce because of poverty.

Generally speaking, more women than men seek divorce. They often do so because of domestic violence in the form of mental, physical and emotional abuse. Women also tend to feel isolated and confined in their homes. For example, Mopti has particularly high levels of internal migration of men for work. As a result, women are left to take care of the homes while awaiting

their husbands' return. Some grow tired of waiting and file for divorce.

Before going to court Malians often try to resolve their divorce problems informally. They seek advice from their personal network, like family members and friends, as confirmed by the JNS survey data. Village leaders and elders are also often consulted. When cases of divorce go to court, it is often as a last resort:

*"It is after the failure of their family members and when all channels of reconciliation have been exhausted that couples go to court. They come to court only as a formality."*

*"The consequences of divorce are heavy. There are so many people that will be affected. That is why before starting the legal proceedings, we ask the parties to go and consult the elders of their neighbourhood in order to reconcile. We often beg them."*



## ACCESS TO JUSTICE FOR WOMEN

5

While pressure is placed on the couple to remain together, the burden is typically greater on the woman due to socio-cultural norms:

*"If a woman faces difficulties in her home, people advise her to be tolerant and patient. In the end, she dies."*

Women tend to be structurally disadvantaged as well. After getting married, only the husband receives a copy of the marriage certificate. This can cause problems for women later on as they cannot initiate divorce procedures without providing a copy of the marriage certificate.

Justice providers feel that young people today, particularly girls, are unprepared for marriage:

*"In my opinion, many girls get married without being prepared for marriage. Women must prepare their daughters for marriage."*

*"Today, young girls are not prepared for marriage. Our children have not received a good educational basis for marriage."*

They note a clear lack of guidance and assistance from parents. As a result, it is newlyweds that frequently seek divorce. Previously, family members would provide support to newlyweds. They would help them deal with various kinds of problem, in particular with the complexities of polygamy, and instruct children on the respective roles men and women take on:

*"Parents forget to give advice to their children as they approach their wedding day. They are too concentrated on the wedding process. Some married women join their husbands without advice from their parents."*

A key recommendation made by justice providers to improve the situation of divorce is marriage preparation. That is, future spouses need to be better prepared in the months leading up to their marriage through information sessions. During these sessions they would be told what marriage means, what it consists of:

*"We do not know what marriage is anymore. Previously, marriage was sacred. Until we understand what marriage is, it will be difficult. Today, people are not prepared for marriage."*

Justice providers also recognize the importance of the informal justice system in dealing with divorce. They feel that the informal and formal systems complement one another well. More should be done to bring the two systems together:

*"If the informal justice were to reside in court, I think it would be a good thing."*

Overall, divorce is highly discouraged and negatively perceived in Malian society. This is true from both personal networks and institutions. While the law provides Malians with procedures to divorce, it also requires steps towards reconciliation as evidenced by the obligatory "conciliation attempt" in courts.



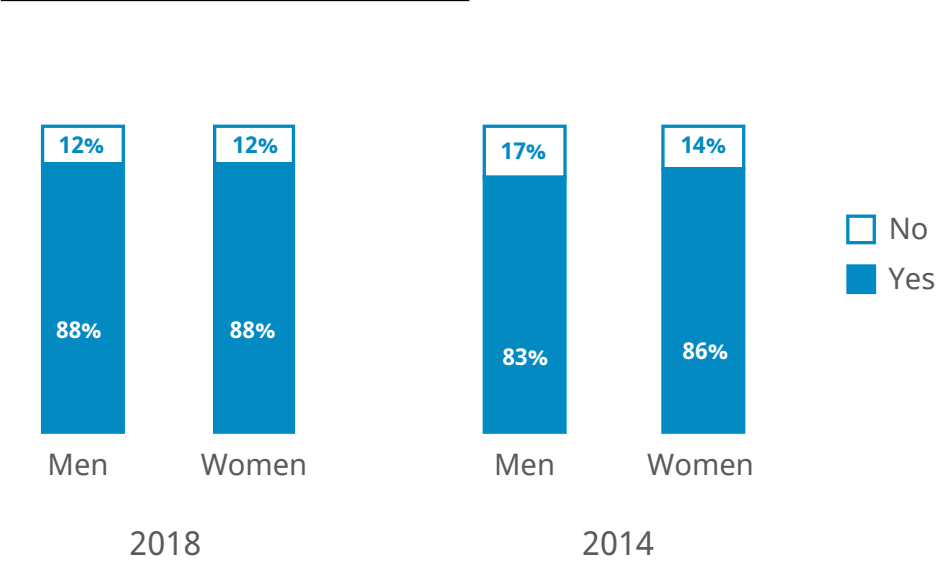


ACCESS TO JUSTICE FOR WOMEN

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# Seeking legal information and advice

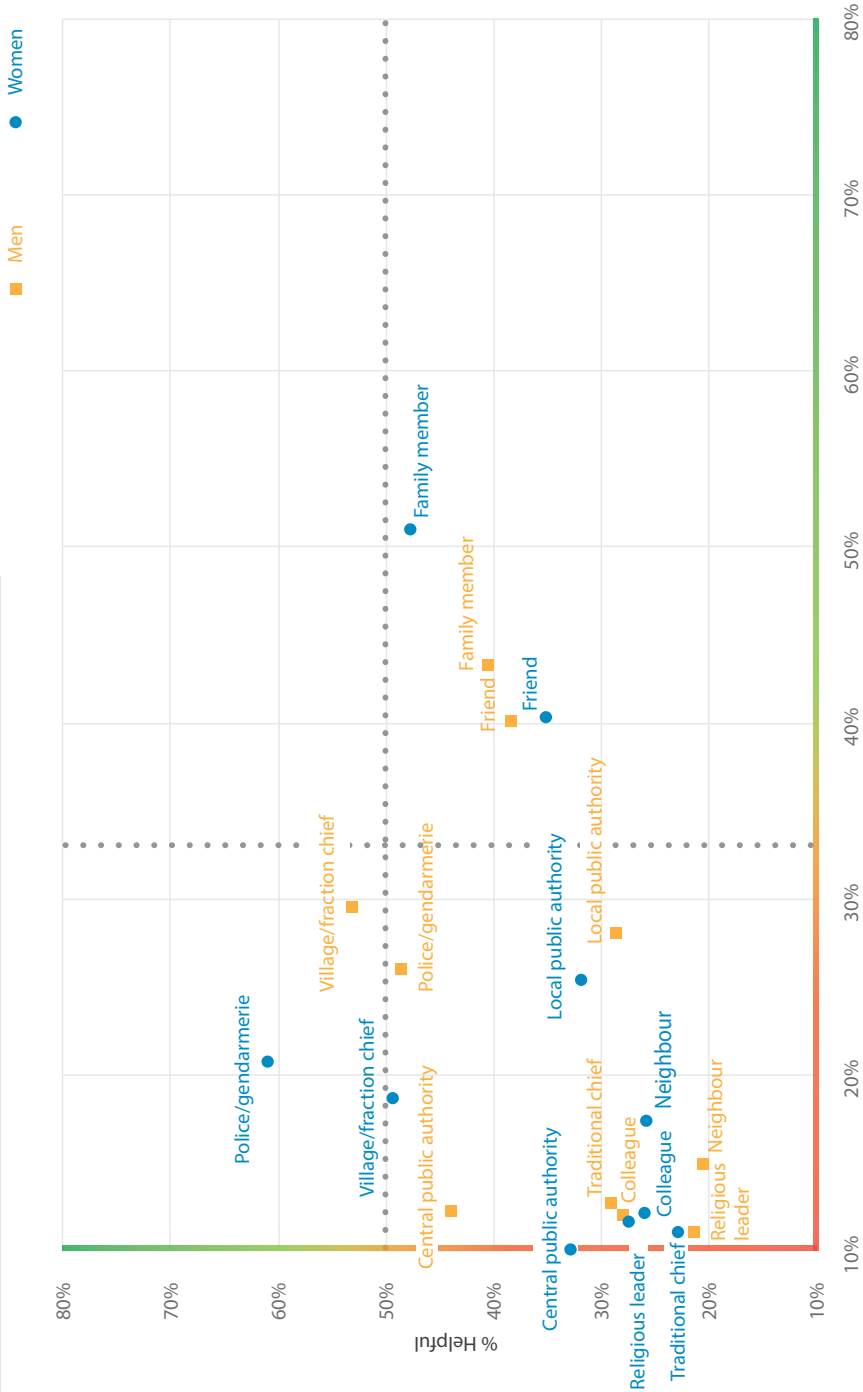
DID YOU SEEK LEGAL INFORMATION AND ADVICE?



While women were seeking legal information and advice more often

than men in 2014, men have caught up in 2018.

RELATIVE HELPFULNESS OF INFORMATION AND ADVICE: WOMEN-MEN



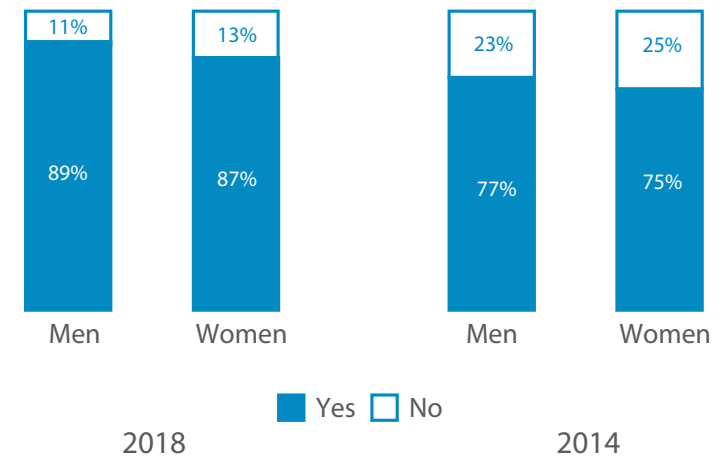


Family members are the most frequently contacted sources of legal information and advice for both men and women, followed by friends. However, women rate family members more helpful than men do. Though the police are not the most frequently consulted source of information, both women and men find them rather helpful, particularly women. Men consult traditional leaders more often than women do. And they rate them as helpful slightly more often than women do.



## Taking action

DID YOU TAKE ACTION TO RESOLVE YOUR PROBLEM?



Nine out of 10 women and men take action to resolve their problems. However, more people take action to resolve their problems in 2018 than in 2014. There is also no difference in how often women and men use

self-help actions or consult their personal network to resolve their problems. However, 65% of men consult institutions, whereas only 61% of women do so.

# Hawa's story

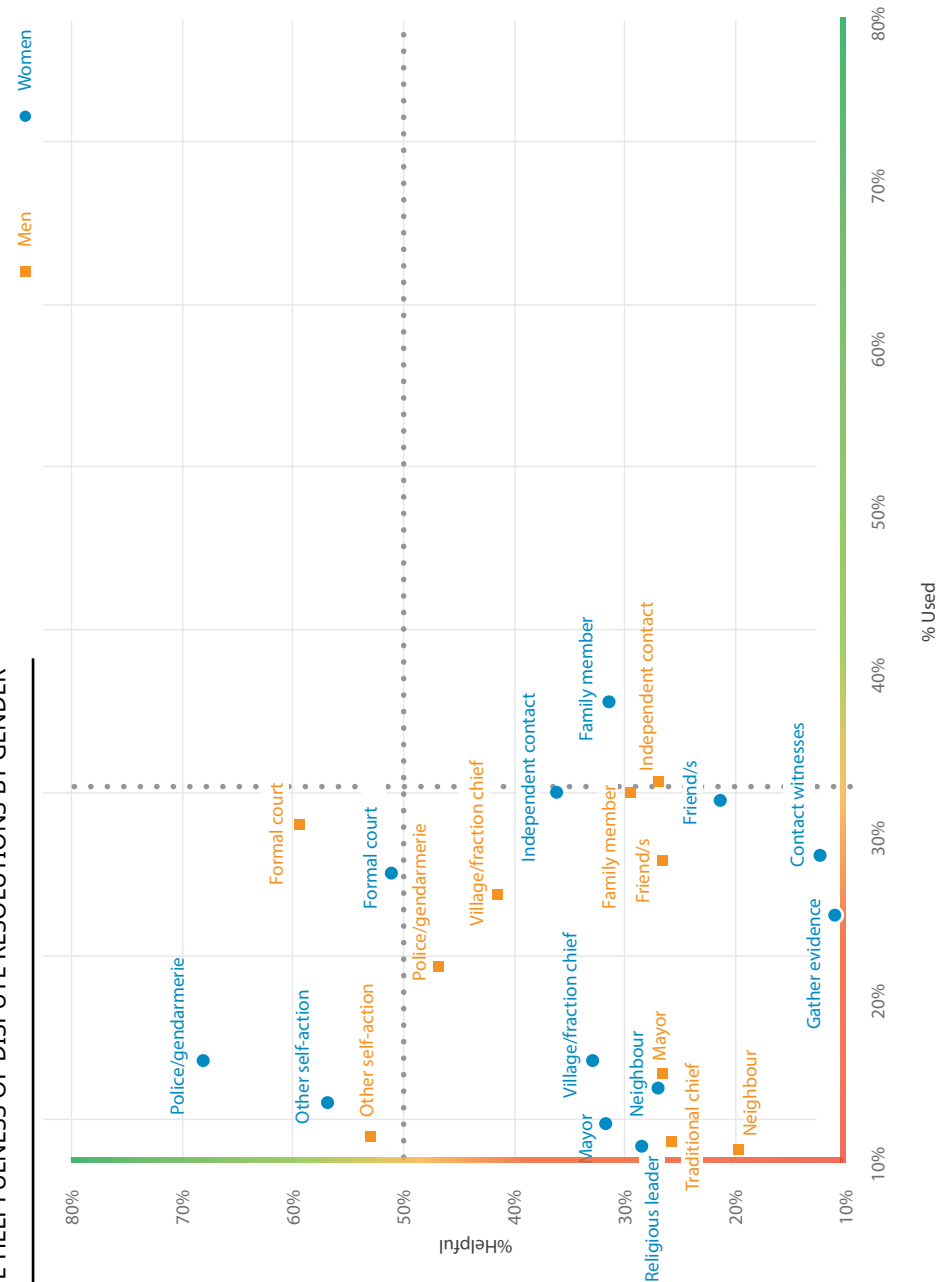
*I was about 6 months pregnant and still in high school when I married Abdoulaye. In the beginning everything was fine between us, until he started coming home very late at night. When I confronted him about it, he simply ignored me. In fact, he would boast that he was free to go to his grin and come home whenever he wanted. He wanted to show that he was independent and in no way submissive to me.*

*Soon after another problem arose. I found out that my husband was not able to pay the family expenses. My mother-in-law was taking care of everything. The situation got even more complicated when I asked my husband to hire a maid to look after our child while I went to school. He flatly refused because he was not happy that I was continuing my studies.*

*Our relationship deteriorated further when he started being violent towards me. He would scold and hit me at any moment. He then started to threaten my life. It was at that moment that I decided to leave him. I took my belongings, returned to my parents' home and filed for divorce. Our family and friends tried to mediate between us, but I had already made up my mind. A little over a year later, the divorce was finally declared. Sadly, he does not visit his child or pay support.*

*The divorce process is very expensive for women like me. There are so many barriers to divorce, like the lack of support from family and relatives. People seem to be afraid to take responsibility for the separation of man and wife. Moreover, courts often tend not to take women seriously, thinking that they do not like to stay in marriage. Most of the time they seem to take the side of the husband. The woman is almost considered as the slave of the husband, who behaves as if he has bought her.*

RELATIVE HELPFULNESS OF DISPUTE RESOLUTIONS BY GENDER





ACCESS TO JUSTICE FOR WOMEN

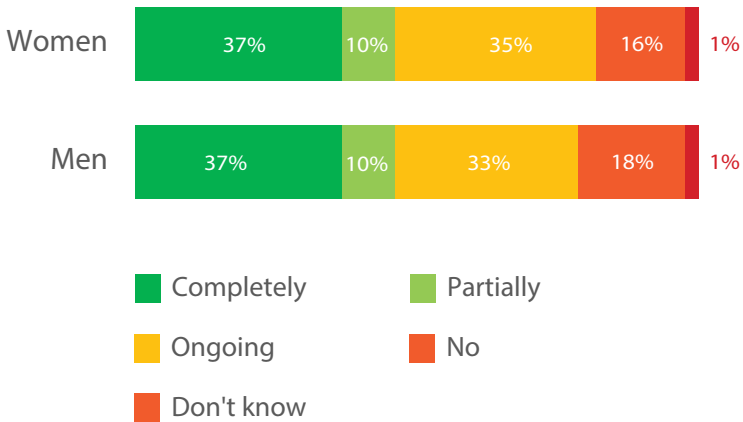
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- Women are slightly more likely not to take action because they believe that they would not achieve a good result.
- Although formal courts are not the most frequently used dispute resolution process, they are rated as most helpful relatively often. We observe this in other countries as well.
- In general, there is a similar pattern between the dispute resolution choices of men and women. However, two strategies are remarkably different: Women engage the police less often than men do but rate them as helpful more often. Regarding chiefs, women engage them less often, and rate them as helpful less often than men do.



# Problem resolution

HAS YOUR PROBLEM BEEN RESOLVED?



There are no systematic differences in terms of problem resolution for women and men in Mali, if all legal problems are taken together. Furthermore, household income does not systematically influence resolution rates for women. Since 2014,

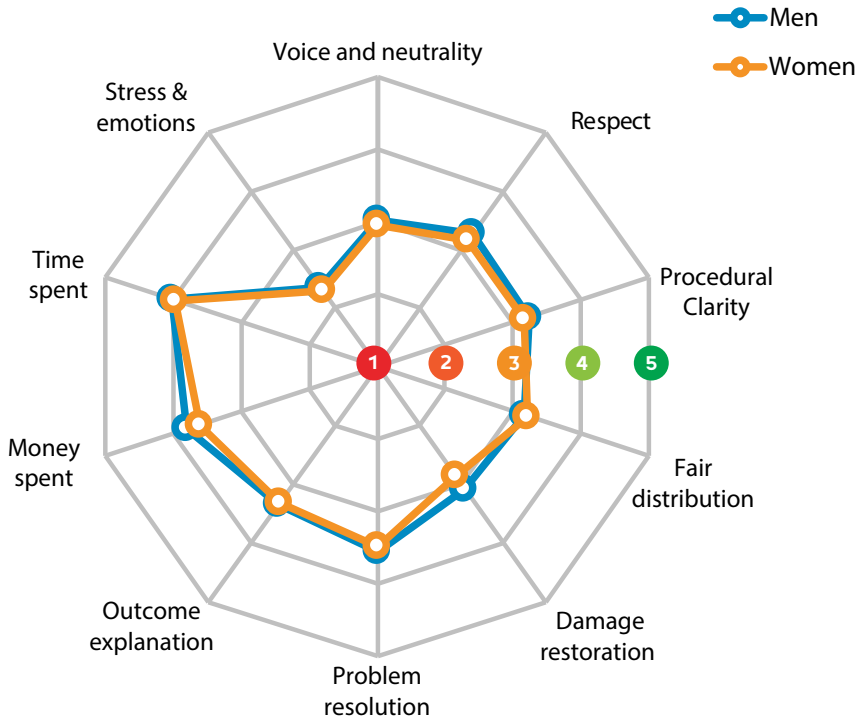
resolution rates have been the same for women, notwithstanding that the percentage of women who give up has decreased. Resolution rates for men, in comparison to 2014, have improved and now mirror those of women.

ACCESS TO JUSTICE FOR WOMEN

5

# Cost and quality of justice

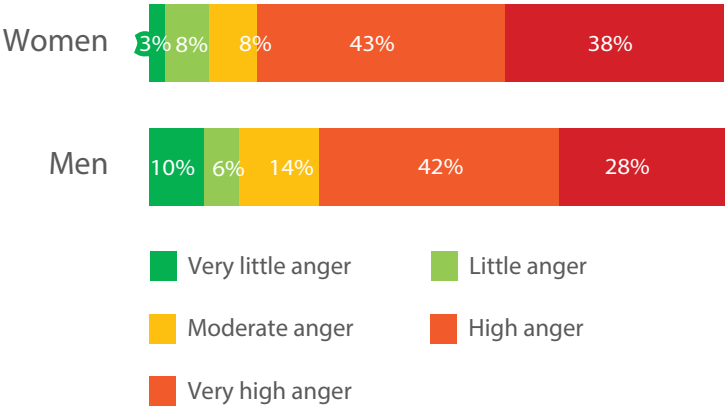
COST AND QUALITY OF JUSTICE



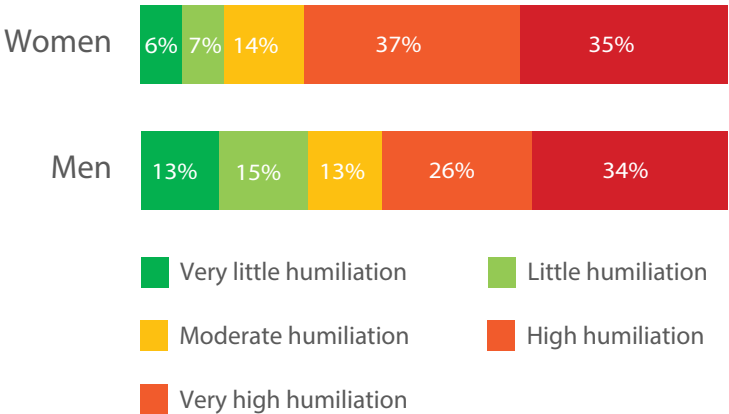
Overall, women do not evaluate their justice journeys better or worse than men when we look at all the legal problems combined. However, if we only look at family problems, women

experience more stress and negative emotions than men, particularly regarding anger and humiliation.

DID THE PROCESS MAKE YOU FEEL ANGRY?  
(FAMILY PROBLEMS)



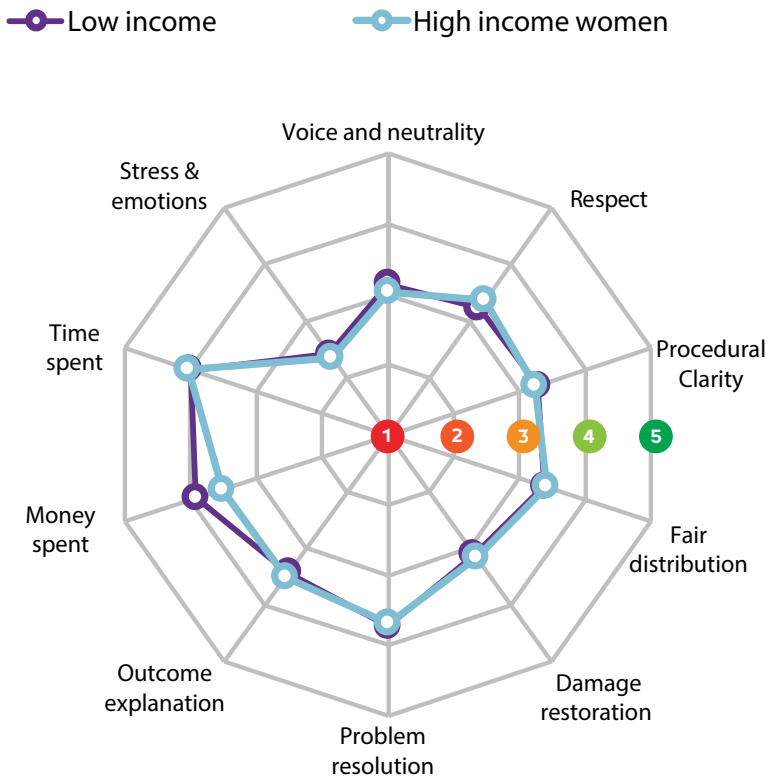
DID THE PROCESS MAKE YOU FEEL HUMILIATED?  
(FAMILY PROBLEMS)



ACCESS TO JUSTICE FOR WOMEN

5

POOREST WOMEN FARE SLIGHTLY BETTER



# Conclusion

Women experience slightly fewer problems than men. They experience family problems, crime and land problems particularly often. There are not huge differences in how women and men seek legal information and advice. Women however, consult religious leaders less often than men. In terms of dispute resolution, there are again only minor differences. Women are slightly more likely to engage their family members than men are and less likely to engage institutions, particularly the village chief. However, women find the police relatively more often helpful than men do. Whether this is due to the role of the police in family disputes is still to be investigated.

There is no particular difference in how women and men generally experience their justice journeys. We have, however, highlighted some differences in terms of experiencing more anger and humiliation during the resolution process for family problems. Overall, the data does not point to any specific disadvantages that women face in the justice system (compared with men). Whether that result is influenced by factors such as wanting to be polite, being afraid to tell the truth, etc. is yet to be determined.





# 6

## Access to Justice for Young Malians

Most Frequently Problems  
Most Serious Legal Problems  
Information and Advice  
Problems Solving  
Young Malians and Institutions



## Access to justice for young Malians

We define young people as those between 18 and 25 years of age. In the 2018 JNS survey, 1,140 or about 14%

of all respondents belong to that age group.

Demographics of 18-25-year olds					
		Education			
Female	55%	No education	Low	Medium	High
Male	45%	27%	25%	26%	21%
Urban		40%			
Rural		60%			

Young people are a particularly important category in terms of legal problems. They need the protection of the law in order to realize their growth capacity. They need access to quality education, jobs, stable

relationships and housing. A stable rule of law system should guarantee security, personal development and a meaningful life. A lack of justice could significantly impact the potential of young people in Mali.

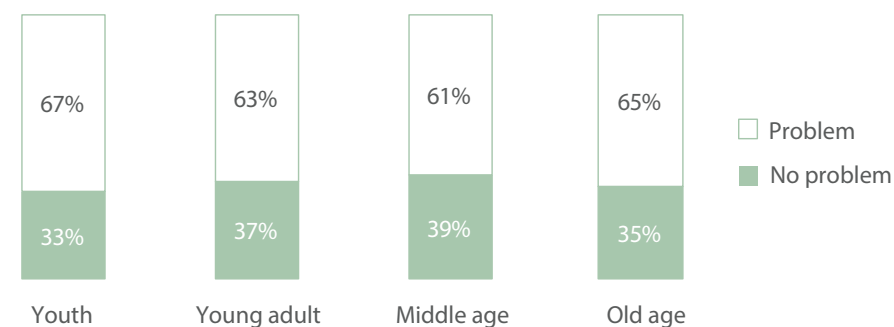
## Legal problems of young people in 2018

Very young people are least likely to encounter a legal problem – 33% say that they had to deal with one or more problems in the previous four years. For all other age categories – around 38% of Malians experience a legal problem.

- The urban youth are significantly more exposed to legal problems. 52% of young people who live in urban areas had to deal with one or more legal problems. For comparison, 26% of the rural youth report a legal problem in the previous four years.

- Education plays a significant role in the reporting of legal problems. The more formal education a young respondent has, the more likely it is that they experience or report a legal problem. For instance, 45% of the young people with a university degree have to deal with a legal problem, but only 26% of young people with no formal education do so.

### AGE CATEGORIES AND LEGAL PROBLEMS

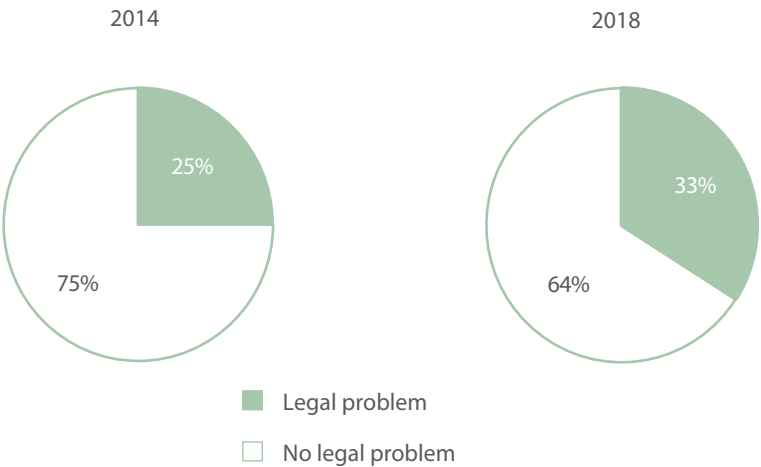


ACCESS TO JUSTICE FOR YOUNG MALIANS

6

Compared to 2014 we see that young Malians report legal problems more often in 2018. The prevalence rate for

the youngest group rose from 25% to 33%.



Crimes are the most common legal problems experienced by young Malians.

Almost a quarter of all legal problems of the young are crime-related. For comparison, people of older ages experience crime two times less often. Land disputes are the most frequently occurring type of legal problem for those above 25 years of age.

Young Malians on average experience 1.51 legal problems. This means that the majority of young people only

experience one legal problem within the space of four years. However, if they experience multiple problems, we asked which of the problems was most serious in terms of impact on the person's life. They identify crime as the most serious type of legal problem. Particularly for the urban youth, crime is a prominent problem. A third (33%) of young Malians who experience a legal problem are victims of a crime. For comparison, crime is the most serious problem for 17% of rural youth.

	Most frequently occurring types of legal problem	Most serious legal problems
Crime	24%	24%
Family problems	14%	11%
Disputes with neighbours	11%	8%
Disputes related to money	9%	9%
Land problems	8%	9%
Employment problems	8%	7%

In 2014 the distribution of the most serious legal problems of young Malians looked similar, with the

notable exception of more land problems - which were the most serious problems back then.





ACCESS TO JUSTICE FOR YOUNG MALIANS

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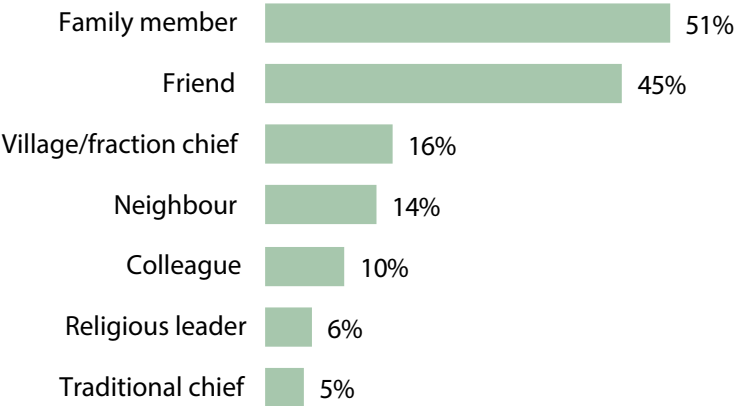
# Information and advice

Young people have specific needs when it comes to coping with legal problems. In general, they lack the life experience to deal with disputes, and legal problems in particular. This raises the importance of accessible and accurate information about dealing with crime, disputes with family members and all other legal problems in which young people are involved.

Most young people seek information or advice to resolve their legal problems. 84% of those who experience a legal problem seek legal information. In 2014, 86% of young Malians actively sought information.

Almost all of the young people who actively sought information for their legal problems went to someone from their personal network. Most often the sources of such information are family members, friends or neighbours.

LEGAL ADVICE FROM THE PERSONAL NETWORK

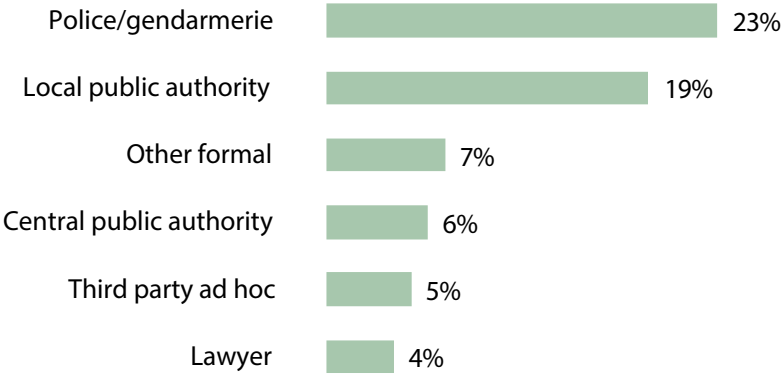


Young people in Mali are active in engaging institutional sources of information and advice. However, only 4% of the formal information is supplied by lawyers. If we add paralegals and legal aid organisations (BAJJ) we see that 7% of the information is delivered by a professional advisor or one who has training in resolving legal problems.

The police are the formal institution which is most frequently consulted as a source of information and advice by young Malians. Apparently, this choice is predetermined by the fact that crime is the most frequent and serious problem for young people.

Local public authorities such as mayors are the second most often used.

LEGAL INFORMATION AND ADVICE FROM INSTITUTIONS



ACCESS TO JUSTICE FOR YOUNG MALIANS

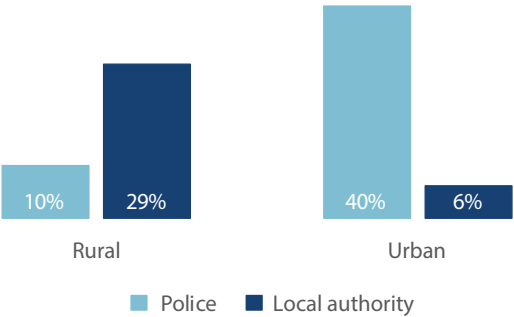
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# Young people in rural areas more likely to consult local public authorities

There is a marked difference in how urban and rural youth seek information for resolving their legal problems. Young people from cities mostly seek information from police, whereas rural youth refer to local authorities. However, note that young people in

urban areas experience more crimes than those in rural areas (33% vs. 17%), whereas young people in rural areas face more land disputes.

COMPARISON BETWEEN THE USE OF THE POLICE AND LOCAL PUBLIC AUTHORITIES



Radio (12% of young people with problems) and TV (8%) are the most used media sources to obtain information about resolving a legal problem. Few young people use social media or other Internet resources for a better idea about their options for resolving their legal problems.

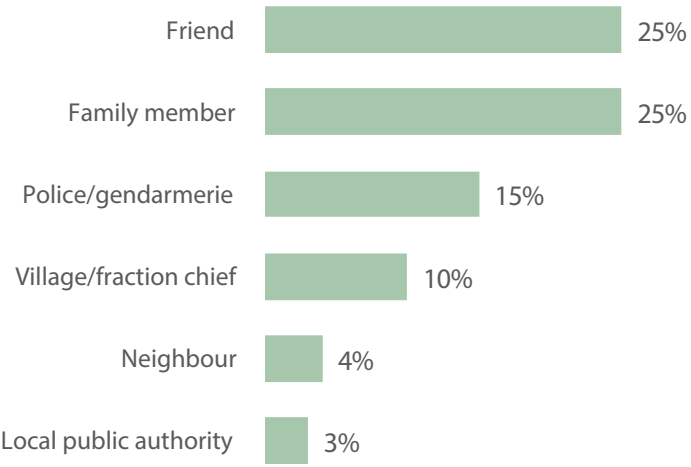
Overall, young Malians are quite active in seeking legal information and advice. On average, young people engage 2.2 sources. This is less than the respondents from the other age groups (mean 2.7 sources) but is still a sign of an active strategy for problem resolution.

# Personal network most helpful source of information

Friends and family members are perceived as the most useful sources of information and advice for legal problems. Police and village chiefs are the most helpful sources among the institutional providers. Here again there is a notable difference between urban and rural youth. The former is significantly more likely to

go to the police for information about responding to and resolving a crime. The rural youth say that after family members and friends, village chiefs are the most useful source of legal information and advice.

MOST HELPFUL SOURCES OF INFORMATION



ACCESS TO JUSTICE FOR YOUNG MALIANS

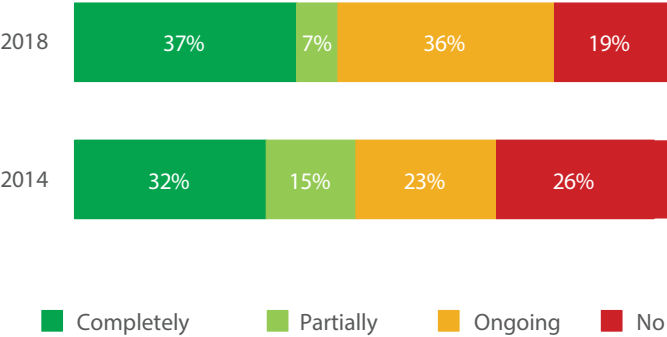
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# How young people resolve legal problems

In 2014 the study found that the vast majority (76%) of young people embark on some path to justice in order to resolve their legal problems. In 2018 this trend is still there – 81% of the interviewed young people used some sort of formal or informal dispute resolution mechanism. This level of activity is somewhat lower compared to the other age groups but a clear indicator of an active attitude to legal problems.

When young Malians try to resolve their legal problems, fewer than half of them manage to resolve their issues either completely or partially. In that respect, the findings from the 2014 and 2018 surveys are almost identical. There is little difference in the distribution of the degree to which the problems have been resolved or not.

HAS YOUR PROBLEM BEEN RESOLVED?



# What do young Malians do to resolve legal problems?

Young people in Mali try to resolve their problems through the involvement of someone from their immediate environment or through their own actions. 77% of those who take action use some sort of self-action, 83% seek help from their personal network and 58% engage institutions.

Most frequently, young people ask a family member to intervene, contact the other party in the dispute

or involve a friend in the dispute resolution.

Other frequently used mechanisms for dealing with legal problems are to contact a witness, collect evidence or file a court case.

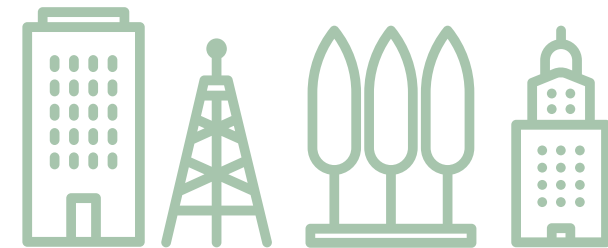
Only around 15% of the young people who take action go to either a village chief, religious leader or traditional leader for resolution of their dispute.



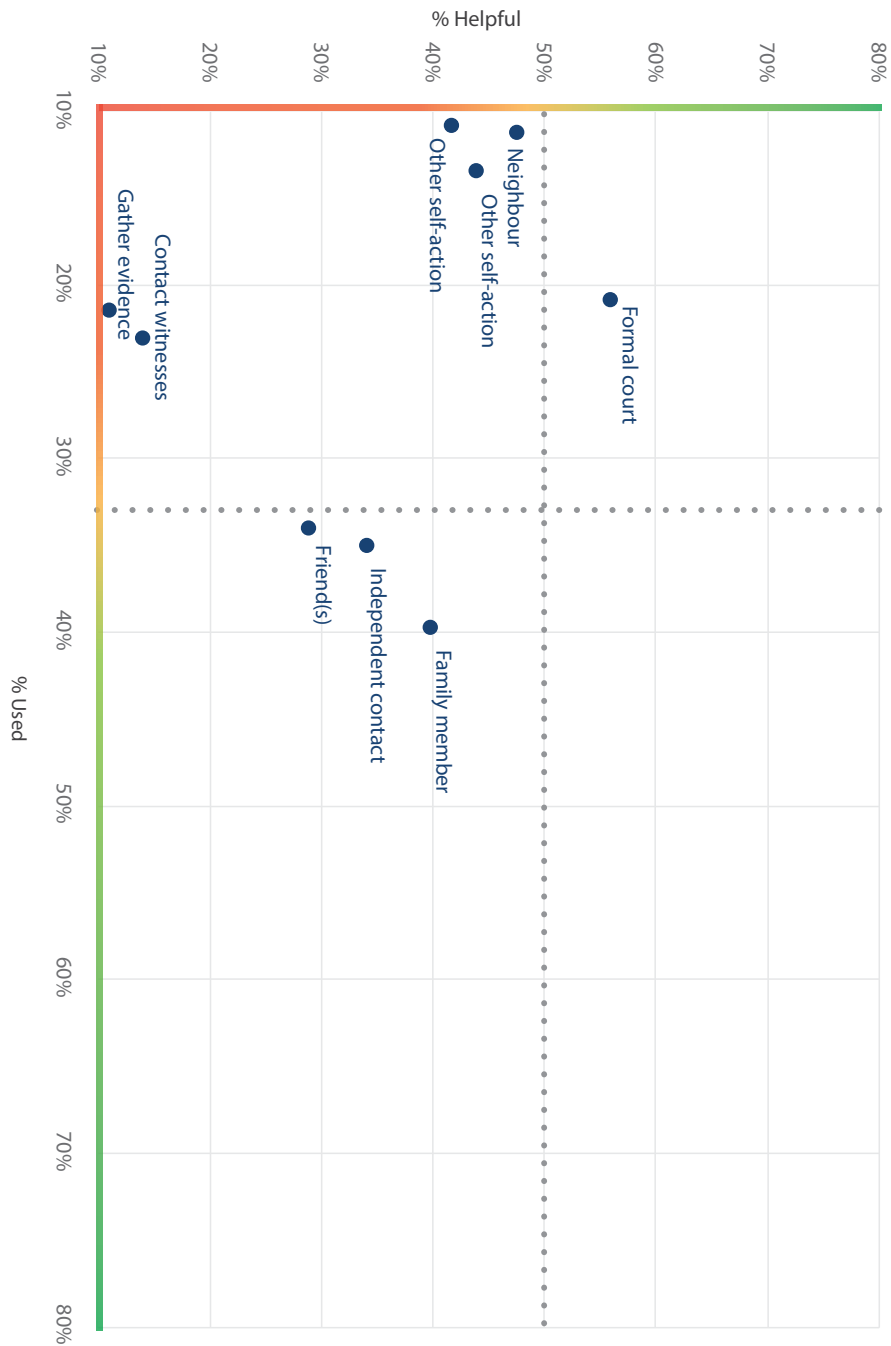
# Young Malians and Institutions

Among young Malians, formal courts and the police are the most frequently used institutions. Lawyers and legal aid organisations are rarely engaged. Again, there is a significant difference between the rural and urban youth. Young people from cities who take any form of action rely more on the police

compared with their counterparts from rural areas (35% and 8%, respectively). In rural settings, the young rely on formal courts (23%), communal courts (8%) and mayors (8%).



RELATIVE HELPFULNESS OF DISPUTE RESOLUTION MECHANISMS FOR YOUNG PEOPLE



## ACCESS TO JUSTICE FOR YOUNG MALIANS

6

## Most helpful dispute resolution mechanisms

While many young people engage in self-actions or reach out to their personal network for help, they do not necessarily find these strategies helpful for resolving their conflicts. Institutions like formal courts and the police are used less often, but most young people

who use them find them to be the most helpful strategies out of all they have used, following the tendency from the chapter on dispute resolution.



## Costs and quality of dispute resolution

Justice largely does not live up to the expectations of the young people in Mali. When asked about the quality of the procedure of the available justice journeys, young people score it quite low. Procedural justice, interpersonal justice and informational justice all score around three, which is the middle of the scale.

We see similar scores for the quality of the outcomes of the justice journeys. Only the dimension gauging whether the problem has been resolved scores slightly better.

Resolving conflicts does not cost much in terms of money and time for most of the young people who had to deal with a legal problem. This is not surprising considering that most young people use some sort of self-help or an informal process to respond to their legal problems. The heaviest burdens of a justice journey are the stress and negative emotions that young people experience.

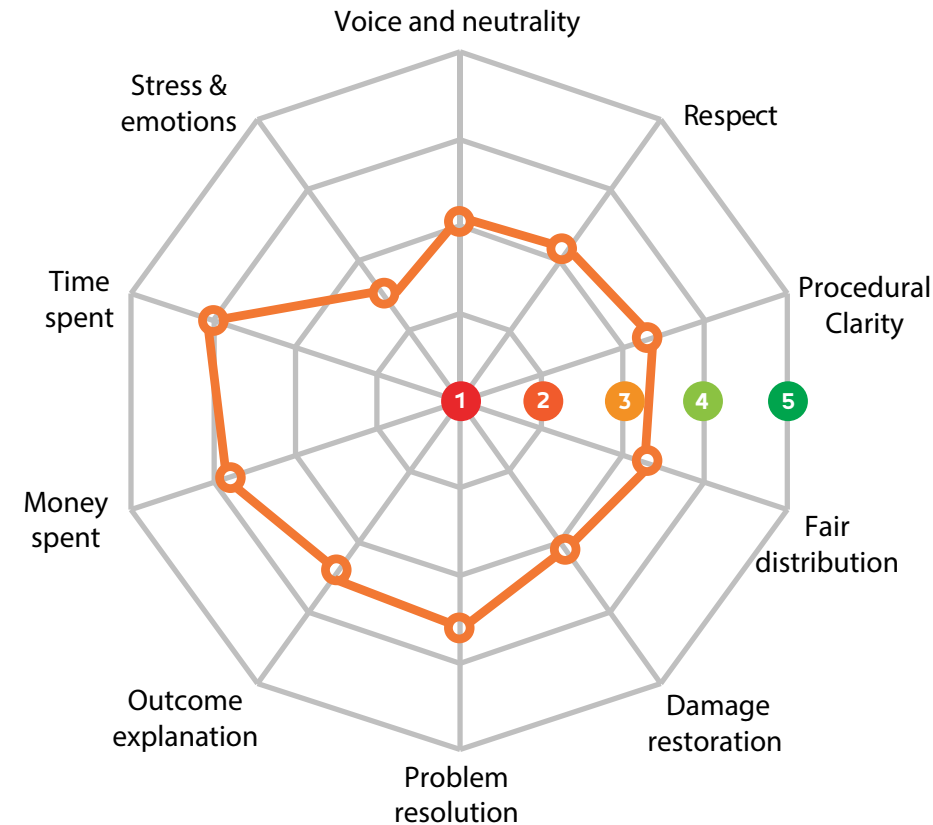




ACCESS TO JUSTICE FOR YOUNG MALIANS

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COST AND QUALITY OF JUSTICE FOR YOUNG PEOPLE



Young people from rural areas report higher affective costs on their paths to justice. They are also less satisfied with the distributive fairness of the results.

There are considerable differences in how young people assess the costs and quality of various types of dispute resolution. When the (most useful) mechanisms are aggregated into self-help, personal network and institutional approaches, we see quite a lot of differences.

Those processes organized by the personal network such as family members, friends, village chiefs and religious leaders are perceived as fairer. Such justice journeys are seen as more capable of resolving the problem with an outcome which is fairly distributed among the disputing parties.

Self-help and institutions receive quite low scores for process fairness. Young people do not feel heard and treated fairly when they need to respond to the problems.

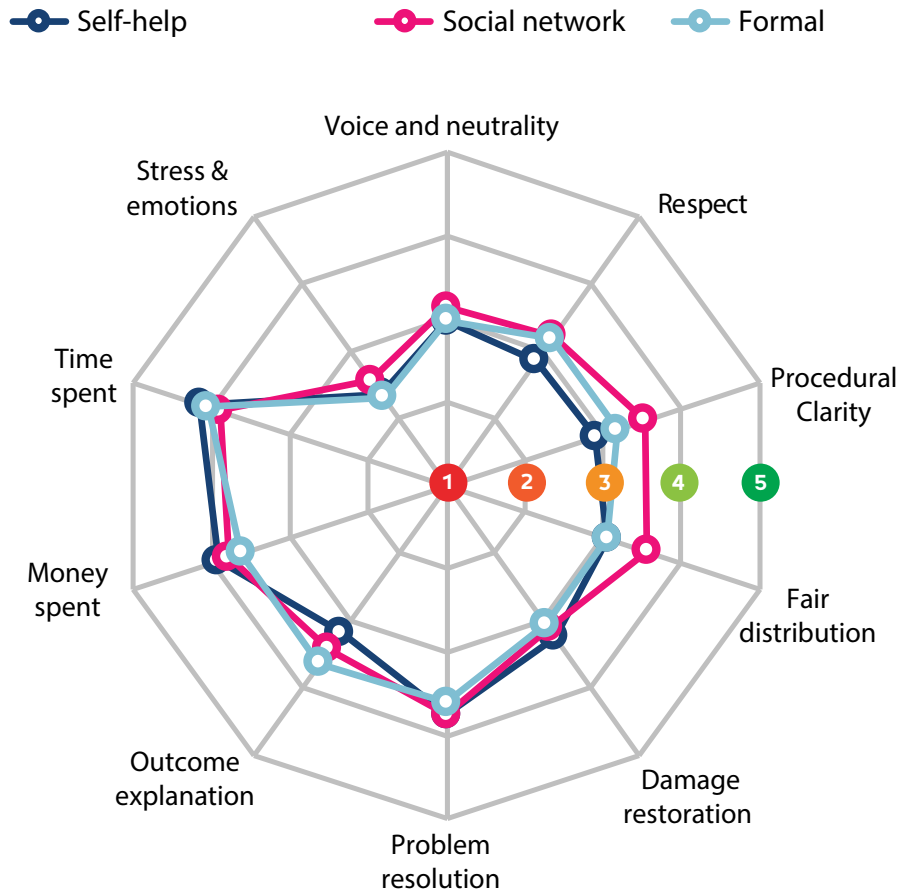
Formal mechanisms such as courts and lawyers have great room for improvement in terms of process and outcome. Such mechanisms are experienced as more expensive and also inflict more stress and negative emotions on the young people who use them.



ACCESS TO JUSTICE FOR YOUNG MALIANS

6

EVALUATION OF JUSTICE BY DISPUTE  
RESOLUTION FOR YOUNG PEOPLE



# Conclusions

There is a significant increase in legal problems experienced by young people from 2014 to 2018.

Compared with citizens from other age groups, young people are slightly less likely to report a legal problem. This might be the effect of still not fully participating in social and economic interactions that cause problems – family, work, ownership. But it could also be the effect of less education and awareness about legal problems and how to resolve them.

Young people in urban areas seek information mostly from the police. Young people in rural areas go to the communal authorities.

Young people are active in their dispute resolution strategies. Compared with 2014 there is a slight but positive trend of more young people actively trying to resolve their legal problems.

Slightly under half of the legal problems encountered by young people are described as completely or partially resolved.

Courts and the police are the most often used formal dispute resolution mechanisms.

Young people from cities rely more on the police compared with their counterparts from rural areas. In rural settings young people rely on courts, local public authorities and mayors.

The accessibility and fairness of the existing justice journeys can be significantly improved. Young people give average scores to the processes and outcomes of justice. Stress and negative emotions are the most significant consequences of the justice journeys.

# Aminata's story

*I had a dream of building my own health centre. I borrowed 1.5 million CFA from the bank in order to buy two plots of land from two young men. When I wanted to start building, I found out that the plots had already been sold to someone else. The young men gave me two other parcels, but the same thing happened again.*

*When it happened for the third time I was fed up and decided to file a complaint with the police. They promised to help me find the young men. I spent a lot of money on the police, but they did not manage to catch them. Eventually, one of them voluntarily went to the gendarmerie and repaid all the money he owed me.*

*The second man was finally apprehended thanks to the determination of the chief officer of the gendarmerie. He admitted the facts in court and the judge gave him a total of three months to repay me. But he did not do so. He declared that he would not pay me back and that I could file a complaint whenever I wanted.*

*I was desperate to get my money back. So, I decided to grin and bear it, and put my trust in God. However, the judge in charge of my case told me that it was not his duty to find the culprit and make him pay for the crime. Since then, I have lost every hope of finding a solution to my problem. I spent so much money during this process, but the result is still bad. If I had someone powerful enough, like a colonel, to help me then I am sure I would not have suffered as much.*

*I am very much disappointed in the justice system of this country. How is it possible that a young man confesses his guilt, yet the justice system is unable to make him pay for what he owes? We, the poor, are supposed to rely only on the justice system to protect us. But as the justice system does not meet these expectations, the situation becomes unbearable for us.*







7

## Trust in the Justice System and Legal Empowerment

## Trust in the Justice System and Legal Empowerment

Do Malians trust their government, the police and legal aid NGOs? Do they consider justice to be too expensive? Are they empowered when faced with

a legal problem? This chapter explores these and related questions. In addition, we explore if there have been any changes between 2014 and 2018.



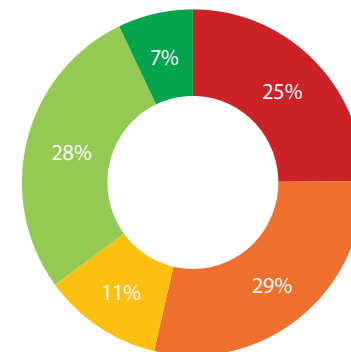
## Trust in the justice system is low

In order to assess whether the people of Mali have trust in their justice system, we asked them to express whether they agree with certain statements about the overall justice system, as well as about individual actors.

Overall, trust in the justice system in Mali is not very high. Only one in three people have confidence in the justice system. Trust is slightly higher among women than men (36% of women agree or strongly agree with the above statement, whereas only 31% of men do so).

In order to see if there are justice providers that are more trusted than others, we asked a couple of follow-up questions about trust in specific institutions and organizations.

I TRUST THE JUSTICE SYSTEM IN MALI

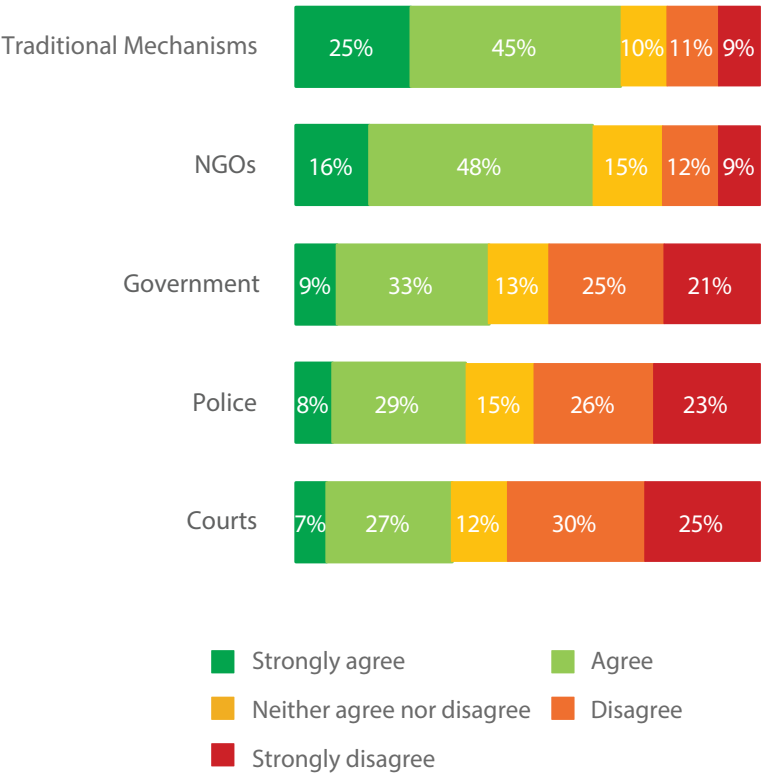


- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

TRUST IN THE JUSTICE SYSTEM AND LEGAL EMPOWERMENT

7

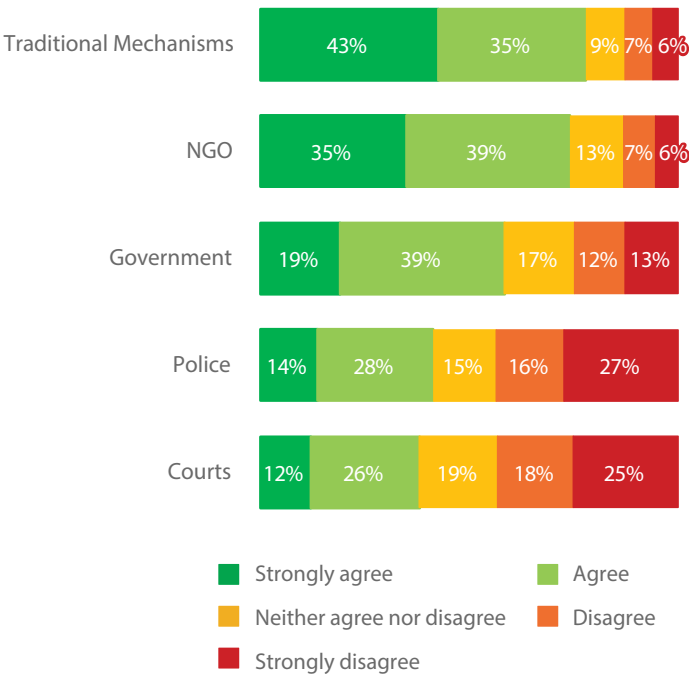
I TRUST...



- Malians express much more trust in traditional dispute resolution mechanisms and NGOs than in formal institutions (government, police, formal courts).
- Women express slightly more trust in formal institutions than men do.

- Malians living in rural areas express more trust in the government and local traditional justice mechanisms than those who live in urban areas do.
- Note that in 2018, the interviews were conducted a couple of months before the presidential election campaign started. This might have influenced people’s trust in the government in either direction.

I TRUST... (2014)



It seems that the trust levels in most actors in the justice system have deteriorated since 2014 (especially for traditional mechanisms, NGOs and the Government).



## TRUST IN THE JUSTICE SYSTEM AND LEGAL EMPOWERMENT

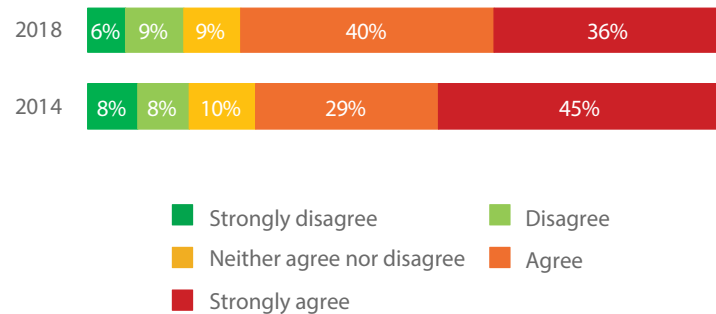
7

## Perception that courts protect the rich and powerful

The majority of people agree that that courts generally protect the rich and powerful. The mistrust in courts that

we have observed might be due to the fact that people overwhelmingly believe that courts favour the rich.

### COURTS GENERALLY PROTECT THE RICH AND POWERFUL



As expected, people with higher incomes are less likely to agree that courts generally protect the rich and powerful than those with lower incomes are. However, the difference

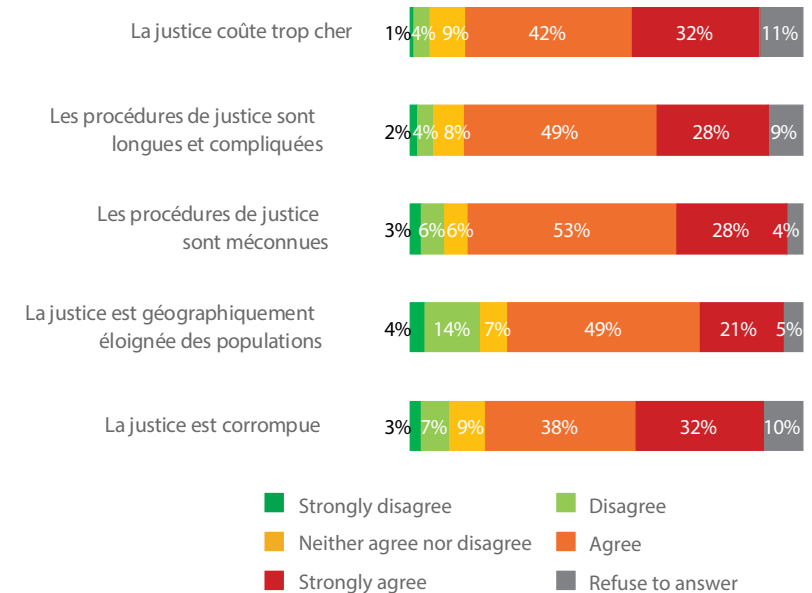
is very small. 82% in the lowest income bracket agree with the statement, while 77% in the highest income bracket agree with the statement (2018).

## Perceptions that procedures are long and costly

The majority of Malians agree that the justice procedures are long, complicated and unknown to the

general population. Justice is too expensive, corrupt and distant from the population.

### EVALUATION OF THE JUSTICE SYSTEM



## TRUST IN THE JUSTICE SYSTEM AND LEGAL EMPOWERMENT

7

## Legal empowerment

- We find no difference between women and men with regard to these questions.
- People with higher incomes are slightly more positive about all aspects of the justice system.
- People who live in rural areas more often agree that justice is geographically far away from the people (73% agree or strongly agree in rural areas compared with 61% in urban areas).
- Those with higher formal education levels evaluate the justice system lower in most aspects (except for geographic distance).

We understand legal empowerment as a person's confidence in his or her own abilities to cope successfully with legal problems. Confidence is a proxy of the extent to which a person feels capable of using the law to advance her development. In order to measure whether Malians feel legally empowered, we presented the respondents with several scenarios of legal problems and asked them to assess how likely it would be that they would receive a fair resolution to that problem.

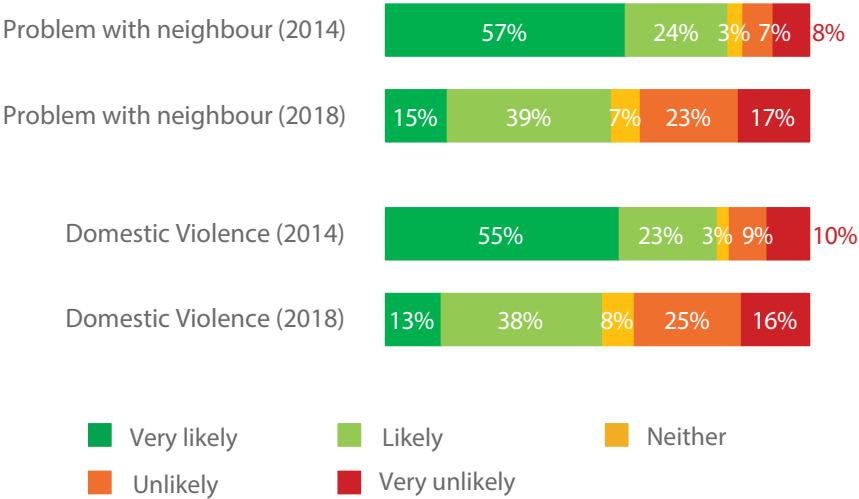
- Imagine you had a conflict with a neighbour who often causes a significant disturbance to you, for instance by making a lot of noise or leaving garbage out. How likely is it that you would get a fair resolution to the problem?
- Imagine you became a victim of domestic violence and were physically hurt by a family member. How likely is it that you would get a fair resolution to the problem?



TRUST IN THE JUSTICE SYSTEM AND LEGAL EMPOWERMENT

7

DO YOU THINK YOU WOULD RECEIVE A FAIR SOLUTION?



The data shows that in 2018 and 2014, Malians felt equally empowered regarding a problem with a neighbour as regarding a domestic violence incident. However, in both cases, legal empowerment has declined considerably since 2014. In 2018, Malians feel substantially less legally empowered than in 2014. There is no difference between women and men in how legally empowered they feel (either for a problem with a

neighbour or for a domestic violence incident). Additionally, income, age and living in rural or urban areas do not systematically influence legal empowerment in either the problem with a neighbour situation or the domestic violence situation. However, Malians with a higher level of formal education feel slightly less legally empowered regarding their ability to resolve a conflict with a neighbour.

# Conclusion

Malians do not express much trust in their justice system overall, but they evaluate local traditional justice mechanisms and NGOs much more favourably than they do formal institutions such as the government, the police and courts. Three in four Malians perceive that justice is expensive, corrupt and procedures are complicated and unknown to the general population, but also three in four Malians believe that they would achieve a fair result when faced with hypothetical justice problems. These results are an indication of an erosion in belief that formal justice can solve daily problems. On the other hand, informal processes and mechanisms are seen in a more positive light.

Nonetheless, Malians do feel empowered enough to solve their problems. Issues such as costs, distance and complicated procedures do not prevent Malians from achieving fair resolutions to their justice problems. Further research is necessary to investigate the gap between perceived legal empowerment and this harsh evaluation of the Malian justice system.







# 8

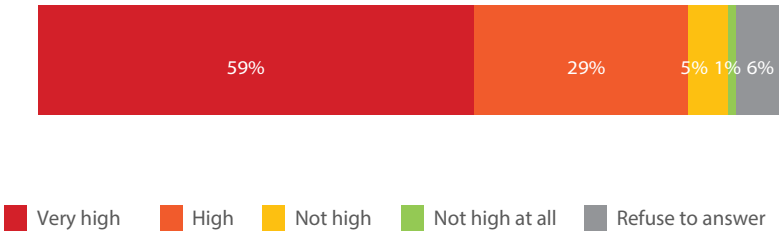
## Perceptions and Experiences of Corruption

# Perceptions and experiences of corruption

This chapter focuses on corruption in Mali. We define corruption as “the abuse of office, power, or public authority for private purposes”. It is usually defined as a “deviation from the norm”. Corruption can occur at any

stage of the user’s justice journey and can potentially impede the pursuit of justice. Malians perceive that the level of corruption in the country is high.

DO YOU THINK THE LEVEL OF CORRUPTION IN MALI IS...?



N = 8,306

Six out of 10 Malians perceive corruption as very high. The percentages are relatively similar when disaggregating by people who engage courts. However, there are some differences:

- More men (63%) than women (54%) perceive the level of corruption as very high.

- In Kayes only 48% of people perceive the level of corruption as very high compared with 71% in Mopti.
- A slightly smaller percentage of people with no formal education perceive the level of corruption as very high in comparison with people with higher levels of formal education.



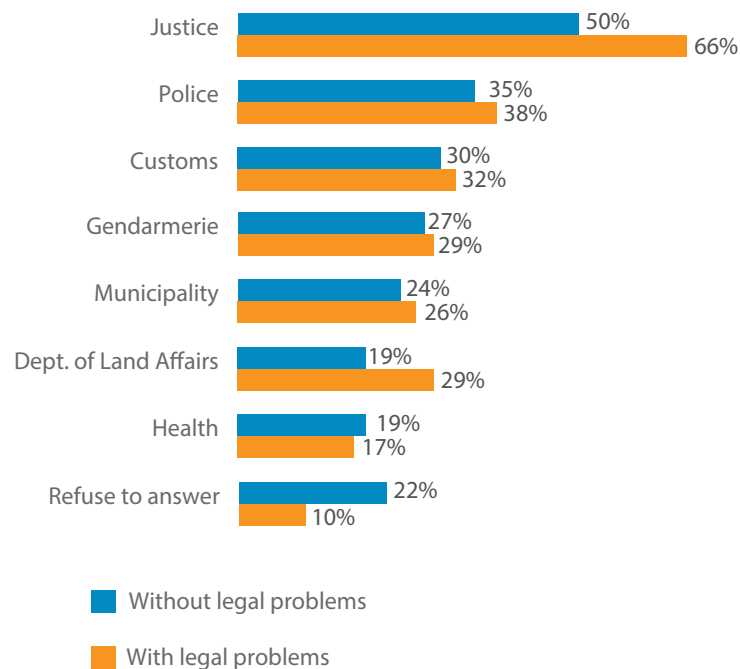


## PERCEPTIONS AND EXPERIENCES OF CORRUPTION

8

# The justice sector tends to be perceived as corrupt

## WHICH ARE THE MOST CORRUPT SECTORS IN MALI?



More people with legal problems perceive the justice sector as the most corrupt, compared to people without legal problems. The justice sector is also seen as the most corrupt by both people who engaged courts (73%) and those that did not (63%). Regional differences are evident: only 48% of people from Koulikoro see the justice sector as the most corrupt compared with 65% of people from Mopti.

It is important to mention that there might be some survey effect on this question. People were primed to think about the justice sector from the beginning of the interview. This might have had an effect on their choice.

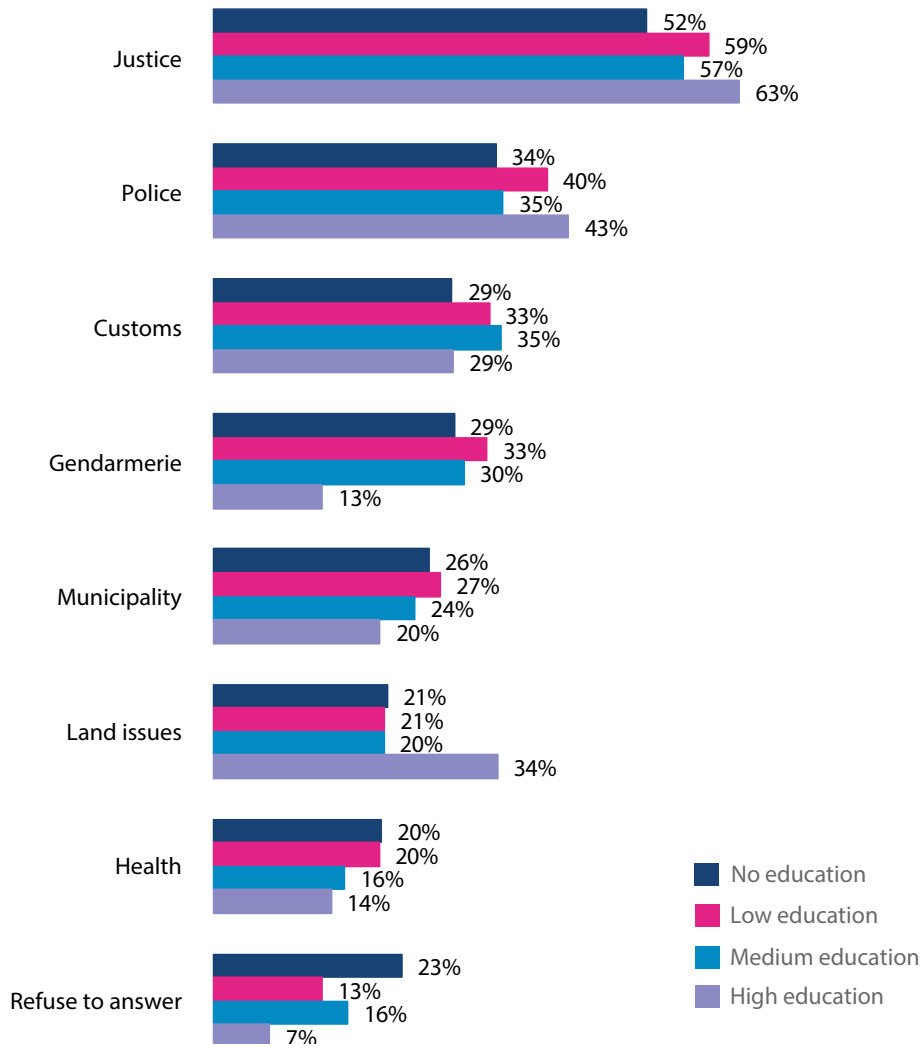
People who experience legal problems tend to perceive the department that deals with land affairs as corrupt more often than those without problems do. This might be explained by the fact that land problems are the most reported serious problem in 2018.

There is a difference between men and women regarding the health sector. One out of four women perceive it as the most corrupt sector compared with 15% of men, which is closer to the national average for the sector.

PERCEPTIONS AND EXPERIENCES OF CORRUPTION

8

WHICH ARE THE MOST CORRUPT INSTITUTIONS IN MALI?



N = 8,286

Perception of corruption varies according to levels of formal education; More people with a high level of formal education perceive the department for land affairs as the most corrupt sector (34%) than those with lower levels of formal education. A significantly lower percentage of people with a high level of formal education view the gendarmerie as the most corrupt sector (13%) than those with lower levels of formal education. Fewer people with lower levels of formal education perceive the justice sector as the most corrupt.



PERCEPTIONS AND EXPERIENCES OF CORRUPTION

8

Maliens understand corruption as a multicausal phenomenon, driven by lack of knowledge and enforcement of rules, not culture

WHAT ARE THE MAIN REASONS FOR THE EXISTENCE OF CORRUPTION IN MALI?

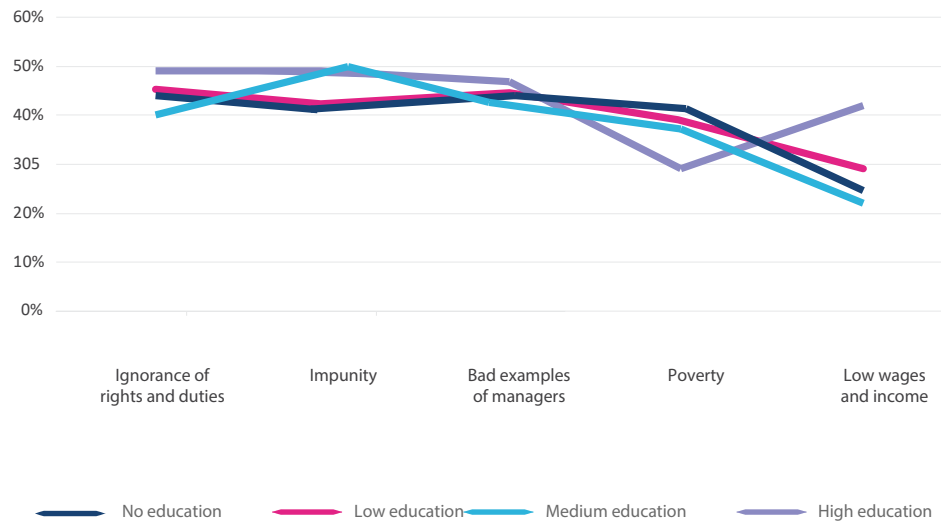


N = 8,306

We asked the people about the reasons why they think there is corruption in Mali. For people with legal problems, the main reason for the existence of corruption in Mali is ignorance (51%). The same is true for both people who engaged courts (54%) and those who did not (50%). For people without legal problems, the main reasons for the existence of corruption are the bad

examples set by leaders, impunity, and ignorance about rights and duties (at around 45%). Some options are rarely chosen, such as customs and traditions, as well as a lack of means in the judiciary.

WHAT ARE THE MAIN REASONS FOR THE EXISTENCE OF CORRUPTION IN MALI?



N = 8,286

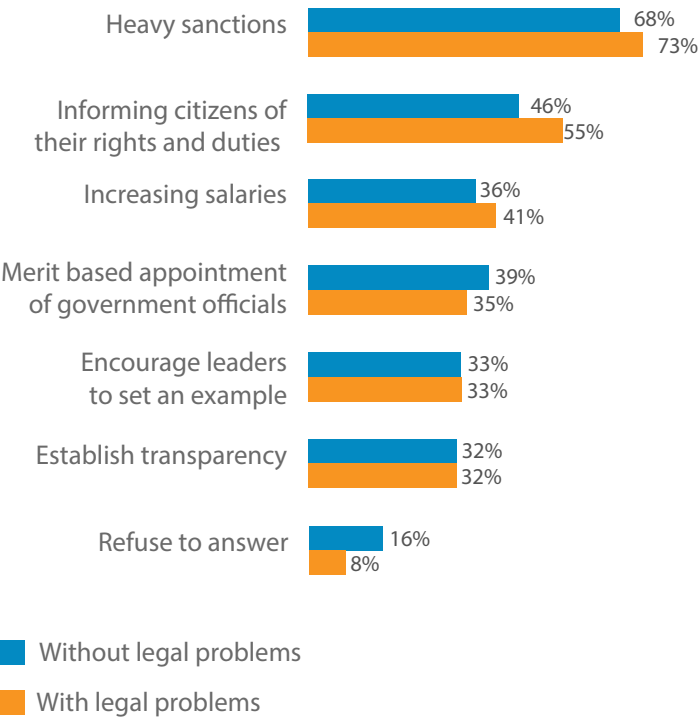
PERCEPTIONS AND EXPERIENCES OF CORRUPTION

8

When disaggregating by levels of formal education, we find that people with higher levels of formal education tend to select many of the most common reasons more often than other groups, in particular the reason of low salaries. The exception

is poverty. Only 30% of people with a high level of formal education believe poverty is the main reason for the existence of corruption in Mali, compared with around 41% in other groups.

THE BEST WAY TO FIGHT CORRUPTION



N = 8,306

The best way to fight corruption, according to Malians, both those with and those without legal problems, is heavily sanctioning the perpetrators and accomplices to corruption. Slightly fewer people without legal problems think informing citizens of their rights and duties is the best way to fight corruption (46%) than those with legal problems (55%).

- 45% of those with no formal education think the best way to fight

corruption is by informing citizens of their rights and duties compared with 57% of people with a high level of formal education.

- Fewer people with lower levels of formal education think increasing salaries is the best way to fight corruption.

These findings suggest that better enforcement of rules, together with sensitisation campaigns should be a priority in curbing corruption.



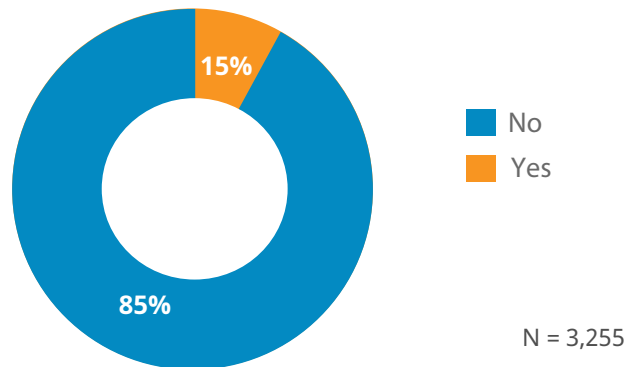
## PERCEPTIONS AND EXPERIENCES OF CORRUPTION

8

## The specific case of bribery: Not widely used to get a legal problem resolved, as people report

Corruption can take many forms. One of the most visible types of corruption is bribery.

DID YOU PAY A BRIBE OR DO ANOTHER FAVOUR TO RESOLVE YOUR JUSTICE PROBLEM? (PEOPLE WITH LEGAL PROBLEMS)



Around 15% of people with legal problems declared having paid a bribe to resolve their problem. Most of these people are men, many engaged courts and had to deal with land problems.

However, this is a sensitive question and people might have been reluctant

to incriminate themselves as paying bribes is illegal in Mali. Experts believe the numbers should be much higher.

## Conclusion

Corruption is a concern for Malians. Six out of 10 Malians perceive corruption as very high. In certain regions this proportion is higher. For example, in Mopti 71% of people perceive corruption as very high. The justice sector in particular tends to be seen as the most corrupt sector by a range of Malians. However, there is variation in the perception of corruption according to levels of formal education.

Malians believe the existence of corruption is driven by a variety of factors, notably ignorance and impunity. Reasons like culture and resource shortages of the judiciary are rarely cited. People with higher levels

of formal education especially tend to select many of the most common reasons for corruption more often than other groups.

Across the board, heavily sanctioning the perpetrators and accomplices to corruption is considered the best way to fight corruption. Other possible solutions include informing citizens of their rights and duties. These findings suggest that better enforcement of rules, together with sensitisation campaigns should be a priority in curbing corruption.





# Oumou's story

*When my father died, he left a house on a fairly large plot of land and an orchard of mango trees as inheritance. The only heirs were myself and my half-sister from my father's other marriage. I went to my half-sister proposing we do something with the house so that we could both profit from it. But I discovered she had already sold the house to a third party.*

*I went to the village chief to find a solution. He accepted to help me, but before he could do so he became ill and passed away. So, I went to my father's brother, hoping that he could mediate. My uncle was happy I came to him for help, because he also wanted to solve the problem informally. He went to see her, but her position remained the same. I then found out that the new owner of the house had begun demolishing part of the walls and building a new house. In light of all this, my uncle advised me to file a complaint.*

*Afterwards, my half-sister and the new owner plotted against me to obtain a copy of my ID card. They knew I had made an ID bearing my step-father's name. They gave my ID to the police and accused me of forgery. I ended up spending several days in prison and lost my credibility. I had to prove that I am indeed my biological father's daughter, but the only way to do so was by presenting my original birth certificate which I did not have. I had no other choice than to make a substitute birth certificate.*

*With the help of a human rights organization I filed a new complaint. In the meantime, the new owner, a powerful man, built his house despite knowing that the land was being disputed. I want justice to follow its normal course. I want it to be carried out diligently, and for the truth to come to light. The rich and powerful have to stop dictating their rules to the weak and destitute.*





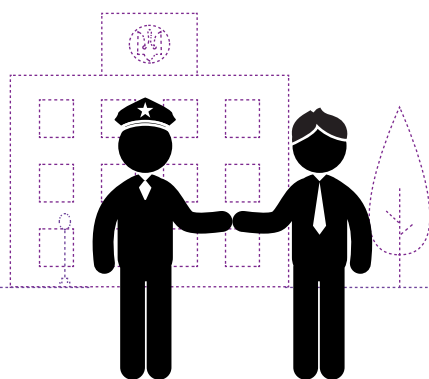
9

## Transitional Justice

# Transitional Justice

In 2012 Mali experienced a coup d'état while a rebellion led by the National Movement for the Liberation of Azawad was going on in the North of the country. In 2015 a ceasefire began following the signing of the Accord for Peace and Reconciliation in Mali resulting from the Algiers Process.

Since then Mali has been in a process of reconstruction, with the Commission Dialogue et Réconciliation at the forefront of efforts. This Commission aims to build a lasting peace in Mali in the aftermath of the civil war. But what do Malians think of the transitional justice process?



## The opinions of Malians are split on progress made towards national reconciliation since 2014

FROM 2014 TO TODAY, HAS MALI MADE PROGRESS TOWARDS RECONCILIATION?



Strongly disagree

Disagree

Agree

Strongly agree

Refuse to answer

N = 8,306

Malians are split on the issue of progress made towards national reconciliation since 2014. Almost half believe some kind of progress has been made while the other half do not. There are variations according to the level of formal education and urban or rural residency:

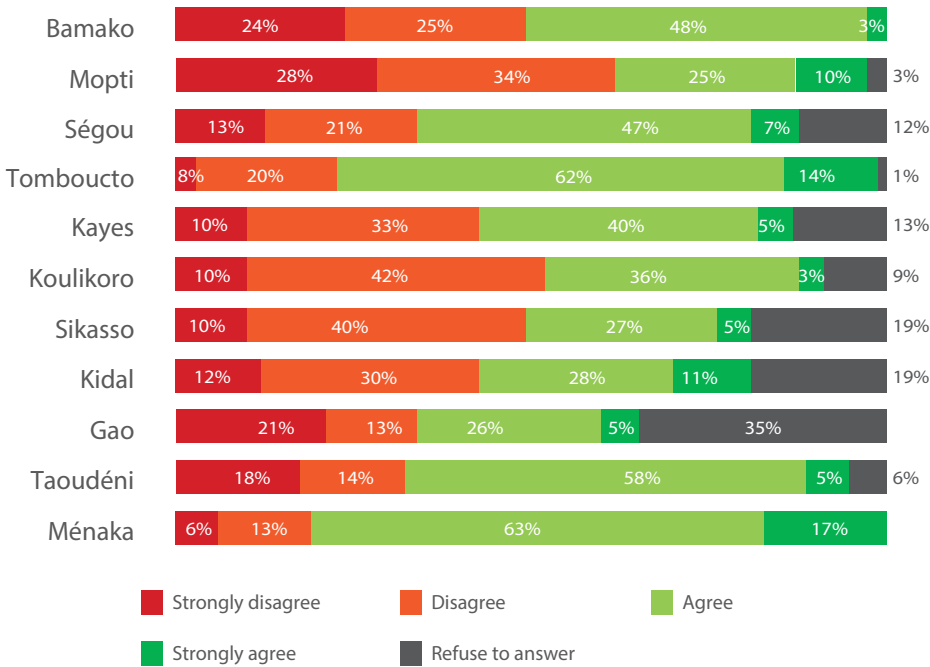
- 45% of people with high levels of formal education agree progress has been made, compared with 36% of people with no formal education.
- Fewer rural than urban inhabitants agree that progress has been made.



TRANSITIONAL JUSTICE

9

FROM 2014 TO TODAY, HAS MALI MADE PROGRESS  
TOWARDS RECONCILIATION?

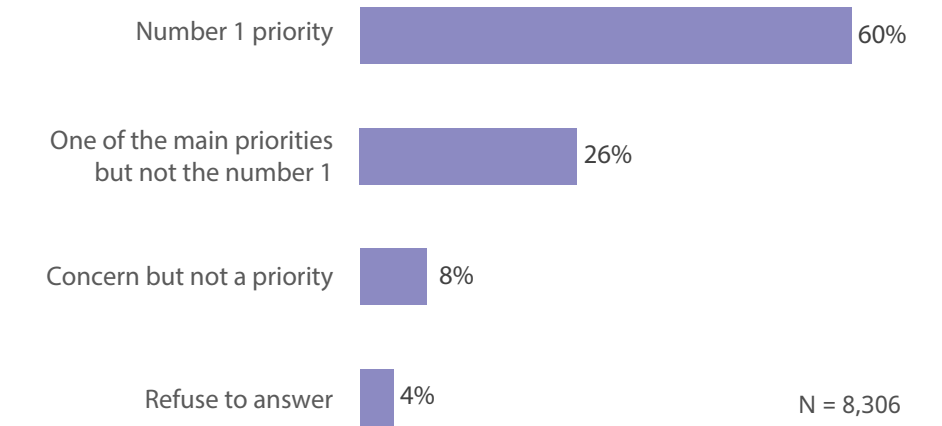


There are regional differences in how Malians evaluate the progress towards national reconciliation since 2014. Even though the majority of Malians see

progress, people living in Mopti are the most sceptical in the country.

# Reconciliation remains the number one priority for the majority of Malians

WHAT IMPORTANCE AND PRIORITY DO YOU GIVE TO RECONCILIATION IN MALI TODAY?



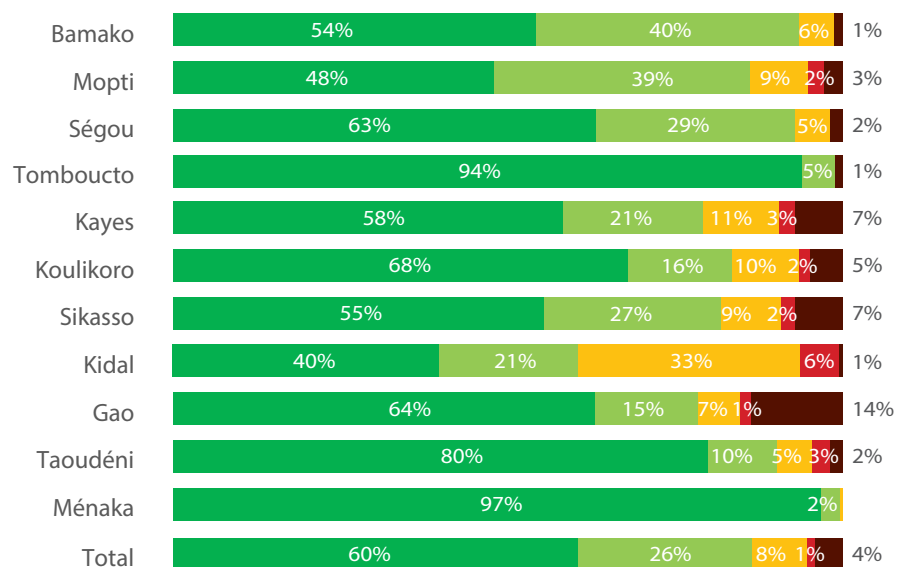
Though opinions are split on how much progress has been made towards national reconciliation since

2014, nine out of 10 Malians consider reconciliation to be one of the priorities for Mali today.

## TRANSITIONAL JUSTICE

9

## WHAT IMPORTANCE AND PRIORITY DO YOU GIVE TO RECONCILIATION IN MALI TODAY?



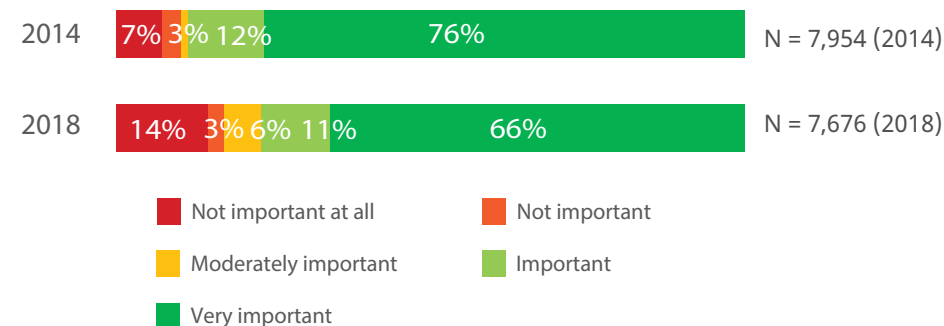
- Number 1 priority
- One of the main priorities but not the number 1
- Concern but not a priority
- Not even a concern
- Refuse to answer

Likewise, there are regional differences when people have to evaluate how important reconciliation is: People from Kidal are considerably less likely

to see reconciliation as a priority. Still, in every region, more than half of the population rank reconciliation as a top priority.

Over time the perceived importance of prosecuting the perpetrators of the 2012 crimes has decreased, but it still remains important for Malians

## HOW IMPORTANT IS IT TO PROSECUTE THE PERPETRATORS OF THE 2012 CRIMES?



- Not important at all
- Not important
- Moderately important
- Important
- Very important

Compared with 2014, there is a 10 percentage point decrease in the percentage of people who deem it very important to prosecute the perpetrators of the 2012 crimes.

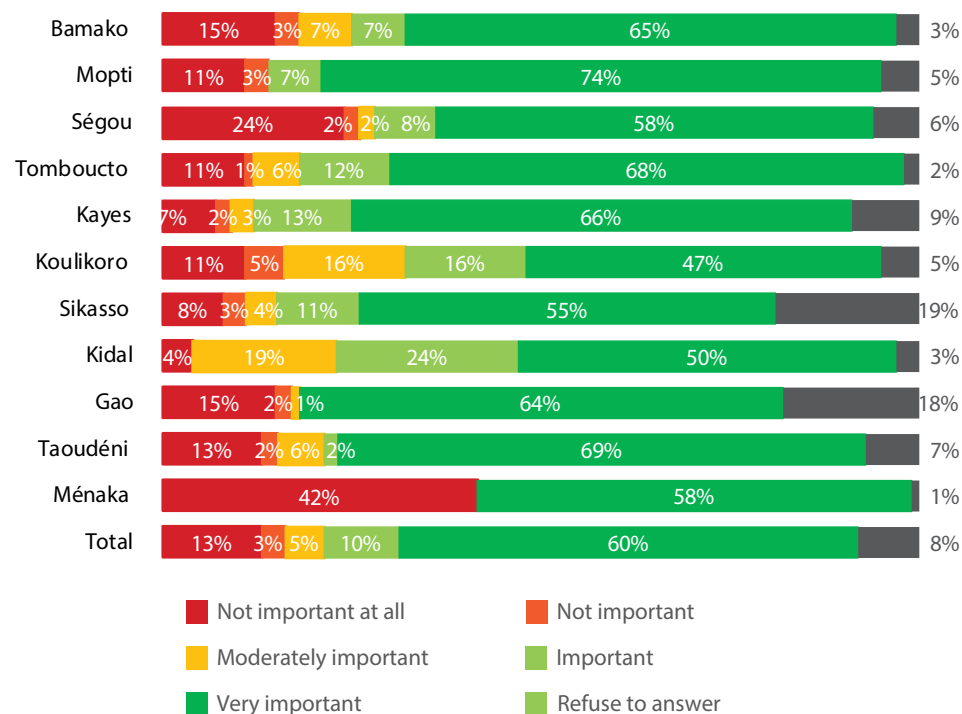
The 2018 pattern remains relatively consistent between genders. The likelihood of finding it very important to prosecute perpetrators increases with level of formal education.



## TRANSITIONAL JUSTICE

9

## HOW IMPORTANT IS IT TO PROSECUTE THE PERPETRATORS OF THE 2012 CRIMES?

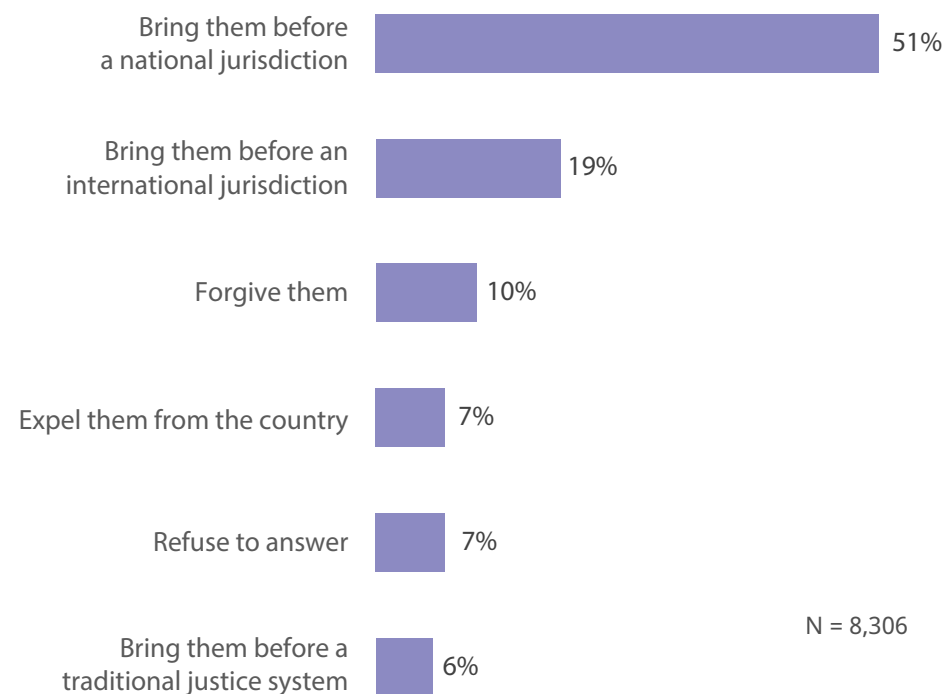


There is a strong consensus in the country; the perpetrators of the civil war crimes must be prosecuted. The only exception is in Ménaka, but the sample size is too small to make strong inferences.

Across all regions the overall importance of prosecuting the perpetrators of the 2012 crimes decreased from 2014 to 2018.

# Maliens favour justice through a formal national mechanism

## IN YOUR OPINION, HOW SHOULD THE SUSPECTS OF THE 2012 ATROCITIES BE JUDGED?



N = 8,306

## TRANSITIONAL JUSTICE

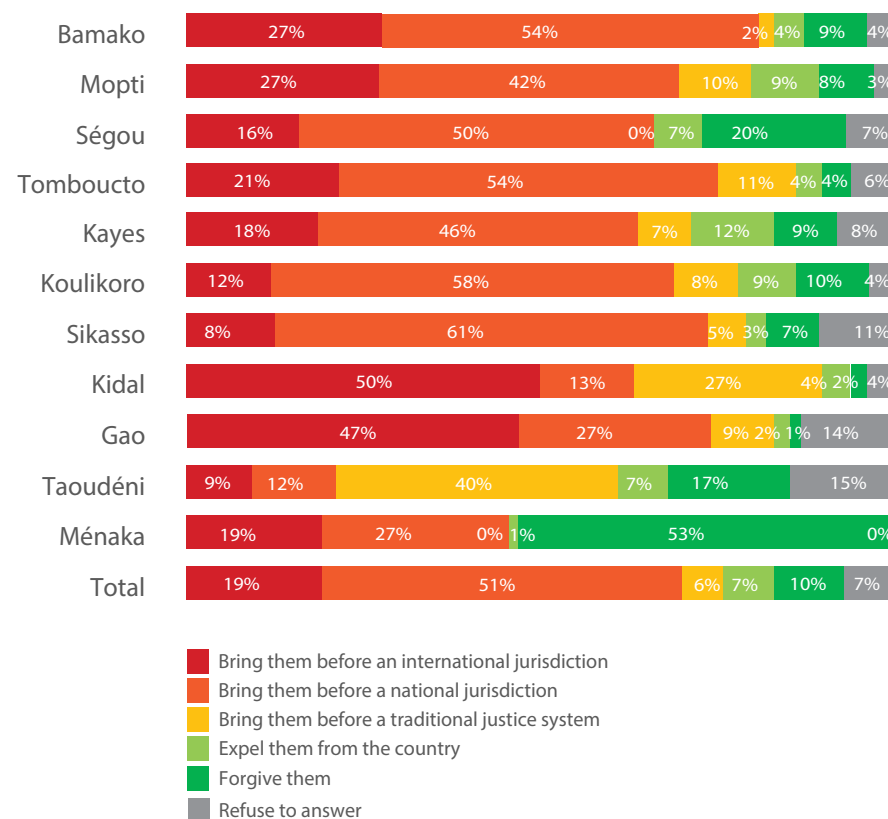
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Overall there is a clear desire for justice to be brought about through national formal mechanisms. Half of Malians believe that the suspects of the 2012 atrocities should be brought before a national court. The pattern remains relatively consistent between men and women. However, there are some differences according to formal education level and urban or rural residency:

- 14% of people with no formal education think the suspects should be brought before an international jurisdiction compared with 32% of people with a high level of formal education.
- One out of four people in urban areas believe the suspects should be brought before an international jurisdiction compared with 17% of people in rural areas.



### IN YOUR OPINION, HOW SHOULD THE SUSPECTS OF THE 2012 ATROCITIES BE JUDGED?



Regarding how to judge suspects of the 2012 atrocities, residents of Ménaka again stand out from other groups, suggesting that war criminals should be forgiven. In general, people support

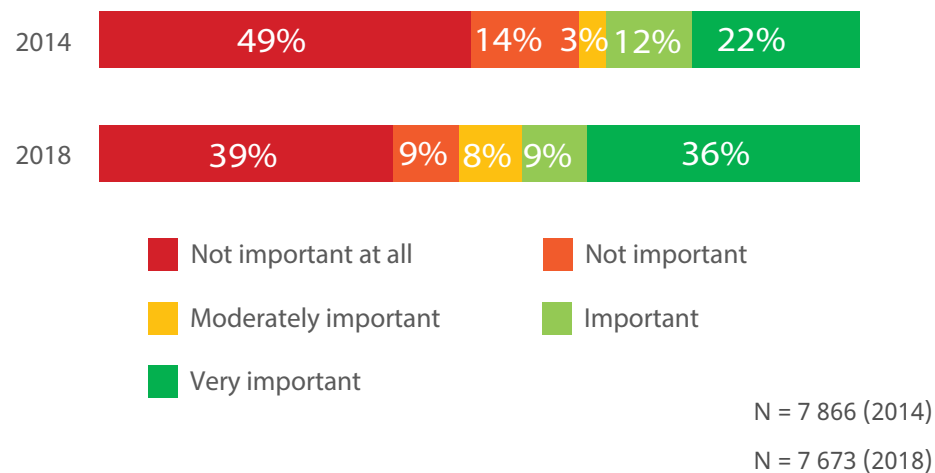
the idea of national courts judging suspects, as opposed to international ones, except in the Kidal and Gao regions.

## TRANSITIONAL JUSTICE

9

## Though more people want to forgive for the crimes committed in 2012, Malian society remains divided

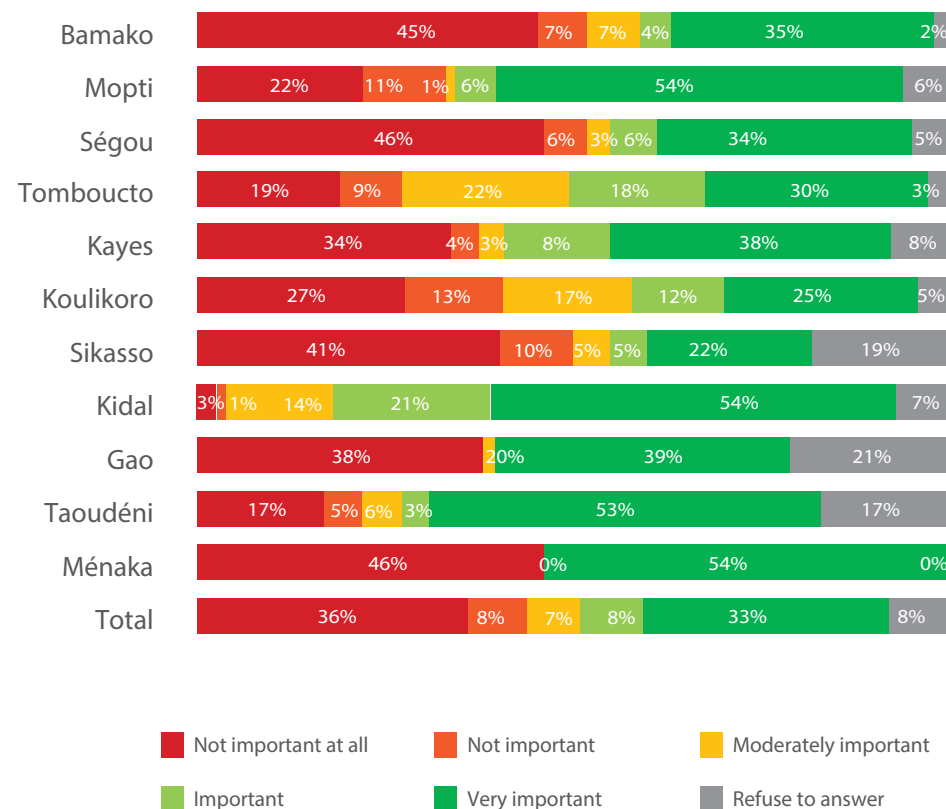
### HOW IMPORTANT IS IT TO FORGIVE FOR THE CRIMES COMMITTED IN 2012 AND MOVE ON?



Maliens are more split on the issue of forgiveness in 2018 than they were in 2014. Back in 2014, less than one in four Malians deemed it very important

to forgive and move on. In 2018 this increased to 36%. This potentially signals increased willingness to reconcile and rebuild.

### HOW IMPORTANT IS IT TO FORGIVE FOR THE CRIMES COMMITTED IN 2012 AND MOVE ON?

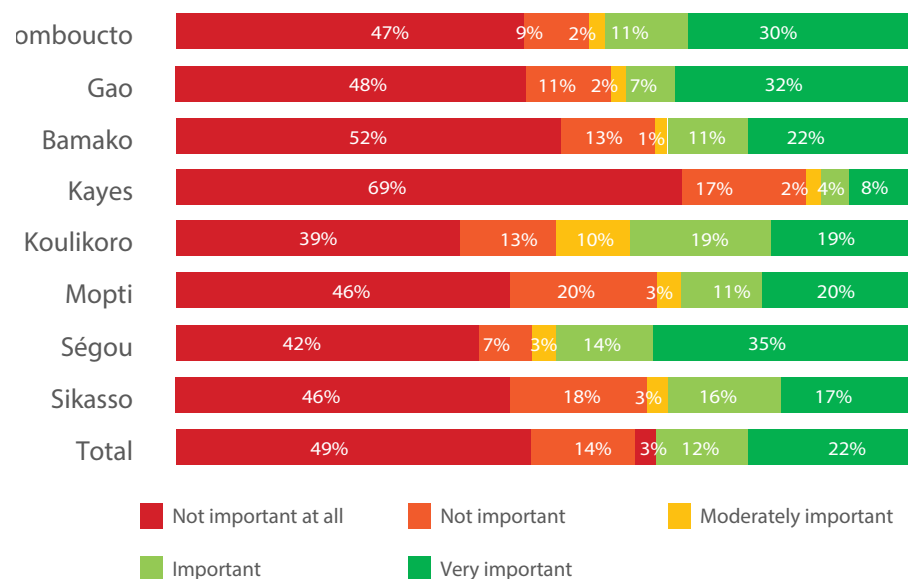


Forgiving and moving on is a particularly popular opinion in the

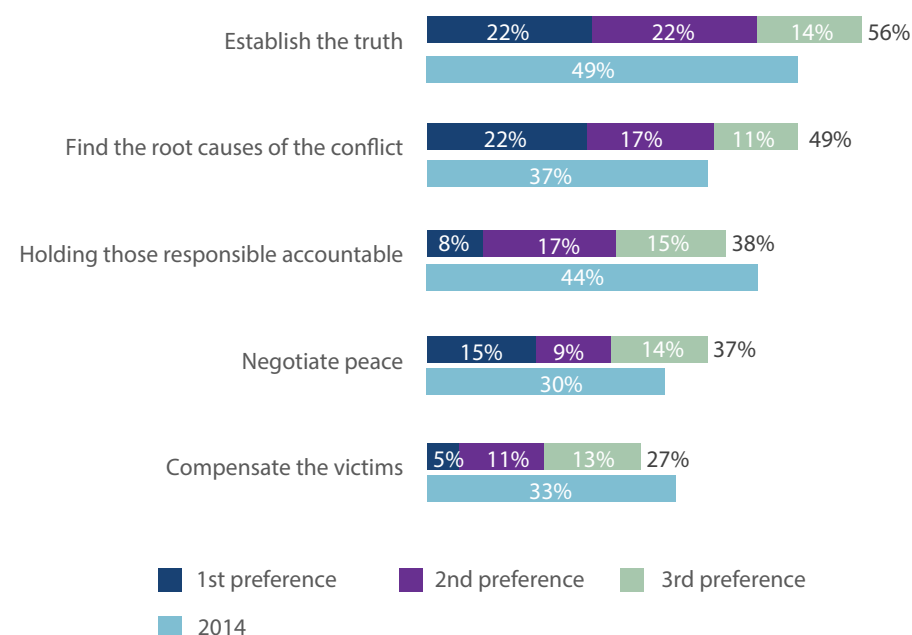
regions of Kidal and Taoudénit. People in Sikasso are less inclined to do so.

## TRANSITIONAL JUSTICE

9

 HOW IMPORTANT IS IT TO FORGIVE FOR THE CRIMES  
 COMMITTED IN 2012 AND MOVE ON? (2014)

 Education, urban and rural residency and  
 regions all impact opinions on how best to  
 prevent future conflicts

## HOW SHOULD WE PREVENT FUTURE CONFLICTS?



N = 8,306 (2018)

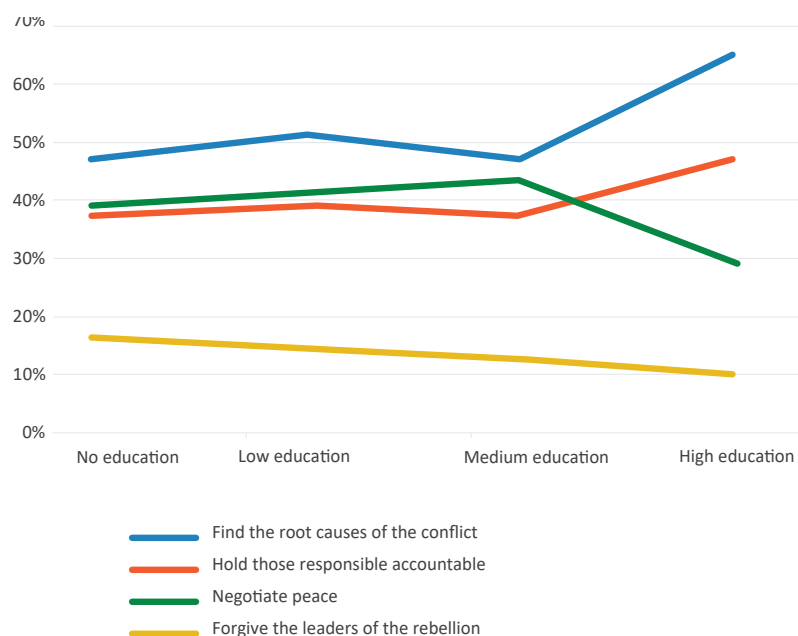
N = 8,177 (2014)

For Malians, establishing the truth, finding the root causes of the conflict and negotiating peace are more important today than back in 2014.

## TRANSITIONAL JUSTICE

9

## HOW SHOULD WE PREVENT FUTURE CONFLICTS?

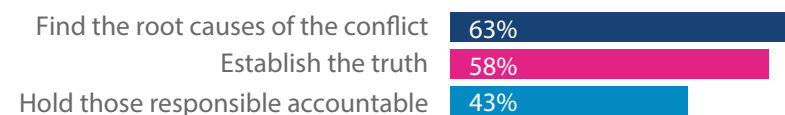


Formal education levels impact people's opinions on how best to prevent conflicts in the future. The likelihood of believing forgiveness is the best way decreases with higher formal education levels. However, higher levels of formal education and urban residency increase the likelihood of believing that finding the root causes of the conflict is the most effective method.

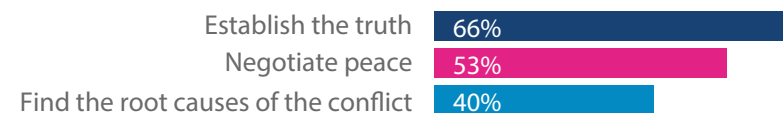
Negotiating peace is significantly less favoured by people with higher levels of formal education and by residents of urban areas. More people in urban areas (44%) favour holding those responsible accountable for their actions than people in rural areas do (36%).

## HOW SHOULD WE PREVENT FUTURE CONFLICTS?

## Bamako



## Mopti



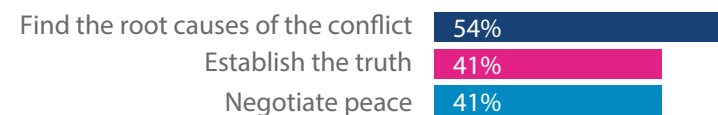
## Ségou



## Tombouctou



## Kayes

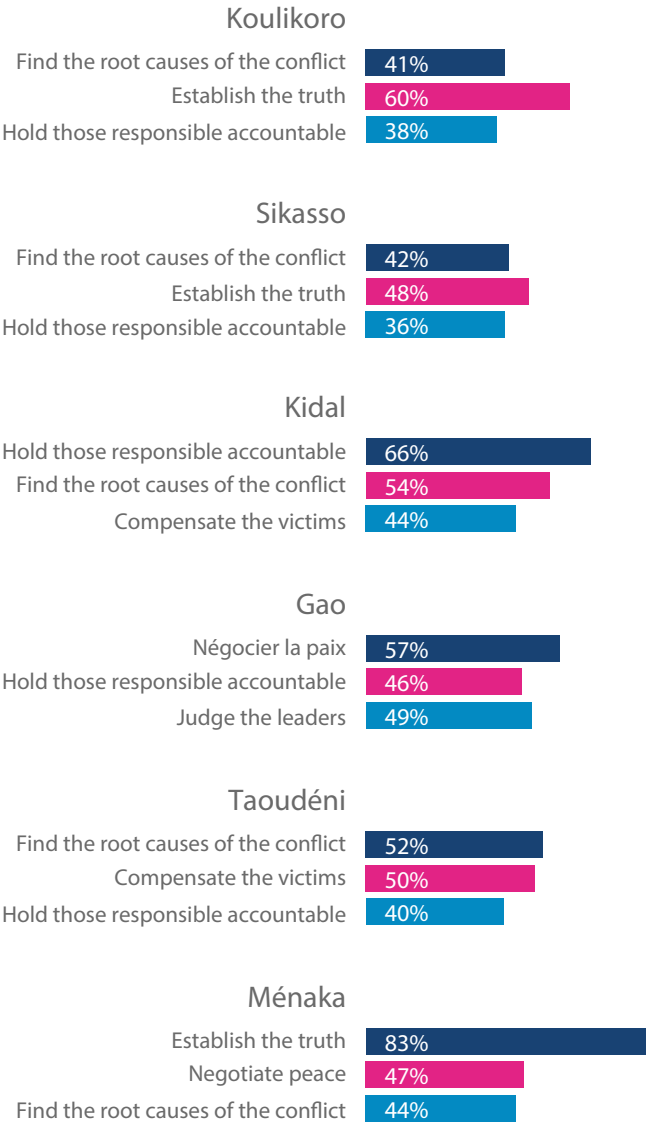




TRANSITIONAL JUSTICE

9

HOW SHOULD WE PREVENT FUTURE CONFLICTS?



Regional differences also appear when judging the best ways to prevent conflicts in the future: A negotiated peace is more important to respondents in Mopti, Ségou, Kayes and Meneka than it is to people in the rest of the country. Compensating victims is seen as more important in conflict-affected regions like Tombouctou, Kidal and Taoudéni. Nonetheless, knowing the truth is a widespread desire.

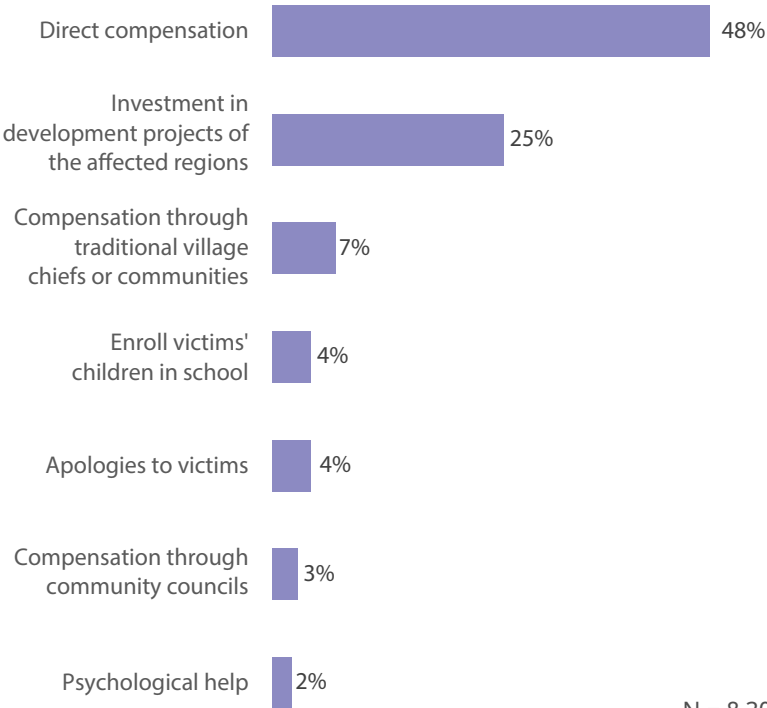


TRANSITIONAL JUSTICE

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Maliens tend to favour an individual approach to victim compensation

COMPENSATION METHODS FOR THE VICTIMS

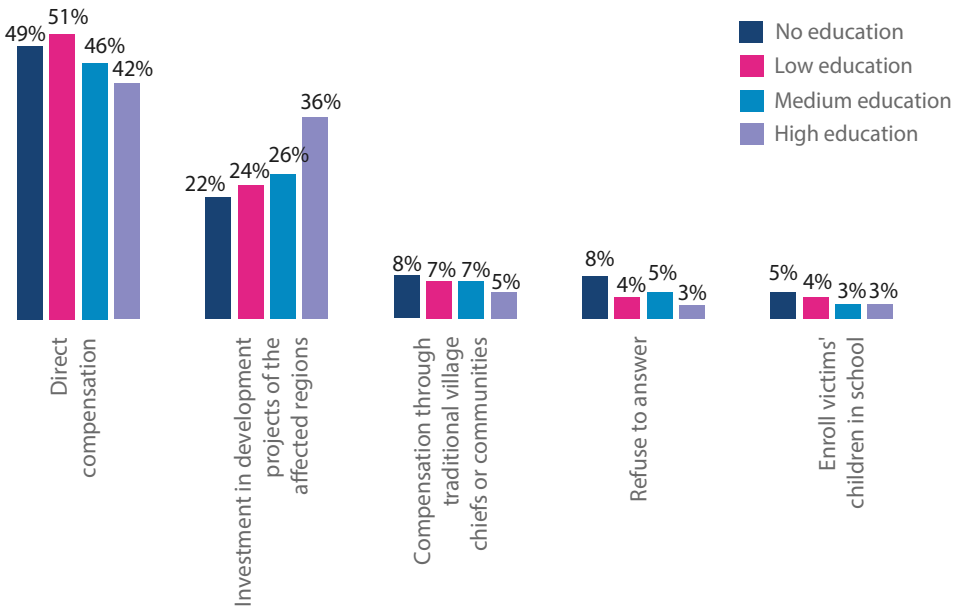


N = 8,306 (2018)

Individual approaches to victim compensation are preferred by almost half of Malians. Individual approaches are particularly favoured by those with lower levels of formal education. Collective approaches through investments (25%) and customary

chiefs or communities (7%) are less popular overall. However, they are preferred by those with higher levels of formal education and urbanites.

COMPENSATION METHODS FOR THE VICTIMS

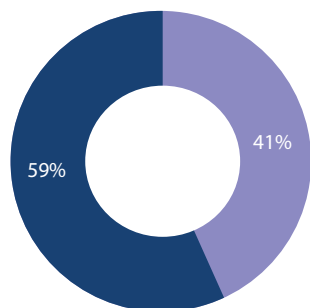


## TRANSITIONAL JUSTICE

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## Awareness of the Dialogue and Reconciliation Commission has decreased

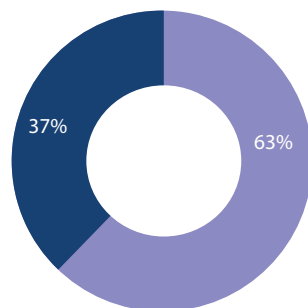
DO YOU KNOW ABOUT  
THE TRUTH, JUSTICE  
AND RECONCILIATION  
COMMISSION? (2014)



■ No ■ Yes

N = 8,306 (2014)

HAVE YOU HEARD OF  
THE DIALOGUE AND  
RECONCILIATION  
COMMISSION OR DRC?



■ No ■ Yes

N = 8,266 (2018)

Fewer people know about the DRC today than back in 2014. Out of the 37% of people who have heard about the DRC:

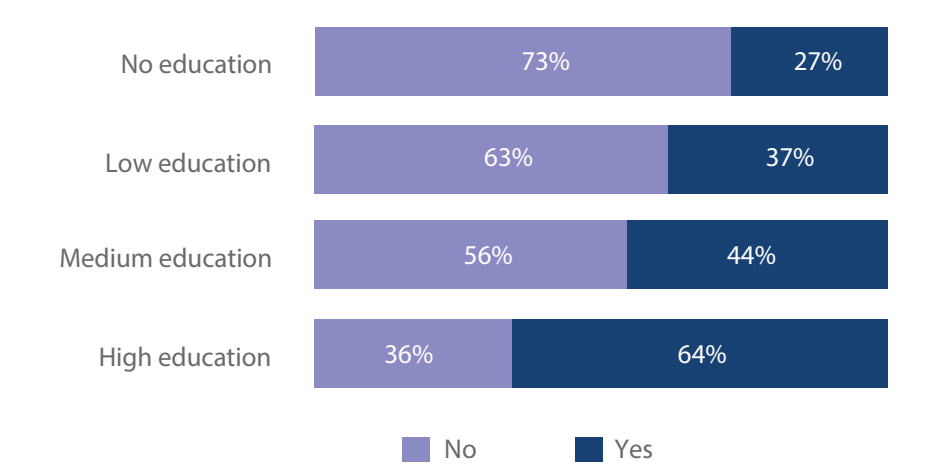
- 65% are men and 35% are women.
- 72% are rural and 28% are urban.



TRANSITIONAL JUSTICE

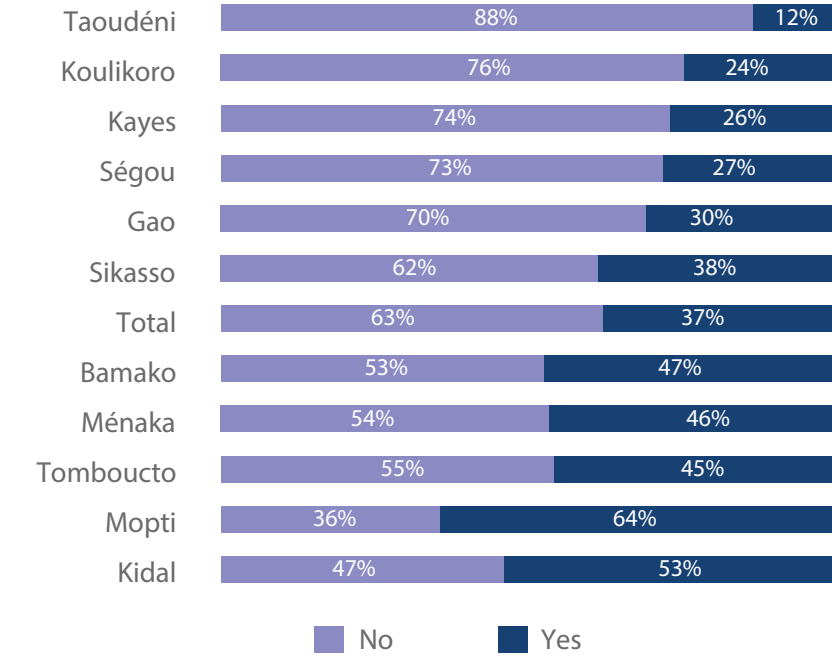
9

HAVE YOU HEARD OF THE DIALOGUE AND RECONCILIATION COMMISSION OR DRC?



There is a clear educational divide when it comes to knowing about the DRC. 64% of people with the highest level of formal education have heard about it, while only 27% of people with no formal education have.

HAVE YOU HEARD OF THE DIALOGUE AND RECONCILIATION COMMISSION OR DRC?



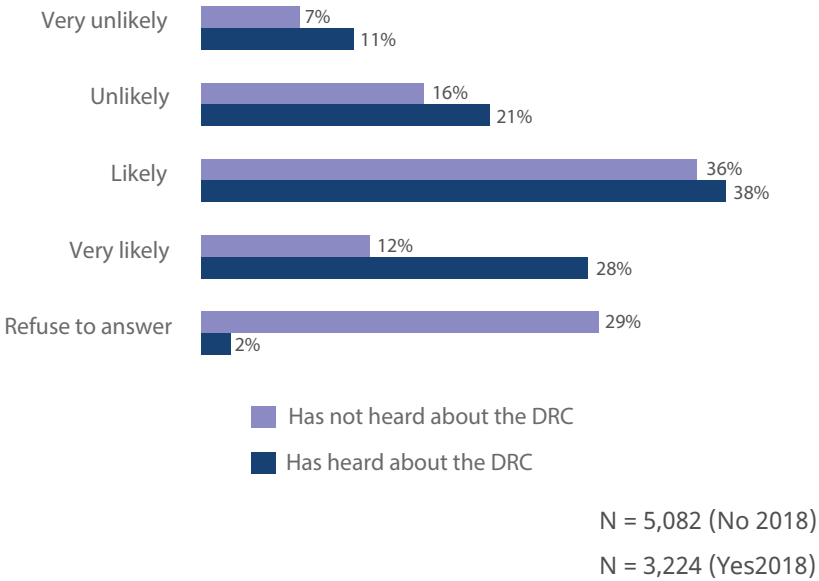
The DRC is not widely known. In most of the regions, people say they have not heard about it, except within Mopti and Kidal.

TRANSITIONAL JUSTICE

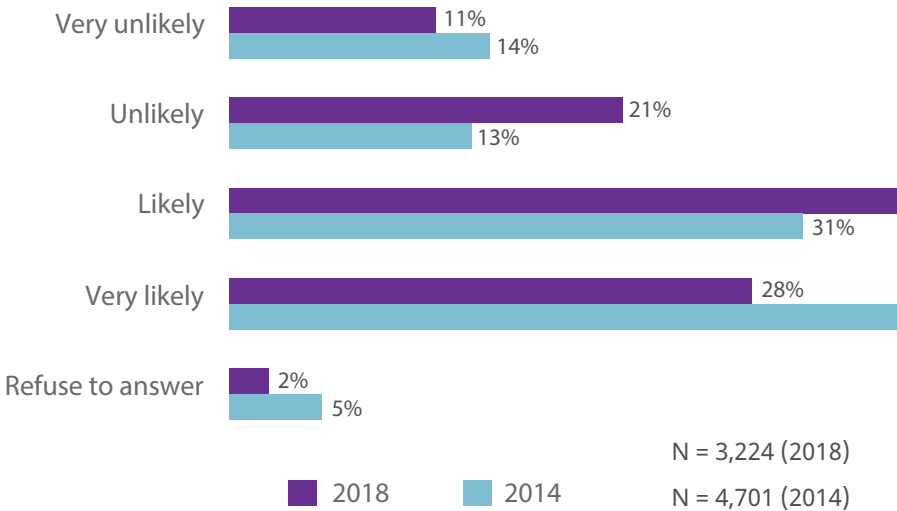
9

Scepticism about the DRC’s ability to promote national reconciliation and lasting peace has increased

PROBABILITY OF PROMOTING NATIONAL RECONCILIATION AND LASTING PEACE IN MALI



DO YOU THINK IT IS LIKELY THAT THE COMMISSION CAN PROMOTE NATIONAL RECONCILIATION AND LASTING PEACE IN MALI? (HAS HEARD ABOUT THE DRC)



Maliens are now slightly more doubtful about the probability of national reconciliation and sustainable peace in Mali than back in 2014. 28% in 2018 compared with 36% in 2014 think it is very probable that the DRC will promote national reconciliation and sustainable peace.

In 2018, regardless of whether they have heard about the DRC or not, the majority of people think that national reconciliation and peace is unlikely. However, hearing about the DRC increases the likelihood of thinking national peace and reconciliation is very probable.

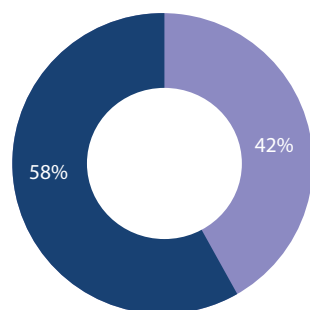


## TRANSITIONAL JUSTICE

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## Maliens are more familiar with *L'Accord pour la Paix et la Réconciliation au Mali issu du Processus d'Alger*

HAVE YOU HEARD ABOUT THE IMPLEMENTATION OF THE ACCORD FOR PEACE AND RECONCILIATION IN MALI RESULTING FROM THE ALGIERS PROCESS?



■ No ■ Yes

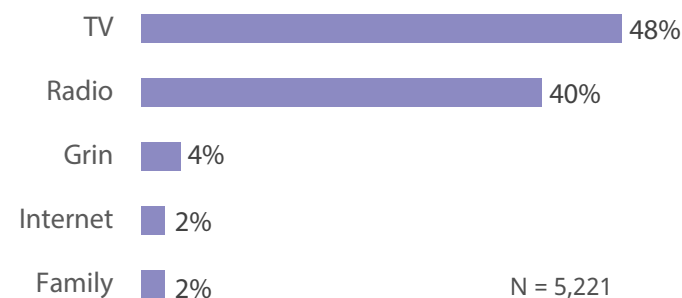
N = 8,306

Almost six out of 10 Malians have heard about the Accord for Peace and Reconciliation in Mali resulting from the Algiers Process. Out of those, 62% are men and 38% are women.

The probability of hearing about the Accord increases with formal education level. However, 40% of people who

have heard about it have no formal education. The probability of hearing about the Accord is also higher among urbanites. However, 71% of people who have heard about it live in rural areas.

WHAT IS YOUR MAIN SOURCE OF INFORMATION ON THE PEACE ACCORD AND ITS IMPLEMENTATION?



N = 5,221

Public sources of information clearly dominate over personal network sources regarding information about the Accord and its implementation. There is a clear gender divide concerning sources of information about the Agreement:

- 60% of men compared with 40% of women heard about the Agreement through the television.

- Out of the 40% of people whose principle source of information is the radio, 64% are men and 36% are women.
- While only 2% of people have heard about the Agreement through the Internet, of those who have access to the Internet 74% are men and 36% are women.

TRANSITIONAL JUSTICE

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DO YOU THINK THAT THE IMPLEMENTATION OF THE PEACE ACCORD IS...?



Not at all advanced

Not advanced

Advanced

Very advanced

Refuse to answer

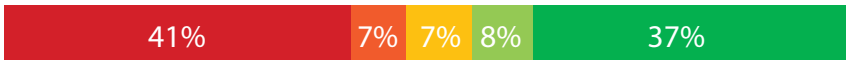
N = 5,221

Overall, the perception of the implementation of the Accord is negative. 42% of people believe it has not progressed and 16% believe it has not progressed at all. However, the

likelihood of respondents thinking that the implementation of the Accord has not progressed decreases with level of formal education.

Maliens are indecisive about signing a new accord between the government and the rebels in the north

HOW IMPORTANT IS IT TO SIGN A NEW AGREEMENT BETWEEN THE GOVERNMENT AND THE REBELS IN THE NORTH?



Not important at all

Not important

Moderately important

Important

Very important

N = 8,306

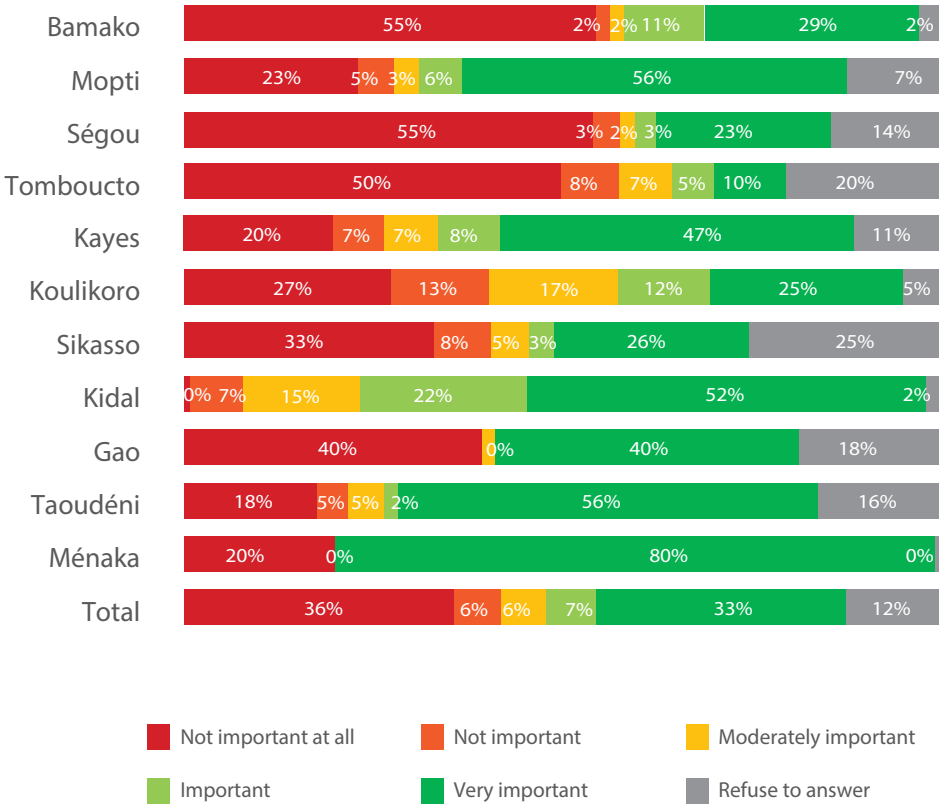
As with forgiveness, Malians are split when it comes to the importance of signing a new accord between the government and the rebels in the north. In 2014 we asked a similar question which showed comparable results to those of 2018. Geographic differences are evident: A third of

people in rural areas believe it is not important at all to sign a new accord compared with 44% of urbanites. More people with higher levels of formal education find it not important at all to sign a new accord.

TRANSITIONAL JUSTICE

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HOW IMPORTANT IS IT TO SIGN A NEW AGREEMENT BETWEEN THE GOVERNMENT AND THE REBELS IN THE NORTH?



In general, regions where forgiving crimes from 2012 is a popular option (Kidal, Taoudéni), also argue that signing a new accord with the rebels from the north is important. Residents of Tomboucto also prefer to forgive, but within the framework of the current institutional arrangement.



## TRANSITIONAL JUSTICE

## 9

# Conclusion

Overall, our results show that Malians are divided on several issues regarding transitional justice. Notably, Malians are split on:

- Level of progress made towards national reconciliation since 2014.
- The importance of forgiveness for the 2012 crimes.
- Whether a new accord should be signed between the government and the rebels in the north.

However, there is something that the majority of Malians agree on: Reconciliation is the number one priority for Mali today. This is true despite some regional variations. Likewise, even though the importance of prosecuting the perpetrators of the 2012 crimes has decreased since 2014, there remains strong consensus in the country; the perpetrators of civil war crimes must be prosecuted.

Malians prefer justice for the atrocities to be brought about through formal

rather than informal mechanisms. Throughout the regions, people generally support the idea of national rather than international courts judging the suspects. Kidal and Gao are the exceptions. Residents of Ménaka also differ, preferring the suspects to be forgiven.

Opinions on how best to prevent conflicts in the future differ according to formal education level, urban or rural residency and regions. Generally, the overall preferred methods are establishing the truth and finding the root causes of the conflict. Conflict-affected regions like Tombouctou, Kidal and Taoudénit, on the other hand, prefer victim compensation.

Regarding victim compensation, almost half of Malians prefer an individual direct approach. Yet collective approaches are preferred by people with higher levels of formal education and urbanites.

The Commission - who it is and what it does - is problematic for Malians. Since 2014, awareness of the Commission has decreased. This holds true across regions. In most of the regions, people say they have not heard about it, except for Mopti and Kidal. There is also wide scepticism about the DRC's ability to promote national reconciliation and sustainable peace. Malians' doubt is greater today than it was in 2014.

Though the Commission is not widely known, six out of 10 Malians are familiar with the Accord for peace. The main sources of information regarding the Accord and its implementation are television (48%) and radio (40%). Perceptions about the implementation of the Accord are mostly negative.

Almost six in 10 Malians believe that implementation has not progressed or not progressed at all.

As Mali continues with its transitional justice process, it is important that the efforts are mindful of regional, communal and gender differences.



# 10

## Conclusions & Recommendations



# Conclusions

## Low prevalence of legal problems

The survey revealed some bright spots of justice in Mali. In comparison with other countries, the justice needs of Malians are low. 37% of the people we talked to report a legal problem, whereas 73% did so in Nigeria, 81% in Bangladesh and 68% in Lebanon. This relatively low prevalence of legal problems in Mali possibly indicates an issue of underreporting. Underreporting can be a result of the nature of the questions asked (sensitive topic), social stigma (shame and fear) and trouble remembering. It may also be an indication of reduced economic activity in the country, because of a relatively low number of social interactions based on exchange.

## Malians are very active in trying to get their legal problems resolved

Malians are very active in seeking legal information and advice. Nine out of 10 sought out legal information and advice. Seven out of 10 people consult institutional providers as sources of legal information and advice. Almost all Malians with legal problems take some action to resolve their problem. Almost half of them are able to either completely or partially resolve their problem.

## Resolution paths include institutions, formal and informal

Malians identify formal courts as helpful very frequently, particularly those with land problems, who are more likely to engage courts than people with other problems are. Informal justice providers also perform well. Village chiefs have the highest resolution rate.

## Conclusions for the top three most serious types of problems in Mali

**Crime:** In both 2014 and 2018, crime is amongst the highest ranked of most impactful and serious problems. Specifically, people most commonly face theft. While crime is one of the problem categories that affects the highest number of people in all regions, Bamako, Kidal and Ménaka are the most affected by this type of problem.



The impact of crime on people's lives is significantly negative. Over half of Malians who experienced crime problems report being affected to a high/very high degree. After a crime has occurred, Malians seek information and advice from their family members and the police most often. However, compared with the average, people are less likely to act (76%) when faced with a crime. When they do act, 54% of people with crime problems rely on the police for dispute resolution. Unfortunately, Malians with crime problems are much less likely to find a fair solution to their problem. In fact, nearly one in three give up entirely on finding a solution to their problem.

## CONCLUSIONS &amp; RECOMMENDATIONS

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Overall, people with crime problems face a difficult path to justice.

aggravating factors like unemployment, war and population growth in amplifying land problems.



**Land:** Our survey shows that land disputes are the most frequently occurring legal problems in Mali in both 2014 and 2018. The most frequently occurring specific land problem is land grabbing, particularly for the poorest Malians. The qualitative data gathered from interviews with justice providers in Kayes support these findings. In five regions – Mopti, Ségou, Kayes, Kolikouro and Sikasso – land problems are the most common type of legal problem.

While the impact of land disputes is in itself quite high, it is less severe than the average of other disputes. Nine out of 10 Malians seek out information and advice for land problems. From their personal network, they most often go to the village chief. Among institutions, they consult local public authorities most often. Malians with land problems are among the group of people that act the most, at 95%. Village chiefs and formal courts are the most frequently used dispute resolution mechanisms for land issues. However, according to justice providers in Kayes, Malians typically consult informal mechanisms first. In terms of resolution rates, a considerable portion of the land disputes take a long time to resolve and people do not abandon them. Almost half of the land disputes that were investigated were pending in the process. This could be due to the complex nature of land problems, as pointed out by justice providers in Kayes. Justice providers in Mopti highlighted



**Family:** As in 2014, family problems are some of the most serious for Malians in 2018. However, this type of problem has seen a significant decrease of more than 10 percentage points. Divorce and separation are the most commonly faced specific problems, especially for women. Focus groups conducted with justice providers in Kayes showed a similar pattern of higher demand from women than from men for divorce. Regions in Northern Mali in particular, like Tombouctou, Gao and Taoudénit, have family problems as the most common category.

The impact of family problems on people's lives are consequential: six in 10 Malians report being very/completely affected. Slightly more than 90% of people sought legal information and advice for family issues. Specifically, Malians consult their relatives and friends, but religious leaders also play an important role. Justice providers in both Kayes and Mopti confirmed this tendency, stating:

*“Before couples arrive in court, their parents have spoken but there has been no resolution. Neighbours have spoken, but there has been no resolution. The neighbourhood Imam, even friends, everyone speaks with the couple, but there is no resolution. So, after all that, they will come to court.”*

## CONCLUSIONS &amp; RECOMMENDATIONS

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Over 90% of people with family disputes act to resolve their problem. After deciding to act, they are more likely to go to religious leaders (20%) and use lawyers (10%). According to justice providers, the use of lawyers is more commonly associated with wealthier Malians. The resolution rate for people who face family problems is the highest among the five most common problem categories. The justice journey for people with family problems is one of the least problematic.



## CONCLUSIONS &amp; RECOMMENDATIONS

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# Recommendations

## Justice Transformation Lab

One way to use the conclusions of this study to develop effective innovation strategies is Hiil's Justice Transformation Lab. Here is how we do it:

### Form a coalition

The first step is to bring together a group of empowered and committed individuals from across the justice spectrum who are committed to using the data to develop innovation strategies and realise solutions. This stakeholder team can include actors from government, civil society, academia, business and other representatives.

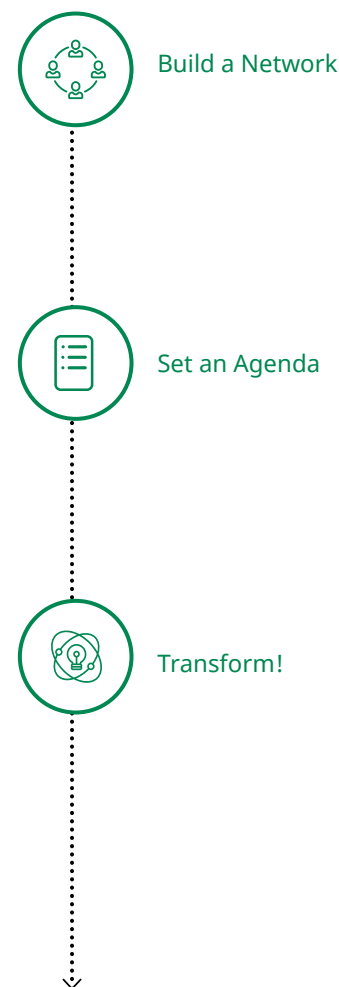
### Develop a Justice Innovation Strategy

Next, the team develops an innovation agenda based on the data. The agenda contains specific Justice Delivery Goals, which address the justice needs of the Malian people. Each goal sets out clear targets which outline concrete improvements for citizens. The targets are linked to specific and measurable indicators of success. The team also discerns the available capacity within Mali to realize these Justice Delivery Goals. This is done through

the development of pathways, which map out different challenges and opportunities on the road to meeting the goals.

### Deliver a Justice Innovation Strategy

In the final step of the process, the stakeholder team supports innovation at scale. It forms working groups that develop concrete solutions to reach the targets set in the Justice Delivery Goals. Solutions could include innovative tools, partnerships, knowledge platforms, financing models, and empowered and networked actors who can use these innovations to meet the most pressing justice needs of Malian citizens.



## Set up a Malian Justice Innovation Hub

A local Justice Innovation Hub will be able to develop an ecosystem in Mali to produce solutions at scale and in that way contribute to wider access to justice.

A local Hub will attract a continued stream of local innovative ideas to produce more user-friendly justice for more people, with a focus on (m) SME's, especially micro enterprises, women and other vulnerable groups. The hub will promote regular calls for innovations and outreach events for innovators. The best ideas from these calls will be put through an incubation and mentoring programme. The innovators that are selected can also reinforce the stakeholder dialogue processes in the transformation lab.



## CONCLUSIONS &amp; RECOMMENDATIONS

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This hub can also facilitate the scaling up of justice innovations through investment. The innovations that are scaled up respond to needs that emerge from the Justice Needs and Satisfaction data (Land, Crime and Family) and seek to achieve concrete and evidence-based improvements in people's lives. A specific focus should be given to 'Do It Yourself law platforms' which will help people get the right legal information, find expert advice and prevent or resolve their disputes.

### Continue monitoring the Justice System from the perspective of citizens

To ensure that interventions (such as the Justice Transformation Lab, The Innovation hub or other initiatives) are adequately responding to people's needs for justice, we need continuous data from the perspective of citizens. Monitoring of bottom-up justice journeys should be mainstreamed into policy-making and service delivery. Active involvement of the ministry, national statistical institutes and civil society organisations in such monitoring activities will increase accountability of justice in Mali.

## It can be done!

### Inclusive justice journeys include hybrid justice chains

With regard to land problems, for example, there is currently a mismatch between user experience and journey design. People go to their local village chief at early stages of the dispute to try to settle issues of ownership. Even though a chief may eventually provide an informal settlement, there is a missing link in the chain. When parties then go to regularize ownership, the formal system does not recognise the settlement, as chiefs do not provide valid documents. Therefore, the dispute re-emerges, this time in the formal sector. Bridge-builders that become links between the informal and formal sectors prevent this from happening. See African examples, such as the Local Council Courts in Uganda for inspiration. It works.

Other types of innovations have travelled from Africa to the rest of the world: in Bangladesh, **Barefoot Law**<sup>10</sup> is a community of paralegals that are trained in basic law and mediation techniques. They help people with land problems understand and use the law. This concrete example of a successful innovation that has improved citizens' access to justice in the area of land has inspired stakeholders and motivated them to search for potentially similar innovations in Mali.

Develop  
InnovationValidate  
InnovationDoes Innovation fit  
the market

Grow

Scale

<sup>10</sup> <https://www.ashoka.org/en-NL/story/new-league-%E2%80%98barefoot-lawyers%E2%80%99-will-transform-justice-next-15-years>



## CONCLUSIONS &amp; RECOMMENDATIONS

10

### Local problems require local solutions

Different legal problems concentrate in certain areas. People in Bamako suffer crimes often, probably due to its urban character. In predominantly rural areas, land-related legal problems arise: Mopti, Ségou, Kayes, Kolikouro and Sikasso show this tendency. There is no one-size-fits-all approach to preventing or resolving legal problems. User-friendly police are needed to prevent crime in a way that also prevents abuse of power. An example of an innovation from Nigeria is **Legitcar**<sup>11</sup>, a car theft-deterrent system that helps people find their cars, and which makes it more difficult to resell a stolen car. Nonetheless, corruption, impunity, disinterest of citizens and the absence of an organisation to monitor and control motorcycle sales can pose challenges to the process.

Strengthening those who provide services in the land sector, for instance, affordable and reliable registration, is a conducive measure to support local providers of justice. The role of paralegals may be increased in this matter.



### Keep in mind the nature of the local economy

Many people in Mali rely on the informal economy for their livelihoods. Some of them live off street vending, private transport, being handypersons, etc. Unknowingly, they may qualify as micro, small and medium enterprises (mSME's). They need the protection of the law to formalize their activities, or they need help to do so. If rules are unclear or are applied in a discretionary way, they will stay in the informal sector. Fairness in employment is a key condition for economic development. Sometimes even finding the right job, or the right worker is a procedure that lacks justice. In Nigeria, **FarmWorkerzApp**<sup>12</sup> is a digital platform that connects vetted rural workers with employers, increasing employability of workers, and productivity of employers.

There are important benefits people can access by using the formal justice system, but possibilities are small as long as we do not know their justice needs. Also, people doing non-compensated work, such as home carers and those who barter and exchange goods, do not necessarily know what public benefits are available to them. Mali can draw from the Indian experience of Haqdarshak **Empowerment Solutions**<sup>13</sup>, a tech platform that helps people discover and apply for public benefits they are entitled to. It has the potential to lift millions of people from poverty. This can be done in Mali as well.

11 <https://legitcar.ng/>

12 <http://farmworkerzapp.farmservice.com.ng/>

13 <https://haqdarshak.com/home>

# About the JNS

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

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

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

We also make the data available to policy-makers through clever interfaces, so they can work with the findings. The responsible use

of this data leads to knowledge, creates empowerment, and builds accountability.

The countries we have worked in since 2014 include The Netherlands, Jordan, Mali, Tunisia, Uganda, Ukraine, Kenya, Bangladesh and the UAE. Our target countries for 2018 and 2019 are Morocco, Fiji, and the second waves in Mali and Uganda.

For more information, visit  
**[www.hiil.org](http://www.hiil.org)**  
**[www.justice-dashboard.com](http://www.justice-dashboard.com)**

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# Maliens want fair resolutions to their most pressing justice needs

## **Experiencing legal problems might be related to the level of economic development**

Fewer Malians tend to report experiencing legal problems, compared with other countries we have studied. Around four out of 10 do so. This might be good news, but also a consequence of a deprived economy. In particular, women tend to stay at home, not participating in formal economic activity. Fewer social interactions means fewer instances in which conflict may arise. Still, the most pressing justice needs of Malians are land-related problems, crime, and family problems.

Problems vary across the country. Most problems in Mopti, Sikasso and Ségou concern land issues. Most problems in Bamako, Kidal and Ménaka are related to crime. Timbuktu and Gao have high levels of family problems.

## **On the bright side, a lot of people take action to resolve their problems**

Around nine out of 10 Malians with problems seek legal information and advice, and try to do something to resolve their problems. A person's personal network is the main source of legal advice. There is potential for lawyers and paralegals to scale up their services to reach more people.

We follow people's justice journeys, from the moment they have a problem to an eventual resolution. Dispute resolution occurs frequently in Mali. Surprisingly, more people than expected engage courts in their

problems, particularly when facing land related problems. People still engage the informal sector a lot, such as village chiefs and religious leaders. There is potential for the formal courts to improve the quality of their procedures for the huge population they serve.

There is also a challenge for the whole justice sector to increase resolution rates. Only about half of the problems where a resolution process has been initiated end up in a resolved case. This is no different from what we found four years ago.

Land related problems, the most common problems in Mali, are difficult and expensive to resolve. People engage courts way more often for this type of problem. Still, many land problems are ongoing, perpetuating their negative consequences.

## **The law needs to protect the most vulnerable in Mali**

Women, the poor, young people, rural inhabitants and people from Gao and Kidal have different needs and need the protection of the law in different ways. Crime affects Bamako severely. There is a need for local solutions to local problems.

There are ways to increase fairness in daily life in Mali. In this report you can learn more about justice transformation and transitional justice. You can find the data on Hiil's Justice Dashboard [www.justice-dashboard.com](http://www.justice-dashboard.com)



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