

# Justice Needs and Satisfaction in **Burkina Faso** 2024

Legal problems in daily life

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This study was financed by the Ministry of Foreign Affairs of the Kingdom of The Netherlands and conducted in cooperation with the Ministry of Justice of Burkina Faso, with the technical assistance from the Centre pour la Gouvernance Démocratique (CGD) of Burkina Faso.



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# Definition of Concepts

## What is People-centred Justice?

People-centred Justice (PCJ) is an approach that helps us in achieving SDG 16.3 - Equal access to justice for all. PCJ places individuals and their needs at the heart of the justice processes, instead of institutions. It envisions a well-functioning justice system that delivers timely and effective justice services based on the diverse needs and experiences of all the people it serves: People-centred Justice focuses on addressing people's problems and on creating solutions for these problems.

For example, making justice systems properly work for women by meeting their needs is a people-centred approach to justice.

## Legal problems

Legal problems refer to conflicts or disputes that people encounter in their everyday lives, which can

be resolved through legal actions. Also referred to as 'justice problems' in this report, these problems exist whether people take action or not, or whether the problem is resolved or not. This concept is consistently used in all of Hiil's surveys and is explained to respondents when administering the questionnaire.

## Land conflicts

In Burkina Faso there's an official definition of conflicts linked to rural lands. Article 4 of Decree No. 2012-263/PRES/PM/MATDS/MJ/MAH/MEDD/MEF of April 3, 2012 on the attributions, composition, organisation and operation of the Village Land Conciliation Commission (CCFV for its initials in French), establishes that "rural land conflicts are those related to access to and/or use of rural land and natural resources, with the exception of those in areas governed by specific regimes, in particular the Mining Code". This concept differs from "land disputes" (defined below) and will be used throughout the report.

## Land disputes

A land conflict becomes a 'land dispute' once it is brought before a court, following an attempt at conciliation. For example, the Village Land Conciliation Commission deals with land conflicts, while formal tribunals deal with land disputes.

## Official documentation problems

Problems or disputes with obtaining documents, certificates or acknowledgements from the State. For example, difficulties obtaining marriage certificates, ID cards, or passports are problems related to official documentation.

## Traditional and customary authorities

Local actors at the heart of communities that derive their authority from custom, tradition or culture. Their structure and composition depends on the local social context. They include

land chiefs, village chiefs, respected members of the community, colleges of wisemen, councils of elders, "trees of words", among others. This report uses the term 'traditional and customary authorities' without distinguishing between these different categories.

## Religious authority of tribunal

Actors that derive their authority from religion.





# 1

## Introduction

This report continues HiiL's (The Hague Institute for Innovation of Law) efforts to produce people-centred data on justice needs and satisfaction. We build upon our two previous reports in Burkina Faso that mapped the justice needs of the general population and of internally displaced people (IDPs). This time, we talked to 3,602 Burkinabè from 12 regions of the country.

At HiiL, we seek to make justice more accessible, promoting and developing people-centred services. We call this user-friendly justice: justice that is easily accessible, understandable, affordable, timely and effective. Solutions by user-friendly justice are tailored to the needs of those who seek them, restoring the damages in personal life and in important relations as a way to move forward. To achieve this, we stimulate legal innovation and the scaling of the innovations that work best.

Burkina Faso is in the process of producing such innovations. After the constitutional revision of December 2023, the country is moving towards integrating traditional and customary authorities into the formal justice system, continuing its efforts to bring justice closer to users. Mediation and

dialogue are also being promoted and strengthened, creating a conducive environment to enhance access to justice for all Burkinabè.

Data aids this purpose. Data collected directly from people and regarding their daily lives, their experiences, their struggles and their perceptions. The Justice Needs and Satisfaction (JNS) survey shows us what is needed from the perspective of the Burkinabè people. By listening to them, we get to know which are the most common problems and which are the most impactful; we can map the sources of help that people rely the most on and what they do; and we can understand what leads to problem resolution and what does not.

This is crucial for policymakers, service providers, and justice innovators in Burkina Faso seeking to improve access to justice. Data shows what works, for who, and for what problems. It guides decision-making and helps in designing relevant policies.

This approach has guided HiiL's research in Burkina Faso. In 2022, we conducted a general population JNS, the first of its kind in the country that gathered

the needs and satisfaction with justice of around 6,000 Burkinabè. Later that year we presented another JNS centred on the experiences with justice of around 2,000 IDPs and people living in host communities. The current eJNS builds upon these previous surveys, strengthening the existing data on justice, and setting the blocks for further research on justice in Burkina Faso. Constant justice data measurements showcase shifts in the types of legal problems that people experience and in the sources of help used, allowing decision makers to pivot towards the most pressing problems and to prioritise the most useful ways to achieve resolutions. Our hope is for justice data to become a staple of Burkinabè people-centred justice.

This report has seven main sections. **Chapter 2** provides some background on Burkina Faso and its justice system, providing the context in which the data was collected. **Chapter 3** presents the methodology used in the study and the sample composition of the survey. **Chapter 4** focuses on the legal problems in Burkina Faso, presenting the prevalence of problems and the most common and serious problem categories that Burkinabè face.

**Chapter 5** shows the rate at which people take action to solve problems and what sources of help they engage with. **Chapter 6** looks at the resolution of the most serious problem and **Chapter 7** talks about the reasons for which people neither take action nor engage with certain sources. **Chapter 8** closes the report with a discussion on the implications of the data presented.

The research contained in this JNS study was supported by the Ministry of Foreign Affairs of the Kingdom of The Netherlands. Furthermore, the Ministry of Justice of Burkina Faso (MJDHRI), the National Institute of Statistics and Demography of Burkina Faso (INSD), the *Centre International d'Etudes Sociologiques et de Droit Appliqué* (CINESDA), the *Association des Femmes Juristes du Burkina Faso* (AFJ-BF), were invaluable knowledge partners. This study greatly benefited from their input throughout the research process. Lastly, the Centre for Democratic Governance of Burkina Faso (CGD) was a crucial research partner—this study would not have been possible without their collaboration.



## 2

## Country Background





Burkina Faso is located in the heart of West Africa. It has a population of 22.67 million inhabitants (as of 2022 estimates<sup>1</sup>), and its population is extremely young, with a median age of 16.9 years. With more than 60 ethnicities, the country has a diverse population. The Mossi are the main ethnic group, representing around 52% of the population; the Fulani (Peulh) the Gurunsi (Both at around 8%), the Bissa and the Gurma (at 5%) and the Bobo and the Senufo (4%) are the other main ethnicities in the country.

Burkina Faso is divided into 13 administrative regions (administered by Governors), 45 provinces (administered by High Commissioners), 351 departments (administered by prefects), and 49 urban communes along with 302 rural communes (administered by mayors).

The country's justice system is a mixture of modern justice (a structured court system with written laws and codes) living alongside traditional and

customary justice (local leaders and elders often serving as mediators to solve conflicts based on customary practices).

The recent constitutional revision of December 30, 2023 has put more emphasis on the traditional and customary practices as an alternative dispute resolution mechanism. The vast majority of justice problems in Burkina are treated outside of modern State institutions; without the actors of the judiciary system. **Data from previous HiIL surveys in Burkina faso show that 43% of people looking to solve their justice problems seek their family members, 22% refer to direct negotiation and 11% rely on traditional and customary authorities.** Other studies on customary justice by COGINTA, an NGO, and ONAPREGECC<sup>2</sup>, a state institution, complement the findings of this study.

Burkina Faso's recent commitment to PCJ can be found in the *Etats Généraux*

*de la Justice* of March 2015. These *Etats Généraux*, through the *Pacte National pour le Renouveau de la Justice*, have contributed to separating the judiciary from legislative interference and made the justice system more independent. The country's commitment also takes a new turn with the *Politique Sectoriel Justice et Droits Humains 2018-2027* where it is stated that by 2027, Burkina Faso will have a credible justice system that is accessible to all, respects the rule of law, and guarantees the effectiveness of rights for both men and women, contributing to a peaceful and strong society.

Burkina Faso is also moving towards the formal inclusion and recognition of human rights protections and management within its judicial system as per the recent constitutional revision adopted in December 2023.

1 World Bank Group (2024). Population, total - Burkina Faso. Available at <https://donnees.banquemondiale.org/indicateur/SP.POP.TOTL?locations=BF>

2 National Observatory of the Prevention and Management of Communal Conflicts of Burkina Faso.



Important studies have been done to examine this inclusion. One of them is a study by COGINTA on customary justice and on the Alternative Dispute Resolution Mechanisms already present in Burkina Faso. COGINTA's study called « *Étude sur les mécanismes de justice coutumière et les modes alternatifs de règlement des conflits (MARC) existant au Burkina Faso* » reminds us that Burkina Faso is a country of « *pluri-juridisme* » where several dispute resolution mechanisms can be found. Its goal is to understand how all these mechanisms could be integrated to modern justice; in order to make sure that all citizens have access to a justice recognised at the state level. A great majority of

Burkinabè have resorted to justice outside of formal courts and therefore, it would be interesting to map those justice sources, understand the various types of conflicts that are the cause of problems. Using qualitative interviews, COGINTA has asked several actors to give their views on the integration of other resolution dispute mechanisms within the justice system as a whole. The study also makes comparative studies between three countries where “plurijuridism” has been implemented, namely: Rwanda, Niger and Ghana.

In a similar way, the Ministry of Justice has put in place, since 2007, a statistical yearbook to show major advances done within the justice sector

and see what needs to be done to continue improving. The yearbook is a data collection document of the judiciary system of the country, with the number of cases closed and pending cases during the year, and gives an overview of aspects related to administrative judiciary, prison administration, human rights, peace and civil society. It also gives an overview of the personnel of the administration by genre, age and institutional anchoring. The yearbooks are usually available at the end of the year and are focused on the previous year statistical data. It is important to notice that the yearbook from 2022, published in September 2023, has not been able to collect some important

data due to the closure of the *Tribunaux de Grande Instance (TGIs)* of Djibo, Dori, Diapaga, Nouna, Kongoussi, Bogandé and Tougan at the time of data collection.

Although certain TGIs have reopened their doors in their respective towns, just like the ones from Kongoussi and Dori, the security issue in the Northern, Western (Boucle du Mouhoun) and Eastern parts of the country, are still hindering proper access to justice by the populations; hence the need for more regulated “plurijuridism” in Burkina Faso that can make justice more people centred.







# 3

## Methodology and Sample

The 2024 eJNS builds on the previous expertise by HiiL in conducting Justice Needs and Satisfaction (JNS) surveys, both in Burkina Faso and in more than 23 other countries. In Burkina Faso, we have conducted two previous JNS surveys, both published in 2022. The first focused on the general population with a sample size of 6,064 people and representative of the whole country. The second survey focused on IDPs and their host communities with a sample size of 2,168 people from the North and Centre-North regions of the country. Based on these experiences and through the People-centred Justice (PCJ) approach of HiiL, we listened to 3,602 randomly selected Burkinabè from 12 regions of Burkina Faso.



## The investigation at a glance

Our purpose was to conduct a survey on the needs and satisfaction with justice in Burkina Faso. As we conducted a general population, long-format JNS survey a little over two years ago, we decided to implement an eJNS this time around, an abridged version of the survey that focuses mainly on the legal needs and justice journeys of people.

The eJNS follows the same methodology as other HiiL surveys. We begin by conducting a controlled adaptation of the questionnaire, ensuring that the key elements<sup>3</sup> of the survey address the local context and realities of Burkina Faso. An adaptation session was held in February 2024 for this purpose. As a result of the adaptation session, we developed an approved list of 94 legal problems and 17 justice actions. We also included two sets of questions to understand the reasons why people did not engage with formal courts or with traditional and customary authorities.

A “training of trainers” session was conducted virtually to explain the methodology and the key concepts to the surveyors. A group of experts and supervisors from the Centre pour la Gouvernance Democratique (CGD), our partner for data collection, were trained in the survey elements, in turn they trained a group of 30 surveyors that would conduct the field work. After this training session, the questionnaire was considered finalised.

Field work was carried out in March 2024 and after its completion, a triangulation session to present the preliminary results was held with the group of stakeholders, experts and practitioners in May 2024. During this session, the key findings of the eJNS were discussed, along with several debates on how to explain various findings from the survey.

<sup>3</sup> This includes the list of legal problems and the list of justice actors.



# Measuring access to justice

The JNS methodology implements HiIL's PCJ approach by starting from the perspective of people and seeking to understand their problems and what they do to try to resolve them. The survey measures the base of the pyramid, it focuses on the users of justice and their problems, needs and actions.

## Population of interest

The sample of the survey was defined taking into account the gender, age and urban/rural distribution of the national population, based on the demographic projections and databases of the 2019 general population census. Data collection followed a multi-stage stratified cluster random sample design, which gave every Burkinabè over 16 years of age an equal chance of being selected as a respondent.

The size of the sample was set at 3,000 people to ensure sufficient observations for an analysis of the

justice problems in the population. These respondents were distributed among the 12 regions where the survey was conducted in accordance to their population size; more populous regions have more respondents in the eJNS.

To address potential fraudulent or low quality surveys, 602 supplementary surveys were conducted as a back-up. Once data collection finished, we reviewed all the received observations and determined there were no fraudulent or fake surveys. Since the supplementary surveys were distributed in proportion to the regional population size and other demographic variables, we decided to use all 3,602 observations for our analysis.

To best characterise the sample, we included other demographic variables like IDP status, education level and the subjective financial situation. To facilitate analysis and ensure comparability with other HiIL surveys, we recorded certain variables into more standardised categories.

- Age was reported in years by the respondents. A new variable was created from it by grouping different age groups, these groups were defined based on previous HiIL surveys: Minors (16 to 17 years old); Youth (18 to 24 years old); Young adults (25 to 39 years old); Middle adults (40 to 59 years old); and the Elderly (aged 60 years and older). Minors were given their own category to ensure comparability with countries where the survey is applied only to those 18 or older, and because they were taken into account as a category when defining the sample.
- The education level variable was transformed from seven option answers into two broad categories: a) No formal education, for all those who didn't attend primary school; and b) Primary education or higher, for the rest of options.
- A literacy binary variable was also

- created using the education level response, with those who answered "No formal education - illiterate" classified as such, and everyone else classified as "literate".
- The final recoding was the subjective financial situation. People could report their economic situation on a scale of four options ranging from "not able to afford the basics" up until "able to buy almost everything". A binary variable was created from these answers made up of two categories: a) Can't cover basic needs, for those who said they can't afford them; and b) Can cover basic needs, for those who answered any of the other three options.





## Measuring the justice gap

Not all problems people face are legal problems<sup>4</sup>, but there are several daily life problems that have a justice component. Even then, most of people's legal problems don't ever reach the formal justice system. Thus, we do not focus on the cases and processes of the formal courts, but on people's needs in terms of problem resolution. By identifying any mismatches between these needs and the resolutions available to them, or the lack thereof, we are able to measure the "justice gap".

The survey starts by asking people if they have experienced a justice problem<sup>5</sup> in the last 12 months. People can select up to 10 problems from a list of 94 options presented to them using a physical list of legal problems. These 94 specific problems are organised in 14 different broad categories that aid the respondent into knowing their type of problem. After people have reported their legal problem, a series

of questions are asked on the severity, resolution and implementation of each individual problem.

## Measuring the impact of legal problems

Different legal problems affect people in various ways. To measure these impacts, the survey focuses on the most serious legal problem identified by the respondent and examines its consequences on their productivity, financial situation, personal relationships, and other areas of life.

## Measuring the justice journeys

People used various mechanisms to try to resolve their legal problems. The sequence of steps taken to solve a problem is what we call the "justice journey". The justice journey begins

when the person takes action for the first time to solve the problem and finishes when the dispute is resolved by mutual agreement or by the decision of a third party. However, the justice journey can also end when the person gives up and abandons the problem. The ejNS maps the justice journeys taken by people and their satisfaction with the process and the resolution, if one is achieved. HiiL's approach is to acknowledge all possible justice journeys, formal or informal, to properly understand what people do when faced with a justice problem.

A special emphasis was placed in this survey on the reasons for which people don't engage with two specific justice providers: formal courts and traditional and customary authorities.

<sup>4</sup> "Justice problems" are another term used interchangeably for this concept.

<sup>5</sup> Legal problems, also called justice problems, are conflicts or disputes that people encounter in their everyday life which can be resolved through legal actions.



# A word of caution about data

Every data collection effort, no matter how rigorous, has limitations and possible errors.

Some of the findings are based on the answers of a small number of people, particularly when we approach the end of the justice journeys or when we focus on a specific problem type with low report rates. To better understand the ways in which people deal with specific problem types or engage with certain justice providers, bigger and/or different samples are needed. For example, a survey focused solely on the use of traditional and customary authorities.

Additionally, people tend to not report certain problem types. For example, domestic violence incidents are often considered sensitive topics that reduce the rate with which they are reported. Other examples include problems that are not seen as justice problems,

even when they are (like neighbour disputes), or problems that are seen as “victimless” because there is no direct personal affectation, such as corruption.

With this in mind, and in a constant effort to maintain the quality and integrity of the data and the findings, we only report findings that are significant at a p-level < 0.05, when tabulating differences. Finally, although the sample is representative at the national level, there are not enough observations at the regional level to draw conclusions on possible differences between regions.

# Sample composition

The effective number of interviews was 3,602. The surveys were conducted in March 2024 by CGD and its team of enumerators.

The survey reached 12 out of the 13 regions of the country. The Sahel region was excluded from the study due to security reasons that impeded enumerators to safely conduct surveys in the region. The sample size for each region was proportional to its population size. The graph below shows the 12 regions surveyed and the number of observations for each one, from lowest to highest.

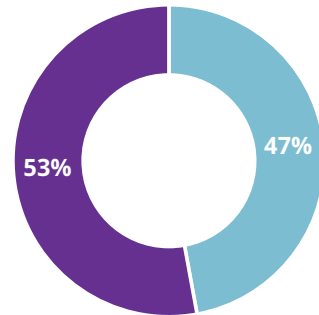
Region	Number of surveys
Cascades	137
Centre Sud	158
Sud Ouest	169
Plateau Central	179
Centre Est	274
Centre Ouest	294
Nord	305
Centre Nord	327
Boucle du Mouhoun	330
Est	343
Hauts-Bassins	447
Centre	639
Total	3,602

Looking at the demographic breakdowns, there are slightly more women (53%) than men (47%) in our sample, maintaining the trend of both previous JNS surveys in Burkina Faso. Men in the sample are, on average, older (37 years) than women (33 years).

The sample population is relatively young, with an average age of 34 years. Two out of every three people are 39 years old or younger.

Regarding the place of residence, the vast majority of respondents live in rural areas (70%), while the remaining 30% are urbanites. Rural dwellers are on average slightly older (35 years) than those who live in urban areas (33 years).

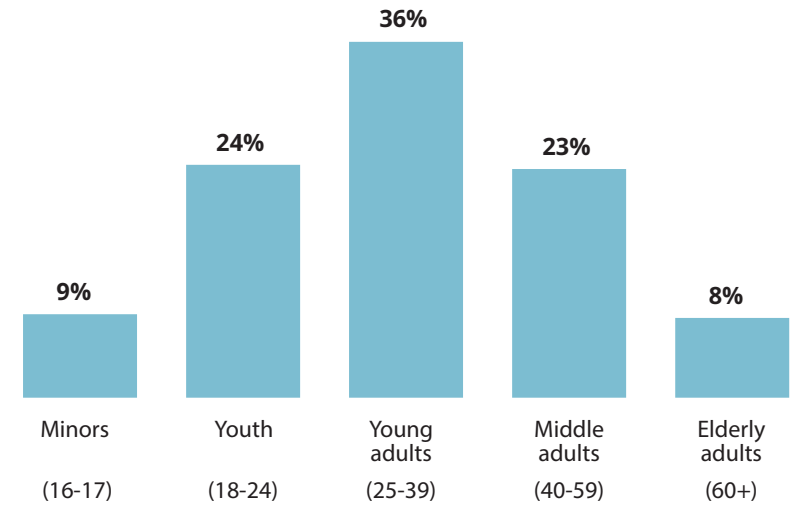
GENDER DISTRIBUTION



Male  
Female

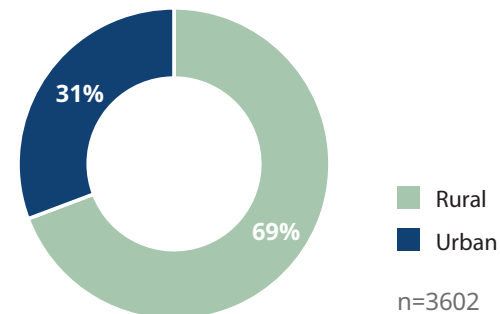
n=3602

DISTRIBUTION BY AGE GROUP



n=3602

DISTRIBUTION BY PLACE OF RESIDENCE



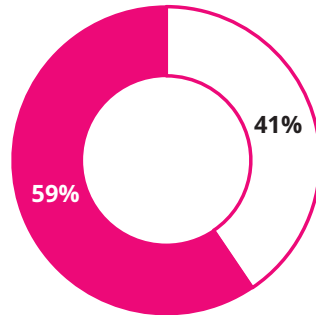
Rural  
Urban

n=3602

**Education levels within the sample are low: 52% of respondents did not receive formal education**, the other 48% have at least completed primary education. On the literacy rate, the trend is a bit more positive, three out of five people declare they know how to read and write; there are less illiterates than in the previous general population JNS. However, women maintain a higher proportion of illiteracy (44%) than men (37%). Younger populations are more literate than older ones, with literacy decreasing in older age groups.

On the subjective financial situation, most people believe they can at least cover their basic needs. Women, rural dwellers and the elderly have a higher chance of being unable to cover their basic needs than their counterparts.

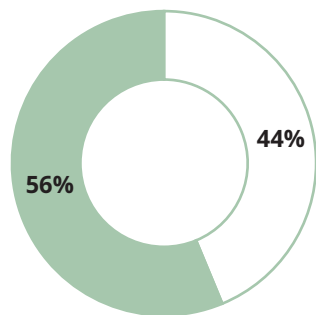
#### LITERACY



□ Illiterate  
■ Literate

n=3601

#### SUBJECTIVE FINANCIAL SITUATION



□ Cannot cover basic needs  
■ Can cover basic needs

n=3592

Finally, we included a question to identify whether a person is an internally displaced person (IDP). Among the respondents, **11% reported being IDPs**, with no differences in IDP rates based on gender or place of residence. However, higher rates of IDP identification were found among the youth age group (18 to 24 years) and individuals unable to meet their basic needs.







# 4

## Legal problems in Burkina Faso



The ejNS maps the justice journeys of people. The first step to measure these journeys is to determine whether people are experiencing legal problems, and if so, what type and how serious.

This chapter explores the different disputes, grievances, and problems that Burkinabè face in their daily lives; we refer to them as legal problems. Legal problems, also called justice problems in this report, are everyday conflicts and disputes experienced by people that can be resolved through some sort of legal action, formal or informal. Justice problems exist whether people take action or not, or whether the problem is resolved or not.

We focus on the last 12 months<sup>6</sup> and present the prevalence of justice problems, the most common types, their seriousness, and the consequences they create.

<sup>6</sup> The question on legal problems usually has a time frame of four years. Since the last general population JNS was in 2022, we reduced the time frame to 12 months for the present ejNS to avoid a duplication of observations.

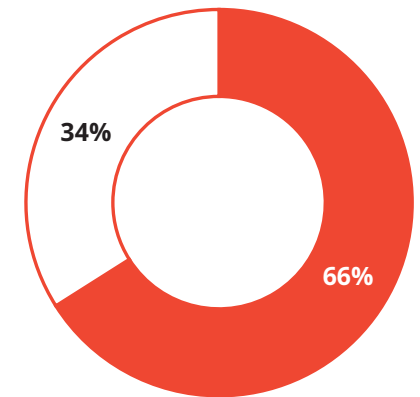


## In the last 12 months, two out of three Burkinabè experienced at least one justice problem

Legal problems are common in the daily lives of people in Burkina Faso, even when asking about a shorter time frame. This result matches the findings of the 2022 general population JNS, where there was a problem prevalence of 63%.

The problem prevalence rate varies across population groups. Looking at gender, it is more likely for men to have a justice problem than for women. When looking at literacy rates, literate people are more prone to experiencing a problem than illiterate; and regarding the subjective financial situation, poorer Burkinabè (those who can not cover basic needs) are likelier to encounter a problem than more financially stable people.

PROBLEM PREVALENCE



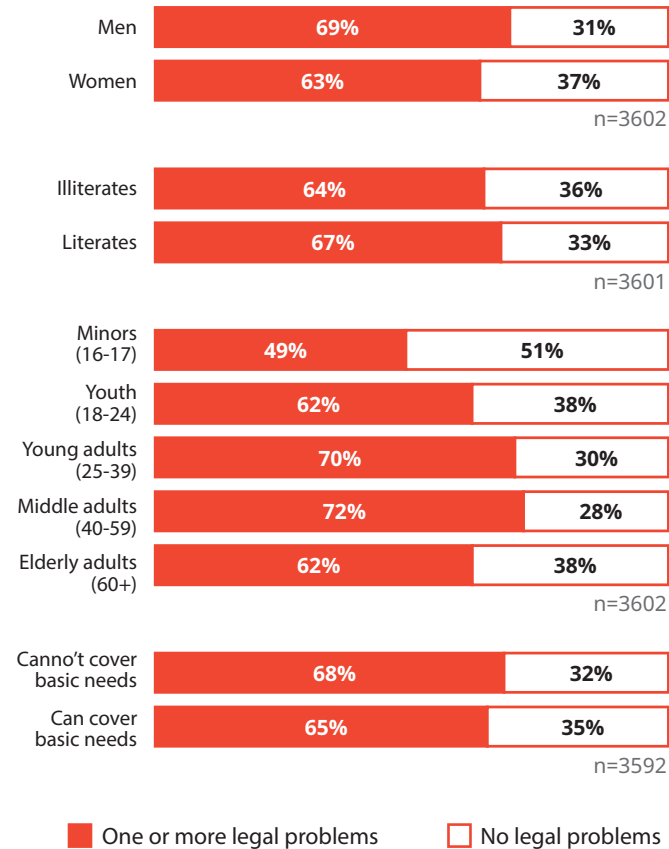
■ One or more legal problems  
□ No legal problems

n=3602

The probability of experiencing a justice problem increases with age, with those between the ages of 25 and 59 being the most likely to experience one. The elderly (those above 60 years of age) have a lower prevalence rate.

This trend is in line with the general findings of HiiL in other countries: economically active populations have more justice problems as many problems are tied to work, property ownership and family life.

#### PROBLEM PREVALENCE BY DEMOGRAPHIC GROUPS

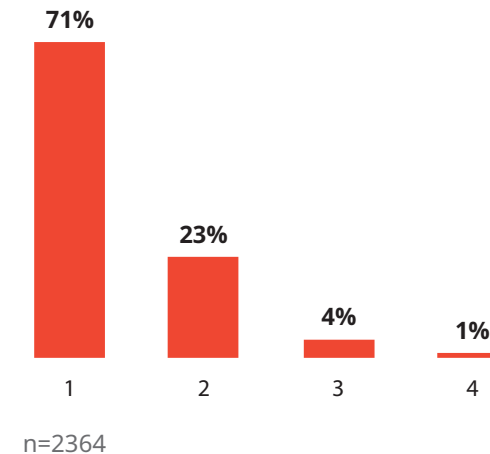


# 1.4

- the average number of justice problems per person in the last 12 months



#### NUMBER OF LEGAL PROBLEMS PER PERSON Options with more than 1% of answers



Around 28% of people face more than one problem. The number of problems per person decreased in comparison with the 2022 JNS, when it was 1.7. This can be explained by the shorter time frame used in the 2024 survey, as smaller time windows can only capture the most recent problems.

## Land conflicts are the most reported problems in Burkina Faso

Approximately, one in every four people reported a land dispute. Neighbour disputes, domestic violence, and crime complete the top 4 of most common problems. Another 9% to 10% of people with problems experience some sort of employment, family or money dispute.

Participants in the triangulation workshop stated that neighbour disputes can be associated with an increase in community tensions, making disputes more common and likely to escalate to the level of justice problems. They suggested these tensions may be arising from the growing number of IDPs that arrive to host communities, disrupting existing local dynamics, as well as the country's security context. This may lead people to feel more cautious and distrustful of their environment.

At 13% the report of domestic violence problems is not only relatively high, but also the third overall problem category. Knowing that domestic violence is a behaviour that tends to be underreported, the occurrence rate of such problems could be even higher.

Participants in the triangulation workshop highlighted that there seems to be an "evolution" in categories like crime and housing problems, which were reported less in the 2024 eJNS than in the 2022 general population JNS. Future studies can focus on identifying government policies in these areas to assess if the reductions occurred from specific actions taken.

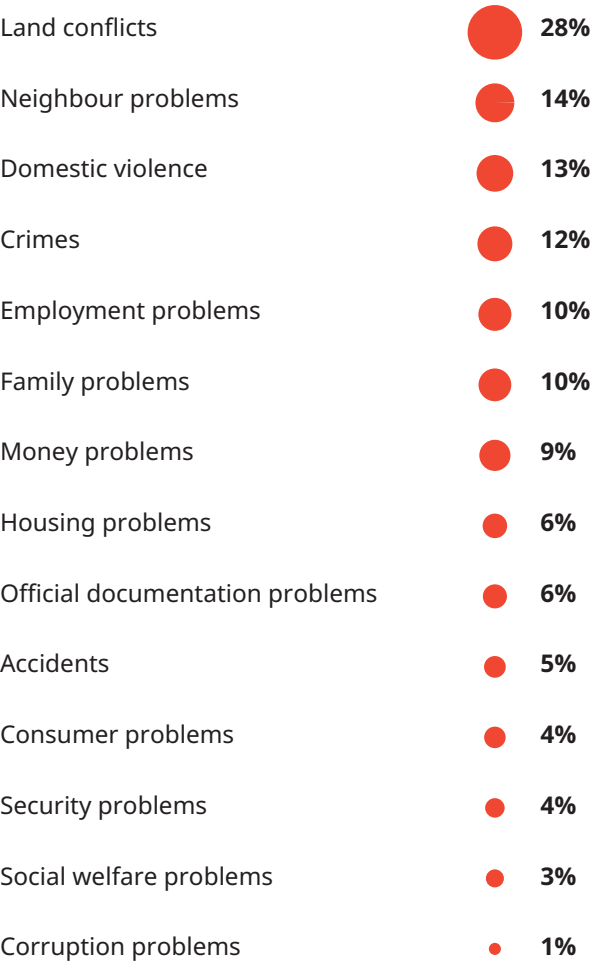
Corruption related problems are the least reported category. This lines up, once again, with other surveys conducted by HiiL. Corruption is a difficult phenomenon to measure as a justice problem through population surveys<sup>7</sup> given that people might not see it as a problem when it benefits them, or that people might recognise it as a society-level problem but have not encountered it personally. Participants of the triangulation workshop agreed with this assessment, also suggesting that corruption identification might be associated with the level of education and recommending pedagogical campaigns to increase the general awareness of what constitutes a corrupt act.



<sup>7</sup> As only personally experienced problems can be reported in the eJNS, the options for corruption problems are broad, but also limited. They include: abuse of power by officials and demands of bribes by public or private institutions.



MOST COMMON LEGAL PROBLEMS



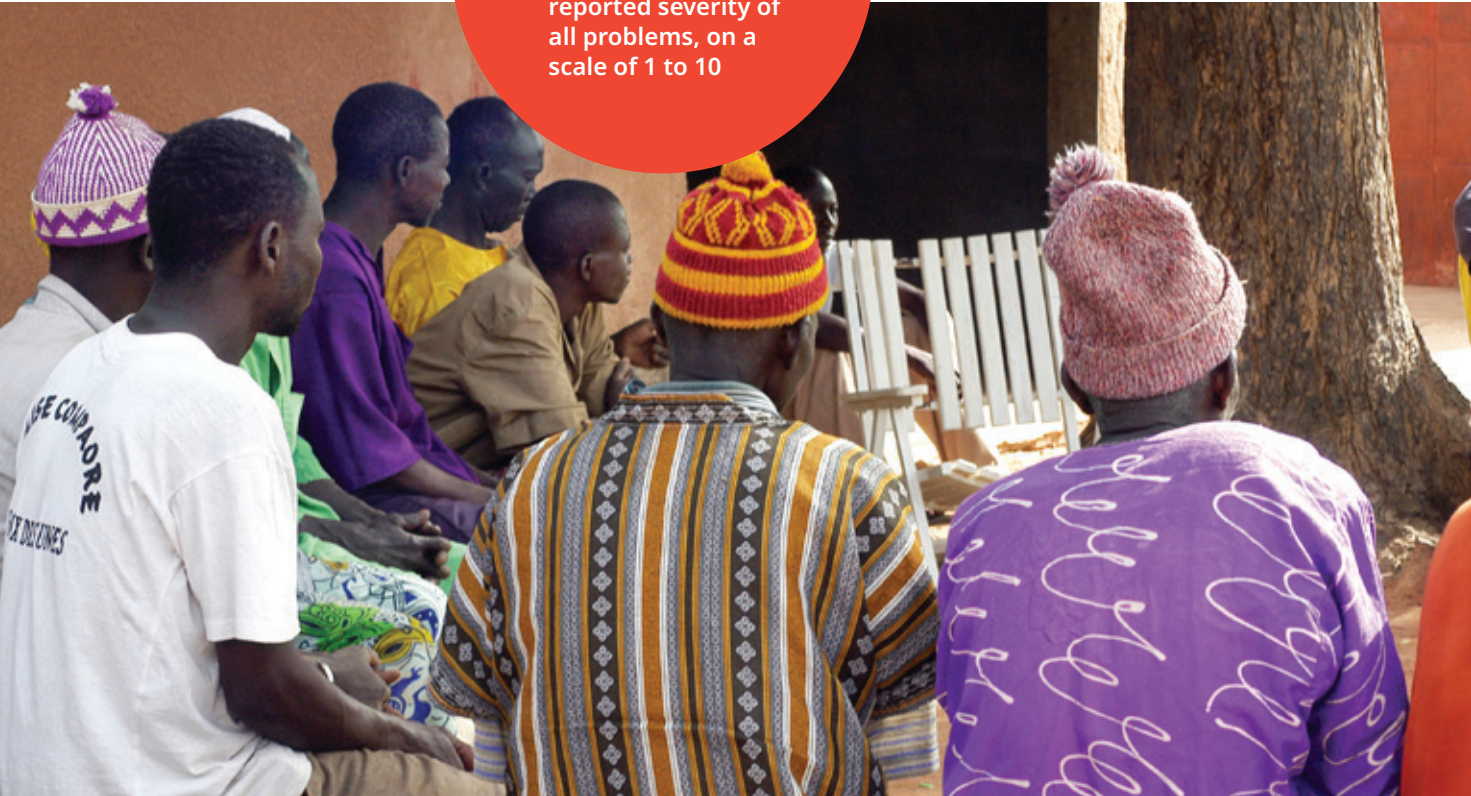
n=2378

People were asked to rate the seriousness of their reported problems on a scale from 1 (less serious) to 10 (more serious).

They were also asked if the problem was resolved, and if it was, if the resolution was fair and implemented. Given that the number of problems per person is relatively small (1.4), we omit presenting this information for all legal problems and will instead focus on the resolution of the most serious problems, presented in Chapter 6.

6

- Is the average reported severity of all problems, on a scale of 1 to 10



# Land conflicts are more common for men and rural dwellers; domestic violence is more prevalent in women and minors

Just as with the prevalence rate, different populations experience different types of justice problems.

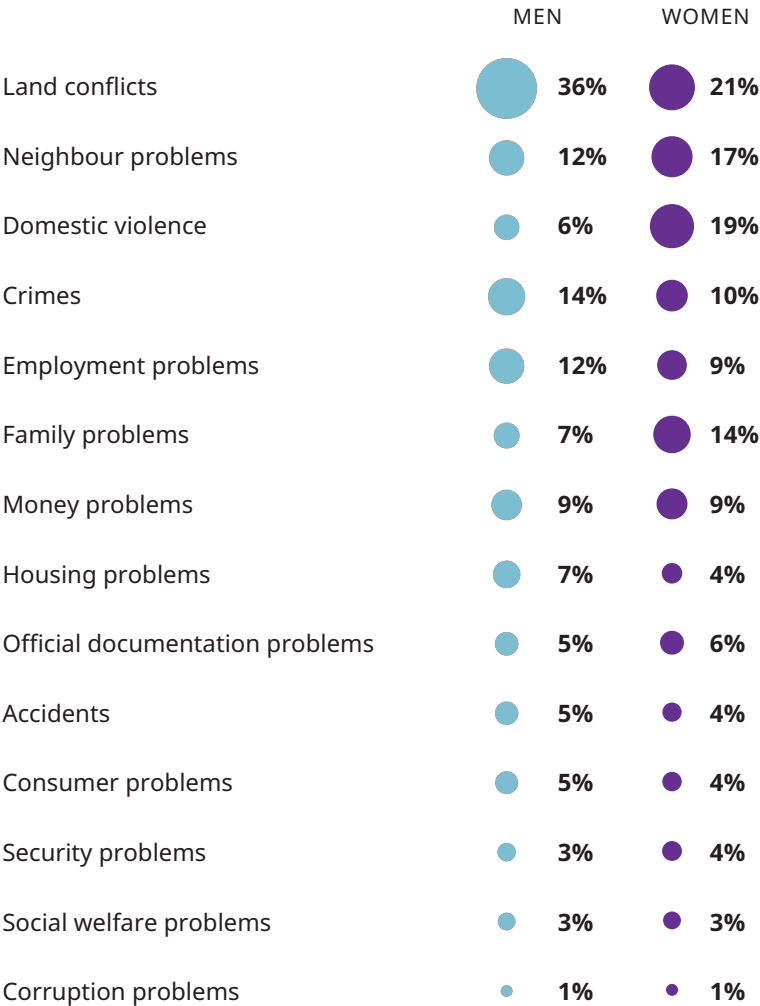
Men overwhelmingly experience land conflicts: 36% of their reported problem categories are tied to land. They are also more likely than women to experience crimes, employment issues, and housing problems.

Women’s problems are closely linked to their personal and private lives. Domestic violence is much more common in women than in men (19% vs 6%). They also experience higher rates of problems like neighbour and family disputes.

Even though land conflicts are considerably more common for men than for women (36% vs 21%), it’s also the top problem category for women. There are, however, differences in the types of land conflicts men and women experience, with men having more problems related to the use and ownership of land and women having problems associated primarily with access to natural resources and to the inheritance of land<sup>8</sup>.

8 These differences are not significant at a p-level <0.05, but we highlight them here as a reflection on the existing land-related gaps in Burkina Faso.

## MOST COMMON LEGAL PROBLEMS BY GENDER



n=2378

Those who can cover their basic needs have more neighbour disputes and experience more crime than those who can't cover them. Poorer Burkinabè encounter more domestic violence and family problems.

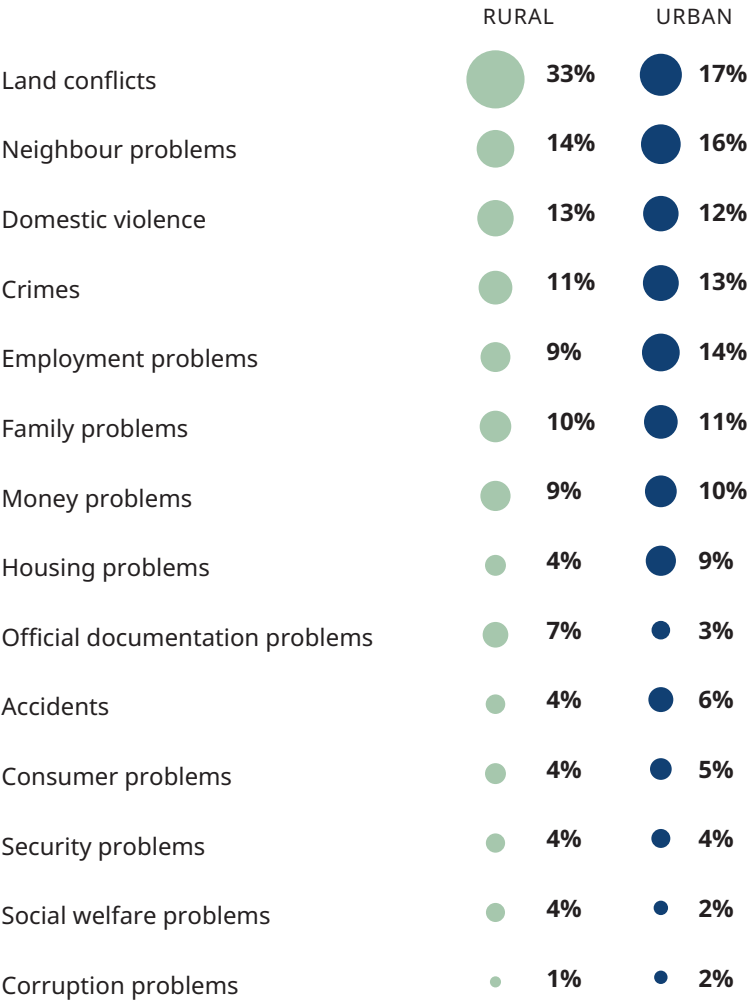
Age also makes a difference on the type of problems faced. The likelihood of having a land dispute increases with age, with those over 60 having the highest prevalence for this type of problem. Conversely, domestic violence decreases with age: minors are the

most likely age group to experience a domestic violence problem, a trend that needs attention to protect the rights of children.

Land conflicts are considerably more common in rural areas than in cities, as well as documentation problems. Employment and housing issues are, in turn, more prevalent for urban residents than for rural dwellers.



MOST COMMON LEGAL PROBLEMS BY PLACE OF RESIDENCE



n=2378



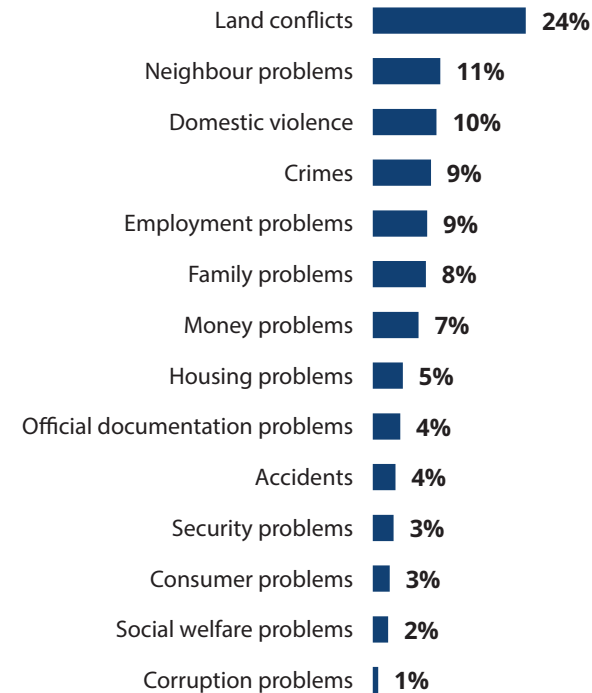
## The most serious problems match the most common problem categories

As the average number of problems is relatively low, about one per person, the distribution of the most serious problems is highly similar to the general distribution of problems. The demographic differences are also maintained.

From this point onwards, we focus specifically on the most serious problems reported by people.

The average seriousness of the most serious problems is 7, slightly higher than the average for all reported problems, validating them as more severe. There are no significant or consequential differences in the average severity between demographic groups.

### MOST COMMON SERIOUS LEGAL PROBLEMS



n=2378



## Nine out of 10 Burkinabè face at least one consequence from their most serious problem

The seriousness scale is not the only way in which we measure the affectation a problem causes. The eJNS also asks about the consequences that the problem creates; people were able to report more than one consequence.

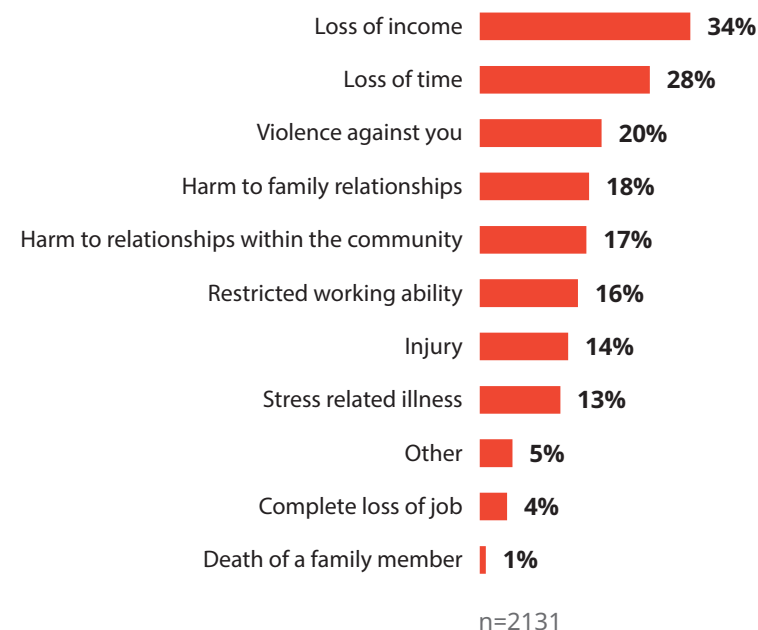
Facing consequences is very common for individuals encountering a problem, as 90% of people are negatively affected by them. The financial situation slightly affects the chance of experiencing consequences, however, as poorer Burkinabè are more likely to have at least one.

Employment, social welfare, family and domestic violence problems have consequence rates well over 90%. Neighbour disputes (81%) and consumer problems<sup>9</sup> (83%) are the categories with the lowest consequence rates.

Looking at specific consequences, loss of income and loss of time are the top two most common consequences for people. Violence against oneself and damage to family relationships follow in third and fourth place, respectively, which lines up with domestic violence and family disputes as some of the most reported categories.

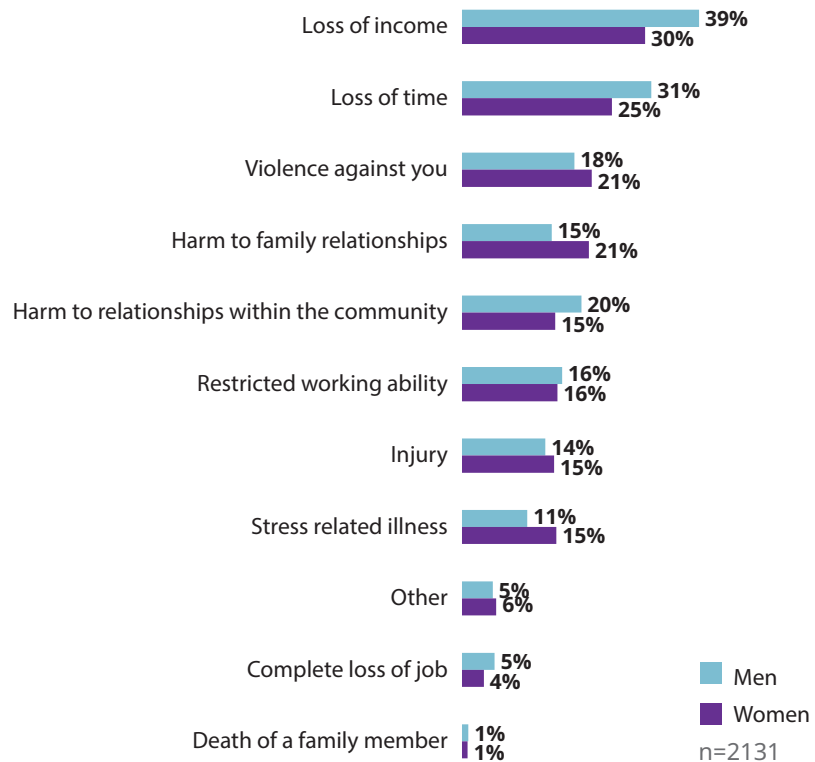
Men are more likely than women to experience consequences linked to productivity, such as loss of income and time, and to public life, such as damage to community relationships. Women have a higher prevalence of violence against them and damage to family relationships, as well as stress-related illness.

### CONSEQUENCES FROM THE MOST SERIOUS PROBLEM



<sup>9</sup> These are problems related to the purchase and consumption of goods and services.

## CONSEQUENCES BY GENDER

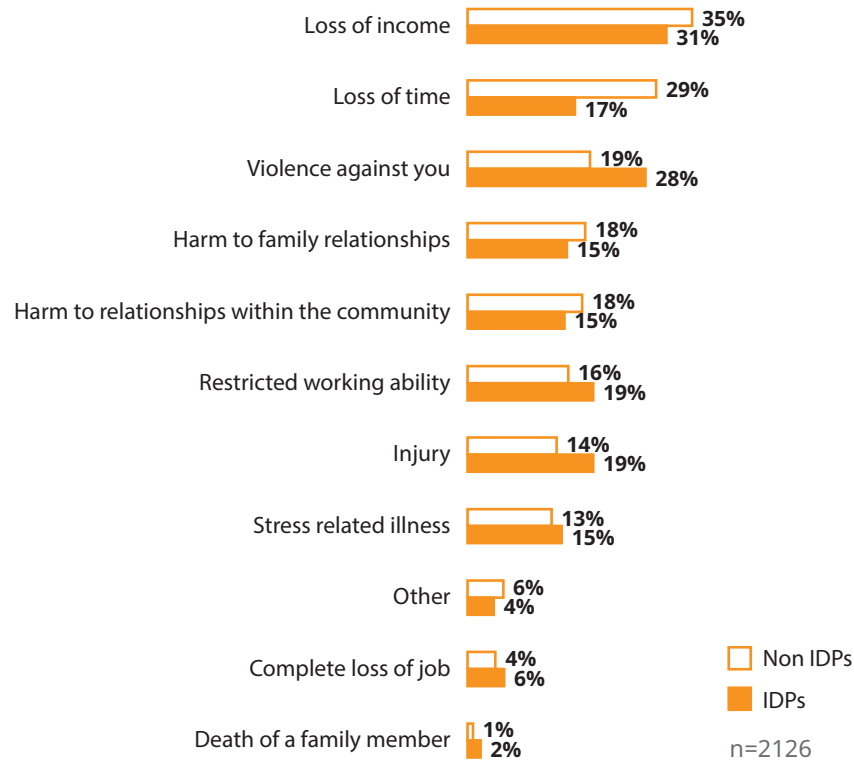


Financially stable Burkinabè also report more loss of income and time than their counterparts. Poorer people, in turn, are more likely to experience violence against them.

IDPs report higher rates of violence against them and personal injuries, implying violence is an everlasting presence in the lives of displaced people in Burkina Faso and highlighting their vulnerability, even after they have fled. The 2022 JNS focused on IDPs and host communities also found that other grim consequences were more common for displaced people, like the death of family members.



### CONSEQUENCES BY IDP STATUS



Finally, the type of consequences is also dependent on the type of problem. The following heatmap highlights the most common consequences by problem category. Note that red shades represent more common consequences.

- Land conflicts generate more consequences associated with loss of income, loss of time and with the damaging of community relationships.
- Domestic violence has consequences linked to violence against the person and to personal injuries.
- Neighbour problems cause loss of time and damage to community relationships. There is also a considerably high report of violence against oneself, signalling that neighbour problems can scale from simple disputes into violent affairs.
- Crimes are especially associated with loss of income. This is not surprising as theft is the most common crime problem.



CONSEQUENCES BY CATEGORY OF LEGAL PROBLEMS







# 5

## Actions and Interventions

In the previous chapter we saw how common justice problems are in Burkina Faso. Now we will focus on what these people do to try to resolve their most serious problem. Actions can be varied, from talking to the other party and asking people from personal circles for help, to engaging with communal or State institutions. This chapter presents the most common sources of help, their perceived helpfulness, and their interventions.



## Taking action is highly common in Burkina Faso: eight out of 10 people with problems do so

# 84%

of Burkinabè with a justice problem do something to try to resolve their most serious problems

This rate is seven percentage points higher than that of the 2022 general population JNS, where 77% reported taking action. The higher action rate could be attributed to the refinement of the Sources of Help used. The Scientific Committee aided us in producing a list of sources that people

could understand and that reflected the real actions of people. Another explanation for the higher action rate in this eJNS can be associated with the decrease in crime problems reported, as people tend to take less action for crimes.

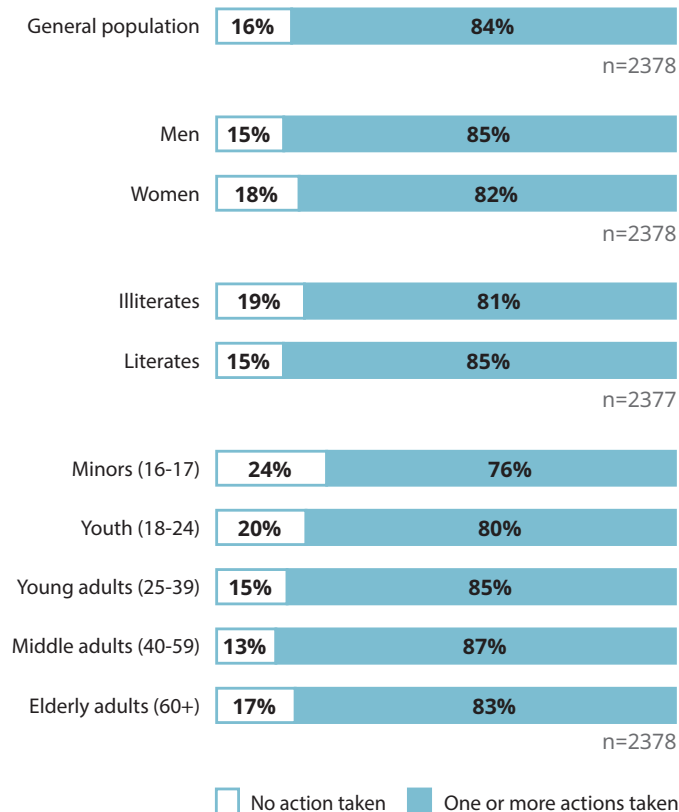
Demographic differences are present:

- Men take action at higher rates than women (85% compared with 82%). Participants in the triangulation workshop said that women often delegate the problem resolution to men within their family or associate them in the process, suggesting there might be some underreporting on the action rate of women.
- Literates, at 85%, are also more likely to do something to resolve their problems than illiterates, whose rate is at 81%.

- Action taking increases with age. Minors (16 and 17) and the youth (18 to 24) take less action compared to young adults, middle adults and the elderly. The lower action rate of minors (76%) is not surprising

considering that access to certain legal services is easier for people of legal age, and that minors might still rely on their legal guardians to take action.

#### ACTION RATE BY DEMOGRAPHIC GROUPS



## There are problems for which people are more likely to take action, such as land and housing disputes

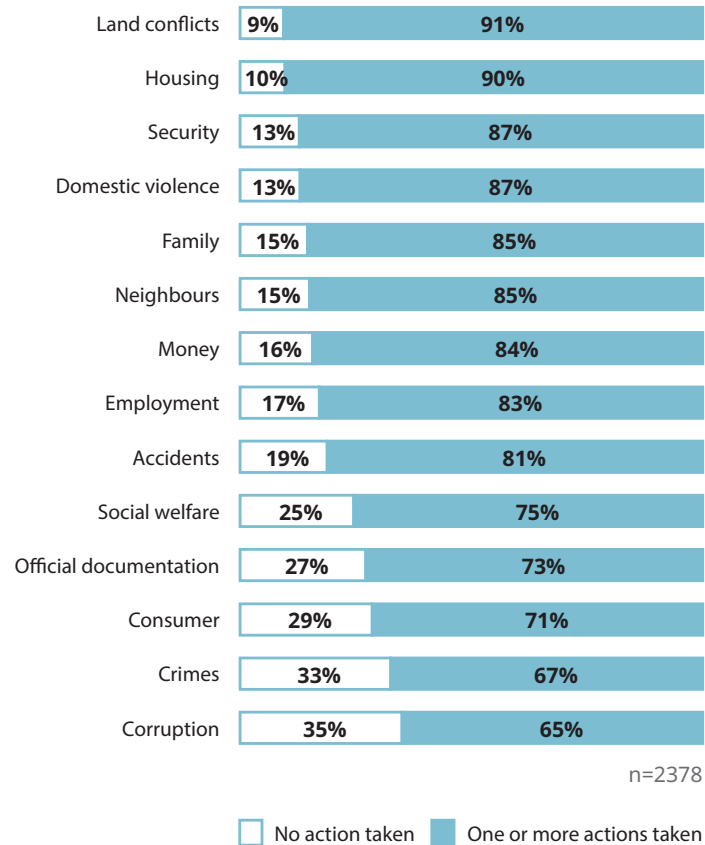


Conversely, there are types of problems that people refrain from attempting to resolve. Crime (67%), consumer (71%), and official documentation (73%) problems are among the categories with the least action taken. Social welfare and corruption problems have too few observations to draw meaningful conclusions.

We highlight the category of crimes as it is also one of the most common problems. Although there might have been a positive evolution on crimes experienced by people (having decreased from the 2022 JNS to the present one), action taking on crime-related problems has not seen improvement, remaining at a rate of 67% in both surveys.



### ACTION RATE BY CATEGORY OF MOST SERIOUS PROBLEM



## Almost half of those that take action do so by talking directly with the other party

Direct negotiation, at 46%, is the preferred source of help. Participants in the triangulation workshop highlighted this as a sign that people have strong skills for problem resolution. Community ties are strong in Burkina Faso and people would like to protect them by resolving disputes directly between them instead of entering into more adversarial processes.

Family members are the second most common source of help, and the first third party, with 25% of people consulting them. This marks an inversion between the top two sources of help compared with the 2022 general population eJNS, in which

family members came first with a report over 40% and direct negotiation listed second with around 20% of cases. This shift could be explained by the reduction in crime problems, for which direct negotiation is rare.

The police<sup>10</sup> is the third most common source of help, and the first State actor. Traditional and customary authorities, which are in the process of being recognised as formal justice providers, appear as the fourth most consulted source.

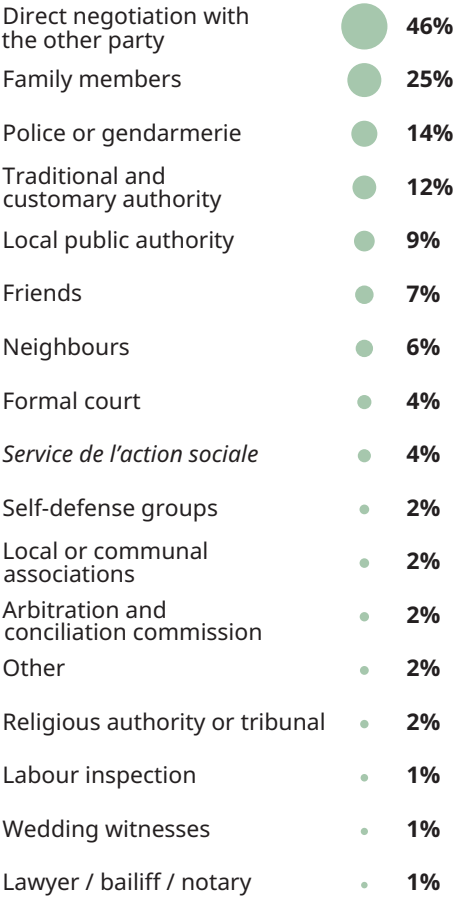
Experts in the triangulation workshop debated reasons for which traditional and customary authorities appear as the fourth most common source

<sup>10</sup> We recognised that the police/gendarmerie are actors that represent the formal justice system, help tribunals in their processes and act under the instruction of prosecutors. However, given that the focus of the JNS is people and what they do, we separate the different actors of the justice system to better understand people's justice journeys and to ease the reporting by the respondents - in general, people report the sources of aid they contact directly.

of help. Some participants believed that these authorities are becoming more instructed and educated on legal matters and opt to refer problems to formal institutions, like the police. Other participants ventured that people do not engage with these authorities as their decisions are not final and the matter could be reopened. A third explanation is associated with traditional and customary authorities losing trust as people feel they are politicised or misuse their power for personal gain. Further research is needed on traditional and customary authorities specifically to better understand their dynamics as justice providers.

Formal tribunals are consulted by 4% of people with legal problems. This percentage is in line with HiiL’s findings in other countries. Courts and judges are instrumental in guaranteeing access to justice, but focusing solely on them leads to ignoring most legal problems which never reach a tribunal. Mapping the sources of help show that people seek justice even beyond tribunals, beyond the State, and beyond custom and tradition.

MOST COMMON SOURCES OF HELP



n=1989





































Regarding gender differences, women rely highly on inner circle sources of help, like family members and neighbours, while men rely more on formal institutions like the police and local public authorities and on traditional and customary sources. The only State institution that's more common for women than for men is the *Service de l'Action Sociale*.

An expert on women's access to justice offered two non-exclusive explanations for this: a) as there are more women workers in *l'Action Sociale*, women could feel closer and more comfortable engaging with this institution as the environment is more welcoming to them; b) *l'Action Sociale* deals with problems that are more common for women than for men, such as family disputes and child protection, making it only logical that women engage with them more.

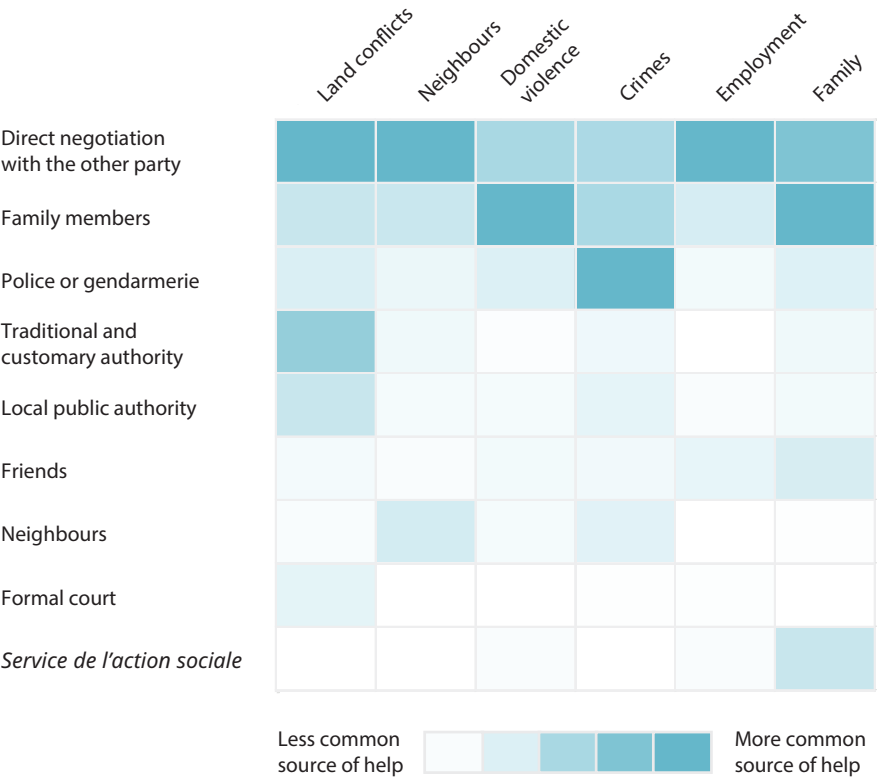
Finally, certain problem types seem to require specific sources of help. Direct negotiation is the most common source of help for land conflicts, housing and employment problems, among the top categories. The police are highly engaged in crimes and local public authorities are sought for land conflicts. Traditional and customary authorities are highly common for land conflicts. Family members are favoured for various problems, like domestic violence and family disputes, while other personal sources like neighbours and friends are consulted for family and neighbour problems.

MOST COMMON SOURCES OF HELP BY GENDER

	MEN	WOMEN
Direct negotiation with the other party	 47%	 44%
Family members	 19%	 30%
Police or gendarmerie	 17%	 12%
Traditional and customary authority	 16%	 8%
Local public authority	 11%	 7%
Friends	 7%	 8%
Neighbours	 5%	 7%
Formal court	 5%	 3%
<i>Service de l'action sociale</i>	 2%	 6%
Self-defense groups	 2%	 2%
Local or communal associations	 2%	 2%
Arbitration and conciliation commission	 2%	 2%
Other	 1%	 2%
Religious authority or tribunal	 1%	 2%
Labour inspection	 2%	 0%
Wedding witnesses	 1%	 2%
Lawyer / bailiff / notary	 1%	 1%

n=1989

SOURCES OF HELP BY CATEGORY OF LEGAL PROBLEMS  
Main categories of legal problems and sources of help



At the triangulation workshop participants were engaged with an exercise designed to group the sources of help into broader categories. After deliberation, they agreed on the following categorisation that we will use as another point of analysis:

With this new categorisation<sup>11</sup>, family or relational sources became the most consulted category, followed by direct negotiation.

Grouped categories	Sources of help contained
Direct negotiation	Talking directly with the other party
Formal justice and associated actors	Police or gendarmerie, Local public authority, Formal tribunal, Lawyers/notaries, Arbitration and conciliation commissions (CCFV), Labour inspection, <i>Service de l'action sociale</i> .
Family / relational sources	Family members, Friends, Neighbours, Marriage witnesses
Communal sources	Local associations/NGOs, Religious tribunals or authorities, Traditional and customary authorities, Self-defence groups.

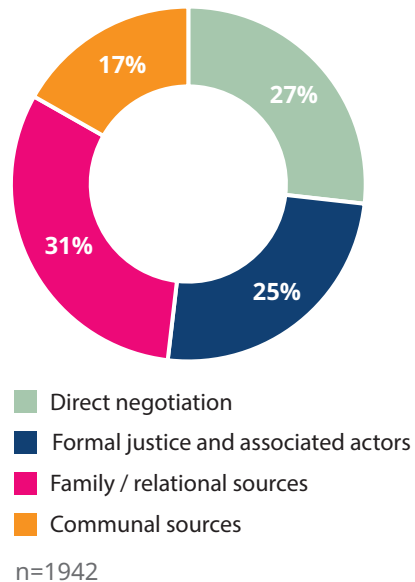


11 This new categorisation resulted in a decrease in observations that does not affect our analysis.

Participants of the triangulation workshop ventured that the prevalence of “personal sources”, like direct negotiation and family, responds to the strong sense of community that Burkinabè have. For example, 58% of people with problems try to resolve problems directly or with their personal connections in a clear preference over engaging third parties from the “outside”.

Similarly, this preference signals a possible lack of trust in State and traditional institutions, as well as a tangible fear of possible repercussions when taking problems “outside” of the parties. Experts suggested this fear is especially visible in women, as taking action outside their inner circles could represent more problems or social consequences in the long run.

GROUPED SOURCES OF HELP



There are differences in the types of sources that certain populations engage; these differences exist both for the specific sources of help as well as for the grouped categories.

Family or relational sources are more common for women than for men, in particular family members are more likely to be engaged by women compared to men (30% vs 19%). In turn, communal sources are more prevalent for men, this is especially true for traditional and customary authorities: 16% of men engage with them compared to 8% of women.

Formal justice actors follow the same trend as communal sources, with the police being more prevalent for men than for women (17% vs 12%).

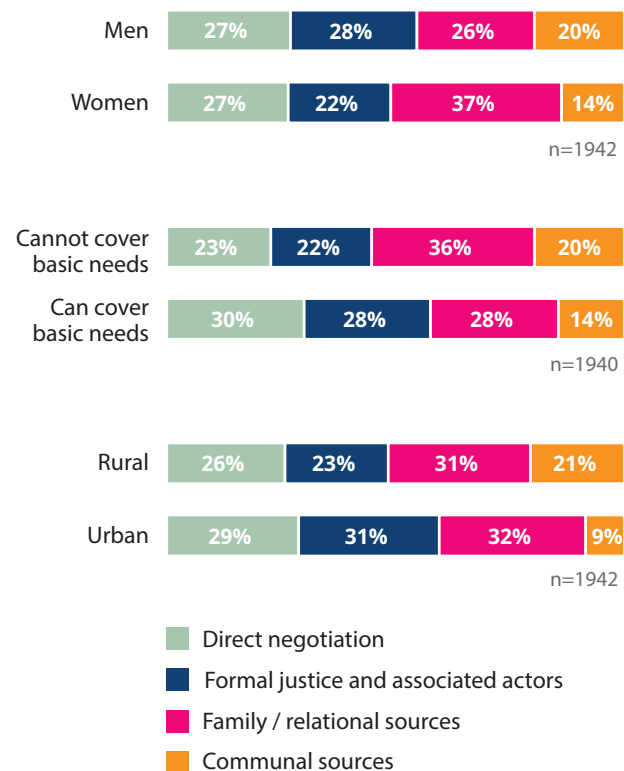
Regarding income, talking directly to the other party is more common for financially stable people than for poorer people. Meanwhile, those who can not cover basic needs rely more on family or relational sources and communal sources.

Keeping with differences based on place of residence, urban residents engage more with formal justice providers, as there is a more complete institutional architecture in the cities than in rural areas. On the other hand, communal sources are more common for rural dwellers, particularly traditional and customary authorities.

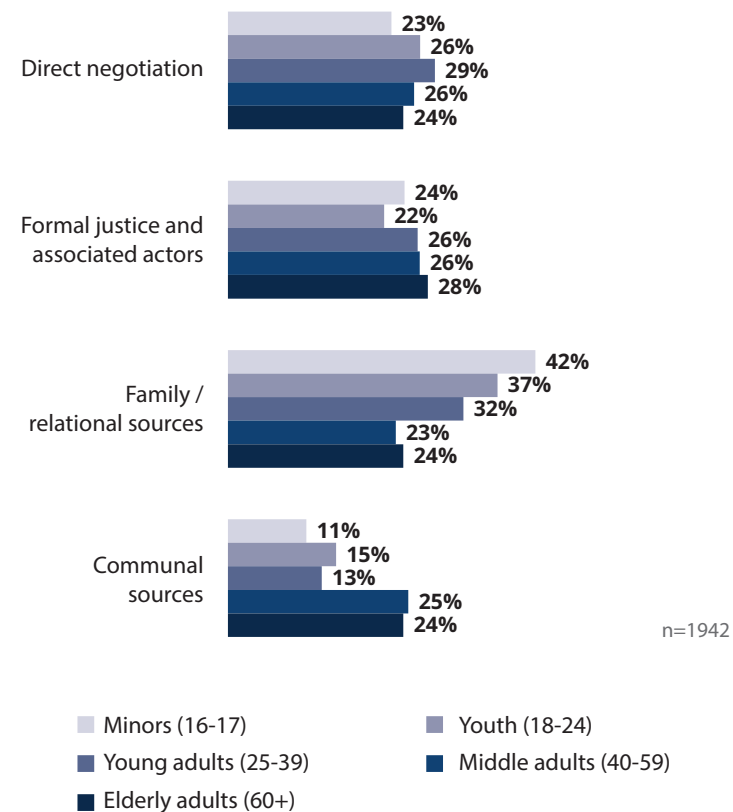
Looking at age groups, the prevalence of family or relational sources decreases with age, while the use of communal sources increases as age rises. This presents a challenge for the adoption of traditional and customary authorities as justice providers, as they run the risk of becoming providers for specific populations, like rural dwellers and seniors. As a result, offering formal justice options to underserved populations is crucial. However, if done wrong, it could end up relegating such populations to certain actors or certain actors to specific populations, locking people out of the full justice system.



### GROUPED SOURCES OF HELP BY DEMOGRAPHIC GROUPS



### GROUPED SOURCES OF HELP BY AGE GROUP



## Sources of help primarily offer advice to Burkinabè

People are asked a series of questions for each individual source of help that was engaged. These questions revolve around their actions, their utility and the satisfaction with the process they led.

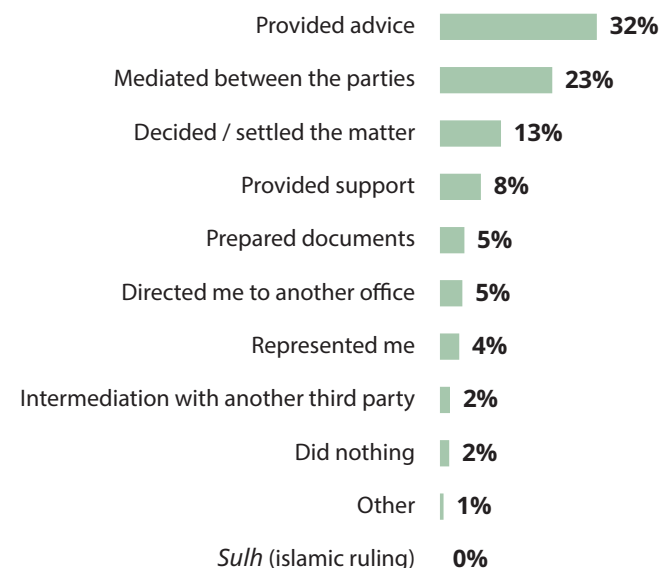
The first question on the sources of help is about their interventions to solve the most serious problem. Interventions range from indirect actions, like offering guidance and providing support, to direct actions, such as representing a person or deciding on the matter.

There were 3,093 interventions made by 1,874 third parties engaged, resulting in an average of 1.7 interventions per third party. The most common intervention, at 32%, was offering advice, followed by mediating between the parties (23%) and by deciding on the problem (13%).

It is encouraging to see that most of the sources of help do intervene when people approach them. In fact, the option “did nothing” comes last with 2% of the answers. Additionally, some of the most common interventions are actions that tend to lead to problem resolution, like mediation between the parties and deciding on the problem. Participants of the triangulation workshop saw the prevalence of advice and mediation as the top interventions as further signals that Burkinabè favour actions that preserve social cohesion and aid in reconciliation.



### MOST COMMON INTERVENTIONS



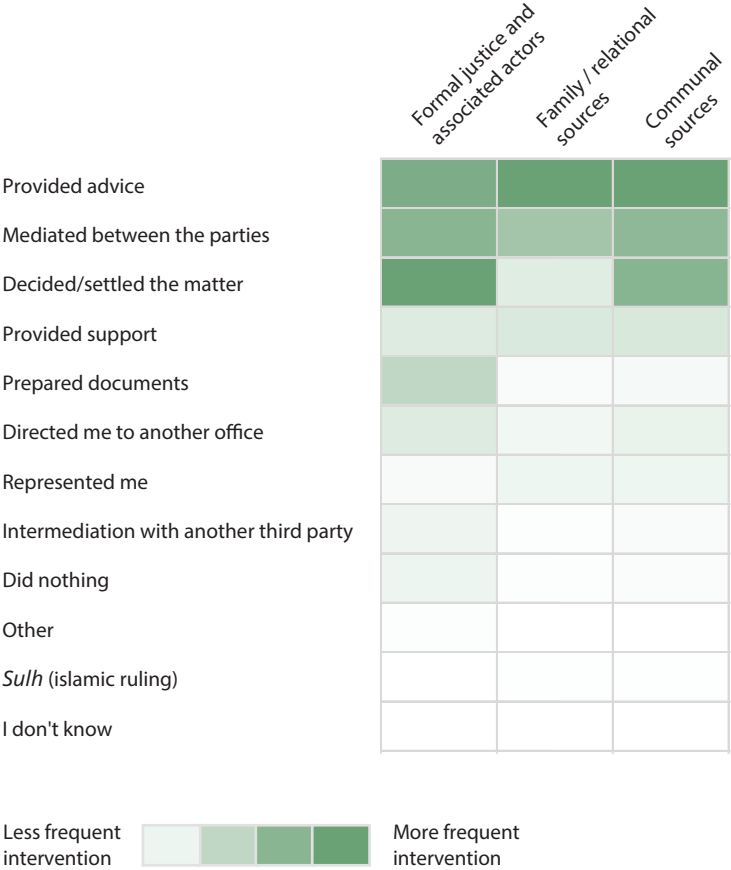
n=3093 interventions

Regarding the type of source of help, we can see differences in the interventions provided. Although providing advice is common for all types of sources, it is more prevalent in family/relational and communal sources. Deciding on the problem is more common for formal justice providers, as they include judges, and for communal sources, which include traditional and customary authorities that mainly settle land conflicts.

We now focus on the police, the most common State source of help, to understand their role in addressing justice problems, as people engage them in many issues other than crime. The police’s primary intervention involves making decisions on various matters, including crimes, family disputes and traffic accidents. The

second most common intervention is providing advice, while the third is mediating between parties. This was described by participants of the triangulation workshop as an “extension” of police duties, as mediation is not officially part of their responsibilities, having adopted it as a means to foster closer relationships and strengthen ties with their communities. Similarly, an expert on the matter mentioned that the police are responding to problems like family and child disputes and domestic and gender violence that require skills beyond the regular use of force, skills that include guiding and advising, as well as mediating. Thus, this “extension” of the role of the police is associated with real needs of people and should be taken into account to improve justice as a service.

INTERVENTIONS BY GROUPED SOURCES OF HELP



## Almost 80% of the sources of help engaged are deemed helpful or better

We asked people to assess the helpfulness of the sources of help on a scale from 1 (very unhelpful) to 5 (very helpful). In a positive result, eight out of 10 sources of help engaged are deemed as either helpful or very helpful. In contrast, only 10% of the sources are said to be unhelpful or worse.

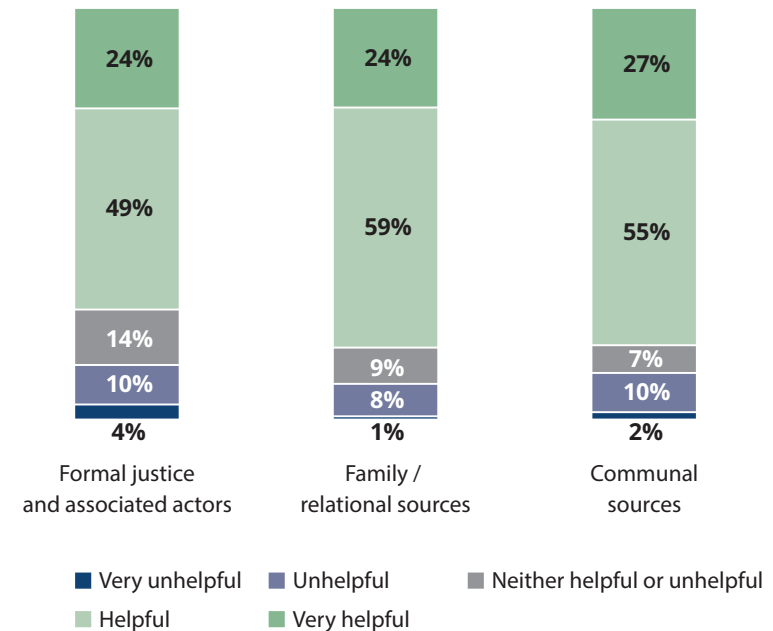
Likewise, respondents received a question on how likely they were to recommend the source of help they engaged with based on how they felt during the process and the result they obtained. On a scale from 1 (very unlikely) to 5 (very likely), most Burkinabè say they are likely or very likely to recommend the source of help they approached. Once again, around 10% of people were unlikely to recommend the source they engaged with.

This signals that regardless of the type of intervention received, Burkinabè seem to be generally pleased with the

aid they receive from third parties. A less optimistic interpretation of this data suggests that people prefer to say that the action they took was a good one, rather than assuming a mistake.

However, looking at the breakdowns by type of source of help, formal justice providers are labelled as “helpful” at a lower rate than family/relational and communal sources; they also have a slightly higher proportion of neutral and “very unhelpful” responses. On the likelihood of recommendation, formal justice actors are less likely to be recommended by their users. Although the rates are overall positive, this should be a point of focus for policymakers, as formal justice cannot work properly if people do not trust or believe in it completely.

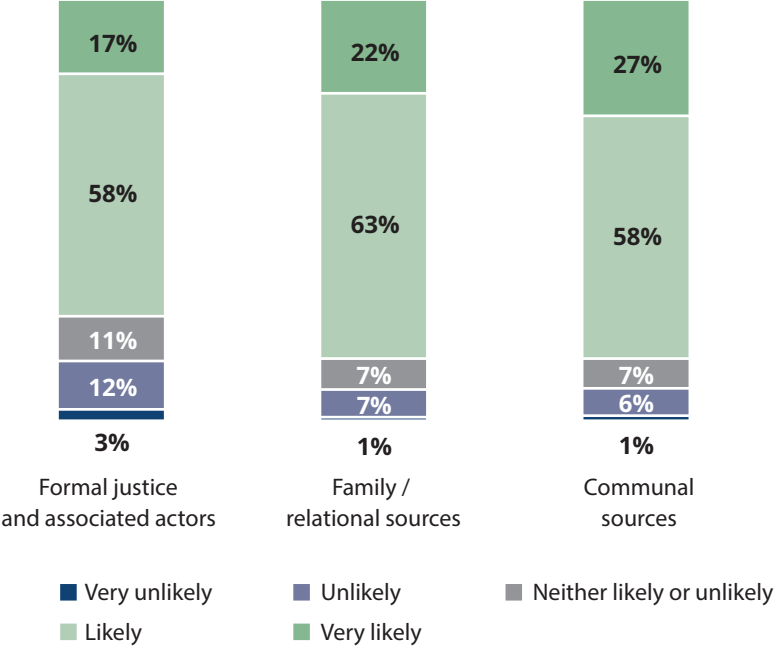
HELPFULNESS BY GROUPED SOURCES OF HELP



n=1421 tiers



LIKELIHOOD OF RECOMMENDING A THIRD PARTY BY GROUPED CATEGORY



n=1421 tiers







# 6

## Resolution of legal problems

Resolving the problem should be the destination of all justice journeys. People are interested in achieving effective, fair and real solutions. However, not all problems achieve resolution and not all resolutions are fair or implemented. This chapter explores how often the most serious problem is resolved<sup>12</sup>, if it is done fairly and if the solutions are actually implemented.



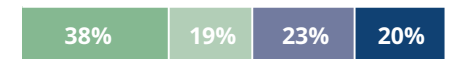
## Over half of legal problems are resolved, either completely or partially

# 38%

of the most serious problems achieve a complete resolution, with a further 19% achieving partial solutions

Comparing these results with the 2022 general population JNS, we see a decrease in the proportion of abandoned problems, from 31% of the most serious problems in 2022 to 20% in 2024. Ongoing problems, however, increased from 18% in 2022 to 23% in 2024.

### RESOLUTION STATUS OF MOST SERIOUS LEGAL PROBLEM



n=2378

■ Completely resolved    ■ Ongoing  
■ Partially resolved    ■ Abandoned

On the other hand, around 43% of these problems are not resolved and are either ongoing and awaiting resolution, or abandoned, with people no longer taking action to try to solve them.

<sup>12</sup> In the JNS, the resolution, fairness and implementation questions are asked for all the reported problems, however we are able to identify the answers that correspond to the most serious problems, allowing us to compare resolution rates with action taking rates as well.



# Taking action has a positive relationship with achieving resolution

Among those who took action to try to resolve their most serious problem, complete and partial resolutions are more likely. They also experience less abandoned problems and have a higher proportion of ongoing problems, possibly because they are waiting for the process they are engaged with to finish.

Burkinabè that don't take action are less likely to resolve their problems, but crucially they are extremely likely to abandon the most serious problem in comparison with those

who take action. Resolution through inaction generally relies on the problem resolving itself, while ongoing problems for people that don't take action are likely to still be causing consequences in their lives.

Taking action may not guarantee resolution, but it appears to increase the chances of achieving it. Furthermore, those who take action might feel more engaged and committed with the process they started, thus being less likely to give up on the problem.

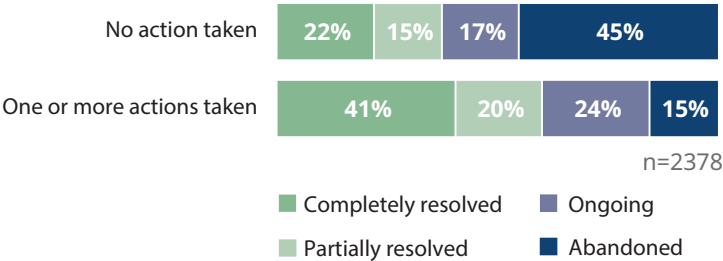
Due to this close relationship between action taking and resolution, some demographic differences in the status of resolution follow a similar pattern as the differences in taking action.

Women take less action and consequently have less complete resolutions (35% vs 41%) and more abandoned problems (22% vs 19%) than men.

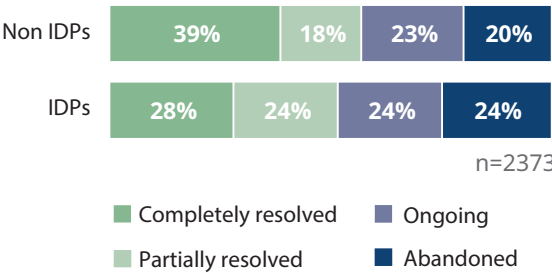
Literates take more action than illiterates and also have a higher rate of completely resolved problems (39% vs 35%).

There are other differences to highlight, for example, IDPs have less completely resolved problems than non IDPs; they also abandon problems at a higher rate.

RESOLUTION STATUS OF MOST SERIOUS LEGAL PROBLEM BY ACTION TAKING



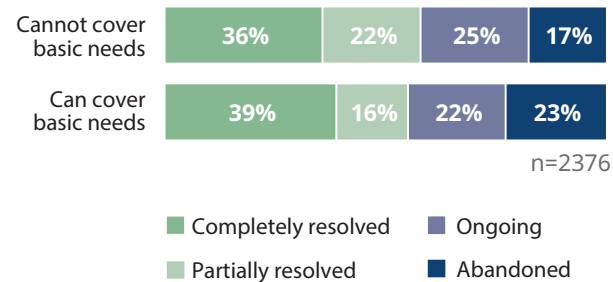
RESOLUTION STATUS OF MOST SERIOUS LEGAL PROBLEM BY IDP STATUS



Poorer Burkinabè tend to have less complete resolutions compared to their wealthier counterparts. Interestingly, the poorer segment of the sample have fewer abandoned problems. This may signal that financially stable people

have the means to “endure” certain problems and abandon them without facing significant consequences.

#### RESOLUTION STATUS OF MOST SERIOUS LEGAL PROBLEM BY SUBJECTIVE FINANCIAL SITUATION

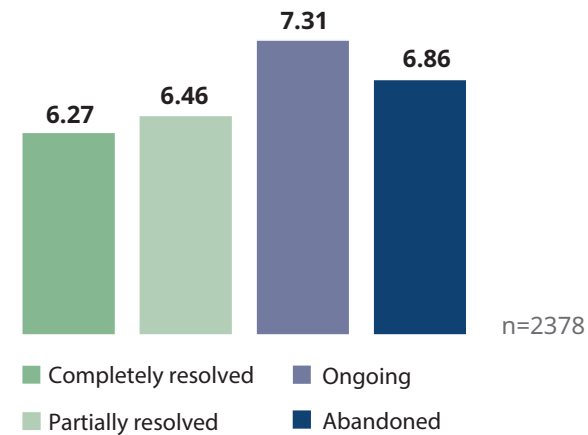


## Ongoing problems are, on average, more serious

Ongoing problems have the highest average severity among all resolution statuses. This is in line with findings from HiiL in other countries, suggesting that people are more willing to go to extreme lengths to solve a problem when its severity is higher. Similarly, completely resolved problems have the lowest severity scores, indicating these are often “simple” problems that can be solved more easily.

Abandoned problems have the second highest severity score. This deserves attention as it means that abandoned problems are not necessarily issues or disputes that people can “live with” and may still be causing significant consequences or ongoing impacts on people’s lives due to their lack of resolution.

#### AVERAGE SEVERITY OF MOST SERIOUS LEGAL PROBLEM BY RESOLUTION STATUS

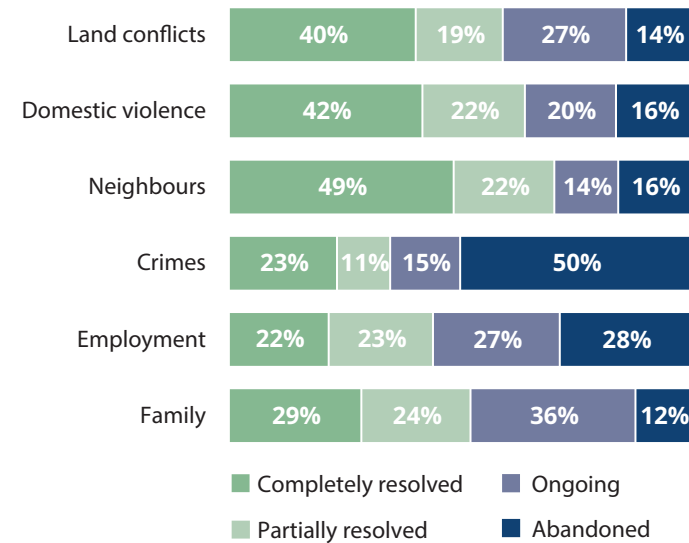


## Neighbour disputes are the most likely to be resolved; crimes the most to be abandoned

The resolution status of problems vary across the categories. The top three problem types (land, neighbour and domestic violence) all have 'completely resolved' rates of over 40%. Neighbour disputes have the highest proportion of complete resolution of all the top problems, suggesting again that "simpler" problems can be easier to resolve. At the other end, crimes have the highest abandonment rate and the fewest resolutions. Since people tend to take less action when dealing with crimes compared to other issues, this reinforces the link between taking action and resolving problems.

Employment and family disputes have the highest share of ongoing problems, signalling that such problems can be highly severe. The high rate of family problems compared to domestic violence ones also suggests that these problems are distinct and not just a "veiled" report of such issues.

RESOLUTION STATUS OF MOST SERIOUS LEGAL PROBLEM BY CATEGORY (TOP 6)



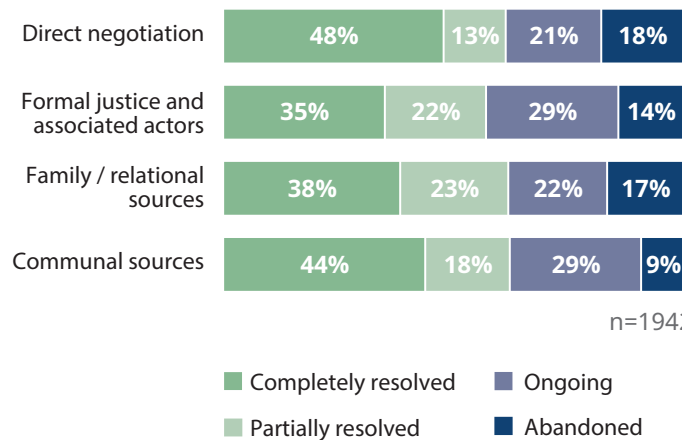


## Direct negotiation is effective for problem resolution

Burkinabè who talk directly with the other party to resolve their problems have the highest complete resolution rates compared to those who seek help from other sources. They are followed by those who sought help from communal sources and those who engaged with family or acquaintances. Formal justice providers have the lowest proportion of completely resolved problems.

Looking at ongoing problems, formal justice providers and communal sources have the highest share of problems awaiting resolution. This can respond to such sources of help being more oriented towards procedures, which tend to take more time. Another explanation is that most serious (or complex) problems tend to be more often reported to formal justice providers.

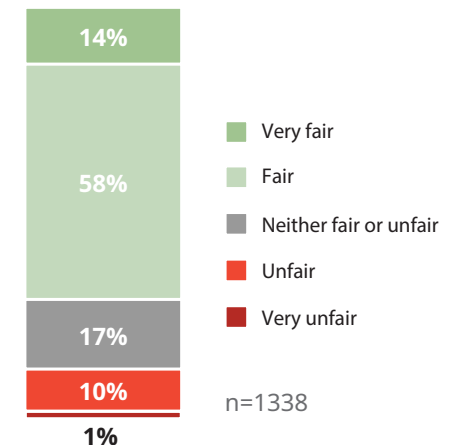
### RESOLUTION STATUS OF MOST SERIOUS LEGAL PROBLEM BY GROUPED



## Resolutions, when achieved, tend to be fair

As we have seen, resolution is not guaranteed, not even when taking action. However, when a problem is resolved the solution is often considered positive. Almost three in every four solutions are thought to be fair, or better. Unfair or worse solutions are uncommon, with 11% of respondents experiencing one.

### FAIRNESS OF RESOLUTION OF MOST SERIOUS LEGAL PROBLEM

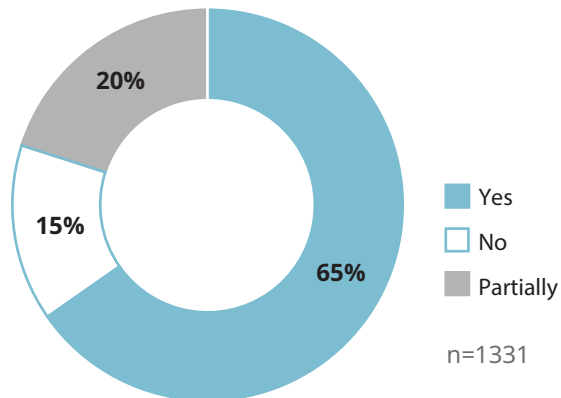


We asked a complementary question to determine whether an achieved solution was implemented or not. Among those who resolved their problem, 65% reported the solution was fully implemented, while a further 20% said it was partially implemented. Encouragingly, unimplemented solutions are the least reported option.

The implementation of solutions vary by source of help engaged. The police (78%), traditional and

customary authorities (75%) and direct negotiation (71%) have the highest rate of completely implemented solutions. In contrast, local public authorities have a relatively low complete implementation rate (47%) and amongst the highest rates for non-implementation (21%). This could imply these authorities lack the power to impose their decisions or that the solutions they provide are too difficult to implement.

#### HAS THE RESULT BEEN IMPLEMENTED?



The experience of IDPs is deserving of attention. IDPs have less share of “fair” or “very fair” answers than non IDPs (58% vs 73%). They also have more “neutral” solutions (24% vs 16%) and crucially more “unfair” or “very unfair” resolutions (17% vs 11%). Similarly, the solutions they achieve are less likely to be fully implemented than solutions achieved by non IDPs (57% vs 66%). This continues the trend of IDPs facing greater challenges in obtaining fair and effective solutions to their problems. They are more likely to abandon their pursuit of justice, and even when they persist, their resolutions are less fair or less fully implemented compared to those of other groups.







7

**Inaction**



Taking action is quite common in Burkina Faso, but some individuals decide not to engage with the other party or not to involve any third parties in their dispute. Similarly, people who take action choose which third party they want to engage with. Therefore, we will now explore the reasons why people choose not to take action to solve their justice problems, as well as the reasons influencing their decision not to engage with certain legal actors<sup>13</sup>.



<sup>13</sup> The eJNS asked for the reasons people had to not engage with formal courts and with traditional and customary authorities. Formal courts were selected as it is a question often asked in other HiIL JNS surveys, while traditional and customary authorities were included at the request of the Scientific Committee.

## The main reason for not taking action is believing it won't lead to a good outcome

33% of Burkinabè who did not take measures to resolve their most serious problem did so because they didn't expect a positive result. This indicates a lack of confidence in the ability of the sources of help to produce fair outcomes or a belief that taking action does not help the problem. The second most common reason cited for not taking action was not knowing what to do, while the third reason being a desire to avoid damaging the relationship with the other party.

The reasons for not taking action have less to do with barriers of entry (i.e. money, time, location) and more with the perceptions and capabilities of people. This signals that justice providers are somewhat readily available, backed by the high rate of taking action. However, there are still people who lack confidence in justice providers, who are unsure who these providers are or what they do, and who believe that engaging with them could lead to contentious processes.

Further work is then needed to show people that taking measures is worth it, explaining the different options that exist for resolving disputes and how such options are not inherently contentious or adversarial.

Some demographic differences exist. Women know less than men about what steps to take when faced with a justice problem. They also tend to believe that the problem is not serious enough to warrant action. Additionally, women are more concerned about potential social consequences, more likely to perceive that the other party is more powerful, and report at higher rates that sources of help are either distant or difficult to access. According to an expert on women's access to justice, the last two reasons are closely related. When women report that sources of help are difficult to reach, it may not always refer to physical distance, but rather to mental barriers.

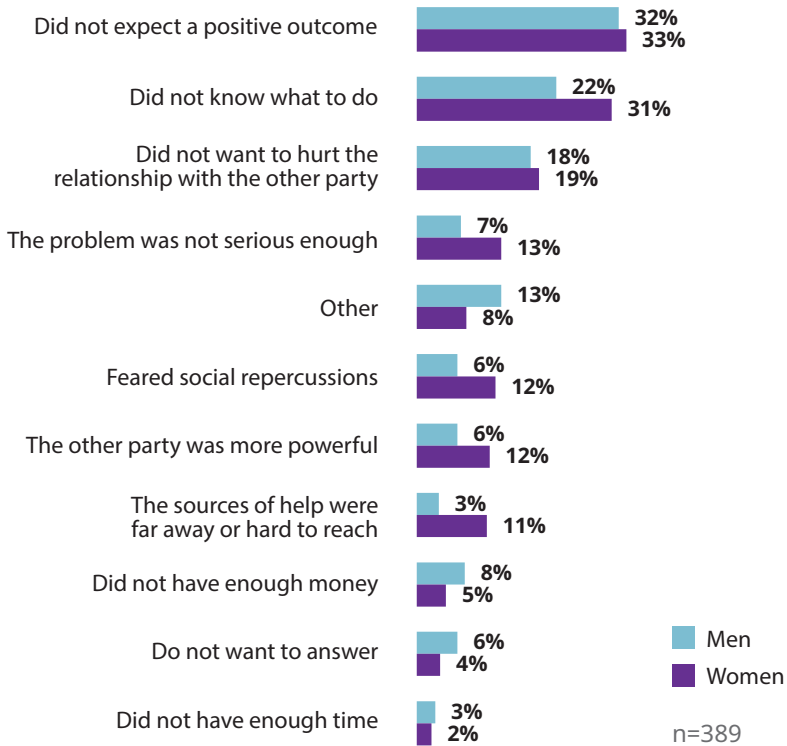
REASONS FOR NOT TAKING ACTION



These barriers stem from the belief that the other party, particularly if it is a man, is more powerful and influential than they are. Fear of social consequences also come into play, as there are relationships between men and traditional and customary

authorities in which women should not interfere, reducing the options for justice in contexts where these authorities are prevalent, such as rural areas.

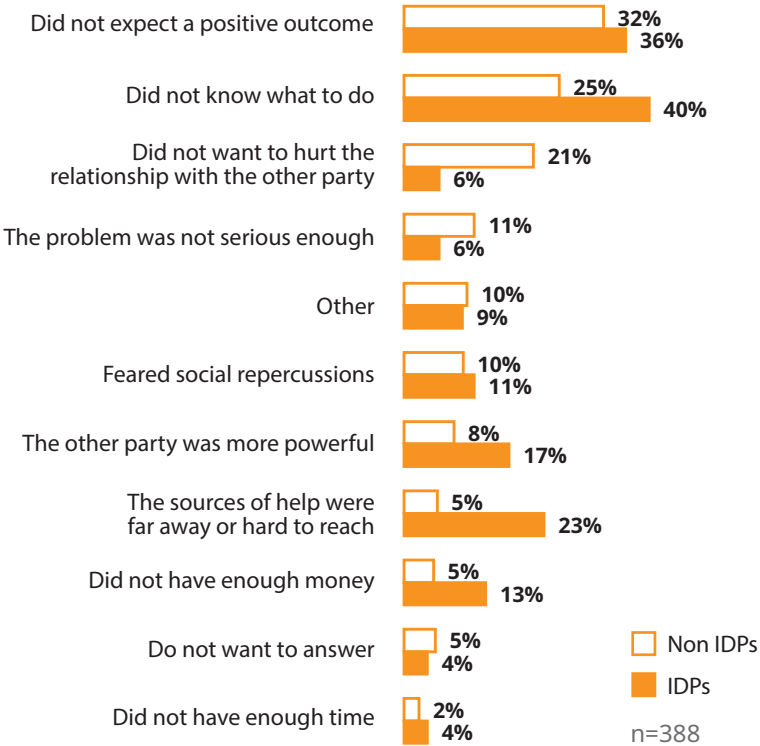
REASONS FOR NOT TAKING ACTION BY GENDER



Compared to non-IDPs, internally displaced people are more likely to report not knowing what to do, believing the other party is more powerful, lacking financial resources, and feeling that sources of help are too far away. They also have a considerably lower report of not wanting to hurt relationships with the other party.

These reasons are consistent with IDPs experiences, as displacement can lead to a worse financial situation and to resettling in unknown areas where people feel disenfranchised, ignoring the social dynamics and the justice providers that exist in their host communities.

REASONS FOR NOT TAKING ACTION BY IDP STATUS



# Burkinabè that don't go to courts or traditional / customary authorities believe they aren't accessible

For the people that took action but selected a source of help different to courts and traditional and customary authorities, as well as for those that didn't take action at all, we asked what were the reasons for not using them. People were presented with 12 options and could select as many as they applied.

During the triangulation workshop, participants were asked to group the answer options to these questions into broad categories. The options for each source of help were virtually the same, allowing for this exercise to be conducted and for comparisons to be made. The resulting categorisation is as follows:

Grouped categories	Reasons it contains
Social reasons	I feared social repercussions; The problem wasn't serious enough; I did not want to hurt relationships; I was dissuaded
Accessibility of the institution	The institution is too expensive; The institution is too slow; The institution is too far away or unavailable; The institution is not fair; I did not know how to use the institution
Miscellaneous reasons	The problem cannot be brought directly to the institution; Other



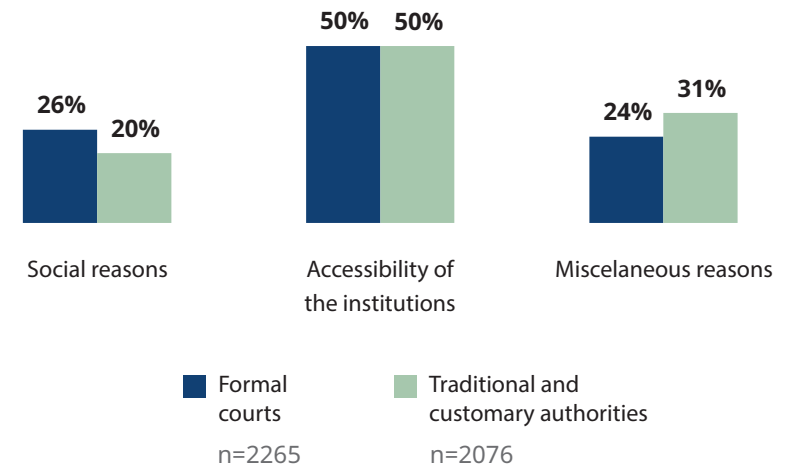
Experts in the triangulation workshop believed that the option “the problem can not be brought to the institution” encompasses a variety of reasons for which it is difficult to place into a broad category. They suggested refining this option for future surveys, as it currently feels like it could overlap with other options.

From this new categorisation we see that the main reason for which people don’t go to formal courts or to traditional and customary authorities is because the institutions aren’t accessible. Formal courts have a higher proportion of answers pertaining to social reasons, suggesting they

are seen as more adversarial than traditional and customary authorities. These authorities, on the other hand, have more miscellaneous reasons for not engaging with them, making it more difficult to draw conclusions and signalling the need to keep studying their use.

Looking at the differences by gender, women report in higher proportions than men reasons related to the accessibility of traditional and customary authorities and of formal courts. This continues to lend credit to the idea of women perceiving these institutions as distant, as places where they can’t access as easily as men.

#### REASONS FOR NOT ENGAGING FORMAL COURTS AND TRADITIONAL AND CUSTOMARY AUTHORITIES







The most common specific reasons inside each category are also revealing. The accessibility of the institution is dominated by the option “not knowing how to use the institution”, suggesting that barriers for entry to courts and traditional and customary authorities are more associated with legal or cultural literacy than to physical obstacles, such as distance or money.

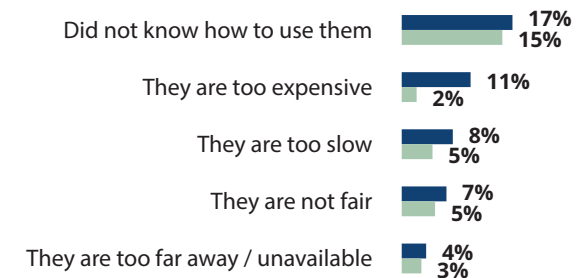
In turn, the most common social reasons are “the problem is not serious enough”. This can be associated with the idea of traditional and customary authorities being sources of help that deal with communal problems and not with private issues, which in this case could be deemed less serious. In addition, social conventions often impede access to traditional justice as they dictate that women and children can only go directly to customary authorities in certain cases. For the formal courts, the result could be explained by the perceived costs of entering the judicial system (e.g. time, money, documentation, moving around), for which only the most impactful problems would be worth it.

## SPECIFIC REASONS FOR NOT ENGAGING FORMAL COURTS AND TRADITIONAL AND CUSTOMARY AUTHORITIES

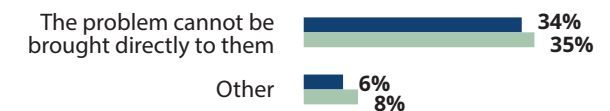
### SOCIAL REASONS



### ACCESSIBILITY OF THE INSTITUTIONS



### MISCELLANEOUS REASONS



Formal courts  
n=2264

Traditional and customary authorities  
n=2075



# 8

## Findings and Implications



We have presented the justice problems that Burkinabè face, including who they approach to try to resolve them, the most common interventions, and if they lead to resolutions. We have also examined why people prefer not to take action or do not engage with certain sources of help. Through people-centred data we sharpen the picture of justice in Burkina Faso, understanding how it develops in daily life for all its citizens.

Our findings show that 66% of Burkinabè had a legal problem in the last 12 months. Although most people take action, 43% of the most serious problems are still unresolved. While 15% of achieved solutions have not been implemented and 11% of them are considered to be unfair or worse. This indicates that the justice gap remains noticeable in Burkina Faso, with almost half of people's problems still in need of fair resolutions.

People primarily rely on direct negotiation and family members to resolve their justice problems. Communities with strong dispute resolution skills are a positive characteristic to highlight. These skills are an asset to be strengthened in order to produce justice that better responds to people's needs and desires.

There are challenges for the formal justice system too. We know people

lack confidence in the system and in obtaining fair outcomes through it. They are also less sure about how to use its institutions and concerned with the consequences of taking disputes "outside" their community. This leads to less satisfaction with formal sources and the help that they provide.

Traditional and customary authorities exhibit similar challenges. People are less sure on how to engage these authorities, particularly in urban areas. Women feel these authorities as unwelcoming and believe that bringing problems to them could lead to social repercussions that might outweigh the original dispute.

With these findings in mind, we present the following five implications for policymakers, service providers, and innovators who seek to improve access to justice for all.



## Continue people-centred justice data collection

This eJNS marks the second people-centred general population survey conducted in Burkina Faso since 2022. Other research efforts have been conducted to enhance the understanding of the Burkinabè justice system, like COGINTA's study on customary justice and the Ministry of Justice's Statistical Yearbook.

All of these produce rich data for justice experts, policymakers, practitioners and innovators to work with in their aim to improve access to justice and the satisfaction with it. These efforts must continue and expand, becoming a part of how the state of justice is envisioned and measured in Burkina Faso.

This does not imply conducting surveys exclusively. New research studies should also focus on the gaps already identified through quantitative methods, including the experiences of women in seeking justice, and the role of traditional and customary authorities in addressing people's justice needs and delivering outcomes. Qualitative methods, such as interviews or action research, deepen the understanding of previously identified gaps. To this effect, HiiL will conduct a study on hard to reach populations in Burkina Faso.

The Ministry of Justice and the National Statistics and Demographics Institute of Burkina Faso have shown their interest and commitment in assuming an active role in the regular collection of people-centred justice data. They need to be accompanied by civil society organisations in the efforts to produce actionable insights gathered directly from people. International donors should support these efforts and aid in ensuring the capacity of the State to regularly engage in such exercises.

Data that shows people's justice problems, and the difficulties they face in resolving them, can aid in allocating resources more effectively. This will allow for evidence-based decision making to prioritise improvements to services, and employ interventions that actually work to solve justice problems.



## The integration of traditional and customary authorities into the formal justice system is an opportunity for People-centred Justice

Expanding the formal justice system to include sources of help that are commonly used by people is a perfect example of PCJ. There are approaches that people know, trust, and use beyond the formal services provided by the State. A comprehensive justice system can empower and complement traditional and customary practices, instead of trying to suppress them.

The constitutional revision of December 2023 included traditional and customary authorities as formal justice providers in Burkina Faso. This recognition is in the process of becoming official through the redaction of a law regulating their actions.

To ensure that these authorities are properly integrated into the formal justice system, several challenges will need to be overcome. As things stand, traditional and customary authorities are mainly engaged in land problems. Considering these authorities already have the power to decide land conflicts, it is not surprising people seek them for these types of issues, and it makes sense that introducing them as formal

justice providers will broaden the scope of problems they address. A broader range of problems will demand a more comprehensive understanding of the disputes that happen within communities and the different ways in which resolutions can be achieved, as well as clarity on knowing which problems they can deal with, the nature and enforceability of their decision, and how they interact with the other formal justice actors such as courts and prosecutions.

Justice experts highlight that chiefs and other customary authorities have become more educated in recent years, providing the basis for capable decision makers. They also suggest looking at the process through which traditional medicine was incorporated into health services as a parallel to the integration of traditional and customary authorities to the formal justice system. This can help policymakers in knowing if traditional institutions can function within formal frameworks and in identifying points of contention between “modern” and traditional service providers.

Beyond this, work must continue to ensure that authorities feel open for everyone, particularly for women. This can be achieved by reducing the possible biases related to gender and existing filial relationships. It is also important to provide clear guidelines

on how individuals can engage with these authorities and the types of issues they can address.

Likewise, the diverse ethnic composition of Burkina Faso needs to be considered when regulating the role of traditional and customary authorities to avoid relegating ethnic minorities and their customs in favour of the main ethnic groups. Harmony between resolution processes should also be a point of focus, promoting a set of “minimal standards” that avoid contradictions in the decisions on similar issues from *chefferie* to *chefferie*.





## Strengthen alternative dispute resolution mechanisms and approaches

Traditional and customary authorities are not the only alternative dispute resolution mechanisms (ADRM) that can enhance the Burkinabè justice system. The high prevalence of direct negotiation for resolving problems and of mediation as an intervention by third parties signal that dialogue-based processes are commonplace in Burkina Faso.

Although this is highly positive, data shows that mediation processes are conducted by traditional and customary authorities, the police, and local public authorities. These are important institutions, but should not be exclusive providers of mediation, as mediation is not an official responsibility of some of these institutions, such as the police. Furthermore, traditional and customary authorities could replicate existing societal biases while mediating between parties, like favouring men or wealthier people.

Efforts must be made to take advantage of the mediation and conciliation abilities that some institutions have already built through practice, all while reducing the

prejudices that may arise. This starts with a discussion on the inclusion of mediation as an official responsibility of actors, such as the police and gendarmerie; a discussion focused on the possible benefits for users and the responsibilities it will create for institutions.

Other institutions played a role in the mediation process of Burkinabè, such as the *Médiateur du Faso*, an independent entity that interceded and mediated between public administration and citizens. However, the constitutional revision of December 2023 suppressed the *Médiateurs du Faso* and proposed they be replaced by the *Conseil National des Communautés*, a new institution linked to the Ministry of Justice and made up of religious, traditional and customary leaders, and representatives of local communities.

The 2022 general population JNS found that *Médiateurs du Faso* were infrequently used as sources of help, potentially implying that their mandate was too narrow, as problems with public administration aren't the most common in Burkina Faso. The new *Conseil National des Communautés* has the opportunity to strengthen State-backed mediation as a viable resolution pathway by positioning itself as a neutral space where disputes of different nature can be settled.

Communal actors have a lot to offer on mediation and dialogue-based disputes resolution as well. While family members are often mediating between parties, they can be seen as biased by one of the disputing sides. Establishing neutral third parties within communities that offer unbiased mediation will be highly beneficial for justice problems resolution. These third parties can take the form of neighbours associations or ad hoc mediation councils formed by members selected by each party.



## Focus on vulnerable populations and their different experiences with justice

The justice gap is more noticeable for certain populations. Women have less resolved and more abandoned problems than men. IDPs obtain fewer implemented and fair solutions. Ensuring access to justice for all requires paying special attention to these underserved populations.

Women in particular are at a disadvantage. When seeking justice, they rely more on sources of help that have little decision power such as family members, and consequently engage less with formal justice providers and traditional and customary authorities. This leads to fewer completely implemented solutions for women.

A positive finding is the engagement and utility of the *Service de l'Action Sociale*, a State institution mainly used by women. *L'Action Sociale* eases justice journeys for women as they feel more comfortable with other women when dealing with matters of domestic violence and family disputes. Likewise, a women's justice expert highlighted that *l'Action Sociale* feels more approachable to women thanks





### Protect the social fabric by preventing and resolving frequent communal problems, like land and neighbour disputes

to the simple and straightforward language used. In addition to avoiding complex legal jargon, l'Action Sociale shows that clear justice pathways for specific populations and problems can work when they are well thought and designed.

Efforts still need to be made to ensure that more women are in positions for resolving disputes, be it as judges or informal justice providers. Institutions like courts and traditional and customary authorities should not feel “far and inaccessible” for women. Legal awareness and literacy is key for empowering women and for reducing the delegation of legal matters to male family members.

Land conflicts are the most common problem for both men and women. Ensuring fair and unbiased resolution processes for these problems is highly important to avoid further escalation of conflicts. Neighbour problems are also highly common and have the potential to become more serious if left unattended.

Experts in the triangulation workshop explained that resolutions for land conflicts through traditional and customary authorities are at times deemed as unfair due to the chief having a personal interest in the land. Regarding neighbour problems, they also suggested the growing number of these disputes is associated with the security situation of the country and the flux of IDPs that arrive to host communities.

Strengthening existing mechanisms, like traditional and customary

authorities, to deal with these types of problems is important, ensuring they are seen as fair, neutral and useful. This protects the trust in the authorities and the justice system, but also interpersonal trust within communities, preserving communal ties.

Innovations can also aid the protection of the social fabric. The justice sector needs game-changing justice providers that focus on the protection of interpersonal relationships as well as on dispute resolution. They have space to become well-sought and useful sources of help but have not yet been properly developed. Justice partners should invest and look outside the box, taking inspiration from other countries where such approaches have worked. For example, justice guidelines in Nigeria that promote respectful communication and gather best practices have helped in streamlining the resolution of land conflicts and making them less contentious. While community justice services, such as legal aid boards in Sierra Leone and Ordinary Citizens Courts in Uganda, have improved legal awareness and make the dispute resolution process more clear for family, neighbour

and domestic violence problems<sup>14</sup>. Resolution processes that improve respect and communication between parties can avoid escalations, improve satisfaction with justice, and enhance people's skills to prevent similar problems and to resolve them if they arise once again.

<sup>14</sup> The Hague Institute for Innovation of Law (2022), HiiL policy brief: community justice services, <https://dashboard.hiil.org/publications/community-justice-services-policy-brief/>, accessed on 25th July, 2024.

# 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 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 & 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 that 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, the United Arab Emirates, the United States, Niger, and Colombia. In 2024 we plan to publish reports on Honduras, Nigeria and Uganda.

For further information, please visit our websites:  
[www.hiil.org](http://www.hiil.org)  
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