



Justice Needs and Satisfaction in **Burkina Faso** 2022

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 technical assistance from the Centre for the Democratic Governance of Burkina Faso (CDG).



Table of contents

Executive summary	5
Introduction	12
Background	16
Methodology	24
Study sample	36
Justice gap	44
Impact of legal problems	72
Dispute resolution	94
Interventions and treatments	140
Legal information and advice	162
Findings and implications	188

Executive summary

In July and August 2021, HiiL, together with our data collection partner, the Centre for the Democratic Governance of Burkina Faso (CDG), talked to 6.064 randomly selected adults in Burkina Faso about their justice needs. We visited people in all thirteen regions of the country and asked them whether they had experienced any legal problems in the last four years, what they did to try to resolve their problems, and how they perceived the resolution process and outcomes. The survey was complemented with in-depth interviews with Burkinabé women who had experienced legal problems and a wide array of justice providers. The result is a picture of justice that is truly people-centred, providing unique data about legal needs in daily life.

Legal problems are a common element of people's lives in Burkina Faso: 63% of Burkinabé adults have experienced at least one legal problem in the last four years. Almost half of these people have experienced more than one legal problem. Collectively, people in Burkina Faso experience around 3,1 million legal problems per year.

Many people manage to resolve their legal problems. Around 52% of all problems are resolved and the vast majority of these resolutions are perceived as fair. At the same time, 15% of problems are still in the process of trying to be resolved, and for 32% of the problems people have completely given up on trying to find a solution. Every year around 2 million problems in Burkina Faso need a solution.

Legal problems with less impact are resolved more easily. People also more often tend to give up on trying to resolve them. The most impactful problems tend to be on-going. This likely stems from the fact that people will go to greater lengths to resolve a legal problem when it is more impactful. It also means that more protection and solutions are needed for people dealing with the most serious and impactful problems.

People experience a wide array of different types of legal problems. The two most common problem categories are land problems and crime. These categories are made up of a number of different specific legal problems. The most common types of land problems are disputes related to animals kept by neighbours and disputes over use of land. The most common form of crime is theft; especially motorbike theft seems to be a pervasive issue. Other common problem categories include neighbour problems, money problems, domestic violence and family problems, and accidents.

Men and women tend to experience different types of problems. Women report significantly more family problems, domestic violence, and neighbour problems than men, whereas men report significantly more land problems and employment problems. Land problems are also particularly common in rural areas, whereas people in urban areas more often experience neighbour problems, accidents, employment problems, and housing problems. These problems have a serious impact on people's lives: Almost nine out of ten people report at least one negative consequence stemming from their most serious problem.

Some problem categories tend to be more impactful than others or are less likely to be resolved. For example, neighbour problems are relatively common but tend to have less impact than crime, family, or land problems. Accidents are relatively common but are almost always resolved. This means the most common problem categories do not necessarily place the biggest burden on Burkinabé society and its people.

Burkinabé actively try to resolve the legal problems they encounter. More than three out of four people with a legal problem take some form of action to try to resolve their most serious legal problem. Together they manage to resolve millions of legal problems every year. This means there are many successful justice journeys that lead people to desired outcomes.

The vast majority of legal problems are dealt with outside the modern institutions and without the actors commonly associated with the justice system. Only 5% of people who take action end up going to court and only 1% engage a lawyer. Especially in rural areas, almost nobody makes use of a lawyer or goes to a formal court.



Instead, most people turn to someone in their personal network for help: 43% of people who take action talk to a family member, 12% to a friend, and 10% to a neighbour. When people engage sources of help outside their personal network, it is mostly the police or gendarmerie (15%) or customary and traditional authorities (11%). In urban areas it is more common to turn to the police or gendarmerie, whereas the use of customary and traditional authorities is much more prevalent in rural areas. Despite these differences, people in rural areas and people in urban areas are equally likely to resolve their legal problems.

People engage different sources of help for different types of problems. Customary and traditional authorities are primarily engaged for land problems, while both the police or gendarmerie and self-defence groups are almost only engaged for crime-related problems. People with family problems most often turn to the social action service. This shows that there are some actors of key importance for specific categories of legal problems.

The third parties Burkinabé people engage offer different interventions to try to resolve legal problems. By far the most common form of help is offering advice, provided by one in three sources of help. Especially family members, friends, and neighbours frequently provide advice. Other common forms of intervention are deciding the matter (20%) and mediating between the parties (16%). These are more commonly provided by customary and traditional authorities, the police or gendarmerie, self-defence groups, and formal courts.

People who receive mediation or a decision are more likely to resolve legal problems than people who only receive advice. They also evaluate their justice journeys as more positive, although this comes at a cost: They spend more time and money on the process. However, this shows the importance of access to neutral third parties for an increased chance of resolving legal problems. Especially women seem to lack such access. Compared with men, they more often turn to family members and less often to the police or gendarmerie. Most likely as a result of that, they are less likely to resolve their most serious legal problem.

Burkinabé also actively seek legal advice: Nearly three out of four people with legal problems seek legal advice from at least one person or organisation. People who obtain legal advice are more likely to resolve their legal problems than people who do not, even though their problems tend to be more impactful. The people in Burkina Faso also overwhelmingly evaluate their legal advice providers as helpful or even very helpful.

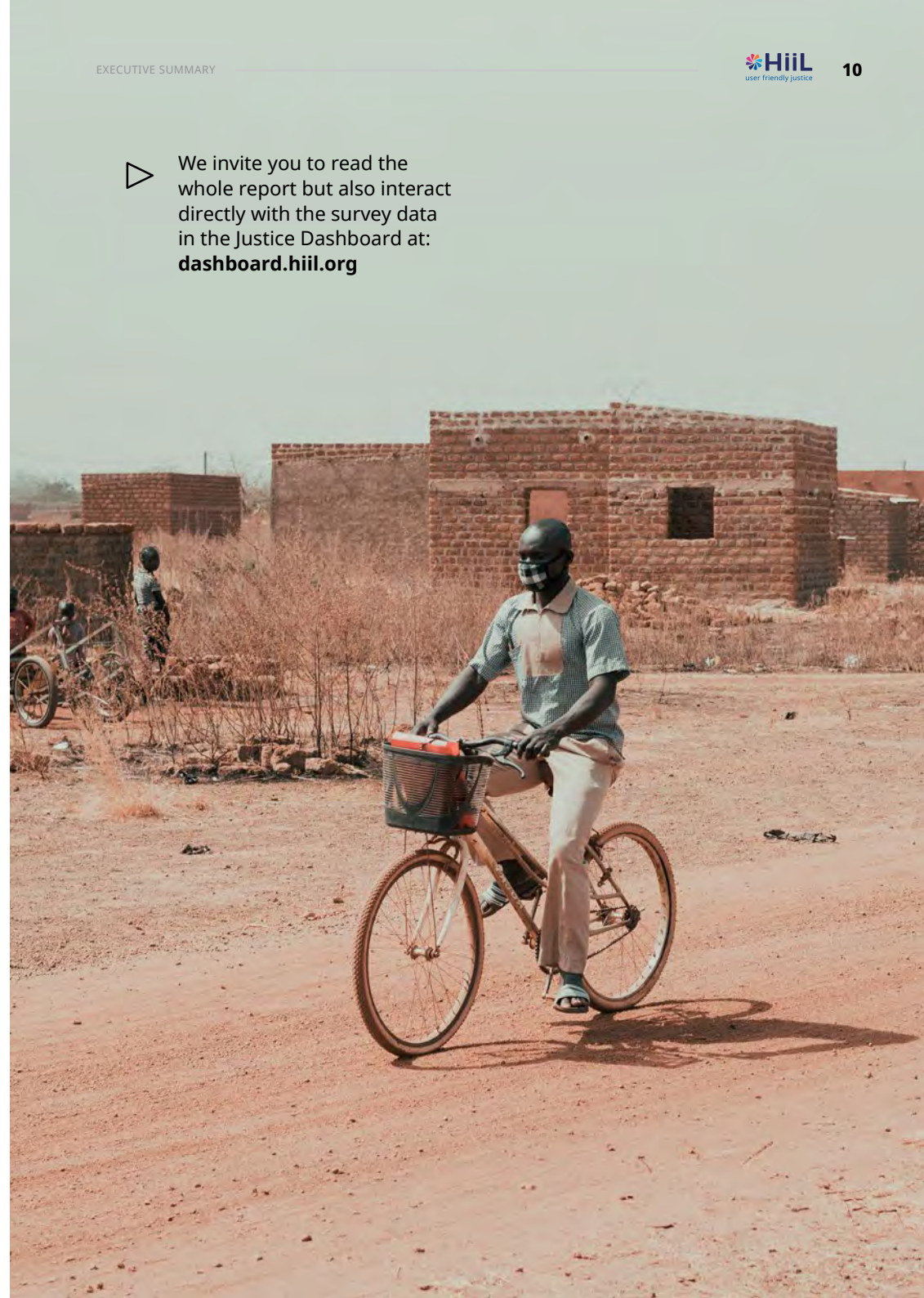
The main sources of legal advice mirror the sources of help people turn to, with personal networks playing an even more important role. The three most common sources of advice are family members, friends, and neighbours. Significantly less common are customary and traditional authorities, police or gendarmerie, and local public authorities. People almost never ask lawyers for legal advice; neither do they engage free legal aid organisations.

While seeking legal advice is common, less than one in three people with a legal problem obtain more generic legal information from a publicly available source. Among those who do, they primarily obtain this via radio and, to a lesser extent, television. Very few people find their information on the internet or via social media.

Based on the insights provided by the people of Burkina Faso, HiiL suggests several implications for policymakers, service providers, and innovators working on ensuring access to justice for all. The most important are:

- ✔ Continue gathering people-centred justice data on a regular basis.
- ✔ Prioritise preventing and resolving the most burdensome legal problems.
- ✔ Strengthen the link between customary and informal justice actors and the formal justice system to ensure wide access to justice at community level and accessible formal justice mechanisms when this is needed.
- ✔ Create space for innovative justice services that can help to improve access to justice for all.
- ✔ Identify the interventions that work to resolve people's legal problems. Strengthen and replicate them.
- ✔ Pay specific attention to improving access to justice for vulnerable groups, in particular women.
- ✔ Dare to be bold and focus relentlessly on adopting policies and implementing services that are truly people-centred.

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





1

Introduction

This report is about the justice needs of people in Burkina Faso. In July and August of 2021, we talked to 6,064 randomly selected adults in Burkina Faso about their justice needs. Together with our data collection partner, the Centre for the Democratic Governance of Burkina Faso (CDG), we visited people in all thirteen regions of the country and asked them whether they had experienced any legal problems in the last four years, what they did to try to resolve their problems, and how they perceived the resolution process and outcomes. The result is a unique people-centred understanding of the justice needs in Burkina Faso.

At HiiL (The Hague Institute for Innovation of Law), we are devoted to making justice more accessible through the development of people-centred services. We call this user-friendly justice: justice that is easy to access, easy to understand, and effective. Our goal is to ensure that by 2030, 150 million people will be able to prevent or resolve their most pressing legal problems. To achieve this, we stimulate legal innovation and scaling of the innovations that work best.

User-friendly justice starts with understanding what people actually need. After all, justice is not only about the number of reported crimes. It is also not just about courts and laws. Instead, it is about the everyday experiences of ordinary people. Their daily lives, their pain and frustration – and the justice outcomes they get or do not get. That is why we talk directly to people to learn about their justice needs and measure their satisfaction with the processes and outcomes they get. In every country, we collect the voices of thousands of men and women with our Justice Needs and Satisfaction (JNS) Survey.

Effective resolutions of legal problems put people's needs and experiences at the centre of justice services. They prioritise solutions people need most and which have proved to work best in their daily lives. To do so, understanding people's demand for justice services from the bottom-up is key. HiiL's JNS methodology is designed to do just that: Mapping the justice needs and satisfaction from the perspective of the people.

The data collected with the JNS survey shows us what is needed from the perspective of people in Burkina Faso. What are the most common and most impactful legal problems? Which providers and services do people turn to, and which ones not? Which interventions and treatments deliver the outcomes people need? And why do some work and others not? This report answers these and other questions, providing crucial data for policymakers, service providers, and justice innovators in Burkina Faso seeking to improve access to justice.

Chapter 2 provides some background information about Burkina Faso, its people and the justice sector, helpful for interpreting the empirical data in a meaningful way. Chapter 3 discusses the methodology, explaining how we conceptualise, operationalise, and measure justice needs and satisfaction, as well as how we arrive at findings and implications. Chapter 4 then describes the implementation of the study, including a close look at the sample of 6,064 Burkinabé, Chapters 5 to 9 discuss the analysis of the data on, respectively, the justice gap (chapter 5),

the impact of legal problems (chapter 6), the resolution of legal problems (chapter 7), justice interventions and treatments (chapter 8), and legal information and advice (chapter 9). Each chapter ends with a close look at some key data points for the most burdensome legal problem categories (we explain in more detail how we decide on these problem categories in chapter 4). Chapter 10 completes the report by highlighting the main findings and implications.

This research was supported by the Ministry of Foreign Affairs of the Kingdom of The Netherlands. The Ministry of Justice and the National Institute of Statistics and Demography of Burkina Faso were invaluable knowledge partners and this study greatly benefited from their input throughout the research process. The Centre for the Democratic Governance of Burkina Faso (CDG) was a crucial research partner and this study would not have been possible without their collaboration.



2

Background

Burkina Faso is a landlocked country in West Africa with a population of around 21 million. The population is young: 44% of Burkinabé are younger than 15. Although the cities are growing, 70% of the population lives in rural areas.¹ Multiple ethnic groups populate the country without necessarily being attached to specific geographical areas. Estimates put the number of ethnic groups at more than 60, with many of these having their own languages and customs that coexist in many people's daily lives with the official language (French) and the official laws.

Before the Covid-19 pandemic, Burkina Faso enjoyed a decade of robust economic growth, which translated into a reduction of poverty. However, urban areas saw their poverty level decrease to a much larger extent than rural areas, with the northern regions being particularly worse off.² This period has been marked by important

civil and political changes, perhaps the most important being the democratic transition and subsequent attempted coup of September 2015 and most recently the military takeover in January 2022 (although this event occurred after the research and writing of this report). Other factors, such as the increased insecurity in northern regions (and resulting population displacement), social unrest, the increased impact of climate change and more recently, the Covid-19 pandemic, are likely to have affected these gains and increased existing inequalities.

¹ World Bank estimate, *Rural Population (% of total population)* - Burkina Faso, indicator SP.RUR.TOTL.ZS, 2020, url: <https://tinyurl.com/4u7a9kzb>

² Plan national de développement économique et social 2021-2025 (PNDES II), p.5, <https://tinyurl.com/33bzayx9>



Access to justice in Burkina Faso

The formal justice sector is based on a civil law system, divided into two main orders (administrative and judicial) with a system of courts and courts of appeal. The justice sector is an ongoing area of focus of national policies, and reforms have been undertaken with the aim of improving its efficiency and independence. A reform of the judicial system took place in 2019 with the effect of reinforcing the role of the lower courts (*tribunaux départementaux et d'arrondissement*) and removing some jurisdictions of exception (children's courts were merged into the common system).

Access to the formal justice system is limited by multiple factors, affecting some Burkinabé more than others. The lack of material resources, budget and the low number of magistrates in relation to the population are some of these challenges.³ The scarcity of courts in some (mostly rural) regions is an additional impediment for rural, poorer individuals who cannot easily

travel to access the formal justice system.⁴ Similarly, access to legal counsel is limited if not virtually impossible for people living in rural areas, with 95% of the country's lawyers registered in Ouagadougou and 5% in Bobo-Dioulasso.⁵

In addition to these material obstacles, users can be hindered in their use of judicial institutions through language barriers or a lack of understanding of the judicial process. French is the sole official language of Burkina Faso, and therefore used throughout the justice system, but not every Burkinabé speaks the language.⁶

4 Fofana, H. (2018). Rapprocher la justice des justiciables. Une ethnographie de la « distance judiciaire » au Burkina Faso. *Droit et société*, 99, 393-410. <https://tinyurl.com/yzz9w35a>

5 Ministère de la justice, Direction générale des études et des statistiques sectorielles, *Annuaire Statistique 2019*, 2020, <https://tinyurl.com/y6pzu5px>

6 There is no recent data on the share of the population speaking specific languages but in the early 2000s, Napon's (quoted by Yoda) "optimist estimate" was that between 10 and 15 % of the population spoke French (as a first or second language). Yoda, L. (2010). Traduction et plurilinguisme au Burkina Faso. *Hermès, La Revue*, 56, 35-42.

Moreover, many users rely on customary or traditional rules in terms of how they behave and present their arguments in court, with a majority choosing not to be represented by a lawyer. This can result in "incident, quid-pro quo and misunderstanding" in court, as the judicial system - and the way it is implemented by judges and prosecutors - relies on other (legal and behavioural) codes that do not match these expectations.⁷

Customary justice plays an important role in Burkina Faso. According to the Afrobarometer, 72% of Burkinabé trust traditional leaders. Moreover, customary law plays an important role in assessing land rights.⁸ The present survey will shed light on this aspect of access to justice.

7 Fofana, H. (2018). Rapprocher la justice des justiciables. Une ethnographie de la « distance judiciaire » au Burkina Faso. *Droit et société*, 99, 393-410. <https://tinyurl.com/5n7am92h>

8 See for example Ouedraogo, H. (2011) De la connaissance à la reconnaissance des droits fonciers africains endogènes. *Etudes rurales*, 187, 79-87, doi: <https://tinyurl.com/mrx6pc92> or Food and Agriculture Organization, Base de données Genre et le Droit à la Terre - Burkina Faso, <https://tinyurl.com/4ssm565n>



3 Iffat Idris, Justice systems in the Sahel, 2020, K4D Helpdesk report, <https://tinyurl.com/kj9k72ej>

Previous studies

There is limited existing research on access to justice in Burkina Faso. In 2017, the World Justice Project (WJP) carried out a study on access to justice among 1.029 adults in Burkina Faso's three biggest cities (Ouagadougou, Bobo-Dioulasso, and Koudougou). It found that 69% of the population had experienced justice problems over the two previous years. The most common types of problems were consumer problems (36% of respondents experienced these), money and debt problems (33%), and problems related to community and natural resources (27%), a broad category encompassing things such as problems with gangs, vandalism, and consumption of drugs or alcohol in the streets, but also lack of access to water, sanitation, and electricity.

In 2020, as COVID-19 made travelling and conducting face-to-face interviews impossible, HiiL conducted a snap online survey (ejNS) on a small sample of Burkinabé. This survey paved the way for the present study, although its methodological limitations mean the results cannot be extrapolated to the total population: The vast majority of respondents were young, highly educated urban men. We found that

58% of respondents had experienced a legal problem in the previous year. The most common problems were misbehaving neighbours, consumer problems, and employment disputes.

In terms of resolution, the WJP study found a resolution rate of 39%, compared with 47% in the ejNS.

In both studies, at least some of the results likely reflect the limitations stemming from the specificities of the sample. For example, the occurrence of land problems (experienced by only 11% of respondents in the WJP survey and 9% of ejNS respondents) is probably an underestimation of the national picture, since the majority of people in both studies live in urban areas. When looking at the most common sources of help and legal information, both studies found that their respondents engaged family, friends, and neighbours much more often than lawyers and courts. Customary or religious authorities were among the least frequently engaged third parties. The sampling approach of this current study allows us to reach populations outside the major cities, providing a much more complete picture of access to justice in Burkina Faso.





3

Methodology



Our methodology corresponds to the legal needs survey guidelines, as defined by the OECD.⁹ HiiL's Justice Needs and Satisfaction survey is specifically designed to measure legal needs in societies based on the premise of people-centred justice. To date, we have applied this methodology in 18 countries. The survey contains more than 100 questions about people's justice journeys, addressing all aspects of justice in people's daily lives.

Besides information about justice needs and resolution processes, we also collect a number of relevant demographic indicators. Our findings can therefore be disaggregated for relevant groups and locations, providing deeper insights into the legal problems and justice journeys of Burkinabé. This helps policymakers, justice providers, legal innovators, and donors to set priorities and focus their attention on improving access to those justice services that are most beneficial for people and society. All the differences we report are statistically significant with a p-level below 0.05.

⁹ OECD/Open Society Foundations (2019), Legal Needs Surveys and Access to Justice, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9a36c-en>

Fieldwork for the JNS Burkina Faso was initially planned to take place in 2020, but the outbreak of the COVID-19 pandemic meant we had to cancel the project for an indeterminate period of time. As face-to-face interviews were not possible, we conducted an online JNS, based on a much shorter version of our traditional survey.¹⁰

With the situation improving, we were able to start preparing for a face-to-face survey again at the beginning of 2021. In March and April, we conducted a two-day workshop with a group of experts from different organisations (including the Ministry of Justice and the National Institute of Statistics and Demography) of Burkina Faso. During these hybrid workshops, where some participants came together in Ouagadougou and others joined virtually, we adapted our research tool to ensure that it reflects the local context and provides answer categories that are relevant and valid for the situation in Burkina Faso.

In June, HiiL and CDG trained enumerators on how to use the survey tool and conduct the interviews, followed by a pilot study of 300 interviews to test the survey in practice. Data collection then took place over a period of four weeks in July and August.

¹⁰ <https://dashboard.hiil.org/ejns-burkina-faso>

After a first round of data analysis, we presented the preliminary findings of the study to the same group of experts and stakeholders during a two-day justice data lab in October 2021. Participants reflected on the findings, providing feedback, interpretations, and explanations. Their input greatly enriched the final version of this report.

Below we explain how we operationalise some of the key concepts discussed in this report.



Measuring the justice gap

The first step of our survey is asking people whether they have experienced a legal problem in the last four years. People can select up to ten problems from a list of almost 100 different legal problems. The people we talk to do not say: "I have a land problem". Instead, they mention a specific problem and identify it in the list together with the enumerator. These specific problems are organised into fourteen broader problem categories.

At HiiL, we refer to the difference between the justice solutions people need and the solutions people receive as the 'justice gap'. To measure this gap, we ask people for every problem they experienced, whether this has been resolved or not. Comparing the reported number of legal problems experienced and the number of legal problems resolved and extrapolating this to the entire adult population of Burkina Faso, we can approximate the size of the justice gap.

Measuring the impact of legal problems

Not all legal problems affect people's lives in the same way. To understand the impact of legal problems, we ask people to rate the seriousness of each problem on a scale from 1 to 10. We also ask respondents who experienced multiple legal problems to indicate which one was the most serious one. This most serious problem, and people's attempts to resolve it, is then explored in-depth in the rest of the survey. For example,

we ask respondents whether their most serious problem led to certain consequences, such as a loss of income, harm to family relationships, or even the death of a relative.



Measuring the justice journey

People use formal and informal processes to resolve their legal problems. We call these sequences of steps towards resolving problems ‘justice journeys’. This justice journey begins when people first take action to try to resolve their problem and typically ends when the parties come to an agreement, a neutral third party makes a decision, or the person pursuing justice gives up. The JNS survey maps people’s justice journeys and their satisfaction with the different elements of it. We map out formal and informal justice journeys, rather than focusing solely on what is in the books. By doing so, we show what services people use and which ones not. We also show which ones are considered most helpful.

After mapping the justice journeys, the JNS survey measures how people evaluate the resolution process and possible outcomes they received. We measure their perceptions of three dimensions of their justice journey: The process, the outcomes, and the costs involved. Questions about these dimensions are categorised and displayed in ten easy-to-understand indicators, as per the table below.

Respondents rank their satisfaction with these ten indicators on a scale of 1 to 5. The charts in chapter 8 capture these different scores in one convenient visualisation to show people’s overall satisfaction with the resolution process.



COSTS OF JUSTICE

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

QUALITY OF PROCEDURE

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

QUALITY OF OUTCOME

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

Measuring legal information and advice

Awareness of rights and available mechanisms to claim these rights is a key element of understanding the legal dimension of a problem being able to obtain help to resolve it. However, information about rights and legal procedures is not always available. Other times it is available, but people do not know where to find it. This is why accessible legal information and advice is a cornerstone of access to justice. The JNS survey identifies what sources of information people use, and whether advice given effectively helps people resolve their legal problems.



Qualitative interviews

Besides the 6.064 survey interviews, we also conducted 50 in-depth follow-up interviews to further explore the justice journeys of people in Burkina Faso who experienced at least one legal problem and had not been able to resolve it (yet). Because of their more vulnerable position and the need to better understand the specific challenges they face, we interviewed only women. We also interviewed 60 justice providers (not limited to the formal, modern justice sector) about their experiences and perspectives of the Burkinabé justice system.



Limitations

Despite the efforts made to ensure a strong research design that includes quantitative survey data, qualitative interviews with both justice users and justice providers, and workshops with local experts, the study has some inevitable limitations.

Although our overall sample is large, some of our findings are based on a relatively small number of people. This is especially the case when the disaggregation in the sub-samples gets closer to the end of people's justice journeys, or when a problem category with small prevalence is analysed in depth. A reliable detailed analysis of people's experiences with specific justice journeys would require different and larger samples, focussing for example on one particular legal problem or justice provider.

Another important thing to consider is that people tend to underreport specific legal problems. For example, domestic violence, or sexual offenses are often considered sensitive topics, making people, particularly women, less likely to report them. This could apply to certain types of family problems and crimes. Cultural norms, shame, and fear might all impact people's willingness to report certain problems.

Finally, in recent years especially the northern regions of Burkina Faso have been plagued by violence. In 2019 and 2020, hundreds of thousands of Burkinabé were forced to leave their homes and flee to other areas of the country. As of December 31, 2021, the number of internally displaced persons (IDPs) in the country totalled 1,6 million people, the majority of them women and children. HiiL is conducting a separate study with UNHCR into the justice needs of IDPs in Burkina Faso. IDPs are therefore not a specific target group of the current study.





4

**Study
sample**



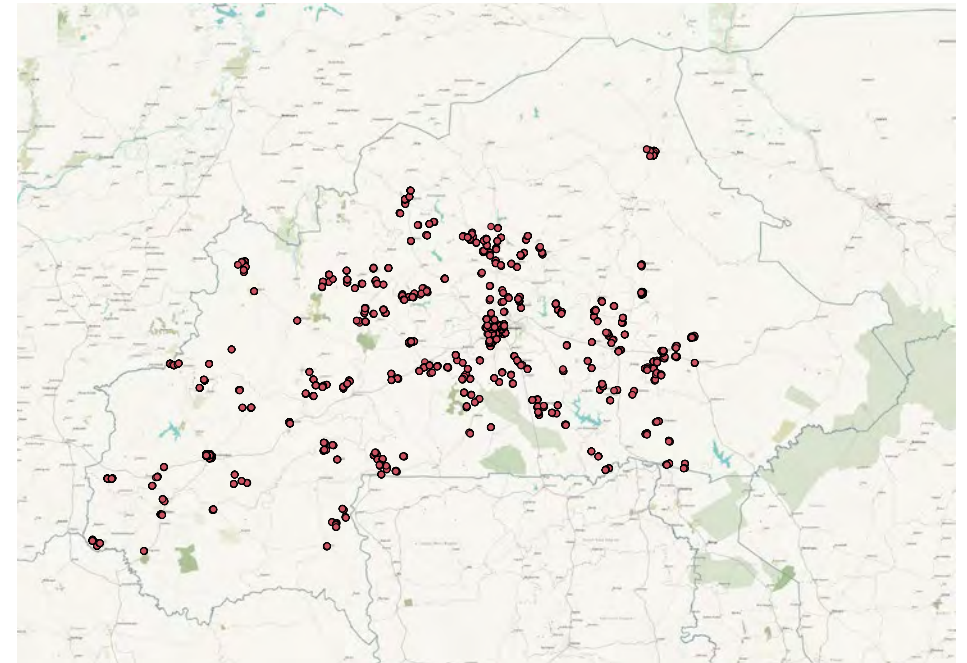
We spoke to 6,064 randomly selected men and women from all over Burkina Faso. The selection of individual respondents followed a multi-stage randomisation process, using the 2019 census as our sampling frame to make sure the results of the study can be generalised to the overall population of Burkina Faso. Enumerators visited people in all thirteen administrative regions, thereby covering the entire country. From each region, we drew a random sample on three different administrative levels: Province, municipality, village.¹¹ Once in the field, enumerators followed a specific procedure to select adults from diverse background while ensuring representativeness in terms of age, gender, and location. The findings of the study are therefore representative of all adults in Burkina Faso and can be relatively safely generalised to the overall population.

¹¹ Due to security concerns, a few of the selected villages had to be replaced by similar ones.

Location

Around 68% of respondents lived in rural areas, with 32% in urban areas. Older people more often tend to live in rural areas than younger people.

LOCATIONS OF INTERVIEWS



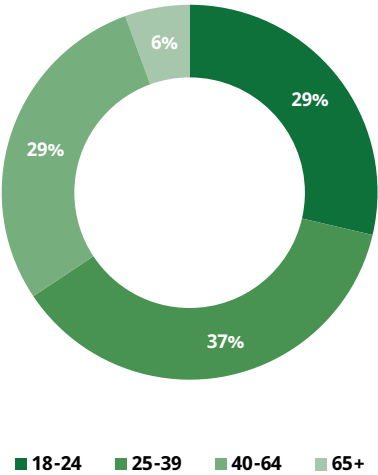
The regional coverage of our sample reflects the actual populations of each region.

Region	N	Percentage
Boucle du Mouhoun	600	10%
Cascades	240	4%
Centre	840	14%
Centre Est	480	8%
Centre Nord	480	8%
Centre Ouest	480	8%
Centre Sud	360	6%
Est	540	9%
Hauts Bassins	600	10%
Nord	480	8%
Plateau Central	304	5%
Sahel	420	7%
Sud Ouest	240	4%

Gender, age, marital status

Our sample contains slightly more women than men: 52% versus 48%. The mean age of respondents is 36 years. The average man (39 years) is slightly older than the average woman (34 years) in the sample. Men are also overrepresented in the older age groups, whereas women more often appear in the younger groups.

AGE GROUPS



Around 69% of respondents are married: Two-thirds of those are in a monogamous marriage, whereas one-third is in a polygamous marriage. Meanwhile, 21% are single and have never married, 4% are cohabiting, 4% are widowed, and 1% are married, but separated. Only 19 respondents (less than 1%) are divorced.

N=6064

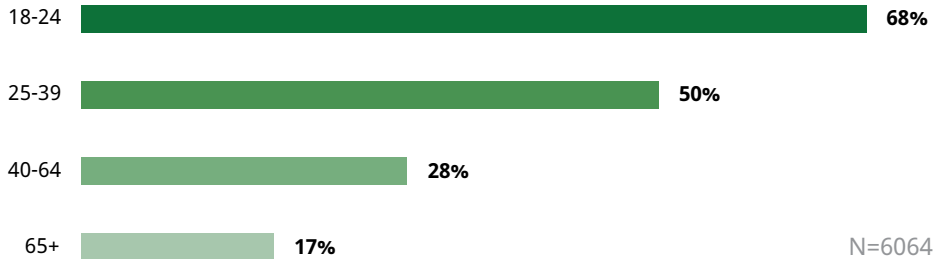
Education, work, income

Around 47% of respondents have received a formal education. Of the 53% of respondents who have not received a formal education, 83% consider themselves illiterate (44% of the total sample). When looking at demographic differences in this report, we will use the distinction between literate and illiterate, rather than the different education levels.

Women (48%) are more often illiterate than men (39%). In terms of age, it is clear that younger people more often have enjoyed formal education and are much less often illiterate.

Roughly half of all respondents work as a farmer, fisherman, or shepherd. Another 26% are employed, 12% are students, and 8% are unemployed. The remainder of respondents are retired (2%), are carers at home or for family (1%), or something else (1%). Women are more often unemployed than men. Not surprisingly, people in rural areas more often work as a farmer, fisherman, or shepherd, while people in urban areas are more often employed, unemployed, or students.

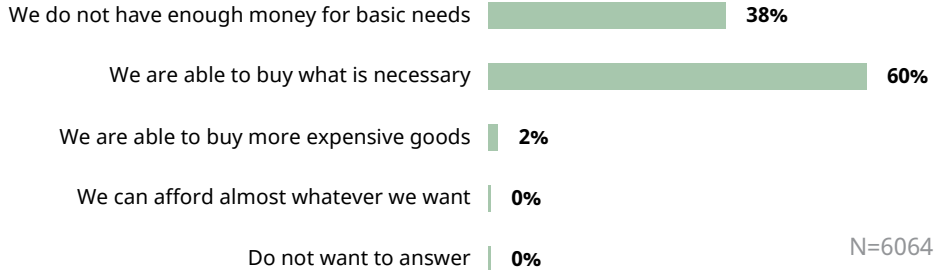
PERCENTAGE OF RESPONDENTS WITH FORMAL EDUCATION



Of those employed, 43% work independently, mostly in the informal sector (34%). The other 57% are employed either full time (44%) or part time (14%). Most of these people are also informal workers (30%).

Most respondents assess their financial situation as difficult. Only 2% indicate they are able to buy more than what is necessary. In the remainder of the report, we will distinguish between those able to cover their basic needs (62%) and those who are not (38%).

FINANCIAL SITUATION



Cell phones are clearly ubiquitous in Burkina Faso: 98% of people have at least one working cell phone in their household. Finally, 41% of all people have access to the internet.

Overall, clear divisions exist between people in urban and rural areas. Whereas 69% of people in urban areas have had some form of formal education, this is the case for only 37% in rural areas. And while 77% of people in urban areas indicate they are able to meet their basic needs, the same is true for only 55% of people in rural areas. Finally, internet access is much higher in urban areas (72%) than in rural areas (27%).



5

Justice gap

Just before the start of the rainy season of 2021, we visited the homes of 6.064 Burkinabé. Local enumerators knocked at doors all over the country and sat down with men and women to discuss their legal needs and their attempts to resolve the legal problems they experienced. In this chapter we start by looking at the legal problems people experience and whether they are able to resolve these problems.



Legal problems are common, but are unequally distributed

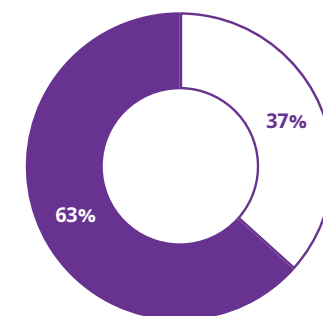
About two out of three Burkinabé experienced a legal problem in the past four years (the period between June 2017 and June 2021).

Have you experienced one or more legal problems in the last four years?

N=6064

The prevalence of legal problems is in line with findings from similar studies in Burkina Faso, including our e-JNS study conducted in 2020 during the early stages of the Covid-19 pandemic.¹²

In comparison to other countries where we have conducted a JNS survey, the problem prevalence rate in Burkina Faso is somewhere in the middle. It is lower than in Uganda and Nigeria, but higher than in Kenya, Ethiopia, and neighbouring Mali.




- No problems reported
- One or more problems reported


¹² <https://dashboard.hiil.org/ejns-burkina-faso/>

Prevalence compared internationally¹³


Country	Prevalence
Uganda	88%
Nigeria	73%
Burkina Faso	63%
Kenya	63%
Ethiopia	40%
Mali	39%


Some demographic groups are more likely to experience legal problems than others:¹⁴

- 

Gender:
Men (67%) more often experience legal problems than women (59%)
- 

Location:
People in rural areas (64%) slightly more often experience legal problems than people in urban areas (61%)

- 

Literacy:
People who are literate (66%) are more likely to experience a legal problem than people who are illiterate (60%)
- 

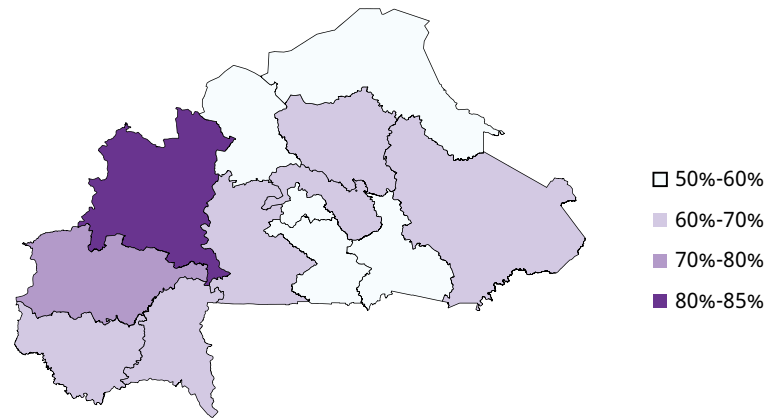
Income:
A similar difference exists between people who can cover their basic needs (65%) and people who cannot (60%).

¹³ <https://dashboard.hiil.org/country-comparison-page/>

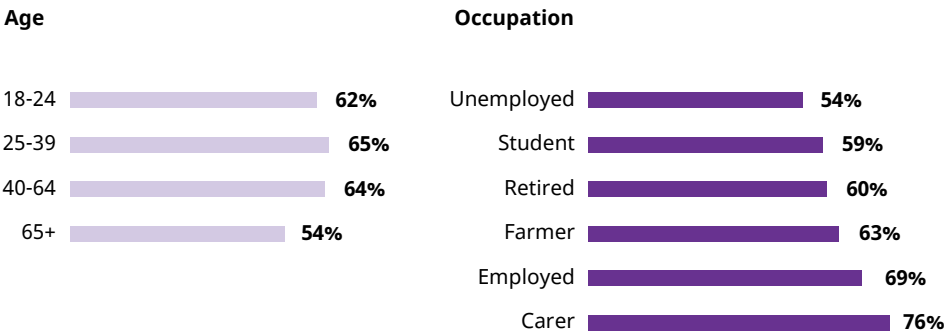
¹⁴ Some of these differences should be interpreted with caution. As explained in the methodology chapter, there might be some underreporting among women and/or the poor.



REGIONAL PREVALENCE RATES



PERCENTAGE OF PEOPLE EXPERIENCING A LEGAL PROBLEM



The youngest (18-24) and especially oldest (65+) groups are less likely to report problems than the two adult groups (29-39 and 40-64). Linked to this, unemployed people, students, and retirees are less likely to report legal problems than farmers, people in employment, and carers.¹⁵ These differences suggest that people who are in the more active stages of life, and therefore more often in situations where everyday legal problems are more likely to occur, are also more likely to experience legal problems.

Finally, our findings also suggest quite some regional variation in the prevalence of legal problems, ranging from 50% in Centre Sud to 84% in Boucle Du Mouhoun.

¹⁵ Note that the numbers of carers or retired people in our sample are relatively low (86 and 94, respectively)

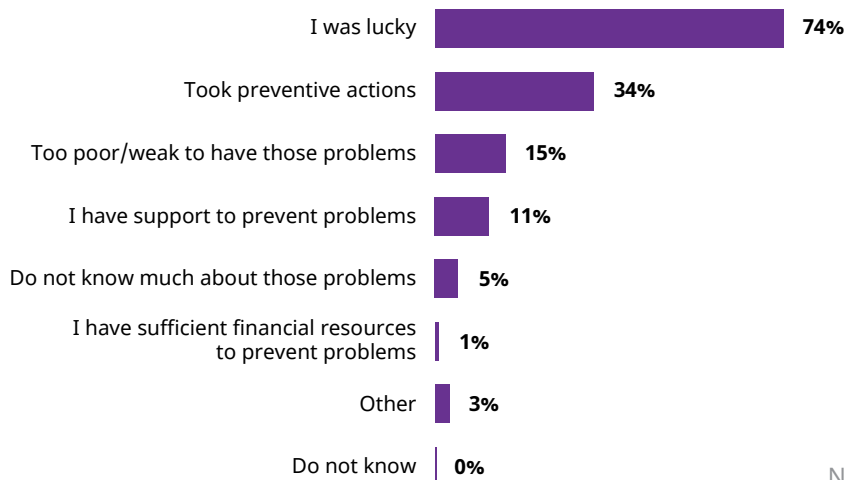
Most people without legal problems believe this is the result of luck

We asked people who did not experience any legal problem what they believe are the main reasons for this. Three out of four people without problems attribute this situation to plain luck. A third say they took preventive actions and only 15% say they were too poor or weak to experience problems like the ones in our list.

Men (39%) answered more often than women (30%) that they took preventive measures. There is weak evidence that women (17%) say more often than men (13%) that they are too vulnerable. There are no other significant demographic differences.

RAISONS POUR LESQUELLES IL N'Y A PAS DE PROBLÈMES DE JUSTICE

réponses multiples



Almost 50% of people with legal problems experience more than one problem

Of all people who experienced at least one legal problem in the last four year, almost half experienced multiple problems. The average number of problems per person is 1,7.

1,7

Average number of problems among those who report at least one problem.

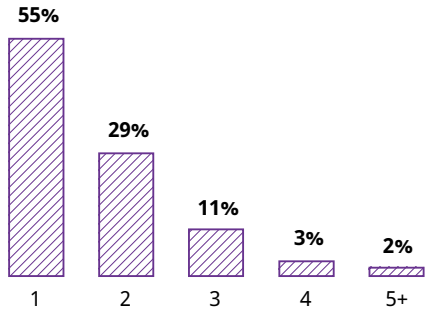
With almost two problems reported per person, we collected information about more than 6.500 specific problems.





Both employed people and young adults report 1,8 problems on average, compared with 1,6 problems in the other groups. This supports the idea that especially people who are more socially active are prone to experience legal problems. There are no other major demographic differences in the average number of problems experienced.

NUMBER OF PROBLEMS PER PERSON



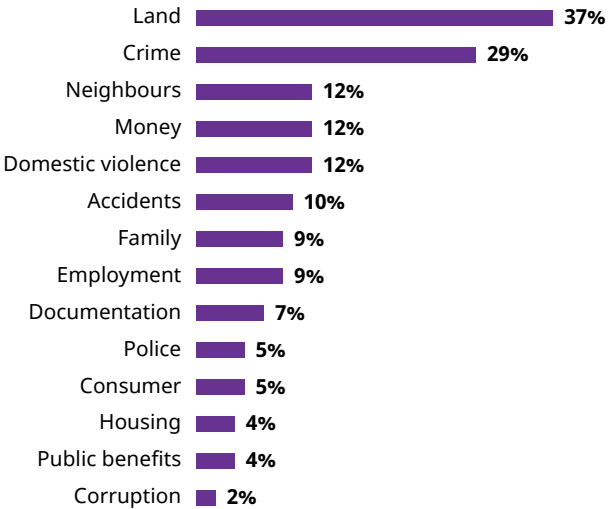
N=3839

Land and crime are the most common problem categories in Burkina Faso

Two out of three adults in Burkina Faso experienced a legal problem in the past four years. The graph below shows the percentage of people, out of those who reported problems, who experienced at least one problem in a category.¹⁶

MOST COMMON PROBLEM CATEGORIES
as % of people with problems

N=3839



¹⁶ Once again, it is possible that people underreport certain problem categories, such as domestic violence or family problems, so they might affect more people than the chart suggests.

Two problem categories stand out: Almost four out of 10 Burkinabé who experience legal problems have land-related problems, while close to a third experience a crime. At least 10% of people experience neighbour problems, money problems, domestic violence, or accidents. It is noteworthy that domestic violence is relatively

common, as this problem category can be expected to be underreported. It is therefore likely that the actual prevalence of this problem category is even higher than 12%. If we take it together with family problems, this would be the third most common problem category.

Problem category	Estimated number of people per year
Land	576.000
Crime	449.000
Neighbours	193.000
Money	182.000
Domestic Violence	179.000
Accidents	156.000
Family	139.000
Employment	139.000
Documentation	106.000
Police	79.000
Consumer	77.000
Housing	64.000
Public benefits	58.000
Corruption	35.000

“ ”

On the one hand, land problems are due to the fact that Burkinabé place a high financial value on land. In the case of urban land, each citizen wanting to have his own land creates tensions. On the other hand, land problems are fuelled by the poor management of land over the years, which makes it a very delicate domain. Land use in rural areas often causes problems with livestock herders and the lack of grazing land makes it difficult for farmers and livestock herders to live together. These are reasons why the land crisis is real and is only getting worse.

**Advocate General
at a Court of Appeal**

We had been living in non-divided plots for 15 years and the town hall has made a plot during the subdivision process and deprived us from plots. During the subdivision, they said that the natives had to win first before it was awarded to foreigners. They say that we came from Ivory Coast, therefore we are foreigners. But we are Burkinabé citizens? I have been living in the area for a long time, it pains me to experience this bitterness.



There are a number of demographic differences when it comes to the most common problems people experience, especially for land problems (see text box below). Other significant demographics are:



Gender:

More women than men report domestic violence problems and neighbour problems (in both cases 15% versus 9%). Family problems are also more common for women (11%) than for men (7%). On the other side, more men than women report employment problems (men 11%, women 7%), which can be explained by gender differences in employment levels (28% of men are employed versus 23% of women).



Location:

More urbanites (19%) than rural inhabitants (10%) have neighbour-related problems, accidents (15% versus 8%), and employment problems (12% versus 8%). As described in the text box, people in rural areas much more often experience land problems.



Literacy:

People who are literate are more likely to experience domestic violence, accidents, employment, family problems, and neighbour problems (see graph). However, this could be partially explained by the fact that they have problems in slightly more categories than people who are illiterate (1.6 versus 1.5 on average). As described in the text box, people who are illiterate much more often experience land problems.



Income:

The tendencies of people who can cover their basic needs and people who cannot are similar to those of people who are literate and people who are illiterate.



Age:

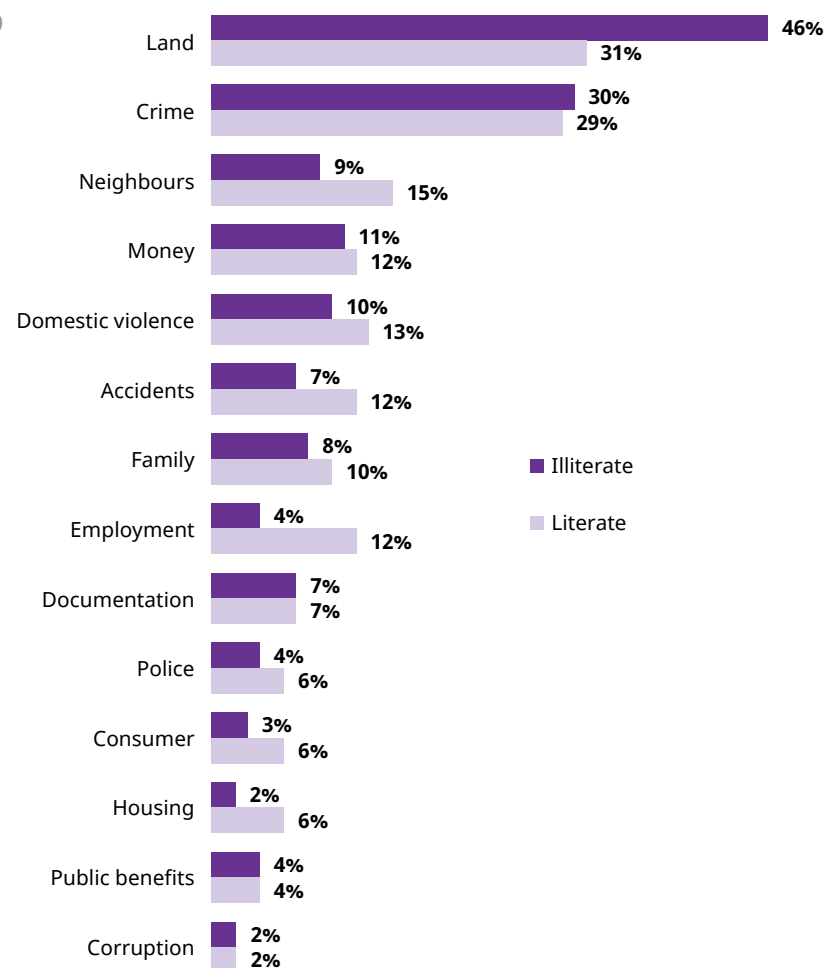
The amount of people affected by the most common problems varies across different ages. The graph below shows this tendency across the top six most common problems.¹⁷

¹⁷ We removed the senior group (65 years and above) because of the small number of observations.

MOST COMMON PROBLEM CATEGORIES

by literacy

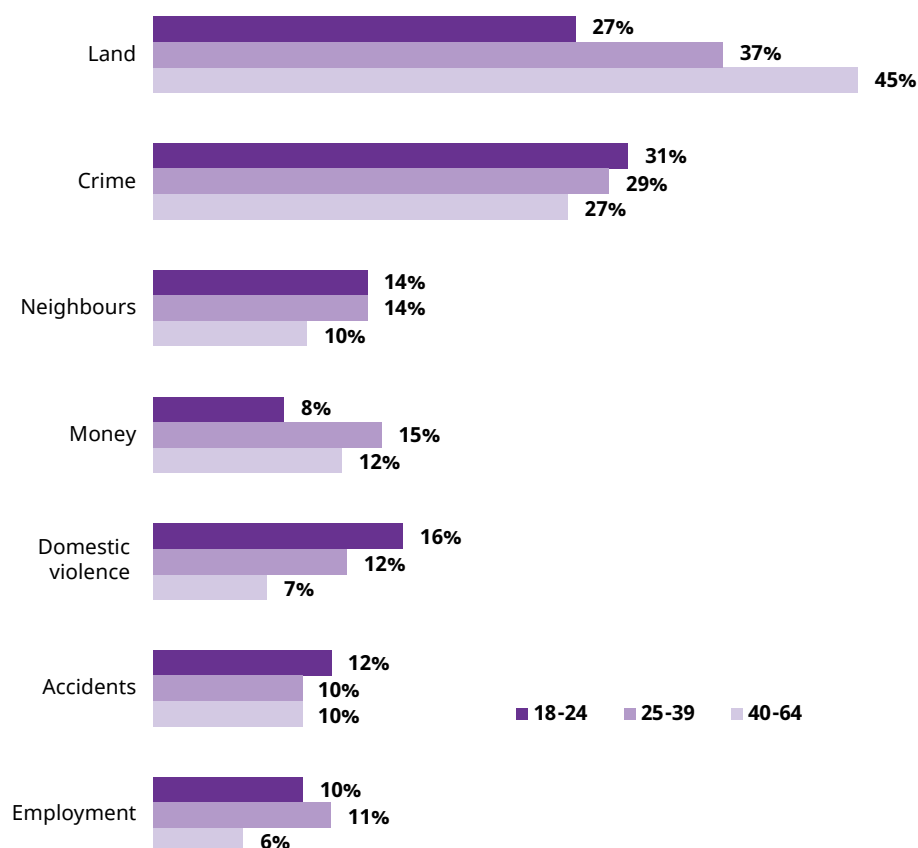
N=3839



MOST COMMON PROBLEM CATEGORIES

by age group

N=3657



Some of the most noteworthy demographic differences in land problems are:

- More men (42%) than women (32%) report land problems.
- Poorer Burkinabé (who cannot cover their basic needs) are more likely (42%) than richer ones (34%) to experience land problems.
- People without formal education are more likely (46%) than people with formal education (28%) to experience land problems.
- Almost 50% of rural inhabitants experience land-related problems, compared with only 17% of urban inhabitants.
- Almost 50% of people between 25 and 39 years old have one or more land-related problems, compared with only about a quarter of the youngest group (18-24).

Theft is the most common specific problem, affecting everyone



As explained in chapter 3, the problem categories used so far are all made up of multiple specific disputes and problems.

Although land is the most common problem category, the most common specific problem is not a land problem. Theft is the most commonly experienced specific legal problem in Burkina Faso. Based on the qualitative interviews, it seems that especially motorbike theft is a common problem. The second-most common specific problem is a land problem: Disputes related to animals owned or kept by neighbours. Two other land-related problems are part of the five most common specific problems. This is why crime and land are the two most common problem categories.

”

At the civil level, land disputes are a reality whether in urban or rural areas, and also the difficulties between farmers and livestock herders. At the criminal level, theft is the basic offence. Out of 10 cases, 5 or 6 are theft.

**Advocate General
at a Court of Appeal**

”

I had gone to catechesis and my motorcycle was stolen from the Church. In fact, we catechumens park our motorcycles together. So, when we finished and I got out, the others took their motorcycles, but I couldn't see mine.

”

Farmers and livestock owners share the same territories, while the animals are ambulant and the farmers are just expanding their fields. Often, we notice that the cattle tracks are occupied by fields, in which case, where will the animals go? So, for me, it is the anarchic occupation of the fields.

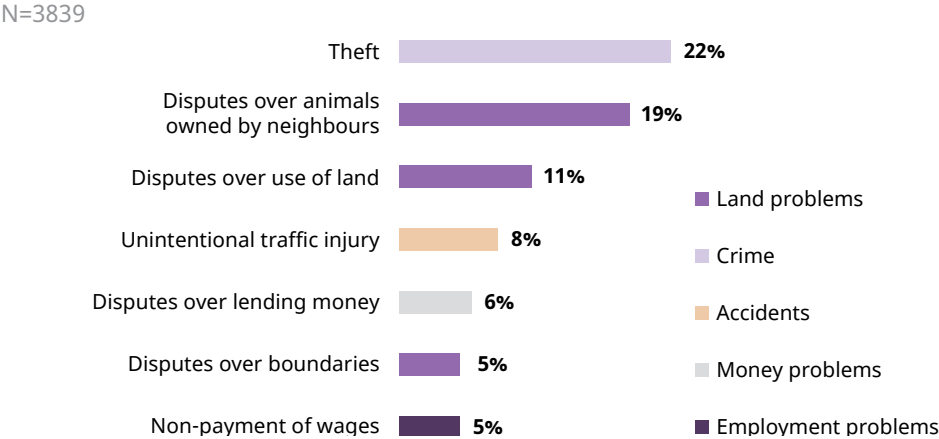
**Secretary General
of a town hall**

”

My husband does not have his own field. He works with people and with the arrival of displaced people here, when he cultivates the fields, their animals destroy his fields and spoil the harvest

The disaggregation of specific problems by demographic characteristics mostly replicates the patterns seen for the problem categories above.

MOST COMMON SPECIFIC PROBLEMS
as % of people with problems



A bright spot: Fair resolutions are common

For each problem people experienced, we asked three follow-up questions. Firstly, we asked people to evaluate the seriousness of their problems on a scale from one to ten. The average seriousness of all 6.508 problems Burkinabé experienced is 6,1.

6,1

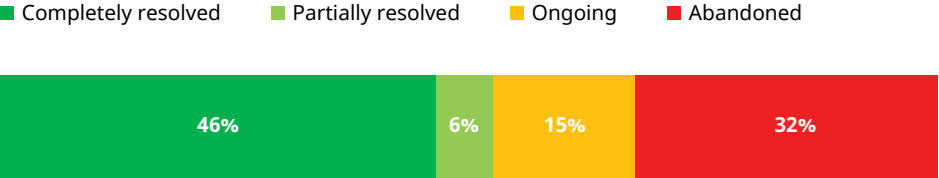
The average seriousness of all legal problems experienced by Burkinabé



After assessing the seriousness, we asked people whether their problem was resolved. If the problem was indeed resolved, we asked how fair the resolution was.

It is a positive sign that many people manage to resolve their problems: More than half of all legal problems were completely or partially resolved at the moment of the interview. A third of the problems are abandoned and only 15% are ongoing.

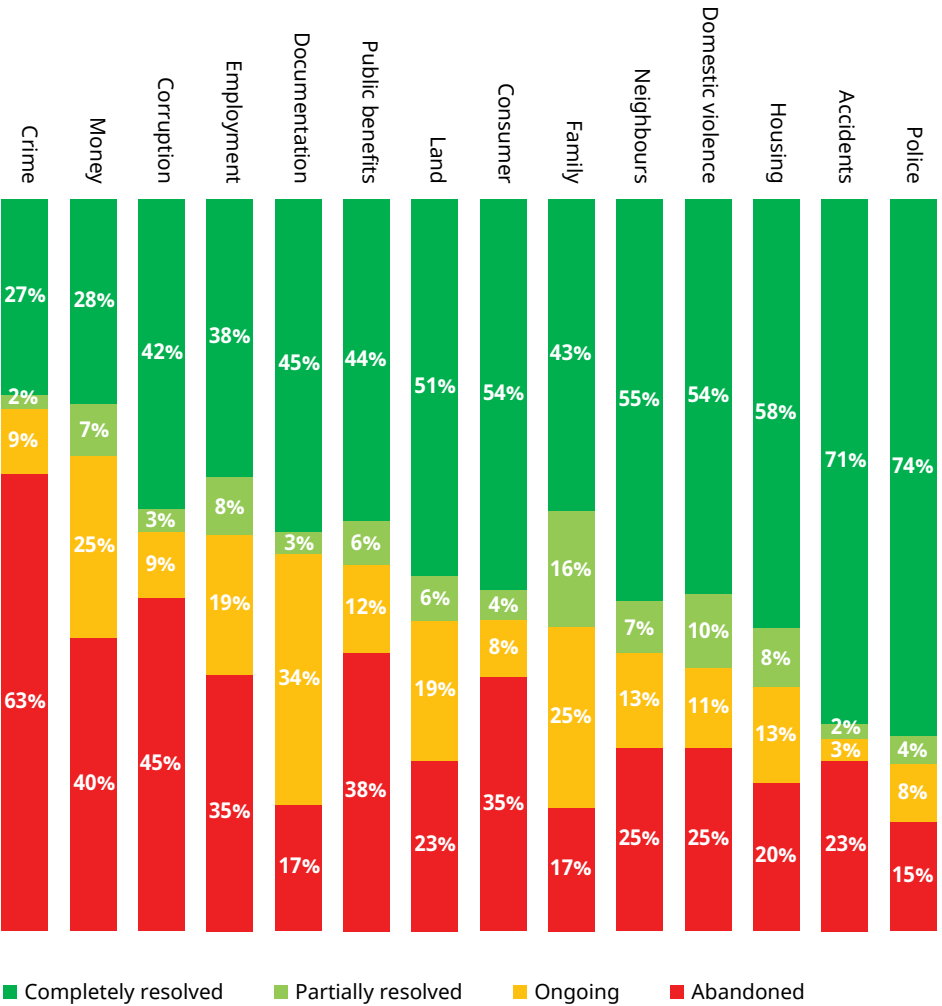
RESOLUTION STATUS
all problems



N=6508 problems

Not all problems are equally likely to get resolved. Crime, the second most common problem category, has the lowest resolution rate (29%). Money problems, corruption, employment problems, and problems related to documentation also get resolved less than half of the time. On the other hand, police-related problems and accidents are resolved respectively 78% and 73% of the time. Land problems are somewhere in the middle, with 56% of them resolved.

RESOLUTION STATUS
per problem category



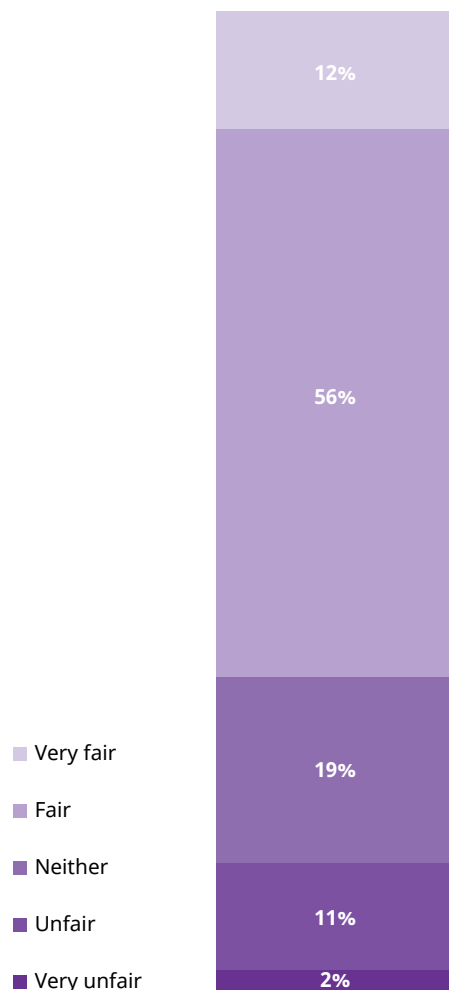
In chapter 7 we will take a closer look at the resolution of legal problems, including whether certain demographic groups are more likely to resolve their legal problems than others.

Out of 3.397 completely or partially resolved problems, the resolution was fair or very fair in 68% of the cases.

FAIRNESS OF THE RESOLUTION

N=3397 problems

This suggests that not only is resolution of legal problems relatively likely, but also that a fair resolution is more likely than not.



Quantifying the justice gap in Burkina Faso

The JNS survey is a nationally representative survey. The information Burkinabé shared with us allows us to calculate the scope of unaddressed legal needs in the country.¹⁸

Based on a population of approximately 11,5 million adults¹⁹, every four years:

- 7,28 Million people have at least one legal problem
- They collectively experience 12,34 million legal problems
- 6.439.000 of these problems are resolved
- 1.901.000 are ongoing
- 3.995.000 are abandoned
- 2.021.000 of resolved problems do not get a fair solution

Summing up ongoing, abandoned and unfairly resolved problems, the size of the justice gap in Burkina Faso in a four-year period amounts to 7.917.000 problems in need of fair resolution. This translates to a justice gap of 1.979.000 problems that are in need of a resolution every year.

¹⁸ Numbers in this subsection are rounded up.

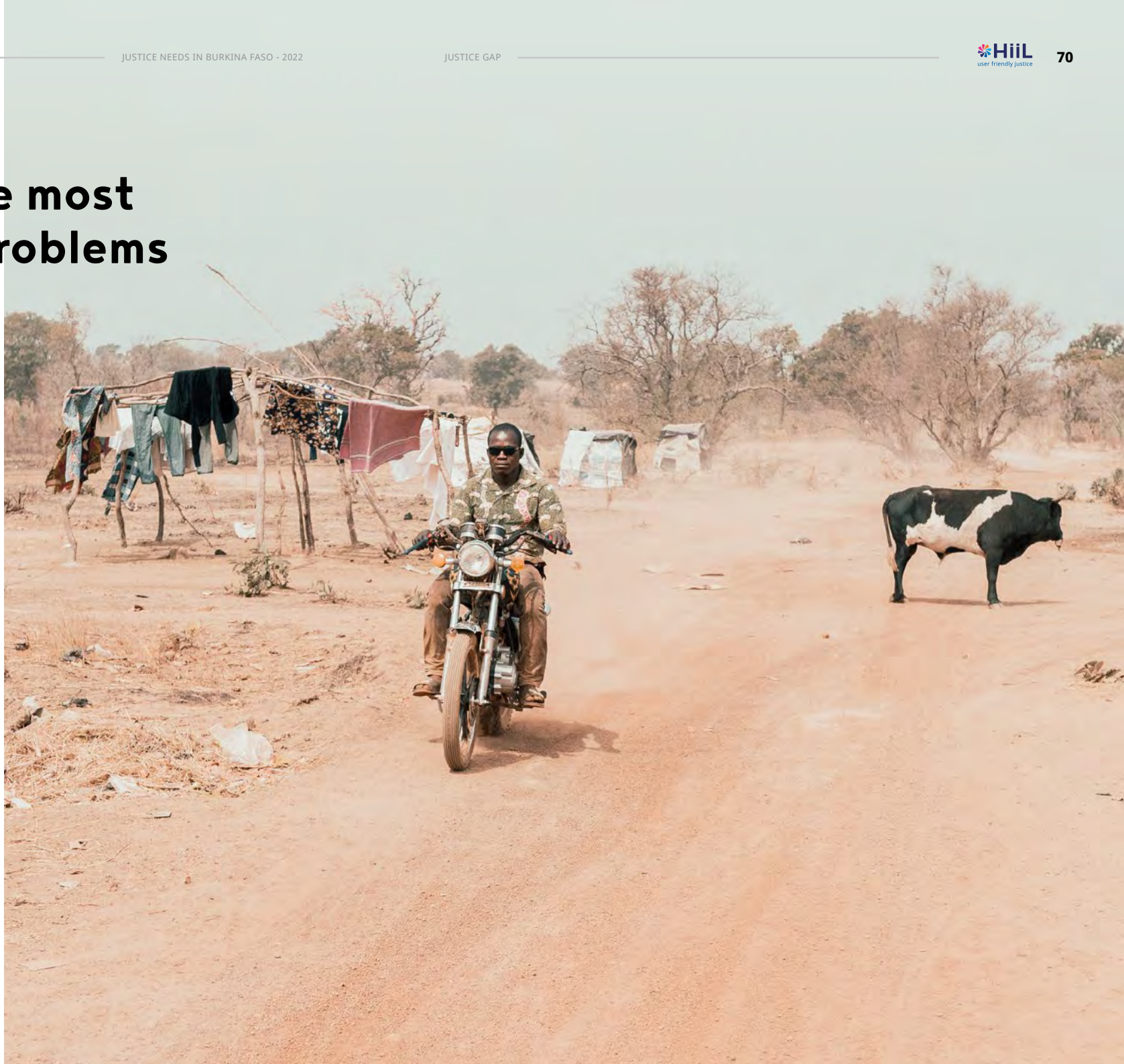
¹⁹ This number is not completely accurate, as it includes everyone above 15 years old. In the JNS survey, we only include adults (18 and above). This means the calculation here likely underestimates the true size of the justice gap.

Identifying the most burdensome problems

As explained in chapter 4, we discussed the survey results with a group of experts from Burkina Faso during a two-day justice data lab workshop in Ouagadougou. During this workshop, the experts not only reflected on the findings, but also discussed what they believed to be the most burdensome justice problems in Burkina Faso, based on the JNS survey data, their professional experience, and current justice priorities. Based on this discussion and a number of indicators from the JNS survey data, we identify the following problems as the most burdensome in Burkina Faso:

- Crime
- Domestic violence
- Family problems
- Land problems

To provide extra insight into these problem categories, we present detailed tables with a number of data points for each of them at the end of each chapter.





Impact of legal problems



Legal problems affect people in different ways. In this chapter we measure the impact, effect, and consequences legal problems have on the lives of millions of Burkinabé. We did this by asking them about the consequences of their most serious problem and the effects on key dimensions of their life.

When people experienced multiple legal problems in the past four years, we asked them to select the most serious one.²⁰ There are a couple of reasons for this. Firstly, the selected problems provide a good indicator for the purposes of prioritisation. Secondly, selecting the most serious problem gives the survey a clear direction in which to dig deeper. Every problem therefore equals one person, unless stated otherwise.

²⁰ When people experience only one legal problem, this is automatically treated as their most serious one

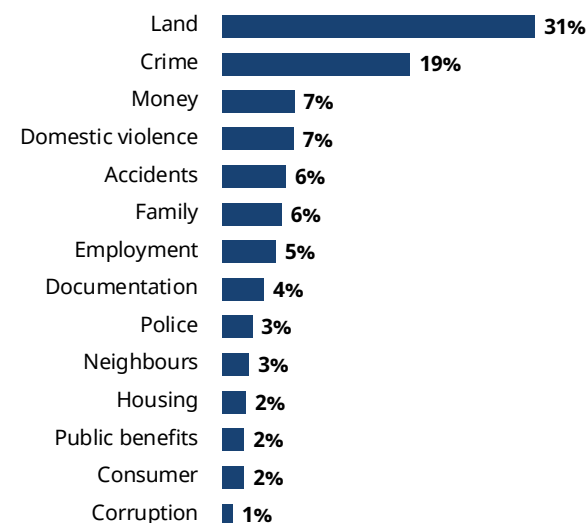
Land problems and crime are the most common and most serious problems

In the previous chapter we showed that land problems and crime are the most prevalent legal problem categories in Burkina Faso. When looking at the selected most serious

problems, this does not change: Land problems and crime remain the most common problem categories.

MOST SERIOUS PROBLEM CATEGORIES

N=3839





I have a problem with my neighbour. It is a neighbour who has a bar and the music is played full time. People are drinking and screaming and the music is loud.

Land problems are considerably more often selected as the most serious problem than other problem categories. On the other hand, neighbour problems are rarely seen as the most serious ones, despite being the third most common problem people experience. This is line with the relatively low level of seriousness people assign to neighbour problems (see chapter 5).

The differences between demographic groups are similar to those found in the previous chapter for the most common problems, probably because the base rates are already different for different groups. For instance, more men than women identify land problems as their most serious problem, but this corresponds to the fact that more men than women experience land problems.

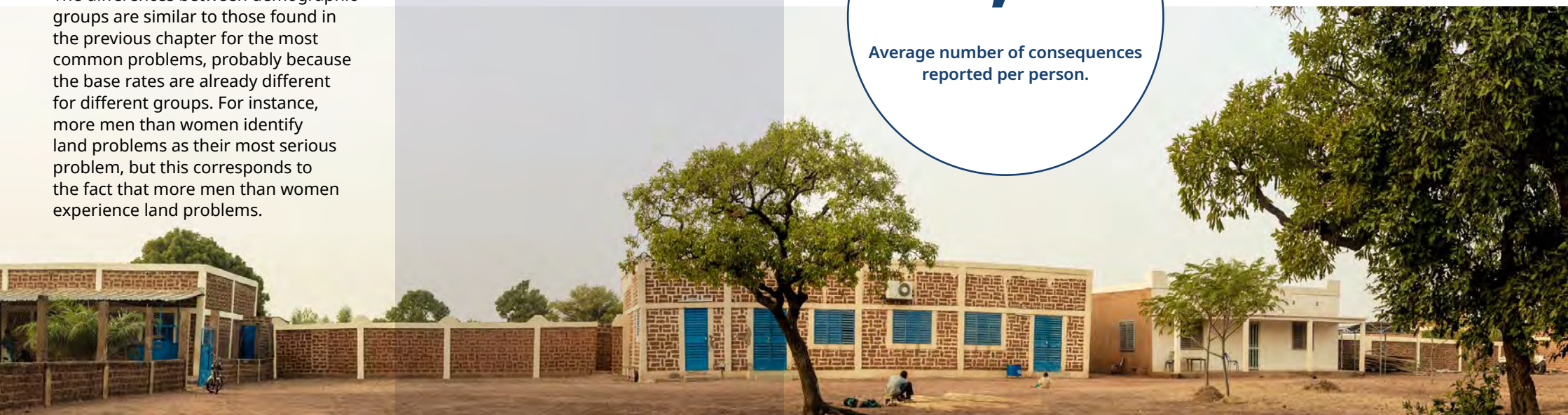
Legal problems almost always cause negative consequences in people's lives

Almost nine out of ten Burkinabé (85%) with problems report at least one negative consequence of their most serious problem.

The most commonly experienced consequence is loss of money: Almost half of the Burkinabé who suffer any consequence report it. One in three people experience loss of time. Other common consequences relate to important relationships being harmed.

1,7

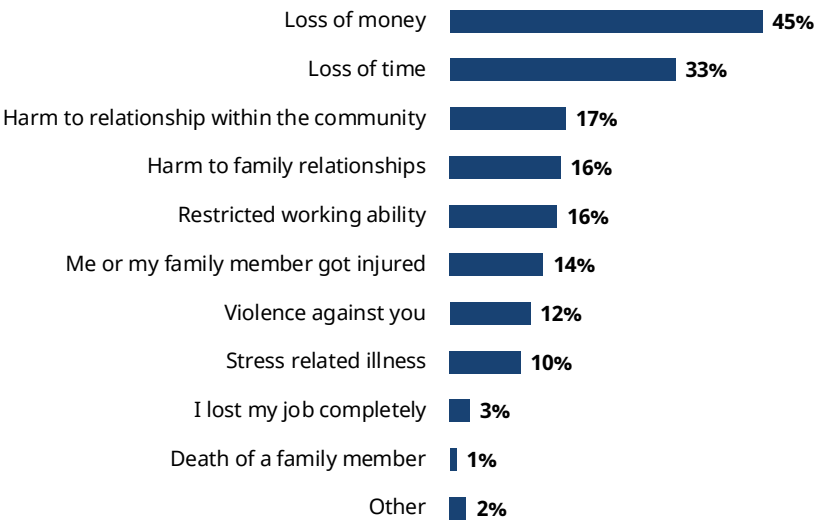
Average number of consequences reported per person.



DID YOU EXPERIENCE ANY OF THESE CONSEQUENCES?

multiple response

N=3263



Not all consequences are equally distributed among different demographic groups.



Gender:

Women are slightly more likely than men to report harm to family relations (18% versus 14%) or violence against them (14% versus 9%). Men report more often loss of money (50% versus 40%) and loss of time (38% versus 28%).



Literacy:

There are no statistically significant differences between people who are literate and people who are illiterate.



Income:

There are no statistically significant differences between people who can and people who cannot cover their basic needs.



Location:

Urbanites (40%) more often report loss of time than rural inhabitants do (30%). The latter more often report harm to relations in the community (18% versus 13%).



Age:

There are no statistically significant differences between different age groups.



Some problems are more expensive than others

The average amount of money lost because of a legal problem (not counting the money spent on trying to resolve the problem) is around CFA 100.000.²¹ There are significant differences between demographic groups. In general, the following groups lose above average amounts of money because of their legal problems:

- Men
- People who can cover their basic needs
- Urbanites
- People between 40 and 59 years of age

21 Approximately EUR 153

This is probably correlated with the types of legal problems these groups most commonly experience, such as accidents, employment problems, or money problems. As the graph below shows, these are the most costly legal problems in terms of monetary loss.

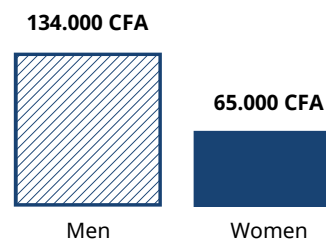
14

The average number of working days lost because of a legal problem. There are no significant differences between different demographic groups.



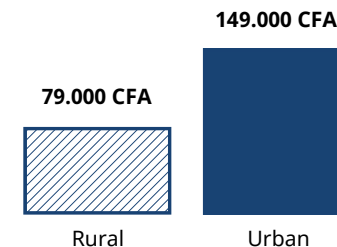
MONEY LOST

by gender



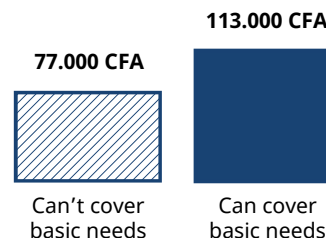
MONEY LOST

by location



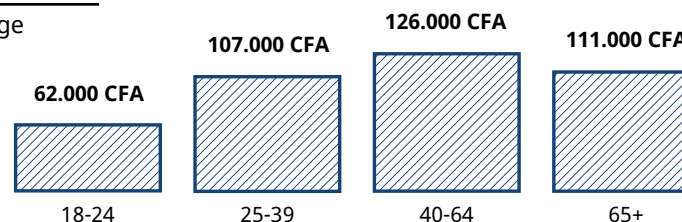
MONEY LOST

by economic status



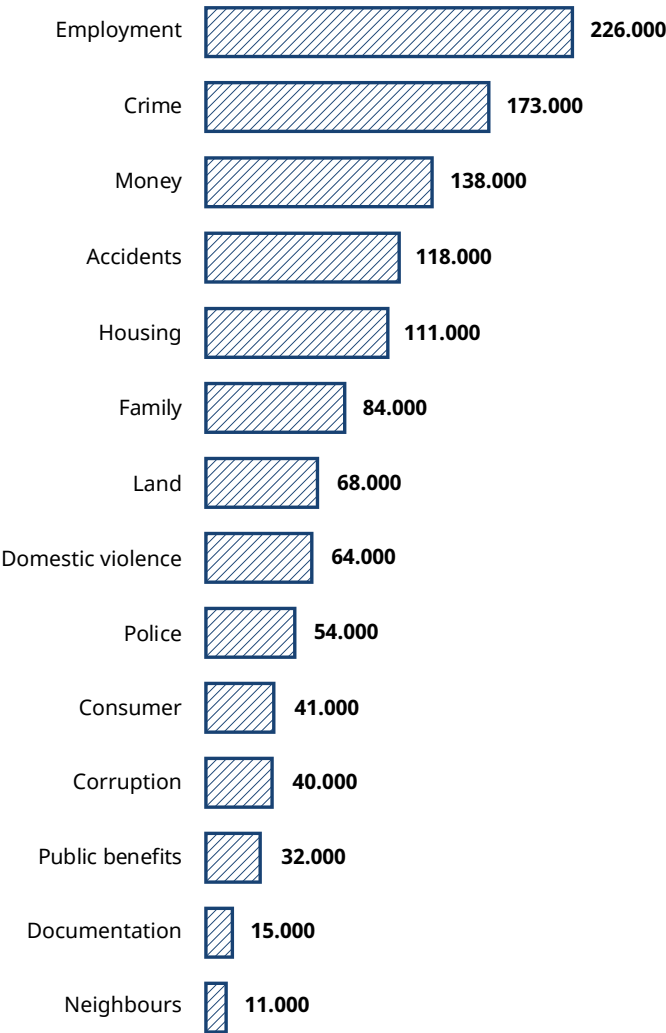
MONEY LOST

by age



MONEY LOST
by problem category

N=3839

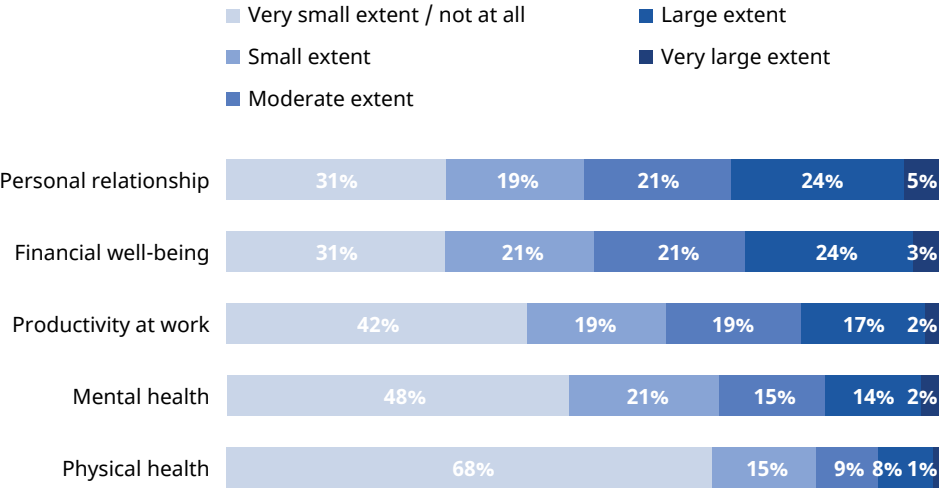


Legal problems in Burkina Faso especially affect personal relationships and financial well-being

Besides the consequences reported above, Burkinabé also told us about the negative effects their most serious legal problems have on five dimensions that capture relevant aspects of quality of life. People’s personal relationships and financial well-being are most often affected by the problems they experience, while physical health tends to remain unaffected.

TO WHAT EXTENT DID THE PROBLEM AFFECT YOUR...

N=3839





The paternity of my child is contested by the father. Currently, the child is 11 years old and will do the CM1 class at the beginning of the next school year. He does not have a birth certificate. The child is sponsored by an NGO and we need to get a birth certificate. This is an obligation. Today, a human being, moreover a student, must hold identity papers. At the moment, that is my concern. I can't sleep because of this problem. We want help.



Impact score: A multidimensional measure

We developed a single, multidimensional measure of the impact of legal problems. This impact score aggregates the individual answers on all five dimensions

explained above and normalizes the distributions. The result is a score between zero (very small extent/not at all) and one (very large extent).



0,29

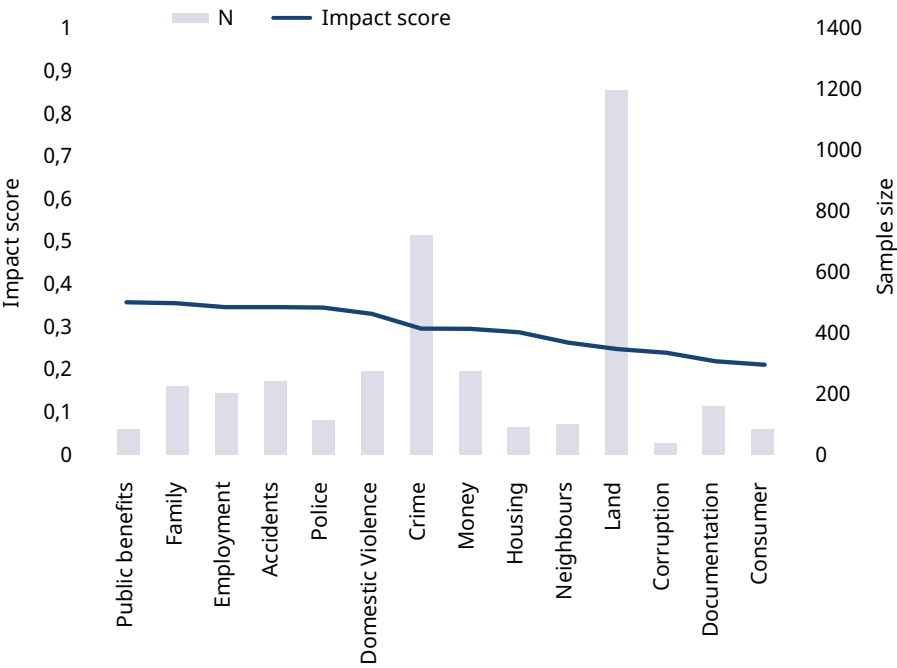
Average impact score

The graph below shows that the average impact score by problem category is highest for problems around public benefits and family, closely followed by employment problems and accidents. On the other side, consumer problems and documentation problems have the lowest impact score. The graph also clearly shows that there is no relationship between how common problem categories are and their impact score.

There are only marginal differences between demographic groups when it comes to the impact score: No matter who or where they are, Burkinabé feel a similar impact of legal problems.

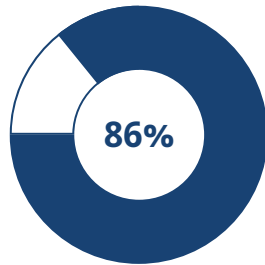
AVERAGE IMPACT SCORE
by problem category

N=3839

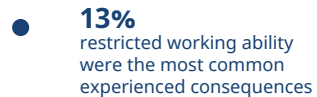


Overview of the impact of the most burdensome problems

CRIME



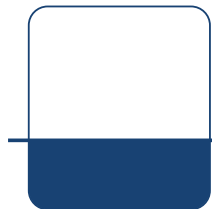
experienced
negative
consequences



11 days
were lost on average
because of a crime

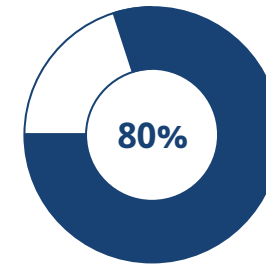


173K CFA
were lost because of
a crime problem

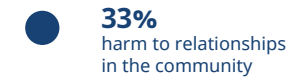
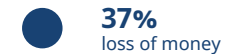


The average impact score
was 0.3 on a 0-1 scale, being
the 7th most impactful
problem category

LAND



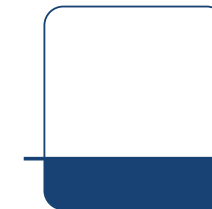
experienced
negative
consequences



13 days
were lost on average
because of
a land problem

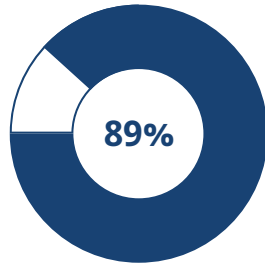


68K CFA
were lost because of
a land problem



The average impact score
was 0.25 on a 0-1 scale, being
the 11th most impactful
problem category

FAMILY



experienced
negative
consequences



57%
harm to family
relationships



26%
violence against you



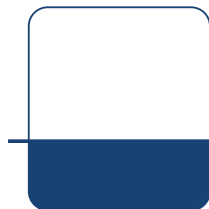
23%
loss of time
were the most common
experienced consequences



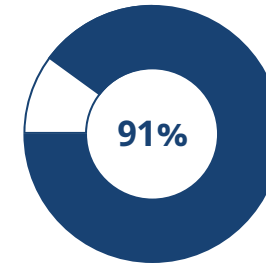
17 days
were lost on average
because of a crime



84K CFA
were lost because of
a family-related
problem



The average impact score
was 0.36 on a 0-1 scale, being
the 2nd most impactful
problem category

DOMESTIC
VIOLENCE

experienced
negative
consequences



40%
harm to family relationships



32%
violence against you



27%
me or my family member
got injured



16 days
were lost on average
because of
a land problem



64K CFA
were lost because of
a land problem

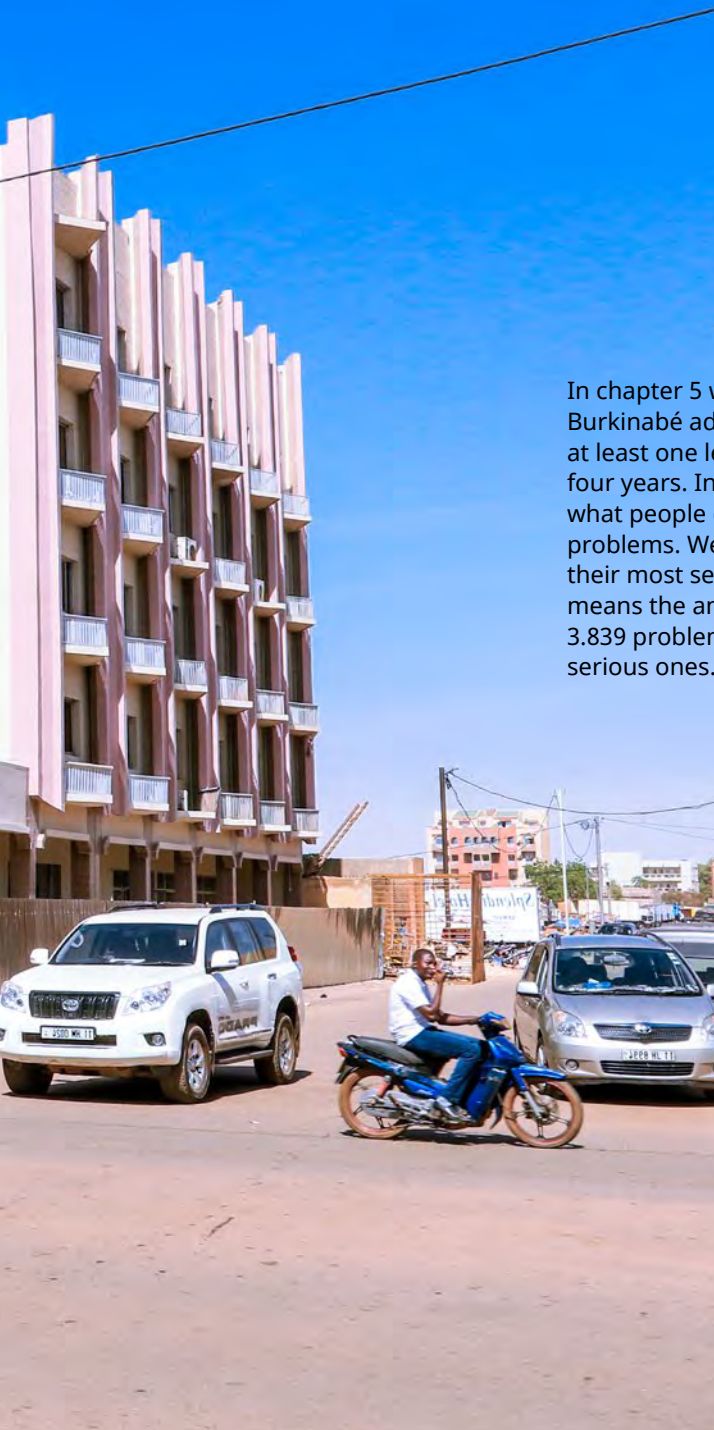


The average impact score
was 0.34 on a 0-1 scale, being
the 6th most impactful
problem category



7

Dispute resolution



In chapter 5 we showed that 63% of Burkinabé adults have experienced at least one legal problem in the past four years. In this chapter, we explore what people do to try to resolve these problems. We do so by focusing on their most serious problems. This means the analysis is based on the 3.839 problems identified as the most serious ones.

Three out of four people take action to resolve their problems

The vast majority of people with a legal problem try to resolve it: 77% take some form of action, by either talking to the other party, to a third party, or both. The majority of people who take action (86%) turn to a third party for help.

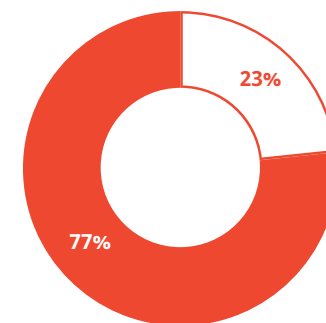
Not surprisingly, a strong relationship exists between taking action and resolving a problem: 59% of people who take action manage to resolve their problem compared with 25% of people who do not.

Compared with other African countries, the percentage of people taking action in Burkina Faso is on the lower end. Especially in neighbouring Mali a much higher percentage of people take action to resolve their problems.

PEOPLE TAKING ACTION

as % of people with legal problems

N=3839



□ No action
■ Action

N=378

Country	Percentage of people taking action
Mali	94%
Kenya	81%
Ethiopia	80%
Uganda	80%
Burkina Faso	77%
Nigeria	71%

There are some demographic differences when it comes to taking action:



Gender:
Men (79%) are slightly more likely than women (74%) to take action to resolve their problems.



Location:
There is no statistically significant difference between people in rural and urban areas.



Literacy:
People who are literate more often take action (79%) than people who are illiterate (73%).



Income:
A similar, but smaller difference exists between people who can cover their basic needs (78% action) and people who cannot (75%).



Age:
No significant difference exists between different age groups.



People who cultivate our land said that they are not going to give us back our land. Since I was little, even before I got married, it was said that the land belongs to my husband. We went to the gendarmerie first, then to the town council and the prefecture without winning our case, so we went to court. I myself wouldn't want to get too involved in this. It is not a problem that a woman should meddle with. The matter is in my husband's hands

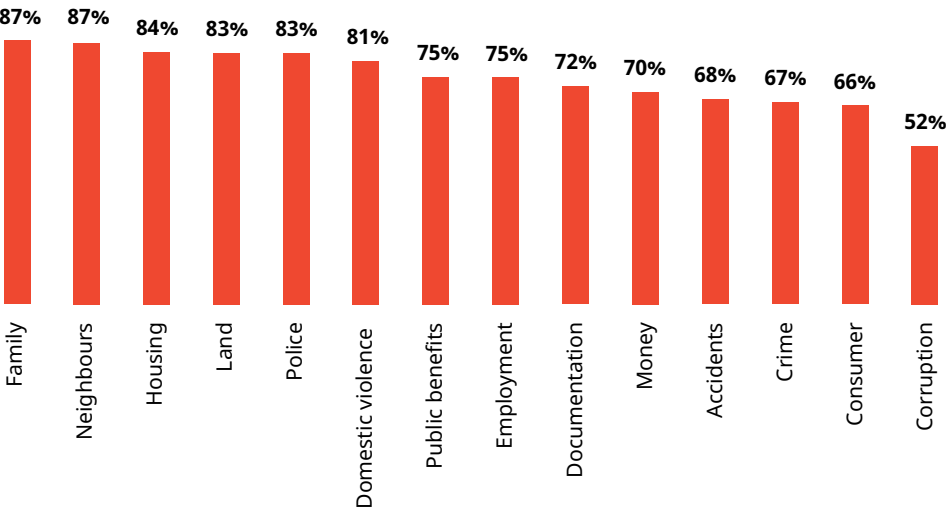
People are more inclined to take action for some types of problems than for others

Different problem categories have different action rates. The action rate is higher than 80% for family problems, neighbour disputes, housing problems, land problems, police problems, and domestic violence. On the other

hand, people experiencing a crime, an accident, or money problems are less likely to take action (the numbers for corruption and consumer problems are too low to draw a meaningful conclusion).

PERCENTAGE OF PEOPLE TAKING ACTION
by problem category

N=3839



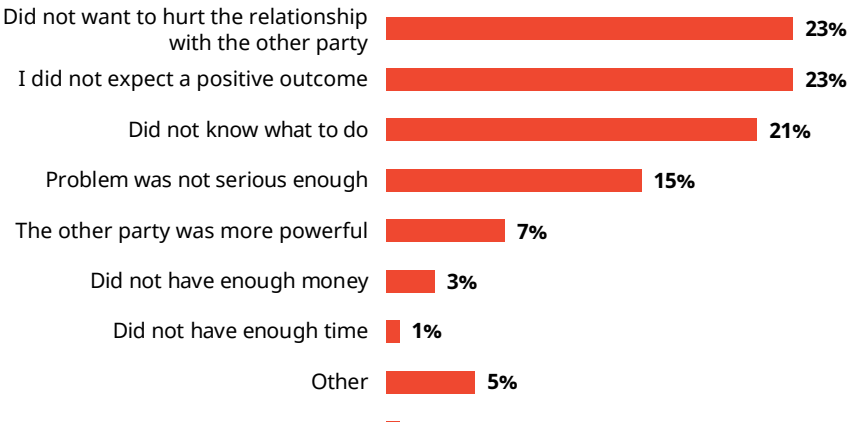
Lack of time or money is rarely the reason for not taking action

Almost one in four people with a legal problem do not take action to resolve it. The main reasons for not taking action are that people do not want to hurt the relationship with the

other party, do not expect a positive outcome, or do not know what to do. On the other hand, a lack of time or money is rarely the reason for not taking action.

MAIN REASON FOR NOT TAKING ACTION

N=897



Not wanting to damage the relationship with the other party is particularly common for people experiencing disputes in the personal sphere, such as domestic violence, money problems, family problems, employment problems, neighbour problems and land problems.

People with housing problems answer relatively often that the other party was more powerful, while most people with crime or police problems do not expect a positive outcome. Finally, people experiencing problems related to public benefits, corruption, and crime relatively often indicate they do not know what to do.



Sometime after I gave birth, I noticed a change in my husband's behaviour and our problems began. He stopped talking to me, he didn't eat my food anymore. One evening he asked me to go home to my family and said that he will come to talk with my family. At first I wanted to refuse, but I finally accepted.

When I arrived home with my family, I went for days without him calling me. When I called him to find out when he was going to come and talk, he told me he would not come. I learned that three days after I left, a girl moved into my house. I think it was because of the latter that he chased me away.

His family summoned him to understand what is going on, but he refused to answer. I did not go to the police, the gendarmerie, social action or justice. Since we are of the same ethnicity, I did not want to break the relationship between us. If I went to this service, he was going to be punished, but I don't want to hurt him. I also hope that God can touch his heart to change his behaviour.

Many legal problems are either completely resolved or abandoned

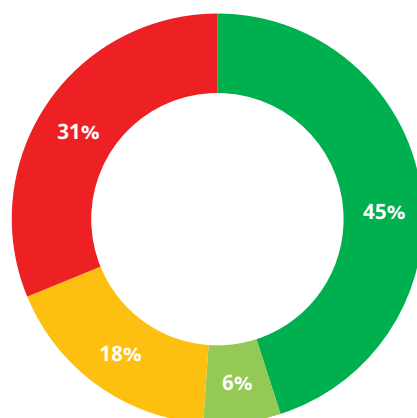
Around 45% of the most serious problems are completely resolved and another 6% are partially resolved. This means that more than half of the most serious problems are resolved, a positive sign for justice in Burkina Faso. At the same time, it is concerning that there is another 50% that is not (yet) resolved.

Compared with other countries where we conducted a JNS survey, Burkina Faso stands out for its relatively high number of completely resolved problems. No other African country recently surveyed has a higher percentage of completely resolved problems; only Nigeria has the same percentage. The number of on-going problems is also much lower than in all other African countries where we conducted a JNS survey. This is a very positive sign as it shows that mechanisms (formal or informal) exist that allow Burkinabé to resolve their most serious legal problems.

PROBLEM RESOLUTION STATUS

most serious problem

N=3839



- Completely resolved
- Partially resolved
- Ongoing
- Abandoned

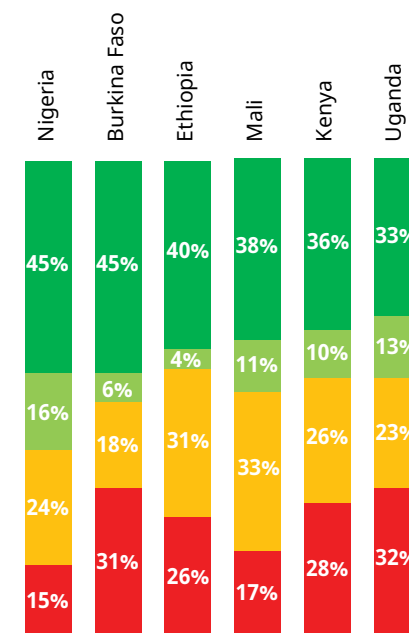


We are not surprised by these results because, at its core, Burkina Faso has a strong culture of forgiveness, respect for customary and religious authority that promotes mediation within communities. The existence of a form of traditional justice is a factor that may well explain these satisfactory results in the sense that traditional leaders are also doing extraordinary work of mediation to defuse several crises.

President of a district (arrondissement) court

PROBLEM RESOLUTION STATUS

selected countries



- Completely resolved
- Partially resolved
- Ongoing
- Abandoned

N=3839

At the same time, the number of abandoned problems is also relatively high compared with other countries in the region. Only Uganda has a higher percentage of abandoned problems.

This indicates that while many people do manage to resolve their legal problems, a substantial number of people also completely give up on their attempts to resolve it.

People rate problems that are ongoing as more impactful than those that are (completely or partially) resolved or abandoned. This is consistent with findings from other countries where we conducted a JNS study. It is likely that when a problem is more impactful, people will go to greater

lengths to resolve it and not easily give up. Less impactful problems are more easily abandoned. The opposite effect is also possible (problems that are abandoned then come to be seen as less impactful), but the phrasing of these questions makes this less likely.

Demographic differences in resolution rates are highly correlated with the likelihood of taking action to resolve the problem:



Gender:

Men (53%) are more likely than women (49%) to resolve their most serious problem. Women (34%) more often abandon their most serious legal problem than men (29%).



Literacy:

People who are literate more often resolve their most serious problem (53%) than people who are illiterate (48%). People who are illiterate (35%) more often abandon their most serious problem than people who are literate (28%).



Location:

Despite differences in the types of problems they experience and the way they try to resolve them (see discussion in the following section on the most common sources of help in rural and urban areas), there are no statistically significant differences between people in rural and urban areas when it comes to resolving their most serious problem.



Income:

No statistically significant difference exists between people who can cover their basic needs and people who cannot.



Age:

There is also no statistically significant difference between different age groups.



Not all types of problems are equally likely to be resolved

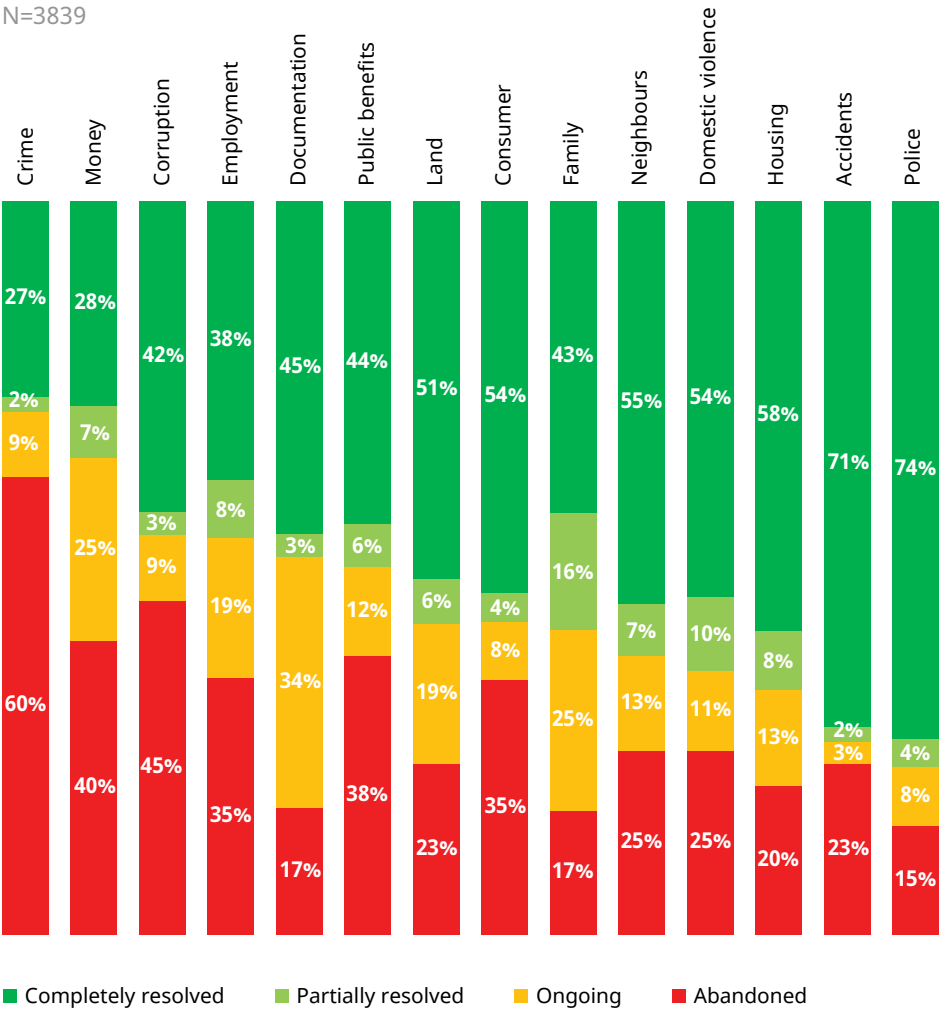
There are wide differences in resolution rates between different problem categories. Crime, the second most common problem category, has the lowest resolution rate (29%). Money problems, corruption, employment problems, and problems related to documentation are also resolved less than half of the time. On the other hand, police-related problems and accidents are resolved respectively 78% and 73% of the time. Land problems are somewhere in the middle, with 56% of them resolved.

In general, problem categories that have a higher action rate also have a higher resolution rate. A notable exception is that both accidents and crime have low action rates, but widely different resolution rates. It is possible that accidents often kind of sort themselves out on the spot and do not 'linger' – the low percentage of accidents that is ongoing support this idea.



PROBLEM RESOLUTION STATUS
by problem category

N=3839



Almost half of the people with a legal problem engage a family member to help

As shown above, most people with a legal problem take some form of action to resolve it. In many cases, they turn to one or multiple persons from their personal network. Family members are the most common source of help: 43% of people who take action to resolve their legal problem ask a family member for help. The second most popular option is to talk directly to the other party.

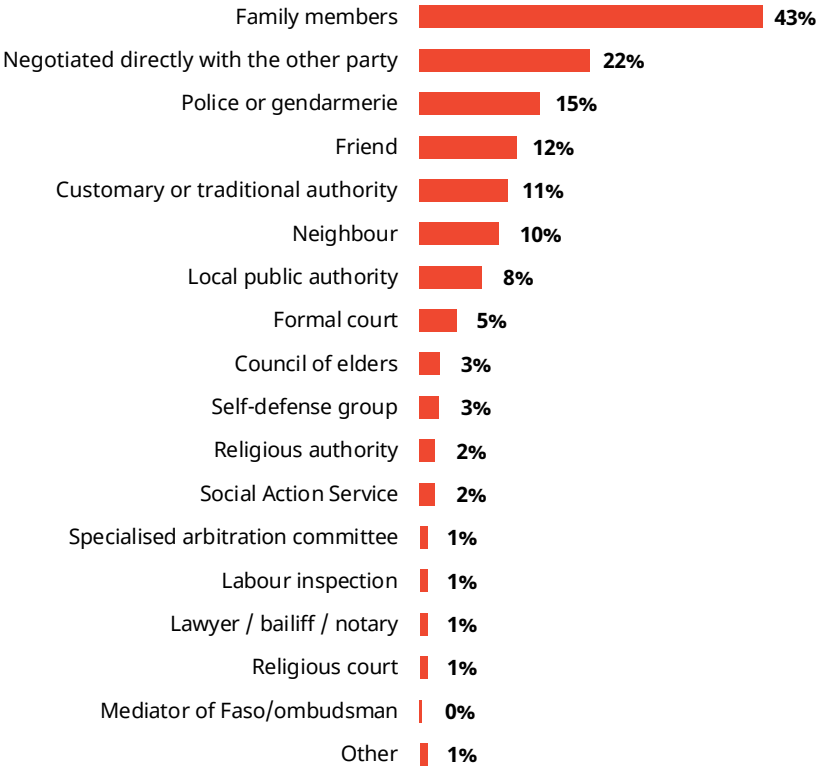
During the justice data lab, experts put forward several reasons why it is so common for people in Burkina Faso to engage family members as a source of help. Firstly, the family is considered sacred by many people. Secondly, especially in rural areas, the nearby population is often made up of family members. Anyone seeking help with a legal problem therefore quickly arrives at a family member. Finally, individuals are often not fundamentally seen as distinct from the family. Therefore, if someone has a problem, it is a problem for the whole family.

Outside people’s personal networks, and overall, much less common, the police or gendarmerie and customary and traditional authorities are most often engaged. Almost nobody in Burkina Faso turns to a lawyer with their legal problem.

According to participants of the justice data lab, living in peace with people in the community often takes precedence over justice, especially in rural areas. Therefore, people will first try to find an amicable outcome. Recourse to formal justice is only reserved for intractable cases.

MOST COMMON SOURCES OF HELP as % of people taking action

N=2942





It would be a bit of an exaggeration to talk about coexistence. But since modern justice is not able to solve all problems, there is always room for traditional justice. There is a kind of complementarity but there are situations where they collide and when it happens it is not interesting.

**Advocate General
at a Court of Appeal**



Gender:

Although it is the most common source of help for both, considerably more women (49%) than men (37%) turn to family members for help. Men (18%) more often turn to the police or gendarmerie than women (12%), as well as local public authorities (11% versus 5% for women). In-depth interviews highlighted that for some justice providers, this gender gap, as well as other socio-demographic differences in choice of justice providers, was the result of perceptions around social norms and roles in society.



Location:

Customary and traditional authorities are significantly more often engaged in rural areas (14%) than in urban areas (2%). People in rural areas also more often engage local public authorities (10% versus 4%) and self-defence groups (4% versus 1%) than people in urban areas. Finally, they more often engage family members than people in urban areas (44% versus 40%). On the other hand, people in urban areas more often turn to formal state institutions, such as the police or gendarmerie (22% versus 12%) or formal courts (8% versus 3%). They are also more likely to engage a lawyer, although still only very rarely (2% versus 0% of people in rural areas). Finally, they are more likely to engage friends (15% versus 11%) and more often tend to negotiate directly with the other party (26% versus 20%).



Literacy:

As literacy is more common in urban areas, some of the differences are similar to those between people in rural and urban areas. People who are literate more often turn to the police or gendarmerie (17% versus 13% of people who are illiterate), friends (15% versus 9%), formal courts (6% versus 3%) and lawyers (1% versus 0%). People who are illiterate more often turn to customary and traditional authorities (15% versus 8% of people who are literate).



Income:

Similar differences are visible between people who can and cannot cover their basic needs.



Age:

In terms of age, one trend stands out. Younger people rely more on their personal networks and direct negotiation with the other party, whereas older people significantly more often turn to institutionalised sources of help, including customary and traditional authorities.

”

Traditional justice has proven its worth in conciliation in Burkina Faso and this may justify the fact that in Burkina Faso there are more problems solved. It is clear that there are problems that classical justice cannot solve but traditional justice does, and vice versa. If the two forms of justice find a field of collaboration, it can only be more beneficial.

President of a religious tribunal

”

Since September 2020, I no longer receive anything from my daughter's dad. He no longer contributes to our daughter's expenses. The problem started after I gave birth to our daughter. He wanted me to come and live with him and I refused because he was already married to another woman. So, we didn't agree on that. At first my parents tried to contact my daughter's dad to try to solve the problem amicably, but he was not understanding, he was rather rude to my parents. Since the gentleman in question did not cooperate, we took the problem to justice. We took these steps because we wanted to solve the problem amicably. We were not even going to go to court if the gentleman had cooperated. We did not want the problem to go far.

”

Access to justice is difficult. Financial conditions are not affordable, and especially corruption. [...] It is rare to see a woman bring her husband to justice. So, I would say that socio-cultural constraints are [also] an obstacle to access to justice.

Catholic priest

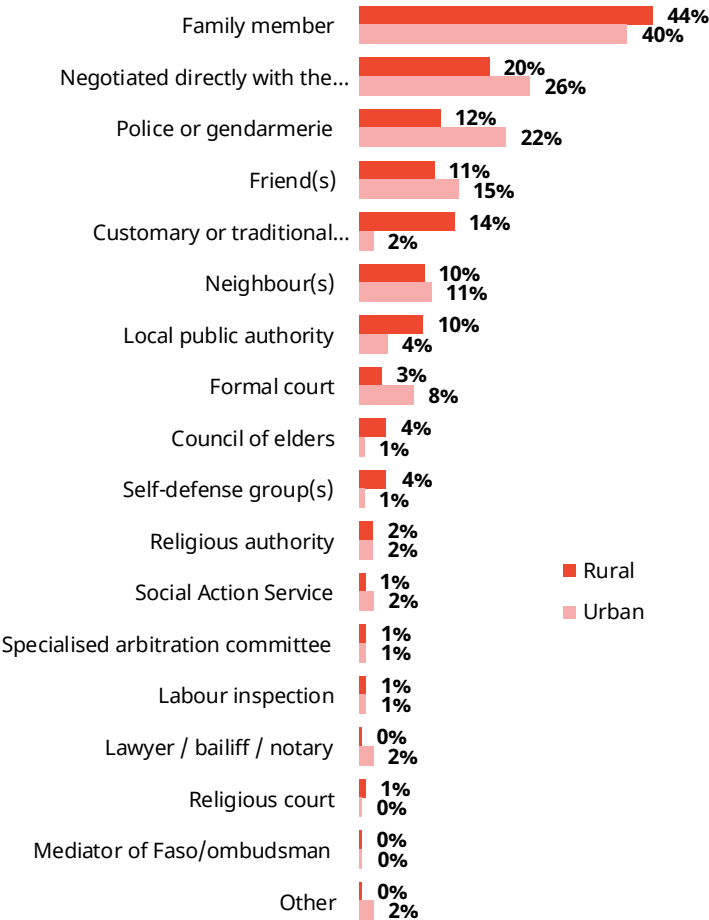
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My neighbour's child hurt my child by pouring hot tea into her ears. My child was seriously injured; on the spot, he fainted and we took him to the health centre. I went to file a complaint with the gendarmerie because everyone told me that if I went there they helped me solve the problem. I would have liked the gendarmerie to give us advice, because we are first and foremost neighbours. We may hate each other, but the children will always be together. We have become like a family in the neighbourhood. We must be neighbours of peace.

MOST COMMON SOURCES OF HELP

by location

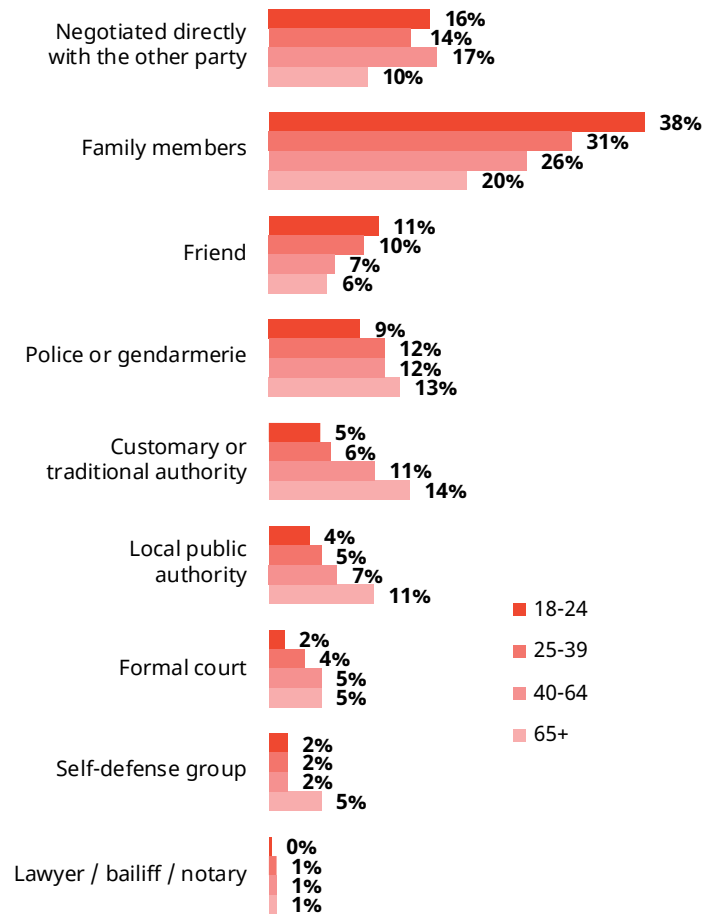
N=2942



MOST COMMON SOURCES OF HELP

by age groups

N=2942



“

My problem came from a plot that I rented near the customs office for my business. They came to tell me to leave, but I didn't know where to go. I told my brother to go and talk to them, beg them as we fled terrorism, we have no money. This land is the source of food for our children. I asked my brother, because he is educated and older than me. For more respect and consideration, I thought that if my senior brother speaks, he could have good results.

”

The strong aspect [of traditional justice] is that it is the most legitimate form of justice in the eyes of society. It should not be forgotten that more than 70% of the population lives in rural areas. As weak aspects, the system still remains in the old values and considerations, while the population has entered modernity. Its problem is that it acts according to its own standards, while at the level of modern justice the standards are rather egalitarian. When we take the example of the woman and her role, her place, and her rights, they differ in the two justices.

Secretary General of the Regional Council of Civil Society Organizations



People in rural areas engage different sources of help than people in urban areas. Experts participating in the justice data lab gave various explanations for these differences. Firstly, formal justice institutions are often harder to reach for people in rural areas. Cost of transportation and long distances to, for example, formal courts are important barriers that do not exist when it comes to engaging family members or customary and traditional authorities. Secondly, the relationships between people living in rural areas and judicial authorities, especially the police, are often complicated: Rural populations often have less trust in the police. Finally, communities are generally smaller and more close-knit in rural areas, and there is a higher risk the people involved in a dispute might run into the other party. Bringing the matter to the police might result in misunderstandings and retaliation when the parties cross paths again. Because people in rural areas will often have to continue living together, they prefer to settle disputes in a more amicable way.

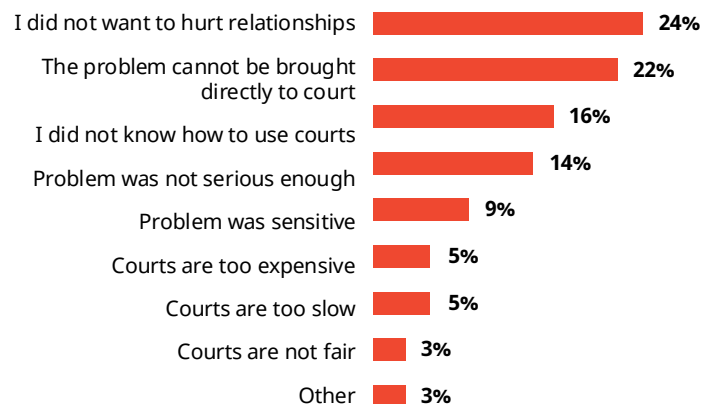
Very few legal problems make it to court

Legal problems are often associated with lawyers, courts, and judges. However, only 5% of people with a legal problem end up going to formal court, a rate similar to most other countries in which we have conducted a JNS study. The main reasons people give for not going to court are 'I did not want to hurt relationships' and 'the

problem cannot be brought directly to court'. Meanwhile, very few people avoid courts because they believe them to be too expensive, too slow, or not fair. However, in the qualitative interviews many people did say they believe formal justice was out of reach for people without money.

MAIN REASON FOR NOT GOING TO COURT

N=2799





I am a public primary school teacher. In December 2018, I went to the bank to withdraw my salary, to my surprise it was only 28.000 CFA francs that had been paid into my account. I went to the regional management to try to understand. They let me know that I wasn't the only one, a long list was shown to me. These were the names of the people who did not receive their full pay. They told me that the list was going to be put back on the payroll for correction but so far nothing. Since I was told at the regional directorate that the problem was going to be solved, I did not try to do anything else. It was not such a serious problem that requires the intervention of justice. In addition, we must have the means to summon someone to court. Because in court you have to take a lawyer who will defend you. And it's very slow too.



We have heard that there are people who sell our land. We have no evidence that the fields belong to us. We have seen several situations where people have been removed from fields because they do not have documents. When we were informed, we went to see the chief, who is the chief of the village. He is the one who settles the land issues, which is why we went to ask him for help.

Family members are the most common source of help for almost all types of problems

People engage different sources of help for different problems. The table below shows the relative frequency of the use of different sources of help for each problem category. It shows that while family members are commonly engaged for all problem categories, they are considerably more often engaged for problems related to domestic violence, public benefits, and family than for consumer, employment, and housing problems. Customary and traditional authorities are primarily engaged for land problems

and to a lesser extent for crimes and problems with the police. During the justice data lab, experts confirmed and explained the importance of traditional mechanisms and customary rules for land ownership issues. Customary codification of land law takes primacy over formal law. Formal legal land ownership is usually absent in rural areas, where land problems are the most common legal problem. This helps to explain why customary and traditional authorities are so often engaged in rural areas.

”

Thieves came into our yard around 2 a.m. stealing things and opening my door to threaten me to give them money. I got scared and called the police, who told me they could not come and to go to the police station in the morning to file a complaint. In the morning my neighbours accompanied me for the complaint. I went to the police, because I told myself that they are the first personalities of reference. If you are a victim of theft, the police are the only ones you can turn to win your case.

”

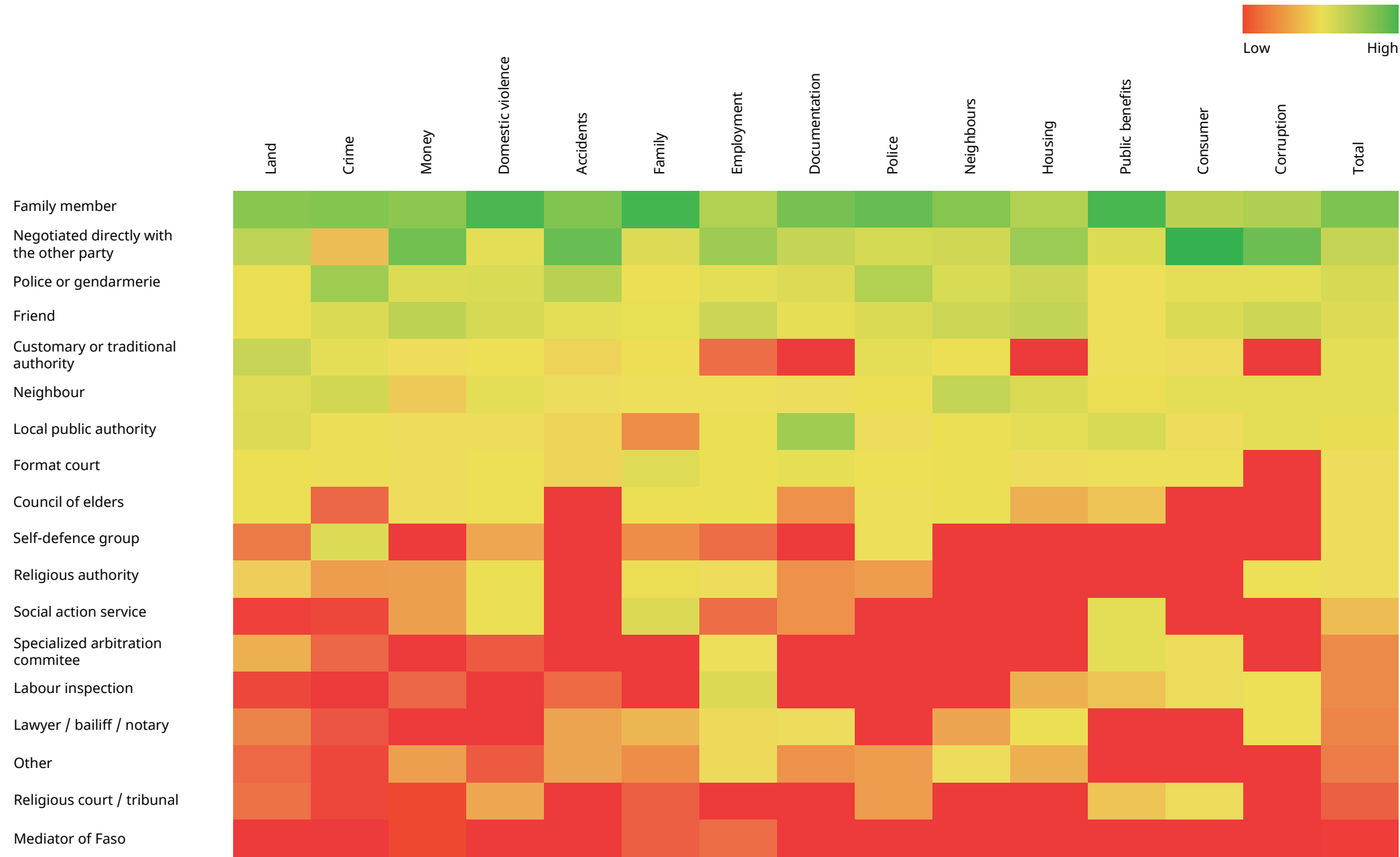
The Koglweegos are an association that fights against the crimes of theft, which were becoming more and more unbearable within our communities. At some point, residents saw all their belongings stolen by thieves and we had to do something to protect what is dear to us. It is for this reason that groups of Koglweegos were born everywhere in Burkina with the agreement of the traditional chiefs of the localities.

Koglweego member

”

My motorbike was stolen from the market place. I put it down to go to buy condiments and when I came back the bike was no longer there. We have reported the problem to the Koglweéogo (self-defence group), but to this day we have not heard from it. We went to the Koglweéogo because of their promptness. My phone has been stolen before and I went to inform them. It was when the thief went to reset the phone that the Koglweego arrested him. When I got there, they gave me back the phone and the thief honestly said he's the one who stole my phone. This experience encouraged me to turn to them again





People engage more sources of help for problems that are more impactful



This problem comes from my partner who sexually abused me and this abuse led to a pregnancy. First, I went to see my family and then my father decided to bring the case to the social action office. And finally, we went to a competent court to see if we can solve the problem.

People often take more than one type of action when they try to resolve their legal problem: On average 1,4. For example, 52% of people who engage a family member also take some other form of action by either engaging someone else's help or talking directly to the other party.

As in many other countries, Burkinabé engage more sources of help for problems that have a higher impact. The average impact score (on a scale from 0-1) for the most serious problem is 0,29. However, for people who engage more than two sources of help, this score is 0,36. This is higher than the average impact score of those who engage one or two sources of help (0,29) and of those who do not engage any sources of help (0,24). This suggests that problems that are more impactful need, on average, more sources of help to achieve resolution.

When multiple sources of help are engaged, institutional sources are often considered most helpful

We asked people who engaged multiple sources of help which of these was the most helpful.²² As shown above, people rarely end up going to court with their legal problem. However, when they do, formal courts are often considered to be the most helpful when they are engaged.

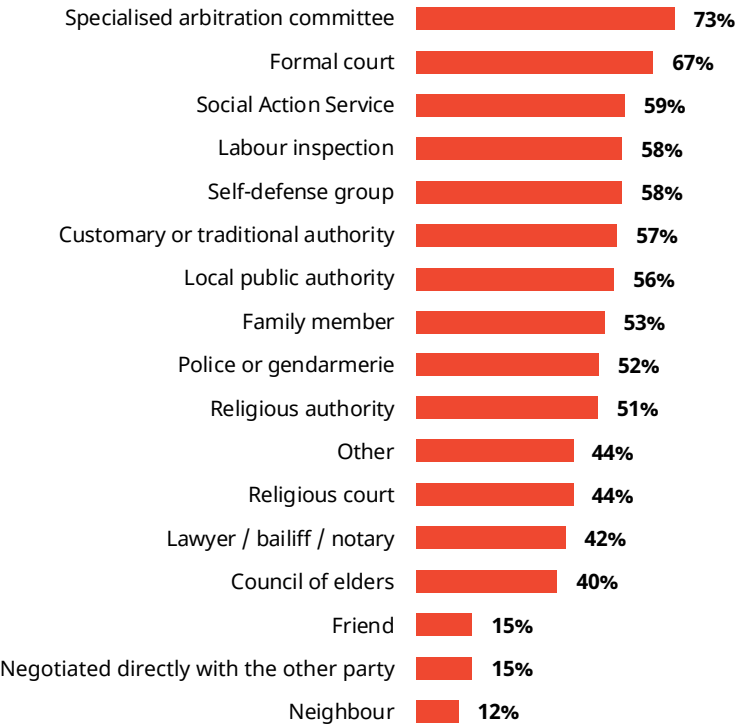
²² The results to this question were analysed in relation to the likelihood of each source being selected in the first place. To avoid the most common source of help (family members) also becoming the most helpful one, we divided the number of times a source of help is selected as the most helpful one, by the total number of times it has been engaged by people selecting more than one source of help. This gives a relative measure: it indicates in what percentage of cases each source of help is seen as the most helpful one.



MOST HELPFUL SOURCES OF HELP

as % of times engaged

N=781



Besides courts, customary and traditional authorities and local public authorities are also relatively often considered as the most helpful sources of help.

Institutional sources are more often considered as the most helpful than sources of help within the personal network. Only family members are relatively often seen as the most helpful

source of help. Friends and neighbours, despite being frequently engaged as sources of help, are rarely seen as the most helpful sources of help.

problems. People might turn mostly to institutional sources when people in their personal network are not able to resolve the problem for them.

One reason for this division might be that people are more likely to engage multiple sources of help for problems that are either very impactful, very complex, or both. Informal sources of help are less likely to resolve such problems but tend to be more helpful for relatively less complex or impactful



Third parties are key in resolving legal problems

We also asked people whose problem was partially or completely resolved, how this was achieved. Three answer categories to this question are equally common, each representing around 27-28% of resolutions: A third party decided the issue, the resolution was agreed with the other party, and the resolution was agreed with the other party after a third party mediated. It is less common for the problem to be sorted out by itself or for the problem to be sorted out with one's own action. This shows that third parties are important sources of help to resolve disputes and legal problems.

Third parties are especially important in resolving problems that are more impactful. The average impact score is considerably lower for problems that are resolved directly with the other party (0,21) than for problems that are resolved through mediation (0,30) or a decision from a third party (0,31).

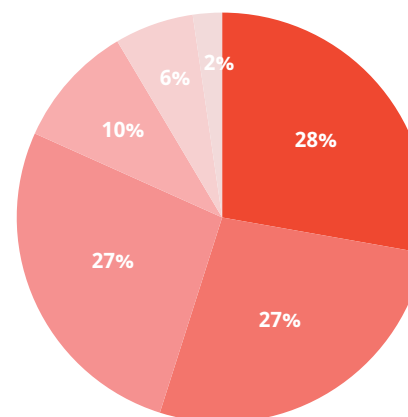
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Mediation is a good mechanism and I think we find it even at the level of modern justice, for example in juvenile court. It can be a way to solve many problems.

**Advocate General
at a Court of Appeal**

HOW THE PROBLEM WAS RESOLVED

N=1962



- A third party decided the issue
- Agreed with other party after a third party mediated
- Agreed directly with other party
- The issue sorted itself out
- Solved issue with own actions
- Other

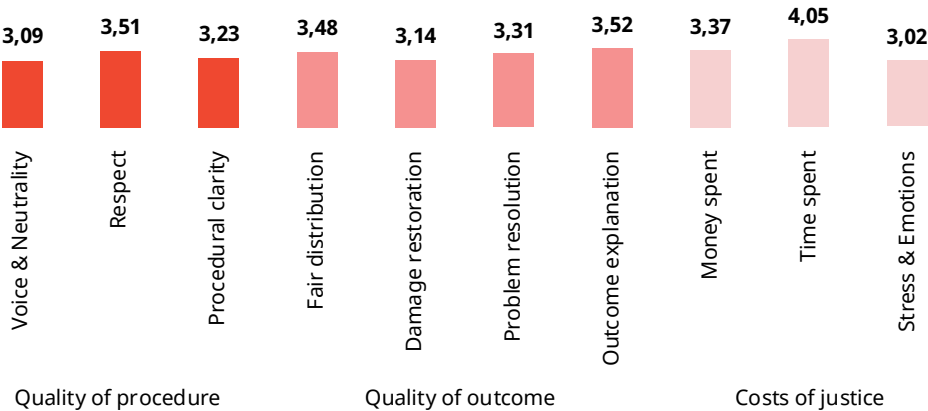


People’s justice journeys have both positive and negative elements

As explained in chapter 3, the JNS survey also measures how people rate their justice journeys in terms of process, outcome, and cost. Indicators of these dimensions are shown in the graph below.

JUSTICE JOURNEY EVALUATION
from 1 (not at all satisfied) to 5 (completely satisfied)

N=2942



We were at home and people sent someone to tell us not to cultivate our land this year, because the land belongs to them and they need it. We know that the land belongs to the state and not to an individual and we have been there for a very long time.

A meeting was convened with others involved to discuss the problem. The old people said to go see the land chief, who told us that he was not aware of this information. He summoned the landowners, who did not come to answer, even after three reminders. We decided to take the case to the lawyers, so that if in the future there is a problem, we can be helped.

We also went to report the problem to the town hall, to the department in charge of land management. What they did for us, satisfied us, because they respected us, they considered our problem and listened to us. There was no difficulty in getting help from them. They helped us, but the problem is not yet solved. They have done their job.

In terms of the quality of the procedure, people are quite satisfied with the respect they receive during their justice journey and the overall clarity of the procedure. They are less satisfied with the extent to which they feel heard and the neutrality of third parties.

When it comes to the quality of the outcome, Burkinabé are relatively positive about the fairness of the distribution, the extent to which the problem has been resolved, and the extent to which the outcomes are communicated and explained. They are less positive about the extent to which the damage caused by the dispute has been restored.

None of the indicators for the quality of the procedure and outcome was rated above a four. This suggests there is room for improvement of the justice processes.

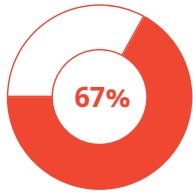
Finally, in terms of cost of justice people generally feel they spend a reasonable amount of time and money on resolving their legal problem. However, they do experience stress and negative emotions that can be attributed to the resolution process.

In the next chapter we will take a closer look at these evaluation scores and how they change depending on the interventions people receive.



Overview of dispute resolution of the most burdensome problems

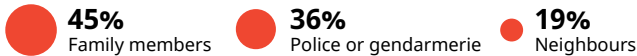
CRIME



took action to resolve the problem

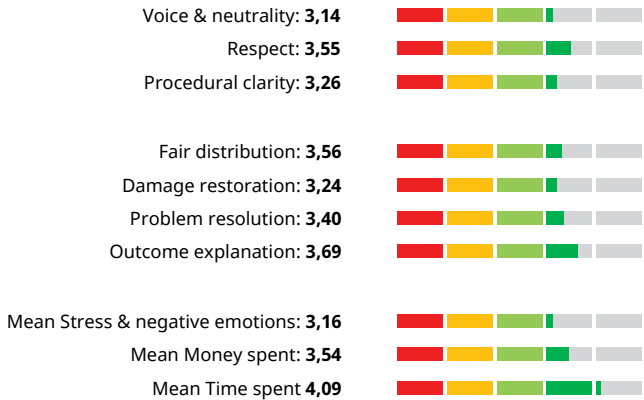
- 24% of the problems were completely resolved
- 2% of the problems were partially resolved
- 10% of the problems are ongoing
- 65% of the problems were abandoned

2% talked to the other party to resolve the problem

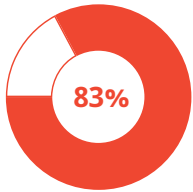


were the most commonly engaged SoH

1,5 was the average number of SoH engaged to deal with a crime



LAND



took action to resolve the problem

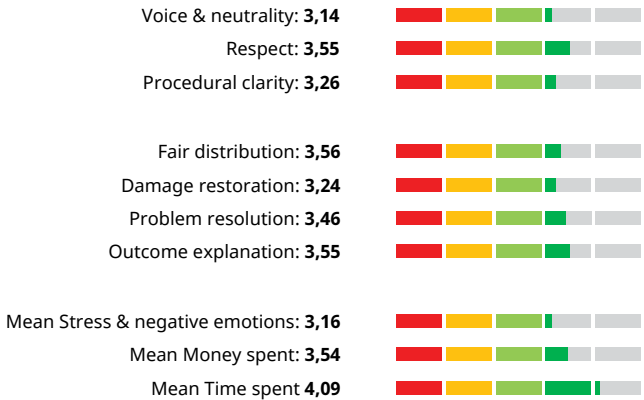
- 53% of the problems were completely resolved
- 6% of the problems were partially resolved
- 21% of the problems are ongoing
- 20% of the problems were abandoned

24% talked to the other party to resolve the problem

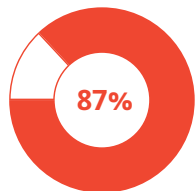


were the most commonly engaged SoH

1,4 was the average number of SoH engaged to deal with a land problem



FAMILY



took action to resolve the problem

38%
of the problems were completely resolved

12%
of the problems were partially resolved

27%
of the problems are ongoing

22%
of the problems were abandoned

13% talked to the other party to resolve the problem



64%
Family members



14%
Social action service



13%
Direct negotiation

were the most commonly engaged SoH

1,4 was the average number of PRS engaged to deal with a domestic family problem

Voice & neutrality: **2,95**



Respect: **3,38**



Procedural clarity: **3,26**



Fair distribution: **3,48**



Damage restoration: **3,23**



Problem resolution: **3,33**



Outcome explanation: **3,56**



Mean Stress & negative emotions: **2,49**



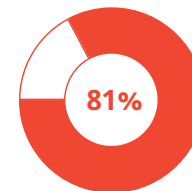
Mean Money spent: **3,14**



Mean Time spent **3,66**



DOMESTIC VIOLENCE



took action to resolve the problem

56%
of the problems were completely resolved

13%
of the problems were partially resolved

11%
of the problems are ongoing

21%
of the problems were abandoned

10% talked to the other party to resolve the problem



62%
Family members



16%
Friends



15%
Police or gendarmerie

were the most commonly engaged SoH

1,5 was the average number of PRS engaged to deal with a domestic violence-related problem

Voice & neutrality: **3,12**



Respect: **3,53**



Procedural clarity: **3,22**



Fair distribution: **3,48**



Damage restoration: **3,16**



Problem resolution: **3,27**



Outcome explanation: **3,39**



Mean Stress & negative emotions: **2,85**



Mean Money spent: **3,80**



Mean Time spent **4,13**



A woman with dark skin and a gentle smile stands in a village setting. She wears a black headwrap with red and white floral patterns. Her dress is light green with a white star pattern, featuring red and orange patterned sleeves. The background shows a dirt path and traditional buildings. A large white circle is overlaid on the image, and a solid blue vertical bar is on the right side.

8

Interventions and treatments



As shown in chapter 7, most problems in Burkina Faso are resolved with the help of a third party, also called a source of help. These sources of help use a variety of methods to achieve these resolutions. At HiiL, we refer to the specific actions that a justice

provider performs when engaged in a dispute resolution process as *interventions*. Multiple interventions can be combined to prevent or resolve legal problems. We call these combinations of interventions a *treatment*.

Almost one-third of sources of help provides advice

For every source of help that people in Burkina Faso engaged, we asked whether that source of help conducted any of the following interventions:

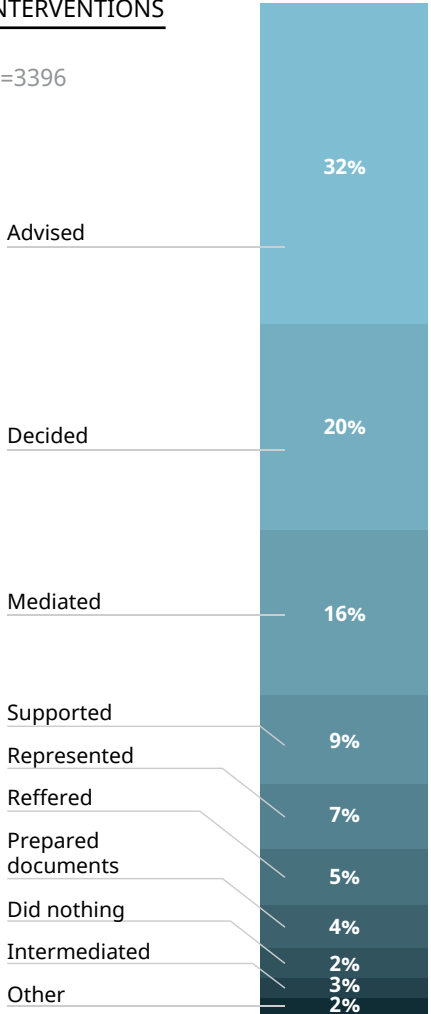
- Provided advice (advised)
- Prepared documents
- Represented me
- Mediated between the parties (mediated)
- Decided/settled the matter (decided)
- Directed to another person/office (referred)
- Intermediated with another person/office (intermediated)
- Provided emotional/moral/financial/material support (supported)
- Other
- Did nothing

When a source of help did more than one of these things, we asked people to select the intervention they saw as the main action that resolved the problem or was most likely to resolve it.

Almost one-third of the times people engage a source of help, they receive advice. Deciding and mediating are also relatively common. Only 3% of third parties do nothing to help.

MOST COMMON INTERVENTIONS

N=3396





Two blood brothers were in conflict and their family tried to reconcile them but in vain. So they came to me and when I listened to them, it was clear that the younger brother was right and the older brother was not! But while knowing that the younger brother was right, I called him a liar and he cried. I did this to ease the tension, because the big brother refused to admit he was wrong and the two of them were ready to fight.

When they returned to the family, two months later, they both freely came back to me with a chicken and some money and I asked them: What is going on? And the big brother spoke up and said: "Chief, I know now that you are doing this to unite us again and not to do justice!" The two made peace before me that day.

I am certain that the law was not going to act in this way. It was going to decide immediately and give the truth to whomever deserved it. The tension was going to continue and lead to a family disaster and the brothers were going to attack each other spiritually or even physically, as they were ready to do.

Traditional ruler

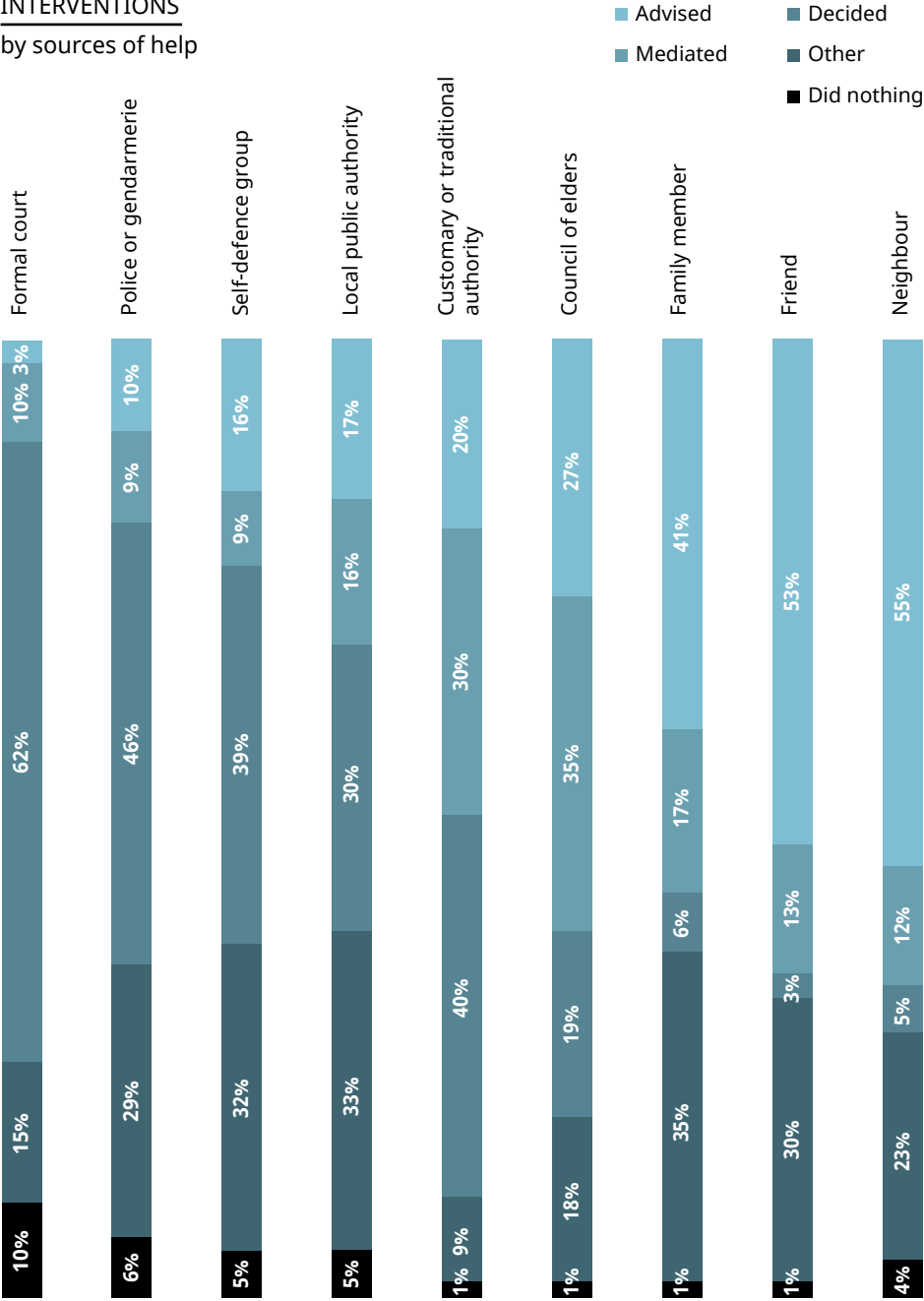
Offering mediation is especially common for customary and traditional authorities

There are big differences between sources of help and the types of interventions they offer. The graph below shows the types of intervention delivered by some selected sources of help and the interventions they offer to people in Burkina Faso.²³



²³ The category 'other' comprises, prepared documents, referred, intermediated, represented, supported, and other. Because these individual categories are so low in prevalence, we have grouped them together to make the graph more readable.

INTERVENTIONS
by sources of help



”

Family members most often provide advice, followed by mediation and support. Friends and neighbours have a similar distribution of interventions.

Customary and traditional authorities and councils of elders (although seldom used) relatively often offer mediation, especially in comparison with other sources of help. They also regularly provide advice and customary and traditional authorities frequently make a decision on a dispute.

It is not surprising that formal courts most often decide or settle a legal dispute. However, this type of intervention is also very common for the police and self-defence groups (although the latter are seldom used).

The strength of traditional justice is mediation, because it is often said that a bad settlement is better than a good trial. The population recognises itself more in it, because it relies on our values. As for the weaknesses, it is often actors of dubious morality. There is also the fact that the Burkinabè population is cosmopolitan: what is respected in the west may not be respected in the east, so the difference in customs can be a weakness.

**Advocate General
at a Court of Appeal**

Deciding and mediating are most likely to resolve legal problems

Not all interventions are equally likely to resolve a legal problem. The graph below shows for each intervention the resolution status of the problem it was meant to resolve. Not surprisingly, deciding or settling the matter frequently leads to a problem being partially or completely resolved.²⁴

However, mediation has an almost equally high resolution rate. This is in line with the findings in chapter 7, showing that most people indicated their problem was resolved through mediation from, or a decision by, a third party. On the other end, and equally unsurprising, doing nothing most often means a problem is ongoing or abandoned. Representing and advising also have resolution rates below 50%.

24 Note that in many cases people engage multiple third parties, and thus receive multiple interventions to resolve a particular legal problem. This means there is not always a direct relationship between a specific intervention and the problem's resolution status. For example, someone might first receive advice from a family member, followed by a decision from a traditional authority that completely resolves the legal problem. In that case, both interventions will be linked to a completely resolved problem. Nonetheless, the high number of interventions in the dataset means this still gives a good indication in more and less successful interventions.

“

I can say that in solving problems at our level, we use mechanisms such as mediation and conciliation. If the mediator manages to reconcile [the parties], this helps to resolve the problem definitively. In my opinion, this is a good practice.

President of a departmental court

“

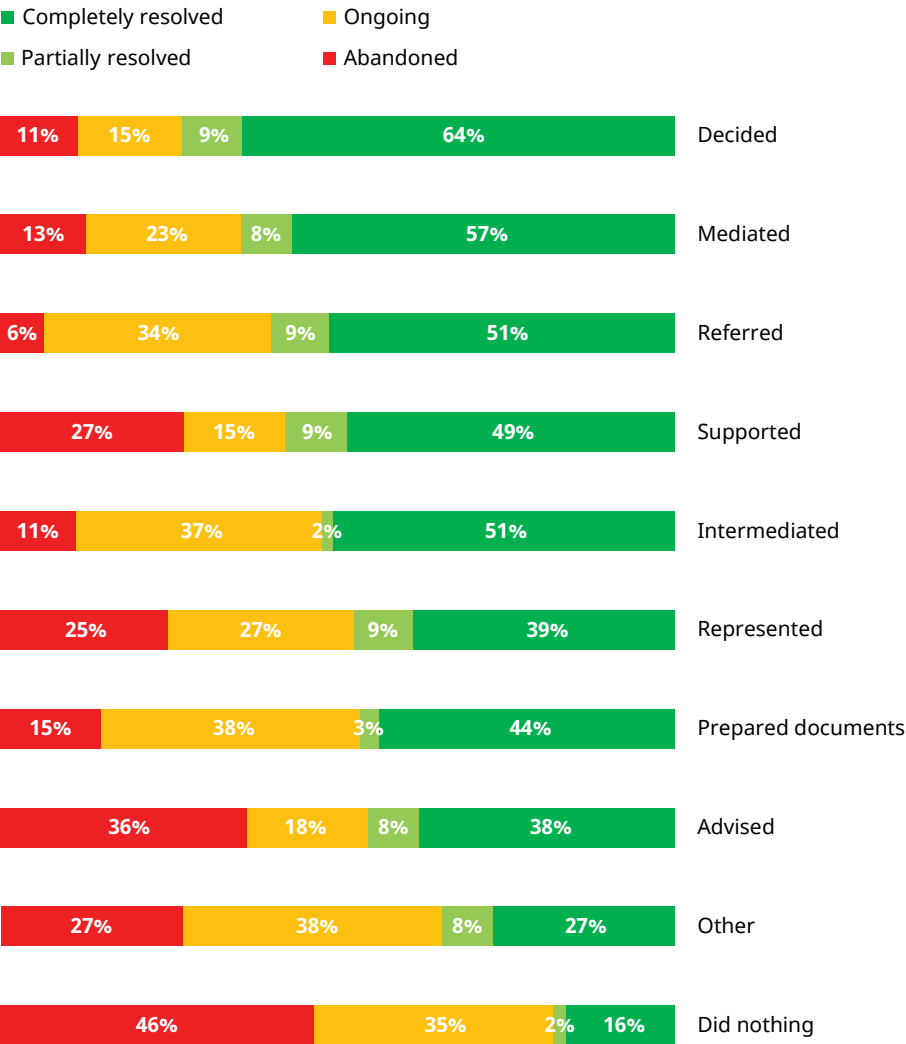
In many situations, mediation is an excellent thing if it bears fruit. It avoids litigation. In the context of the church, people often resort to the family to mediate and we see that everyone is behind their own, which means that mediation lacks objectivity. But if it is a neutral third party, it may well bear more fruit.

President of a religious tribunal

RESOLUTION STATUS

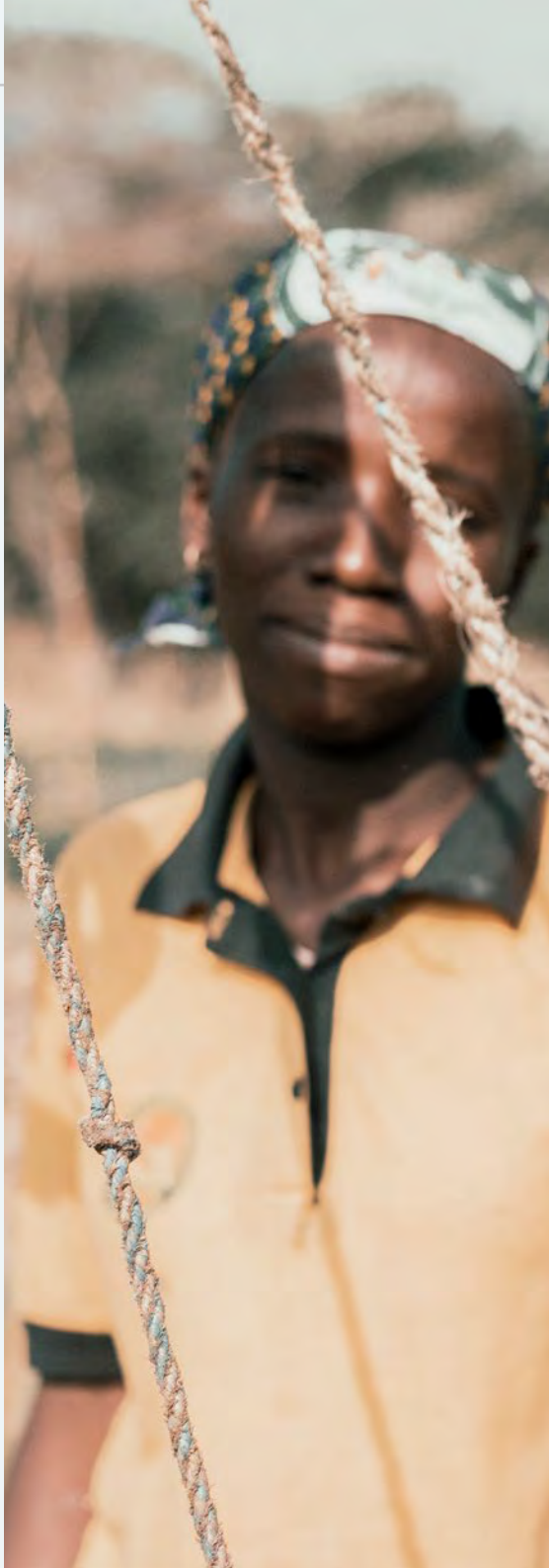
by intervention

N=3396





People have been sent to come and tell us that they want us to leave their land. They told us that from now on if we farm this land again, they would curse our activities. So, no one tried to farm the land. We went to the chief of the village, because he was the one who lent us the land. We are on his territory; he is our doyen. We want help with this problem. We have to go to court, but we don't have the means. If we had money, we would go to court. If the opposing party rejects the mediation of the chief, we are obliged to go to court.



Receiving a decision comes at a cost



Advice, decisions, and mediation make up more than two-thirds of all interventions. All three of these interventions have an effect on how people evaluate their justice journey.

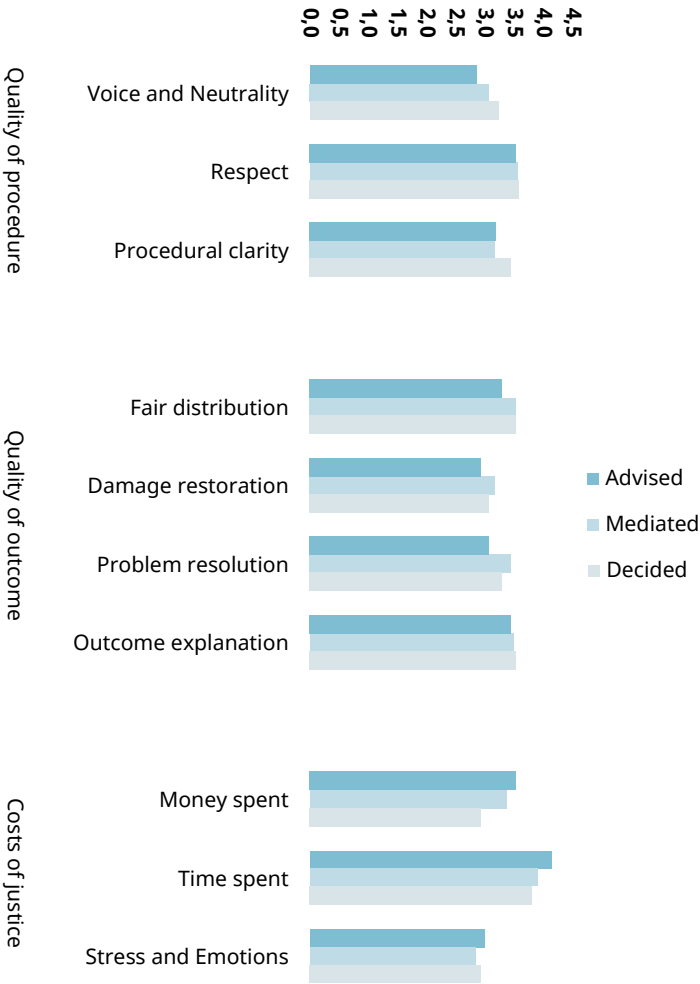
People who receive advice generally give lower process and outcome evaluation scores than people who receive mediation or a decision. However, they spend considerably less money and time on the resolution process.

People who receive a decision generally give a more positive evaluation about the extent to which they are heard and the neutrality of the third party/parties as well as the clarity of the procedure. However, they spend much more money on the process than people who receive mediation.

We think that the administrative logic is not the solution. That's why during the revolution, Burkinabé people liked the people's courts which were close to the population. Nowadays, we see a bourgeoisie justice, and as the majority of people cannot afford its services, we think that for certain types of conflicts, mediation might be the only solution

President of a district (arrondissement) court

JUSTICE JOURNEY EVALUATION
by intervention



The outcomes people receive depend on the problem

When people’s justice journeys result in resolution of their problem, ideally this is matched by one or more positive outcomes. Outcomes are the long-term positive results of a justice journey that help people to leave the problem behind. A justice journey can have multiple outcomes: People report on average 1.66 outcomes.

Outcomes are specific to the category of legal problem: Someone experiencing domestic violence is not looking for the same things as someone with a land problem. Below are the main outcomes people get for some of the most common legal problems.

Land	
Agreement on the use of land	59%
Fair land ownership	44%
Compensation for loss of income or property	10%
Fair share of profits	6%
Protection from losing profits	4%
Other	3%
The outcome did not help to resolve the problem	9%
N = 351	

Crime	
Perpetrator is punished	39%
Receiving an apology	31%
Understanding what happened	30%
Compensation for loss of income or property	30%
Protection, preventing it will happen again	28%
Other	6%
The outcome did not help to resolve the problem	9%
N = 187	

Neighbours	
Repairing relationships with neighbours	55%
Respectful communication	48%
Fewer problems in the area	37%
Repair or compensation	13%
Fair solutions for border disputes (buildings)	5%
Other	3%
The outcome did not help to resolve the problem	2%
N = 417	

Domestic violence	
Receiving an apology	50%
Repairing relationships	46%
Protection, preventing it happening again	33%
Understanding what happened	23%
Taking responsibility for harmful actions	12%
Compensation for loss of income or property	5%
Punishment	5%
Other	2%
The outcome did not help to resolve the problem	7%
N = 189	

Family	
No violence in the family	57%
Respectful communication	44%
Children are safe and secure	30%
Fair division of property and debts	13%
Secure incomes for all involved	10%
Secure housing for all involved	7%
Other	3%
The outcome did not help to resolve the problem	7%
N = 115	

Other

Receiving an apology	37%
Understanding what happened	31%
Preventing it happening again	25%
Repairing relationships between people	21%
Compensation for loss of income or property	17%
Find out who is responsible	12%
Physical or financial security	10%
Other	5%
The outcome did not help to resolve the problem	8%
N = 620	

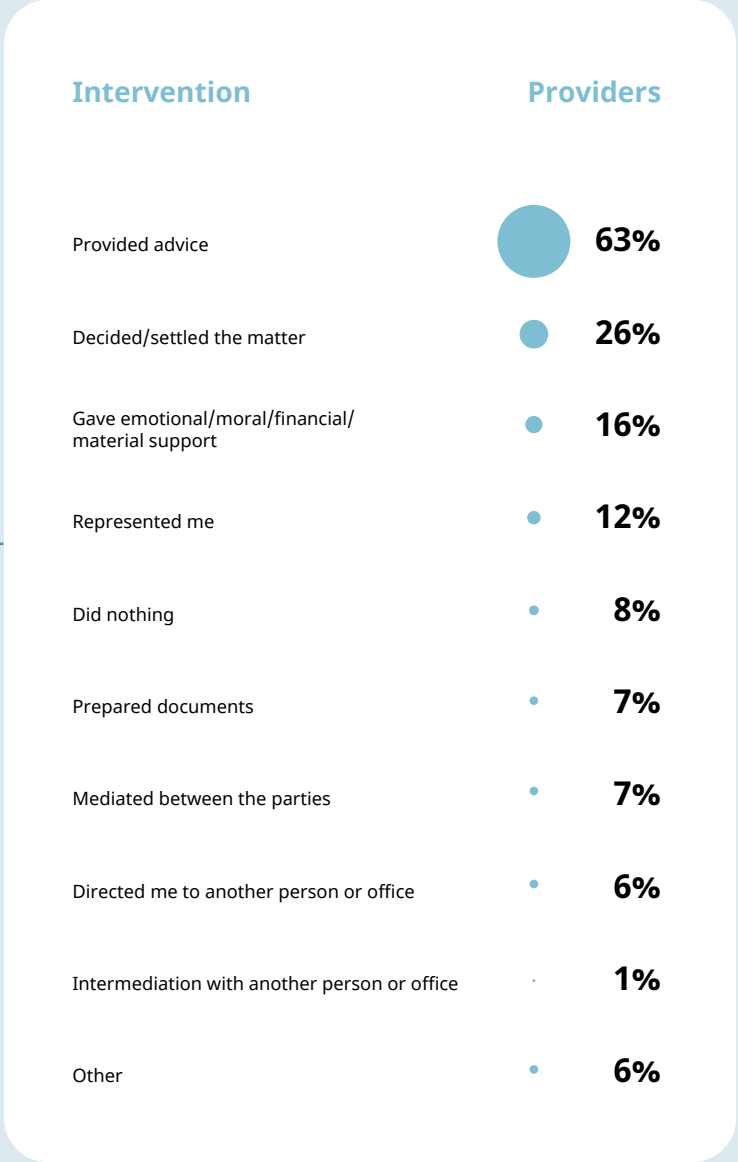
For many problem categories, the most common outcomes are related to receiving an apology, understanding what happened, respectful communication, and preventing it from happening again. This provides some ideas about what to focus on

when helping people to resolve their legal problems. However, note that these are outcomes people indicate they achieve or receive; this does not necessarily mean it is also what is important to them.

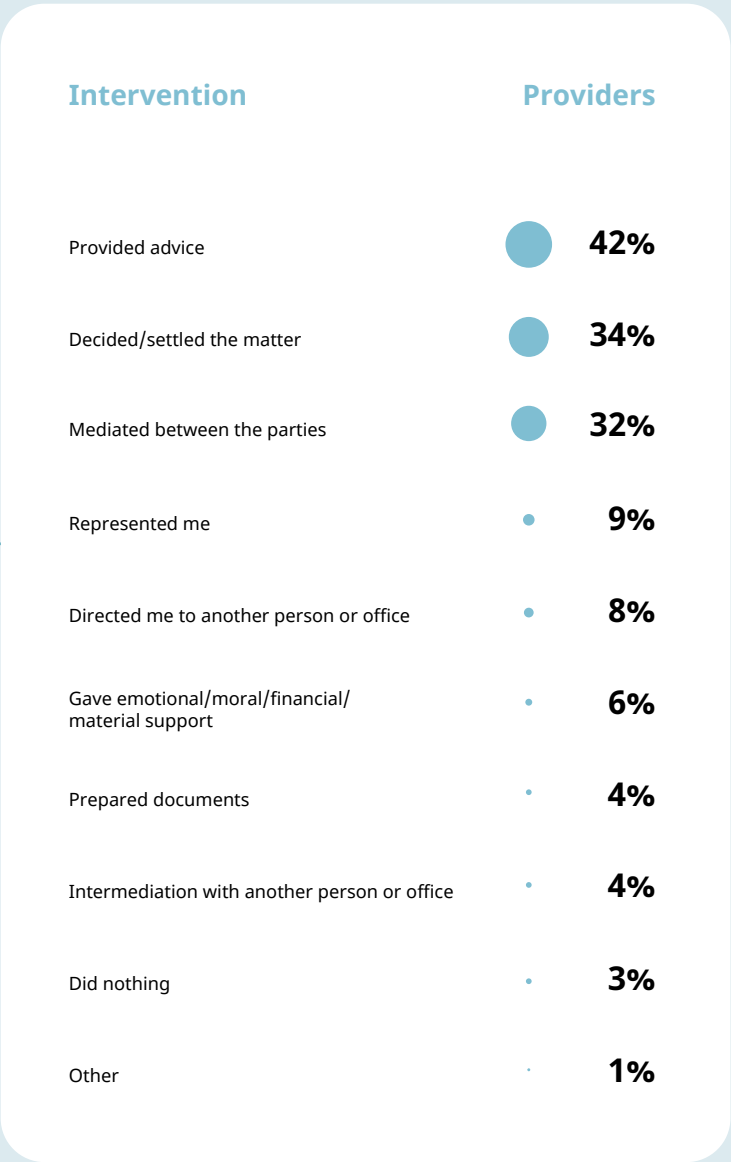


Overview of interventions and treatments for the most burdensome problems

CRIME



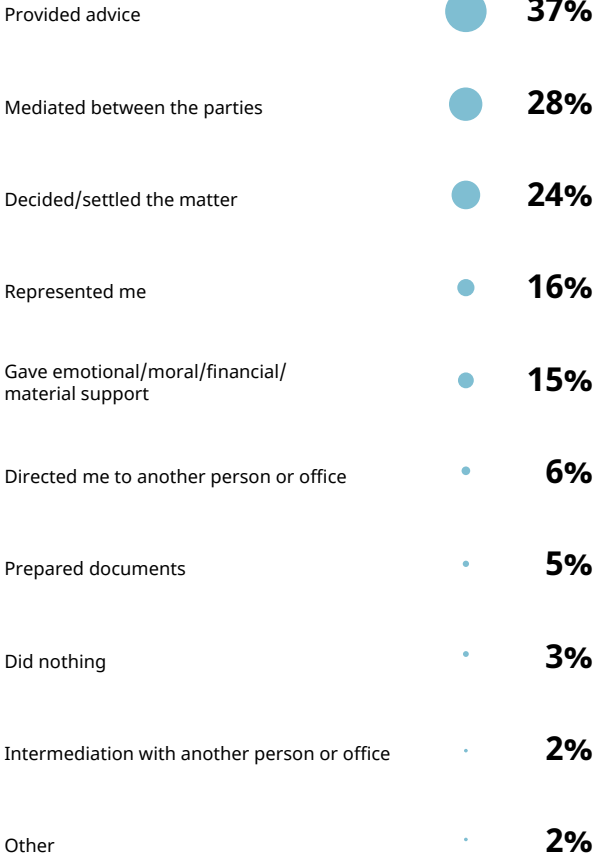
LAND



FAMILY

Intervention

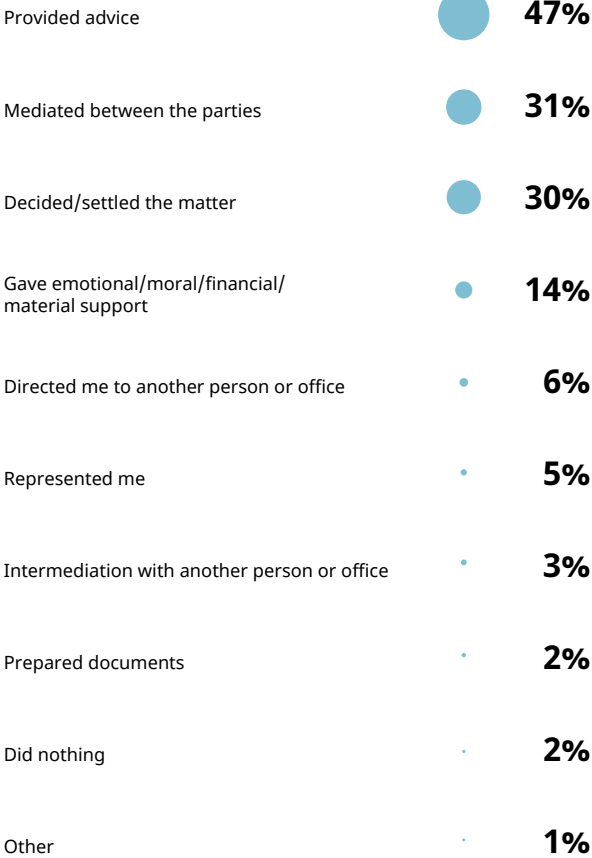
Providers



DOMESTIC VIOLENCE

Intervention

Providers





9

Legal information and advice

Legal information and advice are crucial elements of resolving legal problems and an intrinsic part of access to justice. Information and advice can help identify the best ways to resolve legal problems. Similar to the help received to resolve a legal problem, information and advice can come from many different sources and providers, not necessarily only from formal sources, such as lawyer or judicial clinics. For example, even if a relative cannot provide advice on how the problem relates to a law or a code, they can offer emotional or financial support. In this chapter, we explore what Burkinabé do when they seek legal information and advice to resolve their most serious problem.

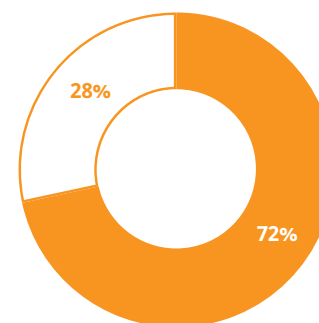
We make a distinction between legal information and advice. Legal information is more generic information available from public sources, such as radio, newspapers, or the internet. Legal advice is tailored to the specific situation of a legal problem or dispute and can be provided by a wide range of actors. In many cases, these advisors provide a much broader form of support than purely legal advice.

Almost three out of four Burkinabé with problems seek legal advice

Seeking legal advice is a common strategy for people trying to resolve their legal problems. Nearly three out of four Burkinabé with legal problems receive advice from at least one person or organisation.

PEOPLE SEEKING LEGAL ADVICE
as % of people with legal problems

N=3839



■ Sought advice
□ Did not seek advice

The high rate of people seeking legal advice is a constant across the Burkinabé population, as there are almost no differences between different demographic groups:



Gender:

No statistically significant difference.



Location:

No statistically significant difference between people in rural and urban areas.



Literacy:

People who are literate more often seek legal advice (74%) than people who are illiterate (69%).



Income:

No statistically significant difference.



Age:

No statistically significant difference exists between different age groups.

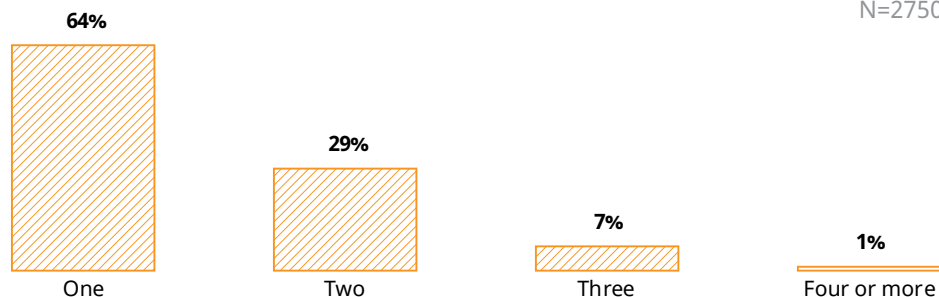


1,5

Average number of legal advice providers contacted.

NUMBER OF SOURCES OF LEGAL ADVICE

N=2750



There is evidence legal advice helps to resolve legal problems

Seeking legal advice is strongly correlated with problems with a higher impact: There is a difference of almost 30% in terms of impact score of the problem. This could indicate that when problems have a higher impact, it drives people to seek legal advice to try to resolve it.

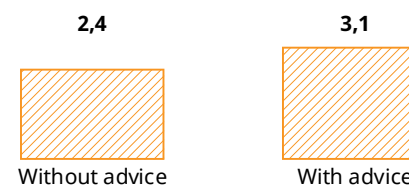
Whether people seek legal advice is also likely to affect the resolution status of problems. People who seek legal advice are more likely to (completely or partially) resolve their problem, and conversely, less likely to abandon it. This is despite the fact that problems for which legal advice is sought are more impactful.

This lends strong support to the idea that getting legal advice increases the chances of resolving problems in Burkina Faso.

AVERAGE IMPACT SCORE

by legal advice

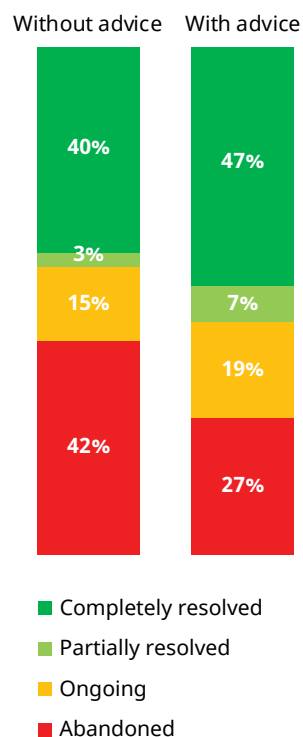
N=3839



RESOLUTION STATUS

by legal advice

N=3839



For me, the main obstacle is the lack of financial means because justice is not free, as people like to tell us. Then there is ignorance. In fact, there are structures such as the legal aid fund to assist the poor, but they are little known. So, someone who doesn't have the information can't know that this structure exists. There are also cultural factors. I take the example of women who are victims of rape. Many refuse to go to court so that they are not exposed, even though there is the possibility of holding trials behind closed doors. But most women don't know that.

Chief clerk at a court of appeal

Most legal advice comes from personal networks; lawyers are out of sight

An overwhelming majority of the sources of legal advice in Burkina Faso are part of personal networks; people who are close to the person experiencing the legal problem, such as family members, friends or neighbours. This replicates the tendencies we found in chapter 7.

Other common providers of legal advice include customary and traditional authorities, police or gendarmerie, and local public authorities, which underlines people's strong preference for local mechanisms.

Burkinabé rarely, if ever, contact formal courts, national public authorities, civil society organisations, lawyers, or legal aid organisations.



I had a 14-year-old housekeeper who stayed at home with my 4-year-old daughter. It turns out that there was a man in the neighbourhood who sexually abused the nanny when I was away and made her pregnant. Before going to social action, I tried to get in touch with the man but he never picked me up. So, I had to ask my brothers for help because I lived alone. We were able to meet the man, who completely denied the pregnancy. As he did not recognise the pregnancy, I brought the problem to social action. From social action, the file was transferred to the justice.

MOST COMMON LEGAL ADVICE PROVIDERS
as % of people seeking advice

N=2750



The demographic differences between sources of legal advice reflect those between the sources of help discussed in chapter 7.



Gender:

Men more often seek legal advice from friends (33% versus 25%), customary and traditional authorities (12% versus 7%), and the police or gendarmerie (7% versus 3%). Women more often seek advice from family members (70% versus 61%) and neighbours (19% versus 16%).



Location:

People in rural areas more often seek advice from customary and traditional authorities (13% versus 2%) and local public authorities (6% versus 3%), whereas people in urban areas more often seek advice from the police or gendarmerie (11% versus 6%) and friends (37% versus 26%).



Literacy:

People who are illiterate more often seek legal advice from customary and traditional authorities (14% versus 7%), whereas people who are literate more often seek advice from friends (34% versus 22%) and the police or gendarmerie (8% versus 6%).



Income:

People who cannot cover their basic needs more often seek legal advice from family members (68% versus 64%) and customary and traditional authorities (13% versus 8%). People who earn enough to cover their basic needs more often seek legal advice from friends (31% versus 26%) and neighbours (18% versus 16%).



Age:

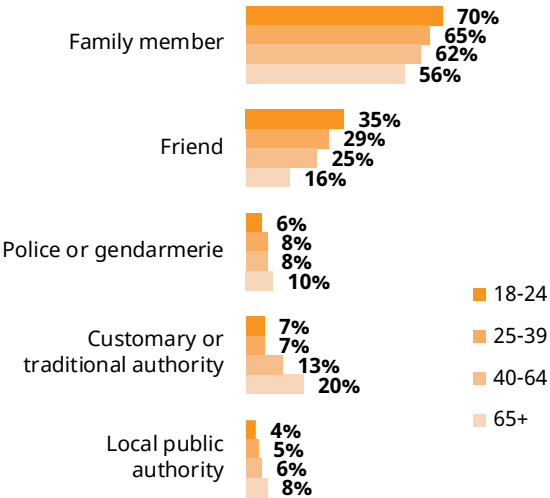
The different sources of advice for different age groups follows the same pattern as the sources of help, with younger people more often seeking legal advice from their personal network and older people more often turning to more institutionalised sources.

This suggests that customary and traditional authorities tend to cater primarily to people (mostly men) in rural areas who are older and have a lower level of education and a lower income. Of course, the types of problems these groups experience could be more suited to consultation with customary and traditional authorities. These different demographic characteristics are also strongly correlated.

At the same time, people who contact the police or gendarmerie for legal advice more often live in an urban than a rural area. This either means that problems that are more suited to advice from the police or gendarmerie more often tend to happen in urban areas (and for customary and traditional authorities in rural areas) or that the role and reach of the police and gendarmerie is bigger in urban areas (and that of customary and traditional authorities in rural areas).

MOST COMMON LEGAL ADVICE PROVIDERS
by age group

N=2750



The type of advice depends on the provider

People in Burkina Faso receive different types of legal advice, partly dependent on from whom they seek the advice. Considering that the most common sources of legal advice are family members and friends, it is not surprising that the most common advice provided is emotional support (30% of all advice provided). This also indicates that these forms of advice should be seen as broader than legal advice in the narrow sense of the term.

Telling about what other people do or achieve in similar situations, helping to reach out to the other party, and advising where to go to resolve the problem are relatively common forms of advice. A positive sign is that only in 1% of cases does the provider do nothing to help.



MOST COMMON TYPES OF LEGAL ADVICE

N=4001 legal advice providers



”

My husband was very jealous. When my phone rings, he made it a problem. Even when my parents call, he would complain. One day after we had an argument, when he was leaving for work, closed the door of the house and left with the key. I stayed outside until he came back without eating. Since that day I have slept outside for 23 days. He didn't give me food anymore, it was one of the neighbours who gave me food.

”

My father summoned my husband so that we could solve the problem. He replied to my father that he doesn't have time. My father then said that until he comes to explain himself, I don't go back to his house. Since he did not come, I did not go back to his house.

”

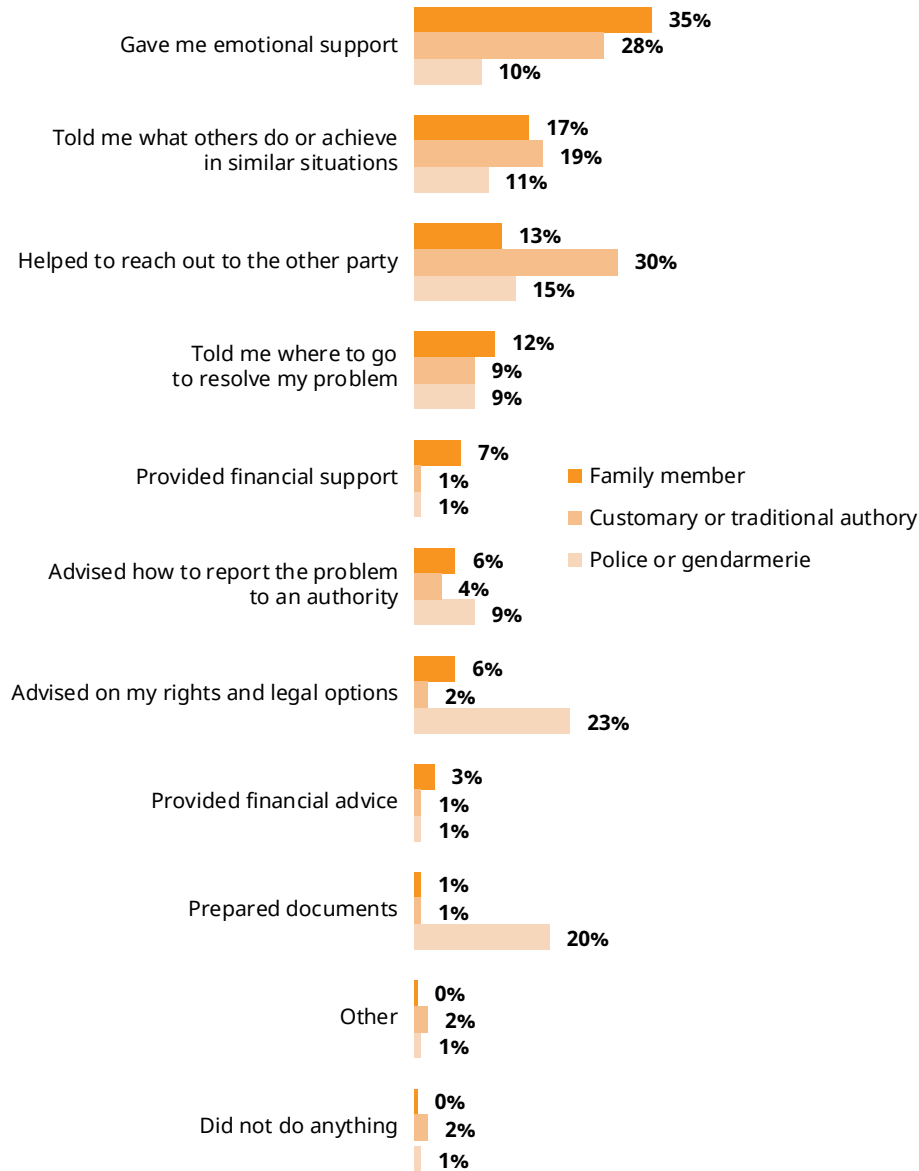
I called my family to explain the problem and they asked me to wait. But I saw that if I stayed, I was going to starve. So I asked my sister for money to travel to her place and after that, I went to my parents.

”

I went to social action once. The day I went, I found a gentleman who gave me an appointment. On the day of the appointment, I went but he was absent. After that, I did not go again. My court is far from social action and I have no means of travel. In fact, I have pain in my foot so it is a little difficult for me to move to go far. But social action does its job very well, they help women.

MOST COMMON TYPES OF LEGAL ADVICE

by legal advice provider



As mentioned above, family members mostly provide emotional support. Customary and traditional authorities primarily help to reach out to the other party and provide emotional support. Finally, the police mainly advise on rights and legal options and prepare documents.



Sometimes some people in conflict refuse to listen to us. In such cases, we recommend that they go to the gendarmerie or to court knowing that in justice, they will always come out frustrated and that the conflict may continue and tear apart families or even an entire community.

Traditional ruler



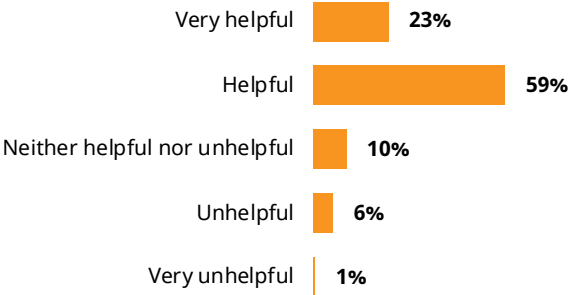
Burkinabé overwhelmingly find their sources of advice to be helpful

For every source of legal advice contacted, we asked how helpful that provider was. The results are encouraging: In more than 80% of the cases people say the advisor is helpful or very helpful. Only 1% say the advisor is very unhelpful.

There are only small differences in the degree of helpfulness between key providers. The police are most often rated as very helpful, with customary and traditional authorities rated the least. Nonetheless, all three providers are considered helpful or very helpful at least 80% of the time.

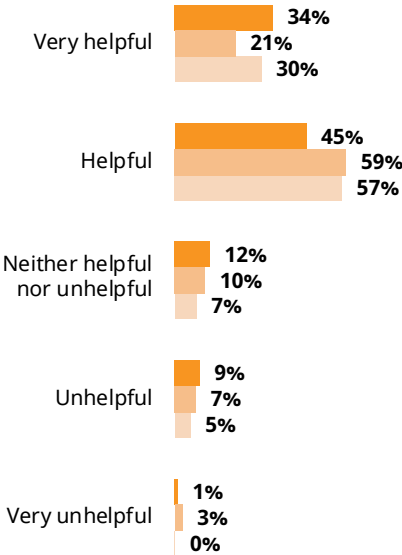
HELPPFULNESS

N= 4001 legal advice providers



HELPPFULNESS

by legal advice provider



- Police or gendarmerie
- Customary or traditional authority
- Family member



Radio is by far the most common source of information

Whereas more than 70% of people with legal problems seek legal advice, only 30% seek legal information from a publicly available source in trying to resolve their most serious problem. There are a few demographic differences:



Gender:

Men (40%) more often seek information from public sources than women (31%).



Location:

There is no statistically significant difference between people in rural and urban areas.



Literacy:

There is no statistically significant difference between people who are literate and people who are illiterate.



Income:

People who cannot cover their basic needs (67%) more often seek information than people who can cover their basic needs (63%).



Age:

There is no statistically significant difference between different age groups.

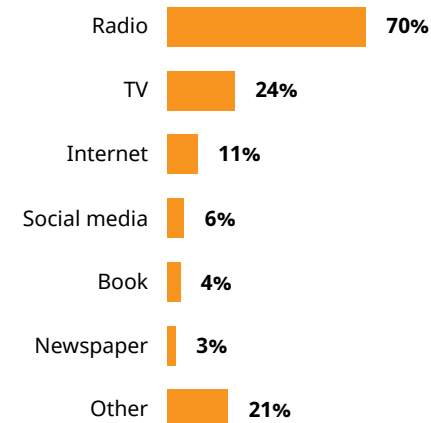


Out of those who do obtain legal information from publicly available sources, the majority receive it via radio (70%) or, to a much lesser extent, TV (24%). Burkinabé rarely use the internet or social media to get legal information. This is probably related to the low internet penetration rate in the country: Only 41% of people say they have access to the internet.²⁵ This rate is increasing rapidly though, which suggests there is potential to use online resources to provide legal information and advice.

²⁵ This is still considerably higher than the World Bank's estimate of 18% (<https://tinyurl.com/6m6rsn72>). That number is from 2019 and had been increasing rapidly since 2010.

MOST COMMON SOURCES OF INFORMATION

N= 1360



There are some demographic differences when it comes to the most common publicly available sources of information:

Gender:
No statistically significant differences exist between men and women.

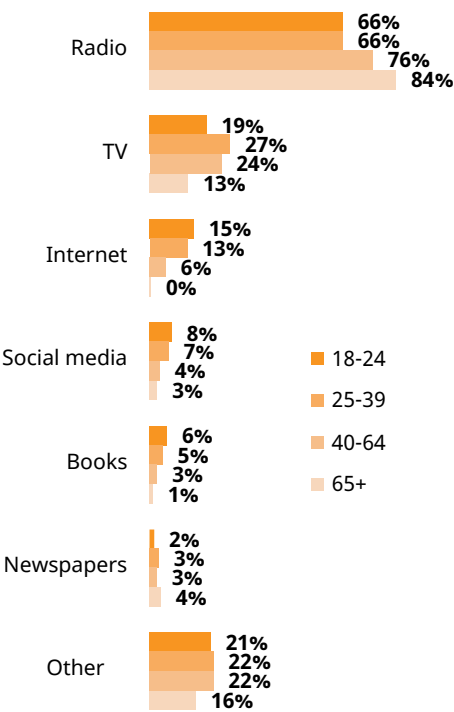
Location:
People in rural areas (80%) more often get their information from radio than people in urban areas (47%). People in urban areas more often seek information from all other public sources: TV (35% versus 19%), internet (20% versus 7%), social media (12% versus 3%), books (8% versus 3%), newspapers (5% versus 2%), and other public sources (34% versus 16%).

Literacy:
People who are illiterate more often seek information on the radio (79%) than people who are literate (64%). People who are literate more often seek information from almost all other public sources: TV (29% versus 15%), internet (16% versus 2%), social media (9% versus 1%), books (7% versus 0%), and newspapers (4% versus 1%).

Income:
The differences between people who can cover their basic needs and people who cannot are very similar to those between people who are literate and people who are illiterate. People who cannot cover their basic needs more often seek information from radio (76% versus 66%), whereas people who can cover their basic needs more often seek information from TV (27% versus 17%), internet (14% versus 4%), social media (7% versus 4%), books (5% versus 2%), and newspapers (3% versus 2%).

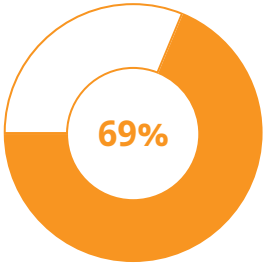
Age:
Radio is especially popular as a source of information for older people, whereas internet, social media, and books are more common sources of information for younger people. TV as a source of information is most common among young and middle adults.

MOST COMMON SOURCES OF INFORMATION
by age group



Overview of legal information and advice provided for the most burdensome problems

CRIME



sought legal advice

On average

1,6

sources of legal advice



66%
Family member



34%
Neighbour



29%
Friend



30%
Gave me emotional support

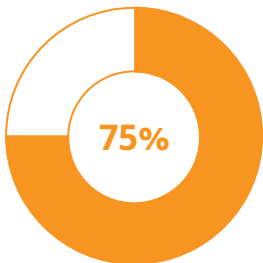


19%
Told me what others do or achieve in similar situations



16%
Told me where to go to resolve my problem

LAND



sought legal advice

On average

1,5

sources of legal advice



65%
Family member



21%
Friend



19%
Neighbour



26%
Gave me emotional support

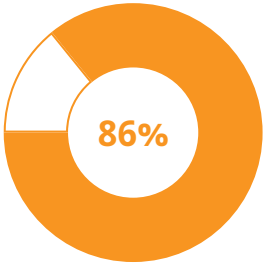


19%
Helped to reach out to the other party



17%
Told me what others do or achieve in similar situations

FAMILY



sought legal advice

On average

1,4

sources of legal advice



72%
Family member



24%
Friend



9%
Neighbour



36%
Gave me emotional support

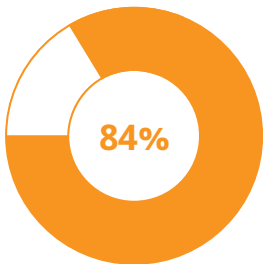


16%
Helped to reach out
to the other party



13%
Told me what others do
or achieve in similar situations

DOMESTIC
VIOLENCE



sought legal advice

On average

1,4

sources of legal advice



72%
Family member



27%
Friend



15%
Neighbour



35%
Gave me emotional support



19%
Helped to reach out
to the other party



15%
Told me what others do
or achieve in similar situations



10

Findings and implications



In this study we looked at the legal problems and resolution strategies of people in Burkina Faso, by asking them directly about their experiences and perceptions. The result is a picture of justice that is truly people-centred, providing unique data about legal needs in daily life. It shows there is a considerable justice gap: We estimate that every year around 2 million problems in Burkina Faso need a resolution.

This requires bold action to improve access to justice. Business as usual will not work. Instead, people-centred justice is a more promising approach to deal with this challenge. The collective voice of Burkinabé people has provided a lot of suggestions on what should be the main focus going forward.

In this final chapter we take stock of the main findings of the study and their implications for policymakers, service providers, and innovators looking to ensure access to justice for all. We do so by focussing on the five pillars of people-centred justice: Working from data, applying best practices, supporting and scaling gamechangers, creating an enabling environment, and strengthening the movement.

Continue people-centred justice data collection on a regular basis

The data in this study provides a unique people-centred picture of everyday legal problems people in Burkina Faso experience and the steps they take to try to resolve these problems. Policymakers, justice service providers, and legal innovators can use these rich and actionable insights into the justice needs of Burkinabé to work towards ensuring access to justice for all.

This does not mean that we can now sit back and relax. Regular people-centred data gathering should become part of the process of justice planning and delivery in Burkina Faso to keep track of possible changes in the justice needs of Burkinabé as well as the functioning of the justice system. The Ministry of Justice or the National Statistical Institute must assume an active role in gathering such data. International donors should support the Burkinabé government to develop and sustain the capacity to gather such people-centred data at regular intervals.

Gathering people-centred justice data at regular intervals will not only show how people's justice needs evolve over time, but also which services are actually working to help people resolve their most serious legal problems. Ideally, such data collection efforts should pay specific attention to some of the gaps in the current data, such as the experiences of women and other vulnerable groups. Policymakers and service providers can use this data to focus their efforts and investments on the more successful services. This will also help to allocate resources in a more efficient and evidence-based way and improve transparency and accountability.

Prioritise preventing and resolving the most burdensome legal problems

Legal problems are a common feature of people's lives in Burkina Faso: Every year people collectively experience around 3,1 million legal problems. The two most common problem categories reported by Burkinabé are land problems and crime. The most common types of land problems are disputes related to animals kept by neighbours and disputes over land use. The most common form of crime is theft; motorbike theft in particular seems to be a pressing issue.

The most common problem categories are not necessarily posing the biggest burden on Burkinabé society and its people. Some problem categories tend to be more impactful or are less likely to be resolved. For example, neighbour problems are relatively common but tend to have less impact than crime, family problems, or land problems. Accidents are relatively common but are already often resolved. Based on a combination of indicators and input from Burkinabé justice experts, we have identified crime, family problems and domestic violence, and land problems as the most burdensome in Burkina

Faso. We have provided specific, in-depth data for these problems at the end of each chapter of this report.

When stakeholders identify the key priorities for policy programming, it is important to consider demographic differences in terms of types of legal problems experienced. People in rural areas experience many more land problems than people in urban areas, while people in urban areas more often encounter neighbour problems, accidents, employment problems, and housing problems.

Men and women also experience different legal problems. For both genders, the two most common problem categories are land problems and crime. However, men are significantly more likely to report land problems than women. Men also more often report employment problems, while women more often report domestic violence, family problems, and neighbour problems. These differences are likely to be related to the different societal roles that men and women have in Burkina Faso.

Focus prevention and resolution resources where the greatest needs are

A positive finding of this study is that many people already manage to resolve their legal problems. More than half of all the problems that people in Burkina Faso experience are resolved and the vast majority of these resolutions are perceived as fair.

However, not everyone is equally likely to resolve their legal problems. Women are less likely than men to resolve their most serious legal problem. The data also shows that literacy is likely to play a role in enabling people to resolve their justice problem, as people who are literate are more likely to resolve their problems than people who are illiterate. Focusing specifically on improving access to justice for women and people who are illiterate will therefore improve the lives of millions of Burkinabé.

Problems that are ongoing are experienced as more impactful than those that are resolved or abandoned. These problems are usually also harder to resolve. This likely reflects the fact that people will go to greater lengths to resolve a legal problem that is more impactful. Creating specific resolution

tracks for the most serious problems can help to reduce the number of ongoing legal problems. Because these problems tend to have the largest impact on people's lives, this would seriously reduce the burden of legal problems on the lives of Burkinabé.

Less impactful problems are not only more easily resolved, but people are also more willing to give up on trying to resolve a problem when it has little impact on their life. This means finding easily accessible ways for people to resolve these problems will help resolve many problems that are currently being abandoned. People often resolve these types of problems relatively easily through direct negotiation with the other party. However, such direct negotiation is relatively rare in comparison with other countries. This could provide an opportunity for mechanisms that facilitate this approach. Facilitating this resolution strategy could be an easy and affordable way to pick some low hanging fruit.

Strengthen the link between customary and informal justice actors and the formal justice system

Most Burkinabé take some form of action to try to resolve their most serious legal problem. Together they manage to resolve millions of legal problems every year. This means there are many successful justice journeys that lead to resolved problems. Understanding what these successful journeys look like, and which justice providers and interventions are most likely to resolve legal problems, is fundamental to further closing of the justice gap.

The vast majority of legal problems are dealt with outside the modern institutions and without the actors commonly associated with the justice system: Lawyers and courts are very rarely engaged. Instead, most Burkinabé turn to someone in their personal network, especially family members. After that, it is most common for people to engage the police or gendarmerie (in urban areas) or to go to a customary or traditional authority (in rural areas).

It is unlikely that in the foreseeable future there will be sufficient lawyers and courts that are accessible and affordable to have a serious impact on closing the justice gap. Differently, more innovative justice delivery mechanisms are needed to really improve access to justice for millions of Burkinabé. Existing legal institutions will need to co-exist and cooperate with both traditional and novel justice providers. This will require policymakers to create an enabling environment for the delivery of justice outside formal courts.

Currently, customary and traditional authorities are the only justice providers at the community level reaching a substantial number of people, mostly in rural areas and especially when it comes to land problems. They do important work in ensuring access to justice in communities located far away from modern justice institutions. This provides both opportunities and challenges.

One challenge lies in ensuring that these actors provide outcomes that are fair and equal, without favouring certain demographic groups. Burkinabé men and women equally engage customary and traditional authorities, in line with previous research. However, previous research has also indicated that many people believe traditional authorities tend to favour men and rich people. Another challenge is enforcement of their decisions.

Creating smart connections between customary and informal justice providers and the modern justice system could help to address both of these challenges. Experimenting with ways in which the formal justice system can complement customary and traditional authorities could ensure that courts provide redress for decisions made at the community level and can help to create a two-track approach where more serious and complicated problems can be addressed by courts.



Create space for innovative justice services that can help to improve access to justice for all

Despite the importance of customary and traditional authorities, overall, there is still a relatively low level of engagement of community justice actors. Instead, most people involve someone from their personal network. This points to a gap, illustrating that many people do not have access to a neutral third party to help them resolve their legal problems. There is a clear space in the 'market of justice services' for innovative game-changing justice services to start closing that gap.

Community justice services that operate close to where people live and can deliver effective solutions by combining informal and formal justice have particular promise. The social action service seems to be one good example of a helpful source of help for women in rural areas dealing with family problems, but its focus is quite limited. Creating more space for innovative justice services and making sure they have the capacity to deliver would be a big step towards ensuring access to justice for all.



Identify what works in order to strengthen and replicate it

The third parties Burkinabé people engage offer different interventions to try to resolve legal problems. By far the most common form of help is offering advice, followed by deciding the matter and mediating between the parties. People who receive mediation or a decision evaluate their justice journeys as more positive than those who receive advice, although they do spend more time and money on the process. Mediation and deciding the matter are also the interventions that are most likely to resolve problems.

Customary and traditional authorities relatively often provide mediation, but even more often settle a dispute by making a decision. Other actors that frequently make a decision are the police or gendarmerie, self-defence groups and formal courts (although the latter two are not frequently engaged). On the other hand, family members, friends, and neighbours frequently offer advice.

Many people turn to family members and friends for help with their legal problems, who tend to provide more social support than actual dispute resolution. Although this can be good for social cohesion, it is not necessarily an effective way of resolving legal problems. Investing in justice mechanisms that offer mediation or decisions will likely increase the number of people who manage to resolve their legal problems.

Taking a close look at how and why mediation and decisions work to resolve people's legal problems will help to understand who and how these interventions help people. In the past year we have developed treatment guidelines for preventing and resolving the most pressing justice issues. By tailoring these to the specific Burkinabé context, they can support justice workers in ensuring their work is evidence-based.

Generate new ways to provide legal information and advice

Nearly three out of four Burkinabé with legal problems seek legal advice. These people are more likely to resolve their legal problems than people who do not seek legal advice, even though their problems tend to be more impactful. People also overwhelmingly evaluate the providers of legal advice as helpful or even very helpful.

Currently, most advice comes from people's personal networks; especially women primarily seek legal advice from family members. Only after that, and significantly less common, are customary and traditional authorities, police or gendarmerie, and local public authorities used. People almost never ask lawyers for legal advice; neither do they engage free legal aid organisations. Investing in opportunities for people to get the legal advice they need from a neutral third party would therefore be an important part of closing the justice gap.

Related to this, a relatively high number of people seem to lack legal awareness about the possibilities and opportunities to resolve their legal problems. Very few Burkinabé currently manage to obtain publicly available legal information. Online information and advice could help in addressing this, but considering the low internet coverage in Burkina Faso, it would be nowhere near enough to reach everyone. Radio, and to a lesser extent television, is the most widely used media source in Burkina Faso, especially in rural areas. Utilising these channels could be an effective way to provide a large number of Burkinabé with reliable legal information.

Pay specific attention to improving access to justice for vulnerable groups

There are important demographic differences when it comes to access to justice. This starts with the number and types of problems people experience and continues with the sources of help they engage and the likelihood that they manage to resolve their most serious legal problems. Some of the most important demographic differences are between people in rural and urban areas, between people who are literate and people who are not, and especially between men and women.

Burkinabé women not only experience distinct types of legal problems, they also particularly lack access to effective sources of help. They often seem to have no other option than asking family members for help, who primarily provide advice, an intervention that is less likely to result in a problem being resolved. As a result, women manage to resolve their legal problems less often than men.

It is important to design policies and implement services that take into account these gender differences and pay particular attention to improving access to justice for women. It is equally important to monitor justice data and outcomes through a gender lens. Prioritising access to justice for women will help millions of them resolve their most serious legal problems and gain agency over their lives.

Dare to be bold: Transformation is needed

Burkina Faso faces big challenges and opportunities when it comes to access to justice. Some small tweaks to the existing services and system of courts and lawyers will not be enough to enable the millions of people with unmet justice needs to overcome their obstacles to justice. What is needed is a transformation where the Burkinabé people are the central focus. What is needed is a people-centred approach to justice.

Above we have outlined what that means: Collecting data about needs, identifying what already works, introducing and scaling gamechangers, creating an enabling environment, and upholding accountability. These elements have been tried and tested in multiple countries on all continents. They are also underpinned by a solid business case: This does not need to be expensive and the social and economic benefits far outweigh the costs.

A global movement for people-centred justice has taken off, with countries around the world adopting policies and implementing services that work for the people. Now is the time to join.



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

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

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

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

The countries we have worked in since 2014 include The Netherlands, Nigeria, Mali, Tunisia, Ukraine, Kenya, Bangladesh, Fiji, the United States, and Ethiopia. In 2022, we published or will publish JNS reports on Niger, South Sudan, and another report on Burkina Faso, focussing specifically on IDPs and host communities

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