



Women's access to justice in Burkina Faso: understanding the obstacles and identifying solutions



Presentation of parties/organisations



ASSOCIATION DES FEMMES JURISTES DU BURKINA FASO

Created on November 14th 1993, the Association des Femmes Juristes du Burkina Faso (AFJ/BF) is a scientific, laic and apolitical civil society organisation. The AFJ/BF was created by a group of women lawyers who were aware of the difficulties faced by women in Burkina Faso in protecting their rights, and who wanted to unite to defend these rights and to fight against all forms of discrimination against them. The Association is open to all women law graduates who are practising or have practised law and to law students. AFJ/BF was officially recognised in 1994 under receipt No. 94071/MATS/SG/DGAT/DLPAJ of 25 February 1994, and its head office is in Ouagadougou.

The objective of the AFJ/BF is to promote, to protect and to defend the rights of women and their children in Burkina Faso. To this end, the Association has developed and implemented several human rights projects and programmes, and has five legal clinics based in Ouagadougou, Bobo Dioulasso, Ouahigouya and Kaya to treat victims of gender based violence.

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Hiil

Hiil (The Hague Institute for Innovation of Law) is a civil society organisation committed to promote people-centred justice. We work with governments and judiciaries to design justice solutions that are accessible, practical, and built to last. Using data to understand justice needs, evidence to scale what works and innovation to improve services, we help make justice systems work better for everyone.

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Please scan the QR code for more information about Hiil's activities in Burkina Faso or go to www.hiil.org/programmes/burkina-faso/

Introduction

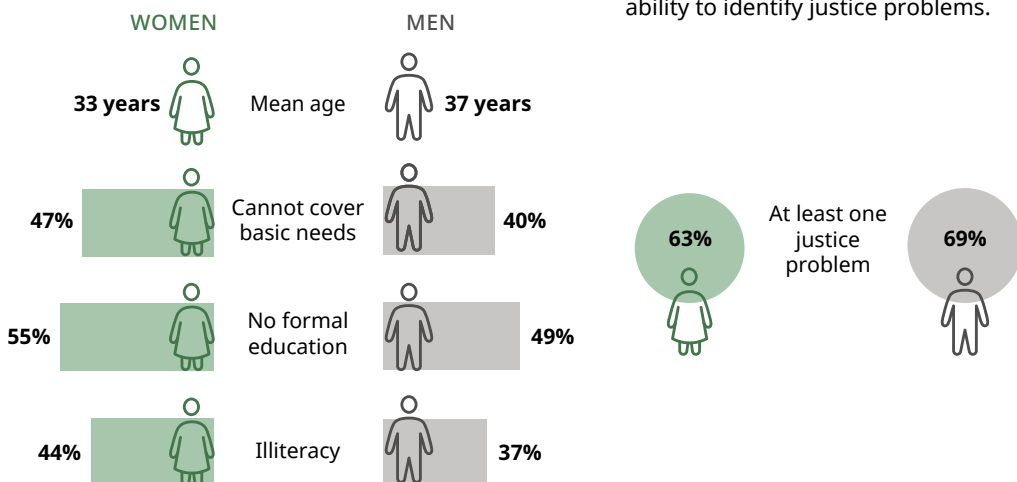
In Burkina Faso, women's access to justice is riddled with socioeconomic and cultural barriers. Women are often less educated and more financially vulnerable, and they also face constraining social norms, making legal problem resolution a difficult task. While those who achieve resolutions can sometimes suffer reprisals.

The present factsheet is the result of a collaboration between the Association des Femmes Juristes du Burkina (AFJ/BF) and Hiil. It sheds light on the obstacles women face when seeking justice through the quantitative data of Hiil's Justice Needs and Satisfaction survey (JNS) and through qualitative testimonies from the legal clinics operated by the AFJ/BF. Together, the data presented informs a series of recommendations to improve women's access to justice.

Sociodemographic data:

The sociodemographic data seen in the eJNS survey reveal the same disparities as other national studies conducted by the INSD (National Institute for Statistics and Demographics).

Women are also less likely to report a justice problem than men (63% vs 69%). This is explained in part by the lower levels of education and higher poverty rates of women, which hinder their ability to identify justice problems.



The story of Thérèse

If you can't be safe at your home, if those who should be protecting you become your abusers, where do you turn? Seeking help should be a guarantee, but for too many women it is a great risk: reprisals, aggravated violence, expulsion from the home. If you had to choose between keeping silent or losing your children, your house, your dignity or being banished from your family and your community... what would you do?

- AFJ/BF legal clinic lawyer in Ouahigouya



Thérèse is an only child. After her parents died, she inherited a landplot in Ouahigouya and offered her cousin the chance to farm part of the terrain with her. When she got married, Thérèse entrusted the entirety of the terrain to her cousin before moving with her husband. When she returned, she realised that her cousin had sold the landplot without her knowing.

Thérèse is one of the many women in Burkina Faso that face a land conflict, the most common problem category for women.

WOMEN'S JUSTICE PROBLEMS



To try and solve the problem, Thérèse went to the village elders and demanded her cousin to buy her a new terrain. The cousin said he did not have enough money. Without other options, she decided to go to the district court of Ouahigouya.

Thérèse is an exception to the trend of women in Burkina Faso. Only one burkinabe woman in 10 goes to a traditional and customary authority or to a formal court.

At this moment, the village elders demanded Thérèse to stop the procedure in the court, if she did not, she would be banished. Despite the threat, Thérèse contacted the AFJ/BF legal clinic and was informed of her rights and connected to a lawyer. The court was asked to cancel the sale of the landplot. As a result, the village elders banished Thérèse and presented a statement declaring that women do not inherit land in their community.

Thérèse is still waiting for a decision by formal justice. This decision may give her back ownership of the landplot, but it will not restore her place in the village.

What can help Thérèse?

- The reform to the judicial system expected for 2025 will provide a central place to customary actors in problem resolution. A dialogue on women's rights, in particular on land ownership, as well as training on the legal framework will be important to ensure equal standing in front of the law.
- Social norms and repercussions dissuade women from taking actions to seek justice. Strengthening community awareness is necessary to change the social perception of women who claim and defend their rights, and to avoid increasing their vulnerability when they do so.

Women and justice: stories of a strained relationship

All the names used have been changed to protect the identity of the women.

The story of Poko

When women are victims of violence and they take the courageous step of going to the police or gendarmerie, some are successful and leave satisfied. As a source of help, judicial police officers who are sensitive to cases of gender-based violence (GBV), would be an alternative to lighten procedures and allow couples who are not legally married to be listened to and to find solutions to their problems.

- AFJ/BF legal clinic lawyer in Ouagadougou



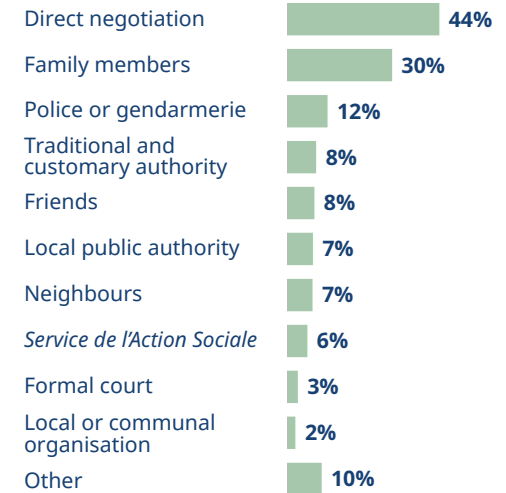
Poko lived with Mr. ZA. After some time he started to be violent and hit her. Despite the intervention of her family, the situation worsened and Poko had to abandon her children and live with her parents to protect herself.

Domestic violence is the second most common legal problem for women in Burkina Faso, affecting one in five women.

Poko asked for aid at the AFJ/BF legal clinic and received legal advice, as well as psychological support. She asked the AFJ/BF to organise a conciliation session with her partner. However, he ignored the invitation and Poko was referred to the police. After the intervention of the police, the couple reconciled and Poko withdrew her complaint.

Poko took action to solve her legal problem, like 82% of women with problems in Burkina Faso do so. She also engaged with common sources of help for women, such as family members and the police.

SOURCES OF HELP MOST USED BY WOMEN



n=988

What can help Poko?

- Strengthen the training and awareness of judicial police officers, in particular regarding situations of gender-based violence. This will reinforce their role in prevention and resolution of such violence.
- Ensure the implementation and the financing of holistic care centres established by law 061-2015/CNT to allow the most vulnerable women to know and assert their rights, and to support survivors in their recovery.

The story of Aminata

If the husband dies, the wife, youngest children and daughters are excluded from the estate. When they manage to obtain a favourable court ruling, difficulties arise in enforcing the decision because they are the victims of several kinds of threats and intimidation.

- AFJ/BF legal clinic lawyer in Ouagadougou



Aminata was legally married but her husband died and her husband's children evicted her from the family home. The division of assets made by the family provided for her to inherit another house that her late husband had acquired (paid for in full) from a property company. Despite repeated attempts by Aminata to have the house delivered, the company has still not fulfilled the contract.

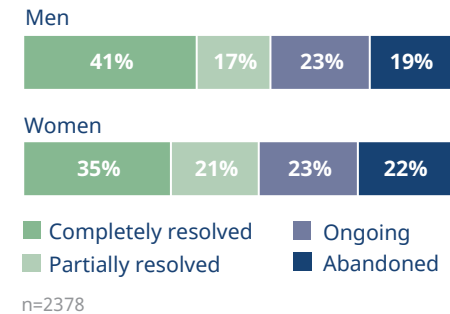
Aminata is not alone in facing this type of problem, around 16% of land conflicts and 7% of family problems are related to inheritance and to land titles and property.

Aminata turned to her family for advice. They have her emotional support and told her about legal clinics. Seeking more specialised help, she went to the AFJ/BF clinic. The clinic workers tried to resolve the problem by contacting the company several times, but to no luck. Faced with this impasse, they referred Aminata to a lawyer for legal assistance.

The case is still pending and Aminata remains without a home, forced to stay with her family waiting for a solution.

Regrettably, cases like Aminata's are frequent: nearly half of women's legal problems are not resolved, with women being more likely as well to abandon their problem.

RESOLUTION STATE OF MOST SERIOUS JUSTICE PROBLEM



What can help Aminata?

- Simplify the procedure for obtaining land titles and legal documents and expand the protections to women's property rights.
- Reinforce the control and sanction mechanisms to guarantee the enforcement of court rulings, particularly over inheritances.

7 recommendations for women's access to justice

In Burkina Faso, women face a deeper justice gap than men. They also report less legal problems, not because they are better protected, but because they are more vulnerable due to lack of education and financial means, and to social pressures. These factors also explain their lower action rate and their dependence on private circle sources of help. This leads to women having less resolved problems, as they often abandon their paths to justice when faced with inadequate solutions or when the consequences of taking action outweigh the chances of resolution.

The road ahead to close the justice gap is long, but the following recommendations can help this effort.

Prevention and information: knowing for acting

1. Sensitise and train people, in particular women, on Human Rights, women's rights, access to justice mechanisms and on judicial procedures to ensure they can properly defend themselves when faced with legal problems.
2. Deconstruct the prejudices and preconceived ideas about the justice system through the translation and popularisation of fundamental texts (land law, gender-based violence, inheritance, etc.) in local languages and the organisation of open days in justice institutions.

Support and accompany women: break women's isolation

3. Strengthen the functioning of the judicial assistance fund and make it accessible for all women, without discrimination.
4. Ensure and sustain structural financing for services that aid women's access to justice, such as the creation of listening centres, legal clinics and one-stop shops for women's rights that allow women to share their experiences and obtain aid and support.
5. Ensure the enforcement of law 061-2015/CNT and set up holistic care centres for survivors of violence.

A fair framework of institutions that care

6. Promote judges on marriage affairs, to create a judicial environment more welcoming and inclusive for women.
7. Organise reflection and awareness campaigns for the main sources of help used by women (particularly for the judicial police and customary authorities) to improve how the most common legal problems for women are handled.