![HiiL logo] **HiiL**
user friendly justice

Justice Needs and Satisfaction of IDPs and Host Communities in Burkina Faso

2022

North and Centre-North regions

HiiL is passionate about social impact. We aim to empower 150 million people to prevent or resolve their most pressing justice problems by 2030. Why?

Each year, 1 billion people have a new justice problem. Shockingly, over 70% of those people do not find a satisfactory resolution. 30% don't even feel sufficiently empowered to take action. This has a significant impact on their lives and on society: From violence to seriously damaged relationships and business conflicts.

To make a long story short, justice systems, as they are currently organised, do not deliver what people need in their most difficult moments.

The problem is that the same models to deliver justice in past centuries are still used today. This makes the process of getting justice often slow, difficult and costly.

We truly believe basic justice care for everyone is possible. With data and technology, we can co-create high-quality justice based on what we need now.

At HiiL we call it user-friendly justice. Justice that is affordable, accessible and easy to understand. It is justice that works.

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At HiiL we call it user-friendly justice.

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

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Glossary

Domestic violence: It is used in this report to describe the types of violence that take place within the home or family between intimate partners as well as between other family members.[1]

Gender-based violence: An umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed gender differences. This includes acts that inflict physical, mental, or sexual harm or suffering; threats of such acts; and coercion and other deprivations of liberty, whether occurring in public or private life.[2]

General population: The term general population is used to refer to the respondents of HiiL's national JNS survey in Burkina Faso as opposed to the respondents of this survey, which was targeted at members of Burkina Faso's internally displaced people and host communities in selected displacement-affected areas.

Host community: A community of the host country, usually in a given administrative unit, whose socio-economic circumstances have been impacted (positively and/or negatively) by an influx of IDPs.

Internally displaced person: "An individual who has been forced or obliged to flee from his home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who has not crossed an internationally recognized state border."[3]

Justice demand: People with legal problems, who need resolution of these problems in such a way that results in positive and sustainable outcomes.

Justice gap: People who are not able to resolve their legal problems, either because they are still waiting for resolution or have abandoned any hope of resolution, and those who resolve their legal problems but perceive the resolution as unfair.

Justice intervention: Refers to a particular action that a provider can perform when engaged in a dispute resolution process, such as providing advice, mediating actively between the parties, deciding on the matter, or referring to another third party.

Justice journey: Refers to the journey a person takes from the moment they recognise they have a legal problem until an eventual resolution. The journey includes the search for legal information and advice, and taking actions to try to resolve the problem, either by directly engaging the other party, via a third party or through a combination of both.

[1] Inter-Agency Standing Committee (2015), *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.*

[2] UNHCR *Glossary of Terms*, at https://reporting.unhcr.org/glossary;

[3] UNHCR *Glossary of Terms*, at https://reporting.unhcr.org/glossary; UNHCR (1951), *Convention Relating to the Status of Refugees*, article 1A(2); UNHCR (1969), *Convention Governing the Specific Aspects of Refugee Problems in Africa*, article 1(2).

Justice need: The need to have a legal problem resolved in a way that is affordable, accessible, easy to understand, and resulting in an outcome that positively relieves the person of the most negative consequences of the problem.

Justice provider: A person or organisation that is involved to more or less systematic extents in resolving legal problems.

Justice supply: Justice providers from both the formal and informal sectors, and/or a combination of both.

Justice user: A person who engages a justice provider in a dispute resolution process.

Legal aid: People seeking to resolve a legal problem may seek personalised advice as to how to address their legal problem. We call the provision of such legal advice legal aid.

Legal information: People seeking to resolve a legal problem may seek legal information. We make a distinction between legal information and legal aid. Legal information is obtained through public sources such as the internet, catalogues, books, and radio. Legal aid is the provision of personalised legal information, or rather legal advice.

Legal problem: A legal problem refers to a problem that takes place in daily life – a dispute, disagreement or grievance for which there is a resolution in the (formal or informal) law. In the legal needs research, the term 'justiciable event' is also used. The resolution of the problem could be through an intervention of a third party – i.e., adjudication, administrative process, arbitration (decision) or mediation, or through negotiation or reconciliation between the parties. It is not necessary that the respondent knows or recognizes its legal aspects. It is also possible that nothing has been done to resolve the problem.

Resolution (of a legal problem): Resolution refers to the status of the problem; whether the respondent considers it resolved (completely or partially), ongoing and waiting or expecting to be resolved, or abandoned without expectation of the problem being resolved.

User-friendly justice: Justice that is affordable, accessible and easy to understand based on evidence of what works for people seeking to resolve their legal problems. It places the user at the centre of the delivery of a justice service.

Executive summary

Internally displaced persons (IDPs) and host community members find themselves sharing an experience nobody expects to live through in their lifetimes. The Hague Institute for Innovation of Law (HiiL), in partnership with the United Nations High Commissioner for Refugees (UNHCR), and in collaboration with the Foundation Terre des Hommes Lausanne (Tdh), spoke with more than 2100 IDPs and host community members in the principal cities of the Centre-North (Kaya) and North (Ouahigouya) regions of Burkina Faso under challenging circumstances, using the methodology of the Justice Needs and Satisfaction (JNS) survey.

This report is the result of these face-to-face conversations about experiencing legal problems, their consequences, the ways to resolve them, and the satisfaction with the processes and obtained results. We derive data-driven implications in the last chapter of the report.

Introduction (Chapter 1, pages 14-19)

This report on the justice needs of IDPs and host community members is the second in the partnership between HiiL and UNHCR. It was conducted during a period characterized by the global COVID-19 pandemic, and a worsening in the security situation that increased the internal displacement dynamics in Burkina Faso, characterised by a trend towards rapid urbanization of secondary cities in the regions most affected by the crisis.

The aim of the JNS study of IDPs and host communities is to help the government of Burkina Faso and its humanitarian and development partners identify priorities for improvements of access to justice for IDPs and host communities in a few affected host cities (Kaya (Centre-North region) and Ouahigouya (North Region)).

**Methodology
(Chapter 2, pages 20-27)**

More than 2100 Burkinabes, both IDPs and members of the host communities, told us about their experiences with legal problems in Ouahigouya and Kaya. HiiL has conducted the Justice Needs and Satisfaction survey in 20 countries. It is a tested and proven methodology to understand people's legal needs. Small modifications were made to the methodology to deal with the ongoing global COVID-19 pandemic. These included adapting the questionnaire, training of enumerators and conducting the Justice Data Workshop remotely, online. The findings of the quantitative survey were validated and enriched by the discussion with experts in Ouagadougou during the Justice Data Workshop conducted in April 2022, as well as further desk research.

We briefly discuss the security challenges that made accessing Titao and Thiou, cities initially considered in the original sampling plan, impossible for the enumerators. In consequence, we expanded data collection in Ouahigouya and Kaya.

**Displacement-affected Areas:
Ouahigouya and Kaya
(Chapter 3, pages 28-37)**

More than 1.8 million people have been forcibly displaced in Burkina Faso at the time of writing this report. The regulatory environment addressing the needs of IDPs relates to the law No. 012-2014/NA on the prevention and management of risks, humanitarian crises and disasters; the "Justice and Human Rights" Sectoral Policy 2018–2027; and The Sahel Emergency Programme (PUS) (Decree No 2017-620/PRES/PM/MINEFID.

Descriptions of the IDP situation in the North and Centre-North regions are provided as they form the broader context of displacement in the cities of Ouahigouya and Kaya themselves.

**The Context of Access to Justice
(chapter 4, pages 38-41)**

This chapter provides a brief overview of the legal provisions regulating access to justice and the organisation of the justice system in Burkina Faso.

**Demographics of the Sample
(Chapter 5, pages 42-51)**

Almost 1500 IDPs and more than 600 host community members comprise the sample of this study. The gender distribution is slightly skewed to match the reality on the ground, with 53% of the total sample being women and 47% men. Other relevant demographic characteristics include age distribution, literacy levels, the number of previous displacements and the location of origin of the IDPs.

**The Justice Gap
(Chapter 6, pages 52-69)**

A relatively low proportion of the IDPs and host community members reported experiencing legal problems in the previous four-year period. Almost one in three of the IDPs reported at least one legal problem in the four-year period (between December 2017 and December 2021), while only about a quarter of the host community members reported the same. Displacement-affected populations were living in an environment of a lack of generalised trust, and this probably affected their willingness to disclose problems to the enumerators in a situation of active conflict close by.

The majority of the legal problems the IDPs reported were considered the cause of their displacement (52%). About a quarter of their problems were unrelated to displacement and can be understood as problems that may have happened even without facing forced migration. One in five problems were identified as a direct consequence of displacement. This means, problems that otherwise would not have happened without displacement and became an additional load for the justice system in the displacement-affected areas

Most of the IDPs who reported problems faced at least one crime (47%). About a quarter reported domestic violence. Less often, land problems, family related problems and problems related to the forces of defence and security were mentioned.

While the host community members resolved more than 40% of their problems (either completely or partially), only less than 20% of the IDPs stated the same. For the IDPs, almost 70% of their problems ended up being abandoned (meaning that the problem persists but that the person experiencing it no longer tries to resolve it, irrespective of the fact that they involved a third party or spoke directly to the other party) without any action or hope for a fair resolution. Only a third

of the problems of the host community members ended up abandoned. When the problem was unrelated to displacement, the resolution rates the IDPs obtained were similar to those of the host community members. When the problem was the cause of displacement, in almost every instance the problem was abandoned.

Impact of Legal Problems (Chapter 7, pages 70-79)

The consequences of the most serious problems both groups experienced were different. Death of a family member was a grimly common consequence for the IDPs (around one in four of those who reported consequences). Still, the most common consequences were loss of money and stress-related illness for both groups, although they were more common among the IDPs.

Based on an aggregate measure of impact HiiL has developed, the most serious problems of the IDPs had a higher impact on life than those of the host community members.

Dispute Resolution (Chapter 8, pages 80-91)

The IDPs (at 45%) were substantially less likely than the host community members to take action to resolve their problems (82%). Once again, problems that caused displacement were less likely to have some action taken (28%) than problems that were a consequence of displacement (56%) and those unrelated to displacement (71% and actually approaching the action rate of the host community members).

The few IDPs who tried to resolve their most serious problem relied on family members, the Social Action service, and direct negotiation with the other party. The host community members also mostly engaged their family members and directly negotiated with the other party but had more access to the police than the IDP population. The IDPs rarely engaged formal sources of help.

Interventions (Chapter 9, pages 92-97)

The most common interventions the IDPs and host community members received (moral/economic support and advice) usually did not resolve their problems, which constitutes a relevant service delivery gap for both communities. The IDPs usually stated that the justice provider they engaged did nothing to resolve the problem.

Legal Information and Advice (Chapter 10, pages 98-111)

The IDPs (58%) were less likely to seek legal advice from any source than the host community members (82%). The few IDPs who did, consulted mostly their family members, and relevant specific providers, such as UNHCR and NGOs.

Social Cohesion in Ouahigouya and Kaya (Chapter 11, pages 112-127)

The IDPs and host community members reported relatively high levels of social cohesion, understood as trust within and between communities, respect, equal opportunities, shared identity, ubuntu, and shared civic engagement. Some geographical differences are visible, particularly in terms of equal access to services such as energy, economic opportunities, and housing. Higher levels of social trust are associated with lower chances of experiencing legal problems.

Children's and Adolescents' Experience of Legal Problems in Displacement Areas (Chapter 12, pages 128-133)

This chapter is a summary of the work done by the Foundation Terre des Hommes Lausanne (Tdh) under the scope of this project. The participant children and adolescents felt stigmatized for being IDPs. They hoped to coexist peacefully with the local communities. Exclusion, crime, and family problems, in close relation to displacement, tended to appear among their most common legal problems. The sources of help belonged to their inner circle, such as family members. The Children and adolescents had current legal needs that could not wait to be resolved on returning to their place of origin but needed to be dealt with in their current location.

Findings and implications (Chapter 13, pages 134-151)

This chapter starts with a brief overview of the findings of the quantitative survey. Each key data finding provides support for implications directly tied to one or more data points. The implications we suggest for a transformation of the justice sector to protect displacement-affected populations in Burkina Faso relate to the following:

Durable solutions start by recognizing that the different problems people experience relate differently to their displacement history. Addressing legal needs on the ground must include and benefit both IDPs and host community members.

Plans for return to places of origin must include measures to address access to justice to resolve currently abandoned problems. Although justice problems need to be tackled without waiting for a potential return, when transitional justice frameworks are set up, it is crucial that they address problems caused by displacement. These types of problem should be understood as one of those areas that need resolution to make affected people complete again.

There is a latent and important demand for justice in displacement-affected localities. Access to formal and informal justice providers is scarce. A people-centred justice plan should include elements such as a) monitoring of justice needs, actions and outcomes for IDPs and host community members, including elements such as legal awareness and empowerment, b) identification of best practices for dispute resolution and wide-scale replication, c) identification of game-changing delivery models that can provide results that work for the people, and d) ensuring political leadership and an enabling environment in Burkina Faso, by its transitional government, which has people's needs as its priority.

The availability of effective interventions to resolve legal problems, such as mediation/reconciliation and decisions/settlements, should be increased. These interventions are not only effective but also satisfactory ways to resolve legal problems. The role of services such as the Social Action service, NGOs and UNHCR should be strengthened. Provision of multidisciplinary support for women, including mainstreaming the gender approach, should be encouraged.

1
Introduction

Unity – Progress – Justice. Burkina Faso's national motto signals that the country considers justice as one of its highest core values and that it is intrinsically connected to progress (development) and to unity (social cohesion).

This report concerns the justice needs of the IDPs and host community members in Ouahigouya, North Region, and Kaya, Centre-North Region, of Burkina Faso. The HiiL–UNHCR partnership seeks to investigate the legal needs and satisfaction of populations of concern in displacement-affected urban and semi-urban areas in a people-centred way.

People-centred justice means justice that is accessible, understandable, affordable, and effective. Solutions are tailored to the needs of those who seek them, restoring the damages in personal life and in important relations as a way to move forward. It supports progress. It increases social cohesion and unity.

This report was conducted during the onset of the deterioration of the displacement crisis in Burkina Faso, particularly in the northern regions. Fieldwork activities were highly impacted by security conditions, whilst the COVID-19 global pandemic brought further complications.

Up until the Russian invasion of Ukraine, the migratory crisis in Burkina Faso was the fastest growing displacement-related crisis in the World. Since 2018, the number of displaced people has reached approximately two million[4], an increase of 62% compared with the previous year. The execution of the project occurred in a highly volatile context with active conflict just a few kilometres from the location of the interviews.

Women, adolescents, and children have been suffering the grim consequences of displacement. To conduct data collection, HiiL & UNHCR partnered with the Burkina Faso office of NGO Foundation Terre des Hommes Lausanne, given their local expertise on child protection and children's access to justice. As a result, this report includes the perspectives of minors, included for the first time in the quantitative research, as well as tailored qualitative research.

Another relevant specific aspect of this report is that for the first time it is dedicated to understanding the needs of internally displaced people. While this is the second report of the HiiL-UNHCR partnership, the situations of refugees and IDPs have proven to differ significantly. This is not news for

[4] Refugees International "After the Coup: Burkina Faso's Humanitarian and Displacement Crisis" https://www.refugeesinternational.org/reports/2022/4/20/after-the-coup-burkina-fasos-humanitarian-and-displacement-crisis

forced displacement experts. For those who are not experts, several aspects can be developed, namely: Location; social fabric and cohesion; jurisdiction of relevant justice providers; other, probably temporary differences relate to the time and location of active conflict motivating displacement.

- Location: in Burkina Faso, IDPs are located in urban and semi-urban areas, and in smaller numbers, in temporary host sites (SAT – Sites d'Accueil Temporaires), sometimes within zones inhabited by host communities. As they are citizens of the country, they theoretically enjoy freedom of movement and other rights, as long as they can have access to civil documentation, although in practice freedom of movement is limited. In the areas covered by this study, many IDPs see their freedom of movement reduced due to the exacerbation of insecurity, the lack of civil documents resulting from their loss, or the problem of the territorial competence posed by the absence of the authorized authorities in the territorially competent civil status centres.

- IDPs who experience legal problems stay in the same country where the legal problems occur. This means that irrespective of the problem being a cause, a consequence or unrelated to displacement, theoretically, the formal institutions in charge of delivering justice have jurisdiction over these issues.

As the second of its kind, this JNS survey of IDPs and host communities was commissioned by UNHCR in response to the displacement crisis occurring in Burkina Faso. The JNS study was conducted in partnership with and drawing on the expertise of The Hague Institute for the Innovation of Law (HiiL), a leader in the field of justice needs assessments and innovation. We appreciate the coordination and support of the National Council for Emergency Relief and Rehabilitation (CONASUR) in all stages of the project.

The aim of the JNS study of IDPs and host communities is to help the Burkina Faso government and its humanitarian and development partners to identify priorities for improvements to access to justice for IDPs and host communities in the country.

HiiL-UNHCR Partnership
This report is the second in a series of Justice Needs and Satisfaction (JNS) surveys conducted as part of a partnership between HiiL and UNHCR initiated in 2019. HiiL is a leader in justice innovation. It is known particularly for its JNS survey which it has spent years refining and which has become an internationally recognized methodology for measuring justice, including in the context of the SDGs. The surveys take a people-centred approach, focusing on understanding justice needs from the perspective of the end user. HiiL has extensive datasets, with citizens surveyed in over twenty countries so far. UNHCR is mandated to work with states to provide international protection and to seek permanent solutions for persons under its mandate. These include refugees, refugee returnees, stateless persons, and internally displaced populations. Key to fulfilling this mandate is supporting states in ensuring that these populations have access to rights at the same level as nationals or legal residents of a country, without discrimination.
In 2015, HiiL started including samples of displaced populations as part of general population studies in Ukraine, Jordan, Lebanon, and Nigeria. The HiiL-UNHCR partnership was initiated in 2019 to improve the methodology systematically and at scale. The data that HiiL-UNHCR can collect together provides for a better understanding of inequalities, discrimination, and potential triggers for conflict that might exist among and between different population groups. It provides a basis for innovation in justice delivery to forcibly displaced and stateless populations and their host communities and for improving social cohesion. This information is critical for ongoing and future programming by governments and humanitarian, development, and other partners engaged in the justice or social sectors, and/or in responses to forced displacement and statelessness. It is key to fulfilling the central premise of the 2030 Development Agenda to leave no-one behind.

2
Methodology

This study built upon HiiL's extensive experience conducting Justice Needs and Satisfaction (JNS) surveys. Over the years, we have developed a unique survey methodology and implemented it in 18 countries. The methodology of the present survey builds particularly on two previous JNS surveys. In 2020, HiiL conducted a JNS survey of refugees and host communities in Ethiopia, which required methodological adaptations similar to those necessary for the present survey. More recently, HiiL and data collection partner the Centre for the Democratic Governance of Burkina Faso (CDG) also conducted a nationwide JNS study in Burkina Faso. This survey was commissioned by the Dutch Ministry of Foreign Affairs and was developed in close cooperation with the Burkinabé Justice Ministry. This survey of the general population provided a baseline for the development and analysis of the IDP survey. By comparing the experiences of the general population, host communities, and IDPs, overlapping justice needs could be identified that could be addressed by shared justice services in certain, selected data points. At the moment of publication of this report, external circumstances have delayed the publication of the JNS survey of the Burkina Faso general population.

Measuring justice gaps

The JNS methodology implements HiiL's vision of user-centred justice by starting from the perspective of people and seeking to understand their problems and what they do to try to resolve them (instead of starting from service provision and seeking to understand how they are used by people). By doing so, we are able to uncover legal problems that never make it to the formal justice system but affect people's lives in sometimes debilitating ways. Of course, not all problems that people face are legal problems but more often than not, there is a justice aspect to them. This allows us to focus on people's needs in terms of problem resolution and identify any mismatches between these needs and the resolutions available to them, or the lack thereof. We call this mismatch the "justice gap". With this approach, we gain a much broader understanding of access to justice as it allows us to identify problems that are not usually considered as legal problems and therefore never get resolved, but also map where potential resolution mechanisms exist but are not accessible.

To measure this gap, we first asked people if they had experienced one or more legal problems in the previous four years. As legal problems are not always perceived as such, we presented respondents with a list of almost 100 common legal problems and asked if they had faced any of them. This list of problems was adapted to the situation of IDPs and host communities in Burkina Faso[5] and the problems were classified into broader categories such as land disputes, family problems, and crime. In this report, we present the most common problems reported among Burkinabé IDPs and host community members.

We then asked people to indicate whether each of these problems had been resolved. By comparing the legal problems experienced and the legal problems resolved, we can gain an understanding of the nature of the justice gap. Although selected demographic indicators were recorded for each respondent, we were not able to produce an 'epidemiology' of legal problems and justice needs, as the number of reported problems was low.

In other words, there were not enough respondents with a justice problem in each of these groups to generalise the comparisons to the total population of IDPs. Similarly, some problems were particularly rare among respondents,

which made it difficult to analyse the characteristics of these problems in more detail.

People were also asked to rate the seriousness of their problems as well as to indicate which of their problems they considered the most serious. Based on a combination of the prevalence and seriousness of legal problems, we identified the most important justice needs of IDPs and host community members in Burkina Faso. Such a focus on the main legal problems allows for prioritisation of resources and efforts in improving needs-based access to justice.

The results of this exercise were subsequently discussed with key justice stakeholders as well as with key central and local stakeholders from municipalities, ministries of territorial administration, humanitarian action groups, and civil society, etc., in Burkina Faso during the Justice Data Workshop in April 2022, who confirmed the most important justice needs, after which some adaptation took place to reflect local realities.

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[5] This list of problems was drafted in consultation with local justice experts, to make sure that it covered all potential legal problems respondents may have had, in a language familiar to them.

Measuring the impact of legal problems

Not all legal problems affect people's lives in the same way. To consider this, the rest of the survey explored in depth people's most serious problems and their attempts to resolve them. For example, we asked respondents whether their most serious problem had led to certain consequences, such as a loss of income, harm to family relationships, or even the death of a relative. We also explored in more detail the impact of the problems on their personal relationships, financial well-being, physical and mental health, and performance at work.

The justice journey

The JNS survey also seeks to map the experience of people into a justice journey, which is the succession of steps taken by the person from the moment they encounter a legal problem to the moment they either resolve it or abandon it. It is important to note that HiiL's approach is to acknowledge both informal and formal justice mechanisms in order to shed light on what services people effectively use and which they do not. Whom did people ask for advice and whom did they ask for help? Did they try to resolve the issue directly with the person who did them wrong? Did they first consult with a family member, or involve an elder from their community or perhaps a NGO legal worker? Or did they turn straight to court? Which of these actions were most useful? And which people were the most helpful? Did people face challenges when trying to access justice services? When did people consider that a dispute is resolved? Was the dispute mediated, or was it arbitrated on? Of course, the type of resolution and people's satisfaction with it will depend on the type of legal problem and the type of people. But patterns emerged showing how the needs and experiences of the IDPs differed from those of host community members.

The JNS survey evaluates the quality of people's justice journeys according to three dimensions: quality of the process leading to the resolution, quality of the outcome of the resolution, and the costs involved. However, due to the specificities of the present survey, and particularly the low propensity of respondents to disclose legal problems, couples with the low proportion of problems being resolved, it was not possible to populate the indicators relating to the quality of the outcome.

Quality of the process leading to resolution

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 the outcome (not populated in this survey due to low resolution rates)

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

Costs of justice

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

Each of these indicators is a composite measure on a scale of 1-5 which aggregates the respondents' answers to several questions. The charts in Chapter 7 capture these different scores in one convenient visualisation to show people's overall satisfaction with the resolution processes.

Measuring legal information and advice

Awareness of rights and the available mechanisms to claim these rights is a key element of understanding the legal dimension of a problem on the one hand, and that help is available to resolve it on the other. People who seek and obtain legal advice tend to be more likely to take action to resolve their legal problems. 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. Results are telling as to when, where, and how people seek and find what they perceive as the most useful information.

Focus groups with children and adolescents

As part of this project, we endeavoured to collect data on the experiences of children and adolescents (aged 12 to 15). This research was commissioned to Tdh by HiiL.

Focus groups were therefore conducted with 84 participants, split into groups of six to 10 children and adolescents. They were mediated by two moderators who had experience working with displaced children and who were specifically trained in the methodology of the focus group. The focus groups took place in the location of displacement with consent of parents or guardians and benefited from the gracious support of CONASUR and UNHCR staff. A thematic analysis was conducted based on the transcripts of the focus groups by a multidisciplinary team at Fondation Terre des Hommes Lausanne. The condensed results are presented in Chapter 12.

3

The IDP Situation in Burkina Faso

(with an emphasis on the North and Centre-North regions)

An introduction to the policies concerning IDPs in Burkina Faso

As a state with a monist legal system, Burkina Faso does not need to domesticate international treaties. The country follows the UN Guiding Principles derived in the activity of the African Union. Burkina Faso ratified the Convention for the Protection and Assistance of Internally Displaced Persons in Africa of 2009 (Kampala Convention)[6]. The governmental safety net concerning IDPs is regulated by a combination of laws, programmes, and orders. Usually, these initiatives take an approach that considers IDPs in conjunction with other vulnerable groups in society, contemplating several causes of displacement in a multi-sectoral way.

In June 2014, the National Assembly of Burkina Faso passed the law No. 012-2014/NA on the prevention and management of risks, humanitarian crises and disasters.

The law focuses on general prevention and management of crises and disasters but not explicitly on access to justice for IDPs. Article 55 describes the actions that should be taken before the settlement or re-installation of IDPs. "No displacement or resettlement of populations may be undertaken before the housing has been effectively built. The chosen reception site has the minimum basic infrastructure, particularly education, sanitation, roads and drinking water." According to Article 60, it is the joint responsibility of the ministries in charge of social action and civil protection.[7]

In September 2019, Burkina Faso attended the Regional Dialogue on Protection and Solutions and signed the Bamako Declaration for Protection and Solutions in the Context of Forced Displacement in the Sahel in October 2019.

The government made commitments in this declaration about access to asylum, solutions for refugees, internally displaced persons, and civilian populations, and access to civil status, identity cards, and nationality. These were reprised in December 2019 during the inaugural Global Refugee Forum (GRF). Moreover, to promote the integration of refugees in national systems, the Ministry of Justice, Human Rights, and Civic Promotion established a "Justice and Human Rights" Sectoral Policy 2018–2027 in April 2018.[8]

The Sahel Emergency Programme (PUS) (Decree No 2017-620/PRES/PM/MINEFID of 18 July 2017) covering the Nord and Sahel areas, expanded to cover the areas of Centre-Est, Est, Centre Nord, and Boucle du Mouhoun (extended PUS or PUS+) is another key document. The goal of PUS is to increase security and lessen the vulnerability of the inhabitants to encourage long-term growth in the six regions. PUS's target groups are IDPs, host community members, and refugees; its action plan is divided into four sections. Thematic themes include; i) tackling security difficulties, (ii) addressing pressing socio-economic issues, (iii) bolstering state institutions' presence, and (iv) laying the groundwork for population resilience.[9]

National policies, such as the criminal code "LOI N°025-2018/AN PORTANT CODE PENAL", the 2018 sectoral Justice and Human Rights Policy 2018–2027, and "LOI N° 034-2012/AN PORTANT REORGANISATION AGRAIRE ET FONCIERE AU BURKINA FASO", can be used to define and prevent possible social tensions and risks of violence in refugee/IDP-hosting areas.

These policies and legislations do not necessarily address explicitly the legal needs of IDPs/refugees and host community members in displacement-affected areas. The implementation of these policies falls under different international and national frameworks, such as the Burkinabe Constitution, the Burkinabe Refugee Law, and the 2018 Global Compact for Refugees. At the time of writing this report, the Ministry of Territorial Administration, Decentralization, and Social Cohesion is working on a national social cohesion strategy for 2021–2031, addressing social cohesion by explicitly targeting/including refugees/IDPs and host community members.[10]

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[6] UNHCR (2020) The IDP-initiative quarterly update December 2020.

[7] Loi n° 012-2014/an portant loi d'orientation relative à la prévention et à la gestion des risques, des crises humanitaires et des catastrophes.

[8] Ministry of Justice, Human Rights and Civic Promotion (2018) Politique sectorielle « Justice et Droits humains » (PSJDH) 2018-2027.

[9] UNHCR (2020) Refugee Policy Review Framework Country Summary.

[10] Idem.

IDPs and host community members in Kaya and Ouahigouya

Millions of Burkinabe citizens have been forced to flee their homes in the last three years and have ended up in other areas of the country. As of January 31, 2022, the total number of IDPs in the country was 1,850,293 and four out of five were women and children.[11] This means that one in ten people in Burkina Faso is currently internally displaced, which presents a challenge to the government of Burkina Faso and its international humanitarian and development partners.

The impact of the current crisis is felt across the country. Over 80% of the country's IDPs live in the Sahel, Centre-North, and North regions, which were already experiencing severe problems with access to water, food, land, and essential services. Furthermore, prolonged disputes between livestock herders and farmers are being exacerbated by demographic trends and desertification and the consequences of climate change.[12] The crisis is also affecting people who are not in IDP locations. In some

communities, host families are taking in IDP families and are struggling to provide them with adequate food and water.

The areas around Kaya and Ouahigouya have seen the arrival and settlement of many IDPs. Some live in urban areas more or less together with the host communities, while others live in IDP locations or accommodation, officially named as temporary host sites (SAT), further separated from the host communities.[13] This distribution is operated according to the ethnicity and communities of the individuals, although in some cases, IDPs and refugees share locations with potential competition for scarce resources.

[11] UNHCR (2022), Operational Data Portal Burkina Faso, https://data2.unhcr.org/en/country/bfa

[12] UNHCR (2021). Le changement climatique et les conflits poursuivent les Burkinabés déplacés, https://www.unhcr.org/fr/news/stories/2021/1/600ef4c8a/changement-climatique-conflits-poursuivent-burkinabes-deplaces.html

[13] Terre des hommes/UNHCR (2020) Rapport de mission exploratoire conjointe.

[14] Conseil national pour les secours d'urgence 2020 (CONASUR) Enregistrement des personnes déplacées internes.

Community in Kaya

The province of Sanmatenga is one of the provinces that has been most affected by the situation of insecurity and violence-related issues in Burkina Faso. Kaya is the capital city of the Sanmatenga Province, and of the Centre-North region, and is situated one hundred kilometres to the north of Ouagadougou, the capital of Burkina Faso. IDPs in Kaya have fled their homes and live under the threat of attacks from armed groups. Others have been threatened by armed groups and flee for fear of reprisals, others for preventive reasons. In Kaya and Ouahigouya, some SATs are installed in the residential areas of the host

communities, such as the site of the 33 villas in Kaya and the ex-IRA site in Ouahigouya. These IDPs in these SATs share the same resources, such as water points, with the host populations.

In general, IDPs in Kaya originate primarily from Sahel/Soum and Centre-North and have developed into a community. There are two types of sites: sites integrated with neighbouring housing and other sites separated from the quarters of shelters and tents. On April 30, 2021, there were 106,659 IDPs in Kaya, including 38,567 adults and 68,092 children. The majority of the adult population is made up of women, double the number of men[14].

Demographics of the IDP community in Kaya disaggregated by gender and age, April 2021

Total adults	38,567
Total children <5 years	21,462
Total children >5 years	46,630
Men	13,589
Women	25,078
Total number of IDPS	106,659
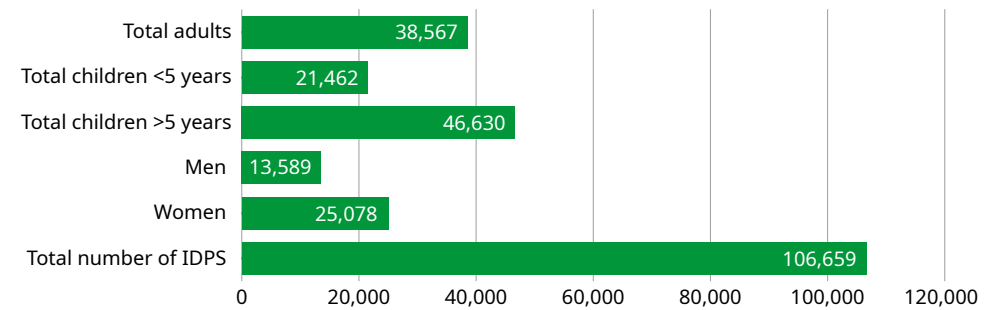
Source: CONASUR - Enregistrement des Personnes Deplacees Internes

IDPs select their host location based on various factors: the geographical location of parents, the geographical location of the first wave of displaced people from the same geographical location, proximity to a locality that is considered to be more secure or a zone where one feels safer, return to the village of origin within the community[15].

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[15] Terre des hommes/UNHCR (2020) Rapport de mission exploratoire conjointe.

[16] RESEARCHING INTERNAL DISPLACEMENT, Working Paper, "'Better to be raped than to be killed' A gendered analysis of internal displacement in Burkina Faso" 2021.

Social cohesion between IDPs and host community members in Kaya

Welcoming displaced families entails more than just providing food and shelter. Instead, displaced people and host community members work together on farming activities, cook and dine together, establishing friendships and making the IDPs feel accepted. These community exchanges help especially widowed or separated women who departed without their spouses. However, the sharing of scarce resources with IDPs creates obstacles to social cohesion.[16]

IDPs in Kaya have difficulty accessing water. However, there is no evidence of tensions around sharing water with host communities. Assistance is received through direct aid, but women seek daily household work; most farmers leave everything behind due to insecurity. In addition, parents have difficulties integrating their children into local schools, specifically at the primary level, which increases the risk of delinquency.[17] The ability of IDPs in Kaya to return to their places of origin depends on the presence of the state, defence, and security forces, guarantees of protection against the FDS, and access to essential social services and necessary resources to restart their lives, as they have lost everything (land, livestock). However, some are no longer thinking about returning due to the high levels of trauma they have experienced.[18]

Community in Ouahigouya

Ouahigouya is the capital of Yatenga Province, and of the North region, located 182 km northwest of Ouagadougou, the capital city of Burkina Faso. Like other regions, Ouahigouya has acquired thousands of IDPs. Many IDPs arrived at sites in the Ouahigouya area following the Barga massacre (30km northeast of Ouahigouya) in March 2020.[19]

Localities such as Thiou, Bhan, Kain, Sollé have been deserted by the population who find themselves caught between jihadist armed groups, vigilante groups and the FDS, and their governing body at the municipality level operate in Ouahigouya and Ouagadougou. The IDP population – especially Fulani - does not necessarily move to IDP sites in Mossi, Dogon, Fulsé, and Sonrai, especially men who prefer to flee into the bush in areas under the control of jihadist groups. Some are therefore likely to join armed groups.[20] This explains why there are more women and children at sites than men.[21]

[17] Some, S.S.S.L. and Zongo, t., 2022. Le travail des enfants dans un contexte d'insécurité dans la province du sanmatenga: Choix individuel ou contrainte familiale?. *Sciences Humaines*, (17).
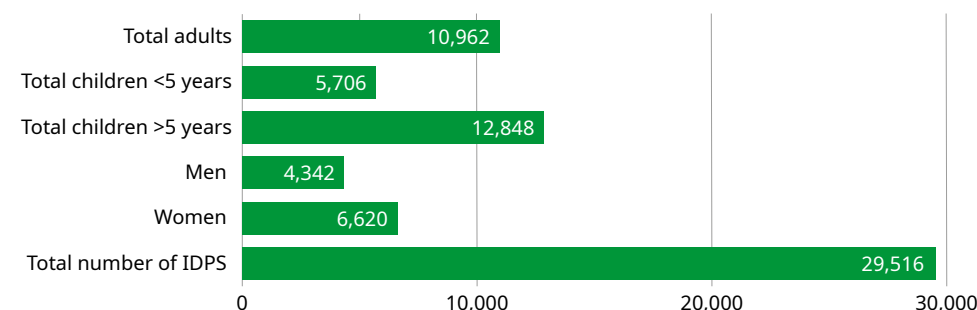
[18] Terre des hommes/UNHCR (2020) Rapport de mission exploratoire conjointe.

[19] Idem.

[20] Idem.

[21] Conasur Burkina Faso (2020) Enregistrement des personnes déplacées internes.

Demographics of the IDP community in Ouahigouya disaggregated by gender and age, April 2021

Source: CONASUR - Enregistrement des Personnes Deplacees Internes

Social Cohesion between IDPs and Host community members in Ouahigouya

Social cohesion in Ouahigouya is more noticeable in urban areas especially for people of Mossi, Sonrai, Fulse and Dogon origin, than around IDP sites in rural areas. The host communities in urban areas show a greater capacity for resilience. Across all sites, women and children outnumber men (men are killed in abuses, some join armed groups, or they work at gold sites).

IDPs select the host locality based on where they have relatives and security. However, there are problems connected to living conditions, such as access to land (for housing or livelihood activities), lack of employment, lack of access to medical care, lack of education, few jobs, the vulnerability of families and, specifically, young people. Most people consider returning to their areas of origin as long as they have guarantees for their safety and the means to return and start over (reconstitution of herds, access to their land). The preconditions for returning are the same as in Kaya, such as the presence of the state, guaranties of security, and essential resources to restart.[22]

[22] Idem.

4

The Context of Access to Justice in Burkina Faso

While this survey examined the experience of Burkinabés accessing justice, it is useful to take a step back and take stock of the legal provisions regulating access to justice and the organisation of the justice system in Burkina Faso.

The Constitution of Burkina Faso adopted by referendum in June 1991 provides in its article 4 that "All Burkinabés and all residents of Burkina Faso benefit from the equal protection of the law. All have a right to their cause to be heard in front of an independent an impartial jurisdiction. Any accused person is presumed innocent until proven guilty. The right to a defence, including the right to freely chose one's defender is guaranteed in front of all jurisdictions"[23]. A mechanism of legal aid was created in 1991 to support destitute people's access to justice (Loi n°An VIII du 11 janvier 1991 portant organisation de l'assistance judiciaire).[24]

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 court (tribunaux départementaux et d'arrondissement) and removing some jurisdictions of exception (minor justice was merged into the common system). A new cycle of political programming started following the 2020 presidential election and the victory of the now deposed President Roch Marc Christian Kaboré. Access to the formal justice system is limited by multiple factors and is effectively not equal for all Burkinabés. While corruption remains an issue[25], the scarcity of courts in rural areas and in certain regions is an additional impediment for rural, poorer individuals who cannot easily travel to access the justice system[26]. The lack of material resources, lack of budget, and the low number of magistrates relative to the population accentuate this issue.[27]

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 in 2019.[28]

In addition to these material obstacles, users can experience a distance to judicial institutions through language, but also understanding or lack thereof of the judicial process. While French is the sole official language of Burkina Faso, and therefore the language used in court and in which laws are first published, it is not always fluently spoken by the population[29]. Even with the support of translators, issues of translation can therefore arise, especially in the absence of formal codification of translation of judicial terms from French to or from other languages. The other aspect of the experienced distance with the judicial institution is linked to the fact that users tend to rely on customary or traditional rules in terms of how they present their arguments in court (with a majority of users choosing not to be represented by a lawyer) and behave in the courtroom (for example by interrupting the other party or the judge) but also in terms of their understanding of the law. This can result in "incident, quid-pro quo and misunderstanding" in court (Fofana, 2018) as the judicial system - and the

way it is implemented by judges and prosecutors - relies on other codes (legal and behavioural) that do not match these expectations.

The importance of customary law to assess land rights in Burkina Faso (including the interaction of family customary law with land ownership)[30] and the importance of the authority of traditional leaders (according to the Afrobarometer 2017, 72% of people trusted traditional leaders) are signs that customary justice is an important source of justice for the population. The present survey will help shed a light on this aspect of access to justice.

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[23] Translation of article 4 of the Constitution of Burkina Faso, approved by referendum on the 2nd June 1991, formally adopted on 11 June 1991 and last amended in November 2015.

[24] Conseil des droits de l'Homme de l'ONU, *Rapport National présenté conformément au paragraphe 15A) de l'annexe à la resolution 5/1 du conseil des droits de l'Homme – Burkina Faso*, 2008, p.10.

[25] Afrobarometer 2017.

[26] Fofana, H. (2018). Rapprocher la justice des justiciables. Une ethnographie de la « distance judiciaire » au Burkina Faso. *Droit et société*, 99, 393-410. https://doi.org/10.3917/drs1.099.0393

[27] Iffat Idris, *Justice systems in the Sahel*, 2020, K4D Helpdesk report, https://assets.publishing.service.gov.uk/media/5ebd676486650c278fc64bd1/765_Justice_Systems_in_the_Sahel.pdf

[28] Ministère de la justice, Direction générale des études et des statistiques sectorielles, *Annuaire Statistique 2019*, 2020, http://www.justice.gov.bf/wp-content/uploads/2020/10/ANNUAIRE_STATISTIQUE_2019_JUSTICE.pdf

[29] There is no recent data on the share of the population speaking specific languages but in the early 2000's, 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.

[30] See for example Ouedraogo, H. (2011) De la connaissance à la reconnaissance des droits fonciers africains endogènes. Etudes rurales, 187, 79-87, doi: https://doi.org/10.4000/etudesrurales.9388 or Food and Agriculture Organization, Base de données Genre et le Droit à la Terre - Burkina Faso, http://www.fao.org/gender-landrights-database/country-profiles/listcountries/customarylaw/fr/?country_iso3=BFA

5
Demographics of the Sample

The effective number of interviews was 2168. Interviews were conducted in the last quarter of 2021. Approximately ⅔ of the sample correspond to IDPs and ⅓ to host community members.

Location of interviews by groups in the sample

Location	Host community	IDP	Total
Kaya	308	721	1,029
Thiou	0	49	49
Titao	18	11	29
Ouahigouy	350	711	1,061
Total	676	1,492	2,168

The majority of the interviews occurred in Kaya and Ouahigouya because these locations received a disproportionate number of IDPs during 2021. Recall that the reason for the low number of interviews in Titao and Thiou was the occurrence of security-related events, which forced us to pivot the data collection process towards a bigger representation of people in Kaya and Ouahigouya.

The gender distribution was slightly dominated by women, particularly among the IDP group, because this corresponds to the estimates that there are more women than men among the IDP population in Burkina Faso.

Gender distribution

	Male	Female
Host community	51%	49%
IDP	45%	56%
Total	47%	53%
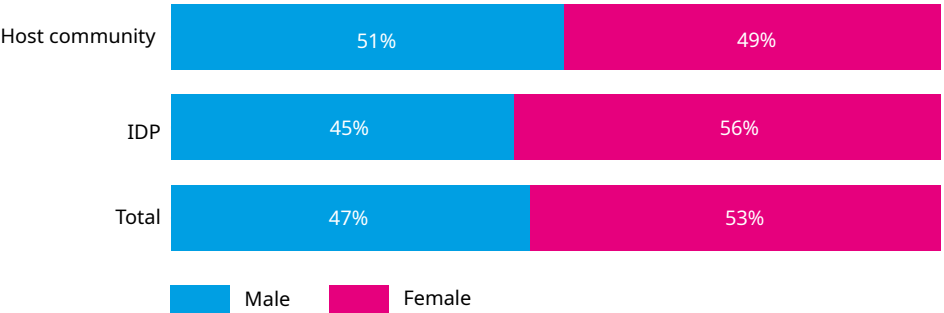
The groups were substantially different in regard to literacy levels, with almost seven out of 10 of the IDPs being illiterate, as per their own assessment. Only four out of 10 people from the host communities declared themselves literate.

Literacy

	Illiterate	Literate
Host community	42%	58%
IDP	69%	31%
Total	61%	39%
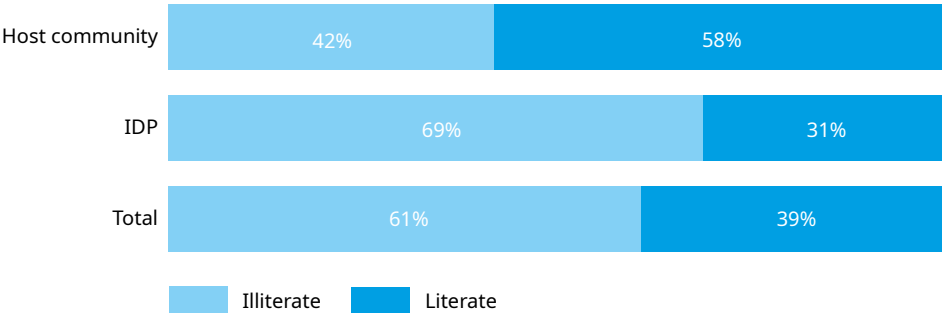
One of the main differences between this research and other similar studies HiiL has conducted was that the lower bound of age was 16 years old instead of 18. This expanded range aimed at including more teenagers in the study in a country with a very young population, particularly among IDPs.
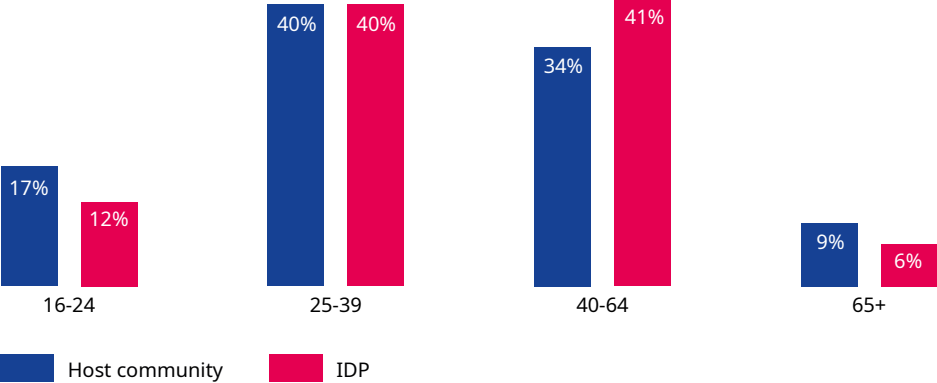
The distribution of marital status among the groups differed. The main differences correspond to a higher prevalence of (polygamous) married people among the IDP group and single, never-married, and (monogamous) married people among the host communities.

Age

Host community	IDP

Marital status
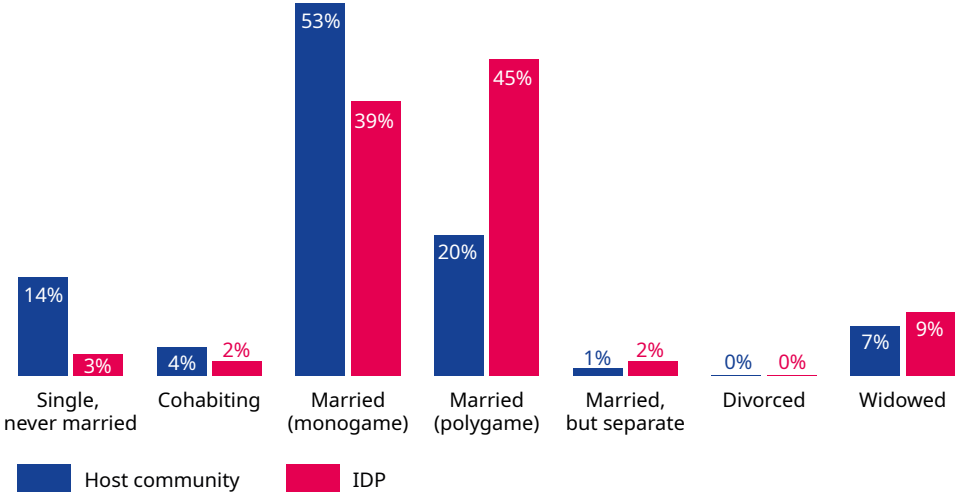
Host community	IDP

The self-reported, subjective income classification shows that the IDP population was predominantly poor. Host communities were also poorer compared with the general population (62% can cover basic needs).

Subjective income classification

Host community	51%	49%
IDP	90%	10%
Total	78%	22%

■ Can't cover basic needs   ■ Can cover basic needs
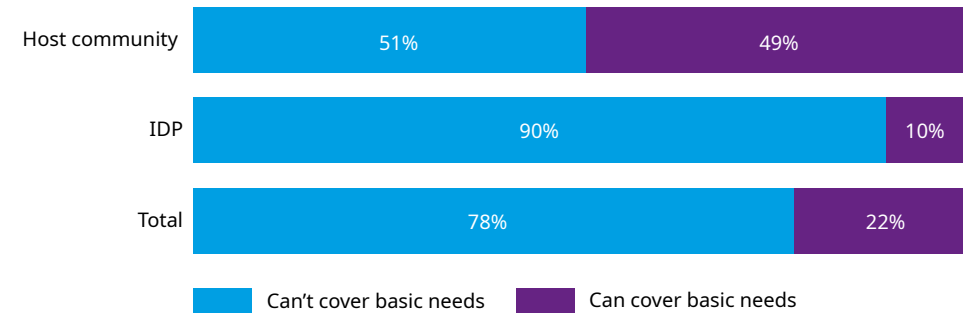
For the IDP population, their provinces of origin were varied, but due to the sample size, in practice, we have four predominant provinces of origin.

There were differences among the IDP population in regard to the number of previous relocations they declared in their history. Almost one out of two IDPs in the sample reported having one previous relocation before arriving in the place of interview.

Province of origin	Frequency	Percent
Sanmatenga	470	32%
Yatenga	386	26%
Loroum	299	20%
Soum	290	19%
Namentenga	16	1%
Oudalan	15	1%
Zondoma	6	0%
Bam	4	0%
Gourma	2	0%
Seno	2	0%
Gnagna	1	0%
Mouhoun	1	0%
Total	1492	100

How many times did you move/ relocate before arriving here?

First displacement — 13%
Second displacement — 47%
Third displacement — 31%
Fourth displacement — 8%
Fifth displacement — 2%
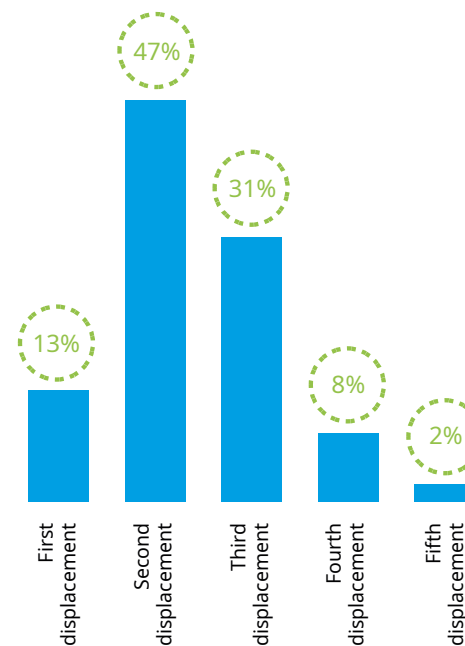
6

Justice Gap

In a difficult context of active conflict, IDPs and host community members disclosed very few legal problems

Just over a quarter of the people in our sample (26%) had experienced a legal problem in the previous 4 years: The IDPs were more likely than the host community members to have experienced problems (28% compared with 23%).

This rate is relatively low compared with other places where the JNS survey has been conducted recently and particularly compared with the JNS survey conducted in 2021 on the general Burkinabé population. There, we found that 63% of people had faced a legal problem in the previous four years.

Another point of comparison is the JNS survey conducted by HiiL in 2020 on refugees and host community members in Ethiopia's Tigray and Somali regions. The survey found that 43% of refugees and 27% of host community members had faced legal problems, compared with 40% of the general population. The similarity of prevalence of justice problems between the communities surveyed in Ethiopia is likely to be linked to the absence of active armed conflict taking place before or during data collection,

as it was the case in Burkina Faso. In the case of Ethiopia, we did not find a wide disparity between displaced people and the general population, probably because active armed conflict was not occurring before or during data collection.

In comparison, the prevalence rate found among the IDPs and host community members in Burkina Faso appears low and the gap between the general population and the surveyed population (IDPs and host community members combined) wide. As mentioned in the methodology chapter, this discrepancy should be interpreted with caution in light of the under-reporting phenomenon.

The low prevalence of legal problems among the IDPs and host community members should be seen as a reminder of the impact of displacement on people's lives and more specifically on their level of trust in other people, especially outsiders. As noted by Hynes: "Mistrust, it is suggested, is [...] considered a logical, useful and rational strategy employed by forcibly displaced people for survival" .

Proximity to an active conflict situation (the most emblematic occurrence being

perhaps the attack perpetrated by an Al Qaida (JNIM) affiliated group in Inata in November 2021) is likely to maintain or increase the perception of lack of safety for both local and displaced populations.

Displacements can take place over distances of only a few kilometres, with people remaining very close to their initial location and thus, to the active conflict they fled.

Experts on the ground have noted the extent of psychological trauma experienced by IDPs, which is the result of the conflict, only to be amplified by the displacement.[32]

In addition to the effect of active conflict on the lives of IDPs, recent research suggests that enumerators also suffer grave impacts related to security concerns.[33] This may also explain the low prevalence of legal problems in the surveyed populations.

Displacements have a direct effect on IDPs but they might also have a knock-on effect on host community members by impacting their social and community structures, therefore affecting their willingness to disclose legal problems.

This was confirmed by insights given by practitioners working with IDPs in the regions in which the survey was carried out. They confirmed that IDPs do face important legal problems, particularly infractions linked to the lack of familiarity with their environment of displacement, as well as cases of abduction, or disappearance due to the heightened insecurity. They highlighted the following factors as potential reasons that might have prevented the IDPs and host community members from disclosing their problems during the survey:

• IDP communities are displaying a high level of resilience in multiple aspects of their day-to-day lives during the displacement. There is a will to overcome problems internally, either as individuals or within the community. Problems are often considered as a personal or community matter not to be shared with outsiders.

• Due to the context, there is a general lack of trust of people from outside the community (and sometimes within). Practitioners explain that it takes a lot of time to be identified and accepted by the community and establish a sufficient level of trust for people to express their problems.

[31] Hynes, P., 2017, *Trust and mistrust in the lives of forcibly displaced women and children*, Families, Relationships and Society, vol 6, no 2, 219-37.

[32] Oxfam, *Survivantes et Héroïnes: Les femmes dans la crise au Burkina Faso*, 2020.

[33] Davis and Wilfahrt, *Enumerator Experiences in Violent Research Environments*, 2022. Working paper.

- Fear is present because of the situation of danger experienced by the IDPs when they left their location of origin. The IDPs might fear that disclosing legal problems they faced, particularly problems that caused their displacement, could lead to retaliation on the part of those who caused them. Practitioners mentioned that IDPs were exposed to violations of basic human rights by both armed jihadist insurgent groups and by military and local community-based affiliated groups (Force de Défense et de Sécurité, Volontaires pour la Défense de la Patrie, Koglweogos, Dozos, etc.) fighting against jihadist insurgencies.

- Some communities, particularly the Fulani community, are sometimes perceived by other communities as being linked to jihadi fighters and suffer from exclusion and stigmatisation as a result. Some Fulani people tend to try to lay low and not attract additional unwanted attention, including by avoiding disclosing potential legal problems.

- The situations experienced by some IDPs are sometimes so difficult that their attention is completely focussed on meeting their basic needs such as accessing food and housing, and simply surviving.

IDPs are more likely to face legal problems than host community members

While IDPs are more likely than host community members to face legal problems, other socio-economic characteristics also come into play and are likely to interact with the IDP status to increase or mitigate the prevalence of problems.

- Age: Among host community members, younger people were less likely than older ones to face legal problems. Members of host communities aged 16 to 24 only had a prevalence rate of 14% compared with 24% for all other age groups combined. This was not the case among the IDPs, who were similarly likely to face problems without distinction of age. This indicates that IDP status increases the likelihood of facing problems among younger people.

- Income: The IDPs who could not cover their basic needs were more likely (29%) to have experienced legal problem(s) than those who could cover their basic needs (21%). Such a difference was not found among host community members.

- Education level: There were no significant differences.

- Marital status: Among the IDPs, single people were less likely to experience problems than married ones (18% v. 28%) and in turn, married people were less likely to experience problems than widows (28% v. 37%). Such differences among host community members were not statistically significant.
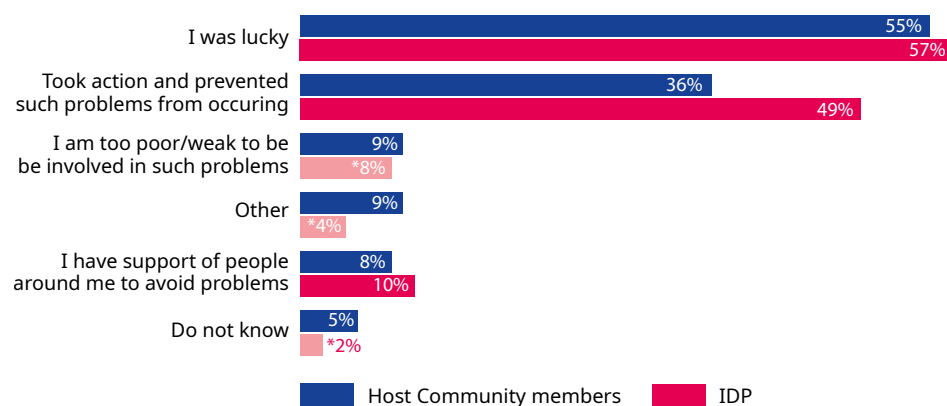
Reasons for not experiencing legal problems: IDPs, and particularly women IDPs, are less able to take preventive actions

When asked why they thought they had not faced any legal problems, more than half of the IDP sample said they had been lucky. More than one out of three said they took actions to prevent legal problems occurring. Reasons mentioned by host community members differed significantly. They were much more likely than the IDPs to say that they took preventive measures and slightly more likely to say they had been supported by the people around them, facts that are likely to reflect the relative higher stability of their situation compared with the IDPs.

When looking at the two most common reasons for avoiding problems, we can see that in addition to IDP status, gender plays an important role in the perception of what prevented problems from arising. While all groups (IDPs and host community members, women and men) considered the main reason for this to be luck, only men from the host communities were almost equally likely to think that it was due to the preventive actions they took. Women IDPs were particularly less likely to mention this reason.

Reasons for not facing justice problems by displacement status

I was lucky — Host Community members 55%, IDP 57%

Took action and prevented such problems from occuring — Host Community members 36%, IDP 49%

I am too poor/weak to be involved in such problems — Host Community members 9%, IDP *8%

Other — Host Community members 9%, IDP *4%

I have support of people around me to avoid problems — Host Community members 8%, IDP 10%

Do not know — Host Community members 5%, IDP *2%

Host Community members   IDP

IDPs (1075), hosts (523). Bars in lighter colours and flagged with an asterisk indicate very low numbers (n<50)

Reasons for not facing justice problems by displacement status and gender (selected reasons)

I was lucky — IDP Male 56%, IDP Female 55%, Host Male 58%, Host Female 56%

Took action and prevented such problems from occuring — IDP Male 47%, IDP Female 28%, Host Male 56%, Host Female 42%

IDP Male   IDP Female   Host Male   Host Female
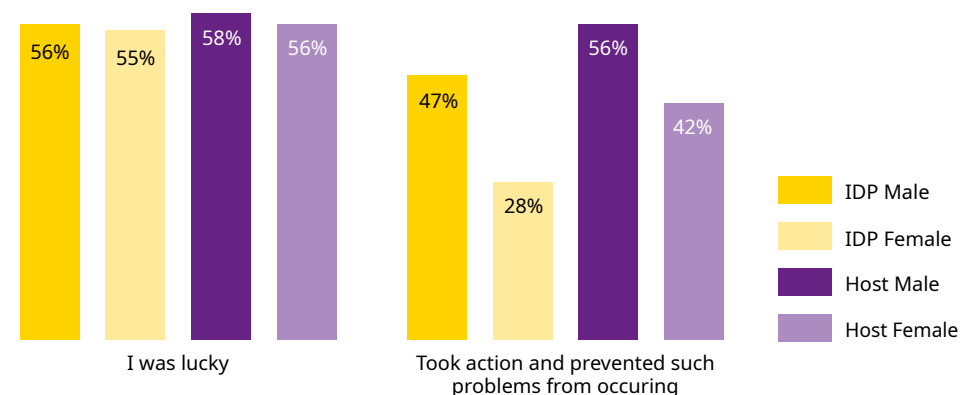
IDPs (1075), hosts (523)

IDPs and host community members face the same average number of problems

The majority of those who had problems only faced one problem (75% of IDPs and 82% of host community members). The IDPs and host community members had the same average number of problems (1.3). This average number of problems is slightly smaller than the average of the general population in Burkina Faso (1.7), probably due to the underreporting discussed above.

Among the IDPs, men had on average more problems than women (1.4 compared with 1.2) and those aged 25 to 39 had on average fewer problems than other age groups (1.25 compared with 1.3 for those aged 16 to 24 and 1.4 for those aged 40 and above). Differences among the IDPs in terms of income, education level, and marital status were not statistically significant, neither were the differences among the host community members.

Crime is the most common category of legal problem among both communities, although IDPs are more likely to face it than host community members

The IDPs and host community members faced different categories of problems. While crime was the single most common category of problem for the IDPs (47%), this category of problems was only slightly more commonly experienced than family problems among the host community members. The category of crime includes problems such as robbery, burglary, damage to property, theft, wilful destruction of property, aggression, homicide, assault, sexual offences, drug related crimes, cybercrime, forced labour, kidnapping, and extortion. Due to low base sizes, we are not able to provide further disaggregation by specific problem type.

The high prevalence of crime among the IDPs is likely to be related to the unstable conditions created by conflict and intimately related to the displacement they experienced (see the section below on the relationships between problems and displacement). Among the IDPs, men were more likely than women to experience crime (54% compared with 39%).

Domestic violence, such as emotional abuse, was reported frequently by both populations.

Most common problem categories by sample (as a percentage of people who reported problems)

5 most common problems among IDPs	5 most common problems among host community members
Crime 47%	Crime 19%
Domestic violence 22%	Family problems 18%
Land problems 12%	Neighbour related problems 16%
Family problems 11%	Land problems 15%
Problems related to forces of defence and security 10%	Domestic violence 13%

Participants in the Justice Data Workshop suggested that the prevalence of land problems might be underestimated in the quantitative data. Problems such as disputes around land use, titles, or illegal selling of land without the consent of the land commissioners are known to occur in underdeveloped, unplanned localities around Kaya.

As a comparison, the most common problems among the general population of Burkina Faso are land problems and crime, with 37% and 29% of Burkinabes experiencing such problems, respectively. Then follows a group that is statistically indistinguishable: neighbour related problems, money or debt problems, and domestic violence, with 12% each.

Another qualification to the list of most common problems that emerged in the Justice Data Workshop was the issue of the lack of identity cards and other forms of legal, formal documentation. Participants said that IDPs might leave important documents behind when displacement suddenly arises. According to the experts, adult IDPs must return to their place of birth to obtain a birth certificate. A lack of identity documents restricts access to public services, particularly, justice services.

Three out of four IDPs face at least one problem related to their displacement

As we asked about problems experienced in the previous four years, we also wanted to get an understanding of whether there is a relationship between the problem(s) faced by the IDPs and their displacement. At this point, it is useful to note that if displacements in the region have been occurring for a decade, they have accelerated over the last couple of years due to the deterioration of the security conditions, particularly in the north. This means that in some cases, the displacement of the IDPs we interviewed was relatively recent.

Relationship between problem experienced by IDP's and displacement

■ Problem is related to displacement

■ Problem is unrelated to displacement

N=417 people
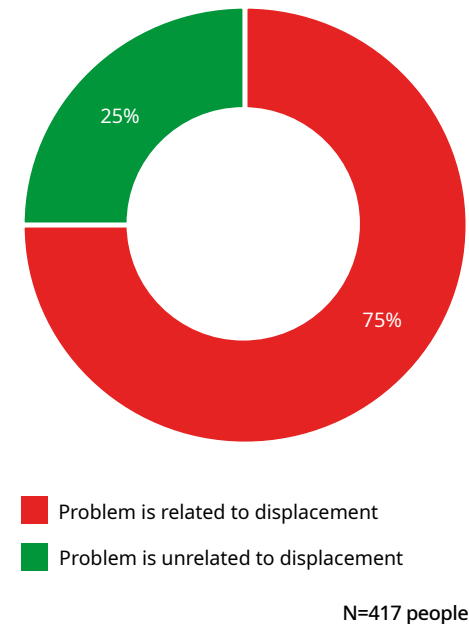
The majority of the IDPs with problem(s) (three out of four) indicated that at least one of these problems was somehow related to their displacement. The broad majority of these problems (68%) was identified as a cause of displacement by those experiencing them. But displacement can also become the cause of legal problems: this was the case for 24%

of the problems experienced by the IDPs, while a further 8% were identified as both a cause and consequence of displacement.

Only one out of four of the IDPs with problems indicated that none of these problems was related to their displacement.

■ Cause of displacement

■ Cause and consequence of the displacement

■ Consequence of the displacement

■ Unrelated to the displacement

N=553 problems
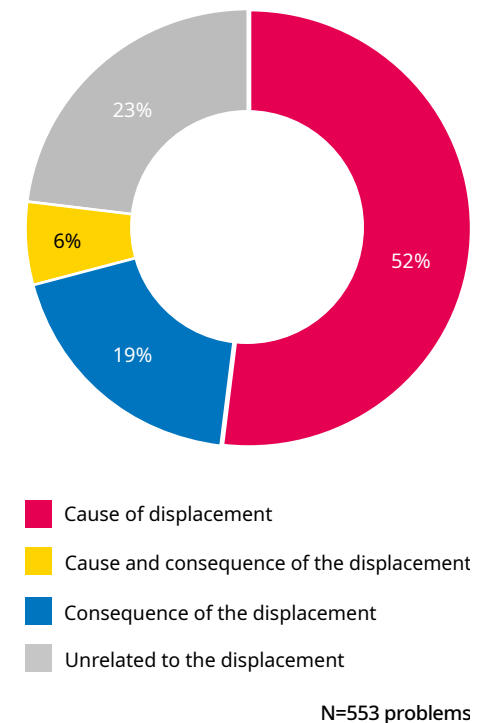
IDPs perceive their problems as more serious than host community members

The IDPs rated their problems, on average, as more serious than the host community members rated theirs. When asked to assess the seriousness of their problems on a scale from one (not serious at all) to 10 (very serious), the IDPs gave an average score of 7.7 compared with 6.6 for the host community members. Overall, the average combined score of the two communities was 7.4, much higher than the average score of the general population (6.1).

The difference between the IDPs and host community members can be explained partially by the cumulative effect of displacement on legal problems. IDPs tend to be in more precarious situations than host community members, with less support available and a more unstable environment. These factors are likely to increase the perceived seriousness of the problem, especially as the broad majority of problems are linked to the displacement itself.

Displacement status is the only socio-demographic characteristic for which the seriousness of problems varied significantly. In other words, no such difference in average seriousness can be seen when comparing the problems faced by women and men or people from different income groups. This indicates that displacement plays an important role in determining the extent to which people are affected by a legal problem.

IDPs have little capacity to resolve their legal problems

The capacity of people in the sample to resolve their problems was very limited: out of all problems collectively experienced, 59% were abandoned (people were no longer taking action to resolve them). Only just under one problem out of four was resolved either completely or partially and another 16% was ongoing.

Clear differences are visible between the IDPs and host community members: The IDPs were significantly more likely than the host community members to abandon their problems, showing that displaced people have very limited capacity to resolve their issues.

Resolution status
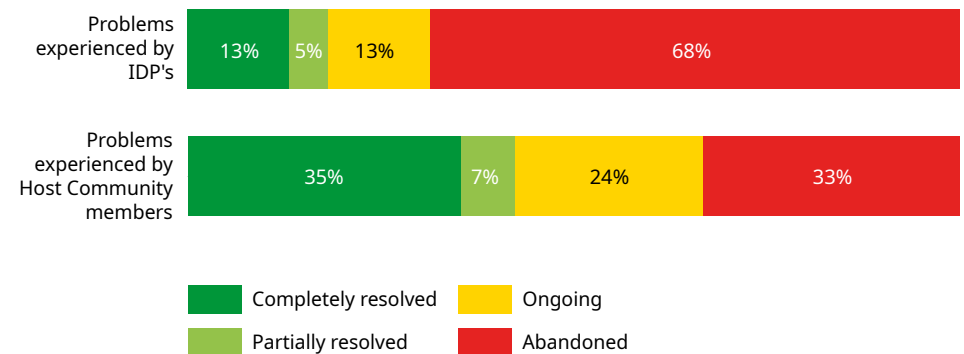
N=749 (196 problems experienced by host community members, 553 problems experienced by IDPs)

As a comparison, the general population of Burkina Faso resolves (fully or partially) more than 50% of their problems. The rate of abandoned problems is 32%, similar to that of the host community members, meaning that host community members tend to be more likely to have their problem ongoing than the general population.

When problems had been resolved (partially or completely) we asked respondents to assess the fairness of the resolution. Overall, the majority of these problems found a fair or very fair resolution (70%) and only 16% found an unfair or very unfair resolution. Another 14% found a resolution that was neither fair nor unfair. Unfortunately, due to the low number of problems being resolved, it is not possible to look at the differences between the IDPs and host community members in terms of fairness of the resolution.

Problems which are caused by displacement are largely unresolved, unlike those unrelated to it

The intricate link between problem and displacement was particularly visible when looking at the resolution status by relation to displacement. Problems that cause displacement have a very high likelihood of being abandoned, compared with other problems, particularly compared with those unrelated to the displacement. Problems that cause displacement are likely to be much more difficult to resolve once people are displaced, as they cannot call on the support they would usually call on, discuss the situation directly with the other party or gather evidence. In this sense, the displacement is likely to reduce the chance of a problem being resolved. In this survey, problems arising because of the displacement had slightly better chances of being resolved.

Problem resolution by relation to displacement (IDPs only)

	Completely resolved	Partially resolved	Ongoing	Abandoned
The problem is unrelated to my displacement	33%	3%	22%	42%
The problem is a consequence of my displacement	14%	11%	20%	55%
The problem is a cause of my displacement	5%	4%	6%	86%

Legend:
- Completely resolved
- Partially resolved
- Ongoing
- Abandoned
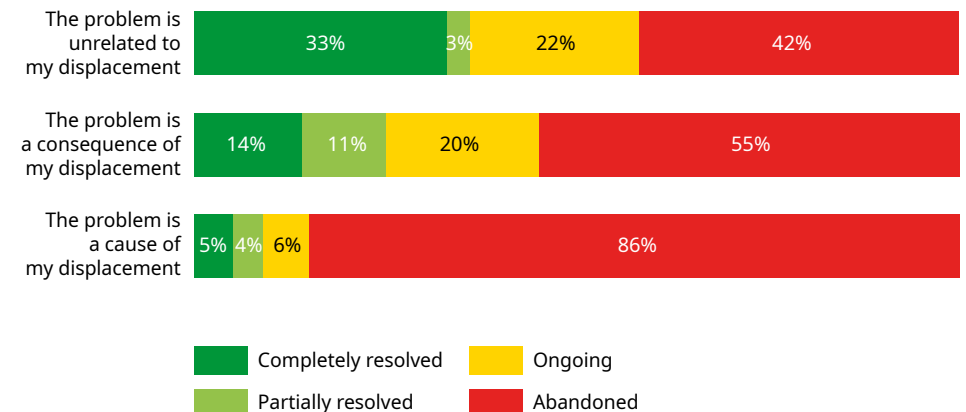
N=553 problems

The most serious legal problems

We asked people to tell us which problem, among all those they experienced, was the most serious one. This allowed for a more targeted analysis. If someone had encountered only one problem, it became the most serious problem by default.

This focus on the most serious problem improves respondents' recall as it allows them to focus their attention on a single justice journey and give us more specific details about it, instead of having to recall multiple problems with the risk of perhaps mixing up information. Eventually, this improves the quality of the data collected.

Problems considered the most serious and those that are most common differed slightly because few people reported more than one legal problem.

In the case of the IDPs, crime was both the most common and the most serious problem, followed by domestic violence. However, while land problems were more common than family problems and problems related to forces of defence and security, they were cited less often as the most serious than the latter.

Crime was the most common problem amongst the host community members, but they were still much less likely than the IDPs to experience it. This difference of experience is also visible in the fact that crime was not the most serious problem category among the host community members, as it comes just after family problems. Crime specifically affects IDPs in a different way to how it affects host community members.

Most serious legal problems

5 most common problems experienced by IDPs	5 most common problem categories experienced by host community members
Crime	Family problems
Domestic Violence	Crime
Family problems	Neighbour related problems
Problems related to forces of defence and security	Domestic Violence
Land problems	Land problems

7
Impact

Both the host community members and the IDPs had experienced severe legal problems. We provide in this chapter a more detailed description of how their most serious legal problems affected their lives, the consequences and the impact on key life dimensions.

Loss of money and stress-related illness are widely experienced consequences. The death of a family member is a grim one for IDPs.

Almost 90% of the people with problems said their most serious legal problem produced important consequences for their livelihoods.

There are some differences in the types of consequences the host community members and IDPs reported.

- While the top two most common consequences (loss of money and stress-related illness) were common for both groups, proportionally more IDPs than host community members reported them.

- The grim consequence of the death of a family member occurred for a quarter the IDPs who reported consequences. This is substantially more than the 5% of host community members.

- Harm to family relationships was considerably more common among the host community members than the IDPs, probably because of having more family problems.

- Violence personally experienced was slightly higher among the host community members than among the IDPs.

Consequences of the most serious legal problems

Consequence	Hosts	IDPs
Loss of money	37%	50%
Stress related illness	26%	33%
Death of a family member	5%	26%
Loss of time	25%	12%
Restricted working ability	14%	12%
Violence against you	17%	11%
Injury (me or family member)	8%	9%
Harm to relationship within the community	13%	9%
Other	7%	7%
I lost my job completely	2%	7%
Harm to family relationships	20%	5%
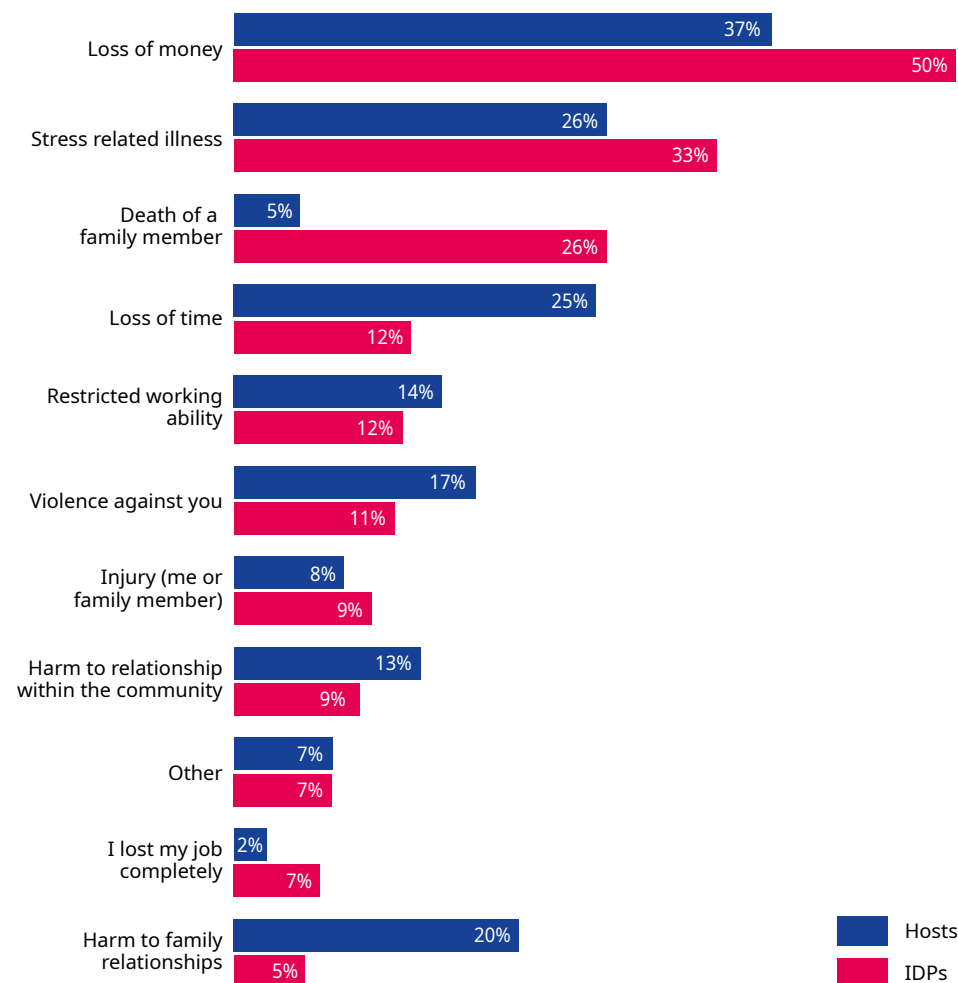
Hosts

IDPs

n=hosts (132) / IDPs (369)

- On average, Burkinabes in the sample reported 1.8 consequences per legal problem.

- Relocations: People with two or more prior relocations reported more consequences than those who had relocated fewer times. In particular, people with more relocations tended to experience more often than the other group stress-related illness and having lost their job completely.

Participants in the Justice Data Workshop stated that legal problems in displacement-affected areas tend to involve some sort of violence-related consequence. The distribution of consequences among the general population of Burkina Faso shows that violent consequences are indeed more common among IDPs than other groups.

Legal problems are financially devastating for IDPs

There were substantial differences in regard to the average amount of money lost because of the most serious legal problem. This is the financial setback that can be attributed to suffering the problem, without considering any cost related to trying to resolve the problem[34].

On average, the IDPs reported almost eight times more money lost than Burkinabes in the host communities. There was also a substantial difference between genders among the IDPs, with men reporting more than four times as much money lost as women, due to men having more financial resources than women in the first place.

It seems that the IDPs with no prior relocation (meaning, they had just recently fled their place of origin) assessed the money lost as higher than people who had relocated more than once. This might be because of recency bias.

[34] Truncated at P99.

Average money lost because of the problem

Host	56,644 CFA
IDP	432,533 CFA

The average money lost because of people's most serious legal problem is, in the general population of Burkina Faso on average, around a quarter of the amount of money lost by the IDPs.

IDPs: Money lost by gender

Men	727,919.60 CFA
Women	162,890.80 CFA
Total	432,532.90 CFA
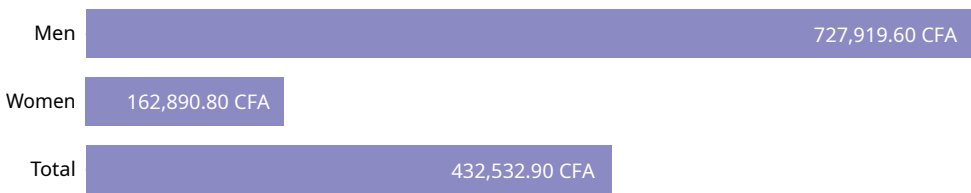
Similarly, the IDPs reported more workdays lost because of their most serious problems than the host community members.

There are no significant gender differences among the IDPs.

Average work days lost because of the problem

Host	25 days
IDP	38 days

IDPs experience severe effects on their lives because of their most serious legal problems. In particular, on mental health and financial wellbeing

We measure five key dimensions in life that provide a nuanced picture of the way the most serious legal problems affect different aspects of people's daily lives. The IDPs reported more severe effects in every dimension, compared with the host community sample.

The IDPs reported very severe effects on financial wellbeing and mental health. The former dimension showed an important divergence between groups, as more than 70% of the host community sample declared an effect to a small effect or less, while for the IDPs these categories reached 37% only.
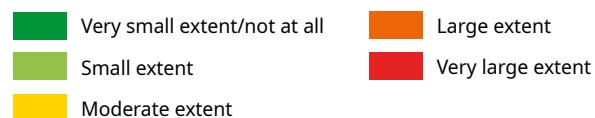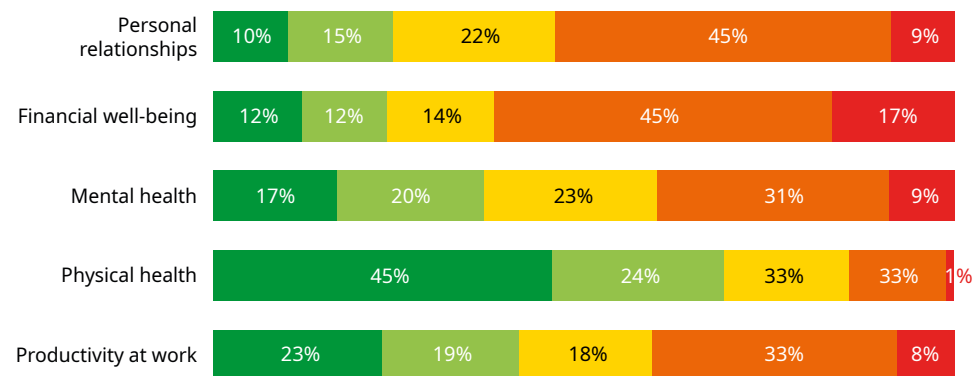
To what extent did the problem affect the following aspects of your life? (Host sample)

Aspect	Very small extent/not at all	Small extent	Moderate extent	Large extent	Very large extent
Personal relationships	12%	19%	24%	44%	2%
Financial well-being	19%	20%	27%	31%	3%
Mental health	34%	38%	17%	9%	3%
Physical health	54%	29%	10%	7%	1%
Productivity at work	25%	29%	24%	20%	2%

Legend:
- 🟩 Very small extent/not at all
- 🟢 Small extent
- 🟨 Moderate extent
- 🟧 Large extent
- 🟥 Very large extent
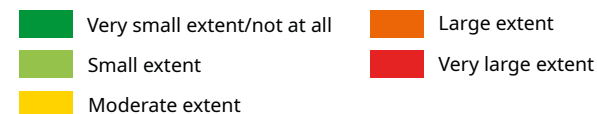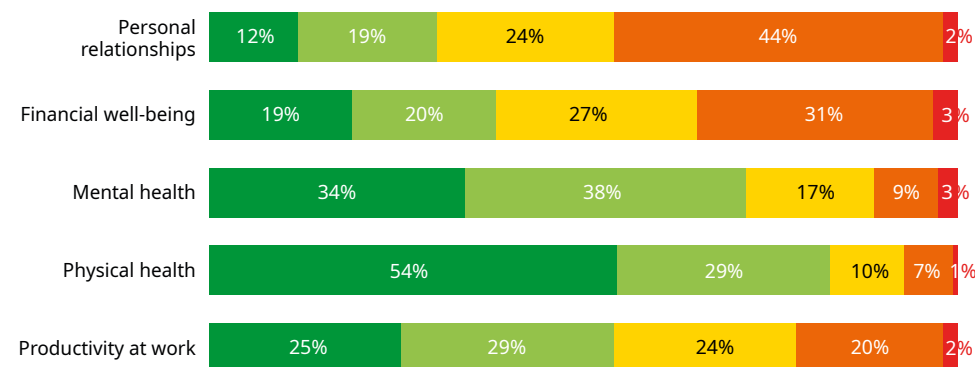
There were no differences in terms of how different genders experience the effect of their most serious problems among the IDPs.

To what extent did the problem affect the following aspects of your life? (IDP sample)

Aspect	Very small extent/not at all	Small extent	Moderate extent	Large extent	Very large extent
Personal relationships	10%	15%	22%	45%	9%
Financial well-being	12%	12%	14%	45%	17%
Mental health	17%	20%	23%	31%	9%
Physical health	45%	24%	33%	33%	1%
Productivity at work	23%	19%	18%	33%	8%

Legend:
- 🟩 Very small extent/not at all
- 🟢 Small extent
- 🟨 Moderate extent
- 🟧 Large extent
- 🟥 Very large extent

Very high impact among IDPs

We developed a unified measure of the impact that takes into account the effect of the most serious problem on the five dimensions of life presented above. It is the impact score.

The impact score ranges from 0 (no impact on any dimension) to 1 (effects to a great extent on every dimension).

Here we introduce the results of this score, and later on, we will use it for analytical purposes, as it has been consistently shown in other countries as being related to problem resolution status, the number of sources of help engaged, taking action, seeking legal advice, and many other quantities of interest.

The graph below shows that both samples reported severe impacts because of their most serious legal problems.

Average impact score by sample

Host sample	IDP sample
0.37	0.5
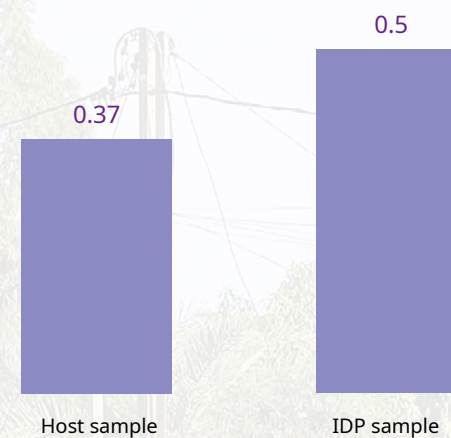
The average impact score for the pooled sample is .46. This is driven by the higher impact the IDPs reported, compared with the host community members. There are no differences between genders, age cohorts or according to the number of times an IDP had relocated.

In comparison, the average impact score for the general population in Burkina Faso is 0.29 making the problems of host community members and IDPs more impactful than those problems of Burkinabes living elsewhere in the country.

8

Dispute resolution

This chapter provides insights into the actions people took to resolve their legal problems: if people did take action, we try to understand why and when they did, we try to identify what they did, and who they went to for support and help. To do so we look at the problems that each respondent identified as their most serious. This allows us to gather more in-depth information about their journey but also results from methodological choices made to limit respondent fatigue.

As mentioned in previous chapters, the low number of respondents disclosing legal problems means that the analysis is limited to the eventual differences between the host community members and the IDPs, with few insights into their sub-groups.

Despite the seriousness of the problems they face, more than half of IDPs are unable to take action to resolve them

We consider that people took action to resolve their most serious problems when they indicated that they either negotiated directly with the other party or engaged the help of a third person. Among the IDPs facing problems, only 45% took action to attempt to resolve at least their most serious

problem. This means that more than half of them did not try to solve their problem, while, as we saw earlier, these problems are particularly serious. The specific challenges faced by the IDPs are even more obvious when compared with the high proportion (82%) of host community members who took action to resolve their problems.

Action rates by samples
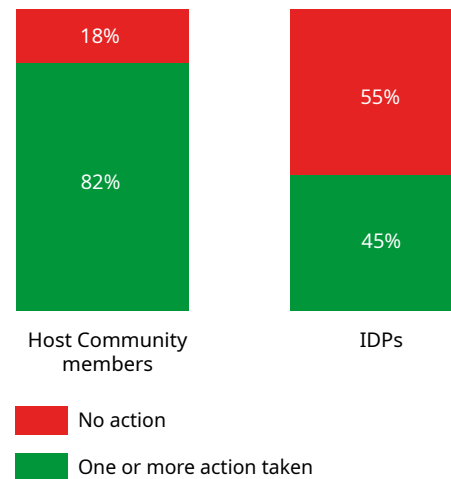
N=570 (153 host community members, 417 IDPs)

As a comparison, almost 80% of the general population in Burkina Faso took action to resolve their problem.

Reasons for the IDPs' lack of action were diverse although the most common was that they did not know what to do (38%). A quarter of the IDPs who did not take action mentioned that the other party was more powerful than them and close to none of them said that it was due to the problem being not serious enough. When looking at crime, the most serious and most common problem category among the IDPs, the proportion of those taking action barely reached 30%. This is a further illustration of the justice gap faced by IDPs: although their problems are serious, there is a sense of powerlessness to address them.

Among the IDPs, no differences are visible in terms of taking action based on demographic variables such as gender, age, education level or income level. This indicates that displacement is the main predicting factor of taking action.

The action rate of the IDPs also varied depending on the relationship between their most serious problem and the displacement. Problems that caused displacement had a much lower action rate than other problems faced by the IDPs. Almost three quarters of the IDPs whose most serious problem was the cause of their displacement were not taking any action to resolve it. In contrast, problems that were unrelated to the displacement had a much higher action rate, although lower than that of the host community members.

Action rates by relation of the problem to the displacement (IDPs only)
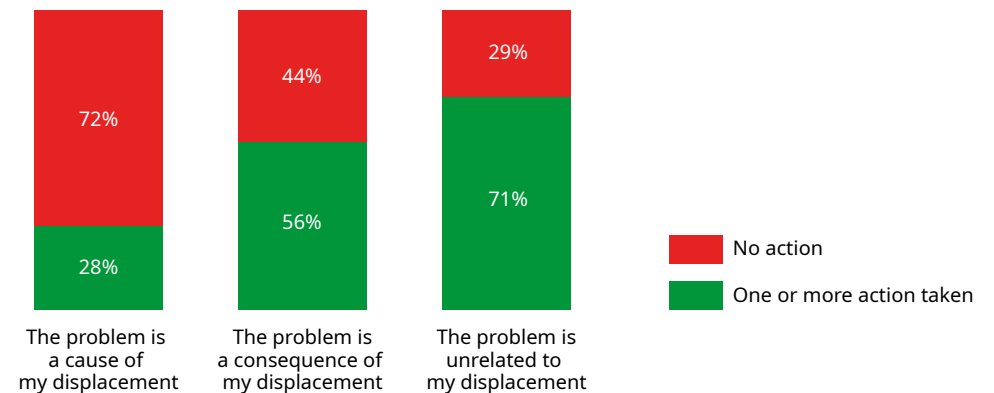
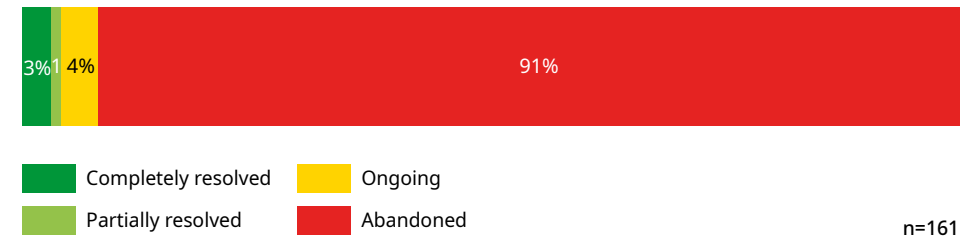## IDPs are unlikely to resolve their most serious problems even when they take action to address them

We reported earlier that an important share of problems faced by the IDPs were abandoned, in the sense that those experiencing them did not do anything to try to resolve them, including by their own means. This holds true for their most serious problems, meaning that no matter how serious the problem gets, IDPs are unable to resolve them. The likelihood of abandoning their most

serious problem was much higher among the IDPs (66%) than among the host community members (26%). The IDPs facing crime as their most serious problem gave up trying to resolve it in 91% of cases. Only 4% of crimes faced by the IDPs as their most serious problem were resolved partially or completely. These numbers are telling by themselves, although we cannot provide comparisons with other problem categories or with host community members due to low base sizes.

Resolution status of most serious problems experiences bij IDPs

15%	6%	12%	66%

- 🟩 Completely resolved
- 🟨 Ongoing
- 🟩 Partially resolved
- 🟥 Abandoned

n=417
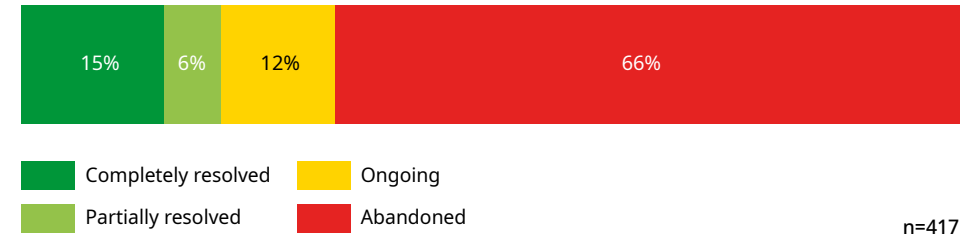
Resolution status of crimes experienced bij IDPs (as their most serious problem)

3%	1	4%	91%

- 🟩 Completely resolved
- 🟨 Ongoing
- 🟩 Partially resolved
- 🟥 Abandoned

n=161

In addition to displacement, factors such as literacy and income levels also affected the likelihood of resolving the most serious problems. For both the IDPs and hosts, literate people resolved their most serious problem in 39% of cases compared with 21% for illiterate people. Similarly, those who could cover their basic needs resolved their most serious problems in 42% of cases compared with 25% of those who could not cover their basic needs.

Perhaps unsurprisingly, taking action (negotiating directly with the other party or involving a third party) improved resolution prospects. The IDPs who took action resolved their most serious problem in 41% of cases compared with only 6% of cases for those who did not take any action. However, this also shows that taking action, by itself, is far from enabling IDPs to resolve their problems. **With 59% of the IDPs not resolving their**

most serious problems despite taking action, it is clear that the absence of resolution is the consequence of factors outside of their control.

This is echoed in the reasons given for abandoning problems: 64% of the IDPs who abandoned their most serious problem said that it was the result of not knowing what to do.

IDPs rely heavily on direct negotiation with the other party to try to resolve their legal problems

Looking at the small fraction of problems resolved, we identified the type of resolution that occurred. There is weak evidence that the IDPs and hosts got their resolution through different approaches. Among the host community members, the most common ways of resolving one's problem were (in descending order): mediation from a third party, direct negotiation with the other party, and decision from a third party. In contrast, the IDPs appear to be much more reliant on direct negotiation with the other party, which was the most common way of resolving a problem, followed by mediation. Getting a decision from a third party was much less common than for host community members.

Family members are the most common source of help for both IDPs and host community members, and the Social Action service plays an important role for IDPs

As shown above, not everyone took action to resolve their problem, particularly among the IDPs. This makes further analysis of the type of resolution more difficult. In order to avoid drawing conclusions on a small number of answers, we resort to looking at the most common type of resolution.

The one source of help that both the IDPs and host community members were most likely to engage, and in similar proportion, was **family members**. This is in line with findings from other JNS surveys, particularly from the JNS survey of the national population of Burkina Faso where we also found that family members are the most commonly sought sources of help. Evidence then showed that this was likely to be the result of the importance of family ties as well as, in rural communities, the result of the nearby population essentially being made up of family members. In the case of the present survey, this explanation is likely to hold true for host community members, however in the case of IDPs, additional factors might be at play. Indeed, it is likely that family members are de facto the only

resource people with problems can turn to given that displacement might have severed their capacity to reach out to other people from their close circle such as friends or neighbours.

Those who enlisted the help of family members were positive about their help: 88% of them said they were either helpful or very helpful.

Beyond family members, the similarities between the sources of help used by the IDPs and host community members stop. The IDPs then turned (in descending order) to the **Social Action service**, followed by **direct negotiation** with the other party and the **police or gendarmerie**.

Experts on the ground confirmed the important role played by Social Action services in supporting IDPs, including in a problem resolution capacity. Social Action services are not specifically designed to support IDPs but rather to provide a first point of contact for the general population when dealing with family problems and are available across the whole country. However, this service is barely used by host community members when resolving their legal problems. Participants in the Justice Data Workshop highlighted that the Social Action services are open for everyone, both host community members and IDPs.

Social Action services

Social Action services (commonly known by Burkinabé as "l'Action sociale") are public services located in city halls across the country, as well as in locally-based services of the central state, such as regional and provincial directorates, or sub-provincial services[35]. These are aimed at supporting the populations and local communities with a broad range of social services, such as child protection, support for female victims of domestic violence, and social care for the elderly and other vulnerable people. These services have been under the responsibility of the successive ministries in charge of social affairs (currently the Ministry of National Solidarity and Humanitarian Action) and are publicly funded through the budgets of these ministries. Officers working for the Social Action services are social workers and they usually work on the ground, meeting directly with people. The Social Action service office also welcomes people looking for information or support. Officers are well known by the local communities and in return, they are very knowledgeable about the local communities and the territories in which they operate. The Social Action service interacts with other administrations and is also an important partner of NGOs when they start their activities in their territory of operation (particularly to build on their local expertise for planning and scaling purposes). Due to their roles in the field of child protection and social care, Social Action services interact regularly with actors of the formal justice sector, such as the police, the gendarmerie (particularly to notify them of abuse, or to support victims identified by the police) and judges (when the victims they support access courts). They provide services in local languages and guide users toward other relevant services.

Due to this diversity of roles, the Social Action service is often seen as the face of the central state in the country and identified as an entry point for any type of request regarding public services or needs of citizens. In areas such as those where the survey was conducted, their role is all the more important as IDPs are likely to have more social needs than the rest of the population due to their heightened vulnerable status, and as there are few other public administrations available. With the influx of IDPs who have specific needs, Social Action services also diversify the type of services they provide, sometimes supporting those who face justice problems through lack of an alternative. It is important to note that this creates additional pressure on a service which was initially not necessarily designed to deal with these types of needs and might therefore lack the expertise and the appropriate budget.

[35] While services located in city halls fall under the responsibility of the mayor and the local authority, those located in provincial, regional, and sub-provincial authorities are the responsibility of the Central State, whose policy they implement.

After their family members, the host community members commonly turned to **direct negotiation** with the other party, the **police or the gendarmerie**, and their **friends**. These are the exact same categories most commonly used by Burkina Faso's general population. The sole exception is the relative absence of customary and traditional authorities. Experts who participated in the Justice Data Workshop suggested that, with the current events of displacement, traditional and customary authorities remain in the places of origin and do not follow those migrating. This suggests that IDPs do not have access to the traditional justice providers in the host communities.

In the case of both the IDPs and host community members, a very small number of problems were referred to formal justice courts or lawyers. When asked why they did not bring the problem to court, 23% of respondents said they did not know how to use the courts and a similar proportion said the problem could not be directly brought to court. Less common reasons included the perception that the problem was not serious enough or that it might harm relationships.

Among the IDPs and host community members who sought help, the majority (70%) turned to only one person.

The IDPs rarely engaged customary and traditional leaders to try to resolve their most serious legal problems. Participants in the Justice Data Workshop explained that customary or traditional chiefs do not move together with IDPs. They lose contact with their people. Some IDP customary or traditional chiefs do not have the legitimacy to mediate and decide outside their regions. Therefore, it is a dual barrier that diminishes the role of customary or traditional chiefs; not being physically present and no longer having the legitimacy to mediate (and probably even to rule over) their community because they are no longer in their region/territory. Eventually, local customary or traditional authorities may be engaged to mediate in land disputes.

The evaluation of IDPs' justice journey matches the informal resolution paths they follow

The JNS survey traditionally measures how people rate their justice journeys in terms of process, outcome, and cost. Responses to multiple questions of the survey are aggregated to populate these indicators and give an overview of the justice journey. However, due to the low resolution rate in the present survey, it was not possible to populate the outcome indicators.

Justice journey evaluation (IDPs)
From 1 (not at all satisfied) to 5 (completely satisfied)

Quality of procedure

Voice & Neutrality	Respect	Procedural clarity
2.93	3.34	2.88

Cost of justice

Money spent	Time spent	Stress & Emotions
3.95	3.87	2.45

In terms of quality of the procedure, the IDPs were relatively satisfied with the respect they received. Host community members are not included because of the low numbers.

The IDPs were less satisfied with the extent to which they felt heard and the neutrality of the parties. They were even less satisfied with the clarity of the procedure. For these last two indicators, the experience of the IDPs was significantly poorer than for the host community members. These indicators of the quality of the procedure should be interpreted in light of the previous findings that respondents do not always turn to formal providers of justice, but rather to family members.

In terms of the cost of justice, the IDPs were relatively satisfied with the amount of money and time they spent on resolving their problems. They experienced significant stress and negative emotions.

9
Interventions

We asked a battery of questions for every source of help (SoH) participants selected to try to resolve their most serious problems. The goal was to better understand what the SoH do to address the legal problems they deal with. Therefore, the unit of analysis in this chapter changes from people to sources of help.

For every SoH that people engaged, we asked whether that SoH conducted any of the following interventions:

• Provided advice (advised)

• Prepared documents

• 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)

• Represented me

• Other

• Did nothing

When a SoH 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.

The most common interventions aimed at supporting and containing. Many IDPs say their source of help did nothing

Our database has 227 interventions applied to problems of IDPs and 138 interventions applied to the problems of host community members. The most common intervention for both groups was a non-legal one: providing (emotional) support. This is not surprising given that family members are common SoHs. But other providers, for instance, "street-level officers" may also provide this type of intervention.

The IDPs described interventions in a more negative way than the host community members, as 14% of the interventions in their problems were literally that the SoH did nothing. Comparatively, only 3% of the interventions aimed at host community members' problems were "doing nothing." This suggests that IDPs embark on lower quality justice journeys than the rest of the population in the area.

This point is supported by the lower prevalence of important interventions: mediation/reconciliation and decision/settlement of the matter. In both cases, the host community members received them more often than the IDPs, as a way to try to resolve their legal problems.

Interventions by sample

■ Host community ■ IDP

	Host community	IDP
Gave (emotional) moral	30%	35%
Provided advice	18%	17%
Did nothing	3%	14%
Mediated between the	18%	11%
Decided/settled the matter	11%	7%
Other	3%	4%
Prepared documents	9%	4%
Directed me to another	4%	3%
Intermediation with a	2%	3%
Represented me	3%	2%
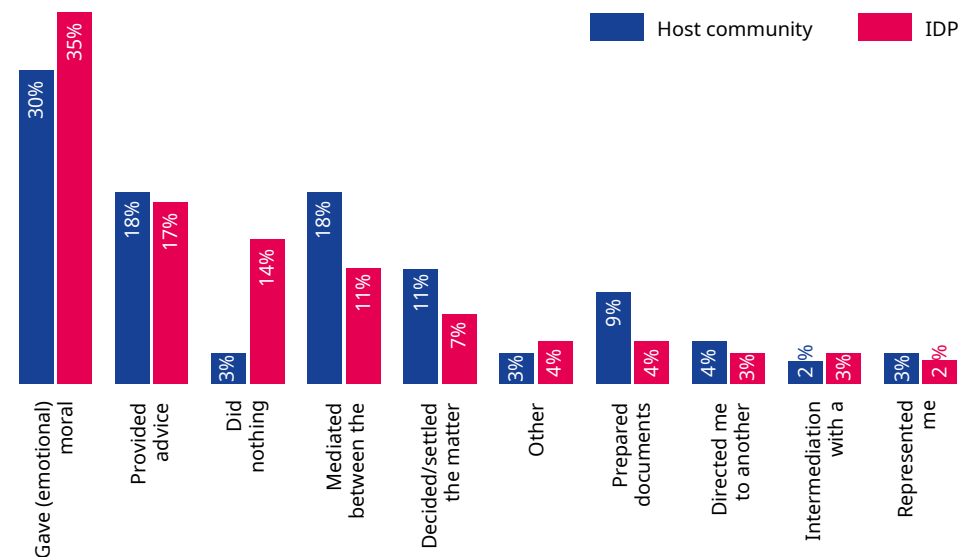
No intervention in our database obtained more than 80 cases. This is the reason why, unlike our JNS report for the general population of Burkina Faso, we refrain from conducting further statistical analysis on the effectiveness of interventions. What we can derive from that study, though, is that both samples in this study, IDPs and host community members, received interventions usually linked to poor results at the time of actually resolving the problems. Emotional support, provision of legal advice, and by default, no help, are less likely to resolve problems than decision/settlement and mediation/reconciliation.

SoH are more often neutral when addressing legal problems of host community members

We asked about the perceived level of neutrality with which the respective SoH addressed people's most serious legal problem. Neutrality is a virtue that third parties may be interested in achieving so there are no biases in the resolution process.

Even with the small sample size, there were differences in the distribution of the level of perceived neutrality among groups. The Host community members said more often than the IDP group that their preferred SoH was neutral. The IDPs' most common level of neutrality was "one-sided in my favour", which is consistent with the relatively high number of times family members are the preferred SoH, as neutrality is less expected from them.

Being dragged into an unfair/biased process seems to be unlikely, based on the answers of both groups. There was a relatively large number of interventions in which the respondent could not assess the level of neutrality, and this was more common among the IDPs.

Neutrality of the SoH

IDP	37%	45%	3%	15%
Host Community	52%	38%	2%	8%

- Neutral
- One-sided in my favour
- One sided in favour of the other party
- Do not know
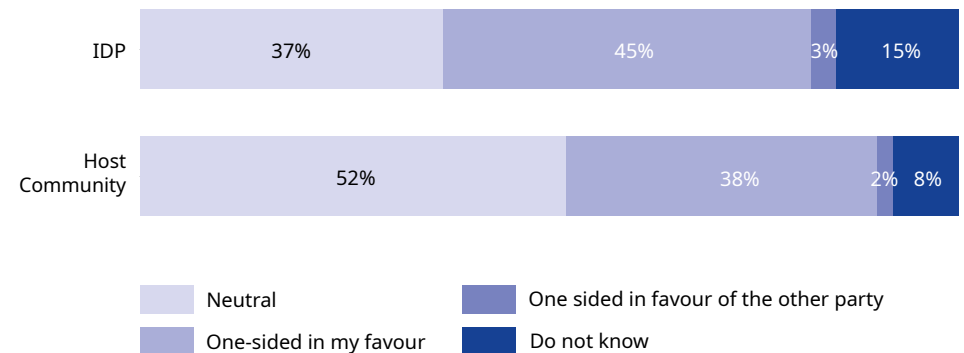
10
Legal Information and Advice

Host community members more often obtain legal advice than IDPs

Overall, 64% of respondents obtained some form of legal advice. However, significant differences existed between the host community members and the IDPs. 82% of the host community members with legal problems obtained legal advice, compared with 58% of the IDPs.

- People who knew how to read and write obtained legal advice significantly more often (70%) than people who did not (60%).

- A similar difference existed between people who could cover their basic needs (74% obtained advice) and people who could not (62%). These two indicators are strongly correlated: people who were illiterate were also more likely to not be able to cover their basic needs. The IDPs were more likely than the host community members to be illiterate and not able to cover their basic needs.

- Both points above suggest that the portion of the sample in displacement-affected areas that was not obtaining legal advice is highly vulnerable.

As a comparison, the general population of Burkina Faso sought legal advice at a 72% rate. This suggests that IDPs are less likely to obtain legal advice from any source, compared with the general population of the country and the host communities around them.

Most people who sought legal advice asked only one provider. The host community members not only more often obtained legal advice, when they did so, they also more often obtained advice from more than one source. This implies, again, that legal advice is more accessible to host community members than to IDPs.

Did you obtain legal advice?

IDPs	42% / 58%
Host Communities	18% / 82%

🟩 One or more sources of advice
🟥 No advice
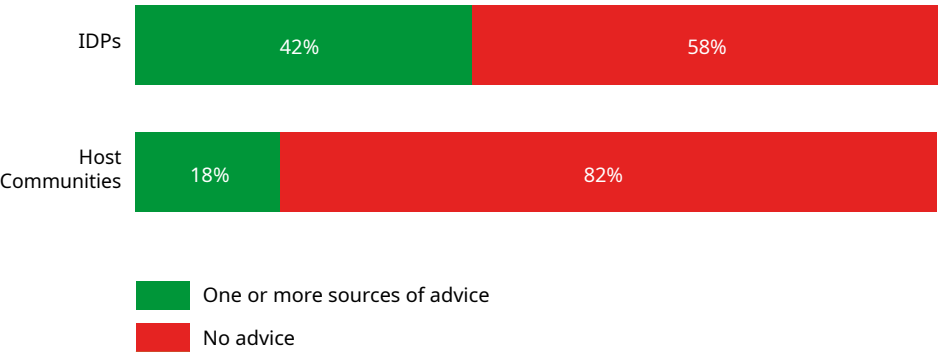
n=153 (hosts) / 417 (IDPs)

Number of sources of advice

	0	1	2	3	4
Host community	18%	48%	27%	6%	1%
IDP	42%	39%	14%	5%	0%

🟦 Host community   🟥 IDP
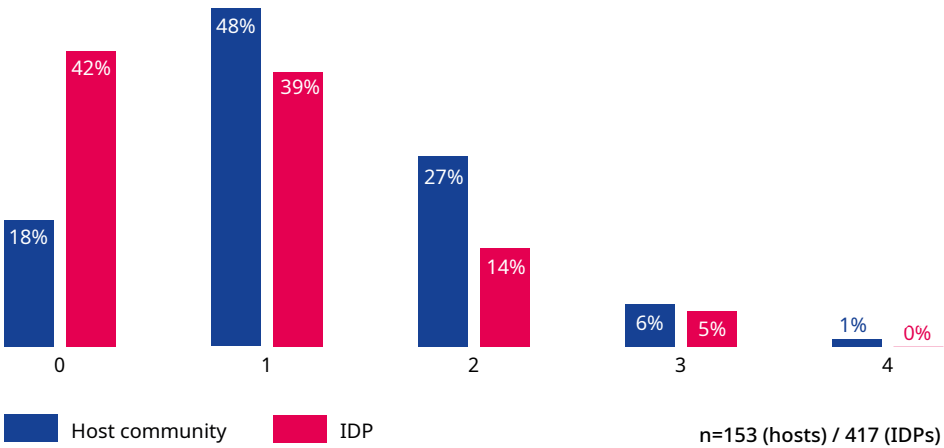
n=153 (hosts) / 417 (IDPs)

People who obtain legal advice are more likely to take action and resolve their problems

Although it is difficult to establish clear causality, people who obtain legal advice are more likely to take action and have their most serious problem resolved. This was the case for both the IDPs and host community members. This shows the value of obtaining legal advice, as a nudge for taking action to resolve legal problems.

Resolution status of most serious problems

27%	8%	22%	43%	Advice

12%	5%	6%	77%	No advice

- 🟩 Completely resolved
- 🟨 Ongoing
- 🟩 Partially resolved
- 🟥 Abandoned

n=153 (hosts) / 417 (IDPs)

Obtaining legal advice and taking action by sample

IDPs	21%	79%	Took action
Hosts	10%	90%	

IDPs	59%	41%	Did not take action
Hosts	57%	43%	

- 🟥 No advice
- 🟩 Got legal advice

n=153 (hosts) / 417 (IDPs)
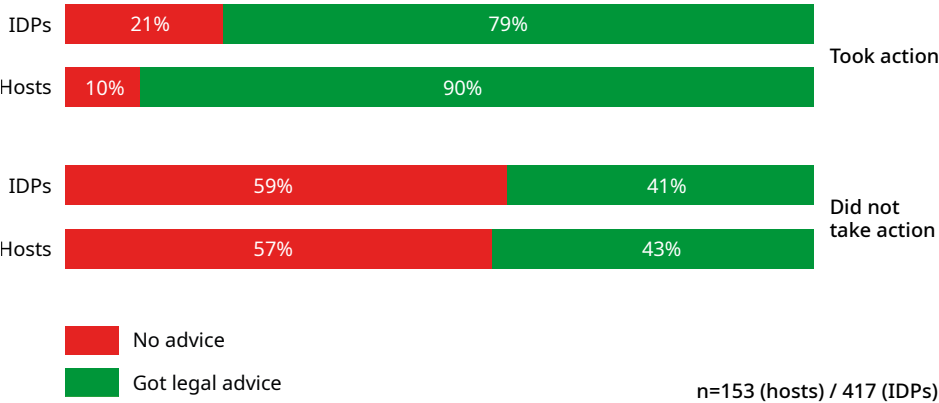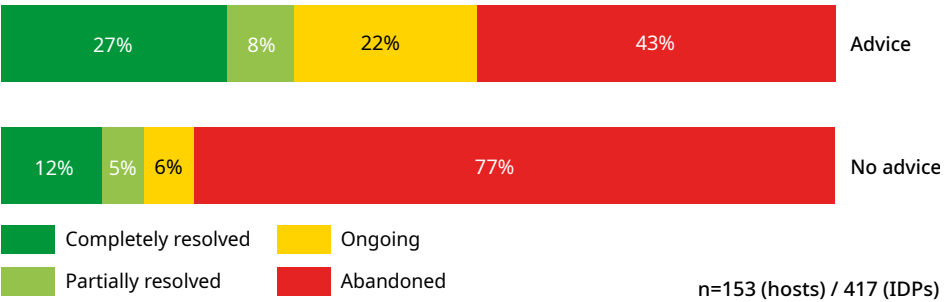
People who obtained legal advice had a 35% chance of their most serious problem being resolved at least partially, compared with 17% for people who did not obtain any legal advice. It was also more likely their problem was ongoing. On the other hand, people who did not obtain legal advice abandoned trying to resolve their most serious problems.

Related to this, the majority of respondents indicated the person or institution providing legal advice actually was of help. Almost nine out of ten people found their advisor to be either helpful or very helpful. This was the case across different providers of legal advice, highlighting that perhaps obtaining legal advice is more important than who provides that advice.

Helpfulness legal advice provider

Color	Label	Color	Label
Very unhelpful		Helpful	
Unhelpful		Very helpful	
Neither helpful nor unhelpful		Do not know	

n=536 providers

Most people obtain legal advice from their social network

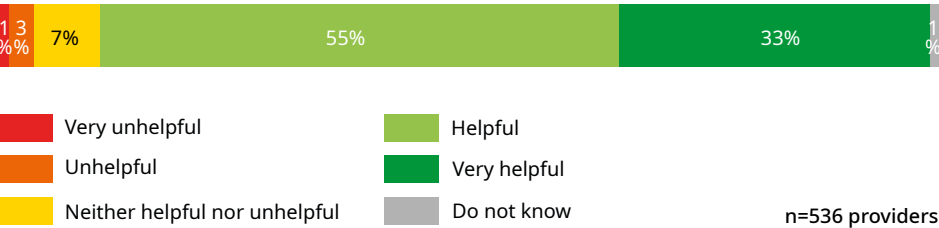Taking a broad definition of legal advice, it is clear that for both the host community members and the IDPs, the vast majority of advice came from people in their personal network. Especially family members were commonly consulted, but also friends and neighbours were among the most common sources of advice.

In line with their overall higher rates of obtaining legal advice, the host community members obtained more often legal advice from the three types of personal network sources than the IDPs. The difference in the number of people obtaining advice from friends was especially significant.

Sources of advice

Source	Hosts	IDPs
Family member	65%	55%
Friend	34%	15%
UNHCR	0%	14%
Neighbour	17%	12%
Civil society organisation	0%	11%
Police or gendarmerie	12%	7%
Local public authority	4%	7%
Other	2%	6%
Customary or traditional authority	3%	5%
National public authority	2%	4%
Religious authority	2%	2%
Formal court	6%	1%
Social/municipal court	2%	0%
Religious court	1%	0%
Local elders tribunal	1%	0%
Lawyer	0%	0%
Free legal aid organisation	0%	0%

Hosts
IDPs

n=125 (hosts) / 242 (IDPs)

For the host community members, the most common source of advice not part of their social network was the police: 12% of the host community members with a legal problem obtained legal advice from the police. All other sources of advice were consulted by less than 10% of the host community members with a legal problem. The IDPs obtained most often legal advice from either UNHCR (14%) or civil society organisations (11%). With very few IDPs obtaining legal advice from other institutional sources, this illustrates the importance of civil society for IDPs when it comes to legal advice.
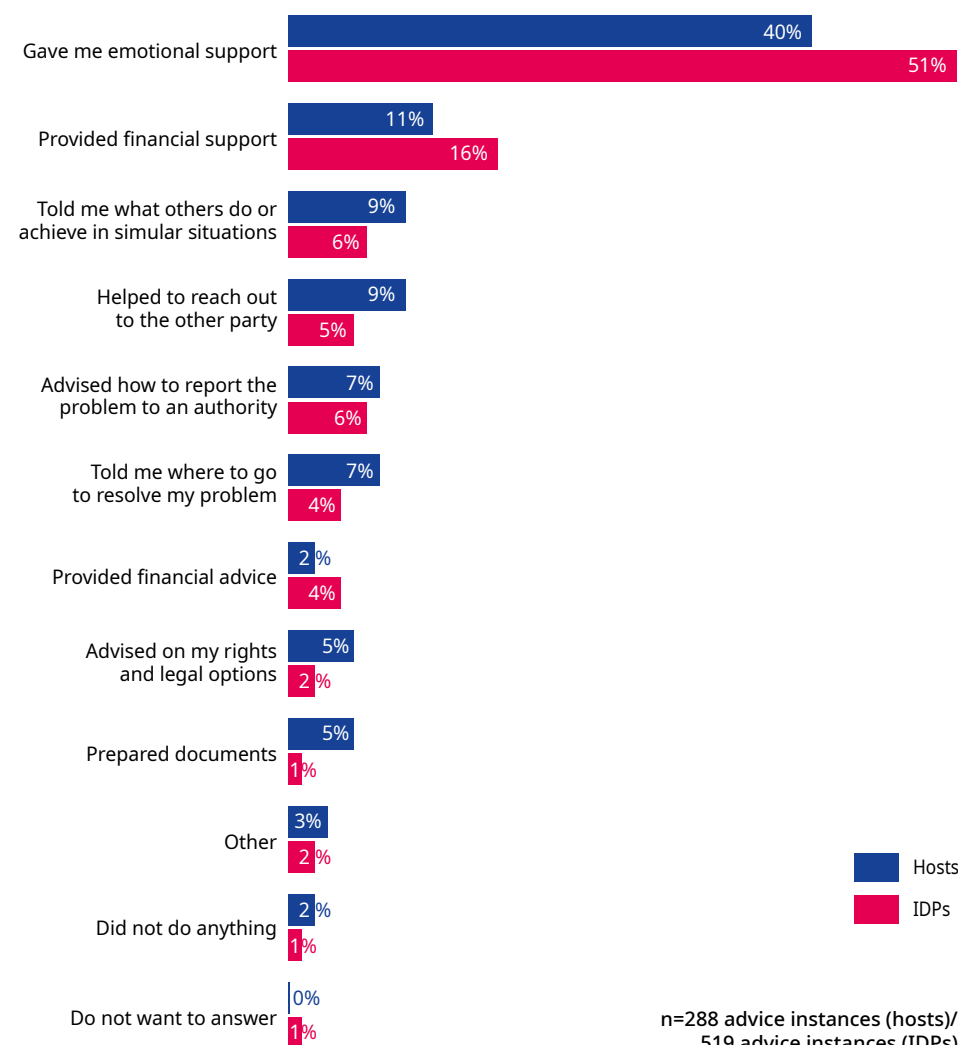
There were no statistically significant differences between different demographic groups in terms of the sources of legal advice they engaged. However, this might be at least partially due to the relatively small sample size. The differences that did exist were the result of differences between the IDPs and host community members.

The most common type of advice is providing emotional support

Respondents obtained different types of legal advice. For every source of legal advice they engaged, we asked respondents what the advisor did. Advisors can provide more than one type of advice. The answers show that for both the host community members and the IDPs the most common type of advice was receiving emotional support. For the host community members this accounted for 40% of all advice they received; for the IDPs, it was 51%.

Types of advice

Type of advice	Hosts	IDPs
Gave me emotional support	40%	51%
Provided financial support	11%	16%
Told me what others do or achieve in similar situations	9%	6%
Helped to reach out to the other party	9%	5%
Advised how to report the problem to an authority	7%	6%
Told me where to go to resolve my problem	7%	4%
Provided financial advice	2%	4%
Advised on my rights and legal options	5%	2%
Prepared documents	5%	1%
Other	3%	2%
Did not do anything	2%	1%
Do not want to answer	0%	1%

■ Hosts
■ IDPs

n=288 advice instances (hosts)/
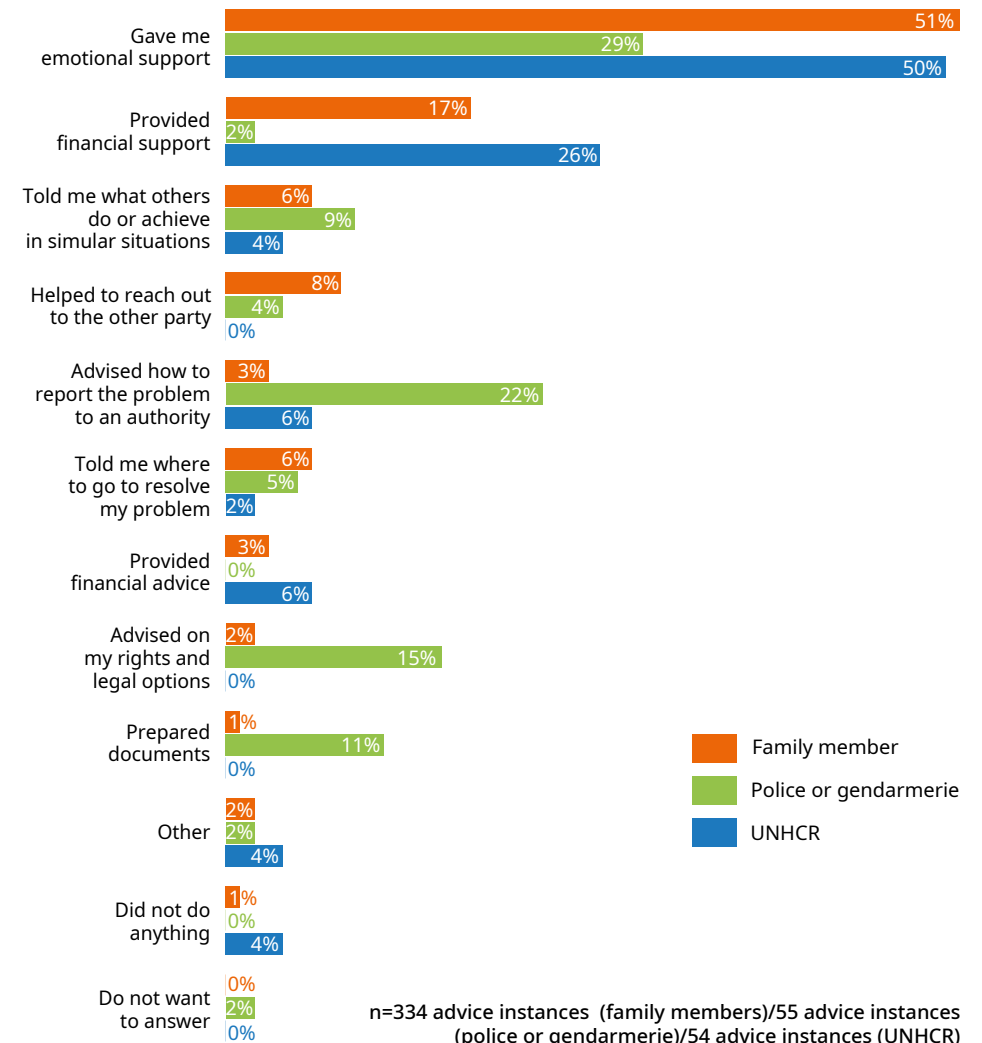519 advice instances (IDPs)

The IDPs also received more often financial support and financial advice than the host community members. All other types of advice were more common for the host community members.

The type of advice people received depended on the provider. The graph below shows the types of advice given by the most common provider of legal advice from respondents' personal network (family members) and the two most common more institutional providers of legal advice (the police or gendarmerie and UNHCR).

Types of advice per provider

	Family member	Police or gendarmerie	UNHCR
Gave me emotional support	51%	29%	50%
Provided financial support	17%	2%	26%
Told me what others do or achieve in simular situations	6%	9%	4%
Helped to reach out to the other party	8%	4%	0%
Advised how to report the problem to an authority	3%	22%	6%
Told me where to go to resolve my problem	6%	5%	2%
Provided financial advice	3%	0%	6%
Advised on my rights and legal options	2%	15%	0%
Prepared documents	1%	11%	0%
Other	2%	2%	4%
Did not do anything	1%	0%	4%
Do not want to answer	0%	2%	0%

n=334 advice instances (family members)/55 advice instances (police or gendarmerie)/54 advice instances (UNHCR)

The police or gendarmerie provided emotional support considerably less often than family members and UNHCR. Instead, the police or gendarmerie more frequently advised how to report the problem to an authority, advised people on their rights and legal options, and prepared documents. In short, they more often provided the typical things people think of when talking about legal advice. Besides emotional support, family members and especially UNHCR also provided significantly more often financial support.

As noted above, the differences in types of advice did not have an impact on the assessment of the helpfulness of the providers. All these three providers of legal advice were overwhelmingly found to be helpful or very helpful (between 85% and 94%).
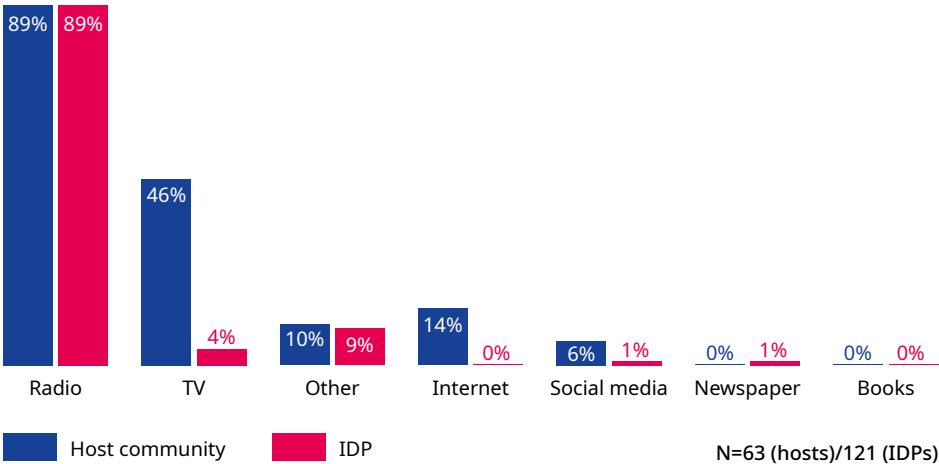
Radio is by far the most common source of information

Whereas 64% of people with legal problems obtained legal advice, only 37% sought legal information from publicly available sources. Whereas 54% of the host community members with legal problems obtained information from publicly available sources, the same was only true for 37% of the IDPs with legal problems.

When respondents did obtain legal information, it overwhelmingly came to them via the radio. Almost 90% of both the host community members and the IDPs who obtained legal information received this by radio.

For the IDPs, this was almost exclusively the case: no other source of information reached more than 10% of the IDPs who obtained legal information. The host community members, on the other hand, also frequently obtained legal information via TV (46%) and the internet (14%). This shows a stark difference between IDPs and host community members in terms of access to free and publicly available legal information.

Sources of information

	Radio	TV	Other	Internet	Social media	Newspaper	Books
Host community	89%	46%	10%	14%	6%	0%	0%
IDP	89%	4%	9%	0%	1%	1%	0%

■ Host community   ■ IDP

N=63 (hosts)/121 (IDPs)

11

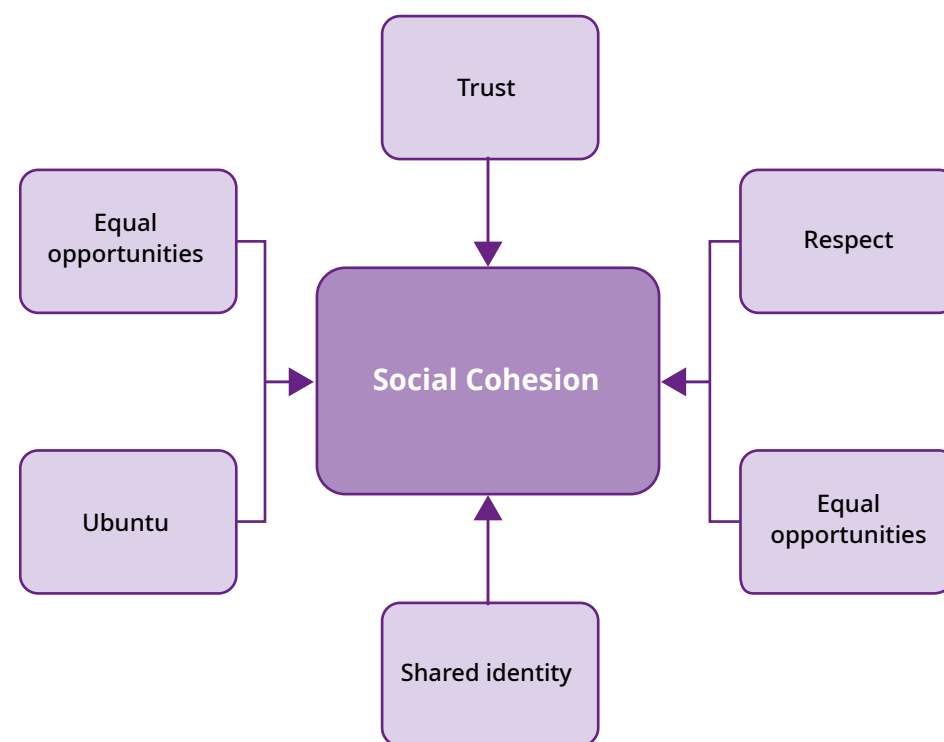# Social Cohesion in Selected Locations of Burkina Faso

Through the JNS survey we cannot identify whether there is a causal relationship between access-to-justice and social cohesion. Such an endeavour would require a different methodology. Instead, we can look for a correlation between answers to social cohesion questions and answers to access-to-justice questions.

The JNS survey allows for a perception-based inquiry of social cohesion, which is in line with the literature on social cohesion, defining social cohesion primarily as a perceived quality of social relations.

Social cohesion between IDPs themselves and/or host communities in Burkina Faso refers to a situation in which people from respective communities feel equal and interdependent in opportunities and access to services (institutions), have trust in and feel respected by the other community, and feel part of a shared overarching identity and community, like nationality or otherwise. These qualities are typically experienced and produced by joint participation in civic networks, such as social support networks and group activities[36].

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[36] Van der Meer, T., & Tolsma, J. (2014). Ethnic diversity and its effects on social cohesion. Annual Review of Sociology. *Annual Review of Sociology 40*(1), 459-478; Langer, A., et.al (2015). Conceptualising and Measuring Social Cohesion in Africa: Towards a Perceptions-Based Index. *Centre for Research on Peace and Development;* Chan, J., et.al (2006). Reconsidering social cohesion: Developing a definition and analytical framework for empirical research. *Social Indicators Research,* 75(2), 273-302; Berry, J.P., Roberts, A. (2018). Social Cohesion and Forced Displacement: A Desk Review to Inform Programming and Project Design. *World Bank;* Hailey, J. (2008). Ubuntu: A literature review. *Tutu Foundation.*

Diagram of the components of social cohesion in this study. Own elaboration.

We asked every question attached to one of the above-mentioned dimensions to the whole sample, regardless of whether that had experienced a legal problem or not. A small number of questions was asked only to the IDPs.

Equal opportunities/access to services

There are three areas of equality of opportunities and access to services in which the IDPs felt substantially more often in a disadvantaged position:
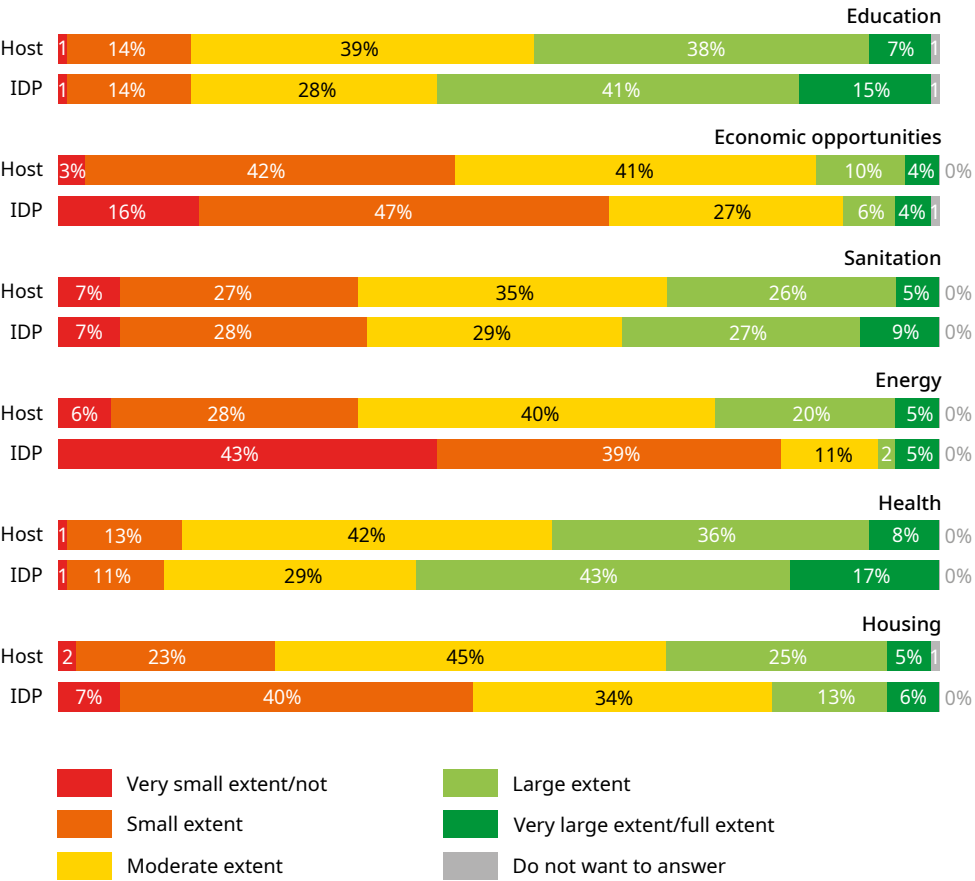
• Access to energy sources

• Access to housing

• Access to economic opportunities

The IDPs expressed more positive evaluations than the host community members in two areas:

• Access to education

• Access to healthcare

Equal access to services

Education
Host: 1 | 14% | 39% | 38% | 7% | 1
IDP: 1 | 14% | 28% | 41% | 15% | 1

Economic opportunities
Host: 3% | 42% | 41% | 10% | 4% | 0%
IDP: 16% | 47% | 27% | 6% | 4% | 1

Sanitation
Host: 7% | 27% | 35% | 26% | 5% | 0%
IDP: 7% | 28% | 29% | 27% | 9% | 0%

Energy
Host: 6% | 28% | 40% | 20% | 5% | 0%
IDP: 43% | 39% | 11% | 2 | 5% | 0%

Health
Host: 1 | 13% | 42% | 36% | 8% | 0%
IDP: 1 | 11% | 29% | 43% | 17% | 0%

Housing
Host: 2 | 23% | 45% | 25% | 5% | 1
IDP: 7% | 40% | 34% | 13% | 6% | 0%

Legend:
■ Very small extent/not
■ Small extent
■ Moderate extent
■ Large extent
■ Very large extent/full extent
■ Do not want to answer

A more in-depth analysis of the differences between the groups at the level of location (city) where they are located shows some more nuanced pictures:

- The difference between groups regarding **access to education** is mainly driven by the IDPs in Ouahigouya expressing better access to education than the host community sample in the area.

- The IDPs in Ouahigouya expressed stronger negative views on **access to economic opportunities** than those in Kaya.

- The differences between the IDPs and host community members in regard to **access to energy** were more pronounced in Ouahigouya than in Kaya. In the latter, the host community members also reported some relevant level of dissatisfaction.

- The IDPs in Ouahigouya reported stronger feelings of dissatisfaction with **access to housing** than those in Kaya.
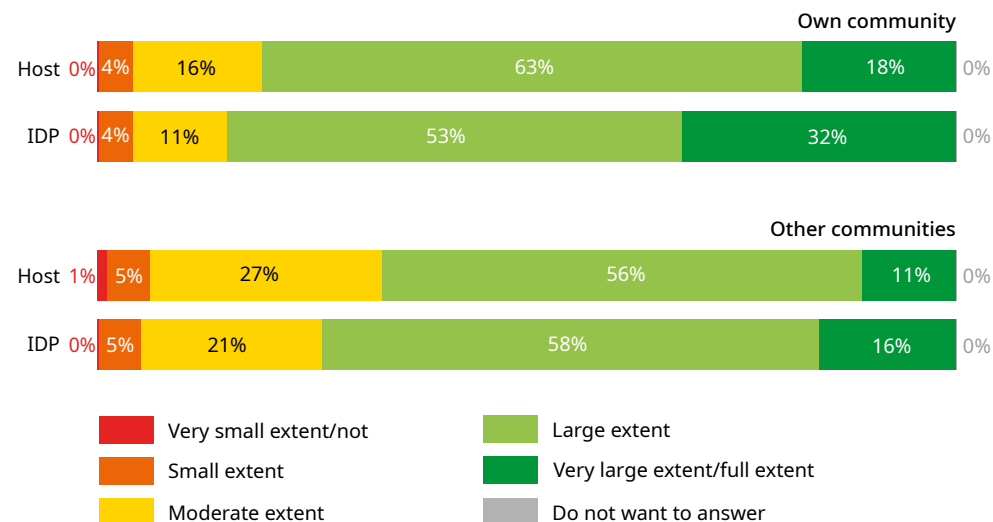
Respect

We asked a pair of questions to assess people's feelings about being respected in regard to their interactions with their own communities and other communities.

In general, we found that while feelings of being respected were predominant in both groups, the IDPs tended to report higher levels than people from the host communities.

Still, feelings of being respected were slightly more widespread when it concerned people's own communities, rather than other communities.

With this widespread level of consensus about respect, it is not surprising that no significant differences were found for key demographic characteristics.

Respect

Own community

Host	0%	4%	16%	63%	18%	0%
IDP	0%	4%	11%	53%	32%	0%

Other communities

Host	1%	5%	27%	56%	11%	0%
IDP	0%	5%	21%	58%	16%	0%

🟥 Very small extent/not   🟩 Large extent

🟧 Small extent   🟩 Very large extent/full extent

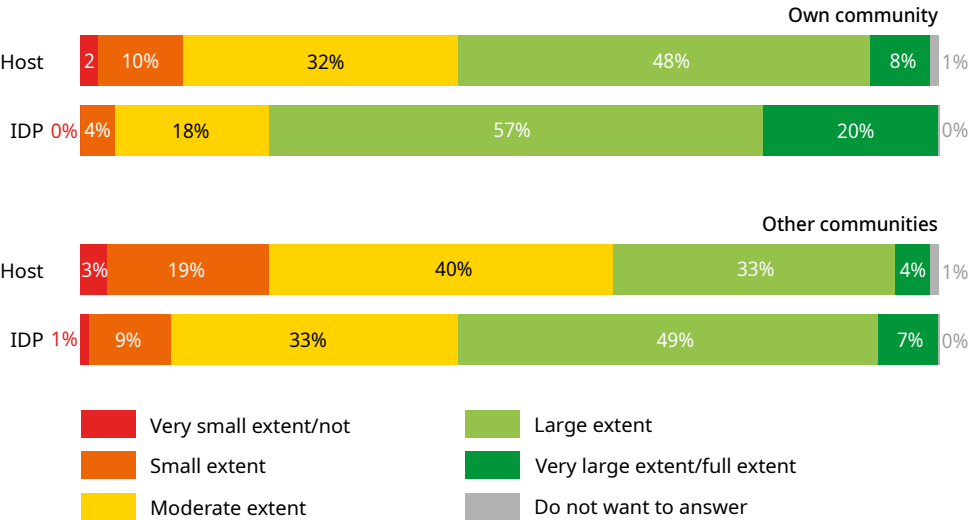🟨 Moderate extent   ⬜ Do not want to answer

Trust

Similar to feelings of being respected, the extent to which the respondents trusted their communities was higher than the extent to which they trusted other communities, although without reaching a point of explicitly expressing high levels of distrust.

Again, the IDPs reported stronger feelings of trust than people from the host communities for both their own and other communities.
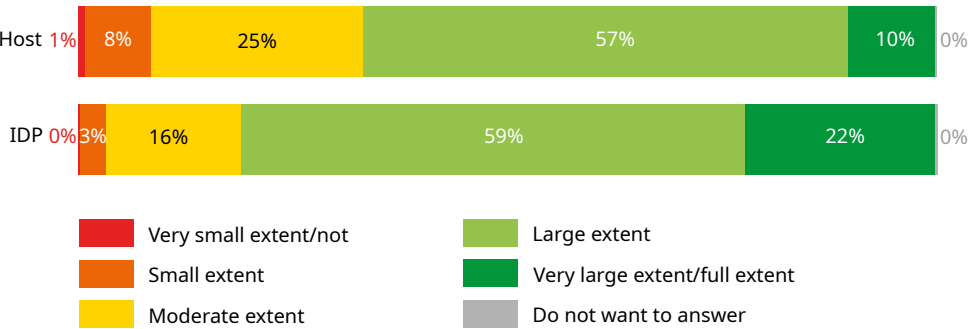
To what extent do you trust...

Own community

Host	2 10% 32% 48% 8% 1%
IDP	0% 4% 18% 57% 20% 0%

Other communities

Host	3% 19% 40% 33% 4% 1%
IDP	1% 9% 33% 49% 7% 0%

- 🟥 Very small extent/not
- 🟧 Small extent
- 🟨 Moderate extent
- 🟩 Large extent
- 🟢 Very large extent/full extent
- ⬜ Do not want to answer

Ubuntu

The question around ubuntu, defined as "humanity towards others", was intended as a question to measure the bond between the different communities coexisting in the same areas. In general, the IDPs tended to express more often than host community members that there was indeed a strong degree of ubuntu in the places they inhabit.

To what extent is there ubuntu between communities?

Host	1% 8% 25% 57% 10% 0%
IDP	0% 3% 16% 59% 22% 0%

- 🟥 Very small extent/not
- 🟧 Small extent
- 🟨 Moderate extent
- 🟩 Large extent
- 🟢 Very large extent/full extent
- ⬜ Do not want to answer

There were differences within groups as well. Despite the strong preference for stating high degrees of ubuntu among all the IDPs, those in Kaya tended to express even stronger feelings of ubuntu (86% of them replied "a large extent or higher").

Similarly, the host community members from Kaya also expressed stronger feelings of ubuntu, which shows a shared perception between groups even when the migration dynamic in the region is extra-regional (as opposed to Ouahigouya, in which the migration dynamic is intra-regional).

Shared identity

Social cohesion as a concept must be tied to a geographical area. People can feel attachment to different levels of political-administrative areas. Deeply divided countries may capitalize on an overarching integrative identity, such as the national one.

There is a complex relationship between a person's roots, identity and forms of territorialization[37]. The purpose of this question was to evaluate whether the respondents felt a degree of attachment to different hierarchical levels of political-administrative areas, from country level to local community level.

The World Values Survey (WVS) project has included a similar set of questions and their 2005-2009 wave in Burkina Faso can serve as a comparative baseline[38].
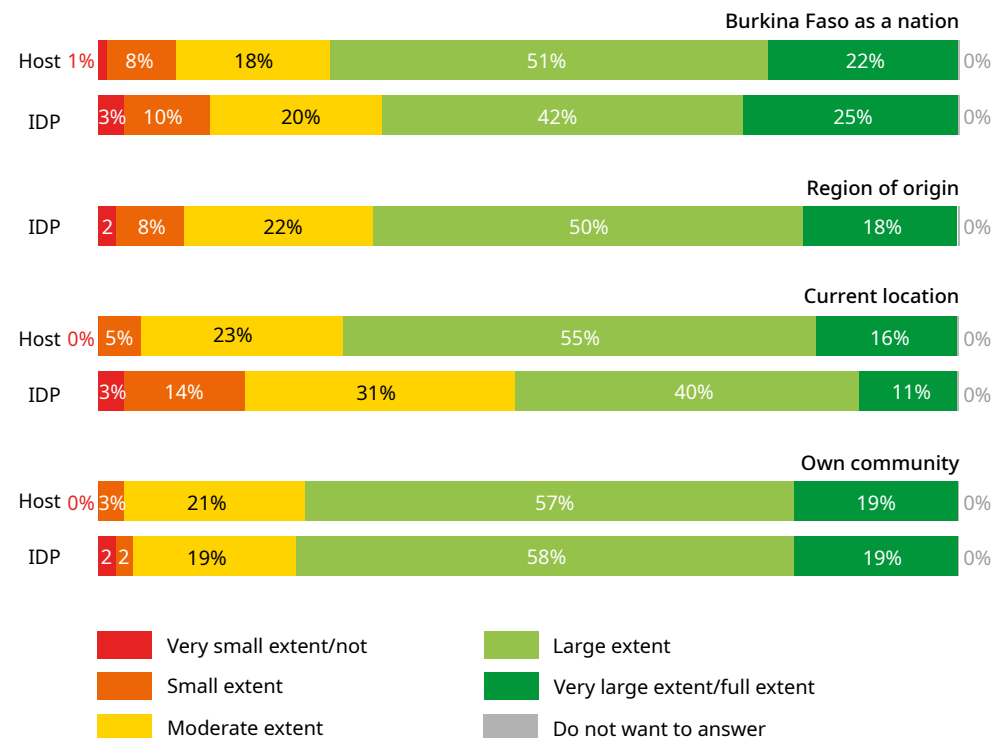
Almost 95% of the respondents stated that they (strongly) agreed with the statement "I see myself as a citizen of the Burkina Faso nation". An almost identical 93% of the respondents stated that they (strongly) agreed with the statement "I see myself as a member of my own community", although the intensity of the answers (the distribution between those who strongly agreed compared with those who simply agreed) was stronger for

Burkina Faso as a nation, suggesting a shared national identity as a way to unite people in the country.

We found that - while not strictly comparable to the WVS data - there was a high percentage of people who saw themselves as attached to Burkina Faso as a country, but who were even more attached to their local communities. This tendency was even more pronounced among the IDP sample.

Perhaps due to being uprooted, but not surprisingly, the level of attachment to the place where the IDPs were currently residing was the lowest.

[37] Malkki, L. (1992). National geographic: The rooting of peoples and the territorialization of national identity among scholars and refugees. *Cultural anthropology*, 7(1), 24-44.
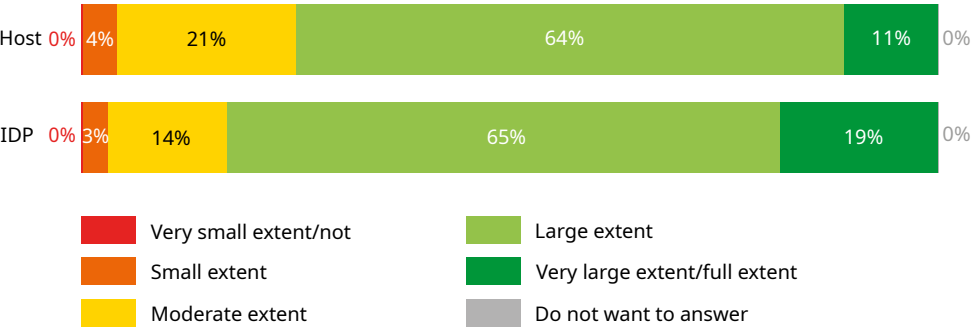
[38] World Values Survey Wave 5, dataset Burkina Faso, online analysis https://www.worldvaluessurvey.org/WVSOnline.jsp

To what extent do you feel attached to...

Burkina Faso as a nation

Host 1% 8% 18% 51% 22% 0%
IDP 3% 10% 20% 42% 25% 0%

Region of origin

IDP 2 8% 22% 50% 18% 0%

Current location

Host 0% 5% 23% 55% 16% 0%
IDP 3% 14% 31% 40% 11% 0%

Own community

Host 0% 3% 21% 57% 19% 0%
IDP 2 2 19% 58% 19% 0%

■ Very small extent/not   ■ Large extent
■ Small extent   ■ Very large extent/full extent
■ Moderate extent   ■ Do not want to answer

Civic engagement

We specifically asked the sample whether they had good relations with other communities in the localities. This aimed to measure civic engagement.

In general, both samples expressed high levels of positive interactions, with the IDPs showing slightly more intensity in how good the relations were.
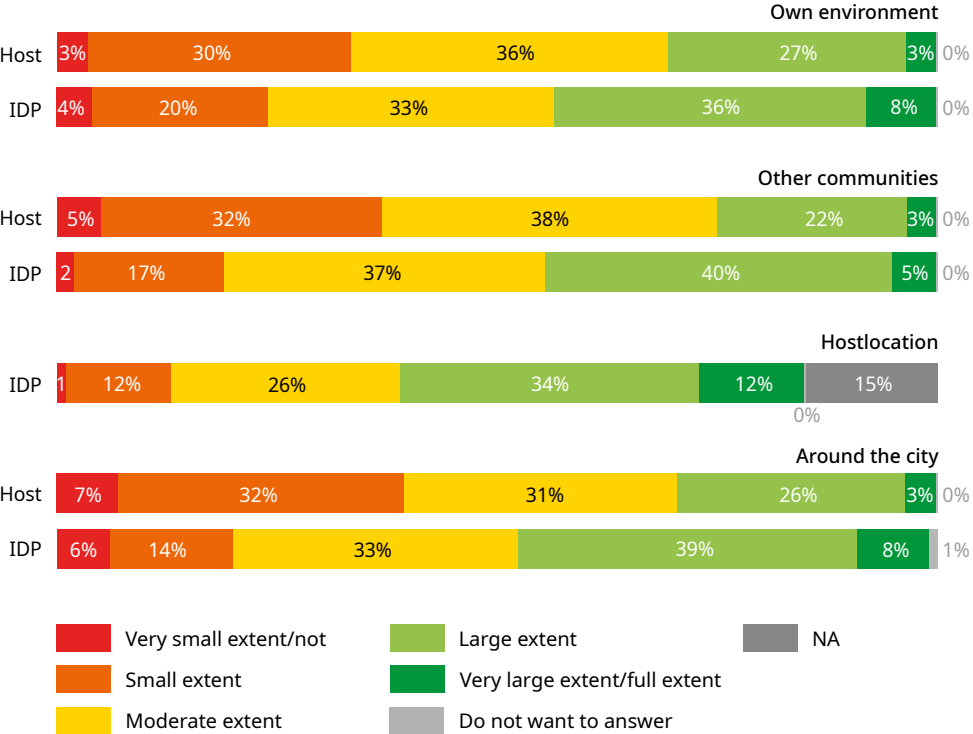
Safety

The IDPs again expressed stronger intensity in regard to feeling safe than host community members.

On every comparable level, the IDPs reported feeling safer than people from the host communities.

Host community members expressed the lowest level of feeling safe when asked about other community surroundings and the city they lived in - mostly among those living in Ouahigouya.

To what extent do you feel safe in...

Own environment

Host	3%	30%	36%	27%	3% 0%
IDP	4%	20%	33%	36%	8% 0%

Other communities

Host	5%	32%	38%	22%	3% 0%
IDP	2	17%	37%	40%	5% 0%

Hostlocation

IDP	1	12%	26%	34%	12%	15%
					0%

Around the city

Host	7%	32%	31%	26%	3% 0%
IDP	6%	14%	33%	39%	8% 1%

Legend:
- ■ Very small extent/not
- ■ Small extent
- ■ Moderate extent
- ■ Large extent
- ■ Very large extent/full extent
- ■ NA
- ■ Do not want to answer

In answer to the only question exclusively for the IDPs in this item, about feelings of safety in the host location, 15% of them expressed that the question was not applicable to them, probably because they were part of the sample living in the Ouahigouya area, and less often, among those living in Kaya.

Good relations with the other communities

Host	0%	4%	21%	64%	11%	0%
IDP	0%	3%	14%	65%	19%	0%

Legend:
- ■ Very small extent/not
- ■ Small extent
- ■ Moderate extent
- ■ Large extent
- ■ Very large extent/full extent
- ■ Do not want to answer

Social cohesion in aggregate

We constructed a single variable to measure social cohesion as an aggregate measure. It was a simple average of all the answers provided, ranging from 1 to 5, where 1 meant very small extent to not at all and 5 meant to a very large extent/full extent. All questions were worded so that the higher values indicate positive views.

Social cohesion score

Group	Average
Total sample	3.43
Hosts	3.36
IDPs	3.41

The values ranged from 1.83 to 5. There was a statistically significant difference in the different groups' averages, with the IDPs having a slightly higher average than the host community members.

This difference is mainly due to the higher average score among IDPs in Ouahigouya (3.41) compared with the host community there (3.24). There was no significant difference between groups in Kaya.

Based on the average score on social cohesion, in both sample groups those who did not report experiencing legal problems had higher averages than those who did report experiencing legal problems. The differences were too small to be considered actionable.

Average social cohesion score by sample and problem prevalence

No problems reported: 3.39
One or more problems: 3.25

Host community members

No problems reported: 3.46
One or more problems: 3.37

IDP
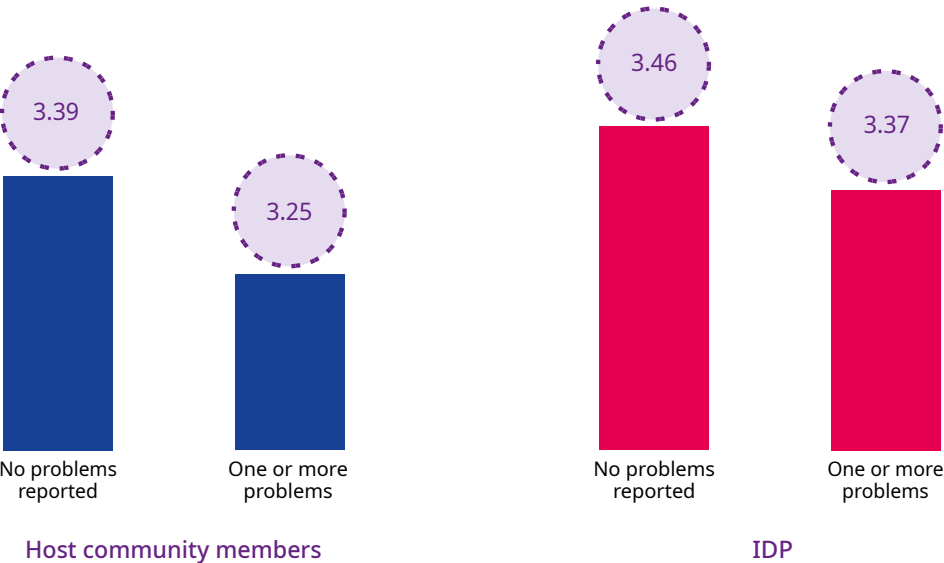
Another way to evaluate the relationship between current levels of social cohesion and legal problems is to see the effect that social cohesion, controlling for other relevant variables, has on the probability of experiencing legal problems.

In every model, from a basic bivariate one to one that controls for multiple demographic characteristics, a one-unit increase in social cohesion score was associated with a 64% decrease in the probability of experiencing legal problems in the pooled sample, compared with the baseline probability.

The "protective effect of social cohesion" is slightly smaller if we consider only host community members in the model (55% decrease), and almost the same for IDP-only models (66%).

12

Children's and adolescents' experience with legal problems in displacement areas

As part of this research, HiiL commissioned the Foundation Terre des Hommes Lausanne to conduct a qualitative study of children's and adolescents' experience with justice in displacement areas. While children are not included in the JNS survey due to ethical and practical concerns, it appeared particularly important to know more about their experience in the context of this research, due to the makeup of the IDP population in the target regions. About 70% of the IDP population in Burkina Faso (Centre-Nord) was under 18. The recruitment age for participation in the quantitative survey was lowered from 18 to 16 years of age. We opted for the focus group methodology to reach out to younger children while broaching this sensitive topic, which would address these ethical concerns.

As mentioned in the methodology chapter, Tdh organised nine focus groups. Eighty-four children aged from 12 to 15 attended these sessions. Girls and boys participated in sessions that took place in their respective displacement locations. Only three participating children were from host communities.

As the number of children and teenagers taking part in these focus groups was small, the results should not be interpreted as an exhaustive inventory of the experiences faced by all children and adolescents caught up in the displacement crisis. As in any type of research and despite the many advantages of the focus group methodology, some participants might have still been reluctant to disclose some of their experiences due to the context or social taboos. This is a snapshot of the experiences of the justice and cohesion problems that were particularly important to the children and adolescents we met and echoes observations of practitioners on the ground.

This chapter is a condensed version of the findings of the focus groups with children and adolescents. The full version of the Tdh report with its findings and conclusions, can be found here (in French): [insert location]

Experiences of violence and stigmatisation are commonly reported by children and adolescents

We exercised flexibility with the definition of "legal problem", due to the different methodological approach applied to hear about children's and adolescents' experiences, compared with the quantitative survey. Participants mentioned problems that do not necessarily fall into the category of "justiciable problems" or problems related to other areas of life (such as lack of food or poor health, while telling us about their experiences). We decided to report on these problems all the same as they are intricately linked to legal problems and form a continuum of experience.

The most common topic children and adolescents mentioned directly relates to social cohesion. Issues of **discrimination**, stigmatisation, exclusion, and grief between communities came up repeatedly during the focus groups. This notable difference in the nature of the problems faced by children and adolescents compared with adults is likely to result from the different methodologies used to collect their views. The context of the focus groups and the youth of the participants is likely to have been conductive to more disclosure of problems of cohesion

between communities, where adult participants in the survey were reluctant to share negative views about host communities. Children and adolescents mentioned that beyond discrimination based on the displacement status (i.e., between the IDPs and host community members), discrimination based on ethnicity was also at work within this divide. This translated into children and adolescents being ostracised or prevented from playing with their peers from other communities, having limited access to resources or facing insults or physical violence.

Similar to adult IDPs for whom the majority of legal problems are related to the displacement, children and adolescents face problems linked to the armed conflict and by extension, their displacement. These problems are killings, abduction, and physical and psychological violence, which are often related to **crimes**. Crime was also the most common problem category among the adult IDPs, and the category of problem they considered the most serious. These problems have an important impact on those facing them and on their feelings of safety and security. Other crimes which are not necessarily directly related to the conflict or the displacement were also mentioned, such as thefts (of cattle, mostly), aggression, or sexual offences.

[39] https://reports.unocha.org/fr/country/burkina-faso/, updated on 30 Nov. 2021.

More broadly, the topic of gender-based violence emerged during the focus groups with mentions of forced marriage, sexual offences, family rejection following unwanted pregnancy and, in some cases, rape. Although the participants were reluctant to disclose these problems during the focus groups, tendencies emerged (for example, the topic came back more often in groups where there was a majority of girls) and this type of problem was mentioned as among the most serious by children. Existing research shows that while the prevalence of gender-based violence is higher among girls, boys are also victims of it.[40]

Children and adolescents also mentioned the prevalence of accidents, the limited access to some services and first necessity goods (water, food, shelter, clothes, healthcare) and the conflicts resulting from the scarcity of access to these resources.

[40] Trust Africa, Etude exploratoire sur la prévention et l'élimination des violences basées sur le genre au Burkina Faso: les régions des cascades, du centre nord, du nord, du plateau central et des hauts bassins, 2019 ; Institut Supérieur des Sciences de la Population Rapport final Etude nationale sur les violences faites aux enfants au Burkina Faso, 2018.

Parents and family members are the first sources of help

Parents, family members and close adults were the main sources of help mentioned by participants to the focus groups to address their problems, particularly day-to-day ones. They also regularly turned to multiple actors under the "institutional actors" category that includes the Social Action service, teachers, healthcare workers, and more broadly "the government". This is similar to the adult IDPs who turned first to their family members and to the Social Action service. In both cases, formal justice actors such as courts and lawyers were absent.

Other sources of help for children and adolescents were their peers and, to a certain extent, international NGOs in the location of displacement. Customary and traditional leaders, self-defence groups, and FDS groups were also mentioned, although to a lesser extent. Self-defence groups were mentioned as both a source of problems (particularly those related to acts of violence) and as a way to address them.

Focus groups moderators noticed that children and adolescents who recently arrived at the displacement site were more likely to say that there were no sources of help or people to talk to

about their problems. This indicates a lack of visibility of some of these actors.

An aspiration to cover basic needs and live peacefully with others

The facilitators asked participating children and adolescents to reflect on their "dream community", to encourage them to express how their problems could be addressed. The main aspect that derived from this exercise was the aspiration to have access to basic services and to cover their basic needs, among which they mentioned food and water, housing, clothing, healthcare, and hygiene. Justice was not expressly mentioned.

Another important aspiration of participants was friendship between children, cohesion between communities (particularly forgiveness, solidarity, harmony between people and children, and respect), being able to play together, and being happy.

To a lesser extent, participants also mentioned the aspiration to feel safe and protected from violence. They also mentioned their desire to see people perceived as protecting them to be more visible. Children and adolescents rarely mentioned the return to their initial location as a solution to their problems or something they aspired to. This underlines the fact that displaced

children and adolescents do not stop growing during displacement and the displacement itself becomes, to a certain extent, their normalcy. This calls for solutions at the site of displacement and not postponed until a potential return.

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Findings and Implications

This report is about displacement-affected populations. For many, a legal problem forced them to seek safety and security in another city. For others, a rapidly increasing influx of people has changed the ways they lived. In their stories, there is fear and pain, loss and struggle. There is also generosity and care. While the future is uncertain for everyone - not only in the areas affected by displacement - this report reveals patterns that may help in identifying ways forward in the areas of access to justice, fair resolutions to legal problems in daily life and looking back and restoring harms.

In other words, this chapter provides the key data-backed findings and their direct implications for people-centred durable solutions, implications that are meant to be a general extension of what those findings mean for justice innovation in Burkina Faso. As such, these implications are not a playbook nor a navigation plan. It is up to the Burkinabe people to own and develop the way forward.

Findings

Problem prevalence

As data collection happened at the height of the displacement crisis, few of the IDPs and host community members disclosed legal problems. Almost one in three of the IDPs reported having experienced at least one legal problem in the previous four-year period (between December 2017 and December 2021). Only about a quarter of the host community members did so. For the general population, the proportion was approximately two in three. Additional qualitative research indicated that displacement-affected populations were living in an environment of a lack of general trust, and this probably affected their willingness to disclose their legal problems to the enumerators.

Despite the stated low prevalence of problems, one of the main findings in this report relates to the relationship between legal problems and displacement. Most of the legal problems the IDPs reported were the cause of displacement (52%). About a quarter of their problems were unrelated to displacement and can be understood as problems that may have happened even without facing forced migration. One in five problems were

identified as a direct consequence of displacement, this means, problems that otherwise would not have happened without displacement and become an additional load for the justice system in the displacement-affected areas. This categorisation of problems proved useful when exploring people's justice journeys, as it has consequences for taking action, resolution, and sources of help, among others.

Most of the IDPs who reported problems faced at least one crime (47%). About a quarter reported domestic violence. Less often, land problems, family related problems, and problems related to the police/gendarmerie were reported. Experts participating in the workshop intended to validate the findings suggested that problems around legal documentation (IDs, certificates, etc.) are also prominent among the IDP population. Host community members reported problems in a less concentrated way: Categories such as crime, family problems, neighbour related problems and land problems were reported at around a 20% rate.

The justice gap

While the sample in this study was not intended to be representative of the whole IDP and host community population in Burkina Faso, and therefore, it is not possible to calculate the justice gap on a national basis, it is possible to look at all the problems reported and find differences in the resolutions achieved.

There seems to be a wide gap between the percentages of resolved problems among the main samples: While the host community members resolved more than 40% of their problems (either completely or partially), only less than 20% of the IDPs could state the same. For the IDPs, almost 70% of their problems ended up being abandoned without any action taken or hope for a fair resolution. In comparison, a third of the problems of the host community members ended up abandoned. The general population resolves more than 50% of their problems.

There were consequential differences in the types of problems the IDPs experienced and their relationship to displacement, as stated above. When the problem was unrelated to displacement, the resolution rates the IDPs obtained were similar to those of the host community members.

When the problem was the cause of displacement, in almost every instance, the problem was abandoned.

Impact of the problems

The consequences of the most serious legal problems both groups experienced were on average different. Death of a family member was a grim common consequence for the IDPs (around one in four who reported consequences). Still, the most common consequences were loss of money and stress-related illness for both groups, although they were more common among the IDPs.

In regard to measures of impact of the problem on life wellbeing, both groups reported a relatively low impact. The IDP group reported consistently more severe impacts than the host community members, particularly in the area of financial impacts. Still, the average impact score of both groups (.37 for the host community members and 0.5 for the IDPs) in the displacement-affected areas was higher than the average for the general population (0.29).

Dispute resolution

There were noticeable differences in the sources of help the IDPs and host community members reported having access to in order to resolve their most serious legal problems. First, the IDPs (at 45%) were substantially less likely than the host community members to take action to resolve their problems (82%). Once again, problems that caused displacement were less likely to have some action taken (28%) than problems that were a consequence of displacement (56%) and those unrelated to displacement (71% and actually approaching the action rate of the host community members).

In terms of sources of help engaged to resolve problems, the few IDPs who tried to resolve their most serious problems relied on family members, the Social Action service, and direct negotiation with the other party. Access to formal modern justice institutions, such as courts, tribunals, and lawyers was reported to be virtually non-existent. The host community members also mostly engaged their family members and directly negotiated with the other party but had more access to the police than the IDP population. The IDPs rarely engaged formal sources of help. Notably, customary or traditional authorities did not appear among

the most commonly engaged SoH among the IDPs. In Burkina Faso, the customary authorities have no formal recognition or mandate to intervene in certain aspects. Discussions around the topic during the Justice Data Workshop helped us to confirm this gap, as traditional authorities do not move from the place of origin, leaving IDPs unable to access their help in the new locations.

Interventions

For every SoH people engaged, we asked what type of help they provided. These are the interventions to help resolve problems. The most common intervention was providing some sort of (moral) support, for both samples. Advice followed, also in both groups. The main difference was that later on, the host community members received mediation and settlements, while the IDPs said the SoH did nothing helpful.

The most common interventions usually do not resolve problems, as found in the HiiL JNS report on the general population of Burkina Faso, which results in a relevant service delivery gap for all communities.

Legal information and advice

We found similar patterns as above in the propensity to seek legal advice. The IDPs (58%) were less likely to seek legal advice from any source than the host community members (82%). The few IDPs who did, consulted mostly their family members, and relevant specific providers, such as UNHCR and NGOs. Respondents who sought legal advice and received it tended to also be more likely to take action and subsequently resolve their legal problems.

Social cohesion

Self-reporting measures of social cohesion in this study showed prominently high levels among the sample populations. Given that these questions were asked to the whole sample, not only to those who reported legal problems, we could see some area-based differences, in particular for questions regarding access to education or housing, situations which the IDPs in Ouahigouya tended to be more dissatisfied with than either the host community members or the IDPs in Kaya. The rest of the dimensions showed small differences that are hardly actionable.

We also developed a simple aggregate measure that tended to correlate well with the lack of legal problems reported, meaning that people who scored high in social cohesion were less likely to report problems. Whether these findings can be taken at face value is unclear.

Implications

Interested parties should consider the relationship between the legal problems of IDPs and displacement when trying to deliver fair resolutions. Given that there seems to be a systematic difference in nature and outcomes between problems that caused displacement or are a consequence of it, these different types of legal problems differ in impact, consequences and, possibly, desired outcomes.

Problems that caused displacement are better understood under the transitional justice framework. A durable solution to displacement that involves return must be accompanied by a massive access to justice action.

Problems that are a consequence of displacement appear to be less complex than those that cause displacement but are also an additional burden to the justice systems in displacement-affected areas.

IDPs with problems that are unrelated to displacement behave in ways that are similar to the host community population, and therefore, may be integrated into the local service delivery schemes already in place, without (positive) discrimination.

Focus should be placed on the justice needs of women and children as they comprise the majority of the IDP population in Burkina Faso and suffer from burdensome legal problems that either force them to leave their homes or are a consequence of displacement. Crime, family related problems, land and property related problems, and legal identity problems make up the bulk of their legal problems.

The IDP population is young. Women tend to migrate alone with their children. The data shows that IDPs suffer from various types of domestic violence and the consequences of their problems relate to violence in a disproportionate way, compared with host community members. This suggests that policy changes should include a gender perspective and integrate multidisciplinary support for them without closing the doors to host community members suffering similar problems.

There is a massive, latent, demand for justice in Burkina Faso's displacement-affected localities of this study. Resolution is scattered across the field. Institutions and professionals are almost invisible. This could be addressed with a comprehensive people-centred justice framework:

- Continuous monitoring and understanding of IDPs' and host community members' needs, actions and outcomes.

- Identification of best practices for dispute resolution and replication at a wider scale.

- Look at game-changing delivery models that can provide results that work for the people.

- Ensure political leadership and an enabling environment in Burkina Faso, which has people's needs as its priority.

IDPs lose access to traditional justice providers when they migrate. The Social Action service appears to channel the demand for fair resolutions in this group, and it tends to serve the justice needs of most vulnerable groups in Burkina Faso, although this often falls outside the scope of its initial mandate. The Social Action service is often the only public service accessible to IDPs (besides

the police or the gendarmerie) and is therefore filling the gaps when it comes to IDPs' social needs, including their justice needs. Although they have the opportunity to be user-centred one-stop-shops for citizens, including when they try to resolve their legal problems, they might not currently have the expertise or the funding to do so. Besides the Social Action service, there is little institutional support for displacement-affected populations. An integrative approach that includes both the IDP and host communities as target populations would be a sensible extension of the argument laid out above. It would improve access to fair resolutions for all groups in displacement-affected areas instead of focusing on one group over another.

Eventually, different justice providers could increase coordination to address different problem categories in an effective and efficient way: A triage system at a single spot could help users navigate their path to justice early on.

- Formal justice institutions, the police/gendarmerie could have attributions to address crimes, including GBV, family related problems and documentation problems.

- Traditional justice providers and public services such as the Social Action service may provide resolution through non-adversarial modes for problems related to social cohesion or local access to resources.

- NGOs and civil society organisations could use their closeness and universality to provide legal information and advice and redirect people facing legal problems to other relevant sources of help.

This integrative approach would positively influence the levels of social cohesion in displacement-affected areas. While Burkinabes reported high levels on different questions pertaining to social cohesion, there are apparently area-based differences in access to certain services. Also, individual high levels of feelings of social cohesion were related to lower chances of experiencing legal problems. Social cohesion then works as both a preventive measure against legal problems and possibly as an "insurance mechanism" to resolve them in a more satisfactory way.

IDPs lack access to effective interventions aimed at resolving their problems. Those who do take action mainly receive some sort of (emotional) support, orientation, and advice. The data shows that they rarely embarked on processes that use mediation/reconciliation and/or decision/settlements. Eventually, services already reaching IDPs in the localities should include these types of interventions that elsewhere have been demonstrated as effective and

satisfactory ways to resolve legal problems.

IDPs tend to obtain legal advice from UNHCR and NGOs present in the area, while host community members do not consult them. Improving cooperation with specialized governmental and non-governmental agencies would increase the access to legal advice and the likelihood of it being effective in helping people resolve legal problems. Increasing legal empowerment through the provision of legal advice that is tailored to the needs of IDPs and host community members would be an avenue for preventing and resolving the most pressing legal needs in displacement-affected areas.

Lack of identity documents hinders people's ability to engage in civic, economic, and cultural life. It may deter them from accessing fundamental governmental services crucial to achieving a certain standard of living far from their places of origin until a durable solution is reached.

The implications and recommendations above constitute suggestions for the Burkinabe authorities and experts to start considering the possibility of people-centred justice in protecting displacement-affected populations.

Annex 1 Specific legal problems per category

Land problems	**Domestic violence**
Disputes over boundaries	Emotional abuse
Disputes over use of land	Sexual abuse
Disputes over land titles and ownership of real estate in urban areas	Intimidation
Disputes over land titles and ownership of real estate in rural areas	Economic deprivation
Disputes over lease of land	Other domestic violence problem
Disputes related to sharing a condominium	Emotional abuse
Disputes related to transferring ownership of real estate	**Housing**
Expropriation of land parcels	Renting a house - problems with getting deposit back
Forced to leave the land	Renting a house - getting the landlord to do repairs or provide other services
Difficulties receiving compensation for lost or land damaged	Renting a house - disputes over rent
Other land dispute	Renting a house - eviction or threat of eviction
	Renting a house - tenant damages the property
	Not able to prove ownership of an unoccupied house

Abandoned house inhabited / used by someone else (inside or outside the family)

Forced to leave the house

Discrimination regarding access to housing (temporary)

Other housing problem

Neighbour related problems

Regular and excessive noise

Threats, harassment or violence between neighbours

Disputes relating to animals owned or kept by neighbours

Children cause disorder in neighbourhood

Disputes concerning the management of shared property and equipment (ducts, pipes, walls, roofs, etc.)

Disputes over repairs of shared amenities (drains, pipes, walls, roofs, etc.)

Disputes over the management of waste and wastewater

Other neighbour problem

Employment problems

Unfair termination of employment

Non-payment of wages, benefits or overtime

Non-payment of social security contributions or health insurance premiums due by employers

Disputes over working hours, leave or vacation

Dangerous working conditions / injury at work / work accidents

Harassment at work

Workplace discrimination

Employment without valid contract (irregular employment)

Discrimination with regard to employment access

Discrimination regarding access to resources (humanitarian or other ...)

Other employment problem

Family problems

Divorce or separation

Parental/custody rights

Disputes over maintenance to or from a former partner

Difficulties over maintenance/ household expenses in an existing relationship

Disputes over child support

Inheritance and wills

Contested paternity / paternity search

Forced marriage

Disappearance or kidnapping of a family member

Other family problem

Problems around social protection

Dispute over receiving welfare benefits

Dispute over access to health care

Dispute over pension (superannuation / pension widow-widower / orphan pension / disability pension)

Dispute over disability services

No access to public services and utilities while being displaced

Discrimination in access to humanitarian assistance

Other social welfare problem

Crime

Theft

Robbery, burglary, damage to property

Willful destruction of property

Aggression

Homicide

Assault

Sexual offense

Drug related crimes

Cybercrime / online crime

Forced labour

Kidnapping

Extortion

Other crime

Consumer problems

Buying defective goods

Buying dangerous goods

Services of substandard quality

Disputes related to counterfeiting

Refusal to respect warranty

Incorrect or disputed bills (for communal services)

Other consumer problem

Accidents

Manslaughter related to traffic

Unintentional traffic injury

Unintentional destruction of property linked to road traffic

Other accident

Money related problems

Dispute over borrowing / lending money

Dispute related to the recovery of debt

Dispute related to a bank loan

Dispute over insurance claims

Difficulties with enforcement of contract

Dispute over paying tax

Other money problem

Identity and official documents

Birth certificate / declaratory judgment or supplementary

Dispute related to obtaining identification documents (identity card, certificate of citizenship, passport, driving license)

Marriage certificate / declaratory judgment or supplementary

Death Certificate / declaratory judgment or supplementary

Other problem linked to official documents

Defence and security problem

Physical violence

Psychological / emotional violence

Torture

Arrests without justification

Fabricated charges

Forced enrolment by armed groups

Victim of IED explosion

Other defense and security problem

Corruption

Abuse of power by a public official

Asked to pay a bribe by a public official

Asked to pay a bribe by a private company

Asked for services (sexual favours or else) in exchange of services or goods

Other corruption problems

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