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BURKINA FASO: CONFLICT SCAN

HUMAN RIGHTS AND ACCESS TO JUSTICE IN BURKINA FASO

Eastern Region - Communes of Fada N'Gourma, Diapaga, and Kantchari

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ACRONYMS

AGR	: Income-Generating Activities
CVD	: Village Development Adviser
FDS	: Defense and Security Force
FGD	: Discussion Focus Group
GEV	: Violent Terrorist Group
HANI	: Unidentified Armed Men
HRSM	: Human Rights Support Mechanism
MBDHP	: Burkinabe Movement for Human and People's Rights
ONAFAR	: National Observatory of Religious Facts
ONAPREGECE	: National Observatory for the Prevention and Management of Conflicts
ONG	: Non-Governmental Organization
OSC	: Civil Society Organization
PDI	: Internally Displaced Persons (IDPs)
PH	: Host Population
SFCG	: Search for Common Ground
VBG	: Gender-Based Violence
VDP	: Volunteer for the Defense of the Homeland

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1. Executive summary

The “Human Rights and Access to Justice in Burkina Faso” program implemented by the Rule of Law Initiative of the American Bar Association (ABA ROLI), Freedom House, Search for Common Ground and Pact, is funded by the United States Agency for International Development (USAID) for three years. It aims to “strengthen the state’s capacity to prevent and punish human rights violations and increase public awareness and access to remedies leading to reparations.” During the execution of this program, Search conducted a series of conflict scans in the 4 regions of intervention of the program. This scan was conducted in the Sahel region, specifically in the communes of Fada N’Gourma, Diapaga, and Kantchari. **A total of 83 people were contacted (including 36 men, 20 women, and 18 youths) through a qualitative approach (8 focus group discussions and 9 individual interviews).**

The Eastern Region is experiencing an upsurge in violent extremist groups (GEV) abuses, which has intensified with political instability and the weak presence of state authority in Tapoa province. This disturbing situation has led to a massive displacement of the population from villages under GEV control to perceived safer areas such as Diapaga and Fada N’Gourma. These displacements amplify already recurring community tensions between host communities and IDPs or between different ethnic groups over issues of access to economic resources. Tensions over natural resources remain recurrent, even more so as climate change exacerbates competition over natural resources, leading to increased conflict - the GEVs control access and strategic territories around resources leading to increased community tensions over access to scarce resources and community tensions over access to land are further exacerbated by identity-based divisions.

The exacerbation of conflicts in the region has amplified the population's lack of trust in the State, denouncing the absence of state authority through the closure of public services, including the judicial administration, leaving the population prey to forms of private justice, often characterized by violence, violations, and human rights abuses. In areas where there is still the presence of judicial bodies or conflict management mechanisms, some members of the surveyed communities no longer trust the actors involved in conflict management, who are perceived as partisan. They criticize them for their low level of integrity and the absence of an impartial and independent jurisdiction.

The security context has induced the FDS to amplify various measures to combat the proliferation of GEV attacks. In this context, the surveyed populations denounced increased violence and violations of all kinds committed against them by the FDS. Some members of the surveyed communities adopt different attitudes towards these abuses: on the one hand, those who challenge the institutional order by taking justice into their own hands; on the other hand, those who collaborate willingly or unwillingly with the GEV to benefit from their protection. The conflicts and the security situation affect the communities in general, but women are even more vulnerable. They find themselves psychologically, physically, economically, and socially affected, such as the redefinition of their roles within the family unit and even within the community, which exposes them to risks of violence. Analysis of the context reveals a certain number of risks to be considered by program actors during the implementation of activities, such as threats and intimidation by the FDS, the difficulty of accessing prisons, the difficulty of accessing certain villages because the access roads to certain localities are mined with IEDs, the risk of exposing victims, and the infiltration of people of questionable character. Recommendations were made to reduce the risks, including informing the authorities in advance about the conduct of the mission; building the capacity of state actors on human rights and conflict-sensitive communication; building the capacity of investigating agents in "protection" to initiate them to the protection mechanisms and ethics to be conducted; training focal points on security and conflict-sensitive communication; conducting awareness with their communities so that the focal points are accepted and recognized; creating a framework for collaboration between focal points and local actors (state representatives, community leaders, etc.)

2. Context

2.1. Introduction

The program "**Human Rights and Access to Justice (DHAI)** ", funded by the U'S Agency for International Development (USAID) for three years (3), aims to «*reinforce the capacity of the state to prevent and punish human rights violations, and to increase awareness and access of the population to remedies leading to reparations.*»

Since 2015, the country has been experiencing an unprecedented security and humanitarian crisis caused by repeated armed violence, particularly against civilians, which has resulted in massive population displacement, loss of life, material damage, closures of essential social services, and a negative impact on socio-economic development. The multidimensional crisis affects all sectors of state governance. The human rights sector and access to justice are thus affected by the fragile situation. The dysfunction of the state apparatus¹ and the relocation of the Diapaga TGI, the absence of financial and banking institutions for more than two years, the reduction of telephone coverage to a single network since January 2022, the reduction in the mobility of the population, the loss or abandonment of the means of production, and consequently the continued decline in the purchasing power of the population have an impact on the social dynamics of the population. In other words, the loss or abandonment of the means of production and the subsequent continuous decline in the population's purchasing power, the tensions between host communities and IDPs over land, are part of people's daily lives. The most recent conflict scan² conducted in the eastern region found that the closure of the judiciary is perceived as a violation of human rights because this decision, according to the people surveyed, is an infringement of their individual freedoms and is considered as evidence of the failure of the state. Also, the study mentioned consequences related to the closure of these instances: the increase in settlements and recourse to the GEV in the resolution of conflicts, the multiplication of violent conflicts whose resolution requires penal actions, the difficulty of access to administrative services, the absence of channels for legal complaints and the processing of judicial files.

2.2. Purpose of conflict scan

Search, in charge of the conflict sensitivity component, has been conducting conflict scan series since 2021. This is the fourth conflict scan conducted in the North Central Region. It aims to understand the evolution of conflicts since May 2022 and their interactions with the "Human Rights and Access to Justice" program to provide relevant recommendations for adapting the program and ensuring conflict sensitivity.

Specifically, it aims to:

- understand how the conflict dynamics have evolved in each region since May and December 2022;
- identify how these conflicts may affect the implementation of activities (and vice versa), the project staff, and the program participants in each implementation area;



¹ Some critical services such as government revenue services (customs, treasury, taxes), financial institutions (credit unions, SONAPOST), and banks have been closed for over two years. The only existing means of financial transaction remains the cell phone networks

² that was carried out in May 2022

- propose recommendations to the actors implementing the DHAI program to ensure the protection of the participants and the staff involved and the sensitivity to conflicts.

2.3. Methodology

This conflict scan is based on a qualitative approach combining focus group discussions and individual interviews. A total of **8 FGDs and 9 individual interviews were conducted. A total of 83 people were reached** (36 men, 20 women, 18 young people) in the communes of Fada N'Gourma, Diapaga and Kantchari.

3. Results

3.1. Evolutions of the context

3.1.1. The security situation

- **Recurrence of GEV attacks with an epicenter of violence around/in the commune of Partiaga, which houses the Boungou gold mine**

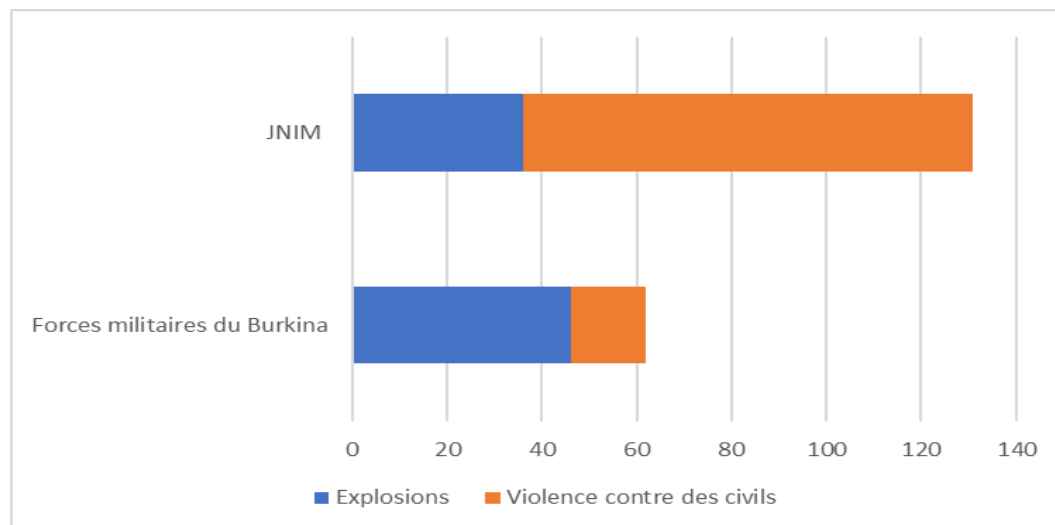
This conflict scan in the eastern region showed a rather worrying security context, marked by the exacerbation of terrorist attacks. Indeed, Gulmu (the local name for the eastern region) is among the regions most affected by the security crisis in which the country has been immersed since 2015. Since the last scan, the situation has deteriorated further, especially in the province of Tapoa, one of the provinces of the Eastern Region.

The noose is tightening on and around Diapaga, which is experiencing repeated attacks in all eight of its communes.

- The epicenter of the violence is in the commune of Partiaga, which is home to the Boungou gold mine operated by the Canadian company Endeavour Mining.
- The Diapaga-Partiaga axis is under threat from terrorists, with incursions by armed men regularly reported at the entrances to the city.
- Since the winter season, the axis linking Diapaga to Kantchari has been regularly occupied by GEVs who set up checkpoints, making traffic on the road difficult and posing a threat to the two communes. There is a blockade of Diapaga and Kantchari, where the people cannot leave or enter because of the presence of GEVs on the roads between these two localities and the Kantchari-Fada N'Gourma road. This route remains under the control of armed groups, with increased attacks on military convoys, kidnapping of civilians, planting of IEDs, and hijacking of fuel tanks and trucks loaded with goods.
- The surrounding villages of Diapaga, such as Bagali, Tangali, Foamboanli, Touna, Pemboanga, etc., have almost all been emptied of their inhabitants who have taken refuge in the main town of the commune or region. Kantchari is recording more and more attacks in and around the town, aggravating the psychosis among the population who are desperately trying to leave the town.
- The situation is not good either in Fada, the region's capital, with repeated attacks at the entrances to the town, particularly on the Kantchari road, which seems to be definitively in the hands of armed groups.
- In addition to the Gourma province, the provinces of Gnagna (capital Bogandé), Komondjari (capital Gayeri), and Kompienga (capital Pama) are also under terrorist threat.

The eastern region has therefore been regularly attacked by Violent Extremist Groups (GEVs) for several years. From May 2022 to February 2023, **84 explosions and 118 cases of violence against civilians**

occurred in the Eastern Region³. The JNIM (Jamā‘at nuṣrat al-islām wal-muslimīn) and military forces are believed to be the main perpetrators of the violence.



According to the respondents, the security situation in the eastern region has not improved much since the beginning of the last winter season. It has even become worse. *"It must be said that we live the ordeal here"*⁴. The GEV attacks had a devastating impact on the already distressed civilian population, resulting in deaths and significant displacement of people to the cities.

- **Stricter controls on GEV and FDS/VDP**

In their desire to control the territories, the GEVs have set up checkpoints in almost all of the communes surveyed, although their presence is temporary in some localities. Indeed, on the road linking Kantchari to Fada N'Gourma (National Route 4), checks are carried out daily in several places; Sampiérie, Sakoani, Tanwalbougou, Namoungou where the GEVs seem to dominate. Only the passage of the FDS in these places intimidates and disperses them just for the time of the crossing. It is precisely on these roads that kidnappings are frequent. On the Diapaga-Kantchari axis (National Route 4), the GEVs tightened controls to create a blockade in the two localities, which are 60 km apart with a fully paved road. On this route, particularly in the village of Boudieri, which is equidistant between the two communes, the GEVs are frequent and proceed to control every vehicle and person (Transport buses and loads of goods were turned back). Shootings and the planting of improvised explosive devices (IEDs), which are very common in these localities, result in casualties. In addition, there are sanctions for non-compliance with Islamic principles. Indeed, the GEVs impose the Muslim religion in the localities under their control and establish Sharia as principles, norms, and values of life.

As for the FDS, their controls are regularly carried out, especially at the entrance and inside the said communes. These controls are daily and take place even at night.

3.1.2. Recent evolution of conflicts

Tensions over **access to natural resources, including land**, remain persistent in the region compared to conflict scans.

- **Climate change increases the competition for natural resources, leading to increased conflicts**

³ Source ACLED: Data Export Tool - ACLED (acleddata.com) - February 2023

⁴ A male respondent from the departmental court of Kantchari reacting on the evolution of the security context

Land, the primary resource exploited and the main source of income for rural populations, is the most coveted by different community groups, thus representing the primary source of inter-community tensions. The stakes of the populations in the access to the land and resources caused the affirmation of the identities of the parties in conflict, leading to acts of violence. In fact, the **conflicts over the exploitation of natural resources and land** take on different configurations depending on the interests and positions of the actors involved in the conflicts, the cause of the escalation in the violence of inevitable inter-community tensions, according to the communities interviewed. Tensions between farmers and herders, between farmers themselves and IDPs with the host communities due to competition for resources and agricultural and pastoral spaces.

For example, climate change reduces land fertility and causes flooding in agricultural and pastoral areas, thus impacting the practices of transhumance of livestock to agricultural areas during periods of pastoral clearing⁵ **leading to an increase in violence between farmers and herders**. In other words, farmers and herders⁶ compete for priority use of arable land.⁷ The violence is mainly noted during the rainy season and the agricultural harvest season when herders release their animals into the fields in search of pasture.

- **The GEVs control the access and strategic territories around the resources, leading to an increase in community tensions over access to scarce resources.**

The control exercised by the GEV on certain roads in the communes as well as the limitation of access to remote areas due to the presence of improvised explosive devices (IEDs), limiting the access of farmers and herders to agro-pastoral areas, increasing the pressure on the scarce natural resources and arable land available. This limitation of access increases the pressure and creates the risk of violent conflicts between farmers and herders. The factors that trigger tensions and violence around these conflicts are the damage caused in the fields by cattle on the paths leading to watering holes and grazing areas, in addition to the failure to respect the rules governing transhumance (respect for passage corridors and national legislation). In other words, these conflicts manifest themselves through verbal violence. They could evolve into physical aggression depending on the actors involved and the seriousness of the damage caused by the animals. **In addition to conflicts between farmers and herders, there are also conflicts between the farmers themselves because of the difficulty of accessing** agricultural areas due to the intensity of the GEV activities. Farmers are unable to reach their agricultural fields. This causes a concentration of farmers towards the agricultural lands around the main towns of the communes. This pressure on the fields in urban areas creates and further increases the risk of tensions between farmers.

We note that this conflict between farmers and Fulani also mirrors the identity conflict between Fulani, who are herders, and other communities, exacerbated by a strong perception of the role of the Fulani in the GEV⁸. In addition, the control exercised by the GEVs, which limits access⁹ to remote areas due to the presence of improvised explosive devices (IEDs), encourages inter-community tensions.

This situation also exposes the IDPs who are looking for cultivable spaces. In the face of this greed, the IDPs are often disqualified from competing for resources because they are victims of exclusion and prejudice.

- **The community tensions over access to land are further exacerbated by identity-based divisions**

⁵ April - May and June

⁶ These two socio-professional categories accuse each other of not respecting the legislation regulating space use, and each adopts strategies to monopolize these surfaces.

⁷ In the interest of improved sharing, the agricultural and pastoral zones have been delimited to guarantee the execution of the activities of each profession

⁸ Cf report scan May 2021 - Search for Common Ground

⁹ Farmers are unable to reach their agricultural fields. This causes a concentration of farmers towards the agricultural lands around the main towns of the communes. This pressure on the fields in urban areas creates and further increases the risk of tensions between farmers. This situation also exposes the IDPs who are looking for cultivable spaces. In the face of this greed, the IDPs are often disqualified from competing for resources because they are victims of prejudice.

Customary law¹⁰, which grants exclusive control of the land to a single community group known as the "natives" who are the Gourmantchés, is put forward when tensions arise between landowners and farmers¹¹. Behind the use of this customary law, which not only poses the simple question of ethnicity, it also highlights the exclusion/integration of populations, that of knowing "who" (which person? which community?) could be accepted within the communities. The identity bond is raised at the discretion of the host communities and serves as an alibi to disqualify the migrant populations from accessing land resources.

As an extension of this reasoning, the conflict over access to land creates regular confrontations between herders and farmers, on the one hand, which often take on ethnic configurations because the indigenous populations are, for the most part, farmers, and the herders belong to the Peulh community, and on the other hand, between the state environmental protection services in this zone that is favorable to pastoralism¹². The Eastern region is considered a strategic zone for the transhumance of livestock between Niger, Benin, Ghana, and Nigeria, but significant damage is caused by the passage of livestock to the detriment of agricultural areas and classified forests.

This conflict scan brought out a **new manifestation of conflicts related to power dynamics** at the community level and **tensions between young women and the FDS**.

- **Political recovery in traditional leadership management**

The legitimization of the power of traditional chieftaincy contenders is one of the factors of community divisions in the region. Indeed, questions of traditional chieftaincy have divided the population for several years in the eastern region. The root causes of this conflict lie in the mode of power succession, which often lacks clarity or sometimes deviates from the jurisprudence of kingdoms that the son inherits from the father. Some family members, who have become influential because of their economic power or political position¹³, want to change the rules of succession to accede to the throne or to enthrone a relative. Ignorance of the rules of succession, to a lesser extent, and the search for prestige and honor, most of the time, are also causes of this type of conflict. The intrusion of political discord and rivalry in the accession to the throne of the traditional chieftaincy has favored the formation of clans and support groups for the various protagonists who sometimes engage in violence, a mark of domination and power, a symbol of expression of their supremacy.

When the wars of succession are open, questions of value no longer have a place, which is why human rights are disregarded through verbal and physical violence and sometimes through the death of men.

- **Tensions between the FDS and young women**

The protection mandate of the FDS should be built around the needs of the people and their relationship with the state (which the FDS also represents). However, the management of this mandate and this function of representation of the authority of the State is perceived as contrary to the ethics that should frame them. The population reported some facts during data collection: cases of rape involving the FDS were reported, refusal to acknowledge paternity, and physical violence inflicted on youth. These actions create tensions between the population and the FDS and strain the collaboration between civilians and the military.

¹⁰ Despite Law 034-2009 on rural land tenure, which governs land ownership, and its application texts, customary land law is still applied by a large part of the community.

¹¹ Apart from these indigenous communities, all other groups must use the land on a temporary basis without having exclusive ownership for any length of time. This conflict manifests itself in the refusal to recognize the land ownership of any person (regardless of the level of investment made on the property) outside of these so-called indigenous groups. This attitude could turn into a violent conflict between the two groups. The status of the foreigner and/or stranger is an element of exclusion in this same logic, as the perceptions around IDPs by the host communities are constructed. According to the landowners, IDPs do not have the right to permanent land ownership, no matter how long they stay, because they are considered foreigners in the host localities.

¹² The eastern region contains several natural parks and protected areas that give it an element of biodiversity

¹³ The political elites have interfered in the "politics" of the chieftaincies to impose their candidate by various stratagems in the case of competition for the succession of the chiefs.

3.1.3. Influence of conflict dynamics on insecurity

- **Conflicts influence insecurity through the settling of accounts and the alliance of certain actors with the GEVs**

The analysis of the data from the three communes shows that conflicts have a negative influence on insecurity. *"Conflicts, whatever their nature, destroy social cohesion by weakening the state's authority and strengthening the actions of armed terrorist groups"*¹⁴.

Conflicts influence insecurity through the settling of accounts and the alliance of certain actors, particularly herders. Some people interviewed mentioned that herders (mostly Peulhs), feeling weak¹⁵ or out of a desire for revenge, pledged their allegiance to the GEV to benefit from their protection. They take advantage of their new position to bring their herds to graze in the fields, knowing they will not be bothered. This relational proximity serves as a justification for the host populations to explain their mistrust of the Peulh community. Accumulations of empirical facts, isolated or not, verifiable or not, are taken up by the natives for the purpose of accusation, stigmatization, indexation, and rejection. The influence of conflict dynamics on insecurity is well summarized in these words: *"We have not lived in peace for several years because terrorists have invaded our villages. We pray to God to find peace and joy in life. Imagine that in this already troubled situation, other conflicts are created over land, chieftaincy, etc. Will we get out of this situation? I don't think so. The enemy will take advantage of infiltrating our villages and destroying us all. But if we are united and live in perfect harmony, the enemy will fear us"*¹⁶.

By linking community conflicts and terrorism, there is a certain overlap between the two as a current of influence (ebb and flow) that fuels conflict and insecurity. One of the arguments that justified the arrival of the GEVs was the frustrations resulting from community conflicts, bad governance, and the inability of the state to ensure better living conditions and integral development for the population. These resentments fanned by the GEVs served as a springboard for adherence to their ideals and recruitment into their ranks.

- **Attacks on human dignity and increasing human rights violations**

The rape of which women are victims, the physical abuse administered by the FDS and the GEVs suffered by the population, and the loss of production assets, according to the populations surveyed, are all attacks on human dignity. Unfortunately, these violations go unpunished because of the absence of state law enforcement agencies in some communes, particularly Diapaga and Kantchari.

- **Essential services are closed.**

The closure of services is one of the consequences of the increased insecurity. Almost all services are without staff in the communes of Kantchari and Diapaga. The first provincial and communal authorities (High Commissioner, President of special delegations, provincial directors) are all in Fada N'Gourma and manage their services remotely. The few agents who remained in the localities are no longer at their posts on a regular basis. Essential social services such as schools and health centers are concentrated in the main towns (Diapaga and Kantchari)¹⁷.

¹⁴ National Observatory for the Prevention and Management of Community Conflicts

¹⁵ The eastern region has always experienced community clashes involving conflicts between farmers (the majority) and herders (the minority). The idea of a rapprochement between Fulani herders and the GEVs is a form of protection. This request for assistance and protection is thus used as an alibi to justify the collaboration of the Fulani community in the emergence of the GEV attacks.

¹⁶ Answering the Fada religious leader

¹⁷ The CSPA and the schools are being closed in the villages.

3.2. The situation of human rights and access to justice

3.2.1. Influence of conflict and security dynamics on the human rights situation

These conflict and security dynamics negatively affect the empowerment of community members through the violation of human rights. The surveyed respondents deplored violations or infringements of human rights in both general principles¹⁸, especially human dignity, and their different categories¹⁹.

- ***Empowerment of community members limited by violations of human rights***

- ***The right to life and liberty***: Mass killings due to terrorist acts (shootings, placing of improvised explosive devices). Physical violence against members of the community who are accused of not respecting the Sharia²⁰ imposed by the GEVs, the different communes are under siege by the GEVs who dictate their law, thus creating psychosis within the populations who are forced to limit their movements and live in autarchy. The communes of Diapaga and Kantchari have been blockaded since January 2023.
- ***Freedom of thought, conscience, and religion***: expressing an opinion contrary to that of the GEVs or practicing a religion other than Islam is prohibited in several villages in the region. In the process, places of worship are set on fire, and people are forced to respect the new rules imposed on them by the GEVs, i.e., to let their beards grow, not to wear pants that reach up to the ankle, to always wear a veil and an outfit that covers the whole body for women, etc.
- ***The right to organize meetings or peaceful demonstrations***: no one dares, in this context and in some villages, to organize large gatherings since they are formally prohibited by the GEV. For safety reasons, authorities are requesting that large gatherings be avoided.

- ***Physical violence committed against the community by the GEV and the FDS***

The right to physical and moral integrity: men, women, and young people are tortured, confined, and beaten by the GEV or the FDS/VDP. Cases of physical violence were reported, especially in Diapaga and Kantchari, where the FDS repeatedly used violence against civilians, particularly young people, over issues of morality. Violations perpetrated by the GEV are almost daily within the villages and on the roads under their control. The rape of women and young girls taints their physical and moral integrity.

In addition to these human rights violations that limit the power to act of the members of the community and the physical and moral violence of which they are victims, we also note the violation of:

- ***Economic rights***: including the right to private property, the right to employment, freedom of enterprise, and freedom of trade. These economic rights are repeatedly violated. The populations have lost their property, their means of production are destroyed, commercial activities are no longer flourishing, almost all the services that provide employment are closing down one after the other, and the State no longer invests in these localities. The economic power of the people decreases significantly, and poverty sets in rapidly.
- ***Social rights***: regarding the right to education, the right to health, and the right to housing. One of the disastrous consequences of the security crisis is the destruction or forced closure of social infrastructure, classrooms, health, and social promotion centers in the villages. The influence of this situation on human rights is enormous. It is noted that there are many internally displaced students, school dropouts, and a lack of health centers for the sick. In Diapaga and Kantchari, almost all the CSPS are closed. The only referral center, the CMA in Diapaga, lacks the basic necessities to treat the sick, and no medical evacuation to the Regional Hospital Center (RHC) is possible.

¹⁸ The general principles of human rights are equality, non-discrimination, universality, human dignity, and inalienability.

¹⁹ The different categories of human rights are civil and political rights, economic, social, and cultural rights

²⁰ Islamic canonical law governing religious, political, social, and individual life is strictly enforced in some Muslim states.

3.2.2. Influence of conflict and security dynamics on the access to justice

Because of the security crisis, the Diapaga high court was closed and relocated to the region's capital. This is one of the context influences on access to justice. This constitutes a violation of their rights, according to the populations surveyed. The consequences of this relocation are enormous.

- **Difficulties in accessing administrative documents**

Before the relocation, people could still request the establishment of certain administrative acts such as a criminal record, a certificate of nationality, and a permit to communicate (a document authorizing the visit to a prisoner) in Diapaga. None of this is possible any longer. Authorities were working to install digital applications that would allow for the remote issuance of documents, but the September 2022 regime change has delayed the finalization of this project. Only the communication permit is issued from Fada N'Gourma for applicants in Diapaga (a distance of 182.7 km separates these 2 communes). This situation complicates the fate of some IDPs who have lost everything, birth certificates, Burkinabè national identity certificates (CNIB), and who cannot obtain new documents.

- **The lack of a judicial system promotes a sense of impunity and adherence to GEV-led mob justice.**

The rape of women and the physical abuse administered by the FDS and the GEVs against the population are all attacks on human dignity. Unfortunately, these violations go unpunished because of the absence of state law enforcement agencies in some communes, particularly Diapaga and Kantchari. The closure of the Diapaga district court and the consequent removal of the prosecutor, who has the right to prosecute human rights violations, increases these violations. Detainees held for acts that violated human dignity and rights were eventually released for lack of a trial because the legal time limit for detention had expired.

Given this context, the populations, by default, address their complaints to the GEVs, which are not free of abuse. Needless to say, this situation of impunity has increased and aggravated cases of rape, robbery, assault, battery, and banditry to the point of confusion with terrorist attacks.

The FDS, in their daily mission of maintaining order or defending the territory, according to some opinions, are guilty of acts that harm the physical or moral integrity or even the lives of the population. The convoys from the Boungou mine, which travel with a large security detail, are notorious for mistakes along the route from Fada to Partiaga.

In the absence of a legal channel for receiving and processing complaints and in the absence of authorities to guarantee stability and social cohesion, some respondents stated that "the strong oppress the weak and only their desires are law"

In the villages, the populations have ended up pledging allegiance to the GEVs to live in peace, according to the respondents. From now on, the latter are the guarantors of social cohesion and decide on all the cases that are brought before them and then decide on the sanction. Everything operates as if a handover had occurred between the judicial authorities and the GEVs. One of the consequences of this lack of state justice is the release of detained defendants²¹ without trial. To ensure a minimal functioning of the judicial system and to prevent that perpetrators of criminal acts remain at large, the examining magistrate of the region has taken steps with the structures involved in the promotion of human rights and justice to obtain financial support. This initiative, which should have allowed the examining magistrate and the prosecutor to travel to Diapaga to hear the complainants, was in vain.

3.3. Analysis of "Do no harm"

²¹ Some had committed major offenses such as organized crime, criminal conspiracy, and murder.

3.3.3. Risk analysis and mitigation measures

The risks developed and the recommendations in the following table are based on the analysis from conflict scans and a brainstorming session with program partners.

Principal activities of the program	Risks	Mitigation Measures/Recommendations
<ul style="list-style-type: none"> - Conduct investigative missions on the allegations of human rights violations in the four target regions. 	<ul style="list-style-type: none"> - Threats and intimidation by the FDS or VDP towards the teams in charge of the investigation mission because human rights actors are often seen as being manipulated by the outside world; - Kidnapping by the GEV and arbitrary arrest by the FDS; - Boycott of the activity by the population due to mistrust and misunderstanding of the work of human rights actors 	<ul style="list-style-type: none"> - Inform the authorities in advance about the conduct of the mission; - Strengthen the capacity of state actors on human rights and conflict-sensitive communication. - Strengthen the capacities of the investigating agents in "protection" to initiate them to the mechanisms of protection and ethics to be conducted. (Take measures to protect the identity of the respondents so as not to expose them and implement a communication mechanism to ensure the protection of the interviewed persons.)
<ul style="list-style-type: none"> - Visit prisons in the four target regions to monitor prison conditions. 	<ul style="list-style-type: none"> - Refusal of judicial authorities because of the sensitivity of the information and its use (linked to the lack of a clear protection and accountability mechanism) 	<ul style="list-style-type: none"> - Strengthen communication and advocacy with authorities on the objectives of the visit, - Implement a data protection mechanism (consent - anonymous -etc.)
<ul style="list-style-type: none"> - Train village focal groups to collect data on human rights violations. 	<ul style="list-style-type: none"> - Threats and intimidation of focal points which may be targeted by members of their communities or even by the authorities who do not understand the meaning of the activity; - Difficulties related to travel because the access roads to some localities are mined with IEDs by the GEVs; - Risk of prohibition of the activity - Kidnapping and assassination of focal points and trainers who may be perceived as traitors by the GEV 	<ul style="list-style-type: none"> - Train the focal points in security and conflict-sensitive communication; - Conduct outreach to their communities so that the focal points are accepted and recognized; - Create a framework for collaboration between focal points and local actors (government representatives, community leaders, etc.)
<ul style="list-style-type: none"> - Interview (the trained focal points) with the victims and witnesses of human rights violations and abuses to collect evidence of violations and abuses to produce documentation reports (including with GBV victims and witnesses) 	<ul style="list-style-type: none"> - Endangerment of focal points and victims through kidnapping, threats, intimidation, assassination, etc., due to lack of protection.; - Refusal to collaborate by some victims due to the population's lack of understanding of the work of human rights actors; - Data recovery and destruction. 	<ul style="list-style-type: none"> - Continuously build the capacity of the focal points on the protection mechanisms (various points related to the collection or processing of evidence, ethics); - Create a confidential complaints procedure or mechanism, - Maintain a database of reported incidents, - Document the progress related to prevention and protection - Actively promote the safety and well-being of those participating in the activities, - Ensure that all internal or external program communications follow the fundamental principles of best interest: Do No Harm, Conflict Sensitivity.

		<ul style="list-style-type: none"> - Ensure that ethical and protective principles are followed in the conduct of the activity so as not to expose participants.
<ul style="list-style-type: none"> - Hold meetings with authorities and community leaders to present the main findings of the documentation and recommendations prepared for better protection of human rights. 	<ul style="list-style-type: none"> - Refusal to participate by some actors due to a lack of understanding of the activities - The particularity of the current conflicts that have a community connotation can generate misunderstandings between the participants or the actors implementing the project can be threatened or intimidated; 	<ul style="list-style-type: none"> - Information and advocacy with the authorities; - Awareness of the community leaders;
<ul style="list-style-type: none"> - Hold community awareness sessions, particularly for IDPs, on basic human rights concepts, the functioning of justice institutions and the actors offering legal and judicial assistance to vulnerable people. 	<ul style="list-style-type: none"> - Tension between IDPs and host populations; - Non-adherence of IDPs to the sessions because the issue of human rights may be relegated to the background by IDPs because of their priority given to the food issue. 	<ul style="list-style-type: none"> - Consider IDPs and host populations in awareness sessions,
<ul style="list-style-type: none"> - Facilitate a legal clinic in Dori, Kaya, Ouahigouya, and Fada to provide legal advice to community members and legal assistance to victims of human rights violations, including victims of GEV. 	<ul style="list-style-type: none"> - Non-participation of community members due to a poor perception of human rights and GEV - Risk of exposition of the victims; - Risk of being accused of bias. 	<ul style="list-style-type: none"> - Raise community awareness on the promotion of human rights - Facilitate access to certain texts by translating them into local languages;
<ul style="list-style-type: none"> - Organize radio programs on basic human rights concepts and the importance of the work of human rights defenders. 	<ul style="list-style-type: none"> - Threats and retaliation from violent extremist groups; - Infiltration of people of bad faith; - Language differences in interactive programs; - Threats/intimidation/kidnapping of media personnel - Attack against the radio station - Refusal of the radio station to host this type of program 	<ul style="list-style-type: none"> - Train journalists in conflict-sensitive journalism before conducting interactive programs (risk of infiltration or attacks given the context)

● The impossibility of implementing certain activities: awareness

One of the consequences of the security crisis in the survey locations is the impossibility of implementing certain human rights activities. These include awareness activities, which are usually well-attended, and media activities. Already, some organizations have suspended their interventions, and others have reviewed their strategies as a measure of mitigation. Thus, public activities are replaced by activities in small groups of ten (10) or fifteen (15) people or by door-to-door. The media activities are replaced by talks and debates in the tea houses with the youth. *"Currently, we can no longer go to our areas of intervention because of the insecurity. Our relays in the field are now content to organize talks and debates in small groups. Yet we had an extensive media awareness program on women's and children's rights and on social cohesion. These topics anger our friends in the bush, so everything has been suspended."*²²

²² KII, Diapaga

The current security crisis is not conducive to the development of activities, in the open, in favor of human rights because it is out of phase with the messages and actions of the GEV. As a result, human rights defenders are forced to abandon their activities or redirect them to other types of activities. For example, radio activities or those involving many people can no longer be carried out in certain places. Similarly, rights defenders are forced to live hidden in silence or forced to migrate to other locations. Since the kidnapping of a young civil society leader known for his commitment to the promotion of human rights, the psychosis has spread to other CSO leaders. This undermines the freedom of association and opinion, the foundation on which the interventions of human rights organizations are built. Faced with FDS abuses against civilians, the leaders who openly opposed them were caught by the FDS and forced to flee. A young leader reports, "The day after the rape of the young lady, I called for a demonstration against this act. Shortly afterward, I was targeted by THE FDS, who were roaming our neighborhood, trying to identify my home. I had to leave Tapoa quickly to relocate myself in Fada."

- **The limited and timid participation of youth**

The situation of young people, compared to the past conflict scan, has deteriorated completely. In the previous study, they managed to organize themselves as best they could to participate in human rights activities. But since the government's announcement to recruit volunteers for the defense of the homeland and since the first enrollments, young people have become the target of the GEV. In Bagali, a village in Tapoa, the youth²³ were severely beaten by GEVs who suspected some of them of having enlisted as VDP.

3.3.4. Existing opportunities

- **The preponderant role of local leaders and umbrella structures**

Customary and religious leaders embody moral values linked to their status, around which populations unite when crises arise. They are the first recourse in case of conflicts. In addition, there are conflict prevention and management structures such as ONAPREGECC, the Village Land Conciliation Committees (CCFV), and the Collective against Impunity and Stigmatization of Communities (CISC)²⁴.

- **The contribution of social and cultural values**

To emphasize living together and their common belonging to the cultural values, the population has periodic cultural events that bring them together, such as community days where board games, culinary arts, and playful kinship games are enjoyed. These gatherings are opportunities for dialog and sharing, constitute intra and inter-community rapprochement factors, and contribute to promoting human rights and social cohesion.

Conclusion

The conflict scan was held in a highly deteriorated security context. All of the communes surveyed live under repeated threats from the GEV; destruction of public infrastructure, planting of improvised explosive devices, sabotage of telephone lines, hostage-taking/kidnapping and assassinations of civilians, and FDS. The consequences of these terrorist acts on social cohesion are enormous. There is a disintegration of families with the displacement of populations, the loss of productive assets (fields, livestock, etc.), and consequently, a decrease in the purchasing power of the populations and an increase in poverty. Many IDPs in the host areas cause conflicts over the exploitation of natural resources and quarrels over cohabitation, putting a strain on social cohesion.

²³ In some villages, it is a real war between the GEV and young people. The luckiest of the young people manage to escape with some after-effects. The unfortunate ones are simply killed. In such a context, their participation in promoting human rights can no longer have the dynamism of the past.

²⁴ CISC is a civil society organization whose mission is to fight against all forms of injustice and to ensure the promotion, protection, and defense of the rights of all Burkinabe citizens without distinction of gender, age, ethnicity, religion, geographical origin, etc.

Data collection in this context has revealed the existence or resurgence of certain conflicts. These include conflicts between farmers and herders, conflicts over rural land, and conflicts over access to and use of natural resources. These conflicts lead to violations of human rights in all aspects; civil rights, socio-economic and cultural rights. Women, children, and IDPs are the most affected by these violations. The perpetrators of these human rights violations or abuses are the GEV, the FDS, and the parties to the conflicts.

However, solutions have been identified for the promotion of human rights. These include educating the population and all the stakeholders on human rights, involving local strategic actors in human rights promotion activities, strengthening vertical cohesion, and returning local authorities to the communes.