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Côte d'Ivoire: COI Compilation

Update, September 2021



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Origin & Asylum Research and Documentation

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This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared within a specified time frame on the basis of publicly available documents as well as information provided by experts. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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1 Introduction

1.1 Map



Source: [UN Cartographic Section, December 2011](https://www.un.org/dep/sd/4312-rev-3-2011/)

1.2 Demographics

According to several sources five main ethnic groups exist in Côte d'Ivoire: the Akan or Kwa, the Krou (Kru), the Mandé du Sud (Southern Manding), the Mandé du Nord (Northern Manding) and the Gur (Voltaic, voltaïque) (INS, September 2017, p. 9; see also MRG, last update January 2018; CIA, last update 20 August 2021; ASSN, February 2017, p. 1). However, while the country has five main ethnic groups there are more than 60 groups in the country altogether (MRG, last update, January 2018; see also GROWup, 2017, p. 1; Encyclopaedia Britannica, last updated 9 September 2020). Minority Rights Group International (MRG), a London-based international NGO advocating for disadvantaged minorities and indigenous peoples names the Baoulé (also spelled Baule), an Akan subgroup, as “the largest single ethnic group, constituting about 15-20 per cent of the population” and states that the Akan-speakers make up 28.8 percent of the population (MRG, last update January 2018). The EPR Atlas of the Geographical Research On War, Unified Platform (GROWup) by the ETH Zurich names the Abron, the Agni, and the Lagoon peoples as other Akan subgroups, “which are relevant above all in their distinction to the Baule”, therefore, this source handles them as a separate “ethnic cluster”. Of all the existing ethnic groups the Baoulé appear to be “the most important group in political terms” since the “country’s ‘founding father’, Félix Houphouët-Boigny, hails from this group which has long dominated Côte d'Ivoire’s political and social life”. His successor Henri Konan Bédié also belongs to the Baoulé (GROWup, 2017, pp. 1-3). According to MRG “a small proportion of the population is non-African, which includes French, Lebanese, Vietnamese, Spanish, US and Canadian residents” (MRG, last update January 2018).

The Ghana-based African Security Sector Network (ASSN) provides information on the geographical location of the groups and notes that the Akan or Kwa live in the centre, east and southeast. The Gur or Voltaic are occupying most of the north. The Mandé du Nord are mainly composed of the Malinké ethnic groups spread over the north-west and north-east. And the Mandé du Sud live in a part of the west. The Krou are extending over most of the West and South-West (ASSN, February 2017, p. 1; see also MRG, last update January 2018). The latter “are composed of the Bété, Dida, Guéré and other sub-groups, of which the Bété are the largest and politically most relevant” (GROWup, 2017, p. 1). Laurent Gbagbo, former president and founder of the Front Populaire Ivoirien (FPI), is a Bété from the southwest (GROWup, 2017, p. 3) who was born into a Catholic family (BBC News, 17 June 2021). His party had already campaigned in the 1990 multi-party elections “on a xenophobic and ethno-nationalist platform decrying Baule political dominance, the discrimination of the Kru, and the flooding of the country with foreign workers” (GROWup, 2017, p. 3; see also CIGI, April 2011, pp. 3-4).

According to GROWup, the northwestern Mandé, such as the Malinké and Dioula groups and the northeastern Voltaic, such as the Senoufo, Lobi, Kulango groups “are combined into one single ethnic category of ‘northerners’, due to their common Muslim faith and because they have come to be seen this way by the groups from the southern half of the country”. They are commonly referred to as “Dioula”. It is important to note though that the southern Mandé peoples, such as the Yacouba and the Gouro, differ culturally from the “northerners” (GROWup, 2017, p. 1). Freedom House notes that a “north-south, Muslim-Christian schism

has been a salient feature of Ivorian life for decades and was exacerbated by the 2002–11 crisis.” It has since however receded (Freedom House, 4 March 2020, section B4). In contrast, the ACSS in October 2020 notes that “continued polarization between the mostly Muslim north and the largely Christian south continues to be at the heart of the rising tensions” (ACSS, 20 October 2020). ASSN further states that the accession of Alassane Ouattara to power in 2011 was widely perceived, by both opponents and supporters of the regime, as a takeover of the state apparatus by the “Dioula” in the broadest sense of the term (ASSN, February 2017, p. 5). The reason behind this being Ouattara’s own northern identity (GROWup, 2017, p. 3), since he is said to be of northern Mandé or, more precisely, Malinké origin (Le temps, 4 August 2020; see also Le Point, 6 June 2018; Afrique Contemporaine, 2003).

The main political parties are all identified with their ethnic base: the Parti démocratique de Côte d'Ivoire-Rassemblement démocratique africain (Democratic Party of Ivory Coast-African Democratic Rally – PDCI-RDA) is identified with the Akan, the Front Populaire Ivoirien (Ivorian Popular Front – FPI) with the Krou, referred to as the people of the West (ASSN, February 2017, p. 5). The Rassemblement des Républicains (Rally of the Republicans – RDR), which had been formed by dissidents of the PDCI in 1994 in support of Ouattara, was considered to be the party of the Dioula and Muslims. Due to Ouattara’s northern identity and the “aggressive ethno-nationalist course” of the PDCI, the RDR became “the political home of the northerners” (GROWup, 2017, p. 3).

As for the proportion of the different faith groups in the country, 33.9 percent of the population are Christians (Catholic 17.2 %, Evangelical 11.8 %, Methodist 1.7 %, other Christian 3.2 %), 42.9 percent are Muslims, 3.6 percent Animists, 0.5 percent follow other religions, and 19.1 percent did not provide information or are living without religion (“sans religion”) (INS, 5 August 2015, p. 36; see also CIA, last update 20 August 2021). The CIA World Factbook also notes that “the majority of foreign migrant workers are Muslim (72.7 %) and Christian (17.7 %)” (CIA, last update 20 August 2021). Originally followers of the Akan religion, of which the most prominent aspect is an ancestor cult, many Akan are now Christians (Encyclopaedia Britannica, last update 6 October 2010). According to a publication of the German-based catholic missionary organisation missio, traditional or animistic religions [such as the Akan religion] are still widely spread in the Ivorian society. Their influence on the monotheistic religions gives rise to religious syncretism, which is stated to be evident in the religious practices of both Muslims and Christians (missio, 2017, p. 12).

2 Current political situation

After the turbulent presidential election in October 2020 with over 85 fatalities, the country appears to be regaining political stability. On 6 March 2021, almost 7.5 million Ivorians entitled to vote were called upon to elect a new National Assembly. According to a report by the German political foundation Konrad Adenauer Stiftung, civil society observer groups qualified the election as inclusive and highlighted the predominantly peaceful process. The ruling RHDP party (Rally of Houphouëtists for Democracy and Peace – Rassemblement des

houphouëtistes pour la démocratie et la paix) of president Alassane Ouattara¹ won the parliamentary elections with a majority of 137 of 255 seats. The opposition parties PDCI under ex-President Bédié, EDS (Ensemble pour la démocratie et la souveraineté) under ex-President Gbagbo and FPI have a total of 91 seats. The EDS is a political party that was launched in April 2017 as a political platform by supporters of the then absent Gbagbo. The platform's objective was to obtain the release of all political prisoners but also to position themselves in view of the presidential election of 2020 (jeune afrique, 21 April 2017; rfi, 21 April 2017). The alliance GPS around the exiled ex-Prime Minister Guillaume Soro did not participate in the elections. 26 independent candidates made it into parliament (KAS, 11 March 2021, p. 1).

Alassane Ouattara of age 79 has been president since 2011 (BBC News, 29 October 2020). After a long career at the International Monetary Fund and the Central Bank of West African States, Ouattara, the US-educated economist (BBC News, 18 November 2020; see also France 24, 25 September 2020) was prime minister between 1990 and 1993 under Côte d'Ivoire's first president Félix Houphouët-Boigny (The Nordic Africa Institute, October 2020, p. 5). After Ouattara won a second five-year term with nearly 84% of the vote, "his re-election in 2020 was more controversial, with the opposition boycotting the poll in protest at what they called an unconstitutional third term" (BBC News, 18 November 2020). His predecessor Laurent Gbagbo had been forcibly removed from office after having refused to accept Ouattara's internationally recognised victory in the November 2010 presidential election and was eventually taken to the International Criminal Court (ICC) on charges of crimes against humanity (BBC News, 18 November 2020; see also ICG, 17 June 2021).

In March 2021, the ICC confirmed Laurent Gbagbo's acquittal (ICG, 17 June 2021; see also DW, 18 June 2021), upon the pronouncement of which he was invited back to Côte d'Ivoire by Alassane Ouattara. He returned to the country on 17 June 2021 (BBC News, 17 June 2021; see also France 24, 7 August 2021). Several sources report that Gbagbo's return to the country was observed with concern since Gbagbo's supporters were planning to welcome him at the airport. Abidjan police is reported to have cordoned off the airport extensively and used tear gas and batons against Gbagbo supporters who were about to march to the airport (taz, 17 June 2021; see also DW, 18. June 2021).

After Gbagbo's return to Côte d'Ivoire, a meeting between him and Ouattara took place in the presidential palace on 27 July 2021 (France 24, 27 July 2021; see also France 24, 7 August 2021). During this first meeting between the two since the 2010-2011 crisis, Gbagbo

¹ The RHDP was created in 2005 as a coalition between Ouattara's RDR, Bédié's PDCI, Albert Toikeusse's UDPCI (Union for Democracy and Peace in Ivory Coast – Union pour la démocratie et la paix en Côte d'Ivoire) and Anaky Kobéna's MFA (Mouvement of the forces of the future – Mouvement des forces d'avenir). The aim of the coalition was to weaken Laurent Gbagbo, who was president at that time (RFI, last updated 19 May 2005). The RHDP enabled Alassane Ouattara to win the presidential elections of 2010 and 2015. In 2018, when the RHDP became a party in its own right, the PDCI objected to the idea of a unified party, though Ouattara is said to have managed to poach some elected officials and personalities from the PDCI (VOA, 16 July 2018).

presented a list to Ouattara which contained 110 names of political prisoners. On 6 August 2021, the president declared to release 78 people who have been arrested since 2020 for opposing his third term (France 24, 7 August 2021).

For more detailed information about Côte d'Ivoire's political system, a brief history of the country and the political situation as of December 2020 please refer to sections 1.2, 1.4 and 2 of our previous report on Côte d'Ivoire:

- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: ACCORD COI Compilation Côte d'Ivoire, December 2020
https://www.ecoi.net/en/file/local/2043398/ACCORD_COI-Compilation_Cote_d-Ivoire_December-2020.pdf

3 Inter-communal violence

According to HRW, “in the political vacuum left by Houphouët-Boigny’s death in 1993, politicians increasingly looked to build support through ethnic blocs” (HRW, 10 October 2013, p. 15). However, according to a report of the Office of the United Nations High Commissioner for Human Rights (OHCHR), though former president Houphouët-Boigny strove to promote a policy of integration and national unity of all ethnic groups within the new nation upon independence of the country, the economic dominance of the south persisted for reasons that some attributed to the nepotism of the Akan, mainly the Baoulé (OHCHR, 5 January 2004, p. 12).

The HRW report further describes that “several politicians employed the rhetoric of ‘Ivoirité,’ or ‘Ivorianness’ – an ultranationalist discourse focusing on Ivorian identity” aimed at making Ouattara’s run for presidency in 1995 and 2000 impossible (HRW, 10 October 2013, p. 15).

Henri Konan Bédié, the president at that time, developed the concept of “Ivoirité” (“Ivorianness”), “together with a close circle of university intellectuals”. This concept “established new, ‘scientific’ criteria for citizenship based on an Akan – or more specifically, a Baule – cultural identity” (GROWup, 2017, p. 3). But besides being about politics and nationality, this discourse marginalized immigrants and northern Ivorians and also “related to land issues, challenging non-Ivorians’ ability to have significant property rights” (HRW, 10 October 2013, p. 15). As described in an academic paper by Drissa Kone, property ownership and land rights are “vital to the livelihood of most West Africans”. Since the dispossessed were mainly Muslim, this discrimination could easily be presented as “a strategy against the so-called ‘Dioula’ northerners, who also happened to constitute the bulk of Ouattara’s supporters” (Kone, September 2020, p. 224). As a result of the fact that the boundaries between “original” northern Ivorians and second- or third-generation immigrants from northern countries and more recent immigrants were blurred, “northerners had increasingly become equated with foreigners. Being ‘Dioula’, Muslim, and RDR partisan became completely intermixed in the perception of other Ivoirians”, which eventually led to exclusion of millions of Ivoirians from the north “from the ‘national community’ and from citizenship” (GrowUp, 2017, p. 4) as well as to the civil war that divided the country into a northern and a southern part (France 24, 28 October 2010).

For information on conflicts involving ethnic groups (covering incidents until June 2018) please refer to pages 17 to 19 of the June 2019 report by the European Asylum Support Office (EASO):

- EASO – European Asylum Support Office: Côte d’Ivoire - Country Focus - EASO COI Report, June 2019
https://www.ecoi.net/en/file/local/2009965/2019_EASO_COI_Cotedivoire_EN.pdf

3.1 Conflicts over access to land

According to the Bertelsmann Stiftung report covering the period between 1 February 2017 and 31 January 2019, “insecure access to land within the ethnically mixed neighborhoods in many parts of the country [...] has been identified since the 1990s as a major root cause of social conflict.” However, “such violent clashes have stopped since 2011, with the exception of isolated episodes in the west and northeast” (Bertelsmann Stiftung, 29 April 2020, p. 13). In a previously published country report covering the period between February 2015 and January 2017, the organisation notes that “open violence has stopped (except for some isolated incidents along the border with Liberia and recurrent inter-communal clashes in the northeast between Fulani herders (allogeneic) and Lobi (indigenous) farmers)”, while reminding of the fact that Côte d’Ivoire remained a divided society (Bertelsmann Stiftung, 2018, p. 24). In its annual report for 2019, Human Rights Watch (HRW) mentions “recurring disputes over access to land” (HRW, 14 January 2020).

In April 2020 the Internal Displacement Monitoring Centre (IDMC) mentions a land dispute over illegal planting of cocoa in the protected forest of Goin-Débé in 2017 resulting in the displacement of thousands, as well as clashes around land disputes in the Biankouma department in 2018 between indigenous Toura and the Burkinabè Giande’ community, forcing 700 people to flee (IDMC, April 2020, p. 1). IDMC further mentions violent events in May, September and October 2019. According to the report the incidents “were largely linked to inter-communal violence and land disputes in Béoumi (Vallée du Bandama) and clashes between Korékipra and Brokoua villages along the Issia Daloa axis” and a long-standing disagreement over transport routes and land between the Malinké and Baoulé communities (IDMC, April 2020, pp. 1-2).

Regarding the clashes in Béoumi in May 2019, an article by Jeune Afrique notes that 14 people were killed, a hundred wounded and 500 displaced in the resulting inter-communal clashes. As to the background of the May 2019 conflict, the source notes that demographic pressure, climate change and the scarcity of resources are disrupting people’s way of life. The drought has pushed hundreds of Malinké herders to the south, where living together with Baoulé farmers is not always easy. The crisis related to cashew nuts, which feed thousands of people in this region, has forced some young people in Béoumi to seek new sources of income in sectors of activity traditionally reserved for Malinké. This new competition caused friction between communities (Jeune Afrique, 3 June 2019).

In its May 2021 analysis of displacement associated with conflict and violence in 2020, new displacement connected to the presidential elections is highlighted, however, no displacement due to land disputes in 2020 are mentioned (IDMC, May 2021, p. 2).

In February 2020 the United Nations World Food Programme (WFP) explains that “recurring disputes over land ownership remain an important source of inter-communal tension in western Côte d’Ivoire”, mentioning two inter-communal conflicts in Kabacouma (Biankouma) in February 2020, between indigenous Yacouba and Allogens Lobi and Burkinabés, resulting in three people being killed and several persons seriously injured. Also, “internal displacements and significant material damages” were reported as results of the conflicts (WFP, February 2020, p. 2; see also Akody, 26 February 2020).

No recent information on incidents related to conflicts over access to land could be found.

3.2 Violence after the October 2020 presidential elections

With reference to Côte d’Ivoire’s National Human Rights Council, Human Rights Watch (HRW) states that 55 people were killed and 282 injured between 31 October and 10 November and, referring to numbers provided by the Ivorian government, that 20 people were killed on election day, while additional 31 people were killed in the days after the election. 13 of these deaths were documented by HRW, 2 of which occurred during violence between government and opposition supporters on election day and 9 during clashes in the days to follow (HRW, 2 December 2020).

The New Humanitarian (TNH), an independent news agency focusing on crises and advocating for improving humanitarian response, cites Drissa Traoré, an Ivoirien lawyer and secretary general of the Paris-based International Federation for Human Rights (FIDH), according to whom “political parties have the bulk of their supporters coming from the same ethnic groups as the leaders [...]. When these parties are opposed, the situation exacerbates community tensions” (TNH, 28 October 2020). Similarly, the French independent online journal Mediapart in an October 2020 article cites Arthur Banga, an expert in security issues in Côte d’Ivoire. According to Banga the political sphere is tied to the community sphere: “If you take an ethnic group, you will have 70 % adhering to the same religion and supporting the same political party.” The article goes on to provide an overview of political figures the different ethnic groups support. The Baoulé, historically present in the centre and east of the country are traditionally close to the PDCI, the party led by Henri Konan Bédié. In the west, the Bété population tends to favour Laurent Gbagbo. In the Senoufo region of Ferkessédougou, near the Burkinabé border, there is a general preference for Guillaume Soro, while the Agni territories in the centre show more support for Pascal Affi N’Guessan. The Malinke or Dioula often favour president Alassane Ouattara and the RHDP. According to Banga, this is only a small part of the picture, however. Specific political movements are also attributed to the Adioukrous, Gouros, Dan, Guérés, Abrons, Koulangos etc. (Mediapart, 27 October 2020). TNH further cites a political analyst, Sylvain N’Guessan, who noted, with regard to inter-communal violence around the presidential elections, that “long-standing ethnic and social divisions in Côte d’Ivoire have not been adequately addressed”. According to the article, there was a feeling among many Ivoiriens supporting Gbagbo in the west of the country that they were excluded from government jobs and “an associated system of patronage that they say benefits northern ethnic groups”. Tensions between communities remain due to the lack of “lasting solutions to the Ivoirien socio-political crisis” (TNH, 28 October 2020).

AFP notes that “the weeks before the election saw clashes, mainly between local ethnic groups close to the opposition and Dioula communities” (AFP, 2 November 2020) who are regarded as close to president Ouattara due to his northern Muslim origin (AFP, 28 October 2020). A few days before election day, AFP notes that “deadly clashes have broken out in four towns in the southeast, Daoukro, Divo, Bongouanou and Dabou, leaving around 30 dead” (AFP, 28 October 2020).

On election day, 31 October 2020, intercommunal violence between opposition supporters from the Gouro ethnic group and pro-government youth, largely Malinké, in the town of Oumé were reported; one person was killed and dozens injured (HRW, 2 December 2020). HRW further mentions clashes between Baoulé and Dioula ethnic groups on 31 October and 1 November 2020 in the town of Toumodi, where young men armed with machetes, clubs, and hunting rifles attacked Toumodikro, a predominately Baoulé neighborhood, and set homes and shops on fire. A family of four were burned alive in their home and dozens of residences were reported to having been burned during the violence. It was also reported that Baoulé youth torched garages belonging to Dioula (HRW, 2 December 2020; see also RFI, 5 November 2020).

As for the days following the election, HRW reports that Ivorian security forces placed former president Bédié “under de facto house arrest” on November 3. On November 2, shortly before Ouattara’s victory was announced, the opposition had refused to recognize him as a president and had established a National Transitional Council, headed by Bédié, for the organization of new elections. A dozen of other opposition members involved in the formation of the transitional council, such as former prime minister N’Guessan, are reported to have been arrested and questioned (HRW, 2 December 2020).

On November 9 an opposition march took place in M’Batto in central Côte d’Ivoire, which according to HRW citing a community leader in M’Batto “ended with opposition and government supporters fighting with machetes, clubs, and guns, leaving at least five dead” (HRW, 2 December 2020). In November 2020 Reuters reports that at least six people were killed in ethnic clashes between “mostly northern Dioula migrants and the Agni southerners who see themselves as original settlers” in M’Batto (Reuters, 13 November 2020). France 24 reports that at least six people were killed on 9 November 2020 in clashes over Ouattara’s re-election. In central eastern Daoukro, “the fiefdom of opposition chief Henri Konan Bedie”, three people were killed and 41 wounded. Another three people were killed in central Elibou during clashes between security forces and protesters (France 24, 9 November 2020). HRW also mentions clashes between opposition and government demonstrators in Daoukro in the days following the election due to “heightened political and ethnic tensions” (HRW, 2 December 2020).

On 11 November, the house arrest on former president Bédié was lifted and “after 12 days of election-related clashes, Ouattara and Bédié met to try to calm tensions, promising after the meeting to continue their dialogue” (HRW, 2 December 2020).

More recent information on violence after the 2020 presidential elections could not be found.

For more detailed information on violence in the run-up to the election, please refer to section 3.4 of our previous report on Côte d'Ivoire:

- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: ACCORD COI Compilation Côte d'Ivoire, December 2020
https://www.ecoi.net/en/file/local/2043398/ACCORD_COI-Compilation_Cote_d-Ivoire_December-2020.pdf

4 Freedom of speech/freedom of assembly

Please see note that this chapter does not include information on media freedom and the situation of journalists, which is dealt with in section 10.1 below. Please also refer to sections 4.2 and 4.3 for further information regarding the treatment of protesters and opposition supporters.

4.1 Legal framework and changes

The constitution guarantees freedom of thought and expression. According to Article 19 everyone has the right to express and disseminate their ideas freely. The article however also provides that these freedoms are exercised subject to respect for the law, for the rights of others, for national security and for public order. Any propaganda to elevate one social group above another, or to encourage racial, tribal or religious hatred is prohibited (Law no. 2016-886, 8 November 2016, Article 19). Article 20 guarantees the freedoms of association, assembly and peaceful demonstration (Law no. 2016-886, 8 November 2016, Article 20).

On 26 June 2019, Cote d'Ivoire adopted a new Penal Code retaining “provisions which violate human rights, including the crimes of offending the head of state, [and] publishing false news”. According to Amnesty International (AI), the code “also created additional overly broad offences which may further undermine the rights to freedom of expression and peaceful assembly, such as ‘uttering offensive’ online and ‘publishing data which may undermine public order’” (AI, 8 April 2020; see also Law no. 2019-574, 26 June 2019, Articles 264, 183, 367 and 369).

HRW in its country report covering 2019 similarly notes that “some provisions of the new laws [...] could be used to restrict freedom of assembly and expression” (HRW, 14 January 2020). In its country report covering 2020 the USDOS notes that “the law provides for freedom of peaceful assembly, but the government did not always respect this right”. In order to hold demonstrations or rallies in stadiums or other enclosed spaces, a written notice to the government has to be submitted at least three days before the event, and the authorization of the government is needed (USDOS, 30 March 2021, section 2b).

Article 196 of the Penal Code provides for the punishment of persons who make incomplete or inaccurate declarations with the aim of deceiving about the nature of a planned demonstration and those persons calling on people to take part in the demonstration (Law no. 2019-574, 26 June 2019, Article 196). Articles 197 to 199 provide for the punishment of organisers and participants of undeclared or prohibited demonstrations (Law no. 2019-574, 26 June 2019, Articles 197 to 199).

The international human rights NGO Article 19 mentions the introduction of a decree on 23 March 2020, “proclaiming the state of emergency, as part of the response to the coronavirus pandemic.” The decree also included a ban of demonstrations and was subsequently extended till 15 May 2020 (Article 19, 23 October 2020; see also Decree no. 2020-351, 23 March 2020). According to AI, the Council of Ministers suspended all public protests in August 2020 and renewed the ban until 15 December 2020 (AI, 7 April 2021).

4.2 Treatment of protesters

Amnesty International notes that in August 2020 several demonstrations ahead of the presidential elections were repressed and further notes:

“On 13 August in Yopougon district of Abidjan, police officers apparently had allowed groups of men, some armed with machetes and sticks, to attack protesters. The Minister of Security and Civil Protection said that between 10 and 14 August, demonstrations had led to five deaths, 104 injuries and 68 arrests of people accused of ‘disrupting public order, incitement to revolt, violence against law enforcement agents and destroying property’. [...] [W]omen’s marches went ahead on 21 August and were violently dispersed by youth counter-demonstrators in the cities of Divo in the south, and Bonoua in the south-east of the country.” (AI, 7 April 2021)

The USDOS notes that “in mid-November the government reported that several investigations confirmed that, since August, 85 persons had been killed, 484 injured, and 225 arrested in connection with election-related protests or clashes, many of them between groups of supporters of rival political parties.” (USDOS, 30 March 2021, section 2b)

In January 2021 CIVICUS Monitor, an international non-profit organisation focussing on strengthening civil society worldwide, provides the following information regarding protests and arrests in October and November 2020:

“On 19th October 2020, protests against a third term for president Alassane Ouattara were reported in several localities, with some protests degenerating into clashes and violence. One person was killed and several injured in Bonoua, in the south east of the country. Protesters reportedly blocked the road that connects Abidjan and Ghana. Violent clashes and inter-communal violence took place in Dabou, in which at least 16 people were killed and 67 people injured. [...] Several people were reportedly killed and 40 people injured between 9th and 10th November 2020 in M'Batto when a protest against a third term for President Ouattara degenerated into clashes. According to Human Rights Watch (HRW) two people were killed in Elibou, 80 kilometres from the country's capital Abidjan, on 9th November 2020 during a peaceful protest against Ouattara's reelection. Witnesses told the human rights organisation that gendarmes used tear gas and live ammunition to disperse a crowd of protesters who blocked the highway.” (CIVICUS Monitor, 18 January 2021)

Apart from incidents related to the election in October 2020, no further information regarding the treatment of protesters could be found.

4.3 Treatment of opposition supporters

The USDOS country report notes that in 2020 “opposition parties reported denials of their requests to hold political meetings and alleged inconsistent standards for granting public assembly permits” and further notes:

“Following the August government ordinance banning demonstrations in public thoroughfares, and subsequent arrests of opposition supporters participating in unauthorized demonstrations, media broadcast images of ruling coalition supporters marching unimpeded through the streets en route to the formal nomination of President Ouattara as its presidential candidate.” (USDOS, 30 March 2021, section 3)

According to Amnesty International’s country report covering 2020, the October presidential elections were boycotted by the opposition, “arguing that the 2016 Constitution did not allow the incumbent to run for a third term.” After President Ouattara was re-elected, the opposition created a Transitional National Council, aiming to establish a transitional government. According to AI “dozens of opposition members were arrested, including the presidential contender Pascal Affi N’Guessan, who was charged with conspiracy against state authority among other things”. N’Guessan was released under judicial supervision on 30 December 2020. (AI, 7 April 2021)

The USDOS provides the following overview on arrests following the establishment of the National Transitional Council by the opposition:

“On November 4, via social media from France, Guillaume Soro claimed in his capacity as a member of the transitional council that President Ouattara no longer had the constitutional power to command the armed forces and called for them to overthrow him. The government subsequently announced charges of sedition and terrorism against 20 senior opposition figures involved in the Council’s creation. Although one leading opposition member was provisionally released in late December, several individuals arrested on those charges remained incarcerated. On November 18, the government issued an international arrest warrant for Soro and three of his aides requesting their extradition from France.” (USDOS, 30 March 2021, section 3; see also HRW, 2 December 2020)

In August 2021 news agency AFP notes that President Alassane Ouattara announced the release of 78 people detained since 2020 for opposing his third term. According to the president’s statement the situation of other people still detained is still being examined. The article adds that tensions have since subsided and the March 2021 legislative elections took place peacefully. Major opposition parties participated in the elections and accepted the results giving a majority to the presidential party (AFP, 7 August 2021).

5 Situation of women

Article 35 of the constitution stipulates that the state and public communities ensure the promotion, development and protection of women (Law no. 2016-886, 8 November 2016, Article 35). Article 4 of the constitution prohibits discrimination and Articles 36 and 37

promote equality of women and men in political and public life and in the labour market (Law no. 2016-886, 8 November 2016, Articles 4, 36 and 37; see also CEDAW, 30 July 2019, p. 5).

According to Freedom House, “women are generally afforded equal freedom of movement, though risks of insecurity and sexual violence hinder this in practice” (Freedom House, 3 March 2021, G1)

Côte d’Ivoire ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) on 5 October 2011 (AU, 16 October 2019; see also OECD, December 2018, p. 3). The country ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1995 and in 2012 the country also ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (UN Treaty Body Database, undated; see also CEDAW, 30 July 2019, p. 2).

The law provides women with the same rights as men to acquire, change and retain nationality (Law no. 61-415, 14 December 1961 and Law no. 2013-654, 13 September 2013; see also OECD, December 2018, p. 8). The OECD notes that “there is no legal discrimination regarding citizenship rights and these rights do not appear to be restricted in practice” (OECD, December 2018, p. 8). CEDAW in July 2019 however mentions “that certain provisions of the Nationality Code discriminate against women, for example, on the transfer of nationality to spouses or children in certain cases” (CEDAW, 30 July 2019, p. 10). A report published by the Global Citizenship Observatory in March 2021 in this regard mentions Article 45(1) and Article 56 of the Nationality Code which are in contradiction to international standards. (GLOBALCIT, March 2021, p. 4; see also Law no. 61-415, 14 December 1961)

According to the Bertelsmann Stiftung report covering the period from 1 February 2017 to 31 January 2019, Côte d’Ivoire’s society is “based on traditional gender roles” and “women are treated worse than men in all aspects of life” (Bertelsmann Stiftung, 29 April 2020, p. 20).

5.1 Marriage, inheritance, divorce, adultery, abortion

Marriage

According to Article 2 of the new marriage law of 26 June 2019, a man and a woman under the age of 18 may not enter into a marriage (Law no. 2019-570, 26 June 2019, Article 2). Under the previous law (Law no. 64-375 of 7 October 1964), the marriage of girls below the age of 18 years was permitted on an exceptional basis (CEDAW, 30 July 2019, p. 14; see also Jeune Afrique, 12 April 2019). HRW, however, notes that “child marriage is still common” (HRW, 14 January 2020; see also CEDAW, 30 July 2019, p. 14). In June 2021 Voice of America (VOA) notes that prosecutions regarding child marriages are rare, despite the law banning it (VOA, 28 June 2021). According to a survey conducted in six communes of Abidjan (Abobo, Anyama, Attécoubé, Koumassi, Treichville and Yopougon), 1,290 cases of child marriage (girls under the age of 18) have been identified (Héroïnes d’ici, 14 June 2021; see also Abidjan.net, 15 June 2021).

In July 2019 CEDAW “notes with concern that [...] a high percentage of marriages are not formally registered, leaving women without economic protection upon dissolution of the union”. CEDAW is also concerned regarding “the absence of an explicit prohibition of polygamous, levirate and sororate marriages in the legislation [...] and the insufficient protection of women’s rights in such marriages” (CEDAW, 30 July 2019, p. 14).

Article 7 of the marriage law prohibits marriage with the brother-in-law, when the marriage through which two persons became related was divorced. However, Article 7 also provides for the possibility of lifting the prohibition of marriage to the brother-in-law if the partner of the original marriage through which the two persons became related is deceased (Law no. 2019-570, 26 June 2019, Article 7).

In its country report covering 2020 the USDOS mentions harmful traditional practices against women that are illegal, including dowry deaths and levirate and sororate marriages. However, no government information was available “regarding the prevalence or rate of prosecution for such violence or forced activity” in 2020, the government only stated “that no deaths were linked to these practices”(USDOS, 30 March 2021, section 6).

The report on a fact-finding mission to Côte d’Ivoire between 25 November and 7 December 2019 by OFPRA cites information provided by the Abidjan-based NGO Fondation Djigui La Grande Esperance, which works towards ending harmful traditional practices. According to the organisation, most “forced marriages” are rather “arranged marriages”, constitute “a common practice” and are considered “normal marriages” in rural areas (OFPRA, 7 December 2019, p. 98).

Please refer to section 12.1 of the OFPRA report for further information regarding forced marriage:

- OFPRA – Office Français de Protection des Réfugiés et Apatrides: Rapport de mission en République de Côte d’Ivoire du 25 novembre au 7 décembre 2019, 7 December 2019 https://www.ofpra.gouv.fr/sites/default/files/atoms/files/ofpra_cnda_cote_divoire_rapport_de_mission_en_republique_de_cote_divoire_du_25_novembre_au_7_decembre_2019.pdf

Inheritance

Law no. 2019-573 of 26 June 2019 covers issues related to inheritance (Law no. 2019-573, 26 June 2019). According to HRW, “the legislature in July [2019] passed new laws on marriage and inheritance that establish co-ownership of marital property” (HRW, 14 January 2020; see also Ivoire-Juriste, 1 April 2019).

The USDOS notes with regards to the 2019 law that it “establishes the right for widows to inherit upon the deaths of their husbands as much as the deceased’s children can”. However, “many religious and traditional authorities rejected laws intended to reduce gender-related inequality in household decision-making” (USDOS, 30 March 2021, section 6).

According to Article 82 of the marriage law, the joint property other than the earnings and income of the spouses is administered by either spouse (Law no. 2019-570, 26 June 2019,

Article 82; see also Jeune Afrique, 12 April 2019). Article 26 of the law on inheritance gives a widow the right to one quarter of the husband's estate. The children receive the remaining three-quarters (Law no. 2019-573, 26 June 2019, Article 26). According to HRW, under the old law, widows often received nothing" (HRW, 14 January 2020; see also Ivoire-Juriste, 1 April 2019).

Regarding the reform of the marriage law, HRW in July 2019 notes:

"The bill is part of a legislative overhaul in Côte d'Ivoire that includes new measures to make sure widows don't lose their inheritance rights in favor of their husband's male relatives; provide additional protections against domestic violence; and set the minimum age for marriage at 18. It does fall short in some areas. It won't extend to customary and religious marriages that are not registered and doesn't provide legal rights to long-time cohabiters. Women in these relationships could still lose their property when their union ends or their husband dies." (HRW, 24 July 2019)

In December 2018 the Social Institutions & Gender Index (SIGI) notes that "discriminatory practices often infringe upon women's rights to inheritance" and goes on to elaborate the issue of inheritance under customary law:

"Customary law in Eastern Côte d'Ivoire is based on matrilineal inheritance systems, by which the male heir inherits from his mother (FAO, n. d.). In Western Côte d'Ivoire, customary law is based on patrilineal inheritance systems, by which women through marriage integrate the husband's lineage and do not inherit (FAO, n. d.)." (OECD, December 2018, p. 3)

Divorce

Regarding divorce the Social Institutions & Gender Index of December 2018 provides the following summary of relevant provisions in the law on divorce and judicial separation (Law no. 64-376, 7 October 1964):

"The law provides men and women with the same rights as men to initiate divorce and the same requirements to finalise a divorce or annulment [...]. Women have the same rights as men to be the legal guardians of their children after divorce and have the same rights and responsibilities with regards to their children after divorce [...]" (OECD, December 2018, p. 3)

Regarding Islamic religious marriages, the OFPRA report cites Fondation Djigui La Grande Esperance, noting that in case of a forced marriage, the woman has the possibility to divorce, however, the imam cannot dissolve the marriage through his own initiative. The request must come from the spouses. Also, if a man catches his wife cheating on him, his testimony alone is not enough for the imam to dissolve the marriage. At least two witnesses are needed, and the quality of the witnesses will be checked (OFPRA, 7 December 2019, p. 100).

Adultery

Article 456 of the penal code punishes adultery by the husband or the wife with imprisonment between two months and one year (Law no. 2019-574, 26 June 2019, Article 456).

Abortion

Abortion is illegal in Côte d'Ivoire (Law no. 2019-574, 26 June 2019, Article 425). A woman who requests abortion is punishable of an imprisonment of six months to two years and a fine of 50,000 to 500,000 CFA francs (about 93 to 933 USD) (Law no. 2019-574, 26 June 2019, Article 426). An abortion is legal if the woman's life is in danger (Law no. 2019-574, 26 June 2019, Article 427).

5.2 Access to public life and political participation

The Social Institutions & Gender Index published in December 2018 by OECD notes that “the law provides married and unmarried women with the same rights as married and unmarried men to vote”. According to the report, “there is no legal discrimination regarding voting rights and there is no information to suggest that these rights are limited in practice” (OECD, December 2018, p. 8). On 8 April 2020 an ordinance revising the electoral code was adopted (Government of Côte d'Ivoire, 8 April 2020; Ordinance no. 2020-356, 8 April 2020). Article 3 of the law also stipulates that Ivoirians of both sexes are allowed to vote (Ordinance no. 2020-356, 8 April 2020, Article 3).

The constitution provides women with the same rights as men to hold public and political office in the legislature, executive and judiciary (OECD, December 2018, p. 8). Article 36 of the Constitution stipulates that the state shall promote women's participation in political life. (Law no. 2016-886, 8 November 2016, Article 36). Article 37 stipulates that the state encourages the promotion of women to decision-making positions in public institutions and administrations (Law no. 2016-886, 8 November 2016, Article 37).

According to the USDOS, “no laws limit the participation of women and members of minority groups in the political process, and they did participate. Of 253 National Assembly (lower legislative body) members, 29 were women, the same number as in 2017-19. Of 99 Senate (upper legislative body) members, 19 were women, including 11 of 33 appointed by President Ouattara in April 2019 and eight of 66 elected in 2018” (USDOS, 30 March 2021, section 3). As of the end of 2020, women were “holding 12 percent of seats in the National Assembly and 19 percent in the Senate” (Freedom House, 3 March 2021, B4). A communique released by the presidency in April 2021 lists seven female ministers and one female state secretary (Government of Côte d'Ivoire, 6 April 2021).

In July 2019 CEDAW notes that women are underrepresented “in decision-making positions [...], in particular in executive and legislative bodies at the national, regional and municipal levels, in the civil service, the foreign services, the judiciary and the police service” (CEDAW, 30 July 2019, p. 10).

Article 3 of Law no. 2019-870 of 14 October 2019 to encourage the representation of women in elected assemblies provides for a minimum of 30 percent of women representation out of the total number of candidates presented in an election (Law no. 2019-870, 14 October 2019, Article 3). However, according to an article on the (then) pending parliamentary elections published in February 2021, the National Human Rights Council (Conseil national des droits de l'homme, CNDH) noted that “the rosters of candidates for every political party and coalition do not meet the 30 % quota as provided for by the law 2019-870 of 14 October [2019]” (The Africa Report, 16 February 2021). The source mentions that only 14.62% of parliamentary candidates were women, according to UN figures. Calculations based on preliminary figures from the electoral commission offer showed that the RHDP had 16% female candidates, while the share of the PDCI was 8 %, that of the FPI was 14 %, the EDS had 7 % female candidates and the EDS/PDCI coalition 17 % (The Africa Report, 16 February 2021).

The country report of the Bertelsmann Stiftung covering the period from 1 February 2017 to 31 January 2019, mentions a “significantly lower female literacy rate of 36.8% (in contrast to 50.7% for men; 43.9% combined)”, and further describes:

“Female enrollment in the education system faces still many challenges, although the situation has improved over the last years (the ratio of female to male enrollment at the primary level is 0.9%, and 0.7% at the secondary level). Women also form only 41.1% of the labor force, even if the percentage has continuously risen over the last decade (from 37.3% in 2007).” (Bertelsmann Stiftung, 29 April 2020, pp. 20-21)

According to the USDOS, the “law provides the same legal status and rights for women and men in labor law, although there were also restrictions on women’s employment” (USDOS, 30 March 2021, section 6). The USDOS elaborates:

“Human rights organizations continued to report discrimination with respect to gender, nationality, disability, and sexual orientation and gender identity. There were legal restrictions on women’s employment in certain occupations and industries, including in mining, construction, and factories, but no known limitations on working hours based on sex. The government indicated that if a woman wanted to carry out any of the work on the ‘prohibited list,’ she needed to contact an inspector at the Ministry of Labor. While women in the formal sector received the same pay and paid the same taxes as men, reports of a reticence to hire women persisted. While women in the formal sector received the same pay and paid the same taxes as men, reports of a reticence to hire women persisted.”(USDOS, 30 March 2021, section 7d)

In July 2019 CEDAW mentions “the adoption of Law No. 2015-532 of 20 July 2015 on the Labour Code and other measures” which were taken to increase gender equality in employment (CEDAW, 30 July 2019, p. 11; see also Law no. 2015-532, 20 July 2015). The Committee however notes the following concerns:

“(a) The prevalence of violations against women and girls working in the informal sector and in domestic work, particularly with regard to sexual harassment in the workplace and violations of the principle of equal remuneration for work of equal value, the guarantee

of the minimum salary, paid leave, maternity and paternity leave and the respect of maximum working hours (for domestic workers), the lack of implementation of relevant national legislation, and the concentration of women in the informal labour market and their exclusion from labour and social protection; (b) The absence of information on the number of labour inspections, the nature of the violations recorded and the penalties imposed.” (CEDAW, 30 July 2019, pp. 11-12)

Article 6 of the constitution guarantees the right of everyone to free and equal access to justice; it further stipulates that everyone has the right to a fair trial (Law no. 2016-886, 8 November 2016, Article 6). In July 2019 CEDAW mentions legislative measures taken by Côte d'Ivoire to increase access of women to justice. The Committee however notes the lack of implementation of the legislative measures and the lack of regular impact assessments. CEDAW is further concerned regarding the “lack of measures taken to ensure that women are aware of relevant legislation and processes, including their right to legal aid” (CEDAW, 30 July 2019, p. 5).

5.3 Sexual and gender-based violence

According to Freedom House “sexual and gender-based violence are widespread” (Freedom House, 3 March 2021, section G3). In November 2020 the Ivoirian online news portal Abidjan.net published an article by Coulibaly Pélibien Ghislain, the president of the Network of Men Committed to Gender Equality in Côte d'Ivoire (Réseau des Hommes Engagés pour l'Égalité de Genre en Côte d'Ivoire, RHEEG-CI). The article cites data provided by the Ministry of Women, Family and Children. 3,193 cases of gender-based violence were reported in 2019. Between January and June 2020, the article mentions 2,352 cases (Abidjan.net, 25 November 2020).

According to a survey conducted in six communes of Abidjan (Abobo, Anyama, Attécoubé, Koumassi, Treichville and Yopougon), 1,121 cases of rape committed against women and 416 femicides were recorded in 2019 and 2020. 5,556 persons were interviewed for the study (Héroïnes d'ici, 14 June 2021; see also Abidjan.net, 15 June 2021). According to police in 2020 a total of 48 women, including 34 minors, were raped in the Abidjan suburb Yopougon (Fraternité Matin, 9 December 2020).

Regarding sexual violence and rape, the Social Institutions & Gender Index (SIGI), published in December 2018, provides the following overview:

“Sexual violence and rape are prevalent in Côte d'Ivoire and marked by an impunity of perpetrators, due to several factors, including the collapse of judicial institutions as a result of the diverse crises between 2002 and 2011 and the absence of police forces and courts in certain regions.” (OECD, December 2018, p. 5)

The SIGI profile mentions that no law specifically addresses violence against women (OECD, December 2018, p. 3). CEDAW in July 2019 “notes with concern [...] the lack of a comprehensive law covering all forms of gender-based violence against women” (CEDAW, 30 July 2019, p. 8).

The country's National Strategy for Combating Gender-based Violence, adopted in 2014, contains the following priorities: prevention, justice and fighting impunity, reforming the security forces, multi-sectoral assistance to survivors, coordination and data collection (MINAS, February 2020, pp. 52-53; see also OECD, December 2018, p. 3).

In July 2019 CEDAW notes the following concerns regarding gender-based violence:

“[...] the lack of coordination among the different actors intervening in the sphere of gender-based violence against women, such as the judiciary, relevant ministries, the national coordination group on the fight against gender-based violence, gender desks at police stations and decentralized platforms against gender-based violence.” (CEDAW, 30 July 2019, p. 8)

In December 2020 the Minister of Women, Families, and Children noted that the government has put in place mechanisms for the protection of women and children, including 65 platforms to fight gender-based violence in socio-educational settings, 1,138 safe places for girls, a toll-free number to report, guide and inform, and 42 gender desks in police stations. The minister also mentions the reopening of the PAVVIOS centre, a reception and transit centre to accommodate survivors (Fraternité Matin, 4 December 2020).

Rape

Article 403 of the penal code defines rape as vaginal, anal, oral or any kind of penetration for sexual purposes imposed on another person without his or her consent. Rape is also defined as any acts of vaginal, anal, oral or any kind of penetration for sexual purposes committed on a minor under fifteen years of age, even with his or her consent (Law no. 2019-574, 26 June 2019, Article 403). Articles 403 and 404 of the penal code punish rape with imprisonment between five and 20 years. If the victim dies the punishment is life imprisonment (Law no. 2019-574, 26 June 2019, Article 403 and 404). A life sentence may be imposed in cases of gang rape or by persons with positions of authority over the victim, or if the victim is a minor (Law no. 2019-574, 26 June 2019, Article 404; see also USDOS, 30 March 2021, section 6).

According to the USDOS, the law does not specifically penalise spousal rape (USDOS, 30 March 2021, section 6). Article 403 of the penal code notes that rape is constituted regardless of the nature of the relationship between the perpetrator and the victim. However, if they are married, the presumption of consent of the spouses to the sexual act shall apply until proven otherwise (Law no. 2019-574, 26 June 2019, Article 403). HRW notes that the June 2019 penal code “creates a presumption of consent to sex between married couples, which could prevent victims of marital rape from pursuing successful prosecutions” (HRW, 14 January 2020; see also Law no. 2019-574, 26 June 2019).

The USDOS notes that “rape victims were no longer legally required to obtain a medical certificate” (USDOS, 30 March 2021, section 6; see also UN Security Council, 30 March 2021, p. 23). The USDOS however adds that “some human rights organizations reported that victim[s] who did not do so encountered difficulties in moving their cases forward” (USDOS, 30 March 2021, section 6). Freedom House also notes that “costly medical certificates are

often essential for convictions, yet are beyond the means of victims who are impoverished” (Freedom House, 3 March 2021, section G3). In the first six months of 2020 the authorities reportedly accepted 50 cases of rape for investigation without a medical certificate (USDOS, 30 March 2021, section 6).

According to Freedom House impunity for perpetrators remains a problem, and when sexual and gender-based violence is prosecuted, “rape is routinely reclassified as indecent assault” (Freedom House, 3 March 2021, section G3). Regarding rape the USDOS in its country report covering 2019 notes:

“Media and NGOs reported that rape of schoolgirls by teachers was a problem, but the government did not provide information on charges filed. A local human rights organization that supports the rights of persons with disabilities reported a man was sentenced to a 20-year prison term for the April 2019 murder of his pregnant girlfriend, a woman with disabilities. The same organization reported that the 2019 rape and killing of another teenage girl with disabilities remained unsolved as of September. Survivors were often discouraged from pursuing criminal cases, with their families often accepting payment as compensation. A human rights organization cited a recent case in which a rape victim with disabilities’ father brought a complaint against the rapist and then withdrew it upon receiving a private payment from the assailant. The mother of the victim, wanting her own compensation, threatened to file a complaint and then refused to do so after receiving a payment from the assailant. There was at least one report of security forces intervening to persuade a family to file criminal charges rather than accept private compensation for a sexual assault on their minor child.” (USDOS, 30 March 2021, section 6)

Sexual harassment

Article 418 of the penal code punishes sexual harassment with imprisonment between one and three years and a fine of 360,000 to 1,000,000 CFA francs (about 672 to 1,800 USD) (Law no. 2019-574, 26 June 2019, Article 418). The USDOS however notes that the government “rarely, if ever,” enforced provisions regarding sexual harassment and it “was widespread and routinely tolerated” (USDOS, 30 March 2021, section 6).

Domestic violence

According to the SIGI profile dated December 2018, “domestic violence is pervasive in Côte d’Ivoire, [in] particular sexual, psychological and economic violence. However, it is considered an intimate problem and is therefore rarely reported” (OECD, December 2018, p. 4). According to the Fondation Djigui La Grande Esperance, cited in a report published by OFPRA, reporting of domestic violence and subsequent trials are rare. The organisation notes that when a wife reports a husband to the police, she will be rejected by the community. According to the organisation it is very rare for a victim to go to the police (OFPRA, 7 December 2019, p. 101).

Please refer to section 12.2 of the report by OFPRA for further information regarding domestic violence:

- OFPRA – Office Français de Protection des Réfugiés et Apatrides: Rapport de mission en République de Côte d’Ivoire du 25 novembre au 7 décembre 2019, 7 December 2019 https://www.ofpra.gouv.fr/sites/default/files/atoms/files/ofpra_cnda_cote_divoire_rapport_de_mission_en_republique_de_cote_divoire_du_25_novembre_au_7_decembre_2019.pdf

Conflict-related sexual violence

No information relating to conflict-related sexual violence could be found.

5.4 Female genital mutilation (FGM) or harmful traditional practices

The Constitution of Côte d’Ivoire specifically prohibits FGM in Article 5 (Law no. 2016-886, 8 November 2016, Article 5). Article 394 of the penal code punishes FGM (the attack on the integrity of the female genital organ, by total or partial ablation, infibulation, desensitisation or any other procedure) with imprisonment between one and five years and a fine of 200,000 to 2,000,000 CFA francs (about 373 to 3,700 USD). The punishment is doubled if the perpetrator is a medical or paramedical professional. If the victim dies, the punishment is imprisonment between five to twenty years. Attempted FGM is also punishable (Law no. 2019-574, 26 June 2019, Article 394; see also FAAPA, 14 February 2020). Parents and relatives who, knowing that a genital mutilation is imminent, but do not report it to authorities, are also punished with imprisonment between one and five years and a fine of 200,000 to 2,000,000 CFA francs (about 373 to 3,700 USD) (Law no. 2019-574, 26 June 2019, Article 397).

In its March 2020 country report on FGM, 28 Too Many, an NGO based in the UK, providing research and training with the aim of ending FGM worldwide, refers to Law no. 98-757 of 23 December 1998 on the punishment of certain forms of violence against women. The organisation notes that “this is the main law relevant to FGM in Côte d’Ivoire.” It “specifically prohibits and punishes the practice of FGM” (28 Too Many, March 2020, p. 4). Article 2 of Law no. 98-757 of 23 December 1998 punishes FGM with imprisonment between one and five years and a fine of 360,000 to 2,000,000 CFA francs (about 672 to 3,700 USD) (Law no. 98-757, 23 December 1998).

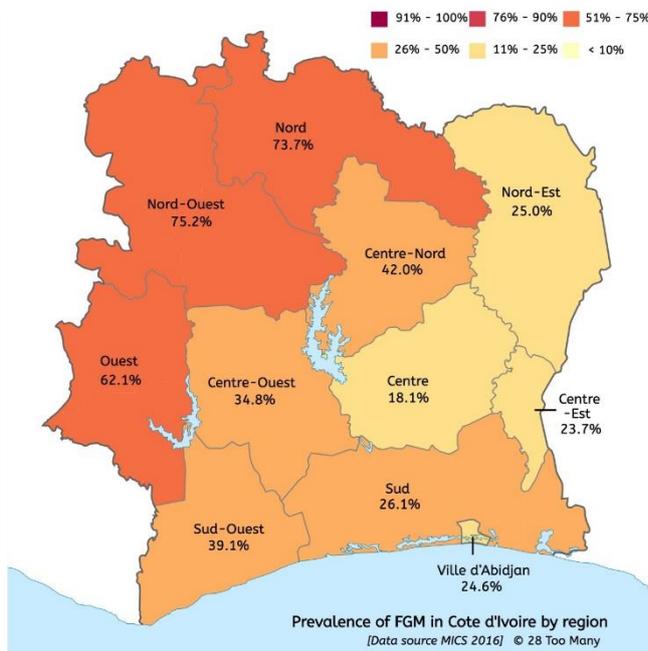
28 Too Many cites MICS and DHS² survey data obtained between 2006 and 2016 and notes the following on the prevalence of FGM (see also INS, September 2017, p. 145 and INS, June 2013, p. 329):

² Demographic and Health Surveys (DHS) funded by the U.S. Agency for International Development (USAID) and Multiple Indicator Cluster Surveys (MICS) in cooperation with UNICEF. The surveys were realised by the Institut National de la Statistique (INS).

“The MICS 2006 recorded the prevalence of FGM in women aged 15–49 as 36.4%. In 2011/12, the DHS estimated prevalence to be 38.2%. The most recent MICS survey (2016) gives an FGM prevalence of 36.7% among women aged 15–49. The data suggests, therefore, that the overall prevalence of FGM in Côte d’Ivoire has not changed significantly during recent years.” (28 Too Many, March 2020, p. 3)

28 Too Many further notes, however, that “the prevalence for women aged 45–49 is 41.5%, while for the youngest age group [15 to 19 years] this has fallen to 27.4%. The data demonstrates a trend towards lower prevalences among younger women” (28 Too Many, March 2020, p. 3; see INS, September 2017, p. 145). In 2016, the prevalence in the North-East region was 75.2 percent and in Abidjan 24.6 percent (INS, September 2017, p. 145).

The following map based on data from the MICS 2016 published by 28 Too Many provides information on the regional prevalence of FGM:



Source: [28 Too Many, March 2020, p. 2](#)

FGM is practiced at a very early age in Côte d'Ivoire. According to data published by the National Institute for Statistics (Institut National de la Statistique, INS) in June 2013, 53 percent of the affected women reported having been excised before the age of five years. 19 percent had FGM performed when they were between five and nine years old, and more than a quarter of women (26 percent) had FGM performed later (INS, June 2013, p. 331). The MICS 2016 survey does not provide data on the age at excision (INS, September 2017).

The MICS 2016 also provides data on the practice of FGM by ethnic and religious groups. The Mandé du Nord are the ethnic group with the highest prevalence (60.7 percent), while the lowest prevalence is listed at 2.7 percent among the Akan (INS, September 2017, p. 145). 28 Too Many notes that „these figures should be interpreted with caution due to the relatively small numbers of women surveyed” (28 Too Many, March 2020, p. 2).

According to the MICS 2016 data, 61.5 percent of the Muslim women aged 15 to 49 years have undergone FGM, while 48.5 percent of the animist women and women without religion („sans religion“) and 11.8 percent of Christian women have undergone FGM (INS, September 2017, p. 145).

In its March 2020 report 28 Too Many notes that “a few prosecutions for FGM have taken place in Côte d’Ivoire,” however information on case details was limited and no public information was available about the actual execution of sentences. According to the source, “evidence suggests that convictions are rare and FGM continues in communities that claim it is their custom and they are unaware of it being against the law” (28 Too Many, March 2020, p. 4). According to an article by Le Monde Afrique in July 2012, nine women were sentenced to one year in prison and a fine for the excision of about 30 girls in Katiola. According to the article this was the first trial of female excisers in the country (Le Monde Afrique, 19 July 2012).

Regarding arrests and measures by the authorities, the COI unit of the Office of the Commissioner General for Refugees and Stateless Persons of Belgium (CGRS-CEDOCA) mentions that in September 2016, two excisers were arrested in Gagnoa (Central-West) after excising an eleven-year-old girl. In July 2017, the Danané Court of First Instance sentenced a woman and four men (an exciser and her three brothers) to three years in prison and a fine (500,000 CFA francs for the exciser [about 933 USD] and 170,000 CFA francs [about 317 USD] for her brothers). In February 2018, a panel of specialists noted that only twelve cases of imprisonment have been recorded throughout Côte d’Ivoire until then (CGRS-CEDOCA, 24 October 2019, p. 29).

According to the USDOS country report, “in August [2018] authorities made several arrests after discovering that a group of girls had been subjected to the procedure. The government successfully prosecuted some FGM/C [Female Genital Mutilation/Cutting] cases during the year” (USDOS, 13 March 2019, section 6). In July 2019 CEDAW was concerned about “the limited number of investigations, prosecutions, convictions and the lenient sentences imposed under Law No. 98-757 of 23 December 1998 criminalizing female genital mutilation” and “the lack of rehabilitation services for victims of female genital mutilation” (CEDAW, 30 July 2019, p. 8). CEDAW also noted that women human rights defenders combating female genital mutilation were often subjected to intimidation, harassment and threats (CEDAW, 30 July 2019, p. 10).

According to the USDOS, in the year 2020 FGM “remained a problem”. In the first half of the year the government reported one prosecution regarding FGM, in which the “defendant was fined and sentenced to 24 months in prison” (USDOS, 30 March 2021, section 6). In July 2021 a media report mentions the sentencing of a female exciser to five years in prison and a fine. She was accused of having excised eight girls (Koaci, 7 July 2021; see also Le Banco, 26 June 2021).

6 Situation of children

6.1 Access to education

The Brookings Institution, a think tank based in Washington, D.C., notes in a February 2019 article that “despite the heavy toll that years of conflict have taken on the education system, in recent years the country has embarked on a series of ambitious education reforms, including a 2015 law that made school attendance compulsory for all children ages 6-16” (Brookings Institution, 13 February 2019; see Law n° 2015-635, 17 September 2015, Article 1 and UIS, undated).

According to the USDOS, although education is “ostensibly free and compulsory for children ages six to 16, [...] families generally reported being asked to pay school fees, either to receive their children’s records or pay for school supplies” (USDOS, 30 March 2021, section 6). The report further notes:

“In principle students’ families do not have to pay for books or user fees, but families usually covered some schooling expenses not covered by the government. Parents also often contributed to teachers’ salaries and living stipends, particularly in rural areas. Parents of children not in compliance with the law were reportedly subject to substantial fines or two to six months in jail, but this was seldom, if ever, enforced, and many children did not attend or have access to school.” (USDOS, 30 March 2021, section 6)

The US Department of Labor (USDOL) in September 2020 provides the following information:

“Identity documents are required for students to take entrance exams for secondary school, posing a barrier to continued education beyond primary level. A shortage of teachers, poor school infrastructure, lack of transportation systems in rural areas, inadequate sanitation facilities, and violence have negatively impacted children's ability to attend school. Research also suggests that some students are physically and sexually abused at school, which may deter some students from attending school.” (USDOL, 30 September 2020)

The USDOS also mentions that abandoned children of unknown parentage are at risk of statelessness “because they could not prove their citizenship through their parents, as required under the law”. Although compulsory until the age of 16, they could not attend high school because they could not present of identity documents (USDOS, 30 March 2021, section 2g). The USDOS also notes that participation in education of girls was lower than that of boys, particularly in rural areas. The report further describes:

“Although girls initially enrolled at a higher rate, their participation dropped below boys’ because of a cultural tendency to keep girls at home to care for younger siblings or do other domestic work, and due to reported sexual harassment of female students by teachers and other staff. In April 2019 the Ministry of National Education created a new gender unit to focus on improving education and training for girls and women.” (USDOS, 30 March 2021, section 6)

In its concluding observations dated July 2019, the UN Committee on the Rights of the Child (CRC) notes that it is “deeply concerned about persistent de facto discrimination, inter alia, against girls, children living in rural areas and children living in poverty, particularly with regard to literacy, access to education, vocational training, health care and sanitation, as well as development measures” (CRC, 12 July 2019, p. 4). The CRC further notes that “sexual violence against both girls and boys, and gender-based violence particularly against girls, including in educational settings, is prevalent and that only a small number of cases is being reported, investigated and prosecuted [...]” (CRC, 12 July 2019, p. 7).

Regarding challenges the country’s education sector is facing, the Brookings Institution in February 2019 notes:

“While in the past two decades there has been progress expanding access to primary education, learning levels remain low, and many children do not acquire basic competency in reading, writing, and arithmetic. Other serious challenges include significant levels of repetition and dropping out, reaching out-of-school children who have been left behind, and recruiting and retaining enough trained teachers, especially in rural areas.” (Brookings Institution, 13 February 2019)

The Brookings Institution also mentions that “the quality of education, and in particular learning outcomes, remains a serious challenge, especially in rural cocoa-growing areas” (Brookings Institution, 13 February 2019).

According to the data provided by the UNESCO Institute for Statistics (UIS), 199,358 children and 1,068,560 adolescents were out-of-school as of 2019. The net enrolment rate in 2019 for pre-primary education was 7.7 percent, for primary education 94.3 percent, and for secondary education 48.2 percent (UIS, undated, Participation in Education). As of 2018 the number of the illiterate population aged 15 to 24 years was 2,153,690, while the number of the illiterate population aged 15 and older was 7,690,587 (UIS, undated, Illiterate Population). UIS further notes that the government expenditure on education as percent of total government expenditure was 18.3 percent in 2018 (UIS, undated, Education Expenditures).

For further data on education please see:

- UIS - UNESCO Institute for Statistics: Côte d’Ivoire, undated
<http://uis.unesco.org/en/country/ci#slideoutsearch>

For the relevant laws on education please see:

- Law n° 2015-635 - Loi 2015-635 du 17 septembre 2015 portant modification de la loi n° 95-696 du 7 septembre 1995 relative à l’enseignement, 17 September 2015 (available on ILO)
<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104175/126972/F-86456363/CIV-104175.pdf>
- Law n° 95-696 - Loi n° 95-696 du 7 septembre 1995 relative à l'enseignement, 7 September 1995 (available on ILO)
<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104174/126970/F1041034762/CIV-104174.pdf>

For Côte d'Ivoire's Education Sector Plan 2016-2025 dated April 2017 please see:

- Ministère d'État, Ministère de l'Emploi, des Affaires Sociales et de la Formation Professionnelle: Plan Sectoriel Education/Formation 2016 – 2025, April 2017
https://www.globalpartnership.org/sites/default/files/plan_sectoriel_de_leducation_-_cote_divoire.pdf

6.2 Vulnerability to violence

A report by the Ministry of Women, Family and Children (Ministère de la Femme, de la Famille et de l'Enfant, MFFE) dated March 2020 notes that “violence against children and youth, including child sexual abuse and severe physical violence, remains a significant issue in Côte d'Ivoire” (MFFE, March 2020, p. 29). The report further notes:

“The Ministry of Women, Family and Children (MFFE) is the lead ministry for child protection. In 2010 MFFE undertook a mapping of the national child protection system which led to the development of the National Child Protection Policy and its budgeted Action Plan. MFFE also developed a National Strategy on Gender-Based Violence. These are the key strategic documents to guide programming of the Government and civil society on prevention and response to violence in Cote d'Ivoire.” (MFFE, March 2020, p. 29)

Article 421 of the penal code punishes violence against and neglect of children (Law no. 2019-574, 10 July 2019, Article 421) and Article 422 punishes the abandonment of children (Law no. 2019-574, 10 July 2019, Article 422).

In its concluding observations dated July 2019, CRC notes “the establishment of the National Committee to Combat Violence against Women and Children” in February 2000, it however lists the following concerns regarding violence against children:

“(a) The prevalence and tolerance of violence against children is high and domestic violence is not explicitly prohibited in the State party's legislation; (b) The National Policy on the Protection of the Child does not protect the rights of child victims of violence or abuse, there is a lack of consideration of the situation of children with disabilities and Government structures and non-governmental organizations are insufficiently resourced to provide assistance to child victims; (c) A comprehensive national system of standardized data collection, analysis and dissemination has not yet been established.” (CRC, 12 July 2019, p. 6)

The CRC is further concerned that “sexual violence against both girls and boys, and gender-based violence particularly against girls, including in educational settings, is prevalent and that only a small number of cases is being reported, investigated and prosecuted”. The Committee notes that “child victims of sexual violence often lack access to justice due to the inaccessibility of medical examiners, the costs of medical certificates, social stigma and recourse to non-judicial settlements” (CRC, 12 July 2019, p. 7).

The March 2020 report by the Ministry of Women, Family and Children notes that data obtained in 2018 show that at least 58% of girls and 66.5% of boys went through a type of violence during childhood. These data further show “that girls’ sexual abuse during childhood (19.2%, 1 girl out of 5) and forced sexual intercourse are the most widespread type of sexual violence” in Côte d’Ivoire (MFFE, March 2020, p. 7).

Articles 403 and 404 of the penal code cover rape. The crime is punished with life imprisonment if the victim is a minor (Law no. 2019-574, 26 June 2019, Article 404). Any acts of vaginal, anal, oral or other kind of penetration for sexual purposes committed on a minor under fifteen years of age, even with his or her consent, is defined as rape (Law no. 2019-574, 26 June 2019, Article 403).

Regarding prosecution of child rape cases the USDOS notes:

“In 2019 the government investigated 59 cases of sexual abuse of minors and 37 child rape cases. In the first half of the year, the government reported two child rape convictions and four pending prosecutions. In February authorities arrested the relatives of a nine-year-old who died while being raped for not reporting the crime and for aiding in the rapist’s escape.” (USDOS, 30 March 2021, section 6)

The USDOS adds that according to international organisations and civil society groups the responsible ministries were ineffective combating child abuse due to lack of coordination among the ministries (USDOS, 30 March 2021, section 6).

According to the CRC, “protection and assistance available for child victims of violence is limited and mainly provided by non-governmental organizations” (CRC, 12 July 2019, p. 7). CRC is also concerned regarding “the limited information on protection schemes available to children, particularly girls, who are victims of or at risk of becoming victims of female genital mutilation and/or child marriage” (CRC, 12 July 2019, p. 8).

CRC further lists the following concerns:

“The prevalence of cases of female genital mutilation and of child marriages; [...] the limited number of convictions of those practising female genital mutilation and the lack of statistics on the number of convictions regarding child marriage [...] and the limited geographic scope of measures to implement strategies and plans against female genital mutilation and child marriage” (CRC, 12 July 2019, pp. 7-8)

According to the USDOS “a law passed in July 2019 equalized the legal age for marriage for women and men at 18” (USDOS, 30 March 2021, section 6). USDOS summarises legal provisions regarding early and forced marriage (see also Law no. 2019-570, 26 June 2019, Article 2 and Law no. 2019-574, 26 June 2019, Article 439):

“The law prohibits marriage of women and men younger than 18 without parental consent. The law specifically penalizes anyone who forces a minor younger than 18 to enter a religious or customary matrimonial union. Nevertheless, reports of traditional marriages involving at least one minor spouse persisted. In 2017 (most recent data

available) according to UNICEF, 27 percent of girls were married by age 18 and 7 percent by age 15.” (USDOS, 30 March 2021, section 6)

The USDOS also mentions the following case reported by media in September 2020 (see also *Fraternité Matin*, 28 September 2020):

“[A] 15-year-old girl had been forced to marry a 29-year-old man in a customary marriage and was subjected to repeated abuse until she stabbed him to death in self-defense. Authorities arrested the girl and she confessed to the homicide; however, the public prosecutor ultimately released her and entrusted her to the Child and Youth Judicial Protection Service.” (USDOS, 30 March 2021, section 6)

For further information regarding FGM please refer to section 5.4 of this compilation. For further information regarding child marriage and the new marriage law please also see section 5.1 and the following country profile by Girls not Brides, a global partnership of more than 1,300 civil society organisations from over 100 countries committed to ending child marriage:

- Girls not Brides: Côte d’Ivoire, undated
<https://www.girlsnotbrides.org/child-marriage/cote-divoire/>

The concluding observations of the CRC also address the situation of children with albinism (CRC, 12 July 2019, p. 8; see also BEDA-CI, 15 April 2019) and children deprived of a family environment (CRC, 12 July 2019, p. 9). CRC further mentions children in street situations, so-called “microbes” (CRC, 12 July 2019, p. 13; see also EASO, June 2019, pp. 53-57). USDOS also addresses the situation of stateless children (see also UNHCR, 6 November 2015) and displaced children (see USDOS, 30 March 2021, section 2g).

In November 2014 the International Catholic Child Bureau (BICE), a catholic NGO focussing on child protection, notes that in Côte d’Ivoire, “children with disabilities are particularly vulnerable and often neglected.” According to traditional beliefs, handicapped children are suspected of witchcraft (BICE, 24 November 2014). Humanium in October 2017 also mentions the discrimination of children with disabilities. According to the article, such children are labelled as children of misfortune, child sorcerers or snake children. Disability is a taboo and according to traditional believes is almost considered a curse (Humanium, 19 October 2017).

Regarding corporal punishment of children please refer to the following December 2019 report by the Global Initiative to End All Corporal Punishment of Children:

- Global Initiative to End All Corporal Punishment of Children: Corporal punishment of children in Côte d’Ivoire, December 2019
<http://www.endcorporalpunishment.org/wp-content/uploads/country-reports/CoteDivoire.pdf>

6.3 Child labour/child trafficking

According to a Multiple Indicator Cluster Survey conducted in 2016 and published in 2017, 21.5 percent of children aged 5 to 17 were engaged in hazardous work (INS, September 2017,

p. 136). The survey also contains further detailed data on child labour (see INS, September 2017, pp. 133-136).

According to the USDOL report covering 2019, “children in Côte d'Ivoire engage in the worst forms of child labor, including in the harvesting of cocoa and coffee, sometimes as a result of human trafficking” (USDOL, 30 September 2020, section I). According to a report by NORC citing data obtained in 2018 and 2019, approximately 790,000 children were engaged in child labor in cocoa production in Côte d'Ivoire. The “data indicates that in cocoa growing areas 38 percent of children in Côte d'Ivoire [...] living in agricultural households were engaged in child labor in cocoa production.” According to the data, 37 percent of the children “in agricultural households were engaged in hazardous work in cocoa production” (NORC, October 2020, p. 10).

A report published by the European Commission in June 2021 contains further information on child labour in Cocoa Growing Areas of Côte d'Ivoire:

- EC - European Commission: Ending child labour and promoting sustainable cocoa production in Côte d'Ivoire and Ghana, June 2021
https://cocoainitiative.org/wp-content/uploads/2021/08/ending-child-labour-cote-ivoire-ghana-2021-final-report_en.pdf

In July 2019 the CRC lists its concerns regarding child labour in its concluding observations as follows:

“The consistently high number of children involved in child labour, including the worst forms of child labour, particularly children undertaking hazardous work in mining sites and in the agricultural sector, as well as girl domestic workers and talibé [students in Quranic schools] children [...]”(CRC, 12 July 2019, p. 12)

According to a report by the International Cocoa Initiative (ICI), the organisation visited 1,443 cocoa-growing households in 263 communities between 17 March and 15 May 2020 to identify cases of child labour in Côte d'Ivoire during the COVID-19 crisis. According to ICI, the findings “show that the percentage of children identified in child labour was higher during this two month period, at 19.4%, compared to 16% in the same months in the same communities in previous years. This corresponds to a 21.5% increase in child labour identification” (ICI, 17 July 2020, p. 1).

Regarding trafficking, the USDOS in its country report on human trafficking covering the period between April 2020 and March 2021 provides the following profile:

“[...] human traffickers exploit domestic and foreign victims in Cote d'Ivoire, and traffickers exploit victims from Cote d'Ivoire abroad. The majority of victims identified are children; [...] Traffickers exploit Ivoirian women and girls in forced labor in domestic service and restaurants and in sex trafficking. Traffickers also exploit Ivoirian boys in forced labor in the agricultural and service industries, especially cocoa production. West African boys, especially Burkinabe, may be forced into labor in agriculture (on cocoa,

coffee, pineapple, cashew, and rubber plantations, and in animal herding) and in mining, carpentry, construction, and begging in Cote d'Ivoire." (USDOS, 1 July 2021)

USDOL notes that the country "has ratified all key international conventions concerning child labor" and "the government's laws and regulations [on child labour] are in line with relevant international standards" (USDOL, 30 September 2020, section II). Article 5 of the Constitution prohibits human trafficking and forced labour (Law no. 2016-886, 8 November 2016, Article 5). Articles 441 to 443 of the penal code cover slavery and the exploitation of enslaved persons and provide for punishments of between five- and 15-years imprisonment. If the victim is a minor under 10 years of age the punishment is a life sentence (Law no. 2019-574, 26 June 2019, Articles 441 to 443). Law No.2016-111 on the Fight Against Trafficking in Persons criminalises sex trafficking and labour trafficking and prescribes penalties between ten- and 20-years' imprisonment and a fine of 10 million to 50 million CFA francs (about 18.700 to 93.300 USD) for child trafficking (Law n° 2016-1111, 8 December 2016, Article 6). Article 8 provides for life imprisonment, if the trafficking involved torture, inhumane treatment or resulted in the death of the victim (Law n° 2016-1111, 8 December 2016, Article 8).

Law n° 2010-272 of September 2010 prohibits child trafficking and the worst forms of child labour (Law n° 2010-272, 30 September 2010, Article 1). According to the trafficking report of the USDOS, "the 2010 Child Trafficking and Child Labor Law remained the primary law used to prosecute child trafficking, and it criminalized child sex trafficking and labor trafficking with 10 to 20 years' imprisonment and a fine of 5 million to 20 million FCFA (\$9,450-\$37,810)" (USDOS, 1 July 2021). However, Article 33 of Law n° 2010-272 provides for life imprisonment, if the trafficking results in the death of the victim, and Article 25 provides for a fine between five million and 50 million CFA francs (about 9.000 to 90.000 USD) for persons who have custody of the child or encourage prostitution (Law n° 2010-272, 30 September 2010, Article 33).

According to the USDOS, "the government used penal code provisions on illegal mining and pimping to prosecute trafficking cases during the reporting period." The prescribed penalties in the penal code "were significantly lower than those prescribed under the trafficking law" (USDOS, 1 July 2021; see Law no. 2019-574, 26 June 2019, Articles 340, 358 and 359). The USDOS further notes that "the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, official corruption and complicity in trafficking crimes remained concerns, inhibiting law enforcement action during the year" (USDOS, 1 July 2021).

According to the USDOL, "the government has established policies related to child labor [...] policy gaps exist that hinder efforts to address child labor, including funding and mainstreaming child labor issues into relevant policies" (USDOL, 30 September 2020, section V).

According to a June 2019 Reuters article, the government "launched its first national action plan against child labor in 2012, but the problem remains widespread in poor farming

communities” (Reuters, 26 June 2019). Regarding the enforcement of the child labour laws the USDOL report notes:

“Research indicates that despite an increase in the number of violations identified and prosecutions initiated, the Anti-Trafficking Unit lacks the resources and personnel to adequately enforce criminal child labor laws throughout the country. The government did not provide any additional details regarding the conviction of individual defendants nor the imposition of penalties. There were some high profile arrests in 2019.” (USDOL, 30 September 2020, section III)

In January 2020 the police rescued 137 children from forced labour and sex work (VOA, 14 January 2020, Thomson Reuters Foundation, 13 January 2020). Police surrounded the eastern town of Aboisso “and searched vehicles, cocoa plantations and nearby villages for children who were being forced to work or transported for purposes of trafficking, the government said” (Thomson Reuters Foundation, 13 January 2020). According to officials “the children ranged from age six to 17 and were brought into Ivory Coast from Benin, Ghana, Niger, Nigeria, and Togo. The victims are in care of a charity in Aboisso while authorities search for their parents” (VOA, 14 January 2020). Twelve traffickers were arrested. The operation “was the first since at least 2017 and followed the launch six months ago of a new national action plan against child labour” (Thomson Reuters Foundation, 13 January 2020).

In May 2021 AFP mentions an operation against child labour and exploitation, named “Operation Nawa 2”. According to the article, it was “the fifth swoop of its kind since 2009, [and] mobilised about 100 men from the security forces, police and paramilitary gendarmes over two days”. A team of journalists was allowed to follow the police in the Meagui area, 50 kilometres from Soubré (AFP, 11 May 2021). The article further notes:

“About 2,000 children have been taken out of cocoa plantations since 2019, according to the National Surveillance Committee (CNS), which aims at combatting child labour and trafficking Ivory Coast has in the past 10 years built a ‘legal arsenal’ to punish child slavery and trafficking, said Soubre public prosecutor Alexandre Kone. He pointed to fines and jail terms ranging from a few months to life imprisonment for enslaving a minor under 10 years of age. Some 300 people have been convicted of child trafficking, out of around 600 people brought to justice between 2012 and 2020, according to the CNS. But only one trial has been conducted since the beginning of the year at the Soubre court, Kone admitted - a child trafficker sentenced to 10 years.” (AFP, 11 May 2021)

According to French daily newspaper Le Figaro after the operation 22 people were sentenced to prison terms for child trafficking on cocoa plantations on 18 May 2021. Five people were sentenced to 20 years in prison and 17 people to five years in prison by a court in Soubré, the country's major cocoa-producing area (Le Figaro, 19 May 2021).

According to the July 2021 USDOS trafficking in persons report, covering the period between April 2020 and March 2021, the government decreased its efforts to identify trafficking victims, however it maintained protection efforts (USDOS, 1 July 2021). The report further describes:

“The government decreased efforts to identify victims but maintained protection efforts. During the reporting period, the government identified 302 trafficking victims, compared with at least 738 trafficking victims identified among 1,157 potential victims during the previous reporting period. Of these, the government identified 19 children and 283 adults; this included 27 Ivoirian and 275 foreign trafficking victims from Burkina Faso, Gabon, Mali, Morocco, Nigeria, and Togo. Media reported police identified 19 Burkinabe children en route to potential exploitation on cocoa plantations or in artisanal mines and three Burkinabe child forced labor victims.” (USDOS, 1 July 2021)

Freedom House notes in its Freedom in the World report covering 2020 that “government programs for victims of trafficking - often children - are inadequate” (Freedom House, 3 March 2021, section G4). The USDOL notes that “despite an increase in activities, the scope of existing programs is insufficient to fully address the extent of the child labor problem in Côte d'Ivoire” (USDOL, 30 September 2020, section VI). The source adds:

“The government primarily relies on NGOs to provide social services to victims of child labor and child trafficking. The Government of Côte d'Ivoire lacks funding and resources for social services. In June 2019, the World Bank project, Productive Social Safety Net, was approved for \$100 million in additional funding.” (USDOL, 30 September 2020, section VI)

In December 2020 the United Nations Office on Drugs and Crime (UNODC) mentions the following regarding the impact of COVID-19 on potential or actual victims of trafficking in persons:

“As a country of origin, transit and destination, Côte d'Ivoire, like many countries in the sub-region, is confronted with the phenomena of human trafficking and mixed migration flows. With the occurrence of COVID-19, the lives of vulnerable populations have been particularly affected, including potential or actual victims of trafficking in persons - exacerbating economic and societal inequalities, the root causes of trafficking. The measures adopted by health authorities to curb the spread of the virus (quarantine, curfews, containment, travel restrictions, limitation of economic and social activities and border closures etc.) have had an impact on the national response to the phenomenon of trafficking in persons.” (UNODC, 10 December 2020)

7 Situation of individuals with disabilities

According to Article 4 of the constitution of 2016 no one may be privileged or discriminated against because of their physical or mental state (Law no. 2016-886, 8 November 2016, Article 4). Article 32 provides for the state to take necessary measures to prevent the vulnerability of persons with disabilities (Law no. 2016-886, 8 November 2016, Article 32) and Article 33 stipulates state protection and integration of persons with disabilities (Law no. 2016-886, 8 November 2016, Article 33).

Article 421 of the penal code punishes violence against and neglect of persons with disabilities (Law no. 2019-574, 10 July 2019, Article 421) and Article 422 punishes the abandonment of such persons (Law no. 2019-574, 10 July 2019, Article 422).

The USDOS lists the legal obligation of the government towards persons with disabilities:

“The law requires the government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities; hire them or help them find jobs; design houses and public facilities for wheelchair access; and adapt machines, tools, and work spaces for access and use by persons with disabilities as well as to provide them access to the judicial system.” (USDOS, 30 March 2021, section 6)

The above-mentioned legal provisions regarding persons with disabilities are found in Law no. 98-594 of 10 November 1998 regarding people with disabilities, in the labour code (Law no. 2015-532) of 20 July 2015 and in Decree no. 2018-456 of 9 May 2018 on the employment of persons with disabilities in the private sector (Law no. 98-594, 10 November 1998; Law no. 2015-532, 20 July 2015, Articles 12.1. to 12.3; Decree no. 2018-456, 9 May 2018).

In February 2020, the African Press Agency reports that the Federation of Associations for the Social Promotion of the Disabled of Côte d'Ivoire (Fédération des associations des personnes handicapées de Côte d'Ivoire, FAHCI) called on president Ouattara to establish a national observatory for persons with disabilities. The institution should promote the rights of people with disabilities in the country. Raphaël Dogo, the president of FAHCI also presented the Ivorian legislative and regulatory framework for people with disabilities. According to him, these texts are little known and little followed in the country (African Press Agency, 26 February 2020). According to the USDOS, laws regarding people with disabilities “were not effectively enforced” (USDOS, 30 March 2021, section 6).

Côte d'Ivoire developed a National Social Protection Strategy (2017-2020) with the aim to promote the employment of persons living with a disability. The government explained furthermore to have taken specific steps to protect the rights of persons with albinism (HRC, 3 July 2019, p. 4; HRC, 19 February 2019; see also Decree no. 2018-456, 9 May 2018).

In its submission to the HRC dated April 2019, the Federation of Organisations of Disabled Persons of Côte d'Ivoire (Confédération des Organisations des Personnes Handicapées de Côte d'Ivoire, COPHCI) mentions that several decrees implementing Law No. 98-594 of 10 November 1998, facilitating education and employment for individuals with disabilities, are still awaiting signature. The lack of reliable statistical data on persons with disabilities³ hinders the government and its international partners regarding their decision-making in favour of persons with disabilities. The non-ratification of the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities prevents organisations defending the rights of these persons from referring violations of the Convention to the Committee on the Rights of Persons with Disabilities (COPHCI, April 2019, pp. 4-5; see also UN Treaty Body Database, undated).

³ At the last census in 2014, almost 500,000 people with physical disabilities were registered (RFI, 3 December 2020).

COPHCI mentions that most people with disabilities in Côte d'Ivoire are still unemployed. Recruitment of persons with disabilities to the civil service is still arbitrary and left to the goodwill of the state. Companies are still reluctant to employ persons with disabilities because they cannot on their own make the appropriate changes to make the workplace accessible (COPHCI, April 2019, pp 3-4).

The USDOS notes that “persons with disabilities reportedly encountered serious discrimination in employment and education. Prisons and detention centers provided no accommodations for persons with disabilities.” Furthermore, measures ensuring accessibility to transportation and buildings as well as designated parking spots as required by law were reportedly lacking around the country. Vision- and hearing-impaired persons were also discriminated against in civic participation, since “political campaigns did not include braille or sign language”. Some separate schools, training programmes, associations and artisan’s cooperatives for persons with disabilities, most of them located in Abidjan, received financial support by the government. According to human rights organisations, the supported schools “functioned primarily as literacy centers and did not offer the same educational materials and programs as other schools.” Children with disabilities faced difficulties obtaining adequate education in public schools which “lacked the resources to accommodate them.” The same report states that many persons with mental disabilities were affected by homelessness (USDOS, 30 March 2021, section 6).

In February 2021, the minister of Women, family and children delivered mobility equipment to people with motor and visual disabilities in Dimbokro and Kouassikouassikro consisting of 15 wheelchairs, 45 walking sticks, 29 crutches, 10 white sticks and five simple sticks. In her speech the minister said the donation was in line with president Ouattara’s vision and actions for improving the living conditions of people with disabilities (Abidjan.net, 22 February 2021).

On 6 August 2021, at a platform meeting on gender-based violence (GBV) in Bouaké the different types of violence suffered by people with disabilities were addressed. These included rape, sexual assault, physical assault, early marriage, denial of resources, denial of service opportunities and psychological and emotional violence (Abidjan.net, 7 August 2021).

In December 2020, on the occasion of the celebration of the 28th International Day of Persons with Disabilities (IDPD), the Ministry of Employment and Social Protection (Ministère de l’Emploi et de la Protection Sociale) announced that due to governmental support more than 1,500 persons with disabilities had permanent employment in Côte d’Ivoire and that “the government has authorised the recruitment of 200 disabled people to the civil service” (Government of Côte d’Ivoire, 7 December 2020). Moreover, the minister stated that 5,000 people with disabilities had benefited from the Solidarity Fund, which provides protective equipment and food and non-food items. Regarding children with sensory disabilities, the ministry reported that 500 students had access to mainstream schools under the “inclusive school” project (Government of Côte d’Ivoire, 7 December 2020).

RFI published an article mentioning that people with disabilities are often hidden by their families out of a sense of shame. A disability poses serious financial problems for families, particularly since they are often poor (RFI, 3 December 2020).

The Ivorian newspaper *Fraternité Matin* in September 2020 notes that the national association of the deaf (Association nationale des sourdes de Côte d'Ivoire, Anaso-ci) called on the government for assistance to improve the living conditions of deaf people. The organisation wants to raise awareness among the population on the importance of sign languages for the full realisation of the fundamental rights of deaf people (*Fraternité Matin*, 25 September 2020).

No detailed information regarding the situation of persons with mental disabilities could be found.

8 Situation of individuals of diverse sexual orientations or gender identities (SOGI)

In its World Report covering 2019, HRW notes that “consensual sexual relations between consenting individuals of the same sex are not criminalized in Côte d’Ivoire” (HRW, 14 January 2020). According to Freedom House there is no law prohibiting discrimination based on sexual orientation. Moreover, “LGBT+ [lesbian, gay, bisexual, transgender and other gender identities not fitting these categories] people face societal prejudice as well as harassment by state security forces” (Freedom House, 3 March 2021, section F4).

According to HRW, the new penal code of June 2019 “removed references to acts between members of the same sex as an aggravating factor in cases of public indecency” (HRW, 14 January 2020). Articles 416 and 417 of the penal code cover public indecency (Outrage public à la pudeur). Article 416 punishes public indecency by imprisonment of three months to two years and a fine of 50,000 to 500,000 CFA francs (about 93 to 933 USD). If the offense is committed against a minor or in the presence of a minor, the penalties may be doubled (Law no. 2019-574, 26 June 2019, Article 416; see also USDOS, 30 March 2021, section 6).

AI notes that under the UN Universal Periodic Review in May 2019 “Côte d’Ivoire explicitly rejected recommendations aiming to protect LGBTI [lesbian, gay, bisexual transgender and intersex] individuals against violence” (AI, 8 April 2020). Aimée Zebeyoux, Minister of State for Human Rights at the Ministry of Justice and Human Rights, indicated on 10 May 2019 “that the position of Côte d’Ivoire remained unchanged since the second cycle of the universal periodic review. Consequently, no measures had been taken or were envisaged to promote public acceptance of lesbian, gay, bisexual, transgender or intersex persons in Côte d’Ivoire.” The Minister nevertheless “clarified that Ivorian legislation did not criminalize the sexual orientation of persons living in Côte d’Ivoire” (HRC, 3 July 2019, p. 8).

The USDOS cites reports by human rights organisations, saying that changes in criminal law “did not prevent tacit discrimination based on sexual orientation or gender identity” (USDOS, 30 March 2021, section 6).

According to Freedom House, “LGBT+ people face societal prejudice as well as harassment by state security forces” (Freedom House, 3 March 2021, section F4). According to the Bertelsmann Foundation, minorities, such as people with LGBTQ sexual orientation “face discrimination and lack legal protection” (Bertelsmann Stiftung, 29 April 2020, p. 21). HRW as well as the USDOS reported that discrimination and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons are common (HRW, 14 January 2020; USDOS, 30 March 2021, section 6). The authorities’ response to violence targeting the LGBTI community was “slow and ineffective” (USDOS, 30 March 2021, section 6).

The Swiss Refugee Aid Organisation (Organisation suisse d’aide aux réfugiés, OSAR) reported in July 2021 that social discrimination against LGBTQ persons can take a violent and homophobic form, with members of the “microbes” militia posing as homosexuals in order to lure them and then attack them in gangs. To lure them, militia members pose as gay men looking for a date. Once at the meeting place, they call on their comrades who come with knives to attack them. According to an email sent to OSAR on 13 July 2021 by a contact person who works as the director of an association for the defence of the rights of LGBT persons in Côte d’Ivoire, the “microbes” militia, which refers to youths organised in violent gangs, is responsible for attacks against LGBTQI persons. According to the same informant, there have been two recent incidents where young gay men were stabbed by members of the militia (OSAR, 16 July 2021, p. 6).

The USDOS mentioned an incident of violence against a gay man in February 2020:

“In February a gay man was reportedly severely beaten by family members after presenting his long-term partner publicly at his birthday party. The next day, his uncle told him he would not let his homosexuality tarnish the family’s image and instructed relatives to beat or kill him. After his relatives beat the man, neighbors sheltered him and took him to a health center for treatment. He then took refuge in a church, but congregants demanded the pastor expel him. Information regarding authorities’ response to this incident was not readily available.” (USDOS, 30 March 2021, section 6)

Furthermore, LGBTI persons rarely reported violence committed or threatened against them due to the belief that authorities would not take their complaints seriously (USDOS, 30 March 2021, section 6). Moreover, “paying the authorities was often required for them to conduct investigations” (USDOS, 13 March 2019, section 6). The OFPRA report on a fact-finding mission to Côte d’Ivoire between 25 November and 7 December 2019 mentioned a human rights association, which “recalled that LGBTI people still face denial of care or assistance by police officers”, which lead victims to hiding the homophobic nature of the attack. It also led to hiding “their sexual orientation or gender identity in order to access state services.” Ivorian NGOs told the fact-finding mission that until December 2019 “no complaint of homophobic or transphobic aggression has resulted in a conviction.” From a diplomatic source they learned that “this community is not well treated by the police and the judicial system”. A member of a human rights NGO described the situation as one where a lack of responsiveness prevailed (OFPRA, 7 December 2019, p. 104).

Discrimination against LGBTI persons reportedly occurred also in accessing health care, in school dropouts as well as in incidences such as evictions from their homes by landlords or their own families (USDOS, 30 March 2021, section 6). Members of the transgender community reportedly had difficulties obtaining identity and voting documents (USDOS, 30 March 2021, section 3).

In its human rights report covering the year 2018 the USDOS reported the killing of two members of the transgender community in Abidjan, one in February and one in May; in one case a suspect was arrested and later released, in the other case, no arrests were reported (USDOS, 13 March 2019, section 6).

The report however, also contains the following information regarding the situation of the LGBTI community:

“The few LGBTI organizations in the country operated freely but with caution to avoid attracting the attention of persons who might attack or otherwise abuse its members. New NGOs promoting human rights for members of the LGBTI community were founded, including two new transgender groups based in Abidjan and a group in [sic] northern part of the country.” (USDOS, 13 March 2019, section 6)

In its report dated December 2020, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) notes that two homosexuals were sentenced to 18 months imprisonment at the end of 2016 (ILGA, December 2020, pp. 91, 126, 148). No further cases of prosecution are mentioned by the organisation.

According to OFPRA, there were 23 associations active in promoting the rights of LGBTQI persons in Côte d'Ivoire, which must compete over development aid funds. None of these associations could afford to house LGBTQI people in need (OFPRA, 7 December 2019, p. 108).

OFPRA noted that the interviews with individuals and local initiatives revealed that they could not provide a comprehensive view of the situation across the country. One interviewed organisation operated an alert system for members by phone and on social networks. Another organisation mentioned that it recorded nine aggressions (“agressions”) in Bouaké between June and November 2019. A further interviewee separately mentioned the documentation of seven cases of violence without specifying the location. OFPRA noted further that transgender persons were particularly vulnerable and provided information on two cases in Abidjan: an attack on a young transgender person and another case regarding multiple assaults on a transgender person. The report does not specify when these incidents happened exactly (OFPRA, 7 December 2019, p. 105).

Please refer to section 13 of the report by OFPRA for further details:

- OFPRA – Office Français de Protection des Réfugiés et Apatrides: Rapport de mission en République de Côte d'Ivoire du 25 novembre au 7 décembre 2019, 7 December 2019 https://www.ofpra.gouv.fr/sites/default/files/atoms/files/ofpra_cnda_cote_divoire_rapport_de_mission_en_republique_de_cote_divoire_du_25_novembre_au_7_decembre_2019.pdf

9 Situation of members of ethnic groups

According to the USDOS, Côte d'Ivoire hosts more than 60 ethnic groups, and ethnic discrimination is an issue, despite prohibition of xenophobia, racism, and tribalism by law. Xenophobic, racist and tribal intolerance is punishable by 5-10 years in prison (USDOS, 30 March 2021, section 6).

The Bertelsmann Stiftung explained that the majority Ivorian population is very religious. Although the constitution guarantees the separation of religion and state, religious belonging influences politics. Also "conflicts between the various ethnic groups and immigrant groups gained religious overtones over the course of the last decade" (Bertelsmann Stiftung, 29 April 2020, p. 7). For further information on the (ethnic) demography of Côte d'Ivoire, see section 1.2.

In Côte d'Ivoire, the north-south divide characterises intercommunal relations (see section 1.2.). The mostly Muslim northern communities faced economic and political discrimination, including violence, and were confronted with stereotypes and linguistic cleavages. Yet, theological disputes remained minor features in the conflict. Since the years of partition with parallel administrations in the north between 2002 and 2010, meanwhile a single administrative apparatus provides basic public services to all. However, corruption, lack of resources as well as the legacy of party-political and military intervention still hampers its efficiency. Therefore, the level of social and economic exclusion remains relatively high (Bertelsmann Stiftung, 29 April 2020, p. 7).

Land conflict is among the reasons for conflict between groups that are considered native and others that are not (USDOS, 30 March 2021, section 6). Competition over resources is another cause of conflict, e. g. since many Ivoirians from the Gbagbo-supporting west of the country have felt excluded from government jobs and a system of patronage, which allegedly benefits northern ethnic groups (TNH, 28 October 2020). Please also see section 3.1 above.

The presidential elections of 2010 caused a crisis of ethnic violence and subsequent conflict which resulted in about 3,000 deaths. Intercommunal clashes in the election period 2020, with at least 85 people being killed and more than 3,200 people fleeing the country by November, relate to this historical context of electoral violence, as Mubin Adewumi Bakare, advisor to the ECOWAS commission, explained (Bakare, 2021). According to the UN Office of the High Commissioner for Human Rights (OHCHR), more than 6,000 people have fled the country into neighbouring states due to the election-related tensions and intercommunal violence by beginning of November 2020 (OHCHR, 9 November 2020).

Elections outcomes follow regional and ethnic patterns. In 2010, Ouattara remained the dominant political figure in the north and among the Dioula, while Bédié dominated the centre and among the Baoulé. Only Gbagbo managed to attract not only his traditional Bété voters in the west, but also supporters in the south (Abidjan) and east of the country. (Bakare, 2021) For more information on ethno-political alignments, please see section 3.2 above.

The longstanding Ivorian objective of intercommunal reconciliation with the instalment of a national reconciliation forum and the national reconciliation package has so far remained in stagnation “due to a lack of good-will among political forces that built their success on ethnic and regional divides, and by supporting one ethnic group over the other, rather than acting in the interest of all Ivorians” (ICG, 17 June 2021).

10 Situation of journalists, activists, and human rights defenders

According to the Australian Department of Foreign Affairs and Trade (DFAT), Côte d’Ivoire has introduced laws “aimed at restricting the activities of human rights defenders, journalists and other political opponents” (DFAT, 3 December 2020, p. 8). Already the Ivorian press law of December 2017 includes several defamation-related offences, including “offending the President” (DFAT, 3 December 2020, p. 9). For more information on freedom of thought and freedom of expression, please refer to section 4.1 above.

10.1 Journalists

According to the USDOS, in 2020, the Ivorian independent media “were active and expressed a wide variety of views”. The law prohibits the “detention of journalists in police custody, preventive detention, and imprisonment of journalists for offense committed by means of press or by others means of publication”. However, substantial fines for people found guilty of committing offenses by means of press or by other means of publication are legally legitimate (USDOS, 30 March 2021, section 2).

The USDOS reported that news coverage and programme content on television and radio was influenced by the government. Furthermore:

“Both independent journalists and journalists affiliated with the state-owned media said they regularly exercised self-censorship to avoid sanctions or reprisals from government officials. The National Press Authority, the government’s print media regulatory body, briefly suspended or reprimanded newspapers and journalists for statements it contended were false, libelous, or perceived to incite xenophobia and hate. Human rights organizations reported legal intimidation had a chilling effect on media coverage of certain topics, and media often only believed themselves to be secure publishing stories critical of the government after the same reporting had appeared in international publications.” (USDOS, 30 March 2021, section 2)

In 2018, Amnesty International stated that “the Ivorian authorities continue to use repressive legal provisions to arbitrarily arrest and detain those who express dissent, including journalists and political activists.” They reported further that “the National Council of the Press (Conseil National de la Presse, CNP), repeatedly sanctions newspapers, particularly those close to opposition groups, with suspensions and hefty fines” (AI, 30 September 2018, p. 13). Incidents, where journalists were subjected to violence, harassment, or intimidation by authorities were reported (USDOS, 30 March 2021, section 2). According to Amnesty International, in 2020 “political activists, journalists and others who expressed dissent were harassed and arbitrarily arrested” (AI, 7 April 2021).

The incidents included, in March, the conviction and sentencing to substantial fines of the journalists Sindou Cisse and Marc Dossa, of the opposition-aligned newspaper *Generations Nouvelles*, for publishing “fake news” about the existence of COVID-19 cases in prisons (USDOS, 30 March 2021, section 2); fining two journalists with 4,600 US dollars (2.5 million XOF) for “disseminating false information” in relation to the publication of a letter by lawyers about harsh detention conditions (AI, 7 April 2021; USDOS, 30 March 2021, section 2); and, in May, fining two journalists with 9,200 US dollars (5 million XOF) for publishing a critical article about the authorities’ handling of public affairs (AI, 7 April 2021).

On 6 May 2020, Ivorian journalist, Claude Dassé of *L'Intelligent*, was reportedly confined and threatened with death by prison guards because of his investigation on a racket organised by prison guards on inmates of the Abidjan House of Arrest and Correction (Maca). The incident happened during an official appointment at the prison, where he was reportedly beaten, insulted and threatened with death in order to prevent the publication of his article (*Le Figaro*, 12 May 2020; RFI, 13 May 2020).

In August 2020, arbitrary arrests of people calling for demonstrations or attending peaceful protests against the renewed candidacy of the president, among them political activists and civil society representatives, were conducted. Charges included “disruption of public order and participation in an insurrectionary movement” (AI, 7 April 2021; USDOS, 30 March 2021, section 2).

Before the presidential elections, Pierre Pinto, correspondent for *Radio France Internationale* (RFI), received fierce reactions on social media following his twitter statement saying that an opposition rally against the re-election of president Ouattara on 11 October 2020 could not fill the Félix Houphouët Boigny Stadium in Abidjan. Two journalists – André Sylver Konan of *Afriksoir* and Félix Diby Boni of *Abidjan.net* – were reportedly threatened and verbally attacked by politicians. Julien Adayé, correspondent for *Deutsche Welle*, “was brutalised by police while covering an opposition protest in the Abidjan suburb of Abobo” (CIVICUS Monitor, 18 January 2021; RSF, 15 October 2020). In October 2020, *Abidjan.net* named four more correspondents (Zon Hilaire, correspondent for *Associated Press*, Roland Klohi of *Sputnik Agence*, Thaïs Brouck of *France 24* and Jenna Lebras of *Le Figaro*) that were threatened and attacked by some supporters of political parties and law enforcement agencies (*Abidjan.net*, 21 October 2020).

In the aftermath of the elections, two journalists were detained. On 3 November 2020, Yao Alex Hallane Clément, journalist for the broadcaster *PDCI 24 TV*, was accused of being a propagandist supporter of the opposition and arrested at the residence of former president Henri Konan Bédié, where he was covering a press conference (CIVICUS Monitor, 18 January 2021; CPJ, 17 November 2020). He was taken to the Directorate of Territorial Surveillance (DST), “a facility reserved for alleged terrorists and other dangerous criminals, where he was held without access to a lawyer for five days” (CPJ, 17 November 2020). On 9 November 2020, when covering the protests in Yopougon suburb of Abidjan, Stéphane Beti, journalist for *Agence de Presse Panafricaine*, was beaten by police, taken to a police station,

interrogated, his phone seized and searched for its content, and held for several hours (CIVICUS Monitor, 18 January 2021; CPJ, 17 November 2020).

In November 2020, opposition figures who had created the Transitional National Council were put under de facto house arrest (AI, 7 April 2021).

In December 2020, the two singers, Yode and Siro, were reportedly convicted of “propagation of false information with tribalist and racist overtones with the intention of rising a community against another, contempt of court and discrediting the judicial institution and its functioning” with a 9,200 US dollars (5 million XOF) fine and a one-year suspended sentence after they had “questioned the impartiality of the General Prosecutor in the investigation of electoral violence and called for the return of political opponents to the country” during one of their concerts (AI, 7 April 2021).

In March 2021, the Media Foundation for West Africa (MFWA) reported that journalist Jonas Baikheh of L’infodrome received a death threat by supporters of the Société Ivoirienne de Construction et de Gestion Immobilière (SICOGI). Baikheh had reported in real-time that the Chief Executive Officer of SICOGI and president of the Worodougou regional council, Bouaké Fofana, felt sick and nearly collapsed at a political meeting with youth in the presence of municipal and district authorities (MFWA, 25 March 2021).

10.2 Activists

According to the Bertelsmann Stiftung, civil society groups could not operate freely between 2002 and 2011 due to repressive policy measures such as prohibitions on public demonstrations for extended periods. Activities of violent youth activist groups in the south were another reason for the general constraints. An in the north, a general absence of rule of law caused repressive measures. Since 2011, the situation has reportedly strongly improved (Bertelsmann Stiftung, 29 April 2020, p. 8). However, as Freedom House reported, in 2020, authorities arrested several activists, including well-known leaders of the Alternative Citoyenne Ivoirienne (ACI), on charges ranging from “undermining public order” to “undermining national defense.” All activists arrested were opponents of Ouattara’s candidacy for president (Freedom House, 3 March 2021, section E).

Amnesty International reported in April 2021 that cyber activist François Ebiba Yapo, also known as Serge Koffi Le Drone, was reportedly tortured in custody of the Unit to Combat Organized Crime in May 2020. No investigations were undertaken (AI, 7 April 2021).

Please see also the case of an activist engaged against police corruption in section 11.1 below.

Following the presidential elections of 2020, at least 300 people, among them activists, were arrested and detained. Amnesty International could not ascertain the exact number of detainees in the context of the elections due to restricted information by the authorities and denied access to prisons (AI, 26 March 2021).

In April 2021, Pulchérie Gbalet, president of ACI was released from prison. She had served eight months, charged with “inciting revolt, calling for an insurrection, disturbing public order, violence and assault” (Africanews, 29 April 2021).

10.3 Human rights defenders

In the 2014 session of the Universal Periodic Review (UPR), Côte d’Ivoire agreed to protect the rights of human rights defenders and to ensure the adoption and implementation of a law on the protection of defenders (ISHR, 2 April 2019). In June 2014, the respective law was adopted (Law no. 2014-388, 20 June 2014) and a Decree on the modalities of its application was published in February 2017 (Decree No. 2017-121, 22 February 2017). The law “enshrines the rights to freedom of expression, association and to protection from reprisals” and “codifies the obligation of the state to protect human rights defenders, their families and their homes from attacks, and to investigate and punish any attacks against them” (AI, 30 September 2018, p. 10). The decree provides that the responsibility to protect human rights defenders rests with the state in conjunction with the National Human Rights Commission (Decree No. 2017-121, Article 18; AI, 30 September 2018, p. 10).

Nevertheless, in April 2019, the International Service for Human Rights (ISHR) claimed:

“Despite [...] the law being adopted [...], human rights defenders, journalists and activists continue to face threats and attacks – including physical violence, arbitrary detention and intimidation. Defenders of the rights of LGBTI people, as well as women human rights defenders who challenge societal gender norms, are especially targeted and ostracised.” (ISHR, 2 April 2019)

11 Rule of law

11.1 Impunity/accountability for crimes

Several sources mention impunity in relation to crimes committed surrounding the election process. They especially point to a climate of impunity following the election violence of 2010-2011, where most perpetrators of abuses from both sides have not been held accountable (AI, 8 April 2020; GCR2P, 15 November 2020; Freedom House, 3 March 2021, section F3). According to Freedom House, the few prosecutions that did take place mostly concerned individuals associated with former president Laurent Gbagbo (Freedom House, 3 March 2021, section F3). In August 2018 President Ouattara issued an amnesty for 800 individuals, among them military officers and political leaders, for their involvement in crimes during the post-electoral violence 2010-2011 (FIDH/LIDHO/MIDH, 15 November 2018). Following a petition from human rights organizations from 2019, the Supreme Court was yet to rule on the amnesty (AI, 7 April 2021).

The Social Institutions & Gender Index for Côte d’Ivoire published by the Organisation for Economic Co-operation and Development (OECD) in December 2018 mentions impunity specifically for sexual violence and rape:

“Sexual violence and rape are prevalent in Côte d’Ivoire and marked by an impunity of perpetrators, due to several factors, including the collapse of judicial institutions as a

result of the diverse crises between 2002 and 2011 and the absence of police forces and courts in certain regions [...].” (OECD, December 2018, p. 5)

Human Rights Watch in its annual report of January 2020 goes into further detail regarding the lack of accountability for crimes committed during the 2010-2011 post-election crisis:

“The government, however, failed to tackle the root causes of past political violence, notably entrenched impunity, a politicized judiciary, and longstanding political and ethnic tensions. The International Criminal Court (ICC)’s January 2019 acquittal of former President Laurent Gbagbo and his youth minister and militia leader Charles Blé Goudé, and the halting of domestic prosecutions, further entrenched impunity for crimes committed after the 2010-11 elections, which left thousands dead. [...]

In the year after President Ouattara’s August 2018 amnesty for crimes committed during the 2010-11 post-election violence, there was little progress in domestic investigations by the Special Investigative and Examination Cell. The cell, established in 2011, had in previous years charged more than two dozen senior military officers and political leaders with crimes against humanity or war crimes. The Ivorian government stated in February that the amnesty law does not preclude Ivorian judges from investigating the worst crimes committed during the crisis, noting that it does not apply to individuals who are ‘members of the military and armed groups.’ On November 6 [2019], Ivorian judges confirmed charges against Blé Goudé in Côte d’Ivoire for alleged crimes during the 2010-11 post-election crisis, including murder, rape, and torture. Other than the Blé Goudé’s case, however, the Special Cell has frozen its investigations, making it unlikely that alleged perpetrators will ever face trial.

On April 4, three human rights groups, two Ivorian and one international, filed a Supreme Court complaint contesting President Ouattara’s authority to issue the amnesty, arguing that it violated Côte d’Ivoire international human rights treaty obligations. At time of writing, the case had not yet been decided. Neither Côte d’Ivoire’s Special Cell nor the ICC have investigated crimes committed during election-related violence in 2000, or the 2002-2003 armed conflict. A government reparations program continued to give victims of the 2002-2011 conflicts financial payments, medical treatment, and other forms of assistance.” (HRW, 14 January 2020)

The International Center for Transitional Justice (ICTJ), a non-profit-organisation advising countries in transition processes and promoting accountability for human rights abuses, in a January 2019 article similarly describes measures being taken to end post-electoral impunity of 2010-2011, also mentioning the special investigative unit (Cellule Special d’Enquête et Instruction) and investigations by the International Criminal Court. It explains, however, that there is a pact among the Ivorian political elite to prevent accountability, instead victims are asked to forgive and so far, “only very limited measures of reparations have been delivered to a small number of victims” (ICTJ, 30 January 2019).

On March 31, 2021, the Appeals Chamber of the International Criminal Court (ICC) upheld the acquittal of Laurent Gbagbo and Charles Blé Goudé, a former student union leader and the

minister of youth in Gbagbo's government. Reactions to the acquittal had been different: "Those in pro-Gbagbo strongholds celebrated their release, while hundreds of victims of the crisis protested the decision." The Ivorian government had sentenced both Gbagbo and Blé Goudé to 20 years in prison "but it is likely they will never serve those sentences" (ICTJ, 2 April 2021).

Victims of the 2010-2011 post-election crisis are rarely heard and struggle to access any form of redress. According to ICTJ, the national reparation programme lacks transparency, a clear policy and a complete list of victims. Therefore, "the majority of victims do not know whether they have been verified as such and continue to wait endlessly for the government to make a determination one way or the other" (ICTJ, 2 April 2021).

Amnesty International, following the most recent election violence in October 2020, explains that impunity has led to killings and other human right violations in the country:

"Authorities in Côte d'Ivoire must investigate the killing of dozens of people with rifles, guns and machetes since the presidential election, Amnesty International said today. [...] 'We are urging the Ivorian authorities to investigate the bloody violence and bring perpetrators to justice. The impunity that has long reigned in Côte d'Ivoire provides fertile ground for people to commit killings and other human rights violations with no fear of being held to account,' said Samira Daoud, Amnesty International West and Central Africa Director." (AI, 16 November 2020)

Activists, protesters, opposition supporters, and alleged perpetrators of violence arrested during violence and protest in the 2020 elections period and many held in pre-trial detention for months lacked access to lawyers and medical treatment. Alleged torture and ill-treatment in detention were reported by individual cases. At least one detainee died in detention (AI, 26 March 2021).

The following sources contain information on the prevailing impunity for state actors:

In its Transformation Index report (covering 1 February 2017 until 31 January 2019) Bertelsmann Stiftung calls the accountability of the Ivorian state actors "a matter of debate":

"The president has repeatedly claimed that he wants to establish an accountable government, but whether state actors are subjected to law is a matter of debate. The strongest effective check on government likely remains the extra-constitutional veto players in the security apparatus. The judiciary can only insufficiently balance the hegemony of the executive." (Bertelsmann Stiftung, 29 April 2020, p. 9)

Regarding state officials acting with impunity, the March 2021 USDOS report mentions judiciary, police and security forces being involved in corrupt practices:

"The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials were reported to engage frequently in corrupt practices with impunity. Human rights organizations reported official corruption, particularly in the judiciary, police, and security forces, but noted that victims of such

corruption often did not report it or assist in investigations, fearing retaliation.” (USDOS, 30 March 2021, section 4)

According to Freedom House, “security officials are susceptible to bribery and are rarely held accountable for misconduct” (Freedom House, 3 March 2021, section F2), while Human Rights Watch more broadly notes that “members of the army, police, or gendarmerie were rarely punished for corruption and other more serious offenses” (HRW, 14 January 2020). Amnesty International notes that “security forces used excessive force with impunity against peaceful protesters” (AI, 8 April 2020) and in “Abidjan, police officers apparently had allowed groups of men, some armed with machetes and sticks, to attack protesters” (AI, 7 April 2021). In an August 2020 press release AI describes how police in Abidjan enlisted an armed mob to attack protesters demonstrating against President Ouattara:

“According to exclusive testimony obtained by Amnesty International, police officers in Abidjan apparently allowed groups of men, some of whom were armed with machetes and heavy sticks, to attack protesters demonstrating against President Alassane Ouattara’s decision to run for a third term in office. In a rare interview, a police officer who was on duty on 13 August in Yopougon district of Abidjan told Amnesty International he was alarmed to hear his colleagues talk about how the armed men had ‘helped’ police disperse protesters last week. Two minivans (Gbakas) ferrying dozens of young men, some armed, were driven to two protest locations where the officer was present. At one location, a couple of men on a motorbike escorting the Gbakas approached the police officer-in-charge and after a brief conversation, the group of young men went into the neighbourhood unhindered and begun chasing after and dispersing protesters.” (AI, 18 August 2020)

The French-German publicly owned television channel ARTE in September 2020 features a report on efforts to curb police corruption in the country. According to the report, the police take bribes and extort money from citizens, a behaviour that is said to be a legacy of 20 years of conflict in Côte d'Ivoire. At roadblocks all over the country the police collect money from truck, bus and car drivers. Since all traffic of goods takes place via roads, police officers can make a lot of money this way. A simple identity check can easily end up with demands for money. In the best case it is only small sums of money, in the worst case, violence comes into play, sometimes even leading to manslaughter. The corrupt officers are called "mange-mille", because they like to take 1,000 CFA-Franc bills from the people, which is about EUR 1.50. The report focuses on the military court in Abidjan, the only one of its kind in the whole country. Here, the judges fight with modest means against the common impunity of police and military personnel. At the court there is a complaints office for victims of offences committed by officials such as protection racketeering on the open road, police violence and trade with forged papers. During the proceedings, witnesses rarely comply with their summons and the taking of evidence is insufficient. According to a prosecutor, the victim's testimony is often the only available evidence. However, the witnesses rarely have the courage to come to court and testify, so the prosecution has a hard time getting the court to convict (ARTE, 18. September 2020).

In its country report covering the human rights situation in 2019, Human Rights Watch mentions similar extortion practices by security forces detailed by ARTE above and describes the case of an activist who tried to shed light on these practices, was convicted for public order offenses and received an even harsher sentence upon appeal:

“Members of the security forces continued to engage in racketeering and extortion, particularly at checkpoints on secondary roads. Online activist Soro Tangboho was arrested in November 2018 for live streaming police officers whom, he claimed, were extorting money from motorists. He was convicted on June 7 for public order offenses; his initial one-year sentence was increased to two after a July 31 appeal. Members of the army, police, or gendarmerie were rarely punished for corruption and other more serious offenses.” (HRW, 14 January 2020)

The following sources point to prevailing impunity for non-state actors:

The news website of the United Nations informs in an article of October 2020 about intercommunal clashes in pre-election violence leading to 20 deaths in the East and Southeast of the country. According to the article, unidentified individuals attacked opposition protesters with knives and machetes with impunity. (UN News, 27 October 2020)

The French independent online journal Mediapart in October 2020 publishes a report that describes in greater detail one case related to the above-mentioned intercommunal election violence. The report recounts the events in a village near the town of Dabou, about 45 kilometres west of Abidjan, where armed men ransacked and torched a school as well as adjacent buildings. Most students and teachers managed to flee before the attack, but a student was found dead later, with fatal wounds caused by a gun and a machete. Villagers of the Adiokru ethnic group hesitantly made members of the Dioula and supporters of President Ouattara responsible for the attack. Following this attack, in the village of Mangrotou a mosque was ransacked and houses were burned down. A villager made members of the Adiokru responsible and said that the police refused to help who argued that this was just a political spat. (Mediapart, 27 October 2020)

In an opinion piece published by the news website Connection Ivoirienne, author Venance Konan in light of the violence following the presidential election of October 2020 writes about longstanding impunity for lynchings of suspected criminals, crimes of murder and rape carried out by political partisans as well as killings of suspected “sorcerers”, adding that the “list of crimes going unpunished in this country is endless” (Connection Ivoirienne, 3 December 2020).

Abidjan.net reports in November 2019 that the NGO Group of women’s organisations for the equality of men and women (Groupe des organisations féminines pour l'égalité Hommes-Femmes, GOFEHF) at a meeting in Abidjan denounced the recurrence of sexual violence in Côte d'Ivoire, indicating that in 2019 up to 21 cases of rape of minors were documented. The NGO estimates that the impunity for the perpetrators of rape exacerbates this phenomenon (Abidjan.net, 30 November 2019).

Jeune Afrique mentions in a February 2018 article by Abidjan-based journalist André Silver Konan, that in the years 2016 and 2017 there were four cases of lynchings targeting members of the security forces, adding that at the time of the publishing of the article, no one had been charged with these murders. Konan goes on to mention that these crimes are related to impunity. Some members of the security forces are involved in racketeering schemes on the roads and there has been little effort to combat this phenomenon. Moreover, people take the law into their own hands because they lack confidence in institutions. According to a civil society activist, only on few occasions, investigations come to successful conclusions. People turn to criminal acts more easily if they are sure that they do not risk prosecution. In the four years up to the publishing of the article there are said to have been eight cases of intercommunal violence in the country leading to dozens of deaths, without anyone being charged (Jeune Afrique, 21 February 2018).

11.2 Arbitrary arrest and detention

The UDSOS report on human right practices in 2020 outlines the legal provisions regarding arrest and pre-trial detention in Côte d'Ivoire, declaring the Directorate of Territorial Surveillance – a department under the Ministry of Security and Civil Protection in charge of countering external threats (USDOS, 30 March 2021, Executive Summary) - as well as other authorities responsible for carrying out arbitrary arrests and detaining individuals longer than the legally prescribed pretrial period of 48 hours:

“The constitution and law prohibit arbitrary arrest and detention, but both reportedly occurred. Human rights organizations reported that authorities arbitrarily detained persons, often without charge. Many of these detainees remained in custody briefly at either police or gendarmerie stations before being released or transferred to prisons, but others were detained at these initial holding locations for lengthy periods. The limit of 48 hours’ detention without charge by police was sometimes not enforced. Although detainees have the right to challenge in court the lawfulness of their detention, most detainees were unaware of this right. Public defenders were often overwhelmed by their workloads.

The government revised the law in 2019 to allow the state to detain a suspect for up to 48 hours without charge, subject to renewal only once for an additional 48 hours. The law specifies a maximum of 18 months of pretrial detention for misdemeanor charges and 24 months for felony charges, subject to judicial review every eight months.

Police occasionally arrested individuals and held them without charge beyond the legal limit. While the law provides for informing detainees promptly of the charges against them, human rights organizations reported that this did not always occur, especially in cases concerning state security or involving the DST. A bail system exists but was reportedly used solely at the discretion of the trial judge. Authorities generally allowed detainees access to lawyers, but in national security cases, authorities sometimes did not allow access to lawyers and family members. The government sometimes provided lawyers to those who could not afford them, but other suspects often had no lawyer unless privately retaining one. Public defenders occasionally refused to accept indigent client cases they were asked to take because they reportedly had difficulty being

reimbursed by the government as prescribed by law. Human rights organizations reported multiple instances in which detainees were transferred to detention facilities outside their presiding judge's jurisdiction, in violation of the law.

Arbitrary Arrest: The law does not permit arbitrary arrest, but authorities reportedly used the practice. [...]

Pretrial Detention: According to officials, 6,586 inmates were in pretrial detention as of late August, slightly more than 30 percent of the total inmate population. Prolonged pretrial detention was a major problem. In some cases the length of detention equaled or exceeded the sentence for the alleged crime. Inadequate staffing in the judicial ministry, judicial inefficiency, and authorities' lack of training or knowledge of legal updates contributed to lengthy pretrial detention. There were reports of pretrial detainees receiving convictions in absentia, with judicial authorities sometimes claiming the presence of the accused at their trial was not necessary, and at other times, not providing sufficient notice and time to arrange transportation to the trial." (USDOS, 30 March 2021, section 1d)

The above-mentioned criminal procedure code can be accessed in full via the following link:

- Law no. 2018-975 (Criminal Procedure Code) - Loi n° 2018-975 portant Code de Procédure pénale, 27 December 2018 (published in the Journal Officiel 13 March 2019)
<http://www.caidp.ci/uploads/997a8149124ebaffe41282e96908d822.pdf>

In its report on the human rights situation covering 2019, Amnesty International notes that "political activists, civil society representatives, journalists and others who expressed dissent were arbitrarily arrested" (AI, 7 April 2021). The March 2020 Freedom House report states that "prolonged pretrial detention is a serious problem for both adults and minors, with some detainees spending years in prison without trial" (Freedom House, 3 March 2021, section F2).

In August 2021, re-elected president Alassane Ouattara announced that he had granted an amnesty to 3,000 convicts, whose remaining prison sentence was less than one year (AA, 7 August 2021).

The following cases of arbitrary arrest and detention that could be found are in connection to political activism:

Human Rights Watch in December 2020 reports the arbitrary arrests of Pascal Affi N'Guessan and Maurice Kakou Guikahué as well as of 11 further opposition members in November 2020 and adds that their lawyers call the charges brought against them "politically motivated":

"On November 3, police arrested 11 opposition members at Bédié's Abidjan house. Eight of them were transferred that night to the National Surveillance Directorate (Direction de la Surveillance du Territoire, DST), a domestic intelligence agency that is not an authorized detention site under Ivorian law. They were detained and questioned there for three nights without access to a lawyer or communication with family members. Three opposition parliament members among those arrested were held in police custody

but also questioned at the DST without access to a lawyer. All 11 were brought before an investigating judge on November 6. Nine have since been released on conditional bail, while two prominent members of Bédié's political party, Maurice Kakou Guikahué and N'dri Pierre Narcisse, remain detained at Abidjan's central prison (Maison d'Arrêt et de Correction d'Abidjan, MACA). Pascal Affi N'Guessan, an opposition spokesperson and former prime minister, was arrested the night of November 6, and, his lawyer said, held incommunicado at the DST and questioned without access to his lawyer. He was brought before an investigating judge on November 9, and denied bail. [...]

N'Guessan and the 11 opposition members arrested on November 3 have been charged with terrorism, attacks against the authority of the state, and murder, among other charges. Adou, the chief prosecutor, said on November 2 that the charges relate to the opposition parties' call for 'civil disobedience' prior to and during the election and the announcement of a National Transitional Council. Opposition lawyers said the charges against them were politically motivated, while Ivorian human rights groups said that executive interference in political cases means that they have little chance of a fair trial. The Ivorian government should refrain from interfering in political cases, Human Rights Watch said, and the Ivorian judiciary should release anyone arbitrarily arrested on the basis of their political affiliation." (HRW, 2 December 2020)

Maurice Kakou Guikahué was released and placed under judicial supervision in January 2021 (Abidjan.net, 20 January 2021), and N'dri Pierre Narcisse was released in an amnesty together with eight other persons in August 2021 (AA, 7 August 2021).

The Inter-Parliamentary Union (IPU), a global organization of national parliaments to promote peace, democracy and sustainable development in a report of November 2020 addresses the cases of five Ivorian parliamentarians of the opposition who were subjected to arbitrary arrest and in December 2019, four of them being subsequently detained for nine months:

"In December 2019, the Committee received a new complaint about nine members of the National Assembly, including Mr. Lobognon, who had allegedly been arbitrarily arrested with Mr. Loukimane Camara, Mr. Kando Soumahoro, Mr. Yao Soumaïla and Mr. Soro Kanigui on 23 December 2019. The five members of parliament have been charged with causing public disorder, challenging the authority of the State and spreading fake news, bringing discredit to state institutions and their operation, all of which amount to an attack on state authority. [...]

The Governing Council of the Inter-Parliamentary Union [...] Notes the provisional release under judicial supervision of Mr. Loukimane Camara, Mr. Soro Kanigui, Mr. Soumaïla Yao and Mr. Kando Soumahoro; considers nevertheless that the restrictive conditions attached to their release are in no way justified; considers, rather, that such conditions reinforce the complainants' allegations that the proceedings against these members of parliament are politically motivated and are part of the continued political and judicial harassment to which they have been subjected since 2019; underscores that these members of parliament remained in detention for nine months with no legal prospect of a fair trial being held." (IPU, 3 November 2020, pp. 2-3)

The UDSOS report on human right practices in 2020 refers to a case of arbitrary arrest of an opposition politician:

“Multiple media sources reported that in September, Justin Koua, the local spokesperson of an opposition political party, was arrested on his way to work. Koua was charged with disturbing the peace, inciting insurrection, and as an accessory to property destruction as a result of his calls for protests against President Ouattara’s candidacy for a third term. Koua’s lawyers told media his arrest violated the law because he was not first served with a summons to appear before authorities. During the week following his arrest, media reported Koua was transferred to four different detention facilities. Koua’s lawyers later told media they were not officially informed of any of these transfers and learned of the transfers from unofficial sources.” (USDOS, 30 March 2021, section 1d)

The International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) in a press release of September 2020 denounced the arbitrary arrest of Pulchérie Gbalet, who was released in April 2021 (see section 10.2 above). Pulchérie Gbalet is the president of the Alternative citoyenne ivoirienne (ACI), an NGO platform campaigning for human rights, together with further fellow activists on the sidelines of a protest against a third term of President Ouattara (FIDH/OMCT, 1 September 2020, see also ARTICLE 19, 25 August 2020). The Ivorian news website Koaci further described the circumstances of the arrest of Ms Gbalet, noting that she had been taken away by unidentified men to an unidentified location (KOACI, 17 August 2020). The online news portal Abidjan.net reported in mid-November 2020, that Ms Gbalet was in pre-trial detention since 15 August 2020 and that her scheduled court hearing had not taken place yet (Abidjan.net, 17 November 2020). ARTICLE 19, an international human rights NGO promoting freedom of expression and freedom of information worldwide, in an article of August 2020 mentions that Gbalet was accused of “inciting revolt and calling for insurrection”, while five more women arrested during protests were accused of “disturbing public order, inciting revolt, violence against law enforcement officials and destruction of other people’s property” (ARTICLE 19, 25 August 2020).

For more detailed information on the treatment of protesters please refer to section 4.2. For more detailed information on the treatment of opposition supporters please refer to section 4.3.

11.3 Independence of the judiciary

Articles 139-162 of the Ivorian constitution deal with the judicial system. Articles 139-142 lay down the independence of the judiciary (Law no. 2016-886, 8 November 2016, Articles 139-142).

According to Freedom House “[t]he judiciary is not independent, and judges are highly susceptible to external interference and bribes” (Freedom House, 3 March 2021, section F1). Human Rights Watch in its report of January 2020 describes the judiciary as “politicized”, adding that the “justice system lacks independence and judges regularly experience pressure from the executive. Judges report that the risk of interference is greatest in political cases, but can occur in any civil or criminal trial” (HRW, 14 January 2020).

Overseas Security Advisory Council (OSAC), a joint venture between the Department of State and the U.S. private sector to exchange information about security issues overseas, in its 2020 Crime & Safety Report on Côte d'Ivoire notes the following regarding the judicial system:

“The judicial system is equally under-resourced and ill-equipped to process its current case load and to incarcerate convicted criminals in accordance with international standards. Government corruption remains a serious problem in Côte d'Ivoire, and has an impact on judicial proceedings, contract awards, customs, and tax issues.” (OSAC, 13 March 2020)

The UDSOS report on human right practices in 2020 makes the following comments regarding the legal basis for the work of the judiciary branch and how it deals with cases in practice:

“The constitution and law provide for an independent judiciary, and although the judiciary generally was independent in ordinary criminal cases, the government often did not respect judicial independence. In January various professional associations and civil society organizations complained of continual interference by the executive branch in the judiciary and the government’s refusal to implement several court decisions.

The constitution and law provide for the right to a fair and public trial, but the judiciary sometimes did not enforce this right. Although the law provides for the presumption of innocence and the right to be informed promptly and in detail of the charges (with free interpretation as necessary from the moment charged through all appeals), the government did not always respect this requirement. In the past, assize courts (special courts convened as needed to try criminal cases involving felonies) rarely convened. During the year standing criminal tribunal courts established to replace the assize courts to address the backlog of cases began hearing cases. [...]

The constitution and law provide for an independent judiciary, but the judiciary was subject to corruption and outside influence. Citizens may bring lawsuits seeking damages for, or cessation of, a human rights abuse, but they did so infrequently.” (USDOS, 30 March 2021, section 1e)

“The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials were reported to engage frequently in corrupt practices with impunity. Human rights organizations reported official corruption, particularly in the judiciary, police, and security forces, but noted that victims of such corruption often did not report it or assist in investigations, fearing retaliation. In September 2019 the High Authority for Good Government (HABG), a government anticorruption authority, issued a communique announcing measures to end unauthorized charges for the delivery of administrative documents. Civil society groups and government officials reported the HABG was not empowered to act independently or to take decisive action. The HABG can make recommendations, but the public prosecutor must decide to take up a case. Additionally, the constitutionally mandated High Court of Justice to judge members of government, including the president and vice-president, for

crimes committed during the exercise of their official functions has not been established.” (USDOS, 30 March 2021, section 4)

Bertelsmann Stiftung in its report covering February 2017 until January 2019 similarly describes government influence on and corruption within the judiciary branch, pointing out that the lack of independence is especially evident when it comes to the prosecution of political actors and their allies:

“Formally, the judiciary is institutionally distinct, but its decisions and doctrine have always been subordinated to the government of the day. Both the constitutional and the regular branch are vulnerable to executive intervention, lack adequate resources and are riddled with corruption. Prior to the civil war, a series of major judicial reforms were announced (installation of a Supreme Court of Appeal and of an Audit Office), but only the Court of Audit has been implemented yet. This new institution suffers from the lack of political will to fully implement its mandate. The independence of the Constitutional Court was decisively compromised by its controversial position in the electoral crisis of November 2010. The judiciary’s lack of independence has been confirmed by the legal treatment of war crimes. While several hundred officials of the Gbagbo administration had been put on trial and finally convicted by the end of 2014, only a few cases were opened which accused former pro-Ouattara militias, with none leading to convictions, although the involvement of pro-Ouattara forces in criminal acts had been demonstrated by a U.N.-led expert mission in 2011. Human Rights Organizations have also criticized the lack of professional expertise in the judicial sector, leading to the acquittal of some prominent accused individuals because of procedural errors.” (Bertelsmann Stiftung, 29 April 2020, p. 10)

The French Office for the Protection of Refugees and Stateless Persons (Office Français de Protection des Réfugiés et Apatrides, OFPRA) together with participants from the National Court for Asylum Law (Cour nationale du droit d’asile, CNDA) in November and December 2019 organised a fact-finding mission to Côte d’Ivoire, carrying out interviews with members of political parties and civil society. Regarding the judicial system, OFPRA quotes a diplomatic source as saying that judges are corrupt and take money in order to set people free. While the legal texts are complete and showcase respect for basic rights, in reality the citizens do not have any confidence in the justice system, the administration or the police and people have to pay for everything. The diplomatic source further deplored the permeability between the executive and the judiciary, adding that the minister may phone a judge with instructions and that there is a permanent direct line between the minister and the Abidjan prosecutor. While the diplomatic source was not aware of any threats against judges, it believed that their speech was restricted, adding that judges know what happens to anyone who resists pressure from the executive. The source further described pressure being exerted when it comes to politically sensitive issues. If a judge has a desire for independence or speaks to the press, he is sanctioned and removed without delay. In 2018, a judge was thus excluded from the corps after having made a public statement concerning the ‘brutal transfer’ of one of his colleagues. A human rights defender on the other hand indicated a case in which a judge was pressured and threatened (OFPRA, 7 December 2019, pp. 65-66).

Amnesty International in an appeal of January 2020 calls on the authorities to “uphold the independence of the judiciary and refrain from using the criminal justice to persecute opposition leaders and critics” (AI, 10 January 2020). The Nordic Africa Institute, a research institute in Uppsala, Sweden, in October 2020 publishes a report on the risk of election violence, explaining that President Ouattara has a strategy of using the judiciary to rid himself of political opponents, adding that “this course has already resulted in the sentencing of three central players in Ivorian politics” (The Nordic Africa Institute, October 2020, p. 4).

The Global Centre for the Responsibility to Protect (GCR2P), an international initiative for advocacy against and research into crimes against humanity in an overview of developments in Côte d'Ivoire of November 2020 mentions that shortly after the election several opposition candidates who announced the establishment of a National Transitional Council were arrested and charged with terrorism :

“Ahead of the election, the main opposition candidates – former President Henri Konan Bédié and Pascal Affi N’Guessan – called for a boycott and a civil disobedience campaign. After the vote, N’Guessan, who served as Prime Minister under former President Laurent Gbagbo, announced the creation of a ‘National Transitional Council,’ chaired by Bédié and tasked with preparing ‘the framework for the organization of a fair, transparent and inclusive presidential election.’ [...] On 6 November a prosecutor announced that opposition candidates will face charges of terrorism for establishing a breakaway government. Several opposition leaders, including N’Guessan, were arrested the following day.” (GCR2P, 15 November 2020, p. 19)

The USDOS report mentions that “individuals and organizations may appeal adverse domestic decisions to regional human rights bodies such as the ACHPR. In April, however, the government withdrew its recognition of the ACHPR’s jurisdiction in matters brought by Ivorian nonstate actors, effective April 2021” (USDOS, 30 March 2021, section 1e). This means that individuals and civil society organisations no longer have the option to appeal directly to the ACHPR for grave violations of rights, if unable to obtain justice from domestic courts, as sources explained already in 2020 (OMCT et al., 30 April 2020; CIVICUS Monitor, 16 September 2020). According to the World Organisation Against Torture (OMCT), as of 30 April 2020, the ACHPR had so far dealt with 31 cases brought forward by individuals or civil society organisations from Côte d'Ivoire, representing 11 % of its overall caseload. The source cites Yacouba Doumbia, president of the Ivorian Movement for Human Rights (MIDH), who argues that in a country in which the judicial system has been strongly criticised over the past years, the withdrawal from the ACHPR signifies blocking citizens from accessing supranational legal measures, which in turn risks direct confrontation as the only outlet (OMCT et al., 30 April 2020).

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