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FREEDOM IN THE WORLD

Côte d'Ivoire

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Overview:

In 2012, Côte d'Ivoire continued to recover from an early 2011 conflict—sparked by a disputed presidential election—that left about 3,000 dead and an estimated one million displaced. A new parliament was successfully seated, and the government of President Alassane Ouattara made halting progress in reforming the judiciary and curbing abuses by the national army. Likewise, several important laws were adopted on transparency and corruption. However, despite some improvements to the security situation, lawlessness and impunity continued in many parts of the country.

Côte d'Ivoire gained independence from France in 1960, and its first president, Félix Houphouët-Boigny, presided over a period of economic prosperity until his death in 1993. Henri Konan Bédié, the speaker of the National Assembly, assumed power and, in the absence of any significant challenger, and won the 1995 presidential election. The main opposition parties had boycotted the election, alleging that the conditions for free and democratic elections did not exist. Bédié popularized the concept of *Ivoirité*, claiming that only ethnic groups from the country's south were "true" Ivoirians. Bédié used the concept to discredit his opponent, northerner Alassane Ouattara, due to his alleged Burkinabè origins.

General Robert Guéï seized power in 1999 and declared himself the winner of an October 2000 presidential election after initial results showed he was losing to opposition politician Laurent Gbagbo. Ouattara and Bédié, candidates to the presidential election, had been declared ineligible to run by the Supreme Court; Ouattara was disqualified on the grounds he did not meet citizenship requirements, and Bédié because he did not file the proper documents. Guéï was soon toppled by a popular uprising, and Gbagbo, who had assumed the presidency, refused to call new polls. Postelection violence cost hundreds of lives and deepened divisions between the north and south, as well as between Muslims and Christians. In December 2000 legislative elections, Gbagbo's Ivorian Popular Front (FPI) won a small majority of seats over Bédié's Democratic Party of Côte d'Ivoire–African Democratic Rally (PDCI-RDA). Ouattara was again declared ineligible to run, and his Rally of the Republicans (RDR) party boycotted the polls.

Civil war erupted in September 2002 when soldiers mounted a coup attempt and government forces killed Guéï under unclear circumstances. Rebel forces quickly took control of the north and called for Gbagbo to step down and organize inclusive elections. By December 2002, various rebel factions had united to form the New Forces (FN), led by Guillaume Soro.

Gbagbo's government and the FN, as well as the main political parties, signed a French-brokered comprehensive peace agreement in 2003, but it soon broke down. In April 2005, South African president Thabo Mbeki brokered a new peace accord that addressed more closely issues related to a presidential election set to be held in October. However, the country remained divided in two; disarmament, demobilization, and reintegration (DDR) stalled; and election preparations were behind schedule. In October, the African Union and the UN Security Council postponed the presidential poll and extended Gbagbo's term, and a Security Council resolution appointed an interim prime minister, economist Charles Konan Banny. Similar delays prevented elections from taking place in 2006. With the expiration of Gbagbo's extended mandate in October 2006, the Security Council passed a resolution transferring all political and military power to the prime minister until elections. Gbagbo refused to accept the move, calling for a direct dialogue with the FN and the withdrawal of all foreign troops.

In March 2007, Gbagbo and Soro signed a new peace deal brokered by Burkinabé president Blaise Compaoré, the Ouagadougou Political Accord (APO), under which Soro was appointed interim prime minister until elections could be held. The situation began to slowly improve, and the "confidence zone" separating north and south was officially dismantled.

The elections envisioned in the APO were postponed five times over the next three years. Less than 12,000 of the more than 30,000 FN troops and almost none of the pro-Gbagbo militia groups slated for disarmament actually went through the process. Some progress was made on voter registration, particularly among previously disenfranchised groups in the north, widely perceived as foreigners by southern ethnic groups. Nonetheless, the registration effort was badly organized and frequently contested by all sides.

The first round of the presidential election was finally held on October 31, 2010, and was deemed relatively free and fair by domestic and international observers. The runoff was relatively peaceful, and domestic and international observers generally approved of the polling. However, violence increased considerably during the period before the results were announced.

On December 2, the Independent Electoral Commission (IEC) announced that Ouattara had won with 54 percent of the vote. The Constitutional Council, filled with Gbagbo loyalists, quickly annulled results from largely pro-Ouattara northern districts, alleging widespread fraud, and announced that Gbagbo had won with 51 percent. The United Nations, tasked by Ivoirian leaders to certify that the electoral process abided by international standards, confirmed that the results announced by the IEC were credible. By December 4, both Gbagbo and Ouattara had been sworn in as president in separate ceremonies.

This standoff led to a protracted conflict with former FN rebels and other pro-Ouattara fighters pitted against Gbagbo's security forces and militia groups. The fighting resulted in the death of approximately 3,000 civilians and the displacement of up to one million between December 2010 and April 2011. Ouattara's forces launched a nationwide military offensive in March, with the support of French and UN troops backed by a Security Council resolution, ending in the seizure of the presidential palace and the arrest of Gbagbo.

Forces on both sides were guilty of committing atrocities during the conflict. However, it is widely believed that pro-Ouattara forces were responsible for the single largest massacre of the period, in which up to 1,000 people were murdered in a single day in March 2011 in the western town of Duékoué.

In September 2011, Ouattara's government launched a Truth and Reconciliation Commission, and in October a prosecutor from the International Criminal Court (ICC) was given permission to investigate those most responsible for the violence. In November, Gbagbo was handed over to the ICC to face four charges of crimes against humanity; the scope of the inquiry was expanded in February 2012 to include crimes committed during and after the 2002 crisis. Gbagbo appeared before the ICC for an initial hearing in December 2011—the first former head of state to face prosecution by the ICC. By the end of 2012, the court had yet to rule on whether he would face a full trial. The national courts have been more aggressive in prosecuting forces loyal to Gbagbo than those affiliated with Ouattara, though in March 2012 a military tribunal began hearings against nine members of the pro-Ouattara Republican Forces of Côte d'Ivoire (FRCI). By the end of the year, Abidjan's military prosecutor had opened a total of 77 cases against FRCI soldiers, though most were related to minor offenses.

Parliamentary elections in December 2011 were deemed largely peaceful and fair, with Ouattara's RDR party taking just over 42 percent of the 255 available seats and the PDCI-RDA capturing nearly 29 percent. Gbagbo's party, the FPI, boycotted the vote, accusing the electoral commission of bias and the security forces of intimidation. The first meeting of the new assembly was held in March 2012, and Soro, the outgoing prime minister and an RDR member, was elected speaker. Despite disruptions caused by Ouattara's dissolution of the government ahead of a cabinet reshuffling in November, the year witnessed an increase in legislative activity, including the adoption of state-imposed minimum prices for cocoa—the country's most important export—and controversial legislation adopted in November guaranteeing equal rights for legally married couples, overturning a previous law that designated the husband as the sole head of the family.

While the security situation slowly stabilized in 2012, some serious problems remain. Ouattara's government has made progress in purging the FRCI—now reconstituted as the national army—of irregulars who had joined during the crisis, returning soldiers to their barracks, and prosecuting indiscipline in the ranks. Nevertheless, the FRCI remains corrupt, and soldiers are frequently implicated in human rights violations. Meanwhile, the presence of *dozos*, traditional hunters who helped secure the country in the aftermath of the 2011 crisis, has strained access to land and fomented tensions with civilians, especially in the west. A Disarmament, Demobilization and Reintegration Authority (ADDR) responsible for supervising all DDR operations was created in August, but implementation had barely begun by year's end.

Although the level of violence has declined from 2011 levels, there were several high-profile incidents in 2012 that drew international condemnation. In June, 16 people, including 7 UN peacekeepers, were killed in

an apparent militia attack in the western border region of Tai; despite multiple UN inquiries, the circumstances surrounding the killings remain unclear. In July, a mob of around 1,000 descended upon a camp for internally displaced persons in Duékoué, killing 6, in what was described as an attack rooted in tensions over ethnicity and land rights. The next month, assailants attacked police stations and an army camp in Abidjan, the most serious attack in the city since Gbagbo's ouster. New mass graves were discovered in October near the site of the Duékoué massacre, prompting allegations that the government had intentionally downplayed its casualty estimates in order to protect the FRCI from accusations of complicity in the attack.

Political Rights and Civil Liberties:

Côte d'Ivoire is not an electoral democracy. December 2011 saw the first largely peaceful and fair parliamentary elections in over a decade. The constitution provides for the popular election of a president and a unicameral National Assembly—currently comprising 255 members—for five-year terms. In 2011, Ouattara reappointed ally and former rebel leader Guillaume Soro as prime minister, and in 2012 Soro was named speaker of the National Assembly. Soro and other former rebel leaders, to whom Ouattara is greatly indebted, appear to have significant influence over his policy decisions.

Ouattara's RDR party dominates the political scene, followed by the PDCI-RDA. Former president Laurent Gbagbo's FPI party remains disorganized and has conditioned its participation in the political process on demands—such as Gbagbo's release—that are unlikely to be met in the near future.

Corruption is a serious problem, and perpetrators rarely face prosecution or public exposure. Ouattara instructed his ministers to sign an antigraft code of ethics in 2011, and his administration has drafted legislation that would establish more robust penalties for corruption. He has enforced new rules against tardiness and absenteeism for civil servants, and has dismissed or threatened dismissal for ministers charged with corruption. Progress in public sector reform has been slow, however, with laws enforced inconsistently and often ineffectively. Côte d'Ivoire was ranked 130 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Freedom of speech and of the press is protected by the constitution and in the country's laws, although there are prohibitions on speech that incites violence, ethnic hatred, or rebellion. Ouattara's first year in power witnessed several high-profile detentions and legal cases targeting pro-Gbagbo journalists and media outlets. While this lessened in 2012, some intimidation of opposition reporters persisted. The National Press Council, the regulatory body, briefly suspended several pro-Gbagbo newspapers in September for publishing photos of individuals close to the former president with captions indicating their government titles during the postelectoral crisis.

Legal guarantees of religious freedom are typically upheld, though the political divide between north and south often overlaps with a religious divide between Muslims and Christians. Religious and traditional organizations have been instrumental in leading the post-crisis reconciliation process at the local level.

Academic freedom was severely limited under Gbagbo, with progovernment student organizations engaging in systematic intimidation on campuses. In 2011, universities throughout the country were closed, occupied by military forces from both sides, and used as military bases and training grounds. While the militias were eventually expelled, the country's five public universities remained closed for the remainder of the 2011–12 academic year but reopened in September 2012.

The constitution protects the right to free assembly, but it is often denied in practice. During an FPI meeting in Abidjan in January, clashes erupted when members of the ruling coalition attempted to disrupt the proceedings, resulting in one death and several injuries. Under Ouattara, the security forces have targeted Gbagbo's former supporters and co-ethnics, including the high profile arrest in June of opposition leader Martial Yavo, interim president of the Pan African Congress of Youth and Patriots—an arrest that was publicly condemned by the Dialogue, Truth and Reconciliation Commission. Nevertheless, freedom of association improved in 2012, and both domestic and international nongovernmental organizations generally operated freely.

The right to organize and join labor unions is constitutionally guaranteed, and workers have the right to bargain collectively. Unions suffered greatly during the 2011 crisis, becoming disorganized and largely

ineffectual. While they have enjoyed moments of resurgence in 2012, the country's 44 percent unemployment rate continues to stifle labor's political efficacy.

The judiciary is not independent, and judges are highly susceptible to external interference and bribes. Some progress has been made under Ouattara; in April, the country adopted a national justice sector strategy, which is beginning to reinvigorate the long-stalled judicial reform process. All of the country's 37 courts and 22 prisons have reopened since the end of the 2011 crisis.

The security situation remained tenuous in 2012, with improvements in Abidjan but deterioration in other parts of the country. Crime is rampant and small arms remain ubiquitous; a national commission has been created to recover illegal firearms, but progress has been slow. The United Nations has extended the mandate of its approximately 10,000 uniformed personnel through July 2013.

Conflicts between immigrant groups and longer-term residents played a significant part in the recent conflict, and progress on reconciliation has been slow. On a more positive note, in 2012, the government granted citizenship to more than 100,000 long-time residents who had previously lacked documentation—a significant milestone in a country where questions of national identity have been recurrent causes of violence.

Economic freedom and employment suffered as a result of the conflict, with businesses across the country forced to close. Many have since reopened, and the economy grew at a rate of more than 8.5 percent in 2012, after a contraction of 4.7 percent in 2011. Corruption and the weakness of the judiciary, however, continue to be impediments to investment, and many of the procedures essential to starting and running a business—including registering property—remain laborious and slow.

Tens of thousands of children from the region are believed to be working on Ivoirian plantations. Some progress was made on the issue of child trafficking in 2012, including the conviction of a suspected trafficker, the rescue of three victims, and the establishment of a Joint Ministerial Committee and national action plan to combat trafficking.

Despite constitutional protections, women suffer widespread legal and economic discrimination. Rape was common during the 2011 conflict, and remains pervasive. State law mandates onerously high standards of evidence to prosecute domestic violence, and perpetrators are often released if victims fail to provide costly medical certificates. Women are heavily underrepresented in government and decision-making positions.

Status Change Explanation:

Côte d'Ivoire's political rights rating improved from 6 to 5, its civil liberties rating improved from 6 to 5, and its status improved from Not Free to Partly Free due to the peaceful inauguration of a new parliament; the adoption of several important laws on transparency and corruption; the reopening of opposition newspapers, public universities, and courts; renewed if halting attempts to curb abuses by the military; and a general improvement in the security situation.