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COTE D'IVOIRE: TIER 2

The Government of Cote d'Ivoire does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Cote d'Ivoire was upgraded to Tier 2. The government demonstrated significant efforts by prohibiting human trafficking in its new constitution, passing a comprehensive anti-trafficking law the first to penalize the trafficking of both children and adults, reporting more prosecutions and convictions than in the previous reporting period, and adopting a 2016-2020 anti trafficking action plan. However, the government did not meet the minimum standards in several key areas. Despite allocations for victim protection in its 2016-2020 national action plan, the government continued to rely on NGOs to provide nearly all victim assistance without adequate government support. The government also remained without formal mechanisms to identify adult trafficking victims or refer trafficking victims to NGOs for care. During the majority of the reporting period, the government lacked coordination and a clear delegation among ministries of responsibilities for combating trafficking, which impaired implementation of the national action plan and impeded overall progress. The government did not provide sufficient funding or resources to enable law enforcement to investigate trafficking crimes nationwide and did not provide any data regarding cases of adult forced labor.

RECOMMENDATIONS FOR COTE D'IVOIRE

Increase funding to NGOs to expand shelter and services for trafficking victims, and establish victim shelters as indicated in the national action plan; allocate more staff, funding, and resources to the police anti-trafficking unit to facilitate investigation of trafficking crimes nationwide; vigorously investigate, prosecute, and convict traffickers, including allegedly complicit officials and others who commit sex and labor trafficking offenses against adults, and apply sufficiently stringent penalties; train prosecutors and judges on the 2016 anti-trafficking law; clearly delineate responsibilities among stakeholders for activities outlined in the 2016-2020 national action plan, and enhance interagency coordination to effectively implement the plan; establish a standardized victim referral mechanism across ministries to ensure all trafficking victims receive services, and train law enforcement and front-line responders on such protocols; revise the existing procedures used to identify potential trafficking victims to include adults and victims among vulnerable populations, such as those working in domestic service and street vending, and incorporate those

changes into existing victim identification trainings; train child labor and human rights hotline operators on the procedures for referring reports of trafficking to regional authorities; actively monitor agencies and middlemen that recruit Ivoirians for work abroad, and investigate agencies if allegations of fraudulent recruitment arise; improve efforts to collect data on anti-trafficking actions across all ministries, including cases of adult trafficking; increase efforts to collect information on the scope of trafficking in Cote d'Ivoire and among Ivoirian nationals abroad; and remove smuggling as a form of exploitation from the definition of human trafficking under Ivoirian law to more closely align with the definition in the 2000 UN TIP Protocol.

PROSECUTION

The government made increased law enforcement efforts. In December 2016, the president promulgated Law No. 2016-111 on the Fight Against Trafficking in Persons, the first law to prohibit both adult and child trafficking in the country. The law prohibits sex trafficking and forced labor and prescribes penalties of five to 10 years imprisonment and a fine of five to 10 million West African CFA francs (FCFA) (\$7,998-\$15,996). These penalties are sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. With regards to trafficking, the law includes in its definition of "exploitation" migrant smuggling, which is a different crime than trafficking. The new law explicitly allows the courts to reduce the sentences imposed for those who attempt to engage in trafficking but instead alert the authorities, prevent the offense from taking place, or identify accomplices. During the reporting period, Law No. 2010-272 Pertaining to the Prohibition of Child Trafficking and the Worst Forms of Child Labor remained the primary law used to prosecute child trafficking. The law prohibits compelling children into or offering them for prostitution and prescribes penalties of five to 20 years imprisonment and a fine of 500,000 to 50 million FCFA (\$800 to \$79,982); penalties can increase to life imprisonment with aggravating circumstances. These penalties are sufficiently stringent and commensurate with those prescribed for rape. The penalties for subjecting a child to forced labor or situations akin to bondage or slavery are 10 to 20 years imprisonment and a fine, which are sufficiently stringent. Penal code articles 335 and 336 prohibit pimping and exploitation of adults and children in prostitution by means of force, violence, or abuse. Article 378 prohibits the forced labor of adults and children, prescribing sufficiently stringent penalties of one to five years imprisonment and a fine.

The government did not have a mechanism to collect and share data between ministries, so it did not gather comprehensive data on anti-trafficking law enforcement efforts. The Ministry of Justice solicited trafficking case data from all 31 departments. In trafficking case data from Abidjan and eight departments, the government reported investigating at least 35 alleged traffickers in 28 cases, prosecuting 19 suspects in 18 cases, and convicting eight traffickers in five cases, an increase from 27 investigations, one prosecution, and one conviction the previous reporting period, with data from Abidjan and 13 regions. The government investigated 16 alleged child traffickers under the 2010 law and 19 alleged sex traffickers under the penal code's pimping statute. Eleven prosecutions involving seven suspects remained ongoing at the end of the reporting period, and it was unclear if the judiciary continued to investigate or had dismissed eight investigations of 15 alleged sex traffickers. Four of the eight convicted traffickers received sentences of 20 years imprisonment under the penal code's forced prostitution statute. Judges convicted two individuals of child trafficking under the 2010 child trafficking law, sentencing one offender to three years imprisonment and 500,000 FCFA (\$800) in damages to the victim and the second to 10 months imprisonment, a five million FCFA (\$7,998) fine, and 250,000 FCFA (\$400) in damages to the victim. In another case, the judge sentenced a trafficker who was intercepted while transporting Togolese children to Abidjan with the intent to exploit them in forced labor to 12 months imprisonment for child smuggling. Judges acquitted five suspected traffickers. Law enforcement continued to investigate six of 12 alleged child traffickers arrested the previous reporting period; there was no information available about investigations into the other six

suspects. Authorities recorded seven cases of pimping involving at least 11 suspects that might have amounted to sex trafficking. The government did not provide any data regarding cases of adult forced labor.

Limited funding and resources for law enforcement created serious gaps in the government's ability to address human trafficking. The national police's 13-person anti-trafficking unit bore primary responsibility for enforcing anti-trafficking laws throughout the country, although it only had staff in Abidjan. The unit had a budget of approximately \$4,592 in 2016. Although the unit liaised with regional police on child trafficking cases, limited funding hampered its overall ability to investigate trafficking offenses, especially outside Abidjan. Resource limitations also constrained the Brigade Mondaine the police unit charged with investigating prostitution and sex trafficking to Abidjan and a few regional precincts, rendering the two primary anti-trafficking units unable to cover the majority of the country. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Anecdotal, an international organization reported the government transferred to other units police officers who proactively attempted to investigate cases of child domestic servitude in the northern regions, which indicates the presence of official complicity in trafficking crimes.

PROTECTION

The government maintained efforts to identify and protect victims. Although it did not compile comprehensive victim identification statistics, the government improved its data collection efforts and reported identification of 106 trafficking victims and 62 potential trafficking victims during the reporting period, compared with 48 potential victims identified in the previous reporting period. Victims included children from Mali, Guinea, Nigeria, and Burkina Faso exploited in forced labor; Togolese boys intercepted en route to exploitation in domestic service and street vending; and Nigerian and Ghanaian female sex trafficking victims. The government did not operate any victim shelters or any formal care centers exclusively for trafficking victims and relied on NGOs to provide almost all care. The police anti-trafficking unit referred 66 vulnerable children, including potential trafficking victims, to an NGO for shelter and services; however, it provided only limited material support to this NGO that assisted the majority of potential trafficking victims identified and referred during the year. Nonetheless, the government provided 20 million FCFA (\$31,993) in material and financial support to 30 NGOs, some of which cared for potential trafficking victims; compared to 30 million FCFA (\$47,989) provided to these NGOs in 2015. Government social services continued to provide income-generating assistance to the families of 41 child labor and trafficking victims identified the previous reporting period.

The government did not have a formal mechanism to identify adult trafficking victims or refer trafficking victims to NGOs for care, and government ministries responsible for referring victims to services lacked coordination, hindering the provision of services. Operational procedures encouraged officials to refer victims to government-run social centers for a psycho-social examination, and the government reported referring an unknown number of foreign and domestic child trafficking victims for this care during the reporting period. The severely inadequate shelter system especially for adults and lack of reintegration assistance rendered many victims vulnerable to re-victimization. During the reporting period, the government provided logistical support for NGO construction of three shelters for child labor and child trafficking victims. To improve victim referrals, the Ministries of Family and Solidarity, with international technical and financial support, began mapping shelters and transit centers that assist trafficking victims throughout the country.

Foreign and domestic victims reportedly had the same access to care. During the reporting period, the government coordinated with NGOs to provide short-term shelter for at least six foreign trafficking victims, provided psycho-social support to some foreign victims before repatriation,

and reported collaborating with source country embassies to repatriate or locally integrate at least 59 trafficking victims. The government reported providing repatriation and reintegration support to Ivoirian victims of crime identified abroad during the reporting period, including an unknown number of trafficking victims; such assistance reportedly included placement in a transit center, food, and some financial support. An international organization countered that the government's response was limited to the issuance of laissez-passer cards to enable victims to return home, while victims' families paid for return tickets, and international organizations and NGOs provided shelter and services during the repatriation process.

In 2016, the police anti-trafficking unit trained 144 police and *gendarmes* on child protection, including child trafficking. The 2016 anti-trafficking law, passed in December, provides for protection and assistance to victims who participate in investigations or trials against their traffickers; however, the government did not report whether any victims supported any judicial proceedings during the reporting period. There was no mechanism for victims to obtain restitution or file civil suits against their traffickers. In 2016, the government revised the National Solidarity Fund to allow trafficking victims to be included as beneficiaries of government assistance; authorities began establishing a mechanism to enable victims to actually receive this assistance. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking; however, the lack of formal identification procedures for adult trafficking victims and victims among vulnerable populations may have resulted in some victims remaining unidentified in the law enforcement system.

PREVENTION

The government modestly increased efforts to create national anti-trafficking measures but reported minimal efforts to implement those measures. The National Monitoring Committee and the Inter-Ministerial Committee continued to coordinate child labor and child trafficking issues during the reporting period, and for most of the reporting period there was no structure dedicated to coordinating comprehensive anti-trafficking efforts, including adult trafficking. In January 2017, however, the Ministry of Family merged with the Ministry of Solidarity, and the newly combined Ministry of Solidarity, along with the Ministry of Justice, assumed the lead in overseeing the government's anti-trafficking efforts. The 2016 law mandated the creation of a new anti-trafficking committee, and in February 2017 the government drafted the implementation decree to establish this committee. Due to poor communication and coordination among ministries on anti-trafficking efforts throughout most of the reporting period, implementing agencies did not have a clear understanding of their role in combating trafficking or who had the lead in such efforts. Nevertheless, in April 2016 the government adopted a 2016-2020 anti-trafficking national action plan the first anti-trafficking plan to address both child and adult trafficking and implemented some portions of the plan. However, the government did not report disbursing any of the 1.94 billion FCFA (\$3.1 million) that it had committed towards implementation of the plan. The government initiated and signed bilateral accords with the first ladies of Burkina Faso and Ghana to combat cross-border child labor and trafficking. The government continued to run a hotline for children in distress and reported receiving 6,766 phone calls; however, it was unclear how many, if any, were related to trafficking. It reactivated a hotline to report human rights violations, which received six reports of trafficking; the judiciary initiated one investigation. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor. The government did not report providing anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Cote d'Ivoire is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficking within the country

is more prevalent than transnational trafficking, and the majority of identified victims are children. Due to a stronger emphasis on combating internal child trafficking, the prevalence of adult trafficking may be underreported. Some Ivoirian women and girls are subjected to forced labor in domestic service and restaurants in Cote d'Ivoire and exploited in sex trafficking. There are reports suggesting involvement of women and forcing of children to participate in drug trafficking in Western Cote d'Ivoire. Ivoirian boys are often subjected to forced labor in the agricultural and service industries, especially cocoa production. West African boys may be forced to labor in agriculture (on cocoa, coffee, pineapple, and rubber plantations and in animal breeding) and in mining, carpentry, construction, and begging in Cote d'Ivoire. Traffickers often operate in well-established networks, making it difficult for law enforcement to detect. An increasing number of corrupt *marabouts*, or religious instructors, exploit Ivoirian, Burkinabe, Malian, and Nigerien boys in forced begging in Quranic schools in the northern regions. Some Beninese and Togolese workers who migrate to Cote d'Ivoire for construction and carpentry work bring children, whom they exploit in domestic servitude. Some West African girls recruited for work as domestic servants and street vendors are subjected to forced labor. Some women and girls recruited from Ghana and Nigeria for jobs as waitresses are subjected to sex trafficking. Nigerian traffickers increasingly exploit Nigerian women and girls in sex trafficking in Cote d'Ivoire's northern and western mining regions, including near gold mines in Tengrela. Other Nigerians transit Cote d'Ivoire en route to sex trafficking in Asia, the United Arab Emirates, and North Africa. Female Nigerian traffickers bring Nigerian children to northern Cote d'Ivoire for exploitation in domestic servitude. Ivoirian community and religious leaders, possibly working in concert with others abroad, recruit Ivoirian women and girls for work in the Middle East and Europe but subject them to forced labor in Europe; North Africa; and the Gulf, primarily Saudi Arabia, Morocco, Lebanon, and Tunisia. In previous reporting periods, authorities identified Ivoirian trafficking victims in Cyprus, France, and Morocco. Illegal Ivoirian migrants in Algeria are vulnerable to trafficking due to their irregular status.

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