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# Freedom in the World 2014 - Côte d'Ivoire

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## 2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 4.5

Civil Liberties (1 = best, 7 = worst): 4

Political Rights (1 = best, 7 = worst): 5

## Ratings Change:

Côte d'Ivoire's civil liberties rating improved from 5 to 4 due to further openings in the environment for freedoms of expression, assembly, and association, as well as for minority groups, as the security situation stabilized under the new government.

## OVERVIEW

Throughout 2013, Côte d'Ivoire continued to grapple with the aftermath of a 2010-11 civil conflict sparked by a disputed presidential election; the crisis left some 3,000 people dead and an estimated one million others displaced. Local and regional elections were held in April 2013, marking the first such voting in over a decade. While violence was limited, several opposition parties boycotted the polls, and postelection protests were dispersed with tear gas. President Alassane Ouattara's Rally of the Republicans (RDR) party continued to dominate both local and national politics, while former president Laurent Gbagbo's Ivoirian Popular Front (FPI) party remained in disarray. Dialogue between the two parties has stalled, and progress toward reconciliation has been fitful and slow.

Investigations into massacres committed during and after the 2010-11 postelection crisis have been stymied by repeated delays and an apparent lack of political will. There were some new arrests of pro-Gbagbo figures in 2013, but few if any targeting members of the pro-Ouattara camp. In August, judicial authorities ordered the release pending trial of 14 allies of the Gbagbo regime, including Gbagbo's son and the former head of the FPI, in a tentative but important step toward accommodation with the opposition.

Separately in August, the legislature passed two laws that eased restrictions on nationality and citizenship, which have proven perennial sources of conflict in the country. Lawmakers also enacted land-tenure legislation that extended the implementation period of a 1998 law designed to codify land transactions.

Conditions for the press continued to improve, with violence and legal harassment against journalists declining compared with previous years. However, among other ongoing problems, the government continued to selectively suppress unfavorable coverage in the media. In July, the authorities temporarily suspended an opposition newspaper for publicizing the names of alleged political prisoners being held by the regime.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES**

**Political Rights:** 17 / 40 (+4)

*A. Electoral Process:* 6 / 12 (+1)

The constitution provides for the popular election of a president and a unicameral National Assembly – currently comprised of 255 members – for five-year terms. The last presidential election, held in two rounds in October and November 2010 after years of delays, triggered an internal conflict when Gbagbo, the incumbent, refused to concede the internationally recognized victory of Ouattara, who secured 54 percent of the vote in the November runoff. Gbagbo was ultimately arrested with the assistance of French and UN troops, and Ouattara was able to assume office by April 2011. Ouattara ally and former rebel leader Guillaume Soro became prime minister. Soro and other former rebel commanders, to whom Ouattara is greatly indebted, continue to exert significant influence over policy decisions.

The first largely peaceful and fair parliamentary elections in over a decade were held in December 2011. Ouattara's RDR party won 127 seats in the unicameral National Assembly, while the Democratic Party of Côte d'Ivoire-African Democratic Rally (PDCI-RDA) placed second with 77 seats. Thirty-five independents and four smaller parties divided the remainder. Gbagbo's party, the FPI, boycotted the vote, accusing the electoral commission of bias and the security forces of intimidation. After the elections, Soro was chosen as speaker of parliament, and Jeannot Ahoussou-Kouadio of the PDCI-RDA became prime minister. Daniel Kablan Duncan, also of the PDCI-RDA, replaced him in November 2012.

The RDR won a majority of contests in the April 2013 local and regional elections, followed by the PDCI-RDA; independent candidates won 72 municipalities, though many rejoined their respective political parties (especially the RDR) after polling was complete. The elections were largely free of violence, but supporters of losing candidates protested in the streets, in some cases setting up roadblocks and burning tires. Security forces responded with tear gas. Several opposition parties boycotted the elections, demanding changes to the composition of the Independent Election Commission, and the FPI suspended 15 of its members for registering as independent candidates.

*B. Political Pluralism and Participation:* 7 / 16 (+3)

The conduct of the long-delayed 2013 local and regional elections represented further progress in the country's gradual return to normal multiparty political activity, without major interference from armed groups or the outright exclusion of major regions. However, the RDR and PDCI-RDA remain the most powerful parties. Gbagbo's FPI is weak and disorganized, and did not receive state funding due to its boycott of the parliamentary and local elections. In June 2013, the FPI set a number of conditions for a resumption of dialogue with the RDR, including the release of political prisoners and the establishment of a committee to monitor negotiations between the two parties. In December, representatives of the FPI held direct talks with the RDR – the first in a decade. Nevertheless, Gbagbo's supporters continued to reject the UN-mediated reconciliation framework, on the grounds that Ouattara is seeking victor's justice through both the political and judicial processes.

The two-year mandate of the national Dialogue, Truth and Reconciliation Commission (CDVR) concluded in September 2013, with many observers complaining that it had failed to complete its

mission. While the body was designed to be impartial, it was headed by a prominent politician and Ouattara ally, Charles Konan Banny. The CDVR never held promised public hearings at which victims would confront perpetrators of violence during the 2011 postelection crisis. The commission argued that its work was stymied by a lack of resources and the continuing persecution of Gbagbo's supporters. In July, criminal charges – including vague offenses like "destabilization activities" – were confirmed against another 84 Gbagbo allies, lending credence to the CDVR's complaints and further eroding trust between the FPI and the RDR. The release of 14 of the detainees on bail in August was seen as a positive step, though they still faced trial. At year's end the president was considering a request to extend the CDVR's mandate so that it could accomplish its goals.

The parliament passed two laws in August that were aimed at easing restrictions on nationality and citizenship. The first allows both male and female foreigners who marry Ivoirian nationals to acquire citizenship, removing restrictions on foreign men; the second extends citizenship to foreign-born residents who have lived in the country since before independence, along with their descendants, as well as to foreign nationals born in Côte d'Ivoire in 1961-73 and their descendants. Citizenship has been a perennial source of conflict since Ivoirian nationalists adopted former president Henri Bédié's concept of "Ivoirité" to exclude perceived foreigners (including Ouattara) from the political process. While the effects of the two laws remain to be seen, they constitute an important advance toward inclusion across ethnic and regional divides.

### *C. Functioning of Government: 4 / 12*

Corruption is a serious problem, and perpetrators rarely face prosecution or public exposure. Ouattara instructed his ministers to sign a code of ethics in 2011, and in September his administration passed two ordinances designed to strengthen the legal framework for curbing corruption and to establish a High Authority for Good Governance. Critics initially worried that these efforts would leave too many loopholes for officials to escape punishment; their effectiveness remains to be seen. In August, the president of the National Public Procurement Regulating Authority announced that it would audit a series of no-bid procurement contracts awarded over the last several years. Estimates suggested that approximately 40 percent of all contracts were sole source in 2012 alone. Côte d'Ivoire was ranked 136 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

The National Assembly adopted legislation in April that authorized the president to govern by decree until the end of the year, including on matters of economic and social policy. The FPI condemned the move as illegal, while Ouattara and his supporters deemed it necessary to ensure efficiency while the government continues to reckon with the aftermath of the 2011 crisis.

### **Civil Liberties: 28 / 40 (+7)**

#### *D. Freedom of Expression and Belief: 10 / 16 (+2)*

Freedom of speech and of the press is protected by the constitution and by the country's laws, although there are prohibitions on speech that incites violence, hatred, or rebellion. Conditions for the press have eased considerably since the end of the internal conflict. Violence, legal harassment, and other obstacles to reporting have declined, and a number of private news outlets have opened or resumed operations. However, many such problems persist. The Ouattara government has continued to use legal and regulatory mechanisms to suppress critical coverage in some cases. In January 2013, two bloggers were arrested for "interfering with disaster relief" after they started a blog to help victims of a New Year's Eve stampede in Abidjan that killed more than 60 people; they were released after four days. In July, the opposition newspaper *Le Quotidien d'Abidjan* was suspended for seven days for publishing a list of political prisoners held by the Ouattara regime; the country's state-controlled press council claimed that publication of the list could incite rebellion. In November, the editor in chief of *Tomorrow Magazine* was killed in what

may have been a botched robbery attempt, and a journalist working for *Le Nouveau Réveil* was abducted and later released.

In December 2013, the National Assembly passed an Access to Information law; the law's provisions included the appointment of an information commissioner. The impact of the law had yet to be evaluated.

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 postconflict reconciliation process at the local level.

Academic freedom suffered severely during the civil conflict. Public universities throughout the country were closed in 2011, occupied by armed forces from both sides, and used as military bases and training grounds. They were reopened to students only in September 2012. A university police force was created and, after the minister of higher education was attacked by students at Félix Houphouët-Boigny University in May 2013, student unions are required to sign a "charter for nonviolence in university settings" – a measure that has been credited with curbing violence on campus.

#### *E. Associational and Organizational Rights: 7 / 12 (+2)*

The constitution protects the right to free assembly, but it is often denied in practice. In February, security forces fired tear gas at pro-Gbagbo protesters in Abidjan, and in May, police again used tear gas to disperse a peaceful protest by students demanding improved conditions at the country's largest university. Nevertheless, conditions continued to improve compared with previous years. Former FPI president Pascal Affi N'Guessan was reportedly able to hold public meetings in different parts of the country, largely without incident, following his release on bail in August.

Freedom of association also continued to improve in 2013. 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. However, there were signs of increasing union activity in 2013. Public-sector workers launched a 72-hour strike in January, demanding wage increases and the release of long-delayed arrears allowances. In April, primary and secondary school teachers in Abidjan mounted a strike to demand the repayment of levies deducted from their salaries and the return of previously confiscated union dues.

#### *F. Rule of Law: 5 / 16 (+1)*

The judiciary is not independent, and judges are highly susceptible to external interference and bribes. A number of high-profile cases from the postelection crisis and its aftermath remain unresolved, including the killing of seven peacekeepers in June 2012 and the massacre of at least 14 individuals at an internally displaced persons camp in Nahibly in July 2012. Even as these investigations languished in 2013, new probes were launched. In May, a pro-Ouattara warlord was arrested for illegally squatting in a protected forest; human rights groups have accused him of several massacres in western Côte d'Ivoire both during and after the postelection crisis. Also in May, 57 mass graves were exhumed in and around Abidjan, at least 36 of which contained the bodies of individuals killed during the crisis.

The government has contested jurisdiction with the International Criminal Court (ICC) in some cases involving Gbagbo allies. Upon his release on bail in August 2013, Gbagbo's son Michel began lobbying for the release of other FPI detainees, including his mother, currently under indictment by the ICC for alleged crimes against humanity. In September, the government

announced that it would try the former first lady in a domestic court, rather than transferring her to the ICC. Also in September, the ICC unsealed an additional arrest warrant for a former Gbagbo aide, Charles Blé Goudé, who was accused of committing crimes against humanity as a youth militia commander during the 2011 crisis. The warrant raised the prospect of another conflict over jurisdiction, as the government has announced its intention to try the former commander at home.

The Special Investigation Cell, created in June 2011 to investigate crimes committed during and after the postelection crisis, remains understaffed and susceptible to political meddling. The justice minister has on several occasions replaced or removed the cell's investigative judges, and the number of judicial police officers has been reduced from 20 to 4. Prosecutors complain that the government has prevented them from initiating investigations against pro-Ouattara forces; to date, not a single member of the pro-Ouattara Republican Forces of Côte d'Ivoire (FRCI) has been arrested for human rights abuses committed during the crisis. The government has renewed the cell's mandate, but its effectiveness remains in doubt.

The security situation improved slowly but steadily in 2013, with an increase in cooperation between the governments of Côte d'Ivoire, Liberia, and Ghana to curb violence and mercenary activities in the countries' porous border regions. Cross-border attacks in March resulted in the temporary displacement of approximately 8,000 Ivoirians. Despite such instability along the border, thousands of Ivoirian refugees have now returned to their homes, and violence continues to abate. In July, the mandate of the UN Operation in Côte d'Ivoire (UNOCI) was extended through June 2014 with a reduced strength of approximately 7,000 military personnel, down from the existing 10,000.

Members of the LGBT (lesbian, gay, bisexual, and transgender) community reportedly face societal prejudice as well as physical violence and harassment by security forces in Côte d'Ivoire.

#### *G. Personal Autonomy and Individual Rights: 6 / 16 (+2)*

Freedom of movement within the country continued to improve along with the security situation in 2013, although illegal roadblocks and extortion by security forces remained problems, particularly in the west. In August the parliament extended by 10 years the "grace period" for landholders to prove their legal claims to their properties. This may facilitate a transition to secure land ownership for some of the thousands of Ivoirians whose claims are caught between customary inheritance and a 1998 law designed to codify and formalize property rights in the country.

Despite constitutional protections, women suffer significant legal and economic discrimination. In a country dominated by subsistence agriculture, 75 percent of rural women live below the poverty line, and women typically need permission from their families to cultivate food crops, according to a June 2013 World Bank report. However, a 2012 law on marriage equality stipulated that both husband and wife should manage household affairs; the previous law designated the man as head of the household. The law allows a woman to perform actions such as opening a bank account, obtaining a job, or starting a business without her husband's permission; its effectiveness in practice remains to be seen. Rape was common during the 2011 crisis and remains widespread. The law does not include provisions that specifically penalize spousal rape and mandates onerously high standards of evidence to prosecute domestic violence cases. Rape is routinely reclassified as indecent assault, and perpetrators are often released if victims fail to provide costly medical certificates. The government is working on a national strategy to combat sexual violence, but no legislation has yet been proposed.

**Scoring Key: X / Y (Z)**

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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