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Freedom in the World 2015 - Côte d'Ivoire

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2015 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

OVERVIEW

In 2014, Côte d'Ivoire continued to grapple with the aftermath of a 2010-11 postelection civil crisis that left 3,000 dead and another one million displaced. The Rally of the Republicans (RDR) – the party of the 2010 election winner, President Alassane Ouattara – dominates both local and national politics. In March, former president Laurent Gbagbo's Ivorian Popular Front (FPI) led the formation of a new 12-party coalition, the Alliance des Forces Démocratiques de Côte d'Ivoire (AFDCI), in an attempt to consolidate a dominant position among opposition parties in advance of 2015 general elections. Direct talks between the government and the FPI resulted in the release of more than 100 Gbagbo associates and the unfreezing of assets in the first part of the year, but dialogue has since stalled.

The Dialogue, Truth and Reconciliation Commission, established in 2011, began hearing evidence in September 2014. Meanwhile, the International Criminal Court (ICC) moved forward with cases against Gbagbo and Charles Blé Goudé, a former youth minister and leader of a pro-Gbagbo militia. The Ivorian government disputed the ICC's jurisdiction over Simone Gbagbo, Laurent Gbagbo's wife, who faces four counts of crimes against humanity at the ICC even though she is on trial in Côte d'Ivoire for crimes related to the postelection crisis.

In June, the government passed the Law on the Promotion and Protection of Human Rights Defenders – the first of its kind on the continent. Meanwhile, attacks against LGBT (lesbian, gay, bisexual, and transgender) activists early in the year escalated into incidents of mob violence. The police were largely unresponsive to these crimes.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 17 / 40

A. Electoral Process: 6 / 12

The constitution provides for the popular election of a president and a unicameral National Assembly 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 assumed office in April 2011.

The first largely peaceful and fair parliamentary elections in more than a decade were held in December 2011. Ouattara's RDR party won 127 seats in the National Assembly, while the Democratic Party of Côte d'Ivoire-African Democratic Rally (PDCI-RDA) placed second with 77 seats. The FPI boycotted the vote, levying claims of bias against the electoral commission, protesting the jailing of its senior leadership, and accusing state security forces of intimidation.

The RDR won a majority of contests in the April 2013 local and regional elections, followed by the PDCI-RDA. Several opposition parties again boycotted the elections, demanding changes to the composition of the Independent Election Commission (CEI). In response and amid heated debate, parliament overwhelmingly voted in June to revamp the CEI, reducing the number of commissioners from 31 to 17 while retaining a majority of seats for ruling political coalition designees, including a representative of the head of state. Despite initial opposition and following extensive dialogue with the government, two members of the AFDCI agreed to be appointed as part of the new configuration of commissioners.

B. Political Pluralism and Participation: 7 / 16

The RDR and PDCI-RDA are the country's dominant coalition, holding a virtual lock on national political power. The FPI remains weak and disorganized, marked by deep divisions and infighting since Gbagbo's arrest. In March, it led the creation of the AFDCI in an effort to take the lead among the opposition in advance of the 2015 elections.

Throughout 2014, the FPI continued to press the government on a range of issues, including calling in March for a boycott of the national census, claiming that it misrepresented the country's demographic balance. However, there are modest signs of reconciliation between opposition parties and the Ouattara regime. Dialogue is becoming more common as the country moves toward the 2015 elections. In December 2013, representatives of the FPI and RDR held their first direct talks in more than a decade – resulting in the release of more than 100 Gbagbo associates from detention and the unfreezing of dozens of bank accounts in early 2014. More detainees were released in mid-2014, and Ouattara has honored his commitment not to prosecute individuals returning from self-imposed exile.

Former rebel commanders, to many of whom Ouattara remains indebted, continue to exert influence over policy decisions.

A new nationality law allowing both male and female foreigners who marry Ivorian nationals to acquire citizenship went into effect in April 2014. Citizenship has been a perennial source of conflict since Ivorian nationalists adopted former president Henri Bédié's concept of "Ivoirité" to exclude perceived foreigners (including Ouattara) from the political process. The effects of the new law remain to be seen, but it will likely factor into concerns expressed by opposition parties regarding the accuracy of the census and the compilation of the national voter roll in advance of the 2015 elections. Since the new law took effect, more than 50,000 individuals have applied for Ivorian nationality. The National Identification Office is engaged in a countrywide effort to verify nationalities of individuals over the age of 14 in order to issue national identification cards, but the process remains slow and may delay compilation of the final voter roll.

C. Functioning of Government: 4 / 12

Corruption remains endemic, and perpetrators seldom face prosecution or public exposure despite the government's official "zero tolerance" policy. In 2014, Ouattara's administration came under increased scrutiny for awarding sole-source contracts to third-party contractors. Some estimates suggest that 80 percent of all government procurement was awarded in no-bid deals in 2013, up from 40 percent in 2012. The government has contested these numbers and has defended sole-source contracts as necessary for rapid development. Nevertheless, under pressure from domestic and international observers, the government agreed to audit the deals in early 2014. The audit report found that while contracted deliverables were satisfactorily executed and costs were comparable to similar contracts obtained through open tender, in 95 percent of cases, sole-source bidding was not justified.

Some small steps have been taken to curb corruption in other arenas of the public sector. In April, the government launched a call center to allow citizens to report complaints of racketeering, especially by the police. Also in April, the administration finalized the legal and regulatory framework for the High Authority on Good Governance, and in May appointed the authority's members. However, there has been some criticism that this entity – which is ostensibly charged with fighting corruption – is too underfunded to prove effective. Côte d'Ivoire ranked 115 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

In December 2013, the National Assembly passed an access to information law. In March 2014, the government announced that it would launch a Commission on Access to Information to monitor the application of the law.

Civil Liberties: 29 / 40 (+1)

D. Freedom of Expression and Belief: 10 / 16

Freedoms of speech and of the press are protected by the constitution and by the country's laws, though there are prohibitions on speech that incites violence, hatred, or rebellion. These prohibitions are enforced by the media regulatory body, the Conseil National de la Presse (CNP), which frequently fines or reprimands journalists and suspends outlets for allegedly spreading incendiary or false information. The CNP gave 12 such punishments in the first eight months of 2014 alone, prompting calls for restraint by free press advocates who fear that such measures will stifle or discourage independent or critical reporting, and provoking one newspaper, *L'Intelligent d'Abidjan*, to suspend its own circulation in protest. Nonetheless, conditions for the press have improved since the end of the 2010-11 conflict, and incidents of violence and intimidation against journalists are increasingly rare.

There were no reports that the government restricted access to the internet or monitored online communications; however, only about 3 percent of the population had access to the medium as of 2013.

Legal guarantees of religious freedom are typically upheld, though political and religious identity tend to overlap with ethnicity and geography. Religious and traditional organizations have been instrumental in leading the postconflict reconciliation process at the local level. An interactive radio programming partnership has also developed between Voice of America and Al-Bayane Radio that features religious scholars and others discussing religious issues in the news.

Academic freedom suffered severely during the 2010-11 conflict, as public universities throughout the country were closed, occupied by armed forces, and used as military bases and training grounds. They reopened to students in 2012, but have been slow to recover from the effects of the closure, and continue to face infrastructure and staff shortages.

E. Associational and Organizational Rights: 7 / 12

The constitution protects the right to free assembly, but it is often denied in practice and is subject to politicization. Peaceful protests tend to escalate into violence, as was the case with demonstrations by ex-combatants in the towns of Man and Bouaké in February and March 2014. In November, police in Abidjan used tear gas and batons to disperse protests led by water vendors opposing a government ban on plastic bags used to carry water. In November, thousands of pro-Ouattara Republican Forces of Côte d'Ivoire (FRCI) soldiers rioted across six cities, demanding back pay; the government conceded to their demands, and diffused the crisis.

Freedom of association is constitutionally protected. Although this right has often been denied in practice, especially around political rallies, both domestic and international nongovernmental organizations (NGOs) generally operate freely. The right to organize and join labor unions is constitutionally guaranteed, and workers have the right to bargain collectively; however, unions suffered greatly during the 2011 crisis and remain disorganized and largely ineffectual.

F. Rule of Law: 6 / 16 (+1)

The judiciary is not independent, and judges are highly susceptible to external interference and bribes. All 40 of the country's courts (and all 34 of its prisons) became fully functional early in 2014 and court staffers have been deployed to all parts of the country. Yet the authorities continue to delay in bringing to trial more than 300 Gbagbo supporters accused of various crimes, many of whom were initially detained in 2012. This prompted detainee hunger strikes late in 2014, despite government pledges to expedite the judicial process.

Reports of extrajudicial killings, forced disappearances, illegal detentions, torture, and extortion at the hands of the FRCI remain commonplace. In one particularly high-profile case in February 2014, a group of 21 Ivorian nationals living in Liberia were arrested and extradited to Côte d'Ivoire without charge or due process. Six were eventually released for lack of evidence; the remaining 15 await trial on charges of disturbing the public order.

In February, Ouattara extended the mandate of the Dialogue, Truth and Reconciliation Commission to September. The commission collected some 64,000 written statements from April through August, followed by three weeks of public oral testimony in September featuring 80 victims. Media coverage of the testimonials was spotty, and they were not broadcast nationally given the sensitive nature of the information disclosed. This has further minimized the commission's impact and has led to claims that it has failed in achieving its broader goal of national healing.

In June, the ICC confirmed four charges of crimes against humanity against Gbagbo, whose trial is expected to begin in 2015. The government surrendered Blé Goudé – illegally detained for more than a year and repeatedly denied access to his lawyer and family – to the ICC in March. The ICC in December confirmed four charges of crimes against humanity against him. The government has contested the court's jurisdiction to hear the case of Simone Gbagbo, who is charged with genocide, and refuses to transfer her to the ICC. ICC judges ruled in December that the international court had authority to hear the case, and the ICC has reiterated its request to remand Simone Gbagbo to The Hague to face charges that are substantively different from those she faces in Côte d'Ivoire. Simone Gbagbo's domestic trial resumed in late December. She is being tried with 82 other Gbagbo supporters for crimes against the state, and could face up to 20 years in prison if found guilty.

The Special Investigation Cell, created in 2011 to investigate crimes committed during and after the postelection crisis, received additional staff in May 2014 after a long delay. However, the justice minister has on several occasions replaced or removed the cell's investigative judges, and

prosecutors complain that the government has prevented them from initiating investigations against pro-Ouattara forces.

The security situation remained stable but subject to volatility in 2014. While incidents of violence against civilians by the FRCI and security forces appear to have decreased since 2013, numerous allegations continue to be made against the FRCI and other national security elements in connection with extrajudicial killings, arbitrary arrest and illegal detention, and torture and ill-treatment of civilians. The border with Liberia continued to be a hot spot for criminal activity. In February 2014, attacks against FRCI detachments in the border towns of Fété and Grabo killed four soldiers and one civilian – the region's first attacks of this scale since March 2013. Fété was the site of a second attack in May by unidentified perpetrators that sent 3,500 civilians fleeing and left 13 dead, including three FRCI soldiers.

The police and gendarmerie remain underequipped and are considered fully operational in only a handful of cities. In Abidjan, youths that fought in the 2010-11 conflict have regrouped into gangs known as "enfant microbes," which have been implicated in a spate of armed robberies and assaults in the city. In July 2014, a clash with state security forces left four gang members dead in the Attécoubé District of Abidjan.

In June, the National Assembly passed the Law on the Promotion and Protection of Human Rights Defenders – the first of its kind in an African country. Among other protections, the law guarantees human rights advocates the right to form associations and NGOs, and the right to protection from reprisals.

Members of the LGBT community face societal prejudice as well as violence and harassment by state security forces. The beginning of 2014 saw a wave of homophobic attacks that human rights groups described as unprecedented. In January, a mob ransacked the office of Alternative Côte d'Ivoire; the police took four hours to respond. Members of the organization were subsequently harassed and attacked.

G. Personal Autonomy and Individual Rights: 6 / 16

Freedom of movement has improved with the security situation, although illegal roadblocks and acts of extortion by state security forces continue. In August, the country closed its land borders in response to the worsening Ebola epidemic in neighboring Guinea and Liberia, and temporarily suspended all flights to and from countries afflicted by the virus.

Property rights are weak and poorly regulated, especially in the west of the country, and remain an ongoing source of conflict between migrants and "natives" who claim customary rights to land use and inheritance. Citizens have the right to own and establish private businesses, but obstacles abound. While starting a business has become easier in recent years, registering property, obtaining construction permits and navigating the tax code remain challenges. Côte d'Ivoire was ranked 147 out of 189 countries in the World Bank's 2015 *Doing Business* survey.

Despite constitutional protections, women suffer significant legal and economic discrimination, and sexual and gender-based violence are endemic. Rape was common during the 2011 crisis and remains widespread. The law does not 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 have often been released when victims failed to provide costly medical certificates. In September 2014, the government launched a national strategy for combating gender-based and conflict-related sexual violence.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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