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CÔTE D'IVOIRE

COI Compilation
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This report collates country of origin information (COI) on Côte d'Ivoire up to 15 August 2017 on issues of relevance in refugee status determination for Ivorian nationals.

The report is based on publicly available information, studies and commentaries. It is illustrative, but is neither exhaustive of information available in the public domain nor intended to be a general report on human-rights conditions. The report is not conclusive as to the merits of any individual refugee claim.

All sources are cited and fully referenced. 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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List of Abbreviations

AFDCI – Alliance des Forces Démocratiques de Côte d'Ivoire
CDVR – Commission pour le Dialogue, la Vérité et la Réconciliation
CEI – Commission Electorale Indépendante (Independent Election Commission)
CNS – Conseil National de Sécurité (National Security Council)
CSEI – Cellule Spéciale d'Enquête et d'Instruction (Special Investigative and Examination Cell)
FANCI – Forces armées Nationales de Côte d'Ivoire (National Armed Forces of Côte d'Ivoire)
FDS – Forces de défense et de sécurité (Ivorian Defense and Security Forces)
FGM/C – Female Genital Mutilation/Cutting
FN – Forces Nouvelles de Côte d'Ivoire (New Forces)
FPI – Front populaire ivoirien (Ivorian Popular Front)
FRCI – Forces républicaines de Côte d'Ivoire (Republican Forces of Côte d'Ivoire)
HLP – Housing, land and property [rights]
ICC – International Criminal Court
LGBT – Lesbian, gay, bisexual, and transgender
MPCI – Mouvement patriotique de Côte d'Ivoire (Patriotic Movement of Côte d'Ivoire)
OPA – Ouagadougou Peace Agreement
PDCI-RDA – Parti Démocratique de Côte d'Ivoire
RDR – Rassemblement des Républicains (Rally of the Republicans)
RHDP – Rassemblement des Houphouëtistes pour la Démocratie et la Paix (Rally of Houphouëtists for Democracy and Peace)
SSR – Security-sector reform
UNHCR – United Nations High Commissioner for Refugees
UNOCI – United Nations Operation in Côte d'Ivoire

1 General Information

Côte d'Ivoire is a country in Western Africa, bordering Ghana in the east, Burkina Faso and Mali in the north, Guinea and Liberia in the west, and the Gulf of Guinea in the south. It has a population of 23,295,302 and covers an area of 322,463 sq. km. The official language is French, although a large number of native dialects are also spoken. (CIA, 11 February 2016).

The World Culture Encyclopedia (WCE) explains the origin of the country's name:

"In the fifteenth century, French and Portuguese merchants in search of ivory named the region the Ivory Coast for its abundance of the natural resource. The country changed its name to Côte d'Ivoire in 1985; its official name is the *République de Côte d'Ivoire* —a reflection of French control of the country from 1843 until independence." (WCE, 2015)

With regard to the economic and social situation in Côte d'Ivoire, an April 2015 report of the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights explains:

"A thriving economy can provide fertile ground for human rights to flourish. The economic growth rate in Côte d'Ivoire was in double figures in 2012 (10.5 per cent) and 8.5 per cent in 2014. Other indicators also point to the country's reinvigorated economy. These include the new investments in infrastructure, the return of the African Development Bank, the resumption of long-haul flights connecting the capital with Europe, the improved business climate reflected by international agencies and the establishment of a commercial court. Another symbolic and timely event that raised hopes was the crowning of the Côte d'Ivoire football team as champions of the Africa Cup of Nations on 8 February 2015" (UNHRC, 27 April 2015, p. 7)

1.1 Historical background

Africa, a news website showcasing information about the various countries in the continent, discusses the origins of Côte d'Ivoire:

"Côte d'Ivoire was home to several states prior to European occupation. These include the Gyaaman, the Baoule, and the Kong Empire. Two Anyi kingdoms, the Indenie and Sanwi, also existed and attempted to maintain their identity through the colonial period and independence. Côte d'Ivoire became a protectorate of France based on a treaty in 1843-44. In 1893, it formally became a French colony." (Africa, n.d.)

A study commissioned by UN High Commissioner for Refugees (UNHCR) and published in December 2016 also explains the colonial history of Côte d'Ivoire and the migration movements towards the country during that period:

"Côte d'Ivoire had been a magnet for settlement of peoples from neighboring West African areas now constituting Burkina Faso, Mali, Guinea, Liberia, and Ghana since pre-colonial times. It became a French colony in 1893 and comprised a population of 1,959,360 people in 1901. Côte d'Ivoire possessed fertile and uncultivated agricultural land, but had low population density. The French therefore began to forcibly recruit laborers from neighboring colonies for resettlement in Côte d'Ivoire. The largest source of manual laborers was in Haute Volta (Upper Volta), now Burkina Faso, which became a French colony in 1919. In 1932, France annexed part of Haute Volta to the land mass of Côte d'Ivoire. This facilitated the mass forced recruitment of Burkinabè to work on major projects, like the rail line between Abidjan and Ouagadougou

and ports in Côte d'Ivoire, as well as develop Côte d'Ivoire's cocoa and coffee plantation economy. Although the colonial system of forced labor was abolished in 1946 and Haute Volta became again a distinct French colony in 1947, the number of Burkinabè migrants resettling to Côte d'Ivoire steadily grew in the decades to come." (Adjami, December 2016, pp. 7-8)

In 1958, the country became an autonomous republic within the French Community. Independence was achieved in 1960, when Félix Houphouët-Boigny, who had long fought for African equality, was elected president. He ran the country under a one-party state for over three decades. (BBC News, 5 May 2015a).

Regarding Félix Houphouët-Boigny's administration, a 2011 Africa Portal backgrounder explains:

"During the first 20 years of his administration, Ivory Coast witnessed remarkable economic growth, recording consistent annual GDPs of more than seven percent. Economic growth arose mainly from the sale of cocoa and coffee, two of Ivory Coast's major export crops. Houphouët-Boigny combined economic policies with shrewd politics that emphasized dialogue and compromise among Ivory Coast's various ethnic groups. To alleviate fears of political domination by one ethnic group, he introduced a system of ethnic quotas within government institutions. As a result, Ivory Coast maintained a relatively stable political and civil profile by most African standards.

Ivory Coast's cocoa and coffee plantations relied on immigrant labourers, who were first brought into the country by French colonialists. To ensure that these labourers remained in Ivory Coast following independence, Houphouët-Boigny extended their right to live and work in the country. [...] Furthermore, he introduced liberal land ownership laws that were favourable to immigrants, resulting in large immigrant settlements in the country." (Ogwang, April 2011, pp. 2-3)

In 1990, the first multiparty presidential elections were held and Houphouët-Boigny was once again elected president. He held power until his death, in 1993, when he was succeeded by Henri Konan Bédié. (BBC News, 5 May 2015a).

According to History World, "Houphouët-Boigny was able to maintain, for the most part a peaceful one party regime in his relatively prosperous nation (being the world's largest exporter of cocoa), while remaining on good terms with both France and its African neighbors." (History World, n.d.).

An April 2011 article from The Guardian further explains that, unlike Houphouët-Boigny, who welcomed in millions of immigrants from neighbouring countries, "his successor, Henri Konan Bédié, was less focused on avoiding tensions" and "stressed the concept of 'Ivory'. This was mainly to hurt his rival, Alassane Ouattara, whose father was from Burkina Faso." (The Guardian, 6 April 2011).

According to Minority Rights Group (MRG), these measures "substantially sharpened public sentiment among the majority against northerners, including all Manding, regardless of the length of individual or family tenure in Côte d'Ivoire." (MRG, 2008b)

The April 2015 report of the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights explains the issue and adds:

“In the 1990s, a number of factors, including the introduction of a multiparty system and the economic crisis caused by the fall in coffee and cocoa prices, began to exacerbate xenophobic tension. This tension centred around the concept of “ivoirité”, underlined in article 35 of the Constitution

Since then, the country’s history has been punctuated by violent events, starting with the overthrow of President Henri Konan Bédié in a military coup on 24 December 1999 and followed by an armed conflict that virtually split the country into two opposing parties: the north, more or less controlled by the rebels, and the south, which remained in the hands of supporters of President Laurent Gbagbo. The violent conflicts that have arisen in Côte d’Ivoire since the late 1990s have primarily been related to elections. The most recent electoral crisis was in 2010.” (UNHRC, 27 April 2015, p. 5)

Similarly, a November 2011 article by Al Jazeera also notes:

“Before the 2000 presidential elections, a law quickly passed by the government [requiring] both parents of a presidential candidate to be born within Côte d’Ivoire. This led to the disqualification of the presidential candidate and former Prime Minister Alassane Ouattara, whose parents were allegedly Burkinabe immigrants, a claim that he contested.” (Al Jazeera, 30 November 2011).

According to the Internal Displacement Monitoring Center (IDMC), “[a]s the economy contracted and the perception grew that northerners were being excluded to the benefit of the southern government, political parties started to form along geographic lines, while inter-communal tensions fuelled by religious divides festered.” (IDMC, 26 February 2015).

In 1999, a military coup led by General Robert Guéï overthrew Bédié. In the months following the coup, a highly contested election took place, reaffirming Guéï’s victory over the opposition candidates, namely Laurent Gbagbo, leader of the Ivorian Popular Front (FPI), and Alassane Ouattara, banned from the presidential election because of his foreign parentage. (BBC News, 5 May 2015a).

In October 2000, Laurent Gbagbo, “believed to be the real winner in the presidential elections, [was] proclaimed president.” Subsequently, in October 2000, “[f]ighting erupt[ed] between Gbagbo’s mainly southern Christian supporters and followers of Ouattara, who are mostly Muslims from the North”. (BBC News, 5 May 2015-b). According to the BBC:

“In September 2002 a troop mutiny escalated into a full-scale rebellion, voicing the ongoing discontent of northern Muslims who felt they were being discriminated against in Ivorian politics. Thousands were killed in the conflict. Although most of the fighting ended in 2004, Ivory Coast remained tense and divided. French and UN peacekeepers patrolled the buffer zone which separated the north, held by rebels known as the New Forces, and the government-controlled south.” (BBC News, 5 May 2015a)

The conflict which became known as the First Ivorian Civil War lasted from 2002 until 2007. Minority Rights Group (MRG) explains its aftermath as follows:

“A ceasefire in 2003 followed by political accords in 2007 eased tensions between the regions, but they remained effectively partitioned. Xenophobic election campaign language heightened tensions between north and south. Gbagbo and his ‘Young Patriot’ supporters questioned the nationality of his main opponent, northerner Alassane Ouattara, playing on the perception

among some of the public of northerners as descendants of economic migrants drawn to Côte d'Ivoire by its relative affluence over past decades.” (MRG, 6 July 2011)

In 2010, new elections were organized, as explained by a May 2013 report submitted to the UN Human Rights Committee. The report further details:

“Fourteen candidates met in the first round. Messrs. Laurent Gbagbo, the outgoing President, and Alassane Ouattara, the former Prime Minister, were in the lead after the first round with 38.04 per cent and 32.07 per cent, respectively, outpolling Henri Konan Bédié (25.24 per cent), Toikeusse Mabri (2.57 per cent) and another group of candidates receiving less than 1 per cent of the vote between them.

Following the second round, Alassane Ouattara was declared President of Côte d'Ivoire on 2 December 2010 with 54.10 per cent of the vote. However, the Constitutional Council invalidated the results from certain regions of the north and centre and announced the re-election of Laurent Gbagbo with 51.45 per cent of the vote.” (UN Human Rights Committee, 21 May 2013, p. 80)

According to a December 2010 article by The Guardian:

“Gbagbo's youth leader, Charles Ble Goude, has warned Alassane Ouattara, the internationally recognised election winner, and his supporters to “pack up their bags” and leave their base at the Golf Hotel in Abidjan.

The UN secretary general, Ban Ki-moon, is deeply alarmed by the youth leader's comments. ‘Any attack on the Golf Hotel could provoke widespread violence that could reignite civil war,’ his spokesman Martin Nesirky said.” (The Guardian, 31 December 2010)

The following months were characterized by political instability and violence, with over 3,000 civilian casualties, 150 women raped, and serious human rights violations committed by both sides. (HRW, 22 January 2012)

BBC news reports that Gbagbo was “forcibly removed from office after refusing to accept Mr Outtara’s internationally recognized victory in the November 2010 presidential election”. (BBC News, 5 May 2015a). In May 2011, Alassane Ouattara was inaugurated as president. In November 2011, Gbagbo was transferred to The Hague to stand trial at the International Criminal Court on charges of crimes against humanity. (BBC News, 5 May 2015-b).

In its December 2015 “To Consolidate this Peace of Ours” report, Human Rights Watch (HRW) provides information about the 2015 Ivorian elections:

“On October 25, 2015, the Ivorian people elected President Alassane Ouattara to a second term, in an election deemed free and fair by the African Union (AU) and the Economic Community of West African States (ECOWAS). The election was largely devoid of the violence that had accompanied previous polls in 2000 and 2010.” (HRW, 8 December 2015, p. 3)

With regard to the data collected by the Afrobarometer poll, a November 2015 article by the Washington Post writes:

“In a 2014 Afrobarometer poll, over 60 percent of respondents who indicated preference for the presidential election supported a party in Ouattara’s coalition. The poll accurately predicted

Ouattara's victory, but underestimated his margin. The official tally was 83.7 percent for the incumbent, and 9.3 percent for his top challenger, Affi N'Guessan Pascal (FPI)." (Washington Post, 26 November 2015)

News 24 reported that since taking office, Alassane Ouattara "has been credited with reviving the economy... [by] investing in huge infrastructure projects that have helped raise annual growth to around 9%." In January 2016, the President reportedly announced that he would reduce the sentences of 3100 prisoners, including some held over the post-election unrest. (News 24, 5 January 2016).

1.2 Geography

1.2.1 Map



Source: IOM, Migration in Côte d'Ivoire: A Country Profile 2009 [edited to include new political divisions]. Available at: <http://publications.iom.int/books/migration-en-cote-divoire-profil-national-2009>

1.2.2 Administrative units

Côte d'Ivoire is composed of 14 districts, including two autonomous districts: Abidjan and Yamoussoukro. The remaining 12 districts are as follows: Bas-Sassandra, Comoe, Denguele, Goh-Djiboua, Lacs, Lagunes, Montagnes, Sassandra-Marahoue, Savanes, Vallee du Bandama, Woroba, Zanzan. They are further divided into 31 regions, according to the recent 2011 political reorganization. (CIA, 11 February 2016).

In 1983, Yamoussoukro was designated as the official capital city of Côte d'Ivoire, however, Abidjan remains the economic capital and the most populated city in the country. (CIA, 11 February 2016).

On the stability of the different regions, the International Crisis Group (ICG) states that:

“Western Côte d'Ivoire is the country's most unstable region. This vast area, which stretches along the Liberian border, from the coast to the Nimba mountains, suffers from almost all the ethnic, land, political, security and identity problems that afflict contemporary Côte d'Ivoire. Two administrative regions are especially problematic: Cavally and Guémon. Outside Abidjan, these are the two regions where the postelection crisis claimed the most victims. Deadly incidents have regularly occurred since the end of the crisis and the government in Abidjan has not adequately addressed the three main root causes of the violence.” (ICG, 28 January 2014, p. 1)

1.3 Population structure

According to the Central Intelligence Agency (CIA) World Fact book, the population of Côte d'Ivoire is estimated at 23,295,302 as of July 2015. The source also notes that “estimates for this country explicitly take into account the effects of excess mortality due to AIDS; this can result in lower life expectancy, higher infant mortality, higher death rates, lower population growth rates, and changes in the distribution of population by age and sex than would otherwise be expected” (CIA, 11 February 2016).

The same source also notes that population growth is estimated at 1.91% in 2015 and adds that life expectancy in the country lies at 58.34 years – 57.21 years for males and 59.51 years for females. (CIA, 11 February 2016).

1.3.1 Ethnic groups

Côte d'Ivoire is a highly ethnically diverse country with more than 60 indigenous ethnic groups, belonging to five main socio-cultural or ethno-linguistic groups: Akan (32.1 percent), Voltaic or Gur (15 per cent), Krou (9.8 per cent), Northern Mandé (12.4 per cent) and Southern Mandé (9 per cent). (CIA, 11 February 2016).

Although information on ethnic groups is usually not explored in detail in COI compilations, this is a central aspect of the country's current political impasse and deserves special consideration.

According to an October 2015 article by Encyclopedia Britannica, “traditionally, the groups were independent from each other, but, over time, internal migration and extensive

intermarriage greatly reduced group identity with a particular cultural tradition in any given locality.” (Encyclopedia Britannica, 28 October 2015).

LandInfo, the Norwegian Country of Origin Information Centre, also discusses cross-country cultural ties as follows:

“None of the main four clusters of ethnic groups are only found in Côte d’Ivoire, all have strong linguistic and cultural ties with groups in neighbouring countries: the Krou ethnic groups with ethnic groups in eastern Liberia; the Kwa groups [of which the Akan is the most prominent group] with groups in southern Ghana (as well as into southern Togo and Benin); while Mandé ethnic groups are found in Guinea, north-eastern Liberia, Sierra Leone, Mali and Burkina Faso; and Gour groups in Mali, Burkina Faso, northern Ghana and northern Togo. Some ethnic groups in Côte d’Ivoire may feel stronger cultural, religious and linguistic attachment to ethnic groups in neighbouring countries than to ethnic groups than to groups inside Côte d’Ivoire – also within a single ethnic cluster.” (LandInfo, 2 November 2006, p. 7)

With respect to the relationship between ethnicity and political participation and engagement, the UN High Commissioner for Refugees (UNHCR) explains the following:

“Members of ethnic communities from the northern and central parts of the country are generally assumed to be pro-Ouattara. These include the Bambara, Malinké and the northern Manding or Mandé grouping (also known as Dioula). Members of ethnic communities from the south and west are generally assumed to be pro-Gbagbo. Groups in the west and centre-west which are assumed to be pro-Gbagbo include the Krou (subgroups of which include the Guéré, Wobe, Godié and the Bété), and the southern subgroups of the Akan, including the Attié, Ebrié, and Guro.” (UNHCR, 15 June 2012, p. 16)

Regarding the issue of ethnicity and its relationship to the post-electoral violence that shook the country in 2011, the Immigration and Refugee Board of Canada (IRB) explains the following:

“Former President Laurent Gbagbo is a member of the Bete (Newstime Africa 12 Dec. 2010; Professor 8 July 2013). Alassane Ouattara is a member of the Dioula ethnic group (Newstime Africa 12 Dec. 2010; Reuters 10 May 2011). According to the UN High Commissioner for Refugees (UNHCR), in general, Muslims and people belonging to the ethnic groups in the northern and central parts of the country, including the Dioulas, are presumed to be pro-Ouattara, and the Christians and members of the ethnic groups in the south and west, including the Bete, are presumed to be pro-Gbagbo.” (IRB, 16 July 2013)

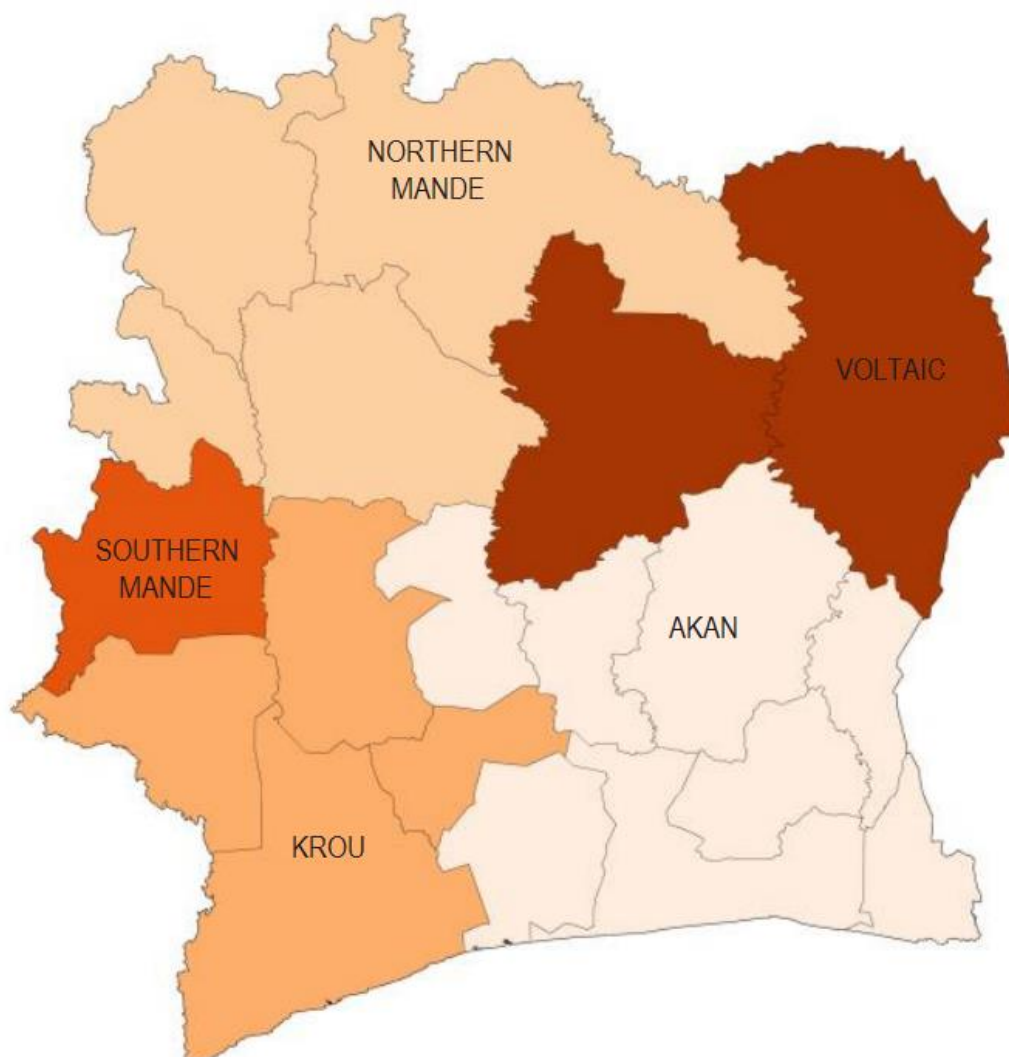
Amnesty International (AI) equally stresses:

“It is therefore not surprising that the number of displaced people and refugees, the overwhelming number of whom belong to ethnic groups perceived as supporters of Laurent Gbagbo, remains very high. In several parts of the country, particularly in the south and west, internal displacement is closely linked to access to land.” (AI, 28 July 2011)

A 2016 report from Bertelsmann Stiftung's Transformation Index (BTI) further notes:

“The lack of trust within the ethnically mixed neighborhoods in many parts of the country (which also pits indigenous and migrant populations against each other) has been identified since the 1990s as a major root cause of social conflict. Civil war and evictions of migrant workers have aggravated the problem. Violent clashes have

stopped since 2011, both between migrant workers from Mali or Burkina Faso and some ethnic groups and between Baoule and Bete groups, as well as more recently in the western part of the country between various ethnic groups.” (BTI, 2016, p. 11)



Source: World Bank [edited]. Available at:

<https://openknowledge.worldbank.org/bitstream/handle/10986/22514/Regional0imbal0t0African0countries.pdf?sequence=1&isAllowed=y>

For a more detailed description of Côte d'Ivoire's ethnic groups, please see below:

1.3.1.1 Akan

According to an undated article by Encyclopedia Britannica, Akan is an “ethnolinguistic grouping of peoples of the Guinea Coast who speak Akan languages (of the Kwa branch of the Niger-Congo family)”, which includes “speakers of the Akyem, Anyi, Asante (Ashanti), Attié, Baule, Brong, Chakosi, Fante (Fanti), and Guang languages.” The article further details that “[m]ost Akan peoples live in Ghana, where they settled in successive waves of migration between the 11th and 18th centuries; others inhabit the eastern part of Côte d'Ivoire and parts of Togo.” (Encyclopedia Britannica, n.d.-a)

Baulé

Minority Rights Group (MRG) reports that the “Baoulé, an Akan sub-group, are the largest single ethnic group [in Côte d'Ivoire], comprising about 15-20 per cent of the total population.” (MRG, 6 July 2011). According to the World Bank, the group traditionally “inhabit[s] the center of the country, which contains the traditional cocoa-growing zone.” (World Bank, 2015, p. 18)

Ebrié

The Ebrié (Kyama) is an “extremely complex grouping of people along the south-east coast, particularly around the Ebrié Lagoon and Abidjan. Numbering about 76,000, they have largely shifted from traditional occupations to cash crop farming.” They have “never organized themselves into central states; their most inclusive political unit has been the village.” They “occupy the area around Abidjan, Bingerville and Dabou and are allegedly the indigenous people of the site of the city of Abidjan.” (MRG, 2007)

Agni

According to Minority Rights Group (MRG), “[a]round 610,000 Agni live in the far south-east of Côte d'Ivoire.” They have “developed a small semi-autonomous society called Sanwi that was grouped under a paramount chief.” The Sanwi kingdom has evoked strong loyalties and ethnic pride, which “was demonstrated in 1959 and 1969, when Sanwi attempted to secede from Côte d'Ivoire in the hope of demonstrating Agni autonomy from Baoulé domination.” (MRG, 2007)

Regarding religion, the Africa Mission Resource Center (AMRC) explains:

“Islam has flourished in the Agni cities and towns, but has only marginally infiltrated the villages. Most Muslims are Dioula from Burkina Faso or Mali. The number of Muslims is higher near the government-run cocoa farms. The Agni have traditionally shown apathy toward Islam.” (AMRC, n.d.)

1.3.1.2 Voltaic or Gour

According to Minority Rights Group (MRG), “in the colonial and post-colonial periods, Voltaic peoples were among the northern groups excluded from power” and were severely affected by the introduction of the notion of “ivoirité”. (MRG, 19 June 2015).

For more information on the concept of Ivoirité, please refer to subsections 1.1, 1.3.3, and 3.2.

Senoufo

Minority Rights Group (MRG)'s 2008 World Directory of Minorities and Indigenous Peoples reports that the Senoufo are “the largest Voltaic ethnic group” and comprise “people of Bambara origin who live in north-central Côte d'Ivoire, Mali and Burkina Faso.” (MRG, 19 June 2015). The report further explains:

“[The Senoufo] are people of Bambara origin who live in north-central Côte d'Ivoire, Mali and Burkina Faso. Senoufo villages are completely independent of one another. A Senoufo secret society plays a major role in three periods of the first thirty years of man's life. After this, men

are no longer obliged to perform agricultural work. Each Senoufo village has a sacred forest in which ritual activities are carried out. Groups of Dioula live in enclaves in many Senoufo villages. [...]

Dioula migrants moving south and into northern Côte d'Ivoire in the 1600s dubbed the population of maize and millet farmers they found there 'Senoufo', or 'those who speak Senari'. They introduced Islam to Senoufo chiefs, and it spread rapidly throughout Senoufo society." (MRG, 19 June 2015)

Lobi

In an article dating from June 2015, Minority Rights Group (MRG) explains that the Lobi, "who number about 156,000 are a Voltaic group without village organization or chiefs, based on matrilineal lineage. They are among the poorest populations in Côte d'Ivoire." (MRG, 19 June 2015). The same article notes:

"Towards the end of the eighteenth century Lobi moved north-west and east because of population pressure and incursions. The consequence was a massive emigration and the non-violent occupation of new land. The immigrants mixed with present occupants, and Lobi - traditional hunters and warriors - were welcomed by the kingdom of Bouna. They remained isolated from Dioula and were never conquered by Manding, or British or French colonization, although they were nominally 'pacified' by 1901. Lobi migration continued in the colonial period from Upper Volta and Ghana to the sparsely populated Kulango areas and extreme north-east around Bouna." (MRG, 19 June 2015)

The Lobi has also been identified as a group at risk of statelessness, as described by Mirna Adjami in her study dating from December 2016:

"The Ivorian Ministry of Justice has identified one such sub-ethnic group whose members might be stateless or at risk of statelessness, namely, the Lobi. Lobi communities are found across southeastern Burkina Faso, northeastern Côte d'Ivoire, and northwestern Ghana. In colonial times, the Lobi resisted French efforts to participate in the colonial population census process. In addition to those in the West of the country, the towns and villages in northeastern Côte d'Ivoire continue to have some of the lowest rates of birth registration in the country. In the absence of more detailed information about the potential cross-border mobility and local administrative perceptions of the Lobi in the Zanzan region, it is difficult to draw any insights or conclusions about the potential consequences for statelessness or nationality that might present in this region." (Adjami, December 2016, p. 50)

1.3.1.3 Krou

According to the World Bank, "the southwestern part of the country is predominantly inhabited by people from the Krou ethnic cluster, who constituted about 16 percent of the population in 1975; however, since then, their share of the population has fallen to about 13 percent." (World Bank, 2015, p. 18).

During the Ivorian civil war in 2002, Krou groups that backed Gbagbo's *Front Populaire Ivoirien* (FPI) took the opportunity to rid the region of perceived 'outsiders'. This particularly increased tension between Guéré and Dioula because members of the latter group had been settled in the west during colonial times. (MRG, 2008a)

Bété

“The Bété are the largest ethnic group among the Krou.” (World Bank, 2015, p. 18). The Bété number approximately 410,000 and are reportedly “concentrated in some 800 villages in the triangle among the cities of Daloa, Soubre and Gagnoa.” (MRG, 2008a). Minority Rights Group (MRG) also reports:

“An ethnic movement started in the 1930s among the Bété in an attempt to represent the interests of a region and a people who felt a special discrimination under the colonial system. The period since independence has heightened Bété self-awareness. This name was not used before the colonial era but originated as a designation for those people working on the plantations of south-east Côte d'Ivoire. Since the colonial era, outsiders - both European and African - have held pejorative stereotypes of the Bété. Under President Houphouët-Boigny from 1960-1993, the government encouraged people from the dominant Baoulé group and others from around the country to settle in the far west in order to dilute Bété dominance there and profit from the cacao and coffee plantations there. Bété identity is now influenced by these indigenous/outsider, rural/urban contrasts rather than by pre-colonial factors.” (MRG, 2008a)

Regarding the treatment of members of the Bete ethnic group following the post-electoral violence, the Immigration and Refugee Board of Canada (IRB) explains:

In 8 July 2013 correspondence with the Research Directorate, a professor of political geography at the Université Michel de Montaigne Bordeaux 3 in France, author of several works and articles on the Ivorian crisis, wrote the following about the treatment of the Bete:

[translation]

There does not seem to be any particular discrimination against the Bete group. However, since some members of this group engaged in acts of violence during the post-electoral crisis (December 2010-April 2011), some uncertainty did emerge regarding being held to account before justice.

In addition, the President of the Ivorian Human Rights Movement (Mouvement ivoirien des droits humains, MIDH), an [translation] “apolitical and non-confessional” organization founded in October 2000 that promotes and defends human rights in Côte d'Ivoire (MIDH n.d.), wrote the following in 8 July 2013 correspondence with the Research Directorate:

[translation]

In Côte d'Ivoire ... no systematic violence is directed at any ethnicity. However, some members of the ethnicity (Bete) that is close to the Ivorian Popular Front (Front Populaire Ivoirien, FPI), the political party of former President Laurent Gbagbo, may at times have been concerned, either for political reasons or because of their known or alleged participation in the post-electoral violence of 2010 and 2011. (Canada: IRB, 16 July 2013)

Dida

The Dida number approximately 195,000, and are “concentrated in south-central Côte d'Ivoire, self-identified by an exclusive network of political and economic relations. Traditionally Dida society is decentralized, although each village recognizes one lineage as proprietor of village lands. Culturally they are influenced by the Baoulé to the north.” (MRG, 2008a)

Guéré or Wè

Minority Rights Group (MRG) describes the Guéré group as follows:

“The Guéré, a sub-group of the Bété and Wè, number around 318,000 and are Krou people traditionally residing in west-central Côte d'Ivoire. Guéré is a designation developed by a colonial administrator for the people living south of the Dan. Female initiation societies have been maintained. A cultural trait is the presence of women chiefs. Guéré society is characterized by weak political authority beyond the lineage or village, with spiritual leadership having a separate role. Traditionally, Guéré were exclusively subsistence farmers. More recently cash cropping has brought rapid social and economic changes to the community and many Guéré have migrated.” (MRG, 2008a)

1.3.1.4 Southern Mandé

The World Bank reports that “the Southern Mandé, which include the Dan, Yacouba, and Gouro ethnic groups, are predominantly found in the western part of the country, and constitute about 10 percent of the population.” (World Bank, 2015, p. 18)

Dan

According to the Encyclopedia Britannica, the Dan, also called Gio or Yakuba, “are an ethnolinguistic grouping of people inhabiting the mountainous west-central Côte d'Ivoire and adjacent areas of Liberia.” (Encyclopedia Britannica, n.d.-b)

Minority Rights Group's (MRG) World Directory of Minorities and Indigenous Peoples describes the Dan as “an ethnic group classified as peripheral Mandé, sharing the cultural patterns but not the language of the Krou” (MRG, 2007). The report also notes:

“Dan live in the extreme west of Côte d'Ivoire and into Liberia. Self-awareness as a distinct culture emerged only as recently as the eighteenth and nineteenth centuries. Dan were pushed into their present mountainous and forest location by Manding expansion. At a high altitude they cultivate rice and trade kola nuts for dried fish from the Niger River through Dioula traders. Dan resisted Islam even though living on its southern frontier. Armed resistance against colonial rule was put down in 1905-1908. Young men traditionally migrate to the coast to work on ships and in ports.” (MRG, 2007)

Gagu

The “Gagu people of south-central Côte d'Ivoire are thought to be the oldest residents of the country.” They are reported to have “assimilated into Kweni (Guro) culture, and the first language of most Gagu is Guro. Together the groups number nearly 400,000.” (MRG, 2007)

Kweni

The “Kweni, – often known by the Baoulé term *Guro* – are of Manding origin and are located between the Baoulé to the east and the Bété to the west in west-central Côte d'Ivoire.” (MRG, 2007). According to Minority Rights Group (MRG):

“They entered the forest under pressure from Malinké migration; however, their movement east was halted by Baoulé. The last Kweni resistance to French colonial rule was in 1907. Over 50 territorial groupings formerly had an economic and military function, but intermarriage has brought cultural assimilation with Bété, Gagu and others. Kweni have no hereditary chiefs. They had no sense of communal identity before the French colonial era. Traditionally they grew plantain, manioc, yam and taro and more recently have moved into coffee, cocoa and cotton production. The migration of Kweni to work on southern palm oil plantations has disrupted marriage and family stability.” (MRG, 2007)

1.3.1.5 *Northern Mandé*

According to Minority Rights Group (MRG), “[t]he northern Manding or Mandé grouping, also called Dioula, is the country’s second largest cultural cluster.” The same source details:

“Dioula is a contextually defined term, meaning itinerant trader, but ‘Dioula’ has come to be applied to all Muslim merchants from the north and from other Sahelian countries, of whatever ethnic or cultural background, including Malinké and Bambara. The true Dioula - those for whom this is primarily a cultural rather than an occupational designation - are from the region of Kong, once an important trans-Saharan trading centre but then devastated in the early 1890s by drought and the interruption of trade caused by the capture of the cities of Djenne, Mopti and Bandiagara in Soudan by the French. This grouping is mostly Muslim and is located in both northwest and southern Côte d’Ivoire.” (MRG, 2008b)

Regarding discrimination against the Dioula communities, Open Society Foundation explains:

“The policy of targeting ‘dioulas’ was, and continues to be, systematic. Even with proper proof of citizenship, the government denies ‘dioulas’ benefits and services by creating obstacles to obtaining state-issued documents, such as passports, birth certificates, and identification cards. There have also been numerous reports of identification documents being confiscated, with ethnic and religious discrimination cited in most testimonies as the key motive.” (Open Society Foundation, 30 October 2016)

1.3.2 *Historical migrants*

Migration movements to Côte d’Ivoire have played an important role in the country’s development following its independence. The United Nations Development Program’s (UNDP) 2005 Human Development Report discusses the early migration flows to the country:

“Resulting from extensive international migration flows, a large proportion of the people in Côte d’Ivoire is of foreign origin. From the early 1940s, the French colonial administration organised the transfer of forced labour from the Upper Volta, today’s Burkina Faso, to the cocoa and coffee plantations in the southern parts of Côte d’Ivoire. Although forced labour was abolished by the French Assembly in 1946, Côte d’Ivoire continued to attract large numbers of migrants from neighbouring countries. Côte d’Ivoire’s first president, Felix Houphouët-Boigny, promoted the influx of foreign workers by introducing liberal landownership laws, under the slogan ‘the land belongs to those that develop it’. By giving foreign migrants the right to vote in national elections, they became an important political asset, in addition to being a productive economic workforce.” (UNDP, 2005, p. 3)

With regard to the arrival points for migrants in the early 1960’s and 1970’s, the Internal Displacement Monitoring Center (IDMC) explains:

“The west of Côte d'Ivoire constitutes the commercial heart for cocoa, coffee and wood production, due to its very fertile soil that favours agro-industry. [...] The Regions of Moyen Cavally and Dix-Huit Montagnes constituted two of the main arrival points for these migrants. With the aim of maximising profit, the forest zone was progressively occupied, not only the plots of land that were already available, but also forest reserve land protected by the government against any form of exploitation.” (IDMC, October 2009, p. 10)

A July 2015 report by Minority Rights Group (MRG) notes that Côte d'Ivoire “became the most common destination for West African migrants following its independence in 1960 due to perceptions of its wealth and stability.” (MRG, 2 July 2015, p. 88). The report further details:

“Many [West African migrants] settled in urban areas, particularly the economic capital Abidjan. Extensive immigration led to some resentment and insecurity among the pre-existing population, however. Long-standing post-independence president Félix Houphouët Boigny's administrations practised an informal quota system to maintain stability by ensuring an ethnic and regional balance in state institutions.

Following his death in 1993, dominant political actors – predominantly southern Christians – developed the political concept of ‘ivoirité’, giving precedence to what they described as ‘native’ as opposed to ‘foreign’ citizens. This discourse was used to disenfranchise ‘northerners’, the majority of them Muslim, for instance by calling their nationality – and thus their fitness to stand for elections – into question.” (MRG, 2 July 2015, p. 88).

A study commissioned by UN High Commissioner for Refugees (UNHCR) in December 2016 further discusses the notion of *ivoirité* and adds:

“Once President, Bédié quickly grew hostile towards foreigners, becoming the founder of what would become known as the policy of ‘Ivoirité.’ Several public policy measures were adopted to ensure that ‘real Ivorians’ would have preferential treatment in the labor market and public office. In the spirit of *Ivoirité*, the Ivorian parliament passed a major rural land tenure law in 1998 that denied foreigners the right to be land-owners. [...]”

As anti-foreigner hostility grew under *Ivoirité*, so did the frequency and intensity of violent inter-communitarian conflicts throughout Côte d'Ivoire specifically targeting foreigners, or those perceived to be foreigners. During this period in the 1990s, some foreigners, as well as children of foreigners born in Côte d'Ivoire left Côte d'Ivoire to return to the countries of their origins or ancestors. The outbreak of civil war in 2002 led to a further exodus. Côte d'Ivoire registered its first negative net rate of migration (per thousand) between 2005 and 2010 at -3.7” (Adjami, December 2016, p. 11, 13)

Another study, also commissioned by the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) explains the following:

“Whereas most AOF [Afrique occidentale française/French West Africa] territories thus provided for relatively liberal grant of nationality at independence, Côte d'Ivoire, the most highly developed economy of AOF and the recipient of the greatest number of migrant workers to the new cocoa and coffee plantations, adopted rules that made it difficult for these migrants to be recognised as Ivorian. Although there were transitional provisions allowing those residents in the country to acquire nationality, the Ivorian nationality code did not incorporate the double *jus soli* rule for those born after independence; and although the law allowed children under eighteen born in Côte d'Ivoire of foreign parents to acquire Ivorian nationality “by declaration” if they had lived in Côte d'Ivoire for more than five years, this right was little used and was

suppressed in 1972. Nationality of origin was attributed only to persons with one parent who was a national, rather than including any jus soli element. [...]

In 2013, Côte d'Ivoire established a time limited special naturalization program in an attempt to provide access to nationality for a large number of people born in the country who had previously been excluded [by the 1972 amendments]." (Manby, June 2015, p. 11, 23)

Regarding the rights of migrants in Côte d'Ivoire, LandInfo, the Norwegian Country of Origin Information Centre, explains:

"As mentioned above, the migration from outside Côte d'Ivoire has been substantial, and roughly a quarter of the population of Côte d'Ivoire are people with origin in neighbouring countries. Relatively few of these migrants have been naturalised, not the least since this generally was a non-issue until the end of the 1980s. Only then did a serious debate evolve on whether there should be a difference in rights between Ivorian citizens and others living in the country. During the colonial period and the single-party system under president Houphouët-Boigny, there was no difference in rights to speak of between Ivorian citizens and immigrants, accordingly immigrants had little incentive to apply for naturalisation, and very few did. Most of these immigrants originate in Burkina Faso, Mali and Guinea, countries that share a common past as French colonies – and a shared administrative language, court system, school system, etc. Immigrants from these countries are generally of Mandé and Gour ethnicity. The immigration from Liberia and Ghana has been comparatively small." (LandInfo, 2 November 2006, p. 8)

1.3.3 Religious affiliations

As reported by the Central Intelligence Agency (CIA) World Fact book, 42.9% of the population identify as Muslims, 17.2% as Catholics, 11.8% as Evangelicals, 1.7% as Methodists, 3.2% other Christians, 3.6% as animists, 0.5% belongs to other religion and 19.1% belongs to none. (CIA World Book, 2017, accessed at: <https://www.cia.gov/library/publications/the-world-factbook/geos/iv.html>). The same CIA world factbook further noted that the majority of foreign migrant workers are Muslim (72.7%) and Christian (17.7%). [2014 estimate] (CIA, 6 September 2017)

With respect to religion in Côte d'Ivoire, LandInfo, the Norwegian Country of Origin Information Centre, reports that:

"Historically, all ethnic groups with origin in the region were animists, where the relationship to a parallel spiritual world with influence on the visible world is generally important for religious beliefs and worldviews. The differences between the religious views and traditions of different groups may be considerable, but there are also several common denominators – both within ethnic clusters and between them. Islam expanded into the Sahel region (the savannah belt dividing the Sahara desert and the forest coastal region) from the west and the east during the 16th century. Today, around 23 % of Ivorians are Muslim – mainly people of Mandé and Gour origin. Christianity arrived in Côte d'Ivoire with European missionaries in the 19th century, and expanded from the coast into the country. Still, only some 12% of the population are Christians today – largely people of Krou and Kwa origin. Both Muslims and Christians in Côte d'Ivoire may incorporate aspects of animist religion in their religious practice. Marriage between persons with different religious beliefs is common, especially among the educated in urban areas. The

Christians in Côte d'Ivoire were mainly Catholics until the 1970s-1980, but charismatic Pentecostal congregations are growing rapidly here as elsewhere in the region – both among Catholics and animists. These Pentecostal congregations are often closely tied to American mission movements. The Muslims in Côte d'Ivoire are generally Sunni, of the Maliki law school. Sufi brotherhoods dominate, whereas modern Middle East-inspired Islamism groups seem to have little influence.” (LandInfo, 2 November 2006, p. 10)

The United States Department of State's (USDS) International Religious Freedom report also provides the following overview of how religion is perceived by Ivorian society:

“Traditionally, the north is associated with Islam and the south with Christianity, although adherents of both religious groups live throughout the country.

Christian groups include Roman Catholics, Jehovah's Witnesses, Seventh-day Adventists, Methodists, Presbyterians, Harrists, members of The Church of Jesus Christ of Latter-day Saints (Mormons), Southern Baptists, Copts, adherents of the Celestial Church of Christ, and members of the Assemblies of God. Muslim groups include Sunni, Shia, and Ahmadi. Other religious groups include Buddhists, Bahais, Rastafarians, followers of the International Society for Krishna Consciousness, and Bossonists, who follow traditions of the Akan ethnic group.” (USDS, 15 August 2017).

1.4 Socio-economic situation

1.4.1 Poverty and unemployment

The World Bank's 2015 report on regional inequalities in the region explains the following:

“Côte d'Ivoire's inequalities persist today. With regard to all four indicators (the proportion of people with access to electricity; the level of MPI; the proportion of females without education; and the under-five mortality rate) [...], it is clear that the northern regions are performing much worse than the southern regions. For example, while in 2012 on average 56 percent of the Ivorian people had access to electricity, in the north (the Savanes region), northeast (the Zanzan region), and northwest (the Bafting, Worodougou, and Denguélé regions), only 31 percent, 40 percent, and 39 percent of people were connected to the national electricity grid. Similarly, while on average 53 percent of Ivorian females had no formal education, in the north a much higher proportion of women were uneducated; 75 percent in the north, 63 percent in the northeast, and 83 percent in the northwest regions. Under-five mortality rates were also much higher in the north compared to the national average, especially in Savanes, Worodougou, and Denguélé regions. The main reason why the region of Vallée du Bandama, which is quite far north, is doing considerably better than its surrounding regions is because the country's second largest city (Bouaké) is situated in the southern part of this region.” (World Bank, 2015, p. 21)

With respect to the inequalities across religions, the same source also notes that “it emerges that Christians, as expected, are doing relatively better than Muslims in terms of having access to electricity. Yet, the difference between Christians and Muslims is moderated by the fact that a relatively higher proportion of Muslims lives in urban areas.” (World Bank, 2015, p. 21)

An undated article by the Rural Poverty Portal (RPP), a website powered by the International Fund for Agricultural Development (IFAD), also notes:

“Lack of access to land is a major cause of rural poverty. Small-scale producers of food crops have access to about half the amount of land available to large-scale producers of export crops. Education levels among food crop producers are low, and their access to technology is limited. In zones where population pressure and environmental degradation have reduced overall access to productive land, women are generally the first to feel the negative effects.” (RPP, n.d.)

Regarding the minimum wage in Côte d'Ivoire, the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights reports:

“The Government has increased the guaranteed minimum interprofessional wage from 36,600 CFA to 60,000 CFA. The guaranteed agricultural minimum wage is 25,000 CFA and the Government plans to increase it soon. Dialogue is ongoing with trade unions and professional groups. As in many other developing countries, there is a large informal economy in Côte d'Ivoire and unemployment, particularly youth unemployment, is a worrying phenomenon.” (UNHRC, 27 April 2015, p. 9)

1.4.2 Corruption

According to the United States Department of State's (USDS) 2014 Human Rights report:

“Corruption persisted in the judiciary, police, the military, customs, contract awards tax offices, and other government institutions, and the judiciary was inefficient and lacked independence [...] The law provides criminal penalties for corruption by officials, but the government does not implement the law effectively, and officials engage in corrupt practices with impunity”. (USDS, 25 June 2015)

In its 2016 World Report, Human Rights Watch (HRW) states:

“Security forces continued to plunder revenues through smuggling and parallel tax systems on cocoa, timber, diamonds, and other natural resources. In its April 2015 report, the UN Group of Experts, appointed by the UN Security Council to monitor the sanctions regime in Cote d'Ivoire, identified several army officers involved in the illicit exploitation of natural resources, including gold and cocoa.

Extortion by security forces at illegal checkpoints remained an acute problem, particularly on secondary roads in rural areas. A specialized anti-racket unit has been undermined by inconsistent financial support from the government and the failure of the military tribunal to consistently prosecute perpetrators.” (HRW, 27 January 2016)

In 2013, three years after the electoral crisis, the International Federation for Human Rights (FIDH) reported that “[t]he economic situation is improving but is criticised for corruption that also affects the legal system, and for shambolic State structures”. The report details:

“Ivory Coast is trying to develop a legal system that shows greater respect for human rights, as indicated by the declaration made under Article 34.6 of the Protocol establishing the African Court, thus enabling individuals and NGOs to have direct access to the Court, and the draft law on human rights defenders that was adopted by the Ivorian Council of Ministers. But in actual

fact, abuse and corruption are still common and in their daily life, the people still have to cope with the arbitrary whims and the corruption of the “*petit chef*” and the violent events of the past.” (FIDH, 22 October 2013, p. 4)

According to Transparency International’s 2013 report “Corruption and Anti-Corruption in Côte d’Ivoire”:

“Corruption in Côte d’Ivoire is endemic and permeates all levels of society, which is reflected in the country’s poor performance in most areas assessed by governance indicators. The decade long civil war, born out of profound political divisions, the absence of a consensual successor to Houphouët-Boigny, and the subsequent economic decline, appear to have resulted in even higher levels of systemic corruption and predatory behaviour. Impunity is generalised throughout the country and the justice system is seen as dangerously partial. Côte d’Ivoire lacks some basic governance infrastructures, and the weakness of law enforcement entities makes the governance system largely ineffective. Patronage and clan networks continue to play a central role in the Ivorian society, and the administration does not operate transparently. The poor governance structure is becoming an obstacle for genuine reconciliation in a still-divided Côte d’Ivoire.” (Transparency International, 19 April 2013, p. 1)

With regard to corruption and transparency in government, the United States Department of State’s (USDS) 2014 Human Rights report found that:

“The agency responsible for combating corruption is the National Secretariat for Good Governance and Capacity Building. The Independent National Public Procurement Regulatory Agency (ANRMP) is responsible for supporting, monitoring, and enforcing fair competition for government contracts. In August, based on reports that 57 percent of all government contracts awarded in the first quarter of the year were sole-source, the ANRMP launched an audit of all sole-source contract awards from 2011 to 2013. In September the ANRMP concluded an independent audit performed on 60 sole-source government contracts worth approximately two trillion CFA francs (\$3.75 billion) for fiscal years 2011 to 2013 and announced that 95 percent of the contracts broke procurement regulations and procedures.” (USDS, 25 June 2015)

Corruption in the judiciary is addressed by Human Rights Watch’s (HRW) December 2015 “To Consolidate this Peace of Ours” report, which states:

“Furthermore, the government has done too little to address corruption in the justice sector. Despite Ouattara’s 2011 promise that corrupt judges would be fired, Ivorian jurists told Human Rights Watch that they were not aware of any judges being disciplined or prosecuted for corruption since 2012.” (HRW, 8 December 2015, p. 7)

Regarding society’s perception of corruption, another article by Human Rights Watch (HRW) published in December 2015 notes:

“Many Ivorians also express frustration with the government’s failure to clamp down on the corruption that deprives their families, already struggling to make ends meet, of vital revenue. In rural areas in the country’s west, farmers told me that, when they travel to local markets to sell their crops, they have to pay bribes at illegal checkpoints set up by soldiers and gendarmes. A unit set up in 2011 to investigate extortion has been chronically under-funded, leading one of its officers to say that corrupt policemen and soldiers are ‘advocating for the death of our unit.’” (HRW, 14 December 2015).

More recently, a few measures to tackle down corruption were identified by the United States Department of State (USDS) in their 2016 report:

“ On May 26, the government fired the director and deputy director of the Cotton and Cashew Council following an audit [...]

The Independent National Public Procurement Regulatory Agency (ANRMP) is responsible for supporting, monitoring, and enforcing fair competition for government contracts. Following a 2014 report that 57 percent of all government contracts were sole-sourced, ANRMP began auditing government contracts. It found that from March 2015 to March, 78 percent of approved contracts were executed through competitive bidding. A presidential decree requires the head of state, ministers, heads of national institutions, and directors of administration to disclose their income and assets. Unlike in the past, when there was no penalty for noncompliance, in March 2015 the High Authority for Good Governance (HABG), an independent administrative authority with legal and financial autonomy, started requiring public officials to submit a wealth declaration within 30 days of the beginning of their term in office. The declaration was confidential, but the list of those who have declared their wealth was publicly accessible in the official government journal. Officials who did not comply or provided a false declaration faced fines equal to six months of their salary. As of October approximately 50 percent of officials had declared their assets, and no one had been fined.” (USDS, 3 March 2017)

1.4.3 Urban violence, banditry and criminality

According to Human Rights Watch (HRW), “Criminality - and armed robbery in particular - has been an acute problem in Côte d'Ivoire for years, particularly in the northern and western regions. Officials from the European Union, the UN Operation in Côte d'Ivoire, and Ivorian human rights groups have repeatedly expressed concern about the problem.” (All Africa, 15 December 2014).

According to an undated article by Interpeace, even though the situation in Côte d'Ivoire has become more stable than during the post-election crisis in 2011, the socio-political situation remains fragile. Interpeace explains:

“A number of major infrastructure projects initiated by the state have resulted in continued economic growth. Despite these positive developments, the socio-political situation remains fragile. Tensions between communities exist within the city of Abidjan, and in the forest area of the west, both areas being home to much of the socio-political tensions and violence that have affected Côte d'Ivoire for over a decade.” (Interpeace, n.d.)

In its 2014 report “Côte d'Ivoire: Nowhere to Turn for Protection”, Human Rights Watch (HRW) reports:

“Heavily-armed criminals are subjecting residents of northern Côte d'Ivoire to a relentless pace of often-violent attacks on buses and private vehicles and in villages, Human Rights Watch said today. Security forces have largely failed to protect the population or investigate the crimes. [...]

Witnesses and local authorities said that banditry has long been a problem in the north, with a concentrated period of attacks in 2011 and 2012. But residents universally noted that, after improving somewhat in 2013, the situation has progressively and dramatically worsened in 2014.

Victims, witnesses, and northern residents described almost daily attacks by as few as 2 men or groups of as many as 15, armed with Kalashnikov assault rifles, pistols, and in some instances, rocket propelled grenades. They described a pattern in which men emerged from vegetation alongside the highway and shot into the air to force drivers to stop. If the driver did not stop, they aimed directly at the vehicle, often targeting the driver himself or indiscriminately spraying the vehicle with bullets.

Victims said security forces generally failed to provide regular and adequate patrols to prevent attacks, or to investigate and bring the attackers to account. Drivers said that long stretches of road without a visible presence of the security forces has left them and travelers vulnerable to attack.” (HRW, 15 December 2014)

In its January 2015 Crime and Safety Report the United States Overseas Security Advisory Council (OSAC) provides the following overview on “crime threats” in Côte d’Ivoire:

“Crime is prevalent and includes violent crime, carjackings, armed residential/street robberies, and car thefts. Weapons are readily available and circulate freely throughout the country.

In 2014, there were reports of individuals being robbed along major stretches of road outside of Abidjan. Often these crimes are for monetary gain; occasionally they are caused by disputes between security forces and local hunters. The vast majority of victims were Ivoirians traveling at night and often in public transportation. Most armed robberies occurred at night.

The majority of crimes against foreigners are non-violent confrontations characterized as crimes of opportunity (e.g., muggings, pickpocketing, theft of unattended possessions). Western victims of crime are seldom harmed when they comply with the criminal’s demands; resisting an armed assailant risks escalating an economically motivated crime to a violent encounter. In 2014, U.S. Embassy personnel were victims of three home invasion robberies and one armed street robbery/mugging. There were no injuries to personnel.

Popular sports and soccer matches often present the possibility of petty crime or rioting. Similarly, on New Year’s Day 2013, more than 60 people were killed in a stampede following a fireworks display in downtown Abidjan.” (OSAC, 29 January 2015)

In January 2014, BBC news reported the following with regard to cyber criminality:

“According to the Ivorian government, it received more complaints about cyber criminality in the first half of 2013 than any other country on the continent, making it Africa’s unlikely capital of “brouteurs” - Ivorian slang for cyber criminals. [...]

The country is quickly becoming infamous for technology crime, but it is also becoming recognised for how it is dealing with it. Two years ago the government set up a dedicated taskforce to fight cyber-crime, the Plateforme de Lutte Contre la Cybercriminalite (PLCC). It is made up of the country’s law and security forces and is the first of its kind in Africa. [...]

Last year alone they made nearly 100 arrests, naming and shaming the convicted criminals on the government website, while the cyber-crime law, passed last May, has introduced prison sentences of up to 20 years.” (BBC, 16 January 2014).

The final progress report of the Secretary-General on the United Nations Operation in Côte d’Ivoire issued on the 31 January 2017 states:

“The security situation remained stable and continued to show signs of improvement, with an overall downward trend of security incidents since the beginning of 2016. Intercommunal conflicts, armed robberies, sexual and gender-based violence and violence against minors, as well as other criminal activities, still contribute to insecurity in some parts of the country. While armed attacks in the south-west declined, tensions over land disputes have increased with the resumption of the voluntary repatriation of refugees from Liberia to western regions of Côte d’Ivoire. In the east, sporadic armed robberies and clashes between the local population and security forces are still reported. Social unrest, primarily in the form of public demonstrations and protests, occurred. There were violent demonstrations in July triggered by hikes in electricity tariffs, protests by university students in April and July over campus tertiary education conditions, a strike by university lecturers in August regarding their remuneration, strikes by primary and secondary schoolteachers in September and October and in January 2017 over salaries and pension reforms, and protests by students in January. The Government addressed those situations without any serious security incident. Following the negotiations with the schoolteachers that the Government had held in mid-January, the protesters announced the end of the strike on 23 January.” (UN Security Council, 31 January 2017, pp. 5-6)

In its March 2017 report, the United States Overseas Security Advisory Council (OSAC) also states that:

“In 2015, Abidjan experienced an uptick in crimes of opportunity committed by small groups of young men called *microbes*. The *microbes* usually operate in the more densely populated neighborhoods, roughing up pedestrians and stealing valuables [...]

The government of Côte d’Ivoire has actively supported ECOWAS and the African Union operations against AQIM (Al Qa’idah in the Land of Islamic Maghreb) and other extremist groups in northern Mali and consequently has become a potential target of extremists

In March 2016, gunmen killed 19 people in Grand-Bassam in an indiscriminate shooting along a beach-front area frequented by foreigners. Three terrorists were killed in the incident, and AQIM claimed responsibility...

In January 2017, disgruntled soldiers mutinied to demand payment of bonuses and pay increases. Former rebels who had been integrated into the security services led the mutiny. This inspired other, smaller protests led primarily by disgruntled members of the security services and other government workers. They used roadblocks and gunfire to draw attention to their complaints but did not attack civilians. The protests generally were short-lived and sporadic. Aside from an exchange of gunfire between military units that resulted in two men being killed, the unrest did not result in any violent confrontations.” (OSAC, 22 March 2017)

1.5 Environmental Issues

A February 2015 article by the Internal Displacement Monitoring Centre (IDMC) explains that “Côte d’Ivoire is prone to frequent flooding, which leads to regular displacement.” The article further reports the following:

“A quarter of Abidjan is at risk, making 80,000 people vulnerable (OCHA, June 2014). Following floods in 2014, the government announced it would demolish homes in flood-prone areas of the capital. It pledged 850 hectares of land to relocate the 3,500 people affected, but in the short-term offered schools as shelters during the July and August break. Many, however, preferred to stay with family and friends.

Other areas of the country are also susceptible to flooding. In the southern district of Bas Sassandra, 7,000 people were displaced in June and July 2014, including 3,312 and 3,581 in the towns of San Pedro and Sassandra respectively (UNCHR report on file with IDMC, September 2014; OCHA, 22 July 2014). Around 5,000 of those affected sought shelter in

primary schools, and a lack of funds meant that resettlement sites were not made available (OCHA report on file with IDMC, September 2014).” (IDMC, 26 February 2015).

With regard to toxic waste dumping in Côte d'Ivoire, a September 2012 article by The Guardian explains:

“More than six years after the dumping of large quantities of toxic waste in the Ivory Coast, there is still nothing to stop a similar disaster in developing countries because politicians and courts have failed to learn from the lessons, a new report has found.

In 2009, the Guardian fought a landmark legal battle to reveal the links from Trafigura, a multinational oil trader, to the dumping of tonnes of toxic waste in the African nation three years earlier, causing a public health crisis that affected more than 100,000 people. Effects included breathing difficulties, nausea, stinging eyes and burning skin.” (The Guardian, 25 September 2012)

Amnesty International (AI) also reported deaths related to toxic waste:

“In July [2016], the UN Environment Programme (UNEP) undertook an environmental audit of the lasting impact of the 2006 dumping of over 540,000 litres of toxic waste in Abidjan. The waste was produced by the multinational oil trading company Trafigura. The results were expected in early 2017. The authorities reported that there were 15 deaths while more than 100,000 people sought medical attention after the dumping including for serious health issues like respiratory problems. The authorities had still not assessed the long-term risks to individuals of exposure to the chemicals in the waste and had not monitored victims' health. Many victims had not received any compensation payments and compensation claims against the company continued.” (AI, 22 February 2017)

1.6 International trade embargoes

In 2004, the United Nations Security Council adopted a resolution imposing an arms embargo on Côte d'Ivoire. (SIPRI, 16 June 2015) According to the Stockholm International Peace Research Institute (SIPRI), the resolution “which only allows the supply of arms and related materiel to the Ivorian security forces, intended solely for support or use in the Ivorian process of Security Sector Reform, as approved in advance by the relevant UN Sanctions Committee. The embargo is time limited but has been extended annually.” (SIPRI, 16 June 2015). The same source further explains:

“In November 2004 Security Council resolution 1572, adopted unanimously, decided that ‘all States shall, for a period of thirteen months from the date of adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities.’ The resolution was in reaction to frequent breaches of a ceasefire agreement and a deteriorating humanitarian situation. [...] The embargo was part of a wider package of sanctions.

In the years 2005-2009 the sanctions were extended annually with one-year periods. In October 2010 Security Council resolution 1946 extended the embargo until 30 April 2011. [...]

In April 2011 Security Council Resolution 1980 extended the embargo for one year. It did not change the scope of the embargo but it explicitly mentioned that the embargo also banned the supply of vehicles to the Ivorian security forces without approval from the Sanctions Committee.

In April 2012 Security Council Resolution 2045 extended the embargo for one year and lifted all restrictions on the provision of training, advice and expertise related to security and military activities and on supplies of civilian vehicles to the Ivorian security forces. [...] The embargo was extended in April 2015 until 30 April 2016.” (SIPRI, 16 June 2015).

On April 28, 2016, the UN Security Council extended the mandate of the UN peacekeeping mission, the UN Operation in Côte d'Ivoire (UNOCI), for a final time, to June 30, 2017. The UN Security Council also terminated the arms embargo and individual sanctions first imposed in 2004. (UN Press release, 14 December 2016).

Despite the arms embargo, an article by the Integrated Regional Information Networks (IRIN) reveals the following:

“Angola, China, Belarus, Bulgaria, Ukraine and Israel sold weapons to the Ivorian government between 2002 and 2003, according to the report. A 2004 UN arms embargo did little to halt the flow of weapons into the country, according to Salvatore Sagues, Amnesty International's West Africa researcher.

‘Arms continued to be delivered to pro-Gbagbo forces during the 2011 post-election crisis,’ Sagues told IRIN. ‘This shows that even a UN arms embargo is not enough to stop the illegal trade of weapons.’

Arms acquisition by the New Forces rebels, who controlled Côte d'Ivoire's north between 2002 and 2009, is harder to trace, as most of their weapons are unregistered. Still, they are known to have used a range of Chinese, Polish and Russian assault rifles, Amnesty said.” (IRIN, 16 April 2013)

In addition to the arms embargo, a prohibition on the import of rough diamonds was also imposed on Côte d'Ivoire as explained by the Security Council Report (SCR):

“In response to the conflict in Côte d'Ivoire, the Kimberley Process Plenary Meeting in Moscow in November 2005 adopted a resolution setting out a series of measures to prevent the introduction of conflict diamonds from Côte d'Ivoire into the legitimate diamond trade. [...]

Taking note of the decisions of the Kimberley Process Plenary, and recognising the linkage between the illegal exploitation of natural resources linked to the conflict, the Council adopted resolution 1643 on 15 December 2005 imposing a prohibition on the import of rough diamonds from Côte d'Ivoire.” (SCR, 28 September 2006)

On 29 April 2014, the UN Security Council “agreed to terminate sanctions imposed in 2005 on diamond imports from Côte d'Ivoire. The decision was made ‘in light of progress made towards the Kimberley Process Certification Scheme (KPCS) implementation and better governance of the sector.’” (UN News Centre, 29 April 2014).

2 Organization of the State

2.1 Political system

According to a May 2013 submission by Côte d'Ivoire to the UN Human Rights Committee, Côte d'Ivoire "is a secular, democratic and social State" which "respects human rights and public freedoms in a spirit of public peace, national solidarity and justice." (UN Human Rights Committee, 21 May 2013, p. 7)

According to an April 2015 report by the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights for the UN Human Rights Council (UNHRC):

"Côte d'Ivoire has a presidential system of government (Constitution of 23 July 2000). The President is elected by universal suffrage in a two-round election for a five-year term renewable only once. The President holds executive power. He appoints the Prime Minister who is answerable to him. Côte d'Ivoire has a single-chamber Parliament (Constitution, art. 58). The Parliament adopts legislation, including in relation to the fundamental freedoms of citizens." (UNHRC, 27 April 2015, p. 4)

With regard to Côte d'Ivoire's political structure, the United Nations Public Administration Network (UNPAN) explains in its 2007 country profile:

"In 1960, with independence, a multiparty presidential regime in Côte d'Ivoire was established. The 1960 constitution created a republic with a strong, centralized presidential government, independent judiciary, and national legislature. Currently, the government is functioning under a power-sharing agreement mandated by international mediators. Based on that of the French, Côte d'Ivoire's legal system is based on civil and customary law. Côte d'Ivoire's government and legal systems are supported by the country's most recent constitution, which was ratified by means of a popular referendum in July 2000." (UNPAN, September 2007, p. 6).

The executive branch is vested in the President, who serves as the chief of state, and the Prime Minister, who serves as the head of government. The CIA World Fact Book explains, "[the] president [is] directly elected by absolute majority popular vote in 2 rounds if needed for a 5-year term (no term limits)". (CIA, 11 February 2016). The Prime Minister is appointed by the President. According to an article by scholar Kouable Gueu at NYU Law:

"The government, which holds the executive power as set out in the Constitution, holds its legitimacy through the fundamental principles of the State such as the republican, indivisible, non-religious, democratic and social characteristics. The head of State, chief of the government, is elected under direct universal suffrage." (Gueu, April 2009)

The country's current president, Alassane Dramane Ouattara, assumed office on 4 December 2010, and was re-elected for a second term on 25 October 2015 with a majority (83.7%) of votes. Prime Minister Daniel Kablan Duncan was appointed by the President on 21 November 2012. (CIA, 11 February 2016).

According to Election Guide, a platform provided by the International Foundation for Electoral Systems (IFES), an international nonprofit organization dedicated to strengthening electoral

democracy, the legislative branch of government is formed by the National Assembly (*Assemblée Nationale*) comprised of 225 members, “elected by plurality vote to serve 5-year terms.” (Election Guide, n.d.)

Regarding the National Assembly, the United Nations Public Administration Network (UNPAN) explains the following:

“Members of the assembly are elected by direct universal suffrage in single and multi-district elections for 5-year terms. Each term corresponds precisely with a presidential term. The legislative branch maintains the power to introduce legislation. Typically, however, legislation is introduced by the President. This legislation is then debated by all members of the assembly.” (UNPAN, September 2007, p. 6)

Presidential and parliamentary elections took place in 2010 and 2011 respectively. Freedom House describes those electoral processes as follows:

“The [...] 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.” (Freedom House, 19 June 2015)

Following the 2010 elections, the security situation in Côte d’Ivoire deteriorated, as described by the International Crisis Group’s (ICG) report dating from March 2011:

“Côte d’Ivoire is on the verge of a new civil war between the army loyal to the defiant Laurent Gbagbo, who refuses to acknowledge he lost the November 2010 presidential election, and the “Forces nouvelles” (FN), the ex-insurgency now supporting the winner, Alassane Ouattara.” (ICG, 3 March 2011, p. i)

For further information regarding the post-election crisis, please refer to subsection 3.3 of this compilation.

With regard to the 2015 presidential elections, The Guardian writes:

“President Alassane Ouattara has won a second five-year term in Ivory Coast in an election result that is hoped to draw a line under years of turmoil and a 2011 civil war.

Ouattara won a total of 2,118,229 votes, or more than 83% of ballots cast, said the president of the Independent Electoral Commission, Youssouf Bakayoko, on Wednesday. Sunday’s vote had a turnout of 54.63%, he said.” (The Guardian, 28 October 2015)

A comparative analysis between the 2010 and the most recent 2015 elections conducted by the Institute for Security Studies (ISS) notes the following:

“In terms of what was at stake, the contexts around the two elections were completely different. The 2010 poll was a major turning point for Côte d'Ivoire, occurring as the country was emerging from a decade-long politico-military crisis. It saw three main opponents – Laurent Gbagbo, Henri Konan Bédié and Alassane Ouattara – all of whom enjoyed relatively similar political standing, vying for power. In the 2015 election, however, the absence of an opponent with an electoral base capable of competing with Ouattara removed any suspense regarding the outcome.” (ISS, 6 November 2015)

The 2015 elections also reinforced the impression that national reconciliation remains a challenge in the country, as explained by the same source:

“[T]he 2015 presidential election shows that national reconciliation remains a challenge. If anything, voter turnout and behaviour showed that Ivoirians remain deeply divided. Ouattara received the highest scores in his traditional support bases in the north. Conversely, the southern regions, considered to be Gbagbo strongholds (and by extension, those of the FPI), recorded a high abstention rate, estimated at around 50%.

In addition, turnout in Abidjan, the economic capital and most cosmopolitan city, was 43.58% – well below the national average. These figures again raise the question of national unity, and more specifically of national reconciliation. In a context still defined by socio-political divisions, it is difficult to separate issues around justice, inclusive economic growth and constitutional reform from those around reconciliation.” (ISS, 6 November 2015)

With respect to political participation, Freedom House's 2015 Freedom in the World report explains:

“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.” (Freedom House, 19 June 2015)

According to Presidential Power, “[t]he RDR, the PDCI-RDA and the FPI are the three major parties in Côte d'Ivoire, aligned with the country's three political heavyweights – Ouattara, Bédié and Gbagbo, respectively.” (Presidential Power, 6 March 2015)

The United States Central Intelligence Agency (CIA) 2015 World Fact Book information on Côte d'Ivoire also listed the country's main political pressure groups, which include the Federation of University and High School Students of Côte d'Ivoire or FESCI (led by Augustin MIAN), the National Congress for the Resistance and Democracy or CNRD (led by Bernard DADIE), the Panafrican Congress for Justice and Peoples Equality or COJEP (led Roselin BLY), and the Rally of Houphouëtists for Democracy and Peace or RHDP. (CIA, 11 February 2016).

Political participation is further explained by the United States Department of State's (USDS) 2014 Human Rights report, which notes:

“The law prohibits the formation of political parties along ethnic or religious lines. Ethnicity, however, was often a key factor in party membership. With some exceptions, opposition parties generally were able to conduct political activities without interference. Authorities prohibited the president of the leading opposition party from holding meetings in certain areas, and in June the mayor of Odienne banned him from entering the town on the basis that security forces could not assure his safety. In July a member of a small opposition party publicly reported that FRCI soldiers physically attacked him after he published an article criticizing the CEI and the ICC.” (USDS, 25 June 2015)

Furthermore, according to the thirty-seventh progress report of the Secretary-General on the UNOCI:

“On 15 May, 13 opposition parties and personalities, including Liberté et démocratie pour la République (LIDER), the dissident faction of the Front populaire ivoirien (FPI) and three dissident members of the Parti démocratique de Côte d’Ivoire (PDCI), established the Coalition nationale pour le changement (CNC) political coalition. Among the demands of CNC were an updated and credible voter’s list, a secure environment, a reformed Independent Electoral Commission and respect for article 35 of the Constitution, which sets out the eligibility criteria for presidential candidates, including the requirement that both parents be Ivorian citizens by birth.” (UN Security Council, 8 December 2015, p. 1)

Regarding the latest political developments in Côte d’Ivoire, the 2017 Final progress report of the Secretary-General on the United Nations Operation in Côte d’Ivoire explains the following:

“Preparations for and the conduct of the constitutional referendum on 30 October and the legislative election on 18 December were the key developments in Côte d’Ivoire. Dialogue between the Government and the opposition advanced, leading to the introduction, on 6 April, by the Government of a bill in the National Assembly on the status of a ‘Leader of the opposition’.” (UN Security Council, 31 January 2017, p. 1)

Concerning the national referendum process, which was initiated in October 2016, the United States Department of State (USDS) describes the following:

“On October 30, the government conducted a referendum on a new constitution to replace the postmilitary coup constitution of 2000. The process for drafting the new constitution--and to a certain extent the content itself--was contentious. Opposition parties and some local and international organizations claimed the process was neither inclusive nor transparent and criticized the new text for strengthening the role of the executive branch. Despite an opposition boycott, the referendum passed overwhelmingly in a peaceful process that was inclusive and generally transparent.” (USDS, 3 March 2017)

An article from the Library of Congress also provides information on further changes established by the referendum:

“The new Constitution also establishes a bi-cameral Parliament. (*Id.* art. 85.) Whereas the previous Constitution provided for a unicameral system, Côte d’Ivoire will now have a Senate serving alongside the National Assembly. (*Id.*) As was already the case under the previous Constitution, Members of the National Assembly will be elected via direct universal suffrage for terms of five years. (*Id.* art. 86.) Senators will also serve for terms of five years, but two-thirds of them will be elected via indirect suffrage, and one-third will be appointed by the President from among “Ivorians recognized for their expertise and demonstrated competence in the

political, administrative, economic, scientific, cultural, athletic, professional, and social fields.” (*Id.* art. 87, translation by author.) Furthermore, the new Constitution establishes a National Chamber of Kings and Traditional Chiefs to promote traditional customs and to provide a framework for non-judicial dispute resolution within villages and between communities. (*Id.* art. 175.)” (Library of Congress, 25 November 2016)

Human Rights Watch (HRW) also notes that, “[t]he new constitution contains provisions that the opposition contend significantly strengthen the power of the presidency. Côte d'Ivoire was slated to hold legislative elections on December 18.” (HRW, 12 January 2017)

On December 2016, legislative elections took place in the country, as described by the United States Department of State's (USDS) 2016 report:

“Cote d'Ivoire is a democratic republic ruled by a freely elected government. In legislative elections held on December 18, the ruling government coalition won 66 percent of National Assembly seats. The main opposition party, which boycotted the 2011 legislative elections, participated and won seats. The elections were peaceful and considered inclusive and transparent. The country held a presidential election in October 2015, in which President Alassane Ouattara was re-elected by a significant majority. International and domestic observers judged the election to be free and fair.” (USDS, 3 March 2017)

In January 2017, Ivory Coast's President Alassane Ouattara appointed former prime minister Daniel Kablan Duncan as vice-president of the Republic (The Guardian, 10 January 2017). An article from The Guardian further explains :

“The post of vice-president was included in a new constitution enacted in November to help ensure a smooth succession of power in the event the sitting president dies or is incapacitated while in office. It has also been seen by many in Ivory Coast as a vehicle to allow Ouattara to groom a successor for when he finishes his second and final term in 2020.” (The Guardian, 10 January 2017)

2.2 Judicial system

The judiciary power is explained in detail by scholar Kouable Gueu's 2009 article on the Ivorian legal system:

“Within the Ivorian legal system the Judiciary Power is organized and regulated according to rules that fix the organization of courts, the judges' status, their competencies, and the way individuals can access the courts. Individuals who wish to make use of the judicial system must know in advance the competent judge, the way he could be referred and the way the trial will be conducted. The Constitution of August 1st, 2000 states in Article 103 that ‘The judiciary power is independent from the executive power and legislative power.’” (Gueu, April 2009)

Regarding the domains of competency of the judicial system, the same source also notes:

“The nation is organized into non-permanent jurisdictions, permanent jurisdictions, and arbitral jurisdictions. There are two non permanent jurisdictions with specialized competencies related to specific areas of the law. The first of these is the High Justice Court [Cour Supreme], competent to judge members of the government for crimes or offences committed during their time in office. [...] The second, the Court of Assize, is competent to judge the highest and most severe levels of crime. Individuals are sent to the Court of Sat after being indicted by the Court

of Appeal, which is the second degree instruction jurisdiction. [...] The judgment of the Court of Assize cannot be subject to a cassation power, the decision being definitive.

The permanent jurisdictions are composed of first instance courts and their sections, Appeal Courts, and supreme jurisdictions such as the Court of Cassation [Cour de Cassation], the Court of Account [Cour de Comptes] and the State Council [Conseil d'État]. There is also, since the treatise of October 17th, 1993 concerning the Organization for the harmonization in Africa of Corporate law (OHADA), a superior jurisdiction within the judiciary organization called Common Justice and Arbitrage Court (CCJA). This jurisdiction is in charge of applying and interpreting uniform acts taken in application of the OHADA treatise. [...]

Beside these jurisdictions there is another jurisdiction with a special nature due to the kind of questions it has to deal with. It is the Constitutional Council [Conseil Constitutionnel], whose domain of competence is the constitutionality of laws and rules of the National Assembly. It is the judge of national elections (presidential, legislative and referendum)." (Gueu, 2009)

Human Rights Watch (HRW) describes ongoing efforts to strengthen the judicial system as follows:

"Ongoing efforts to strengthen the judicial system continued throughout 2015, including the rehabilitation of court buildings and detention facilities, and training of judicial personnel. However, more fundamental problems, such as political interference in the judiciary and corruption, persisted." (HRW, 27 January 2016)

Regarding the military justice system, Human Rights Watch (HRW) writes:

"The military justice system, which currently has jurisdiction over police, gendarmes and soldiers, is under-resourced, with only one military tribunal for the whole country. The system is in need of comprehensive reform to strengthen its independence and to limit its jurisdiction to military offenses committed by military personnel." (HRW, 8 December 2015, p. 9)

Another Human Rights Watch (HRW) article states that "trials against soldiers allegedly implicated in crimes against civilians" were held in 11 April 2013, however, "little progress has been made in investigating the most politically sensitive cases involving government forces." (HRW, 11 April 2013). The article further outlines:

"In an April 9 communiqué, the Ivorian military prosecutor's office said that trials would begin on April 11 against 33 soldiers for crimes against the population, including premeditated murder, voluntary and involuntary homicide, and theft. [...]

The African Commission on Human and Peoples' Rights has stated, in its guidelines on a fair trial, 'The only purpose of military courts shall be to determine offenses of a purely military nature committed by military personnel.'" (HRW, 11 April 2013)

The Human Rights Watch (HRW) 2014 World Report also provides the following information with regard to military trials:

"Military trials against several key military leaders under Gbagbo were set to start in late November. At this writing, civilian courts had yet to begin trials for post-election crimes, meaning that most pro-Gbagbo defendants have languished in pre-trial detention for two and a half

years, violating their right to a trial within a reasonable time. Ivorian authorities did provisionally release 14 pro-Gbagbo defendants in early August.” (HRW, 21 January 2014).

On the 28th March 2017, the Ivorian High Court found former first lady Simone Gbagbo not guilty of war crimes and crimes against humanity after a trial on her alleged role in postelection abuses that led to the deaths of thousands (The Guardian, 28 March 2017). This decision was criticised by Human Rights Watch (HRW), which considered it as a failure of Ouattara’s regime to hold account on post electoral events:

‘The acquittal by Cote d’Ivoire’s high court of Simone Gbagbo for crimes against humanity reflects the many irregularities in the process against her, and leaves unanswered serious questions about her alleged role in brutal crimes committed during the 2011 post-election crisis,’ said Param-Preet Singh, associate international justice director at Human Rights Watch’. The poor quality of the investigation and weak evidence presented in her trial underscore the importance of the ICC’s outstanding case against her for similar crimes, not least as an opportunity for victims of her alleged crimes to obtain justice.’ (HRW, 29 March 2017)

For more information on civilian controlled justice bodies, such as the Special Investigative Cell, the Dialogue, Truth, and Reconciliation Commission, and the National Investigation Commission please refer to the subsections below. Information on lack of accountability for past human rights abuses is found on subsection 5.5.4 below.

2.2.1 *Special Investigative Cell (CSEI)*

According to Human Rights Watch (HRW), “[i]n 2011, the government created the Special Investigative Cell (since renamed the Special Investigative and Examination Cell, *Cellule Spéciale d’Enquête et d’Instruction*, CSEI), a taskforce of judges and prosecutors to investigate crimes committed during the post-election crisis.” (HRW, 8 December 2015, p. 5).

The same source also explains:

“After years of inadequate government support, the CSEI received increased resources in late 2014 and in 2015 charged more than 20 perpetrators— including high-level commanders from both sides of the conflict—for their role in human rights abuses during the post-election crisis. The government’s support for the CSEI, however, is fragile. In mid-2015, the CSEI faced pressure from the executive to finish key investigations prematurely.” (HRW, 8 December 2015, p. 5)

Regarding the Cell’s initial mandate, the International Federation for Human Rights (FIDH) explains, “[t]he unit was to take over all open judicial investigations on crimes committed during the post-electoral crisis, except for the cases which fall under the jurisdiction of the military court.” (FIDH, 22 October 2013, p. 12)

In its 2016 World Report, Human Rights Watch (HRW) states that:

“The Special Investigative Cell, the body responsible for investigating crimes committed during the 2010-2011 post-election crisis, in late 2014 received sufficient funding to conduct effective investigations. In 2015 it charged more than 20 perpetrators in relation to human rights abuses committed during the crisis, including commanders from President Ouattara’s side.” (HRW, 27 January 2016).

2.2.2 Dialogue, Truth, and Reconciliation Commission (CDVR)

According to an article published by the Internal Displacement Monitoring Center (IDMC):

“The Commission for Dialogue, Truth and Reconciliation (Commission pour le Dialogue, la Vérité et la Réconciliation, CDVR) was created in 2011, and its initial two-year mandate was extended to the end of 2014. Following national consultations in 2013 during which victims were able to report the violations they had suffered, public testimonies were held in September 2014. [...]

The commission delivered its final report on violations from 1999 to 2011 in December 2014. Among the recommendations is a proposal to establish national days of memory and forgiveness, and days dedicated to dialogue. The commission chairman also expressed hope that judicial proceedings would be accelerated and that those who did not constitute a danger to society would be released in the name of reconciliation.

The government still needs to implement the commission's recommendations. It has set aside 10 billion FCA francs (\$17.3 million) to compensate victims, on top of the 16 billion spent since 2011 under CDVR's mandate (La Voix du Gold, 15 December 2014).” (IDMC, 26 February 2015)

Similarly, Amnesty International's (AI) 2013 report on the human rights situation in Côte d'Ivoire notes:

“Chaired by former Prime Minister Charles Konan Banny, the CDVR was quickly confronted with many difficulties. Firstly its mandate is unclear. Thus, under the ordinance establishing this body, the CDVR is committed to “seek truth and determine where responsibilities lie regarding past and recent national socio-political events.” The events in question are not clearly defined and more importantly, no timeframe has been set for this work. [...]

On the other hand, there is concern that the ordinance establishing the CDVR is not binding in any legal way regarding the Commission's final report, which is simply to be “transmitted to the President of the Republic” and that it is unexpected that the findings be made public.

In addition, this body faces organizational and financial difficulties. In this respect, it is particularly worrying that the CDVR does not seem to have received specific funding from the government and that it must rely on external funding. This lack of public funding is particularly worrying and shows a lack of political will to give the body the means to fulfil its mandate.” (AI, 1 March 2013, pp. 65-66).

A June 2015 article by the Group for Research and Information on Peace and Security (GRIP) outlines that “[a]fter three years, this instrument of transitional justice concluded its work by submitting a report to the Ivorian authorities on 15 December 2014.” (GRIP, 29 June 2015).

In March 2015, the CONARIV, the National Commission for Victims' Reconciliation and Compensation was established. (Coulibaly, 28 July 2015). In a July 2015 Q&A with Justice Hub, Yabah Berthe Bognini, the CONARIV's chief of staff says:

“The CONARIV's goal is to complete the work of its predecessor, the Commission for Dialogue, Truth and Reconciliation, and respond to the government's desire to provide reparations to the victims. The CONARIV's main missions are to identify and make an inventory of the remaining

victims who are entitled to reparations and then compensate them based on a single, consolidated data base. There's also another mission, which was not mentioned in the law under which we were established, and that is reconciliation." (Coulibaly, 28 July 2015)

Regarding the issue of reparation, Human Rights Watch (HRW) explains the following in its 2017 report:

"Côte d'Ivoire's reparations body had, when it submitted its report in April 2016, compiled a list of more than 316,000 victims potentially eligible for reparations, although the vast majority of victims have yet to receive assistance. The government on October 25 published the report of the Dialogue, Truth and Reconciliation Commission, which completed its work December 2014, although the report does little to identify those responsible for crimes committed during the 2002-2003 conflict or 2010-11 crisis." (HRW, 12 January 2017)

2.2.3 National Investigation Commission

In a June 2011 article CNN reports on the creation of the National Investigation Commission as follows:

"The Ivorian government announced the creation Thursday of a national investigation commission on the crimes perpetrated during the post-election crisis amid mounting pressure from human rights organizations and the United Nations.

Bruno Kone, spokesman for the government, made the announcement on national TV, following a Cabinet meeting. The 'national investigation commission will shed light on all the human rights violations perpetrated during the post-electoral crisis,' said Kone. (CNN, 16 June 2011)

Regarding the establishment of the commission as well as the special investigative cell (mentioned above in section 3.2), Human Rights Watch's (HRW) January 2014 article notes:

"By establishing the special investigative cell and a national commission of inquiry immediately after the postelection crisis, President Ouattara's government raised hopes that it was breaking from the legacy of impunity that defined the years under Gbagbo. Ivorian civil society groups strongly supported the cell's creation and have called for the renewal and strengthening of the cell's mandate. However, insufficient government support and a lack of judicial independence have hindered investigations, particularly against pro-Ouattara forces." (HRW, 9 January 2014)

Serious problems have allegedly been identified with the commission, according to Human Rights Watch (HRW):

"Although created in July 2011, the commission only began its investigations in mid-January 2012 and is already finalizing its report. It appears unlikely to have adequately either documented the conflict's serious crimes or identified those responsible on both sides after only a month of investigations, Human Rights Watch said.

In meetings with Human Rights Watch, Ivorian civil society representatives, United Nations officials, and diplomats highlighted serious problems with the commission. They cited its failure to include representation from pro-Gbagbo groups and to consult sufficiently with civil society, and said the commission appears to have rushed its work." (HRW, 23 February 2012)

An article by the Integrated Regional Information Networks (IRIN) shares a similar view and adds:

“Analysts argue that this lack of even-handedness is due to Ouattara's weak grip on the army which is largely made up of fighters who backed him during the poll chaos. Many of the fighters are also loyal to Guillaume Soro, a former rebel leader and now the National Assembly president.” (IRIN, 3 May 2013)

2.2.4 *Traditional Institutions*

According to the United States Department of State's (USDS) 2015 report on Human Rights Practices:

“The relative scarcity of trained magistrates and lawyers resulted in limited access to effective judicial proceedings, particularly outside of major cities. In rural areas traditional institutions often administered justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution was by extended debate, with no reported instances of physical punishment. The law specifically provides for a “grand mediator,” appointed by the president, to bridge traditional and modern methods of dispute resolution.” (USDS, 25 June 2015)

2.3 *Security apparatus*

A report published by the International Peace Institute (IPI) states that “[t]he security sector in Côte d'Ivoire is both at the root of the recent crisis and the key to finding a way forward.” (Boutellis, May 2011, p. 1).

Regarding the security-sector reform, the same source adds:

“While successive attempts to resolve divisions have recognized some of the larger challenges of security-sector reform (SSR), the failure to reunify the Ivoirian security forces prior to holding the presidential elections in 2010 was a key factor behind the recent crisis and contributed to its escalation into a military confrontation—a confrontation that included violence against civilians committed by both sides” (Boutellis, May 2011, p. 1)

Human Rights Watch's (HRW) World Report 2015 further notes:

“Spurred on by concerns related to potential violence during the 2015 presidential polls, the government made some progress in security sector reform by disarming tens of thousands of former combatants who fought during the crisis.

As of October, the UN reported over 21,000 former combatants had been disarmed, more than 30,000 had benefitted from reinsertion support, and 7,429 weapons had been collected. However, disarmament has been one-sided, mostly benefitting forces loyal to President Ouattara. Only 13 percent of those disarmed were combatants affiliated with Gbagbo and large numbers of beneficiaries were not listed in the national Disarmament, Demobilisation and Reintegration database. Demonstrations by former combatants in western Côte d'Ivoire in February and March turned violent.

The government made some progress in returning basic security functions from the military to the police and gendarmerie, though the military continue to man checkpoints and at times act as first responders to security threats. In November, thousands of soldiers at several military bases, including Abidjan, Daloa, Bouaké, and Korhogo demonstrated over claims of unpaid wages.” (HRW, 29 January 2015)

2.3.1 National Security Council

According to a special report of the Secretary-General on the United Nations Operation in Côte d'Ivoire dating from March 2013, “[t]he National Security Council in Côte d'Ivoire, established in August 2012 was assessed as an effective body for coordinating the security response of the Government, while there was also a more effective deployment of national law enforcement agencies across the country.” (UN Security Council, 28 March 2013, p. 4)

Similarly, another UN Security Council report on the situation of Côte d'Ivoire writes:

“The establishment of the National Security Council and the adoption and endorsement of a national security strategy are important steps on the road to security sector reform, while the start, in 2012, of the disarmament, demobilization and reintegration of the 65,000 or so former combatants was another important milestone. [...]

The National Security Council is at the political and strategic level. The Council secretariat and the Advisory Group are at the level of coordination. The various ministries involved in SSR are implementing structures, with each ministry having a focal point that reports monthly on its progress in implementing SSR to the Council secretariat and the Advisory Group, which are its partners.” (UN Security Council, 18 July 2013, pp. 2, 4)

2.3.2 Security forces

In its 2016 World Report Human Rights Watch (HRW) describes the Ivorian security forces as follows:

“Security forces continued to be implicated in arbitrary arrest and detentions and, less frequently, mistreatment and torture of detainees. They were also frequently implicated in criminal conduct, notably extortion. Very few security forces members faced judicial or disciplinary actions for these violations. Several commanders credibly implicated in atrocities during the 2010-2011 crisis remained in key positions in the security forces.” (HRW, 27 January 2016)

For information on the role of the Ivorian security forces during the post-election crisis, please refer to subsection 3.3.3 of this compilation. For more recent allegations of abuse, please refer to section 5.

2.3.2.1 Armed Forces

A 2011 report published by the International Peace Institute (IPI) provides background information regarding the Ivorian Armed Forces as follows:

“The country’s first post-independence constitution, like its French model, provided for a strong presidential role, giving the president the power to appoint civil and military officers for the

states. The National Armed Forces of Côte d'Ivoire (Forces armées nationales de Côte d'Ivoire [FANCI]) was composed of the army, navy, air force, and the gendarmerie, and reported to the Minister of Defense. [...] The army had been intentionally kept limited in size in order to prevent a coup d'état, and the gendarmerie served as a paramilitary counterweight to the army." (Boutellis, May 2011, p. 2)

Following the post-election crisis, President Alassane Ouattara set up the Republican Forces of Côte d'Ivoire (*Forces Républicaines de Côte d'Ivoire* – FRCI) in March of 2011, "[in] an attempt to symbolically unify ex-rebel Forces Nouvelles and those members of the national Defense and Security Forces that would side with Ouattara." (Boutellis, May 2011, p. 13)

The Integrated Regional Information Networks (IRIN) explains the following with regard to the rebranding of the national army:

"The Ivorian government is rebranding the national army to change the force's negative image as it undergoes major reforms, which include demobilizing 10,000 soldiers by the end of the year, training up troops, and restructuring existing posts.

The name of the current army - Forces Républicaines de Côte d'Ivoire (FRCI), set up in March by President Alassane Ouattara - will revert back to Forces Armées Nationales de Côte d'Ivoire or (FANCI).

While FRCI was made up mainly of ex-members of rebel group Forces Nouvelles (FN), which previously controlled northern Côte d'Ivoire, and volunteers; FANCI will be made up of 29,000 ex-Forces de Défense et de Sécurité (FDS) troops previously under President Gbagbo, 9,000 ex-FN troops, and 2,000 volunteers, according to security experts." (IRIN, 5 October 2011)

With regard to the current structure of the Ivorian army, it includes a military police branch (*Gendarmerie nationale*), an air force (*Armée de l'air*), a navy (*Marine nationale*), and an army (*Armée de terre*), of which the latter is the largest force. (DCAF, 2011, p. 93).

2.3.2.2 Republican Guard

Following the 2010-2011 post-election crisis, an article by The Guardian stated "[s]ome 50,000 soldiers, police and gendarmes have abandoned Gbagbo, according to the head of the UN mission, Choi Young-jin. Only the Republican Guard and his special forces remain loyal, guarding the palace and residence." (The Guardian, 1 April 2011)

The Guard's commander, General Bruno Dogbo Ble, was arrested in 2011 under charges of kidnapping, illegal detention and murder. (Reuters, 3 October 2012).

On the 14th April 2017, Bruno Dogbo Ble was convicted at the murder trial for four foreign businessmen, who were abducted from a top hotel in the main city of Abidjan. He has been sentenced to 18 years in prison. Five other persons were also condemned for their role in the killing, including the country's former police chief. (BBC News, 14 April 2017).

According to a 2011 report by the Geneva Centre for the Democratic Control of Armed Forces (DCAF):

"[T]here is also the scarcely documented Republican Guard, which serves as the presidential security force. About 1,000 strong, it is reportedly loyal directly to President Gbagbo and operates mainly in Abidjan." (DCAF, 2011, p. 93)

2.3.3 Law enforcement forces

2.3.3.1 Police Nationale

According to Interpol, the General Directorate of the National Police (*Direction générale de la police nationale* – D.G.P.N.) is administered under the Ministry of Interior. Its main mission is to apply the law, maintain order and public security, guarantee the protection of private and public liberties, and control and coordinate activities placed under its authority. (Interpol, n.d.)

Regarding the work conditions of the police in Côte d'Ivoire, the German Society for International Cooperation (GIZ) states:

"Since the beginning of the first civil war in 2002, insufficient investment has been made in training and equipment for the Ivorian police. In the area of crime fighting in particular, there is a lack of basic equipment and specialised training. Appropriate documentation systems, technology for forensic investigation at crime scenes, laboratory and pathology equipment, and training centres are all in short supply. Furthermore, qualified training personnel are few." (GIZ, n.d.)

Criticism over police action has also been reported by the United States Overseas Security Advisory Council (OSAC) as follows:

"Police are largely ineffective at deterring crime and need significant training. They lack communication equipment, weapons, and vehicles, all of which severely limits their capacity to respond. Many gendarmes and police stations outside of Abidjan have just one vehicle for the entire security force and often must receive calls via cell phone to attempt to respond to emergencies. The judicial system is ill-equipped to process and incarcerate criminals. Any response is slow and limited generally to writing a report. Separately, there are frequent allegations of police corruption." (OSAC, 29 January 2015)

2.3.3.2 Gendarmerie nationale

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) explains the following with regard to the gendarmerie:

"In contrast to the armed forces, the gendarmerie is considered a well-equipped and well-trained elite unit. Like the National Police, the gendarmerie has acquired heavier weaponry (i.e. tanks, cannons and automatic weapons) seemingly not commensurate with its principal mission of maintaining internal law and order. It was granted military status in the 1980s, and described as a "paramilitary police who are regarded as intensely loyal to President Gbagbo." Estimations place the number of gendarmerie personnel at between 2,000 and 6,000." (DCAF, 2011, p. 93)

In 2015, the Gendarmerie nationale witnessed the swearing-in of four women for the first time in its history. (Jeune Afrique, 28 July 2015).

For more information on corruption involving law enforcement agents, please refer to subsection 1.4.2 of this compilation.

3 Security Situation

The Global Peace Index, published annually by the Institute for Economics and Peace, “measures the state of peace in 162 countries according to 23 indicators that gauge the absence of violence or the fear of violence”. (Reliefweb, 17 June 2015). The 2015 Global Peace Index writes the following with regard to Côte d’Ivoire:

“Cote d’Ivoire had the second biggest improvement in its score (-0.214). Similar to Guinea-Bissau this improvement is due to an improvement in its domestic situation. The number of attacks by former rebels has fallen over the past year, and has been limited to pockets of insecurity along the border with Liberia and some areas in the north of the country. The authorities’ efforts to demobilise ex-rebels and ex-militia members have supported an improvement in the intensity of internal conflict. More hard-line members of the political opposition have now been marginalised, while the moderate factions are keen to be reintegrated. Challenges remain, however, such as integrating former rebels into civilian life or the regular armed forces and quelling the sporadic attacks against civilian and military targets in the more precarious regions mentioned above. Still, the willingness to engage in violent fighting appears to have declined, resulting in improvement in indicators such as deaths from internal conflict and violent demonstrations.” (IEP, June 2015, p. 17)

According to a December 2015 UN Security Council report, “[t]he security situation in Côte d’Ivoire remained generally stable but fragile.” (UN Security Council, 8 December 2015, p. 7). The report further states:

“While a decrease in security incidents at the border areas with Liberia was reported, owing mainly to an enhanced presence of national security and defence forces, the incidence of violent crimes such as armed robbery, banditry and home invasions in Abidjan and other parts of the country remained high.

The electoral period concluded without any major incidents despite unsubstantiated rumours of imminent attacks from Ghana and Liberia. There were, however, violent demonstrations following the publication of the candidate list, as detailed in paragraphs 13 and 14 above. National police used force to disperse 19 unauthorized demonstrations. [...]

On the night of 8 and 9 November, intercommunal clashes between members of the Dida and Malinké communities in the village of Neko, near Gagnoa, resulted in the death of one person, injuries to four and the displacement of civilians. The local police responded, with the support of UNOCI military and police personnel, to bring the situation under control.

On 18 and 19 November, clashes broke out between two student unions, the Federation of Students and Scholars of Côte d’Ivoire and the General Association of Pupils and Students of Côte d’Ivoire, at University Félix Houphouët-Boigny in Abidjan, resulting in the death of one student and injuries to several others. The police intervened to restore order.

In the early morning of 2 December, 15 armed assailants launched successive attacks against two FRCI camps in Olodio, near Tabou in the south-western part of the country, exchanging gunfire with FRCI for an hour before fleeing towards the villages of Podoué and Fété. Eleven

FRCI soldiers were killed and 10 injured, 4 of them seriously, during the attack. Four assailants were also killed and one was injured. FRCI arrested eight assailants and reinforced its presence in the area. The UNOCI force also enhanced its air and ground patrols in the area, in coordination with FRCI.” (UN Security Council, 8 December 2015, pp. 7-8)

Despite the above-mentioned scenario, a report by the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights highlights the following:

“Social protest movements can sometimes have significant potential to destabilize. However, social demands have almost invariably been followed by a dialogue in order to avoid escalation. The Ivorian authorities clearly have the will to maintain an adequate level of security and social peace. The anger of some elements of the Armed Forces who demonstrated in Abidjan on 18 November 2014 was quickly calmed by the Government, which reacted promptly and promised to meet their demands. The same is true of a recent strike begun by prison guards. However, the dialogue with striking university teachers continues, with a serious risk of the students not being able to take their examinations this year.” (UNHRC, 27 April 2015, p. 7)

The underlying causes of the current instability are summarized below, and reflect the main issues of concern for human rights abuses and displacement in Côte d'Ivoire in the last fifteen years.

3.1 Land disputes and intercommunal violence

Human Rights Watch (HRW) 2013 “That Land Is My Family's Wealth” report provides the following overview regarding land politics in Côte d'Ivoire:

“Land and ethnocentric politics have proven an explosive cocktail over the last 15 years in Côte d'Ivoire, particularly in the country's volatile west. As the economy recessed and productive land grew scarce as a result of rising populations, Ivorian politicians exploited the resulting tensions between ethnic groups “native” to the west and “non-native” migrants who had come from neighboring countries and other regions of Côte d'Ivoire to work the region's cocoa and coffee fields. When armed conflicts erupted from 2002-2003 and again from 2010-2011, deep inter-communal tensions linked to land were one factor in why western Côte d'Ivoire played host to many of the worst atrocities.” (HRW, 9 October 2013)

With respect to migration and access to land, a February 2015 article by the Internal Displacement Monitoring Centre (IDMC) also states:

“In an attempt to increase the export of cocoa, timber and coffee produced in the west of the country, national authorities began encouraging migration to the region in the 1960s, when they declared that land would “only belong to those cultivating it”. Migrants came both from within Côte d'Ivoire and from neighbouring countries, mainly Burkina Faso and Mali, and the local population swelled by almost a third, or between four and five million people. Traditional leaders allocated land to allochtones, people from other regions of the country, and allogènes, non-nationals, despite it being considered an inalienable asset under customary law. Contemporary legal frameworks did not recognise the arrangements either.

This legal pluralism created confusion as to the true nature of transactions and the transfer of rights involved. Many buyers asserted that they had acquired ownership rights, while sellers insisted they had only leased their land. The economic and political crises of the late 1980s also

led many autochtones, ancestral Ivorians, to reclaim their land, contesting the rights of “newcomers”.

The 1998 Rural Land Law was intended to address such issues. It aimed to convert customary rights into private ownership via certificates issued by the state over a period of ten years. Implementation was poor, however, and confined to Ivorian citizens, meaning that only 817 certificates have been issued, accounting for less than one per cent of rural land (Ministry of Agriculture, January 2014). Recurrent land disputes have driven tensions and conflict since the beginning of the 1990s (DRC, FAO, NRC, 2012). During the 2010 to 2011 post-election crisis, both sides tried to use ethnicity and its relevance to land disputes to their political gain, and local youth saw the law as a license to reclaim land their elders had sold or ceded to migrants (IDMC workshop, July 2012).” (IDMC, 26 February 2015).

According to an International Crisis Group’s (ICG) report from 2014 “[w]estern Côte d’Ivoire’s land, security and identity problems make this vast border territory the country’s most unstable area.” (ICG, 28 January 2014, p. i). The report further notes:

“Cavally and Guémon are at the epicentre of Côte d’Ivoire’s land question. Conflicts over agricultural land occur throughout the country but are much more acute in this area, where the population is diverse and the land very fertile. In short, three large population groups dispute ownership and use of the land: people “native” to the area (the Wê group), migrants from other parts of the country and migrants from abroad. The former are traditionally landowners. They rent land to Ivorian migrants from the centre and north of the country, generally members of the Baoulé and Dioula groups, and to migrants from abroad, mainly from Burkina Faso. [...]

Land is not the only source of intercommunal conflict; with time, it became a political issue linked to nationality and identity beyond economic concerns.” (ICG, 28 January 2014, pp. 1-2)

The importance of land in the region is further highlighted by the same report as follows:

“Agriculture is Cavally and Guémon’s mainstay and the only source of employment. This compels people to obtain a plot of land to rent or sell and exacerbates the pressure on land and resulting conflicts. According to the commerce minister, there are only 3,271 formal jobs outside the primary sector in the two regions, which have a total population of more than 500,000. These jobs are concentrated in small local industries and a miniscule formal tertiary sector.” (ICG, 28 January 2014, p. 8)

Similarly, Human Rights Watch (HRW) 2016 World Report states:

“Land dispossession remains a key driver of inter-communal tensions and local-level violence between ethnic groups in western Côte d’Ivoire. Although customary authorities and local officials have successfully mediated many cases related to the 2010-2011 post-election crisis, the outcome of mediation often allows those who acquired land in bad faith to remain and frequently discriminates against women. Those implicated in illegal land sales are rarely prosecuted.” (HRW, 27 January 2016)

Regarding the implementation of the 1998 Rural Land Law, Human Rights Watch (HRW) explains:

“During President Ouattara’s first term, the government’s land policy focused on the implementation of the 1998 land law, which gave customary landowners 10 years to convert

their customary rights into a land certificate and then to record their ownership in the land registry. Converting customary claims to land certificates and legal title will, the government says, increase certainty as to who is the rightful owner of land and so reduce the prevalence of land dispossession and land disputes.

In August 2013, the National Assembly adopted modest reforms to the 1998 law and the country's nationality law, giving landowners an additional 10 years to convert their customary rights into legal title, a reflection of the fact that very few landowners had registered land since the 1998 law was passed. The reforms also opened Ivorian citizenship—a pre-condition for registering land—to foreign-born residents and their descendants who fulfilled certain criteria.

However, community leaders in western Côte d'Ivoire told Human Rights Watch that since 2013 very few landowners have used the 1998 law to obtain land certificates. [...]

The process for obtaining a land certificate and legal title is not accessible to ordinary Ivorians. The process for obtaining a land certificate has 19 stages, takes between 6-18 months, and costs an average of 764,500 FCFA (approximately \$1,240). [...]

As of May 31, 2015, only 978 land certificates had been issued nationwide (only 119 to women), with approximately 500,000 certificates needed to cover Côte d'Ivoire. (HRW, 8 December 2015, pp. 67-68)

Additionally, the issue of forest evictions is reported by the Internal Displacement Monitoring Centre (IDMC) as follows:

"In June 2013, the government launched an operation to evict thousands of people who had lived illegally for anything from a couple of years to several decades in some of the 231 protected areas and forests in the west and south-west of the country. The government's Forest Development Company (Société de Développement des Forêts, SODEFOR) is in charge of protected forests and the Ivorian Office for Parks and Reserves (Office Ivoirien des Parcs et Réserves, OIPR) is responsible for other protected areas.

The first evictions took place in the Niégré forest in May 2013. Between 25,000 to 40,000 people were consequently evicted in what was seen as a pilot operation for other areas. More accurate figures are not available, because the populations affected were not monitored (IDMC interview with NRC, July 2014). Those evicted were either welcomed into neighbouring villages or set up settlements in surrounding areas. The authorities allowed those who had been living in the forest for more than two years to continue working the land they had cultivated, on the condition that they agreed to live elsewhere and to abandon their plots once the forest had overgrown them. Those who had been living in the forest for two years or less saw their crops destroyed." (IDMC, 26 February 2015).

Land conflicts were also identified in 2015 and 2016, as describes Human Rights Watch (HRW) in its World Report 2017:

"In March, violent intercommunal clashes between pastoralists and farmers in Bouna, in the northeast, left at least 27 people dead and thousands more displaced. Armed traditional hunters, known as Dozo, intervened in the conflict and were responsible for at least 15 of the killings. The government subsequently charged the Dozo chief from Bouna with murder, and some 70 Dozos were among more than 115 people arrested for their role in the violence. More than 75 people at time of writing remained in detention awaiting trial.

Land conflicts between migrant and indigenous communities underscored episodic violence in southwestern Côte d'Ivoire, including a December 2, 2015 attack by Ivorian and Liberian militiamen in Olodio that killed seven Ivorian soldiers. The December 2015 resumption of the repatriation of refugees from Liberia, on hold during the Ebola crisis, increased competition for land in western Côte d'Ivoire." (HRW, 12 January 2017)

For more information on housing, land and property (HLP) rights, please refer to subsection 5.16 of this compilation.

3.2 2002-2007: Political tension and civil war

According to Insight on Conflict, an online resource on local peacebuilding in conflict zones, "[a]fter gaining independence from France in 1960, the Ivory Coast fell under the rule of authoritarian but charismatic leader, Félix Houphouët-Boigny" and followed a period of economic and political stability. (Insight on Conflict, March 2015)

The same source further explains:

"This period of success masked the development of grievances that laid the groundwork for later conflict. Tensions between ethnic groups began to emerge in the west of the country during the 1970s and 1980s, as Boigny encouraged the migration of foreign workers and labourers from the north of the Ivory Coast to support the expansion of cocoa plantations in the west. This resulted in some local groups feeling marginalised, increased tensions around land scarcity, and escalated anti-immigrant sentiment. This was made worse as the global price of cocoa fell and the country entered a recession in the 1990s. [...]"

When Boigny died in 1993, the president of the National Assembly, Henri Konan Bédié, took over as President. Bédié began consolidating political and military power for his own ethnic group and capitalised on anti-immigrant sentiments with increasingly xenophobic policies based on the idea of Ivoirité, or 'Ivorianess'. This privileged the people of the south as 'real' citizens, and excluded the 'foreigners' from the north. Crucially, Bédié used this rhetoric to pass legislation to prevent his primary political rival, Alassane Ouattara, from running in the 1995 elections. Ouattara was a northerner and suspected of having parents from Burkina Faso. This marked the beginning of a spiral of increasing political marginalisation and retaliation, with political affiliation becoming increasingly aligned with regional and ethnic identities.

In 1999, dissatisfied army officers from the excluded groups, led by General Robert Guéï, led a mutiny and overthrew Bédié. When presidential elections were held in October 2000, Ouattara was again blocked from running, leaving Gbagbo to oppose Guéï. Gbagbo was widely cited as the winner, but Guéï refused to leave office. Massive protests ensued and eventually Guéï fled, bringing Gbagbo into power.

After becoming president, Gbagbo began to consolidate power for his own ethnic group and continued the exclusion of northerners in the government and military. This further increased the grievances and feeling of marginalisation among these groups. In September 2002, several northern army officers led an attempted coup. These officers and their supporters, led by Guillaume Soro, formed the New Forces (FN) and quickly gained control of the northern half of the country, plunging the country into civil war." (Insight on Conflict, March 2015)

With respect to the country's political division, an April 2011 CNN article states:

"The country was unofficially divided in two. The government-held south is centered around Abidjan, the biggest city and commercial hub. It's a strongly Christian region and home to many Gbagbo supporters, who have traditionally held positions of wealth and power in Ivory Coast. In contrast Ouattara hails from the rebel-held north, which is dominated by Muslim immigrants who have become key businessmen and traders." (CNN, 5 April 2011)

A December 2002 article by The Observer further notes:

"Ivory Coast used to be a model of prosperity and diversity. Migrant workers from across West Africa worked in its cocoa industry and busy port of Abidjan. Its economy was one of Africa's largest.

But since September, Ivory Coast has been split in two. The southern part is controlled by the government of President Laurent Gbagbo, the north by the rebel Mouvement Patriotique de la Côte d'Ivoire (MPCI). The standoff risks spiralling into another war as thousands of men answer a recruitment drive to fight for the government, while thousands more are being armed by the rebels. [...]

The latest uprising was led by about 750 troops who had been recruited by ex-President Gueï, later identifying themselves as the MPCI. They revolted when the government, pressed by international financial institutions, tried to demobilise them. On 19 September 2002 they executed a well-coordinated attack on three cities, including Abidjan. Others who joined the insurgents are believed to be Ouattara supporters who deserted the army and fled to Burkina Faso when Gueï was in power. The leadership of MPCI remains unclear, as are their sources of money and weapons." (The Observer, 15 December 2002)

On the same topic, a November 2002 Human Rights Watch (HRW) report explains:

"On September 19, 2002, dissident divisions of the Ivorian army, who have since identified themselves as the Patriotic Movement of Côte d'Ivoire (Mouvement Patriotique de Côte d'Ivoire, MPCI), took hold of the northern Ivorian town of Korhogo and the central town of Bouaké. There was fighting in several parts of Abidjan, the economic capital, but government troops retained control there. The government has referred to the attacks as an attempted coup." (HRW, November 2002, p. 2)

Regarding the role of foreign actors in the conflict, an article by Global Security notes:

"By 28 September 2002, calls were growing among West African leaders for France to take a more active role in ending the rebellion. Ivory Coast's Prime Minister, Pascal Affi N'Guessan, told French journalists that his government wanted France to help the government with logistical support in its battle with renegade soldiers. This was echoed by Senegalese President Abdoulaye Wade, the head of ECOWAS (the Economic Community of West African States). [...] ECOWAS met on 29 September 2002 in Accra, Ghana, to discuss the question of dispatching a peacekeeping force.

On 31 September 2002, a team of diplomats from several West African nations (ministers from Ghana, Mali, Nigeria, Niger, Togo, and Guinea-Bissau) arrived in Abidjan to meet with Ivorian President Laurent Gbagbo, hoping to mediate a cease-fire between the Ivory Coast government and the renegade soldiers. It was also hoped that through this meeting, more information could also be learned about the demands and support base of the rebels. The rebels had expressed a willingness to begin preliminary talks with the mediators." (Global Security, n.d.-a)

According to the International Crisis Group (ICG), the situation in Côte d'Ivoire developed as follows:

“On 17 October 2002, a ceasefire was brokered by Senegal’s President Abdoulaye Wade and signed unilaterally by the MPCl. The ceasefire line ran east to west, dividing the country in half. France reinforced its 700-man force in Abidjan (“Opération Licorne”) and agreed to supervise the ceasefire until troops from the Economic Community of West African States (ECOWAS) could take over. Following intense diplomatic activity by West African leaders and the French, peace talks were organised at Lomé beginning on 28 October, under the leadership of President Gnassingbé Eyadéma of Togo.

On 28 November 2002, two new insurgent groups – the Mouvement Populaire du Grand Ouest (MPIOG) and the Mouvement pour la Justice et la Paix (MJP) – appeared in the west, below the ceasefire line. Demanding revenge for the killing by government forces on 19 September of the leader of the military junta that had ruled Côte d'Ivoire from 1999 to 2000, General Robert Gueï, they expressed their determination to remove President Laurent Gbagbo.” (ICG, 28 November 2003, p. 1)

According to UNOCI’s website, a peace agreement was signed in January 2003 with the purpose of ending the Ivorian civil war. “Its mandate was subsequently extended and adjusted on several occasions to meet new requirements and reflect the evolving situation in the country.” (UNOCI, n.d.-a).

For more information on the United Nations Operation in Côte d'Ivoire (UNOCI), please refer to subsection 3.3.3.6

The same International Crisis Group (ICG) report notes the following with respect to the spread of violence in Côte d'Ivoire in 2003:

“There has been extensive, major violence in the west against civilians by all sides, and humanitarian access remains difficult. At the end of July 2003, humanitarian workers placed the number of internally displaced persons (IDPs) between 700,000 and 1,000,000.¹² According to figures from their government, some 250,000 people of Burkinabé origin have left, many of whom had lived in Côte d'Ivoire all their lives. In Abidjan, a veritable reign of terror lasted seven months, and only ended with the installation of the reconciliation government in May 2003.” (ICG, 28 November 2003, p. 4)

An article by Global Security summarizes the security situation in Côte d'Ivoire throughout 2004 as follows:

“Armed conflict broke out again on 8 June 2004, pushing the country even closer to the resumption of full-fledged civil war. Helicopter gunships were used to attack rebel positions, killing 20 people, and marked the first time in nearly a year that government helicopters were used to attack positions on the frontline. Fighting broke out near the village of Mamimigui between government forces and an unidentified rebel group. [...] The blatant violation of the ceasefire led to fears that the government had committed to military action as the solution to the nation’s division. [...]”

On 4 November 2004, the war resumed as military planes, namely Russian-made Sukhoi Su-25 jets, carried out raids on rebel held positions in the north. The raids did damage to Bouake’s infrastructure and Doctors Without Borders reported that it treated nearly 40 wounded people

as a result of the attack. Coinciding with the military activity, the loyalist group the Young Patriots began rioting in the city of Abidjan, burning the offices of opposition newspapers, blocking access to the airport, and burning at least one UN vehicle. As the airplane attacks and troop advance continued, the United Nations suspended its humanitarian efforts and Mr. Soro declared that diplomacy was no longer an option.

On 6 November 2004, aircraft from the Ivorian Government struck a French military base, resulting in the deaths of 9 French troops and one American aid worker, and the wounding of an additional 31. In retaliation, the French military destroyed 2 Sukhoi-25 aircraft, in addition to 3 helicopters and an Ivorian army weapons cache, effectively destroying the Ivory Coast Air Force.” (Global Security, n.d.-b)

According to a 2007 report by the Global Witness, an agreement was finally reached in March 2007. The report further notes:

“However, [as of 2006], Côte d’Ivoire remained divided between a rebelheld north and a government-controlled south, separated by a French-secured demilitarized zone, the zone de confiance. In October 2006, presidential elections, originally due to take place in 2005, were postponed for a further 12 months. The country remains fragile and deeply divided, contributing to broader regional instability. A new political agreement was signed in Ouagadougou, Burkina Faso, in March 2007 between President Gbagbo and the Secretary General of the FN, Guillaume Soro who was later appointed prime minister.” (Global Witness, 8 June 2007, p. 3)

With respect to the relationship between cocoa trade and the Ivorian Civil War, the same source writes:

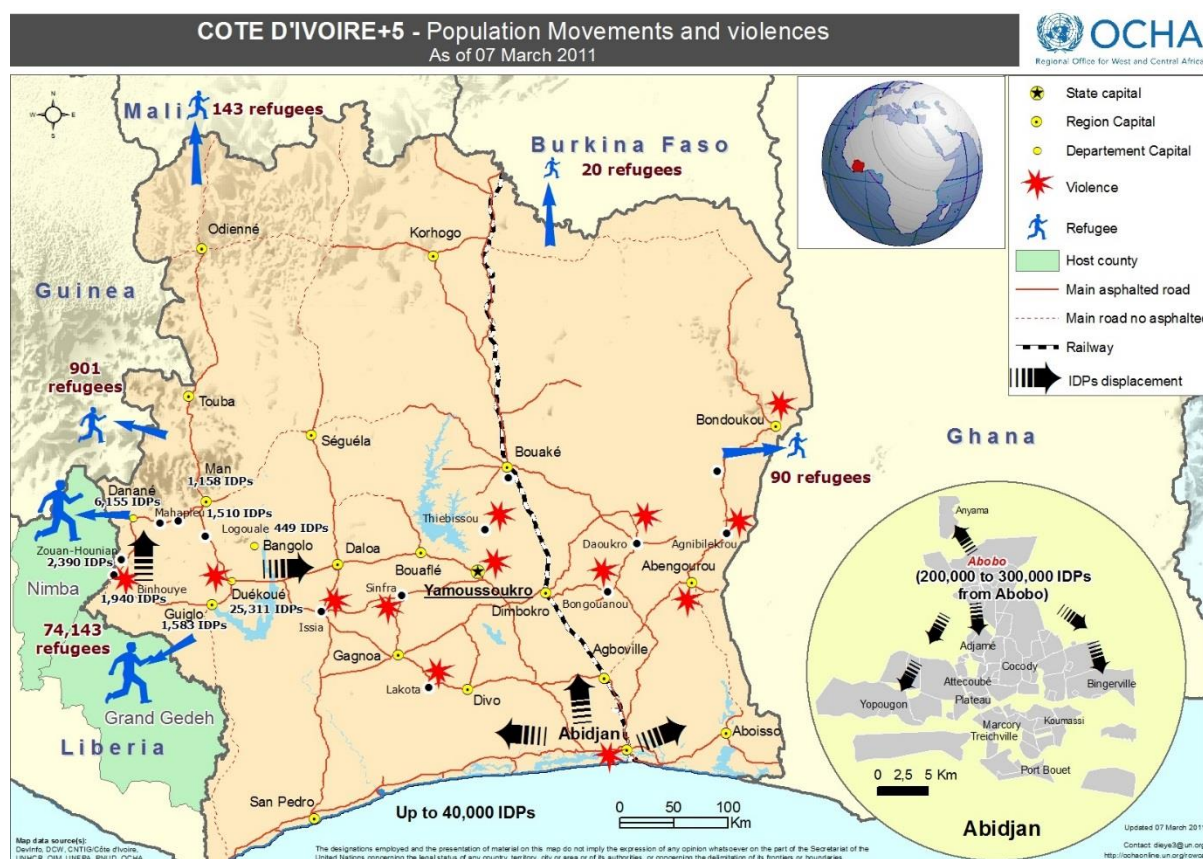
“The lucrative cocoa trade has been at the heart of the war economy and continues to serve the interests of protagonists to the conflict, to the detriment of the Ivorian population. For the past four and half years, both sides in the conflict have reaped significant political and economic benefits with impunity. The continuing crisis has encouraged corrupt practices and a lack of accountability in the exploitation of natural resources.” (Global Witness, 8 June 2007, p. 59)”

Regarding the social impact of the civil war upon society, a 2007 article by Refugees International explains:

“The civil war produced large scale displacement: the exodus of some 400,000 migrants to their neighboring homelands; the flight of some 15,000 Ivorian refugees to neighboring states; the movement of an estimated 500,000 to the south. A still unknown number has been displaced in the north. The flight of civil servants from the north left that 60 percent of the country without administrators, police, teachers, water and sanitation services, health care workers and road maintenance. Diseases that were under control are flourishing again. The World Health Organization is concerned that a recent outbreak of yellow fever, an increase in water borne diseases due to deteriorating water systems and sanitation, as well as the impact of recurrent malaria and increasing HIV/AIDs, could further threaten public health.” (Refugees International, 31 January 2007, p. 1)

For more information on population displacement, please refer to section 4 of this compilation.

3.3 2010-2011: Post-election crisis



Source: OCHA, Electoral Violence and Displacement, 25 March 2011.

Available at: <http://www.who.int/hac/crises/civ/maps/en/>

3.3.1 Background

According to a 2011 Human Rights Watch (HRW) report entitled “They Killed Them Like It Was Nothing”:

“The post-election violence was the culmination of a decade of impunity for serious crimes. Despite grave crimes in violation of international law committed during Côte d'Ivoire's 2002-2003 civil war and its aftermath, no one in the country was held to account for the violence. Those who were armed or who served in security forces were effectively immune from accountability for crimes they committed. As a result of this impunity, community self-defense groups sprung up throughout the country, but particularly in the volatile west, where vigilantism replaced the rule of law.” (HRW, 5 October 2011, p. 5)

An article by Global Security explains the political context in Côte d'Ivoire following the 2002-2007 Civil War:

“After many attempts at peace the two factions in Côte d'Ivoire came to an agreement on 4 March 2007. President Gbagbo and NF rebel leader Guillaume Soro signed the Ouagadougou Political Agreement (OPA), which established a transitional government with Soro as Prime Minister. The OPA also called for the disarmament of armed factions, reunification of the country, identification of Ivorians, and 2008 presidential elections. By the end of 2007, progress

had been made on some provisions of the OPA: nearly 70 percent of the civil administration returned to the north, the “audiences foraines” process was underway to issue birth certificates to those who were never registered, and the “zone of confidence” (ZOC) was dismantled. [...]

On 7 November 2008, Côte d'Ivoire officials announced that the elections that were to be held on 30 November 2008 were going to be once more postponed. [...]

The identification and voter registration process, which began in September 2008 and was initially scheduled to last 45 days, ended on 30 June 2009. More than 6.5 million persons participated in the process. [...]

After a meeting held between 3 and 4 December 2009, the permanent consultation framework (CPC) for the OPA formally announced the postponement of presidential elections, which had been scheduled for 29 November 2009. The CPC stated that additional time was necessary to correct irregularities in the provisional electoral list and distribute identification and voter cards. A new election date was not announced [...].” (Global Security, n.d.-c)

In its article “They looked at his identity card and shot him dead” Amnesty International (AI) explains the following:

“Despite the signature of several agreements seeking to reunify Côte d'Ivoire and to carry out a process of Disarmament, Demobilization and Reintegration (DDR), the country remained divided in two and both parties regularly committed serious human rights violations and abuses, including extrajudicial executions, deliberate and arbitrary killings, arbitrary arrests and detentions, acts of torture and other ill treatment, abductions as well as rape and other sexual violence against women and young girls.³ Both parties recruited Liberian mercenaries as well as in some cases used child soldiers.” (AI, 25 May 2011, p. 10)

According to the Carter Center's International Election Observation Mission to Côte d'Ivoire, the situation in the country abruptly changed in January 2010:

“However, a sharp deterioration of the political climate occurred in January 2010 when Gbagbo accused the president of the CEI [Independent Election Commission] of attempted fraud in the voters list. This was followed by a breakdown in the process and a serious political crisis that culminated in Gbagbo's decision to dissolve the government and dismiss the CEI. In addition, violent confrontations occurred among the Defense and Security Forces (FDS) and activists of the opposition parties, who protested against this double dissolution. With the assistance of the OPA facilitator, President Blaise Compaoré, the Ivorian actors agreed on the formation of a new government and the re-establishment of the CEI. In September 2010, acceptance of the voters list on the part of the principal political actors set Côte d'Ivoire on the final course toward holding the presidential election.” (Carter Center, 30 October 2012, pg. 20)

In October 2010, a first round of presidential elections was finally held. According to BBC News, “Mr Gbagbo comes first with 38%, not enough to win outright. Former premier Alassane Ouattara is second with 32%.” (BBC, 5 May 2015-b)

The International Coalition for the Responsibility to Protect (ICRtoP) gives the following overview, “[t]he initial election did not yield a winner and a second electoral round was held on November 28, 2010. The Independent Electoral Commission (CEI) released the polling results on December 2, 2010 and declared Ouattara the new president of Côte d'Ivoire after he received 54.1% of the vote.” (ICRtoP, n.d.)

The International Crisis Group (ICG) explains how tension grew in the days leading up to the poll:

“Despite the courteousness displayed in the presidential debate, Gbagbo made a surprise announcement that same evening. Citing the violence that had punctuated the final days of the campaign, the outgoing president announced a curfew throughout the country starting on 27 November, the eve of polling day. Gbagbo did not consult his opponent, the prime minister, Guillaume Soro, or the CEI before taking what was a rather extraordinary and sinister decision. Although Ouattara responded in measured tones on television, the announcement of the curfew provoked angry demonstrations on 27 November in the Abidjan commune of Abobo, one of Ouattara’s strongholds in the economic capital. The security forces intervened leaving five dead and many injured.” (ICG, 3 March 2011, p. 1)

Regarding the poll results, the Congressional Research Service (CRS) explains:

“Ouattara, popularly known by his initials, ADO (pronounced ahh-doh by Ivoirians), bases his victory claim on the U.N.-certified runoff results announced by Côte d’Ivoire’s Independent Electoral Commission (IEC). These showed that he won the election with 54.1% of votes cast, primarily by a predominantly Muslim, northern electorate, augmented by portions of the ethnic Akan-centered political base of the candidate who took third-place in the first round, Henri Konan Bédié, a former head of state. The results showed Gbagbo winning 45.9% of votes, mostly drawn from the south, notably including Krou ethnic group areas in the south-center and west some central-east Akan areas, and southeastern Lagoon ethnic group areas. Most of the international community, including the United States, has endorsed the IEC poll results as accurate and authoritative, and demanded that Gbagbo to accept them and cede the presidency to Ouattara. Gbagbo, however, appealed the IEC decision to Côte d’Ivoire’s Constitutional Council—stacked with members mostly nominated by Gbagbo or his close ally, Mamadou Koulibaly, the President of the National Assembly—which reviewed and annulled it.” (CRS, 5 April 2011, pp. 5-6)

Legislative elections also took place in December, as explained by the International Federation for Human Rights (FIDH):

“The legislative elections held on 11 December 2011 confirmed the victory of President Alassane Ouattara’s party, the Republicans’ Rally (*Rassemblement des républicains* – RDR) which won 138 of the 253 seats in the parliamentary elections, in other words 54.54% of the open seats while the Democratic Party of Ivory Coast (*Parti démocratique de Côte d’Ivoire* – PDCI) the party of his ally the former president Henri Konan Bédié, won 86 (34%). The independent candidates took third place with 17 seats (6.72%).” (FIDH, 22 October 2013, p. 6)

The events following the announcement of the results are best described by the National Centre of Competence in Research’s (NCCR) North-South Dialogue as follows:

“The resulting political rift now opposed two political factions: on one side, the LMP (La Majorité Présidentielle) grouping loyal to Laurent Gbagbo that was now galvanised around ultra-nationalistic rhetoric depicting his opponent Alassane Dramane Ouattara as “the foreigners’ candidate”; and on the other the RHDP whose leader’s victory in the recent elections, recognised and certified by the UN via its mission in Côte d’Ivoire (UNOCI), had been acknowledged by the international community (UN, European Union, United States, ECOWAS, African Union). This stand-off exactly replicated the two political visions that had clashed ever

since the death of Félix Houphouët-Boigny for control of Côte d'Ivoire's destiny: on the one hand the nationalist vision embodied by Laurent Gbagbo painting France as the shadowy opponent of Côte d'Ivoire's "second independence" with him as leader; and on the other the vision of a Côte d'Ivoire that was more inclusive, more open to the outside world and more befitting Houphouët's ideal that inspired it.

These two visions increasingly battled it out by military means, sizing each other up before finally measuring up to each other in the capital, Abidjan. There followed 10 days of fighting between a fringe group of the Forces de Défense et de Sécurité (FDS), [...] and facing them the Forces Nouvelles and part of the FDS united into an army re-baptised the Forces Républicaines de Côte d'Ivoire (FRCI) with the support of the Licorne forces and UNOCI. This fighting led to the capture of Laurent Gbagbo on 11 April 2011 with heavy casualties – 3,000 dead. Fighting all over the country – and especially in Abidjan – resulted in many deaths, the pillaging of public and private property, serious human rights violations and infringements of people's dignity.

For four months political, economic and social life was paralysed, exacerbating the country's serious economic problems and limiting people's access to social services that had already been degraded by 10 years of socio-political crisis. Moreover, a climate of fear had descended on the country." (Akindès, 2012, pp. 13-14)

Regarding the role of African intergovernmental organizations during the crisis, Amnesty International (AI) explains:

"The international community, notably the African Union and the Economic Community of West African States (ECOWAS), recognized Alassane Ouattara's victory and the country found itself in a political stalemate with two presidents and two governments. Efforts to mediate, particularly by the African Union, failed to peacefully resolve the political crisis." (AI, 25 May 2011, p. 10)

According to UNOCI's website, "[o]n 11 April, following military operations conducted by forces loyal to President Alassane Ouattara, UNOCI and French Licorne troops, Mr. Gbagbo was arrested and placed in the custody of President Ouattara's Government." (UNOCI, n.d.-b)

3.3.2 Human rights abuses during the 2010-2011 crisis

According to Human Rights Watch (HRW), "[a]t least 3,000 people were killed and more than 150 women and girls raped during the six months of political violence and armed conflict which followed the November 28, 2010 presidential run-off election [...]." The report also notes that "[l]arge-scale violence ended in May, after the April capture of Gbagbo [in] Abidjan, the commercial capital, by pro-Ouattara troops." (HRW, 22 January 2012)

A report dating from June 2011 by the independent, international commission of inquiry on Côte d'Ivoire writes:

"The commission concludes that during the period under consideration, many serious violations of human rights and international humanitarian law were perpetrated by different parties: some might amount to crimes against humanity and war crimes. They were perpetrated by the defence and security forces and their allies (militias and mercenaries) and later, during their counteroffensive and once they had taken control of the country, by the Forces républicaines de Côte d'Ivoire (FRCI). The many victims in the west, the southwest and Abidjan are paying a heavy penalty." (UNHRC, 6 June 2011, p. 1)

The Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights also provides a general overview of the situation in his April 2015 report:

"More than a decade ago, allegations of human rights violations in Côte d'Ivoire (committed between 19 September 2002 and 15 October 2004) had already been considered in a report by an international commission of inquiry. That report came to the clear conclusion that a number of serious violations of human rights and international humanitarian law had been committed during the period in question. The report also highlighted the fact that the warring sides both had their own militia forces and it was those forces that had committed the violations.

More recently, violations of human rights and international humanitarian law that occurred between 31 October 2010 and 15 May 2011 were considered in a report by a national commission of inquiry established pursuant to Presidential Decree No. 2011-176 of 20 July 2011. The report indicates that serious human rights violations were committed, particularly against the right to life, the right to physical integrity and the right to security of persons. They included executions, extrajudicial disappearances, sexual violence against women and violations of international humanitarian law. The report also notes that these violations were committed by groups belonging to both warring parties." (UNHRC, 27 April 2015, p. 12)

A report submitted by Côte d'Ivoire for the second cycle of the Universal Periodic Review provides the following specific information on the extent of human rights abuses in the country:

"The National Commission of Inquiry reported 3,248 cases of infringement of the right to life. Women and children are counted among the victims. Numerous witnesses attest to the fact that people's throats were slit and pregnant women were raped before being killed. Inquiries show that a large share of the victims (29.68 per cent, or 2,018 cases) were summarily executed, apparently for political and/or ethnic reasons. [...]

A number of roadblocks manned by armed persons were set up in various districts to prevent the free movement of people. Identity checks were carried out and persons regarded as belonging to the rival camp were prohibited from passing through. In the least serious cases of abuse, the roadblocks were used for racketeering. In other cases, however, they were used for abduction, false imprisonment and summary execution. [...]

There was an increase in violations of the right to freedom of expression, opinion and information. Examples of such violations include monopolization of State media and subsequent takeover and transformation into instruments of propaganda, news programmes like *Raison d'État*, bans on international news broadcasts and the occupation of certain newspaper offices.

Infringements of the right to property during the post-election crisis outnumber any other rights violations: 15,583 cases, or 42.5 per cent of all cases of violations reported to the Commission, involved property rights. The violations take on many forms: carjackings, arson, pillaging of various properties such as homes, businesses and plantations, unlawful appropriation of the property of others and occupation of the homes of certain prominent figures. [...]

Violations of the right to religious freedom constitute another outward sign of the infringement of the right to freedom of opinion. Political discord has carried over into the religious sphere, thus constituting violations of the right to religious freedom." (UNHRC, 3 February 2014, pp. 4-6)

The then UN High Commissioner for Human Rights, Navi Pillay, notes in a statement of March 2011:

“The High Commissioner said the ability of the people of Côte d’Ivoire to enjoy basic economic, social and cultural rights is being “drastically undermined on an ever-increasing scale.” Such rights include the rights to health, education, and employment as well as fundamental life-supporting services such as water, electricity and food.” (OHCHR, 10 March 2011)

For further detailed information on the human rights abuses committed during the post-election crisis, please refer to the subsection below.

3.3.3 *Parties to the conflict*

3.3.3.1 Gbagbo Loyalists

According to Human Rights Watch (HRW), the principal actors linked closely to Gbagbo forces included: “the Republican Guard, CECOS (a rapid-response unit), the BAE (an anti-riot unit), and the CRS (an elite police force).” The report also notes that these organizations also allegedly “worked hand in hand with the pro-Gbagbo militia groups, primarily the Student Federation of Côte d’Ivoire (*Fédération Estudiantine et Scolaire de Côte d’Ivoire*, FESCI), a student group with a history of political violence; and the Young Patriots (*Jeunes Patriotes*), a militant youth wing.” (HRW, 5 October 2011, p. 26)

Amnesty International (AI) also adds the presence of the *Groupe des patriotes pour la paix* (GPP, Group of Patriots for Peace), “supporters of Laurent Gbagbo, [and] responsible for serious human rights violations before and during the post-electoral crisis of 2010-2011.” (AI, 1 March 2013, p. 29)

The Office français de protection des réfugiés et apatrides (OFPRA) further explains with regard to the GPP, or PGP in French:

“The Patriotic Group for Peace (PGP) is a self-appointed self-defense militia who vowed, following the political and military crisis of September 2002, allegiance to former president Laurent Gbagbo. After its demobilization in 2009, the PGP has regained importance in 2010 following the election crisis. Its fighters are then responsible for many abuses. Today, PGP former combatants are trying to reintegrate into society, although some of them are imprisoned in Abidjan.” (OFPRA, 12 May 2016)

Regarding the involvement of the security forces following the beginning of the post-election crisis, Amnesty International (AI) explains:

“Just after the proclamation of the electoral results, the security forces and Laurent Gbagbo’s supporters began to commit acts of violence. They attacked one of the offices of Alassane Ouattara’s party, the Rassemblement des Républicains (RDR, Rally of the Republicans), on 1 December 2010, followed by the office of former president Henri Konan Bédié’s party, the Parti démocratique de Côte d’Ivoire (PDCI, Democratic Party of Côte d’Ivoire) on 4 January 2011 (see Section 3.1).” (AI, 25 May 2011, p.11)

Human Rights Watch (HRW) also describes the abuses committed against Ouattara supporters during the various demonstrations that took place at the end of 2010:

“When Ouattara supporters took to the streets to demonstrate following the November 28 run-off, Gbagbo’s security forces met them with brutal and often lethal force. Demonstrations during this period primarily occurred around the December 2 and 3 controversy over election results, as well as the December 16 march to Radiodiffusion Télévision Ivoirienne (RTI).

Security forces often, but not always, first employed tear gas and fired guns over demonstrators’ heads. However, generally within minutes they turned to lethal firearms— including Kalashnikov rifles, automatic pistols, and fragmentation grenades—without aggressive behavior or sufficient violence by the demonstrators to necessitate lethal force. Security forces continued firing as the demonstrators fled, killing dozens and wounding scores more. [...]

In addition to suppressing demonstrations, Gbagbo’s security forces targeted neighborhood political party officials and allied civil society groups for killings and enforced disappearances. [...]

Human Rights Watch documented gang rapes of 14 women in Abobo by members of the security forces or pro-Gbagbo militia—in several cases working together—in the days after the December 16 march.” (HRW, 5 October 2011, pp. 26-27, 31, 36)

In the beginning of 2011, fears of a new civil war were raised, as reported by the UN News Service:

“The head of UNOCI’s police component has warned that Gbagbo loyalist militias may be preparing for civil war. ‘The Gbagbo clan has a long tradition of mobilizing militias and being very hostile and having armed mobs which it is at present trying to rally,’ Commissioner Jean-Marie Bourry told the UN News Centre last week. ‘Everything leads us to believe that we are seeing preparations for a civil war.’” (UN News Service, 22 February 2011)

With regard to pro-Gbagbo youth groups, including the Young Patriots, an April 2011 article by the Congressional Research Center (CRC) writes:

“According to the United Nations, some pro-Gbagbo youth groups and militias are being armed. Such actions are reportedly coordinated by high-ranking state officials and pro-Gbagbo militia, youth group, and political party leaders.

Such groups, including an ultra-nationalist, frequently xenophobic pro-Gbagbo youth group known as the Young Patriots, have reportedly coordinated with state security forces, in particular to identify and target putative opposition-affiliated ‘individuals to be arrested, abducted or assassinated and their residences.’ Young Patriots, ‘often armed with machetes, clubs or guns,’ have reportedly ‘set up roadblocks all over the main city in Abidjan after a call by [Young Patriot] leader Blé Goudé to hunt pro-Ouattara rebels and obstruct U.N. staff, whom he accuses of backing them.’ Police and other state security forces, in league with youth gangs, also reportedly looted the homes and property of multiple Ouattara government officials on March 6. ProOuattara youth groups are reportedly carrying out similar actions, and militant supporters of both presidential claimants are, in some cases, carrying out attacks on individuals and communities based on their targets’ presumed ethnicity and putative political affiliation.” (CRS, 5 April 2011, p.17)

A January 2011 article published by Human Rights Watch (HRW) further notes:

“Witnesses described to Human Rights Watch seeing men beaten to death with bricks, clubs, and pieces of wood, or shot by members of pro-Gbagbo militias who had created unofficial checkpoints. Numerous Ivorian residents from Mali and Burkina Faso also described being targeted by the militias. One person from a neighboring country living in Abidjan was burned to death and two others were nearly beaten to death on December 3, as residents in the area were celebrating what they believed was Ouattara’s presidential victory. [...]

The pro-Gbagbo militias implicated in the abuses Human Rights Watch documented include the Student Federation of Côte d'Ivoire (Fédération Estudiantine et Scolaire de Côte d'Ivoire, FESCI), a student group with a history of engaging in political violence; and the Young Patriots (Jeunes Patriotes), a militant youth wing supporting Gbagbo and his political party, the Ivorian Popular Front, (Front Populaire Ivoirien, FPI). Victims and witnesses identified the attackers as members of these groups, either because the victim knew the attacker, because the attacker said he was a member of the group, or because of where the attack took place – often directly outside a Young Patriot assembly point or a FESCI-run student housing building. Charles Blé Goudé, Gbagbo’s newly-named youth minister, is the founder and current leader of the Young Patriots. Blé Goudé has been under UN sanctions, including a travel ban and a freeze of foreign assets, since 2006 for repeated public statements advocating violence in Côte d'Ivoire.” (HRW, 26 January 2011)

With regard to FESCI, the Student Federation of Côte d'Ivoire, an October 2015 article by the Associated Press (AP) describes the following:

“Soon after FESCI — as the union is known by its initials in French — was created in 1990, the group found itself at odds with the country’s founding president and his successor, who had its leaders arrested for illegal meetings and demonstrations. After Laurent Gbagbo, a rival of those first presidents, came to power in 2000, FESCI enjoyed a privileged status, and authorities looked the other way as members attacked opposition supporters on and off campus, said Yacouba Traore, a historian of Ivory Coast student movements.

In postelection violence that killed thousands in 2011, with Gbagbo refusing to concede defeat, the union and its former leaders allegedly attacked the regime’s opponents. For his alleged role, one of FESCI’s former leaders, Charles Ble Goude, faces trial for crimes against humanity at the International Criminal Court in The Hague, accused of commanding violent FESCI members and alumni. [...]

After the post-election violence ended with Gbagbo's arrest, the university remained closed for more than a year with Ouattara's government fearing a return of violent student politics.” (AP, 21 October 2015)

The same Congressional Research Center (CRC) report describes how foreigners have equally become targets of pro-Gbagbo supporters:

“Foreigners have also become an increasing target of pro-Gbagbo supporters angered by international rejection of Gbagbo’s claimed election and financial pressure on the Gbagbo administration, state media propaganda alleging that UNOCI and various foreign governments are collaborating with the FN, and related factors. On March 1, Young Patriots reportedly “rampaged through the business district of Abidjan... pillaging shops owned by foreigners.”

United Nations staff were also reportedly “attacked and robbed by pro-Gbagbo gangs” in the week prior to the rampage” (CRS, 5 April 2011, p.18)

Laurent Gbagbo was finally arrested in April 2011 by forces loyal to President Alassane Ouattara “backed by UN and French forces.” (The Guardian, 11 April 2011). Despite his arrest, ongoing acts of violence perpetrated by pro-Gbagbo militiamen were witnessed, as reported by Human Rights Watch (HRW):

“Pro-Gbagbo militiamen killed at least 220 men in the days immediately preceding and following Gbagbo's arrest on April 11, when the nearly four-month conflict drew to a close. [...]

Retreating pro-Gbagbo militia also left a bloody trail during the final battle for Abidjan, Human Rights Watch said. Human Rights Watch documented more than 220 killings perpetrated by pro-Gbagbo militia groups in the days and hours before being forced to abandon Abidjan. The day after Republican Forces seized Gbagbo, his militia went on a rampage in several areas of Yopougon, killing more than 80 people from northern Côte d'Ivoire and neighboring West African countries because of their presumed support for Ouattara.” (HRW, 2 June 2011)

A September 2011 report of the UN High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire also adds:

“In the meantime, remnants of the pro-Gbagbo militia groups have continued to pose a serious security threat in some areas in the west, undermining respect for human rights in the area. For instance, on 19 July, at least nine persons, including a woman, a two-year-old baby girl and an eight-year-old girl were reportedly killed and seven others wounded in an attack by gueré militiamen in Daobly/Ponan (120 km south-east of Duekoué) in Tai Department.” (UNHRC, 20 September 2011, pp. 8-9)

With regard to the persecution of Muslims by pro-Gbagbo's forces, Human Rights Watch (HRW) notes:

“At several periods during the crisis, pro-Gbagbo forces, including elite security force units and militias, attacked mosques and specifically targeted imams for execution. Neither former president Gbagbo nor any of his military or civilian leadership publicly denounced these attacks on religious institutions and individuals. In a country split roughly evenly between Muslims and Christians, Ouattara's political base of northern Ivorian ethnic groups is primarily, though certainly not exclusively, Muslim, while Gbagbo's supporters and militants were primarily Christian. As with ethnicity, however, religion is closely linked to politics in Côte d'Ivoire, and it is often difficult to disentangle the primary motivation for certain attacks. For the vast majority of Ivorians, there is no inter-religious division or hostility, but as the crisis exploded, the association between Ouattara and Muslim supporters led to a significant number of attacks on Muslim leaders and institutions. Such attacks may well be war crimes under the Rome Statute and customary international humanitarian law.” (HRW, 5 October 2011)

3.3.3.2 Forces Nouvelles

An article by Chatham House's Africa Programme on Armed Non-State Actors Series explains the historical context behind the establishment of the Forces Nouvelles:

“On 19 September 2002, a mysterious rebel group launched simultaneous attacks on three major cities in Côte d'Ivoire, including the lagoon-side, skyscraper-lined commercial capital

Abidjan. The rebels, who would soon announce themselves as the Mouvement Patriotique de la Côte d'Ivoire (MPCI), failed to overthrow the Abidjan-based government but did manage to take over most of the northern half of the country.

Later that year, two more rebel groups emerged and the rest of northern Côte d'Ivoire fell out of loyalist control. Some 2,000 were killed in the nine months of conflict triggered by the rebels' attempted coup d'état, and around a million were forced to flee their homes. The war was declared over by the rebel and loyalist army chiefs in May 2003, although violence has flared sporadically since then.

Now, the three rebel movements are known collectively as the Forces Nouvelles and come under the leadership of one man: Guillaume Soro. Côte d'Ivoire, the world's largest cocoa producer and for decades West Africa's most successful economy, has become one of the world's most troubled nations." (Balint-Kurti, September 2007, p. 5)

Regarding the initial engagement of the Forces Nouvelles in the conflict, the United States Congressional Research Service (CRS) explains:

"The political crisis in Côte d'Ivoire has erupted into full-scale conflict. Rebel forces, who have been based in the north of the country since the inception of Côte d'Ivoire's civil conflict in 2002, began a renewed military offensive in late March aimed at ousting incumbent leader Laurent Gbagbo (baag-boh) and installing his rival, former Prime Minister Alassane Ouattara (wah-tahrah), who is viewed by the international community (including the United States) as having won a presidential election in November. The rebel Forces Nouvelles (FN, or New Forces, who have also called themselves the Republican Forces of Côte d'Ivoire, or RFCI), appear to have captured several key towns in central and western Côte d'Ivoire, including the administrative capital Yamoussoukro, without significant resistance. Still, fighting in the south and intercommunal violence in the west have caused a surge in civilian deaths and human rights abuses." (CRS, 5 April 2011, p.1)

Cases of human rights violations committed by the Forces Nouvelles were also reported by Amnesty International (AI):

"The Amnesty International research team received credible testimonies of rape, arbitrary detention and ill-treatment by members of the FN in areas under their control. [...]

In October 2010 members of the FN summarily executed eleven men that they had detained and accused of being "coupeurs de route" (road cutters) and of having murdered several travelers in Touba (some 680 km west of Abidjan). Though the incident is publicly well known (FN members themselves filmed the incident, including the bodies of the 11 detainees after they had been killed) no concrete measures are known to have been taken by the FN leadership to hold those responsible accountable. [...]

In Mahapleu, a village between the towns of Man and Danane (some 600 km west of Abidjan) where most of the inhabitants reportedly voted for the outgoing president Laurent Gbagbo, nine men were detained by the FN in mid-January 2011 and severely beaten and ill-treated for several days." (AI, 22 February 2011, p. 3)

Forces Nouvelles also allegedly targeted villages in the North, as described by Human Rights Watch's (HRW) report dating from October 2011:

“After the elections, Forces Nouvelles soldiers intimidated, threatened, and, in a few cases, killed or raped people aligned with Gbagbo’s political party in the north, in addition to looting their properties. [...]

Between the second round of elections and February 24, when fighting broke out in the far west between the armed forces from the two sides, almost 40,000 refugees crossed the border into Liberia—the vast majority fleeing from the Forces Nouvelles-controlled region of Dix-Huit Montagnes into Liberia’s Nimba county. [...]

Dozens of refugees interviewed by Human Rights Watch at this time said they left because they were harassed and intimidated by Forces Nouvelles soldiers in the days leading up to and after the second round of elections. Many of these refugees had either actively worked on or supported Gbagbo’s campaign.” (HRW, 5 October 2011, pp. 37-38)

Furthermore, according to Human Rights Watch (HRW), “[o]n March 17, Ouattara signed a decree creating the Republican Forces of Côte d’Ivoire as the country’s “official” armed forces. The Republican Forces included the former Forces Nouvelles fighters as well as members of the national army and security forces who joined Ouattara’s side.” (HRW, 5 October 2011, pp. 74-75)

3.3.3.3 RDR and RHDP

The *Rassemblement des Républicains* (Rally of the Republicans - RDR) is current President Alassane Ouattara’s party. It is “[f]ormed by a breakaway faction of the then ruling PDCI-RDA in 1994, its main support base is in the north.” The RDR also belongs to a coalition under the name of *Rassemblement des houphouëtistes pour la démocratie et la paix* (Rally of Houphouëtists for Democracy and Peace - RHDP), founded in 2005. The coalition is also formed by the Democratic Party of Ivory Coast (PDCI), the Union for Democracy and Peace in Ivory Coast (UDPCI) and the Movement of the Future Forces (MFA). (BBC, 8 December 2011)

According to BBC News, the “RDR boycotted the 2000 elections after parliament passed a law seen as seeking to stop Mr Ouattara from standing for president, claiming that he was not of pure Ivorian parentage.” (BBC, 8 December 2011).

Following the dissolution of the Independent Electoral Commission (CEI) in February 2010, clashes between the RHDP and security forces were documented by the Immigration and Refugee Board of Canada (IRB) that states:

“Sources indicate that, in February 2010, four or five people were killed and a number of others wounded in the central-western town of Gagnoa during clashes between security forces and RHDP activists calling for the restoration of the Independent Electoral Commission (Commission électorale indépendante, CEI), but there is no indication as to which side the casualties were on. The CEI was dissolved by President Laurent Gbagbo on 12 February 2010, and was reinstated shortly thereafter under the RHDP as before (AFP 4 March 2010). According to an article in the 23 February 2010 issue of *Jeune Afrique*, other clashes in the western town of Daloa caused two deaths. PANAPress (PANA) reported that, according to unidentified sources close to the opposition, security forces fired live ammunition at demonstrators during these confrontations (20 Feb. 2010). In an interview with *Afrik.com* regarding, among other things, the demonstrations in Côte d’Ivoire in February 2010, a political scientist and sociologist

at the Paris-based Centre for Conflict Studies (Centre d'études sur les conflits) stated that [translation] "the security forces do not have the training or appropriate equipment to control the demonstrations and, unfortunately, they fire live ammunition" (20 Feb. 2010). PANA reported that demonstrators attacked local government offices and some offices of the governing Ivorian Popular Front (Front populaire ivoirien, FPI) in other towns, such as Abengourou, Dimbokro and Bondoukou, before being dispersed by security forces (PANA 20 Feb. 2010). As well, according to an article in the 28 January 2010 edition of the Burkina Faso daily L'Observateur Paalga, in January 2010, the youth of the Rally of Houphouetistes for Democracy and Peace (Jeunesse du Rassemblement des houphouétistes pour la démocratie et la paix, JRHDP) organized a demonstration against the monopolization of public media by allies of President Laurent Gbagbo and demanded fair and balanced access to State organs for all political parties." (IRB, 9 June 2010)

A mission report by Amnesty International (AI) further describes instances of violence involving RHDP and security forces as follows:

"The team investigated the many human rights violations and abuses that occurred before, during and after the 16 December 2010 march organized by the supporters of Rally of Houphouetists for Democracy Peace (RHDP - the coalition supporting Alassane Ouattara) in Abidjan. During the march there were violent clashes between protestors and the security forces. Dozens of unarmed demonstrators were killed, arrested and ill-treated by security forces loyal to Laurent Gbagbo and three policemen were killed at the PK18 (an Abidjan suburb) by demonstrators armed with guns. [...]"

After the 16 December 2010 march, supporters of the RHDP targeted Liberian refugees who had lived in Abidjan for several years or decades. They accused them of being "mercenaries" hired by forces loyal to Laurent Gbagbo." (AI, 22 February 2011, pp. 1, 4)

3.3.3.4 FRCI

The Forces Républicaines de la Côte d'Ivoire (Republican Forces of Côte d'Ivoire – FRCI) were set up in March 2011 by President Alassane Ouattara. (IRIN, 5 October 2011).

According to a 2011 report from the International Crisis Group (ICG), the FRCI is "composed of FDS elements who had come over to his side and the former rebel forces of the FN." (ICG, 1 August 2011, p. 3)

The same report also provides the following information regarding the lack of cohesiveness of the FRCI following its creation:

"One month after it was created, the FRCI is still suffering from a serious lack of cohesiveness and the absence of a centralised command structure. Many senior FDS officers, close to Laurent Gbagbo, have been arrested or removed and a few of them have been killed. Retired officers have been recalled to try and fill the gap. [...]"

At least two command structures exist within the FRCI. One of them includes former FDS officers who transferred their allegiance to Ouattara soon after the post-electoral crisis or just before Gbagbo's fall. The other is composed of former rebel leaders. Not surprisingly, these two structures do not share the same vision of what their role should be." (ICG, 1 August 2011, p. 3)

Regarding the role played by the FRCI during the post-election crisis, a September 2011 report by the UN High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire highlighted the following:

"The FRCI has filled the gap created by the lack of State authority, the collapse of public administration and of the delivery of public services in key areas of the country by taking on a number of State prerogatives such as the collection of commercial, mine and border taxes. The FRCI also usurps the role of the law enforcement and judicial authorities regarding the resolution of criminal and economic disputes. Only civil affairs are being referred to courts.

While there are cases of arrest and detention of members of the FRCI for alleged involvement in armed robberies and theft, the response of the FRCI hierarchy and other relevant authorities so far has been inadequate in relation to the gravity of the violations." (UNHRC, 20 September 2011, p. 6)

Human Rights Watch (HRW) reports on various cases of human rights violations committed by the forces, especially against pro-Gbagbo supporters:

"Ouattara's Republican Forces of Côte d'Ivoire (Forces Républicaines de la Côte d'Ivoire, FRCI) killed at least 95 unarmed people in Abidjan during operations in late April and May, when they sealed off and searched areas formerly controlled by pro-Gbagbo militia, Human Rights Watch found. The majority of documented abuses occurred in the longtime pro-Gbagbo stronghold of Yopougon, the focus of the final battle in Abidjan. Most killings were point-blank executions of youth from ethnic groups generally aligned with Gbagbo, in what appeared to be collective punishment for these groups' participation in Gbagbo's militias. [...]

In addition to killings, Human Rights Watch interviewed young men who had been detained by the Republican Forces and then released, and documented the arbitrary detention and inhumane treatment of scores more young men - often arrested for no other apparent reason than their age and ethnic group. [...] Several described torture, including forcibly removing teeth from one victim and placing a burning hot knife on another victim, then cutting him." (HRW, 2 June 2011)

In another report published in October 2011, the same source writes the following:

"Until their military offensive began in the country's far west, armed elements loyal to Ouattara were implicated in few serious abuses. However, wherever they met stiff resistance once armed conflict began—primarily in the west and Abidjan—soldiers systematically targeted civilians perceived to support Gbagbo. Men, especially youth, were particularly targeted for their perceived affiliation with militias, but the elderly, women, and children were also killed. In total, hundreds were killed, most along ethnic lines, and dozens of women were raped. These abuses at times implicated high levels of the Republican Forces leadership, either directly or through command responsibility. [...]

Human Rights Watch documented the killing of civilians by pro-Ouattara forces in at least a dozen villages around Toulepleu and Bloléquin, including by point-blank execution, dismemberment, and immolation. While the majority of the region's ethnic Guérés fled in anticipation of the Republican Forces' attack, those who remained were subjected to collective punishment for the group's perceived support for Gbagbo." (HRW, 5 October 2011, pp. 75-76)

Similarly, the Integrated Regional Information Networks states that “[i]nsecurity is particularly acute in the west. From mid-July to mid-August 2011, UNOCI reported 26 extrajudicial or arbitrary killings committed by FRCI forces, most of them in the west; as well as reports of FRCI involvement in banditry and racketeering.” (IRIN, 5 October 2011)

With respect to persecution related to ethnic identity, an article by IRIN provides the following information:

“Residents of the Yopougon District, from where the government army Forces Républicaines de Côte d'Ivoire (FRCI) recently chased Gbagbo militia, told IRIN people from many ethnic groups - particularly Bété and Guéré - are not safe.

‘We thought when FRCI came and forced the militia out, there would be security - it has been exactly the opposite,’ Toupé said.

Attacks by FRCI are not linked to whether or not one was a Gbagbo militant, residents told IRIN. ‘It’s enough that you have a name from one of these ethnic groups of the west,’ Toupé, from Yopougon, told IRIN from a neighbourhood where he has been hiding since mid-April. ‘You’re lucky if all you get is a broken arm or leg.’

He lived in the largely pro-Gbagbo Sicogi area of Yopougon. ‘For them [FRCI], if you’re a youth and you’re from there, you’re with the militia - that’s it, you’re through.’” (IRIN, 3 June 2011)

Persecution against pro-Gbagbo supporters was also reported by Amnesty International (AI) in a 2013 report:

“The national army, set up by President Alassane Ouattara in order to integrate forces loyal to the former President in the wake of the 2010 post-election violence which led to nearly 3,000 deaths, was supposed to ensure “the safety of person and property without distinction” and “be a powerful instrument for national cohesion”.

But the truth behind this public gloss is that this new national army, along with an armed militia of traditional hunters - the Dozos - are carrying out extra-judicial executions, deliberate and arbitrary killings, politically motivated arrests and torture. They are acting with almost total impunity under the pretence of ensuring security and fighting against perpetrators of armed attacks.

In September and October 2012 an Amnesty International delegation visited a number of places of detention, including two unofficial ones. The delegates heard first hand testimonies about how detainees, largely held for their political or ethnic affiliations, are being held for months at a time, with no access to their families, lawyers or doctors.” (AI, 26 January 2013)

3.3.3.5 [Dozo Militia](#)

According to an article by the Integrated Regional Information Networks (IRIN), the Dozos are “a brotherhood of initiated traditional hunters renowned for their mystical powers, and to be found in Burkina Faso, Côte d'Ivoire, Guinea and Mali.” (IRIN, 1 August 2011). The article also explains:

“In Côte d'Ivoire in the 1990s the dozos began to assume a role of unofficial neighbourhood police - called in by some communities and authorities to control worsening crime amid inadequate state police protection. [...]

Throughout the north, the dozos' base in Côte d'Ivoire, it has long been common to see the men standing guard at homes or businesses or riding about on motorcycles, rifles in hand, long knives in tunic pockets. There are currently 20,000 dozos in Côte d'Ivoire, according to Balla Dembélé, a dozo leader based in Duékoué.” (IRIN, 1 August 2011)

Amnesty International (AI) describes the role of the Dozo in Ivorian society and its alleged cooperation with the FRCI as follows:

“The Dozos are from a powerful brotherhood of hunters present in several countries in the subregion. They have also been progressively involved in the Ivorian conflict over the past decade. In particular, they have ensured the safety of those including the Dioulas who were regularly subjected to threats and attacks by security forces and militias loyal to former President Laurent Gbagbo. These traditional hunters, have formed as a militia, and have consistently fought alongside the New Forces (that controlled the north of the country since the attempted coup in 2002) and have committed serious abuses, including during the 2011 post-electoral crisis, the deliberate killing of people often because of their ethnicity.

Since Alassane Ouattara's coming to power, the Dozos have gained considerable importance over the whole territory and their presence has increased notably in the west of the country where some of their members ransom the population and carry out arbitrary arrests assuming a self-appointed policing role.

Though the Dozos have their own command structure, the state exercises nevertheless a certain control over them. Amnesty International has collected information confirming the existence of a close cooperation and coordination between the FRCI and the Dozos (particularly in the context of numerous joint operations).” (AI, 29 July 2013, p. 17)

Regarding the allegations of human rights violations committed by the Dozo during the Ivorian political insecurity, Amnesty International's (AI) Annual 2015 report explains:

“In December 2013, the UN Operation in Côte d'Ivoire (UNOCI) released a report on the Dozo, a group of traditional hunters who fought on behalf of Alassane Ouattara during the post-electoral crisis. The report documented serious human rights violations allegedly committed by members of the Dozo between March 2009 and May 2013, including unlawful killings, illegal arrest and detentions, looting and extortions. At least 228 people were killed, 164 others injured by bullets, machetes and knives, and 162 arbitrarily arrested and illegally detained. In addition, 274 cases of looting, arson and extortion were verified and confirmed, including in the regions of Gbôklé, Haut-Sassandra, Gôh, Cavally, Guémon, Tonkpi, Marahoué, Nawa, Indenie-Djuablin, Poro and Moronou” (AI, 25 February 2015)

Reports of refugees and internally displaced persons unwilling to return home due to constant threat from the Dozo militia were also documented during the post-election crisis, as described by the International Business Times (IBT):

“President Alassane Ouattara's government forces, with the help of an inscribed militia of Dozo tribesmen, have been intimidating those loyal to former president Laurent Gbagbo. Many

villagers are now living and hiding in the woods, while 150,000 have fled across the Liberian border.

'Côte d'Ivoire security forces and a state-backed militia are creating a climate of fear that is preventing hundreds of thousands of people displaced by post-election violence from returning to their homes,' Amnesty said in a report released today.

The government has set up the Dozo security forces at checkpoints along major roads, as well as allowing them to patrol the towns abandoned after the March violence. According to reports, armed militiamen ride around empty villages on motorcycles, waiting for anyone to come back." (IBT, 28 July 2011)

With regard to their current position within society, the United States Department of State (USDS) notes in its March 2017 report, "Dozos (traditional hunters) assumed an informal security role in many communities, although they had no legal authority to arrest or detain. The government discouraged the Dozos, whom most residents feared, from assuming security roles." (USDS, 3 March 2017)

Concerning recent land disputes involving Dozos, Human Rights Watch (HRW) explains:

"In March, violent intercommunal clashes between pastoralists and farmers in Bouna, in the northeast, left at least 27 people dead and thousands more displaced. Armed traditional hunters, known as Dozo, intervened in the conflict and were responsible for at least 15 of the killings. The government subsequently charged the Dozo chief from Bouna with murder, and some 70 Dozos were among more than 115 people arrested for their role in the violence. More than 75 people at time of writing remained in detention awaiting trial." (HRW, 12 January 2017)

A report by Bertelsmann Stiftung's Transformation Index (BTI) also notes: "[f]urther problems remain in the form of the still incomplete cantonment of several thousand former combatants and the continuing weak territorial control in two provinces that border Liberia (where returning refugees and militias represent a threat to the state's monopoly)." (BTI, 2016, p. 5)

3.3.3.6 UNOCI

The United Nations Operation in Côte d'Ivoire was established on 4 April 2004, with a mandate to "facilitate the implementation by the Ivorian parties of the peace agreement signed by them in January 2003." (UNOCI, n.d.-a).

Regarding the operation's objectives, the United Nations portal explains:

"UNOCI's primary objective was to facilitate the implementation by the Ivorian parties of the peace agreement signed by them in January 2003 which aimed at ending the Ivorian civil war. Its mandate was subsequently extended and adjusted on several occasions to meet new requirements and reflect the evolving situation in the country." (UNOCI, n.d.-a)

The presence of the international forces in Côte d'Ivoire was contested in two occasions, 2004 and 2006, as explained by Amnesty International's (AI) May 2011 report entitled "They looked at his identity card and shot him dead":

“The legitimacy of their presence has been called into question by supporters of the then President Laurent Gbagbo in the wake of two very serious confrontations – in November 2004 and January 2006 – between Ivorian civilians, the majority of them unarmed, and international forces. During large-scale demonstrations and confrontations with civilians, who had the tacit and at times explicit approval of the security forces and some Ivorian politicians, international forces used lethal force in November 2004 and January 2006. Dozens of civilians were killed and injured. In both cases, the international forces maintained that they had acted in self-defence. Political parties and groups professing support for President Gbagbo have, for their part, repeatedly insisted that international forces fired live bullets at ‘unarmed demonstrators’.” (AI, 25 May 2011, p. 9)

The adjustments to UNOCI’s mandate have reflected the changing nature of its activities over the years. A report published by the Partnership for Effective Peacekeeping (PEP) explains the following:

“Historically, UN peacekeeping missions were deployed to uphold interstate peace agreements and neutrally monitor borders and disputed territories. In the post-Cold War environment however, peacekeeping missions have been increasingly deployed to countries characterized by intrastate war. Facing new challenges and more complex environments, the United Nations struggled to remain neutral and effective in the face of clear belligerents and victims. [...]

Upon escalation of the conflict and rising civilian casualties, regional leaders urged the Security Council to give UNOCI a stronger mandate. The result was Resolution 1975 (March 2011), which tasked UNOCI, along with the aid of French troops, with “impartially implementing its mandate, to use all necessary means to carry out its mandate to protect civilians under imminent threat of physical violence...including to prevent the use of heavy weapons against the civilian population.” The UN Security Council deemed that civilians were under threat of imminent violence: pro-Gbagbo forces repeatedly fired rocket-propelled grenades against UNOCI personnel and used armored carriers equipped with machine guns to fire indiscriminately at civilians. UNOCI had the right to use force in self defense and had the mandate to protect those citizens and do what they could to destroy the weapons.” (Friedrichs, 20 April 2011)

According to The Guardian, UNOCI finally broke the impasse in April 2011:

“Unoci and French helicopters fired on Gbagbo’s presidential palace and military barracks. Unoci claimed it launched the campaign to “neutralise” the heavy weapons that Gbagbo’s special forces had been using against the civilian population, destroying them in four locations.” (The Guardian, 5 April 2011)

According to UNOCI’s website, “Following the 2010 Presidential election and the ensuing political crisis in Côte d'Ivoire, UNOCI has remained on the ground to support the new Ivorian Government.” In 2013, however, the authorized military strength of UNOCI was reduced. Its mandate has been extended until 30 June 2016, and will focus mainly on demobilization, disarmament and reintegration of ex-combatants and the security-sector reform. (UNOCI, n.d.-a)

In January 2016, “[r]eflecting the ‘considerable and continued progress’ in consolidating peace and stability in Côte d'Ivoire, the Security Council [...] cut a further 1,500 troops from the United

Nations peacekeeping Mission”, decreasing the authorized ceiling “from 5,437 to 4,000 military personnel by 31 March.” (UN News Service, 20 January 2016).

Regarding UNOCI’s mandate extension, Human Rights Watch (HRW) explains:

“On April 28, 2016, the UN Security Council extended the mandate of the UN peacekeeping mission, the UN Operation in Côte d'Ivoire (UNOCI), for a final time, to June 30, 2017. The UN Security Council also terminated the arms embargo and individual sanctions first imposed in 2004. UNOCI progressively reduced its military and civilian components throughout 2016, leaving France, the European Union, and the United States as the government's principal partners on justice and security sector reform.” (HRW, 12 January 2017)

Finally in June 2017, UNOCI ended its mission in Côte d'Ivoire. On this subject, Amnesty International (AI) explains:

“On 30 June 2017, the United Nations Operations in Côte d'Ivoire (UNOCI) will close after more than 13 years in the country, a period which included the 2010-2011 election crisis. While the security and human rights situation has improved since the mission was created in 2004, the series of mutinies which have left at least 10 people dead since the beginning of the year demonstrate that the situation in Côte d'Ivoire remains fragile.

Amnesty International is concerned that the simultaneous closure of UNOCI and the end of the mandate of the UN Independent Expert on capacity building and technical cooperation in Côte d'Ivoire could reduce international support and scrutiny at a moment when human rights challenges are increasing.” (AI, 29 June 2017, p. 1)

The President of the UN Security Council further added, with regard to the completion of UNOCI’s mandate in Côte d'Ivoire:

“The Security Council stresses the need for continued progress, following UNOCI’s withdrawal, in the fight against impunity, the advancement of national reconciliation and social cohesion, the full and equal participation of women in government and public institutions, the reform of the security sector, the promotion and protection of human rights, including through the work conducted by the National Human Rights Commission, as well as the management of refugee returns, statelessness, and land tenure.

Taking note of recent incidents involving members of the security forces as well as former combatants, the Security Council reaffirms in particular the necessity to prioritize without delay and accelerate the complete implementation of its national security sector reform strategy, in order to further strengthen the professionalization and cohesion of the national security services and to enhance confidence within and between the security forces and the population. The Security Council also stresses the importance of accelerating and consolidating efforts to develop and implement sustainable reintegration opportunities for former Ivoirian combatants, as well as of continuing efforts to improve the monitoring and management of weapons in order to reduce the number of illicit weapons in circulation. The Security Council underlines the crucial contribution of security sector reform to the stability of the country as well as to continued progress in security, national reconciliation and social cohesion.” (UN Security Council, 30 June 2017)

3.4 For more information regarding the military mutiny, which took place in Côte d'Ivoire in 2017, please refer to sub-section 3.3.4.2 of this compilation. Recent developments

Regarding the initial measures taken by President Alassane Ouattara since the beginning of the crisis, a report published by the International Peace Institute (IPI) notes:

“One of the key decisions President Ouattara made since the beginning of the post-electoral crisis was to sign a decree on March 17, 2011, creating the Republican Forces of Côte d'Ivoire (Forces Républicaines de Côte d'Ivoire [FRCI]), as an attempt to symbolically unify ex-rebel Forces Nouvelles and those members of the national Defense and Security Forces that would side with Ouattara. Not all members of the DSF voted for Gbagbo, and Ouattara early on claimed to have the backing of some senior army officers; meanwhile, Ouattara-appointed Prime Minister and Minister of Defense Guillaume Soro also appointed some DSF officers as part of his new government. By creating the appellation “Republican Forces of Côte d'Ivoire”—a term almost immediately adopted by most media—the Ouattara camp achieved the double aim of ending the “Gbagbo-loyal national DSF versus ex-rebel Forces Nouvelles” dialectic and sending a signal to members of the Defense and Security Forces that most of them would be welcome as part of the future national security forces of the country if they distanced themselves from Gbagbo.” (Boutellis, May 2011, p. 13)

Other measures undertaken by President Ouattara are described in the report of the UN High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire dating from September 2011:

“Following his official inauguration, President Ouattara reshuffled his cabinet on 1 June by confirming and appointing ministers to his Government. Laurent Gbagbo's Front populaire ivoirien (FPI) is not represented in the Government. On 7 July, President Ouattara also appointed top military commanders of the FRCI. During an official meeting with the military commanders in Abidjan on 22 July, President Ouattara admonished them to remain professional while emphasizing his intention to create an armed force that respects human rights and responds to the aspirations of the population. [...]

On 20 July, President Ouattara announced the creation of a national commission of inquiry to investigate human rights violations committed during the post-electoral period. The presidential decree establishing this Commission indicated that it is a non-judicial body. Efforts were also undertaken to strengthen the Dialogue, Truth and Reconciliation Commission (DTRC) particularly through the enactment of an Ordinance creating the Commission, its membership and functions and the appointment of the members of the DTRC, on 5 September 2011. On 24 June, the Minister of Justice announced the creation of a special unit to investigate human rights violations committed in connection with the postelection violence.” (UNHRC, 20 September 2011, p. 5)

Other measures were also described by the International Federation for Human Rights (FIDH):

“On 17 December 2012, the Ivorian government and the opposition parties resumed the discussions that started during the first half of 2012 but were suspended for many long months. Discussions were held between the Ivorian Minister of the Interior Mr. Hamed Bakayoko and the opposition political parties, joined together in the Permanent Forum for Dialogue (Cadre permanent de dialogue – CPD). [...]

The most symbolic boost to the political process was unquestionably the 20 December 2012 interim release of nine persons close to Laurent Gbagbo in application of a decision by the Abidjan Investigative Chamber of the Court of Appeal, but this decision gave rise to the question of the independence of the Ivorian judiciary and its possible manipulation by the political powers. [...]

The prisoner release was very important to the Gbagbo supporters who felt that this decision gave strength to a scenario that they truly wanted and felt was more and more feasible, i.e., amnesty for a certain number of pro-Gbagbo defendants after a trial and, in some cases, a conviction.” (FIDH, 22 October 2013, pp. 7-8)

Also in 2012, the government launched the National Programme for Social Cohesion. According to the Independent Expert on capacity-building and technical cooperation with Côte d’Ivoire in the field of human rights:

“The violence that marked the past two decades has sown discord and mistrust among the different communities in Ivorian society. It is necessary to bring back harmony and trust among Ivorians in order to build a lasting peace and restore a climate that favours human development. The National Programme for Social Cohesion was established to achieve that goal. The Programme was launched in 2012 for a renewable period of four years. It is run by a national coordination group and has regional branches. The Programme has been assigned a budget of 7 billion CFA francs and receives support and technical cooperation from a number of United Nations bodies.

Above all, the Programme takes two approaches to tackling the social tensions that fueled the crises of the past two decades. The first looks at the disagreements that emerged at the top of the political hierarchy. These were rooted in the ideology of “l’ivoirité” and resulted in armed conflicts. The second approach addresses the grassroots and concerns land disputes and intercultural and ethnic tensions within the population.

In order to restore social cohesion, the Programme focuses on four major areas: peace, solidarity, intercultural dialogue and reconciliation. As part of the Programme, a number of actions have been taken to reinforce these values. The most important is awareness-raising. In practice, this involves carrying out actions to educate people about community spirit, tolerance and acceptance of differences. Above all, emphasis has been placed on the important role of the media in preserving peaceful coexistence among Ivorians. They have been encouraged to act responsibly and give priority to stories which promote respect for differences and constructive dialogue.” (UNHRC, 27 April 2015, pp. 15-16)

Other mechanisms that were created following the end of the 2010-2011 hostilities include the Dialogue, Truth and Reconciliation Commission, the Special Investigative Cell (CSEI), and the National Investigation Commission. (UNHRC, 27 April 2015, p. 1). For more information on these institutions, please refer to section 2.2 of this compilation.

In 2013, “[l]awmakers passed two laws concerning nationality [...]. One will allow foreigners to acquire Ivorian citizenship upon marriage to an Ivorian national. The second will allow foreign-born residents living in Ivory Coast since before independence to become citizens along with their descendents.” The Reuters article also explains that the laws will “ease access to citizenship for millions of foreigners and improve state regulation of land ownership.” (Reuters, 23 August 2013).

With respect to the nationality law and the law on land tenure, the UN Independent Expert on the situation of human rights in Côte d'Ivoire stated in an August 2013 article by the UN News Service:

"The law on nationality has redressed a recurrent factor of instability and weakening of the Ivorian society by embracing Côte d'Ivoire's international commitments on statelessness and human rights,' Mr. Diène said. 'The law on land tenure promotes intercommunity cohesion and joint economic prosperity by restoring law and justice as fundamental bedrock of the Ivorian society.'" (UN News Service, 29 August 2013)

Freedom House, in its 2015 Freedom in the World report discusses the effects of the nationality law as follows:

"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." (Freedom House, 19 June 2015)

In reference to the government's disarmament efforts, the Institute for Security Studies (ISS) explains:

"On 30 June 2015, the government of Côte d'Ivoire announced the end of the disarmament, demobilisation and reintegration (DDR) process, one of the key components of its post-conflict reconstruction strategy. According to the government, 85% of former combatants have been successfully disarmed and reintegrated into society." (ISS, 8 July 2015)

Despite all the efforts and the development of the various mechanisms, a February 2015 article by the Internal Displacement Monitoring Centre (IDMC) explains the following:

"A climate of fear and inter-communal mistrust still pervades in the west of the country. Recurrent clashes and cross-border attacks by armed groups along the Liberian border continue to force thousands of people to flee their homes (The Inquirer, May 2014). Ivorian and Liberian mercenaries loyal to Gbagbo and disaffected former Ivorian soldiers have allegedly been behind some of the attacks (HRW, 6 June 2012; WhatsInBlue, October 2014). Anxiety and rumours surrounding such incidents." (IDMC, 26 February 2015).

Regarding the issue of lack of identification and citizenship, Open Society Foundation further notes:

"Tensions arising from lack of identification and arbitrary deprivation of citizenship were acknowledged by both the Linas-Marcoussis (2003) and the Ouagadougou (2007) Peace Agreements as the root causes of the conflict in Côte d'Ivoire. While the authorities have since initiated a nationwide birth registration program, known as *audiences foraines*, the birth certificates in question do not confer citizenship. Moreover, neither peace agreement has dealt with the highly restrictive and problematic application of articles governing who qualifies for Ivorian nationality." (Open Society Foundation, 30 October 2016)

3.4.1 *International Criminal Court*

On 31 March 2011, the International Committee of the Red Cross (ICRC) declared:

“At a press conference in Geneva (31.03.11), ICRC head of operations Pierre Kraehenbuehl said that the situation in Cote d'Ivoire now amounted to an internal armed conflict, causing thousands of casualties and widespread displacements of population.” (ICRC, 1 April 2011)

In another article, the same source noted, “[w]ith the entry into force of the International Criminal Court, individuals will also be accountable for war crimes committed in non-international armed conflict.” (ICRC, January 2003, p. 2)

Regarding the jurisdiction of the International Criminal Court (ICC) in Côte d'Ivoire, the International Federation for Human Rights (FIDH) explains the following:

“The jurisdiction of the ICC in Ivory Coast, which became a party to the Rome Statute on 15 February 2013, dates back to 18 April 2003 when Ivory Coast, under the presidency of Laurent Gbagbo, accepted the jurisdiction of the Court (Declaration referring to article 12-3 of the Rome Statute, 18 April 2003). On 14 December 2010, President Alassane Ouattara re-affirmed acceptance of ICC jurisdiction and yet again on 3 May 2011 (Letter reconfirming acceptance of the ICC jurisdiction dated 14 December 2010).” (FIDH, 22 October 2013, p. 10)

In light of the above, in November 2011, “The international criminal court [...] charged former Ivory Coast president Laurent Gbagbo with murder, rape, persecution and inhuman acts, crimes allegedly committed as his backers fought to keep him in power [...]” (The Guardian, 30 November 2011)

According to the BBC, “Mr Gbagbo is the first former head of state to be detained by the ICC, although Slobodan Milosevic of Yugoslavia and Liberia's Charles Taylor were tried by special courts in The Hague.” (BBC News, 12 June 2014)

Human Rights Watch (HRW) also addresses the following issue:

“In October 2011, the ICC judges approved the prosecutor's request to open an investigation, the scope of which was later extended to include crimes committed since September 19, 2002. By the end of November 2011, Laurent Gbagbo, accused by the ICC of being an indirect co-author on four counts of crimes against humanity, had been arrested and transferred to The Hague, where he remains in custody. In November 2012, ICC judges unsealed an arrest warrant against the former first lady, Simone Gbagbo, for crimes against humanity, alleging that she acted as Gbagbo's “alter ego” in overseeing atrocities in Côte d'Ivoire.” (HRW, 3 April 2013)

Although Simone Gbagbo eventually remained in Côte d'Ivoire, where she was sentenced to 20 years in jail for her role in the violence that followed the 2010 elections (BBC News, 10 March 2015), “[i]n December, the Pre-Trial Chamber of the ICC rejected Côte d'Ivoire's challenge to the admissibility of the case against [her].” (AI, 25 February 2015).

Amnesty International (AI) also writes:

“In March, Côte d’Ivoire surrendered Charles Blé Goudé, accused of crimes against humanity committed during post-electoral violence, to the ICC. In December, the ICC confirmed four charges of crimes against humanity against him and committed him to trial. (AI, 25 February 2015).

Charles Blé Goudé, an ally of Ivory Coast ex-President Laurent Gbagbo, and former minister, has also been charged with committing crimes against humanity during clashes that followed the 2010 election. (HRW, 25 January 2016).

Regarding the charges filed against Laurent Gbagbo and Charles Blé Goudé, the International Federation for Human Rights (FIDH) notes:

“Both Laurent Gbagbo and Charles Blé Goudé have had similar charges confirmed against them concerning the same crimes committed during the post-election crisis between 16 December 2010 and on or around 12 April 2011 in Abidjan. Although the alleged participation of Gbagbo and Blé Goudé in the conception and implementation of a joint criminal enterprise is not exactly the same, the alleged conduct is nevertheless closely linked.” (FIDH, 27 January 2016)

Another report from Amnesty International (AI) also explains:

“The trial of former President Gbagbo and Charles Blé Goudé before the ICC began in January and was ongoing at the end of the year. In February, President Ouattara announced that no more Ivorian nationals would be sent to the ICC for prosecution because the national justice system was operational.” (AI, 22 February 2017)

Despite the charges, the ICC has also attracted criticism, as explains Human Rights Watch (HRW):

“Until now, however, the ICC has yet to bring charges against anyone for abuses committed by pro-Ouattara forces during the post-election crisis. The one-sided focus of the ICC’s cases has polarized opinion about the court and undermined perceptions of its legitimacy, particularly among Gbagbo supporters. The ICC Prosecutor’s office has only recently intensified its on-the-ground investigations into pro-Ouattara forces. Although President Ouattara has said that no further suspects will be transferred to the ICC, these investigations remain a vital lever to push for impartial justice at a national level.” (HRW, 8 December 2015, p. 6)

3.4.2 Reintegration of former combatants

The Office français de protection des réfugiés et apatrides (OFPRA) discusses the issue of the reintegration of former combatants as follows:

“Following the arrest of Laurent Gbagbo, many commanders of the “patriotic” militias have gone into exile in neighboring countries. Those who have not left the country are very discreet or have made themselves available to the State in the framework of the national reconciliation process.

Numerous ex-combatants have made themselves available to the Autorité pour le Désarmement, la Démobilisation et la Réintégration des ex-combattants (ADDR) created in 2012. The ADDR, which succeeded in demobilizing, reintegrating and reintegrating 55,000 ex-

combatants out of an initial total of 74,000, was abolished in 2015, giving way to the establishment of the Cellule de Coordination, de Suivi et de Réinsertion (CCSR). [...]

Despite the reintegration of many ex-combatants, there are still a large number of pro-Gbagbo detainees in pre-trial detention who have exceeded legal deadlines. Around 50 detainees were released in January 2015 after the prosecution of pro-Gbagbo prisoners arrested in connection with the post-electoral crisis.” (unofficial translation, OFPRA, 12 May 2016, p. 6)

Concerning the threats that former combattants may pose to the current stability of the country, an article dating from June 2017 by Mail & Guardian Africa explains:

“Dissatisfied ex-combatants who aren’t serving in Côte d’Ivoire’s formal military structures pose the biggest long-term threat to the stability of the country. This is particularly true in regions where groups of these men were present during the civil wars.

At least 42,564 ex-combatants emerged out of Côte d’Ivoire’s first civil war which stretched from 2002 to 2007. By the end of the second civil war, which started in 2010 and ended in 2011, the number of ex-combatants had risen to 74,000.

The Ivorian government set out to integrate only about 8,400 ex-combatants into the national army. The majority of ex-combatants were supposed to go through a regular disarmament, demobilisation and reintegration (DDR) programme. The programme was designed to remove weapons from combatants and take them out of military structures by helping them to integrate socially and economically into society.

The UN claims that the programme in Cote d’Ivoire has been successful. But recent protests and reports of disorder perpetuated by ex-combatants in Bouaké are evidence that the process hasn’t been seamless. Former combatants – particularly those who weren’t enlisted in the army – continue to pose a threat to the country’s stability.” (Mail & Guardian, 22 June 2017)

3.4.3 *Mutiny and social revolt*

In January 2017, a mutiny broke out in Côte d’Ivoire, as explained by the German Federal Office for Migration and Refugees:

“On 6 January 2017, several troops seized control of Bouaké, the country’s second-largest city. Troops throughout most parts of the country then joined the mutiny. According to eye witness accounts, gunfire erupted at an Army base in the economic capital of Abidjan on Saturday. Although the parties agreed at negotiations to terminate hostilities, this was not supported by all mutinying troops. Shortly after news of the agreement leaked, the Minister of Defence, other government representatives, journalists and troops involved in the negotiations were temporarily suspended. The troops are demanding pay increases and better working and living conditions.” (Germany, 9 January 2017, p. 6)

An article by Socialist Alternative also explain the extent of this revolt:

“When Ouattara gathered an army based on Northern poor farmers and craftsmen led by newly risen warlords to help him kick the then President, Gbagbo, out of power, he allegedly promised them \$10.000 each, though no written word exists of that agreement. In 2014 already, a surprise mutiny spread to every barracks in the country and soldiers were seen marching in the streets in Bouaké and Abidjan.

This year again, ex-rebel soldiers have risen to demand the payment of their war money, as well as better living conditions. [...] Even though backstage deals are not excluded, it appears that this movement is essentially an uprising of the poorest and most downtrodden layers of a ragtag army, angry at being forgotten by their leaders who have enriched themselves. Even though the mutineers have stolen property, they have mostly targeted signs of wealth and privilege such as expensive cars, etc. While civilians were left unhurt, the army chiefs and the Defense Minister were taken hostages. This was essentially a class revolt inside the army. [...]

Public sector workers have been demanding the payment of unpaid wages due since at least 2009, worth a total of €380 million. A movement had already been initiated in 2013, but it was very disorganized and did not bring much. [...] But now, a new movement has been sparked by the implementation of a new pension law that aims to increase the retirement age by 5 years, cut retirement benefits by half, and increase the taxes taken from workers' wages in order to pay for their pension. [...]

Teachers are also enraged at a decision by the Minister of Education that classes should be given on Wednesdays in primary schools. Until now, Wednesdays had been a day off, although many teachers use this to give paid "reinforcement" classes to students. [...] This time, the strike has been united across the public sector: teachers, nurses, and public administration workers are all together in one movement. All decisions are taken during general assemblies of workers' representatives, held in university lecture halls." (Socialist Alternative, 28 January 2017)

The mutiny only lasted a few days, as explained by another briefing note from the German Federal Office for Migration and Refugees:

"The government and troops involved in a mutiny have reached agreement, ending the conflict over bonus payments. A government representative said the soldiers had been promised a special bonus of EUR 7,500 each. The money is to be paid over a period of several months. The troops had originally demanded twice this amount. The soldiers' average pay is around EUR 150 per month. The mutiny began a week ago in Bouaké and spread to other army bases (cf. BN of 9 January 2017). When rogue soldiers kidnapped the Minister of Defence and detained him for several hours, it was feared that a military coup could take place. There were no casualties." (Germany, 16 January 2017, p. 5)

In May 2017, another mutiny broke out in the country, as exposes an article by Ventures Africa:

"On Friday, May 12th, 2017, what many observers feared after the January mutiny happened. The fall of cocoa prices, Cote d'Ivoire's main revenue source, which deeply affected the country's economy, led the government to reduce its budget by 9 percent last week. [...] [A] ceremony was organised at the presidential palace in Abidjan where some soldiers who supposedly were behind the mutiny in January apologised to President Alassane Ouattara and renounced the remaining 10,000 euros they were promised, implying that they understood the tense financial situation the country was facing.

Unfortunately, another set of these mutineers apparently didn't agree to this and decided to express their disagreement by taking control of Bouake, the second city from which the mutiny arose in January. They also took control of the main military camps of Abidjan. The situation was therefore very tense on Friday as the government declared that, at this point, a negotiation was no longer possible, implying that they would resort to force if necessary in order to reestablish the order in the country." (Ventures Africa, 17 May 2017)

Instances of violence were reported by Amnesty International (AI), as follows:

“Authorities in Côte d'Ivoire must urgently open an independent investigation into the deaths of eight people and more than ten injured this month and bring those responsible to justice in fair trials, Amnesty International said today. The events occurred over two periods of violence about disputed bonus payments.” (AI, 24 May 2017)

An article by African Arguments provides a thorough explanation of the how both mutinies came about:

“There are three ways to understand why these mutinies are erupting now. The first is to see it as a labour issue, an approach advanced in a piece by the Nordic Africa Institute. This understanding situates the mutiny within broader social discontent in Côte d'Ivoire, where it is not just the soldiers but teachers and civil servants that are on strike. While the country has benefited from strong economic growth since the end of the civil war, there is a perceived disconnect between growth and redistribution. The military crisis can therefore be seen as a social crisis which questions the way Côte d'Ivoire's economic gains have been shared.

Another way to see the mutiny is as part of a political crisis. There are many rumours circulating in the country that Guillaume Soro, who led the rebel forces during the civil war, was behind the January revolt. Soro is currently president of the National Assembly and it has been suggested that the mutiny, which happened at a moment key governmental positions were being reviewed, was timed to warn against his removal. The fact that the mutiny started up again this May does not necessary call into question that hypothesis, but simply suggests the crisis evolved beyond its initial trigger.

A third approach to understand the recent events is to look at the army itself and the tensions between its various factions. For some analysts, the delay in addressing key reforms in the security sector since the civil war has been a crucial factor in the army's rising disenchantment.” (African Arguments, 17 May 2017).

Another article by Amnesty International (AI) provides the following analysis of the situation:

“This series of mutinies and clashes with demobilised soldiers raises serious concerns about the ability of the government to exercise civilian control over parts of the military and to hold members of the armed forces accountable for human rights violations. These events also call into question the results of the demobilisation, disarmament and reintegration process which ended in 2015.” (AI, 29 June 2017)

The Integrated Regional Information Networks (IRIN) provides an additional analysis of the sporadic violence taking place in Côte d'Ivoire in 2017:

“Just as it seemed to be turning the page after a decade-long crisis marked by two civil wars, violence has again become worryingly routine in Côte d'Ivoire. Since the beginning of the year, barely a month has gone by without the sound of military gunfire erupting somewhere. [...]

‘Now we are worried,’ said Pierre Kouamé Adjoumani, the president of the Ivorian Human Rights League. ‘We thought Côte d'Ivoire was gradually emerging from its crisis, but we are increasingly witnessing the old demons awaken,’ he told IRIN. ‘The army, which should be giving people confidence, is unfortunately the one rising up because of unkept promises. If it's not [serving] soldiers, it's those who have been demobilised who are demonstrating,’ he said, referring to thousands of former combatants who were not integrated into the army. [...]

Those non-integrated former fighters 'pose the biggest long-term threat to the stability of the country,' Tarila Marclint Ebiede, an expert on militancy [...], wrote last month in *The Conversation*. Ebiede pointed to some "serious flaws" in the disarmament, demobilisation, and reintegration programmes for the former fighters. 'Many of them face an uncertain future with dim job prospects. And their situation seems much worse than their compatriots who have been integrated in the military, securing jobs and financial rewards. 'This issue needs to be addressed to reduce the risks of conflict recurrence and instability in Côte d'Ivoire,' he wrote." (IRIN, 21 July 2017)

For further information of human rights abuses committed during this period, please refer to Section 5 of this compilation.

3.5 *Abuses by armed groups*

On 13 March 2016, militants launched a gun attack in Grand Bassam, killing at least 16 people (BBC News, 14 March 2016). According to Al Jazeera:

"Al-Qaeda's North Africa branch claimed responsibility after six gunmen opened fire on civilians at an Ivory Coast beach resort, killing at least 16 people. [...] Fourteen civilians and two special forces soldiers were killed before the six assailants were gunned down in the resort of Grand Bassam. Sunday's attack targeted three hotels in the southeastern town about 40km east of the country's economic capital, Abidjan. [...] Bursts of gunfire sent people running from the beach at Grand Bassam, a UNESCO World Heritage site and popular destination for Ivorians and foreigners. It was the third major attack on a tourism centre in West Africa since November." (Al Jazeera, 14 March 2016).

Amnesty International's (AI) 2017 reports the following with regard to the aftermath of the attack in Côte d'Ivoire:

"In March, armed men attacked three beachside hotels in Grand Bassam, killing 19 people including a child. The attack was claimed by al-Mourabitoune, an armed group based in northern Mali and affiliated to al-Qaida in the Islamic Maghreb (AQIM). More than 80 people were arrested in connection with the attack and, in August, two military officers were sentenced to 10 years' imprisonment each after being convicted of disobedience and criminal association." (AI, 22 February 2017)

4 *Migration, Displacement and Internal Mobility*

The UN High Commissioner for Refugees (UNHCR) reports, "[the] main populations of concern in Côte d'Ivoire in 2015 are Ivorians (former refugees) who fled Côte d'Ivoire during the post-electoral violence in 2010-2011 and have returned; stateless people and people at risk of statelessness in the country; and refugees, mainly from Liberia." (UNHCR, 2015, p. 2)

According to the Norwegian Refugee Council (NRC), "[o]nce relatively prosperous, Côte d'Ivoire is still emerging from crisis. Two waves of armed conflict and violence – in 2002 and following presidential elections in 2010 – both led to massive population upheaval, displacing around a million people on each occasion." (NRC, March 2014, p. 9)

As noted by the Social Institutions and Gender Index (SIGI), “[p]olitical volatility and violence in Côte d’Ivoire have increased poverty and mass displacement and have had a profound impact on the security and wellbeing of the entire civilian population, particularly women and children given the widespread use of rape and sexual violence during the civil strife.” (SIGI, 2014).

Regarding the massive displacement of Ivorians during the main episodes of violence committed in the country, the Internal Displacement Monitoring Centre (IDMC) explains:

“As many as 1.1 million people fled their homes during the 2002 to 2007 civil war, with the peak figure in 2003. Thousands of civilians from northern and central regions of the country sought shelter in the south, mostly in Abidjan. Tensions over land caused major displacements in the west and in the Montagnes district “cocoa belt”. Almost all IDPs took refuge in host communities, most of them with family or friends, and many were still unaccounted for when the next wave of violence erupted.

The 2010 to 2011 post-election violence displaced as many as a million people. Similar regions were affected, with the Montagnes and Bas-Sassandra districts hosting 150,000 IDPs and Abidjan more than 700,000, particularly in the Abobo and Yopougon neighbourhoods (UNHCR, accessed August 2014). Most IDPs managed to find shelter with host communities relatively close to their home areas, while others took refuge in 35 camps set up across the country. Many in the west went into hiding in forests, where they stayed for weeks in precarious conditions.” (IDMC, 26 February 2015)

According to the April 2015 report by the Independent Expert on capacity-building and technical cooperation with Côte d’Ivoire in the field of human rights, “UNOCI estimates [that] 3,000 persons lost their lives and there were thousands of injured and displaced persons and refugees (there are still some 300,000 displaced persons and over 50,000 refugees, mostly in Liberia).” (UNHRC, 27 April 2015, p. 5)

With respect to the displacement of Ivorians following the post-election crisis, Amnesty International (AI) adds:

“As soon as fighting and human rights violations began in the aftermath of the November 2010 presidential election, people started to flee from their homes both in Abidjan and in several parts of the west of the country. [...] Several hundred thousand people fled from the country seeking refuge in neighbouring countries, the majority in Liberia. At the height of the crisis, UNHCR estimated the number of people fleeing their homes – in Abidjan alone - to be between 700,000 and 1,000,000.

A substantial number of displaced people returned to their homes in April and May 2011, following Laurent Gbagbo’s arrest on 11 April and again after Alassane Ouattara was sworn in as President on 21 May. There was hope and expectation that both of those events would bring violence and human rights violations to an end. However, in the days and weeks following Laurent Gbagbo’s arrest, there was a wave of reprisal attacks against neighbourhoods, villages and ethnic groups suspected of being supporters of the former President [...]

For many people displacement did not lead to security. For example, on 25 April 2011, the FRCI launched a raid against displaced people who had found refuge at St. Pierre Catholic Church in Yopougon. At the time, there was still considerable fighting in that area between the FRCI and pro-Gbagbo militia groups and Liberian mercenaries in Abidjan. Close to 1,000 people from

the surrounding area had taken refuge on the grounds of the church during the previous week; but many had returned home because it appeared that the fighting was subsiding. There were about 200 people left at the church at the time of the raid by the FRCI on 25 April.” (AI, 28 July 2011, pp. 8, 10)

Despite the end of the political crisis in 2011, ongoing violence in 2013 led to another round of displacement as reported by the Internal Displacement Monitoring Centre (NRC/IDMC):

“[I]nter-communal violence continued in the west of the country, where the slow pace of the disarmament, demobilisation and reintegration process made tensions worse. There was also a rise in banditry, abuses by the security forces and land disputes. Clashes caused thousands of people to flee their homes in 2013, most notably when armed groups attacked the villages of Zilebly and Petit Guiglo in March, forcing as many as 4,000 people to seek refuge with host families in nearby towns. Clashes between villagers and miners in July displaced many of the 3,000 people living around the Angovia mines.

Government-sanctioned evictions from protected forests in the west and south-west of the country also caused the new displacement of thousands of people. The first evictions took place in the Niegre forest, but it is difficult to confirm how many of the estimated 25,000 to 40,000 people living there were affected. It is thought that at least 9,000 people subsequently left the neighbouring Mont Pekoe park, possibly in anticipation of similar evictions there.” (NRC/IDMC, 14 May 2014)

4.1 Persons of concern to UNHCR

4.1.1 Refugees and Asylum Seekers

At the beginning of 2017, there were 1,457 refugees and 147 asylum seekers in Côte d'Ivoire, totalling 1,604 persons (UNHCR, 31 May 2017, p. 1). This number includes persons of concern mainly from Liberia, but also from Central African Republic, Democratic Republic of Congo and Republic of Congo. (UNHCR, 21 November 2016)

In line with the above-mentioned data, the main population of refugees and asylum seekers in Côte d'Ivoire remains that of Liberians. In this regard, the Integrated Regional Information Networks (IRIN) explains:

“Volatile western Côte d'Ivoire may not seem a likely place to seek refuge, but for nearly 20 years it has hosted tens of thousands of Liberian refugees who fled across the border during civil wars (1989-96 and 1999-2003) in their country.” (IRIN, 24 July 2012)

Regarding the security situation of Liberian refugees, Amnesty International (AI) explains:

“Liberian refugees have been targeted for widespread reprisal attacks, particularly after the 2002 armed uprising and again since the resumption of the violence after the November 2010 presidential election, largely because some Liberians were recruited as mercenaries at different times during the last decade by all the parties to the conflict. These mercenaries have been responsible for crimes under international law and serious human rights abuses.” (AI, 28 July 2011, p. 12)

In July 2012, a cessation clause came into force for Liberian refugees. According to the UN High Commissioner for Refugees (UNHCR), “the ending of refugee status will apply to people who left the country during the two civil wars that tore apart the country between 1989 and 2003.” Voluntary repatriation of Liberians had already begun since 2004. (UNHCR, 29 June 2012)

4.1.2 Internally Displaced Persons



Source: Internal Displacement Monitoring Centre (IDMC), Côte d'Ivoire: New commitments signal hope for 300,000 still internally displaced, 26 February 2015.

Available at: <http://www.refworld.org/docid/54f42f9a4.html>

According to the Internal Displacement Monitoring Centre (IDMC), “[t]he profiling report revealed that more than 2.3 million people had been internally displaced since 2002, of whom 300,889 were still living in internal displacement as of mid-2014. Sixty-two per cent of remaining IDPs were living in Abidjan, where most said they planned to integrate locally. The capital also hosts more than half of the country’s returning refugees and returning IDPs.” (IDMC, 26 February 2015)

Regarding the main causes of internal displacement, the Brookings/LSE project on Internal Displacement reports:

“Internal displacement is not a new phenomenon in Côte d’Ivoire. Conflict and displacement in Côte d’Ivoire are linked to competition for political power, the economic downturn, and a corresponding sharp increase in poverty in a country that had previously enjoyed a comparatively high standard of development. Many of those displaced in Côte d’Ivoire today were amongst the one million who were uprooted in the political crisis that followed the country’s 2010 presidential election. (Brookings/LSE, April 2013, p. 1)

The same IDMC article also notes with regard to the UN Framework on Ending Displacement in the Aftermath of Conflict:

“The country has also been chosen to pilot the UN Framework on Ending Displacement in the Aftermath of Conflict, adding to hopes that the roles and responsibilities of those who respond to the phenomenon will be more clearly defined. This in turn would lead to a better-informed and more holistic approach towards responding to displacement and preventing it from happening in the future.

Significant security improvements have meant that many IDPs have been able to return to their home areas since mid-2011, but more than 300,000 still live in displacement. Most have taken refuge with host families or rented their own accommodation, but others squat or live in urban slums, where they are at risk of eviction.” (IDMC, 26 February 2015).

Regarding the issue of birth registration of displaced children, a report from the Norwegian Refugee Council and the Internal Displacement Monitoring Centre (NRC/IDMC) writes:

“In 2011, Côte d’Ivoire, suspended fees for the late registration of children born between September 2002 and July 2011 in northern, western and central areas, and from November 2010 to July 2011 across the whole country. The suspension ran until July 2012, but it was not well publicised or implemented, and in January 2013 the deadline was extended until July 2014. [...]

In Côte d’Ivoire, UNICEF and several NGOs observed that despite the January 2013 extension of the deadline for free registration, around 25 per cent of displaced children had not been registered by the time it expired. Tens of thousands of children were registered under the legislation, but many parents who were still displaced, lived outside target areas or who were unaware of the law did not do so.” (NRC/IDMC, 15 May 2015, p. 6)

4.1.3 Returnees

According to the Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC):

“Most of the one million people displaced by violence following the November 2010 elections in Côte d'Ivoire had managed to return to their homes by the end of 2013, thanks to significant security improvements in Abidjan and the west of the country. There were at least 70,000 people still living in displacement, most of them in the same areas, where they were staying with host families, renting or squatting. It was unclear how many of the one million people displaced during the 2002 to 2007 internal armed conflict had achieved durable solutions.” (NRC/IDMC, 14 May 2014).

More recently, UNHCR's April/May 2017 Factsheet further provided the following information with regard to voluntary return numbers:

“Since 2015, a total of **24,134 Ivorian refugees have returned** with support from UNHCR and its partners, 23,417 of whom from Liberia and 717 from other countries, such as Togo, Mali and Senegal (as of 31 May 2017). Since the beginning of 2017 alone, UNHCR has facilitated the safe and dignified return of 3,762 Ivorian refugees. Today, some 30,000 Ivoirian refugees are still exiled in other countries in Africa.” (UNHCR, 31 May 2017, p. 3)

Amnesty International (AI) describes the return of refugees and IDPs following the 2010-2011 post-election crisis in Côte d'Ivoire and notes:

“A substantial number of displaced people returned to their homes in April and May 2011, following Laurent Gbagbo's arrest on 11 April and again after Alassane Ouattara was sworn in as President on 21 May. There was hope and expectation that both of those events would bring violence and human rights violations to an end. However, in the days and weeks following Laurent Gbagbo's arrest, there was a wave of reprisal attacks against neighbourhoods, villages and ethnic groups suspected of being supporters of the former President. Amnesty International also documented a rise in human rights violations during the period immediately following the day Alassane Ouattara was inaugurated as president.

As a result, rates of return have slowed dramatically and, in some locations, there has been renewed displacement.” (AI, 28 July 2011, pp. 8-9)

Regarding property rights of returnees, a report by Human Rights Watch (HRW) entitled “That Land Is My Family's Wealth” explains:

“Article 9(2)(i) of the African Union's Kampala Convention - which Cote d'Ivoire has signed but not ratified - requires State Parties to ‘take necessary measures to protect individual, collective and cultural property left behind by displaced persons.’” (HRW, 9 October 2013, p. 91).

The same report further explains:

“Moreover, the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, better known as the Pinheiro Principles, directly address the right of refugees and displaced persons to return to their original homes and land. Although the Pinheiro Principles are “soft law,” not a treaty that governments ratify, they are widely accepted as indicating the extent of the right to restitution after displacement, including as a result of conflict.” (HRW, 9 October 2013, p. 91)

On the issue of homelessness of returning refugees, IRIN's May 2014 article further adds:

“Tens of thousands of western Côte d'Ivoire residents who fled deadly election turmoil three years ago have returned home, where survival is a daily struggle as more than half of them remain homeless. [...]

UNHCR's deputy representative in Côte d'Ivoire, Serge Ruso, told IRIN that 52 percent of the former refugees have no houses. Violence ignited by the disputed outcome of the November 2010 presidential run-off first broke out in the country's west, where armed gangs supporting then opposition candidate and now President Alassane Ouattara raided villages, killed and drove out people seen as supporters of then incumbent leader Laurent Gbagbo.

Many of the former refugees restarting life at home without a roof over their heads have sought shelter with friends or relatives. Those whose land has not been illegally seized by their ethnic or political foes are slowly rebuilding, while the loss of both homes and farms to rivals has deepened desperation and longstanding rancour for others.” (IRIN, 13 May 2014)

On the topic of IDP returns, the UN High Commissioner for Refugees (UNHCR) states:

“Not all IDP returns can, however, be attributed in their entirety to improvements in the security situation. From October 2011, IDPs were coming under increasing pressure to return to their homes due to a variety of factors: a government push to close down official IDP sites, evictions by private owners of the sites, and an increasing inability on the part of host families to support the IDPs. Even today, the living conditions of both IDPs and returnees are often precarious, with many people lacking access to adequate shelter, sanitation facilities, food and livelihoods.” (UNHCR, 15 June 2012, pp. 7-8)

The Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC) equally explains:

“Returning IDPs continued to face social tensions caused by land disputes, often finding their property had been occupied or illegally sold in their absence, despite legal amendments to improve the state regulation of land tenure. Local authorities, particularly in the western regions, were reportedly struggling to deal with the high number of land disputes and lacked financial resources, fueling a rise in corruption.” (NRC/IDMC, 14 May 2014)

The issue of fear of return was described in a December 2013 article by the Integrated Regional Information Networks (IRIN) as follows:

“Fear of reprisal is preventing thousands of Ivoirians from returning to Cote d'Ivoire from Ghana and Togo, where they sought refuge following the violently disputed 2010-2011 presidential elections.

Of the 12,500 Ivoirians who fled to the two countries, only 710 have returned home, according to the state-run Service for the Assistance of Refugees and Stateless People (SAARA).” (IRIN, 19 December 2013)

For issues facing specific ethnic groups, please refer to section 1.3.1 of this compilation.

4.1.4 Stateless persons

According to the most recent data from the UN High Commissioner for Refugees (UNHCR) at the time of writing, there are currently about 694,000 stateless persons in Côte d'Ivoire (UNHCR, 31 May 2017, p. 1).

Regarding the main reasons for statelessness in the country, UNHCR reports the following:

“The high number is due to several factors: After Independence in 1960, changes in the legal code prevented the descendants of immigrants from acquiring Ivorian citizenship. During the 2002 civil war and the 2010-2011 post-electoral crisis, the destruction of civil registries and the loss of individual documentation made it very difficult for people to prove their citizenship. Abandoned children are not covered by national legislation and therefore do not have Ivorian citizenship. In addition, tens of thousands of children are at risk of statelessness because they have never been registered at birth and therefore cannot prove their national affiliation.” (UNHCR, 22 July 2014)

The same issue is thoroughly summarized in a recent study published by UNHCR:

“The great divide between Côte d'Ivoire's laws and their implementation in practice, combined with a decade of civil war and conflict, has contributed to the important prevalence of statelessness in Côte d'Ivoire. Statelessness is most likely to occur among a number of identified categories, such as: historical migrants and their descendants; children of unknown parents; border populations; refugees and returnees, particularly refugee children born abroad, and displaced persons; some categories of contemporary migrants or trafficked persons; and individuals refused Ivorian identification cards for the 2010 elections. Determining whether an individual is stateless in Côte d'Ivoire is a complex task. It requires an analysis on an individual basis, particularly given that migrants and their descendants from neighboring West African States can acquire nationality of their foreign parents by descent. As such, it is impossible to provide an accurate estimate of the numbers of stateless persons in Côte d'Ivoire.” (Adjami, December 2016, p. 4)

A study commissioned by the UNHCR and the International Organization for Migration (IOM) also explains the following with reference to the high numbers of stateless persons in Côte d'Ivoire:

“The most obvious problems of this type are faced in Côte d'Ivoire, where the law includes no *jus soli* element, so that those born in the country over several generations still remain foreigners: one of the main reasons why Côte d'Ivoire is consistently cited as a country with a high percentage of residents who are non-nationals is because it is so difficult to become a national through the normal operation of the law, including for the descendants of those who were present on the territory at independence.” (Manby, June 2015, p. 46)

An article by the UNHCR dating from December 2013 also notes that Côte d'Ivoire's first Nationality code was adopted at the dawn of independence, in 1960. It provided a “vague definition of who would be considered an Ivorian citizen”. (UNHCR, 23 December 2013). The article also writes:

"It did not grant Ivorian nationality to children whose only link was birth on the territory of Côte d'Ivoire. Consequently, a large portion of the population was left devoid of a clearly determined nationality, leaving hundreds of thousands of migrants like Bere's ancestors stateless.

This legal limbo lasted for many generations. Things only began to change in 1996 when the Ivorian government issued a decree listing the names of thousands of people, to ensure those in limbo would finally be recognized as citizens of Côte d'Ivoire. [...]

In October 2013, Côte d'Ivoire acceded to the two international conventions on statelessness - the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. These accessions are part of a range of measures being taken by the Ivorian government to address the mass statelessness situation in the country. Other measures include a recent reform of the nationality law and review of the cases of people whose nationality is unclear." (UNHCR, 23 December 2013)

The same study commissioned by the UNHCR and IOM further discusses the legal milestones achieved in order to combat statelessness and ensure naturalization of non-Ivorians living in the country:

"In 2004, as part of the process of fulfilling the terms of the 2003 Linas-Marcoussis Agreement, the government of national reconciliation led by President Laurent Gbagbo proposed a draft law that would establish special temporary access to naturalisation for specific groups of people of foreign origin living in Cote d'Ivoire. The objective of this text was to restore, for a period of two years, the right to acquire nationality by simplified procedures that had been open to the same groups under the Ivorian nationality code in 1961, but removed in 1972. This law adopted by the National Assembly in 2004 was amended in 2005 by two presidential decisions. The law had no significant effect in practice, due to the lack of awareness by the populations concerned: 1,800 applications to acquire nationality were filed, and not a single naturalisation decree was signed.

In 2013, the principles of the 2004 law, as amended by the presidential decisions of 2005, were revived through the adoption of a law that again provides access to special temporary naturalisation procedures, allowing for a two-year time frame for the same groups of persons to apply to acquire nationality through a more straight-forward and less discretionary declaration procedure. That is, persons born in Côte d'Ivoire of foreign parents aged less than 21 years old on 20 December 1961, persons who were habitually resident in Côte d'Ivoire before 7 August 1960, and persons born in Côte d'Ivoire of foreign parents between 7 August 1960 and 25 January 1972.

The new law, however, only restored the right to opt for those children born before the 1972 amendment to the 1961 nationality code took effect (that is, before 26 January 1973), and only for a limited period: those born in the country since then of two foreign parents still have no rights based on birth and residence in the country unless they can benefit from the 2013 temporary procedures." (Manby, June 2015, p. 48)

Finally, in February 2015, UNHCR and the Economic Community of West African States (ECOWAS) held in Abidjan the first of its kind ministerial conference to end stateless in West Africa. In an interview for UNHCR, Mohamed Askia Touré, the agency's Representative for Côte d'Ivoire explained why the country was selected to host the meeting:

“First and foremost, the government of Côte d'Ivoire has made real strides in fighting against statelessness within its borders. In addition to acceding to the two international conventions [of 1954 and 1961] on statelessness in late 2013, the Ivorian authorities have implemented a number of important measures that show their political will to eradicate the problem. In particular, the government reformed the nationality law in 2013, and in April last year launched a programme allowing eligible people to acquire Ivorian nationality through declaration.

[The programme] gives people with relevant ties to Côte d'Ivoire an opportunity to apply for citizenship. This includes many stateless people or people at risk of becoming stateless. For instance, those who lived or were born in Côte d'Ivoire before independence in 1960 and have continuously resided in this country, as well as their descendants, are eligible to acquire Ivorian nationality. The government is also implementing important activities aimed at reducing the risk of statelessness, including through mobile courts that deliver late birth certificates, nationality certificates and identity cards.” (UNHCR, 17 February 2015)

4.2 *Displacement of Ivorians in the neighboring countries*

4.2.1 *Liberia*

An undated article by the UN High Commissioner for Refugees (UNHCR) explained the following:

“In the weeks after the election, amid threats and sporadic violence, tens of thousands of people fled to Liberia and later to other neighbouring countries. UNHCR teams in Liberia began to reach out to these refugees in remote and difficult to access areas along the border. The refugee agency also carved a new camp out of the jungle at Bahn in Nimba County.” (UNHCR, n.d.)

According to UNHCR, by the time the hostilities ended in 2011, “[t]he number of refugees in Liberia stood at about 150,000, [...] while other countries in the region have also accepted people fleeing Côte d'Ivoire.” (UNHCR, n.d.)

The Integrated Regional Information Networks (IRIN) also writes, “those who fled to Liberia [...] were mainly from rural western Côte d'Ivoire and border villages.” (IRIN, 19 December 2013).

A consideration of reports submitted by States parties to the UN Human Rights Committee in May 2013 writes:

“To help refugees return to Côte d'Ivoire, in August 2011 the Office of the United Nations High Commissioner for Refugees concluded a tripartite agreement with the Governments of Côte d'Ivoire and Liberia, thus creating the legal framework and procedures for the repatriation of Ivorian refugees in Liberia who freely consented to this. A similar agreement was concluded with the Ghanaian authorities in October 2011.” (UN Human Rights Committee, 21 May 2013, p. 51)

With regard to the Ebola outbreak and its effect on the Ivorian refugee population living in the country, the Integrated Regional Information Networks (IRIN) explains:

“Nearly 38,000 Ivorian refugees living in Liberia have been unable to return home since July 2014, when Cote d’Ivoire closed its borders with Liberia due to the Ebola outbreak. ‘The refugees, they themselves, just want to go home,’ said Kassim Diagne, a representative of the United Nations Refugee Agency (UNHCR) in Liberia. [...]

An estimated 220,000 Ivorians fled to Liberia, where they took refuge in one of six refugee camps. By March 2014, all but 46,000 had returned home and three of the camps had been closed down. UNHCR says it had plans to repatriate an additional 16,000 refugees by the end of the year.” (IRIN, 18 March 2015)

The same article by IRIN outlined the issue of stigma facing many of the refugees who return to Côte d’Ivoire:

“Many say that this will be a long-awaited relief, but that they are also afraid of how they will be received by friends, family and neighbors when they arrive.

‘We know that our family in Cote d’Ivoire are aware of the damage that Ebola has caused in Liberia,’ Diézon said. ‘For those of us who are returning to our country, there really is something to worry about in terms of stigma during the first days our return.’ (IRIN, 18 March 2015)

According to the UN High Commissioner for Refugees (UNHCR), the voluntary repatriation of Ivorian refugees from Liberia resumed in December 2015, “after a pause of more than a year because land borders were closed to prevent the spread of a deadly Ebola outbreak.” (UNHCR, 18 December 2015). A news story from the same source further notes:

“Some 11,000 of the 38,000 Ivorian refugees in Liberian camps have said they wish to return immediately. A convoy, carrying 244 people, set off on Friday from the coastal town of Harper, in eastern Liberia, for nearby Tabou, in south-western Côte d’Ivoire, taking a ferry to cross the river border at Prollo.

A second convoy, carrying 401 people, left PTP camp in Grand Gedeh County for Toulepleu in western Côte d’Ivoire. Toulepleu is also located close to the border, about 300 kilometres to the north of Tabou.

Two more convoys are planned before the end of the year, bringing the expected number of returnees by end-2015 to more than 1,000 people. The convoys will pass along special humanitarian corridors because the borders are still closed. The returns will continue in January, with road repairs planned to improve access.” (UNHCR, 18 December 2015).

According to an internal report by the UNHCR Representation in Liberia, 22,734 individuals have been repatriated by UNHCR from 18th December 2015 to the 30 april 2017.

4.2.2 Ghana

The political crisis in Côte d’Ivoire resulted in a humanitarian crisis that led to the influx of thousands of asylum seekers into Ghana. (WFP, n.d.). As of December 2016, the number of Ivorian refugees in the country remained at 11,725. (UNHCR, 30 January 2017)

According to the Ghana Refugee Board, the number of Ivorian refugees has seen a drastic reduction in the last couple of years, due mostly to the stability in the country. (Citi FM Online, 10 January 2016)

The profile of Ivorian refugees in Ghana is described by the Integrated Regional Information Networks (IRIN) in its December 2013 article as follows:

“Many of those who fled to Ghana are from Côte d'Ivoire's commercial capital, Abidjan, and other urban areas. Among them are high-ranking stalwarts of ousted president Laurent Gbagbo's ruling party, as well as members of the once-powerful party youth wing and the university students' union.” (IRIN, 19 December 2013)

Regarding the repatriation of Ivorians living in Ghana, Ann Encontre, the then representative of UNHCR in Ivory Coast explains the following:

“The [repatriation] process is more active in Liberia than in Ghana mainly because of the refugee profile in these two countries. In Ghana, we unfortunately don't have the same involvement by the authorities and the community leaders of the host country and the country of origin, and former top officials [of Gbagbo's party] at times have a dissuasive influence over the refugees,” Encontre explained.

Some refugees reportedly said the main reason they have not returned home is fear of the Ivorian army the Republican Forces of Côte d'Ivoire (FRCI). The refugees believe that majority of soldiers in the Ivorian army are former rebels who backed Gbagbo's opponent, President Alassane Ouattara. The Ivorian army has, in recent times, been accused of committing abuses including arbitrary arrests and torture” (GBN, 30 December 2013)

A Reuters article dating from December 2013 added the following:

“Ghana told a U.N. panel in July that Ivory Coast sent hit squads earlier this year to attempt to abduct or kill exiled supporters of ex-Ivorian President Laurent Gbagbo, the panel's report has revealed. Relations between the neighbors soured when thousands of Ivorians fled across the border during [the] 2011 civil war [...].

A number of Gbagbo's top military and government officials are among the refugees living in Ghana. Ouattara's government and U.N. investigators accuse them of continuing to orchestrate violence inside Ivory Coast. [...]

"The Ghanaian authorities claimed to have foiled at least two such missions in early 2013," the experts wrote in a report to the U.N. Security Council, released on a U.N. website at the weekend. The accusations could not be independently verified, the panel wrote. Ouattara's government denied the charges.” (Reuters, 2 December 2013)

An article from Africa Review dating from July 2016 further discusses the resistance that many Ivorian refugees living in Ghana feel to return home:

Five years after the return of peace to Cote d'Ivoire, 11,000 Ivorian refugees living in Ghana are still afraid to go home despite an upbeat economic climate in the world's top cocoa producer. While the international community deems it safe for those involved in a decade of trouble to return, Ange-Pelagie Baya said: ‘We would prefer to die of hunger rather than go back.’ [...]

Cote d'Ivoire social cohesion minister Mariatou Kone has pledged that ‘no-one would be arrested on their return’ and indicated a possible amnesty for those opposed at the time to current President

Alassane Ouattara. But of the 11,000 Ivorian refugees in Ghana, only four have officially returned since Kone visited Accra in May. [...]

In Ghana's Central Region, the 2,200 refugees at the Egyeikrom camp, all of them Gbagbo supporters, are adamant they cannot return. 'We can't go back as long as the (Ouattara) regime remains,' said Mr Baya. Mr Baya doesn't recognise President Ouattara's legitimacy as president, labelling him a "rebel" and a "foreigner". [...]

'Refugees leave the country unofficially and this is a problem, since we don't have any record of their return and don't know how they reintegrate,' said Ghana Refugee Board (GRB) regional coordinator Charles Yorke. 'We've organised 'go-and-see, come-and-tell' missions. But when they come back and say things are going OK, they (the refugees) don't believe them.' Monnet for instance said the fact that Simone Gbagbo, the former president's wife, was on trial in Abidjan, was proof they could not expect to go home and stay out of trouble." (Africa Review, 12 July 2016)

4.2.3 Togo

With regard to the initial movement of refugees into Togo, the UN High Commissioner for Refugees (UNHCR) writes:

"Further east still, in Togo, some 857 Ivorians – over 60 per cent of them male – have also found safety in the capital Lomé. They fled through Ghana from Abobo, PK-18, Adjame, Williamsville and Yopougon, which are among the most populous and dangerous districts of Abidjan. Some in the group told UNHCR their properties were looted, others that they had been physically assaulted. Several women said they were raped." (UNHCR, 29 March 2011)

According to UNHCR's April 2015 Factsheet, there were 2,558 Ivorian refugees in Togo. The same document also notes:

"The UN refugee agency in collaboration with Togo government has resumed road convoys for Ivorian refugees wishing to return in Côte d'Ivoire after a ban many months due to Ebola crisis that has restricted movement in between countries in many West African countries. On March, 18 2015, a total of 21 Ivorian refugees voluntarily repatriated to Cote d'Ivoire under UNHCR's sponsorship. Up to date, 1220 refugees have repatriated to Cote d'Ivoire from Togo since the launching of this programme a three years back." (UNHCR, April 2015b, p. 2)

4.2.4 Guinea

According to UNHCR, there were 6,580 Ivorian refugees in Guinea as of April 2015, most of which lived in the Kouankan II refugee camp. The Ivorians represent the largest refugee community in the country. (UNHCR, April 2015a, p. 1)

Regarding the profile of Ivorian refugees in Guinea, France 24 reports the following:

"Most of these refugees are farmers from small villages. Some have family in Guinea. Others try not to go too far from the border and their village. They hope to return there from time to time to check on their crops. They are afraid their fields will be looted, and are worried about losing their land during the political crisis." (France 24, 23 December 2010)

5 Situation of Human Rights

According to the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights:

“In its preamble, the Constitution proclaims the country’s commitment to human rights and fundamental freedoms and to democratic values. An extensive chapter of the Constitution is devoted to the recognition of human rights (arts. 1 to 22), focusing in particular on equality before the law (art. 2) and providing for the guarantees of a fair trial (arts. 20 to 22).

International agreements that have been regularly adopted by Côte d'Ivoire prevail over domestic laws. The Independent Expert notes with satisfaction that Côte d'Ivoire has ratified seven of the nine international human rights instruments that form the backbone of the broader international human rights framework. It has ratified the first Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Côte d'Ivoire still needs to ratify other important conventions and protocols in order to consolidate the progress already made in the adoption of international human rights instruments.” (UNHRC, 27 April 2015, p. 5)

Côte d'Ivoire has also established national institutions for the promotion and protection of human rights. A report submitted to the UN Human Rights Council (UNHRC) in February 2014 cites the following mechanisms: the National Human Rights Commission, the Office of the Ombudsman, the National Press Council, and the High Authority for Audiovisual Communication. (UNHRC, 3 February 2014, p. 4)

The 2017 final report of the Secretary-General summarizes the general human rights situation in the country as follows:

“The human rights situation in Côte d'Ivoire is, in general, improving. Human rights violations decreased from the post-election crisis of 2010 and 2011, from 1,726 cases noted in my report of 30 March 2011 (S/2011/211) to 88 documented between 1 April 2016 and 15 January 2017. Those cases comprised the following: 13 violations of the right to life against 31 people, including 4 women; 24 violations of the right to physical integrity against 25 people, including 2 women; 33 cases of illegal and arbitrary arrest and detention against 188 people, including 1 woman; 3 violations of the right to peaceful assembly; and 15 violations of the right to property. Only one alleged perpetrator in those cases was convicted to three years’ imprisonment, while two others were arrested and remain in pretrial detention.

UNOCI investigated the human rights abuses that had been committed during the March intercommunal violence in Bouna. It established the circumstances surrounding the killing of at least 27 persons, including 4 women and 2 boys, allegedly by *dozos*, with most of the victims belonging to the Fulani, Koulango and Malinké ethnic groups. At least 117 people, primarily *dozos*, have been arrested and the investigation is continuing” (UN Security Council, 31 January 2017, pp. 8-9)

Human Rights Watch (HRW) provides additional information as follows:

“Côte d'Ivoire's continued political stability and strong macroeconomic growth provided a platform in 2016 for gradual improvement in the rule of law and the fulfillment of economic and social rights. A new constitution removed a divisive nationality clause – requiring a presidential candidate's father and mother to be Ivorian – that had contributed to over a decade of political

turmoil. However, little progress was made in addressing key human rights issues at the root of political violence, such as combating impunity and delivering justice for the victims of over a decade of political violence, including the 3,000 victims of the 2010-11 post-election crisis.” (HRW, 12 January 2017)

5.1 *Arbitrary or unlawful deprivation of life*

Extrajudicial killings have continued in Côte d'Ivoire, as noted by Freedom House in its 2015 Freedom in the World report:

“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.” (Freedom House, 19 June 2015)

The United States Department of State (USDS) 2104 Human Rights Report adds:

“There were several reports that the government or its agents committed arbitrary or unlawful killings, in most cases perpetrated by FRCI soldiers. In April the United Nations reported that an FRCI soldier shot a man in the head at point-blank range after the man was found defecating in a construction site that the soldier was guarding. An internal FRCI report described the incident as involuntary manslaughter, and commanders did not initiate disciplinary action against the soldier. Security force impunity was a serious problem throughout the year. Despite numerous reports of arbitrary or unlawful killings, there were no reports during the year of FRCI soldiers facing prosecution for these actions.” (USDS, 25 June 2015)

Summary executions have also been allegedly committed by member of the Dozo militia, as reported by the Independent Expert on the situation of human rights in Côte d'Ivoire:

“Since the last visit by the Independent Expert, there have been several new reports of abuses committed by the dozoz. They have carried out summary executions in Korhogo and subjected three persons suspected of committing various offences in Korhogo and San Pedro to ill-treatment. [...]

The authorities have announced several initiatives to bring this situation under control, including awareness activities and identification of dozoz, with the support of the civil registration body, the National Identification Office.” (UNHRC, 13 January 2014, pp. 8-9)

The most well-known case of abuse committed by the Dozos took place in 2012 in what became known as the Nahibly camp attack. Amnesty International (AI) explained:

“Nahibly Camp, home to an estimated 2,500 internally displaced persons, near the town of Duékoué in western Côte d'Ivoire, was attacked and destroyed by a large crowd of local townspeople, Dozos - a state-supported militia of traditional hunters -, and elements of the

Ivorian army. UN soldiers and police personnel posted at the camp failed or were unable to stop the attack. [...]

The attack and its aftermath resulted in serious human rights violations and abuses. According to Amnesty International's own estimate, at least 14 persons were extrajudicially and summarily killed, while possibly hundreds of persons were injured. Following the attack, dozens of people were arbitrarily arrested by the FRCI. An undetermined number of IDPs were subjected to enforced disappearances by the FRCI." (AI, 29 July 2013, pp. 5, 8)

According to Human Rights Watch (HRW) although "some soldiers were prosecuted for murder and theft in less politically sensitive cases", "impunity for other crimes persisted, including for the July 2012 attack on the Nahibly internally displaced persons camp, which left at least 12 dead (HRW, 29 January 2015)

In 2017, Amnesty International (AI) also reported cases of extrajudicial killing following the waves of mutiny that shook the country:

"A four day mutiny beginning on 12 May left four people dead, including a demobilised soldier, and at least nine injured. Violence ended as the government agreed to meet the mutineers' payment demands. It was the third mutiny in Cote d'Ivoire in 2017.

A week later, on 23 May, the Ministry of Internal Affairs announced that four protestors died following a confrontation in Bouaké between police and demobilised soldiers, who had created roadblocks protesting for an agreement equivalent to the one obtained by mutineers the previous week. The Ministry of Internal Affairs claims the protestors were killed when one of them used a grenade, but a spokesperson for the demobilised soldiers denies that they were armed and claims that the police opened fire on them. [...]

On Monday 15 May, the Chief of Staff of the Armed Forces issued a statement acknowledging the abuses and damages committed by the mutineers including significant damage to property, injuries and deaths.

Amnesty International considers that while the statement warned the mutineers of potential disciplinary sanctions, it failed to clarify that suspected perpetrators would be investigated and brought to justice for human rights violations in an ordinary criminal court. The authorities have to date not conducted an independent investigation into two deaths that occurred during the prior mutinies in January." (AI, 24 May 2017)

5.2 Disappearance / Abduction

According a May 2013 report submitted by Côte d'Ivoire to the UN Human Rights Committee, cases of enforced disappearances were frequent during "during the periods of upheaval it has gone through." (UN Human Rights Committee, 21 May 2013, p. 30).

In 2014, however, the number of cases appears to have dropped, as described by the United States Department of State's (USDS) report on human rights practices:

"There were a few reports of disappearances or politically motivated abductions or kidnappings. For example, Youssouf Kone, the leader of a group of demobilized soldiers who had protested their exclusion from the disarmament, demobilization, and reintegration (DDR) process, was detained under unclear circumstances in April 2013. Kone's whereabouts at year's end

remained unknown, according to the UN Operation in Cote d'Ivoire (UNOCI)." (USDS, 25 June 2015).

5.3 *Arbitrary arrest and detention*

According to an Amnesty International (AI) 2013 report:

"The Forces républicaines de Côte d'Ivoire (FRCI, Republican Forces of Côte d'Ivoire, the national army) and the military police were responsible for numerous human rights violations after arresting and detaining individuals outside any legal framework and often on the base of ethnic and political motivations. These exactions were made possible by the multiplication of places of detention not recognized as such where individuals suspected of attempts against state security were held incommunicado, sometimes for long periods, and in inhumane and degrading conditions. Many were tortured and some have been released against payment of a ransom." (AI, 1 March 2013, p. 9)

More recently, Human Rights Watch's (HRW) 2016 World Report equally states that:

"Security forces continued to be implicated in arbitrary arrest and detentions and, less frequently, mistreatment and torture of detainees. They were also frequently implicated in criminal conduct, notably extortion. Very few security forces members faced judicial or disciplinary actions for these violations. Several commanders credibly implicated in atrocities during the 2010-2011 crisis remained in key positions in the security forces." (HRW, 27 January 2016)

Freedom House's 2015 Freedom in the World Report adds to the discussion and notes:

"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." (Freedom House, 19 June 2015)

Regarding the issue of excessive or prolonged pre-trial detention, Human Rights Watch (HRW) explained in a different report:

"Ivorian courts continue to place far too many accused in pretrial detention, with approximately 40 percent of people in Ivorian jails in pretrial detention. Because of the time it takes to try cases involving serious crimes, many detainees spend several years in pretrial detention before being tried or released. Excessive and prolonged pretrial detention was also a severe problem during Gbagbo's presidency, but President Ouattara's government has so far done too little to address it – doing so should be a priority for his second term." (HRW, 8 December 2015, p. 38)

According to the thirty-seventh progress report of the Secretary-General on the UNOCI dating from December 2015:

"Between 1 May and 1 December, UNOCI documented 101 human rights violations, including the killing of 8 persons; the torture and other violations of the physical integrity of 38 persons, including 1 woman, 2 boys and 1 girl; the illegal and/or arbitrary arrest and detention of 199 persons, including 12 women, 3 boys and 2 girls; 6 violations of the right to property; and 26

violations of freedom of expression and freedom of peaceful assembly.” (UN Security Council, 8 December 2015, p. 10)

The arbitrary arrest of political opponents was also documented in 2016 by Amnesty International's (AI) 2017 report:

“More than 70 people, mostly opposition members, were arrested and released hours or days later. In July, Prospère Djandou, Jean Léopold Messihi and Ange Patrick Djoman Gbata were arrested while collecting signatures in support of the release of former President Laurent Gbagbo, and charged with public order offences. They were released two weeks later. In October, following a peaceful protest against the October referendum, at least 50 opposition members including Mamadou Koulibaly, former president of the National Assembly, were arbitrarily arrested in Abidjan, and detained for hours. Some were held in moving police vehicles, a practice known as "mobile detention", driven for kilometres and forced to walk back home. Some were taken as far as Adzopé, about 100km from the centre of Abidjan.” (AI, 22 February 2017)

With regard to security detainees, the International Committee of the Red Cross (ICRC) explained the following:

“In Côte d'Ivoire, the government took steps to calm the political situation. It transferred security detainees – including those held in connection with the 2011 post-electoral conflict – from temporary detention facilities to permanent places of detention, and granted other detainees provisional releases. The president pardoned several thousand detainees. However, tensions remained high owing to the forthcoming presidential elections and the trials of political figures; some detainees protested judicial proceedings through hunger strikes. Many prisons remained overcrowded.” (ICRC, 9 June 2015, p. 221)

5.4 Torture and other cruel, inhuman or degrading treatment or punishment

Côte d'Ivoire has signed and ratified the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) in 1995 but has yet to ratify the Optional Protocol. (OHCHR, n.d.-a)

The United States Department of States (USDS) reported the following between 2014 and 2015:

“The constitution and law prohibit such practices, but security forces reportedly tortured and abused detainees and prisoners to extract information or exact punishment, according to UNOCI and local human rights organizations. Few members of the security forces faced prosecution. For example, in February several gendarmes in Grand Bassam arrested a young man on a charge of theft. In an effort to extract a confession, they allegedly tortured the man, who later died from his injuries. Although judicial authorities reportedly opened an investigation and temporarily detained 14 gendarmes including the unit's commander, authorities later released all of them without further prosecution.” (USDS, 25 June 2015)

A report by the Independent Expert on the situation of human rights in Côte d'Ivoire also addresses the following issue:

“The Independent Expert has been informed that the FRCI are continuing to commit human rights violations, including violations of the right to life, arbitrary arrest and detention, forced disappearance, torture and ill-treatment and sexual violence. He notes with concern that only a limited number of FRCI members involved in human rights violations have been arrested and prosecuted. Some have reportedly been involved in roadblocks, brigandage and ransom-taking and in associated violence, and apparently only a few have been subjected to disciplinary action.” (UNHRC, 13 January 2014, pp. 12-13)

Torture allegations committed by the FRCI and police officers were also reported by the Security Council Report (SCR), which states:

“The Secretary-General’s latest report states that since 1 May 2014 former combatants, FRCI elements and police and prison forces have been responsible for six extra-judicial killings, 32 cases of torture and 49 cases of arbitrary arrest and detention. From 22 to 26 September, approximately 300 detainees went on a hunger strike to protest prison conditions and their ongoing detention without trial since the November 2010 elections disputed by former president Laurent Gbagbo. The authorities promised to accelerate the judicial process, which temporarily ended the hunger strike. However, frustrated with the lack of progress in meeting their demands, as many as 500 prisoners initiated another hunger strike on 1 December.” (SCR, 23 December 2014)

In 2015 Human Rights Watch (HRW) reported on the allegations of torture committed by members of the security forces in Côte d’Ivoire as follows:

“Members of the security forces including soldiers, gendarmes, and police perpetrated numerous serious human rights abuses, including mistreatment and torture of detainees, sometimes to extract confessions; extrajudicial killings; rape; and extortion. Several commanders implicated in serious human rights abuses remain in key positions in the security forces.

Many abuses were perpetrated in response to security threats. The UN independent expert on the situation of human rights in Côte d’Ivoire reported that soldiers tortured numerous people they had detained in connection with raids near the Liberian border, while other abuses were perpetrated as they responded to the threat of armed criminal gangs in Abidjan.” (HRW, 29 January 2015)

5.5 Administration of justice

A May 2013 submission by Côte d’Ivoire to the UN Human Rights Committee provides the following information with regard to access to justice:

“Free and equal access to justice is guaranteed by article 20 of the Constitution, article 21 of which also forbids arbitrary arrest and detention, while article 22 affirms the presumption of innocence. Article 27 of the Civil, Commercial and Administrative Procedure Code makes provision for those who cannot afford to exercise their legal rights as plaintiffs or defendants to do so without cost to them.

In Côte d’Ivoire, the issue of access to justice raises a twofold concern: access from the geographical point of view, i.e., the distance between the courts and potential users, and access from the point of view of cost. There is also the matter of structural accessibility. [...]

Existing facilities do not cater to the needs of a certain category of user, namely people with disabilities, whose rights are not adequately guaranteed. It is very difficult for the deaf, the blind and the physically disabled to participate in court proceedings.” (UN Human Rights Committee, 21 May 2013, p. 57)

For more information on the situation of persons with disabilities, please refer to subsection 5.14 of this compilation.

According to Freedom House’s 2017 Freedom in the World Report:

“The judiciary is not independent, and judges are highly susceptible to external interference and bribes. Prisons are severely overcrowded, and prolonged pretrial detention is a serious problem for both adults and minors, with some detainees spending years in prison without trial. Incarcerated adults and minors are not always separated.

Reports of extortion, sexual violence, and killings by members of the FRCI and other security forces continued, though they have decreased since the height of the political crisis, and the government has developed an action plan to combat FRCI-related sexual violence. In some instances, abuses by security forces have resulted in deadly clashes with civilians. In 2016, human rights watchdogs expressed concern that government forestry agents had evicted tens of thousands of illegal squatters from protected forests without adequate warning, in processes marred by violence and extortion.” (Freedom House, 12 July 2017)

With regard to the justice system reform in Côte d’Ivoire, Human Rights Watch (HRW) explains:

“President Ouattara has made progress in rebuilding a justice system devastated by Côte d’Ivoire’s successive crises, and he has successfully redeployed judicial personnel to areas in the north that were, prior to the 2010-2011 post-election crisis, outside government control.

However, not enough has been done to address the underlying and less visible problems that have plagued Côte d’Ivoire’s courts since before the post-election crisis. While the government’s failure to implement some of the reforms scheduled to be completed during Ouattara’s first term—such as the adoption of laws to strengthen the independence of the judiciary—was reflective of a lack of political will, other reforms were hamstrung by the limited budget allocated to the courts and judiciary. In 2014, the justice sector budget was just 1.4 percent of the overall national budget.” (HRW, 8 December 2015, p. 6)

5.5.1 *Right to a fair trial*

According to the OHCHR, “Every person has the right to a fair trial both in civil and in criminal cases, and the effective protection of all human rights very much depends on the practical availability at all times of access to competent, independent and impartial courts of law which can, and will, administer justice fairly.” (OHCHR, 2003, p. 215)

A 2013 Human Rights Watch (HRW) report entitled “Turning Rhetoric into Reality” writes:

“Respect for the rights of the accused ensures that judicial processes are, and appear to be, fair and credible. In Côte d’Ivoire, a number of fair trial concerns relate to the jurisdiction of serious crimes, including serious international crimes, under the cour d’assises—a nonpermanent court composed of a president, two professional judges, and nine lay jurors,

including three alternates. First, while the cour d'assises is by law supposed to sit every three months, it has only been convened twice since 2000, in large part because the process is cumbersome and costly. While it may be possible to convene the cour d'assises for a handful of high-profile cases, the majority of defendants already in custody for postelection crimes appear likely to remain in pretrial detention until the issue of the cour d'assises is resolved, violating their right to be tried within a reasonable time. Further, decisions by the cour d'assises are not subject to appeal, violating a defendant's right under international human rights law to have his conviction and sentence reviewed by a higher tribunal. [...]

In addition, under the Code of Criminal Procedure, legal representation for defendants in criminal cases is only mandatory at the cour d'assises phase, which also means that indigent defendants only have access to legal aid at this late stage of proceedings. This risks compromising the quality of representation provided, which is especially problematic in complex cases involving serious international crimes. Ivorian authorities should make mandatory at an earlier stage of the proceeding the provision of a lawyer for defendants in criminal cases and legal aid for those who are indigent." (HRW, 3 April 2013)

According to the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights:

"[T]he assize courts have resumed their work in order to prosecute the perpetrators of the serious violations committed during the crises that the country has gone through. The Abidjan assize court has opened proceedings against 83 persons from the regime of the former president, Laurent Gbagbo. Among the accused is Simone Gbagbo. Most of the 83 defendants have been held in pretrial detention for some time, in some cases since 2011.

Given the length of the pretrial detentions, these cases should be addressed as promptly as possible but also, and above all, with complete respect for the guarantee of a fair trial. The rights of the defence should be strictly respected in accordance with the law and the international instruments ratified by Côte d'Ivoire, in particular the International Covenant on Civil and Political Rights." (UNHRC, 27 April 2015, p. 12)

5.5.2 *Prison conditions*

With regard to Côte d'Ivoire's prison population, Human Rights Watch (HRW) explains in its 2015 report entitled "To Consolidate this Peace of Ours":

"Prior to the 2010-2011 post-election crisis, Côte d'Ivoire squeezed 12,000 prisoners into a national prison system designed for no more than 5,000. Although prisoners escaped in massive numbers during the crisis, the prison population now varies between 8,000-12,000 detainees, with 9,500 prisoners detained in June 2015. Prisoners are distributed unequally among the country's 34 prisons, with almost half severely overpopulated." (HRW, 8 December 2015, pp. 38-39)

The United States Department of State's (USDS) 2014 Human Rights Report provides a general overview of prison conditions in Côte d'Ivoire as follows:

"Prison conditions were harsh and life threatening. Overcrowding was a common problem in prisons and detention centers operated by the FRCI and the Directorate for Territorial Surveillance (DST), a plainclothes investigative and analytical unit. All of the country's 33 pre-existing prisons were in use, and in May a minimum-security rehabilitation center became

operational. Critical health care was not always available to prisoners at local hospitals or clinics, and international nongovernmental organizations (NGOs) often had to pay for their care. According to government figures, 12 prisoners in Abidjan's central prison died in August, predominantly due to lack of hygiene and health care. Seven of the 34 prisons had a full-time nurse.

Physical Conditions: Overcrowding continued in many prisons. At the end of November, there were approximately 10,850 prisoners, of whom an estimated 193 were minors and 187 were women. The central prison of Abidjan was built for 1,948 prisoners, but it held approximately 4,500 at year's end. Authorities held men and women separately. Authorities held juveniles with adults in some prisons, as well as pretrial detainees with convicted prisoners. The children of female inmates often lived with their mothers in prison, although prisons accepted no responsibility for their care or feeding. Inmate mothers received help from local and international NGOs. Potable water was not always available. [...]

Government figures estimated 100 detainee deaths throughout the year, mostly related to a lack of or inadequate health-care services.

Irregular or informal detention centers maintained by the FRCI or other security forces varied greatly in terms of physical conditions. One military detention center in Abidjan reportedly gave prisoners three meals a day, whereas some DST centers were reportedly small with little room for physical exercise." (USDS, 25 June 2015)

A January 2014 report by the Independent Expert on the situation of human rights in Côte d'Ivoire states:

"An improvement is required in the conditions of detention at Ivorian prisons, both in terms of administrative management and in relation to the material conditions of prisoners. The lack of means made available to prison staff jeopardizes their own safety and also that of the prisoners; two prison breaks took place at the Abidjan Detention and Correction Centre on 23 and 24 July and on 14 September 2013, and as a result 3 persons died and 21 persons were wounded. The problem of the separation of accused and convicted persons has yet to be resolved.

At the enlisted men's cells at the Abidjan Military Detention Centre, the Independent Expert saw overcrowding that violated acceptable international standards. The unhealthy conditions, lack of care and small size of the cells constitute cruel, inhuman and degrading treatment. In the officers' cells, the situation is more or less acceptable, with normal density and hygiene. The officers are sometimes held for over two years without being sentenced; several have been charged with the generic offence of breaching State security.

According to the information received by the Independent Expert, conditions of detention are extremely serious at the Compagnie territoriale de Korhogo, a military unit. Even civilians are detained by the unit, although it is not a legal place of detention." (UNHRC, 13 January 2014, p. 13)

In 2015, the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights adds:

"During his mission, the Independent Expert had the opportunity to visit the Abidjan Detention and Correction Centre and the Abidjan Military Detention Centre. He also met with Ms. Gbagbo whilst she was under house arrest. The country's prisons are a clear reflection of the damage caused to infrastructure by two decades of conflict.

Both detention centres are overcrowded. While the Abidjan Detention and Correction Centre has a capacity of 1,500 detainees, it houses triple that number, that is, 4,561 detainees. The Abidjan Military Detention Centre, which housed 64 military detainees and one civilian, only has the capacity to hold a third of that number in relatively decent conditions. Some convicts are serving sentences of between 5 and 20 years, but most detainees are being held in pretrial detention, some having been held since 2011. [...]

Detainees in the Abidjan Military Detention Centre are given three meals per day and are allowed visits from families and lawyers twice a week. The nurse assigned to the prison comes only occasionally due to transport difficulties. In addition to the prison governor, the Abidjan Military Detention Centre has 11 guards who work night and day shifts.” (UNHRC, 27 April 2015, pp. 13-14)

Furthermore, a report from Amnesty International (AI) dating from 2017 also explains:

“Prisoners remained held under harsh conditions and overcrowding at the Maison d'Arrêt et de Correction, Abidjan's main prison. In March, the prison authorities said that the prison, which had capacity for 1,500 inmates, held 3,694 people. Prisoners reported that they were forced to pay bribes of up to 20,000 CFA (US\$32) to prisoners who controlled internal security to avoid being placed in filthy cells with floors covered in urine and water. Families were forced to pay bribes to visit their relatives. Prisoners responsible for internal security also administered corporal punishment on other inmates, resulting in at least three deaths in 2015. The authorities did not take measures to protect prisoners from these and other abuses. Health care remained inadequate.

One prison guard and nine prisoners were killed in February during an exchange of fire when prisoners staged an uprising.” (AI, 22 February 2017)

5.5.3 *Death penalty*

The death penalty was officially abolished in Côte d'Ivoire following the 2000 Constitution. However, it was only in 2015 that this amendment was included in the Criminal Code. (Germany, 7 April 2015, p. 3)

Furthermore, according to the World Coalition Against the Death Penalty (WCADP):

“Cote d'Ivoire demonstrated its commitment as regards abolition of the death penalty by co-sponsoring the five UNGA Resolutions in 2007, 2008, 2010, 2012 and 2014 for a moratorium on the use of the death penalty. [...]

In its initial report to the Human Rights Committee in March 2013, the Cote d'Ivoire stated that it "actively supports international initiatives to abolish the death sentence. It plans to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights". (WCADP, 22 January 2015, pp. 1-2)

5.5.4 *Accountability for past human rights abuses*

With respect to accountability for human-rights abuses in Côte d'Ivoire, a 2015 report by Human Rights Watch (HRW) explains:

“During the decade of conflict and unrest that culminated in the 2010-2011 post-election crisis, serious human rights abuses were committed by all parties, including Gbagbo-era security forces and the Forces Nouvelles (“New Forces”) rebels who eventually helped bring Ouattara to power. The culture of impunity that allowed perpetrators to escape justice for atrocities was a key factor in perpetuating abuses.

No one responsible for the human rights violations committed during election-related violence in 2000 or the armed conflict in 2002-2003 was convicted for their alleged crimes. Similarly, five years after the 2010-2011 post-election crisis, the vast majority of the commanders and leaders implicated in serious human rights violations—on both sides of the military-political divide—have not been properly held to account for those abuses.” (HRW, 8 December 2015, p. 5)

In a different report, dating from January 2016, Human Rights Watch (HRW) also discussed the challenges facing the Special Investigative Cell and the Dialogue, Truth and Reconciliation Commission in bringing justice to victims of human rights abuses:

“The Special Investigative Cell, the body responsible for investigating crimes committed during the 2010-2011 post-election crisis, in late 2014 received sufficient funding to conduct effective investigations. In 2015 it charged more than 20 perpetrators in relation to human rights abuses committed during the crisis, including commanders from President Ouattara’s side.

However, no individual has yet been tried in national civilian courts for atrocities committed during the 2010-2011 post-election violence. Former First Lady Simone Gbagbo, as well 78 of President Gbagbo’s former allies, were tried by a civilian court in early 2015: she was convicted, along with 59 others. However, this was for offenses against the state, not human rights crimes. Concerns about evidentiary weaknesses in the case also raised doubt about Ivorian courts’ capacity to fairly try human rights cases. The beleaguered military justice system tried several cases involving killings of civilians by pro-Gbagbo soldiers during the post-election crisis, but discontinued a case against two commanders for indiscriminate shelling after the prosecution failed to produce sufficient evidence. [...]t

The much-criticized Dialogue, Truth and Reconciliation Commission presented its final report to President Ouattara on December 15, 2014. However, the government had not yet publicly released the report at time of writing, although President Ouattara has pledged to make 10 billion CFA (US\$16.5 million) available for the indemnification of victims. The first group of victims began receiving financial and medical assistance in August 2015, but victims’ groups criticized the lack of transparency of the reparations process.” (HRW, 27 January 2016)

More recently, Amnesty International (AI) reported the following with regard to the issue of administration of justice:

“In February, 24 military officers charged with the assassinations of President Robert Guéi, his family and bodyguard, Fabien Coulibaly, in 2002, were tried before the Military Tribunal. Three defendants, including General Bruno Dogbo Blé, former head of the Presidential Guard, and Commander Anselme Séka Yapo were sentenced to life imprisonment. Ten defendants were sentenced to 10 years’ imprisonment each and the others were acquitted.

At least 146 supporters of former President Gbagbo who were arrested between 2011 and 2015 were still awaiting trial for crimes allegedly committed during the post-electoral violence of 2010. Approximately 87 of them had been in detention since 2011 or 2012.

Despite President Ouattara's commitment to ensure that justice would be applied equally under his presidency, only those suspected of being supporters of Laurent Gbagbo were tried for serious human rights violations committed during and after the 2010 election. Forces loyal to President Ouattara who committed serious violations, including the killing of more than 800 people in Duékoué in April 2011, and of 13 people at a camp for internally displaced people in Nahibly in July 2012, were not prosecuted. Some of them had been identified by victims' families; although the killings were investigated no one was prosecuted by the end of the year." (AI, 22 February 2017)

A survey conducted by the Ivorian Coalition for the International Criminal Court (a local civil society network) on Ivorian perception of their judicial system also concluded the following:

"About 65% of the survey's respondents said they do not trust the national judicial system or its ability to end to impunity in the country. Less than half (46%) said they trusted the country's commission for dialogue, truth and reconciliation.

While over half (53.1%) of the respondents believe that the ICC can end to impunity in Côte d'Ivoire, 47% said they do not trust the Court, with 40% finding it biased and unfair. 79% of respondents said they had received no assistance for harm suffered during the post-election violence." (Global Justice, 5 June 2015)

With regard to the allegations that the Ivorian government had ceased to cooperate with the ICC, the International Federation for Human Rights (FIDH) notes the following:

"A criminal law policy apparently was adopted during the year 2011: the key suspects of the most serious crimes committed during the post-electoral crisis were to be tried at the International Criminal Court (ICC), the other alleged perpetrators, by the Ivorian national courts. But in November 2011, when Laurent Gbagbo was transferred to ICC in The Hague, the Ivorian authorities seemed to abruptly interrupt cooperation with ICC. The ICC investigation is still underway and two other warrants for arrest have been made public, including one dated 22 November 2012 issued against Simone Gbagbo who was not transferred to the ICC. [...] The other arrest warrant was issued against Charles Blé Goudé in 2011 and made public on 1 October 2013. [...] No other arrest warrants have been announced publicly against anyone aligned with President Ouattara, despite the statement by the Prosecutor of the ICC, Mrs. Fatou Bensouda, who in July 2013, re-confirmed that the ICC Office of the Prosecutor would investigate all parties involved. The decision to make public the arrest warrant issued in 2011 against Charles Blé Goudé has not seemed to contribute to striking a balance among political factions, as Charles Blé Goudé is the third person from the Gbagbo clan to be targeted.

Charges brought by the Ivorian courts, in particular against Gbagbo supporters, confirm the position expressed publicly by the authorities on their new strategy. With the exception of Laurent Gbagbo who will be tried in The Hague by the ICC, all persons believed responsible for serious violations of human rights shall fall within the exclusive jurisdiction of the Ivorian judiciary. This unwillingness to cooperate with the ICC is regrettable and contrary to the obligations set out in the Rome Statute and further underscores the need to establish an independent, equitable and impartial judicial process." (FIDH, 22 October 2013, p. 9)

5.6 *Ethno-religious discrimination and violence*

In 2012, a report from UNHCR provided the following information regarding intercommunal tensions in Côte d'Ivoire:

"Despite government initiatives to nurture national reconciliation and social cohesion, intercommunity tensions remain a major challenge, especially in the west and in parts of Abidjan. Resentment between various ethnic groups that predates the November 2010 elections remains unresolved and has indeed been exacerbated by the post-election violence. High levels of fear and mutual distrust continue to lead to violent clashes. The UN Secretary-General noted that the first months of 2012 saw an increase in such violent confrontations between communities. In the west, intercommunity tensions are often centred on land." (UNHCR, 15 June 2012, pp. 16-17)

Regarding ethnic violence, the United States Overseas Security Advisory Council (OSAC) explains:

"During some episodes over the past decade, anti-French rhetoric and attacks occurred. Overall political violence, however, has been generally between Ivoirians or directed against West African ethnic groups perceived as 'non-Ivoirian'." (OSAC, 7 May 2014)

With respect to legislation, the United States Department of State (USDS) writes the following:

"The law prohibits discrimination based on race, ethnicity, national origin, gender, religion, or HIV status, but the government did not effectively enforce the law. The law does not address discrimination based on disability, language, sexual orientation, gender identity, or social status." (USDS, 25 June 2015)

The government's response to land disputes which often take on an ethnic dimension is described by IRIN in its May 2014 article as follows:

"The land disputes add to political rivalries that often take on an ethnic dimension. Observers have criticized the government for failing to carry out far-reaching reconciliation and fair justice in the aftermath of the violent 2010-2011 election crisis. Côte d'Ivoire's west is seen as having borne the brunt of the country's years of crisis since the 1999 toppling of President Henri Konan Bédié." (IRIN, 13 May 2014)

A report by Minority Rights Group (MRG) dating from 2015 further adds:

"More than half (53 per cent) of Côte d'Ivoire's population now live in urban areas, a proportion that is expected to continue to rise for decades to come. The rise in urbanization has helped to fuel ethnic conflict, exacerbating tension and resentment between groups over access to resources, political influence and other issues. The impacts of this rapid growth have also been felt outside urban areas, with Prime Minister Daniel Kablan Duncan reporting in October 2014 that more than three-quarters of the country's forests had disappeared in the last 50 years due to increasing urbanization and the spread of agriculture. This has heightened competition for land, particularly in western Côte d'Ivoire, exacerbating communal tensions between 'native' land-owners and those perceived by them as migrants or immigrants. Some of those displaced from the west during the postelectoral conflict of 2010–11, primarily Gbagbo supporters of Guéré ethnicity, have since returned home to find their houses and land occupied by Ouattara

supporters – a situation that could lay the foundation for further conflict in future.” (MRG, 2 July 2015, p. 89)

With respect to the concept of “ethnic readjustment”, Al Jazeera writes in October 2015:

“Critics of President Ouattara, however, accuse him of discrimination in the form of what's described by some here as "ethnic readjustment" - or the largely disproportional appointment of northerners into public sector jobs at the expense of other ethnic groups.

The pro-Ouattara neighbourhood of Abobo is one of the most populated and unsafe in Abidjan. It has been labelled "Baghdad" because of its harsh living conditions. The battle for Abidjan started here. Coulibaly Abdoulaye, 46, hails from Abobo. [...].

Like most inhabitants of the area, Abdoulaye belongs to the Dioula ethnic group, the same as Ouattara. He said he doesn't know people who have benefitted from so-called ethnic readjustment but acknowledged it exists. 'The minority are left with little power, many feel excluded and do not take part in social life,' said Abdoulaye.” (Al Jazeera, 25 October 2015).

For further information on this subject please refer to sections 1.3.1 and 3.1.

5.7 Freedom of religion

According to a May 2013 submission by Côte d'Ivoire to the UN Human Rights Committee, “Article 9 of the Ivorian Constitution enshrines freedom of thought and expression, particularly freedom of conscience and of religious or philosophical opinion.” (UN Human Rights Committee, 21 May 2013, p. 64)

The United States Department of State's (USDS) 2014 “Report on International Religious Freedom” explains that the constitution of Côte d'Ivoire provides freedom of religious opinion to all and prohibits religious discrimination in employment. The report also notes:

“[The Constitution] forbids speech that encourages religious hatred. [...] [It] stipulates a secular state which respects all beliefs and treats all individuals equally under the law, regardless of religion. It prohibits religious discrimination in public and private employment and provides for freedom of conscience and religious opinion consistent with the law, the rights of others, national security, and public order. It prohibits "propaganda" that encourages religious hatred. It recognizes the right of political asylum in the country for individuals persecuted for religious reasons.

The Ministry of Interior's Department of Faith-Based Organizations is charged with promoting dialogue among religious groups and between the government and religious groups, providing administrative support to groups trying to become established, monitoring religious activities, and managing state-sponsored religious pilgrimages and registration of new religious groups.” (USDS, 14 October 2015)

Regarding government practices towards religious groups, the same source also writes:

“The law requires all religious groups to register with the government. Groups must submit an application to the Department of Faith-Based Organizations. The application must include the group's bylaws, names of the founding members and board members, date of founding, and

general assembly minutes. The department investigates the organization with the aim of ensuring that the group has no members or purpose it deems to be politically subversive. There are no penalties prescribed for groups that do not register or benefits for those that do.

The government continued to fund and organize Hajj pilgrimages for Muslims but, unlike previous years, failed to allocate a budget during the year for Christian pilgrimages to Israel, the Occupied Territories, and Lourdes, France.

The government provided access to state-run television and radio for religious programming to religious groups that requested it.

The government included prominent Muslim and Catholic religious leaders in reconciliation efforts. The country's widely acknowledged Muslim leader, Sheikh Boikary Fofana, and Catholic Archbishop Paul-Simeon Ahouana, along with other religious leaders, continued to serve as active members of the Dialogue, Truth, and Reconciliation Commission until completion of its mandate in September. The government also appointed two religious leaders – Father Martial Boni and Imam Ousmane Diakite – to the Independent Electoral Commission, the body charged with organizing and overseeing national elections.” (USDS, 14 October 2015)

5.8 Freedom of association, assembly and expression

5.8.1 Freedom of association and assembly

The submission by Côte d'Ivoire to the UN Human Rights Committee in May 2013 on the implementation of the International Covenant on Civil and Political Rights provides the following information with regard to freedom of association and assembly:

“The principle of freedom of association and assembly is enshrined in article 11 of the 2000 Constitution. In addition, Côte d'Ivoire is a party to numerous international legal instruments guaranteeing these freedoms. These include the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. [...]

It is right to stress, though, that the crises in Côte d'Ivoire undermined these freedoms. The successive political crises that have occurred since the death of the country's first President created a climate of intolerance and suspicion around political leaders, human rights defenders, trade unionists and student leaders. In civil society, human rights NGOs paid a heavy price. Summonses, harassment, intimidation and threats led some to spend long periods in hiding, while others were forced into exile. (UN Human Rights Committee, 21 May 2013, p. 69)

With regard to freedom of association, the United States Department of State's (USDS) 2015 report on human rights practices in Côte d'Ivoire writes:

“The law, including related regulations and statutory instruments, provides for the right of workers, except members of police and military services, to form or join unions of their choice, protects the right to strike and collectively bargain, and prohibits antiunion discrimination by employers or others against union members or organizers. The law forbids firing workers for union activities. The law allows unions in the formal sector to conduct their activities without interference. Nevertheless, according to the *International Trade Union Confederation*, the law does not have any objective criteria to establish recognition of representative trade unions, which could allow public and private employers to refuse to negotiate with unions on the grounds they were not representative. Foreigners are required to obtain residency status, which takes three years, before they may hold union office. Before collective bargaining can begin, a

union must represent 30 percent of workers. The law provides for the reinstatement for dismissed workers within eight days of receiving a wrongful dismissal claim.” (USDS, 25 June 2015)

A January 2014 report by the Independent Expert on the situation of human rights in Côte d'Ivoire explains:

“The Independent Expert notes with satisfaction that a preliminary bill is being drafted for the protection of human rights defenders. The authorities should do everything possible so that the bill will be the subject of a broad discussion with human rights organizations before it is adopted by the parliament.

During the second quarter of 2013 demonstrations by the youth branch of the main opposition party, the Front Populaire Ivoirien (Ivorian Popular Front) (FPI), were banned, but in the third quarter of 2013 some activities of the FPI resumed, with rallying and campaigning organized by its president, who had recently been released pending trial. On the other hand, on 1 October 2013 young protesters who were outraged about the high cost of living hoped to hold a demonstration; they were arrested and imprisoned.” (UNHRC, 13 January 2014, pp. 15-16)

The thirty-seventh progress report of the Secretary-General on the UNOCI dating from December 2015 also notes:

“On 26 September, the police dispersed demonstrators at a banned meeting called by CNC in the Yopougon neighbourhood of Abidjan. In reaction to the 10 and 26 September protests, 51 individuals were arrested, most of whom were charged with disturbing public order, including prominent members of CNC and CNJC, 9 of whom were subsequently convicted; the remaining 42 are awaiting trial. Reports were also received about the incommunicado detention of several individuals by the National Surveillance Directorate, reportedly at the request of the Abidjan prosecutor. On 12 October, the Independent Expert on the situation of human rights in Côte d'Ivoire issued a statement calling on the authorities to respect freedom of assembly in a non-discriminatory manner and to release anyone arrested for demonstrating peacefully. In total, the Ivorian authorities banned or dispersed 19 political meetings and demonstrations organized by opposition political parties and civil society, including trade unions and student associations.” (UN Security Council, 8 December 2015, p. 4)

More recently, in 2017, Amnesty International (AI) provides the following information:

“[I]n February 2017, the security forces used excessive force including rubber bullets and tear gas to disperse peaceful protests in Abidjan that had been organised by the *Syndicat national autonome des producteurs de café-cacao de Côte d'Ivoire* (Synapci, a union of cocoa and coffee producers) and the *Syndicat des Investisseurs Indépendants de l'Agro-Business* (SIIABCI, a union of small independent investors in the agro-business sector) against various government policies. In January 2017, dozens of members of the *Mouvement des instituteurs pour la défense de leurs droits* (MIDD, a teachers' union) were demoted and transferred to remote areas of the country on vague grounds, after participating in a series of strikes by public sector workers.” (AI, 29 June 2017, p.2)

5.8.2 Freedom of speech and of the press

In the 2015 Press Freedom Index established by the international media freedom NGO Reporters Without Borders (RWB), Côte d'Ivoire is ranked 86 out of 180 countries (one being

the most free and 180 the least) listed in the index (RWB, 12 February 2015). An article by the Reporters Without Border (RWB) further notes:

“In 86th place, Ivory Coast (up 15 places) continued to emerge from the political and social crisis that plunged the country into full-scale civil war in 2010. The results are still mixed in a country where the broadcasting sector is expected to be opened up in 2015, although there are some fears that this might usher in institutional censorship.” (RWB, 12 February 2015)

According to Freedom House’s “Freedom of the Press” 2015 report, “[f]reedoms of speech and of the press are protected in the constitution and the country’s laws, though there are prohibitions on speech that incites violence, ethnic hatred, or rebellion.” (Freedom House, 1 September 2015). The report also suggests:

“October 2014, the Ministry of Communication began public consultations on revising the 2004 press law, with the aim of “further liberating and professionalizing” the media and online media in particular. Press offenses cannot result in prison sentences, but defamation carries a fine of up to 15 million CFA francs (\$30,000), and libel against the head of state or other state institutions is punishable by fines of up to 20 million CFA francs (\$40,000). In February 2014, the National Press Council (CNP) suspended the newspaper *Le Monde d’Abidjan* for three months for “insults of extreme gravity” against the president. [...]

Under former president Laurent Gbagbo, media regulatory bodies such as the CNP were frequently used to control critical journalism, and this pattern persisted during President Ouattara’s first two years in office, with Gbagbo-aligned outlets as the targets. In 2013 and 2014, the CNP’s activities appeared less politically motivated, but the body has been strict in suspending journalists and publications for perceived violations of professional ethics. [...]

Physical attacks against journalists were a serious problem in Côte d’Ivoire in the past, particularly under the Gbagbo regime, but only one minor incident was reported in 2014. In May, a journalist with *Le Temps* was assaulted by a bodyguard when he attempted to join other reporters in the home of an opposition politician. Unlike in 2013, no journalists were detained or jailed by police during the year.” (Freedom House, 1 September 2015)

Other instances of abuse against journalists were reported in 2015 by Reporters without Borders (RWB) as follows:

“Reporters Without Borders is surprised and dismayed to learn that an opposition newspaper editor was placed in pre-trial detention yesterday in Abidjan, although media offences have been decriminalized in Côte d’Ivoire. Joseph Gnanhoua Titi, the publisher and editor of *Aujourd’hui*, a daily that supports former President Laurent Gbagbo, is being held in Abidjan’s main prison, known as the Maca, on charges of publishing false news and insulting President Alassane Ouattara. [...]

Article 68 of Côte d’Ivoire’s press law says: “The penalty of imprisonment is excluded for press offences.” Article 74 on insulting the president, which was cited by the prosecutor, provides for judicial proceedings but not for pre-trial detention.

And only the National Press Council (CNP) – the entity that oversees and regulates the media – is empowered to impose sanctions on journalists when the press law is violated.” (RWB, 30 July 2015)

In June 2017, Amnesty International (AI) reported the following incidents against journalists:

“On 12 February 2017, six journalists were arrested and detained in Abidjan for their coverage of the January and February mutinies. They did not have access to a lawyer while in police custody. They were subsequently charged with “publishing false news” and “inciting soldiers to mutiny”. They were released on 14 February, but remain under police investigation.” (AI, 29 June 2017, p. 2)

The same report by Amnesty International also discusses the draft law on the press, which is currently under review, as follows:

“[It] contains a number of provisions which would further curtail the right to freedom of expression. The draft law maintains criminalisation for publishing, disseminating, divulging and reproducing “false news” (article 98), offending the President of the Republic (article 92), defamation of institutions and public figures including against the courts, the armed forces, members of the government and of the national assembly (Articles 91, 93, 94) and verbal abuse (article 96-97), with hefty fines of up to 15,244 euros. Even if the facts are established a statement may qualify as defamatory if they happened more than 10 years ago, concern the private life of the person, or if there was an amnesty or when the statutory time period has passed (article 99).

Article 90 of the draft law on the press also provides for up to 5 years in prison and a fine of up to 4,573 euros on vague grounds including “inciting the military and law enforcement officers to insubordination and rebellion” or for “subverting the integrity of the national territory, the interior and exterior security of the state”. In practice these provisions could be used to target journalists and human rights defenders who expose human rights violations.” (AI, 29 June 2017, p. 2)

Concerning the situation of human rights defendants in the country, Human Rights Watch (HRW) explains:

“Although in June 2014 the government passed a law that strengthened protections for human rights defenders, it has so far failed to adopt a decree to facilitate the law's implementation. International and national human rights groups generally operate without government restrictions.” (HRW, 12 January 2017)

Another report by Amnesty International (AI) further explained, “[o]ver the last three years in Cote d'Ivoire, the offices of five of the main human rights organizations, and another of an independent newspaper, have been ransacked, often more than once. Despite filing complaints to the police, no one has been brought to justice in relation to these alleged robberies.” (AI, 16 May 2017, p.15)

5.9 Women's rights

According to the OECD Development Centre's Social Institutions and Gender Index (SIGI), article 30 of the Ivorian Constitution “grants equal rights to women”, and article 3 “commits the state to taking appropriate measures to ensure the development of women and realisation of their human rights.” (SIGI, 2014).

With regard to Côte d'Ivoire's ratification of International Human Rights Treaties related to women, the May 2013 submission by Côte d'Ivoire to the UN Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights outlines the following:

“At the international level, Côte d'Ivoire has ratified a number of instruments enshrining the free exercise by women, on an equal footing with men, of the fundamental rights of human beings. These include:

- The Charter of the United Nations, which is a reaffirmation of faith in fundamental human rights, in the dignity and value of the human person and in the equal rights of men and women;
- The Universal Declaration of Human Rights, which affirms the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and that all may avail themselves of every right and every freedom without discrimination of any kind, including sexual discrimination;
- The African Charter on Human and Peoples' Rights;
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed but not yet ratified;
- The Convention on the Political Rights of Women (accession by Côte d'Ivoire on 6 September 1995);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- The Convention on the Nationality of Married Women, ratified on 20 November 1999;
- The Abuja Agreement on Trafficking in Persons, especially Women and Children, signed in 2006;
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, ratified on 8 December 1961;
- The International Labour Organization (ILO) Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100), ratified on 5 May 1961.” (UN Human Rights Committee, 21 May 2013, pp. 14-15)

According to the United States Department of State's (USDS) 2013 Human Rights Report:

“The law does not specifically outlaw domestic violence, which was a serious and widespread problem. Victims seldom reported domestic violence due to cultural barriers. Police often ignored women who reported rape or domestic violence. Many victims' families reportedly urged victims to withdraw complaints and remain with an abusive partner due to fear of social stigmatization. [...]

Harmful Traditional Practices: Societal violence against women included traditional practices, such as dowry deaths (the killing of brides over dowry disputes), levirate (forcing a widow to marry her dead husband's brother), and sororate (forcing a woman to marry her dead sister's husband).

Sexual Harassment: The law prohibits sexual harassment and prescribes penalties of between one and three years of imprisonment and fines of 360,000 to one million CFA francs (\$679 to \$1,887). Nevertheless, the government rarely enforced the law, and harassment was reportedly widespread and routinely accepted.” (USDS, 27 February 2014)

The political rights of women are described by the same source in another report published in June 2015 as follows:

"While no formal barrier prevents women from participating in political life, cultural and traditional beliefs limited the role of women. Of 253 National Assembly members, 25 were women; of 197 mayors, 11 were women. A few women held prominent positions, including the first vice president of the National Assembly, five ministers of cabinet, and chairpersons of important commissions." (USDS, 25 June 2015)

The same 2015 report also discusses the issue of gender discrimination:

"The law prohibits discrimination based on gender, and the government encouraged full participation by women in social and economic life [...]. Some women had trouble obtaining loans because they could not meet lending criteria, including requirements for posting expensive household assets as collateral, which may not have a woman listed on the title. Women also experienced economic discrimination in owning or managing businesses.

Women's organizations continued to campaign for tax reform to enable single mothers to receive deductions for their children. Inheritance law also discriminates against women." (USDS, 25 June 2015)

In a report dating from June 2013, the World Bank provides the following information with regard to the situation of women in rural settings:

"In Africa, women are subjected to discriminatory practices that keep them in a vulnerable situation. Their limited access to land, in a continent where the majority of the population depends on agriculture, reduces their access to credit and their capacity to undertake sustainable economic activities to generate income. [...] In Côte d'Ivoire, the woman remains marginalized, with a status that is increasingly weakened today by the socio-political situation. Data from the National Statistics Institute highlight their extreme poverty: 75% of rural women are living below the poverty line. And they are often deprived of basic social services. Some socio-cultural factors perpetuate traditions that are harmful to girls and women. Despite the establishment of organizations for the promotion and protection of women's rights (Directorate for equality and gender promotion in 2006, National Committee to Combat Violence Against Women and Children), Côte d'Ivoire ranks 136th in the gender inequality index as per the UNDP 2011 gender-related development index (GDI). Yet the country has ratified several international and regional conventions on equal dignity and rights for all citizens. While there are almost equal rights for men and women, no interest is given to gender and women empowerment issues in the implementation of national policies." (World Bank, 1 June 2013, p. 3)

For more information on the issue of housing, land and property (HLP) rights for women, please refer to section 5.16 below.

With regard to sexual violence, the African Development Bank Group (AFDB) discusses how the disruption of services during the crisis affected the support offered to survivors even after the crisis:

"Côte d'Ivoire's political crisis in 2001 worsened the humanitarian situation considerably. [...]"

Poor power relations between men and women were exacerbated, and according to a study published by the United Nations Population Fund (UNFPA) in 2008, gender-based violence (GBV) grew to affect 67% of women. The most common forms of violence reported by GBV survivors were physical violence (84%), verbal violence (81%), psychological violence (34%), and sexual violence (21%). In addition, sexual violence was used as a weapon of war. The most affected regions were the north, the centre and the west, which had been occupied by rebel forces (Forces Nouvelles) since September 2002. The situation destabilised the lives and the economic activities of most people in those regions, as well as in the rest of the country, in a variety of ways.[...]

In normal times, GBV is handled by national services, namely social workers, police personnel, healthcare providers (both medical and psychosocial professionals), and the judiciary. In Côte d'Ivoire, however, the departure of 17,135 officials and other social services workers [during the crisis] disrupted or totally interrupted vital state services, leaving survivors without critical support." (AFDB, 25 July 2013, pp. 6, 7)

On the same subject, an article by the Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict writes:

"In 2014, the United Nations Operation in Côte d'Ivoire (UNOCI) documented 325 cases of rape, with 230 of the incidents committed against minors aged between 2 and 17 years, including 1 boy. Fifty-seven of the incidents were gang rapes, which tend to be committed during carjackings or in private homes during armed robberies. The presence of criminal elements across the country, combined with incomplete disarmament, demobilization and reintegration, weak law enforcement and the absence of a regularly functioning high court, puts women and children at risk. The risks are greatest in the western and northern parts of the country, which have the highest concentrations of ex-combatants. For example, sexual violence remains high in Bouaké, where many ex-combatants who are motorcycle, bus and taxi drivers have been involved in robbery and rape at gunpoint. The proliferation of small arms and light weapons exacerbates insecurity. The national disarmament, demobilization and reintegration process, with support from UNOCI, has integrated gender training into its resocialization camp for former combatants in an attempt to mitigate the threat of sexual violence. [...]

Where alleged perpetrators have been prosecuted, sexual violence offences are often reclassified as indecent assault (*attentat à la pudeur*), a lesser charge, so that they can be processed promptly by first instance courts. Serious crimes are normally tried by criminal courts (*cours d'assises*); however, these courts are facing a severe backlog. [...] Since February 2013, Côte d'Ivoire has embarked upon a process of legal reform, including expanding its restrictive definition of sexual violence (currently limited to rape) and clarifying the elements of sexual violence offences in order to harmonize its criminal and civil codes with international standards. In addition, the Government has drafted a specific law on the protection of victims and witnesses. The Dialogue, Truth and Reconciliation Commission submitted its report in December 2014, in which it documented grave violations committed between 1990 and 2011, including sexual violence, and recommended accountability measures." (SRSG-SVC, 23 March 2015)

Freedom House's Freedom in the World 2015 Côte d'Ivoire report states:

"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.” (Freedom House, 19 June 2015)

A March 2015 report of the Secretary General on conflict-related sexual violence describes some of the recent measures undertaken by the government to address the issue:

“On 21 July, FRCI established a committee of national experts on conflict-related sexual violence, recalling the Declaration of Commitment made at the Global Summit to End Sexual Violence in Conflict, held in London in June. This committee has developed an action plan for FRCI on addressing sexual violence. More than 900 members of FRCI have been trained on gender-based violence to date, as well as over 300 police officers and gendarmes. In November 2014, 20 women cadres from the national police participated in a seminar on female leadership organized by the United Nations police, which focused on strengthening their role in the fight against gender-based violence. The United Nations country team is also supporting the national police to establish specialized units and gender desks. In September 2014, the Government of Côte d'Ivoire officially launched a national strategy to combat gender-based violence, with support from United Nations Action against Sexual Violence in Conflict and coordinated by UNFPA.” (UN Security Council, 23 March 2015, p. 21)

According to an April 2015 report by the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights, “[o]n 12 February 2015, the Toumodi court of first instance sentenced a person for indecent assault in a rape case. The Independent Expert notes with concern that rape is often prosecuted as indecent assault before the criminal courts, which underestimates the seriousness of this crime for the victims.” (UNHRC, 27 April 2015, pp. 8-9).

More recently, the United Nations Operation in the Cote d'Ivoire (UNOCI), together with the UN High Commissioner for Human Rights (OHCHR), issued a report on July 11, 2016, urging Cote d'Ivoire to do more to prevent rape and punish perpetrators:

“The report documents 1,129 cases of rape in Côte d'Ivoire between 1 January 2012 and 31 December 2015*- some 66 percent of the victims are children.

“Despite the end of hostilities since 2011 and the respite brought by the gradual stabilization, instances of rape, mainly committed by individuals, continue,” says the report. The prevalence of rape was probably exacerbated by years of conflict in Côte d'Ivoire, “which fostered a culture of violence due to the general climate of insecurity and which were marked by persistent impunity due to the lack of systematic prosecution,” the report states.

The report highlights the progress made in the judicial response to these crimes and the fight against impunity, but stresses that such progress remains clearly insufficient. Although investigations were opened in 90 percent of rape cases documented in the report, less than 20 percent of them resulted in a conviction.

The report also stresses that all 203 cases that ended in a conviction were “reclassified”, a common practice of judging rape as a lesser offence and for which the sentencing is less severe. Although seen as a way for victims to access justice and facilitate a prompt judgement, this practice, according to the report, “minimizes the gravity of rape.”

The widespread recourse to settlements out of court, especially in cases of rape against children, is of particular concern. Carried out at the expense of the rights of the victims and usually without their consent, these arrangements are intended to “preserve social cohesion, community reputation and prevent the alleged perpetrator from ending up in jail,” notes the report, which stresses that such a settlement “undoubtedly contributes to the trivialisation of rape and puts the victim in a position of weakness and vulnerability.”

Slow procedures and court decisions, and various shortcomings in the conduct of investigations are also major obstacles in the fight against rape, as well as the stigmatization of victims, many of whom do not lodge complaints.” (OHCHR, 11 July 2016)

The challenges facing displaced women in Côte d'Ivoire were also documented by the Brookings/LSE project on internal displacement, which explained:

“In many ways, women have borne the brunt of the country's conflicts and its protracted displacement situation. Displaced women suffered numerous human rights violations, and along with their families have struggled to re-establish sustainable livelihoods – both while displaced, and upon returning to their communities or seeking out another solution to their displacement. The conflict resulted in the destruction of the productive capital of thousands of households, and a marked increase in single-parent families due to the death of many men in the violence. Looting, destruction and land-grabbing have undercut the economic sectors (including subsistence agriculture and petty trade) that typically employ the poorest of the poor, particularly female heads of household. This has undermined the ability of many displaced families to recover from the economic losses associated with their forced migration, and to secure sustainable solutions to their displacement. Inequitable property inheritance practices and heightened risk of sexual and gender-based violence, particularly amongst internally displaced young women, further complicate the efforts of displaced women to make a living.” (Brookings/LSE, April 2013, p. 1)

5.9.1 *Female Genital Mutilation/Cutting (FGM/C)*

According to UNICEF, “female genital mutilation/cutting (FGM/C) is ‘the partial or total removal of the female external genitalia or other injury to the female genital organs for cultural or other nontherapeutic reasons.’” (UNICEF, April 2007, p. 2).

The report submitted by Côte d'Ivoire to the UN Human Rights Committee in May 2013 explains:

“Female genital mutilation remains a quite widespread practice in Côte d'Ivoire and constitutes a form of serious violence against women, with harmful consequences for their physical and mental health.

Côte d'Ivoire is one of the West African countries where female circumcision is most prevalent. The preliminary findings of the Multiple Indicator Cluster Survey (MICS 2006) put its prevalence in the country at about 36 per cent, but with disparities from region to region, so that it is as high as 87 per cent in the country's north and 73 per cent in the west. Practised in most cultural groups, but strongly prevalent (MICS 2006) among the Voltaïques (72.2 per cent) and the Mandé of the north (70.5 per cent) and less common among the Akan (3.5 per cent), female genital mutilation still commands wide social acceptance, particularly in Muslim communities.

Act No. 98/757 of 23 December 1998 bans female circumcision in Côte d'Ivoire. It stipulates that any action damaging to a female's genital organs, in the form of total or partial mutilation, circumcision, desensitization or any other practice proving harmful carries a prison term of from 1 to 5 years and a large fine of between CFAF 360,000 and CFAF 2 million. The penalty rises to 5 to 20 years' imprisonment if the victim dies as a consequence of the operation. Any doctor carrying out the procedure is liable to be banned from practising medicine for up to 5 years." (UN Human Rights Committee, 21 May 2013, p. 26)

The United States Department of State (USDS) further adds:

"The law specifically forbids FGM/C and provides penalties for practitioners of up to five years' imprisonment and fines of 360,000 to two million CFA francs (\$679 to \$3,774). Double penalties apply to medical practitioners. There were no reports during the year of FGM/C performed on adult women." (USDS, 25 June 2015)

In 2015, prosecution for FGM/C in Côte d'Ivoire was reported by the German Federal Office for Migration and Refugees as follows:

"A court in the city of Bouaké has sentenced a mother who circumcised her four-year-old daughter to one year behind bars. A relative accompanying the woman was fined CFA 360,000 (approx. EUR 550) and also received a prison sentence. The woman who carried out the procedure is on the run. The public prosecutor said the sentence was a "warning" and threatened stricter prosecution in the future. Prison sentences for female genital mutilation were handed down for the first time in 2012. Although female genital mutilation is prohibited, it is practised regularly by Muslims in the north and Animists in the west. According to UNICEF, 38 percent of women throughout the country have undergone female genital mutilation." (Germany, 30 March 2015, p. 2)

5.10 Rights of the child

According to the Office of the High Commissioner for Human Rights (OHCHR), Côte d'Ivoire signed and ratified the Convention on the Rights of the Child (CRC) in February 1991. Côte d'Ivoire equally acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), in 2011 and 2012 respectively. (OHCHR, n.d.-b)

Birth registration is a fundamental human right enshrined in articles 7 and 8 of the UN Convention on the Rights of the Child (CRC) (Child Rights Connect, n.d.). The issue of birth registration in Côte d'Ivoire was reported by United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) as follows:

"Failure to report births in Côte d'Ivoire has worsened over the past decade due to the conflicts and crises that have plagued the country. When rebels seized control of some northern provinces in September 2002, the bureaucracies in those areas collapsed. During this time, even those parents willing to register their new children were simply unable to.

This pattern repeated in November 2010, when fresh violence threw Government and social services into disarray. As a partial result of this decade of turmoil, as many as three out of 10 rural births go undeclared, compared with only one out of 10 in urban areas.

To address this, the Ivorian Government announced a temporary change to its policies in early 2012. New births that occurred during the 2002 and 2010 violence could be reported directly to the civil registration centres, meaning parents would no longer be required to go to court.” (UN OCHA, 31 October 2013)

The United States Department of Labor (USDL) noted in its September 2015 report that “[c]hildren in Côte d’Ivoire are engaged in the worst forms of child labor in domestic work and agriculture, particularly on cocoa farms, sometimes under conditions of forced labor” (USDL, 30 September 2015, p.1).

The 2016 United States Department of Labor (USDL) report maintained this information but added the following development:

“In 2015, Côte d’Ivoire made a significant advancement in efforts to eliminate the worst forms of child labor. The Government passed a revised Labor Code, which raised the minimum working age from 14 to 16, and passed a law establishing compulsory education through age 16. More than 100 law enforcement officials and social workers received training on investigation and interrogation techniques, which resulted in a subsequent police operation that rescued 48 victims of child trafficking. The National Monitoring Committee on Actions to Combat Trafficking, Exploitation, and Child Labor and the Interministerial Committee on the Fight Against Trafficking, Exploitation, and Child Labor published a joint report on the implementation of the pilot phase of Côte d’Ivoire’s child labor monitoring system, SOSTECI. During the reporting period, the Government launched the National Action Plan for the Fight Against the Worst Forms of Child Labor and finalized the National Action Plan and Strategy Against Human Trafficking. In addition, nine new programs were approved to combat child labor, including its worst forms, and improve access to education.” (USDL, 30 September 2016, p. 1)

The Integrated Regional Information Networks (IRIN) describes the following in an article dating from August 2015:

“As peace and security have improved, the number of people willing to cross the border – and send their children – to work in Ivorian cocoa fields is on the rise.

Between 2009 and 2014, the number of children involved in hazardous work in cocoa production in West Africa increased by 46 percent, according to recent research by the US-based Tulane University.

The estimated number of child labourers in Cote d’Ivoire has more than doubled, from 800,000 pre-crisis to 1.62 million now, according to a joint investigation by UNICEF and the Ivorian government. The vast majority come either from abroad – Mali, Burkina Faso and Togo – or from the poorer, rural parts of Côte d’Ivoire in the north and centre of the country.” (IRIN, 25 August 2015)

Despite the challenging scenario, the country has also made significant progress in its attempt to address the issue, as the 2014 United States Department of Labor (USDL) report explains:

“In 2014, Côte d’Ivoire made a significant advancement in efforts to eliminate the worst forms of child labor. The Government conducted a labor survey which included a subsurvey to determine the activities of working children; issued a decree to implement the Trafficking and Worst Forms of Child Labor Law that was adopted in 2010; and adopted a National Policy

Document on Child Protection. The Government also established a National Committee for the Fight Against Trafficking in Persons; increased the budget of the Directorate for the Fight Against Child Labor by \$800,000; continued to support social programs that address child labor in support of activities under the National Action Plan against Trafficking, Exploitation, and Child Labor (NAP); and completed the pilot phase of the child labor monitoring system known as SOSTECI." (USDL, 30 September 2015, p.1)

In the June 2015 report of the Secretary-General on the situation of children and armed conflict it was announced that as the protection of children has continued to improve in the country, "the situation of Côte d'Ivoire will be removed from the report as of 2016." (UN Security Council, 5 June 2015, p. 10)

Regarding child detention, UNOCI documented a number of cases between May and December 2015, as outlined by the thirty-seventh progress report of the Secretary-General on the UNOCI:

"Between 1 May and 1 December, UNOCI documented the arbitrary and illegal detention of 5 minors, including 2 girls, as well as a number of incidents of rape and other forms of sexual violence against 81 girls, one of which allegedly had been perpetrated by a State agent. UNOCI also recorded two cases of forced marriage and one case of attempted forced marriage against three girls.

The Ivorian authorities, in coordination with the United Nations and other partners, continued to work on finalizing a national judicial policy for the protection of children and youth, which would encourage reinsertion rather than imprisonment for juvenile offenders." (UN Security Council, 8 December 2015, p. 11)

The Integrated Regional Information Networks (IRIN) further reports on the detention of children in an article dating from May 2015:

"Hundreds of children are being kept behind bars in Cote d'Ivoire's overcrowded adult prisons waiting on trial dates due to the country's broken post-crisis criminal justice system. [...]

At MACA, there are at least 117 other children between the ages of 14 and 17 years who are being held without a trial date. Meanwhile, at Man Prison, in the west of the country, 14 of its 504 child prisoners have no trial date, and 11 of the 70 minors in Daloa Penitentiary in the midwest, are still awaiting trial. [...]

It is not just youngsters who are affected by the backlog. More than 2,000 adult prisoners are also "languishing" in their cells in MACA, the magistrate told IRIN." (IRIN, 21 May 2015)

A wave of child killings and abductions allegedly linked to traditional rituals have been reported, according to Reuters:

"At least 21 children have been kidnapped in Ivory Coast since December and most have been found dead with their bodies mutilated, authorities said, in a wave of ritual killings some residents fear may be linked to upcoming elections. [...]

Many said the kidnappings were likely linked to ritual killings by corrupt businessmen and politicians, who used body part in ceremonies supposed to confer supernatural powers. [...]

The kidnappings have led to calls for action from the U.N. children's agency UNICEF, which urged authorities to do everything possible to quickly identify those responsible." (Reuters, 27 January 2015)

Additionally, according to UPI News, "there is a fear that these deaths are ritual sacrifices connected to elections in Ivory Coast later this year. Perpetrators may believe they can gain power and resources from the killings." (UPI News, 29 January 2015)

Regarding the government's response to these attacks, Vice News explains:

"Authorities in the Ivory Coast have arrested 1,000 people and deployed troops on the streets amid a nationwide panic over a wave of child kidnappings and killings feared to be linked to black magic. [...]"

In response to the widespread rumor that internet scammers are involved in the recent rash of killings, the government has imposed a 9pm curfew on internet cafés, and closed down 550 establishments that were operating without a license. [...]"

Désirée [a principal at a middle school in Abidjan] explained that schools are taking new precautions in light of the recent kidnappings, including asking parents to pick their kids up from inside the school, encouraging school bus drivers to drop children off closer to home, and telling unaccompanied children to walk home in small groups." (Vice News, 4 February 2015)

5.11 Sexual orientation and gender identity

Homosexuality is reportedly legal in Côte d'Ivoire; nonetheless, public indecency with a same-sex partner is criminalized. (IRRI, n.d.). An English-language translation of article 360 of the Ivorian Penal Code is provided below:

"Whoever commits an outrage against public decency will be punished with three months to two years imprisonment and a fine of 50,000 to 500,000 francs.

If the outrage against public decency consists of an indecent or unnatural act with an individual of the same sex, the imprisonment will be from six months to two years and a fine of 50,000 to 300,000 francs.

The punishment can be doubled if the offence was committed with a minor or in the presence of a minor less than 18 years of age." (IRRI, n.d.)

The application of article 360 was described by the Immigration and Refugee Board of Canada (IRB), in a report dating from December 2014 as follows:

"It would be difficult to confirm whether this article is already repressing homosexuals in Côte d'Ivoire. Jurisprudence on the subject is basically inaccessible/nonexistent because outrage to public decency falls within the offences that are generally prosecuted by way of denunciation - an action taken by the witness to a violation of a law and used when citizens feel it is necessary to do so. In this case, however, many people may not be aware of the possibility of applying such a provision against homosexuals [...], thus legal proceedings of the sort are rare." (IRB, 22 December 2014)

Although there are no criminal penalties for same-sex relationships in Côte D'Ivoire, reports of harassment and societal discrimination of the LGBTI community in Côte d'Ivoire are fairly frequent (HRC, 29 July 2014, p. 8). The Immigration and Refugee Board of Canada (IRB) cites, in a different report, its correspondence with Alternative Côte d'Ivoire, an NGO dedicated to promoting the rights of sexual minorities:

"Although Côte d'Ivoire is one of the few African countries where homosexuality is not criminalized, homophobia is no less present. ... Except for in certain social settings frequented by homosexual individuals, members of sexual minorities must conceal their sexual orientation in order to avoid injuries, humiliation, discrimination and violence. Asserting one's homosexuality could result in familial rejection and the loss of support networks. [...]"

The Executive Director of Alternative Côte d'Ivoire stated that acceptance of sexual minorities [translation] "is greater in urban areas because of the level of education; in contrast, in rural areas, there is a considerable traditional and religious influence, as well as a high rate of illiteracy (Alternative Côte d'Ivoire 21 Feb. 2014)." (IRB, 27 February 2014)

Human Rights Campaign's (HRC) report entitled "The State of Human Rights for LGBT People in Africa" further notes:

"Politicians often use extreme anti-LGBT rhetoric, with the Minister of Public Service claiming that same-sex marriage would 'mark the end of the world.' Cote D'Ivoire is considered by some to be a safe haven for LGBT people fleeing persecution elsewhere on the continent. As one Ivoirian transgender woman put it, 'It's no paradise here, but it's a lot better than in other countries.'" (HRC, 29 July 2014, p. 8)

Jean Marc Yao, a human rights consultant in Ivory Coast also wrote the following in his 2014 article:

"But recent news reveals that the reality is quite different. In Ivory Coast, diversity of gender and sexual orientation is not accepted. LGBT people there are at serious risk. The proof: People can rise up and insist that an honest citizen leave their neighborhood simply because his sexual orientation is different from their own and because he works with homosexuals." (Yao, 10 February 2014)

Amnesty International (AI) described a homophobic attack in its State of the World's Human Rights 2014/2015 report:

"In January, the office of Alternative Côte d'Ivoire, an organization working for the rights of LGBTI people living with HIV, was ransacked by a large mob. Computers were stolen, walls were daubed with homophobic slogans and a staff member was badly beaten. Police refused to respond or investigate the incident. The Director of Alternative Côte d'Ivoire's house was also later attacked. A security forces member was reportedly among the attackers. Several staff members subsequently went into hiding. (AI, 25 February 2015)

Human Rights Watch (HRW) also reported the following in 2016:

"Two men were in November convicted of public indecency and sentenced to three-month prison terms after being accused of same-sex sexual acts. Two gay men were assaulted in

June after a photo was published of them signing a book of condolences to the victims of a shooting at a gay nightclub in Florida, US.” (HRW, 12 January 2017)

5.12 Freedom of movement

The right of freedom of movement is a fundamental human right recognized in different international instruments, including the Universal Declaration of Human Rights (UDHR), the African Charter on Human and Peoples' Rights, and the International Covenant on Civil and Political Rights (ICCPR). (Claiming Human Rights, 1 September 2009). The latter was ratified by Côte d'Ivoire in 1992. (OHCHR, n.d.-b)

Regarding freedom of movement in Côte d'Ivoire, Human Rights Watch (HRW) notes:

“Security forces routinely and openly extort money at roadblocks in the western part of Côte d'Ivoire. [...] Extortion is illegal under Ivorian law and violates people's right to liberty of movement under the International Covenant on Civil and Political Rights and people's right to property under the African Charter on Human and Peoples' Rights. In cases where checkpoint extortion impedes access to health care or harms food security, the government has also violated people's rights to health and food under the International Covenant on Economic, Social, and Cultural Rights.” (HRW, 3 July 2013)

Freedom House's Freedom in the World 2015 report summarizes the following:

“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.” (Freedom House, 19 June 2015)

With regard to road blocks and extortion, Human Rights Watch (HRW) explained that “[e]xtortion by security forces at illegal checkpoints remained an acute problem, particularly on secondary roads in rural areas. A specialized anti-racket unit has been undermined by inconsistent financial support from the government and the failure of the military tribunal to consistently prosecute perpetrators.” (HRW, 27 January 2016)

Human Rights Watch (HRW) on a different report dating from 2015 also noted that “while there has been some progress over the last few years, President Ouattara's government hasn't done enough to end checkpoint extortion. Security forces continue to enrich themselves at the expense of ordinary Ivorians, many of whom are already struggling to earn enough to make ends meet.” (HRW, 29 July 2015)

For more information on corruption by government officials, please refer to subsection 1.4.2 of this compilation.

5.13 Human trafficking

According to the United States Department of State's trafficking of persons 2016 report, “Cote d'Ivoire is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking.” (USDS, June 2017, p. 41). The report further notes:

“Trafficking within the country is more prevalent than transnational trafficking, and the majority of victims identified are children. Due to a stronger emphasis on monitoring and combating child trafficking within the country, the number of adults subjected to trafficking may be underreported. Within Cote d’Ivoire, Ivoirian women and girls are subjected primarily to forced labor in domestic service and restaurants, as well as forced prostitution. Ivoirian boys are subjected to forced labor within the country in the agriculture and service sectors.

Boys from other West African countries, including Benin, Burkina Faso, Ghana, Mali, and Togo, are found in Cote d’Ivoire in forced labor in agriculture (on cocoa, coffee, pineapple, and rubber plantations), and in the mining sector, carpentry, and construction. Some girls recruited from Benin, Ghana, and Togo for work as domestic servants and street vendors are subjected to forced labor. Some women and girls recruited from Ghana and Nigeria as waitresses are subjected to sex trafficking.

The Government of Cote d’Ivoire does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. With NGO support, the government conducted a raid of agricultural facilities and market vendors resulting in the rescue of 48 children from child labor—some of whom were victims of forced child labor—and 22 arrests, including 11 individuals on human trafficking charges. It prosecuted, convicted, and sentenced one trafficker with a sufficiently stringent prison sentence and finalized but did not adopt an anti-trafficking national action plan. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Cote d’Ivoire is placed on Tier 2 Watch List.” (USDS, June 2016, pp. 41-42)

In 2010, Human Rights Watch (HRW) reported the following with reference to trafficking for prostitution involving Nigerian women:

“In July 2010, Human Rights Watch traveled to three Ivorian towns and met with groups totaling around 30 Nigerian women believed to have been trafficked for prostitution. [...] In two small towns in central Côte d’Ivoire, with populations of about 40,000 and 50,000, respectively, Human Rights Watch documented the presence of five separate brothels of Nigerian women and girls. A gendarme in one of the towns estimated that at least 100 Nigerian women were working there as prostitutes. Human Rights Watch investigations indicated that the majority of them were likely to have been trafficked.” (HRW, 26 August 2010)

Most recently, a February 2015 article by the United Nations Office on Drugs and Crime (UNODC) reported the following:

“A few years ago, Anna*, now aged 24, and her friend Precious*, now 19, were brought from Nigeria to Okah, in northern Côte d’Ivoire, under the pretence of attractive jobs. With difficult living conditions back home, the choice of moving for a better life, earning some money and studying further was a seemingly easy one. The opportunity, however, was not as innocent as it seemed and Anna and Precious soon found themselves being trafficked.

For over seven days, and under terrible conditions, the traffickers moved Anna and Precious illegally across several national borders. Arriving at their destination, the two friends were forced to have sex with multiple men in order to pay a \$2,600 travel expense 'debt' for their trip to Côte d’Ivoire. Having no choice, the girls had sex with at least 11 men each night for as little as \$2 per client over a period of two years. [...]

After Anna and Precious escaped, the traffickers were caught and eventually sentenced to five years in prison for their crimes, as well as fined \$2,000. After the trial, the two friends were first

taken to a shelter in the city of Abidjan in Côte d'Ivoire, and then repatriated to Nigeria with the support of UNODC and its partners. Currently, they are in a social reintegration programme supported by a regional NGO network in West Africa to help them restart their lives." (UNODC, 4 February 2015)

With regard to child trafficking, in February 2014, Operation Nawa, aimed at fighting child trafficking and exploitation, led to the rescue of 76 children believed to have been trafficked across West Africa as reported by Interpol:

"Some 170 Ivorian law enforcement officers participated in Operation Nawa (6-17 February) in which gendarmes, police and forestry agents targeted cacao fields and illegal gold mines in five areas across the Soubré region. With the majority of the suspected child trafficking victims believed to originate from Burkina Faso and Mali, the operation led to the arrest and sentencing of eight traffickers – five men and three women.

Operation Nawa is the first of a series of planned INTERPOL transnational child trafficking operations focusing on the serious abuse of children subjected to slave-like conditions. [...] Follow-up action includes the development of best practices for HTCE operations in West Africa and the development of a regional West African programme and capacity building based on Operation Nawa." (Interpol, 4 April 2014)

According to Interpol, in June 2015, Operation Akoma was "the latest in a series of operations against child trafficking and exploitation across West Africa and the first joint initiative by the two organizations [Interpol and the International Organization for Migration (IOM)] since they signed an agreement to enhance cooperation in the fight against human trafficking and migrant smuggling in 2014." (Interpol, 22 June 2015). As a result, 48 children were rescued and 22 people arrested.

For more information on child labor and child abductions in Côte d'Ivoire, please refer to subsection 5.11 of this compilation.

5.14 *Persons with disabilities and albinos*

Concerning the rights of persons with disabilities, the United States Department of State (USDS) explains:

"Wheelchair-accessible facilities were not common, and there were few training and job assistance programs for persons with disabilities. The law prohibits acts of violence against persons with disabilities and the abandonment of such persons, but there were no reports that the government enforced these laws.

There were no reports that persons with disabilities were specific targets of abuse, but they reportedly encountered serious discrimination in employment and education. While the government reserved 800 civil service jobs for persons with disabilities, government employers sometimes refused to employ such persons.

The government financially supported special schools, training programs, associations, and artisans' cooperatives for persons with disabilities, but many such persons begged on urban streets and in commercial zones for lack of other economic opportunities. Although the public schools did not bar persons with disabilities from attending, such schools lacked the resources

to accommodate students with special needs. Persons with mental disabilities often lived on the street.

The Ministry of Employment, Social Affairs, and Professional Training and the Federation of the Handicapped are responsible for protecting the rights of persons with disabilities.” (USDS, 25 June 2015)

The situation of albinos in Côte d'Ivoire was further outlined by the Independent Expert on the situation of human rights in Côte d'Ivoire in its January 2014 report as follows:

“The organization Bien-être des albinos de Côte d'Ivoire (Albinos Welfare of Côte d'Ivoire) (BEDACI) informed the Independent Expert of the various problems encountered by some 4,000 Ivorian albinos who face social and cultural rejection. BEDACI complained that ill-treatment of albinos had become commonplace and widespread, with several cases of kidnapping reported. According to BEDACI, a woman sentenced to 5 years of prison for kidnapping albinos was reportedly released after 8 months.

The dropout rate was higher for albinos than for the rest of the population, in particular owing to stigmatization and vision problems. Eighty per cent of albinos were from poor families. The Independent Expert noted, however, that Côte d'Ivoire on 21 June 2013 adopted a law for the ratification of the Convention on the Rights of Persons with Disabilities. He hopes that specific measures will be adopted to take into account the specific needs of albinos in respect of health, education and access to the labour market, in accordance with Human Rights Council resolution 23/13 of 13 June 2013 on attacks and discrimination against persons with albinism.” (UNHRC, 13 January 2014, pp. 14-15)

5.15 Persons living with HIV/AIDS

Regarding Côte d'Ivoire's health infrastructure, Jhpiego, a non-profit health organization affiliated with Johns Hopkins University, explains “[...] Côte d'Ivoire has suffered from political instability for more than a decade. As a result, the health care infrastructure has been weakened, particularly in the northern regions of the country, which are still undergoing reconstruction. [...] In Côte d'Ivoire, where HIV/AIDS, tuberculosis and malaria are primary health concerns, access to care is essential.” (Jhpiego, 2014, p. 1)

According to the United States President's Emergency Plan for AIDS Relief (PEPFAR), in 2014 there were 460,000 people living with AIDS, 230,000 orphans due to AIDS (from ages 0 to 17), and 22,000 deaths from AIDS-related causes in Côte d'Ivoire. (PEPFAR, December 2015, p.1).

The United Nations Children's Fund (UNICEF) also noted:

“According to the Demographic and Health Survey on HIV Prevalence 2011–2012, Côte d'Ivoire has the one of the highest HIV prevalence rates in West Africa – 3.7 per cent. HIV Specialist with UNICEF in Côte d'Ivoire Dr. Jean Konan Kouamé says that such high infection rates can be attributed to 'early sexual debut, ignorance about how HIV can be transmitted and limited access to HIV prevention and treatment services'.

According to recent data, 88 per cent of the population has never taken an HIV test. Dr. Kouamé believes that this is “because people do not know that if they know their HIV status they can access a treatment that allows them to live longer and healthy lives”.

Stigma associated with HIV is such that people living with the virus like Jean are reluctant to disclose their status – even to their immediate family. Stigma can result in isolation and loneliness, which makes it difficult to access care, treatment and support services available to them.” (UNICEF, 4 December 2013)

With reference to the exclusion of homosexual men with HIV in Côte d'Ivoire, the Independent Observer of the Global Fund (IOGF) explains:

“The opinions about HIV, sexuality and social mores are as varied in Abidjan as the people from across the region who flock to what remains the most metropolitan capital in all of francophone Africa despite more than a decade of on-and-off conflict and strife. [...]

Only three clinics in Abidjan are considered safe places where HIV+ gay men can feel confident seeking treatment. Many doctors are anecdotally known to refuse to provide treatment because of their sexual orientation.

For many working in the HIV field, that sort of exclusion and marginalization is the most dangerous, because it perpetuates stereotypes and misunderstandings among the very people whose code of conduct demands that they first do no harm. To overcome it, they say, Côte d'Ivoire must be innovative in implementing a public health approach to HIV – instead of a cultural one.” (IOGF, 20 January 2014)

Concerning the situation of women with HIV, the same source explains in a different article:

“Ten years of armed conflict and perpetual insecurity have driven HIV prevalence in Côte d'Ivoire higher -- especially among women in the western zone on the Liberian border. Many of these women were infected as a result of sexual violence perpetrated by one or another of the marauding armed groups that terrorized the region for over a decade; others were infected after turning to prostitution to escape extreme poverty. [...]

Other women who contract the virus feel too much shame and stigma to seek treatment, because their secrets would be revealed: they engage in occasional transactional sex in order to pay for life's necessities and keep them from complete destitution, said Paulin Gbahi, a nurse at the health clinic in Tai, another border town.” (IOGF, 18 September 2014)

Amnesty International (AI) reports on the wave of attacks committed against HIV workers in Côte d'Ivoire:

“Authorities in Côte d'Ivoire must urgently investigate the unprecedented wave of homophobic attacks in Abidjan, which has forced many HIV workers to go into hiding, Amnesty International said. [...]

On 20 January, the house of the Director of Alternative Côte d'Ivoire, Claver Touré, was attacked in the area of Angré in Abidjan. A member of the security forces was reportedly among the attackers. Several people working in the organization are now in hiding in fear of further attacks.

Alternative Côte d'Ivoire is an officially registered organization that works closely with the Ministry of Health." (AI, 29 January 2014)

For more information on homophobic attacks, please refer to subsection 5.12 of this compilation.

5.16 Housing, land, and property (HLP) rights

According to the United States Agency for International Development's (USAID), "Côte d'Ivoire adopted the Rural Land Law, which aims to transform customary land rights into private property rights regulated by the state. Because of an extended period of political turmoil from 1999 to 2011, and lack of resources devoted to the effort, very little has been done to make the Rural Land Law a reality for most Ivoirians." (USAID, May 2013, p. 1). The same source also notes:

"Moving toward a rural land tenure regime that is governed by statute, rather than by custom, has proved to be an enormous challenge in Côte d'Ivoire. The Rural Land Law, adopted in 1998, remains little known and little used. The government would be well advised to reexamine the relationship between customary and statutory land systems and, in consultation with customary groups, decide whether the current statutory system needs adjusting to create a regime that best satisfies the needs of the rural population." (USAID, May 2013, p. 1)

Human Rights Watch (HRW) equally reports on the issue and explains in its 2014 World Report:

"During the post-election crisis, violence displaced hundreds of thousands of people, either as refugees or internally within Côte d'Ivoire. Many people have returned to find their land illegally taken over through illegal sales or, in some cases, hostile occupations – violating their property rights and rights as returning refugees.

In August, the government passed reforms to land tenure and nationality laws, rightly recognizing their link to recent politico-military violence. However, it failed to adequately support local administrative and judicial mechanisms involved in resolving land conflicts, leaving many people unable to access their land more than two years after the crisis. Several attacks in March 2013 on Ivorian villages near the Liberian border were related to land dispossession, showing the potential for future violence if the government does not ensure the fair resolution of land disputes." (HRW, 21 January 2014)

Freedom House states in its Freedom in the World 2015 report:

"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." (Freedom House, 19 June 2015)

In 2015, land dispossession was highlighted as a key driver of inter-communal tensions as reported by another Human Rights Watch (HRW):

“Land dispossession remains a key driver of inter-communal tensions and local-level violence between ethnic groups in western Côte d’Ivoire. Although customary authorities and local officials have successfully mediated many cases related to the 2010-2011 post-election crisis, the outcome of mediation often allows those who acquired land in bad faith to remain and frequently discriminates against women. Those implicated in illegal land sales are rarely prosecuted.

In 2013, the Ivorian government passed several reforms to land tenure and nationality laws designed to facilitate implementation of the 1998 land law, which seeks to convert customary land ownership into a land certificate and eventually legal title. However, the procedure for obtaining a certificate is too complicated and expensive, and so few landowners have applied for one. The government is considering reforms to simplify the process.” (HRW, 27 January 2016)

A 2017 report by the UN Secretary General explains:

“While armed attacks in the south-west declined, tensions over land disputes have increased with the resumption of the voluntary repatriation of refugees from Liberia to western regions of Côte d’Ivoire. In the east, sporadic armed robberies and clashes between the local population and security forces are still reported.” (UN Security Council, 31 January 2017, p. 6)

Another report from Human Rights Watch (HRW) further adds:

“In an effort to restore Côte d’Ivoire’s dwindling forests, the government in July evicted more than 15,000 cocoa farmers from Mont Péko National Park, leaving many families without access to sufficient food, shelter, or sanitation. Smaller-scale evictions from protected forests were frequently conducted without adequate notice, and farmers were beaten and extorted during eviction operations.” (HRW, 12 January 2017)

For more information on land dispossession and communal violence, please see subsection 3.1 of this compilation.

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