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Freedom Status: Partly Free

Aggregate Score: 52/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 4.0/7 (1 = Most Free, 7 = Least Free)

Political Rights: 4/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 4/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 23,900,000

Capital: Yamoussoukro

GDP/capita: \$1,399

Press Freedom Status: Partly Free

OVERVIEW

Côte d'Ivoire continues to recover from over a decade of political turbulence and civil war. However, many of the war's root causes – including questions of national identity, access to land, corruption, and impunity – remain. The administration of President Alassane Ouattara has done little to address persistent concerns that pro-Ouattara actors have not been prosecuted for crimes committed during the 2010-11 conflict.

Key Developments in 2016:

- In January, the International Criminal Court (ICC) began a long-awaited trial against former president Laurent Gbagbo and Charles Blé Goudé, both of whom stand accused of crimes against humanity relating to the 2010-11 conflict.
- In May, the trial of former first lady Simone Gbagbo for crimes against humanity began in Abidjan, amid concerns raised by human rights watchdogs regarding the fairness of the proceedings.
- In October, voters approved a new constitution that created the post of vice president as well as a Senate, and formally removed a provision that had once barred President Alassane Ouattara from office due to mixed-nationality parentage.

Executive Summary:

In 2016, Côte d'Ivoire continued its progress towards peace and stability after some 15 years of political turbulence and civil war that peaked in a 2010-11 postelection crisis. In a sign of the return to normalcy, international sanctions, including an arms embargo, were formally lifted, and the United Nations is scheduled to withdraw its peacekeeping mission by mid-2017. President Ouattara has presided over four years of economic growth, though there are serious concerns that the boom has not benefited ordinary Ivoirians.

Longstanding concerns about impunity, victor's justice, and reconciliation persist. To date, only a handful of individuals have been put on trial for crimes committed during the 2010-11 crisis.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 20 / 40

A. Electoral Process 7 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

Côte d'Ivoire's new constitution, approved in an October 2016 referendum and promulgated in November, provides for the direct popular election of a president and members of a National Assembly. It further established a second house of parliament, a Senate, with one-third of its members to be chosen by the president and the remaining two-thirds to be elected indirectly. It also abolished a rule that had required both of the president's parents to be Ivoirian, instead mandating that only one parent be Ivoirian. Turnout for the poll was low, at about 42 percent, though 93 percent of participants backed the new charter. The constitutional referendum was boycotted by the opposition, and marred by violence at about 100 polling stations.

Ouattara won the 2015 presidential election in the first round. Despite tensions and some government crackdowns on opposition rallies in the lead-up, the election itself was found by international and domestic observers to be credible. It was the first presidential poll since the 2010 vote, which had occurred after years of delays and triggered widespread postelection violence that left 3,000 dead and another million people displaced when Gbagbo, the incumbent, refused to concede the internationally recognized victory of Ouattara. Gbagbo was ultimately arrested with the assistance of French and UN peacekeeping troops and taken into the custody of the International Criminal Court (ICC).

Credible, largely peaceful elections to the National Assembly were held in December 2016. The presidential coalition, consisting of Ouattara's Rally of the Republicans (RDR) party in alliance with the Democratic Party of Côte d'Ivoire-African Democratic Rally (PDCI-RDA) and several smaller parties won a solid majority, taking 167 of 255 seats. Independent candidates took the majority of remaining seats. Former president Gbagbo's Ivoirian Popular Front (FPI) party, which boycotted the 2011 parliamentary elections, won 3 seats. Senate elections were expected to take place in 2017.

In November 2016, the African Court on Human and People's Rights ruled that Côte d'Ivoire's Independent Electoral Commission (CEI) is imbalanced in favor of the government, undermining independence and impartiality, and ordered that the electoral law be amended.

B. Political Pluralism and Participation 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

The RDR and the PDCI-RDA, plus several smaller parties, comprise the country's dominant coalition, which holds a virtual lock on national political power. The FPI remains weak and disorganized, marked by deep divisions and infighting since Gbagbo's arrest, with supporters split between hardliners who insist on Gbagbo's release, and moderates who support Pascal Affi N'Guessan. National reconciliation has continued to be a challenge, but tensions have been mitigated somewhat by the release of dozens of FPI prisoners who were being held in conjunction with the 2010-11 crisis, the unfreezing of several FPI partisans' bank accounts, and the return of several high-level FPI members from exile.

Citizenship has been a perennial source of conflict since Ivorian nationalists adopted former president Henri Bédié's concept of "Ivoirité" to exclude perceived foreigners (including Ouattara) from the political process. A new nationality law relaxing some conditions for citizenship went into effect in 2014. However, its application remains challenging, and hundreds of thousands of individuals remain effectively stateless.

C. Functioning of Government 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Côte d'Ivoire's acute crisis phase continues to recede, and UN peacekeepers are expected to withdraw from the country in mid-2017. Though defense and security forces are increasingly under civilian control as a result of legislation increasing oversight, problems of parallel command and control systems within the armed forces, known as the Republican Forces of Côte d'Ivoire (FRCI) remain a challenge, and former rebel commanders of a particular faction, the Forces Nouvelles, dominate FRCI leadership.

Corruption remains endemic, and perpetrators seldom face prosecution. Illegal checkpoints and extortion outside of Abidjan are a continuing problem and are rarely prosecuted. In January and March 2016, protestors clashed with soldiers over the soldiers' persistent extortion practices, resulting in three deaths and one injury.

In 2013, the National Assembly passed an access to information law. In 2016, the Commission on Access to Information, established to monitor the law's application, conducted training sessions for officials and established a website, among other activities.

Civil Liberties 32 / 40 (+1)

D. Freedom of Expression and Belief 11 / 16

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

Freedoms of speech and of the press are protected by the constitution, though there are prohibitions on speech that incites violence, hatred, or rebellion. These prohibitions are enforced by the government media regulatory body, the Conseil National de la Presse (CNP). In 2016, the CNP frequently reprimanded journalists and suspended outlets, most of them pro-Gbagbo, for allegedly spreading false information. In April, the government banned the sale of a book written by Charles Blé Goudé, a former youth minister and leader of a pro-Gbagbo militia on trial before the ICC. Nevertheless, conditions for the press have improved since the end of the 2010-11 conflict, and incidents of violence and intimidation against journalists are relatively rare. In August, the government announced plans to submit a draft law that would strengthen freedom of the press by eliminating the possibility of pretrial detention and prison sentences for press-related offenses. There were no credible reports that the government restricted access to the internet or illegally monitored online communications.

Legal guarantees of religious freedom are typically upheld, though political and religious identities tend to overlap with ethnicity and geography. A north-south, Christian-Muslim schism has been a salient feature of Ivorian life since the civil war started in 2002, and was brought to a head in the crisis of 2010-11. However, the schism has receded since then, and the current government is a center-north coalition that includes Muslims and Christians.

Academic freedom suffered severely during the 2010-11 conflict, as public universities throughout the country were closed, occupied by armed forces, and used as military bases and training grounds. They reopened to students in 2012, and are slowly recovering. For the most part, residents can freely engage in private discussion.

E. Associational and Organizational Rights 8 / 12 (+1)

- E1. Is there freedom of assembly, demonstration, and open public discussion?
- E2. Is there freedom for nongovernmental organizations?
- E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

The constitution protects the right to free assembly, but this right is often denied in practice. The government took action on several occasions in 2016 to interfere with opposition protests against the draft constitution. In October, authorities dispersed at least two such demonstrations, and temporarily detained several opposition leaders in attendance. Protests can escalate into violence, as was the case in July demonstrations over electricity prices in Bouaké, which gave way to looting and clashes between police and protesters. One man was killed after being shot and a number of others were injured during the unrest.

Freedom of association is constitutionally protected, and both domestic and international nongovernmental organizations (NGOs) generally operate freely.

The right to organize and join labor unions is constitutionally guaranteed. Workers have the right to bargain collectively, and Côte d'Ivoire typically has various professional strikes every year, though sometimes strikes become violent. Strikes by student unions have been more likely to involve violence than those by industry professionals. In July 2016, the government briefly

suspended all student union activity after student demonstrators at Félix Houphouët-Boigny University in Abidjan clashed with police, resulting in at least 30 injuries and several dozen arrests.

F. Rule of Law 6 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

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.

The security situation was stable but subject to volatility in 2016. In March, 22 people were killed and 33 were injured in a terrorist attack at a beach resort perpetrated by Al-Qaida in the Islamic Maghreb. That same month, an episode of intercommunal violence between pastoralists and farmers in the northeast resulted in at least 17 deaths. In Abidjan, youths that fought in the 2010-11 conflict have regrouped into machete-wielding gangs known as "enfant microbes," which continue to be implicated in armed robberies and assaults in the city. This has led some citizens to form "self-defense" groups, and in 2016 these vigilantes killed a number of alleged criminals.

In January 2016, the government created new ministries of human rights and public liberties, solidarity, social cohesion, and victims' compensation.

The same month, the ICC began a long-awaited trial against Laurent Gbagbo and Charles Blé Goudé, both of whom stand accused of crimes against humanity relating to the 2010-11 conflict. Although the ICC has said it is investigating pro-Ouattara actors, it has filed charges only against pro-Gbagbo defendants so far.

In May, the trial of former first lady Simone Gbagbo for crimes against humanity in connection with the 2010-11 conflict began in Abidjan, following the Ivorian government's refusal to surrender her to the ICC. Rights groups representing victims refused to take part in the new trial, expressing concerns about its fairness and raising questions as to why Simone Gbagbo was the only person on trial on charges of large-scale human rights violations. Gbagbo was previously sentenced to 20 years in prison in 2015 for undermining state security.

The work of the Special Investigative and Examination Cell, created in 2011 to investigate crimes committed during and after the 2010 postelection crisis, has suffered from inconsistent support over the years. In mid-2015, it charged more than 20 people, including high-level commanders from both sides of the conflict, though a number of them continue to occupy important positions

in the state security apparatus. In February 2016, the Abidjan military tribunal handed down life sentences to three people following convictions relating to the assassination of General Robert Guéï, a former military ruler who was killed in 2002 at the outset of the civil war.

The Dialogue, Truth, and Reconciliation Commission (CDVR), established in 2011, submitted its final report to Ouattara in December 2014, and the report was finally made public in 2016. In April, the National Commission for Reconciliation and Compensation for Victims (CONARIV), conceived as the successor to the CDVR, presented Ouattara with a list of 316,954 individuals to receive reparations for crimes committed between 1990 and 2011.

Same-sex sexual conduct is not specifically criminalized in Côte d'Ivoire, but LGBT (lesbian, gay, bisexual, and transgender) people can face criminal prosecution for "public indecency." In November 2016, two gay men were each sentenced to three months in prison on such charges, in what local activists said it was the first case of its kind. No law prohibits discrimination on the basis of sexual orientation. LGBT people face societal prejudice as well as violence and harassment by state security forces. In June 2016, several gay men reported that they had been forced to flee their homes, and that two of them had been assaulted by a mob, after a photo published by the U.S. embassy depicted them signing a condolence book for a deadly attack in Orlando, Florida, in which LGBT people were targeted.

G. Personal Autonomy and Individual Rights 7 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Freedom of movement has improved in Abidjan and along major roads. However, illegal roadblocks and acts of extortion by state security forces remain a problem elsewhere, and the government's efforts to combat these practices have been undermined by inconsistent financial support and a failure to investigate and prosecute perpetrators. In the west and north of the country, highway robbery is a persistent problem.

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, and in general economic opportunities for migrants have continued to improve compared to previous years, but obstacles abound.

Despite constitutional protections, women suffer significant legal and economic discrimination, and sexual and gender-based violence are widespread. Rape was common during the 2011 crisis, and remains a serious issue; many rapes are committed against children. Impunity for perpetrators remains a problem and when it is prosecuted, rape is routinely reclassified as indecent assault. Costly medical certificates are often essential for convictions, yet are beyond the means of impoverished victims.

Most identified trafficking victims are children, and child labor, particularly in the cocoa industry, is a serious problem. Government programs for victims of trafficking are inadequate, and most such services are supplied by NGOs.

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