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2010 Human Rights Report: Cote d'Ivoire

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BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Cote d'Ivoire is a democratic republic with an estimated population of 21 million. On October 31, the country held its first presidential election in 10 years. Incumbent President Laurent Gbagbo, candidate of the Ivoirian People's Front (FPI), and opposition party leader Alassane Ouattara, candidate of the Rally for Republicans (RDR), advanced to the November 28 presidential runoff.

On December 2, the Independent Electoral Commission (CEI) declared Ouattara the winner of the runoff with 54.1 percent of the vote as compared with 45.9 percent for Gbagbo. The UN and international and domestic observer missions declared the vote fair and democratic and recognized Ouattara as the country's duly elected president. Gbagbo refused to accept the results, alleging voter fraud and intimidation in several regions. On December 3, the Constitutional Council, which was made up entirely of Gbagbo appointees, overturned the CEI ruling, citing voter "irregularities." More than 500,000 votes for Ouattara were annulled, and Gbagbo was declared the winner.

Ouattara and Gbagbo took separate oaths of office December 3 and announced separate cabinets. At year's end President Ouattara and former president Gbagbo remained in a standoff over the presidency. President Ouattara operated his government from the Golf Hotel in Abidjan under a blockade of pro-Gbagbo forces. Access to President Ouattara and his government, including replenishment of food and medical supplies, was extremely limited and occurred primarily via UN helicopter. At year's end former president Gbagbo retained control of state resources including the national television station, the security forces, and the treasury.

Efforts to reunite the country following the 2002 rebellion that split control of the country between the rebel group Forces Nouvelles (FN) in the north and the government in the south, and as stipulated in the 2007 Ouagadougou Political Agreement signed by then-president Gbagbo and FN rebel leader Guillaume Soro, remained incomplete at year's end. Approximately 7,750 UN Operation in Cote d'Ivoire (UNOCI) and 900 Operation Licorne French armed forces peacekeepers remained in the country to support the continuing peace process. Due to the standoff over the presidency and Gbagbo's control of state resources, civilian authorities failed to maintain effective control of the security forces in Gbagbo-controlled zones, and authorities of the FN's military wing, the Forces Armees des Forces Nouvelles (FAFN), generally failed to maintain effective control of the security forces in FN-controlled zones.

The following human rights abuses were reported in areas under then-president Gbagbo's government control prior to the November 28 presidential runoff: restriction of citizens' right to change their government; arbitrary and unlawful killings, including summary executions; torture and other cruel, inhuman, or degrading treatment and punishment; rape and sexual assault of civilians; life-threatening prison and detention center conditions; official impunity; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy, family, home, and correspondence; police harassment and abuse of noncitizen Africans; use of excessive force and other abuses in internal conflicts; restrictions on freedoms of speech, press, peaceful assembly, association, and movement; official corruption; discrimination and violence against women, including female genital mutilation (FGM); child abuse and exploitation, including forced and hazardous labor; forced labor; and trafficking in persons.

There were credible reports that forces and authorities that remained loyal to Gbagbo after his defeat in the presidential runoff committed the following human rights abuses with impunity: arbitrary and unlawful killings, including summary executions; enforced disappearances; torture and other cruel, inhuman, or degrading treatment and punishment; rape of civilians; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy, family, home, and correspondence; and restrictions on freedoms of speech, press, peaceful assembly, association, and movement.

There were credible reports that supporters of President Ouattara committed the following human rights abuses with impunity: torture and other cruel, inhuman, or degrading treatment and punishment; rape and sexual assault of civilians; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy, family, home, and correspondence; and restrictions on freedoms of speech, press, peaceful assembly, association, and movement.

In areas under the effective control of the FN, there were reports of extrajudicial killings; torture and other cruel, inhuman, or degrading treatment and punishment; rape and sexual assault of civilians; life-threatening prison and detention center conditions; impunity; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy, family, and home; use of excessive force and other abuses in internal conflicts; restrictions on freedom of movement; corruption and

extortion; discrimination and violence against women, including FGM; and child abuse and exploitation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Security forces continued to commit extrajudicial killings with impunity, and progovernment militia groups were responsible for killings and harassment. Crimes often went unreported or underreported due to fear of reprisals.

Security forces killed demonstrators. Demonstrations broke out throughout the country after then-president Gbagbo dissolved the government on February 12. The National Security Forces (FDS-CI) killed 13 civilians, including three children, in four cities: the capital Abidjan, Daloa, Divo, and Gagnoa. Eleven died from gunshot wounds, and two others from mistreatment while in custody. Seventy-six civilians were injured, including three women and 14 minors. Eighteen members of the FDS-CI were wounded. Authorities arrested 95 persons during the events and charged 20 with disturbing the peace; they remained in jail at year's end. The UN concluded that several of these killings took place as persons fled the demonstration areas and inside private residences.

On February 22, FDS-CI members killed Kouyate Lacine, Kone Lacine, and Sanogo Zakaria, in the Orly II and Sissoko neighborhoods of Daloa during a demonstration. Twenty-four persons were injured and 20 persons were arrested.

On February 23, a 75 year-old Mauritanian man in Daloa died from internal bleeding resulting from injuries inflicted on him by FDS-CI personnel who entered his home in pursuit of demonstrators hiding in his courtyard.

On July 6, two gendarmes, Marechal-des-logis (MDL) Koffi Bi and Ekra, of the Compagnie de Gendarmerie and Escadron 1/3 of Yamoussoukro, beat a Malian driver to death with truncheons and belts in the Kokronou II quarter. The incident followed accusations by gendarme MDL Koffi Bi that the man, whom he saw buying cigarettes near his home, was a drug addict. Bi and Ekra were not arrested and continued to perform their duties with impunity at year's end. The victim's family filed a complaint at the gendarmerie with the legal assistance of the Mouvement Ivoirien des Droits de l'Homme (MIDH).

Security forces frequently resorted to lethal force to combat widespread crime and often committed crimes with impunity. Such cases often occurred when security forces apprehended suspects or tried to extort money from taxi drivers and merchants at checkpoints and roadblocks.

There were continued reports of killings attributed to members of the security operations command center (CECOS), a government anticrime organization whose personnel were accused of human rights violations, racketeering, extortion, and harassment. Members of CECOS reportedly executed suspected thieves in Abidjan. The Ministry of Interior maintained that all victims were criminals killed in the course of police anticrime activities.

There were no developments in other CECOS-related killings from previous years.

On September 18, police officer Youssouf Sidibe of the Brigade de la Surveillance des Personnalites, shot and killed a 22 year-old man in the Abobo-Anador neighborhood of Abidjan following a traffic dispute. Soldiers of the Compagnie Republicaine de Securite 2 rescued the police officer from an angry mob and took him to the hospital in critical condition. The victim's family filed a complaint with authorities, but no formal investigation into the case had been opened by the gendarmerie or police by year's end.

Following the November 28 presidential runoff, security forces loyal to former president Gbagbo committed extrajudicial killings. Pro-Gbagbo militia groups also committed killings.

On the night of December 1, members of CECOS allegedly attacked the RDR party campaign office in the Youpougon district of Abidjan, killing six persons, injuring 14, and arresting seven others. Those detained were held at the MACA prison in Abidjan. No investigation was reported at year's end.

On December 16, security forces loyal to Gbagbo fired on supporters of President Ouattara during a demonstration march. Credible reports indicate at least 20 persons were killed, numerous others wounded, and hundreds arrested.

During the week of December 15-22, the UNOCI human rights division reported that 173 persons were killed, 90 tortured and mistreated, 471 arbitrarily arrested and detained, and 24 were missing. The overwhelming majority of these cases of extrajudicial killings, torture, detention, and disappearance, were committed by security forces loyal to Gbagbo.

There were numerous credible reports of CECOS involvement in extrajudicial killings, torture, and arbitrary detentions during the period following the presidential runoff. CECOS forces, in addition to elements of the Compagnie Republicaine de Securite, the Garde Republicaine, the Brigade Anti-Emeute, the gendarmerie, and the Ivoirian Marines, were implicated in abuses targeting pro-Ouattara supporters. The majority of these incidents occurred in the Abidjan neighborhoods of Abobo, Anyama, and Yopougon.

During the year several extrajudicial killings attributed to the FN were reported in FN-controlled zones and in the former zone of confidence.

On March 4, two FAFN soldiers, Bakayoko Tiekuma and Kone Moussa Junior, beat and killed a 35 year-old man of Gouro ethnic origin in Bazra Natis. The soldiers severely beat the victim for four hours with rifles and truncheons over

accusations of stealing a sum of 85,000 FCFA (\$170) from a Burkinabe farmer who filed a complaint with the FN. FN authorities arrested the two soldiers and transferred them to Seguela.

From March 4 to 5, FAFN soldiers led by Kone Abdoulaye, alias Massa, severely beat a man at the FAFN headquarters in Odienne. The victim, who sustained a swollen eye, also complained of pain in the neck, the abdomen and both sides of the stomach. He died on March 6 from his injuries. FN authorities took no action by year's end.

On October 2, the UNOCI Human Rights Division reported that FAFN soldiers in Touba summarily executed 11 persons accused of highway robbery.

There were credible reports that members of the Congres Panafricain des Jeunes et des Patriotes (COJEP), commonly known as the Young Patriots (a youth movement supporting Gbagbo and the FPI party) committed extra-judicial killings.

The Young Patriots were responsible for summary executions in previous years and continued to operate with impunity.

In Abidjan and the western part of the country, there were reports of atrocities, including killings by progovernment militia groups and armed bandits thought to be FN members.

b. Disappearance

Following the November 28 presidential runoff there were numerous reports of politically motivated disappearances committed by security forces and militia groups loyal to former president Gbagbo.

The international nongovernmental organization (NGO) Human Rights Watch (HRW) issued the report *Cote d'Ivoire: Pro-Gbagbo Forces Abducting Opponents*, which documented a pattern of nightly raids on pro-Ouattara neighborhoods beginning December 16. The raids, reportedly conducted by security forces loyal to Gbagbo and militia groups, resulted in the disappearances of numerous persons.

On December 23, UN Deputy High Commissioner for Human Rights Kyung-Wha Kang reported that UN human rights monitors had documented 24 enforced disappearances.

The government made little effort to assist the continuing French investigation into the 2004 disappearance of Franco-Canadian journalist Guy Andre Kieffer, who was working on a story about money laundering and illegal currency transfers allegedly involving then-president Gbagbo's government when he disappeared.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, security forces, police, and FN soldiers beat and abused detainees and prisoners to punish them, extract confessions, or extort payments with impunity. Police officers forced detainees to perform degrading tasks under threat of physical harm and continued to harass and extort bribes from persons of northern origin or with northern names.

On January 6, authorities released without charge Seydou Kone, a teacher and RDR activist, after a three-month detention in the MACA correctional facility and penitentiary in Abidjan. According to Soungalo Coulibaly, RDR's secretary for human rights who visited Kone in October 2009, Kone's body was scarred from the beatings he received while in detention.

There continued to be reports that noncitizen Africans, mostly from neighboring countries, were subject to harassment and abuse by security forces and "self-defense" groups, including repeated document checks, security force extortion, and racketeering.

Following the declaration by the Economic Community of West African States (ECOWAS) that Ouattara was the duly elected president of the country and statements by Nigerian President Goodluck Jonathan in support of Ouattara, there were numerous reports of harassment by Nigerians residing in the country. There were reports of targeting and destruction of Nigerian shops and businesses by security forces and pro-Gbagbo supporters and militias.

On January 15, five armed FAFN soldiers stormed the house of a 33

year-old former FAFN soldier in Bouake and arrested him for allegedly receiving stolen goods from another former FAFN soldier. They took the man to an illegal FAFN detention center located at the southern entrance to the city, the "Corridor sud", where they beat him with a rifle butt. The FAFN soldiers poured melted rubber over his body and then detained him in a seven-foot-deep hole without food for one week. He was released on January 22. At year's end there were no reports that authorities had investigated the incident.

On February 2, a group of FAFN soldiers arrested a 29 year-old man in Odienne and took him to the home of one of the soldiers, Kone Massa, where they tortured him for allegedly stealing a radio. Marks of mistreatment were visible on his body. They detained the victim at the Odienne police station until March 11, when he was released following the intervention of UNOCI human rights officers, UN Police, and the state prosecutor.

On March 16 to 17 in Korhogo, the gendarmerie summoned a man accused of helping his 18 year-old girlfriend to escape from a forced marriage situation, after the girl's parents filed a complaint against him. An FAFN soldier stripped him half-naked and beat him with a stick.

On March 30, 12 armed FDS-CI members seriously beat a Young Patriots regional leader in San Pedro after they claimed he attacked a different FDS-CI member. The Young Patriots leader sustained several injuries and received medical treatment in a private clinic. No investigation was undertaken at year's end, according to UNOCI human rights officers in San Pedro.

Following the November 28th runoff, Ouattara supporters attempted to assault physically the principal of the Odienne "College Municipal," a midwife, and two teachers. In Kani, north of Seguela, a local CEI commissioner was threatened with death by Ouattara supporters.

There were credible reports that security forces, CECOS members, and FAFN soldiers continued to rape women and girls throughout the country, particularly in the central, northern, and western zones; however, there were few specific cases available to cite. The UNOCI Human Rights Division documented 23 cases of rape related to the electoral violence. For example, on December 24, a 44 year-old woman married to a high-ranking state official was raped in Benongossou, near the airport in Abidjan. The woman was abducted outside her home by two groups of individuals, one in civilian clothes armed with knives and another group in military uniforms and armed with rifles. She was taken into the nearby bush where she was sexually assaulted. Prior to this assault, she had received numerous death threats related to her refusal publicly to denounce Ouattara. The victim was referred to a specialized organization for psychological and medical assistance, and no further action was reported at year's end.

There were no further developments from cases of torture and inhuman treatment in 2009.

On October 22, HRW published *Afraid and Forgotten: Lawlessness, Rape, and Impunity in Western Cote d'Ivoire*, which documented numerous cases of violence, torture, and rape committed in the western administrative regions of Moyen Cavally and Dix-Huit Montagnes. The report highlighted the threat posed by militia groups and demobilized former soldiers to the general population, but specifically women and children. The report documented 109 specific cases of rape in the west (23 reported by victims, 86 by witnesses), between January 2009 and August 2010.

The Ministry of Family, Women, and Social Affairs, in partnership with the UN Population Fund (UNFPA), the UN Development Fund for Women, UN Development Program, and the UN Children's Fund issued a report on gender-base violence in 2008. The report corroborated that the highest number of women who reported being the victims of sexual violence were in the western and northern regions, in Man (41 percent), Duekoue (35 percent), and Korhogo (26 percent).

UNOCI established a commission of inquiry in December 2009 to probe allegations of sexual abuse involving UN peacekeepers in the country. UNOCI personnel involved in the 2007 sexual exploitation and abuse case of minors were returned to their home countries, where they stood trial. There were no significant cases involving peacekeepers during the year.

Prison and Detention Center Conditions

Conditions were poor and in some cases life-threatening in the country's 33 prisons. In the 22 prisons that also served as detention centers, located in the area under government control in the south, overcrowding was a serious problem. For example, MACA, the country's main prison located in Abidjan, was built for 1,500 persons but held approximately 5,400 at year's end. Conditions in MACA were notoriously bad, especially for the poor; however, wealthier prisoners reportedly could "buy" extra cell space, food, and even staff to wash and iron their clothes. The government provided inadequate daily food rations, which resulted in cases of severe malnutrition if families of prisoners did not bring additional food. As of November 12, 180 prisoners had died in government-controlled prisons during the year, mostly due to malnutrition and disease resulting from overcrowding. There were credible reports that prisoners frequently brutalized other prisoners for sleeping space and rations.

Male minors were held separately from adult men, but the physical barriers at MACA were inadequate to enforce complete separation. Some minors were detained with their adult accomplices. Pretrial detainees were held with convicted prisoners.

Prison conditions for women were particularly difficult, and health-care facilities were inadequate. There were continued reports that female prisoners engaged in sexual relations with wardens in exchange for food and privileges. Pregnant prisoners went to hospitals to give birth, and their children often lived with them in prison. The prisons accepted no responsibility for the care or feeding of the infants, although inmate mothers received help from local NGOs.

The government generally permitted access to prisons by the International Committee of the Red Cross (ICRC) and other local and international NGOs, including World Doctors, International Prisons' Friendship, Love Amour, Prisoners Without Borders, and the Ivorian Islamic Medical Rescue Association. However, there were isolated incidents where the government did not allow access. For example, on January 11, UNOCI human rights officers in San Pedro were denied access to the Sassandra central prison by its director, who claimed that all visits to detainees must be authorized in advance by the local prosecutor. The officers took up the matter with the local prosecutor.

Detention and prison conditions in FN zones were worse than in MACA, with detainees sometimes held in converted schools, movie theaters, or other buildings with poor air circulation and sanitary facilities. Since at least 2008, the FN have used a seven-foot-deep hole covered with iron bars as an illegal detention area. Nutrition and medical care were inadequate. Many detainees became ill, and some died from respiratory disease, tuberculosis, or malaria due to lack of medical care and unhygienic conditions.

The FN sometimes denied prison access to the ICRC and the UNOCI human rights division local teams; the FN also sometimes denied visitation rights to domestic human rights groups.

With financial assistance from a foreign government, the NGO Prisoners Without Borders completed renovations on all 11 prisons located in FN-controlled zones in 2008. The FN officially transferred control of the prisons over to the government in January; however, in practice the FN still retained operational control of the prisons in the north.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, both occurred frequently.

Role of the Police and Security Apparatus

Security forces under the Ministries of Defense and Interior included the army, navy, air force, republican guard, presidential security force, and the gendarmerie, a branch of the armed forces with responsibility for general law enforcement. Police forces, which are under the jurisdiction of the Ministry of Interior, include paramilitary rapid intervention units such as the antiriot brigade, the republican security company, and the Directorate for Territorial Surveillance (DST), a plainclothes investigating unit. In 2005 the Ministry of Interior formed CECOS to combat rising crime in Abidjan. A central security staff collected and distributed information regarding crime and coordinated the activities of the security forces.

Poor training and supervision of security forces, corruption, impunity, and investigations conducted by security forces that were abusers resulted in general lawlessness and public fear of pressing charges. Racketeering at roadblocks remained a serious problem. Security forces harassed, intimidated, abused, and confiscated the official documents of persons who refused to pay bribes. Security forces also frequently resorted to excessive and sometimes lethal force while conducting security operations and dispersing demonstrations. Police reportedly solicited sexual favors from prostitutes in exchange for not arresting them. There were credible reports that security forces in Abidjan rented their uniforms and weapons to persons wanting to engage in criminal activity. Security forces also occasionally failed to prevent violence.

The government sometimes took action against police officers who committed abuses; however, it generally did not investigate or punish effectively the perpetrators, nor did it consistently prosecute persons responsible for unlawful killings and disappearances in previous years.

Arrest Procedures and Treatment While in Detention

Detainees were not always informed promptly of charges against them, especially in cases concerning state security. Defendants do not have the right to a judicial determination of the legality of their detention. A bail system existed solely at the discretion of the judge trying the case. Detainees were generally allowed access to lawyers; however, in cases involving possible complicity with rebels or other matters of national security, detainees were frequently denied access to lawyers and family members. For more serious crimes, those who could not afford to pay for lawyers were provided lawyers by the state, but alleged offenders charged with less serious offenses were often without representation. Incommunicado detention was a problem, and a few persons held in this manner were tortured during the year (see section 1.c.).

A public prosecutor may order the detention of a suspect for 48 hours without bringing charges, and in special cases such as suspected actions against state security, the law permits an additional 48-hour period. According to local human rights groups, police often held persons for more than the 48-hour legal limit without bringing charges, and magistrates often were unable to verify that detainees who were not charged were released. A magistrate can order pretrial detention for up to four months by submitting a written justification each month to the minister of justice.

The DST was charged with collecting and analyzing information relating to national security. It had the authority to hold persons for up to four days without charges; however, human rights groups stated there were numerous cases of detentions exceeding the statutory limit.

On July 12, authorities released, after a detention of more than two years, five former FAFN soldiers arrested and detained in 2007 in Bouake, Korhogo, and Ferkessedougou for their alleged involvement in an assassination attempt on Prime Minister Guillaume Soro. The five appeared in Bouake before an FAFN military committee; they were released on the condition that they sign a document confessing their involvement in the assassination attempt.

On July 20, the UN Human Rights Regional Office in Bouake reported that six corporals serving in the FN Zone 9 in Boundiali were arrested, tortured, and detained on July 7 at the Bouake civilian prison. They were accused of being involved in the May 19 killing of Coulibaly Tabakaly, chief of security of FN Zone 9, and Kona Stephan, chief of the Boundiali-Korhogo sub-zone. At year's end the six corporals remained in jail, and local officials reported that no case could be undertaken in the absence of a functioning court system. UNOCI human rights officers continued to investigate the case at year's end.

There were numerous reports that security forces arbitrarily arrested merchants and transporters, often in conjunction with harassment and requests for bribes.

Police and gendarmes detained persons in various military camps in Abidjan; however, there were fewer such reports prior to November 28 than in the previous year. Following the presidential runoff, there were numerous credible reports that security forces loyal to Gbagbo detained Ouattara supporters in the Ecole de la Gendarmerie and Ecole de Police bases in Abidjan.

On December 18 in Bouake, FAFN soldiers arbitrarily arrested and detained two Ivoirians accused of being mercenaries. On December 21 in Bouna, the FN arrested nine foreigners, including three Cameroonians, four Ghanaians, a Nigerian,

and a Togolese, suspected of being mercenaries.

Prolonged pretrial detention was a problem. Despite the legal limit of 10 months of pretrial detention in civil cases and 22 months in criminal cases, some pretrial detainees were held in detention for years. As of November 12, the national prison administration reported that 24 percent of the 12,256 persons held in the 22 government-controlled prisons were pretrial detainees.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, in practice the judiciary was subject to influence from the executive branch, the military, and other outside forces. Although the judiciary was independent in ordinary criminal cases, it followed the lead of the executive in national security or politically sensitive cases. There also were credible reports that judges were corrupt. It was common for judges receptive to bribery to distort the merits of a case. Judges also reportedly accepted bribes in the form of money and sexual favors (see section 4). The judiciary was slow and inefficient.

Trial Procedures

The government did not always respect the presumption of innocence. The law provides for the right to public trial, although key evidence sometimes is given secretly. Juries are used only in trials at the court of assizes, which convenes as required to try criminal cases.

Defendants had the right to be present at their trial, but they may not present witnesses or evidence on their behalf or question any witnesses brought to testify against them. Defendants accused of felonies or capital crimes had the right to legal counsel. Other defendants may also seek legal counsel, but it is not obligatory. The judicial system provides for court-appointed attorneys; however, no free legal assistance was available, aside from infrequent instances in which members of the bar provided free advice to defendants for limited periods. Defendants may not access government-held evidence, although their attorneys have the legal right to do so. Courts may try defendants in their absence. Those convicted had the right of appeal, although higher courts rarely overturned verdicts.

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 known instance of physical punishment. The formal court system increasingly superseded these traditional mechanisms. The law specifically provides for a grand mediator, appointed by the president, to bridge traditional and modern methods of dispute resolution. Grand mediators did not operate during the year.

Military courts did not try civilians and provided the same rights as civil criminal courts. Although there were no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

Little information was available on the judicial system used by the FN in the northern and western regions.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters; however, the judiciary was subject to corruption, outside influence, and favoritism based on family and ethnic ties (see section 4). Citizens can bring lawsuits seeking damages for, or cessation of, a human rights violation; however, they did so infrequently. The judiciary was slow and inefficient, and there were problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law provide for these rights; however, the government did not respect these rights in practice. Officials must have warrants to conduct searches, must have the prosecutor's agreement to retain any evidence seized in a search, and are required to have witnesses to a search, which may take place at any time; however, in practice police sometimes used a general search warrant without a name or address.

Following the November 28 presidential runoff, security forces and militias loyal to former president Gbagbo conducted nightly raids on houses in pro-Ouattara neighborhoods. Credible reports indicated that CECOS, Republican Guard, and paid Liberian mercenaries were responsible for these nightly raids, which involved invading private residences, extrajudicial killings, and forced disappearances.

Security forces monitored private telephone conversations, but the extent of the practice was unknown. The government admitted that it listened to fixed-line and cellular telephone calls. Authorities monitored letters and parcels at the post office for potential criminal activity, and they were believed to have monitored private correspondence, although there was no evidence of this activity. Members of the government reportedly continued to use students as informants.

The FN continued to use confiscated property and vehicles of civil servants and those believed to be loyal to then-president Gbagbo; however, the FN vacated some of the property confiscated in previous years.

In the period following the November 28 runoff, there were credible reports of abuse and arbitrary interference with home and privacy by members of the FAFN against suspected Gbagbo supporters. For example, on December 3, in Ben Koussaikro, five FAFN soldiers broke into the home of the parent of a Gbagbo supporter and stole 13,000 FCFA (\$26). Seven other FAFN approached the same home two hours later and confiscated four bags containing around 1,000 T-shirts and threatened to return if the victim did not cease campaigning for Gbagbo.

Ouattara loyalists also participated in a small number attacks against Gbagbo supporters. For example, the FPI headquarters in Bouake was attacked and vandalized in the aftermath of the November 28 presidential runoff. The residences of Siki Blon Blaise, president of the Conseil General; Lancine Gon Coulibaly, former Mayor of Korhogo, and Issa Malick Coulibaly, national campaign director of Gbagbo, were also looted and burned down in Man and Korhogo, respectively, by suspected Ouattara supporters.

Similar attacks against the property of FPI officials took place in Bocanda, M'Bahiakro, and Toumodi. In Odiénne, minor incidents were reported including attacks against private homes and destruction of property following the proclamation of the provisional by the CEI. The Odiénne FPI headquarters and the FPI campaign director's residence in Minignan were looted by armed FAFN elements. In Bouna two vehicles belonging to FPI supporters were forcibly confiscated by pro-Ouattara youth.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, but the government restricted these rights in practice. Journalists continued to practice self-censorship for fear of retribution. Government officials aggressively used the court system to punish critics. Following the November 28 presidential runoff, media freedoms were drastically curtailed and journalists were harassed for reporting on the political standoff, in particular by the Gbagbo regime. On December 2, the National Audiovisual Communication Council (CNCA) banned all foreign television and radio stations; foreign broadcasting remained suspended at year's end.

Individuals who criticized the government risked reprisal. For example, on July 16, the public prosecutor ordered the arrest of Theophile Kouamouo, Stéphane Boilly, and Saint-Claver Oula, three journalists with *Le Nouveau Courrier*, a privately owned daily newspaper, after it published a series of investigative articles on corruption by officials in the coffee and cocoa sector. Authorities jailed the three journalists at MACA prison and charged them with theft of administrative documents and refusal to disclose sources after publishing a section of a "confidential" government investigation into the mismanagement of the coffee and cocoa sector. They were released on July 27 after 14 days in detention.

In 2008 then-president Gbagbo nominated an independent board of directors for the organization that publishes *Fraternité Matin*, the government's daily newspaper. Although *Fraternité Matin* had the largest circulation of any daily, it rarely criticized government policy. However, a number of private newspapers frequently criticized government policy, the president, and the ruling party. Most newspapers were politicized and sometimes resorted to fabricated stories to defame political opponents.

On December 17, the Republican Guard, reportedly under orders from Gbagbo supporter Brigadier General Dogbo Ble Brunot, shut down all opposition newspapers. Elements of the Republican Guard approached the printing companies and stated that the following pro-Ouattara daily newspapers were forbidden to be published: *Le Patriote*, *Le Nouveau Reveil*, *L'Expression*, *Le Mandat*, *Nord Sud Quotidien*, *Le Jour Plus*, and *L'Intelligent d'Abidjan*. This ban on opposition newspapers, believed to be an independent move by the Republican Guard, was relaxed the following day, and the newspapers resumed publication on December 18.

Security forces continued to harass journalists. Outspoken members of the press, particularly those working for opposition party newspapers, continued to suffer physical intimidation from groups aligned with the ruling FPI party.

On May 10, Media Foundation for West Africa (MFWA), an Accra-based media watchdog, reported that journalists at *Le Nouveau Reveil*, a daily close to the opposition Democratic Party of Cote d'Ivoire (PDCI), received threats via short message service (SMS) messages as the party was preparing for a May 15 demonstration.

During the year no action was taken against progovernment youth groups who attacked, threatened, or harassed journalists.

The CNCA suspended French television station France 24 from February 22 to March 2 for "unbalanced and unprofessional treatment of information." The CNCA accused France 24 of displaying a news ticker reporting that several persons were killed in an opposition demonstration in Gagnoa without providing further details.

On May 25, officials of the DST detained and questioned journalists at *L'Expression*, a privately owned daily, for several hours, according to French media watchdog, Reporters Without Borders. Police authorities accused *L'Expression* of reporting on an opposition demonstration in Gagnoa in February and of supplying France 24 with pictures of the demonstration.

On October 14, Reporters Without Borders reported that approximately 50 armed members of the FDS-CI prevented a debate from taking place at the headquarters of the *L'Intelligent d'Abidjan* newspaper.

The government also harassed and imprisoned foreign journalists. On October 14, Reporters Without Borders reported that DST members arrested journalists from the Qatar-based satellite television station Al Jazeera, who had arrived in

Abidjan to cover the election. They were reportedly taken to the DST headquarters where they were questioned by Deputy Director Dje Bi, who demanded to inspect their equipment and search their hotel room. They were released two hours later.

The crews of television stations France 2 and France 3 were attacked while reporting on the political standoff. On December 16, CECOS forces threatened the crew of France 2 with AK-47 assault rifles, and allegedly fired their weapons to force the crew of France 3 to cease reporting, according to MFWA. No one was injured in the attacks, but the forces seized the journalists' equipment. France 24 cameraman Alhassane Kanate was also arrested and detained overnight at the Plateau Central Police Station.

Private radio stations did not have complete control over their editorial content. National broadcast regulations prohibit the transmission of any political commentary. The government used the CNCA, controlled by the ruling party, to closely monitor Radio Nostalgie, reportedly because the major shareholders of the company were close to Ouattara.

The CNCA suspended privately owned radio Abidjan 1 from October 16 to 31 for covering the activities of presidential candidates, in line with CNCA Decision No. 2010-08 of October 13 prohibiting private radio stations from covering political activities during the presidential campaign.

Prior to November 28 presidential runoff, the government did not interfere with UNOCI's radio station, UNOCI-FM. However, UNOCI denounced efforts by forces loyal to Gbagbo to jam the station after the runoff.

The government and the ruling FPI continued to exercise considerable influence over the official media's television program content and news coverage. During the year opposition leaders frequently complained that they were not granted equal television airtime on official media. A report published by Reporters Without Borders in October found that, during the first round of the presidential elections, Gbagbo enjoyed more than three times more media coverage than his next closest rival.

The media played a role in inflaming tensions, and newspapers backed by political parties occasionally published inflammatory editorials. The Ivorian Observatory on Press Freedom and Ethics and the National Press Commission, which enforced regulations regarding creation, ownership, and freedom of the press, regularly urged journalists to practice moderation. In the aftermath of the November 28 runoff election, the UN and international organizations criticized Gbagbo for using the state-controlled media to incite political violence and to exploit ethnic tensions. The state-run television channel RTI and newspaper *Fraternite Matin* were singled out for leading a calculated campaign of "disinformation" against President Ouattara and the UNOCI peacekeeping force, according to the UN (see section 6).

The law authorizes the government to initiate criminal libel prosecutions against officials. In addition the state may criminalize a civil libel suit at its discretion or at the request of the plaintiff. Criminal libel was punishable by three months to two years in prison.

The FN broadcasted its own programming from Bouake, which included radio and television shows that were heard in towns and villages around Bouake and, according to some reports, in the political capital, Yamoussoukro. In the western part of the country, the FN broadcasted on a local radio station from Man. The FN continued to allow broadcasts of government television or radio programs in its zones. The FN also allowed distribution of all progovernment newspapers and most independent newspapers in its territory.

On October 1, Prime Minister Soro met with various media stakeholders and called for the closure of "unauthorized" FN radio and television stations. The CNCA had previously stated that some stations were not legally authorized to broadcast messages, yet some FN stations chose to ignore the order and were operating at year's end.

No action was taken against FN members who beat, harassed, and killed journalists in previous years.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Citizens had access to the Internet at Internet cafes, but home access was prohibitively expensive for most persons. According to the Internet World Stats data for June, approximately 4.6 percent of inhabitants used the Internet.

The government suspended all SMS messaging services on October 31, and by year's end the Gbagbo regime had not restored the services.

Academic Freedom and Cultural Events

The government restricted academic freedom. The Student Federation of Cote d'Ivoire (FESCI), the progovernment militant student group created in the early 1990s, generated a climate of fear and intimidation at universities and secondary schools and regularly stopped classes, forced students to attend meetings, and threatened professors who interfered in their activities. The government controlled most educational facilities, and a presidential decree required authorization for all meetings on campuses.

Many prominent scholars active in opposition politics retained their positions at state educational facilities; however, some teachers and professors suggested that they had been transferred, or feared that they could be transferred, to less desirable positions because of their political activities. According to student union statements, security forces continued to use students as informants to monitor political activities at the University of Abidjan.

Violent attacks by FESCI members against students and teachers continued during the year. FESCI members killed and tortured other students, teachers, and civilians with impunity. While FESCI members were occasionally arrested or detained for their actions, they were rarely if ever prosecuted.

On February 10, in Danane, FESCI members physically assaulted several volunteer teachers who had staged a strike demanding to be granted tenure and better pay. The FESCI members took several of the teachers and school administrators hostage. FDS-Forces Nouvelles (FDS-FN) elements stormed the school and freed the hostages.

On February 17, several FESCI members armed with clubs disrupted a sensitization campaign organized by UNOCI at the Lycee Moderne in Divo. One UNOCI staff member and the deputy prefect, Zeze Tetiali, were injured in the incident.

On March 8, two rival groups of FESCI, one from Yamoussoukro and the other from Toumodi, clashed violently at the College Moderne Esperance of Toumodi. The two groups attacked each other with metal bars, truncheons, and stones, injuring 19 students. Two other students were taken hostage by their peers from Yamoussoukro. UNOCI human rights officers in Yamoussoukro took up the case with the prefect of Toumodi. FESCI members were instructed to return the stolen goods and free the hostages.

On March 26, FESCI and the Union Nationale des Eleves de Cote d'Ivoire of the Dimbokro modern high school violently clashed in Dimbokro. Armed with truncheons and machetes, a group of eight FESCI members marched into the city center, and attacked and killed one student. Police subsequently arrested four FESCI members. School authorities suspended classes in order to defuse tension.

On April 27, approximately 40 FESCI members, aided by the chief and youth of the village, tortured and killed a widow in Zagueita whom they accused of causing the death of a 20 year-old FESCI member on April 25 by witchcraft. The alleged perpetrators, including the village chief and the president of the youth, were summoned to the local gendarmerie in Bonon where they were detained briefly before being released without charge.

On April 28, 15 FESCI members armed with knives, daggers, and clubs interrupted mock examinations at the Lycee Moderne and the College Moderne in Dimbokro and threatened teachers with death over the detention of one of their members on murder charges. Local gendarmes arrested six, but the public prosecutor released them on April 29 at the request of the regional director of education in Dimbokro. FESCI leaders had threatened to block all schools in the country if their comrades were not released.

FESCI actively cooperated with pro-Gbagbo militias and security forces during and after the electoral period. For example, on November 30, FESCI members attacked and expelled pro-Ouattara students from the University of Cocody campus in Abidjan. Approximately 50 students were forcibly removed from their dorm rooms and expelled from the campus, according to press reports. Security forces did not intervene.

On December 25, members of FESCI, aided by the FDS-CI and pro-Gbagbo militia members, attacked and ransacked the PDCI headquarters in Cocody. Eleven civilians were injured, three seriously with gunshot wounds, and one of the injured required amputation of several fingers. Security forces posted in the area did not intervene to stop FESCI members, and no investigation was conducted by year's end.

In 2008 HRW published *The Best School: Student Violence, Impunity, and the Crisis in Cote d'Ivoire*, which documented numerous cases of violence, extortion, racketeering, torture, summary execution, and rape committed with total impunity by FESCI members. No action was taken against FESCI members responsible for violent incidents reported in previous years.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law allows for freedom of assembly; however, the government sometimes restricted this right in practice. Groups that wished to hold demonstrations or rallies in stadiums or other enclosed spaces were required by law to submit a written notice to the Ministry of Security or the Ministry of Interior three days before the proposed event. No law expressly authorizes the government to ban public meetings or events for which advance notice has been given in the required manner, but the government prohibited specific events it deemed prejudicial to public order. Even if authorization for an event was granted, the government could later revoke it. In 2006 then-president Gbagbo renewed a ban on all forms of outdoor public demonstrations in Abidjan. The ban was not lifted at year's end.

Police dispersed antigovernment demonstrations several times throughout the year. On February 12, then-president Gbagbo dissolved the government and the CEI, which was charged with organizing elections and voter registration. As a result demonstrations broke out throughout the country, but the most significant ones took place in Abidjan, Abouakoussikro, Bondoukou, Bouake, Daloa, Divo, Duekoue, Gagnoa, Katiola, Korhogo, Man, and Tiebissou. Security forces used deadly force in four of these towns: they killed two persons in Abidjan, four in Daloa, two in Divo, and five in Gagnoa. Three minors, including one infant, were among the 13 killed during these demonstrations. At least 76 persons, including 14 minors, were injured. Eighteen members of the security forces, including eight with the Integrated Command Center, were also injured.

A UNOCI report found that not all of those killed and injured in the February demonstrations were in the same area as the demonstrations. There were credible reports that security forces killed, beat, and arrested civilians attempting to flee, even in private buildings and homes. Security forces arrested 95 persons, and 20 were charged with "disturbing public order." No members of the security forces were arrested or charged for their involvement in the death or injury of persons during

the demonstrations. The government actively sought to discredit the UNOCI report implicating security forces in these events.

On December 16, President Ouattara called for a demonstration and march to seize the RTI headquarters, and the Gbagbo-controlled government offices in Plateau. Members of the FDS-CI loyal to Gbagbo violently suppressed the march. At least 20 demonstrators were killed, and hundreds were arrested and arbitrarily detained in makeshift detention centers.

There were no developments in cases from previous years in which police used force to disperse demonstrations.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right; however, the law prohibits the formation of political parties along ethnic or religious lines, although both were key factors in some parties' membership.

c. Freedom of Religion

For a discussion of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law do not provide specifically for freedom of movement, foreign travel, emigration, or repatriation, and the government restricted freedom of movement during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

There were frequent restrictions on internal travel. Security forces, local civilian "self-defense" committees, and water, forestry, and customs officials frequently erected and operated roadblocks on major roads where they regularly extorted money from travelers.

Persons living under FN authority continued to face harassment and extortion when trying to travel between towns and to and from the government-controlled south. Villagers complained that these fees prevented pregnant women and other vulnerable persons from traveling to receive medical care.

On May 15, the president of the Burkinabe youth in Ketrou-Bassam was severely beaten and molested by FAFN elements under Sergeant Fofana's command for refusing to pay a "crossing fee" of 200 FCFA (\$0.40). The FAFN elements detained him until his family paid 50,000 FCFA (\$100) for his release. On May 17, FN authorities replaced those soldiers deployed in the area with a new team, but took no further action against the alleged perpetrators.

On August 25, FAFN soldiers from Bouna erected roadblocks in Bania, and demanded 200,000 FCFA (\$400) from each passing vehicle.

Gaps in financial services in the FN zone made some citizens targets of harassment. Although banking services were at near 100 percent of precrisis levels in the northern part of the country, such services in the western part of the country remained quite limited. Security forces reportedly required payment of significant bribes by residents of the west who had to travel or to send money-runners inordinate distances, perhaps crossing into the government-controlled zone, to obtain or disburse funds.

The law specifically prohibits forced exile, and no persons were forcibly exiled during the year.

Internally Displaced Persons (IDPs)

At year's end, the UN's Office for the Coordination of Humanitarian Affairs (OCHA) reported that 18,000 IDPs had fled their homes or villages as a result of post-November 28 political violence, namely from violence in the town of Duekoue in the western part of the country. Approximately 7,000 IDPs took refuge in a Catholic mission outside the town, and the ICRC provided tents, medical supplies, water, and latrines.

As of November the UNHCR reported that the number of IDPs displaced by the 2002 crisis who had returned to their villages in the west remained unchanged from the previous year at 88,986; however, it estimated that 31,000 of these IDPs continued to live with host families and to require assistance.

During the 2002 crisis progovernment and rebel forces did not generally target civilians, but ethnic conflict and fighting forced many persons to flee the zones of conflict, and others simply felt uncomfortable living on the side of the divided country where they initially found themselves. Roadblocks and toll-collection points made it difficult for civilians to move throughout the country. IDPs continued to place heavy burdens on host communities, in part due to the prolonged nature of the crisis.

Government assistance, especially in the north and west where civil servants and infrastructure were only partially in place, did not meet the needs of these IDPs. International and local NGOs worked to fill the gap.

The Ministry of Foreign Affairs and the Ministry of Solidarity and War Victims, working in concert with UN agencies, took the lead on IDP matters prior to Gbagbo's decision to dissolve the government in February. Following the formation of the new government in March, the Ministry of Solidarity and War Victims was downgraded to a national secretariat, under the Prime Minister's office. In addition, the Ministry of Reconstruction and Reinsertion, which had supported IDP return movements, was also downgraded to a national secretariat. This cabinet reshuffle significantly hampered government efforts to assist IDPs. At year's end there was no publicly available national strategy for IDP return movements, and the problem was a low priority for the government in the run-up to the presidential elections.

During the year UN agencies and local authorities continued to facilitate the small-scale return of IDPs to several locations in the west of the country.

Protection of Refugees

The constitution and law provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country is a signatory to the 1969 Organization of African Unity Convention Governing Specific Aspects of the Refugee Problem in Africa, and the law provides for asylum status to be granted in accordance with this convention.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government granted refugee status and asylum.

The government also provided temporary protection for individuals who may not qualify as refugees under the relevant UN conventions.

Defense and security officers occasionally did not honor identity documents issued to refugees by the government or by the UNHCR. There were fewer reports than in previous years that security forces destroyed refugees' identity documents or arbitrarily detained, verbally harassed, and beat refugees at checkpoints.

Liberians made up the majority of the country's refugees. Those who arrived in the country before the 2003 peace agreement in Liberia benefited from group eligibility and received temporary refugee cards. Liberians who arrived in the country after the peace agreement did not receive temporary cards. Under certain circumstances some asylum seekers who were not granted refugee status by the government were provided refugee certificates by the UNHCR. The identity card law includes a provision for identity cards to be issued to non-Liberian individuals older than 14 whose refugee status has been granted by the National Eligibility Commission.

The government facilitated local integration for refugees in the most extreme situations by issuing resident permits to all refugees over the age of 14 to allow them to move freely in the country. The national office of identification, together with the UNHCR and the Ivorian refugee and the stateless persons aid and assistance office, continued to provide refugee identity cards to undocumented Liberian refugees, which allowed them to reside and work in the country legally for the duration of their refugee status. Refugees also had access to naturalization.

The UNHCR continued to assist the safe, voluntary return of refugees to their homes. As of June 30, the UNHCR found that 23,808 Liberian refugees and 602 refugees from other countries remained in the country.

Stateless Persons

The scale of statelessness in the country was unclear and UNHCR reporting suggested the number of stateless persons could range from a few thousand to as many as 900,000.

Citizenship is derived from one's parents rather than by birth within the country's territory, and birth registration was not universal. The country had habitual residents who were either legally stateless or effectively stateless, and the government did not effectively implement laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. During the year the UNHCR continued to work with the Ministries of Justice and Interior to raise awareness of statelessness.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide for the right of citizens to change their government peacefully through democratic means; however, the government did not respect these rights in practice. Former president Gbagbo refused to cede power to democratically elected opposition candidate Alassane Ouattara following the CEI's announcement that Ouattara had prevailed with 54.1 percent of vote in the November 28 presidential runoff. The UN and multiple international and domestic observer teams declared Ouattara the winner of the runoff. The Constitutional Council reversed the results and declared Gbagbo the winner. At year's end, the country operated with two governments. National assembly representatives remained in office at year's end despite the expiration of their terms in 2005.

Elections and Political Participation

The country held two rounds of presidential elections during the year.

On October 31, the country held its first presidential election since 2000. An estimated 83 percent of the registered 5.7 million voters cast ballots for one of 14 presidential candidates. Voting generally was peaceful and orderly, and the UN and other international and domestic observers noted no major irregularities. Presidential incumbent Gbagbo received 38

percent of the vote, Ouattara 32 percent, and Henri Konan Bedie 25 percent; the other 11 candidates split the remaining 4 percent. A presidential runoff between Gbagbo and Ouattara was held on November 28. Third-place finisher Bedie called for a recount of the first round results on November 4, alleging irregularities in the voting and tallying processes and inconsistencies in the results. The Constitutional Council ruled that Bedie had not filed the complaint in the requisite amount of time and certified the first round results on November 10.

Incidents of violence, intimidation, and heightened negative political messaging by both candidates and their supporters characterized the lead up to the second round. Gbagbo's campaign created and promoted an incendiary film *Ouattara: Father of the Rebellion*, which graphically depicted atrocities committed during the civil war. The screening of the film sparked a violent confrontation between Gbagbo and Ouattara supporters outside one of the showings on November 16.

On November 19, youth supporters of FESCI and the Rassemblement des Houphouetistes pour la Democratie et la Paix (RHDP), the opposition coalition composed primarily of Ouattara's RDR and former president Bedie's party, clashed violently outside an RHDP campaign office in Abidjan.

On November 25, Ouattara supporters reportedly attacked and killed a Gbagbo supporter in the town of Bayota after the Gbagbo supporter allegedly ripped down an Ouattara campaign poster.

The country's first televised presidential debate was held on November 26. During the debate both candidates urged their supporters to refrain from violence. Gbagbo also announced a curfew from 10 p.m. to 6 a.m. November 27 through December 1.

The presidential runoff proceeded in orderly fashion but was marred by several incidents of violence, including the killing of two persons, and allegations of small-scale clashes between supporters of the rival candidates. Voter turnout was recorded at 81 percent, and the UN characterized the second round as having occurred in a democratic atmosphere. The African Union, ECOWAS, and numerous international observer teams characterized the overall conduct of second round as free and fair. Following the voting, Gbagbo submitted an official complaint to the Constitutional Council alleging irregularities and violence in five departments, all located in Ouattara strongholds.

On November 30, as CEI Spokesman Bamba Yacouba prepared to announce election results from three of the country's regions during a press conference at CEI headquarters, CEI member and Gbagbo supporter Damania Adia Pickass grabbed the results from Yacouba's hands and tore them up. Yacouba then entered the CEI building to print off another copy of the results, but never emerged and security forces then told journalists to leave the premises.

On December 2, Youssouf Bakayoko, the president of the CEI, declared Ouattara the winner of the runoff with 54.1 percent of the vote as compared with 45.9 percent for Gbagbo. State-controlled media did not broadcast the CEI announcement and several hours later Paul Yao N'Dre, the president of the Constitutional Council and a Gbagbo appointee, went on television to announce that the CEI was unable to deliver a result and that the Constitutional Council was thus taking over the responsibility of announcing the election results. In response to widespread international coverage of the CEI's results, the CNCA announced that all foreign television and radio broadcasts were suspended, effective immediately.

On December 3, N'Dre announced that due to "irregularities and violence" the Constitutional Council had annulled the results in seven regions, canceling more than 500,000 votes in Ouattara strongholds. N'Dre subsequently announced Gbagbo the winner of the elections with 51 percent of the vote. Special Representative of the Secretary General Y. J. Choi then certified the election results of the CEI, as required in the 2007 Ouagadougou Political Agreement, declaring Ouattara the president.

The UN and numerous international and domestic observer missions declared the vote fair and democratic and recognized Ouattara as the country's duly elected president.

Following the Constitutional Council's ruling, Prime Minister Guillaume Soro, who had served as prime minister since 2007, resigned from former president Gbagbo's government.

On December 3, Ouattara and Gbagbo took separate oaths of office and announced separate cabinets. President Ouattara reappointed Soro as prime minister of his government. At year's end President Ouattara and former president Gbagbo remained in a standoff over the presidency. President Ouattara operated his government from the Golf Hotel under a state of siege from pro-Gbagbo forces that continued to surround the hotel. Access to President Ouattara and his government, including replenishment of food and medical supplies, was extremely limited and occurred primarily via UN helicopter. Gbagbo continued to control state resources such as the state television station, the security forces, and the treasury.

The country took several steps toward reconciliation during the year. The identification and voter registration process, which began in 2008 and was initially scheduled to last 45 days, ended in June 2009. More than 6.5 million persons participated in the process. With data collected during this process, the CEI prepared a provisional electoral list and posted it for nationwide consultation in November of that year, and local CEIs began processing challenges to this list. Although the dispute period was scheduled to end in December 2009, it was not finally completed until August.

In September, various political actors agreed upon a final voters' list of 5.7 million, an event that marked the culmination of the identification and voter registration process which had begun in 2008.

The most recent national assembly elections took place in 2000 and were marred by violence, irregularities, and a very low participation rate. In addition the election could not take place in 26 electoral districts in the north because RDR

activists disrupted polling places, burned ballots, and threatened the security of election officials. Following legislative by-elections in 2001, 223 of the 225 seats of the national assembly were filled.

Women held 19 of 225 seats in the last elected national assembly, whose mandate expired at the end of 2005. The first vice president of the national assembly was a woman. Of the 41 Supreme Court justices, four were women. Henriette Dagri Diabate served as secretary general of the RDR, the party's second-ranking position.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption had the greatest impact on judicial proceedings; contract awards, customs and tax matters, and accountability of the security forces (see also section 1.e.).

The 23 cocoa and coffee industry officials arrested in 2008 for allegedly embezzling 100 billion FCFA (\$200 million), remained in MACA prison awaiting trial. In September 2009 four of the officials filed a formal complaint against the government with the ECOWAS Court of Justice in Nigeria, claiming infringement of their right to a fair trial and violation of their civil liberties. The 23 officials appeared before court on September 8, but at the request of the defense lawyers the trial was postponed to November 16, and had not resumed at year's end.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of international and domestic human rights groups, including the Ivoirian League for Human Rights (LIDHO) and the MIDH, generally operated without government restriction, investigating and publishing their findings on human rights cases, prior to the November 28 runoff. Following the runoff, security forces obstructed UNOCI human rights investigators in their efforts to investigate abuses, including reports of alleged mass graves found in three separate locations.

For example, in December forces loyal to Gbagbo repeatedly blocked attempts by UN investigators to examine the sites of an alleged mass grave in Abidjan.

During the year UNOCI, LIDHO, MIDH, Action for the Defense of Human Rights, and other independent human rights groups gathered evidence and testimony on human rights cases, published information in reports and in independent local daily newspapers, and criticized government security forces.

FAFN security forces occasionally harassed and abused human rights groups. For example, on June 29 FAFN elements arrested a representative of a local children's rights NGO, National Association for Children in Danger (ANAED), for assisting a 14 year-old girl to file a complaint for attempted rape against an FAFN soldier known as "IB" in Korhogo. Keita Vassiri, the Korhogo police commissioner, accused the ANAED representative of false accusation as the medical certificate produced did not confirm rape. He also threatened to arrest the girl and her parents if they did not pay him 50,000 FCFA (\$100) in damages. Following the intervention of human rights officers with officials in Korhogo, the ANAED representative was released.

FESCI continued to threaten and harass human rights groups.

No cases were opened against perpetrators who threatened and harassed members of human rights organizations in previous years.

During the year the government regularly permitted the World Food Program, the ICRC, and other international organizations to conduct humanitarian operations. Eleven UN agencies, including the International Labor Organization and the World Health Organization, were resident and active throughout the year. There were no reports that the government restricted their access to certain areas deemed sensitive or denigrated their work.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, ethnicity, national origin, gender, or religion; however, the government did not effectively enforce the law.

Women

The law prohibits rape and provides for prison terms of five to 20 years; however, the government did not enforce this law in practice, and rape was a widespread problem. The law does not specifically penalize spousal rape. Claims were most frequently brought against child rapists. A life sentence can be imposed in cases of gang rape if the rapists are related to or hold positions of authority over the victim, or if the victim is under 15 years of age. The court in Abidjan received approximately five cases of child rape per month.

Women's advocacy groups continued to protest the indifference of authorities to female victims of violence, including rape. Women who reported rape or domestic violence to the police were often ignored. Many female victims were convinced by their relatives and police to seek an amicable resolution with the rapist rather than pursue a legal case. The Ministry of Family and Social Affairs sought justice on behalf of rape victims; however, families often preferred to settle out of court. As of April 25, 21 persons were officially convicted and sentenced for rape, although the lesser charge of indecent assault was often used to speed up conviction. While small, the number of convictions steadily increased as more victims came forward and courts treated the problem more seriously.

There were continued reports of unidentified highway bandits raping and sexually assaulting women in the western part of the country, especially along the roads from Duekoue to Bangolo, Man to Biankouma, and Man to Toulepleu.

On January 7, 12 unidentified armed individuals attacked a farmer and a woman on the Tahably Glode-Beleouin road. They beat the farmer, gang-raped the woman, and took a cell phone and 120,000 FCFA (\$240 dollars). The Duekoue gendarmes opened an investigation into the incident.

On July 30, human rights officers in Duekoue reported that four men of the Guere ethnic group gang-raped a 47 year-old Burkinabe woman in her house in Guiglo on July 29. The rapists started to remove her belongings when she screamed for help. A UN contingent nearby intervened, apprehending three of the four assailants, whom they handed over to the Guiglo police.

The law does not specifically outlaw domestic violence, which continued to be a serious and widespread problem throughout the country. Penalties for assault provide for prison terms of one to 20 years, depending on the extent of the offense. Government enforcement of domestic violence complaints remained minimal, however, partially because the courts and police viewed domestic violence as a problem to be addressed within the family. The exception was if serious bodily harm was inflicted or the victim lodged a complaint, in which case criminal proceedings could be initiated. Many victims' parents often urged withdrawal of a complaint because of the fear of social stigma.

During the year the Ministry of Family and Social Affairs continued to provide limited assistance to victims of domestic violence and rape. The ministry's support included providing government-operated counseling centers with computers, printers, and other equipment for record keeping. Ministry officials visited a few victims in their homes to attempt to reconcile troubled couples and to remove domestic servants from homes in which they had been sexually abused.

The Committee to Fight Violence Against Women and Children (CNLV) did not operate a shelter or a hotline for abused women. Instead, committee members gave out their personal cell phone numbers on weekly radio programs. The committee also monitored abusive situations through frequent home visits. Young girls who feared becoming victims of abuse, FGM, or forced marriage could appeal to the committee. The committee often stopped abuse by threatening legal action against offending parents or husbands.

The government continued to hold awareness-raising seminars on sexual violence for judicial and security personnel. As a result of the seminars, some security forces reportedly modified their behavior to provide victims with greater privacy, and courts began recording in private the testimony of rape victims who were minors. Judges also increased the provision of statistics and information on cases to enable the CNLV to follow up with victims.

Other cases of societal violence against women included FGM, dowry deaths, levirat (forcing a widow to marry her dead husband's brother), and sororat (forcing a woman to marry her dead sister's husband).

The law prohibits sexual harassment and prescribes penalties of between one and three years' imprisonment and a fine ranging between 360,000 and one million FCFA (\$720 to \$2,000 dollars). However, the government rarely enforced the law, and such harassment was widespread and routinely accepted as a cultural norm.

Couples and individuals had the right to decide the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. In urban areas access to contraception, skilled attendance during childbirth, including essential obstetric and postpartum care, was available to those women who could afford it. According to the UNFPA approximately 13 percent of women ages 15-49 used some form of contraception. The UNFPA also estimated the maternal mortality ratio to be 470 per 100,000 live births in 2008. Pregnant women diagnosed with sexually transmitted infections, including HIV, were treated.

According to the poverty reduction strategy report issued by the Ministry of Planning in May 2009, 12 percent of the poor had no access to a health center, and 26 percent had no access to a general hospital where information and skilled health care were provided. For some women transportation and costs of services were significant barriers to access to health centers and hospitals. The report also stated that 54 percent of the poor had to walk to a health center, 14 percent to a general hospital. Furthermore, threats or perceived threats of violence from husbands or family members were also an inhibiting factor for some women's access to family planning services located in the health centers.

A joint report by LIDHO and the International Rescue Committee (IRC) published in March 2009 noted that police roadblocks sometimes prevented pregnant women from giving birth in health centers, resulting in women giving birth at home without professional assistance. The report also mentioned that some health center professionals defrauded pregnant women under the guise of providing services that were never rendered. According to the Population Reference Bureau and UNFPA, approximately 47 percent of births were attended by skilled personnel and a woman had a one in 44 lifetime risk of maternal death.

The law prohibits discrimination on the basis of gender; however, women experienced economic discrimination in access to employment, credit, and owning or managing businesses. Women occupied a subordinate role in society. Government policy encouraged full participation by women in social and economic life; however, there was considerable resistance among employers in the formal sector to hiring women, who were considered less dependable because of their potential for becoming pregnant. Some women also encountered difficulty in obtaining loans, as they could not meet the lending criteria established by banks, such as a title to a house and production of a profitable cash crop.

NGOs supervised efforts to create economic cooperatives to provide poor women access to small loans from the government or private microfinance banks. Women in the formal sector usually were paid at the same rate as men; however, because the tax code did not recognize women as heads of households, female workers were required to pay

income tax at a higher rate than their male counterparts. Women's organizations continued to campaign for tax reform to enable single mothers whose children were recognized by their fathers to receive deductions for their children. Inheritance law also discriminated against women.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. For example, polygyny is illegal, although it remained a common cultural practice. Women's organizations also campaigned against legal provisions that discriminated against women. The coalition of women leaders and the Ministry of Family and Social Affairs continued their efforts to promote greater participation of women in political decision making and in presenting themselves as candidates in legislative and municipal elections.

Children

Citizenship is derived from one's parents: at least one parent must be a citizen for a child to be considered Ivoirian at birth. The law provides parents a three-month period to register their child's birth for a fee of 500 FCFA (\$1). The government registered all births when parents submitted documentation from a health clinic or hospital attesting that a birth had occurred. However, persons without proper identification documents could not register births. The government did not deny public services such as education or health care to children without documents; however, some schools required parents to present children's identity documents before they could be enrolled.

Primary education was not compulsory and usually ended when children reached 13 years of age; however, it was tuition-free. In principle students did not have to pay for books or fees; however, some still did so or rented books from street stalls because the government did not cover school fees and books for every student. Students who failed secondary school entrance exams did not qualify for free secondary education, and many families could not afford to pay for schooling.

Parental preference for educating boys rather than girls persisted, particularly in rural areas.

Teachers sometimes demanded sexual favors from students in exchange for money or good grades. The penalty for statutory rape or attempted rape of a child under the age of 16 is a prison sentence of one to three years and a fine of 100,000 to one million FCFA (\$200 to \$2,000).

Children were victims of physical and sexual violence and abuse. Children accused of practicing witchcraft were placed in the care of pastors, who sometimes used violence to exorcize them. Although the Ministries of Family, Labor, and Justice worked to fight child abuse, a lack of coordination among ministries and inadequate resources hindered government efforts.

On January 23, three men in Daloa raped a 15 year-old girl, after a man lured her, into an unlit place where two accomplices were waiting. The three men also stole her cell phone. The next day, the girl was approached by another man who volunteered to help her recover her stolen cell phone. The girl followed him and was again raped by the three men. The victim received medical care through the assistance of the ICRC. The girl and her mother attempted to file a complaint however they gave up once they were unable to secure an appointment with the police commissioner on the day, according to the ICRC. No investigation was undertaken.

On March 29, the Duekoue police arrested and transferred two rape suspects to the Daloa tribunal for trial. The first, a private school teacher, was accused of repeatedly raping a 9 year-old pupil to whom he had been giving private lessons. The second was suspected of raping a 15 year-old student in Duekoue.

On April 9, the Daloa trial court sentenced a man to five years' imprisonment and a fine of 100,000 FCFA (\$200) for raping a four year-old girl in February 2009 in Vavoua.

On August 24, human rights officers in Daloa reported that a 27 year-old man who raped a 13 year-old girl on July 31 in Duekoue was sentenced by the Daloa tribunal to five years' imprisonment and a fine of 100,000 FCFA (\$200) for "violent indecent assault."

FGM was a serious problem. The law specifically forbids FGM and provides penalties for practitioners of up to five years' imprisonment and fines of 360,000 to two million FCFA (\$720 to \$4,000). Double penalties apply to medical practitioners. FGM was practiced most frequently among rural populations in the north and west and to a lesser extent in the center and south. FGM usually was performed on girls before or at puberty as a rite of passage. Local NGOs continued public awareness programs to prevent FGM and worked to persuade FGM practitioners to stop the practice. Unlike previous years, authorities did make some arrests related to FGM during the year; however, practitioners were rarely charged.

For example, on June 13, the Duekoue police and IRC representatives interrupted an FGM ceremony in the Kokoman neighborhood in Duekoue. A six year-old girl who had just been mutilated was rushed to the Duekoue hospital where she received medical treatment. Police arrested the girl's mother and three other women involved. No further action was taken against those responsible at year's end.

The law prohibits the marriage of men under the age of 20 and women under the age of 18 without the consent of their parents. The law specifically penalizes anyone who forces a minor under 18 years of age to enter a religious or customary matrimonial union. However, in conservative communities--particularly those in the north--traditional marriages were commonly performed with girls as young as 14 years of age.

Children engaged in prostitution for survival without third-party involvement, although the extent of the problem was

unknown. Under the law, using, recruiting, or offering children for prostitution, or for pornographic films, pictures, or events is illegal, and violators can receive sentences ranging from one month to two years' imprisonment as well as fines of 30,000 to 300,000 FCFA (\$60 to \$600). Statutory rape of a minor carries a punishment of one to three years in prison and a fine of 360,000 to one million FCFA (\$720 to \$2,000).

There were thousands of children living on the streets. NGOs dedicated to helping street children found it difficult to estimate the extent of the problem or to determine whether these children had access to government services.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The country's Jewish community numbered fewer than 100 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law requires the government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities, hire them or help them find jobs, design houses and public facilities for wheelchair access, and adapt machines, tools, and work spaces for access and use by persons with disabilities. However, wheelchair-accessible facilities for persons with disabilities were not common, and there were few training and job assistance programs for persons with disabilities. The law also prohibits acts of violence against persons with disabilities and the abandonment of such persons; however, there were no reports that the government enforced these laws during the year.

There were no reports during the year that persons with disabilities were specific targets of abuse, but they encountered serious discrimination in employment and education. The government created an additional 300 civil service jobs for persons with disabilities in 2009, bringing the total of civil service jobs for persons with disabilities to 800. No new positions were added during the year. However, in practice government employees sometimes refused to employ persons with disabilities.

The government financially supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many persons with physical disabilities begged on urban streets and in commercial zones for lack of other economic opportunities. Persons with mental disabilities often lived on the street.

The Ministry of Family and Social Affairs and the Federation of the Handicapped were responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

The country's population was ethnically diverse, and ethnic groups sometimes practiced societal discrimination against others on the basis of ethnicity. At least 25 percent of the population was foreign. Outdated or inadequate land ownership laws resulted in conflicts with ethnic and xenophobic overtones. There were reported clashes, usually over land tenure, between the native populations and other groups.

Police routinely abused and harassed noncitizen Africans residing in the country and occasionally harassed Lebanese merchants. Harassment by officials reflected the common belief that foreigners were responsible for high crime rates and instances of identity card fraud. Harassment of northerners, which increased markedly after the 2002 rebellion, generally continued to decline from the previous year. However, when local independent electoral commissions began examining challenges to the provisional electoral list in December 2009, harassment of northerners suddenly increased. Following denunciations from progovernment members, CECOS arrested hundreds of northerners and suspected immigrants living in the south and west, claiming suspects were using forged government documents to be included on the provisional voters' list.

In the period leading up to the November 28 runoff, security forces systematically harassed and targeted persons with northern names. For example, on November 13, gendarmes arrested a trader at the northern entrance to the city of Yamoussoukro and threatened him with imprisonment unless he produced his father's original identification documents. He was released later that day after he paid the gendarmes a sum of FCFA 50, 000 (\$100). The Toumodi public prosecutor, when questioned about this practice by UNOCI human rights officers, claimed that the procedure was legal and refused to open an investigation into the case.

Security forces loyal to former president Gbagbo continued this practice of targeting persons with northern names following the runoff.

Ethnic tensions in the west and southwest continued to lead to violence. In the west, and in Duekoue and Bangolo in particular, there continued to be violent clashes between the native population and members of the foreign community, particularly Burkinabe farmers.

Several incidents of ethnic violence resulted in deaths and injuries.

On February 5-6, native Abbeys and Burkinabe Lobis clashed in M'berie village. The incident was triggered by the killing of a young Abbey allegedly committed by a Lobi who remained at large. In reaction Abbey youth killed four Lobis and destroyed several homes and properties. The clash led to the displacement of 350 Lobis in Agboville, Segouie, Bogue, and Rubino, and many returned to Burkina Faso. At the end of February, only 27 IDPs, including 17 children, remained at the Rubino site. They received humanitarian assistance from the UN agencies and the ICRC, following the intervention of UNOCI human rights officers in Abidjan.

On April 6, villagers of Oulai Taibly and Doke violently clashed over a parcel of land that was previously claimed by the village of Doke. Two persons were seriously injured with gunshot wounds. Law enforcement officers eventually restored law and order.

On June 8, five men armed with machetes raped an 18 year-old girl as she returned home from her farm in Tahiraguhe. The assailants then fled with five chickens stolen from the victim. The rape of the young woman, who was an ethnic Baoule, was allegedly motivated by a land dispute between the Baoule and Bete ethnic groups. The victim's father referred the case to the sous-prefet of Daloa who brokered an out-of-court settlement whereby the Bete community leader apologized to the victim's father for the conduct of the rapists. The sous-prefet subsequently asked the girl's father to withdraw the complaint that she had filed at the gendarmerie in Daloa. Human rights officers took up the case with the Daloa sous-prefet and the local gendarmerie. In August the girl filed a new complaint with the Daloa state prosecutor, following the advice of a local NGO organization, however, the sous-prefet and the state prosecutor delayed investigation of the case until after the elections, to "preserve social cohesion." No investigation had been undertaken at year's end.

On June 21, three unidentified armed individuals raided the village of Goenie Taouake. The assailants opened fire at the village's mainly Malian population before shooting two men at point blank range. One victim was killed, and the other sustained serious injuries to his legs. This attack was in retaliation to a previous attack staged on May 18 against the mainly Burkinabe inhabitants of Kouassigno and was related to the continuing land dispute between the Burkinabe and Malian communities in the Mount Peko forest. By year's end, no one was charged in the shooting.

In 2008 the government adopted a new law on xenophobia, racism, and tribalism, making these forms of intolerance punishable by five to 10 years' imprisonment. No one was prosecuted under this law during the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Societal stigmatization of the lesbian, gay, bisexual, and transgender (LGBT) community was widespread, and the government did not act to counter it during the year. There were few LGBT organizations in the country. Arc en Ciel, the primary NGO representing the LGBT community, operated freely; however, the government required the organization to amend its by-laws to include non-LGBT members before the organization's status was officially approved.

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, gay men were subjected to beatings, imprisonment, verbal abuse, humiliation, and extortion by police, gendarmes, and members of the armed forces.

Other Societal Violence or Discrimination

The law does not provide for the protection of persons living with HIV/AIDS from societal and other forms of discrimination. Societal stigmatization of persons living with HIV/AIDS was widespread.

Incitement to Acts of Discrimination

In the aftermath of the November 28 presidential runoff, Gbagbo was criticized by the UN and international organizations for using the state-controlled media to incite political violence and promote ethnic tensions. Pro-Gbagbo dailies, such as *Notre Voie* and *Le Temps*, were also cited as promoting and inciting ethnic and racist violence, particularly against Burkinabe and other foreign nationals living in the country.

Section 7 Worker Rights

a. The Right of Association

The law allows all citizens, except members of the police and military services, to form or join unions of their choice, and workers exercised these rights in practice, although with some restrictions.

The total workforce numbered 6,006,190 persons, of whom 61.3 percent were in the agricultural sector. Public sector employees accounted for 10.1 percent of the workforce, while 28.6 percent worked in the public sector. Only a small percentage of the workforce was organized, and most laborers worked in the informal sector, which included small farms, small roadside and street shops, and urban workshops. However, large industrial farms and some trades were organized, and there was an agricultural workers union. Of the 15 percent of workers in the formal sector, approximately 60 percent were unionized.

The law allows unions in the formal sector, which comprised approximately 1.7 million workers or 28.6 percent of the workforce, to conduct their activities without interference, and the government protected this right in practice, with some exceptions.

The law provides for the right to strike, and workers in both private and public sectors generally exercised this right. However, the law requires a protracted series of negotiations and a six-day notification period before a strike may take place, making legal strikes difficult to organize and maintain. In addition, the president has broad powers to decree the requisition of the strikers, and to submit strikes in essential services to arbitration, but the labor code does not provide for a list of such services.

On April 12, a major transportation strike was called due to an increase in the cost of fuel. After four days, the government agreed to lower the price of diesel, thus eliminating the increase implemented on April 1.

On August 10 customs officers from the "Syndicat pour la Defense des Droits des Douaniers-SYDD" protested against the delay in the payment of quarterly bonuses. Following negotiations, the union's demands were met.

In November and December 2009 the National Union of Secondary School Teachers went on strike, demanding a pay increase. Following talks with the first lady, the secondary school teachers agreed to suspend the strike, and the union's claims were partially met with the payment of half of the pay increase demanded.

In December 2009, a strike by the Local Government Unions Collective led to the arrest of 47 civil servants, 41 of whom were later given two-month suspended sentences. The Local Government Unions Collective called off the two-week strike after it reached an agreement with government. The government agreed to pay partial arrears owed to the local governments and promised to speed up the review of legal texts regarding the transfer of charges from the government to the local government. The union set up a follow up committee on the pending matters. No developments were reported at year's end.

Absent reciprocal union agreements, foreigners are required to obtain residency status, which takes three years, before they may hold union office.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining and grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements were in effect in many major business enterprises and sectors of the civil service. The number of collective bargaining agreements reached during the year was unknown.

The law does not prohibit antiunion discrimination by employers or others against union members or organizers, and the Ministry of Labor did not report any complaints of antiunion discrimination and employer interference in union functions during the year. There were also no reports of workers fired for union activities who were not reinstated. Under the labor law workers could not be fired for union activities, and this law was enforced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and the government made efforts to enforce the law during the year. However, such practices occurred.

Instances of forced labor occurred in the informal labor sectors, which were not regulated under existing labor laws. Thus, domestics, most nonindustrial farm laborers, and those who worked in street shops and restaurants remained outside formal government protection. Forced adult labor occurred in small-scale and commercial production of agricultural products. There were reports of forced adult labor practices in rubber production, primarily in the form of long hours and low-pay for workers who lived in conditions of effective indenture.

Forced child labor occurred (see section 7.d.).

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws against forced labor and the exploitation of children in the workplace; however, child labor remained a widespread problem, particularly in cocoa and coffee plantations, and gold mines. In most instances the legal minimum working age is 14; however, the Ministry of Civil Service, Employment, and Administrative Reform enforced this provision effectively only in the civil service and in large multinational companies. Children were not allowed to work between 7 p.m. and 6 a.m. They routinely worked on family farms or as vendors, shoe shiners, errand boys, domestic helpers, street restaurant vendors, and car watchers and washers in the informal sector in cities. Some girls as young as age nine worked as domestic servants, often within their extended family networks.

Children continued to work under hazardous conditions on cocoa farms. A Tulane University survey published in September 2009 found that 24.1 percent of children between the ages of 5 and 17 within the cocoa-growing regions had worked on a cocoa farm in the previous 12 months. The survey showed that a number of these children were involved in or exposed to hazardous conditions, including operating tools (93.9 percent) and carrying heavy loads (79.8 percent). Of the children working on cocoa farms, 50.6 percent reported that they had been injured while working in agriculture. A small percentage of the children working on cocoa farms had no family ties to the farmers; however, most worked on family farms or with their parents.

On June 3, the government created an Independent Office for the Fight against Child Labor, and it met for the first time on

August 10. In July 2009 the government launched a new program addressing child labor in cocoa-growing areas. The program focused on decreasing poverty and thereby decreasing child labor by ensuring that each village has a primary school, health clinic, and income-generating activities to supplement cocoa income. The program included sensitization of parents to the importance of children attending school. It also raised parents' awareness of the dangers associated with child labor and the need to end the involvement of children in dangerous chores. In 2009 the government began to implement the program in 10 villages, and selected 21 more villages for participation. By year's end the government had not begun to implement the program in any of the additional villages selected for participation.

The Ministry of Labor was responsible for enforcing child labor laws and made progress during the year in addressing the worst forms of child labor. While enforcement of child labor laws continued to be hindered by financial constraints and other factors, there were indications that government efforts, along with those of its international partners, had a positive effect towards decreasing the worst forms of child labor.

The Ministry of Labor and the prime minister's Child Labor Task Force supported and collaborated with NGOs and international partners to combat the worst forms of child labor. The task force continued to implement a national action plan to combat child labor and trafficking. Nine government ministries were involved in the effort. The Ministry of Family and Social Affairs conducted awareness campaigns targeting children at risk and agricultural regions that employ child labor, working in coordination with several international NGOs.

During the year NGOs conducted ongoing campaigns to sensitize farm families about child labor based on the list developed by the government of prohibited worst forms of child labor. The association of domestic worker placement in the country worked to prevent the exploitation of children in domestic work. Other NGOs campaigned against child trafficking, child labor, and the sexual abuse of children.

For child trafficking, also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

e. Acceptable Conditions of Work

Minimum wages varied according to occupation, with the lowest set at 36,607 FCFA (\$73) per month for the industrial sector; this wage did not provide a decent standard of living for a worker and family. A slightly higher minimum wage rate applied for construction work. The government enforced the minimum wage rates only for salaried workers employed by the government or registered with the social security office.

Labor federations attempted to fight for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated among classes of workers, such as local and foreign workers.

No government action was taken to rectify the large salary discrepancies between expatriate non-African employees and their African colleagues who were employed by the same company.

The standard legal workweek was 40 hours. The law requires overtime pay for additional hours and provides for at least one 24-hour rest period per week. The government did not enforce the law actively. The law does not prohibit compulsory overtime.

The law provides for occupational safety and health standards in the formal sector; however, in the large informal sector of the economy, the government enforced occupational health and safety regulations erratically, if at all. Labor inspectors frequently accepted bribes. Workers in the formal sector had the right to remove themselves from dangerous work without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, in practice workers in both the formal and informal sectors could not absent themselves from such labor without risking the loss of their employment.

Several million foreign workers, mostly from neighboring countries, typically worked in the informal labor sector, where labor laws were not enforced. Neither foreign migrant workers nor citizen workers working in the informal labor sector were covered under labor laws.

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