

COTE D'IVOIRE 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cote d'Ivoire is a democratic republic governed by a president freely elected in 2015. Parliamentary elections held in 2016 were peaceful and considered inclusive and transparent, as were the country's first-ever senatorial elections in March. Municipal and regional elections in October 2018, however, were marred by four elections-related deaths and numerous irregularities during the campaign period and on election day. Special elections in December 2018 were also marred by violence and allegations of fraud, despite the significant presence of security forces and international observers.

In August a cabinet reshuffle resulted in the division of functions previously managed by the Ministry of Interior and Security and the related establishment of a new Ministry of Security and Civil Protection and Ministry of Territorial Administration and Decentralization. The National Police (under the new Ministry of Security and Civil Protection) and National Gendarmerie (under the Ministry of Defense) are responsible for domestic law enforcement. The Coordination Center for Operational Decisions, a mixed unit of police, gendarmerie, and Armed Forces of Cote d'Ivoire (FACI) personnel, assisted police in providing security in some large cities. The FACI (under the Ministry of Defense) is responsible for national defense. The Directorate of Territorial Surveillance (DST), under the Ministry of Security and Civil Protection, is responsible for countering external threats. Military police and the military tribunal are responsible for investigating and prosecuting alleged internal abuses perpetrated by members of the security services. Civilian authorities at times did not maintain effective control over the security forces.

Significant human rights issues included arbitrary killings by police; arbitrary detention by security forces; harsh prison conditions; politically motivated imprisonment; lack of independence of the judiciary; restrictions on free expression, press, and internet; impediments to the rights of peaceful assembly and association; crimes of violence against women and girls, which the government took little action to prosecute; crimes involving violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and child labor.

The government did not always take steps to prosecute officials who committed abuses, whether in the security services or elsewhere in the government.

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports the government or its agents committed arbitrary or unlawful killings. In May police killed a motorcycle taxi driver in a town near the country's western border. Eyewitnesses told human rights organizations police had attempted to extort money from the driver. After the death, an angry mob vandalized police headquarters in the town and burned motorcycles belonging to the gendarmerie.

The trial of six gendarmes accused of killing six civilians working for a funeral company after allegedly mistaking them for thieves in 2017 began in the Military Tribunal of Abidjan in July. Media reported the Military Tribunal sentenced the gendarmes to 20 years in prison each and dismissed them from the force.

In January the Trial Chamber of the International Criminal Court (ICC) issued an oral decision acquitting former president Laurent Gbagbo and former minister Charles Ble Goude of charges of crimes against humanity allegedly committed in 2010 and 2011. Judges issued a written decision in July. Both defendants were released from detention, but because the ICC permits the prosecution to appeal an acquittal, they remained in Europe subject to conditions, including restrictions on travel. In October the prosecutor of the ICC filed an appeal against the acquittal of both defendants and requested a declaration of a mistrial.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices. The government did not provide information regarding reports of abuse within prisons, or mechanisms to prevent or punish such abuses. Human rights organizations reported they were not aware of any torture, although some political parties alleged physical mistreatment of members of their parties prior to being taken into security force custody during the year.

Prison authorities acknowledged abuse might happen and go unreported as prisoners fear reprisals.

Prison and Detention Center Conditions

Prison conditions were harsh and unhealthy due to insufficient food, gross overcrowding, inadequate sanitary conditions, and lack of medical care.

Physical Conditions: The government acknowledged prison overpopulation was a problem and that existing facilities were insufficient to hold the total prison population of 19,000. The government reported it was working with international donors to build at least two new prisons. Severe overcrowding continued in many prisons, sometimes in excess of 10 times the number of persons for which a prison was built. In at least one prison, the inmates reportedly slept packed head-to-toe on the floor. Prisons mostly held men and women in separate prison wings, although in some situations, men and women were colocated. Some prisons held juveniles together with adults and often held pretrial detainees together with convicted prisoners. The children of female inmates frequently lived with their mothers in prison, although prisons accepted no responsibility for their care or feeding. Inmate mothers occasionally received help from local and international nongovernmental organizations (NGOs). There were generally no appropriate services for mentally ill inmates, and they were often held together with the general prison population. Some human rights organizations reported prominent prisoners or those who had been politically active had slightly better living conditions than other prisoners.

According to the government, the daily budget allocation per inmate for food during the year was 2,400 West Africa CFA francs (four dollars) with an additional allotment of 690 CFA francs (\$1.17) for personal hygiene supplies. Wealthier prisoners could buy food and other amenities, as well as hire staff to wash and iron their clothes, while poorer inmates did not receive sufficient food on a regular basis. The prison budgets generally did not increase with the number of prisoners. Families routinely supplemented rations if they lived close to the prison or detention center, bringing food from the outside during the four visiting days of the week.

According to the government, each prison facility had a staffed medical clinic available 24 hours a day. Inmates must inform prison guards if they need medical attention, and guards escort prisoners to the clinic. Inmates with severe medical issues were transferred to an outside hospital. Prison guards also did a daily check

by cell for health issues among the inmates. Each prison clinic had a supply of pharmaceuticals, although in rare cases specific medications not in stock may need to be prescribed and an inmate's family member may have to acquire the medication from an outside pharmacy. Human rights organizations reported, however, that large prisons generally had doctors, while medical care in smaller prisons was provided by nurses. Those organizations further reported it was unclear whether prisoners had access to these medical professionals at all times. Some human rights organizations alleged prisoners had to rely upon guards to allow them to see medical staff at night, while others said there were no doctors working in the prison at night at all and that private charities or religious organizations sometimes financed prisoners' medical care. Prisoners sometimes slept without mattresses. Poor ventilation and high temperatures, exacerbated by overcrowding, remained problems in some prisons. While potable water generally was available in prisons and detention centers, water shortages were not uncommon.

Within temporary detention facilities, physical abuse occurred, and unsanitary conditions persisted, including detainees living in close proximity to toilets. The 48-hour limit for detention without charge, with a single renewal of 48 hours permitted, was often disrespected, with the average total time of detention being eight to nine days. Officials sometimes listed the date of detention as several days later than the actual date of arrest while conducting an investigation to conceal the length of time the prisoner was actually in temporary detention.

Information on conditions at detention centers operated by the DST was not readily available for the year.

Administration: Inmates may submit complaints of abuse to prison directors; however, the government was not aware of any such cases during the year. Following complaints, some prisons improved hygiene and nutrition. Prison administrators continued to detain or release prisoners outside normal legal procedures. Authorities generally permitted visitors in prisons on visiting days. Prisoners' access to lawyers and families was allegedly nonexistent in detention centers operated by the DST.

Independent Monitoring: The government generally permitted the United Nations and local and international NGOs adequate access to prisons but not to detention centers run by the DST. Human rights organizations reported sometimes having access to prisons when they formally requested such in advance. At least one international and one local organization reported that they had not been granted

access, despite multiple requests. The International Committee of the Red Cross noted the critical overcrowding of the main prison and its harmful consequences for the health and well-being of the prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but both reportedly occurred. The DST and other authorities arbitrarily arrested and detained persons, often without charge. They held many of these detainees briefly before releasing them or transferring them to prisons and other detention centers, but they detained others for lengthy periods. The limit of 48 hours pretrial detention by police was generally not enforced. Although detainees have the right to challenge in court the lawfulness of their detention and to obtain release if found to have been unlawfully detained, this rarely occurred. Most detainees were unaware of this right and had limited access to public defenders.

Arrest Procedures and Treatment of Detainees

In December 2018 the government introduced a new penal procedural code, which contains, among other things, the state's right to detain a suspect for up to 48 hours without charge, subject to renewal by an appeals court magistrate. An investigating magistrate can request pretrial detention for up to four months at a time by submitting a written justification to the national prosecutor. First-time offenders charged with minor offenses may be held for a maximum of five days after their initial hearing before the investigative magistrate. Repeat misdemeanor offenders and those accused of felonies may be held for six and 18 months, respectively.

Police often arrested individuals and held them without charge beyond the legal limit. While the law provides for informing detainees promptly of the charges against them, this did not always occur, especially in cases concerning state security or involving the DST. A bail system exists but was reportedly used solely at the discretion of the trial judge. Authorities generally allowed detainees to have access to lawyers, but in cases involving national security, authorities did not allow access to lawyers and family members. For other serious crimes, the government provided lawyers to those who could not afford them, but offenders charged with less serious offenses often had no lawyer. Attorneys often refused to accept indigent client cases they were asked to take because they reportedly had difficulty being reimbursed by the government as prescribed by law. Observers reported multiple instances in which detainees were transferred to detention facilities

outside their presiding judge's jurisdiction, in violation of the law. The vast majority of the country's attorneys reside in Abidjan; detained persons outside the city had particular difficulty obtaining legal representation.

Arbitrary Arrest: The law does not sanction arbitrary arrest, but authorities reportedly used the practice. In September security forces arrested a prominent opposition political party official on charges of harboring at his secondary residence an illegal weapons cache comprising machetes and bullets, although the official himself had informed the security forces of their presence and the cache did not include firearms, nor was the official living at the residence where the cache was found. The official was convicted and sentenced to five years in prison within five days of his arrest, a remarkably short time.

Pretrial Detention: According to officials, 6,695 inmates were in pretrial detention, more than 30 percent of the total inmate population. Prolonged pretrial detention was a major problem. In some cases the length of detention equaled or exceeded the sentence for the alleged crime. Inadequate staffing in the judicial ministry, judicial inefficiency, and lack of training contributed to lengthy pretrial detention. There were reports of pretrial detainees receiving convictions in absentia, with prison authorities claiming their presence was not necessary, and sometimes detainees were not given sufficient notice and time to arrange transportation. Human rights organizations reported mistreatment of detainees who were arrested while in the custody of the DST before being sent to the country's main prison.

Amnesty: In August 2018 President Ouattara announced an immediate amnesty for 800 prisoners held in connection with the 2010-11 postelectoral crisis, including several former cabinet members, military officers, and Simone Gbagbo, the wife of former president Laurent Gbagbo. In April human rights organizations filed a writ before the Supreme Court to challenge the amnesty, stating the amnesty contradicted the country's international obligations and commitments, adding, "international law does not allow forgiveness of alleged perpetrators of war crimes and crimes against humanity." Human Rights Watch further questioned whether the amnesty, which halted prosecutions of military and political leaders implicated in war crimes, crimes against humanity, and other serious human rights abuses, resulted in the government ignoring "victims' calls for justice."

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and although the judiciary generally was independent in ordinary criminal cases, the government

often did not respect judicial independence. Civilian indictments against pro-Ouattara elements for crimes committed during the 2010-11 postelectoral crisis continued to be lacking. There were also numerous reports of judicial corruption, as bribery or intimidation-influenced rulings. In January two unions of magistrates denounced “threats, intimidation, and interference” by the country’s executive and legislative bodies, urging the government “to enforce the principle of separation of powers enshrined in the Ivoirian constitution.”

Trial Procedures

The constitution and law provide for the right to a fair and public trial, but the judiciary sometimes did not enforce this right. Although the law provides for the presumption of innocence and the right to be informed promptly and in detail of the charges (with free interpretation as necessary from the moment charged through all appeals), the government did not always respect this requirement. In the past, assize courts (special courts convened as needed to try criminal cases involving major crimes) rarely convened. The new procedural penal code created standing criminal tribunal courts to replace the assize courts to address the backlog of cases, although the new courts will not begin hearing cases until 2020. The judicial system provides for court-appointed attorneys for those who cannot afford them, although only limited free legal assistance was available; the government had a small legal defense fund to pay members of the bar who agreed to represent the indigent. Defendants have the right to adequate time and facilities to prepare a defense. Defendants may present their own witnesses or evidence and confront prosecution or plaintiff witnesses. Lack of a witness protection mechanism was a problem. Defendants cannot be legally compelled to testify or confess guilt, although there were reports such abuse sometimes occurred. Defendants have the right to be present at their trials, but courts may try defendants in their absence. Those convicted had access to appeals courts in Abidjan, Bouake, and Daloa, but higher courts rarely overturned verdicts.

Military tribunals did not provide the same rights as civilian criminal courts. Although there are no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to order a retrial.

The relative scarcity of trained magistrates and lawyers resulted in limited access to effective judicial proceedings, particularly outside of major cities. The government reported 450 magistrates for a population of 24 million. 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. There were no reported instances of physical punishment. The law specifically provides for a “grand mediator,” appointed by the president, to bridge traditional and modern methods of dispute resolution.

Political Prisoners and Detainees

The government denied there were political prisoners, although President Ouattara recognized in August 2018 there were prisoners indicted for “offenses connected to the 2010-11 postelectoral crisis,” a statement widely interpreted as recognition that political prisoners existed.

Some political parties and local human rights groups claimed members of former president Gbagbo’s party, Ivoirian Popular Front (FPI), detained on charges including economic crimes, armed robbery, looting, and embezzlement, were political prisoners, especially when charged for actions committed during the 2010-11 postelectoral crisis. Some human rights organizations said that President Ouattara’s August 2018 amnesty of 800 prisoners indicted for “offenses connected to the 2010-11 postelectoral crisis” should have been extended to all prisoners held under this justification. Authorities did not provide information about the frequency with which a government-created panel to discuss detainees and other issues concerning the opposition met during the year.

Officials reportedly granted political prisoners the same protections as other prisoners, including access by the International Committee of the Red Cross.

Politically Motivated Reprisal Against Individuals Located Outside the Country

A supporter of former president Laurent Gbagbo was arrested in Ghana, where he has been in exile since 2011, on an Interpol warrant requested by the Ivoirian government in March, but he was released a day later. Human rights organizations and Gbagbo supporters denounced the arrest, claiming the government was manipulating Interpol into harassing political opponents.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters, but the judiciary was subject to corruption, outside influence, and favoritism based on family and ethnic ties. Citizens may bring lawsuits seeking damages for, or

cessation of, a human rights violation, but they did so infrequently. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies such as the African Court of Human and Peoples' Rights. The judiciary was slow and inefficient, and there were problems in enforcing domestic court orders.

Property Restitution

In April media reported police destroyed homes to forcibly evict a number of persons from a neighborhood in Abidjan under instructions from the National Sanitation and Drainage Office, which had determined the area was vulnerable to extensive flooding during the rainy season and the houses had been built illegally. Residents said they received very short notice and were not given any government resettlement assistance.

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

The constitution and law prohibit such actions, but the government did not always respect these prohibitions. The law requires warrants for security personnel to conduct searches, the prosecutor's agreement to retain any evidence seized in a search, and the presence of witnesses in a search, which may take place at any time. Police sometimes used a general search warrant without a name or address.

The government did not confirm whether frozen bank accounts of those pardoned by the president in the August 2018 amnesty were reactivated during the year, although there were no further public complaints about blocked accounts.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press, but the government restricted both rights. The National Press Authority, the government's print media regulatory body, briefly suspended or reprimanded newspapers and journalists for statements it contended were false, libelous, or perceived to incite xenophobia and hate.

Freedom of Expression: The law prohibits incitement to violence, ethnic hatred, rebellion, and insulting the head of state or other senior members of the

government. In January an opposition member of parliament was charged with the dissemination of false information and incitement to revolt via a tweet and was sentenced to one year in jail and a fine of 300,000 CFA francs (\$500). In February an appeals court changed the verdict to a six-month suspended sentence.

Press and Media, Including Online Media: The independent media were active and expressed a wide variety of views. The law bans “detention of journalists in police custody, preventive detention, and imprisonment of journalists for offense committed by means of press or by others means of publication.” The law, however, provides “fines ranging from one million to three million CFA francs (\$1,700 to \$5,000) for anybody found guilty of committing offenses by means of press or by others means of publication.” Newspapers aligned politically with the opposition frequently published inflammatory editorials condemning the government or fabricated stories to defame political opponents. The High Audiovisual Communications Authority (HACA) oversees the regulation and operation of radio and television stations. Opposition groups and civil society criticized the government’s control over the main state-owned television station, claiming it does not allow opposition views to be broadcast. There were numerous independent radio stations. The law prohibits transmission of political commentary by community radio stations, but the regulation authority allows community radio stations to run political programs if they employ professional journalists.

In May, one local press watchdog organization said there was very little independent press in the country since most media outlets were directly reliant on political parties or politicians for funding.

Violence and Harassment: According to an August report by Amnesty International, 14 activists had been arrested since the beginning of the year in a crackdown on dissenting voices.

In April a journalist was summoned and questioned by Abidjan police for four hours after contacting an activist campaigning against the Central Bank of West African States’ common currency used in the country, the West African CFA franc.

Censorship or Content Restrictions: The government influenced news coverage and program content on television channels and public and private radio stations. In June the HACA censored a documentary film on child labor in the cocoa industry produced by a French media outlet. Although set to air, the station instead

displayed a blank screen. Journalists with the state-owned media regularly exercised self-censorship to avoid sanctions or reprisals from government officials. NGOs reported legal intimidation had a chilling effect on media coverage of certain topics.

Libel/Slander Laws: Libel deemed to threaten the national interest is punishable by six months to five years in prison.

Internet Freedom

NGOs reported the government restricted access to certain websites within the country at the direction of the Presidency. There were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no reports of government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but the government sometimes restricted the freedom of peaceful assembly.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, but the government did not always respect this right. The law requires groups that wish to hold demonstrations or rallies in stadiums or other enclosed spaces to submit a written notice to the government at least three days before the proposed event. The organizers must receive the government's authorization in order to proceed. Numerous opposition political parties reported denials of their requests to hold political meetings and alleged inconsistent standards for granting public assembly permissions.

In May several persons protesting widespread youth criminality and insecurity in Abidjan were injured when police attempted to disperse the demonstration.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law do not specifically provide for freedom of movement, foreign travel, emigration, or repatriation, but the government generally respected these rights.

In-country Movement: There were reports of impediments to internal travel. Security forces and unidentified groups erected and operated roadblocks, primarily along secondary roads outside of Abidjan. Although some roadblocks served legitimate security purposes, racketeering and extortion were common. FACI occupied some checkpoints at border crossings, but fewer than in previous years. Discrimination against perceived foreigners and descendants of Burkinabe migrants, including difficulty obtaining nationality and identity documentation, remained an obstacle to free movement of stateless persons and those at risk of statelessness in the country.

e. Internally Displaced Persons

International organizations reported that, according to the government, there were no internally displaced persons (IDPs) in the country. Previously, most IDPs were those displaced due to the 2010-11 postelectoral crisis and evictions from illegally occupied protected forests in 2016. The 51,000 persons evicted in 2016 from Mont Peko National Park, where they had been living and farming illegally, continued to face problems of housing and food security in the surrounding areas where they had largely integrated into local communities. These were largely economic migrants, likely including many persons at risk of statelessness.

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) commits the government to protect the rights and well-being of persons displaced by conflict, violence, disasters, or human rights abuses and provides a framework of durable solutions for IDPs. The government respected the principle of voluntary return; the United Nations and international and local NGOs worked to fill the gaps. While many of those displaced returned to their areas of origin, difficult conditions, including lack of access to land, shelter, and security, prevented others' return. International

organizations reported host communities had few resources to receive and assist IDPs, who often resorted to living in informal urban settlements.

f. Protection of Refugees

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

Access to Asylum: 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.

Durable Solutions: Refugee documents allowed refugees to move freely in the country, with refugees younger than age 14 included on their parents' documents. Refugees also had access to naturalization, although UNHCR reported many refugees had been in the naturalization process for more than five years.

Temporary Protection: The government also provided temporary protection for individuals who no longer qualified as refugees under the relevant UN conventions. Persons awaiting status determination received a letter, valid for three months, indicating they were awaiting a decision on their status. The letter provided for temporary stay and freedom of movement only. Holders of the letter did not qualify for refugee assistance such as access to education or health care.

g. Stateless Persons

Statelessness in the country was believed to be extensive, although precise statistics were not available. The government did not provide information regarding the number of persons believed to be stateless during the year. It had not registered many of the children of migrants born in the country, thus placing them at risk of statelessness. With birth registration as a requirement for citizenship, unregistered children who lacked birth certificates were at risk of statelessness. UNHCR estimated there were thousands of abandoned children and foundlings, who because they could not prove their citizenship through their parents, as required under the law, were at risk of statelessness. Stateless children were thus deprived as they grew up of the opportunity to attend high school (elementary school is open to all), get a formal job, open a bank account, own land, travel freely, or vote. Stateless persons faced numerous significant additional difficulties,

such as difficulty of access to health services, ability to wed legally, receive inheritance, and enjoy political rights, as well as exposure to exploitation and arbitrary detention. Social stigma and general harassment can also accompany statelessness.

The government put in place measures to resolve the status of certain stateless groups. In May 2018 the National Assembly created a working group, the Network of Ivoirian Members of Parliament for Migration, Refugees, and Stateless People, to address the issue of statelessness and recommend solutions. According to UNHCR, however, of approximately 123,000 pending cases concerning requests for Ivoirian nationality until the end of 2018, only 16,000 received Ivoirian nationality, of whom 8,000 were estimated to have been stateless.

From 2018 through September, judges in seven cities issued nationality certificates to more than 100 children of unknown parentage. A Catholic parish in Abidjan began a program in March to help parishioners navigate the cumbersome and costly procedure for obtaining birth certificates.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The electoral code requires a voter-list revision period to take place annually, during which citizens can register to vote or previously registered voters can update their registration information. As of October the voter-list registration period had not occurred.

In legislative elections held in 2016, the ruling party coalition won 66 percent of the 255 National Assembly seats. The main opposition party, which boycotted the 2011 legislative elections, participated, and won seats. The elections were considered peaceful, inclusive, and transparent.

In 2016 the government conducted a referendum on a new constitution to replace the postmilitary coup constitution of 2000. Opposition parties and some local and international organizations claimed the drafting process was neither inclusive nor transparent, and they criticized the new text for strengthening the role of the

executive branch. Despite an opposition boycott, the referendum passed overwhelmingly in a peaceful process that was inclusive and generally transparent.

Prior to senatorial elections in March 2018, security forces used tear gas on two occasions to disperse protesters associated with the opposition. Days prior to the election, the Independent Electoral Commission (CEI) declared it would restrict observers from remaining in the voting stations throughout the day but reversed its decision before the election. Civil society observers received accreditation badges one day before the election. Diplomatic observers and local civil society groups judged the elections to be peaceful and credible.

In October 2018 the CEI held municipal and regional elections, which were marred by allegations of fraud, intimidation, harassment, vote buying, and violence resulting in four deaths. In most areas the ruling party edged out independent and opposition candidates. At least one major human rights organization that requested accreditation to observe the elections was not allowed to send observers to polling places. Observers noted nationwide technical difficulties with tablets intended to confirm voters' identities and eligibility through fingerprint scans. Elections were reconducted in December 2018 in eight localities after the Supreme Court annulled their October results. Observers also judged these elections were marred by violence and allegations of fraud despite the significant presence of security forces.

Following recommendations by the African Court of Human and Peoples' Rights, in July the government overhauled the CEI. While the CEI includes representation from some opposition groups and civil society organizations, other opposition parties claimed to have been excluded from the process, or chose to boycott the process due to perceived nontransparency. Some opposition political parties and civil society organizations claimed the government's proposed recomposition of the CEI was not impartial as they believed the 2016 ruling by the African Court of Human and Peoples' Rights required. African Union representatives stated that ruling was binding, but the government claimed it was not.

Political Parties and Political Participation: The law prohibits the formation of political parties along ethnic or religious lines. Ethnicity, however, was often a factor in party membership, and the appearance of ethnicity playing a role in political appointments remained as well. Opposition leaders reported denials of their requests to hold political meetings and alleged inconsistent standards for granting public assembly permits. In April an aide to a prominent opposition politician reported being harassed and threatened by police for his political views.

Peaceful assemblies organized by civil society organizations and opposition groups were regularly banned and dispersed with excessive use of force by police and gendarmes, according to a February report by Amnesty International.

In July an opposition leader was arrested for “breaching public order” following his speech during a rally organized by opposition groups in Abidjan to protest the government’s bill to change the composition of the CEI. Five civil society activists and a journalist were invited to meet with CEI members to discuss the recomposition but were then arrested and held for 36 hours, reportedly for planning to protest without a permit.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. Of 253 National Assembly (lower legislative body) members, 29 were women. Of 99 Senate (upper legislative body) members, 19 were women, including 11 of 33 appointed by President Ouattara on April 3 and eight of 66 elected in 2018.

In March the National Assembly approved a bill that would require political parties to ensure that a minimum of 30 percent of candidate lists in legislative, regional, and municipal elections be women. The bill had not been adopted by the Senate by year’s end.

Members of the transgender community reported difficulty obtaining identity and voting documents. Electoral staff and fellow voters at polling sites in 2018 were observed assisting voters with disabilities, such as those who were unable to walk up the stairs.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Human rights organizations reported significant official corruption, with corruption in the judiciary, police, and security forces being areas of particular concern. Many members of the security forces, including senior army officers, continued to engage in racketeering and extortion to profit from the illicit exploitation of natural resources. In September the head of the High Authority for Good Government (HABG), a government anticorruption authority, issued a communique in which he announced measures to end unauthorized charges for the delivery of administrative documents. Civil society groups and government officials reported the HABG was not empowered to act independently or to take

decisive action to tackle corruption. The HABG can make recommendations, but the public prosecutor must decide to take up a case.

A government ministry said it reinforced and decentralized its Office of the Inspector General to facilitate more expeditious internal investigation procedures. The government also facilitated international training of Ivoirian magistrates to counteract money laundering.

Corruption: NGOs reported government authorities awarded many large contracts to persons or businesses with close connections to the executive branch. Since neither the proposals nor the contracts were made public, civil society organizations questioned the fairness and transparency of the procurement process.

In July, following a West African Economic and Monetary Union recommendation, the government endorsed a new public procurement code to increase the transparency of the public procurement process.

Financial Disclosure: A presidential decree requires the head of state, ministers, heads of national institutions, and directors of administration to disclose their income and assets. Since 2015 the HABG requires public officials to submit a wealth declaration within 30 days of the beginning of their term in office. The declaration was confidential, but the list of those who declared their wealth was publicly accessible in the official government journal. Officials who did not comply or provided a false declaration faced fines equal to six months of their salary. The procedures for reviewing the declaration of assets were not included in the implementing decree. The law requires the HABG to retain declarations of assets for at least 10 years.

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

A number of international and domestic human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials met with some of those groups, sometimes at very senior levels. While the government was somewhat cooperative and responsive to their views, depending on the topic or case, it was at other times defensive about more sensitive topics.

The United Nations or Other International Bodies: The government accepted 181 of the 186 recommendations in the report of the third cycle of the Universal Periodic Review of the UN Human Rights Council, which was published in May.

Government Human Rights Bodies: The Ministry of Justice and Human Rights is responsible for implementing and monitoring the government's policy on human rights, but it was neither adequately funded nor effective. In January the National Commission for Human Rights became the National Council for Human Rights (CNDH), a change intended to provide the CNDH with more financial and operational autonomy as an advisory body that consults on, conducts evaluations of, and creates proposals to promote and defend human rights. Nevertheless, the organization remained fully dependent on funding from the government. The CNDH inherited the UN Operation in Cote d'Ivoire (UNOCI's) human rights mandate upon UNOCI's departure in 2017 but acknowledged it did not have UNOCI's resources or its autonomy. As of October the CNDH had 31 regional commissions and seven thematically focused departments. The civilian-controlled Special Investigative Cell (Special Cell) within the Ministry of Justice and Human Rights was established in 2011 to investigate and try those responsible for human rights abuses committed during the postelectoral crisis. The Special Cell issued a number of indictments, although the government did not take steps to initiate trials against any of those indicted. The Special Cell has an indefinite mandate.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law prohibits rape and provides for prison terms of five to 20 years for perpetrators. The law does not specifically penalize spousal rape. 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 younger than age 15. The government did not provide information on the percentage of rape cases tried as rape versus the lesser charge of indecent assault, which carries a prison term of six months to five years. Media and NGOs reported rape of schoolgirls by teachers was a problem, but few perpetrators had charges filed against them.

The government made some efforts to enforce the law, but local and international human rights groups reported rape remained widespread. A local NGO that aims to protect the rights of persons with disabilities reported a man who raped and

ultimately killed a pregnant handicapped woman in April was sentenced to a 20-year jail term.

Relatives, police, and traditional leaders often discouraged rape survivors from pursuing criminal cases, with their families often accepting payment for compensation. Rape victims were no longer required to obtain a medical certificate, which could cost up to 50,000 CFA francs (\$850), to move a legal complaint forward. There was no information on how many cases moved forward without the certificate; it often served as a victim's primary form of evidence.

The law does not specifically outlaw domestic violence, which was a serious and widespread problem. Victims seldom reported domestic violence due to cultural barriers and because police often ignored women who reported rape or domestic violence. Survivors stressed that although sexual and gender-based violence was an "everyday reality," deeply ingrained taboos discouraged them from speaking out. Survivors were ostracized and advocates for survivors reported being threatened. Fear of challenging male authority figures silenced most victims.

Female Genital Mutilation/Cutting (FGM/C): The law specifically forbids FGM/C and provides penalties for practitioners of up to five years' imprisonment and fines of 360,000 to two million CFA francs (\$610 to \$3,400). Double penalties apply to medical practitioners, including doctors, nurses, and medical technicians. Nevertheless, FGM/C remained a serious problem.

Other Harmful Traditional Practices: Societal violence against women included traditional practices, such as dowry deaths (the killing of brides over dowry disputes), levirate (forcing a widow to marry her dead husband's brother), and sororate (forcing a woman to marry her dead sister's husband). The government did not provide information about the prevalence or rate of prosecution for such violence or forced activity during the year.

Sexual Harassment: The law prohibits sexual harassment and prescribes penalties of between one and three years' imprisonment and fines of 360,000 to one million CFA francs (\$610 to \$1,700). Nevertheless, the government rarely, if ever, enforced the law, and harassment was widespread and routinely tolerated.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men in labor law. A law passed in July establishes the right for women to inherit upon the deaths of their husbands as much as the deceased's children can. Nevertheless, NGOs reported women experienced discrimination in marriage, divorce, child custody, employment, credit, pay, owning or managing businesses or property, education, the judicial process, and housing. Human rights organizations reported many religious and traditional authorities rejected laws intended to reduce gender-related inequality in household decision-making processes.

Children

Birth Registration: The law confers citizenship at birth on the basis of at least one parent having been a citizen at the time of the child's birth. The law provides parents a three-month period to register their child's birth for only the cost of an official stamp. In some parts of the country, the three-month window conflicts with important cultural practices around the naming of children, making birth registration difficult for many families. For births registered after the first three months, families pay 5,000 CFA francs (\$8.50) or more. For older children, authorities may require a doctor's age assessment and other documents. To continue to secondary school, children must pass an exam for which identity documents are required. As a result, children without documents could not continue their studies after primary school. The government, with UNICEF, in 2017 launched a special operation to complete the civil registration of 1.2 million school children at a reduced cost to the families. By the end of the program during the year 63,000 children had been registered.

Education: Primary schooling is obligatory, free, and open to all. Education was thus ostensibly free and compulsory for children ages six to 16, but families generally reported being asked to pay school fees, either to receive their children's records or pay for school supplies. Parents of children not in compliance with the law were reportedly subject to fines up to 500,000 CFA francs (\$850) or jail time of two to six months, but this was seldom, if ever, enforced, and many children did not attend or have access to school. In principle students do not have to pay for books or fees, but families usually paid because the government did not often cover these expenses. Schools expected parents to contribute to the teachers' salaries and living stipends, particularly in rural areas.

Educational participation of girls was lower than that of boys, particularly in rural areas. Although girls enrolled at a higher rate, their participation rates dropped below that of boys because of the tendency to keep girls at home to do domestic

work or care for younger siblings and due to widespread sexual harassment of female students by teachers and other staff. In April a new gender unit within the Ministry of National Education was created to focus on improving education and training for girls and women.

Child Abuse: The penalty for statutory rape or attempted rape of a child younger than age 16 is a prison sentence of one to three years and a fine of 360,000 to one million CFA francs (\$610 to \$1,700). Nevertheless, children were victims of physical and sexual violence and abuse. Media reported rapes of girls as young as age three during the year. Authorities often reclassified claims of child rape as indecent assault, which increased the likelihood of a timely trial and conviction, although penalties were less severe. Judges exercised discretion in deciding whether to reclassify a claim from child rape to indecent assault, and they may only do so when there is no clear medical proof or testimony to support rape charges. The government did not provide information about the rate of prosecution or conviction during the year. To assist child victims of violence and abuse, the government cooperated with UNICEF to strengthen the child protection network.

Although the Ministry of Employment, Social Affairs, and Professional Training; the Ministry of Justice and Human Rights; the Ministry of Women, Families, and Children; the Ministry for Solidarity, Social Cohesion, and the Fight against Poverty; and the Ministry of National Education were responsible for combating child abuse, international organizations and civil society groups reported they were ineffective due to lack of coordination among the ministries.

Early and Forced Marriage: A law passed in July equalizes the age of majority for women and men to get married at age 18. The law prohibits the marriage of men and women younger than age 18 without parental consent. The law specifically penalizes anyone who forces a minor younger than age 18 to enter a religious or customary matrimonial union. Nevertheless, reports of traditional marriages involving at least one minor spouse persisted.

In 2017 according to UNICEF, 27 percent of girls were married by age 18 and 7 percent by age 15.

Sexual Exploitation of Children: The minimum age of consensual sex is 18. The law prohibits the use, recruitment, or offering of children for commercial sex or pornographic films, pictures, or events. Violators can receive prison sentences ranging from five to 20 years and fines of five million to 50 million CFA francs

(\$8,500 to \$85,000). Statutory rape of a minor carries a punishment of one to three years in prison and a fine of 360,000 to one million CFA francs (\$610 to \$1,700).

In November 2018 armed gendarmes abducted a 14-year-old girl from an NGO in Abidjan that shelters child victims of human trafficking and abuse. There was no further information on the status of the case.

The country is a source, transit, and destination country for children subjected to trafficking in persons, including sex trafficking. During the year the antitrafficking unit of the National Police investigated several cases of suspected child sex trafficking.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Displaced Children: Human rights organizations reported thousands of children countrywide lived on the streets and that they were frequently subject to law enforcement activity. The government reportedly implemented a program to reduce the numbers of homeless minors, but there was no information on the number of minors affected. Officials in the Ministry of Youth reportedly opened several centers in a few cities where at-risk youth could live and receive training, and the government announced a pilot resocialization program to offer civic education to 160 youth as part of efforts to address juvenile delinquency.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The country's Jewish community numbered fewer than 100 persons, including both expatriates and Ivoirians who converted. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 as well as to provide them access to the judicial system. The law prohibits acts of violence against persons with disabilities and the abandonment of such persons. The constitution contains protections for persons with disabilities, but these laws were not effectively enforced. Vision- and hearing-impaired persons were also discriminated against in civic participation, since political campaigns did not include provisions for them, either in braille or sign language. A human rights organization brought this to the attention of the CEI but received no substantive response.

Persons with disabilities reportedly encountered serious discrimination in employment and education. Prisons and detention centers provided no accommodations for persons with disabilities. Although the law requires measures to ensure persons with disabilities' access to transportation and buildings and designated parking spots, human rights organizations reported these were lacking around the country.

The government financially supported some separate schools, training programs, associations, and artisans' cooperatives for persons with disabilities, located primarily in Abidjan, but human rights organizations reported these schools functioned more as literacy centers that did not offer the same educational materials and programs as other schools. Many persons with disabilities begged on urban streets and in commercial zones for lack of other economic opportunities. It was difficult for children with disabilities to obtain an adequate education if their families did not have sufficient resources. Although public schools did not bar persons with disabilities from attending, such schools lacked the resources to accommodate students with disabilities. Homelessness among persons with mental disabilities was reportedly common.

National/Racial/Ethnic Minorities

The country has more than 60 ethnic groups; human rights organizations reported ethnic discrimination was a problem. Authorities considered approximately 25 percent of the population foreign, although many within this category were second-

or third-generation residents. Land ownership laws remained unclear and unimplemented, resulting in conflicts between native populations and other groups.

The law prohibits xenophobia, racism, and tribalism and makes these forms of intolerance punishable by five to 10 years' imprisonment. There were reports of police abuse and harassment of non-Ivoirian Africans residing in the country, based in part on the belief that foreigners were responsible for high crime rates and identity card fraud.

In May intercommunal violence erupted between members of the Baoule and Malinke communities after a traffic accident between a Malinke bus driver and a Baoule taxi driver. Although authorities implemented a curfew, the violence lasted for days, leaving at least 14 persons dead and 120 injured.

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

Same-sex sexual activity is subject to conviction as a form of public indecency that carries a penalty of up to two years' imprisonment, which is the same penalty prescribed for heterosexual acts performed in public. In July the government made minor changes to Article 360 of the criminal law, but human rights organizations reported the changes did not prevent tacit discrimination based on sexual orientation or gender identity.

Human rights organizations reported the LGBTI community continued to face discrimination based on sexual orientation, as well as acts of violence against members of that community. Law enforcement authorities were at times slow and ineffective in their response to societal violence targeting the LGBTI community. Reports continued that LGBTI community members were evicted from their homes by landlords or their families. Security forces sometimes tried to humiliate members of the transgender community by forcing them to undress in public.

Members of the LGBTI community reported discrimination in access to health care, including instances in which doctors refused to give treatment and pharmacists told them to follow religion and learn to change.

HIV and AIDS Social Stigma

There were no credible reports of official discrimination based on HIV/AIDS status. The law expressly condemns all forms of discrimination against persons

with HIV and provides for their access to care and treatment. The law also prescribes fines for refusal of care or discrimination based on HIV/AIDS status. An NGO reported discrimination cases amongst families relating to a family member's HIV/AIDS status, such as when an HIV-positive woman was thrown out of her in-laws' home after the death of her husband or when the wife of an HIV-positive man was forced to leave her small cocoa farm after the death of her husband by his family. The NGO reported these cases were resolved with help from the village or township's social center.

The Ministry of Health and Public Hygiene managed a program within the National AIDS Control Program to assist vulnerable populations at high risk of acquiring HIV/AIDS (including but not limited to men who have sex with men, sex workers, persons who inject drugs, prisoners, and migrants). The Ministry of Women, Families, and Child Protection oversaw a program that directed educational, psychosocial, nutritional, and economic support to orphans and other vulnerable children, including those infected or affected by HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, provides for the right of workers, except members of police and military services, to form or join unions of their choice, provides for the right to conduct legal strikes and bargain collectively, and prohibits antiunion discrimination by employers or others against union members or organizers. The law prohibits firing workers for union activities and provides for the reinstatement of dismissed workers within eight days of receiving a wrongful dismissal claim. The law allows unions in the formal sector to conduct their activities without interference. Worker organizations were independent of the government and political parties. According to the International Trade Union Confederation, the law does not have any objective criteria to establish recognition of representative trade unions, which could allow public and private employers to refuse to negotiate with unions on the grounds they were not representative. Foreigners are required to obtain residency status, which takes three years, before they may hold union office.

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. Workers must maintain a minimum coverage in services whose interruption may endanger the lives, security, or health of persons; create a national

crisis that threatens the lives of the population; or affect the operation of equipment. Additionally, if authorities deem a strike to be a threat to public order, the president has broad powers to compel strikers to return to work under threat of sanctions. Striking workers may legally be subjected to criminal penalties, including forced labor. The president also may require that strikes in essential services go to arbitration, although the law does not describe what constitutes essential services.

Apart from large industrial farms and some trades, legal protections excluded most laborers in the informal sector, including small farms, roadside street stalls, and urban workshops.

Before collective bargaining can begin, a union must represent 30 percent of workers. Collective bargaining agreements apply to employees in the formal sector, and many major businesses and civil-service sectors had them. Although the labor code may allow employers to refuse to negotiate, there were no such complaints from unions pending with the Ministry of Employment and Social Protection.

Media reported three teachers in Bouake, the second largest city, were injured in February when unidentified persons attacked members of a teachers' union and burned motorbikes belonging to the teachers.

There were no complaints pending with the Ministry of Employment and Social Protection of antiunion discrimination or employer interference in union functions.

In February teachers from public primary and secondary schools and one university went on a two-month strike to claim better pay and working conditions. As a result two university teachers were jailed for public disorder and released two weeks later. Others were facing disciplinary actions at year's end.

b. Prohibition of Forced or Compulsory Labor

The constitution explicitly prohibits human trafficking, including forced labor and child labor. The law criminalizes all forms of human trafficking, including for the purposes of forced labor or slavery, and the worst forms of child labor. The law grants government officials the broad power of requisitioning labor for "national economic and social promotion," in violation of international standards. The government engages in forced prison labor, and the law allows for forced labor for political prisoners.

The government did not effectively enforce the law. The government did not provide enough resources or conduct enough inspections to deter violations. Forced and compulsory labor continued to occur in small-scale and commercial production of agricultural products, particularly on cocoa, coffee, pineapple, cashew, and rubber plantations, and in the informal labor sector, such as domestic work, nonindustrial farm labor, artisanal mines, street shops, and restaurants. Children were subjected to forced begging and participation in drug trafficking.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16 years although the minimum age for apprenticeships is 14. The minimum age for hazardous work is 18 years. Minors younger than age 18 may not work at night. Although the law prohibits the exploitation of children in the workplace, the Ministry of Employment and Social Protection did not enforce the law effectively outside the civil service and large national and multinational companies.

The National Monitoring Committee on Actions to Fight Trafficking, Exploitation, and Child Labor (CNS), chaired by First Lady Dominique Ouattara, and the Interministerial Committee for the Fight against Trafficking, Exploitation, and Child Labor (CIM) are responsible for assessing government and donor actions on child labor.

The law prohibits child trafficking and the worst forms of child labor. The government took active steps to address the worst forms of child labor. The government worked on implementing its *2018-2020 National Action Plan against Trafficking, Exploitation, and Child Labor*, and strengthened its National Child Labor Monitoring System. This program was launched in 2013 as a pilot in several departments to enable communities to collect and analyze statistical data on the worst forms of child labor and to monitor, report, and coordinate services for children involved in or at risk of child labor. Beginning in 2014 the government implemented stricter regulations on the travel of minors to and from the country, requiring children and parents to provide documentation of family ties, including at least a birth certificate. In late 2016 basic education became compulsory for children six to 16, increasing school attendance rates and diminishing the supply of children looking for work.

The Department of the Fight against Child Labor within the Ministry of Employment and Social Protection, CNS, and CIM led enforcement efforts. The government's 2018-2020 National Action Plan calls for efforts to improve access to education and health care for children, and income-generating activities for their families, as well as nationwide surveys, awareness campaigns, and other projects with local NGOs to highlight the dangers associated with child labor. The First Lady's NGO, Children of Africa, in partnership with the government, operated a shelter for child victims of trafficking and forced labor in the central-west region of the country. The government engaged in partnerships with the International Labor Organization, UNICEF, and the International Cocoa Initiative to implement these measures.

The *List of Light Work Authorized for Children Between 13 to 16 Years of Age* introduces and defines the concept of "socializing work," unpaid work that teaches children to be productive members of the society. In addition the list states that a child cannot perform any work before 7 a.m. or after 7 p.m. or during regular school hours, that light work should not exceed 14 hours a week, and that it should not involve more than two hours on a school day or more than four hours a day during vacation.

The government did not effectively enforce the law. Child labor remained a problem, particularly in artisanal gold and diamond mines, agricultural plantations (generally small plots), and domestic work. Within agriculture, the worst forms of child labor were particularly prevalent in the cocoa and coffee sectors. Inspections during the year did not result in investigations into child labor crimes. Penalties were seldom applied and were not a deterrent to violations. The number of inspectors and resources for enforcement were insufficient to enforce the law.

Children routinely worked on family farms or as vendors, shoe shiners, errand runners, domestic helpers, street restaurant vendors, and car watchers and washers. Some girls as young as nine years old reportedly worked as domestic servants, often within their extended family networks. Children in rural areas continued to work on farms under hazardous conditions, including risk of injury from machetes, physical strain from carrying heavy loads, and exposure to harmful chemicals. According to international organizations, child labor was noticed increasingly on cashew plantations and in illegal gold mines, although no official studies had been conducted.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The constitution provides for equal access to public or private employment and prohibits any discrimination in access to or in the pursuit of employment on the basis of sex, ethnicity, or political, religious, or philosophical opinions.

The law does not prohibit discrimination based on sexual orientation. The law specifically prohibits workplace discrimination based on HIV/AIDS status but does not address other communicable diseases. The labor code includes provisions to promote access to employment for persons with disabilities. It stipulates that employers must reserve a quota of jobs for qualified applicants. The law does not provide for penalties for employment discrimination.

The government did not effectively enforce the law. Human rights organizations continued to report discrimination with respect to gender, nationality, persons with disabilities, and LGBTI persons. While women in the formal sector received the same pay and paid the same taxes as men, reports of a reticence to hire women persisted. The government updated its labor laws to prevent women from doing certain jobs deemed “work that exceeds the ability and physical capacity of women, or work that presents dangers which are likely to undermine their morality, for example, working underground or in the mines.” The government indicated that if a woman wanted to carry out any of the work on the “prohibited list,” she needed to contact an inspector at the Ministry of Labor.

While the law provides the same protections for migrant workers in the formal sector as it does for citizens, most faced discrimination in terms of wages and treatment.

e. Acceptable Conditions of Work

The minimum wage varied by sector. The minimum wage in all sectors exceeded the government estimate for the poverty income level. The Ministry of Employment and Social Protection is responsible for enforcing the minimum wage. The government did not effectively enforce the law. Labor unions contributed to effective implementation of the minimum salary requirements in the formal sector. Approximately 85 percent of the total labor force was in the informal economy, in which labor law is not uniformly enforced. Labor federations attempted to fight

for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated between classes of workers, such as women or local versus foreign workers. The government started paying back wages based on a 2017 labor agreement reached with public-sector unions.

The law does not stipulate equal pay for equal work. There were no reports authorities took action to rectify the large salary discrepancies between foreign non-African employees and their African colleagues employed by the same companies.

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

The law establishes occupational safety and health standards in the formal sector, while the informal sector lacks regulation. The law provides for the establishment of a committee of occupational, safety, and health representatives responsible for verifying protection and worker health at workplaces. Such committees are to be composed of union members. The chair of the committee could report unhealthy and unsafe working conditions to the labor inspector without penalty. By law workers in the formal sector have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment. They may utilize the inspection system of the Ministry of Employment and Social Protection to document dangerous working conditions. Authorities effectively protected employees in this situation. These standards do not apply in the informal sector. The law does not cover several million foreign migrant workers or workers in the informal sector, who accounted for 70 percent of the nonagricultural economy.

The government did not effectively enforce the law. Human rights organizations reported numerous complaints against employers, such as improper dismissals, uncertain contracts, failure to pay the minimum wage, and the failure to pay employee salaries. The failure to enroll workers in the country's social security program and pay into it the amount the employer has deducted from the worker's salary was also a problem. The government did not devote adequate resources or conduct adequate inspections to enforce applicable laws in the formal sector. Penalties for violations were insufficient to deter violations. Administrative judicial procedures were subject to lengthy delays and appeals.

The government enforced labor protections only for salaried workers employed by the government or registered with the social security office. Penalties were insufficient to deter violations. The Ministry of Employment and Social Protection employed insufficient labor inspectors to enforce the law effectively. Labor inspectors reportedly accepted bribes to ignore violations. While the law requires businesses to provide medical services for their employees, small firms, businesses in the informal sector, households employing domestic staff, and farms (particularly during the seasonal harvests) did not comply. Excessive hours of work were common, and employers rarely recorded and seldom paid overtime hours in accordance with the law. In particular, employees in the informal manufacturing sector often worked without adequate protective gear. Human rights organizations reported that working conditions in illegal gold mines remained very poor, including lack of fencing around mines, as well as large detonations and resulting deadly mudslides. According to a report released in April, there were 6,000 industrial accidents between 2015 and 2017, the most recent data available. According to government officials, the San Pedro region had an average of 400 industrial accidents per year over the past three years due to insufficient safety oversight.