

# COTE D'IVOIRE 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Cote d'Ivoire is a democratic republic governed by a president re-elected in October under conditions generally considered free, although some international observers questioned the fairness of the overall electoral process. Ahead of the country's October 31 presidential election, civil society and international human rights organizations alleged infringements on rights to assembly and expression and at least two reported instances of unregulated non-state-actor violence against protesters. Also prior to the election, opposition leaders challenged the legality of President Alassane Ouattara's candidacy for a third term; however, the institution charged with validating candidate eligibility, the Constitutional Council, approved his candidacy on September 14. International election observers differed in their overall assessments of the election. Some found the process to be overall satisfactory while others concluded it did not allow for genuine competition. The Constitutional Council, which the constitution empowers to certify the results of elections, validated the incumbent president's re-election on November 9. The country's first ever senatorial elections in 2018 were peaceful.

The National Police, which reports to the Ministry of the Interior and Security, and the National Gendarmerie, which reports to 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 personnel, assisted police in providing security in some large cities. The Armed Forces of Cote d'Ivoire, which report to the Ministry of Defense, are responsible for national defense. The Directorate of Territorial Surveillance, under the Ministry of Security and Civil Protection, is responsible for countering internal threats. Civilian authorities at times did not maintain effective control over the security forces. Members of the security forces committed some abuses.

Significant reported human rights issues included: forced temporary disappearance by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention by security forces; political prisoners or detainees; politically motivated reprisal against individuals located outside the country; serious problems with the independence of the judiciary; serious restrictions on free expression and the press; substantial interference with the rights of peaceful assembly and association; lack of investigation and accountability for violence against women and girls; and crimes involving violence against lesbian, gay, bisexual, transgender, and intersex persons.

Military police and the military tribunal are responsible for investigating and prosecuting alleged abuses perpetrated by members of the security services. The government provided some information on steps that it took to prosecute officials in the security services, as well as elsewhere in the government, who were accused of abuses, but victims of reported abuses alleged their perpetrators were not disciplined.

## **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 no confirmed reports that the government or its agents committed arbitrary or unlawful killings. Military police and the military tribunal are responsible for investigating and prosecuting alleged abuses, including killings, perpetrated by members of the security services.

### **b. Disappearance**

There were at least two reports of disappearances carried out by or on behalf of government authorities at the end of 2019 and during the year. The alleged victims both emerged alive after their disappearances. Amnesty International and media reported that, on December 30, 2019, Rigobert Soro, a police officer and the brother of prominent opposition figure Guillaume Soro, was summoned to the National School of Police and arrested. Soro was reportedly held by the Directorate of Territorial Surveillance (DST) but, according to a January 10 Amnesty International report, authorities refused to acknowledge his detention. A February 26 letter from the Human Rights Council of the UN Office of the High Commissioner for Human Rights to the government noted that Rigobert Soro had been detained incommunicado by the DST from December 31 to January 10 before being transferred to the country's main prison.

In January, according to media reports, security authorities allegedly detained Tano Koffi Bouaffo Fabrice, an opposition supporter, without explanation at his place of work and transported the alleged victim to an unknown location. Authorities released him more than a month after his detention and disappearance.

### **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 that prisoners were subject to violence and abuse, including beatings and extortion, by prison officials and that the perpetrators of these acts went unpunished. Human rights organizations reported mistreatment of detainees between arrest and being booked into prison.

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

Impunity was not a significant problem in the security forces, although members of the security forces reportedly did commit isolated abuses without punishment. Failure to enforce disciplinary action contributed to impunity. The government used military police and the military tribunal to investigate abuses.

### **Prison and Detention Center Conditions**

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

Physical Conditions: The government acknowledged prison overpopulation was a problem and that existing facilities, originally built to hold no more than 8,000 prisoners, were insufficient to hold the total prison population of 21,430 as of late August. In at least one prison, the inmates reportedly slept packed head-to-toe on the floor.

Prisons generally held men and women in separate prison wings. The government reported that juveniles were held separately from adults; however, a human rights organization reported that this policy was not always observed. The same organization reported the government was making efforts to open more juvenile-only detention centers. Additionally, prisons often held pretrial detainees together with convicted prisoners. The children of female inmates sometimes lived with their mothers in prison. Some human rights organizations reported that prominent prisoners or those who had been politically active sometimes enjoyed slightly better living conditions than other prisoners.

In addition to a daily budget allocation per inmate for food, the government reported it provided an additional allotment for personal hygiene supplies. Human rights organizations reported that 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. Families routinely supplemented the rations of relatives in prison if they had the means. Under certain circumstances the government allowed nongovernmental organizations (NGOs) to provide prisoners with food and nonfood items, including items to prevent the spread of COVID-19, such as masks, isolation tents, and hygiene kits. The government permitted one NGO to construct a 48-patient capacity COVID-19 isolation and treatment center at the country's main prison and outfit the center with ventilators, tents, toilets, showers, and personal protective equipment.

According to the government, each prison facility had a staffed medical clinic available 24 hours a day. Inmates were required to inform prison guards if they needed medical attention, and guards escorted prisoners to the prison clinic. Inmates with severe medical conditions were transferred to outside hospitals. Each prison clinic had a supply of pharmaceuticals, although human rights organizations reported that clinics often lacked necessary medicines, particularly for chronic diseases such as diabetes and hypertension. In these cases inmates' families had to acquire the medication from an outside pharmacy. A human rights organization reported, however, that only the country's main prison had a doctor, while medical care in smaller prisons was provided by nurses, some without the necessary qualifications. The organization further reported prisoners did not have access to these medical professionals at all times. Some human rights organizations reported that no medical staff worked in some prisons at night at all.

Prison health workers went on strike for three days in July to demand COVID-19 hazard pay and better health policies in the country's prisons. As of July the prison health workers' union reported that, in the country's main prison, 91 detainees, 11 prison guards, and two health workers had contracted the virus. A prisoner infected with COVID-19 told media he and others infected were made to sleep in tents between the prison's medical clinic and morgue. The prisoner stated that prison medical staff did not treat several infected prisoners.

Human rights organizations observed that 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 common.

Within detention facilities unsanitary conditions persisted, including detainees living in close proximity to toilets.

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 did not provide information on such cases during the year. Domestic media reported alleged physical abuse and extortion of prisoners by prison officials (see section 2.a., Violence and Harassment). In May tensions between competing factions of prison guards and prisoners at the country's main prison concerning the informal power wielded by a prison official accused of running a racketeering ring and physically abusing prisoners boiled over into violence. The minister of justice and human rights visited the prison and opened an investigation into the incident. While some media reported that security forces removed the prison official from the premises following the incident, no other information was available about any subsequent legal actions. Prison administrators continued to detain or release prisoners outside normal legal procedures. Authorities generally permitted visitors in prisons on visiting days. Human rights organizations observed that, in detention centers operated by the DST, requests for access to prisoners by their lawyers and families were typically not formally refused but instead made practicably impossible by bureaucratic requirements.

Independent Monitoring: The government generally permitted some local and international NGOs adequate access to prisons, but access to detention centers run by the DST was more restricted. Human rights organizations reported sometimes having access to prisons when they formally requested such access in advance.

Improvements: In April the government released 2,004 prisoners in an effort to reduce the spread of COVID-19. A human rights organization reported, however, that continued overcrowding prevented adequate physical distancing within prison facilities.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, but both reportedly occurred. Human rights organizations reported that authorities arbitrarily detained persons, often without charge. Many of these detainees remained in custody briefly at either police or gendarmerie stations before being released or transferred

to prisons, but others were detained at these initial holding locations for lengthy periods. The limit of 48 hours' detention without charge by police was sometimes not enforced. Although detainees have the right to challenge in court the lawfulness of their detention, most detainees were unaware of this right. Public defenders were often overwhelmed by their workloads.

### **Arrest Procedures and Treatment of Detainees**

The government revised the law in 2019 to allow the state to detain a suspect for up to 48 hours without charge, subject to renewal only once for an additional 48 hours. The law specifies a maximum of 18 months of pretrial detention for misdemeanor charges and 24 months for felony charges, subject to judicial review every eight months.

Police occasionally arrested individuals and held them without charge beyond the legal limit. While the law provides for informing detainees promptly of the charges against them, human rights organizations reported that 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 access to lawyers, but in national security cases, authorities sometimes did not allow access to lawyers and family members. The government sometimes provided lawyers to those who could not afford them, but other suspects often had no lawyer unless privately retaining one. Public defenders occasionally 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. Human rights organizations reported multiple instances in which detainees were transferred to detention facilities outside their presiding judge's jurisdiction, in violation of the law.

Arbitrary Arrest: The law does not permit arbitrary arrest, but authorities reportedly used the practice. One human rights organization documented several cases of detainees held for up to 12 days without charge and without access to hygiene supplies. Multiple media sources reported that in September, Justin Koua, the local spokesperson of an opposition political party, was arrested on his way to work. Koua was charged with disturbing the peace, inciting insurrection, and as an accessory to property destruction as a result of his calls for protests against President Ouattara's candidacy for a third term. Koua's lawyers told media his arrest violated the law because he was not first served with a summons to appear before authorities. During the week following his arrest, media reported Koua was transferred to four different detention facilities. Koua's lawyers later told media

they were not officially informed of any of these transfers and learned of the transfers from unofficial sources.

Pretrial Detention: According to officials, 6,586 inmates were in pretrial detention as of late August, slightly 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 authorities' lack of training or knowledge of legal updates contributed to lengthy pretrial detention. There were reports of pretrial detainees receiving convictions in absentia, with judicial authorities sometimes claiming the presence of the accused at their trial was not necessary, and at other times, not providing sufficient notice and time to arrange transportation to the trial.

#### **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. In January various professional associations and civil society organizations complained of continual interference by the executive branch in the judiciary and the government's refusal to implement several court decisions.

#### **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 felonies) rarely convened. During the year standing criminal tribunal courts established to replace the assize courts to address the backlog of cases began hearing cases.

Although the judicial system provides for court-appointed attorneys for those who cannot afford them, 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, although the government sometimes pursued rapid trials that

did not respect such rights (see section 2.a, Libel/Slander Laws). Defendants may present their own witnesses and 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 they sometimes were. 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, but higher courts rarely overturned verdicts. In March parliament approved constitutional changes that abolished the Supreme Court and elevated three existing courts to serve as courts of last resort: the Cour de Cassation (Court of Appeals), Conseil d'Etat (Council of State), and Cour des Comptes (Court of Auditors). These courts have jurisdiction over different types of legal matters. The Cour de Cassation is the highest court of appeals for criminal and civil matters of law. The Conseil d'Etat is the highest court of appeals with respect to administrative disputes. The Cour des Comptes is the supreme auditing institution, tasked with overseeing matters related to public finances and accounts. In addition to these three courts, the Conseil Constitutionnel (Constitutional Council) determines the eligibility of legislative and presidential candidates, adjudicates electoral disputes, certifies election results, and renders judgment on the constitutionality of laws and treaties.

Military tribunals reportedly did not provide defendants the same rights as civilian criminal courts. Human rights organizations did not report any trials of civilians by military tribunals.

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 an estimated population of 27.5 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 following such customary procedures. The law specifically provides for a “grand mediator,” appointed by the president, to bridge traditional and modern methods of dispute resolution.

Human rights organizations and political parties asserted that the government used the judicial system to marginalize various opposition figures. In October 2019 authorities convicted Jacques Mangoua, an opposition-aligned elected official, of illegal possession of munitions after a one-day trial and sentenced him to five years in prison, several months of which he served before being released on bail in



March pending his appeal. In April, Guillaume Soro, a prominent opposition figure and then aspiring presidential candidate living abroad in self-exile, was convicted in absentia of embezzlement and money laundering. Soro was also charged in absentia, in December 2019. Soro's trial followed, by a week, an African Court of Human and Peoples' Rights (ACHPR) in Tanzania ordered a stay of Soro's arrest warrant on the grounds that it "could seriously compromise [his] freedom and political rights." One week after the ACHPR's decision, Ivoirian authorities then delivered a summons to Soro's vacant residence, convened a one-day trial without legal representation for Soro, and convicted and sentenced Soro to a 20-year prison sentence and a substantial fine. (Note: In November, Soro called for security forces and the population to overthrow the Ivoirian government. End Note.).

### **Political Prisoners and Detainees**

The government denied there were political prisoners, however multiple members of opposition parties were arrested at the end of 2019 and during the year on various criminal charges.

In December 2019 authorities arrested several supporters of Guillaume Soro, including five members of parliament, on charges of publishing false news and undermining public order and the authority of the state. In April the ACHPR in Tanzania ruled that the arrest warrant against those detained be stayed and that those detained be released, on the grounds that their incarceration "exposed them to a serious risk of being deprived of the enjoyment of their rights...and...may lead to irreparable harm." In September, the government released some of those detained on several conditions, including that all abstain from contacting each other and engaging in cyber activism. Several others remained in detention.

Officials reportedly granted prisoners who were members of opposition parties the same protections as other prisoners, including access by international human rights organizations.

### **Politically Motivated Reprisal against Individuals Located Outside the Country**

There were credible reports the country attempted to misuse international law enforcement tools for politically motivated purposes as a reprisal against specific individuals located outside the country. After Guillaume Soro on November 4 called for the armed forces to overthrow the government, the government charged

some opposition leaders with sedition and terrorism and issued an international arrest warrant for Soro and three associates living in France (see section 1.e, Denial of Fair Public Trial and section 3, Recent Elections).

### **Civil Judicial Procedures and Remedies**

The constitution and law provide for an independent judiciary, but the judiciary was subject to corruption and outside influence. Citizens may bring lawsuits seeking damages for, or cessation of, a human rights abuse, but they did so infrequently. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies such as the ACHPR. In April, however, the government withdrew its recognition of the ACHPR's jurisdiction in matters brought by Ivoirian nonstate actors, effective April 2021.

### **Property Restitution**

In January the government evicted the residents of more than 600 households living illegally on state-owned land abutting Abidjan's Felix Houphouet-Boigny International Airport and demolished houses located within 50 yards of the airport's perimeter. Some evicted persons whose houses were not demolished returned to their homes. Prior to eviction the government declared the land was intended for future airport expansion, and in late 2019 distributed leaflets instructing residents to vacate and marked with paint the houses slated for demolition. A community group stated that residents were warned by authorities several times they were subject to eviction from the land. The local mayor provided each evicted household with 30,000 CFA francs (\$52). The government did not provide compensation, stating that no compensation was due because these persons had occupied the land illegally, but promised to provide alternative land for those whose houses had been demolished to construct new homes. As of September the government had not identified a site for resettlement.

### **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. Human rights organizations alleged that in December 2019 several

incarcerated opposition figures' homes were searched without proper documentation.

## **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.

Freedom of Speech: The law prohibits incitement to violence, ethnic hatred, and rebellion, as well as insulting the head of state or other senior members of the government. Sometimes the government took steps to remove such content from social media, including in January when an anonymous Facebook user called for deadly violence against Roman Catholics. Other times the practical application of this law raised questions of political influence. In August, Edith Gbalet Pulcherie, a civil society organization leader, used social media to call for demonstrations against President Ouattara's intention to seek a third term of office. Several opposition parties and individuals also called for demonstrations for the same purpose. Several demonstrations occurred around the country shortly thereafter, some of which degenerated into riots. Pulcherie and three other members of that organization were arrested and charged with inciting those riots, as well as with disturbing public order, calling for insurrection, violence and assault, and destruction of public and private property. The government cited the accused's social media posts calling for protests, but no further evidence, to substantiate the charges.

Freedom of 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 for substantial fines 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 editorials condemning the government. Journalistic standards were flouted by regime and opposition-aligned media outlets, sometimes leading to allegations of defamation, and subsequent counterallegations that opposition media were more likely to be charged for that offense.

The High Audiovisual Communications Authority oversees the regulation and operation of radio and television stations and is generally viewed as supportive of the government and more likely to impose sanctions on media close to the opposition. Opposition groups and civil society criticized the government's control over the main state-owned television station, claiming it gave far more coverage to the ruling party's political activities. There were numerous independent radio stations. The law prohibits transmission of political commentary by community radio stations, but the regulatory authority allows community radio stations to run political programs if they employ professional journalists. The owners of these stations, however, reported they often self-censored and avoided broadcasting political content, such as political debates and interviews with political leaders, because they feared being sanctioned or shut down by the communications authority.

Violence and Harassment: Journalists were sometimes subjected to violence, harassment, or intimidation by authorities due to their reporting.

On March 25, Sindou Cisse and Marc Dossa, two journalists affiliated with *Generations Nouvelles*, an opposition-aligned newspaper, were found guilty of publishing "fake news" when they reported on the existence of COVID-19 cases in prisons. They were sentenced to substantial fines.

On March 31, a court sentenced Vamara Coulibaly, director of publication of the newspaper *Soir Info*, and Paul Koffi, director of publication for the newspaper *Nouveau Reveil*, to substantial fines for spreading false news when they printed a letter on March 29 from lawyers for arrested opposition Member of Parliament Alain Lobognon in which they complained about prison conditions in which their client was being held.

In May media reported security officials had beaten Claude Dasse, a journalist investigating a rumored prisoner extortion scheme by officials at the country's main prison. When Dasse arrived at the prison for a scheduled interview with the warden, he was instead met by a prison official implicated in the investigation. The official reportedly had guards beat Dasse and hold him in a prison cell for several hours. Before releasing Dasse, the official reportedly warned him he would be killed if he reported the encounter. Although Dasse alleged that an investigation opened by the local prosecutor established that he had been assaulted and held against his will, authorities had taken no further action on the case as of December.

Censorship or Content Restrictions: The government influenced news coverage and program content on television channels and public and private radio stations. Both independent journalists and journalists affiliated with the state-owned media said they regularly exercised self-censorship to avoid sanctions or reprisals from government officials. 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. Human rights organizations reported legal intimidation had a chilling effect on media coverage of certain topics, and media often only believed themselves to be secure publishing stories critical of the government after the same reporting had appeared in international publications.

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

In March the gendarmerie summoned Yacouba Gbane and Barthelemy Tehin, two journalists working for an opposition-aligned newspaper, for questioning in connection with an editorial alleging government corruption. The journalists were charged, prosecuted, and found guilty of defaming the state the same day. Each was subjected to a substantial fine.

### **Internet Freedom**

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, except that the latter were restricted, along with many other public activities, due to the COVID-19 pandemic.

### **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 permits. Several human rights organizations affirmed the routine unequal treatment of opposition political parties and reported that opposition political party gatherings were sometimes dispersed with excessive force by security personnel.

In December 2019 some local authorities prohibited public demonstrations through early January, shortly before two opposition-planned marches and political gatherings across the country. In August the government suspended demonstrations on public roads through mid-September (later extended through November 1), following a spate of protests opposing President Ouattara's decision to run for a third term.

Protests in various locations in response to President Ouattara's candidacy turned violent, and protesters clashed with both police and other civilian supporters. Human rights organizations alleged that, during one anti-Ouattara protest in August, security forces in Abidjan allowed groups of civilian men, some armed with machetes and sticks, to attack demonstrators, seriously injuring one person. Security authorities announced an investigation into those attacks.

On October 19, the Student and Scholastic Federation of Cote d'Ivoire, called a 72-hour strike to protest school fees. At the Abidjan campus of the Felix Houphouet-Boigny University, the strike included violent clashes between student federation members and machete wielding nonstudent youth, leaving several injured.

In mid-November the government reported that several investigations confirmed that, since August, 85 persons had been killed, 484 injured, and 225 arrested in connection with election-related protests or clashes, many of them between groups of supporters of rival political parties. Some of those arrested included protesters marching peacefully but without government authorization.

### **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. Although some roadblocks set up by security forces served legitimate security purposes, extortion of bribes was sometimes reported.

In March in response to the COVID-19 pandemic, the government declared a state of emergency and implemented a nationwide nightly curfew. During the first week of the curfew, videos of security forces using heavy handed and sometimes physical enforcement tactics circulated widely on social media. In response, the government issued a statement reassuring the population of its intention to enforce the curfew in ways that “respect human rights.” Images later circulating via media sources showed security forces and public officials discussing curfew enforcement and COVID-19 test site construction with the public in various neighborhoods in Abidjan. In April, four soldiers, including a colonel, were arrested and referred to a military tribunal for allegedly harassing and extorting civilians not in compliance with the curfew.

As part of the state of emergency, the government also established a “cordon sanitaire” intended to prevent the spread of the virus by requiring permits for persons to leave or enter Abidjan. There were credible reports of bribery at some of those checkpoints. The state of emergency was lifted on July 15.

#### **e. Status and Treatment of Internally Displaced Persons**

As of mid-December international organizations and the government estimated there were approximately 3,000 internally displaced persons (IDPs) in the country as a result of feared or experienced violence associated with the October 31 presidential election. International organizations also reported that the number had been as high as 5,530 persons before IDPs began to return home voluntarily in late November and early December. The government actively coordinated with international organizations to register and deliver services to the IDPs.

## **f. Protection of Refugees**

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.

Abuse of Migrants, Refugees, and Stateless Persons: The government was generally hospitable towards refugees, who enjoyed most rights and freedoms afforded to citizens. Returnees were generally well received by communities and administrative authorities; however, competition over limited resources, the lack of public infrastructure, and property rights disputes in areas of return affected social cohesion between nationals, returnees, and migrants.

Access to Asylum: The constitution, international conventions and treaties the country is party to, and executive orders provide for granting asylum or refugee status, and the government has established an administrative system for providing protection to refugees. There is no national asylum law. Asylum seekers awaiting adjudication of their application enjoy a full set of basic rights, including freedom of movement, health care, and education. Asylum seekers are not entitled to work until they receive refugee status.

Freedom of Movement: Refugee documents, including a refugee identity card issued by the Ministry of Foreign Affairs, allowed refugees to move freely in the country, with refugees younger than age 14 included on their parents' documents.

Durable Solutions: UNHCR reported it is almost impossible for refugees to be naturalized, except through marriage to an Ivoirian national. UNHCR was only aware of one case of nonmarital naturalization: a resident living in the country for more than 20 years who was granted nationality through a presidential decree.

Temporary Protection: The government also provided temporary protection for individuals who did not qualify as refugees under the relevant UN conventions and were denied asylum. Nationals of members of the Economic Community of West African States (ECOWAS) may remain in the country with a valid identification document (i.e., a national identity card or passport) from their country of origin. Non-ECOWAS African nationals and nationals of other countries must obtain a residency permit within 90 days of their asylum claim rejection or face deportation. To obtain a residency permit, non-ECOWAS African nations must submit their asylum rejection letter and pay a substantial fee. Residency permit requirements



for other nationals are based on reciprocity between the country and the applicant's country of origin.

### **g. Stateless Persons**

The government did not report the number of persons believed to be stateless during the year. The migrant parents of many children born in the country did not register their children, thus placing these children at risk of statelessness. With birth registration a requirement for citizenship, all unregistered children were at risk of statelessness. UNHCR estimated there were almost 519,000 abandoned children and foundlings (i.e., abandoned children of unknown parentage), who were at risk of statelessness because they could not prove their citizenship through their parents, as required under the law. Such children were deprived of the opportunity to attend high school (which is legally compulsory until the age of 16, but also requires the presentation of identity documents as part of the enrollment process), and, as adults, would be unable to open a bank account, travel abroad freely, or vote or exercise other political rights, such as running for office.

Stateless persons reportedly faced numerous significant additional difficulties, such as in accessing health services, marrying civilly, or receiving an inheritance. Social stigma and harassment can also accompany statelessness.

The government has policies to resolve the status of certain stateless persons. The country has adopted a legal process for identifying and protecting stateless persons. Two regulations signed in September formally establish procedures for some individuals to petition the government for a formal determination of statelessness status. According to UNHCR this determination would pave the way for some stateless persons to receive identity documents and access to other legal processes. As of December the government had not yet begun to adjudicate cases under these new mechanisms.

From 2018 through September 2019, 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 2019 to help parishioners navigate the cumbersome and costly procedure for obtaining birth certificates for any parishioner's child born in the country.

## **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 adult suffrage.

### **Elections and Political Participation**

Recent Elections: The country held a presidential election on October 31. The lead-up to the election was marked by intense political maneuvering by the regime and opposition, acrimonious and divisive rhetoric, protests, and largely civilian-on-civilian violence.

The opposition vociferously contested President Ouattara's decision to seek a third term following the July death of the ruling coalition's candidate. Although the opposition argued that President Ouattara was precluded from running due to a term limit, the Constitutional Council, which the Ivorian constitution empowers to validate presidential candidacies, validated Ouattara's candidacy on September 14 on the grounds that it would be his first term under the 2016 Constitution. The Council also validated the candidacies of three prominent opposition figures but rejected those of 40 other contenders, specifying in each case which eligibility criteria the contender failed to meet. Before and after the election, opposition leaders repeatedly alleged the Council was inherently biased toward the ruling coalition. UN, ECOWAS, and African Union officials visited the country several times during the electoral period to encourage a tension-calming dialogue between the government and the opposition but did not recommend a revision of the Council's decision on candidacies.

Among those barred from competition were prominent opposition figures Guillaume Soro and former president Laurent Gbagbo, both rejected due to domestic criminal convictions. Following the Constitutional Council's announcement, the ACHPR issued two separate rulings on September 15 and September 25 ordering the government to permit Soro and Gbagbo to run for election. The government did not respond directly to either ruling but indicated in public statements that it did not consider the ACHPR's rulings binding given its April announcement that it was withdrawing from the optional protocol that allowed nonstate actors to petition the Court.

Election-related protests and violence escalated immediately before the election, particularly in mid-October after the opposition launched a campaign of "civil disobedience" and an "active boycott" designed to prevent the election from occurring unless the government conceded to opposition demands. In addition to

violent clashes between civilians, many criminal acts occurred during the campaign: media reported multiple incidents of vandalism, including the burning of Independent Electoral Commission (CEI) field offices, theft and destruction of voter cards, and construction of crude roadblocks by opposition-aligned youth to obstruct major roads.

Scattered, disruptive, and occasionally deadly unrest continued on election day in several locations in the central and southern parts of the country. Reported incidents included theft and destruction of electoral materials, civilian-on-civilian clashes, ransacked polling stations, and roadblocks around polling stations, which suppressed voter participation. The CEI confirmed that 21 percent of polling stations were not operational on election day--October 31--due to disruptions. International election observers reported the same but also noted that, in some cases, polling sites did not open because election officials failed to deploy necessary voter equipment and materials. At polling sites that did open, voting generally took place without incident although observers noted scattered minor irregularities, such as sites opening late or closing early and election officials struggling, without apparent malicious intent, to tabulate results accurately. In mid-November, the government reported that its investigations confirmed that since August, 85 persons had been killed and 484 injured, including several members of the security forces, in election-related violence.

International election observers differed in their overall assessments of the election. The African Union stated the election “was held in an overall satisfactory manner.” The International Election Observation Mission of the Electoral Institute for Sustainable Democracy in Africa and The Carter Center found that officials “generally adhered to voting procedures in the majority of the polling stations visited,” but criticized the political climate in which the election took place as “not allow[ing] for a genuinely competitive election.” The CEI ultimately reported a voter participation rate of almost 54 percent of registered voters at the polling stations that were able to open. If calculated on the basis of the country’s full list of approximately 7.5 million registered voters, the stated turnout would have been approximately 42.9 percent. On November 9, the Constitutional Council certified that President Ouattara had won re-election with 94.27 percent of the vote. President Ouattara was sworn in for a third term on December 14.

On November 2, the opposition, asserting that President Ouattara was no longer president, announced the establishment of a National Transitional Council. On November 4, via social media from France, Guillaume Soro claimed in his capacity as a member of the transitional council that President Ouattara no longer

had the constitutional power to command the armed forces and called for them to overthrow him. The government subsequently announced charges of sedition and terrorism against 20 senior opposition figures involved in the Council's creation. Although one leading opposition member was provisionally released in late December, several individuals arrested on those charges remained incarcerated. On November 18, the government issued an international arrest warrant for Soro and three of his aides requesting their extradition from France.

Prior to the 2018 senatorial elections, the CEI declared it would restrict observers from remaining in the voting stations throughout the day, but later reversed its decision. Diplomatic observers and local civil society groups judged the elections to be peaceful and credible.

The law requires the national voter registry to be updated annually. The registry was not updated in 2019, but was in June and July. CEI staff generally appeared well prepared to execute that process, although some opposition parties reported their members' difficulty obtaining documents required to prove their eligibility to vote. The government extended the registration period twice and, midway through the registration process, extended the validity of existing national identity cards so that holders could register and vote in the October presidential election without having to obtain new biometric identity cards before June. The extension had been a key demand of the opposition.

Political Parties and Political Participation: Although the law prohibits the formation of political parties along ethnic or religious lines, there have historically been links between ethnic groups and specific political parties.

Throughout the year, opposition parties reported denials of their requests to hold political meetings and alleged inconsistent standards for granting public assembly permits. Following the August government ordinance banning demonstrations in public thoroughfares, and subsequent arrests of opposition supporters participating in unauthorized demonstrations, media broadcast images of ruling coalition supporters marching unimpeded through the streets en route to the formal nomination of President Ouattara as its presidential candidate.

An ACHPR ruling to affect greater political party balance and public confidence in the CEI's work led the government to overhaul that institution in July 2019. Many opposition parties chose to boycott the overhaul negotiation, were not invited to join the CEI once it was reconstituted, and subsequently appealed against the legality and impartiality of the institution. In July the ACHPR ruled that the CEI

was not illegal or fundamentally biased, but that the ruling coalition had controlled the nomination and leadership election process in ways that undermined public confidence in the impartiality of the institution. President Ouattara had by then invited the Democratic Party of Cote d'Ivoire, the country's largest unified opposition party, to join the CEI, and the government announced it would rerun elections for leadership positions at local levels of the CEI organization. As of December, the Democratic Party's representative had not taken his oath of office due to continued political disagreements. On September 30, the Ivorian Popular Front, the only party previously represented in the CEI that the broader opposition accepted as an authentic opposition party, suspended its participation due to its overall objection to the electoral process.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate. Of 253 National Assembly (lower legislative body) members, 29 were women, the same number as in 2017-19. Of 99 Senate (upper legislative body) members, 19 were women, including 11 of 33 appointed by President Ouattara in April 2019 and eight of 66 elected in 2018.

Members of the transgender community reported difficulty obtaining identity and voting documents. Electoral staff and fellow voters at polling sites for the October presidential election were observed assisting voters with disabilities, such as those who were unable to walk up stairs or legally blind individuals. The same assistance was offered during the June-July voter registration process due to a lack of government-provided accommodations for individuals with disabilities.

#### **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 were reported to engage frequently in corrupt practices with impunity. Human rights organizations reported official corruption, particularly in the judiciary, police, and security forces, but noted that victims of such corruption often did not report it or assist in investigations, fearing retaliation. In September 2019 the High Authority for Good Government (HABG), a government anticorruption authority, issued a communique announcing 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. The HABG can make recommendations, but the public prosecutor must decide to take up a case. Additionally, the constitutionally mandated High Court of Justice

to judge members of government, including the president and vice-president, for crimes committed during the exercise of their official functions has not been established.

Corruption: Human rights organizations reported government authorities awarded many contracts to persons or businesses without following procurement rules and often with little notice. In July 2019 the government endorsed a new public-procurement code to increase the transparency of the public-procurement process. In August the government's public procurement regulatory authority launched an EU-funded audit program to investigate more than 200 sole-source public procurements that occurred between 2014 and 2017.

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. The HABG requires public officials to submit a wealth declaration within 30 days of the beginning of their term in office. The declaration is confidential, but the list of those who declared their wealth is publicly accessible in the official government journal. Officials who did not comply or provided a false declaration faced substantial fines. There were no cases during the year when the veracity of a declaration was questioned or sanctions employed. 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.

Government Human Rights Bodies: The Ministry of Justice and Human Rights is responsible for implementing the government's policy on human rights. In January 2019 the National Commission for Human Rights, an advisory body that consults on, conducts evaluations of, and creates proposals to promote and defend human rights, became the National Council for Human Rights. The change was intended to provide the council with more financial and operational autonomy.

The organization remained nevertheless fully dependent on funding from the government, donors, or both, and human rights organizations continued to question its independence and effectiveness. As of October 2019, the human rights council had 31 regional commissions and seven thematically focused departments. The civilian-controlled Special Investigative Cell within the Ministry of Justice and Human Rights investigates persons responsible for human rights abuses committed during the postelectoral crisis of 2010-11. Information on prosecutions against suspects was not readily available.

## **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, and there is a rebuttable presumption of consent in marital rape cases. The court may impose a life sentence 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. Media and NGOs reported that rape of schoolgirls by teachers was a problem, but the government did not provide information on charges filed.

A local human rights organization that supports the rights of persons with disabilities reported a man was sentenced to a 20-year prison term for the April 2019 murder of his pregnant girlfriend, a woman with disabilities. The same organization reported that the 2019 rape and killing of another teenage girl with disabilities remained unsolved as of September.

Survivors were often discouraged from pursuing criminal cases, with their families often accepting payment as compensation. A human rights organization cited a recent case in which a rape victim with disabilities' father brought a complaint against the rapist and then withdrew it upon receiving a private payment from the assailant. The mother of the victim, wanting her own compensation, threatened to file a complaint and then refused to do so after receiving a payment from the assailant. There was at least one report of security forces intervening to persuade a family to file criminal charges rather than accept private compensation for a sexual assault on their minor child.

Although rape victims were no longer legally required to obtain a medical certificate, some human rights organizations reported that victim who did not do so encountered difficulties in moving their cases forward. Obtaining a medical

certificate could be costly. In the first half of the year, the government reported authorities accepted 50 rape cases for investigation without a medical certificate.

Female Genital Mutilation/Cutting (FGM/C): The law specifically forbids FGM/C and provides penalties for practitioners of up to five years' imprisonment and substantial fines. Double penalties apply to medical practitioners, including doctors, nurses, and medical technicians. Nevertheless, FGM/C remained a problem. The government reported one FGM/C prosecution in the first half of the year. The defendant was fined and sentenced to 24 months in prison. The most recent 2016 Multiple Indicator Cluster Survey indicated that the rate of FGM/C nationwide was 36.6 percent, with prevalence varying by region.

Other Harmful Traditional Practices: Societal violence against women included traditional practices that are illegal, 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 regarding the prevalence or rate of prosecution for such violence or forced activity during the year but stated that no deaths were linked to these practices.

Sexual Harassment: The law prohibits sexual harassment and prescribes penalties of one-to--three years' imprisonment and fines. 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 on the part of government authorities.

Discrimination: The law provides the same legal status and rights for women and men in labor law, although there were also restrictions on women's employment (see section 7.d.). A 2019 law establishes the right for widows to inherit upon the deaths of their husbands as much as the deceased's children can. Human rights organizations reported many religious and traditional authorities rejected laws intended to reduce gender-related inequality in household decision-making.

## **Children**

Birth Registration: The law confers citizenship at birth if at least one parent was a citizen when the child was born.



The law provides parents a three-month period to register their child's birth for a nominal fee. 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. To register births after the first three months, families must also pay a fine. 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 the support of UNICEF, requires healthcare workers in maternity wards and at immunization sites to complete birth registration forms automatically when providing services. According to UNICEF this service was offered during the year in nearly 62 percent of the country's health centers and, since the beginning of the program, health workers have completed registration paperwork for 85,779 newborns out of 94,892 live births, a registration rate of 90 percent.

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. In principle students' families do not have to pay for books or user fees, but families usually covered some schooling expenses not covered by the government. Parents also often contributed to teachers' salaries and living stipends, particularly in rural areas. Parents of children not in compliance with the law were reportedly subject to substantial fines or two to six months in jail, but this was seldom, if ever, enforced, and many children did not attend or have access to school.

Girls participated in education at lower rates than boys, particularly in rural areas. Although girls initially enrolled at a higher rate, their participation dropped below boys' because of a cultural tendency to keep girls at home to care for younger siblings or do other domestic work, and due to reported sexual harassment of female students by teachers and other staff. In April 2019 the Ministry of National Education created a new gender unit to focus on improving education and training for girls and women. The gender unit sponsored several events during the year, including a celebration of International Day of the Girl and a training for community leaders and parents on preventing pregnancy among school-aged girls.

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 substantial fine. In March the government published a report detailing the findings of a 2018 study

carried out with the support of international donors on violence against children and youth younger than age 18. The study found that 19 percent of girls and 11 percent of boys had been victims of sexual violence and 47 percent of girls and 61 percent of boys had been victims of physical violence. In 2019 the government investigated 59 cases of sexual abuse of minors and 37 child rape cases. In the first half of the year, the government reported two child rape convictions and four pending prosecutions. In February authorities arrested the relatives of a nine-year-old who died while being raped for not reporting the crime and for aiding in the rapist's escape. To assist child victims of violence and abuse, the government cooperated with UNICEF to strengthen the child protection network in areas such as case management, the implementation of evidence-based prevention programs, and data collection and analysis.

Responsibility for combating child abuse lies with the Ministries of Employment, Social Affairs, and Professional Training; Justice and Human Rights; Women, Families, and Children; Solidarity, Social Cohesion, and the Fight against Poverty; and National Education. International organizations and civil society groups reported that lack of coordination among the ministries hampered their effectiveness.

Child, Early, and Forced Marriage: A law passed in July 2019 equalized the legal age for marriage for women and men at 18. The law prohibits marriage of women and men younger than 18 without parental consent. The law specifically penalizes anyone who forces a minor younger than 18 to enter a religious or customary matrimonial union. Nevertheless, reports of traditional marriages involving at least one minor spouse persisted.

In 2017 (most recent data available) according to UNICEF, 27 percent of girls were married by age 18 and 7 percent by age 15. In September media reported that a 15-year-old girl had been forced to marry a 29-year-old man in a customary marriage and was subjected to repeated abuse until she stabbed him to death in self-defense. Authorities arrested the girl and she confessed to the homicide; however, the public prosecutor ultimately released her and entrusted her to the Child and Youth Judicial Protection Service.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The law prohibits the use, recruitment, or offering of minors for commercial sex or use in pornographic films, pictures, or events. Violators can receive prison sentences ranging from five to 20 years and substantial fines. Statutory rape of a minor carries a punishment of one to three years in prison and a monetary fine.

The country is a source, transit, and destination country for children subjected to trafficking in persons, including 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 were frequently subject to harassment by authorities. The government implemented a program to reduce the number of homeless minors. Officials in the Ministry of Youth opened several centers in a few cities where at-risk youth could live and receive training. A charity associated with First Lady Dominique Ouattara broke ground on a shelter to house former juvenile offenders. There was no information on the number of minors assisted in 2020.

**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 foreign residents and Ivoirian converts. 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 constitution contains protections for 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. These laws were not effectively enforced.

Political campaigns did not include braille or sign language, undercutting civic participation by persons with vision and hearing disabilities. The CEI did not provide any formal accommodations for persons with disabilities at polling sites for the October presidential election, although observers reported CEI staff assisting persons with disabilities during both the presidential election and the June-July voter registration period on an ad hoc basis, including by physically carrying registration documents down to ground level of a building if the registration center was located on a higher floor.

Persons with disabilities reportedly encountered serious discrimination in employment and education. Prisons and detention centers reportedly provided no accommodations for persons with disabilities. Although the law requires measures to provide persons with disabilities access to transportation and buildings and designated parking spots, human rights organizations reported these provisions were frequently not implemented 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 primarily as literacy centers and did not offer the same educational materials and programs as other schools. The government made efforts to recruit persons with disabilities for select government positions. Nonetheless, 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 students with disabilities from attending, such schools lacked the resources to accommodate them. In some instances, provisions were financed by private donations. Homelessness among persons with mental disabilities was reportedly common.

### **Members of National/Racial/Ethnic Minority Groups**

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. During the presidential election period, numerous interethnic (referred to as intercommunal in the country) clashes occurred. A particularly violent clash in Dabou between two ethnic groups, Malinke and Adjoukrou claimed 16 lives and injured 67 persons. Government officials found that the violence had been instigated by unidentified outside actors wanting to stoke the conflict, potentially for political gain, but did not say whether the actors were progovernment or opposition. Security forces deployed to the town to restore order and remained on the scene for several days.

In November, brutal intercommunal conflicts broke out in the rural interior towns of Daoukro, between Baoule and Malinke, and in M'Batto, between Agni and Malinke. The government recorded six deaths in Daoukro and three deaths in M'Batto, including two cases of persons burned to death and one beheading, although one opposition party claimed the actual death toll was much higher.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Homosexuality is not criminalized, but public heterosexual and same-sex intimate activity is subject to conviction as a form of public indecency that carries a penalty of up to two years' imprisonment. In July 2019 the government made minor changes to the 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 lesbian, gay, bisexual, transgender and intersex (LGBTI) community continued to face discrimination and violence. Authorities were at times slow and ineffective in their response to societal violence targeting the LGBTI community. Further, LGBTI persons often did not report violence committed or threatened against them, including assault or homicide, because they did not believe authorities would take their complaints seriously. LGBTI community members reported being evicted from their homes by landlords or by their own families. Familial rejection of LGBTI youth often caused them to become homeless and drop out of school. Members of the LGBTI community reported discrimination in access to health care.

In February a gay man was reportedly severely beaten by family members after presenting his long-term partner publicly at his birthday party. The next day, his uncle told him he would not let his homosexuality tarnish the family's image and instructed relatives to beat or kill him. After his relatives beat the man, neighbors

sheltered him and took him to a health center for treatment. He then took refuge in a church, but congregants demanded the pastor expel him. Information regarding authorities' response to this incident was not readily available.

### **HIV and AIDS Social Stigma**

There were no credible reports of official discrimination based on HIV/AIDS status, and the government respected the confidentiality of individuals' HIV/AIDS status. The government adhered to global standards of patient rights, and a statement of these rights was posted or available at health facilities. 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 punishment for refusal of care or discrimination based on HIV/AIDS status. Social stigma persists.

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, commercial 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 winning 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. Under the law, for a trade union to be considered representative at the business or establishment level, the union must win at least 30 percent of valid ballots cast representing at least 15 percent of registered electors. For broader organizations the trade union must have the support in one or more enterprises together employing at least 15 percent of the

employees working in the occupational and geographical sector concerned. 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 lives, security, or health; 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. Illegally striking workers may 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 law may allow employers to refuse to negotiate, there were no complaints about this from unions pending with the Ministry of Employment and Social Protection.

The government effectively enforced the law. Penalties were commensurate with those for comparable crimes.

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

In March media reported the public health workers' union threatened to strike if the government did not provide them with personal protective equipment and hazard pay, in view of the risks of contracting COVID-19. The government met the union's demands to prevent disruption of health services.

In July union members at the government-run center for agricultural research went on strike complaining of delayed salary payments and demanding research premiums; the government refused to meet the union's demands.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits, and provides criminal penalties for, all forms of human trafficking, including for the purposes of forced labor or slavery. The law grants government officials broad power to requisition labor for "national economic and social promotion," in violation of international standards. Judges may propose that defendants convicted of certain crimes perform physical labor for the benefit of the state as an alternative to incarceration, but the defendant must accept the terms of such a sentence.

The government did not effectively enforce the law. Penalties were commensurate with those for comparable crimes. The government did not provide enough resources or conduct enough inspections to enforce compliance. 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 in domestic work, nonindustrial farm labor, artisanal mines, street shops, and restaurants.

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 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, chaired by the First Lady, and the Interministerial Committee for the Fight against Trafficking, Exploitation, and Child Labor 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. In June 2019 the government launched the 2019-21 *National Action Plan for the Fight against the Worst Forms of Child Labor*. In July 2019, as part of the National Action Plan, the government reached an agreement with Burkina Faso to prevent unaccompanied minors from entering the country. The budget for the 2019-21 National Action Plan, although higher than the previous plan's, has not yet been fully funded by its government and international organization partners. Periodic, standardized data collection efforts remain weak. Efforts to counter child labor in sectors besides the cocoa industry, such as palm oil, cotton, and artisanal gold mining, also remain weak. Separately from the National Action Plan, a private foundation led by the First Lady was building a shelter for victims of trafficking in the northern part of the country, after inaugurating a similar center in the southwest.

The Department of the Fight against Child Labor within the Ministry of Employment and Social Protection, along with the two antitrafficking committees, led enforcement efforts. The government's 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 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 and 16 Years of Age* introduces and defines the concept of "socializing work," unpaid work that teaches children to be productive members of the society. 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. In late 2016 basic education became compulsory for children aged six to 16, increasing school attendance rates and reducing the number of children looking for work.

The government did not effectively enforce the law. Child labor remained a problem, particularly in artisanal gold and diamond mines, on agricultural plantations (generally small plots), and in 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 commensurate with penalties for comparable crimes but were seldom applied. 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 working on farms faced 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 reported increasingly on cashew plantations and in illegal gold mines, although no official studies had been conducted. A study released in July found that child labor in the cocoa sector had increased during the COVID-19 pandemic, which caused schools to be closed from March to May.

To help prevent child trafficking, the government regulated the travel of minors into and out of the country, requiring children and parents to provide documentation of family ties, including at least a birth certificate.

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 law includes provisions to promote access to employment for persons with disabilities: it stipulates that employers must reserve a quota of jobs for qualified applicants, but does not provide penalties for employment discrimination.

The government did not effectively enforce its antidiscrimination laws. Penalties were commensurate with those for comparable crimes. Human rights organizations continued to report discrimination with respect to gender, nationality, disability, and sexual orientation and gender identity. There were legal restrictions

on women's employment in certain occupations and industries, including in mining, construction, and factories, but no known limitations on working hours based on sex. 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 women in the formal sector received the same pay and paid the same taxes as men, reports of a reticence to hire women persisted.

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's estimated poverty level. The Ministry of Employment and Social Protection is responsible for enforcing the minimum wage. The government did not effectively enforce the law. Penalties were commensurate with those for similar crimes. Labor unions contributed to effective implementation of the minimum salary requirements in the formal sector. Between 80 percent and 90 percent of the total labor force worked in the informal economy, in which labor standards were generally not enforced. Labor federations advocated for just treatment under the law for workers when companies failed to meet minimum wage requirements or discriminated between classes of workers, such as women or foreign workers. The government started paying back-wages in 2019 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 (i.e., both foreign African residents and Ivoirians) 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-consecutive-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 government, through the Ministry of Employment and Social Protection, developed a 2019-21 strategic plan for

conducting labor inspections in the informal sector. With support from the French government, during the year the government began conducting inspections in several industries in the informal sector, including building construction, carpentry, and hair dressing.

The law provides for the establishment of committees 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 a 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. This labor law and related 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 applicable to the formal sector. 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 deducted from the worker's salary was also a problem. Resources and inspection were not sufficient to enforce compliance. 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 commensurate with those for similar crimes, but 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. 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 2019 government report, there were 6,000 industrial accidents between 2015 and 2017, the most recent data available. According to data provided by government officials, the San Pedro region, the country's second largest economic hub, had an average of 400 industrial accidents per year between 2016 and 2019 due to insufficient safety oversight.