

# COTE D'IVOIRE 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Cote d'Ivoire is a democratic republic ruled by a freely elected government. In legislative elections held in December 2016, the ruling government coalition won 66 percent of National Assembly seats. The main opposition party, which boycotted the 2011 legislative elections, participated and won seats. The elections were peaceful and considered inclusive and transparent. The country held a presidential election in 2015, in which President Alassane Ouattara was re-elected by a significant majority. International and domestic observers judged the election to be free and fair.

Civilian authorities failed to maintain effective control over the security forces.

UN Operation in Cote d'Ivoire (UNOCI) peacekeeping troops left the country by February, and the remaining administrative and professional UNOCI staff left in June. Progress on political reconciliation slowed after the opposition disagreed with the government's approach to drafting and adopting a new constitution in 2016. The government's efforts to restore the rule of law and address impunity after the 2010-11 postelectoral crisis suffered a setback by two military mutinies, in January and in May, with the former rebels integrated into the army demanding and receiving bonus payments.

The most significant human rights issues included security force abuses, the abuse of detainees and prisoners, and the government's inability to enforce the rule of law. The Armed Forces of Cote d'Ivoire (FACI), formerly known as the Republican Forces of Cote d'Ivoire, and the gendarmerie were responsible for arbitrary arrests. Prison and detention center conditions were harsh and life threatening; the judiciary was inefficient and lacked independence; the government restricted freedom of press and assembly; corruption in government was pervasive; and sexual assault and violence against women and children occurred with inadequate government efforts for investigation, prosecution, or accountability.

The government seldom took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in the government, and impunity was a serious problem. Several high-level individuals aligned with the government were reportedly responsible for human rights violations in the 2010-11 postelectoral crisis, and some of those individuals retained senior security force positions or were promoted.

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

Unlike in the previous year, there were no reports the government or its agents committed arbitrary or unlawful killings.

The International Criminal Court (ICC) joint trial of former president Laurent Gbagbo and his close ally Charles Ble Goude continued. They were accused of four counts each of crimes against humanity committed during the 2010-11 postelectoral crisis, in which at least 3,000 civilians were killed.

On March 28, an Abidjan jury found former first lady Simone Gbagbo not guilty of crimes against humanity stemming from the 2010-11 postelectoral crisis. She and her attorneys were not present when the verdict was read. They refused to appear in court, having decided to boycott the trial in November 2016 when their requests to call government officials and former senior military staff as witnesses were denied. Simone Gbagbo, in custody since 2011, was indicted by the ICC in 2016.

**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, but there were reports that government officials employed them.

Prison authorities reported taking action in August when a prison guard in Daloa beat a prisoner, sanctioning the guard after a disciplinary process. Human rights nongovernmental organization (NGO) sources reported that torture and inhuman abuse were also committed against opposition political prisoners associated with the Ivorian Popular Front (FPI) political party. At least two deaths were reported among political prisoners. Prisons authorities stated that these cases were natural deaths. Prison authorities acknowledged that abuse might happen and go unreported as prisoners fear reprisals.

## **Prison and Detention Center Conditions**

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

Physical Conditions: Overcrowding continued in many prisons. As of December there were 16,127 prisoners, of whom an estimated 381 were minors and 386 were women. The central prison of Abidjan was built to hold approximately 1,500 prisoners but held 5,791. Reports from other prisons also indicated the number of inmates exceeded capacity.

Authorities usually held men and women in separate prison wings, held juveniles with adults in the same cells in some prisons, and usually held pretrial detainees together with convicted prisoners. The children of female inmates often lived with their mothers in prison, although prisons accepted no responsibility for their care or feeding. Inmate mothers received help from local and international NGOs.

According to government figures, 21 prisoners died through September 20. Human rights groups did not report that any prisoners died from unnatural causes.

Large prisons generally had doctors, while smaller prisons had nurses, but it was unclear whether prisoners had access to these medical professionals at all times. Prison authorities reported that two doctors spend the night at Abidjan's main prison and were always available for urgent cases, but human rights groups alleged that prisoners must rely upon guards to allow them to see medical staff at night. Prisoners with health crises were supposed to be sent to health centers with doctors, and prison authorities claimed that 97 percent of medical evacuation requests were approved.

Critical health care for prisoners, however, was not always available at local hospitals or clinics. Charities or religious organizations sometimes financed prisoners' medical care. Prison pharmacies often provided medicine for diseases like malaria, but not for more expensive medicines for illnesses, such as diabetes and hypertension. In some cases prison pharmacists would write a prescription, and a family member would fill it. According to prison authorities, it was the Ministry of Health, not prison authorities, who decided which pharmaceuticals a prison pharmacy should receive.

Poor ventilation and high temperatures, exacerbated by overcrowding, were problems in some prisons. While potable water generally was available in prisons and detention centers, water shortages could occur due to disagreements among the prisoners about how to allocate it.

According to human rights groups, conditions were inhuman in police and gendarmerie temporary detention facilities, with detainees in close proximity to extremely unsanitary toilets. The 48-hour limit for detention without charge was often ignored and renewed, with the average time 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.

Wealthier prisoners reportedly could buy food and other amenities, as well as hire staff to wash and iron their clothes. The government allotted 400-450 CFA francs (\$0.74-\$0.83) per person per day for food rations, which was insufficient. The prison budget did not increase with the number of prisoners. Water was potable, but prisons sometimes experienced shortages. Families routinely supplemented rations if they lived within proximity of the prison or detention center, and they could bring food from the outside during the four visiting days of the week.

While information on conditions at detention centers operated by the Directorate for Territorial Surveillance (DST) was not readily available, NGOs and international visitors had some access to the centers. Based on their visits, they generally agreed with government reports that these facilities were in decent condition.

There were a few prison outbreaks during the year, notably in August when five prisoners escaped from the prison in Gagnoa and 20 from the prison in Abidjan, and in September when almost 100 followers of “Yacou the Chinese,” a prisoner who died in 2016 during a confrontation with security forces, escaped from a prison in the central region.

Administration: Prisoners could submit complaints to judicial authorities, although there was no process for handling the complaints. Prison authorities had limited capacity to investigate and redress allegations of poor detention conditions, but they improved some conditions, such as hygiene and nutrition. A human rights NGO reported that prisoners who had been politically active had slightly better living conditions than other prisoners. Prison administrators continued to detain or release prisoners outside normal legal procedures.

Authorities generally permitted visitors in prisons. 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. Local human rights groups reported having access to prisons when they formally requested such in advance, although Amnesty International reported that all of its requests to visit prisons had been refused since 2013, when it produced a critical report.

Improvements: The nutritional content improved at Abidjan's main prison, and the level of malnutrition decreased. In the main prison in Abidjan, a prisoners' rights organization with international funding was working with prison authorities to build a kitchen in the section for prisoners who are minors.

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

The constitution and law prohibit arbitrary arrest and detention, but both occurred. 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. Generally, the limit of 48 hours pretrial detention by police was not enforced. Police were known to detain citizens beyond 48 hours before releasing them or presenting them to a judge. There were several incidents of detention in undisclosed and unauthorized facilities.

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.

#### **Role of the Police and Security Apparatus**

Police (under the Ministry of Interior and Security) and gendarmerie (under the Ministry of Defense) are responsible for law enforcement. The Coordination Center for Operational Decisions, a mixed unit of police, gendarmerie, and FACI personnel, assisted police in providing security in some large cities. The FACI (under the Ministry of Defense) is responsible for national defense. The DST (under the Ministry of Interior and Security) has responsibility for countering

external threats. The national gendarmerie assumed control from the FACI for security functions on national roadways. FACI forces were not adequately trained or equipped and lacked an adequate command and control structure. Corruption was endemic and impunity present in the FACI and other security forces, including police and gendarmerie.

Former rebels from the civil war in the 2000s and the 2010-11 postelectoral crisis, who were integrated into the FACI and constituted more than one-third of the force, mutinied in January and in May, blocking access in and out of Bouake, the second-largest city in the country, and blocking roads in other cities, including Abidjan. The mutineers demanded a bonus payment of 12 million CFA francs (\$22,000) per soldier, which they claimed they were promised, and the government ultimately paid the money. Four persons died in clashes between mutineers and civilians. The top commanders and the minister of defense were replaced, but no soldiers were held responsible for the mutinies.

Dozos (traditional hunters) assumed an informal security role in some communities, especially in the north and west, but they were less active than in the past and had no legal authority to arrest or detain. The government discouraged the dozos, whom most residents feared, from assuming security roles.

Military police and the military tribunal are responsible for investigating and prosecuting alleged internal abuses perpetrated by the security services.

Security forces failed at times to prevent or respond to societal violence, particularly during intercommunal clashes over land tenure. In some cases gendarmes or FACI personnel restored order when police failed to respond.

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

The law allows investigative magistrates or the national prosecutor to order the detention of a suspect for 48 hours without bringing charges. Nevertheless, police often arrested individuals and held them without charge beyond the legal limit. In special cases, such as suspected actions against state security or drugs, the national prosecutor can authorize an additional 48-hour period of preventive custody. 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 minor

offenders and those accused of felonies may be held for six and 18 months, respectively.

While the law provides for informing detainees promptly of the charges against them, this did not always occur, especially in cases concerning state security and involving the DST. In other cases magistrates could not verify whether detainees who were not charged had been released. A bail system exists but was used solely at the discretion of the trial judge. Authorities generally allowed detainees to have access to lawyers. 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 getting reimbursed. Human rights observers reported multiple instances in which detainees were transferred to detention facilities outside of their presiding judge's jurisdiction, in violation of the law. Detained persons outside of Abidjan, where the vast majority of the country's 600 attorneys reside, had particular difficulty obtaining legal representation.

Arbitrary Arrest: The law does not sanction arbitrary arrest, but authorities used the practice on occasion.

Pretrial Detention: Prolonged pretrial detention was a major problem. According to government figures, as of September approximately 37 percent of all prison inmates in the country and almost half of the inmates at Abidjan's central prison were in pretrial detention, including 109 minors. In many 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 their absence from court, with prison authorities claiming that their presence was not necessary, and sometimes detainees were not given sufficient notice and time to arrange transportation.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the judiciary generally was independent in ordinary criminal cases. The judiciary was inadequately resourced and inefficient. The continued lack of civilian indictments

against pro-Ouattara elements for crimes during the 2010-11 postelectoral crisis indicated the judiciary was subject to political and executive influence. There were also numerous reports of judicial corruption, and bribes often influenced rulings. By September 20, no magistrate or clerk had been disciplined or dismissed for corruption. On the other hand, magistrates who advocated independence or acted in a manner consistent with judicial independence were sometimes disciplined.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, but the judiciary 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. Starting in 2015, however, they convened for one session per year in several cities to hear a backlog of cases. Defendants accused of felonies have the right to legal counsel at their own expense. Other defendants may also seek legal counsel. The judicial system provides for court-appointed attorneys, 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 this 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 try civilians or 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. 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 that there were political prisoners. Amnesty International listed 211 persons arrested between the beginning of 2011 and September 2017 as political prisoners, and several suffered from various ailments.

Some political parties and local human rights groups claimed members of former president Gbagbo’s opposition party 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. A government-created platform for dialogue with the opposition met several times during the year to discuss these detainees and other issues concerning the opposition.

Authorities granted political prisoners the same protections as other prisoners, including access by the International Committee of the Red Cross. On May 7, Antoinette Meho, the leader of the women’s wing of the FPI, was released following nine months of detention. She was arrested without a warrant in August 2016, charged with undermining state security, and held for several days without access to family or lawyers before being transferred to the central prison in Abidjan.

### **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. The judiciary was slow and inefficient, and there were problems in enforcing domestic court orders.

### **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 FACI and DST arrested individuals without warrants.

Some leaders of opposition parties reported that their bank accounts remained frozen by authorities, although they were not on any international sanctions' list and courts had not charged them with any offenses.

A government-opposition dialogue platform discussed occupied housing and frozen bank accounts, with some progress acknowledged by representatives from both sides. Some bank accounts remained frozen, although the government reactivated the bank account of a legislative candidate and his wife whose assets had been frozen.

## **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. The National Press Council, 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 March a local politician of Lebanese origin, "Sam I'African," was arrested after proclaiming at a political rally that he was just as Ivoirian as President Ouattara. He was sentenced to six months in Abidjan's main central prison for insult and slander towards "people belonging to an ethnic group," then fined and sentenced to another five years and revocation of his civic rights for fraud.

Press and Media Freedom: The independent media were active and expressed a wide variety of views. Newspapers aligned politically with the opposition

frequently published inflammatory editorials against the government or fabricated stories to defame political opponents.

In February six journalists were detained for allegedly threatening state security, inciting rebellion, and spreading false information on the January mutiny by security forces. They were released after being held in a military barracks in Abidjan for two days. Media organizations and journalists from both progovernment and opposition newspapers denounced the arrest.

In May the government proposed a new media law that included controversial articles that sought to criminalize press offenses and provided for imprisonment of journalists and citizens who, through the press, “incite xenophobia, rebellion, or breaches national security” (Article 90). The law sparked protests from media organizations and civil society, and it was temporarily withdrawn. In December, without any notice, the National Assembly put the media law on the agenda of a plenary session. The last-minute timing of the vote immediately before the Christmas holiday was seen as intentional and did not allow sufficient time for media and civil society organizations to mobilize and react. Nevertheless, the parliamentary group Vox Populi was prepared for the session and was able to propose several amendments to the law, including the full removal of Article 90. With the amendments, the media law passed unanimously.

The High Audiovisual Communications Authority oversees the regulation and operation of radio and television stations. There were numerous independent radio stations. The law prohibits transmission of political commentary by private radio stations.

Censorship or Content Restrictions: The government influenced news coverage and program content on television channels and public and private radio stations.

Libel/Slander Laws: Criminal libel is punishable by one to three years in prison.

National Security: Libel deemed to threaten the national interest is punishable by six months to five years in prison.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the

International Telecommunication Union, approximately 26.5 percent of the population used the internet in 2016. With a mobile phone penetration rate of virtually 100 percent, however, internet access by mobile device was likely much higher.

### **Academic Freedom and Cultural Events**

There were no 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 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 Ministry of Interior three days before the proposed event. Numerous opposition political groups reported denials of their requests to hold political meetings and alleged inconsistent standards for granting public assembly permissions. In some instances public officials stated they could not provide for the safety of opposition groups attempting to organize both public and private meetings.

In September students protesting an alleged increase in school fees due to hidden costs, after a call from the Students' Union of Cote d'Ivoire, clashed with police, and 43 students were arrested and detained. Authorities released them in mid-October, following three weeks in Abidjan's main prison, whereupon several complained of having contracted illnesses due to the prison's conditions.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

In-country Movement: There were 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 a challenge to free movement of stateless persons and those at risk of statelessness in the country.

### **Internally Displaced Persons (IDPs)**

Most IDPs were in the western and northeastern regions and in Abidjan and surrounding suburbs; no estimates of the total number of IDPs were available. Most IDPs were 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 challenges 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 stateless persons. There were no reports that the government evicted residents of Abidjan from flood-prone areas or removed structures built on illegally occupied land.

In 2014 the government adopted the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). The 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 but provided limited assistance to IDPs; 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. Host communities had few resources to receive and assist IDPs, who often resorted

to living in informal urban settlements. In October the government announced a 650 million CFA francs (\$1.19 million) assistance package for those driven from their lands after ethnic-fueled disputes.

### **Protection of Refugees**

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. According to UNHCR, the country hosted 1,470 refugees at the end of August, most of whom were Liberian refugees who opted for local integration following the 2012 invocation of the cessation clause, which ended refugee status for Liberians.

Durable Solutions: Refugee documents allowed refugees to move freely in the country, with refugees under the age of 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.

### **Stateless Persons**

Statelessness in the country remained extensive. Administrative hurdles, difficulty verifying nationality, and discrimination resulted in an estimated 700,000 persons who were stateless or at risk of statelessness. Lack of documentation has extended down through generations of long-term migrants, and the failure to keep government records of migrants caused hurdles in obtaining documentation. Children of migrants born in the country were never registered by the government. With birth registration as a requirement for citizenship, they were thus rendered stateless. UNHCR estimated 300,000 abandoned children, known as foundlings, who because they could not prove their citizenship through parents, were effectively stateless and thus deprived of the opportunity to attend high school, get a formal job, open a bank account, own land, travel freely, or vote. Stateless persons faced numerous significant additional challenges, such as access to health services, ability to wed legally, receive inheritance, enjoy political rights, as well

as being exposed to exploitation and arbitrary detention. Social stigma and general harassment can also accompany statelessness.

Only 7,000 persons received Ivoirian nationality through a naturalization program that ended in January 2016, and a decision on an additional 123,810 cases was pending.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide 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: In legislative elections held in December 2016, the ruling government 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 the 2015 presidential election, President Alassane Ouattara was re-elected by a significant majority. International and domestic observers judged this election to be free and fair.

In October 2016 the government conducted a referendum on a new constitution to replace the postmilitary coup constitution of 2000. The process for drafting the new constitution--and to a certain extent the content itself--was contentious. Opposition parties and some local and international organizations claimed the process was neither inclusive nor transparent, and 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.

Political Parties and Political Participation: The law prohibits the formation of political parties along ethnic or religious lines. Ethnicity, however, was often a key 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.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. Cultural and traditional beliefs, however, limited the role of women. Of 253 national assembly members, only 29 were women.

#### **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 groups 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. Several army commanders allegedly responsible for atrocities during the 2002-03 armed conflict and 2010-11 crisis were promoted in January. In October a customs official was arrested for wildlife trafficking.

Corruption: Local NGOs reported that authorities awarded many of the big government tenders to persons with close connections to the administration. Since the proposals or the contracts were not made public, questions were raised regarding a fair competitive process. For example, a business headed by a friend of the president won the bid for the construction of a village for the Francophonie games.

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. In 2015 the High Authority for Good Governance (HABG) started requiring public officials to submit a wealth declaration within 30 days of the beginning of their term in office. The declaration was confidential, but the list of those who 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 generally operated without government restriction, investigating and publishing their findings on



human rights cases. Government officials often were cooperative and responsive to their views. Amnesty International reported unspecified threats against its local leaders.

Government Human Rights Bodies: In a January cabinet reshuffle, the president consolidated the Ministry of Human Rights and Public Freedom with the Ministry of Justice, forming the Ministry of Justice and Human Rights, headed by former minister of justice Sansan Kambile. The ministry is responsible for implementing and monitoring the government's policy on human rights, but it was neither adequately funded nor effective. The National Commission for Human Rights (CNDH) is an advisory body under the Ministry of Justice and Human Rights and consults on, conducts evaluations of, and creates proposals to promote, protect, and defend human rights. Although the CNDH is chartered as a nongovernmental independent body, its funding was fully dependent on approval by the Ministry of Justice and Human Rights. The CNDH had 31 offices upcountry and four subcommissions focused on civil, cultural, sociocultural, and social matters. Its offices outside of Abidjan were not fully staffed or equipped. It inherited UNOCI's human rights mandate upon UNOCI's departure in June but acknowledged it did not have UNOCI's resources.

The civilian-controlled Special Investigative Cell (Special Cell) within the Ministry of Justice continued to investigate and try alleged perpetrators of human rights abuses committed during the post-electoral crisis. The Special Cell had an indefinite mandate but lacked sufficient resources and staff.

## **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 under 15 years of age. Most rape cases were tried on the lesser charge of "indecent assault," which carries a prison term of six months to five years.

The government made some efforts to enforce the law, but local and international human rights groups reported rape remained widespread.

Relatives, police, and traditional leaders often discouraged female survivors from pursuing a criminal case, with their families accepting payment for compensation. Rape victims were no longer required to obtain a medical certificate, which could cost up to 50,000 CFA francs (\$92), to move a legal complaint forward. As a practical matter, however, cases rarely proceeded without one since it often served as the primary form of evidence.

The law does not specifically outlaw domestic violence, which was a serious and widespread problem. According to the Ministry of Women, Child Protection, and Social Affairs, more than 36 percent of women reported being victims of physical or psychological abuse at some time. Victims seldom reported domestic violence due to cultural barriers and because police often ignored women who reported rape or domestic violence.

The Ministry of Women, Child Protection, and Social Affairs assisted victims of domestic violence and rape, including counseling at government-operated centers.

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 (\$662 to \$3,680). Double penalties apply to medical practitioners. The government successfully prosecuted some FGM/C cases during the year. Nevertheless, FGM/C remained a serious problem.

For more information, see:

<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>

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).

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 (\$662 to \$1,840). Nevertheless, the government rarely enforced the law, and harassment was widespread and routinely tolerated.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

[www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The law provides for the same legal status and rights for women as for men in labor law but not under religious, personal status, property, nationality, and inheritance laws. Women experienced discrimination in marriage, divorce, child custody, employment, credit, pay, owning or managing businesses or property, education, the judicial process, and housing. In 2012 parliament passed a series of laws to reduce gender inequality in marriage, including laws to allow married women to benefit from an income tax deduction and to be involved in family decisions. Many religious and traditional authorities rejected these laws, however, and there was no evidence the government enforced them.

## **Children**

Birth Registration: Citizenship is derived from one's parents. At least one parent must be a citizen for a child to acquire citizenship at birth. For births that occur outside health clinics, the law provides parents a three-month period to register their child's birth for a fee of 500 CFA francs (\$0.92). For births that occurred in health clinics, the government charged no registration fee if parents submitted the appropriate documentation within 30 days of birth. Children without documents could not continue their studies after primary school. The government, with UNICEF and UNHCR, launched a special operation to ensure the civil registration of 1.2 million school-going children. For additional information, see Appendix C.

Education: Education was free and compulsory for children ages six to 16. Parents of children not in compliance with the law are subjected to fines up to 500,000 CFA francs (\$920) or jail time of two to six months. In principle, students do not have to pay for books, uniforms, or fees, but some reportedly did because the government did not cover these expenses for every student. Some 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, participation rates for them dropped below that of boys because of the tendency to keep girls at home to do domestic work or care for younger siblings.

Child Abuse: The penalty for statutory rape or attempted rape of a child under age 16 is a prison sentence of one to three years and a fine of 360,000 to one million

CFA francs (\$662 to \$1,840). Nevertheless, children were victims of physical and sexual violence and abuse. Authorities reported rapes of girls as young as age three during the year. Authorities often reclassified claims of child rape as indecent assault since penalties were less severe. Judges exercised discretion in deciding whether to reclassify a claim from child rape to indecent assault, and they can only do so when there is no clear medical proof or testimony to support rape charges. There were some prosecutions and convictions 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; Ministry of Justice and Human Rights; Ministry of Women, Child Protection, and Social Affairs; and Ministry of Education were responsible for combating child abuse, they were ineffective due to lack of coordination between the ministries and inadequate resources.

Early and Forced Marriage: The law prohibits the marriage of men under age 20 and women under age 18 without parental consent. The law specifically penalizes anyone who forces a minor under age 18 to enter a religious or customary matrimonial union. Nevertheless, traditional marriages were performed with girls as young as 14 years old. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age of consensual sex is 18. The law prohibits the use, recruitment, or offering of children for prostitution 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 (\$9,200 to \$92,000). 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 (\$662 to \$1,840).

The country was 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 made several arrests of suspected child-sex traffickers.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Displaced Children: Local NGOs reported thousands of children countrywide living on the streets. No known government program specifically addressed the problem of children living on the streets. In September authorities arrested 2,200 persons and seized 922 weapons, including knives and machetes, during a security

operation conducted in Abidjan and its surroundings. Many youth were arrested in this operation, which aimed in part to crack down on young persons in trouble with the law, many of whom were not living with families. These youth sometimes were victims of vigilante-style attacks.

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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, but there were no reports the government enforced these laws.

Persons with disabilities reportedly encountered serious discrimination in employment and education. While the government reserved 800 civil service jobs for persons with disabilities, government employers sometimes refused to employ such persons. Prisons and detention centers provided no accommodations for persons with disabilities.

The government financially supported separate schools, training programs, associations, and artisans' cooperatives for persons with disabilities, but many persons with disabilities begged on urban streets and in commercial zones for lack of other economic opportunities. Although public schools did not bar persons with

disabilities from attending, such schools lacked the resources to accommodate students with disabilities. Persons with mental disabilities often lived on the street.

The Ministry of Employment, Social Affairs, and Professional Training and the Federation of the Handicapped are responsible for protecting the rights of persons with disabilities.

### **National/Racial/Ethnic Minorities**

The country has more than 60 ethnic groups, and 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. Disputes among ethnic groups, often related to land, resulted in sporadic violence, particularly in the western region. Despite a 2013 procedural update that allows putative owners of land an additional 10 years to establish title, 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 instances in which police abused and harassed non-Ivoirian Africans residing in the country. Harassment by officials reflected the common belief that foreigners were responsible for high crime rates and identity card fraud.

According to NGOs, at least 10 persons were killed, six disappeared, several wounded, two young women raped, and between 2,000 and 6,000 persons displaced, when violence erupted following an ethnic-fueled dispute over disputed lands in western part of the country in October and early November.

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

The law's only mention of same-sex sexual activity is as a form of public indecency that carries a penalty of up to two years' imprisonment, the same prescribed for heterosexual acts performed in public. Antidiscrimination laws exist, but they do not address discrimination based on sexual orientation or gender identity. In February authorities released from prison two men who had been arrested in November 2016 and imprisoned for three months for violating laws against public indecency after a relative reported their same-sex sexual activity, even though they had not publicly engaged in any such activity.

Societal discrimination and violence against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community were problems.

Law enforcement authorities were at times slow and ineffective in their response to societal violence targeting the LGBTI community. The few LGBTI organizations in the country operated freely but with caution.

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

There was no official discrimination based on HIV/AIDS status. A 2014 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.

The Ministry of Health and Public Hygiene managed a 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, Child Protection, and Social Affairs oversaw a program that directed educational, psychosocial, nutritional, and economic support to orphans and vulnerable children, including those affected by HIV/AIDS.

## **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. Nevertheless, according to the International Trade Union Confederation, the law does not have any objective criteria to establish recognition of representative trade unions, which could allow public and private employers to refuse to negotiate with unions on the grounds they

were not representative. Foreigners are required to obtain residency status, which takes three years, before they may hold union office.

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. 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.

Inadequate resources and inspections impeded the government's efforts 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.

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, the Ministry of Employment and Social Protection did not receive any such complaints from unions. A well-known international trade union, however, reported that the government failed to remit union dues to several trade unions despite a valid collective bargaining agreement.

Following talks, the government and the civil servants' union agreed on a five-year social truce after most of the union's demands were met in August. The university and primary school teachers went on strike throughout the year. There were no reports of strikebreaking during the year.

The Ministry of Employment and Social Protection did not report any complaints of antiunion discrimination or employer interference in union functions during the year.



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

The constitution explicitly prohibits human trafficking, child labor, and forced labor. In December 2016 the government enacted legislation that criminalizes all forms of human trafficking, including for the purpose of forced labor or slavery, while a 2010 law criminalizes the worst forms of child labor. Resources, inspections, penalties, and remediation were insufficient to deter violations.

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

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. Forced labor on cocoa, coffee, and pineapple plantations was limited to children (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The 2015 labor code raised the minimum age from 14 to 16 years old, although the minimum age for apprenticeships (14 years old) and hazardous work (18 years old) remained the same; minors under age 18 years old may not work at night. Although the law prohibits the exploitation of children in the workplace, the Ministry of Employment and Social Protection enforced the law effectively only in the civil service and large multinational companies.

The law prohibits child trafficking and the worst forms of child labor. Although lack of resources and inadequate training continued to hinder enforcement of child labor laws, the government took active steps to address the worst forms of child labor. The government worked on implementing its *2015-17 National Action Plan against Trafficking, Exploitation, and Child Labor* and strengthened its national child labor monitoring system. 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. These regulations, however, were not always enforced. 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, the NMC, and the Interministerial Committee led enforcement efforts. The 2015-17 national action plan had a budget of 9.6 billion CFA francs (\$17.6 million), with the government budgeting 62 million CFA francs (\$114,000) for the year. The plan calls for efforts to improve access to education, health care, and income-generating activities for children, as well as nationwide surveys, awareness campaigns, and other projects with local NGOs to highlight the dangers associated with child labor. First Lady Ouattara made the elimination of child labor a centerpiece of her efforts and continued to be actively involved. Labor inspectors from the National School of Administration benefited from new modules on fighting against child labor as part of their training. Nevertheless, inspections during the year did not result in any investigations into child labor crimes, although the practice of child labor was widespread.

During the year the government budgeted 200 million CFA francs (\$368,000) for the Child Labor Monitoring System. This program 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.

The government engaged in partnerships with the International Labor Organization, UNICEF, and International Cocoa Initiative to reduce child labor on cocoa farms.

The list of light work authorized for children ages 13 to 16 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 gold and diamond mines, agricultural plantations, and domestic work.

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. While the overall prevalence of child labor decreased, 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 studies had been conducted. In 2016 UNICEF and the government undertook the Multiple Indicator Cluster (MICS) survey with a section on child labor. According to UNICEF, the child labor prevalence of 31.3 percent reported in the MICS 2016 referred to an expanded age group of children between five and 17 years old and included economic activities, household chores, and hazardous working conditions, which represented 21.5 percent.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law does not address discrimination based on sexual orientation and/or gender identity, color, or language. A 2014 law specifically prohibits workplace discrimination based on HIV/AIDS status but does not address other communicable diseases. The labor code passed in 2015 includes provisions to promote access to employment for persons with disabilities. It stipulates that employers must reserve a quota of jobs for qualified handicapped applicants. The law does not provide for penalties for employment discrimination.

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 government did not always effectively enforce the law. Discrimination in employment and occupation occurred 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, some employers resisted hiring women.

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 for all professions other than the agricultural sector was 60,000 CFA francs per month (\$110). The agricultural minimum wage was 25,000 CFA francs (\$46) per month. The official estimate for the poverty income level was between 500 and 700 CFA francs (\$0.92 and \$1.29) per day. The Ministry of Employment and Social Protection is responsible for enforcing the minimum wage. The government enforced the law only for salaried workers employed by the government or registered with the social security office. 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, to which labor law applies. 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 law does not stipulate equal pay for equal work. There were no reports the government 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. 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, and penalties were insufficient to deter violations, 500,000 to one million CFA francs (\$920 to \$1,840).

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.

The Ministry of Employment and Social Protection estimated the number of labor inspectors insufficient 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.