

CÔTE D'IVOIRE: THE NEED FOR A JUSTICE SYSTEM THAT PROTECTS HUMAN RIGHTS

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SUMMARY

This submission has been prepared for Côte d'Ivoire's Universal Periodic Review (UPR), scheduled for November 2024. In it, Amnesty International evaluates the implementation of recommendations made to Côte d'Ivoire in its previous UPR in 2019. It also examines the legal and institutional framework for human rights in the country, highlighting some advances made in the protection of women's rights, the right to a healthy environment and the right to health, as well as some concerns about the right to freedom of expression and peaceful assembly.

With regard to the human rights situation on the ground, Amnesty International raises concerns about restrictions on the right of peaceful assembly, the unlawful use of force by the security forces, violations of the right to freedom of expression, the fight against impunity for crimes committed during the post-electoral violence of 2011 and 2020, violations of women's rights, forced evictions, and deforestation, which jeopardizes the right to a healthy environment.

The document ends with a set of specific recommendations to help Côte d'Ivoire significantly improve respect for and protection of human rights on its territory.

FOLLOW-UP TO THE PREVIOUS REVIEW

1. During its third UPR in 2019, Côte d'Ivoire accepted a total of 222 recommendations¹ which, among other things, committed the country to: ratifying international instruments for the protection of human rights;² strengthening national mechanisms for the protection of human rights, including the protection of human rights defenders;³ combating impunity for crimes committed during the post-election violences of 2011;⁴ strengthening protection of women's rights;⁵ combating torture;⁶ and protecting the right to freedom of expression and peaceful assembly;⁷
2. Côte d'Ivoire nevertheless noted 25 recommendations, primarily concerning the protection of the rights of LGBTI people.⁸
3. Since 2019, Côte d'Ivoire has implemented several recommendations, ratifying international instruments for the protection of human rights⁹ and strengthening its legislative and institutional frameworks for the protection of women's rights,¹⁰ human rights defenders and the right to health.¹¹
4. The country has not, as recommended, ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights,¹² or the International Convention for the Protection of All Persons from Enforced Disappearance,¹³ or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.¹⁴
5. Many of the concerns raised in the 2019 UPR have persisted, particularly with regard to realization of the rights to freedom of expression and peaceful assembly; the fight against impunity for electoral violences; sexual violence; access to health and protection of the right to a healthy environment.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

6. Since the last UPR, Côte d'Ivoire has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in September 2023) and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in March 2023).
7. However, in April 2020, Côte d'Ivoire withdrew its declaration under Article 34.6 of the Protocol to the African Charter on Human and People's Rights creating the African Court on Human and Peoples' Rights, a provision that allows individuals and NGOs to file cases directly with the Court.
8. Since 2019, Côte d'Ivoire's national human rights protection framework has been strengthened through the adoption of:
 - the Law of 23 November 2023 establishing the Environment Code¹⁵ which, among other things, introduces the principle of non-regression on environmental protection rules.
 - the Law of 21 December 2021 on protective measures for victims of domestic violence, rape and non-domestic sexual violence,¹⁶ which aims in particular to facilitate access to justice for victims by ending the requirement to produce a medical certificate in order to launch a criminal prosecution.
 - the Interministerial Order of 10 November 2021 creating the Committee for the Protection of Human Rights Defenders, enabling the practical implementation of the 2014 Law on the Promotion and Protection of Human Rights Defenders.
 - the Implementing Decree of 25 November 2020 concerning the Law of 14 October 2019 promoting the representation of women in elected assemblies.¹⁷
9. Some provisions of Ivorian law nevertheless contravene international human rights protection standards, including:
 - Article 183 of the Criminal Code, which imposes a one to six-year prison sentence and a fine of XOF 500,000 to XOF 5,000,000 on "anyone who publishes, disseminates, divulges or reproduces by any means whatsoever fake news (...) when doing so results in or could result in a failure to abide by laws, damage to public morale, or disrepute for the institutions or their operation."¹⁸
 - Article 196, which restricts the right of peaceful assembly, because it provides for prison sentences for "those who make an incomplete or inaccurate declaration that is likely to mislead people about the conditions of [the planned demonstration]" or issue "an invitation to take part in said demonstration".
 - Articles 197 to 199 of the Criminal Code, which provide for prison sentences for those who participate in or have participated in or organized an undeclared demonstration.
 - Article 403 of the Criminal Code, which defines rape but specifies that if the persons involved: "are married, the presumption that the spouses have consented to the sexual act shall prevail until proved otherwise".

THE HUMAN RIGHTS SITUATION ON THE GROUND

Right of peaceful assembly

1. The right of peaceful assembly has been seriously undermined, particularly in the context of the 2020 presidential elections.
2. In February 2023, the authorities arbitrarily arrested 31 activists of the Parti des peuples africains – Côte d'Ivoire (Party of African Peoples – Côte d'Ivoire / PPA-CI), an opposition group, for accompanying the general secretary of their party to a court appearance. Twenty-six of those activists were sentenced to two years in prison on 9 March for “disturbing public order”, then released on 22 March after having their sentence suspended on appeal.¹⁹
3. In December 2022, 46 PhD holders were arrested in Abidjan while marching to deliver a memorandum to the Prime Minister demanding employment in the civil service. After being detained for a week, one was acquitted while 45 were each given a four-month suspended sentence for disturbing the peace.²⁰
4. In April 2022, students demonstrating peacefully in Bouaké were injured when the police used tear gas to disperse them. More than 20 students were arrested, then released the following month. They had been calling for better conditions to allow them to study.²¹
5. In August 2020, the government cracked down on the demonstrations organized by the opposition and civil society against the incumbent president running for a third term. The security forces used excessive force, leaving at least five demonstrators dead and 104 injured. At least 68 demonstrators were arrested.²² On 19 August, the Council of Ministers prohibited all public protests,²³ a ban that was subsequently renewed several times, lasting until 15 December 2020.

Right to freedom of expression and freedom of the press

6. There were several cases of violations of the right to freedom of expression, including freedom of the press, of journalists, artists and human rights defenders who were calling for peaceful demonstrations or were criticizing the government.
7. In July 2022, journalist Noël Konan was found guilty of defamation and ordered to pay a fine of three million XOF for a tweet in which he accused a bank executive of corruption. Before his conviction, he had been questioned by the police's anti-economic and financial crime squad without a lawyer and held overnight, in violation of national law, which prohibits detention for press offences.²⁴
8. In December 2020, two singers, known as Yodé and Siro, were found guilty of propagation of false information with tribalist and racist overtones with intent to cause one community to rise up against another, contempt of court and discrediting the judicial institution and its functioning, after a concert during which they questioned the impartiality of the Public Prosecutor in the investigation of electoral violence and called for the return of political opponents to the country. They were fined five million XOF (USD 9,200) and handed a one-year suspended prison sentence.²⁵
9. On 13 August 2020, human rights defender Kouakou N'Goran Aime César was arrested, apparently because of his links with Pulchérie Gbalet, the president of the NGO Alternative Citoyenne Ivoirienne (Ivorian Citizen Alternative / ACI). Ms Gbalet and her colleagues Gbaou Gédéon Junior and Djehi Bi Doua Cyril were then arrested on 15 August 2020 following a press conference at which Gbalet had called for peaceful demonstrations against President Alassane Ouattara running for a third term in the 2020 presidential election.²⁶ Charged with “offence against public order and the authority of the State”, “participating in an insurrectional movement”, “wilful destruction of public property” and “causing a crowd to gather”, they were provisionally released under judicial supervision on 28 April 2021.
10. In March 2020, two journalists and two publication directors were handed hefty fines for publishing articles critical of the government or lawyers' letters denouncing the detention conditions of a member of parliament.²⁷

Right to truth, justice and reparation

11. Côte d'Ivoire has made limited progress in combating impunity for crimes under international law and other serious human rights violations committed during the post-electoral violence of 2011 and 2020.
12. On 20 March 2024, the Council of State declared that it did not have the jurisdiction to rule on the application submitted in 2019 by human rights defence organizations requesting the repeal of an amnesty law adopted in

2018, from which hundreds of people accused or found guilty of offences committed during the electoral violence of 2011 had benefited.²⁸

13. The report published in March 2022 following phase 5 of the political dialogue recommended introducing a mechanism to allow victims of electoral violence in 2020 to obtain reparation.²⁹ According to the official figures, 85 people were killed and hundreds injured during demonstrations and clashes between ruling-party and opposition supporters in 2020.

Rights of women and girls

14. Many challenges persist in preventing and combating violence against women and girls, including a shortage of reliable and regularly updated statistics on the subject.
15. According to an investigation conducted by the NGO Citoyennes pour la promotion et défense des droits des enfants, femmes et minorités (Citizens for the Promotion and Defence of the Rights of Children, Women and Minorities - CPDEFM), 416 femicides were recorded in Abidjan between 2019 and 2020.³⁰
16. The violence committed against women and girls in Côte d'Ivoire also takes the form of sexual violence, including rape; forced marriage; and female genital mutilation (FGM). According to a 2023 statement from the Ministry for Women, Families and Children, 36.7% of Ivorian women have been the victims of FGM, along with 10% of girls under 14.³¹ According to the statistical report on gender-based violence (GBV) in 2020, 5,405 cases of GBV were reported and handled by social services in Côte d'Ivoire, including 822 cases of rape (77% of them against minors aged under 18).

Forced evictions

17. The Ivorian government has undertaken numerous neighbourhood eviction and demolition operations without consultation, notification or prior compensation, with excessive use of force and without respecting the dignity of the individuals concerned.
18. On 24 February 2024, the minister and governor of the Autonomous District of Abidjan announced that, in anticipation of the coming rainy season, he had launched demolition operations affecting a total of 176 sites which, according to him, were located in areas where there was a risk of flooding.³² The demolition of several sites had already begun since 27 January, leading to the forced eviction of hundreds of families without any compensation or long-term rehousing solution.³³
19. In March 2023, Abidjan's court of first instance ruled that the forced evictions of several hundreds of families in 2021 by the local authorities in the Houphouët-Boigny 1 and 2 neighbourhoods of the commune of Koumassi in Abidjan were illegal.³⁴

Right to a healthy environment

20. According to a study published in May 2023 in the online review Nature Food,³⁵ cocoa growing is an underlying cause of more than 37% of forest loss in protected areas of Côte d'Ivoire. In 2023, the government began the second phase of the Forest Investment Project,³⁶ aiming to conserve and increase forest stock and improve the means of subsistence of populations living in the targeted forest areas.
21. In 2022, villagers in Bébou demanded that the public authorities help them to combat illegal cocoa plantations, which were destroying forests, including the protected Bossématié forest.³⁷

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Côte d'Ivoire to:

Right of peaceful assembly

22. End the unjustified restrictions and unreasonable bans on demonstrations;
23. Ensure that law enforcement complies with international human rights law and prosecute any member of the security forces who is suspected of unlawful use of force;

24. End the arbitrary arrest of people who have simply exercised their right of peaceful assembly;
25. Revise the relevant articles of the Criminal Code to guarantee their compliance with international human rights standards on the right of peaceful assembly, including by removing prison sentences from the range of possible punishments for people who participate in or have participated in and/or organized an undeclared demonstration or people who have made an incomplete or inaccurate declaration.

Right to freedom of expression and freedom of the press

26. End vexatious prosecutions of journalists and media outlets and any other natural or legal person simply for exercising their right to freedom of expression;
27. Adopt a specific law on whistleblower protection;
28. Revise Article 183 of Law No. 2021-893 of 21 December 2021 amending Law No 2019-574 of 26 June 2019 establishing the Criminal Code to remove prison sentences as punishments for the offence of publishing and disseminating fake news.

Right to justice, truth and reparation

29. Ensure that national reconciliation measures do not compromise the right of victims to truth, justice and reparations;
30. Continue the investigations and prosecutions of all crimes committed during the electoral violence of 2011 and 2020, guaranteeing the impartiality and independence of the judiciary;
31. Introduce a reparation mechanism for victims of the electoral violence of 2011 and 2020, ensuring the participation and consultation of victims and civil society organizations;
32. Re-establish the jurisdiction of the African Court on Human and Peoples' Rights to receive individual applications from NGOs by filing a new declaration under Article 34.6 of the Protocol.

Rights of women and girls

33. Train the security forces and judicial staff and establish effective mechanisms to investigate, prosecute and punish the perpetrators of all gender-based violence crimes, including femicides;
34. Set up protection and support services, particularly functional shelters for victims of domestic violence;
35. Remove the presumption of spousal consent from the definition of rape in the Criminal Code;
36. Guarantee victims of sexual violence access to adequate legal aid and assistance;
37. Establish a policy of free medical and psychological care for victims of sexual violence, including rapid access to medical and legal services encompassing, among other things, psychological counselling, tests and advice on HIV and STIs, emergency contraception and safe abortion.
38. Enforce the law against female genital mutilation by investigating cases of mutilation and prosecuting and punishing the perpetrators and take adequate measures to prevent the practice in the communities affected.

Forced evictions

39. Ensure that evictions are subject to a process of consultation, notification and prior compensation, in accordance with international human rights protection standards;
40. Ensure that eviction operations respect the dignity of the people concerned and prosecute any law enforcement personnel suspected of an excessive use of force;
41. Propose lasting rehousing solutions for those evicted, thus guaranteeing their right to decent and safe housing.

Right to a healthy environment

42. Accelerate implementation of the Forest Investment Project, ensuring that it respects the rights of forest communities, particularly the right to land, food, water and culture, and providing monitoring, evaluation and accountability mechanisms;
43. Monitor and regulate cocoa production and exports, ensuring traceability, transparency and social and environmental responsibility, and combating the child labour and deforestation linked to the cocoa industry.

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- ¹ United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review: Côte d'Ivoire, 3 July 2019
- ² UN Doc. A/HRC/42/6, recommendations 140.1 – 140.4; 140.6 – 140.12, 140.14 – 140.16, 140.19 – 140.27, 140.32 – 140.34
- ³ UN Doc. A/HRC/42/6, recommendation 140.45 (Italy)
- ⁴ UN Doc. A/HRC/42/6, recommendation 140.120 (Spain)
- ⁵ UN Doc. A/HRC/42/6, recommendation 140.179 (Rwanda)
- ⁶ UN Doc. A/HRC/42/6, recommendations 140.173 (Czechia); 140.178 (Mexico)
- ⁷ UN Doc. A/HRC/42/6, recommendations 140.109 (Belgium); 140.175 (Maldives)
- ⁸ UN Doc. A/HRC/42/6, recommendation 142.8 (Chile)
- ⁹ UN Doc. A/HRC/42/6, recommendation 140.1 (Brazil) (Denmark) (Germany) (Montenegro) (Togo) (Senegal) (Chile); recommendations 140.4 – 140.8 (Ghana), (Honduras), (Indonesia), (Paraguay) (Timor Leste), 140.10 (Mozambique)
- ¹⁰ UN Doc. A/HRC/42/6, recommendation 140.109 (Belgium)
- ¹¹ UN Doc. A/HRC/42/6, recommendations 140.137 (France), 140.138 (Holy See)
- ¹² UN Doc. A/HRC/42/6, recommendation 140.9 (Togo), (Paraguay)
- ¹³ UN Doc. A/HRC/42/6, recommendation 140.7 (Burkina Faso)
- ¹⁴ UN Doc. A/HRC/42/6, recommendation 140.20 (Portugal)
- ¹⁵ Côte d'Ivoire, Law 2023-900 of 23 November 2023 establishing the Environment Code, [LOI 2023-900 DU 23 NOV 2023 PORTANT CODE DE L'ENVIRONNEMENT.pdf](#) (in French)
- ¹⁶ Côte d'Ivoire, Law No 2021-894 of 21 December 2021 on protective measures for victims of domestic violence, rape and non-domestic sexual violence, [jvc215522.pdf \(fao.org\)](https://loidici.biz/2022/05/17/loi-n-2021-894-du-21-decembre-2021-relative-aux-mesures-de-protection-des-victimes-de-violences-domestiques-de-viol-et-de-violences-sexuelles-autres-que-domestiques/lois-article-par-article/codes/le-code-penal-2019/24590/naty/LES_MESURES_DE_PROTECTION_DES_VICTIMES_DE_VIOLENCES_DOMESTIQUES... (loidici.biz) (in French)</p><p>¹⁷ Côte d'Ivoire, Decree No 2020-941 of 25 November 2020 establishing the implementation conditions for Law No 2019-870 of 14 October 2019 promoting the representation of women in elected assemblies, <a href=) (in French)
- ¹⁸ Côte d'Ivoire, Law No 2021-893 of 21 December 2021 amending Law No 2019-574 of 26 June 2019 establishing the Criminal Code,, [RCI - Loi n°2019-574 du 26 juin 2019 portant Code penal \(www.droit-afrique.com\)](#) (in French)
- ¹⁹ Amnesty International, Côte d'Ivoire: Amnesty International exige la libération immédiate des militant.e.s du PPA CI arbitrairement détenus [Côte d'Ivoire: Amnesty International demands immediate release of arbitrarily detained PPA-CI activists], 13 March 2023, <https://www.amnesty.org/fr/latest/news/2023/03/cote-divoire-amnesty-international-exige-la-liberation-immEDIATE-des-militants-du-ppa-ci-arbitrairement-detenus/> Côte d'Ivoire : Amnesty International exige la libération immédiate des militants du PPA CI arbitrairement détenus - Amnesty International
- ²⁰ Amnesty International Report 2022/2023, The state of the world's human rights, p. 135, [Amnesty International Report 2022/23: The state of the world's human rights - Amnesty International](#)
- ²¹ Ibid
- ²² Amnesty International Report 2020/2021, The state of the world's human rights, p. 131, [Amnesty International Report 2020/21](#)
- ²³ Amnesty International, Côte d'Ivoire : Les violences et la répression des voix dissidentes augmentent à l'approche de l'élection présidentielle [Côte d'Ivoire: Violence and crackdowns on dissenting voices increase in run-up to presidential election], 28 August 2020, [Côte d'Ivoire. Les violences et la répression des voix dissidentes augmentent à l'approche de l'élection présidentielle \(amnesty.org\)](#) (in French)
- ²⁴ Amnesty International, West and Central Africa: Anti-Corruption Fight in Peril – Crackdown on Anti-Corruption Human Rights Defenders in West

and Central Africa, 11 July 2023, [Africa: Anti-Corruption Fight in Peril – Crackdown on Anti-Corruption Human Rights Defenders in West and Central Africa - Amnesty International](#)

²⁵ Amnesty International Report 2020/2021, The state of the world's human rights, p. 131, [Amnesty International Report 2020/21](#)

²⁶ Amnesty International, Côte d'Ivoire : Les violences et la répression des voix dissidentes augmentent à l'approche de l'élection présidentielle [Côte d'Ivoire: Violence and crackdowns on dissenting voices increase in run-up to presidential election], 28 August 2020, [Côte d'Ivoire. Les violences et la répression des voix dissidentes augmentent à l'approche de l'élection présidentielle \(amnesty.org\)](#) (in French)

²⁷ Amnesty International Report 2020/2021, The state of the world's human rights, p. 131, [Amnesty International Report 2020/21](#)

²⁸ FIDH, Côte d'Ivoire: From Justice Sacrificed in the Name of "Reconciliation" to Justice Exploited as a Political Instrument, July 2022, [report_co_te_d_ivoire_no796a_pdf_3_def_web_au_8_septembre_2022.pdf](#)

²⁹ Côte d'Ivoire, Ministry of the Interior, Final Report of Phase 5 of the Political Dialogue, 4 March 2022, [1646410205RAPPORT-FINAL-DE-LA-PHASE-5-DU-DIALOGUE-POLITIQUE.pdf \(www.gouv.ci\)](#) (in French)

³⁰ La Croix, En Côte d'Ivoire, un rapport accablant sur les violences faites aux femmes [In Côte d'Ivoire, a damning report on violence against women], 15 June 2021, [En Côte d'Ivoire, un rapport accablant sur les violences faites aux femmes \(la-croix.com\)](#) (in French)

³¹ Official portal of the Government of Côte d'Ivoire, Mutilations génitales féminines, la ministre lance un appel aux hommes et aux jeunes à s'investir davantage dans la lutte contre cette pratique [Female Genital Mutilation, Minister calls on men and young people to play a greater role in combating the practice], 7 February 2023, [MUTILATIONS GENITALES FEMININES : LA MINISTRE NASSENEBA TOURE LANCE UN APPEL AUX HOMMES ET AUX JEUNES A S'INVESTIR DAVANTAGE DANS LA LUTTE CONTRE CETTE PRATIQUE \(www.gouv.ci\)](#) (in French)

³² Côte d'Ivoire, Press release from the Autonomous District of Abidjan, 22 February 2024, [Déguerpissement à Abidjan: consulter la liste des quartiers sur abidjan.district.ci \(ouestin.com\)](#) [Evictions in Abidjan: see list of neighbourhoods on abidjan.district.ci (ouestin.com)], (in French)

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³⁴ Koaci, Côte d'Ivoire, Les déguerpis du quartier Houphouët Boigny 1 et 2 ont gagné leur procès contre la mairie de Koumassi [Côte d'Ivoire, Evictees from Houphouët Boigny 1 and 2 neighbourhood win their case against Koumassi local council], 14 March 2023, [Côte d'Ivoire : Les déguerpis du quartier Houphouët Boigny 1 et 2 ont gagné leur procès contre la Mairie de Koumassi - KOACI](#) (in French)

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³⁶ Côte d'Ivoire, Ministry of Water and Forests, Financial Investment Programme, Phase 2, [PROGRAMME D'INVESTISSEMENT FORESTIER PHASE 2 \(PIF 2\) | Ministère des Eaux et Forêts \(eauxetforets.gouv.ci\)](#) (in French)

³⁷ Amnesty International Report 2022/2023, The state of the world's human rights, [Amnesty International Report 2022/23: The state of the world's human rights - Amnesty International](#)