

BRIEFING PAPER

Universal Periodic Review

October 2018

THE SITUATION OF HUMAN RIGHTS DEFENDERS IN

COTE D'IVOIRE

Contacts

Adelaide Etong Kame
International Service for Human Rights
a.etong@ishr.ch

Pedan Marthe Coulibaly
Ivorian Coalition of Human Rights Defenders
coordinationciddh@gmail.com



During the last Universal Periodic Review (UPR) of the Republic of Cote d'Ivoire in April 2014, Cote d'Ivoire accepted 181 of 186 recommendations. Out of the 181 accepted recommendations, only one concerned human rights defenders (HRDs), calling on the State to ensure the adoption and implementation of a law on the protection of HRDs. In addition, Cote d'Ivoire accepted two broad recommendations on civil society calling for civil society space in the country to be both enlarged and protected. However, Cote d'Ivoire did not accept two recommendations calling for standing

invitations to all UN special procedures.¹

RISKS FACING HUMAN RIGHTS DEFENDERS

- HRDs experience intimidation, oral threats as well as threats via email, and anonymous calls due to their human rights work, especially those working on transparency in extractive industries, governance, State assets or the rights of LGBTI² persons. Frontline Defenders reports that reprisals against defenders in the country, while generally not systematic, increase in frequency during election periods.³
- According to Amnesty International, the Ivorian Government continues 'to target journalists and trade unionists and to restrict freedom of expression and of peaceful assembly.'⁴
- The Ivorian Coalition on Human Rights Defenders emphasised that defenders working on extractive industries are often forced to hide their true identity and the name of their organisations. They can be subject to intimidation or threats from the industries, sometimes with the support of the administrative authorities.⁵
- While Cote d'Ivoire has not criminalised same-sex relationships, it also has not instituted any legal protections for LGBTI individuals facing discrimination. This has allowed for numerous incidents of violence and intimidation against LGBTI defenders, including a wave of attacks in early 2014, that Freedom House described as 'unprecedented.'⁶

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- Human Rights Watch reports that although Law 2014-388 - the law for the promotion and protection of the rights of HRDs - has not been fully implemented, defenders operate largely free from official government restrictions since its adoption.⁷
- On 5 May 2017, the Ivorian Government introduced a media bill that would impose harsh

criminal penalties on the press for a broad range of offenses, such as various types of 'incitement.' Following outcry from rights groups, the bill was quickly withdrawn.⁸

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- **Women human rights defenders (WHRDs)** face specific risks including for challenging gender roles in Ivorian society. They face intimidation specifically targeting them as women. As a result, WHRDs working on issues of female genital mutilation, early marriage or other issue related to grassroots communities, are stigmatized and ostracized by community leaders and members, religious groups and their families as they consider their work to be a danger to their beliefs, honour or culture.⁹
- On 10 March 2015 three of the six **journalists** arrested during the 2010-2011 electoral crisis were sentenced to a deferred term of 18 months imprisonment on charges of 'public disorder'. As the journalists had already been in custody for over 24 months, they were released.¹⁰
- On 12 February 2017, six journalists reporting on a recent mutiny by Ivorian soldiers, were arrested and detained for two days on charges of 'undermining state security and inciting soldiers to acts of insubordination and rebellion'.¹¹
- On 26 April 2018, journalist Assale Tiemoko began receiving death threats regarding the publication of an article on corruption at the Ivorian customs agency.¹²
- On 22 March 2018 a demonstration for electoral reform was broken up by Ivorian authorities, who assaulted a number of protestors and arrested others. 18 of those arrested have since been convicted on public order charges and sentenced to 12 days imprisonment, a fine of 50,000 CFA francs, disenfranchisement for five years, and

restrictions on their freedom of movement for three years.¹³

- In February 2017, Ivorian security forces used excessive force, including tear gas and rubber bullets, in reaction to peaceful protests against government policies by the *Syndicat national autonome des producteurs de café-cacao de Côte d'Ivoire* (Synapci), a coffee and cocoa producers' union, and *Syndicat des Investisseurs Indépendants de l'AgroBusiness* (SIIABCI), a union of small investors in agricultural businesses.¹⁴
- In January 2017, members of the teacher's union *Mouvement des instituteurs pour la défense de leurs droits* (MIDD) who had participated in public sector strikes faced reprisals, including demotions and transfers to remote parts of the country.¹⁵
- On 20 October 2016, at least 50 **opposition members** were arrested at a peaceful protest against proposed constitutional reforms and held in police vehicles. Some were subjected to 'mobile detention', the practice of driving suspects as many as a hundred of kilometres from home and forcing them to walk back.¹⁶
- During the presidential election period in 2015, the Government banned a number of opposition rallies, arrested dozens of opposition members, and held three protestors in secret facilities for weeks before sentencing them to six months imprisonment on charges of disrupting public order.¹⁷
- In January 2014, a mob of 20 people surrounded the home of Claver Touré, Director of Alternative – Côte d'Ivoire, an LGBTI rights organisation. The mob shouted death threats and pelted the house with garbage, including human excrement. Two

days later, a larger crowd surrounded the offices of his organisation and over the course of several days, shouted homophobic slogans, defaced the building, and stole computers. Ivorian police did not arrive until the intervention of the French ambassador and failed to provide Mr Touré with protection after the incidents, forcing him to flee and stop his human rights work.¹⁸

THE RESPONSE OF THE STATE REGARDING PROTECTION OF HUMAN RIGHTS DEFENDERS

- The passage of Law on the Promotion and Protection of Human Rights Defenders (Law 2014-388) was explicitly recommended at the previous UPR of Cote d'Ivoire and has since been achieved. The Law 2014-388 was adopted by the National Assembly of Côte d'Ivoire on 11 June 2014, marking the first time that legislation specifically intended to protect defenders was passed in an African State.¹⁹
- An implementation decree for Law 2014-388 was adopted by the Ivorian Council of Ministers in February 2017.²⁰ While ISHR welcomed the decree, it also expressed concern about the lack of a specific mechanism for protection of defenders. Human Rights Watch notes that the decree lacks detail on how Law 2014-388's implementation will be monitored.²¹
- In December 2017, the National Assembly adopted a new press law²² which specifies that no grounds are admissible for the detention of journalists.²³
- Cote d'Ivoire recently started working on a new law to reform the current National Human Rights Commission²⁴ to make it more compliant with the Paris Principles.

RECOMMENDATIONS TO THE GOVERNMENT OF COTE D'IVOIRE:

- Take all necessary measures, including adopting the new draft law currently being discussed at the National Assembly, regarding the National Human Rights Commission and its full compliance with the Paris Principles.
- Ensure the full and effective implementation of law 2014-388 through the establishment of a protection mechanism to monitor its implementation as provided by the implementation decree²⁵.
- Ensure that all alleged attacks against HRDs are promptly and thoroughly investigated, that perpetrators are held accountable and that victims have access to effective remedies.
- Develop, adopt and implement National Action Plans (NAPs) to implement the UN Guiding Principles on Business and Human Rights in order to fully guarantee the protection of defenders working on issues related to extractive industries.
- Guarantee, through specific policies, the protection of women human rights defenders, especially those working on sensitive issues.
- Ensure the protection of defenders working on extractive industries by suspending business projects where defenders have been threatened and taking the necessary measures to prevent further threats and attacks.

ISHR and the Ivorian Coalition of Human Rights Defenders (CIDDH) encourage States to consult UPR submissions by local activists and make recommendations to Côte d'Ivoire regarding the protection of HRDs. This paper is a result of compiling public information and direct contact and experience of CIDDH in the protection of HRDs. Readers should consult sources cited for additional information.

- ¹ https://upr-info.org/sites/default/files/document/cote_d039ivoire/session_19_-_april_2014/recommendations_and_pledges_cote_d_ivoire_2014.pdf
- ² <http://www.poleafrique.info/menaces-contre-lapdh-lorganisation-de-defenseurs-de-droits-de-lhomme-interpelle-le-gouvernement-lua-et-lonu/>
- ³ <https://frontlinedefenders.org/en/location/cote-divoire>
- ⁴ <https://www.amnesty.org/en/documents/ior40/6630/2017/en/>
- ⁵ <https://www.ishr.ch/news/defender-profile-pedan-marthe-coulibaly-woman-human-rights-defender-cote-divoire>
- ⁶ <https://freedomhouse.org/report/freedom-world/2015/c-te-divoire>
- ⁷ <https://hrw.org/world-report/2017/country-chapters/cote-divoire>
- ⁸ <http://mfwa.org/ivorian-government-withdraws-controversial-press-bill-after-mfwa-petition/>
- ⁹ <https://www.ishr.ch/news/defender-profile-pedan-marthe-coulibaly-woman-human-rights-defender-cote-divoire>
- ¹⁰ <http://www.mfwa.org/country-highlights/cote-divoire-update-three-pro-gbagbo-journalists-sentenced-three-others-acquitted-in-post-election-crisis-suit/>
- ¹¹ <http://www.mfwa.org/cote-divoiresix-detained-journalists-released/>
- ¹² <http://www.mfwa.org/country-highlights/investigative-journalist-threatened-after-exposing-corruption-in-state-agency/>
- ¹³ <http://www.mfwa.org/country-highlights/18-demonstrators-imprisoned/>
- ¹⁴ <https://www.amnesty.org/en/documents/ior40/6630/2017/en/>
- ¹⁵ <https://www.amnesty.org/en/documents/ior40/6630/2017/en/>
- ¹⁶ <https://www.amnesty.org/en/latest/news/2016/10/cote-divoire-authorities-must-stop-arbitrary-arrests-and-mobile-detention-of-opposition-supporters-ahead-of-referendum/>
- ¹⁷ <https://freedomhouse.org/report/freedom-world/2016/c-te-divoire>
- ¹⁸ <https://frontlinedefenders.org/en/profile/claver-touré>
- ¹⁹ <https://ishr.ch/news/cote-divoire-new-law-will-strengthen-protection-human-rights-defenders>
- ²⁰ <https://ishr.ch/news/cote-divoire-civil-society-welcomes-government-decree-protect-defenders-urges-adequate>
- ²¹ <https://www.hrw.org/world-report/2018/country-chapters/cote-divoire>
- ²² <http://www.lintelligentdabidjan.info/news/wp-content/uploads/2018/04/Loi-Portant-Re%CC%81gime-Juridique-de-la-presse.pdf>
- ²³ <https://rsf.org/fr/cote-divoire>
- ²⁴ https://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf
- ²⁵ https://www.ishr.ch/sites/default/files/documents/ci_adopted_decree_2017-121_du_22_feb_2017_promotion_et_protection_des_.pdf