

## COTE D'IVOIRE

### EXECUTIVE SUMMARY

Cote d'Ivoire is a democratic republic. On May 21, Alassane Ouattara, leader and candidate of the opposition party Rally for Republicans (RDR), was officially inaugurated president. The inauguration followed the April 11 capture of Laurent Gbagbo, the former president who refused to accept the results of the October and November 2010 presidential election. The UN and international and domestic observer missions declared the vote fair and democratic and recognized Ouattara as the country's duly elected president; however, President Ouattara and former president Gbagbo took separate oaths of office in December 2010 and remained in a standoff over the presidency until Gbagbo's capture. Post-electoral violence perpetrated by both sides, but attributable primarily to pro-Gbagbo forces, resulted in approximately 3,000 deaths, significant population displacement, torture, sexual violence, and widespread property destruction. On March 17, President Ouattara combined the former rebel Forces Nouvelles (FN) with cooperating elements of the Defense and Security Forces (FDS), the former government's security forces, into the Republic Forces of Cote d'Ivoire (FRCI), the country's new official military. Until President Ouattara's official inauguration in May, security forces, who largely supported former president Gbagbo, did not report to civilian authorities. Following the inauguration, violence significantly decreased, but there still were instances in which elements of the security forces acted independently of civilian control--particularly FRCI members ineligible for the unified military, armed pro-Gbagbo groups supported under the former regime, and endemic militia groups in the West.

The postelectoral conflict involved serious human rights abuses committed by both sides. Under Gbagbo, state-sponsored death squads, government security forces, and militia groups intimidated and silenced perceived or actual pro-Ouattara supporters. Gbagbo also reportedly hired Liberian mercenaries that were implicated in numerous human rights abuses. Abuses were also committed by the FRCI and other militant groups fighting against Gbagbo. There were numerous reports that the FRCI committed extrajudicial killings on the battlefield and also failed to protect pro-Gbagbo populations from reprisal killings in the wake of the FRCI's advance. Dozos, or traditional hunters, and pro-Ouattara militia groups participated in reprisal killings, primarily in the western region of the country; although there was no confirmation of allegations that the Ouattara government provided financial, material, or logistical support to militia groups that were

sympathetic to Ouattara and the FRCI, although investigations continued at year's end.

The most important human rights problems in the country included state-sponsored killings under Gbagbo; extrajudicial killings, torture, rape, and displacement of persons committed during the postelectoral violence; and disregard for civil liberties and political rights.

Other human rights problems under the Gbagbo government included the following: restriction of citizens' right to change their government; enforced disappearances; life-threatening prison and detention center conditions; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy, family, home, and correspondence; police harassment and abuse of noncitizen Africans; restrictions on freedoms of speech, press, peaceful assembly, association, and movement; official corruption; discrimination and violence against women, including female genital mutilation (FGM); trafficking in persons; discrimination against lesbian, gay, bisexual and transgender (LGBT) individuals, persons with disabilities, and persons with HIV/AIDS; child abuse and exploitation, including forced and hazardous labor; and forced labor.

Other human rights problems under the Ouattara government included poor prison and detention center conditions; arbitrary arrests and detention; and arbitrary interference with privacy, family, home, and correspondence. The government restricted speech, press, assembly, association, and movement. Corruption was pervasive. Discrimination and violence against women and children, including FGM, was a problem, as was trafficking in persons. Discrimination against persons with disabilities and persons with HIV/AIDS also was a problem. There were reports security forces targeted LGBT individuals for abuse. Forced and hazardous labor, including by children, was common.

Impunity for abuses committed by the security forces remained a serious problem. The Ouattara government reiterated its commitment to respect human rights and punish the perpetrators of human rights abuses, regardless of party affiliation; however, little progress was made during the year. In May President Ouattara asked for assistance from the International Criminal Court (ICC) to investigate human rights abuses committed during the postelectoral crisis. On November 29, former president Gbagbo was indicted under an ICC arrest warrant for crimes against humanity and transferred to The Hague, where he was awaiting trial at year's end. The Ouattara government also created a national-level Dialogue, Truth and Reconciliation Commission (DTRC), a national Commission of Inquiry (COI),

and a Special Prosecution Cell to address human rights abuses committed during the postelectoral crisis.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

During the postelectoral crisis there were numerous reports that the Gbagbo government or its agents systematically attacked and killed Ouattara supporters and shot and killed demonstrators. The FRCI and other militia groups either independent or loosely aligned with pro-Ouattara forces committed reprisal attacks and summary executions (see section 1.g.).

### **b. Disappearance**

During the year there were reports of politically motivated disappearances committed by security forces and militia groups under the Gbagbo government (see section 1.g.).

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

The constitution and law prohibit such practices; however, pro-Gbagbo security forces and police beat and abused detainees and prisoners to punish them, extract confessions, or extort payments with impunity. There were reports that police officers under the Gbagbo government forced detainees to perform degrading tasks under threat of physical harm and continued to harass and extort bribes from civilians, usually on the basis of ethnic identity.

During the postelectoral crisis there were reports that non-Ivoirian Africans, mostly from neighboring countries, were subject to harassment and abuse by pro-Gbagbo security forces and militia groups, including repeated document checks, extortion, and racketeering.

There also were reports that the FRCI sometimes used cruel and degrading treatment during the postelectoral crisis. Violence against women, including rape, was widespread during the year and committed by various actors (see section 1.g.).

## **Prison and Detention Center Conditions**

During the postelectoral crisis many of the country's 33 prisons were damaged and looted, and in several towns prisoners were freed by unidentified elements during the course of the fighting. Government records from the beginning of the year were lost or were destroyed in the looting. In the 22 prisons located in the South, overcrowding had been a serious problem. For example, MACA, the country's main prison located in Abidjan, was built for 1,500 persons but held approximately 5,400 until March 3, when unidentified armed elements freed all inmates. Conditions in MACA were notoriously poor; however, wealthier prisoners reportedly could "buy" extra cell space, food, and even staff to wash and iron their clothes. The Gbagbo government provided inadequate food rations, which resulted in cases of severe malnutrition if families of prisoners did not provide additional food.

On August 16, MACA prison was renovated and reopened with 16 prisoners; by October 7, it held 507 prisoners. Conditions in MACA improved as a result of renovations and sufficient cell space for prisoners; however, the Ouattara government continued to provide inadequate food rations at a cost of FCFA 300 (\$0.60) per person per day.

Across all government prisons, male minors, few in number, were generally held separately from adult men; however, some minors were detained with their adult accomplices. Pretrial detainees were held with convicted prisoners. Prisoners and detainees had access to visitors and were permitted religious observance. Prisoners could submit complaints to judicial authorities without fear of censorship, and prison authorities investigated credible allegations of inhumane detention conditions.

Under the Gbagbo government, prison conditions for women were particularly difficult, and health-care facilities inadequate. There were credible reports that female prisoners engaged in sexual relations with wardens in exchange for food and privileges. Pregnant prisoners went to hospitals to give birth, and their children often lived with them in prison. The prisons accepted no responsibility for the care or feeding of the infants, although inmate mothers received help from local NGOs. By year's end conditions for the few remaining female inmates had improved, due in part to increased space in the prisons.

The Ouattara government generally permitted access to prisons by the International Committee of the Red Cross (ICRC) and the UN Operation in Cote d'Ivoire (UNOCI). Although the Ouattara government did not initially authorize a June ICRC request to visit former President Gbagbo, his wife, and their associates, it

granted permission the following month, and the ICRC visited Gbagbo in July. The ICRC visited Simone Gbagbo in November.

The Gbagbo government granted the ICRC access to prisoners and detainees throughout the postelectoral crisis. The ICRC visited prisoners in the prisons and detainees in the police stations under Gbagbo's control without problems.

On several occasions during the year, UNOCI's human rights division visited former president Gbagbo and his associates to assess their detention conditions. In Bouna UNOCI voiced concern that inmates were not allowed family visits and that hygiene and sanitary conditions were poor, complaints that were subsequently addressed by prison authorities. UNOCI's visits with former president Gbagbo confirmed that he was not being mistreated.

Although the FN officially transferred prisons under its control to the Gbagbo government in January 2010, before the election and postelectoral crisis, in practice the FN did not transfer operational control until after Gbagbo's detention. At year's end all of the country's 33 prisons were under the Ouattara government's control, but only 16 were operational.

Detention and prison conditions in former FN rebel zones were poor, with detainees sometimes held in converted schools, movie theaters, or other buildings with poor air circulation and sanitary facilities. Prison guards were not properly trained. Nutrition and medical care were inadequate due to budget constraints. Some detainees became ill, and some died from respiratory disease, tuberculosis, or malaria due to lack of medical care and unhygienic conditions.

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

The constitution and law prohibit arbitrary arrest and detention; however, in practice this occurred frequently under the Gbagbo government and infrequently under the Ouattara government.

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

The FDS, under former president Gbagbo's Ministry of Defense, included the army, navy, air force, republican guard, presidential security force, and the gendarmerie, a branch of the armed forces with responsibility for general law enforcement. During the postelectoral crisis the security forces were either supportive of former president Gbagbo (such as the presidential security force) or

relatively neutral (such as the police). Building upon almost a decade of politicization of the military, during the postelectoral crisis former president Gbagbo disarmed and marginalized forces suspected of being pro-Ouattara and concentrated his power in security forces with close ethnic ties to his regime. These security forces were used solely to consolidate Gbagbo's hold on power, and they ceased all other functions or activities for the nation as a whole. Gbagbo also used militia groups during the postelectoral crisis to maintain power, such as the Young Patriots, the Group of Patriots for Peace, and the militant Student Federation of Cote d'Ivoire (FESCI). Militia groups fought alongside government security forces and in some cases were given weapons and encouraged to join the national army (see section 1.g.).

In response Ouattara created the FRCI on March 17, combining the FN forces with some anti-Gbagbo elements of the FDS that had fled north. However, as the FRCI advanced through the South, they were joined by a variety of irregular volunteers. These volunteers were not a part of the FRCI but fought alongside them on some occasions and for a similar cause. As the FRCI advanced, their numbers swelled due to these additions, but officially none of those who joined were considered FRCI despite wearing a t-shirt or hat with the FRCI insignia. The matter was further complicated because the Ouattara government had not completed a survey of those under the official control and command of the new military leadership prior to the FRCI's formation. Therefore, attributing crimes or abuses committed during the postelectoral violence to official FRCI security forces was often difficult. At year's end the survey to determine eligible from ineligible FRCI forces continued.

The police, officially under the jurisdiction of the Ministry of Interior, included paramilitary rapid intervention units such as the antiriot brigade and the Directorate for Territorial Surveillance (DST), a plainclothes investigating unit. In 2005 the Ministry of Interior formed the Special Security Command (CECOS) to combat rising crime in Abidjan. CECOS was a joint endeavor that included members of the military, gendarmerie, and police. There were allegations that CECOS formed death squads to kill opponents of Gbagbo during the postelectoral crisis.

During the postelectoral crisis many police and gendarmes abandoned their posts, and their stations were looted, resulting in a security vacuum in a large portion of the country. For example, on March 30, in Yamoussoukro, the police prefect's office was reportedly looted by ex-prisoners who were earlier freed by unidentified armed people. The ex-prisoners looted the office and took all the archives,

including their own case files. Also on March 30, young civilians reportedly looted the gendarmerie brigade of Yamoussoukro.

Under Gbagbo, poor training and supervision of security forces, corruption, and a failure to prosecute miscreants in the security ranks resulted in general lawlessness and public disrespect for authorities. Racketeering at roadblocks remained a serious problem. Security forces harassed, intimidated, abused, and confiscated the official documents of persons who refused to pay bribes. Gbagbo security forces also frequently resorted to excessive and sometimes lethal force while conducting security operations and dispersing demonstrations. Police reportedly solicited sexual favors from prostitutes in exchange for not arresting them. On numerous occasions security forces failed to prevent violence.

The Ouattara government announced plans to reform the security sector and to demobilize armed elements not part of the formal security forces. For example, Ouattara dissolved CECOS, although their members had already disbanded, and reconstituted the Republican Guard. Reports of racketeering decreased in Abidjan after the postelectoral crisis, as did reports of police stopping motor vehicles. In the areas of the country traditionally aligned with Gbagbo, especially in the West, racketeering increased in the immediate postelectoral period; however, by year's end the Ouattara administration had significantly reduced illegal checkpoints. The Ouattara government detained approximately 45 police and military personnel who were accused of abuses or misconduct during or after the postelectoral crisis; a small number of those detained were released on provisional bail, while the majority remained in detention at year's end awaiting trial.

The Ouattara government established an official Military Police in December to allow security forces to internally investigate abuses. There were numerous civilian-controlled mechanisms to investigate abuses by security forces, including abuses committed during the postelectoral crisis. Such mechanisms included a Special Prosecution Cell, the national Commission of Inquiry, and continuing investigations by the Ministry of Justice.

### **Arrest Procedures and Treatment While in Detention**

A public prosecutor may order the detention of a suspect for 48 hours without bringing charges, and in special cases such as suspected actions against state security, the law permits an additional 48-hour period with prior authorization from the prosecutor. According to local human rights groups, police often held persons for more than the 48-hour legal limit without bringing charges, and

magistrates often were unable to verify that detainees who were not charged were released. A magistrate can order pretrial detention for up to four months by submitting a written justification each month to the minister of justice.

Detainees were not always informed promptly of charges against them, especially in cases concerning state security. Defendants do not have the right to a judicial determination of the legality of their detention. A bail system existed solely at the discretion of the judge trying the case. Detainees were generally allowed access to lawyers; however, in cases involving matters of national security, detainees were sometimes denied access to lawyers and family members. For more serious crimes, those who could not afford to pay for lawyers were provided lawyers by the state, but alleged offenders charged with less serious offenses were often without representation.

Following the postelectoral crisis some members of the former ruling party, including former president Gbagbo, were held under house arrest. With the exception of the former president and first lady, the Ouattara government moved the detainees to detention centers. In August the Ouattara government brought formal charges against former president Gbagbo, the first lady, and the other detainees. As a sign of good will, some of these detainees were released by the Ouattara government in November.

The Ouattara government received criticism for the four-month delay in bringing charges against the detainees. According to the Ouattara government, the delay in bringing charges against former president Gbagbo stemmed from a lack of judicial capacity, as a result of the looting and damage to ministry buildings during the postelectoral crisis, as well as the significant administrative hurdles associated with bringing charges against high-level government officials. For example, before charging former president Gbagbo, the Constitutional Council first had to authorize the decision to bring charges against him.

The DST was responsible for collecting and analyzing information relating to national security. It had the authority to hold persons for up to four days without charges; however, human rights groups stated there were some cases of detentions exceeding the statutory limit.

Arbitrary Arrest: There were numerous reports of arbitrary arrests by pro-Gbagbo security forces. For example, a supporter of the pro-Ouattara coalition party, the Union of Houphouetists for Democracy and Peace (RHDP), was arrested during a



January 4 raid by the FDS on the headquarters of the Democratic Party of Cote d'Ivoire (PDCI) and released from detention on 5 January.

There was at least one detention case from 2010 addressed during the year. On February 1, four Ghanaians and one Togolese national were released by the FN police director in Bouake. The five had been arrested in December 2010 for alleged mercenary activities on behalf of former president Gbagbo, but were released due to insufficient evidence.

Pretrial Detention: Prolonged pretrial detention was a problem under the Gbagbo government. Despite the legal limit of 10 months of pretrial detention in civil cases and 22 months in criminal cases, some pretrial detainees were held for years. However, as most prisoners were freed during the postelectoral crisis, and prison records were looted or loosely kept, statistics on pretrial detainees for the year were not available. There was little information on pretrial detention under the Ouattara government, as most detention centers did not resume functioning following the postelectoral crisis until late in the year. During the year it was not a problem as there were virtually no prisoners. However, there was no assurance that the Ouattara administration addressed the institutional challenges that facilitate extended pretrial detention.

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

The constitution and law provide for an independent judiciary, and the judiciary was generally independent in ordinary criminal cases; however, the judiciary has historically followed the lead of the executive in national security or politically sensitive cases and was subject to influence from the executive branch, the military, and other outside forces. Judges were corrupt, and their rulings were frequently influenced by bribes. During the postelectoral crisis the judiciary did not function. Under the Ouattara government, the judiciary began slowly rebuilding capacity and attempting to root out corruption but faced significant challenges, especially in restarting proceedings in the criminal courts.

#### **Trial Procedures**

The Gbagbo and Ouattara governments did not always respect the presumption of innocence, although the law provides for it. The law also provides for the right to public trial, although key evidence sometimes was given secretly. Juries were used only in trials at the court of assizes, which convened as needed to try criminal

cases; however, following the postelectoral crisis there were instances in which the FRCI made summary decisions for resolution of criminal and economic matters.

Defendants have the right to be present at their trial, and they can present witnesses or evidence on their behalf or question any witnesses brought to testify against them. Defendants accused of felonies have the right to legal counsel at their own expense. Defendants accused of capital crimes have the right to legal counsel either at their expense or at the state's expense. Other defendants may also seek legal counsel, but it is not obligatory. The judicial system provides for court-appointed attorneys; however, no free legal assistance was available, aside from infrequent instances in which members of the bar provided free advice to defendants for limited periods. Defendants may not access government-held evidence, although their attorneys have the legal right to do so. Courts may try defendants in their absence. Those convicted had the right of appeal, although higher courts rarely overturned verdicts.

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, with no known instance of physical punishment. The law specifically provides for a grand mediator, appointed by the president, to bridge traditional and modern methods of dispute resolution. President Ouattara appointed a new grand mediator in September.

Military courts do not try civilians and provide the same rights as civil criminal courts. Although there were no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

Little information was available on the judicial system used by the former FN in the northern and western regions. The system was placed under the jurisdiction of the government-wide judicial system following the crisis.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees. While some Gbagbo supporters claimed that former ruling party members held in detention were political prisoners, the Ouattara government brought specific charges against the officials four months after their detention, including charges of economic crimes, armed robbery, looting, and embezzlement.

## **Civil Judicial Procedures and Remedies**

The constitution and law provide for an independent judiciary in civil matters; however, the judiciary, under the Gbagbo regime, was subject to corruption, outside influence, and favoritism based on family and ethnic ties. Citizens can bring lawsuits seeking damages for, or cessation of, a human rights violation; however, they did so infrequently. The judiciary was slow and inefficient, and there were problems enforcing domestic court orders.

For most of the year the judiciary did not function. The dismissal of judges and failure to replace them during the Gbagbo era, systematic looting of Ministry of Justice buildings and tribunals during the postelectoral crisis, and destruction of archives by pro-Gbagbo supporters seeking to suspend judicial operations effectively halted civil judicial activities.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law provide for these rights; however, the Gbagbo and Ouattara governments did not respect these rights in practice. The law requires warrants 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; in practice police sometimes used a general search warrant without a name or address.

Gbagbo security forces reportedly monitored private fixed-line and cellular telephone conversations, but the extent of the practice was unknown. Authorities monitored letters and parcels at the post office for potential criminal activity, and they were believed to monitor private correspondence, although there was no evidence of this activity.

Elements of the FRCI continued to use confiscated property and vehicles obtained during the conflict, including property of members of the Gbagbo regime and privately owned property. Some vehicles were returned, and there were cases of arrest and detention of FRCI members for alleged robbery and theft.

### **g. Use of Excessive Force and Other Abuses in Internal Conflicts Killings**

Violence perpetrated by both sides during the postelectoral period resulted in more than 3,000 deaths.

Security forces loyal to Gbagbo were complicit in extrajudicial killings and used lethal force to raid areas in which perceived or actual Ouattara supporters lived. Many killings reportedly took place with the assistance of pro-Gbagbo militia forces (see below). Attacks were systematic and used excessive force against civilians, many with northern names, due to their perceived support for Ouattara. For example, on March 17, FDS elements shelled private homes and the local market in Abobo, Abidjan, an area with many perceived or actual Ouattara supporters. The attack resulted in the deaths of at least 25 civilians and injured 40.

Security forces loyal to Gbagbo also killed demonstrators. On March 3, in Abobo, Abidjan, security forces loyal to Gbagbo opened fire on a demonstration of approximately 3,000 unarmed women; seven demonstrators were killed. According to the UN Human Rights Council Commission of Inquiry, no action was taken by the Gbagbo government to hold the perpetrators accountable.

Security forces loyal to Gbagbo also killed foreign citizens. For example, on April 4, in Abidjan, unidentified armed persons abducted the French general manager of the Novotel Hotel and three foreign guests. On June 2, the body of the general manager was found in a lagoon in Abidjan; the three foreign guests were presumed dead at year's end. Under Ouattara the Ministry of Justice arrested and indicted 10 security force members loyal to Gbagbo in connection with the incident.

The Burkina Faso embassy confirmed and formally registered that 357 of its citizens were killed by pro-Gbagbo forces.

There were allegations that security forces loyal to Gbagbo were complicit in the use of mass graves in N'dotre in 2010. In December 2010, after being denied access to the area, heavily guarded by pro-Gbagbo security forces, UNOCI's human rights division gained access in mid-March. Although the allegations of mass graves could not be proven, it was noted that there were 250 bodies with suspicious injuries in a morgue in nearby Anyama.

The FRCI also committed extrajudicial killings in the months immediately following its March 17 creation. Many killings were reprisal attacks on perceived or actual Gbagbo supporters. For example, on April 1, in the Seweke III neighborhood of San Pedro, FRCI elements reportedly shot and killed Gerard

Leonce Yagba after he denied knowledge of the whereabouts of his brother, whom neighbors described as a militia member.

FRCI elements reportedly executed people suspected of participating in armed resistance following Gbagbo's April 11 detention. In the Yopougon neighborhood of Abidjan, armed militia groups and security forces, loyal to Gbagbo and implicated in dozens of targeted killings of unarmed pro-Ouattara civilian supporters, continued to fight the FRCI. In the course of gaining control of the neighborhood, FRCI elements reportedly executed people suspected of participating in the fighting. On May 15, FRCI elements in the Koweit neighborhood of Yopougon allegedly executed a man carrying two pistols who was presumed to be a militia member.

On August 18, the Minister of Justice demanded the arrest of two FRCI members after the UNOCI human rights division released information on their involvement in extrajudicial killings of civilians; however, there was no information that the two FRCI members had been arrested by year's end.

Militias affiliated with both parties reportedly perpetrated arbitrary and unlawful killings.

Pro-Gbagbo militias were responsible for numerous killings, often reportedly perpetrated in the presence of or with assistance from security forces loyal to Gbagbo. Members of the Young Patriots, who were responsible for summary executions in previous years, continued to operate with impunity during the postelectoral crisis. In late February and in March, Ble Goude, leader of the Young Patriots, called on supporters to attack all foreigners and join the army. On February 26, Young Patriots members reportedly beat a presumed rebel, put a tire around his neck, poured petroleum on his body, and set the man on fire. In July the Ouattara government issued an international arrest warrant for Ble Goude. On May 6, UNOCI's human rights division confirmed the presence of mass graves in Yopougon. Through their inquiries the division determined that 68 bodies were buried across 10 sites and that pro-Gbagbo militias had reportedly killed all of the victims on April 12.

There were several reports of youth supporters of the pro-Ouattara RHDP coalition participating in armed uprisings to protect neighborhoods from security forces loyal to Gbagbo. For example, on February 24 and 25, armed RHDP youth attacked the FDS headquarters in Daoukro, set up roadblocks, and looted the

homes of FDS members loyal to Gbagbo following a clash between FDS and RHDP youth that left six dead, including one elderly woman.

Following several months of targeted killings and disappearances perpetrated by FDS troops loyal to Gbagbo in the Abidjan neighborhood of Abobo, an armed militia formed under the name of the Invisible Commando. The militia was ostensibly led by Ibrahim Coulibaly, also known as "IB," a former FN member and coup plotter. In collaboration with local residents, the Invisible Commando militia violently resisted attempts by FDS members to enter the Abobo neighborhood. In the process of these confrontations, there were numerous reports of civilian deaths. The Invisible Commando also reportedly attacked pro-Gbagbo supporters. For example, on March 7, the group attacked the Ebrie ethnic group in the Anonkoua-Koute District of Abobo, resulting in at least three civilian deaths. There were no explicit links between the Invisible Commando militia and the FRCI, which arrested "IB" on April 26 in Abobo; the militia leader was killed while reportedly resisting arrest.

Several groups of perpetrators, including pro-Gbagbo and pro-Ouattara militias and unaligned groups, were responsible for summary executions, rape, property destruction, and displacement of citizens in the western regions of Moyen Cavally and Dix-Huit Montagnes, particularly the towns of Duekoue, Guiglo, and Toulepleu.

Numerous killings occurred in clashes between indigenous ethnic groups and northern ethnic groups. In some instances other groups--including security forces loyal to Gbagbo, Liberian mercenaries, the FRCI, and Dozos--were complicit in killings. As Gbagbo's efforts to retain power became increasingly violent and as civil authority abandoned the region, violence perpetrated by indigenous ethnic groups against northern ethnic groups increased. In the wake of the FRCI advance toward Abidjan, ethnic reprisals by Dozos and militias were widespread.

For example, between January 3 and 5, fighting between the Dioula and Guere communities in Duekoue left at least 37 people dead and 91 injured. On March 28 and 29, UNOCI reported the deaths of 213 victims from various ethnic groups. The UN Human Rights Council Commission of Inquiry reported that at least 1,012 people were killed in the ern regions of Moyen Cavally and Dix-Huit Montanges from December 2010 to April 24.

Following their May 3 defeat by the FRCI, Liberian mercenaries in Abidjan retreated toward the Liberian border. There were numerous reports of extrajudicial

killings committed during this time, particularly in Dabou, Irobo, and Grand-Lahou. The UN Human Rights Council Commission of Inquiry reported that retreating mercenaries killed at least 59 persons--including 46 civilians and 13 FRCI members.

The security situation in the West remained precarious, particularly along the Liberian border. On September 15, armed militiamen from Liberia reportedly killed 23 people in two villages near the Tai Forest.

### **Abductions**

There were numerous reports of disappearances, reportedly perpetrated by several groups. Security forces that supported Gbagbo and pro-Gbagbo militia groups were responsible for numerous disappearances. The majority of the disappearances involved non-Ivoirian Africans, particularly those from the neighboring countries of Burkina Faso and Mali, who were perceived to be Ouattara supporters.

For example, on February 22, in Abidjan's Hopital Militaire neighborhood, pro-Gbagbo gendarmes reportedly arrested a Malian driver and took him to an undisclosed location. The whereabouts of the driver were unknown at year's end.

On January 4, a Burkinabe farmer living in the Duekoue Antenne area disappeared. He had been previously threatened by Guere militia men, who had accused him of supporting the Malinke community and the RHDP political party. The man had informed Gbagbo authorities of the threats, but they had taken no action.

### **Physical Abuse, Punishment, and Torture**

There were credible reports that armed men, including pro-Gbagbo and FRCI security forces, raped women and girls throughout the country. In some cases it was difficult to determine the affiliation of perpetrators. The UNOCI Human Rights Division documented 46 cases of rape related to electoral violence from December 2010 to April 24. For example, on April 13, two FRCI soldiers reportedly raped a Gbagbo supporter in her home in Deahouepieu (near Danane). The perpetrators reportedly threatened the victim, vandalized her belongings, and stole FCFA 215,000 (\$430).

In early February FDS members stationed in Boyapleu purportedly raped nine women, some of whom were pregnant. One of the victims, who was two months'

pregnant, lost the baby after the rape. Another victim, a 17-year-old girl, was reportedly beaten up and raped by two FDS members, who then stole FCFA 20,000 (\$40) from her.

Security forces loyal to Gbagbo reportedly used torture. For example, on January 15, a supporter of the pro-Ouattara coalition party, the RHDP, who was previously arrested during a January 4 raid by the FDS on the headquarters of the Democratic Party of Cote d'Ivoire (PDCI), was rearrested, tortured, and sexually abused by elements of the Republican Guard.

On March 28, FDS members and Guere militia men arrested a Malinke man for allegedly hosting rebels in his home. They tied him up and beat him with machetes, sticks, and rifle butts. They detained the victim for 14 hours and demanded FCFA 200,000 (\$400) to be release him.

There were also reports of torture by the FRCI. On May 20, FRCI members in Duekoue bound a man to a tree by tying a mattress around him and then set the mattress on fire. The man was severely burned on his left arm. There were several reports that FRCI members also tortured people by dripping burning plastic bags on their bodies.

### **Child Soldiers**

There were allegations of use of child soldiers by both the FRCI and pro-Gbagbo militia during the height of the crisis; however, there was no information documenting actual practice. After Ble Goude's March 19 call for more people to fight against Ouattara supporters, hundreds of young men, including some students, reportedly sought to enroll in the army to fight "the rebels." According to UNOCI's child protection unit, there was no evidence of the use of child soldiers by the FRCI.

### **Other Conflict-related Abuses**

The postelectoral violence caused thousands to flee their homes. At its peak more than one million persons were internally displaced and 200,000 took refuge in neighboring countries, primarily in Liberia, Ghana, and Togo. In the months following Gbagbo's detention, internally displaced persons (IDPs) and refugees started to return home, but many had not returned by year's end due to lingering security concerns. As of December, 186,000 IDPs remained, primarily in the west



and southwest regions of the country, and the number of refugees in neighboring countries had dropped to approximately 160,000, the vast majority in Liberia.

Both the state-run media and pro-Gbagbo militias incited violence against the UN and UNOCI, which made it more difficult for them to carry out their peacekeeping, human rights, and humanitarian work. On January 10, a supply convoy was looted by forces loyal to Gbagbo while taking supplies to the Golf Hotel where Ouattara was under siege. On January 13 pro-Gbagbo student militants seized and burned a UN vehicle in the Riviera 2 neighborhood of Abidjan. On February 28, the Gbagbo regime also ordered the shutdown of electricity and water to the North, which impeded UN operations there. Services were restored on March 5.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, but the Gbagbo government restricted these rights in practice. Restrictions on press freedom significantly diminished under the Ouattara government.

Freedom of Speech: There were no official restrictions on the ability of individuals to speak and assemble. However, on March 3, soldiers loyal to the Gbagbo government fired on a demonstration of women in the Abobo neighborhood of Abidjan, killing seven (see section 1.g.). On October 8, an FPI rally in Koumassi, Abidjan, was attacked by unidentified individuals. On October 15, the Ouattara government prevented the FPI from holding a rally in Yopougon, Abidjan.

Freedom of Press: Several private newspapers criticized ruling and opposition parties during both the Gbagbo and Ouattara governments. Most newspapers, however, were politically aligned and sometimes resorted to fabricated stories to defame political opponents. During the postelectoral crisis the media played a major role in inflaming tensions, and newspapers backed by political parties published inflammatory editorials. Media freedoms were drastically curtailed, and journalists were harassed for reporting on the political standoff. Following Gbagbo's arrest the state-owned daily newspaper *Fraternite Matin* switched allegiance to the Ouattara government.

The 2004 Press Law prohibits the transmission of any political commentary by private radio stations. Prior to Gbagbo's capture, the National Audiovisual Communication Council (CNCA), controlled by the Gbagbo government, closely monitored Radio Nostalgie, reportedly because the major shareholders of the company were close to Ouattara. Prior to the December legislative elections, the Audiovisual Communications Authority (HACA), which had replaced the CNCA, issued a reminder of this prohibition.

The Gbagbo government exercised considerable influence over news coverage and program content of the state-run television channel RTI. The UN and other international organizations criticized Gbagbo for using the media to incite political violence and exploit ethnic tensions. Singling out RTI and the *Fraternite Matin* newspaper, the UN accused both media outlets of leading a calculated campaign of disinformation against President Ouattara and the UNOCI peace-keeping force.

RTI, which was controlled by Gbagbo loyalists during the crisis, was repeatedly targeted by Ouattara's forces and later closed following heavy damage to its headquarters and broadcasting facility. RTI reopened on August 9 and the new state broadcast regulator, HACA, stressed that safeguards were in place to prevent RTI from reprising its previously divisive role. Upon RTI's return to the airwaves, the Ouattara-controlled Television Cote d'Ivoire, which transmitted from Ouattara's headquarters at the Golf Hotel, ceased broadcasting.

Until the former president's arrest, forces loyal to Gbagbo deliberately interfered with UNOCI radio station ONUCI-FM. UNOCI, which criticized forces loyal to Gbagbo who jammed the station, continued to operate by broadcasting its programs through the Bouake radio station in the North.

The country's media regulatory agencies were politicized, and both the Gbagbo and Ouattara governments hired and fired directors according to their political leanings. In December 2010 the CNCA banned all foreign television and radio stations. On April 13, President Ouattara revoked the ban and subsequently replaced the CNCA with the HACA.

Violence and Harassment: Security forces loyal to Gbagbo and pro-Gbagbo militias harassed journalists during the postelectoral crisis, particularly pro-Ouattara journalists. For example, on March 10, security forces loyal to Gbagbo cordoned off the premises of Edipresse, the national newspaper printing and distribution company, and demanded that publications supportive of Ouattara not

be distributed. The company also decided to suspend the distribution of pro-Gbagbo dailies until the ban was lifted the following day.

Additionally, on January 28, journalists Aboubacar Sanogo and Yayoro Charles Lopez, affiliated with a newspaper backing the FN, were arrested on allegations of “rebellion” and “threatening national security” and held for 20 days at the gendarmerie’s criminal investigation department without formal charge. According to Reporters Without Borders, the journalists were mistreated by the authorities, who hit them with rifle butts and burned them with cigarettes. The journalists were moved to Abidjan’s MACA prison, still without formal charges, and remained there until March 31, when all MACA inmates were set free by unidentified armed elements.

There were instances in which pro-Gbagbo journalists reportedly faced violence and harassment from FRCI members. In April the offices of three pro-Gbagbo newspapers--*Notre Voie*, *Le Temps*, and *Le Nouveau Courrier*--were looted and forced to close. The newspapers did not resume publication until late May and early June. After it resumed publishing on June 8, *Le Temps* newspaper was suspended twice by the National Press Commission, which deemed several of its antigovernment articles as incitement to hatred and ethnic violence.

On June 4, six armed men, reported to be elements of the FRCI, arrived at the home of Serge Grah, a journalist for *Le Temps*, claiming they were looking for information. They detained Grah for 13 hours and took his computer.

The Ouattara administration ordered the arrest of three journalists from the opposition newspaper *Notre Voie* on November 24. The journalists were charged on November 29 with using the press to incite “theft and looting and the destruction of private property.” The charges were later reduced, and the three journalists were fully exonerated on December 6 in a trial that lasted less than one hour.

Although the Gbagbo government took no action against the perpetrators of violence against journalists, the Ouattara government occasionally did. For example, on July 21, the Ouattara government indicted RTI journalist Hermann Aboa on numerous charges, including inciting hatred, breach of public order, undermining national defense, and participation in an armed gang. Reporters Without Borders called for Aboa’s release from jail, alleging that the charges against Aboa were false. At year’s end Aboa was reportedly being held in

Abidjan's MACA prison. Authorities were still investigating him, a process which they said could take up to five years. No date was set for his trial.

Libel Laws/National Security: The law authorizes the government to initiate criminal libel prosecutions against officials. In addition the state may criminalize a civil libel suit at its discretion or at the request of the plaintiff. Criminal libel was punishable by three months to two years in prison.

The FN broadcast its own programming from Bouake, which included radio and television shows that were heard in towns and villages around Bouake and, according to some reports, in the political capital, Yamoussoukro. In the western part of the country, the FN broadcast on a local radio station from Man. The FN continued to allow broadcast of government television or radio programs in the former zones, but there were some reports that the FN did not allow distribution of some pro-Gbagbo newspapers.

No action was taken against FN forces that beat, harassed, and killed journalists in previous years.

### **Internet Freedom**

There were no restrictions by the Ouattara government on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet; including by e-mail. During the postelectoral crisis, however, the Ivorian Telecommunication Agency, which was controlled by Gbagbo, ordered Internet service providers to prevent access to several Web sites publishing pro-Ouattara reports. Despite the order the sites remained unblocked. The Gbagbo government also suspended all text messaging services, which were not restored until the Ouattara government assumed power.

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

The Gbagbo government restricted academic freedom. FESCI, the pro-Gbagbo militant student group created in the early 1990s, generated a climate of fear and intimidation at universities and secondary schools and regularly stopped classes, forced students to attend meetings, and threatened professors who interfered in their activities. The Gbagbo government controlled most educational facilities, and a presidential decree required authorization for all meetings on campuses. FESCI members were known to kill and torture other students, teachers, and

civilians with impunity. During the postelectoral crisis FESCI members reportedly set up roadblocks, extorted money from students and civilians, and used violence to intimidate pro-Ouattara supporters. On March 4, a group of FESCI youth reportedly raided and vandalized the residences of two politicians supportive of Ouattara.

Following the crisis the Ouattara government implemented policies that severely limited FESCI's ability to operate. Universities remained closed after the end of the crisis, and all dorm rooms were ordered vacated. In addition the government passed a decree that bans student groups from participating in national politics. Student groups are now only allowed to address student issues on university campuses.

Due to the postelectoral crisis many students were unable to attend school. The UN Office for the Coordination of Humanitarian Affairs estimated that, as a result of missed classes, 5 percent of primary school students (17,754 out of 338,354 enrolled) were not able to take the end-of-year examination. As of September schools in Moyen Cavally remained closed, including five schools reportedly occupied by FRCI elements. Most students were able to take the end-of-year high school exams; however, scores were significantly lower than in 2010. The national director for exams speculated the lower scores resulted from class interruptions during the crisis and trauma caused by the violence.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law allows for freedom of assembly. The Gbagbo regime restricted this right in practice and extended a six month renewable ban on public protests. The Ouattara government sometimes restricted freedom of assembly. For example, on October 15, the Ouattara government prevented the FPI from holding a rally in Yopougon, Abidjan. The Ouattara government allowed the ban on public demonstrations to expire. Groups that wished to hold demonstrations or rallies in stadiums or other enclosed spaces were required by law to submit a written notice to the Ministry of Security or the Ministry of Interior three days before the proposed event.

Pro-Gbagbo police dispersed antigovernment demonstrations violently several times during the postelectoral crisis (see sections 1.g. and 2.a).

The Ouattara government did not violently disperse protests; however the Ouattara government ended two FPI demonstrations, citing security reasons.

No action was taken against security force members who forcibly dispersed demonstrations in previous years.

### **Freedom of Association**

The law provides for freedom of association, and the Gbagbo and Ouattara governments generally respected this right; however, the law prohibits the formation of political parties along ethnic or religious lines, although the former was apparently a key factor in some parties' membership.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law do not provide specifically for freedom of movement, foreign travel, emigration, or repatriation. Both governments restricted freedom of movement during the year.

The Gbagbo government encouraged the deliberate targeting of UN personnel, which impeded efforts by the Office of the UN High Commissioner for Refugees (UNHCR) to protect and assist IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern during the crisis. Under the Ouattara government, cooperation with the UNHCR and other international NGOs resumed, and UN personnel were able to move freely.

In-country Movement: There were frequent restrictions on internal travel. Security forces, local civilian "self-defense" committees, and water, forestry, and customs officials and other unidentified groups reportedly erected and operated roadblocks on major roads, where they regularly extorted money from travelers. During the postelectoral crisis numerous roadblocks were erected, less for racketeering purposes than to monitor the movement of certain groups of people, particularly Economic Community of West African States (ECOWAS) nationals. Following resolution of the crisis, these roadblocks dramatically decreased;

however, reports persisted that roadblocks manned by uniformed armed men continued to be a problem in the southwestern and western regions of the country. Medical personnel in the Tai Department, one of the country's 72 local administrations, reported that patients were unable to obtain health care as a result.

Persons living under FN authority reportedly continued to face harassment and extortion when trying to travel between towns and to and from the government-controlled South. Villagers complained that these fees prevented pregnant women and other vulnerable persons from traveling to receive medical care.

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

As of December the UN's Office for the Coordination of Humanitarian Affairs reported that an estimated 186,000 IDPs who had fled their homes or villages as a result of postelectoral violence in the western part of the country and in Abidjan had not returned home. The majority of the IDPs lived with host families. In Duekoue approximately 27,000 IDPs had taken refuge in a Catholic mission outside the town at the height of the conflict; the ICRC provided tents, medical supplies, water, and latrines. At year's end approximately 1,700 IDPs (509 families) remained in the mission.

Government assistance, especially in the North and West where civil servants and infrastructure were only partially in place, did not meet the needs of these IDPs. International and local NGOs worked to fill the gap. As a result of the postelectoral crisis, there were increased reports of rape and sexual violence against female IDPs.

The Ministry of Foreign Affairs and the Ministry of Labor, Social Affairs and Solidarity, working in concert with UN agencies, took the lead on IDP matters.

The Ouattara government respected the principle of voluntary returns, but did not put laws and policies in place to protect IDPs in accordance with the UN Guiding Principles on Internal Displacement.

During the year UN agencies and local authorities continued to facilitate the steady return of IDPs. Shelter was the greatest impediment to return. Security fears also limited returns in some areas; however, returnees generally reported that they felt secure and that the FRCI was providing protection. In December the UNHCR conducted a five-day protection mission to return zones in Blolequin, Guiglo, and

Toulepleu and found that, on average, 73percent of the displaced population had returned.

### **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. The government granted refugee status and asylum.

Refugee Abuse: Defense and security officers reportedly did not honor identity documents issued to refugees by the government or by the UNHCR on some occasions. There were reports that pro-Gbagbo security forces destroyed refugees' identity documents or arbitrarily detained, verbally harassed, and beat refugees at checkpoints, particularly during the postelectoral crisis.

Access to Basic Services: Liberians made up the majority of the country's refugees, and approximately 22,500 Liberian refugees remained in the country at year's end. Those who arrived in the country before the 2003 peace agreement in Liberia benefited from group eligibility and received temporary refugee cards. Liberians who arrived in the country after the peace agreement did not receive temporary cards. Under certain circumstances some asylum seekers who were not granted refugee status by the government were provided refugee certificates by the UNHCR. The identity card law includes a provision for identity cards to be issued to non-Liberian individuals older than 14 whose refugee status has been granted by the National Eligibility Commission.

The government facilitated local integration for refugees in the most extreme situations by issuing resident permits to all refugees over the age of 14 to allow them to move freely in the country. The National Office of Identification, together with the UNHCR and the Ivoirian Refugee and the Stateless Persons Aid and Assistance Office continued to provide refugee identity cards to undocumented Liberian refugees, which allowed them to reside and work in the country legally for the duration of their refugee status. Refugees also had access to naturalization.

The UNHCR assisted with the safe, voluntary return of refugees to their homes.

Temporary Protection: The government also provided temporary protection for individuals who may not qualify as refugees under the relevant UN conventions.

### **Stateless Persons**



The scale of statelessness in the country was unclear; the UNHCR estimates ranged from a few thousand to as many as 900,000.

Ivoirian citizenship is derived from one's parents rather than by birth within the country's territory, and birth registration was not universal. The country had habitual residents who were either legally stateless or effectively stateless, and the government did not effectively implement laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. During the year the UNHCR continued to work with the Ministries of Justice and Interior to raise awareness of statelessness.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide for the right of citizens to change their government peacefully through democratic means; however, the Gbagbo government did not respect these rights.

#### **Elections and Political Participation**

Recent Elections: In October 2010 the country held its first presidential election in 10 years. Incumbent President Laurent Gbagbo, candidate of the Ivoirian People's Front (FPI), and opposition RDR party leader Alassane Ouattara advanced to the November 2010 presidential runoff. In December 2010 the Independent Electoral Commission (CEI) declared Ouattara the winner of the runoff with 54.1 percent of the vote; Gbagbo received 45.9 percent. Voter turnout was recorded at 81 percent. The UN Special Representative of the Secretary General independently certified the results of the election, determining Ouattara the winner by a margin similar to that announced by the CEI. As a result the African Union, ECOWAS, the UN, and multiple international and domestic observer teams also recognized Ouattara as the new president. Gbagbo, however, refused to accept the results, and the Constitutional Council, which was made up entirely of Gbagbo appointees, overturned the CEI ruling, citing voter "irregularities." More than 500,000 votes for Ouattara were annulled, and Gbagbo was declared the winner. Ouattara and Gbagbo remained in a standoff over the presidency and took separate oaths of office in December 2010. Gbagbo retained control of state resources including the national television station, the security forces, and the treasury.

The political stalemate plunged the country into crisis. Violence perpetrated by both sides resulted in approximately 3,000 deaths, significant population displacement, torture, sexual violence, and widespread property destruction. On March 17, President Ouattara signed a decree to unify former rebel forces, the FN and former government security forces, and the FDS into the FRCI, the country's new official army. On April 11, the FRCI--with limited assistance from UN peacekeepers and French military forces--captured Gbagbo. On May 21, President Ouattara was inaugurated.

On December 11, the country held elections for representatives to the National Assembly. The elections were peaceful and generally free and fair, despite minor administrative problems. Voter turnout was 37 percent, which was higher than the 32 percent recorded for the 2000 legislative elections.

Preliminary results indicated that President Ouattara's RDR party won a majority with 127 seats. The PDCI, a pro-Ouattara party, won 77 seats. Independents, some reported to be pro-FPI, won 35 seats. At year's end the political opposition was poised to have limited representation in the National Assembly.

Participation of Women and Minorities: Initial results indicate there were 29 women elected to the National Assembly.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption. In prior years, the government did not implement the law effectively, and officials reportedly frequently engaged in corrupt practices with impunity. Corruption had the greatest impact on judicial proceedings, contract awards, customs and tax matters, and accountability of the security forces. President Ouattara vowed to reverse corrupt practices in the government and asked all ministers in August to sign a code of ethics.

The 22 cocoa and coffee industry officials arrested in 2008 for allegedly embezzling FCFA 100 billion (\$200 million) were released on bail in January. A trial date was set for January 2012.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of international and domestic human rights groups reported harassment from security forces loyal to former President Gbagbo during the postelectoral crisis.

UN and Other International Bodies: During the postelectoral crisis security forces loyal to Gbagbo harassed human rights groups, targeted UN personnel and denigrated their work, restricted UN access to certain areas, and obstructed UNOCI human rights investigators in their efforts to investigate abuses (see section 1.g.).

Under the Ouattara government, UNOCI and independent human rights groups gathered evidence and testimony on human rights cases, published information in reports and in independent local daily newspapers, and criticized government security forces. The government regularly permitted the World Food Program, the ICRC, and other international organizations to conduct humanitarian operations. Eleven UN agencies, including the International Labor Organization and the World Health Organization, were resident and active throughout the year.

No cases were opened against perpetrators who threatened and harassed members of human rights organizations in this or previous years.

Government Human Rights Bodies: To address the human rights abuses committed during the postelectoral crisis, the Ouattara government established the DTRC, a national COI, and a Special Prosecution Cell within the Ministry of Justice. The DTRC was established as an independent commission composed of three vice-chairpersons and seven representative members: one representative for the traditional chiefs, two religious leaders (Catholic and Muslim), five representatives of the country's main regions (South, North, Center, East, and West), one representative of African foreign nationals residing in Cote d'Ivoire, and one representative of the Ivoirian Diaspora. The COI, officially established under the Ministry of Human Rights, received a six-month mandate to conduct investigations. The Ministry of Justice planned to work with both the DTRC and COI, through its Special Prosecution Cell, which also was established to investigate crimes committed during the postelectoral crisis. The Ouattara government was supportive of the reconciliation process and devoted resources to the COI and the Special Prosecution Cell; however, the work of these institutions, particularly the DTRC, remained in the initial stages and little progress was made during the year to address impunity for abuses committed during the postelectoral crisis by year's end. The extent of public trust in the institutions was minimal due to the lack of concrete progress.

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

The law prohibits discrimination based on race, ethnicity, national origin, gender, or religion; however, neither the Gbagbo nor Ouattara governments effectively enforced the law.

### Women

Rape and Domestic Violence: The law prohibits rape and provides for prison terms of five to 20 years for perpetrators; however, the Gbagbo and Ouattara governments did not enforce this law in practice, and rape was reportedly widespread. 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. The law does not specifically penalize spousal rape.

Women who reported rape or domestic violence to the police were often ignored. Many female victims were convinced by their relatives and police to seek an amicable resolution with the rapist rather than pursue a legal case.

On November 27, a 14-year-old girl was raped by her visiting uncle. The girl's father reported the assault to the police but was told he had to pay FCFA 30,000 (\$60) for a medical examination to open an investigation; he was unable to pay. He was killed by his daughter's rapist when he confronted him. Police arrested the rapist in Daoukro and transferred him to the court in Bongouanou, where his trial continued at year's end.

There were continued reports of unidentified highway bandits raping and sexually assaulting women in the western part of the country. Violence against women, including rape, increased during the postelectoral crisis (see section 1.g.).

The law does not specifically outlaw domestic violence, and it was a serious and widespread problem. Domestic violence complaints remained minimal, and many victims' parents reportedly urged withdrawal of a complaint because of the fear of social stigma.

During the year the Ministry of Family and Social Affairs provided limited assistance to victims of domestic violence and rape. The ministry provided government-operated counseling centers, and ministry officials visited some victims in their homes.

The National Committee to Fight Violence Against Women and Children monitored abusive situations through frequent home visits and made weekly radio announcements of cell phone numbers for victims to call.

Harmful Traditional Practices: Other forms of societal violence against women included traditional practices such as dowry deaths (the killing of brides over dowry disputes), levirat (forcing a widow to marry her dead husband's brother), and sororat (forcing a woman to marry her dead sister's husband). The Gbagbo and Ouattara governments held awareness-raising seminars on sexual violence for judicial and security personnel.

Sexual Harassment: The law prohibits sexual harassment and prescribes penalties of between one and three years of imprisonment and a fine ranging between FCFA 360,000 and one million (\$720 to \$2,000). However, the Gbagbo and Ouattara governments rarely enforced the law, and such harassment was reportedly widespread and routinely accepted as a cultural norm.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children. In urban areas access to contraception and skilled attendance during childbirth were available to women who could afford it. For women who were poor or lived in rural areas transportation and the cost of services posed significant barriers in accessing health centers and hospitals. Furthermore, threats or perceived threats of violence from husbands or family members also inhibited some women from seeking family planning or health services.

Discrimination: The law prohibits discrimination on the basis of gender; however, women experienced economic discrimination in access to employment, credit, and owning or managing businesses. Gbagbo and Ouattara government policy encouraged full participation by women in social and economic life; however, there was resistance among employers in the formal sector to hiring women. Some women also encountered difficulty in obtaining loans, as they could not meet the lending criteria.

Women in the formal sector usually were paid at the same rate as men; however, because the tax code did not recognize women as heads of households, female workers were required to pay income tax at a higher rate than their male counterparts. Women's organizations continued to campaign for tax reform to enable single mothers whose children were recognized by their fathers to receive deductions for their children. Inheritance law also discriminated against women.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. They also campaigned against legal provisions that discriminated against women and continued their efforts to promote greater participation of women in national and local politics.

## **Children**

Birth Registration: Citizenship is derived from one's parents: at least one parent must be a citizen for a child to be considered Ivoirian at birth. The law provides parents a three-month period to register their child's birth for a fee of FCFA 500 (\$1). The government registered all births when parents submitted documentation from a health clinic or hospital attesting that a birth had occurred. However, persons without proper identification documents could not register births. The government did not officially deny public services such as education or health care to children without documents; however, some schools reportedly required parents to present children's identity documents before they could be enrolled.

Education: Primary education was not compulsory and usually ended when children reached 13 years of age; however, it was tuition free. In principle students did not have to pay for books or fees; however, some still reportedly did so or rented books from street stalls because the government did not cover school fees and books for every student. Students who failed secondary school entrance exams did not qualify for free secondary education, and many families could not afford to pay for schooling.

Parental preference for educating boys rather than girls reportedly persisted, particularly in rural areas.

Teachers sometimes reportedly demanded sexual favors from students in exchange for money or grades. The penalty for statutory rape or attempted rape of a child under the age of 16 is a prison sentence of one to three years and a fine of FCFA 100,000 to one million (\$200 to \$2,000).

Child Abuse: Children were victims of physical and sexual violence and abuse. Claims of child rape were often reclassified as indecent assault. Between January and August, only three cases of indecent assault reportedly came before the court of Abidjan. Children accused of practicing witchcraft were placed in the care of pastors, who sometimes reportedly used violence to exorcize them. Although the

Ministries of Family, Labor, and Justice worked to fight child abuse, a lack of coordination among ministries and inadequate resources impeded government efforts.

Harmful Traditional Practices: FGM was reportedly a serious problem in some parts of the country. The law specifically forbids FGM and provides penalties for practitioners of up to five years' imprisonment and fines of FCFA 360,000 to two million (\$720 to \$4,000). Double penalties apply to medical practitioners. FGM was practiced most frequently among rural populations in the North and West. Local NGOs continued public awareness programs to prevent FGM and worked to persuade practitioners to stop the practice. However, authorities made few arrests related to FGM during the year, and practitioners were rarely charged.

Child Marriage: The law prohibits the marriage of men under the age of 20 and women under the age of 18 without the consent of their parents. The law specifically penalizes anyone who forces a minor under 18 years of age to enter a religious or customary matrimonial union. However, in conservative communities--particularly those in the North--traditional marriages were reportedly performed with girls as young as 14. In December the Ministry of Family, Women, and Children organized awareness-raising and sensitization activities against child marriage in Divo, in the northern part of the country.

Sexual Exploitation of Children: The minimum age of consensual sex is 18. Under the law, using, recruiting, or offering children for prostitution, or for pornographic films, pictures, or events is illegal, and violators can receive sentences ranging from one month to two years' imprisonment as well as fines of FCFA 30,000 to 300,000 (\$60 to \$600). Statutory rape of a minor carries a punishment of one to three years in prison and a fine of FCFA 360,000 to one million (\$720 to \$2,000). Cote d'Ivoire is a country of origin and destination for children subjected to trafficking in persons, specifically forced prostitution.

Child Soldiers: There were allegations of the use of child soldiers by both the FRCI and pro-Gbagbo militias during the postelectoral crisis; however, there was no credible information documenting actual practice (see section 1.g.).

Displaced Children: Local NGOs reported that there were thousands of children living on the streets across the country. NGOs dedicated to helping these children found it difficult to estimate the extent of the problem or to determine whether these children had access to government services. There were no known

government programs that addressed specifically the problem of children living on the streets.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **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](http://www.state.gov/j/tip).

### **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. However, wheelchair-accessible facilities for such individuals were not common, and there were few training and job assistance programs for persons with disabilities. The law also prohibits acts of violence against persons with disabilities and the abandonment of such persons; however, there were no reports that either the Gbagbo or Ouattara governments enforced these laws during the year.

There were no reports during the year that persons with disabilities were specific targets of abuse, but they reportedly encountered serious discrimination in employment and education. The government reserved 800 civil service jobs for persons with disabilities; however, in practice government employers sometimes refused to employ persons with disabilities.

The government financially supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many such persons begged on urban streets and in commercial zones for lack of other economic opportunities. Persons with mental disabilities often lived on the street.



The Ministry of Family and Social Affairs and the Federation of the Handicapped are responsible for protecting the rights of persons with disabilities.

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

The country has an ethnically diverse population, with more than 60 ethnic groups. Groups sometimes practiced societal discrimination against others on the basis of ethnicity. Approximately 25 percent of the population was considered foreign, although many within this category were second- or third-generation residents. Outdated or inadequate land ownership laws reportedly resulted in conflicts with ethnic and xenophobic overtones, often between the native populations and other groups.

Police routinely abused and harassed non-Ivoirian Africans residing in the country and occasionally harassed Lebanese merchants. Harassment by officials reflected the common belief that foreigners were responsible for high crime rates and identity card fraud.

In the postelectoral period, security forces loyal to Gbagbo systematically harassed and targeted persons with northern or Muslim names. Several incidents of ethnic violence resulted in deaths and injuries (see section 1.g.).

Ethnic tensions in the West and Southwest continued to lead to violence. In the West, and in Duekoue and Bangolo in particular, there continued to be reports of violent clashes between the native population and members of the foreign community, particularly Burkinabe farmers. These reports declined in the second half of the year.

The law prohibits xenophobia, racism, and tribalism, making these forms of intolerance punishable by five to 10 years' imprisonment. No one was prosecuted under the law during the year.

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

Although there is no explicit law prohibiting same-sex sexual activity, public indecency with a same-sex partner is illegal. There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal stigmatization of the LGBT

community was reportedly widespread, and the government did not act to counter it during the year.

Gay men were reportedly subjected to beatings, imprisonment, verbal abuse, humiliation, and extortion by police, gendarmes, and members of the armed forces. During the year the FRCI reportedly beat and abused gay men and transgender persons, most of them sex workers. Complaints were not filed for fear of reprisals.

The situation of the LGBT community reportedly improved after the postelectoral crisis but remained precarious. The few LGBT organizations in the country operated with caution to avoid being targeted by the FRCI and former FDS members. However, newspapers reported favorably on a New Year's Eve party held by a group of lesbians in Abidjan.

### **Other Societal Violence or Discrimination**

Societal stigmatization of persons living with HIV/AIDS was widespread, disproportionately affecting women due to gender inequity and economic vulnerability.

### **Promotion of Acts of Discrimination**

From the November 28, 2010, presidential runoff to Gbagbo's April 11 capture, the UN and international organizations criticized the former president for using the state-controlled media to incite political violence and promote ethnic tension. Pro-Gbagbo dailies, such as *Notre Voie* and *Le Temps*, were also cited as promoting and inciting ethnic and racist violence, particularly against Burkinabe and other foreign nationals living in the country (see section 2.a.).

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form or join unions of their choice, protects the right to strike and collectively bargain, and prohibits antiunion discrimination by employers or others against union members or organizers. Under the labor law, employers cannot fire workers for union activities. The law provides for the reinstatement for a dismissed worker within eight days following the receipt of a wrongful dismissal claim by the employer. However, the law does not permit members of the police and military services to form or join unions, or

collectively bargain. The law further 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. In addition if the strike is deemed a threat to public order, the president has broad powers to compel strikers to return to work under threat of sanctions, and to submit strikes in essential services to arbitration, but the labor code does not provide a list of such services.

Only a small percentage of the workforce was organized, and most laborers worked in the informal sector, which included small farms, small roadside and street shops, and urban workshops. However, large industrial farms and some trades were organized, and there was an agricultural workers union. The law allows unions in the formal sector to conduct their activities without interference, and the government protected this right in practice, with some reported exceptions.

Although the political crisis prevented the full exercise of trade unions rights, there were no reports of strike breaking during the year.

Collective bargaining agreements apply to all employees and were in effect in many major business enterprises and sectors of the civil service. For a collective bargaining agreement to be initiated by a union, 30 percent of workers must be represented before bargaining can begin. The number of collective bargaining agreements reached during the year was unknown.

The Ministry of Labor, Social Affairs, and Solidarity did not report any complaints of antiunion discrimination and employer interference in union functions during the year. However, there was at least one case of harassment against union members during the postelectoral crisis, although it was unclear whether action by police was an act of antiunion discrimination. On April 26, Basile Mahan Gahe, secretary general of Dignite Labor Confederation and a Gbagbo supporter, was arrested and detained at the city of Williamsville police station. On June 29, Gahe was transferred from the police station to the Pergola Hotel, where he was held under house arrest. On July 9, Gahe was sent to the prison of Boundiali in the North and accused of national security related infractions. Investigation continued at year's end, and he remained in pretrial detention in Boundiali. The union's office was looted, and the other members went into hiding.

Absent reciprocal union agreements, foreigners are required to obtain residency status, which takes three years, before they may hold union office.

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

The law prohibits forced or compulsory labor, including by children, and the government made efforts to enforce the law during the second half of the year. On November 3, the Ouattara government established the National Committee for the Monitoring of Actions for the Fight against Trafficking, Forced Labor and Child Labor, which is chaired by the first lady and responsible for the follow-up and assessment of government actions on these issues. The government also set up an interministerial committee for the fight against trafficking, forced labor and child labor under the prime minister to coordinate and implement programs on the elimination of child labor. However, despite these efforts, forced or compulsory labor by children continued to occur, specifically on cocoa, coffee, pineapple, and rubber plantations.

Instances of forced labor reportedly occurred in the unregulated informal labor sectors. Thus, domestics, most nonindustrial farm laborers, and those who worked in street shops and restaurants remained outside formal government protection. Forced adult labor reportedly occurred in small-scale and commercial production of agricultural products. There were reports of forced adult labor practices in rubber production, primarily in the form of long hours and low pay for workers who lived in conditions of effective indenture.

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

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

There were laws against forced labor and the exploitation of children in the workplace; however, child labor reportedly remained a widespread problem, particularly in cocoa and coffee plantations, and gold mines. In most instances the legal minimum working age is 14; however, the Ministry of Civil Service and Administrative Reform and the Ministry of Labor, Social Affairs, and Solidarity enforced this provision effectively only in the civil service and in large multinational companies. Children were not allowed to work between 7 p.m. and 6 a.m. They reportedly routinely worked on family farms or as vendors, shoe shiners, errand boys, domestic helpers, street restaurant vendors, and car watchers and washers in the informal sector in cities. Some girls as young as nine reportedly worked as domestic servants, often within their extended family networks.

In September 2010 the government passed a law banning child trafficking and the worst forms of child labor. The punishment for violating the law includes a prison term of up to 5 years, and a fine from FCFA 500,000 to one million (\$1,000 to \$2,000). Children reportedly continued to work under hazardous conditions on cocoa farms. A Tulane University survey published in 2009 found that 24.1 percent of children between the ages of five and 17 in the cocoa-growing regions had worked on a cocoa farm in the previous 12 months. The survey showed that a number of these children were involved in or exposed to hazardous conditions, including operating tools (93.9 percent) and carrying heavy loads (79.8 percent). Similar hazardous conditions reportedly existed during the year. A small percentage of the children working on cocoa farms had no family ties to the farmers, but most worked on family farms or with their parents.

In June 2010 the government created an Independent Office for the Fight against Child Labor. In 2009 the government launched a new program addressing child labor in cocoa-growing areas. The program focused on decreasing poverty and thereby decreasing child labor by ensuring that each village had a primary school, health clinic, and income-generating activities to supplement cocoa income. The program included sensitization of parents to the importance of children attending school and the dangers associated with child labor. In 2009 the government began to implement the program in 10 villages and selected 20 more villages for participation. During the year the government completed 15 projects, and construction continued on an additional five projects. The remaining 10 were scheduled for completion by July 2012. The Ouattara government relaunched these efforts within the framework of its self-help village program in June. By year's end they had reached 10 new villages.

The Ministry of Labor, Social Affairs, and Solidarity was responsible for enforcing child labor laws and made progress during the year in addressing the worst forms of child labor. On November 3, the government established the National Committee to Monitor Actions for the fight against trafficking, forced labor, and child labor, which was chaired by the first lady and responsible for the follow up and assessment of government actions on these issues. The government also set up an interministerial committee for the fight against trafficking, forced labor, and child labor under the prime minister to coordinate and implement programs on the elimination of child labor. While enforcement of child labor laws continued to be hindered by financial constraints and the postelectoral crisis, which prevented the ministry from holding scheduled training programs for judges and labor inspectors on the enforcement of child labor law and from organizing national sensitization campaigns, there were indications that government efforts, along with those of its

international partners, had a positive effect towards decreasing the worst forms of child labor.

The Ministry of Labor, Social Affairs, and Solidarity and the prime minister's Child Labor Task Force supported and collaborated with NGOs and international partners to combat the worst forms of child labor. As part of the World Day against Child Labor in June, the government emphasized ending hazardous child labor on cocoa farms. On July 28, First Lady Dominique Ouattara announced a partnership between the Child Labor Task Force and her NGO, Children of Africa, to fight against the worst forms of child labor. The task force continued to implement a national action plan to combat child labor and trafficking in persons. Nine government ministries were involved in the effort. The Ministry of Family and Social Affairs conducted awareness campaigns targeting children at risk and agricultural regions that employ child labor, working in coordination with several international NGOs.

During the year NGOs conducted campaigns to sensitize farm families about child labor based on the list developed by the government of prohibited worst forms of child labor. The association of domestic worker placement in the country worked to prevent the exploitation of children in domestic work. Other NGOs campaigned against child trafficking, child labor, and the sexual abuse of children.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <http://www.dol.gov/ilab/programs/ocft/tda.htm>

#### **d. Acceptable Conditions of Work**

Minimum wages varied according to occupation, with the lowest set at FCFA 36,607 (\$73) per month for the industrial sector; a slightly higher minimum wage rate applied for construction work. The official estimate for the poverty income level is between FCFA 500 (\$1) and FCFA 700 (\$1.40) a day. The government enforced the minimum wage rates only for salaried workers employed by the government or registered with the social security office. Labor federations attempted to fight for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated among classes of workers, such as local and foreign workers.

Under Gbagbo and Ouattara, no government action was reportedly taken to rectify the large salary discrepancies between expatriate non-African employees and their African colleagues who were employed by the same company.

The standard legal workweek was 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 provides for occupational safety and health standards in the formal sector. Workers in the formal sector had the right to remove themselves from dangerous work without jeopardy to continued employment by utilizing the Ministry of Labor, Social Affairs, and Solidarity's inspection system to document dangerous working conditions. Despite the law workers in both the formal and informal sectors could not absent themselves from such labor without risking the loss of their employment. Labor laws covered neither foreign migrant workers nor citizen workers working in the informal labor sector.

The government did not effectively enforce either the law or the standards, particularly in the large informal sector of the economy. The 300 labor inspectors reportedly accepted bribes. The labor law provides for the establishment of a committee of occupational, safety, and health representatives responsible for ensuring protection and worker health at workplaces. The committee is composed of union members. The chairman of the committee could pass a violation for unhealthy and unsafe working conditions to the labor inspector without penalty. Further, the enterprises are obliged by law to provide medical services for their employees. However, small firms and businesses in the informal sector frequently did not comply.

The Ministry of Labor, Social Affairs, and Solidarity was responsible for enforcing the minimum wage. Labor unions contributed to effective implementation of the minimum salary requirements in the formal sector.

The standard workweek was 40 hours. The law requires overtime compensation for additional hours and provides for at least 24-hour rest period per week. The law does not prohibit compulsory overtime. The law also provides for regulations on occupational, safety, and health standards in the workplaces. The government did not enforce occupational, safety and health standards effectively in the informal sector. Several million foreign workers, mostly from neighboring countries, typically worked in the informal labor sector, where labor laws were not enforced.