



In its last Universal Periodic Review in December 2009, Cote d'Ivoire received three recommendations specific to human rights defenders (HRDs). While Cote d'Ivoire committed to investigate and prosecute violations against HRDs, two recommendations asking Cote d'Ivoire to invite the African Commission and United Nations Special Rapporteurs on HRDs were left with no response. More generally, Cote d'Ivoire accepted recommendations regarding cooperation with civil society, agreeing to ensure NGO participation in the UPR process at a domestic level. However, Cote d'Ivoire has not translated all these recommendations into concrete actions.

1. Risks facing human rights defenders

- According to Frontline Defenders, HRDs in Cote d'Ivoire operate in the context of a State in transition, having recently emerged from significant conflict and currently undergoing a difficult reconciliation process. This context 'has created a climate of insecurity for human rights defenders and an environment where attacks and violence have remained unpunished.'¹
- Most particularly, 'a constant increase of threats and instances of intimidation against HRDs' after the presidential elections in 2010 was reported, including a dozen cases of threats, arrests or intimidations of HRDs and journalists in early 2011.²
- Numerous cases of violations of freedom of expression after the post-electoral crisis have also been reported, including 12 cases of harassment and arrests of journalists in 2011 and 2012, which led to a certain 'auto-censorship' from journalists, in fear of reprisals.³
- According to Frontline, 'some media have also contributed to creating a climate of intimidation against HRDs. For example, the newspaper Notre Voie published an article in 2011 stigmatising HRDs, portraying them as members of the opposition and accusing them of invoking a military intervention in Cote d'Ivoire.'⁴

2. Official restrictions on the space for human rights defenders

- 'The government recently decriminalised press offences. However, no steps have so far been taken to harmonise the Penal Code with the decision on decriminalisation. As a result, journalists and human rights defenders remain exposed to the risk of prosecution.'⁵
- The US State Department reports restrictions on press freedom. For example, 'there were reports that several reporters were subjected to intimidation and harassment', the National Press Council accusing them of publishing false information, or information perceived to threaten state security. In 2012 'authorities suspended several newspapers and journalists for "baseless accusations", "slander", and "questioning the honour of the president"'. In addition, 'the law prohibits... insulting the head of state or other senior members of the government', a provision that could be subject to restrictive interpretation, including limiting the freedom of expression of HRDs.⁶
- In its concluding observations on Cote d'Ivoire at the 52nd ordinary session, the African Commission remained 'preoccupied by... the inexistence of specific laws regarding the protection of HRDs' and recommended that Cote d'Ivoire 'implements appropriate legislative measures to ensure the protection of HRDs'.⁷

3. Intimidation and reprisals against defenders accessing international human rights mechanisms

- There is little information available on this point. However, it is possible that the risks of prosecution outlined above, faced by journalists and HRDs, dissuade them from engaging in international mechanisms.

4. Human rights defenders facing particular risks

- According to the West African Human Rights Defenders Network, 'women human rights defenders enjoy the same freedom of association as men, but face obstacles related to gender-based violence. The idea that women belong at home is still very strong, and many do not accept women's engagement in the promotion and protection of human rights. To this we need to add the ignorance of their rights which penalise women defenders in Cote d'Ivoire very much.'⁸
- The inadequate response of Ivorian authorities to a series of attacks against LGBTI-rights organisation Alternative-Cote d'Ivoire, in January 2014, has raised fears that this group of activists is particularly under-

protected. Organisation member Claver Touré described how, as a mob of 200 people attacked the organisation's office, security forces reacted only belatedly.⁹ Mr Touré's home was attacked the same week. Matthew Thomann, a renowned anthropologist who has worked extensively with Abidjan's gay community, asserts that 'there are high levels of impunity for attacks such as those experienced by Mr Touré and Alternative.'¹⁰ Although Cote d'Ivoire does not explicitly outlaw homosexual acts, sexual minorities report periodic harassment from security forces and the general population.¹¹ Moreover, there is no legal protection against discrimination based on sexual orientation.¹²

5. The response of the State regarding the protection of human rights defenders

- Cote d'Ivoire voted in favour of Resolution 24/24 adopted by the Human Rights Council in September 2013, which is aimed at preventing and sanctioning acts of intimidation and reprisals against those cooperating with human rights mechanisms.
- The Ivorian Council of Ministers adopted on 4 September 2013 a 'draft law regarding the promotion and protection of Human Rights Defenders. The purpose of this adopted draft law is to determine the rights and duties of HRDs, as well as the State obligations in its mission aimed at guaranteeing the respect for human rights. The government intends to facilitate the work conditions of HRDs.'¹³ This law is a positive development as, for the first time, it does not establish restrictions or regulations for NGOs. It is based upon the implementation of the UN Human Rights Defenders Declaration at the domestic level. It includes provisions about protection against reprisals related to human rights activities, about the specific protection needs of women defenders, and includes a final provision affirming that this law shall be interpreted exclusively in favour of HRDs, and not against them. However, this law remains to be adopted by Parliament, and is for the time being at the draft stage.

6. Recommendations to the Government of Cote d'Ivoire

- The government should invite the UN and African Commission Special Rapporteurs on HRDs to undertake missions to the country.
- The government should harmonise the Penal Code with the decision to decriminalise press offences, so that journalists and HRDs are protected against the risks of prosecution.
- The Parliament should adopt the draft law on the promotion and protection of HRDs, ensuring continued civil society participation in its implementation.
- Authorities should make public statements recognising the important role of HRDs in order to legitimise their work and create an environment which prevents attacks against them.
- Authorities must ensure that security forces provide effective protection of HRDs, and that the judicial system guarantees the investigation and prosecution of the authors of any attacks.
- Authorities should take steps to mitigate the additional risks facing women HRDs and defenders of LGBTI rights: publically recognising their work, consulting these communities on their specific protection needs, and guaranteeing a speedy response to any aggressions they might suffer.

The adoption by the Ivorian Council of Ministers of the draft law regarding the promotion and protection of HRDs represents a key step in advancing the situation of HRDs in Cote d'Ivoire. However, the Ivorian government and Parliament still have to implement all these apparent efforts in practice, so that a fully safe and enabling environment for HRDs in Cote d'Ivoire is ensured.

¹ <http://www.frontlinedefenders.org/cote-d-ivoire>

² <http://www.frontlinedefenders.org/node/14451>

³ <http://lidho.org/Document/LIDHO%20RAPPORT%20fin.pdf>

⁴ <http://www.frontlinedefenders.org/node/14451>

⁵ <http://www.frontlinedefenders.org/cote-d-ivoire>

⁶ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204112>

⁷ http://www.achpr.org/files/sessions/52nd/conc-obs/1-1994-2012/cbservations_conclusives_cote_divoire.pdf

⁸ <http://westafricadefenders.org/2010/05/rapport-periodique-cote-divoire/>

⁹ <http://www.amnesty.org/en/news/cote-d-ivoire-homophobic-attacks-2014-01-29>

¹⁰ http://www.washingtonpost.com/world/africa/ivory-coast-mob-attacks-gay-rights-group-office/2014/01/27/4bcdd5d6-8750-11e3-a760-a86415d0944d_story.html

¹¹ http://www.huffingtonpost.com/2014/01/27/ivory-coast-gay-attack- n_4673673.html

¹² <http://www.ishr.ch/news/former-ishr-trainee-suffers-attacks-and-death-threats-cote-divoire>

¹³ http://www.gouv.ci/conseil_print_1.php?recordID=173