



COALITION IVOIRIENNE DES DÉFENSEURS DES DROITS HUMAINS  
IVORIAN COALITION OF HUMAN RIGHTS DEFENDERS



Republic of Côte d'Ivoire

Joint Submission to the UN Universal Periodic Review

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Submission by CIVICUS: World Alliance for Citizen Participation, NGO in  
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And

The Coalition Ivoirienne des Défenseurs des droits Humains (CIDDH)

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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 170 countries.
- 1.2 The Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDDH) is a coalition of national CSOs in Côte d'Ivoire that was formed in 2004. Its main objective is to promote and protect the rights of human rights defenders (HRDs). It does this by raising awareness and increasing the capacity of HRDs to make use of protection mechanisms. It also advocates with regional and international mechanisms for better protection of human rights defenders.
- 1.3 In this document, CIVICUS and CIDDDH examine the Government of the Republic of Côte d'Ivoire's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Côte d'Ivoire's fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on HRDs, since its previous UPR examination on 29 April 2014. To this end, we assess Côte d'Ivoire's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide action-orientated follow-up recommendations.
- 1.4 During the 2<sup>nd</sup> UPR cycle, the Government of Côte d'Ivoire received 32 recommendations relating to the space for civil society (civic space). Of these recommendations, 21 were accepted and 11 were noted. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Côte d'Ivoire has not implemented most of the recommendations relating to civic space. While the government has made some efforts to address restrictions on civic space since its last UPR examination, including the promulgation of a law on HRDs, a decree on its implementation and the annulment of a restrictive audio-visual media bill, implementation gaps exist with regard to the rights to the freedoms of association, peaceful assembly and expression, and the treatment of some HRDs.
- 1.5 While recognising that significant challenges persist, there have been some major improvements in the environment for CSOs and HRDs since the end of the conflict that engulfed the country from 1999 to 2011. Since elections were held in 2010 and 2015, Côte d'Ivoire has made great strides in easing restrictions on civic space as it continues to recover from the conflict. However periodic unrest in the military threatens to destabilise the country and when such unrest occurs, the response of the government can have negative ramifications on the fundamental freedoms of citizens.

- 1.6** CIVICUS and CIDDH are deeply concerned by attacks on the freedom of association, including break-ins at the premises of organisations working to protect and promote human rights. The break-ins, mostly perpetrated by unidentified individuals, are aimed at intimidating organisations working on human rights issues and forcing them to either self-censor or close down.
- 1.7** CIVICUS and CIDDH are also alarmed by the regular targeting of journalists, restrictions on the media and the violent repression of peaceful protests despite constitutional guarantees. Journalists have been targeted for writing about representatives of the state and government actions while peaceful protests by citizens raising concerns over issues that affect them have been violently repressed. For the period under review, Ivorians experienced a range of unwarranted restrictions on the freedom of expression and peaceful assembly ahead of politically sensitive events, including elections and a referendum to amend the constitution.
- 1.8** As a result of these issues, civic space in Côte d’Ivoire is rated as ‘obstructed’ by the CIVICUS Monitor, indicating serious limitations in civil society’s fundamental rights.<sup>1</sup>
- Section 2 of this submission examines Côte d’Ivoire’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
  - Section 3 examines Côte d’Ivoire’s implementation of UPR recommendations and compliance with international human rights standards relating to the protection of HRDs, civil society activists and journalists.
  - Section 4 examines Côte d’Ivoire’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
  - Section 5 examines Côte d’Ivoire’s implementation of UPR recommendations and compliance with international human rights standards relating to the freedom of peaceful assembly.
  - Section 6 makes a number of recommendations to address the concerns raised.

## **2. Freedom of association**

- 2.1** During Côte d’Ivoire’s examination under the 2<sup>nd</sup> UPR cycle, the government received five recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to guarantee the right to take measures to enlarge the space for civil society. Of the recommendations received, the government accepted three and noted two. However, the government has not implemented any of these recommendations.

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<sup>1</sup> CIVICUS Monitor: Côte d’Ivoire, <https://monitor.civicus.org/country/cote-divoire>.

- 2.2** Article 20 of the Constitution of Côte d'Ivoire guarantees the right to the freedom of association. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Côte d'Ivoire is a state party, also guarantees the freedom of association. However, despite these commitments, the government has not taken adequate steps to ensure that CSOs are protected from attacks and has not provided adequate responses when the premises of human rights organisations have been broken into.
- 2.3** On the weekend of 23 and 24 June 2018 the headquarters of CIDDH were broken into by unidentified individuals. Staff of the organisation only discovered that there had been a burglary on the morning of 25 June 2018 when the Coordinator went to the office to start her working week. The burglars stole computers and other equipment, destroyed the doors, opened files and ransacked the offices used by the Coordinator. The incident was reported to the police who carried out an initial investigation at the premises. The police later opened a case and a fuller investigation is under way. At the time of writing, no findings had been disclosed by the police. Offices of human rights organisations have been broken into in the past and the failure of the police to bring the perpetrators to justice emboldens others to do the same.
- 2.4** On 24 October 2015 the office of Club African Union, Ivory Coast (CLUB UA-CI), a CSO, was broken into by unknown individuals. Property in the office was damaged and computers and documents were stolen.<sup>2</sup> CLUB UA-CI was established in 1998 to highlight pan-African ideals among CSOs, promote human rights and youth development and address challenges caused by high levels of poverty.<sup>3</sup>
- 2.5** Before the burglary at CLUB UA-CI, on 13 October 2015, another CSO, the Réseau d'Action Sur les Armes Légères en Afrique de l'Ouest (RASALAO-CI), was broken into by unidentified individuals. Laptops, hard drives and other equipment were stolen. RASALAO-CI is a coalition of CSOs created in 2007 to promote peace, human rights, human security and development in Côte d'Ivoire.<sup>4</sup>
- 2.6** On 20 May 2015, the offices of the Mouvement Ivoirien des Droits Humain (MIDH), a human rights organisation, were broken into in the economic capital, Abidjan. A computer containing information on human rights challenges and details of MIDH staff was stolen, along with 250,000 FCFA (approximately US\$450). The break-in happened after MIDH released information about the exploitation of workers and the

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<sup>2</sup> 'Côte d'Ivoire : The CIDDH concerned about a series of burglaries on organisations promoting human rights', Ivorian Coalition of Human Rights Defenders, 4 November 2016, <http://ci-ddh.org/2016/11/divoire-the-odds-ciddh-CONCERNED-a-series-of-burglaries-of-seats-dorganisations-promotion-of-human-rights.fr/?lang=en>.

<sup>3</sup> 'Club Union africaine - Côte d'Ivoire (UACI)', Peace Insight, <https://www.peaceinsight.org/fr/conflicts/ivory-coast/peacebuilding-organisations/uaci>.

<sup>4</sup> 'Réseau d'Action Sur les Armes Légères en Afrique de l'Ouest, section Côte d'Ivoire', Réseau Africain Francophone sur les Armes Légères, <http://reseau-rafal.org/node/111>.

illegal sale of cocoa in the Mont Peko area.<sup>5</sup> MIDH is a human rights organisation established in 2000 in the aftermath of the military takeover that followed the coup d'état in 1999. It was created to strengthen the promotion and defence of human rights and has more than 300 members.<sup>6</sup>

2.7 Before that, on 15 May 2015, the premises of human rights organisation Actions pour la protection des droits de l'homme (APDH) was broken into and several computers were stolen. APDH had experienced an earlier burglary on 2 March 2015 after it had published a report on transitional justice. APDH was established to defend, protect and promote human rights in line with international standards, propose laws on the protection of human rights and ensure that they are implemented.<sup>7</sup>

### 3. Harassment, intimidation and attacks against human rights defenders and civil society activists

3.1 Under Côte d'Ivoire's previous UPR examination, the government received eight recommendations on the protection of HRDs and civil society representatives. The government committed to several relevant recommendations including "swiftly adopting the law on the protection of human rights defenders by the parliament and its immediate implementation." The government also agreed to "effectively investigate and prosecute crimes and violations against human rights defenders and journalists." Of the recommendations, six were accepted and two were noted. However, as examined in this section, the government has failed to operationalise most of these recommendations effectively, and has fully implemented only one.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure protection to HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. In addition, on 11 June 2014, Côte d'Ivoire became the first African country to adopt a Law on the Protection of Human Rights defenders. The authorities followed this up with the adoption of an Implementation Decree in February 2017. The Law recognises the threats faced by HRDs, the protection they need and the work of women HRDs. It recognises the right of HRDs to the freedom of expression and the right to form associations, access resources and submit information to international human rights bodies. It highlights the obligations of states to protect HRDs and their families and to investigate and bring to justice perpetrators of human rights violations. The promulgation of the law was a landmark for an African country and a major achievement for HRDs. In addition,

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<sup>5</sup> 'Burglaries seat APDH and MIDH/Joint statement CIDDH-ROADDH-ISHR', CIDDH, 8 June 2015, <http://ci-ddh.org/2015/06/cambriolages-aux-sieges-de-lapdh-et-du-midh-declaration-conjointe-ciddh-roaddh-sidh/?lang=en>

<sup>6</sup> 'Mouvement Ivoirien des Droits Humains (MIDH)', Peace Insight, <https://www.peaceinsight.org/conflicts/ivory-coast/peacebuilding-organisations/midh>.

<sup>7</sup> 'Presentation', Action pour la Protection des Droits de l'Homme, <http://www.apdhci.org/index.php/presentation/objectifs.html>.

the passing of the Implementation Decree demonstrates government commitment to ensure that HRDs are protected and those who target them are held accountable. However, after the law was passed in 2014, there have still been some instances when HRDs have been persecuted.

- 3.3** On 13 September 2015, David Samba, a youth activist and president of the Coalition des Indignés de Côte, a CSO, was arrested at his home and physically assaulted by security agents who also searched his home. He was arrested after taking part in peaceful protests ahead of elections scheduled for October 2015. David was arbitrarily detained for several days and denied access to his lawyer and medical personnel. On 2 October 2015, he was sentenced to six months in prison on a charge of disturbing the peace.<sup>8</sup> While in detention he was handed additional charges of complicity in murder and undermining state security. He was released on medical grounds on 24 July 2018 after spending three years in jail.<sup>9</sup> He was only released after his lawyer, Dadjé Rodrigue, wrote a letter to the judiciary requesting his release on medical grounds because his health had deteriorated significantly while in prison.
- 3.4** HRD and journalist Antoine Assalé has been the subject of attempted assassinations, arbitrary arrests, judicial persecution, harassment and intimidation for his investigations and publications of human rights violations, corruption and the actions of the state. Through his newspaper, L'Éléphant Déchaîné, he raises concerns about corrupt practices by government officials and multinational corporations and the lack of respect for the rule of law. As a result, he regularly receives threats and is sometimes questioned by security agencies. In December 2014, the driver of an unmarked car twice deliberately tried to run him over close to his office. Before this attempt on his life, he had been investigating a contract that had been handed to a multinational company without adhering to the rules. His office was broken into by unknown people in February 2016 and again in September 2016.

#### **4. Freedom of expression, independence of the media and access to information**

- 4.1** Under the 2<sup>nd</sup> UPR cycle, the government of Côte d'Ivoire received eight recommendations relating to the freedom of expression, protection of journalists and access to information. For example, the government pledged to “effectively investigate and prosecute crimes and violations against human rights defenders and journalists.” Of the recommendations received, six were accepted and two were

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<sup>8</sup> 'Côte d'Ivoire: CNC /David Samba arrêté à son domicile a été condamné à 6 mois de prison ferme', Abidjan TV. Net, 2015, <http://abidjantv.net/fait-divers/cote-divoire-cnc-david-samba-arrete-a-son-domicile-a-ete-condamne-a-6-mois-de-prison-ferme>.

<sup>9</sup> 'Côte d'Ivoire : Samba David en liberté provisoire', Afrique sur 7, 25 July 2018, <https://www.afrique-sur7.fr/399350-cote-divoire-samba-david-en-liberte-provisoire>.

noted. However, as discussed below, the government did not take effective measures to implement most of these recommendations and has fully implemented only one.

- 4.2** The Constitution of Côte d'Ivoire guarantees the right to the freedom of expression. It states that freedom of thought and freedom of expression, including freedom of conscience, and of philosophical and religious conviction, are guaranteed to everyone. It notes that everyone has the right to express and disseminate ideas widely.
- 4.3** The media environment has improved since President Alassane Ouattara came to power in 2011 and while state media still dominates, many independent media outlets are able to operate. However, significant challenges remain. Some journalists are arrested and threatened for reporting on state officials and writing about government activities and policies. Those who cover protests or mutinies by the army have also been subjected to judicial prosecution and acts of intimidation.
- 4.4** In August 2017, journalists Dan Opele and Yves Kuyo of Le Quotidien newspaper were arrested after the newspaper published reports indicating that the Speaker of the National Assembly, Guillaume Soro, was subjected to a judicial investigation and that his bank accounts had been frozen.<sup>10</sup> Following their arrest, the prosecutor stated that the information published by the journalists was misleading and the authorities had not opened any judicial investigation into the bank accounts. The journalists were detained by the National Gendarmerie and accused of disclosing false information.<sup>11</sup> Both were released by a court in Abidjan two days later.
- 4.5** On 12 February 2017, police detained journalist Vamara Coulibaly and five others for publishing information that revealed that the government had negotiated a deal to end a mutiny in the city of Adiaké in the south-west of Côte d'Ivoire. Vamara is publisher of Soir Info, a private newspaper.<sup>12</sup> The journalists had published the information following a mutiny by soldiers over bonuses. The journalists were accused by the authorities of propagating false information after the article revealed that the government had paid 17 million FCFA (approximately US\$30,000) to each of the soldiers involved in the mutiny. Following the arrests, the authorities publicly announced that some media agencies had disseminated false information that was likely to incite soldiers to revolt at a time of heightened security concerns.<sup>13</sup> The journalists were charged with spreading false information, incitement to revolt and

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<sup>10</sup> 'Côte d'Ivoire : les deux journalistes arrêtés pour divulgation de fausses nouvelles sur Guillaume Soro relâchés', Jeune Afrique, 2 August 2017, <http://www.jeuneafrique.com/462878/politique/cote-divoire-les-deux-journalistes-arretes-pour-divulgation-de-fausses-nouvelles-sur-guillaume-soro-relaches>.

<sup>11</sup> 'Côte d'Ivoire / Divulgation de fausses informations : Deux journalistes arrêtés dans l'affaire de gel du compte de Guillaume Soro', August 2017, <http://pressivoire.com/index.php?page=detail-article&id=3071?pr=50177&lang=fr>.

<sup>12</sup> 'Côte d'Ivoire: les 6 journalistes arrêtés sont devant le procureur', Abidjan.net, 14 February 2017, <http://news.abidjan.net/h/609669.html>.

<sup>13</sup> 'SIX JOURNALISTES ARRÊTÉS', Abidjan Plus media, 13 February 2017, <http://abidjanplus.com/media/six-journalistes-arretes>.

endangering the security of the state. They were released from detention after two days.

- 4.6** On 5 May 2017, the Press and Audio-Visual Bill was introduced in the Ivorian Parliament and lawmakers set 31 May 2017 for consideration of the Bill. Article 90 of the Bill provided for fines of up to 300,000 FCFA (approximately US\$530) and a term of five years in prison for those found guilty of publishing information that incites theft and vandalism, violence against individuals and institutions, and hate speech, or incites the military and security forces to commit rebellion. The introduction of the Bill elicited protests as journalists and media agencies expressed concerns that it was an attempt by the government to further restrict the freedom of expression. On 29 May 2017, the authorities announced that the Bill had been withdrawn from Parliament after lawmakers took into account the concerns raised by journalists. A new law on the press was adopted in December 2017 and this law in its article 89, excludes custody, preventive detention and imprisonment for offenses committed by the press.
- 4.7** On 24 May 2016, journalists Laurent Despas and Donatien Kautcha of the Koaci news website were arrested and detained by the gendarmerie in Agban in central Abidjan. They were arrested after they published an article about the existence of political prisoners in Côte d'Ivoire.<sup>14</sup> The article was published after the journalists interviewed the son of the former President, Laurent Gbagbo. While Donatien was released soon after being detained, Laurent was charged with spreading false news and fined 10 million FCFA (approximately US\$17,500). Laurent is the director of Koaci and Donatien is one of its journalists.
- 4.8** In March 2016, blogger and journalist Fofana Baba Idriss started receiving death threats on his phone and on social media from unidentified individuals responding to his blog posts. In one of the threats the perpetrators warned him to be alert because they knew the location of his home.<sup>15</sup> After several threats, unknown people broke into his house on 20 April 2016. Fofana reported the matter to the police but inadequate measures were taken to investigate. The threats to Fofana were widely condemned by the Union of Bloggers in Côte d'Ivoire, which called on the Ivorian authorities to ensure that bloggers and journalists are protected and threats to them are adequately investigated.<sup>16</sup>

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<sup>14</sup> 'Le PDG de KOACI.COM arrêté depuis hier avec l'un de ses collaborateurs', Ivoirematin.com, 25 May 2016, [http://www.ivoirematin.com/news/Societe/le-pdg-de-koaci-com-arrete-depuis-hier-a\\_n\\_1086.html](http://www.ivoirematin.com/news/Societe/le-pdg-de-koaci-com-arrete-depuis-hier-a_n_1086.html).

<sup>15</sup> 'Médias/ Un journaliste-blogueur menacé de mort', Linfodrome, 28 April 2016, <http://www.linfodrome.com/societe-culture/26485-medias-un-journaliste-blogueur-menace-de-mort>.

<sup>16</sup> 'Média/ Le confrère blogueur Fofana Baba Idriss dit « FBI » menacé de mort (communiqué)', Lepointsur.com, 9 May 2016, <http://lepointsur.com/media-confrere-blogueur-fofana-baba-idriss-dit-fbi-menace-de-mort-communique>.

- 4.9** On 30 October 2015, a group of young people in the town of Dabou in the south of Côte d'Ivoire attacked the home of Koffi Kouassi Nobert, a correspondent for Soir Info, after they accused him of writing articles that revealed that their community was still experiencing violence. The attacks happened shortly after Koffi was summoned to appear before the deputy mayor of Dabou who also expressed concerns about the articles. No investigations were undertaken by the police following the attack.
- 4.10** In October 2015, the CNP suspended three newspapers, Le Nouveau Corrier, Le Quotidien and Le Temps, for three editions and accused them of calling for a boycott of presidential elections scheduled for that month. The newspapers were suspended after they published an advert from a former presidential candidate that called on citizens not to take part in the elections.<sup>17</sup> In the same month, the CNP suspended L'inter newspaper for three editions and one of the paper's journalists for a month after the paper published an article about a boycott by the Bété indigenous group of a presidential visit in the town of Gôh, from where former President Gbagbo hails.<sup>18</sup> The CNP accused the newspaper of publishing misleading information aimed at deceiving its readers.

## 5. Freedom of peaceful assembly

- 5.1** During Côte d'Ivoire's examination under the 2<sup>nd</sup> UPR cycle, the government received six recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government committed to "take concrete steps to combat impunity with respect to human rights abuses committed by security forces, increasing government oversight of their operations, investigating credible allegations and prosecuting cases where appropriate." In addition, the government agreed to hold officials accountable for the use of torture and arbitrary arrests of members of the political opposition. Of the recommendations received, 13 were accepted and three were noted. However, as evidenced below, the government has not implemented any of these recommendations.
- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. Article 20 of the Constitution of Côte d'Ivoire also guarantees the right to the freedom of peaceful assembly. However, in practice the authorities use violence to disperse peaceful protests.
- 5.3** On 6 June 2018, police dispersed protests by students of the National Institute of Youth and Sports following the death of one of their classmates who had an accident and did not receive medical attention on time. The students protested against the lack

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<sup>17</sup> 'Côte d'Ivoire: nouvelle suspension pour deux quotidiens pro-Gbagbo', Abidjan.net, 23 October 2015, <http://news.abidjan.net/h/568698.html>.

<sup>18</sup> 'Côte d'Ivoire : L'Inter suspendu pour sa couverture la visite de Ouattara dans la région de Gbagbo', Agence Ecofin, 10 October 2015, <https://www.agenceecofin.com/regulation/1010-33010-cote-d-ivoire-l-inter-suspendu-pour-sa-couverture-la-visite-de-ouattara-dans-la-region-de-gbagbo>.

of medical staff at the institution and their deplorable living conditions. Riot police used teargas to disperse the protests.

- 5.4** On 6 April 2018, 18 protesters were sentenced by a court in Abidjan to 12 days in prison and fined 50,000 FCFA (approximately US\$95) for participating in peaceful protests.<sup>19</sup> The protesters had led demonstrations calling for a reform of the Independent Electoral Commission (ICE) ahead of Senate elections. They were charged with disrupting public order. The protests were organised by Ensemble pour la démocratie et la souveraineté, an opposition coalition, in Adjame, Abidjan.<sup>20</sup>
- 5.5** On 22 March 2018, security forces arrested 50 protesters and disrupted protests held by teachers and researchers of public universities to express concerns over their working conditions and the poor administrative support they receive from universities and research centres. The protests were organised after a meeting held by the National Association of Teachers and Researchers in Côte d'Ivoire (Coordination Nationale des Enseignants du Supérieur et des chercheurs en Côte d'Ivoire).
- 5.6** Also in March 2018, riot police used violence to disperse protests planned by a coalition of opposition parties in Abidjan and forced the protesters to call off the demonstrations. The coalition organised the protest to call for reforms of ICE and complain about partiality in its composition and decisions.<sup>21</sup> Police used teargas to disperse the crowd and at least 12 people were arrested. The spokesperson for the coalition, Jean-Gervais Tcheide, was also arrested while speaking to journalists at the scene of the protests.<sup>22</sup> The authorities noted that they had banned the demonstrations after failing to arrive at a consensus with the organisers on the protest route.
- 5.7** In September 2017, police arrested students as they protested against police violence and increases in university fees. Those arrested were charged with disrupting public order and held for several weeks. Again in February 2017, police forcefully dispersed peaceful protests organised by cocoa farmers and the National Agricultural Union.
- 5.8** On 20 October 2016, security forces arrested at least 50 protesters as they protested against a referendum on the Constitution of Côte d'Ivoire which was scheduled for 30 October 2016. Most of the protesters were members of the political opposition who were displeased with the proposed changes. Some of the protesters who were arrested were dropped in random places in different parts of Abidjan and forced to

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<sup>19</sup> 'Côte d'Ivoire : des manifestants arrêtés, déçus de leurs droits civiques', Ivoire Business, 8 April 2018, <https://www.ivoirebusiness.net/articles/côte-d'ivoire-des-manifestants-arrêtés-déçus-de-leurs-droits-civiques>.

<sup>20</sup> 'Côte d'Ivoire: une manifestation de l'opposition dispersée à Abidjan', RFI Afrique, 22 March 2018, <http://www.rfi.fr/afrique/20180322-cote-ivoire-manifestation-opposition-dispersee-abidjan>.

<sup>21</sup> 'Security forces in Ivory Coast avert planned opposition protests', African News, 22 March 2018, <http://www.africanews.com/2018/03/22/security-forces-in-ivory-coast-s-capital-avert-planned-protest-by-opposition>.

<sup>22</sup> 'Security forces in Ivory Coast avert planned opposition protests', African Stand, 22 March 2018, <https://www.africanstand.com/news/security-forces-in-ivory-coast-avert-planned-opposition-protests>.

walk for hundreds of kilometres back to their homes. This practice is a known punitive measure used by security forces known as “mobile detention.”<sup>23</sup> Many other protesters were detained and charged with disturbing public order.

- 5.9** On 22 July 2016, security forces violently dispersed protests against rising electricity prices in Bouake in central Côte d’Ivoire. The protesters were expressing their dissatisfaction at being required to pay amounts higher than the six per cent and 10 per cent increases that were expected by the Ministry of Energy.<sup>24</sup> Prior to the protests, President Ouattara had called for a review of tariffs to reduce the high cost of electricity. One protester was killed, several were wounded and many more were arrested.

## **6. Recommendations to the Government of Côte d’Ivoire**

CIVICUS and CIDDH call on the Government of Côte d’Ivoire to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, freedom of the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In the light of this, the following specific recommendations are made:

### **6.1 Regarding the freedom of association**

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Produce findings from investigations conducted into the break-ins at CIDDH and ensure that all those responsible are brought to justice. In addition, open full investigations into the break-ins at APDH, CLUB UA-CI and MIDH, and ensure that those responsible are held accountable. Take measures to carry out full

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<sup>23</sup> ‘Cote d’Ivoire: Authorities Must Stop Arbitrary Arrests and ‘Mobile Detention’ Of Opposition Supporters Ahead of Referendum’, All Africa, 28 October 2016, <https://allafrica.com/stories/201610280924.html>.

<sup>24</sup> ‘Côte d’Ivoire: une manifestation de l’opposition dispersée à Abidjan’, RFI Afrique, 22 march 2018, <http://www.rfi.fr/afrique/20180322-cote-ivoire-manifestation-opposition-dispersee-abidjan>.

investigations in all cases where the premises of CSOs experience burglaries and ensure that those found responsible are held to account.

## **6.2 Regarding the protection of human rights defenders**

- Provide civil society members and HRDs with a safe and secure environment in which to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks against and harassment and intimidation of them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Unconditionally and immediately release all representatives of civil society, HRDs and political activists detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Publicly condemn instances of harassment and intimidation of civil society activists and CSOs.

## **6.3 Regarding the freedom of expression, independence of the media and access to information**

- Lift restrictions that prevent private media outlets and journalists working for them from doing their work without intimidation and harassment.
- Ensure the freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive.
- Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices.

- Organise inclusive consultations with journalists and the media in order to resolve disputes that exist concerning the new media law.
- Refrain from adopting any laws providing for censorship or undue control over the content of the media.
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms, including in the arts.

#### **6.4 Regarding the freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Unconditionally and immediately release all protesters detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces while monitoring protests and demonstrations.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests, launch a formal investigation into such instances and bring the perpetrators to justice.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

#### **6.5 Regarding access to UN Special Procedures mandate holders**

- The government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy; and 7) Working Group on Arbitrary Detention.

## **6.6 Regarding state engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.