



Republic of Côte d'Ivoire

Joint Submission to the UN Universal Periodic Review

47th Session of the UPR Working Group

Submitted 8 April 2024

**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC**

And

Coalition Ivoirienne des Défenseurs des Droits Humains

And

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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 180 countries throughout the world.
- 1.2 Coalition Ivorienne des Défenseurs des Droits Humains (CIDDDH) is a group of human rights CSOs in Côte d'Ivoire. It was formed in 2004 and its main objective is to promote and defend the rights of human rights defenders (HRDs). It does this by raising awareness and increasing the capacity of HRDs to use protection mechanisms. It also advocates with regional and international mechanisms for better protection of HRDs.
- 1.3 The West African Human Rights Defenders Network (ROADDH) is a CSO that works to promote the work of HRDs. It is made up of national human rights coalitions and individual focal points. It has Observer Status at the African Commission on Human and Peoples' Rights (ACHPR) and is a member of the Executive Committee of the Commission's NGO Forum.
- 1.4 In this submission, the authors examine the Government 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 freedoms of association, expression and peaceful assembly and unwarranted restrictions on HRDs since its previous UPR examination in May 2019. To this end, we assess Côte d'Ivoire's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.5 During the 3rd UPR cycle, the Government of Côte d'Ivoire received 13 recommendations relating to the space for civil society (civic space). It accepted 12 recommendations and noted one. However, an evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the government has not taken tangible measures to implement these recommendations. After the last UPR review, particular limitations were noted in the implementation of recommendations relating to the protection of HRDs and freedoms of expression and peaceful assembly.
- 1.6 We are deeply concerned by the judicial prosecution, intimidation and threats against HRDs and journalists.
- 1.7 We are further alarmed by legal restrictions on freedoms of expression and peaceful assembly.

1.8 As a result of these issues, civic space in Côte d'Ivoire is currently rated as obstructed by the CIVICUS Monitor, indicating the existence of significant civic space restrictions.¹

- Section 2 of this submission examines Côte d'Ivoire's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- Section 3 examines Côte d'Ivoire's implementation of UPR recommendations and compliance with international human rights standards related 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 freedom of expression and media freedom.
- Section 5 examines Côte d'Ivoire's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- Section 7 contains an annex on the implementation of 3rd cycle UPR recommendations related to civic space.

2. Freedom of association

2.1 During Côte d'Ivoire's examination under the 3rd UPR cycle, the government received no recommendations on the right to the freedom of association and creating an enabling environment for CSOs.

2.2 Article 20 of the 2016 Constitution guarantees the right to freedom of association. Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Côte d'Ivoire is a state party, also guarantees freedom of association. However, despite these commitments, the government has not taken adequate steps to ensure CSOs are protected from attacks and has not provided adequate responses when the premises of human rights organisations have been broken into.

2.3 Unknown people broke into the offices of human rights organisation Ligue ivoirienne des droits de l'homme in Abidjan during the night of 19 to 20 May 2022, breaking down the door of the offices. During the break-in, the office was searched and three computers, an external hard drive and cash were stolen.²

2.4 In another incident, on the evening of 19 May 2020, unidentified people broke into the offices of Observatoire Ivoirien des Droits de l'Homme (OIDH) in Abidjan,

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

² 'Côte d'Ivoire: cambriolage des locaux de la Ligue ivoirienne des droits de l'homme', International Human Rights Federation, 7 June 2022, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/cote-d-ivoire-cambriolage-des-locaux-de-la-lidho>.

bypassing the security system. The perpetrators stole administrative documents and work equipment, and dismantled internet cables, televisions and other digital devices. Due to the scale of the damage, and the fact that documents were taken, ODH believes it was specifically targeted, with the break-in potentially in retaliation for its recent work on the trial of Laurent Gbagbo and Charles Blé Goudé before the International Criminal Court and its public criticism of Côte d'Ivoire's withdrawal from the Declaration allowing individuals and CSOs to appeal directly to the African Court on Human and Peoples' Rights.³ Several incidents of break-ins against human rights CSOs were highlighted in our previous UPR submission.⁴

- 2.5** Law 60-315 of 21 September 1960 on associations does not set a deadline for authorities to issue a declaration receipt, the legal document establishing an association, which leads to a lengthy procedure for obtaining this receipt. Although associations can operate with the receipt received while depositing an application to be established, they cannot take legal action or apply for consultative status with the ACHPR, the UN Human Rights Council and other regional and international bodies. A good number of Ivorian CSOs do not yet have a declaration receipt. A reform of the 1960 law relating to associations is underway.

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

- 3.1** Under Côte d'Ivoire's previous UPR examination, the government received seven recommendations on the protection of HRDs, civil society activists and journalists. The government committed to several recommendations, including to 'take the necessary steps to ensure that HRDs, especially women HRDs, are protected against threats and intimidation, to allow them to freely carry out their work and to bring to justice perpetrators of harassment, threats and intimidation against human rights defenders' and to 'ensure journalists, human rights defenders and other civil society actors are able to freely exercise their rights to freedom of expression, association and peaceful assembly without fear of reprisals, intimidation or harassment...'. The government accepted all seven recommendations. As examined in this section, it has partly implemented six recommendations.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees freedoms of association, expression and peaceful assembly. On 20 June 2014, Côte d'Ivoire adopted Law 2014-388 on the Promotion and Protection of Human Rights Defenders, followed by the adoption of an Implementation Decree in

³ 'Cambriolage du bureau de l'observatoire ivoirien des droits de l'homme', Front Line Defenders, 21 May 2020, <https://www.frontlinedefenders.org/fr/case/break-office-ivorian-human-rights-observatory>.

⁴ 'Republic of Côte d'Ivoire. Joint Submission to the Universal Periodic review . 33rd Session of the UPR Working group', CIVICUS and Coalition Ivoirienne des défenseurs des droits humains CIDDH, 4 October 2018, <https://www.civicus.org/documents/JointUPRSubmission.CoteDIvoire.pdf>.

February 2017⁵ and Inter-ministerial Order 972/MJDH/MEMD/MIS of 10 November 2021 creating a mechanism for the protection of HRDs. Although the mechanism has been operational since March 2022, HRDs are not included in the composition of the Committee for the Protection of Human Rights Defenders, despite being the primary beneficiaries.

3.3 Despite these protections, human rights activists are restricted in the exercise of their freedoms of expression and peaceful assembly. HRDs are at risk of arbitrary detention, judicial harassment, physical attacks, threats and intimidation. On 22 August 2022, police officers arrested Pulchérie Edith Gbalet, president of the CSO Alternative Citoyenne Ivoirienne (ACI) and placed her in preventive detention.⁶ Gbalet was accused of ‘entente with agents of a foreign power likely to harm the military and diplomatic situation of Côte d’Ivoire’ in relation to a visit to Mali three weeks earlier, where she reportedly met with CSOs and people close to the military junta in relation to the detention of 46 Ivorian soldiers.⁷ A search was conducted at Gbalet’s home, without a search warrant, in violation of articles 5 and 6 of Law 2014-388 of 20 June 2014. Five months later, on 3 February 2023, a judge granted Gbalet a provisional release, under conditions.⁸ Previously, in August 2020, Gbalet was arrested, along with three ACI members and colleagues – Kouakou N’Goran Aime Cesar, Djehi Bi Doua Cyril and Gbaou Gedeon Junior – and detained for eight months at the Abidjan Detention and Correction Center.⁹ The arrests followed a press conference in which Gbalet called for peaceful demonstrations to protest against the candidacy of President Alassana Ouattara for another term in the 2020 presidential election. On 19 August 2020, the public prosecutor opened a judicial investigation against Gbalet and her three colleagues for ‘violation of public order’, ‘participation in an insurrectional movement’, ‘attack on the authority of the State’, ‘wilful destruction of public goods’ and ‘provocation to a crowd’, allegedly committed during a protest on 13 August 2020

⁵ Amended by Decree 2021-617 of 20 October 2021 relating to the terms of application of Law 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders.

⁶ ‘L’activiste ivoirienne Pulchérie Gbalet de nouveau interpellée’, VOA Afrique, 23 August 2022, <https://www.voaafrique.com/a/c%C3%B4te-d-ivoire-une-figure-de-la-soci%C3%A9t%C3%A9-civile-ivoirienne-de-nouveau-interpell%C3%A9e/6713056.html>.

⁷ ‘Côte d’Ivoire: l’arrestation de Pulchérie Gbalet jugée arbitraire’, Africanews, 5 September 2022, <https://fr.africanews.com/2022/08/31/cote-divoire-larrestation-de-pulcherie-gbalet-jugee-arbitraire>.

⁸ Conditions include the confiscation of Gbalet’s passport, presenting herself regularly at a police station and not publicly expressing her opinion on the case. See ‘En Côte d’Ivoire, Pulchérie Gbalet libérée sous condition’, Jeune Afrique, 7 February 2023, <https://www.jeuneafrique.com/1415527/politique/en-cote-divoire-pulcherie-gbalet-liberee-sous-condition>.

⁹ ‘La défenseure des droits humains Pulcherie Gbalet obtient une liberté provisoire’, Frontline Defenders, 11 May 2021, <https://www.frontlinedefenders.org/fr/case/ongoing-detention-woman-human-rights-defender-pulcherie-gbalet>.

in Abidjan. The four activists, however, did not participate in the protest.¹⁰ On 28 April 2021, the four were provisionally released and placed under judicial control.¹¹

- 3.4** The authorities have also targeted environmental defenders with arbitrary detention and judicial harassment. On 12 March 2020, the court of Toumodi sentenced HRD and journalism student Konan Yao Hubert to a prison sentence of five years and a fine of 3 million CFA francs (approx. US\$5,000) on charges of ‘incitement and disturbance of public order’ and ‘assault and battery of gendarmes on duty’.¹² Yao Hubert was arrested on 4 August 2019 at a bus station in Djékanou. Police officers reportedly physically attacked him when Yao Hubert resisted arrest since the police officers did not present an arrest warrant. The arrest was in relation to a protest he helped organise a day earlier, on 3 August 2019, of the N’da-kouassikro community against the opening of a goldmine operated by Mondial Mines.
- 3.5** HRDs, including women HRDs, have been threatened, vilified and intimidated due to their work in exposing human rights violations. Sylvia Apata of the Association Citoyennes pour la Promotion et Défense des Droits des Enfants, Femmes et Minorités (CPDEFM) was subjected to intimidation, threats and online vilification after carrying out a study on sexual harassment at the Félix Houphouët-Boigny University, which revealed that 80 per cent of female students have been exposed to sexual harassment, with members of student union Fédération Estudiantine et Scolaire de Côte d’Ivoire (FESCI) among the perpetrators. On 19 March 2023, Apata received an intimidating phone call from someone claiming to be the secretary of the Minister of Higher Education and Scientific Research, accusing her of attempting to discredit the Ministry through the study. On 26 March 2023, Apata was accosted by a group of FESCI members, who stopped her leaving her vehicle. Intimidation continued until July 2023, when a FESCI member visited Apata’s office without authorisation, prompting CPDEFM to relocate its offices.¹³ Meanwhile, Apata was vilified and subjected to insults on social media platforms.¹⁴ In 2023, CIDDH brought Apata’s case to the Mechanism for the Protection of Human Rights Defenders but has not yet received a satisfactory outcome. In February 2020, Yvonne Toba, coordinator of the citizen movement No-Vox Côte d’Ivoire said she received threatening messages on Facebook

¹⁰ ‘Woman human rights defender Pulchérie Gbalet granted provisional release’, Front Line Defenders, April 2020, <https://www.frontlinedefenders.org/en/case/woman-human-rights-defender-pulcherie-gbalet-granted-provisional-release>.

¹¹ ‘Côte d’Ivoire, la militante Pulchérie Gbalet libérée après huit mois de détention provisoire’, Jeune Afrique, 29 April 2021, <https://www.jeuneafrique.com/1163499/politique/cote-divoire-la-militante-pulcherie-gbalet-liberee-apres-neuf-mois-de-detention-provisoire>.

¹² ‘Le journaliste Konan Yao Hubert condamné à 5 ans de prison ferme’, Presseivoire.net, 21 March 2020, <https://presseivoire.net/le-journaliste-konan-yao-hubert-condamne-5-ans-de-prison-ferme/>; ‘Human Rights defender Konan Yao Hubert on trial’, Frontline Defenders, 17 December 2020, <https://www.frontlinedefenders.org/en/case/human-rights-defender-konan-yao-hubert-trial>.

¹³ Information received by CIDDH from the victim.

¹⁴ ‘Droits humains – La Ligue ivoirienne des droits de femmes apporte son soutien à Sylvia Apata après les menaces reçues’, Laurore.net, 27 March 2023, <https://www.laurore.net/droits-humains-la-ligue-ivoirienne-des-droits-des-femmes-apporte-son-soutien-a-sylvia-apata-apres-les-menaces-recues-communique>.

and phone calls in response to her advocacy work to release activist Konan Yao Hubert (see 3.5) and following the release of a report by No-Vox exposing human rights violations in the N'dakouassikro community.¹⁵

- 3.6** Artists criticising authorities are not spared. In March 2023, reggae artist Kajeem, whose real name is Guillaume Konan, said he has received threats, including death threats, on social media since the release of his album 'Ragafrika', which includes the song 'Tu tournes film' that criticises the authorities' management of public affairs.¹⁶
- 3.7** There have been several incidents of state and non-state actors intimidating, harassing or threatening journalists, including ahead of the controversial October 2020 election, which the opposition boycotted. On 5 March 2020, police officers in Port-Bouët, a suburb of Abidjan, summoned and questioned Kacou Monique, a journalist for radio station ATM and secretary general of the National Union of Journalists of Côte d'Ivoire, for two hours over a Facebook post claiming that there was a shortage of oxygen at the Port-Bouët hospital, and that this could be linked to the death of the journalist Bénédicte Goumegou, claims denied by the Ministry of Health and Public Hygiene. Monique was released with a warning to 'avoid posting false information'.¹⁷ On 11 October 2020, Pierre Pinto, a correspondent for Radio France Internationale, received 'an avalanche of more and more vehement and aggressive reactions' on social media following his tweet saying that an opposition rally against a third term for President Ouattara was struggling to fill the Félix Houphouët Boigny Stadium in Abidjan.¹⁸ Journalists André Sylvère Konan of Afriksoir and Félix Diby Boni of Abidjan.net reportedly faced threats and verbal attacks from politicians ahead of the October 2020 election.¹⁹
- 3.8** Journalists have also been physically attacked. Claude Dasse of the daily L'Intelligent, who was investigating claims of extortion of prisoners by prison wardens at the

¹⁵ 'Libertés publiques, la coordinatrice de No-Vox en Côte d'Ivoire denonce des menaces contre elle', LeMediacitoyen.com, 4 February 2020, https://www.lemediacitoyen.com/libertes-publiques-no-vox-denonce-des-cas-de-harcelement-et-de-menaces-contre-sa-responsable/?fbclid=IwAR1RGrYmEVkFhGIYLzcl9CTeZlj5-Cjet25dAUaTXq_9zXe-LxSOkof2PM4.

¹⁶ The song includes the lines, 'Since you have been installed, you have forgotten what you promised. Since you've been here, it's complicated, food prices have only been increasing. The press and artists gagged'. See 'Kajeem, le chanteur menacé de mort pour prétendue critique contre Alassane Ouattara', Benin Web TV, 31 March 2023, <https://beninwebtv.com/kajeem-le-chanteur-menace-de-mort-pour-pretendue-critique-contre-alassane-ouattara>.

¹⁷ 'Atteinte à la liberté de la Presse: Après les journalistes de Le Temps, une autre journaliste convoquée', PresseCoted'Ivoire.ci, 4 March 2020, <https://www.pressecoatedivoire.ci/article/5229-atteinte-a-la-liberte-de-la-presse-apres-les-journalistes-de-le-temps-une-autre-journaliste-convoquee>; 'Two Journalists Fined over Corruption Story, Another Interrogated over Facebook Post', Media Foundation for West Africa, 11 March 2020, <https://www.mfwa.org/two-journalists-fined-over-corruption-story-another-interrogated-over-facebook-post>.

¹⁸ 'Threats against journalists in the run-up to Côte d'Ivoire's presidential election', Reporters without Borders, 16 October 2020, <https://rsf.org/en/threats-against-journalists-run-c%C3%B4te-d-ivoire-s-presidential-election>.

¹⁹ Ibid.

Maison d'arrêt et de correction d'Abidjan (MACA) said he was beaten, subjected to death threats and held for four hours on 6 May 2020 when he visited the prison facility on appointment to meet the manager of MACA and the manager of the prison warders.²⁰

4. Freedom of expression and media freedom

4.1 Under the 3rd UPR cycle, the government received seven recommendations relating to freedom of expression and media freedom. For example, the government pledged to 'ensure that any restriction on press and media activities is in full compliance with the ICCPR and other relevant human rights instruments. It accepted six recommendations and noted one. However, as discussed below, the government did not take effective measures to implement these recommendations and has not implemented two and partly implemented five.

4.2 Article 19 of the ICCPR guarantees the right to freedoms of expression and opinion. Article 19 of the 2016 Constitution also guarantees the right to freedom of expression. However, in practice, there are many restrictive provisions in the Criminal Code²¹ and the Cybercrime Law,²² limiting freedom of expression and media freedom.

4.3 Press freedom is regulated by Law 2017-867 of 27 December 2017 on the legal regime governing the press.²³ Although its article 89 excludes detention and prison sentences for press offences, it is subject to other applicable laws, such as the Criminal Code,²⁴ which provides prison sentences for insulting public officials. Article 264 for example punishes insults to the president and the vice-president with a prison sentence of between three months to two years and a fine of between 300,000 CFA francs to 3 million francs CFA (approx. US\$495 to US\$4,950). Article 173 of the Criminal Code stipulates a prison sentence of one to three years and a fine of 500,000 CFA francs to 5 million CFA francs (approx. US\$1,650 to US\$8,300) for the publication, dissemination or reproduction of false news when it results or could result in disobedience of laws or an attack on public morale, or discredit institutions or their functioning.²⁵ Law 2017-867 was modified by Law 2022-98 of 22 December 2022.

²⁰ 'La justice ivoirienne ouvre une enquête sur l'agression d'un journaliste à la prison d'Abidjan', Le Monde Afrique, 13 May 2020, https://www.lemonde.fr/afrique/article/2020/05/13/la-justice-ivoirienne-ouvre-une-enquete-sur-l-agression-d-un-journaliste-a-la-prison-d-abidjan_6039509_3212.html.

²¹ Articles 196, 197, 198, 199 provide for criminal sanctions against authors, co-authors and participants in undeclared and prohibited demonstrations.

²² Articles 62 to 65 provide for the imprisonment or punishment of authors of false information. the qualification of information, false or true, is done by authorities.

²³ Modified by Law 2022-978 of 20 December 2022.

²⁴ Law 2019-574 of 26 June 2019 on the Criminal Code.

²⁵ Article 172 of the Criminal Code further specifies that if the publication, distribution, disclosure or reproduction is made through the press, the following are liable as principal authors for the penalties provided for in the preceding paragraph: the directors or co-directors of publication or publishers, failing which the printers, default sellers, distributors and displays. When directors or co-directors or editors are involved, the authors are prosecuted as accomplices.

- 4.4** Since Côte d'Ivoire's last UPR examination in May 2019, several journalists have been slapped with heavy fines. In March 2020, courts ordered six journalists to pay hefty fines in summary proceedings.²⁶ On 3 March 2020, police officers detained two journalists from Le Temps newspaper over an article they published on alleged corruption by high-level officials. The same day, a court in Abidjan ordered Yacouba Gbande and Barthelemy Tehin to pay a fine of 5 million CFA francs (approx. US\$8,300) each for 'undermining the honour and respect of several members of the government'.²⁷ On 25 March 2020, journalists Marc Dossa and Cissé Sindou of Générations Nouvelles, a newspaper close to the opposition, were likewise both fined 5 million CFA francs (approx. US\$8,300) for 'publishing false news'. The newspaper published an article claiming that there were two cases of COVID-19 in Abidjan prison, a claim authorities denied.²⁸
- 4.5** In addition, there have been instances of detention, judicial harassment of and punitive sanctions against journalists, despite the decriminalisation of press offences. For example, journalist Hamed Kassambara, who works for Radio Foundara FM in Ferkessedougou, was detained on 10 October 2022 on accusations of having created a fake Facebook profile to publish insulting messages to President Ouattara. After four days of detention, Kassambara was transferred to a correction facility in Abidjan, 600 km away, where he was detained for another 20 days before being released on 2 November 2022 and placed under judicial supervision, which requires him to present himself to judicial authorities in Abidjan every two weeks.²⁹ On 13 July 2022, police in Daoukro briefly detained investigative journalist Noël Konan after he refused during a police interrogation to reveal his sources for a tweet alleging theft in a bank branch.³⁰
- 4.6** The 2013 Law on the Fight Against Cybercrime³¹ contains several repressive provisions. The law stipulates prison sentences and hefty fines for using 'fraudulently obtained' data³² and dissemination of 'false information suggesting a destruction,

²⁶ 'Six Ivorian journalists heavily fined in March', Reporters without Borders, 2 April 2020, <https://rsf.org/en/six-ivorian-journalists-heavily-fined-march>.

²⁷ 'Two Journalists Fined over Corruption Story, Another Interrogated over Facebook Post', Media Foundation for West Africa, 11 March 2020, <https://www.mfwa.org/two-journalists-fined-over-corruption-story-another-interrogated-over-facebook-post>.

²⁸ 'Six Ivorian journalists heavily fined in March', Reporters without Borders, 2 April 2020, <https://rsf.org/en/six-ivorian-journalists-heavily-fined-march>.

²⁹ 'Ivorian authorities must stop harassing Hamed Kassambara – MFWA', Media Foundation for West Africa, 10 March 2022, <https://www.mfwa.org/country-highlights/ivoirian-authorities-must-stop-harassing-hamed-kassambara-mfwa>.

³⁰ 'Côte d'Ivoire reporter pressured to name his sources', Reporters without Borders, 20 July 2022, <https://rsf.org/en/c%C3%B4te-d-ivoire-reporter-pressured-name-his-sources>.

³¹ Law 2013-451 of 19 June 2013 on the Fight against Cybercrime, modified by Law 2023-593 of 7 June 2023.

³² The law stipulates a prison sentence of one to five years and a fine of 20 million CFA francs to 40 million CFA francs (approx. US\$33,150 to US\$66,300). Article 11 of Law 2013-451.

degradation or deterioration of property or harm to individuals has been or will be committed'³³.

- 4.7** Online activists, particularly those perceived to be close to opposition groups, have been detained and subjected to unfair trials. For example, on 7 May 2020, officers of the Directorate of Computing and Technological Traces arrested activist Yapou Ebiba François, also known under the pseudonym Serge Koffi Le Drone, on accusations of publishing posts on social media, including one calling for the destruction of material meant for the construction of a COVID-19 screening centre in Abidjan's suburb of Yopougon. A judicial investigation was opened against Ebiba François for charges of undermining national defence, disturbing public order, defamation and contempt on social networks, dissemination of fraudulently obtained computer data and publication of false information tending to make people believe that an attack on people will be committed under the Criminal Code and the Cybercrimes Law.³⁴ He was released and placed under judicial control following a presidential pardon in August 2021³⁵. Ebiba François was reportedly subjected to torture and ill-treatment in detention.³⁶
- 4.8** A draft law on Electronic Communication, currently being examined by the National Assembly, might further restrict press freedom if passed.³⁷ Its article 214, paragraph 3 states that 'anyone who intercepts, discloses, publishes or uses the content of messages or reveals their existence' could be sentenced to five years in prison and a fine of up to 10 million CFA francs (approx. US\$16,500), which could deter journalists from pursuing some investigations.³⁸

5. Freedom of peaceful assembly

- 5.1** During Côte d'Ivoire's examination under the 3rd UPR cycle, the government received two recommendations on the right to freedom of peaceful assembly. Among other recommendations, the government committed to 'effectively guarantee freedom of

³³ The law stipulates a prison sentence between six months and two years and a fine of 1 million CFA francs to 5 million CFA francs (approx. US\$1650 to US\$8,300). Article 65 of Law 2013-451.

³⁴ 'Arrestations dans l'affaire Serge Koffi Le Drone: le procureur Adou Richard explique et met en garde', Presse Côte d'Ivoire, 20 May 2020, <https://www.pressecoatedivoire.ci/article/6124-arrestations-dans-laffaire-serge-koffi-le-drone-le-procureur-adou-richard-explique-et-met-en-garde>.

³⁵ 'Côte d'Ivoire: le cyber activiste "Serge Koffi Le Drone" libéré et placé sous contrôle judiciaire', Koaci, 7 August 2021, https://www.koaci.com/article/2021/08/07/cote-divoire/justice/cote-divoire-le-cyber-activiste-serge-koffi-le-drone-libere-et-place-sous-contrôle-judiciaire_153028.html.

³⁶ 'Côte d'Ivoire – Rapport annuel 2020', Amnesty International, 7 April 2021, <https://www.amnesty.be/infos/rapports-annuels/rapport-annuel-2020/rapport-annuel-2020-afrique/article/cote-ivoire-rapport-annuel-2020>.

³⁷ 'Côte d'Ivoire: un projet de loi sur les communications électroniques inquiète les journalistes', RFI, 18 March 2024, <https://www.rfi.fr/fr/afrique/20240318-c%C3%B4te-d-ivoire-un-projet-de-loi-sur-les-communications-%C3%A9lectroniques-inqui%C3%A8te-les-journalistes>.

³⁸ 'RSF requests protection for journalists in Côte d'Ivoire's electronic communications bill', Reporters without Borders, 19 March 2024, <https://rsf.org/en/rsf-requests-protection-journalists-c%C3%B4te-divoire-s-electronic-communications-bill>.

assembly as enshrined in the Constitution'. It accepted both recommendations but, as evidenced below, has failed to realise either.

- 5.2** Article 20 of the 2016 Constitution guarantees the right to freedom of peaceful assembly. Article 21 of the ICCPR also guarantees this right. However, in practice, freedom of peaceful assembly is frequently violated, including through the use of excessive force, protest bans and the arrest of protesters.
- 5.3** Articles 197 to 199 of the Criminal Code adopted in 2019³⁹ provide prison sentences and fines for those organising or participating in 'undeclared' or banned protests, de facto criminalising spontaneous protests. Participating in or organising such protests is punishable with a prison sentence of one to three years and a fine of 500,000 CFA francs to 5 million CFA francs (approx. US\$830 to US\$8,300).
- 5.4** Ahead of the October 2020 election, with the opposition calling for civil disobedience, authorities repressed protests organised by opposition and civil society. On 11 March 2020, 10 members of the pro-democracy group Tournons la Page-Côte d'Ivoire were briefly detained in Yopougon while protesting against changes to the Constitution.⁴⁰ Between 11 and 14 August 2020, following President Ouattara's announcement of his intention to run for another term, at least six people were killed and 173 people injured in protests and clashes that broke out in several cities and localities⁴¹ At least 69 people were arrested for 'disturbance of public order', 'incitement to revolt', 'violence against law enforcement agencies' and 'destruction of property of others'.⁴²
- 5.5** On 19 August 2020, the Council of Ministers banned all public protests until 15 September 2020.⁴³ This ban was renewed several times until 15 December 2020.⁴⁴ Despite the ban, protests erupted on 21 and 22 August 2020 to demonstrate against Ouattara's term bid. In Abidjan, security forces used teargas to disperse protesters in Yopougon, while a considerable number of security officers were deployed in Cocody to discourage protesters from demonstrating.⁴⁵

³⁹ Law 2019-574 of 26 June 2019 on the Criminal Code.

⁴⁰ 'Côte d'Ivoire: Des activistes brèvement arrêtés pour avoir manifesté contre la revision de la Constitution', Koaci, 12 March 2020, https://www.koaci.com/article/2020/02/13/cote-divoire/politique/cote-divoire-a-paris-ouegnin-echange-avec-akossi-bendjo-du-pdci_139354.html#google_vignette.

⁴¹ 'Côte d'Ivoire: cinq morts après plusieurs jours de violences', Jeune Afrique, 15 August 2020, <https://www.jeuneafrique.com/1029789/politique/cote-divoire-cinq-morts-apres-plusieurs-jours-de-violences-retour-au-calme>; 'Côte d'Ivoire: le gouvernement suspend toutes manifestations sur la voie publique', Abidjan.net, 20 August 2020, <https://news.abidjan.net/articles/678439/index>.

⁴² Ibid.

⁴³ 'Côte d'Ivoire: le gouvernement suspend toutes manifestations sur la voie publique', Abidjan.net, 20 August 2020, <https://news.abidjan.net/articles/678439/index>.

⁴⁴ Côte d'Ivoire', Amnesty International 2020/21, April 2021, <https://www.amnesty.org/en/documents/pol10/3202/2021/en>.

⁴⁵ 'Une manifestation de l'opposition dispersée par la police à Abidjan', BBC, 21 August 2020, <https://www.bbc.com/afrique/region-53833102>.

5.6 Protesters, including HRDs, are regularly arrested during protests and in some cases prosecuted. On 10 May 2023, dozens of cacao-coffee producers and members of the Centrale Syndicale Agricole de Côte d’Ivoire trade union were arrested during a protest in Plateau to demand the payment of 17 million francs CFA (approx. US\$141,100) of the COVID-19 fund.⁴⁶ They were released without charges on 12 May 2023 after a hearing by an investigating judge for ‘disturbance of public order’.⁴⁷ On 28 December 2022, 45 people and members of the Colletive des Docteurs Non-Recrutés were sentenced to suspended sentences of four months after the Court of Plateau found them guilty of ‘disturbance of public order’ for their peaceful sit-in on 21 December 2022.⁴⁸ On 25 November 2022, four activists of the CSO Urgences Ivoiriennes were arrested during a peaceful protest in Abidjan against the rising cost of living.⁴⁹

6. Recommendations to the Government of Côte d’Ivoire

CIVICUS, CIDDH and ROADDH 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, Human Rights Council resolutions 22/6, 27/5 and 27/31 and Law 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders.

At a minimum, the following conditions should be guaranteed: freedoms of association, expression and peaceful assembly, 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 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society.
- Carry out full investigations into all cases where CSO premises have experienced burglaries and ensure that those responsible are held to account.

⁴⁶ ‘Côte d’Ivoire: une trentaine de producteurs de café-cacao arrêtés au Plateau au cours d’une manifestation’, Afriksoir, 10 May 2023, <https://afriksoir.net/cote-divoire-une-trentaine-de-producteurs-de-cafe-cacao-arretes-au-plateau-au-cours-dune-manifestation>.

⁴⁷ ‘Fonds COVID-19: 24 producteurs interpellés mercredi, libérés par la justice ivoirienne’, Top News Africa, 12 May 2023, <https://topnewsafrika.net/news/fonds-covid-19-24-producteurs-interpelles-mercredi-liberes-par-la-justice-ivoirienne>.

⁴⁸ ‘Côte d’Ivoire: 45 docteurs-chômeurs condamné à quatre mois de prison avec sursis’, Afriksoir, 28 December 2022, <https://afriksoir.net/cote-divoire-45-docteurs-chomeurs-condamnes-a-4-mois-de-prison-avec-sursis>.

⁴⁹ ‘Arbitrary detention and arrest of four human rights defenders’, Front Line Defenders, 6 December 2022, <https://www.frontlinedefenders.org/en/case/arbitrary-arrest-and-detention-four-human-rights-defenders>.

6.2 Protection of human rights defenders

- Integrate HRDs into the membership of the Committee for the Protection of Human Rights Defenders.
- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work according to the rights guaranteed to them in Law 2014-388, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against 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.
- Publicly condemn at the highest levels of government instances of harassment and intimidation of CSOs and activists.

6.3 Freedom of expression and media freedom

- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Review the 2019 Criminal Code, the 2013 Law on the Fight Against Cybercrime and the draft law on Electronic Communication in order to bring them into line with best practices and international standards in the area of freedom of expression.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics the government may deem sensitive.
- Take steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- 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 social and conventional media content.
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all arenas, including in the arts.

6.4 Freedom of peaceful assembly

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, which calls for simple processes for the

notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.

- Amend the 2019 Criminal Code in order to guarantee fully the right to freedom of peaceful assembly.
- Review and if necessary, update 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 at the highest levels all instances of the use of excessive force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to freedom of peaceful assembly by state authorities.

6.5 Access to UN Special Procedures mandate holders

- 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.

6.6 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.

7. Annex: Assessment of implementation of civic space recommendations under the 3rd cycle

Recommendation	Position	Theme	Evaluation - level of implementation
140.75 Amend provisions in the Criminal Code and the law on the press to provide the right to freedom of expression without fear of reprisals, arrest or detention (Maldives)	Supported	Expression HRDs and journalists	<p><u>Partly implemented</u></p> <ul style="list-style-type: none"> - Law 2022-987 of 20 December 2022 amending law 2017-876 of 27 December 2017 on the legal regime of the press was adopted to strengthen press freedom (see 4.3). Despite the decriminalisation of press offenses, journalists have been targets of arbitrary detention and judicial harassment (see 4.5).
140.110 Ensure freedom of expression and assembly, prosecute and convict perpetrators of harassment and threats against independent journalists and bloggers, and take effective measures to enforce the act on the protection of human rights defenders (Czechia);	Supported	Expression Assembly HRDs and journalists	<p><u>Partly implemented</u></p> <ul style="list-style-type: none"> - HRDs: the HRD protection mechanism established in March 2022 does not include HRDs in its composition (see 3.2). However, to ensure effective protection of HRDs, it is important to take their opinions and suggestions into account and promptly process cases of HRDs submitted to the mechanism. Hence the need for their integration into the composition of the mechanism. - Journalists: there have been incidents in which journalists in Côte d'Ivoire were intimidated, harassed or threatened (see 3.8-3.9). - Expression: Law 2022-987 of 20 December 2022 amending law 2017-876 of 27 December 2017 on the legal regime of the press was adopted to strengthen press freedom (see 4.3). In practice, there are many restrictive provisions in the Criminal Code and the fight against

			<p>cybercrime, limiting freedom of the press and expression (see 4.2,4.3, 4.6).</p> <ul style="list-style-type: none"> - Peaceful Assembly: Articles 197 to 199 of the Criminal Code adopted in 201950 provide prison sentences and fines for those organising or participating in ‘undeclared’ or banned protests (see 5.3); in practice, the freedom of peaceful assembly is frequently violated, including through the use of excessive force, protest bans and the arrest of protesters (see 5.4-5.6).
<p>140.112 Ensure journalists, human rights defenders and other civil society actors are able to freely exercise their rights to freedom of expression, association and peaceful assembly without fear of reprisals, intimidation or harassment, in particular in the context of the upcoming presidential election in 2020 (Ireland);</p>	Supported	HRDs and journalists	<p><u>Partly implemented</u></p> <ul style="list-style-type: none"> - HRDs: the HRD protection mechanism established in March 2022 does not include HRDs in its composition (see 3.2). HRDs are exposed to the risk of arbitrary detention, judicial harassment, physical attacks, threats and intimidation (see 3.4-3.8). - Journalists: there have been incidents in which journalists in Côte d’Ivoire were intimidated, harassed or threatened (see 3.8-3.9) - Law 2022-987 of 20 December 2022 amending law 2017-876 of 27 December 2017 on the legal regime of the press was adopted to strengthen press freedom (see 4.3). Despite the decriminalisation of press offenses, journalists have been the target of judicial harassment and arrest followed by financial sanctions (see 4.5).

<p>140.114 Guarantee freedom of expression and protection to human rights defenders, independent journalists and political opponents by setting up an independent mechanism aimed at ensuring the implementation of the decree of 2017 on implementation procedures of the Act on the promotion and protection of human rights defenders (Canada);</p>	<p>Supported</p>	<p>HRDs and journalists</p>	<p><u>Partly implemented</u></p> <ul style="list-style-type: none"> - HRDs: the HRD protection mechanism established in March 2022 does not include HRDs in its composition (see 3.2). However, to ensure effective protection of HRDs, it is important to take their opinions and suggestions into account and promptly process cases of HRDs submitted to the mechanism. Hence the need for their integration into the composition of the mechanism.
<p>140.115 Align all provisions in the Criminal Code and the law on the press which currently restrict the right to freedom of expression with international and regional human rights law, in line with Sustainable Development Goal 16 (Netherlands);</p>	<p>Supported</p>	<p>Expression</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> - Law 2022-987 of 20 December 2022 amending law 2017-876 of 27 December 2017 on the legal regime of the press was adopted to strengthen press freedom (see 4.3). In practice, there are many restrictive provisions in the Criminal Code and the fight against cybercrime, limiting freedom of the press and expression (see 4.2,4.3, 4.6).
<p>140.116 Ensure that any restriction on press and media activities is in full compliance with the International Covenant on Civil and Political Rights and other relevant human rights instruments (Republic of Korea);</p>	<p>Supported</p>	<p>Expression</p>	<p><u>Partly implemented</u></p> <ul style="list-style-type: none"> - Law 2022-987 of 20 December 2022 amending law 2017-876 of 27 December 2017 on the legal regime of the press was adopted to strengthen press freedom (see 4.3). In practice, there are many restrictive provisions in the Criminal Code and the fight against cybercrime, limiting freedom

			of the press and expression (see 4.2,4.3, 4.6).
140.117 Effectively guarantee freedom of assembly as enshrined in the Constitution (Republic of Korea);	Supported	Peaceful Assembly	<u>Not implemented</u> Articles 197 to 199 of the Criminal Code adopted in 2019 provide prison sentences and fines for those organising or participating in ‘undeclared’ or banned protests (see 5.3); in practice, the freedom of peaceful assembly is not respected. Indeed, to demonstrate, you need a prior request for authorisation which is not always granted. Also, bans on demonstrations and arrests of protesters (see 5.4-5.6). In the 2020 electoral context, an interministerial decree suspending demonstrations on public roads was issued and has not yet been repealed to date (see 5.5).
140.118 Take the necessary steps to ensure that human rights defenders, especially women human rights defenders, are protected against threats and intimidation, to allow them to freely carry out their work and to bring to justice perpetrators of harassment, threats and intimidation against human rights defenders (Republic of Moldova);	Supported	HRDs and journalists	<u>Partly implemented</u> - HRDs: the HRD protection mechanism established in March 2022 does not include HRDs in its composition (see 3.2). HRDs are exposed to the risk of arbitrary detention, judicial harassment, physical attacks, threats and intimidation (see 3.4-3.8). - There have been an incident of intimidation and threats against a WHRD of the CSO Citoyennes pour la promotion et la défense des droits des enfants, des femmes et des minorités (CPDEFM) (see 3.6)
140.119 Improve on press freedom even though the National Assembly in	Supported	Expression	<u>Partly implemented</u> - Law 2022-987 of 20 December 2022 amending law 2017-876 of 27 December 2017 on the legal

December 2017 adopted a law on the press that in principle prohibits detaining or imprisoning journalist (Sierra Leone);			regime of the press was adopted to strengthen press freedom (see 4.3). In practice, there are many restrictive provisions in the Criminal Code and the fight against cybercrime, limiting freedom of the press and expression (see 4.2,4.3, 4.6).
140.122 Promulgate the Act on the promotion and protection of human rights defenders (Timor-Leste);	Supported	HRDs and journalists	<u>Implemented</u> On 20 June 2014, Côte d'Ivoire adopted Law 2014-388 on the Promotion and Protection of Human Rights Defenders, followed by the adoption of an Implementation Decree in February 2017 and Inter-ministerial Order N°972/MJDH/MEMD/MIS of 10 November 2021 creating a mechanism for the protection of HRDs. The mechanism for the protection of human rights defenders called Committee for the Protection of Human Rights Defenders was established in March 2022 and is functional.
140.123 Protect the right to freedom of expression, in line with article 19 of the Constitution, so that all individuals, including journalists, may speak openly without fear of reprisal or arrest (United Kingdom of Great Britain and Northern Ireland);	Supported	Expression	<u>Partly implemented</u> - Law 2022-987 of 20 December 2022 amending law 2017-876 of 27 December 2017 on the legal regime of the press was adopted to strengthen press freedom (see 4.3). In practice, there are many restrictive provisions in the Criminal Code and the fight against cybercrime, limiting freedom of the press and expression (see 4.2,4.3, 4.6).
140.125 Adopt all necessary measures to provide a safe environment for freedom of expression for those who protect and promote human rights, in	Supported	HRDs and journalists	<u>Partly implemented</u> - HRDs: the HRD protection mechanism established in March 2022 does not include HRDs in its composition (see 3.2). HRDs are exposed to the risk of arbitrary detention, judicial harassment, physical

<p>particular human rights defenders and journalists, including measures to investigate and prosecute all acts of violence against them (Argentina);</p>			<p>attacks, threats and intimidation (see 3.4-3.8). HRDs continue to be victims of threats or intimidation; recurring cases for HRDs working on the theme of extractive industries in relation to human rights.</p> <ul style="list-style-type: none"> - Freedom of demonstration is not guaranteed for HRDs who are exposed to the risk of arrest (see 5.6) - Investigations into burglaries of the headquarters of human rights CSOs have never been concluded (see 2.3-2.4).
<p>42.13 Amend provisions in the Criminal Code and the law on the press that unduly restrict freedom of expression, such as criminal libel and penalties for insulting the Head of State (United States of America);</p>	<p>Noted</p>	<p>Expression</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> - Law 2022-987 of 20 December 2022 amending law 2017-876 of 27 December 2017 on the legal regime of the press was adopted to strengthen press freedom (see 4.3). In practice, there are many restrictive provisions in the Criminal Code and the fight against cybercrime, limiting freedom of the press and expression (see 4.2,4.3, 4.6).