

List of issues to be taken up in connection with the periodic report of Côte d'Ivoire

Human Rights Committee (CCPR)

Note submitted on May 6, 2024

1. Report authors

This report was prepared by the Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDH) (<https://www.ci-ddh.org/>) and the International Service for Human Rights (www.ishr.ch). The report focuses exclusively on the situation of human rights defenders in Côte d'Ivoire.

- The Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDH) is a group of Abidjan-based non-governmental organizations promoting and defending human rights, created in September 2004. The CIDDH was created to respond to the problem of security for human rights defenders in Côte d'Ivoire. Contact: Pédan Marthe COULIBALY, National Coordinator, coordinationciddh@gmail.com
- International Service For Human Rights (ISHR) is an international NGO based in Geneva, with offices in New York and Abidjan. ISHR works for the recognition and protection of human rights defenders, through capacity building, advocacy and litigation before international human rights bodies. Contact: Adélaïde ETONG KAME, Senior Programme Manager (Africa), a.etong@ishr.ch

2. *Situation of human rights defenders in Côte d'Ivoire*

- In Côte d'Ivoire, despite the existence of constitutional guarantees of freedom of demonstration, assembly, expression and fair trial, as well as specific laws protecting human rights defenders, including journalists, the latter continue to suffer violations of their rights. Certain regulations and measures adopted by the government do not comply with the standards protecting the rights of human rights defenders.
- Article 20 of the 2020 Ivorian Constitution¹, Article 3 of Law n°2014-388 of June 20, 2014 on the promotion and protection of human rights defenders and its implementing decrees of February 22, 2017 amended by the decree of October 20, 2021 guarantee freedom of demonstration for all human rights defenders. However, on August 19, 2020, interministerial Order no. 804/MATED/MSPC suspending marches and other demonstrations on the public highway was issued by the Council of Ministers, and on October 14, 2020, interministerial Order no. 872/MATED/MSPC extending the measure suspending marches and other demonstrations on the

¹ https://constituteproject.org/constitution/Cote_DIvoire_2016 as revised in 2020
<https://www.caidp.ci/uploads/5d43e7adcf0941e404d61609330f1c1b.pdf>



public highway² specifies that offenders will be prosecuted. These decrees constitute a restriction on the freedom of demonstration for all human rights defenders. Prohibiting or limiting the right to demonstrate before an election for so-called public order reasons is a flagrant infringement of freedom of expression and assembly, in violation of binding universal and regional instruments including the African Charter on Democracy, Elections and Governance³.

- In Côte d'Ivoire, the rights to freedom of expression and demonstration are enshrined in law no. 2014-388 of June 20, 2014 on the promotion and protection of human rights defenders⁴, in accordance with articles 21 and 22 of the International Covenant on Civil and Political Rights.
- After being accused of "flagrant defamation" by the deputy public prosecutor, following the publication of the article "Fraudes au sommet, la corruption : Côte d'Ivoire, a rogue state", on March 3, 2020, Yacouba Gbané, Publication Director and Barthélémy Téhin, journalist in the political department of the daily newspaper "Le Temps", a newspaper close to the opposition, were sentenced according to article 90 of law n° 2017-867 of December 27, 2017 on the legal regime of the press in Côte d'Ivoire⁵ to pay a fine of 5 million Fcfa each going beyond the amount of the fine provided for by this law⁶. Moreover, according to article 99 of the said law, it was not the prerogative of the Public Prosecutor to take the case into his own hands, since none of the authorities concerned had lodged a complaint beforehand.
- Furthermore, although the State is to be congratulated for adopting interministerial decree N°972/MJDH/MEMD/MIS of November 10, 2021, creating the mechanism for the protection of human rights defenders, in March 2022 this mechanism, known as the "Committee for the Protection of Human Rights Defenders", is in contradiction with acceptable standards in the field in its composition. Indeed, the failure to include human rights defenders in the composition of the defenders' protection mechanism makes it statocentric and does not offer the guarantees of independence and fairness that such an institution needs for its legitimacy.
- In connection with Article 19 of the Pact, the government adopted Law n°2022-978 of December 20, 2022 amending Law n°2017-867 of December 27, 2017 on the legal regime of the press to strengthen press freedom. Numerous changes have been introduced in this new law such as the reduction of the capital required for the incorporation of press companies from 5 million to 1 million FCFA (XOF); the exclusion of police custody, preventive detention, imprisonment for

² https://media-files.abidjan.net/document/docs/ARRETE_INTERMINISTERIEL_PORTANT_PROROGATION_DE_LA_MESURE_DE_SUSPENSION_DES_MARCHES.pdf

³ https://media-files.abidjan.net/document/docs/ARRETE_INTERMINISTERIEL_PORTANT_PROROGATION_DE_LA_MESURE_DE_SUSPENSION_DES_MARCHES.pdf
https://apr-news.fr/sites/default/files/documents-pdf/arrete_signe_prorogation_maifestation_sur_voie_publicque.pdf

⁴ <https://www.ci-ddh.org/wp-content/uploads/2014/08/Loi-N%C2%B0-2014-388-du-20-Juin-2014-portant-pro-motion-et-protection-des-d%C3%A9fenseurs-des-droits-de-l'Homme.pdf>

⁵ <https://www.caidp.ci/uploads/01981c9a7d883c4321811e8725ca4c2c.pdf>

⁶ Article 90 of Law No. 2017-867 of December 27, 2017 on the legal regime of the press in Côte d'Ivoire "Any allegation or imputation of a fact that is prejudicial to the honor or consideration of the person or social body to which the fact is imputed is defamation...is punishable by a fine of 1,000,000 to 3,000,000 francs whoever is guilty of the offense of defamation through the press or any other means of communication to the public by paragraphs 1 and 2 of this article."



offenses committed through the press or any other means of publication; and the considerable reduction in the amount of pecuniary penalties, previously between 2 and 15 million and now set between 500,000 and 15 million FCFA. However, this provision has not been fully applied, as investigative journalists continue to be arrested⁷.

3. Suggested questions to the state party

- How does the State, through the Comité de Protection des Défenseurs des Droits de l'Homme, plan to guarantee the protection of human rights defenders whose cases are submitted to it, effectively implement its mandate to protect and promote the rights of human rights defenders and disseminate Law No. 2014-388 of June 20, 2014 on the promotion and protection of human rights defenders to those involved in implementing this Law?
- Does the State plan to review the composition of the Committee for the Protection of Human Rights Defenders to guarantee its inclusiveness and ensure that human rights defenders are involved in the measures implemented to protect them?
- Does the State plan to repeal interministerial order n°990/MATED/MSPC of October 14, 2020 extending the measure suspending marches and other demonstrations on the public highway, contrary to articles 21 and 22 of the Pact?

⁷ <https://www.gouv.ci/actualite-article.php?recordID=14701#:~:text=Elle%20a%20cit%C3%A9%20entre%20autres,tout%20autre%20moyen%20de%20publication%20%3B>