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1999 Country Reports on Human Rights Practices

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COTE D'IVOIRE

Cote d'Ivoire is in transition following a bloodless military coup in December. Retired General Robert Guei took over the Government after a mutiny that began on December 23, evolved into a major military revolt on December 24, and culminated in the dismissal and forced departure of President Henri Konan Bedie. General Guei, who was Chief of Staff under Presidents Felix Houphouet-Boigny and Bedie, declared himself the new President, suspended the Constitution, dissolved the National Assembly and formed the National Committee for Public Salvation (CNSP), which consists of himself and eight military officers (including two soldiers who participated in the coup). Guei pledged to rewrite the Constitution, clean up government corruption, and hold fair and transparent elections in the year 2000. All of the country's political parties, including the former ruling Democratic Party of Cote d'Ivoire (PDCI) pledged to support Guei's transition government. Prior to the coup, Cote d'Ivoire was a centralized republic dominated by a strong presidency. Members of a single political party, the PDCI, had occupied both the presidency and a majority of seats in the national legislature since independence in 1960, although other parties have been legal since 1990. Upon the death in 1993 of Houphouet-Boigny, who had been President since independence, National Assembly President Bedie became President by constitutional succession and served out the remainder of Houphouet's term. Due to concerns about 1994 changes to the candidacy requirements of the electoral code that excluded a leading opposition rival to Bedie, and about irregularities in voter registration, the major opposition parties staged an "active boycott" of the 1995 presidential election, both declining to participate and trying to interfere with the voting process; however, in 1995 President Bedie won 96 percent of the vote. The opposition parties and Bedie then reached an accord that allowed for full party participation in legislative elections later in 1995. These elections were marred by irregularities in voter registration; they were suspended in 3 of the 175 districts due to interethnic violence, and results in another 3 districts were invalidated, but make-up elections in 1996 were orderly and transparent. The PDCI continued to control more than the 80 percent of National Assembly votes needed to amend the Constitution. In June 1998, the National Assembly enacted amendments to the Constitution that further

increased the already preponderant power of the presidency and were criticized widely. However, in December 1998, after negotiations with a major opposition party, the President signed an agreement obliging him to rescind some of these powers in a second round of constitutional amendments. In October these amendments were debated in the National Assembly, which eventually passed several pieces of legislation including the formation of an independent body to monitor elections. However, the Assembly did not do anything to curb presidential powers. The judiciary is subject to executive branch and other outside influence.

Following the coup d'etat, the structure of the security forces did not change. Security forces include the army, navy, and air force, all under the Ministry of Defense; the Republican Guard, a well-funded presidential security force; the national police (Surete); and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement, maintenance of public order, and internal security, including suppression of violent crime. The National Security Council, which was formed in 1996 coordinates security policy, both internal and external. The civilian Directorate of General Intelligence (DRG) is responsible for countering internal threats. A Security Staff (L'Etat Major de la Securite) collects and distributes information about crime and coordinates the activities of the security forces in times of crisis. The Special Anticrime Police Brigade (SAVAC) continued its operations. Before the December coup, the armed forces accepted the primacy of civilian authority. Seven of the 18 members of the military forces accused of plotting a coup in 1995 were dismissed from the military forces, then released from detention in 1996. Four other officers who had been suspended were reinstated in April 1998. Security forces, including the SAVAC, committed numerous human rights abuses.

The economy is largely market-based and heavily dependent on the commercial agricultural sector. Most of the rural population remains dependent on smallholder cash crop production. Principal exports are cocoa, coffee, and wood. Fewer than half of adults (52 percent of men and 30 percent of women) are literate. Recorded Gross National Product per capita in 1998 was about \$700. Economic growth has resumed since a large currency devaluation in 1994, although income remains unevenly distributed. The Government increased funding for the always large share of its operating expenditures devoted to basic health services and education. However, economic growth continued to be impeded by widespread corruption rooted in a lack of transparent and accountable governance. The Government received only limited assistance from international financial institutions during the year, and the European Union stopped its assistance programs due to government corruption.

The Bedie Government's human rights record was poor, and there were serious problems in a number of areas. The Government limited citizens' right to change their government. Members of the security forces committed extrajudicial killings, and the security forces beat and abused detainees and used force to disperse protesters. Prison conditions remained harsh and life-threatening. The Government also used arbitrary arrest and detention, and prolonged detention remained a problem. Journalists and students, in particular, were detained without trial for long periods. The Government often failed to bring perpetrators of these abuses to justice. The judiciary did not ensure due process and was subject to executive branch influence, particularly in political cases. Security forces infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and movement. Despite some formal restrictions on freedom of association, the Government generally permitted it in practice. Between 30 and 40 percent

of the country's adult population, including many lifelong residents of the country, remained politically disenfranchised noncitizens. Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained problems (although FGM was made a crime in 1998). Prior to the coup, the minority Baoule ethnic group's longstanding domination of the ruling party and the State exacerbated sometimes violent ethnic tensions. Societal discrimination based on ethnicity remained a problem, as did child labor, forced child labor, and trafficking in children.

The CNSP's seizure of power led to a number of abuses. Citizens do not have the ability to change their government. CNSP forces and others were responsible for numerous robberies, carjackings, widespread looting, and acts of intimidation. The CNSP arrested 150 government ministers and military officers; however, it released all but 40 of them by year's end. The new Government ordered the Superior Islamic Council, a pro-Bedie religious organization, to disband and seized the computers of the pro-PDCI nongovernmental organization (NGO), Servir.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no confirmed reports of politically motivated killings by government forces. As violent crime remained widespread, the security forces frequently resorted to lethal force and committed numerous extrajudicial killings. Credible media reports indicated that the Special Anticrime Police Brigade continued its shoot-to-kill policy when pursuing criminal suspects. According to the Ministry of Security, 64 persons were killed by the security forces during 1998. Statistics have not yet been published for the year; however, the number of persons killed by security forces was expected to be higher.

During the year, confrontations between the police and demonstrators resulted in at least 4 deaths and at least 15 serious injuries (see Sections 1.c. and 2.b.). Sixteen-year-old high school student Silue Lassina died on April 28, 2 days after a tear-gas canister thrown by police to disperse a protest in Yopougon broke his skull. Lassina had not been involved in the demonstration. No arrests were made.

On August 25, police broke up another Yopougon demonstration, killing Guy Mathias Koffi and seriously injuring three other persons. Minister of Security Marcel Dibonan Kone promised to investigate Koffi's death, but no charges were filed.

On November 8, police personnel killed Basouleymane Ouattarra by striking him on the head with a club during a demonstration protesting the arrest of several leaders of the opposition Republican Rally (RDR) party. The police officer was not arrested.

Following a September 16 demonstration by the opposition Republican Rally (RDR) in Adjame, 28-year-old Malian businessman Harouna Kanoute was dragged forcibly from a telephone booth and beaten to death by police in Adjame. In spite of numerous eyewitness accounts, the Minister of Security denied that the police were responsible for Kanoute's death.

Harsh prison conditions contributed to the death of a large number of prisoners (see Section 1.c.).

The transition government detained a number of police personnel who are believed to be responsible for deaths and injuries during the demonstrations that occurred between April and October.

The 15 trainee gendarmes who arrested Camara Yaya and several others in December 1998 for cocaine possession, and are accused of beating Camara to death, were arrested early in the year; however, they were not tried by year's end.

Police have made no arrests in the December 1998 death in police custody of Jean Claude Lama, a 16-year-old street child. The authorities continue to characterize the death as a suicide.

In July Police Sergeant Gohoun Gnapia was tried, convicted, and sentenced to 6 months' imprisonment, and fined \$185 (100,000 CFA francs) for having shot and killed Riot Police Brigade (BAE) officer Coulibaly Yacouba, whom Gnapia had mistaken for a thief in October 1998. The court also ordered Gnapia and the Government to pay the family \$65,000 (35 million CFA francs) in damages.

Other military personnel, SAVAC, and police personnel were also prosecuted for killings or beatings regarded by the government and citizens as blunders. On October 22, the Abidjan Military Court sentenced Sergeant Lambert Tia Kone to 6 months' imprisonment and fined him \$185 (100,000 CFA francs) for killing taxi driver, Mamadou Diomande, at a checkpoint in 1997. In August 1998 three members of the Republican Guard, Jacques Agoua Aicho, Daniel Abriki Djoman, and Raymond Ayama Djoman, were given suspended sentences of 6 months in prison and fined a mere \$148 (80,000 CFA francs) each for having beaten to death Hubert Dale in Yamoussoukro in August 1997.

There were no developments in the case of six "active boycott" detainees who died in prison in 1996. They had been held since the "active boycott" of the 1995 presidential election.

Since Abdoulaye Bakayoko, the owner of the opposition newspaper, *Le Liberal*, received death threats prior to a September 21 car-jacking in which he was killed, some human rights activists and politicians speculated that Bakayoko was the victim of a targeted political killing. An apparent September 26 attempt on the life of *Liberation* editor Lama Fofana abetted popular suspicions that Bakayoko's death was politically motivated as did an October break-in at the new premises of *Liberation*; the perpetrators killed a security guard and stole computer equipment. No arrests were made in these incidents.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the Penal Code generally prohibits violence against persons, neither the Constitution nor the Penal Code specifically prohibits torture or other mistreatment, and

police sometimes beat detainees and prisoners to punish them or to extract confessions. Press photographs regularly show criminal detainees with swollen or bruised faces and bodies.

In December 1998, the Government enacted legislation allowing lawyers to assist their clients at the stage of preliminary police hearings, that is, during the early stages of detention when abuse may be most likely. In spite of the new legislation, during the year police officers continued to mistreat suspects and other persons summoned to police and Gendarmerie stations (see Section 1.d.).

There were no public reports of government officials being arrested or tried for these abuses.

Jurists' union officials reported that police continue to beat suspects to obtain confessions and that suspects are afraid to press charges against the police officers involved. According to local human rights groups, police beat and also humiliate detainees or prisoners. Police also humiliate lawyers who try to assist their clients (see Section 1.d.).

In July Mombé Roger Zemon, a driver for Sucrivoire, was shot and injured by two police officers in Abidjan's Yopougon district. Zemon had refused to stop for the police because he thought they were criminals. No arrests were made in the case.

Issa Traore, a 30-year-old member of the Truck Drivers and Truck Owners Trade Union, was beaten severely, arrested, and detained for 48 hours beginning on January 25 in Abidjan's Adjame district. The police suspected Traore of smuggling cellular telephones into the country. He was released only after reportedly paying a bribe of \$222 (120,000 CFA francs). No police officers were arrested for these abuses.

Police frequently used violence to restrain demonstrators. Riot police used tear gas and truncheons against protesting students and other demonstrators on several occasions during the year. On at least four occasions police used lethal force against protesters and innocent bystanders (see Sections 1.a. and 2.b.).

On April 29, police in Bonoua shot and wounded Sammuel Dago, a 19-year-old student, as he participated in a student protest in that city. No police officers were arrested in the case.

Police used tear gas and truncheons to prevent a university student meeting in Abidjan's Cocody district on May 27. Eleven injured students were treated at the University Hospital. No arrests were made.

On October 16, police used tear gas and truncheons to break up a an RDR sit-in in front of the national television station, Radiodiffusion Television Ivoirienne (RTI). RDR leaders organized the sit-in to press demands for access to government-owned television and radio. Security personnel stated that they broke up the demonstration because it was not authorized; at least 10 persons were injured seriously. No police officers were arrested.

On October 27, the RDR held a follow-up demonstration. Police again used tear gas and truncheons to break up the demonstration, injuring numerous demonstrators. Following this protest, police personnel arrested 20 RDR leaders (see Section 2.b.).

Detainees often are denied food for many hours, as were 388 RDR supporters who were detained in Cocody on September 10. A journalist, detained in another part of Abidjan in September also was denied food (see Section 1.d).

Police routinely harassed and abused noncitizen Africans (see Section 5). On occasion police enter the homes and businesses of, and extort money from, Ivorian citizens, non-Ivorian Africans, and other non-Ivorians (see Section 1.f.). Police, gendarmes, and other officials extort money from motorists at roadblocks (see Section 2.d.).

CNSP and others forces were responsible for numerous robberies, carjackings, widespread looting, and acts of intimidation.

Prison conditions are harsh and life threatening. Problems include overcrowding, malnutrition, a high incidence of infectious disease, and lack of treatment facilities and medications. HIV/AIDS reportedly is also a significant cause of death. It was credibly reported that more than 700 prisoners died in 1997. Complete information for 1998 and 1999 is not available, but at least 60 prisoners died during 1998. The Director of Penitentiary Administration stated that the death rate at the Abidjan House of Arrest and Corrections (MACA) had dropped by 60 percent since October 1998 and was expected to remain low due to improvements made in June to the sanitation system, which were jointly financed by Doctors Without Borders and the Government. Several journalists released from prison in 1996 reported that white-collar prisoners are afforded better treatment than blue-collar prisoners.

According to the Ivorian Human Rights League (LIDHO), conditions at the MACA were especially hazardous for women, who were housed together with violent and nonviolent male criminals, as well as with minors. However, during 1998, the prison began to separate female and male prisoners and to maintain female guards for female prisoners and male guards for male prisoners. There still are no health facilities for women, and there continued to be credible reports of children born in prison. However, during the year there were no reports that guards raped female prisoners. Nevertheless, there were still reports that female prisoners engaged in sexual relations with their wardens in exchange for food and more privileges.

In late July, after 2 months as a prisoner in the MACA, Kouame Kouakou, deputy secretary general of the Federation of High School and University Students of Cote d'Ivoire (FESCI), sank into a coma (see Section 2.a.). He was hospitalized only after representatives of the LIDHO and the FESCI intervened with the authorities.

On September 28, FESCI secretary general Charles Ble Goude, who was detained at the MACA, was hospitalized, suffering from pain in his spinal column and thorax. At the hospital, prison authorities chained Ble Goude to his bed despite his doctor's protests that this was detrimental to his condition. After the opposition press published photos of Ble Goude chained to his bed, the Government released him from custody. None of the police officials involved in the incident were arrested.

Many unemployed and homeless detainees reported that they were beaten by authorities in prison (see Section 1.d.).

The Government has offered access to prisons to nongovernmental organizations (NGO's)

that seek to provide food and medical care to prisoners. Unlike previous years, humanitarian NGO's did not report difficulty in gaining access to prisons. Several humanitarian NGO's, including the International Committee of the Red Cross (ICRC), Prisoners Without Borders, and Doctors Without Borders, had access to the prisons and visited them during the year to provide food and medical care to prisoners. However, none of these NGO's specifically were monitoring human rights conditions in the prisons. LIDHO, which monitors human rights conditions in prisons, did not visit prisons during the year because it was denied authorization to do so without giving advance notice. LIDHO applied twice for authorization to visit prisons at any time without advance notice, but it has not received such authorization to date.

d. Arbitrary Arrest, Detention, or Exile

The Government arbitrarily arrests and detains citizens. Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for only 48 hours without bringing charges. A magistrate may order detention for up to 4 months but also must provide the Minister of Justice with a written justification for continued detention on a monthly basis. However, the law often is violated. Police and the CNSP have held persons for more than 48 hours without bringing charges. According to a member of a jurists' union, this practice is common, and magistrates often are not able to verify that those who are not charged are released.

Defendants do not have the right to a judicial determination of the legality of their detention. A judge may release pretrial detainees on provisional liberty, if the judge believes that the suspect is not likely to flee. In 1996 the Attorney General referred in public to the long detention periods suffered by prisoners awaiting trial in the country's principal prison, the MACA, listing a total prisoner population of 4,600, of whom 1,741 were detainees who had yet to be tried. Of the detainees, 470 had been detained for more than 2 years, 60 for at least 4 years, and 39 others between 5 and 12 years. Based on these figures, pretrial detainees at that time made up about 35 percent of the prison population. On December 24, 6,693 persons were detained at the MACA, a prison built for 1,500. However, no breakdown was available. A law enacted in December 1998 limits pretrial detention to 10 months in civil cases and 22 months in criminal cases; if these limits are exceeded, the prisoner must be released on provisional liberty with no bail, and if the responsible judge takes no action, the prison director must act to free the suspect or face sanctions.

Between April and August the police detained at least 180 students across the country for their involvement in sometimes violent strikes and demonstrations. Of those 180, 120 were released; of the remaining 60, all the minors were tried and released to their parents; 6 of those who were 18 years or older were sentenced to 5 years in prison; and the remainder were sentenced to terms of less than 5 years.

During student strikes on May 27, police arrested student leaders Kouame Kouakou and Drigone Faya in Bouake on charges of inciting violence and destruction of property under the 1992 Antivandalism Law. Charles Ble Goude, the FESCI secretary general was arrested on August 17 and also was charged with inciting violence and destruction of property.

On September 30, police personnel arrested 51 persons for creating a public disturbance at

the Sorbonne, a gathering place for public discussions about contemporary political or social issues. Police released all 51 of the detainees following identity checks; however, former president Bedie subsequently banned meetings at the Sorbonne (see Section 5).

On October 1, the Government granted pardons to the over 60 students awaiting trial, including those who had been convicted of crimes. The students all were released from custody.

On October 5, Debe Kouassi, a freelance journalist for pro-RDR newspapers reportedly was arrested, held in detention for 5 days, deprived of food, interrogated, and finally transferred to a hospital due to deteriorating health. He was released from custody by year's end.

On October 27, 20 RDR leaders and Ouattara supporters were arrested following a demonstration that was dispersed violently by police personnel (see Sections 1.c. and 2.b.). The leaders were charged with inciting the destruction of public property and organizing a prohibited public demonstration under the country's 1992 Antivandalism Law. In a November trial the detainees were tried; 11 were sentenced to 2 years in prison, five were sentenced to 1 year in prison, and the remaining four were acquitted. During the December coup, rebel soldiers freed all of those convicted from prison and granted them amnesty.

Journalists Raphael Lakpe and Jean Khalil Sylla of *Le Populaire* were arrested in April and June respectively for publishing false stories of student deaths, disturbing public order, and offending the Head of State. They were tried in October and both were sentenced to 6 months' imprisonment and fined \$185 (100,000 CFA francs).

On December 9, the Bedie Government issued a warrant for Alassane Ouattara's arrest for the alleged falsification of documents and their use. Newspaper accounts speculated that Bedie ordered the warrant issued to intimidate Ouattara and to prevent him from returning to the country.

During and following the coup, the mutineers arrested 150 ministers, military officers, and other officials known as supporters of the Bedie government; no formal charges were filed. The new regime released the majority of these prisoners; however, approximately 40 remained in custody at year's end.

Although it is prohibited by law, police restrict access to some prisoners. Despite the frequency of arbitrary arrest, there is no accurate total of suspects held. In April 1998, police held over 800 unemployed persons and vagrants in investigative detention in Abidjan, after arresting many in an effort to identify criminals. Several reported that police beat them (also see Section 1.c.).

Souleymane T. Senn, a journalist for *Notre Voie*, was detained by police from September 13 to 16, after writing an article about his attempt to interview Togolese President Gnassingbe Eyadema. Senn reportedly was accused of embezzling funds from the trip to Togo, but he never saw a written complaint. He was deprived of food for the first 34 hours of his incarceration; during that time the police denied that he was in custody.

Lawyers who defended suspects in the preliminary hearings sometimes are harassed. In

July, all of the lawyers in the country participated in a 1-week strike to protest the mistreatment and humiliation to which police officers subject them when they try to assist their clients. The lawyers' strike was prompted by the arrest of lawyer Kone Anna de Messe Zinzou by two officers at the Abidjan police prefecture at the behest of Dr. Sami Daher, one of her clients. Lawyers agreed to end the strike only after the two police officers were arrested, and after they met with Prime Minister Daniel Kablan Duncan to discuss improvements to the judicial system. Former president of the Bar Association Essy N'Gatta stressed that the lawyers' objective was to put an end to arbitrary detention .

Favide Innocent, a Beninese car importer arrested in 1994 pursuant to an extradition request by the Government of Togo, remained in detention in the MACA although various courts had ordered his release on several occasions, most recently in April 1998. In November 1998, Innocent staged a hunger strike to protest his continued detention; he finally was released from prison on December 24.

In September police detained 388 political demonstrators for 2 days without providing them with food on the first day (see Section 2.b.).

On October 17, 20 RDR leaders and Ouattara supporters were arrested for allegedly inciting violence and destroying property (See Section 2.b.).

Of the military personnel arrested on charges of coup plotting in 1995 and released 14 months later, four were reinstated.

The Government does not use forced exile as a means of political control.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive branch and other outside influences. Although the judiciary is independent in ordinary criminal cases, it follows the lead of the executive in national security or politically sensitive cases. Judges serve at the pleasure of the executive, and reports that they submit to political pressure are credible. During the year, a judge from the tribunal of Dimbokro annulled opposition candidate Alassane Ouattara's certificate of nationality, allegedly due to pressure from Ministry of Justice officials.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts.

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

In rural areas, traditional institutions often administer justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution is by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly is superseding these traditional mechanisms. In 1996 a Grand Mediator was appointed to settle disputes that cannot be resolved by traditional means. This office appears designed to bridge traditional and modern methods of dispute resolution. During the year, about 90 disputes, including land

rights disputes, were submitted to it.

The law provides for the right to public trial, although key evidence sometimes is given secretly. The presumption of innocence and the right of defendants to be present at their trials often are not respected. Those convicted have the right of appeal, although higher courts rarely overturn verdicts. Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for court-appointed attorneys; however, no free legal assistance is available. In practice many defendants cannot afford private counsel, and court-appointed attorneys are not readily available.

In December 1998, the Government granted amnesty for all offenses committed by all persons in connection with the active boycott of the 1995 election. In September that amnesty was extended to military officers accused of involvement in the October 1995 coup plot. This latter group included General Robert Guei. There were no other reports of political prisoners.

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

The Code of Penal Procedure specifies that a police official or investigative magistrate may conduct searches of homes without a judicial warrant if there is reason to believe that there is evidence on the premises concerning a crime. The official must have the prosecutor's agreement to retain any evidence seized in the search and is required to have witnesses to the search, which may not take place between 9:00 p.m. and 4:00 a.m.

Desire Tanoe, an ambassador in the Ivorian Foreign Service and Elizabeth Kapet, the Treasurer of the International Movement of Female Democrats (MIFED), a women's NGO active on student issues, were suspected of being in contact with FESCI leaders (in particular Ble Goude), and arrested without warrants at 4:00 a.m. on June 5. After being questioned by police for a few hours, they were released from the National Security Council headquarters.

On August 31, presidential security guards seized and searched Alassane Ouattara's luggage at the Abidjan airport. On October 1, the PDCI newspaper, *The Democrate*, published the contents of some of the documents contained in Ouattara's luggage. Ouattara intends to pursue legal action against the Government for theft of private correspondence.

On November 1, plainclothes police officers detained and questioned Ousmane Sy Savane, an RDR deputy and mayor of Odienne. The police confiscated several documents, including the transcript of a press conference given by Alassane Ouattara's lawyers.

In practice police sometimes use a general search warrant without a name or address. On occasion police have entered homes of non-Ivorian Africans (or apprehended them at large), taken them to local police stations, and extorted small amounts of money for alleged minor offenses.

Security forces reportedly monitored some private telephone conversations, but the extent of the practice is unknown. Government authorities monitored letters and parcels at the post office for potential criminal activity, and are widely believed to monitor private

correspondence, although no evidence of this has been produced. The Government used students as informants at the University of Abidjan (see Section 2.a.).

During the December coup, mutineers entered forcibly the homes of some former government officials. The soldiers conducted illegal searches and arrested some officials without warrants. Coup forces also were responsible for widespread looting.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of expression, and private newspapers frequently criticize government policies, the Government imposes significant restrictions on this right. The two government-owned daily newspapers, *Fraternite Matin* and *Ivoir Soir*, offer little criticism of government policy, while government-owned radio and television offer none at all. While private newspapers (12 daily, 26 weekly, 5 fortnightly, and 9 monthly), opposition leaders, and student groups voice their disapproval of government or presidential actions frequently and sometimes loudly, the Government does not tolerate what it considers insults or attacks on the honor of the country's highest officials. A law enacted in 1991, soon after the Government first allowed substantial numbers of private newspapers to operate, authorizes the State to initiate criminal libel prosecutions against persons who insult the President, the Prime Minister, foreign chiefs of state or government or their diplomatic representatives, or defame institutions of the State, or undermine the reputation of the nation. In addition, the State may criminalize a civil libel suit at its discretion and at the request of the plaintiff. Criminal libel is punishable by 3 months to 2 years in prison. Journalists exercise considerable self-censorship.

In an August 1998 letter to the publisher of *Notre Voie*, a private Abidjan-based daily newspaper affiliated with a major opposition party, the Minister of Communications cautioned that a series of then-planned articles on domestic political repression by the security forces "might harm national security" and might violate provisions of the 1991 press law that forbid the publication of national defense secrets. In October 1998, the Abidjan offices of *Notre Voie* and an affiliated daily newspaper, *Actuel*, were entered forcibly and burglarized by three armed and hooded persons. The perpetrators stripped and beat the night guard and removed files that documented corruption involving senior government officials and ethnic discrimination in the armed forces, but left telephones, computers, and facsimile machines untouched. In 1995 the offices of *Notre Voie*--then called *La Voie*--had been burned by persons unknown. No arrest warrants were issued in either case.

In October 1998, the Government announced that it would henceforth initiate criminal libel prosecutions only on behalf of the President and would punish criminal libel convictions by fines rather than imprisonment except in cases of libel against the President. The preponderance of state-initiated criminal libel prosecutions of journalists since 1991 have alleged libel against the President (see Section 1.d.).

In October 1998, a former minister filed a libel suit against the staff of *Le Jour*, a private Abidjan-based daily newspaper, which had reported allegations of the minister's involvement in a pedophilia scandal. In July in trials in the lower court and the appeals

court, the newspaper and one of its journalists were found guilty. The publisher and the journalist were each given suspended sentences of 3 months in prison and were fined \$185 (100,000 CFA francs); the paper was required to pay an additional \$9,250 (5 million CFA francs) in damages and interest.

On April 28, police arrested Raphael Lakpe, editor in chief of the Abidjan daily *Le Populaire*, and four of the journalists working for the newspaper for publishing a false report concerning a student's death, allegedly at the hands of the authorities, and for offending the Head of State in several articles. Following intercession by the Ivorian Union of Journalists, the four journalists were released on June 3, and Lapke was tried and released in October.

On May 20, the courts found the editor in chief and a journalist from *Argument* guilty of libeling Minister of State for Interior and Decentralization Emile Constant Bombet and his family. The journalists were fined \$925 (500,000 CFA francs) and given suspended sentences of 1 year; the court ordered the newspaper to pay Bombet an additional \$37,000 (20 million CFA francs) in damages.

On July 9, the Public Prosecutor lodged a complaint against three Abidjan daily newspapers--*Notre Voie*, *Liberation*, and *Le Patriote*--for allegedly offending the Head of State and detained the editors in chief. All three had published articles alleging that President Bedie's doctoral thesis had been written by a French national whom he had paid to draft it. The arrests followed the publication of articles about President Bedie's reconstruction of President Houphouet-Boigny's residence and Prime Minister Duncan's alleged acquisition of an apartment in Paris for more than \$5 million (3 billion CFA francs). The police released all three editors in chief after they made statements on July 12.

Beginning on July 27, police seized without a warrant at least 500 copies of the French publication *Africa Golfe Eco*, which contained highly critical stories about President Bedie and his Government. Subsequent issues have not been circulated.

Both because literacy is far from universal, and because newspapers and television are relatively expensive, radio is the most important medium of mass communication. The government-owned broadcast media company, Radiodiffusion Television Ivoirienne (RTI), owns two major radio stations; only the primary government radio station is broadcast nationwide. There are also four major private domestic radio stations: Radio France Internationale (RFI), the British Broadcasting Corporation (BBC), Africa Number One, and Radio Nostalgie. They broadcast on FM in Abidjan only, except for RFI, which in November 1998 signed an agreement with RTI to allow it to broadcast via relay antennas to the north and center of the country. The RFI and BBC stations broadcast only internationally produced programming. The Africa Number One station, which is 51 percent domestically owned, broadcasts 6 hours a day of domestically produced programming; the rest of the time it broadcasts programming from Africa Number One's headquarters in Libreville, Gabon. Radio Nostalgie is 51 percent owned by Radio Nostalgie France. The RFI, BBC, and Africa Number One stations all broadcast news and political commentary about the country. The private stations have complete control over their editorial content. However, only Radio Nostalgie frequently has been critical of the Government in its editorials. On September 16, the Government ordered Radio Nostalgie to suspend its broadcasts for 72 hours because it had violated the terms of its license,

which allows 3 to 5 minute news flashes, by making extended commentary on the September 14 events outside former Prime Minister Alassane Ouattara's home (see Section 2.b.) The Government forced Radio Yopougon to close for 24 hours in October for violating its license by broadcasting to a larger geographical range than was permitted. However, no journalist of any station is known to have been prosecuted by the Government for libel.

Radio station license applications are adjudicated by a commission under the Ministry of Information, which has accepted applications and awarded licenses only once, in 1993. On that occasion, the commission denied 7 of 12 applications on a variety of grounds, including, in one case, affiliation with a major opposition political party.

In 1998 the Government authorized 43 community radio stations with very limited broadcast strength, no foreign-language programming, no advertisements, and public announcements limited to the local area. Roman Catholic church groups began to operate four community radio stations: Radio Espoir in Abidjan, Radio Paix Sanwi in Aboisso, Radio Notre Dame in Yamoussoukro, and Radio Dix-Huit Montagnes in Man. No Muslim station is broadcasting yet, because the Government required that all four major Muslim associations agree to share a single frequency; however, in February, the Muslim associations agreed to submit a joint proposal and received a license on April 21.

There are two television stations that broadcast domestically produced programs. Both are owned and operated by the Government. Only one is broadcast nationwide. The only private television station, Canal Horizon, is foreign owned and broadcasts no domestically produced programs. The Government has not accepted any applications to establish a privately owned domestic television station.

The National Council of Audiovisual Communication (NCAC), established in 1991 and formally organized in 1995, is responsible for regulating media access during the 2-week formal political campaign period and for resolving complaints about unfair media access. However, members of the PDCI constitute the majority of the membership of the council. Due to the conflict between the regulating body and the fact that the domestic television stations are state-owned, the NCAC is sometimes powerless. In October Henriette Dagri Diabate demanded that the RDR be granted equal time in the media. NCAC spokesmen responded that, according to law, the government television station should comply with the request, but that it did not have the means to enforce this law.

In October Levy Niamkey, an anchorman on the national television station's nightly news program, was suspended from his job for 2 months for broadcasting a report, which criticized the RDR and its leaders at the end of the news broadcast instead of the beginning. The Ministry of Information reduced Niamkey's suspension to 8 days following an outpouring of support from journalists and opposition members; however, Niamkey ultimately resigned from his post.

The Government does not restrict access to or distribution of electronic media. There are twelve domestic Internet service providers, of which four are major providers; the first began operations in 1996. All twelve are private. The licensing requirements imposed by the government telecommunications regulatory body, ATCI, reportedly are not unduly restrictive.

The Government continues to exercise considerable influence over the official media's program content, news coverage, and other matters, using these media to promote government policies. Much of the news programming during the year was devoted to the activities of the President, the Government, the PDCI, and pro-Bedie groups.

The case of 12 employees of the government broadcast media company, RTI, who had participated in an April 1997 strike that reportedly caused an interruption of RTI broadcasting, came to trial in November 1998. The RTI employees were tried on charges, filed in 1997, of disturbing public order, willful destruction of public property, and interfering with public services. The judge finally rendered a verdict in January, acquitting six and convicting the other six. Those convicted were given suspended 6-month sentences and fines of \$92(50,000 CFA francs) each (see Section 6.a.).

There is no known law specifically concerning academic freedom, although academics have cited laws of French origin concerning the operations of universities to support their claims of academic freedom. In practice the Government tolerates much academic freedom, but also inhibits political expression through its proprietary control of most educational facilities, even at the post-secondary level. On April 27, the president of the University of Cocody banned all meetings and sit-ins on the campus; and 2 days later the Council of Ministers ratified and extended the President's action, banning all FESCI activities throughout the country.

Students at universities and secondary schools staged many demonstrations and protests about educational issues, resulting in hundreds of arrests and 63 prosecutions. In May the Government closed all schools at all levels, including primary school, for 17 days, following widespread demonstrations. The Government also forbade all student meetings and banned FESCI activities. On July 30, the universities declared the 1998-99 academic year "invalid" for students in most disciplines, meaning that no credit would be given and that the universities would be even more crowded beginning in October, underscoring FESCI complaints about overcrowding. In spite of religious and human rights groups' efforts to promote dialog between the student union, FESCI, and the Government, dialog effectively ended with the arrest of FECSI leaders (see Section 1.d.).

Many prominent scholars active in opposition politics have retained their positions at state educational facilities. However, some teachers and professors suggest that they have been transferred or fear that they may be transferred to less desirable positions because of their political activities. According to student union statements, government security forces continued to use students as informants to monitor political activities at the University of Abidjan.

There were numerous student protests during the year (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government sometimes restricted this right during the second half of the year.

Groups that wish to hold demonstrations or rallies are required by law to submit a notice of their intent to do so to the Ministry of Security or the Ministry of Interior 48 hours before the proposed event. No law expressly authorizes the Government to ban public

meetings or events for which advance notice has been given in the required manner. Nevertheless, the Government sometimes has denied the opposition permission to meet in public outdoor locations. In September the Dabou city council banned a planned September 11 opposition RDR rally, stating that the rally could lead to a violent confrontation. On September 20, the mayor of the Abidjan's Koumassi district forbade all political meetings in the district.

However, the RDR did stage a large public demonstration in Abidjan on September 27. Although the Government warned of dire consequences in the event of violence, it did not ban that demonstration, and no violence occurred.

Police repeatedly used violence to break up demonstrations and gatherings even when organizers duly gave the advance notice required by law. Between April and August, police forcibly suppressed many demonstrations held by students and other citizens to protest overcrowded classrooms, high prices, increasing unemployment, and low standards of living (see Section 1.c). Police generally used non-lethal force such as tear gas against demonstrators. However, in one case a student demonstrator was killed by a tear-gas canister that was thrown by police to disperse a protest (see Section 1.a.). No charges were filed against the police in regard to the 3 deaths and 15 serious injuries that resulted from those demonstrations (see Section 1.a.). Between April and August, police personnel detained at least 180 students and unemployed persons across the country for their involvement in sometimes violent strikes and demonstrations (see Section 1.d.) Police also arrested 13 persons in connection with the August 25 demonstration in Yopougon following which Guy Koffi was killed (see Section 1.a.).

Beginning on September 10, hundreds of RDR supporters staged a sit-in outside RDR leader Ouattara's house in Cocody to protest PDCI attempts to ban Ouattara from running in the 2000 presidential elections. On September 14, police removed 388 demonstrators after some participants in the demonstration attacked a police commissioner who had come to deliver a letter informing Ouattara that he was to be questioned by the police. On September 15, President Bedie pardoned the 388 detainees, who were denied food for several hours at the beginning and end of their detention. They returned to Ouattara's house the next day and remained there until September 19 (see Section 1.d.).

A 1992 Antivandalism Law holds organizers of a march or demonstration responsible if any of the participants engage in violence. A leading civil rights NGO, the LIDHO, and all major opposition parties criticized the law as unduly vague and as one that imposed punishment on some persons for the crimes of others.

In September police personnel arrested 51 persons at the Sorbonne, a gathering place for public discussions. All of the detainees were released following identity checks; however, the Bedie Government subsequently banned all meetings at the Sorbonne (see Section 1.d.).

On October 27, at least 20 RDR leaders and Ouattara supporters were arrested following a demonstration that was dispersed violently by police personnel (see Sections 1.c. and 1.d.). The leaders, including Henriette Dagri Diabate, four Members of Parliament, one mayor, and a journalist for the pro-RDR newspaper, *Le Liberal*, were charged with inciting the destruction of public property and organizing a prohibited public demonstration under the Antivandalism Law. In November the leaders were tried; 11 were sentenced to 2 years in

prison (including Diabete), 5 were sentenced to 1 year in prison, and the remaining 4 were acquitted. During the December coup, rebel soldiers freed all of the RDR leaders from prison and granted them amnesty.

On November 26, President Bedie issued Presidential Decree Number 99-668, which eliminated the right to hold outdoor meetings and demonstrations during the workweek. The ban was to remain in effect until May 30, 2000. This decree eliminated a number of opposition demonstrations that were planned for December; however, the Government did allow an outdoor rally to take place on December 18. The decree remained in effect at year's end.

The Government restricts freedom of association formally, but generally respects it in practice. Opposition parties assert that the Constitution permits private associations to form. The Government rejects this interpretation and requires all organizations to register before commencing activities. In order to obtain registration, political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution. Before the coup, there were 102 legally recognized political parties, of which 3 were represented in the National Assembly. Although there were no reports in the past 5 years of denial of registration, an August decree implementing the 1993 political party registration law apparently was interpreted to be aimed at former Prime Minister Ouattara and his RDR. The law also prohibits the formation of political parties along ethnic or religious lines.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There are no known impediments to religious expression. There is no state religion; however, for historical as well as ethnic reasons, the Government informally favors Christianity, in particular the Roman Catholic Church. Catholic Church leaders often are the first on whom the high government officials call for advice and mediation in times of social or political discord. Members of the Catholic clergy take part in political debate, whereas Islamic leaders may be criticized by government figures and official press organs if they engage in political debate. However, the Government permits the open practice of religion, and there are no restrictions on religious ceremonies or teaching.

According to a 1988 census, about 25 percent of citizens were Muslim, about 23 percent were animist, and 31 percent were Christian; 13 percent practiced no religion. However, because the country hosts a large population of noncitizens, many of whom are Muslim, Muslims make up substantially more than 25 of the population.

Some Muslims believe that their religious or ethnic affiliation makes them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards (see Section 5).

The Catholic Church began to operate community radio stations in 1998; on April 21, the Government authorized Muslims to operate a similar station (see Section 2.a.).

The CNSP ordered the Superior Islamic Council, a pro-Bedie organization, to disband.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although neither the Constitution nor any law provides for freedom of movement, the Government generally does not restrict internal travel; however, uniformed police, gendarmes, and water, forestry, and customs officials commonly erect and operate roadblocks on major roads, where they demand that passing motorists or passengers produce identity and vehicle papers and regularly extort small amounts of money or goods for contrived or minor infractions.

Citizens normally may travel abroad and emigrate freely and have the right of voluntary repatriation. However, in November airport security officials prevented Hamed Bakayoko, a friend of Alassane Ouattara and the director of Radio Nostalgie, from traveling to Paris for a business trip. Security officials similarly prevented Morifere Bamba, leader of the opposition Party for Progress and Socialism from traveling abroad.

There are no known cases of revocation of citizenship, although the Bedie Government challenged the citizenship of presidential candidate Alassane Ouattara, alleging that he is really a citizen of Burkina Faso.

The country has not enacted legislation to provide refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The only domestic statute in force is the 1990 immigration law, which includes refugees without specifying a separate legal status for them. Nevertheless, the Government respects the right to first asylum and does not deny recognition to refugees, either by law or custom. An estimated 65,000 Liberian refugees remain in the country; from 150,000 to 200,000 refugees have returned to Liberia either under United Nations auspices or independently. There are also several thousand refugees from Sierra Leone and the Great Lakes region, including Rwanda and Burundi. There were no reports that persons who had a valid claim to asylum or refugee status were involuntarily repatriated to a country where they feared persecution.

The Government cooperates with the U.N. High Commissioner for Refugees in health, education, and food distribution programs for refugees. In January International Rescue Committee staff identified sanitation problems and severe overcrowding in schools at the Niela Camp.

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

The Constitution provides for the right of citizens to change their government peacefully through democratic means; however the Bedie Government limited this right in practice and the December coup effectively disenfranchised citizens, preventing them from exercising this right. General Guei pledged to rewrite the Constitution and hold fair and transparent elections in the year 2000.

Prior to the coup, the PDCI controlled both the presidency and the National Assembly continuously since independence in 1960, and no president has ever left office in consequence of an election. Between 30 and 40 percent of the country's adult population, including many lifelong residents, are politically disenfranchised noncitizens (see Section 5).

In 1994 the Government enacted changes to the Electoral Code that included more restrictive parentage and residency requirements. These changes had the effect of excluding from the 1995 presidential election Alassane Ouattara, then a major potential rival to President Bedie. Citing concern about these changes in the electoral code and about irregularities in the voter registration process, the major opposition parties boycotted and tried to disrupt the 1995 presidential election, in which Bedie was reelected with 96 percent of the vote.

Prior to the coup, legislative elections were scheduled to be held every 5 years, and presidential elections every 7 years, by balloting that authorities describe as secret, but that allows a voter to leave a polling place with tangible evidence of how he voted. At polling places on election day, registered citizens receive a package of color-coded cards, containing one card for each candidate. Each citizen votes, alone inside a closed booth, by depositing into a sealed ballot box an envelope containing one of these cards. However, the voter is free to carry the unused cards from his package out of the polling place. Consequently voters can and sometimes do present these unused ballots as proof of how they voted to agents of candidates who pay them for their votes. This balloting system tends to favor an incumbent party that can draw directly or indirectly on the resources of the State to reward those who vote for its candidates. During negotiations with the PDCI late in the year, a leading opposition party demanded unsuccessfully that single, fully secret ballots be used in future elections.

The number of registered voters in districts of the National Assembly, each of which elects one representative, varies by as much as a factor of 10; these inequalities systematically favor the ruling party. National Assembly elections held in 1995 were marred both by violent incidents and by flaws in the electoral process, which were noted by both international and domestic observers. In 1998 ONE, a domestic NGO that monitors elections, cited irregularities in election list compilation and voting card distribution; these irregularities favored ruling party candidates. On April 25, a legislative by-election in a nominally pro-opposition area was marred by the destruction of 15 ballot boxes, the invalidation of results from 7 polling stations, and the sequestration of 3 subprefects. Two opposition candidates objected and asked the Constitutional Council to invalidate the result. However, the Council confirmed the PDCI candidate's election in May.

In practice the presidency consistently has dominated the State. In the name of ruling party discipline, the PDCI-controlled National Assembly has enacted with very few modifications most bills submitted by the Government. Moreover, members of the National Assembly seldom have initiated legislation, and the National Assembly only rarely has enacted legislation introduced by a member rather than by the Government.

In June 1998, the National Assembly enacted amendments to the Constitution that diminished the authority of the Prime Minister relative to the President, authorized the President to annul elections or to postpone announcing election results, extended the presidential term from 5 to 7 years, mandated the creation of a second legislative chamber (senate), provided for the president of the senate to succeed the President in the event of his death or incapacitation, and wrote into the Constitution the presidential eligibility restrictions of the 1994 electoral code. Diverse domestic and international observers--including the LIDHO, an antitribalist NGO (Notre Nation), and the French Socialist Party--criticized these constitutional amendments publicly for tending both to limit the

right of citizens to change their government and to increase the already preponderant power of the presidency. In December 1998, as part of a formal written accord between the ruling party and a major opposition party, then-President Bedie agreed to renounce in a second round of constitutional amendments some of the powers conferred on him by the constitutional amendments, including the power to postpone announcements of election results and the power to annul elections. However, all the constitutional amendments remained fully effective at year's end. In November 1998, Roger Nasra, a businessman accused of defrauding the Government of nearly \$2 million in 1995 (10,810,000 CFA francs), testified that he had given that money to a senior treasury official for diversion to Bedie's election campaign. The treasury official denied the charges; he was transferred in August.

Government and opposition observers both have indicated that almost half of citizens do not have national identity cards, without which they cannot vote. The Government enacted and began to implement a law that simplified the process and greatly reduced the cost of obtaining national identity cards. This was intended to increase voter eligibility and registration. However, the same law tripled the cost of residence permits required of noncitizens.

The major opposition parties continued to demand that elections be organized and supervised by an electoral commission independent of the Government, as domestic and international election-monitoring NGO's have recommended. On December 9, the National Assembly voted to allow the creation of a National Election Commission to supervise elections. This decision was enacted as one of several agreements between the PDCI and the opposition Ivorian Popular Front (FPI); however, at year's end the organization of elections remained in the hands of the Ministry of Interior.

Citizens' ability to elect subnational governments is limited. The State is highly centralized. Subnational government entities exist on several levels, including 16 regions, 58 departments, 230 subprefectures, and 196 communities. However, at all levels except for communities, which are headed by mayors elected for 5-year terms, and traditional chieftaincies, which are headed by elected chiefs, all subnational government officials are appointed by the central Government. Subnational governments generally must rely on the central Government for much of their revenue, but mayors have autonomy to hire and fire community administrative personnel.

Although there are no legal impediments to women assuming political leadership roles they are underrepresented in government and politics. Under the Bedie government, only 14 of the 175 National Assembly deputies were women. Women held 3 of the 17 leadership positions in the National Assembly. There were 3 women in the 35-member presidential Cabinet named in August, and 3 members of the Supreme Court are women. In January Henriette Dagri Diabete was elected to the post of secretary general of the opposition RDR; she became the first woman to lead a political party.

There are no legal impediments to the exercise of political rights by any of the more than 60 ethnic groups in the country. However, it is widely believed that the Baoule and other ethnic groups that have tended to support the ruling party are overrepresented in both mid-level and low-level appointed positions throughout the public sector. Prior to the coup, Baoules always had held the positions of President and Defense Minister. However, General Guei is Toura, a subgroup of the Yacouba, one of the main ethnic groups in the

west of the country; many of his supporters are from historically underrepresented ethnic groups in the north and west.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The LIDHO, a domestic human rights NGO formed in 1987 and recognized by the Government in 1990, investigated alleged violations of human rights actively and issued press releases and reports, some critical of the Government. Other NGO's such as Amnesty International and the Ivorian MIFED also monitored government human rights abuses and published press releases critical of them.

The Government has cooperated with international inquiries into its human rights practices, which were chiefly in the area of prison conditions (see Section 1.c.).

The CNSP Government seized the computers of the pro-PDCI NGO Servir.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Discrimination based on race, ethnicity, national origin, sex, or religion is prohibited by law, but in practice women occupy a subordinate role in society. Muslims complain of governmental discrimination (see Section 2.c.), societal ethnic discrimination is a problem, and the Baoule ethnic group dominates the ruling party and through it, the Government.

Women

Representatives of the Ivorian Association for the Defense of Women (AIDF) state that spousal abuse (usually wife beating) occurs frequently and often leads to divorce. A July 1998 AIDF survey found that many women refused to discuss their experience of domestic violence; of women who completed the AIDF interview process, nearly 90 percent had been beaten or struck on at least one occasion. Doctors state that they rarely see the victims of domestic violence. A severe social stigma is attached to such violence, and neighbors often intervene in a domestic quarrel to protect a woman who is the known object of physical abuse. The courts and police view domestic violence as a family problem, unless serious bodily harm is inflicted, or the victim lodges a complaint, in which case they may initiate criminal proceedings. Women's advocacy groups have protested the indifference of authorities to female victims of violence and called attention to domestic violence and female genital mutilation (FGM). The groups also reported that women who are the victims of rape or domestic violence often are ignored when they attempt to bring the violence to the attention of the police. The Government does not collect statistics on the rape or other physical abuse of women. The Government has no clear policy regarding spousal abuse beyond the strictures against violence in the civil code. In December 1998, the National Assembly enacted the Law Concerning Crimes against Women, which forbids and provides criminal penalties for forced or early marriage and sexual harassment, but says nothing about spousal abuse. In July the AIDF launched a petition drive to pressure the authorities to enact and enforce laws against domestic violence, especially spousal abuse; 18,000 petitions were collected by year's end. The AIDF also is active in opposing forced marriage and advancing the rights of

female domestic workers.

In rural areas, women and men divide the labor, with men clearing the land and attending to cash crops like cocoa and coffee, while women grow vegetables and other staples and perform most menial household tasks. Government policy encourages full participation by women in social and economic life, but there is considerable informal resistance among employers to hiring women, whom they consider less dependable because of their potential pregnancy. Women are underrepresented in some professions and in the managerial sector as a whole. Some women also encounter difficulty in obtaining loans, as they cannot meet the lending criteria mandated by banks. These criteria include such elements as title to a house and production of profitable cash crops, specifically coffee and cocoa. However, women in the formal sector are paid on an equal scale with men.

Children

Primary education is compulsory, but this requirement is not enforced effectively. Many children leave school after only a few years. There is a parental preference for educating boys rather than girls, which is noticeable throughout the country but more pronounced in rural areas. The primary school enrollment rate for girls is increasing in the northern part of the country. In part to combat low enrollment rates for girls, in January 1998 the Government instituted new measures against statutory rape of students by school teachers. The Minister of National Education stated then that almost one-third of the 66 percent primary and secondary school dropout rate was attributable to pregnancies, and that many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. According to UNICEF statistics, 79 percent of males and 58 percent of females of primary school age reportedly were enrolled in the period between 1990 and 1996.

Cities, especially Abidjan, have large populations of street children. Some children are employed as domestics and are subject to sexual abuse, harassment, and other forms of mistreatment by their employers, according to the AIDF and press reports (see Section 6.d.).

In September 1998, an Abidjan daily newspaper reported allegations by a 14-year-old boy that he had been sodomized repeatedly over many months by a network of pedophiles that included former Minister of Economic Infrastructure Ezan Akele and a foreign ambassador. Leading human rights organizations, including the LIDHO, demanded that the alleged pedophiles not be shielded from prosecution. On January 4, judges released 6 of the 8 accused in this matter on provisional liberty. The case still is pending.

At least hundreds and perhaps thousands of Malian children were trafficked and sold into indentured servitude on Ivorian plantations (see Sections 6.c. and 6.f).

The Ministries of Public Health and of Employment, Public Service, and Social Security seek to safeguard the welfare of children, and the Government also has encouraged the formation of NGO's such as the Abidjan Legal Center for the Defense of Children. In 1996 the Government announced a series of measures aimed at reducing the population of street children. These steps include holding parents legally and financially responsible for their abandoned children and the development of training centers where children can learn a trade. One of these centers opened in Dabou on July 31.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is a serious problem. Until 1998 there was no law that specifically prohibited FGM, which was considered illegal only as a violation of general laws prohibiting crimes against persons. However, the Law Concerning Crimes against Women enacted in December 1998 specifically forbids FGM and makes those who perform it subject to criminal penalties of imprisonment for up to 5 years and a fine of from roughly \$650 to \$3,500 (360,000 to 2 million CFA francs); double penalties apply for medical practitioners. FGM is practiced particularly among the rural population in the north and west and to a lesser extent in the center. The procedure usually is performed on young girls or at puberty as part of a rite of passage; it is almost always done outside modern medical facilities, and techniques and hygiene do not meet modern medical standards. According to the World Health Organization and the AIDF, as many as 60 percent of women have undergone FGM. Since the law on FGM was enacted in December 1998, 6 girls in Abidjan's Port Bouet district were mutilated, and police and social workers neither acted to prevent the mutilation nor to arrest the girls' parents.

Women's advocacy organizations have sponsored campaigns against FGM, forced marriage, and marriage of minors, patterns of inheritance that exclude women, and other practices considered harmful to women and girls. In 1997 the Ministry of the Family and Women's Affairs organized a seminar on FGM. In some areas traditional authorities, who generally have upheld the practice, began to take part in public demonstrations against FGM.

People With Disabilities

Until recently there were no laws mandating accessibility to buildings, transportation, or other public services by the disabled. However, in October 1998 the National Assembly enacted a law, sponsored by former President Bedie's wife, that requires the State to educate and train the disabled, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by the disabled. The law covers individuals with physical, mental, visual, auditory, and cerebral motor disabilities. Laws also exist that prohibit the abandonment of the mentally or physically disabled and enjoin acts of violence directed at them. Traditional practices, beliefs, and superstitions vary, but infanticide in cases of serious birth disabilities is less common than in the past. Disabled adults are not specific targets of abuse, but they encounter serious difficulties in competing with able-bodied workers. The Government supports special schools, associations, and artisans' cooperatives for the disabled, but physically disabled persons still beg on urban streets and in commercial zones.

National/Racial/Ethnic Minorities

The country's population of about 15 million is ethnically diverse. The citizenry--which excludes the large noncitizen part of the population--is made up of five major families of ethnic groups. The Akan family made up more than 40 percent of the citizenry, according to the 1988 census; the largest Akan ethnic group, and the largest ethnic group in the country, was the Baoule, to which perhaps one-fourth of all citizens belong. About 25 percent of citizens belong to the Mande family, of which the Malinke are the largest group. About 15 percent of citizens belong to the Krou family, of which the Bete are the largest group. Slightly more than 15 percent also belong to the Voltaic family, of which

the Senoufo are the largest group. Major ethnic groups generally have their own primary languages and their nonurban populations tend to be concentrated regionally.

Between 30 and 40 percent of the population are Africans, mostly from neighboring countries such as Mali and Burkina Faso, who may not claim citizenship legally. Birth in Ivorian national territory does not confer citizenship. The ethnic composition of the whole population including these noncitizens is quite different from that of the citizenry alone.

Societal discrimination on the basis of ethnicity sometimes is practiced by members of all ethnic groups. Urban neighborhoods still have identifiable ethnic characteristics, and major political parties tend to have identifiable ethnic and regional bases, although interethnic marriage is increasingly common in urban areas.

Some ethnic groups include many noncitizens, and their share of the electorate would be increased by enfranchising noncitizens. Other ethnic groups include few noncitizens, and their share of the electorate would be decreased by enfranchising noncitizens. There are societal and political tensions between these two sets of ethnic groups. This cleavage corresponds to some extent to regional differences; ethnic groups that include many noncitizens are found chiefly in the north. Members of northern ethnic groups that are found in neighboring countries as well as in the country often are required to document their citizenship, whereas members of politically powerful ethnic groups, such as the Baoule and the Agni, reportedly do not have this problem. Police routinely abuse and harass noncitizen Africans residing in the country. Official harassment reflects the frequently encountered conviction that foreigners are responsible for high local crime rates, as well as concern for Ivorian national identity.

Election law changes in 1994 limited presidential candidates to those who could prove that both parents had been born in Cote d'Ivoire. This restriction was incorporated into the Constitution in June 1998. It is due to this restriction that the PDCI considered presidential hopeful Alassane Ouattara ineligible to run for president in the 2000 elections. In July 1998, the Government tripled the cost of the residence permits for noncitizens. The Government requires citizens of other West African countries to carry these cards, but simultaneously it greatly reduced the cost of national identification cards for citizens. This discriminatory law tended to perpetuate the political disenfranchisement of noncitizens by making it harder for them to become citizens. It also tended to entrench the electoral power of ethnic groups that include relatively few noncitizens, such as the Baoule.

Differences between members of the Baoule group and other ethnic groups, especially the Bete, are a major source of political tensions and have erupted repeatedly into violence, most recently in 1997. Many members of the Baoule group, which has long inhabited the east-central region, have settled in towns and on previously uncultivated land in other areas, especially in more westerly regions. In the past, the Government generally has viewed use of land as conferring de facto ownership of land. However, in December 1998, the National Assembly enacted the new Land Use Law, which establishes that land title does not transfer from the traditional owner to the user simply by virtue of use.

Members of the Baoule ethnic group dominate the PDCI and were widely believed to hold disproportionate numbers of positions in the public sector, including the security forces, the civil service, and state-owned businesses during the Bedie regime (see Section 3). In

1998, a serving non-Baoule army officer complained publicly in letters published in private newspapers about ethnic discrimination against non-Baoules in the armed forces, as did a former non-Baoule army officer in 1999; the serving officer was reprimanded by the Ministry of Defense. Security forces were accused of favoring Baoules in 1997 violence between members of the Baoule and Guere ethnic groups.

In May 1998, the Government ordered the Dozos, a group of traditional hunters from the north and northwest regions, to cease activities "outside the geographic and cultural sphere of their origin," and to surrender any modern weapons. Some reports pointed out that the Government's order came shortly after Dozos, some of whom long had served as bodyguards for ruling party politicians, began to perform security functions for opposition party leaders and rallies. Government and Dozo spokespersons indicated that the Government's order responded to infiltration of the Dozos by "false Dozos" who had begun to use excessive force in their private security roles.

During the latter part of the year, tensions arose between Ivorian and non-Ivorian ethnic groups. In November a member of the native Krou ethnic group allegedly was killed by a Burkinabe in the southwestern region of Tabou. Following his death, a number of ethnic Krous attacked Burkinabe settlements, burning their homes and chasing more than 12,000 persons to Burkino Faso; they had not returned to the country by year's end. On November 17, members of the Baoule ethnic group attacked the Malian population in Tiebissou after the death of a Baoule during a land use conflict. After the attack, several hundred persons fled the area. On December 7, members of the Baoule ethnic group allegedly attacked members of the Burkinabe population in Tiebissou, which resulted in many Burkinabes fleeing the region.

In July 1998, members of the Agni ethnic group burned villages of descendants of Bozo immigrants in a fishing rights dispute and drove many Bozos back to their ancestral areas in Mali. Ghanaian Fanti fishermen similarly were driven out of parts of southwestern Cote d'Ivoire in December 1998.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to form unions. Registration of a new union requires 3 months. For almost 30 years, the government-sponsored labor confederation, the General Union of Workers of Cote d'Ivoire (UGTCI), dominated most union activity. The UGTCI's hold on the labor movement loosened in 1991 when several formerly UGTCI-affiliated unions broke away and became independent. In 1992 11 formerly independent unions joined together to form the Federation of Autonomous Trade Unions of Cote d'Ivoire. There are now also two other registered labor federations not affiliated with the Government.

Although unions are legally free to leave the UGTCI and join another federation, in practice their choice is restricted by anticompetitive official discrimination in favor of the government-affiliated UGTCI. In September 1998, after a 3-year struggle and with the assistance of the International Labor Organization, labor inspectors were obliged to organize an election of union delegates at the Sip Cata company in San Pedro, and to allow Dignite, an independent labor federation, to compete with the UGTCI. Dignite's

candidates won the election, and the union switched its affiliation to Dignite.

The right to strike is provided by the Constitution and by statute. The Labor Code requires a protracted series of negotiations and a 6-day notification period before a strike may take place, effectively making legal strikes difficult to organize. Although the UGTCI seldom has called strikes, it called a strike in June to protest continuing low wage increases and lack of funding for the social security and medical systems. Bailiffs and customs officers also struck. Non-UGTCI unions also called strikes of lawyers, garbage collectors, street cleaners, and taxi drivers.

Twelve employees of the government broadcast media company, RTI, who had participated in an April 1997 strike that reportedly caused an interruption of RTI broadcasting, were tried in November and December 1998 on charges, filed in May 1997, of disturbing public order, willful destruction of public property, and interfering with public services. They had been detained for 3 months in 1997. The judge finally rendered a verdict in January, acquitting six and convicting the other six. Those convicted were given suspended 6-month sentences and fines of \$92 (50,000 CFA francs) each (See Section 2.b.).

Unions are free to join international bodies.

b. The Right to Organize and Bargain Collectively

The Labor Code grants all citizens, except members of the police and military services, the rights to join unions and to bargain collectively. Collective bargaining agreements are in effect in many major business enterprises and sectors of the civil service. In most cases in which wages are not established in direct negotiations between unions and employers, salaries are set by job categories by the Ministry of Employment and Civil Service. Labor inspectors have the responsibility to enforce a law that prohibits antiunion discrimination. There have been no known prosecutions or convictions under this law.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law; however, the International Labor Organization's Committee of Experts in its 1993 annual report questioned a decree that places certain categories of prisoners at the disposal of private enterprises for work assignments without their apparent consent. There has been no change in this decree.

The law prohibits forced and bonded child labor; however, the Government does not enforce this prohibition effectively, and children trafficked to the country were sold into forced labor (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

In most instances, the legal minimum working age is 16. However, the Ministry of Employment and Civil Service enforces this provision effectively only in the civil service and in large multinational companies. Labor law limits the hours of young workers, defined as those under the age of 18. However, children often work on family farms, and

some children routinely act as vendors, shoe shiners, errand boys, car watchers, and washers of car windows in the informal sector in cities. There are reliable reports of some use of child labor in informal-sector mining and also of children working in "sweatshop" conditions in small workshops. Primary education is mandatory but far from universally enforced, particularly in rural areas. Many children leave the formal school system when they are between the ages of 12 and 14, having failed secondary school entrance exams.

Although the Government prohibits forced and bonded child labor, it does not enforce this prohibition effectively. There was widespread abuse of foreign children for forced labor on agricultural plantations (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The Government administratively determines monthly minimum wage rates, which were last adjusted in 1996. A slightly higher minimum wage rate applies for construction workers. The Government enforces the minimum wage rates only for salaried workers employed by the Government or registered with the social security office. Minimum wages vary according to occupation, with the lowest set at approximately \$67.90 (36,607 CFA francs) per month, which is insufficient to provide a decent standard of living for a worker and family. The majority of the labor force works in agriculture or in the informal sector where the minimum wage does not apply.

Through the Ministry of Employment and the Civil Service, the Government enforces a comprehensive Labor Code that governs the terms and conditions of service for wage earners and salaried workers and provides for occupational safety and health standards. Those employed in the formal sector generally are protected against unjust compensation, excessive hours, and arbitrary discharge from employment. The standard legal workweek is 40 hours. The law requires overtime payment on a graduated scale for additional hours. The Labor Code provides for at least one 24-hour rest period per week.

Government labor inspectors can order employers to improve substandard conditions, and a labor court can levy fines if the employer fails to comply with the Labor Code. However, in the large informal sector of the economy involving both urban and rural workers, the Government's occupational health and safety regulations are enforced erratically, if at all. Workers in the formal sector have the right, under the Labor Code, to remove themselves from dangerous work situations without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, workers in the informal sector ordinarily cannot remove themselves from such labor without risking the loss of their employment.

Trafficking in Persons

The law does not prohibit trafficking in persons, and there were credible reports that it occurs. In September 1998, a private Abidjan daily newspaper exposed the widespread practice of importing and indenturing Malian boys for field work on Ivorian plantations under abusive conditions. For example, children recruited by Malians in the border town of Sikasso were promised easy and lucrative jobs in Cote d'Ivoire, transported across the border, and then sold to other Malians who dispersed them throughout the plantations of the central region. These children were forced to work 12-hour days in the fields and were locked at night in crowded sheds, with their clothing confiscated. The Governments of

Mali and Cote d'Ivoire confirmed the reports. The Government of Mali and the United Nations Children's Fund (UNICEF) took steps to halt this trafficking and repatriate the children to Mali. About 100 children from Mali were returned to their families in 1998. In 1998 the Government of Mali arrested 5 persons in Sikasso who were responsible for trafficking. The extent of this practice was difficult to estimate, because many Malian adults also worked on Ivorian plantations in the same area under difficult conditions.

Mali was not the only source of forced child labor used in the country. In January authorities repatriated 11 10- and 11-year old girls to Lagos, Nigeria from Abidjan.

On June 11, 13 girls from Benin ranging from 4 to 10 years old were intercepted at Cote d'Ivoire's border with Ghana, and Beninese child traffickers Marcelin Dagbegnon and Antoine Assogba were arrested. According to Soir Info, an Abidjan daily newspaper, in 1998 Beninese police intercepted almost 1,000 children who were being "sold into slavery" in Cote d'Ivoire, Nigeria, Togo, Cameroon, and Gabon. In July police in Divo broke up a ring of child traffickers which had brought children from Burkina Faso to work on farms and plantations in Cote d'Ivoire. Police released and arranged for the repatriation of six teenagers and were seeking 11 others who already had been placed with Ivorian families by trafficker Madeleine N'Da Adjoua. In March 1998, police in Togo arrested 4 Beninese traffickers taking 22 Beninese children to Cote d'Ivoire by way of Togo.

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