



Comparative study and findings on the impact of criminal, security and other exceptional laws and policies in select Francophone and Lusophone countries

Côte d'Ivoire

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Acronyms and abbreviations

| | |
|----------------------|---|
| ACAT-CI | Action by Christians for the Abolition of Torture in Côte d'Ivoire |
| ACHPR | African Charter on Human and Peoples' Rights |
| APRODH | Association for the Protection of Human Rights and Detained Persons |
| Bangkok Rules | United Nations Rules for the Treatment of Women Prisoners and Non-custodial measures for women offenders |
| DOI | Dullah Omar Institute |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CNIDH | Conseil National Indépendante des Droits de l'Homme (National Independent Human Rights Council of Côte d'Ivoire) |
| CNRCT | National Chamber of Traditional Kings and Chiefs |
| CRC | Convention on the Rights of the Child |
| DGPN | Directorate General of the National Police (Direction Générale de la Police Nationale) |
| FATF | Financial Action Task Force |
| GANHRI | Global Alliance of National Human Rights Institutions |
| HSSREC | Humanities and Social Sciences Research Ethics Committee |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| NGO | Non-governmental Organisations |
| NPM | National Preventive Mechanism |
| OPCAT | Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment |
| PPA-CI | African People's Party-Côte d'Ivoire |
| SCA | Sub-Committee on Accreditation |
| UNCAT | United Nations Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment |
| UPR | Universal Periodic Review |



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Executive Summary

The Republic of Côte d'Ivoire is situated in West Africa. Since independence from France in 1960, the country has faced two civil wars and multiple electoral crises. As a unitary state, strong executive powers are vested in the President at national level, and limited administrative powers are devolved at sub-national level between the 14 autonomous districts of the country.

The country adopted its most recent Constitution in 2019 and makes use of the Penal Code which is heavily influenced by its former French colonial power. The Ivorian Constitution authorises continuous application of colonial laws in the absence of new laws. Several provisions in the Penal Code are outdated and target individuals or groups perceived to have less power and considered as a threat to the status quo. Moreover, the Penal Code and other legislation contain offences that are of questionable and uncertain purpose, resulting in frequent overreach in application by law enforcement officials. The accompanying sanctions are often harsh or unaffordable, resulting in avoidable, if not unjust, detention. Côte d'Ivoire, as a representative of Francophone Africa, offers a compelling lens through which to examine the complex legacy of colonial legal systems, on-going struggles for democratic governance, and the pressure of regional and internal human rights standards. The geo-political position of Côte d'Ivoire in West Africa reflects broader regional challenges, including the persistence of colonial-era laws, politicised legal reforms, and the use of criminal and exceptional laws to suppress dissent and control civil society. As is the case in many francophone African countries, the promise of constitutional rights in Côte d'Ivoire is often undermined by repressive enforcement practices and vague legal provisions, especially around freedom of expression, assembly, and due process.

Key observations from this report indicate that Côte d'Ivoire's post-independence history has been marked by economic gains and losses, identity-politics and electoral crises. Major constitutional and legal reforms have occurred, resulting in the current legal framework. Côte d'Ivoire is party to key regional and international human rights treaties with varying degrees of compliance. Criminal, security, and exceptional laws in Côte d'Ivoire are frequently vague and selectively enforced, allowing authorities to suppress dissent and restrict fundamental freedoms. These laws, particularly those related to public order, defamation, and terrorism, are often applied in discriminatory or punitive ways, especially against political opponents, journalists, and civil society. It is also the case that local authorities issue exceptional decrees that criminalise ordinary behaviours despite limited legal authority to do so, thus contributing to legal uncertainty and human rights violations. Oversight mechanisms exist in Côte d'Ivoire, including the National Independent Human Rights Council and other actors involved in prison and police oversight, but their impact is curtailed by limited resources and issues of transparency.

This report draws attention to certain criminal, security and exceptional laws that exist in Côte d'Ivoire considered to be discriminatory, exclusionary and exceptional. These laws are generally incompatible with human rights principles, such as the freedom of assembly, freedom of expression and other norms entrenched in UN treaties and the African Charter on Human and Peoples' Rights. Some laws including those relating to defamation and assemblies are vague in scope, leaving room for unfettered discretion by law enforcement officials. The objective is to bring to the surface seldom heard of, deliberately ignored and/or purposefully obscured voices and perspectives with the purpose to draw attention to problematic issues within the Ivorian legal framework as well as practice. Emphasis is placed on targeted groups and the impact of these laws and their application on vulnerable groups such as women, youth, children, human rights defenders, political opposition and civil society activists. The report reflects on the situation in Côte d'Ivoire and forms part of a three-country comparative study including Burundi and Mozambique. These three countries were selected as they are from slightly different legal traditions stemming from previous colonial powers and this enriches the comparative analysis.

The study took place in Abidjan, Côte d'Ivoire and employed a qualitative research methodology comprising a series of focus group discussions and semi-structured interviews. Some 50-60 participants partook in the study including local and national government officials, academics, civil society representatives, legal professionals and public space workers. Participants provided written consent to participate in the study and were guaranteed anonymity. This report was drafted based on an extensive literature review and insights gathered during the data collection process. To ensure accuracy of information, the findings were subsequently validated at a workshop held in Abidjan, Côte d'Ivoire in June 2025.

The Dullah Omar Institute expresses its sincere gratitude to our partner, *Action des Chrétiens pour l'Abolition de la Torture (ACAT-CI)*, for coordinating the focus group discussions and semi-structured interviews in Abidjan, Côte d'Ivoire.

We also wish to acknowledge the generous support of the Open Society Foundations for making this research report possible.

1.

Introduction

The Republic of Côte d'Ivoire is situated in West Africa and was a French protectorate from 1843 until 1893 when it became a French colony.¹ The country gained its independence from France in 1960 and the independence movement was led by Felix Houphouët-Boigny who ruled the country until his death in 1993.² Since then, Côte d'Ivoire has seen four successive presidents: Henri Konan Bédié (1993–1999), General Robert Guéi (1999–2000), Laurent Gbagbo (2000–2011), and Alassane Ouattara, who has held office since 2011. The country is scheduled to hold its sixth general elections in October 2025.

Côte d'Ivoire is a member of the Francophonie, the international organisation of French-speaking countries and regions.³ Its geo-political position in West Africa makes it a gateway to the region and plays a significant role as a regional hub. Côte d'Ivoire is a unitary republic with strong executive power vested in a presidential system governed by the principle of the separation of powers between the executive, legislative and judiciary.⁴ The government holds executive power, while legislative power is vested in the parliament which consists of the indirectly elected unicameral National Assembly which generates various legal texts impacting the Ivorian population.⁵ The Constitution is the highest law in the land and is supplemented by the Penal Code which still contains provisions stemming from the French colonial past. Several colonial-era laws remain embedded within Ivorian statutes and continue to be enforced in an arbitrary and discriminatory manner. Moreover, in the post-colonial period, the Ivorian government has enacted new laws that are applied in exceptional ways, disproportionately affecting the poor and marginalized. These laws often result in harsh, unaffordable, and unjust sanctions, including detention. While these laws may not always be inherently problematic, their application in practice frequently results in overreach and rights violations.

This report highlights the impact of select criminal, security, and other exceptional laws in Côte d'Ivoire that are perceived to be unfair, discriminatory, exclusionary, and generally incompatible with human rights principles such as freedom of assembly, freedom of expression, and other norms enshrined in UN treaties and the African Charter on Human and Peoples' Rights. The objective of this report is to amplify voices and perspectives that are rarely heard, deliberately ignored, or purposefully obscured, with the aim of drawing attention to problematic issues within Côte d'Ivoire's legal framework and its enforcement. Given the complexity and breadth of laws embedded within Ivorian statutes, a selection was made on a range of old and more recent laws deemed most relevant to emerging global issues and trends

1.1 Methodology

A qualitative research methodology was employed for this study. The project received ethics clearance from the Humanities and Social Sciences Research Ethics Committee (HSSREC) at the University of the Western Cape, South Africa. A comprehensive literature review was conducted using online sources, journal articles, academic theses, news articles, reports, legislation, and conference papers.

1 K Gueu, "The Legal System in Côte d'Ivoire: Where Do We Stand?," *GlobaLex/Foreign and International Law Research*, n.d., accessed July 3, 2025, <https://www.nyulawglobal.org/globalex>.

2 "Côte d'Ivoire Gains Independence from France," *South African History Online*, November 30, 2019, <https://sahistory.org.za/dated-event/cote-divoire-gains-independence-france>.

3 "Côte d'Ivoire," *Organisation Internationale de La Francophonie*, 2025, <https://www.francophonie.org/cote-divoire-951>.

4 Gueu, "The Legal System in Côte d'Ivoire."

5 Gueu, "The Legal System in Côte d'Ivoire."

Data collection took place in September 2024 in Abidjan, Côte d'Ivoire, involving 50-60 key stakeholders. Five focus group discussions were held with five to ten participants each, and ten individual semi-structured interviews were also undertaken. Participants included representatives from the Ministry of Justice, the National Independent Human Rights Council, the National Assembly, academia, civil society organisations, journalists, judicial officers, national and municipal police, and individuals working in public spaces. The focus group discussions facilitated a broad range of perspectives from impacted groups and civil society representatives, while the semi-structured interviews were conducted with experts and high-ranking officials. A first draft of the report was prepared and validated by stakeholders during a workshop held in Abidjan in June 2025. Additional inputs stemming from the validation workshop were incorporated into the report.

1.2 Report Outline

The report is divided into the following sections:

- Section Two offers a historical and political overview of Côte d'Ivoire, discussing the legacy of its former colonial power and highlighting some colonial statutes that remain in place. It also briefly addresses changes in the country's political context, including the devolution of powers at sub-national level.
- Section Three focuses on major constitutional and legislative reforms of the past 25 years, including the legal requirements for declaring a State of Emergency.
- Section Four examines Côte d'Ivoire's legal framework, reflecting also on law enforcement and the judiciary at national and sub-national levels.
- Section Five provides an overview of select criminal, security, and exceptional laws that are applied in unusual, discriminatory, and/or punitive ways, and their impact on specific groups.
- Section Six discusses international and regional human rights instruments.
- Section Seven focuses on oversight and monitoring bodies.
- Section Eight presents recommendations for reform in law, policy, practice and concludes the report.

2.

Historical and political context

The French colonisation of Côte d'Ivoire formally began in 1893, marking the consolidation of administrative control and territorial division of districts.⁶ Although Ivorians were subjects of the French colonial administration, they were denied full citizenship rights. France's strategic aim was to establish Côte d'Ivoire as the central hub of its political operations in West Africa and as a major supplier of agricultural commodities.⁷ The colonial era was characterised by forced labour, coercive practices, and the systematic use of violence. Despite independence in 1960, Côte d'Ivoire continues to experience substantial influence from its former colonial power. This enduring legacy is reflected in various legal instruments, including the Penal Code, Civil Code, and the Code of Criminal Procedure, which retain substantial elements of the French colonial legal tradition.⁸

The Ivorian Constitution stipulates that all legislation in force at the time of independence remains valid unless explicitly repealed or amended, provided it does not conflict with constitutional provisions.⁹ This implies that, in the absence of legal reforms, many colonial-era statutes continue to govern the Ivorian legal system. Several laws have not been updated to reflect the social realities of Ivorians, leading to resistance by the population to the application of laws.

2.1 Post-colonial context

In the post-colonial period, Côte d'Ivoire was initially characterised by a combination of economic growth and political stability. During the first three decades of President Félix Houphouët-Boigny's leadership, the country experienced impressive economic expansion, with annual GDP growth consistently surpassing seven percent.¹⁰ This growth was primarily driven by the export of cocoa and coffee, the country's two main exports.¹¹ However, since the early 2000s, the political landscape has been marred by instability, civil unrest, power grabs, and economic stagnation. The country endured two civil wars, the first between 2002 and 2007 following a failed coup attempt, and the second from 2010 to 2011, sparked by a disputed presidential election between Laurent Gbagbo and Alassane Ouattara. The post-electoral crisis was particularly devastating, resulting in widespread violence, loss of life, mass displacement, economic decline, and severe human rights abuses leading to the establishment of a Dialogue, Truth, and Reconciliation Commission.¹² Alassane Ouattara ultimately served two presidential terms before a significant constitutional change reshaped Côte d'Ivoire's political landscape.¹³

6 JC Meledje, "Cote d'Ivoire: From Pre-Colonisation to Colonial Legacy," *Social Evolution & History* 17, no. 1 (2018): 23, https://www.sociostudies.org/upload/sociostudies.org/journal/seh/2018_1/016-033.pdf.

7 Meledje, "Cote d'Ivoire: From Pre-Colonisation to Colonial Legacy," 21.

8 Republique de La Cote d'Ivoire – Code Penale, Pub. L. No. Loi N° 81-640 (1981). <https://www.gouv.ci/faire-une-recherche>; Republique de La Cote d'Ivoire | Loi N° 60-366 Du 14 Novembre 1960 Portant Code de Procedure Penale, Pub. L. No. Loi N° 60-366 (1960). <https://ihl-databases.icrc.org/en/national-practice/code-criminal-procedure-1969>; La Republic de La Cote d'Ivoire – Code Civil De (1964). <https://www.africa-laws.org/ivory/civil%20law/Code%20civil.pdf>.

9 Constitution de La Republique de La Côte d'Ivoire 2016 (2016). <https://www.presidence.ci/constitution-de-2016/>.

10 T Ogowang, *The Root Causes of the Conflict in Ivory Coast* (Africa Portal, 2011), 2, https://africaportal.org/wp-content/uploads/2023/05/Backgrounder_No_5-The-Root-Causes-of-the-Conflict-in-Ivory-Coast.pdf.

11 Ogowang, *The Root Causes of the Conflict in Ivory Coast*, 2.

12 D Zounmenou and A Lamin, Cote d'Ivoire's Post-Electoral Crisis: Ouattara Rules but Can He Govern? (n.d.), 7, <https://www.eisa.org/storage/2023/05/2011-journal-of-african-elections-v10n2-cote-divoires-post-electoral-crisis-ouattara-rules-but-can-he-govern-eisa.pdf?x29006>; "Côte d'Ivoire Dialogue, Truth and Reconciliation Commission (2011-2014) African Transitional Justice Hub," accessed June 3, 2025, <https://atjhub.csvr.org.za/cote-divoire-dialogue-truth-and-reconciliation-commission-2011-2014/>.

13 J Bjarnesen and S Van Baalen, *Ouattara's Third-Term Bid Raises Old Fears – Risk of Violence in Cote d'Ivoire's Upcoming Presidential Elections* (The Nordic Africa Institute, 2020), 2, <https://www.diva-portal.org/smash/get/diva2:1502513/FULLTEXT01.pdf>.

The country adopted its current Constitution in 2016 which effectively reset the presidential term limits that had previously capped leadership at two five-year terms.¹⁴ This constitutional revision paved the way for Ouattara to pursue a third mandate in 2020, based on a contentious interpretation that the new legal framework nullified his prior terms.¹⁵ The unexpected death of his designated successor, Prime Minister Amadou Gon Coulibaly in July 2020 and the endorsement of his candidacy by key state institutions secured Ouattara's third term.¹⁶ However, the decision ignited widespread political unrest, opposition boycotts, and accusations of authoritarian overreach.¹⁷

2.2 Devolution of powers at sub-national level

Côte d'Ivoire is a unitary State with central authority residing with the President, but the country is relatively decentralised, with some powers delegated to local levels. Administratively, Côte d'Ivoire is divided into two autonomous districts (Abidjan and Yamoussoukro) and 12 districts, which are further sub-divided into 30 regions.¹⁸ Similar to the French administrative system, local authorities exercise administrative powers at regional and municipal levels. The responsibilities of local authorities include the publication and enforcement of laws and regulations, the implementation of general security measures, and the execution within the region of the economic, social, and cultural development policies defined by the government.¹⁹

At the regional level, regional councils act as the executive bodies responsible for managing regional affairs. At the municipal level, mayors oversee security and administration within their municipal boundaries.²⁰ Both regional councils and municipalities possess legal personality and administrative autonomy, allowing them to govern local matters independently within the framework of national law. Their responsibilities include attending to issues related to local interest and development (such as environment, health, and education) and providing basic services.²¹ The administrative structure is further complicated by the presence of other local authorities appointed or recognised by the executive branch. These include prefects and village chiefs, the latter of whom are elected by local communities but officially confirmed by the prefectural authority.²² While these figures do not possess financial or administrative autonomy, they serve as representatives of the central State within their respective jurisdictions. In addition, there also exists district governors responsible to oversee the two autonomous districts of Abidjan and Yamoussoukro. These districts constitute a unique territorial entity that operates under a hybrid model, combining elements of both decentralisation and deconcentration. As such, they are governed by both centrally appointed authorities and locally elected bodies, reflecting a blend of State oversight and local governance.²³

14 Constitution de la République de la Côte d'Ivoire 2016 (2016). <https://www.presidence.ci/constitution-de-2016/>.

15 Constitution de La République de La Côte d'Ivoire 2016, art. 55.

16 Bjarnesen and Van Baalen, *Ouattara's Third-Term Bid Raises Old Fears – Risk of Violence in Cote d'Ivoire's Upcoming Presidential Elections*, 3.

17 "Côte d'Ivoire: Alassane Ouattara Réélu Pour Un 3e Mandat," *La Croix*, November 3, 2020, <https://www.la-croix.com/Cote-Ivoire-president-Ouattara-reelu-3e-mandat-2020-11-03-1301122653>.

18 République de La Côte d'Ivoire – Decret N°2011-263 Du 28 Septembre 2011 Portant Organisation Du Territoire National En Districts et En Régions, Pub. L. No. Decret N°2011-263 (2011). https://web.archive.org/web/20160302200300/http://www.pndap-ci.org/pdf/decret_districts.pdf.

19 République de La Côte d'Ivoire – Loi N°2012-1128 Du 13 Décembre 2012 Portant Organisation Des Collectivités Territoriales., Pub. L. No. Loi n°2012-1128 (2012). <https://dcf.ci/DCF/Content/uploads/2021/04/LOI-N-2012-1128-du-13-12-2012-portant-organisation-des-collectivites-territoriales.pdf>.

20 A Yapi and M Ouattara, "Le Système Juridique De La Côte D'Ivoire – Globalex," *GlobaLex*, October 2022, https://www.nyulawglobal.org/globalex/cote-divoirel_fr.html.

21 République de La Côte d'Ivoire – Loi N°2012-1128 Du 13 Décembre 2012 Portant Organisation Des Collectivités Territoriales.

22 République de La Côte d'Ivoire – Loi N° 2014-452 Du 05 Août 2014 Portant Mode de Création, Attributions, Organisation et Fonctionnement Du District Autonome, Pub. L. No. Loi n° 2014-452 (2014). https://lexterra.ci/data/domaine/coll_terr/CT3/2014-08-05%20L2014-452%20Org%20&%20fonct%20district%20autonome.pdf.

23 République de La Côte d'Ivoire – Loi N° 2014-452 Du 05 Août 2014 Portant Mode de Création, Attributions, Organisation et Fonctionnement Du District Autonome.

In practice, the effectiveness of local authorities in Côte d'Ivoire is often constrained by three major factors. The first is financial limitations which severely undermine their autonomy and operational capacity due to the country's single-fund budgetary principle, which requires all municipal taxes to be paid into the public treasury.²⁴ These funds are then redistributed at the discretion of the central government, leaving local authorities with little control over their own financial resources.²⁵ This lack of financial autonomy, compounded by insufficient allocations and frequent delays in disbursements, often forces municipalities to rely on loans from domestic banks or international sources, leading to growing levels of municipal debt.²⁶ Moreover, focus group discussion participants noted that the Ivorian State does not consider the economic disparities or revenue-generating potential of different regions when determining budget allocations, further deepening inequality between regions.²⁷ Thirdly, local governance is frequently influenced by partisan interests.²⁸ Regional and municipal authorities often prioritise the agendas of the political parties they are affiliated with, at the expense of addressing the real needs and well-being of the local population.²⁹ This undermines democratic accountability and weakens public trust in local governance. Fourthly, administrative overlaps between the various levels of government (districts, regions, and sub-regions) create confusion over roles and responsibilities.³⁰ In the case of Côte d'Ivoire, it is often unclear which authority is responsible for major projects and those responsible for minor local initiatives. As a result, multiple actors including district governors, mayors, and village chiefs find themselves operating within the same territory with overlapping mandates. This fragmentation of authority and lack of co-ordination fosters inefficiency, competition, and administrative disorder.

24 Republique de La Cote d'Ivoire – Loi N°2020-885 Du 21 Octobre 2020 Portant Régime Financier Des Collectivités Territoriales et Des Districts Autonomes, Pub. L. No. Loi No 2020-885(2020). <https://www.juriafrica.com/lex/loi-2020-885-21-octobre-2020-33948.htm>.

25 *The Challenge of Local Government Financing in Developing Countries*(UN-Habitat, 2015), <https://unhabitat.org/the-challenge-of-local-government-financing-in-developing-countries-0>.

26 *The Challenge of Local Government Financing in Developing Countries*.

27 J de Visser et al., *Local Government Finances*, Factsheet#6(Dullah Omar Institute, 2020), <https://dullahomarinstitute.org.za/siteworkspace/doi-factsheets-6.pdf>.

28 R Wilson, "Understanding Local Governance: An International Perspective," *Revista de Administração de Empresas* 40, no. 2(2000): 51-63.

29 J de Visser et al., *Fact Sheets on Decentralisation in Africa: A Short-Cut Guide*(Dullah Omar Institute, 2020), https://dullahomarinstitute.org.za/siteworkspace/fact-sheets-on-decentralisation-in-africa_english.pdf.

30 J de Visser et al., *Federalism and Federations*, Fact Sheet 2(Dullah Omar Institute, 2020), <https://dullahomarinstitute.org.za/siteworkspace/doi-factsheets-2.pdf>.

3. Constitutional and Legislative reforms relating to criminal justice (2000-2024)

Between 2000 and 2024, there have been several key constitutional and legislative reforms relating to criminal justice in Côte d'Ivoire. Despite these changes, Côte d'Ivoire's legal system remains heavily influenced by its French colonial legacy. Critics argue that Ivorian laws do not reflect the country's social realities, with little consideration given to community-based practices or customary norms. This results in a general lack of confidence by the population in the justice system which is considered to be corrupt and difficult to access.³¹

3.1 Constitutional reforms

Côte d'Ivoire's first Constitution was adopted at independence in 1960 and it closely mirrored France's 1958 Constitution.³² It established a strong, centralised presidential system, along with an independent judiciary and a national legislature.³³ However, this constitutional order was disrupted following a military coup in December 1999, leading to the suspension of the 1960 Constitution.³⁴ In its place, a new constitution was adopted in 2000.³⁵ The revised Constitution maintained a strong executive within a framework of separation of powers but also introduced the controversial principle of *Ivoirité*, an exclusionary concept of national identity that emphasised ethnic indigeneity.³⁶ This principle served to marginalise citizens from northern Côte d'Ivoire, exacerbating ethnic tensions between northerners and those from the south of the country. One of the most contentious elements of the 2000 Constitution was a provision stipulating that presidential candidates must be of Ivorian origin and born to a father and mother who are also of Ivorian origin.³⁷ This provision was widely perceived as a political manoeuvre aimed at disqualifying certain individuals, most notably Alassane Ouattara, on the grounds that his parents were not considered fully Ivorian.³⁸ In an effort to resolve the escalating national crisis and promote political inclusion, the Linas-Marcoussis Accord, signed in January 2003, called for the removal of the divisive *Ivoirité* clause from the Constitution, marking a critical step toward national reconciliation and the eventual reform of the Ivorian constitutional framework.³⁹

The Presidential elections held in October 2010 resulted in a post-electoral crisis. As part of a broader initiative aimed at fostering national reconciliation, political stability, and institutional reform, a new Constitution was promulgated in 2016 following years of civil unrest, contested elections, and deep societal divisions.⁴⁰ The 2016 Constitution introduced five significant reforms.⁴¹

31 "Les Ivoiriens Expriment Un Manque de Confiance Envers Les Pouvoirs Étatiques – Afrobarometer," accessed June 5, 2025, <https://www.afrobarometer.org/articles/les-ivoiriens-expriment-un-manque-de-confiance-envers-les-pouvoirs-etatiques/>.

32 "Constitution de La République de La France – 4 October 1958," *Conseil Constitutionnel*, 1958, <https://www.conseil-constitutionnel.fr/en/constitution-of-4-october-1958>.

33 N Branson, *Constitution-Making in Côte d'Ivoire*, no. 1606 (Africa Research Institute, 2016), https://africaresearchinstitute.org/wordpress/wp-content/uploads/2016/10/ARI_CIV_BN_3.pdf.

34 J Ball, "Guéï Coup in Ivory Coast | EBSCO Research Starters," *EbscoHost*, 2023, <https://www.ebsco.com/research-starters/history/guei-coup-ivory-coast>.

35 République de La Côte d'Ivoire Constitution 2000, Pub. L. No. No. 2000-513 (2000). <https://www.wipo.int/wipolex/en/legislation/details/6479>.

36 D Kone, "The Concept of Ivoirité: An Identity Based Concept and Its Impact on Socio-Political Life in Ivory Coast," *Akofena* 1, no. 002 (2021): 217-28.

37 République de La Côte d'Ivoire Constitution 2000, art. 35.

38 Kone, "The Concept of Ivoirité: An Identity Based Concept and Its Impact on Socio-Political Life in Ivory Coast."

39 *The Linas-Marcoussis Agreement* (2003), <https://peaceaccords.nd.edu/accord/the-linas-marcoussis-agreement>.

40 P Lobe, "Innovations of the Draft Constitution of Côte d'Ivoire: Towards Hyper-Presidentialism?," *Constitution Net*, October 24, 2016, <https://constitutionnet.org/news/innovations-draft-constitution-cote-divoire-towards-hyper-presidentialism>.

41 Constitution de la République de la Côte d'Ivoire 2016.

Firstly, it revised presidential eligibility and term limits, stating that only one parent must be Ivorian by birth, and both the candidate and their parents may have previously held other citizenships.⁴² The minimum age requirement was lowered from 40 to 35 years, and the upper age limit was removed.⁴³ While the Constitution limits the presidency to two five-year terms, it remains ambiguous as to whether terms served prior to 2016 count.⁴⁴ Secondly, the Constitution restructured the executive branch by creating the position of Vice-President who is to be elected on the same ticket as the President through direct universal suffrage, for a five-year term renewable once.⁴⁵ Thirdly, the Constitution transitioned the legislature from a unicameral to a bicameral system by introducing a Senate alongside the National Assembly.⁴⁶ Fourthly, while the 2000 Constitution only informally acknowledged traditional chiefs, the 2016 Constitution institutionalised a National Chamber of Kings and Traditional Chiefs, with a defined role in customary conflict resolution and cultural preservation.⁴⁷ Finally, the new Constitution reformed the process for constitutional amendments, allowing now for amendments to be made by a three-fifth majority of both houses of Parliament meeting in Congress. However, cases of fundamental constitutional changes still require a referendum.⁴⁸

3.2 State of Emergency

The Ivorian Constitution permits the limitation of fundamental rights during a State of Emergency or a State of Siege.⁴⁹ A State of Siege is declared by the Council of Ministers, and if the National Assembly is not already in session, it must convene automatically.⁵⁰ An extension of the State of Siege beyond 15 days requires authorisation from the National Assembly, granted by a simple majority of its members.⁵¹ Under the Ivorian Constitution, the President may declare emergency provisions which are applicable to all or part of the national territory when the integrity of the State, the execution of its international obligations, or the regular functioning of constitutional public institutions is seriously and imminently threatened.⁵² Such measures must be taken following consultation with the National Assembly, the President of the Senate, and the Constitutional Council.⁵³

In 2020, in response to the COVID-19 pandemic, the Ivorian government issued a State of Emergency decree which not only aimed at controlling the spread of the virus but also restricting freedom of movement.⁵⁴ The decree became highly controversial as it also banned demonstrations and it was used to justify the violent repression of protests opposing President Ouattara's bid for a third term.⁵⁵ The ban was widely viewed as illegitimate, particularly because the decree failed to provide a credible or proportionate justification for such a sweeping restriction.⁵⁶

This situation illustrates a broader issue, that while emergency laws exist on paper, their implementation often diverges from constitutional intent due to political manipulation. Participants at the focus group discussions noted that instead of imposing an indefinite ban on demonstrations, the State should have allocated adequate resources to ensure the safe and lawful management of public demonstrations to balance public health concerns and the protection of fundamental rights.

42 Constitution de la République de la Côte d'Ivoire 2016, art. 55.

43 Constitution de La République de La Côte d'Ivoire 2016, art. 55.

44 Constitution de La République de La Côte d'Ivoire 2016, art. 55.

45 Constitution de La République de La Côte d'Ivoire 2016, art. 78.

46 Constitution de La République de La Côte d'Ivoire 2016, art. 85.

47 Constitution de La République de La Côte d'Ivoire 2016, art. 175.

48 Constitution de La République de La Côte d'Ivoire 2016, art. 177.

49 Constitution de La République de La Côte d'Ivoire 2016, art. 73.

50 Constitution de La République de La Côte d'Ivoire 2016, art. 105.

51 Constitution de La République de La Côte d'Ivoire 2016, art. 105.

52 Constitution de la République de la Côte d'Ivoire 2016, art. 73.

53 Constitution de La République de La Côte d'Ivoire 2016, art. 73.

54 République de La Côte d'Ivoire – Décret N°2020-351 Du 23 Mars 2020, Etat d'urgence, Pub. L. No. Décret n°2020-351(2020). <https://www.droit-afrique.com/uploads/RCl-Decret-2020-351-etat-urgence-sanitaire-pandemie.pdf>.

55 "CÔTE D'IVOIRE: Le Gouvernement Doit Lever l'interdiction de Manifester Avant l'élection Présidentielle," Article 19, October 23, 2020, <https://www.article19.org/fr/resources/cote-divoire-the-government-must-lift-the-ban-on-protest/>.

56 "Côte d'Ivoire : Cette Interdiction de Manifester Qui Tend Le Climat Politique," *Le Point*, August 21, 2020, https://www.lepoint.fr/afrique/cote-d-ivoire-cette-interdiction-de-manifester-qui-tend-le-climat-politique-21-08-2020-2388501_3826.php#11.

3.3 Legislative reforms

Several provisions in Côte d'Ivoire's Penal Code and related legislation still trace back to the French colonial era. Originally designed to maintain colonial authority and social control, these laws remain in effect and are frequently enforced in arbitrary and discriminatory ways. Although formal legislative reforms are on-going, challenges persist in both administrative and judicial enforcement including the continued criminalisation of poverty through punitive fines, arrests and arbitrary detention. This is enabled by overly broad legal provisions, and the selective application of new laws targeting individuals or groups perceived as outsiders or dissenters.

The Ivorian Penal Code has been reformed to align the country's criminal justice framework with international human rights standards. The following reforms were made:

- **Criminalisation of torture:** In June 2019, Côte d'Ivoire amended its Penal Code to explicitly criminalise torture and other forms of cruel, inhuman, or degrading treatment or punishment, categorising them as distinct offences under national law in line with Article 4 of UNCAT.⁵⁷
- **Enhanced penalties for torture:** The 2024 revision of Côte d'Ivoire's Penal Code increased the penalties for torture, establishing prison sentences of between ten to 20 years and fines ranging from 500,000 to 5,000,000 FCFA (US \$892 – US \$8921).⁵⁸ While the United Nations Committee against Torture welcomed this legislative advancement, it also expressed concern about the continued admissibility of evidence obtained through coercion.⁵⁹
- **Abolishment of death penalty:** Côte d'Ivoire abolished the death penalty in the 2000 constitutional amendment and this was further reinforced in 2015 through amendments to the Penal Code and the Code of Criminal Procedure, replacing the death penalty with life imprisonment.⁶⁰ In May 2024, Côte d'Ivoire ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, marking a definitive and irrevocable commitment to abolish the death penalty in the country.⁶¹
- **Ratification of the Rome Statute:** In 2012, Côte d'Ivoire ratified the Rome Statute and subsequently adopted implementing legislation in 2015, including amendments to the Penal Code and the Code of Criminal Procedure. These reforms aligned national law with the Rome Statute principles.⁶²
- **The criminalisation of terrorism:** In 2015, Côte d'Ivoire enacted legislation specifically criminalising terrorism and establishing legal measures to prevent, punish and address terrorist acts in accordance with national security priorities and international obligations.⁶³
- **The criminalisation of sexual and domestic violence:** In 2021, Côte d'Ivoire adopted a law on measures to protect victims of rape, domestic and sexual violence and expanded definitions for rape by introducing clearer criteria of consent.⁶⁴

57 Republique de La Cote d'Ivoire – Loi No. 2019-574 Portant La Code Penale, Pub. L. Nos. 2019-574 (2019). <https://sgbv-ihnda.uwazi.io/api/files/1625043312808ainf3x9qhk.pdf>.

58 Loi No. 2024-358 Du 11 Juin 2024 Modifiant La Loi No. 2019-893 Du 21 Decembre 2021 Portant Modification Du Code Penal, Pub. L. No. Loi No. 2024-358 (2024). <https://loidici.biz/2024/07/12/loi-n2024-358-du-11-juin-2024-modifiant-la-loi-n2019-574-du-26-juin-2019-portant-code-penal/lois-article-par-article/codes/le-code-penal/50891/naty/>.

59 UN Committee against Torture, *Concluding Observations on the Initial Report of Côte d'Ivoire**, CAT/C/CIV/CO/1 (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2024), para. 7, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FCIV%2FCO%2F1&Lang=en.

60 "Cote d'Ivoire and the Death Penalty – Campaign for the Abolition of the Death Penalty (ADP)," *Parliamentarians for Global Action*, n.d., accessed July 9, 2025, <https://www.pgaction.org/ihr/adp/civ.html>.

61 "Côte d'Ivoire: Model to Follow for Definitive Abolition of the Death Penalty, Says Special Rapporteur | OHCHR," *United Nations Human Rights Office of the High Commissioner*, n.d., accessed July 8, 2025, <https://www.ohchr.org/en/press-releases/2024/07/cote-divoire-model-follow-definitive-abolition-death-penalty-says-special>.

62 "Côte d'Ivoire," *International Criminal Court*, 2025, <https://www.icc-cpi.int/cdi>; Rome Statute of the International Criminal Court | OHCHR (1998). <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>.

63 Republique de La Cote d'Ivoire – Loi No. 2015-493 Du 7 Juillet 2015 Portant Repression Du Terrorisme., Pub. L. No. Loi No. 2015-493 (2015), https://decfinex.tresor.gouv.ci/decfinex/textes/s-d_lutte-crim-finance/lois-reglements/loi-2015-493-du-7-juillet-2015-portant-repression-du-terrorisme.pdf.

64 Republique de La Cote d'Ivoire – Loi No. 2021-894 of 21 December 2021 Relative Aux Mesures de Protection Des Victimes de Violences Domestiques, de Viol et de Violences Sexuelles Autres Que Domestiques, Pub. L. No. Loi No. 2021-894 (2021). <https://famille.gouv.ci/Tmfte/Loi-No-2021-894-portant-sur-les-violences-domestiques.pdf>.

- **The criminalisation of female genital mutilation:** In 2019, the Côte d'Ivoire's Penal Code was reformed to include specific provisions addressing female genital mutilation and emotional or psychological violence, expanding protections beyond physical violence to better safeguard individuals' rights and well-being.⁶⁵
- **The criminalisation of international crimes:** In 2019, Côte d'Ivoire's Penal Code was reformed to explicitly criminalise international crimes, including genocide, crimes against humanity, and war crimes.⁶⁶ These offences are now clearly defined and punishable under the updated legal framework, aligning national law with international criminal justice standards.

⁶⁵ Republique de La Cote d'Ivoire – Loi No. 2019-574 Portant La Code Penale.

⁶⁶ Republique de La Cote d'Ivoire – Code Penal 2019, Pub. L. No. Loi n°2019-574 du 26 juin 2019(2019). <https://www.droit-afrique.com/uploads/RCI-Code-2019-penal.pdf>.

4. Legal framework: Informal and Formal Systems

Côte d'Ivoire's legal framework is grounded in the 2016 Constitution, the Penal Code, and a range of other national laws and regulations. It operates through a combination of formal and informal systems, with enforcement mechanisms active at both the national and sub-national levels. At local level, informal groups and self-appointed enforcement actors arbitrarily enforce extra-judicial rules. Focus group discussion participants noted their concerns with the failure of formal law enforcement institutions to intervene, resulting in gaps in legal protection and a weakening of state authority in certain communities.

4.1 Informal Law Enforcement

Informal law enforcement refers to mechanisms and actors operating outside the official state security and justice apparatus. These include community-based groups and, increasingly, non-state armed actors that are not recognised by any national legal framework. These groups unlawfully enforce their own rules to the detriment of the local population.

A prominent example is the "*Microbes*" in Abidjan which are loosely organised gangs composed largely of youths in conflict with the law, many of whom are involved in drug use and armed with machetes or knives.⁶⁷ The emergence of *Microbes* in the 1980s was a result of a combination of factors fuelled by social frustrations to the economic crisis and increasing unemployment in Côte d'Ivoire.⁶⁸ These groups are notorious for perpetrating acts of violence, including looting shops and pharmacies, attacking motorists, and damaging vehicles.⁶⁹ It is reported that the crimes attributed to the *Microbes* include assaults and even murder.⁷⁰ This insecurity has had a profound negative impact on commercial activity in certain neighbourhoods, with many business owners suspending operations to protect their property and staff.⁷¹ In some cases, violent clashes between rival *Microbe* gangs lead to the informal division of neighbourhoods, with various groups claiming control and operating without interference. These turf wars often result in serious injuries or loss of life, forcing residents to stay indoors after dark or avoid certain areas entirely due to insecurity and fear.⁷²

In addition to the *Microbes*, another notable informal group operating in Côte d'Ivoire is known as the "*Gnambros*".⁷³ Composed mainly of former trade unionists and retired drivers, these groups are not recognised by law, yet impose mandatory fees on private and public transport operators.⁷⁴ Functioning as unauthorised agents, they collect informal "taxes" or line fees from drivers operating on public transport routes in various communal districts in Abidjan.⁷⁵ The *Gnambros* have territorial control over specific transport routes, and violent clashes between rival factions are common and are often triggered by disputes over leadership and territorial dominance.

67 F Akindes, "Understanding Cote d'Ivoire's 'Microbes': Towards Safe and Inclusive Cities," in *Social Theories of Urban Violence in the Global South: Towards Safe and Inclusive Cities* (Routledge, 2018), 163, https://www.researchgate.net/publication/329674757_Understanding_Cote_d'Ivoire's_Microbes_Towards_Safe_and_Inclusive_Cities.

68 Akindes, "Understanding Cote d'Ivoire's 'Microbes': Towards Safe and Inclusive Cities," 162.

69 Sur Les Phenomenes Des "Gnambro" et "Des Mineurs En Conflit Avec La Loi" (Commission Nationale des Droits de L'homme de Cote d'Ivoire (CNDHCl), 2017), 3, https://cndh.ci/wp-content/uploads/2015/10/4_Rapport-sur-les-phenomenes-d'Enfants_CNDHCl_2017.pdf.

70 Akindes, "Understanding Cote d'Ivoire's 'Microbes': Towards Safe and Inclusive Cities," 163.

71 H Crizoa, "Juvenile Delinquency in Abidjan Today: A Causal Analysis of the Phenomenon of 'Microbes'," *Sciences et Actions Sociales* 12 (2019): 161-72.

72 Akindes, "Understanding Cote d'Ivoire's 'Microbes': Towards Safe and Inclusive Cities," 162.

73 Sur Les Phenomenes Des "Gnambro" et "Des Mineurs En Conflit Avec La Loi."

74 Sur Les Phenomenes Des "Gnambro" et "Des Mineurs En Conflit Avec La Loi," 4.

75 Sur Les Phenomenes Des "Gnambro" et "Des Mineurs En Conflit Avec La Loi," 4.

Such confrontations frequently involve the use of firearms and other weapons, facilitated by the widespread illicit circulation of weapons following the 2010 post-electoral crisis.⁷⁶ Similar to the *Microbes*, the *Gnambros* enforce their own rules with impunity, often in full view of law enforcement officials who fail to intervene.⁷⁷ A survey conducted by the National Human Rights Council found credible indications that officials from the Ministry of Transport, the Ministry of the Interior, and locally elected mayors may be financially benefiting from these activities, pointing to deep institutional complicity and the erosion of the rule of law.⁷⁸ This makes the problem even more difficult to tackle since the ones who are legally responsible for enforcing the law, profit from them and turn a blind eye. This underscores the widespread acceptance of informal law enforcement practices, contributing to the normalisation of illegality, fostering extortion, corruption and bribery, and creating fertile ground for human rights abuses.

4.2 Informal courts

In Côte d'Ivoire, the informal legal system plays a role in the administration of justice and the preservation of social order at the community level, particularly through the authority of traditional leaders such as kings and chiefs. A National Chamber of Traditional Kings and Chiefs (CNRCT) was established in 2014 and later granted formal recognition in the 2016 Constitution.⁷⁹ Despite this recognition, traditional leaders do not hold formal legal or decision-making powers.⁸⁰ Their participation in national governance is largely consultative, and their authority is not integrated into the formal judiciary.⁸¹ Nevertheless, they continue to exercise considerable social and moral influence, particularly in rural areas and within ethnic communities.⁸² Their responsibilities include regulating social conduct, preserving cultural values, resolving local disputes and encouraging public participation in development projects.⁸³ Although not officially part of the judiciary, their role in conflict resolution and social mediation is often tolerated, and at times encouraged, as a practical means of addressing minor disputes and alleviating pressure on the formal justice system.⁸⁴ The rules governing kingship and chiefship are primarily based on oral tradition and unwritten customs, passed down from generation to generation. Consequently, customary courts overseen by kings and chiefs often operate with a high degree of autonomy, especially in villages and remote regions, where access to formal legal institutions is limited.

4.3 Formal Law Enforcement

Côte d'Ivoire's formal legal law enforcement system includes a range of bodies, notably the National Police, the National Gendarmerie, and the Municipal Police, each with distinct mandates and jurisdictions.⁸⁵ The National Police operates under the Directorate General of the National Police (DGNP). As the central civilian law enforcement body, the DGNP is responsible for maintaining public order, responding to criminal activity, internal security, public safety, and crime prevention and investigation across the country.⁸⁶ The Gendarmerie Nationale is a military force under the authority of the Ministry of Defence. It plays a pivotal role in maintaining internal security and public order, particularly in rural areas and conflict-affected zones where the presence of national police may be limited.⁸⁷

76 "Le ComNat-ALPCI Invite Les Populations à Déposer Les Armes à Feu Détenuées Illégalement à Madinani," *Agence Ivoirienne de Presse*, July 20, 2024, <https://www.aip.ci/85923/cote-divoire-aip-le-comnat-alpci-invite-les-populations-a-deposer-les-armes-a-feu-detenues-illegalement-a-madinani/>.

77 *Sur Les Phenomenes Des "Gnambro" et "Des Mineurs En Conflit Avec La Loi"*, 5.

78 *Sur Les Phenomenes Des "Gnambro" et "Des Mineurs En Conflit Avec La Loi"*, 5.

79 A Kouassi, "After Gbagbo's Return, Traditional Leaders Speak on Reconciliation – JusticeInfo.Net," *Justice Info*, June 22, 2021, <https://www.justiceinfo.net/en/78981-after-gbagbo-return-traditional-leaders-speak-on-reconciliation.html>; Constitution de la République de la Côte d'Ivoire 2016, art. 175.

80 *La Chambre Des Rois et Des Chefs Traditionnels de Côte d'Ivoire/The Chamber of Traditional Kings and Chiefs of Côte d'Ivoire* (African Security Sector Network, 2017), <https://www.africansecuritynetwork.org/assn/la-chambre-des-rois-et-des-chefs-traditionnels-de-cote-divoire/>.

81 *La Chambre Des Rois et Des Chefs Traditionnels de Côte d'Ivoire/The Chamber of Traditional Kings and Chiefs of Côte d'Ivoire*.

82 *La Chambre Des Rois et Des Chefs Traditionnels de Côte d'Ivoire/The Chamber of Traditional Kings and Chiefs of Côte d'Ivoire*, 4.

83 Constitution de La République de La Côte d'Ivoire 2016, art. 175.

84 *La Chambre Des Rois et Des Chefs Traditionnels de Côte d'Ivoire/The Chamber of Traditional Kings and Chiefs of Côte d'Ivoire*.

85 "Présentation Générale | Police," *Police National Cote d'Ivoire*, 2025, <https://policenationale-ci.com/presentation-generale/>.

86 "National Police," *In Cote d'Ivoire*, 2025, <https://www.incotedivoire.net/publics-structures/National%20Police/show/National%20Police>.

87 "National Gendarmerie of Côte d'Ivoire," *In Cote d'Ivoire*, 2025, <https://www.incotedivoire.net/publics-structures/National%20Gendarmerie%20of%20C%C3%B4te%20d'Ivoire/show/National%20Gendarmerie%20of%20C%C3%B4te%20d'Ivoire>.

The Gendarmerie also contributes to border security, counter-terrorism, and the protection of State institutions.⁸⁸ Municipal Police operate within specific local jurisdictions and are tasked with enforcing local ordinances such as those relating to sanitation, noise, street vending, traffic management, regulating informal economic activities, and maintaining order during municipal events.⁸⁹ Their duties are administrative and not judicial, as they can issue fines but cannot initiate criminal investigations or execute arrest warrants. However, similar to other African jurisdictions, the roles of municipal police in Côte d'Ivoire are often confused with those of the National Police due to overlapping responsibilities.⁹⁰ In several instances, mayors (mairie) have unlawfully instructed municipal police to carry out arrests, effectively blurring the lines between administrative authority and judicial enforcement.⁹¹

Moreover, the structure, capacity, and resources of municipal police forces vary widely across municipalities, resulting in inconsistencies in effectiveness and operational clarity.⁹² However, a notable concern is the absence of dedicated oversight mechanisms because municipal police are directly accountable to local governments (mayors). This significantly limits external scrutiny and raises serious concerns about the abuse of power including extortion, bribery, and corruption.⁹³ In 2024 Côte d'Ivoire was ranked 69th out of 180 countries in the Transparency International's Corruption Perceptions Index, reflecting on-going concerns about systemic integrity within public institutions.⁹⁴ These risks are especially pronounced in poorer communities or areas with weak governance structures, where accountability mechanisms are often limited or absent, and the poor and marginalised who do not always have the means to pay bribes face the risk of harassment, other forms of abuse and arbitrary detention.⁹⁵

4.4 Formal courts

The judiciary of Côte d'Ivoire is structured into three main tiers: the Courts of First Instance, the Courts of Second Instance, and the Supreme Court.⁹⁶ In addition to these, there exists the High Court of Justice, which is an exceptional court and vested with the authority to adjudicate cases involving high treason and other serious offences (excluding crimes and offences related to State Security) committed by the President, Vice-President, and members of the government in the course of their official duties.⁹⁷ The appointment of judges is structured within the constitutional and legal framework, involving both the Executive branch and the Superior Council of the Magistracy.⁹⁸

Côte d'Ivoire has seven Courts of First Instance and 26 sub-divisions which play a vital role in the country's judicial system.⁹⁹ These courts are responsible for handling a broad spectrum of civil, administrative, and criminal cases, serving as the foundational layer of judicial access for the population.¹⁰⁰ Strategically distributed across the national territory, they ensure that citizens have equitable and efficient access to justice, contributing to the timely and fair resolution of disputes.¹⁰¹

88 Côte d'Ivoire, "National Gendarmerie of Côte d'Ivoire."

89 J Mangwanda, *Fact Sheet 27: Sub-National Law Enforcement and Oversight in Four African Countries: Kenya, Ghana, Nigeria, and Zambia* (Dullah Omar Institute, 2023), <https://dullahomarinstitute.org.za/acjr/acjr-publications/acjr-factsheet-01-2023.pdf/view>.

90 Mangwanda, *Fact Sheet 27: Sub-National Law Enforcement and Oversight in Four African Countries: Kenya, Ghana, Nigeria, and Zambia*, 3.

91 M Jeannin, "Côte d'Ivoire : La Brigade de « Lutte Contre Le Désordre Urbain » Accusée d'exactions Sur Des Vendeuses Ambulantes," *Le Monde Afrique* (Abidjan), November 8, 2024, https://www.lemonde.fr/afrique/article/2024/11/08/cote-d-ivoire-la-brigade-de-lutte-contre-le-desordre-urbain-accusee-d-exactions-sur-des-vendeuses-ambulantes_6383842_3212.html?

92 Mangwanda, *Fact Sheet 27: Sub-National Law Enforcement and Oversight in Four African Countries: Kenya, Ghana, Nigeria, and Zambia*, 3.

93 Mangwanda, *Fact Sheet 27: Sub-National Law Enforcement and Oversight in Four African Countries: Kenya, Ghana, Nigeria, and Zambia*, 3.

94 "Côte d'Ivoire – Corruption Perceptions Index," *Transparency International*, 2024, <https://www.transparency.org/en/countries/c%3CB4te-divoire>.

95 Muntingh and Petersen, "Punished for Being Poor: Evidence and Arguments for the Decriminalisation and Declassification of Petty Offences," Dullah Omar Institute, 2015.

96 Yapi and Ouattarra, "Le Système Juridique De La Côte D'Ivoire – Globalex."

97 Constitution de la République de la Côte d'Ivoire 2016, arts. 156–160.

98 Constitution de la République de la Côte d'Ivoire 2016, art. 101.

99 République de La Côte d'Ivoire | DECRET N° 80-1197 Du 28 OCTOBRE 1980 Portant Creation Des Juridictions de Première Instance et d'appel et Fixant Leur Siege, Leur Ressort Territorial et Leur Composition., Pub. L. No. Decret N° 80-1197(1980). <https://www.jurifrafrica.com/lex/decret-80-1197-28-octobre-1980-38718.htm>.

100 République de La Côte d'Ivoire – Decret N° 80-1197 Du 28 Octobre 1980 – Portant Creation Des Juridictions De Première Instance Et D'appel Et Fixant Leur Siege, Leur Ressort Territorial Et Leur Composition, Pub. L. No. N° 80-1197(1980). <https://loidici.biz/2018/09/01/decret-n-80-1197-du-28-octobre-1980-portant-creation-des-juridictions-de-premiere-instance-et-dappel-et-fixant-leur-siege-leur-ressort-territorial-et-leur-composition/lois-article-par-article/professions-judiciaires/le-statut-de-la-magistrature/3248/naty/>.

101 Yapi and Ouattarra, "Le Système Juridique De La Côte D'Ivoire – Globalex."

Each Court of First Instance typically operates with one or two magistrates competent to hear matters across various legal domains. The establishment of sub-divisions under each court enhances the capacity to manage caseloads, particularly in remote regions, and assists in alleviating congestion in central courts.¹⁰²

The Courts of Second Instance in Côte d'Ivoire are the Courts of Appeal, which are responsible for hearing appeals against decisions rendered by the Courts of First Instance and their sub-divisions.¹⁰³ These appellate courts serve as a critical mechanism for judicial review and correction of legal errors, thereby reinforcing the integrity and fairness of the legal system. There are currently three Courts of Appeal in Côte d'Ivoire, each composed of a Head Office (Chambre), which adjudicates the appeals, and a Public Prosecutor's Office (Parquet Général), which represents the State and ensures the proper application of the law.¹⁰⁴

The Supreme Court of Côte d'Ivoire is the highest judicial authority in the country and is composed of the Court of Cassation and the Council of State.¹⁰⁵ It exercises oversight over the decisions of lower courts, primarily through applications for review and appeals in cassation, with a focus on ensuring the legality of judicial and administrative rulings.¹⁰⁶ The Court of Cassation is the supreme authority within the judicial order.¹⁰⁷ It rules definitively on appeals in cassation filed against decisions made in the final instance by lower courts and tribunals. Its mandate is not to re-evaluate facts but to assess whether the law has been correctly interpreted and applied.¹⁰⁸ The Council of State is the highest jurisdiction in the administrative order.¹⁰⁹ It renders final decisions on appeals against rulings issued by administrative tribunals and specialised administrative courts. It also ensures that public administration actions comply with the law and can provide legal opinions on draft legislation or administrative regulations when requested.¹¹⁰

4.5 Sanctions

Sanctions in criminal matters at the national level in Côte d'Ivoire may include, fines, community service orders and imprisonment.¹¹¹ Judges may issue fines after taking into account the family responsibilities, profession, age and state of health of accused persons.¹¹²

In general, criminal offences in Côte d'Ivoire are classified into three categories according to their seriousness (misdemeanours, contraventions and crimes).¹¹³ The offence is qualified as a crime, if it is punishable by a life or temporary custodial sentence of more than ten years.¹¹⁴ Misdemeanours are punishable by a custodial sentence of more than two months and less than or equal to ten years, and a fine of more than 360 000 FCFA (US \$644).¹¹⁵ A contravention is punishable by a custodial sentence of less than or equal to two months and a fine of less than or equal to 360 000 FCFA (US \$644).¹¹⁶ When the minimum penalty provided for is less than the amounts specified above, the maximum penalty imposed is taken into account when classifying the offence.¹¹⁷

102 Yapi and Ouattarra, "Le Système Juridique De La Côte D'Ivoire – Globalex."

103 Yapi and Ouattarra, "Le Système Juridique De La Côte D'Ivoire – Globalex."

104 Yapi and Ouattarra, "Le Système Juridique De La Côte D'Ivoire – Globalex."

105 Constitution de La République de La Côte d'Ivoire 2016, art. 147.

106 République de La Côte d'Ivoire | Loi Organique N° 2020-967 Du 17 Décembre 2020 Pour Objet de Déterminer Les Attributions, La Composition, l'organisation et Le Fonctionnement de La Cour de Cassation., Pub. L. No. LOI ORGANIQUE n° 2020-967(2020). <https://www.juriafrica.com/lex/loi-organique-2020-967-17-decembre-2020-34082.htm>.

107 Constitution de La République de La Côte d'Ivoire 2016, art. 148.

108 Constitution de la République de la Côte d'Ivoire 2016, art. 148.

109 Constitution de la République de la Côte d'Ivoire 2016, art. 149.

110 Constitution de La République de La Côte d'Ivoire 2016, art. 149.

111 République de La Côte d'Ivoire – Code Penal 2019, art. 36.

112 République de La Côte d'Ivoire – Code Penal 2019, art. 52.

113 République de La Côte d'Ivoire – Code Penal 2019, art. 3.

114 République de La Côte d'Ivoire – Code Penal 2019, art. 3.

115 République de La Côte d'Ivoire – Code Penal 2019, art. 3.

116 République de La Côte d'Ivoire – Code Penal 2019, art. 3.

117 République de La Côte d'Ivoire – Code Penal 2019, art. 3.

4.6 Bail

Conditional release on bail may be granted subject to the obligation to provide a bond or surety.¹¹⁸ Bail is a measure that allows the accused to pay a sum of money in exchange for his or her conditional release pending trial.¹¹⁹ Bail guarantees the representation of the accused at all stages of the proceedings and for the execution of the judgment, as well as the execution of other imposed obligations.¹²⁰ Bail also guarantees the payment of the costs advanced by the civil party, the costs advanced by the State; fines; and the compensation for damage caused by the offence and restitution.¹²¹ The decision of the investigating judge determines the amounts allocated to each of the two parts of the bond or surety. The investigating judge may, however, decide that the surety will guarantee in its entirety the payment of the amounts.¹²²

Bail is paid in cash, certified checks, or securities issued or guaranteed by the State to the chief clerk of the court or the Treasury accountant.¹²³ The first part of bail is lifted if the accused has appeared at all the judicial procedures and has met the obligations of judicial review and has submitted to the execution of the judgment. Otherwise, except for legitimate reasons or a decision of dismissal, discharge or acquittal, the first part of the bond is forfeited to the State.¹²⁴ The second part of the bail is returned in the event of dismissal, discharge or acquittal.¹²⁵

¹¹⁸ Republique de La Cote d'Ivoire – Code de Procedure Penale(2020). https://www.droitci.info/files/350.12.18-Loi-du-27-decembre-2018_Code-de-procedure-penale.pdf.

¹¹⁹ Republique de La Cote d'Ivoire – Code de Procedure Penale, art. 184.

¹²⁰ Republique de La Cote d'Ivoire – Code de Procedure Penale, art. 184(1).

¹²¹ Republique de La Cote d'Ivoire – Code de Procedure Penale, art. 184(2).

¹²² Republique de La Cote d'Ivoire – Code de Procedure Penale, art. 184(2).

¹²³ Republique de La Cote d'Ivoire – Code de Procedure Penale, art. 185.

¹²⁴ Republique de La Cote d'Ivoire – Code de Procedure Penale, art. 186.

¹²⁵ Republique de La Cote d'Ivoire – Code de Procedure Penale, art. 187.

5. Overview of select criminal, security and exceptional laws

Côte d'Ivoire's legal framework consists of a combination of colonial-era statutes and more recent policies and legislation, many of which are widely regarded as discriminatory, exclusionary, or inconsistent with international human rights standards. Although some of these laws appear legally sound or neutral in their wording, their interpretation and application have often proven problematic. Overreach, arbitrary enforcement, and reliance on vaguely defined legal provisions undermines fundamental rights and contribute to public mistrust in State institutions. In practice, these laws have had a disproportionately negative impact on specific segments of the population, particularly vulnerable and marginalised groups, including women, children, youth, the poor, political opponents, human rights defenders, and civil society activists.

The following section provides an analysis of select criminal, security, and exceptional laws found within the Ivorian Penal Code and legislation. The objective is to understand their stated purpose, enforcement, and impact on affected groups. Given the breadth and complexity of Côte d'Ivoire's legal landscape, the analysis focuses on laws most relevant to contemporary social and political dynamics.

5.1 Criminal Laws

The Ivorian Penal Code comprises both outdated colonial-era provisions and more recent laws that reflect the country's evolving legal and political priorities.

5.1.1 Public Order

The Ivorian Penal Code criminalises acts or manoeuvres likely to jeopardise public security or cause serious disturbances to public order, with penalties ranging from three to five years imprisonment.¹²⁶ A major challenge lies in the vagueness of the term "public order", which remains undefined in the Penal Code. The law does not offer specific criteria for what constitutes a "likelihood of disturbance," effectively giving law enforcement officials discretion to interpret various forms of conduct as threats to public order and providing them broad powers of arrest without clear legal thresholds. As a result, the public order provision is frequently invoked especially during electoral periods, often enabling the suppression of legitimate political expression, peaceful protest, and public dissent. In February 2023, 26 members of the African People's Party-Côte d'Ivoire (PPA-CI), an opposition party, were arrested during a peaceful protest in Abidjan held in support of their party's Secretary-General.¹²⁷ They were charged with "disturbance of public order" and initially sentenced to two years in prison, which was later reduced on appeal to a two-year suspended sentence.¹²⁸ Similarly, in September 2024, 24 youth activists were arrested for planning a protest in Abidjan aimed at denouncing the rising cost of living.¹²⁹

¹²⁶ Republique de La Cote d'Ivoire – Code Penal 2019, art. 179.

¹²⁷ "26 Opposition Protesters Arrested, Sentenced to Prison for 'Disturbing Public Order' – Civicus Monitor," *Civicus* (Cote d'Ivoire), 2025, <https://monitor.civicus.org/explore/26-opposition-protesters-arrested-sentenced-to-prison/>.

¹²⁸ *Civicus*, "26 Opposition Protesters Arrested, Sentenced to Prison for 'Disturbing Public Order' – Civicus Monitor."

¹²⁹ "Protesters Arrested, Sentenced to Prison for Attempting to Demonstrate against High Cost of Living," *Civicus* (Abidjan), October 16, 2024, <https://monitor.civicus.org/explore/protesters-arrested-sentenced-to-prison-for-attempting-to-demonstrate-against-high-cost-of-living/>.

Both cases demonstrate how public order laws can be selectively applied to target political opposition, youth movements, and human rights defenders, thereby undermining freedoms of assembly and expression which are constitutionally guaranteed and protected by international treaties such as the ICCPR. Without clearer legal safeguards and definitions, the use of this provision becomes a tool of political repression rather than a legitimate means of maintaining peace and security.

5.1.2 Criminal, Economic and Financial Division

Côte d'Ivoire's Financial Criminal Division was established in 2022 to address economic and financial crimes, supported by legislation aimed at strengthening the legal framework for combating corruption, money laundering, and related offences.¹³⁰ The law introduces important reforms aligned with international best practices particularly those recommended by the Financial Action Task Force (FATF).¹³¹ One persisting concern is the overly broad definition of certain offences, including customs, tax, and foreign exchange violations.¹³² These definitions risk creating overlaps with the mandates of other agencies, potentially leading to jurisdictional conflicts and inefficiencies.¹³³

In addition, the law gives disproportionate weight to the monetary amounts involved in a case. Large amounts are often automatically presumed to be linked to money laundering, even when no such evidence exists.¹³⁴ Furthermore, once a case is referred to the Financial Criminal Division, defendants are often systematically placed under a detention warrant, raising concerns about due process and judicial discretion.

5.1.3 Public indecency

The Ivorian Penal Code criminalises acts committed in public that offend public morals or the moral sensibilities of individuals who witness them involuntarily, and which are likely to disturb public order.¹³⁵ This offence, commonly known as public indecency, carries penalties ranging from three months to two years imprisonment and a fine between 50 000 to 500 000 FCFA (US \$90 – US \$900).¹³⁶ The law also provides for enhanced penalties, including doubling the sentence if the act is committed in the presence of, or against, a minor.¹³⁷ The Ivorian Penal Code does not provide a clear definition of public indecency, leaving the term broad and vague, which grants authorities significant discretion in its interpretation and enforcement. This legal ambiguity has enabled the provision to be used to target behaviours that, while not explicitly criminalised, are culturally disapproved of, such as same-sex relationships. Individuals who engage in, or are merely perceived to engage in, homosexual conduct are often prosecuted under public indecency laws. In 2017, two men were convicted of public indecency and sentenced to three months imprisonment in Sassandra, a remote south-western village in Côte d'Ivoire after being accused of engaging in sexual acts.¹³⁸ The charges did not stem from any evidence of public misconduct, but rather from the nature of their relationship, illustrating how the public indecency provision was used to criminalise homosexuality, despite its legal status.¹³⁹

¹³⁰ Republique de La Cote d'Ivoire – Loi No. 2022-193 Du 11 Mars 2022 Portant Creation, Competance, Organisation et Fonctionnement Du Pole Penale Economique et Financier, Pub. L. No. Loi No. 2022-193(2022), <https://loidici.biz/2025/02/21/67794/lois-article-par-article/plus-de-textes-de-lois/67794/naty/>.

¹³¹ "Côte d'Ivoire's Progress in Strengthening Measures to Tackle Money Laundering and Terrorist Financing," accessed June 9, 2025, https://www.fatf-gafi.org/en/publications/Mutualevaluations/cote-d-ivoire-fur-2024.html?utm_source.

¹³² Republique de La Cote d'Ivoire – Loi No. 2022-193 Du 11 Mars 2022 Portant Creation, Competance, Organisation et Fonctionnement Du Pole Penale Economique et Financier.

¹³³ Republique de La Cote d'Ivoire – Loi No. 2022-193 Du 11 Mars 2022 Portant Creation, Competance, Organisation et Fonctionnement Du Pole Penale Economique et Financier.

¹³⁴ Republique de La Cote d'Ivoire – Loi No. 2022-193 Du 11 Mars 2022 Portant Creation, Competance, Organisation et Fonctionnement Du Pole Penale Economique et Financier.

¹³⁵ Republique de La Cote d'Ivoire – Code Penal 2019, art. 416.

¹³⁶ Republique de La Cote d'Ivoire – Code Penal 2019, art. 416.

¹³⁷ Republique de La Cote d'Ivoire – Code Penal 2019, art. 416.

¹³⁸ R Corey-Boulet, "Ivory Coast Officials Refuse to Explain Why Two Gay Men Were Jailed | Ivory Coast | The Guardian," *The Guardian* (Sassandra, Cote d'Ivoire), January 26, 2017, <https://www.theguardian.com/world/2017/jan/26/ivory-coast-officials-refuse-explain-gay-men-jailed-same-sex-relationships>.

¹³⁹ Corey-Boulet, "Ivory Coast Officials Refuse to Explain Why Two Gay Men Were Jailed | Ivory Coast | The Guardian."

The case underscored two key points; firstly, regarding the limited geographic reach of human rights groups in remote regions, as most advocacy efforts are concentrated in major cities, with minimal engagement or activism in remote or rural areas.¹⁴⁰ Secondly, the case highlighted broader concerns around the vagueness of morality-based offences and their discriminatory application, particularly against marginalised groups. The lack of clear legal boundaries allows for arbitrary enforcement and raises serious human rights concerns, especially in relation to privacy, equality, and non-discrimination.

5.1.4 Begging

In 2019, Côte d'Ivoire made a significant shift in its legal approach to poverty by decriminalising simple begging and vagrancy.¹⁴¹ This reform marked a departure from punitive colonial-era laws and aligned with international human rights standards that call for more humane, non-criminal responses to poverty and social vulnerability.¹⁴² However, enforcement on the ground tells a different story. Despite the legal reforms, local and national authorities continue to repress street begging, particularly in urban centres like Abidjan. This is often done under the pretext of combating “urban disorder” or maintaining the aesthetics of public space.¹⁴³ This contradicts the intention and spirit of the 2019 reforms and raises serious concerns about selective justice, the criminalisation of poverty, and violations of the constitutional right to dignity.¹⁴⁴

While simple begging is decriminalised, aggravated forms of begging remain punishable in the Penal Code with penalties including ten months to two years imprisonment.¹⁴⁵ Moreover, if a person engaged in begging is found in possession of a weapon or any instrument suitable for committing theft or breaking and entering, the penalty increases to two to five years imprisonment.¹⁴⁶ The latter provision is especially problematic due to its vague terminology. The phrase “instrument suitable for committing theft” provides broad discretionary power to law enforcement officials to determine what instruments may be applicable, creating room for arbitrary and discriminatory enforcement, particularly towards marginalised groups such as homeless persons and street vendors. The 2024 report by the United Nations Special Rapporteur on Extreme Poverty and Human Rights offers a critical analysis of the criminalisation of homelessness and poverty.¹⁴⁷ It emphasises that treating homelessness as a criminal issue is both ineffective and a violation of human rights, reinforcing long-standing patterns of discrimination and stigma. Punitive measures such as fines, arrests, and evictions intensify the vulnerability of homeless individuals, undermining their dignity, obstructing access to stable housing, and heightening the risk of additional rights violations.¹⁴⁸

5.1.5 Prostitution

The Ivorian Penal Code does not explicitly criminalise prostitution, however, several prostitution-related activities are classified as offences against public morals and are punishable with imprisonment of one to five years and a fine of 1 000 000 to 10 000 000 FCFA (US \$1788 – US \$17 888).¹⁴⁹

140 Corey-Boulet, “Ivory Coast Officials Refuse to Explain Why Two Gay Men Were Jailed | Ivory Coast | The Guardian.”

141 Republique de La Cote d'Ivoire – Code Penal 2019, art. 217.

142 Principles on the Decriminalisation of Petty Offences in Africa, Pub. L. No. ACHPR/Res. 366(EXT.OS/XX1)(2017).

143 Presse Agence France, “Ivory Coast’s Commercial Capital Bans Begging,” *Voice of Africa*, April 4, 2024, <https://www.voaafrica.com/a/ivory-coast-abidjan-commercial-capital-bans-begging-/7556622.html>.

144 Constitution de La Republique de La Côte d'Ivoire 2016, art. 2.

145 Republique de La Cote d'Ivoire – Code Penal 2019, art. 217.

146 Republique de La Cote d'Ivoire – Code Penal 2019, art. 218.

147 Human Rights Council, *Breaking the Cycle: Ending the Criminalization of Homelessness and Poverty Study by the Special Rapporteur on Extreme Poverty and Human Rights and the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context*, A/HRC/56/61/Add.3 (United Nations General Assembly, 2024), <https://digitallibrary.un.org/record/4052883?ln=en&v=pdf>.

148 Human Rights Council, *Breaking the Cycle: Ending the Criminalization of Homelessness and Poverty Study by the Special Rapporteur on Extreme Poverty and Human Rights and the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context*.

149 Republique de La Cote d'Ivoire – Code Penal 2019, art. 358.

These offences include aiding, assisting, or knowingly protecting the prostitution of others or soliciting for prostitution;¹⁵⁰ sharing in the earnings of another person's prostitution or receiving financial support from someone who habitually engages in prostitution;¹⁵¹ knowingly cohabiting with a person involved in prostitution without being able to justify a lifestyle consistent with one's own means;¹⁵² recruiting, training, or maintaining someone (even with their consent) for the purpose of prostitution or handing them over for prostitution or debauchery;¹⁵³ and acting as an intermediary in any form between sex workers and those who exploit or pay for their services.¹⁵⁴

The above-mentioned penalties are doubled in cases where the offence was committed: against a person under 18 years of age; with threat, constraint, violence, abuse of authority, or fraud; with the carrying of weapons; by the spouse or common law partner of the person engaging in prostitution; by family members, or by employees; even if the various acts that constitute the offence have been committed in different countries.¹⁵⁵

These provisions expose individuals (particularly women) engaged in sex work to indirect criminalisation, social stigma, and abuse. Previous research has shown that in practice, sex workers are frequently subjected to harassment and intimidation by law enforcement officials.¹⁵⁶ Such discriminatory treatment is contrary to the principles enshrined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which upholds women's rights to dignity, personal security, non-discrimination, equal protection under the law, and other fundamental freedoms.¹⁵⁷

5.1.6 Adultery

In Côte d'Ivoire, adultery is a criminal offence, and both the married individuals involved—as well as the third party can be held criminally liable with imprisonment between two months to one year.¹⁵⁸ While publicly available court case data on adultery is limited, the provision remains in the Ivorian Penal Code. This illustrates the moralistic stance on fidelity and its punitive approach to violations of perceived family norms. It is often the case that this law disproportionately affects women, who are often more likely to be stigmatised, prosecuted, and economically harmed. The law is inconsistent with international conventions such as the ICCPR and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provisions relating to marriage and family relations, which Côte d'Ivoire ratified in 1992, and 1995 respectively.¹⁵⁹ The UN Human Rights Committee has affirmed that criminalising consensual sexual relations between adults in private constitutes an arbitrary and unjustifiable violation of the right to privacy and violates the principle of equality before the law.¹⁶⁰

5.1.7 Charlatanism, magic and witchcraft

The Ivorian Penal Code criminalises charlatanism, witchcraft, and magical practices that are likely to disrupt public order or cause harm to persons or property.¹⁶¹ Individuals found guilty of engaging in such practices face imprisonment ranging between one to five years, together with fines between 100 000 and 1 000 000 FCFA (US \$178 – US \$1780).¹⁶²

150 République de La Côte d'Ivoire – Code Penal 2019, art. 358(1).

151 République de La Côte d'Ivoire – Code Penal 2019, art. 358(2).

152 République de La Côte d'Ivoire – Code Penal 2019, art. 358(3).

153 République de La Côte d'Ivoire – Code Penal 2019, art. 358(4).

154 République de La Côte d'Ivoire – Code Penal 2019, art. 358(5).

155 République de La Côte d'Ivoire – Code Penal 2019, art. 359(1-7).

156 Muntingh and Petersen, "Punished for Being Poor: Evidence and Arguments for the Decriminalisation and Declassification of Petty Offences," 27.

157 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).

158 République de La Côte d'Ivoire – Code Penal 2019, art. 456.

159 International Covenant on Civil and Political Rights, Pub. L. No. Resolution 2200A (XXI) (1976); Convention on the Elimination of All Forms of Discrimination against Women, Pub. L. No. Resolution 34/180 (1979).

160 Human Rights Committee, *Toonen v. Australia*, Communication No. 488/1992, Views of 31 March 1994, UN Doc. CCPR/C/50/D/488/1992 (1994) (March 31, 1994). <https://www.equalrightstrust.org/ertdocumentbank/Toonen%20v.%20Australia.pdf>.

161 République de La Côte d'Ivoire – Code Penal 2019, art. 237.

162 République de La Côte d'Ivoire – Code Penal 2019, art. 237.

While cases of charlatanism are relatively rare in urban areas, they remain prevalent in rural and traditional settings. In 2023, a traditional practitioner in the Bouaké province was accused of charlatanism and disturbing public order, resulting in a five year prison sentence.¹⁶³

In many African contexts, women are particularly vulnerable to accusations of witchcraft, often serving as scapegoats for societal misfortunes.¹⁶⁴ This is especially true for those who deviate from traditional gender norms such as older women, widows, or those without children, who are disproportionately targeted and blamed for societal issues.¹⁶⁵ While this provision aims to deter public disorder and cause harm to persons or property, the lack of clarity on what constitutes charlatanism, magic and witchcraft must be closely monitored to prevent misuse or arbitrary enforcement, particularly in rural communities where traditional beliefs are prevalent.

5.1.8 Gender-based violence

Gender-Based Violence (GBV) refers to any harmful act perpetrated against a person's will that is based on socially ascribed gender differences, particularly between women/girls and men/boys.¹⁶⁶ In Côte d'Ivoire GBV remains widespread, the government established the National Committee for the Fight against Violence against Women and Children in 2000.¹⁶⁷ The Committee's mandate includes prevention, survivor support, and the coordination of national GBV response efforts. In 2014, Côte d'Ivoire adopted a National Strategy to Combat Gender-Based Violence, aimed at strengthening the legal and institutional framework for preventing and addressing GBV.¹⁶⁸

Despite these efforts, serious challenges persist as expressed by the UN Committee against Torture in its 2024 Concluding Observations on Côte d'Ivoire's initial report. The high prevalence of violence against women, especially domestic and sexual violence, including rape is problematic.¹⁶⁹ The Committee highlighted several key issues including inadequate legislative and institutional measures around the enforcement of criminal laws related to domestic violence; the low rate of victim reporting, largely due to stigma, fear of retaliation, and the lack of trust in the justice system; and the low rate of prosecutions and convictions, contributing to a climate of impunity.¹⁷⁰

Women and children, as vulnerable populations, constitute the majority of those affected by gender-based violence in Côte d'Ivoire. According to government sources, in 2024, a total of 9,607 GBV cases were reported and addressed, including 920 cases of rape, 287 sexual assaults, 25 cases of female genital mutilation, 153 forced marriages, 1,798 instances of emotional and psychological violence, 2,030 physical assaults, and several cases of femicide.¹⁷¹ Despite establishment of institutional mechanism, the implementation of national and international legal protections towards women remain uneven. Weak legal definitions, limited enforcement, pervasive social stigma, and on-going impunity continue to undermine the effectiveness of efforts to combat GBV in the country.

163 Presse Agence France, "Belief, Law and Medicine Collide in Ivory Coast 'magic' Case | The Citizen," Citizen, February 14, 2023, <https://www.citizen.co.za/news/news-world/news-africa/belief-law-medicine-collide-ivory-coast/>.

164 M Ghorbani, "Witchcraft Accusations Perpetuate Women's Oppression in Sub-Saharan Africa," *Awid*, February 27, 2015, <https://www.awid.org/news-and-analysis/witchcraft-accusations-perpetuate-womens-oppression-sub-saharan-africa>.

165 Ghorbani, "Witchcraft Accusations Perpetuate Women's Oppression in Sub-Saharan Africa."

166 "WHAT IS GENDER-BASED VIOLENCE," UNHCR Türkiye, 2025, <https://help.unhcr.org/turkiye/information-and-resources-on-protection-from-violence/what-is-gender-based-violence/>.

167 "Lutte Contre Les Violences Basees Sur Le Genre (VBG) En Cote d'Ivoire: 9607 Cas Declares et Pris En Charge En 2024," *Gouvernement de La Cote d'Ivoire*, March 11, 2025, https://www.gouv.ci/_actualite-article.php?recordID=18416.

168 "Comité National de Lutte Contre Les Violences Basées Sur Le Genre (CNLVBG) – Ministère de La Femme, de La Famille et de l'Enfant," *Gouvernement de La Cote d'Ivoire*, 2025, https://famille.gouv.ci/mffe/?page_id=4753.

169 *Concluding Observations on the Initial Report of Côte d'Ivoire: Committee against Torture*, CAT/C/CIV/CO/1 (United Nations Committee against Torture, 2024).

170 *Concluding Observations on the Initial Report of Côte d'Ivoire: Committee against Torture*.

171 *Gouv. Cote Ivoire*, "Lutte Contre Les Violences Basees Sur Le Genre (VBG) En Cote d'Ivoire: 9607 Cas Declares et Pris En Charge En 2024."

5.2 Security Laws

In Côte d'Ivoire, security laws are often employed to restrict fundamental freedoms such as the freedom of expression and the right to peaceful assembly. These laws are typically broad and vaguely defined, allowing for their selective and disproportionate application, particularly against individuals or groups critical of the government. As a result, they are frequently used to suppress dissent and silence public discourse. Journalists, human rights defenders, civil society activists, and political opponents are especially vulnerable, contributing to a shrinking civic space and the erosion of democratic governance. As is the case in many African countries, the enforcement of these restrictive measures in Côte d'Ivoire tends to intensify during electoral periods, further limiting political participation and public engagement.

5.2.1 The Freedom of Assembly and Peaceful Demonstration

The Ivorian Constitution guarantees the freedoms of assembly and peaceful demonstration.¹⁷² Côte d'Ivoire is also a State Party to the ICCPR, which upholds these rights and states that restrictions should only be imposed in accordance with the law, and only when necessary, in a democratic society for the protection of national security, public safety, or public order.¹⁷³ In 2024 Côte d'Ivoire scored 49 out of 100 in terms of global freedom of assembly in the Freedom House report.¹⁷⁴ In practice, these rights and freedoms are not consistently applied as the enforcement of laws related to public gatherings and peaceful demonstrations is often selective and politically motivated. This is particularly evident during election periods. In March 2020 the government declared a State of Emergency and imposed a ban on gatherings as part of its response to the COVID-19 pandemic.¹⁷⁵ The decision to extend these emergency measures beyond the October 2020 elections raised serious concerns, as it significantly restricted civil liberties and exacerbated an already tense political and social environment.¹⁷⁶ After the 2020 elections, hundreds of individuals were arrested during protests related to electoral violence.¹⁷⁷

The issue in several African countries is that regulations on assemblies are generally politically motivated. A women-led demonstration organised ahead of the October 2025 elections by the ruling *Rassemblement des Houphouëtistes pour la Démocratie et la Paix* (RHDP) proceeded without any hindrance.¹⁷⁸ In stark contrast, a peaceful gathering of teachers at a cathedral in the Plateau district to discuss salary grievances was forcefully dispersed by police, leading to the arrest and detention of 30 individuals.¹⁷⁹

The Ivorian Penal Code provides the legal framework regulating public assemblies. It defines a gathering as any armed or unarmed group of people convening in a public place or on public roads, where such a gathering is deemed likely to disturb public order or peace.¹⁸⁰ The law permits dispersal by force after a law enforcement officer has issued two warnings, and without warning if law enforcement officers are targeted with violence.¹⁸¹ The Penal Code stipulates that any individual who fails to leave an unarmed gathering after the first warning is liable to imprisonment of between two months to one year and a fine ranging from 100 000 to 1 000 000 FCFA (US \$178 – US \$1780).¹⁸²

172 Constitution de la République de la Côte d'Ivoire 2016, art. 20.

173 International Covenant on Civil and Political Rights, Pub. L. No. Resolution 2200A (XXI) (1976).

174 "Côte d'Ivoire: Country Profile," Freedom House, 2024, <https://freedomhouse.org/country/cote-divoire>.

175 "CÔTE D'IVOIRE: Le Gouvernement Doit Lever l'interdiction de Manifester Avant l'élection Présidentielle," *Article 19*, October 23, 2020, <https://www.article19.org/fr/resources/cote-divoire-the-government-must-lift-the-ban-on-protest/>.

176 *Artic. 19*, "CÔTE D'IVOIRE: Le Gouvernement Doit Lever l'interdiction de Manifester Avant l'élection Présidentielle," October 23, 2020.

177 "Côte d'Ivoire: Hundreds Arrested Still Languishing in Detention Following Presidential Election Unrest," *Amnesty International*, March 26, 2021, <https://www.amnesty.org/en/latest/news/2021/03/cote-divoire-hundreds-arrested-still-languishing-in-detention/>.

178 S Bassole, "Côte d'Ivoire-AIP/ Les Femmes Du RHDP Du Plateau s'engagent Pour La Candidature Du Président Ouattara En 2025," *Agence Ivoirienne de Presse* (Abidjan), August 23, 2024, <https://www.aip.ci/98131/cote-divoire-aip-les-femmes-du-rhdp-du-plateau-sengagent-pour-la-candidature-du-president-ouattara-en-2025/>.

179 "Côte d'Ivoire: Plateau, Une Réunion Syndicale à La Cathédrale Dégénère En Arrestations Massives, plus d'une Trentaine d'interpelés," KOACI (Abidjan), March 5, 2025, https://www.koaci.com/article/2025/03/05/cote-divoire/societe/cote-divoire-plateau-une-reunion-syndicale-a-la-cathedrale-degenere-en-arrestations-massives-plus-dune-trentaine-dinterpeles_184988.html.

180 République de La Côte d'Ivoire – Code Penal 2019, art. 191.

181 République de La Côte d'Ivoire – Code Penal 2019, art. 191.

182 République de La Côte d'Ivoire – Code Penal 2019, art. 192.

Participation in a prohibited demonstration may result in six months to two years imprisonment and the same fine. Organisers or participants of undeclared or prohibited demonstrations face harsher penalties of between one to three years imprisonment and fines between 500 000 to 5 000 000 FCFA (US \$894 – US \$8940).¹⁸³

These severe penalties, combined with the State's selective enforcement, contravene constitutional and ICCPR provisions, creating a chilling effect on public participation, suppressing political activism and discouraging citizens from expressing dissent or advocating for rights-based issues. This situation undermines democratic engagement and contributes to a shrinking civic space in Côte d'Ivoire.

5.2.2 Public service workers right to protest

The Ivorian Constitution and accompanying legislation formally recognise the right of public servants to protest.¹⁸⁴ According to International Labour Organization Convention No. 87, to which Côte d'Ivoire is a party, the right to protest for public servants should not be subject to prior authorisation, particularly for public sector employees not engaged in essential services.¹⁸⁵ However, in practice, this right is frequently restricted. In Côte d'Ivoire authorities often cite "coalition of public officials" to target protesting civil servants. The Penal Code imposes a penalty of between six months to three years imprisonment which suppresses collective protest action by civil servants.¹⁸⁶ This provision is commonly used to criminalise lawful union activity and deter public servants from exercising their right to protest. In October 2024, a coordinated protest by teacher and health worker unions was declared illegal by the Minister of Public Service. In response, the government sanctioned civil servants and State agents who participated in the work stoppage by suspending their salaries and deducting wages equivalent to three days of protest action.¹⁸⁷

A similar incident occurred in April 2025, when two inter-union organisations arranged a protest in primary and secondary schools across the country.¹⁸⁸ The protest aimed to demand, among other issues, the upgrading of quarterly bonuses for educators. Although a protest notice was duly submitted to the Ministry of Education in accordance with legal procedures, a union member was arrested and later sentenced to two years' imprisonment on charges of "coalition of public officials" and "obstructing the operation of the public service."¹⁸⁹ These developments raise serious concerns about the erosion of constitutional and international protections, particularly the right to protest and freedom of association, both of which are guaranteed under the Ivorian Constitution and by international conventions ratified by Côte d'Ivoire, including ILO Convention No. 87.¹⁹⁰ Such cases underscore the disconnect between legal guarantees and actual practice, highlighting a pattern of repression against union activity. These cases also point to a climate of intimidation which discourages legitimate demands and undermines democratic labour rights in the country.

183 République de La Côte d'Ivoire – Code Penal 2019, art. 197.

184 République de La Côte d'Ivoire – Loi No. 92-571 Du 11 Septembre 1992 Relative Aux Modalités de La Grève Dans Les Services Publics., Pub. L. No. Loi No.92-571(1992). https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=33189; Constitution de la République de la Côte d'Ivoire 2016, art. 17.

185 "Convention C087 – Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)," *International Labour Organisation*, n.d., accessed July 17, 2025, https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232.

186 Constitution de la République de la Côte d'Ivoire 2016, art. 256.

187 "Côte d'Ivoire: Mass Union Action to Demand Respect for Trade Union Rights," *Education International*, October 14, 2024, <https://www.ei-ie.org/en/item/29091:cote-divoire-mass-union-action-to-demand-respect-for-trade-union-rights>.

188 "Côte d'Ivoire: A Unionist Sentenced to Two Years Imprisonment Must Be Released and the Right to Strike Guaranteed for Everyone in the Country," *Amnesty International*, April 10, 2025, <https://www.amnesty.org/en/latest/news/2025/04/cote-divoire-le-syndicaliste-condamne-a-deux-ans-de-prison-ferme-doit-etre-libere-et-le-droit-de-greve-garanti-pour-tous-dans-le-pays/>.

189 *Amnesty Int.*, "Côte d'Ivoire: A Unionist Sentenced to Two Years Imprisonment Must Be Released and the Right to Strike Guaranteed for Everyone in the Country."

190 *Int. Labour Organ.*, "Convention C087 – Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)."

5.2.3 Anti-Terrorism Law

Côte d'Ivoire adopted an Anti-Terrorism law in 2015 amid growing terrorism concerns in the Sahel region and the need to strengthen national security.¹⁹¹ The law reflects efforts to align with international anti-terrorism standards and introduces severe penalties including imprisonment ranging from ten to 20 years and fines between 5 000 000 and 50 000 000 FCFA (US \$8944 – US \$89 440).¹⁹² The law defines terrorism broadly, covering a wide array of acts such as violent attacks on persons or property, threats intended to instil fear in the government or population, and disruptions to critical infrastructure or emergency services.¹⁹³ While the comprehensive scope aims to address diverse and evolving threats, the law's broad and ambiguous definition raises concerns about overreach. In practice, it increases the risk that legitimate forms of dissent, protest, or expression may be criminalised under the guise of national security. This may result in infringements on civil liberties and the suppression of fundamental rights, including the freedom of assembly and expression.

It appears that the Anti-Terrorism law also derogates from ordinary legal safeguards for persons deprived of their liberty. Notably, it allows individuals accused of terrorist acts to be held in police custody for up to 96 hours, with the possibility of a further 96-hour extension authorised by the public prosecutor, bringing the total to eight days.¹⁹⁴ This significantly exceeds the general period for police custody under Ivorian law, which is limited to 48 hours, renewable once with judicial authorisation.¹⁹⁵ While the extended period is often justified as necessary for the complexity of anti-terrorism investigations, its application without adequate judicial oversight raises serious concerns as it increases the risk of arbitrary detention, incommunicado detention, and even ill-treatment, particularly in the early stages of custody when access to legal counsel or medical care may be restricted.

In its 2024 Concluding Observations, the UN Committee against Torture raised concerns about the extended police custody period under the anti-terrorism framework, deeming it excessive in light of international standards.¹⁹⁶ It recommended that the renewal of police custody should be limited to duly justified exceptional circumstances and respect the principles of necessity and proportionality.¹⁹⁷ These concerns are motivated by reports of prolonged pre-trial detention and delayed judicial processes as was the case of individuals arrested in connection with the March 2016 Grand-Bassam terrorist attack.¹⁹⁸ The individuals were in pre-trial detention for over six years before trial, far exceeding the 24-month pre-trial detention limit set by the Code of Criminal Procedure.¹⁹⁹ This case illustrates how anti-terrorism enforcement can in practice significantly diverge from the legal framework, raising concerns about due process, judicial oversight, and the protection of fundamental rights.

191 Republique de La Cote d'Ivoire – Terrorisme Act No. 2015-493 Du 7 Juillet 2015 Portant Repression Du Terrorisme, Pub. L. No. No. 2015-493(2015). https://counterterrorlaw.info/assets/downloads/Loi_n%C2%B0_2015-493_du_7_juillet_2015_portant_r%C3%A9pression_du_terrorisme.pdf.

192 Republique de La Cote d'Ivoire – Terrorisme Act No. 2015-493 Du 7 Juillet 2015 Portant Repression Du Terrorisme, art. 5.

193 Republique de La Cote d'Ivoire – Terrorisme Act No. 2015-493 Du 7 Juillet 2015 Portant Repression Du Terrorisme, art. 2.

194 Republique de La Cote d'Ivoire – Terrorisme Act No. 2015-493 Du 7 Juillet 2015 Portant Repression Du Terrorisme, art. 17.

195 Republique de La Cote d'Ivoire – Code de Procedure Penale, art. 72.

196 Committee Against Torture, *Concluding Observations on the Initial Report of Côte d'Ivoire*, CAT/C/CIV/CO/1(Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2024), paras. 37, 38, <https://digitallibrary.un.org/record/4062957?v=pdf>.

197 Committee Against Torture, *Concluding Observations on the Initial Report of Côte d'Ivoire*, paras. 37, 38.

198 "Ivory Coast Trial Set to Begin over 2016 Terrorist Attack on Tourist Beach," accessed June 9, 2025, <https://www.france24.com/en/africa/20221130-ivory-coast-trial-set-to-begin-over-2016-terrorist-attack-on-tourist-beach>; Republique de La Cote d'Ivoire | Loi N° 60-366 Du 14 Novembre 1960 Portant Code de Procedure Penale, art. 167.

199 "Ivory Coast Trial Set to Begin over 2016 Terrorist Attack on Tourist Beach," accessed June 9, 2025, <https://www.france24.com/en/africa/20221130-ivory-coast-trial-set-to-begin-over-2016-terrorist-attack-on-tourist-beach>; Republique de La Cote d'Ivoire | Loi N° 60-366 Du 14 Novembre 1960 Portant Code de Procedure Penale, art. 167.

5.2.4 The Law on Electronic Communications

In 2024, Côte d'Ivoire adopted a Law on Electronic Communications aimed at modernising and enhancing the attractiveness of the telecommunications sector.²⁰⁰ However, certain provisions of the law raise serious concerns regarding the freedom of expression and press freedom.²⁰¹ Notably, the law criminalises the interception, disclosure, publication, or use of communications content transmitted via electronic communication networks or services without the consent of the parties involved. Offenders face penalties of one to five years imprisonment and fines ranging between two to ten million FCFA (US \$3578 – US \$17 890).²⁰² These penalties pose a significant threat to journalists, whistle-blowers, bloggers, and social media influencers, many of whom rely on digital platforms to expose corruption, poor governance, or human rights violations. In practice, the law could also be used to criminalise bona fide investigative journalism or public interest disclosures, thereby undermining transparency and accountability. The vague and broad scope of the law limits freedom of expression, particularly online, and appears designed to deter critical voices and shield public officials from scrutiny.²⁰³

5.2.5 Freedom of Association and the status of civil society organisations

The Constitution of Côte d'Ivoire guarantees the right of freedom of association.²⁰⁴ However, in July 2024, the Council of Ministers adopted an ordinance on civil society organisations, ostensibly aimed at regulating the proliferation of new forms of associations and aligning their structures with efforts to combat transnational organised crime and terrorism financing.²⁰⁵ The ordinance applies to various types of associations, including religious groups and non-governmental organisations (NGOs), and covers aspects including creation, operation, financing, and oversight.²⁰⁶ Existing civil society organisations have a year to comply with the new regulations or become liable to a fine of 100 000 FCFA (US \$1,700), with the possibility of dissolution in the event of non-compliance.²⁰⁷

Despite its stated aims, the ordinance has been criticised for undermining freedom of association and granting disproportionate control to the government over civil society. Four key concerns were mentioned by civil society organisations and participants in the focus group discussions. Firstly, the fact that the ordinance was adopted outside a regular legislative process without meaningful consultation with civil society. Participants argued that such significant legislation should have followed parliamentary procedures, especially given its far-reaching impact on civic space.²⁰⁸

Secondly, it was noted that the ordinance permits the withdrawal of government approval with no possibility of appeal for organisations deemed not to align with “public order, security, and cohesion” which are terms that remain undefined.²⁰⁹ The lack of clarity on these conditions enables arbitrary decisions, including the dissolution of organisations by decree of the Council of Ministers, without due process or judicial oversight.

200 République de La Côte d'Ivoire – Loi N° 2024-352 Du 6 Juin 2024 Relative Aux Communications Électroniques, Pub. L. No. Loi N° 2024-352(2024). <https://telecom.gouv.ci/new/uploads/publications/173063856293.pdf>.

201 M Ouattarra, “Article 214, Communications Electroniques: La Nouvelle Loi Du Gouvernement Ivoirien Pour Les Reseaux Sociaux,” Yeclo, April 18, 2024, <https://www.yeclo.com/article-214-communications-electroniques-la-nouvelle-loi-du-gouvernement-ivoirien-pour-les-reseaux-sociaux>.

202 République de La Côte d'Ivoire – Loi N° 2024-352 Du 6 Juin 2024 Relative Aux Communications Électroniques, art. 214.

203 Ouattarra, “Article 214, Communications Electroniques: La Nouvelle Loi Du Gouvernement Ivoirien Pour Les Reseaux Sociaux.”

204 Constitution de La République de La Côte d'Ivoire 2016, art. 12.

205 “Communiqué Du Conseil Des Ministres Du Mercredi 12 Juin 2024,” *Présidence de La République de Côte d'Ivoire*, June 12, 2024, <https://www.presidence.ci/communiqué-du-conseil-des-ministres-du-mercredi-12-juin-2024/>.

206 République de La Côte d'Ivoire – Ordonnance No. 2024-368 Du 12 Juin 2024 Relative à l'organisation de La Société Civile, Pub. L. No. Ordonnance No. 2024-368(2024). <https://droit-et-politique-en-afrique.info/ordonnance-du-12-juin-2024-relative-a-lorganisation-de-la-societe-civile>.

207 République de La Côte d'Ivoire – Ordonnance No. 2024-368 Du 12 Juin 2024 Relative à l'organisation de La Société Civile, art. 133.

208 “New Civil Society Regulations Endanger Fundamental Freedoms,” *Civics Monitor*, August 30, 2024, <https://monitor.civics.org/explore/new-civil-society-regulations-endanger-fundamental-freedoms/>.

209 République de La Côte d'Ivoire – Ordonnance No. 2024-368 Du 12 Juin 2024 Relative à l'organisation de La Société Civile, art. 22.

Thirdly, the ordinance restricts civil society organisations from engaging with political parties.²¹⁰ In practice, this is unrealistic and counter-productive, as many civil society organisations operate within the same civic space as political parties and may need to engage with them to advance human rights, governance, or development objectives. Finally, the ordinance compels civil society organisations to submit detailed financial reports, including inventories of assets and disclosures of funding sources.²¹¹ While transparency is important, overly burdensome financial requirements, especially in an unpredictable donor environment, could hinder the operations of smaller or newly established organizations and deter donor engagement.²¹²

In essence, while the ordinance is presented as a measure to safeguard national security, its practical effect has been to restrict the work of civil society activists and human rights defenders, making it increasingly difficult for them to carry out their missions. These restrictions introduce mechanisms that consolidate State control over civil society, curtail organisational independence, and limits civic activism in Côte d'Ivoire.

5.2.6 Defamation

The Constitution of Côte d'Ivoire guarantees freedom of expression as a fundamental right.²¹³ However, the Penal Code and Press Law continue to impose severe restrictions on this right, particularly in cases of defamation and insult against State authorities and foreign dignitaries.²¹⁴ Insults directed at the President or Vice-President carry penalties including imprisonment ranging from three months to two years, and a fine between 300 000 and 3 000 000 FCFA (US \$537 – US \$5370).²¹⁵ The penalties are more severe when the offence is committed by media professionals, including journalists, news anchors, and bloggers, as the 2017 Press Law broadens the scope to include insults or defamation directed at the President of the Republic, courts, members of the government, or heads of national institutions, and imposes fines ranging from 3 000 000 to 5 000 000 FCFA (US \$5366 – US \$8944).²¹⁶ These severe sanctions discourage investigative journalism and dissent and have been widely criticised.

Defamation extends beyond national figures and includes foreign presidents or governments, attracting sentences of 3 months to 2 years of imprisonment and fines ranging from 300 000 to 3 000 000 FCFA (US \$537 – US \$5370).²¹⁷ Defamation against foreign ambassadors or representatives are punishable by 15 days to 1 year of imprisonment and a fine of 100 000 to 1 000 000 FCFA francs (US \$179 – US \$1790).²¹⁸ This has raised serious concerns among civil society organisations, journalists, and press freedom advocates, who argue that such provisions are incompatible with constitutional guarantees and international human rights standards. In 2020, two journalists were prosecuted for 'flagrante delicto' and fined 5 000 000 FCFA (US \$8943) for publishing an article titled 'Fraud and corruption at the top: Côte d'Ivoire, a true rogue state'.²¹⁹ The article referred to alleged corruption in the civil service recruitment process. The harsh penalties imposed drew widespread condemnation but were upheld despite protests.

210 République de La Côte d'Ivoire – Ordonnance No. 2024-368 Du 12 Juin 2024 Relative à l'organisation de La Société Civile, art. 1.

211 République de La Côte d'Ivoire – Ordonnance No. 2024-368 Du 12 Juin 2024 Relative à l'organisation de La Société Civile, art. 22.

212 République de La Côte d'Ivoire – Ordonnance No. 2024-368 Du 12 Juin 2024 Relative à l'organisation de La Société Civile, art. 33.

213 Constitution de La République de La Côte d'Ivoire 2016, art. 19.

214 République de La Côte d'Ivoire – Loi N° 2022-978 Du 20 Décembre 2022 Modifiant La Loi N° 2017-867 Du 27 Décembre 2017 Relative Au Régime Juridique de La Presse, Pub. L. Nos. 2022-978(2022). <https://www.haca.ci/sites/default/files/2023-01/LOI%20n%202022%20MODIFIANT%20LA%20LOI%20n%202017%20COMM%20AUDIOVISUELLE-compressé%20%281%29.pdf>; République de La Côte d'Ivoire – Code Penal 2019, art. 264.

215 République de La Côte d'Ivoire – Code Penal 2019, art. 264.

216 République de La Côte d'Ivoire – Loi N° 2022-978 Du 20 Décembre 2022 Modifiant La Loi N° 2017-867 Du 27 Décembre 2017 Relative Au Régime Juridique de La Presse, art. 91.

217 Constitution de la République de la Côte d'Ivoire 2016, art. 265.

218 Constitution de La République de La Côte d'Ivoire 2016, art. 266.

219 "Deux Journalistes Pro-Gbagbo Condamnés à Des Amendes Pour 'Diffamation,'" *Voice of Africa*, March 4, 2020, <https://www.voaafrique.com/a/côte-d-ivoire-deux-journalistes-pro-gbagbo-condamnés-à-des-amendes-pour-diffamation-/5314641.html>.

One of the most contentious aspects of this current framework is its application to online expression, particularly on social media platforms. The law also penalises individuals who share or relay information online, even before the content is judicially determined to be defamatory. A particularly problematic development is the broadening of defamation liability to include bloggers, activists, whistle-blowers, and social media influencers. Under current interpretations, any individual operating a digital platform with over 25,000 followers is subject to the same legal standards as professional journalists under the audio-visual communication law.²²⁰ This has blurred the line between journalistic work which is traditionally protected by professional codes and legal frameworks and digital expression by non-affiliated individuals. The assimilation of influencers and cyber-activists to journalists, without granting them the same institutional protections or editorial oversight, raises serious legal and ethical questions.

This framework limits free speech, public debate, and journalistic inquiry. The equation of digital voices with institutional media, without procedural safeguards or recognition of differing roles and structures, further undermines freedom of expression in the digital age. Moreover, it directly contradicts the right to freedom of expression as enshrined in International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.²²¹

5.2.7 Cybercrime and the Protection of Personal Data

In 2013, Côte d'Ivoire adopted a Cybercrime Law, establishing a comprehensive framework for addressing ICT-specific offences, including intellectual property violations, data breaches, and cyber-enabled acts threatening public order.²²² In 2024 Côte d'Ivoire acceded to the Convention of Cybercrime which is the first international treaty specifically designed to address crimes committed via the internet and other computer networks.²²³

A key component of the Cybercrime Law is the protection of personal data. While the law advances digital governance, it also introduces broad punitive measures for online content, raising serious human rights concerns. This law is particularly targeted at cyber-activists who play a vital role in modern civic engagement by using digital platforms to promote social or political causes by publicly denouncing issues of corruption, inequality, or misgovernance, raising awareness on social and economic issues, mobilising citizens via social media and publishing evidence or leaks to demand accountability.²²⁴ However, due to the absence of protective legal provisions and an unclear regulatory framework, cyber activists actions often fall into a legal grey area. When their content challenges the State or political elite, it may be interpreted not as legitimate expression, but rather as cybercrime or a threat to public order.

One of the most contentious provisions of the Cybercrime Law is that it criminalises the act of producing, making available to others, or disseminating data likely to disturb public order with punishment including imprisonment of between one month to five years and a fine of 1 000 000 to 20 000 000 FCFA (US \$1789 – US \$35 765).²²⁵

220 Republique de La Cote d'Ivoire – Loi N° 2022-978 Du 20 Décembre 2022 Modifiant La Loi N° 2017-867 Du 27 Décembre 2017 Relative Au Régime Juridique de La Presse, art. 80.

221 International Covenant on Civil and Political Rights, art. 19; African Charter on Human and Peoples Rights, Pub. L. No. OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58(1982).

222 Republique de La Cote d'Ivoire Loi N° 2013-450 Du 19 Juin 2013 Relative à La Protection Des Données Personnelles, Pub. L. No. Loi n° 2013-450(2013). https://www.artci.ci/images/stories/pdf/lois/loi_2013_450.pdf.

223 "Côte d'Ivoire Accedes to the Convention on Cybercrime," *Council of Europe*, 2024, <https://www.coe.int/en/web/cybercrime/-/c%C3%B4te-d-ivoire-accedes-to-the-convention-on-cybercrime>.

224 R Sandoval-Almazan and J. Ramon Gil-Garcia, "Towards Cyberactivism 2.0? Understanding the Use of Social Media and Other Information Technologies for Political Activism and Social Movements," *Government Information Quarterly* 31, no. 3 (2014): 365–78, <https://doi.org/10.1016/j.giq.2013.10.016>.

225 Republique de La Cote d'Ivoire Loi N° 2013-450 Du 19 Juin 2013 Relative à La Protection Des Données Personnelles, art. 62.

In practice the law has been used to silence critics of government policies, intimidate cyber activists and whistle-blowers and suppress the circulation of politically sensitive information. An emblematic figure in this landscape is the anonymous cyber activist Chris Yapi, who has gained notoriety for leaking confidential political information and exposing alleged misconduct at the highest levels of power.²²⁶ Despite the potential violations of privacy and public order laws, Yapi has not been apprehended, raising questions about selective enforcement, digital anonymity, and the limits of State surveillance.²²⁷

The Cybercrime Law reflects a growing tendency to criminalise dissent under the guise of national security or public order. In the absence of clear legal protections for cyber activists, individuals using digital platforms to demand accountability or expose corruption are highly vulnerable to State retaliation. There is an urgent need to define and protect cyber-activism within the legal framework and promote a safe space for digital civic engagement, without fear of retaliation to ensure compliance with constitutional guarantees and international obligations including the ICCPR and the African Charter on Human and Peoples' Rights.

5.3 Exceptional Laws

Côte d'Ivoire maintains a set of exceptional laws and administrative measures that are often applied outside standard legal procedures. These measures frequently lack transparency, clear legal basis, and procedural safeguards, resulting in arbitrary enforcement and inconsistent application. The influence of the French legal tradition on the Ivorian Penal Code results in many of its provisions not being sufficiently adapted to reflect the social, cultural, and political realities of Ivorian society. This disconnect not only limits the law's legitimacy in the eyes of the population but also reinforces practices that undermine the rule of law. The impact is especially severe on vulnerable and marginalised groups, including youth, public space workers, women, human rights defenders, and political opponents, who are more likely to be subjected to harsh enforcement, including arbitrary excessive penalties or arrests.

5.3.1 Influence of French laws on legislation – Civil law on marriage

One of the most notable illustrations of the influence of French law on Ivorian legislation is evident in the domain of family law, as well as the law of property and obligations. While Ivorian laws make partial allowances for local customs and traditions, the legal framework retains a predominantly French civil law orientation, often misaligned with societal norms and lived realities. A key example is the issue of marriage rites, particularly the dowry (commonly referred to as 'dot' or the bride-price), which holds deep cultural significance in many African and Ivorian communities.

The Marriage Law of 1964 was heavily influenced by French legal norms, criminalising the payment of dowry with punishment of six months to two years imprisonment and a fine of 50 000 FCFA (US \$90), as it was viewed as a transactional practice incompatible with modern legal principles.²²⁸ However, despite its prohibition, in reality, the traditional practice of paying dowry continues to be widely observed across the country. Recognising this disconnect, legal reforms were introduced in 2019 amending the earlier stance on the payment of dowry.²²⁹ Under the revised legal framework, the payment of dowry is now neither explicitly recognised nor criminalised.

226 "Disinformation Targets Côte d'Ivoire's 2025 Elections|by ADDO|African Digital Democracy Observatory," *Monitor*, May 26, 2025, <https://disinfo.africa/disinformation-targets-c%C3%B4te-divoire-s-2025-elections-42a57748237c>.

227 "Disinformation Targets Côte d'Ivoire's 2025 Elections|by ADDO|African Digital Democracy Observatory", *Monitor*, 26 May 2025, <https://disinfo.africa/disinformation-targets-c%C3%B4te-divoire-s-2025-elections-42a57748237c>.

228 République de La Cote d'Ivoire – Loi No. 64-381 Du 7 Octobre 1964 Relative Aux Dispositions Diverse Applicables Aux Matieres Regies Par Les Lois Sur Le Nom, l'etat Civil, Le Mariage, Le Divorce et La Separation de Corps, La Paternite et La Filiation, l'adoption, Les Successions, Les Donations Entre Vifs et Les Testaments, et Portant Modification Des Articles 11 et 21 de La Loi No. 61-415 Du 14 Decembre 1961 Sur Le Code de La Nationalite, Pub. L. No. Loi No. 64-381(1964). <https://loidici.biz/2018/08/19/loi-n-64-381-du-7-octobre-1964-relative-aux-dispositions-diverses-applicables-aux-matieres-regies-par-les-lois-sur-le-nom-letat-civil-le-mariage-le-divorce-et-la-separation-de-corps-la-pa/lois-article-par-article/codes/le-code-civil/482/naty/>.

229 République de La Cote d'Ivoire – Loi N° 2019-570 Du 26 Juin 2019 Relative Au Mariage, Pub. L. No. Loi No.2019-570(2019). https://www.famille.gouv.ci/public/documents/doc_drcc/loi_2019-570_sur_le_mariage.pdf.

This legal ambiguity reflects a pragmatic compromise, acknowledging the enduring social relevance of dowry while avoiding a full legal endorsement. This example highlights a broader issue that Ivorian laws are not always adapted to the country's complex social realities. In many cases, community practices are overlooked or inadequately integrated into national legislation. While Côte d'Ivoire has made efforts to modernise and decolonise its legal system since gaining independence, many colonial laws have been retained without sufficient contextual adaptation. It is thus important to strike a balance between developing a legal system that is both modern and culturally grounded, while respecting local diversity.

5.3.2 Child Labour: Light and Hazardous Work For Children

Child labour remains a significant and persistent issue in Côte d'Ivoire, particularly in rural areas and in sectors such as domestic work, mining, and agriculture (most notably in the coffee and cocoa industry).²³⁰ Despite on-going government and international efforts, economic hardship, weak enforcement of labour laws, and entrenched social norms continue to drive the exploitation of children across the country.²³¹ The Ivorian Penal Code prohibits the involvement of minors in dangerous work and penalises any person who knowingly performs or allows such work to be done by a child with imprisonment of between one to five years and a fine ranging from 500 000 to 1 000 000 FCFA (US \$800 – US \$1600).²³² However, enforcement of this law remains a major challenge, particularly in informal and rural economies where oversight is limited. To better regulate child labour, the Ministry of Labour and Social Protection has made an important distinction between light work (permissible under strict conditions) and hazardous work (strictly prohibited for minors).²³³

Under this framework, light work is defined as work authorised for children of either sex between the ages of 13 and 16, which, by its nature and the conditions in which it is carried out, is not likely to harm their health or physical, mental, moral, or social development, and does not interfere with their school attendance, participation in vocational guidance or training programs, or their ability to benefit from education.²³⁴ In contrast, hazardous work includes any form of labour that exposes children to physical or sexual abuse; involves dangerous machinery or heavy loads; and is carried out in an unhealthy or unsafe environment that prevents a child from attending school.²³⁵

The list of dangerous and light work for children includes the following:²³⁶

230 J Schrage and A Ewing, "The Cocoa Industry and Child Labour," *Journal of Corporate Citizenship* 18(2005): 99-112. 18(2005): 99-112.

231 Schrage and Ewing, "The Cocoa Industry and Child Labour."

232 République de La Côte d'Ivoire – Code Penal 2019, art. 433.

233 Ministère de l'Emploi et de La Protection Sociale – Arrête No 2017-017 MEPS/CAB Du 02 Juin 2017 Determinant La Liste Des Travaux Dangereux Interdits Aux Enfants, Pub. L. No. Arrête No 2017-017 MEPS/CAB (2017). https://travaildesenfants.org/sites/default/files/pdf_documents_fondateurs/ARRETE-TRAVAUX-DANGEREUX-2017_1.pdf; Ministère de l'Emploi et de Protection Sociale – La Liste Des Travaux Légers Autorisés Aux Enfants Dont l'âge Est Compris Entre Treize (13) et Seize (16) Ans, Pub. L. No. ARRETE 2017-016 MEPS/CAB (2017). <https://www.cocoainitiative.org/sites/default/files/LISTE-DES-TRAVAUX-LEGERS-AUTORISES-ENFANTS.pdf>.

234 Ministère de l'Emploi et de Protection Sociale – La Liste Des Travaux Légers Autorisés Aux Enfants Dont l'âge Est Compris Entre Treize (13) et Seize (16) Ans.

235 Ministère de l'Emploi et de La Protection Sociale – Arrête No 2017-017 MEPS/CAB Du 02 Juin 2017 Determinant La Liste Des Travaux Dangereux Interdits Aux Enfants.

236 Ministère de l'Emploi et de Protection Sociale – La Liste Des Travaux Légers Autorisés Aux Enfants Dont l'âge Est Compris Entre Treize (13) et Seize (16) Ans; Ministère de l'Emploi et de La Protection Sociale – Arrête No 2017-017 MEPS/CAB Du 02 Juin 2017 Determinant La Liste Des Travaux Dangereux Interdits Aux Enfants.

TABLE 1: DANGEROUS AND LIGHT WORK FOR CHILDREN

| INDUSTRY | PROHIBITED DANGEROUS WORK | ACCEPTABLE LIGHT WORK |
|--|---|---|
| Agriculture and Forestry Industry | <ul style="list-style-type: none"> • Land clearing • Tree felling • Burning plots • Hunting game with a weapon • Logging • Charcoal production • Stump removal • Chipping with a sharp object • Harvesting with a machete or sickle • Handling agro-chemicals | <ul style="list-style-type: none"> • Assist in measuring distances between plants; • Extract the beans by hand after shelling by an adult; • Sorting and spreading beans, cereals and other vegetables for drying; • Wash beans, fruits, vegetables and tubers; • Collect and gather fruits, pods, seeds after picking; • Hold bags or fill them with small containers for packaging agricultural products; • Sowing seeds; • Collection of firewood. |
| Farming | <ul style="list-style-type: none"> • Herdsman activities • Animal restraint • Handling of veterinary products | <ul style="list-style-type: none"> • Collect and/or store eggs in cartons; • Water and feed the animals; • Sweeping, scraping and storing waste on farms; • Clean animal lodges and kennels; • Carry out the activities of shepherds. |
| Fisheries and Aquaculture | <ul style="list-style-type: none"> • Deep-sea fishing • Construction of fish ponds, dikes, and dams • Fish cleaning | <ul style="list-style-type: none"> • Prepare traps or nets before or after fishing; • Spread out fishing equipment (nets, floats); • Arrange drying areas; • Drying fish products; • Fish in fish ponds. |
| Shops and Services | <ul style="list-style-type: none"> • Septic tank emptying • Pre-collection and collection of household waste • Work in bars and nightclubs • Waitressing in restaurants and bars | <ul style="list-style-type: none"> • Sell on stalls, in shops and shops excluding sale in alcoholic beverage establishments; • Store light non-corrosive, non-flammable items on the shelves; • Serving (dishes, dessert, coffee, tea, water); • Serve and clean tables with the exception of alcoholic beverage establishments. |

Despite these distinctions in law, many children continue to be involved in hazardous work, especially in coffee and cocoa plantations, where they are exposed to harmful pesticides, dangerous tools (such as machetes), and long working hours. Some children are engaged in domestic labour or artisanal mining, often working in isolation and without protections.

While the distinction between light and hazardous work is intended to regulate child labour, it also conflicts with the national law on compulsory education, which mandates school attendance for all children between the ages of six and 16 years. According to this law, parents who fail to ensure their children attend school face penalties of between two to six months imprisonment and a fine ranging from 50 000 to 500 000 FCFA (US \$90 – US \$900). This mismatch in legal standards reveals a critical inconsistency. On the one hand, the law permits light forms of work for children aged 13–16 years; while on the other hand, it requires full-time school attendance for all children in that same age group. This contradiction contravenes the Convention on the Rights of the Child (CRC), undermines enforcement of both education and labour laws, weakens child protection efforts, and leaves room for exploitation under the guise of “light work.” Ultimately, there is a need for greater coherence in legislation and stronger alignment between child labour regulations and educational policy to ensure that children’s rights are fully upheld in Côte d’Ivoire.

5.3.3 The Promotion and Protection of Human Rights Defenders

In June 2014, the government of Côte d’Ivoire adopted a law on the promotion and protection of human rights defenders, marking a historic milestone as the first law of its kind on the African continent. It has since served as a model for similar efforts in other countries seeking to legally recognise and protect the work of human rights defenders.

The law provides a comprehensive legal definition and protection framework for any legally constituted person or group who, without seeking profit, promotes, protects, and defends human rights and fundamental freedoms. Amongst others, it grants the right to freely assemble and protest peacefully; form and join associations or organisations; access, store, and disseminate information related to human rights; raise awareness about human rights violations; submit criticisms or proposals to State institutions regarding obstacles to human rights and communicate freely with international human rights bodies.

The law states that human rights defenders cannot be prosecuted, investigated, arrested, or detained for opinions expressed or reports published in the course of their human rights activities. It obliges the State to facilitate their work, including access to detention centres and relevant information, and to investigate and punish violations committed against them.

However, despite its strong normative foundation, the law suffers from a critical flaw; the absence of an effective enforcement mechanism. For several years after its adoption, the law had no practical means of implementation, undermining its intent and leaving defenders vulnerable to threats, harassment, and reprisals.

To address this gap, the government issued an Inter-Ministerial Order establishing a mechanism for the protection of human rights defenders, comprising of a committee of five government-appointed members tasked with monitoring protective measures; responding to threats and violations against human rights defenders and taking appropriate actions to mitigate obstacles to defenders’ work. However, concerns persist about the effectiveness and independence of this mechanism. The committee’s composition (entirely governmental) and its infrequent meetings (three times per year or more if necessary) raise doubts about its capacity and political will to effectively respond to real-time threats. Moreover, the mechanism is not directly grounded in the Human Rights Defenders Law, further distancing its operations from the legal protections enshrined in the law. The gap between legal commitments and practice results in intimidation, surveillance, arbitrary arrest, and detention for human rights defenders. In November 2022, four human rights defenders were arrested during a peaceful protest against rising living costs, reflecting a contradiction to the rights guaranteed by the 2014 law. Without a robust, independent, and well-resourced implementation mechanism, the law functions more as a political statement than a shield for those it is meant to protect.

5.3.4 Amnesty Ordinance to persons involved in the 2010 post-election crisis

The Ivorian government pledged justice for victims in the aftermath of the 2010–2011 post-electoral crisis which claimed over 3,000 lives and widespread human rights violations across the country. In 2014 a National Commission of Inquiry and a Special Investigative Unit was established to prosecute perpetrators of the post-electoral crisis, reflecting the State's initial commitment to transitional justice. However, in August 2018, President Alassane Ouattara issued an amnesty ordinance granting immunity to individuals convicted for crimes related to the post-election violence and for offences against State security committed after 21 May 2011. The amnesty was ratified into law in December 2018, thereby transforming an exceptional executive act into binding national legislation. The amnesty excluded only those under international trial and members of armed forces who committed "blood crimes" during the post-election violence. Approximately 800 individuals benefited from this law, which drew significant domestic and international criticism for undermining accountability and justice. The Amnesty was considered a violation of regional and international legal obligations to which Côte d'Ivoire is a party including the Convention Against Torture, the Geneva Conventions, the Rome Statute of the International Criminal Court, and the African Charter on Human and Peoples' Rights. These instruments emphasise accountability for gross violations of human rights and obligate State parties to investigate and prosecute serious international crimes such as war crimes, crimes against humanity, and sexual violence. In its 2019 concluding observations, CEDAW noted with concern that the amnesty ordinance undermines the rights of victims, (especially women) to truth, justice, and reparations and does not explicitly exclude perpetrators of serious human rights violations, including sexual violence and crimes against humanity or war crimes.

While framed as a move toward national reconciliation, the Amnesty Law created a serious accountability gap for violations committed during the post-electoral crisis and further eroded public trust in the government. In December 2024, the International Federation for Human Rights together with member organisations including the Ivorian Human Rights League (LIDHO) and the Ivorian Human Rights Movement filed a case before the ECOWAS Court of Justice. The petition seeks a declaration that the 6 August 2018 presidential amnesty issued by President Alassane Ouattara is unlawful under regional and international law, and thus incompatible with Côte d'Ivoire's human rights obligations. Although the case has been formally filed and argued, to date judgment is yet to be issued.

5.3.5 Prohibition of street trading in Abidjan

In April 2024, in an effort to secure a 'clean' city of Abidjan, the Vice-Governor of the Autonomous District of Abidjan issued a statement banning on street trading along major roads and prohibiting all forms of begging, and the use of handcarts (commonly known as Wottro or rickshaws) across the district. These measures led to widespread concern over abuses of authority and a lack of adequate alternatives for affected populations.



FIGURE
WOTTRO
ABIDJAN

1:
IN

The decision disproportionately impacted women who rely on informal vending to support themselves and their families. Women traders typically earn a minimal amount of money from their trade, forcing them to live from hand-to-mouth while also taking care of accommodation, education, food and other family-related expenses. While they are not employed by local governments, informal economy workers should be considered as workers with rights as they significantly contribute to alleviating poverty, providing employment albeit informal.

5.3.6 Prohibition of informal modes of transport in Abidjan

In May 2019, the Ministry of Transport issued a decree banning motorcycle taxis in the Abidjan district. Similarly, the operation of autorickshaws (*salonis*) were prohibited in most communes, with limited tolerance only in Yopougon and Abobo districts under unclear enforcement frameworks.²³⁷ The communiqué stated that these vehicles are operating without any authorisation or under any regulatory supervision applicable to the transport sector.



Operators of informal transport modes often face arrest and detention for using unregistered or unlicensed vehicles, or for operating in prohibited areas of the city. Their vehicles are sometimes confiscated and auctioned by the State, effectively depriving them of their livelihoods.²³⁸ The arbitrary enforcement of these policies and laws violates fundamental rights, including the right to non-discrimination, human dignity, equal protection under the law, liberty, freedom of movement, protection against torture or cruel, inhuman, or degrading treatment or punishment, and security of the person, including protection from arbitrary arrest or detention.²³⁹

5.3.7 Non-payment of debts

In Côte d'Ivoire, the Penal Code criminalises specific forms of non-payment, particularly in cases where goods or services are consumed and the consumer is aware of their inability to pay.²⁴⁰ Individuals may face imprisonment of between three months to one year and a fine of 50 000 to 500 000 FCFA (US \$90 – US \$900) if they knowingly consume food or drink at a restaurant without the means to pay, stay in a hotel or lodging facility for 15 days or less knowing they cannot pay; receive fuel from a professional distributor and allow their vehicle to be filled or hire a car knowing they cannot pay.²⁴¹

The key issue is that the accused must have knowingly accepted the goods or services with full awareness of their inability to pay, making intent a core legal element of the offence. Non-payment may only be prosecuted upon a formal complaint by the victim (e.g., restaurant owner, hotel manager, and fuel station).²⁴² While intended to deter fraud and protect businesses from bad faith consumers, criminalising minor or low-value debts raises concerns as criminal sanctions should be reserved for serious or fraudulent conduct and not economic hardship as this criminalises poverty particularly from those who are genuinely unable to pay.²⁴³

Redirecting minor debt-related cases to out-of-court mediation, community-based alternatives, or civil courts (which can provide repayment plans, mediation, or enforceable judgments) offers a more appropriate and humane approach rather than resorting to imprisonment. This shift enables the justice system to focus on prosecuting more serious criminal offences, as pursuing criminal charges for low-value debts imposes an unnecessary burden on judicial resources and contributes to case backlogs and prison overcrowding.²⁴⁴

237 J Doherty et al., "Multiple Marginality and the Emergence of Popular Transport: 'Saloni' Taxi-Tricycles in Abidjan, Ivory Coast," *Cybergeog: European Journal of Geography*, ahead of print, CNRS-UMR Géographie-cités 8504, February 3, 2021, para. 37, <https://doi.org/10.4000/cybergeog.36017>.

238 K Petersen, *Public Spaces & Informal Work: Principles and Approaches to Law & Policy-Making*, Fact Sheet 26 (Dullah Omar Institute, 2023), 7, <https://dullahomarinate.org.za/acjr/acjr-publications/acjr-factsheet-01-2023.pdf/view>.

239 International Covenant on Civil and Political Rights, arts. 2, 3, 6, 7, 9, 10, 12, 26.

240 Constitution de La République de La Côte d'Ivoire 2016, art. 463.

241 Constitution de La République de La Côte d'Ivoire 2016, art. 463.

242 Constitution de La République de La Côte d'Ivoire 2016, art. 463.

243 A Thompson and S Mahtani, *Women, Debt & Detention: An Exploratory Report on Fraudulent Conversion and the Criminalisation of Debt in Sierra Leone* (AdvocAid, 2012), 29, <https://advocaidsl.org/wp-content/uploads/2018/12/AdvocAid-Women-Debt-and-Detention-Report.pdf>.

244 Thompson and Mahtani, *Women, Debt & Detention: An Exploratory Report on Fraudulent Conversion and the Criminalisation of Debt in Sierra Leone*, 30.

6. Regional and International human rights instruments

Côte d'Ivoire has ratified and is party to several regional and international instruments. The Constitution affirms that, once published, duly ratified treaties and agreements take precedence over domestic laws, provided that the other contracting parties also apply them.²⁴⁵ While these legal instruments are expected to be fully enforced within the national legal framework, gaps remain between treaty commitments and enforcement. In many instances, State authorities fail to effectively carry out their assigned duties and responsibilities, undermining the intended protections and standards established by these treaties.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified on 18 December 1995. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified on 1 March 2023. However, the government is yet to designate a National Preventive Mechanism (NPM) as part of OPCAT commitments. In November 2023, the National Human Rights Council (CNDH) hosted a seminar to initiate the implementation of the NPM and despite some progress made, continuous challenges persist, including limited access to places of detention, the lack of co-ordination between various institutions, the lack of political will and limited resource mobilisation.

The following regional and international treaties have been ratified by Côte d'Ivoire:²⁴⁶

TABLE 2: INTERNATIONAL HUMAN RIGHTS TREATIES RATIFIED BY CÔTE D'IVOIRE

| NO | TREATY DESCRIPTION | TREATY NAME | DATE OF RATIFICATION/ ACCESSION |
|----|---|-------------|---------------------------------|
| 1 | International Covenant on Civil and Political Rights | ICCPR | 26 March 1992 |
| 2 | Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT | 18 December 1995 |
| 3 | Optional Protocol of the Convention against Torture | OPCAT | 31 March 2023 |
| 4 | Convention on the Elimination of All Forms of Discrimination against Women | CEDAW | 18 December 1995 |
| 5 | International Convention on the Elimination of All Forms of Racial Discrimination | CERD | 4 January 1973 |

²⁴⁵ Constitution de la République de la Côte d'Ivoire 2016, art. 123.

²⁴⁶ "UN Treaty Body Database – Côte d'Ivoire," *United Nations Human Rights Treaty Bodies*, 2025, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?Lang=en.

| NO | TREATY DESCRIPTION | TREATY NAME | DATE OF RATIFICATION/ ACCESSION |
|----|--|-------------|---------------------------------|
| 6 | International Covenant on Economic, Social and Cultural Rights | ICESCR | 19 June 1992 |
| 7 | Convention on the Rights of the Child | CRC | 4 February 1991 |
| 8 | Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | CRC-OP-AC | 11 July 2002 |
| 9 | The Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty | CRC-OP-SC | 3 May 2024 |
| 10 | Convention on the Rights of Persons with Disabilities | CRPD | 23 July 2010 |
| 11 | The African Charter on Human and Peoples' Rights | ACHPR | 26 June |
| 12 | The Convention Governing the Specific Aspects of Refugee Problems in Africa | CGSARPA | 2006 |
| 13 | The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights | | 21 March 2003. |
| 14 | the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ("Maputo Protocol") | | 5 October 2011 |
| 15 | African Charter on the Rights and Welfare of the Child | | 22 August 1989 |

7.

Oversight and Monitoring Bodies

There exists in Côte d'Ivoire oversight and monitoring bodies responsible for ensuring the protection of human rights, including the National Human Rights Council, the General Inspectorate of the Police, and various non-governmental organisations that monitor detention centers. On-going efforts are being made to strengthen institutions dedicated to safeguarding human rights, reinforcing accountability, and promoting the rule of law.

7.1 National Human Rights Council

The National Human Rights Council of Côte d'Ivoire was established in November 2012 with a mandate to monitor, promote, and defend human rights across the country.²⁴⁷ It is tasked with receiving complaints of human rights violations, ensuring compliance with Côte d'Ivoire's international human rights obligations, and producing periodic reports and thematic studies related to current events.²⁴⁸

In 2024, the Council was awarded A-status accreditation under the Paris Principles by the Sub-committee on Accreditation of the Global Alliance of National Human Rights Institutions, reflecting formal recognition of its alignment with international standards.²⁴⁹ Despite its legal status as an independent body with financial autonomy, in practice, the Council's effectiveness is hindered by inadequate funding and limited independence.

In its 2024 Concluding Observations, the UN Committee against Torture raised several concerns regarding the effectiveness of the Council. Firstly, the Committee noted that the Council lacks adequate financial and human resources, significantly limiting its capacity to carry out core functions, including monitoring detention facilities and investigating human rights violations.²⁵⁰ Secondly, the Committee expressed concerns about the Council's lack of financial autonomy and allegations of political interference in the selection and appointment of Commissioners. The Committee called on the Ivorian government to ensure the Council's full institutional and operational independence, especially regarding appointment processes.²⁵¹

Thirdly, the Committee also highlighted the lack of transparency in the systematic implementation of Council recommendations.²⁵² In particular, it questioned whether recommendations (especially those concerning torture or ill-treatment) are acted upon by the public prosecutor's office. The Committee urged the State to adopt concrete measures to ensure that all recommendations issued by the Council are followed up and effectively implemented, including those related to the investigation and prosecution of torture allegations.²⁵³

247 République de La Côte d'Ivoire – Loi N° 2018-900 Du 30 Novembre 2018 Portant Création, Attributions, Organisation et Fonctionnement de Conseil National Des Droits de l'Homme (CNDH), Pub. L. No. Loi N° 2018-900(2018). <https://cndh.ci/wp-content/uploads/2015/10/JO-CREATION-DU-CNDH.pdf>.

248 République de La Côte d'Ivoire – Loi N° 2018-900 Du 30 Novembre 2018 Portant Création, Attributions, Organisation et Fonctionnement de Conseil National Des Droits de l'Homme (CNDH).

249 République de La Côte d'Ivoire – Loi N° 2018-900 Du 30 Novembre 2018 Portant Création, Attributions, Organisation et Fonctionnement de Conseil National Des Droits de l'Homme (CNDH), art. 1.

250 *Concluding Observations on the Initial Report of Côte d'Ivoire: Committee against Torture*.

251 *Concluding Observations on the Initial Report of Côte d'Ivoire: Committee against Torture*, paras. 11, 12.

252 *Concluding Observations on the Initial Report of Côte d'Ivoire: Committee against Torture*, paras. 11, 12.

253 *Concluding Observations on the Initial Report of Côte d'Ivoire: Committee against Torture*, paras. 11, 12.

7.2 Prison Oversight

Prison oversight in Côte d'Ivoire involves multiple actors including government and non-governmental institutions, each with different levels of access and regulation. The National Council for Human Rights acts as the primary supervisory body for prisons and human rights.²⁵⁴ It is empowered to conduct unannounced visits to detention centres and to engage directly with detainees. Similarly, Members of Parliament, and the Economic, Social, Cultural and Environmental Council may also visit detention centres at any time without prior notification.²⁵⁵ Prefects and sub-prefects of districts may also visit prisons within their district but must inform the public prosecutor in advance of their intention to do so.²⁵⁶

Judicial authorities have varying periodic visitation obligations. Magistrates (judges responsible for the execution of sentences and investigating judge) should visit detention centres at least twice a month.²⁵⁷ Juvenile judges are required to visit at least once a month.²⁵⁸ Public prosecutors should visit once per trimester.²⁵⁹ The president of the investigating chamber is required to visit at least once a year.²⁶⁰ All magistrates have the right to engage with detainees and review administrative records of the detention centres and reports and submit reports to the Minister of Justice.²⁶¹

Access to detention centres is different for external organisations such as international organisations and non-governmental organisations working in the field of human rights or international humanitarian law. Representatives from these organisations may request access to visit prisons, however, they need prior authorisation from the Minister of Justice to do so. If granted, they may conduct visits and can submit feedback to the relevant authorities.²⁶²

7.3 Police Oversight

Côte d'Ivoire lacks an established external, independent civilian oversight body dedicated to monitor police conduct. Oversight responsibilities fall within the mandate of the General Inspector of Police Services, operating under the authority of the Ministry of Interior.²⁶³ Its core responsibilities include ensuring the proper functioning of National Police services; receiving complaints and reports concerning police misconduct; conducting investigations into allegations of abuse, corruption, and other forms of misconduct by police officers; and implementing measures aimed at combating misconduct that tarnishes the image and integrity of the National Police.²⁶⁴

While this body is tasked with ensuring accountability and addressing misconduct within the National Police, its structure raises serious concerns regarding impartiality and effectiveness. Complaints and allegations of police misconduct are handled internally by the police force,

254 Republique de La Cote d'Ivoire – Loi N° 2018-900 Du 30 Novembre 2018 Portant Création, Attributions, Organisation et Fonctionnement de Conseil National Des Droits de l'Homme (CNDH), Pub. L. No. Loi N° 2018-900 (2018). <https://cndh.ci/wp-content/uploads/2015/10/J0-CREATION-DU-CNDH.pdf>.

255 Republique de La Cote d'Ivoire – Decree No. 2023-239 Du 5 Avril 2023 Portant Reglementation Des Etablissements Penitentiaires et Fixant Les Modalites d'execution de La Detention Des Personnes., art. 123.

256 Republique de La Cote d'Ivoire – Decree No. 2023-239 Du 5 Avril 2023 Portant Reglementation Des Etablissements Penitentiaires et Fixant Les Modalites d'execution de La Detention Des Personnes., art. 123.

257 Republique de La Cote d'Ivoire – Decree No. 2023-239 Du 5 Avril 2023 Portant Reglementation Des Etablissements Penitentiaires et Fixant Les Modalites d'execution de La Detention Des Personnes., art. 124(1).

258 Republique de La Cote d'Ivoire – Decree No. 2023-239 Du 5 Avril 2023 Portant Reglementation Des Etablissements Penitentiaires et Fixant Les Modalites d'execution de La Detention Des Personnes., art. 124(2).

259 Republique de La Cote d'Ivoire – Decree No. 2023-239 Du 5 Avril 2023 Portant Reglementation Des Etablissements Penitentiaires et Fixant Les Modalites d'execution de La Detention Des Personnes., art. 124(3).

260 Republique de La Cote d'Ivoire – Decree No. 2023-239 Du 5 Avril 2023 Portant Reglementation Des Etablissements Penitentiaires et Fixant Les Modalites d'execution de La Detention Des Personnes., art. 124(4).

261 Republique de La Cote d'Ivoire – Decree No. 2023-239 Du 5 Avril 2023 Portant Reglementation Des Etablissements Penitentiaires et Fixant Les Modalites d'execution de La Detention Des Personnes., art. 125.

262 Republique de La Cote d'Ivoire – Decree No. 2023-239 Du 5 Avril 2023 Portant Reglementation Des Etablissements Penitentiaires et Fixant Les Modalites d'execution de La Detention Des Personnes., art. 126.

263 Republique de La Cote d'Ivoire – Décret N° 2011-388 Du 16 Novembre 2011 Portant Organisation Du Ministère d'Etat, Ministère de l'Intérieur, Pub. L. No. Décret N° 2011-388 (2011). https://dgp-interieur.ci/dgp/publication/b81b23df6e746f8bf9eae220374cb1f_document.pdf.

264 Republique de La Cote d'Ivoire – Décret N° 2011-388 Du 16 Novembre 2011 Portant Organisation Du Ministère d'Etat, Ministère de l'Intérieur.

increasing the likelihood of bias and lack of accountability.²⁶⁵ This arrangement undermines public trust and contributes to a culture of impunity, particularly in the absence of independent, well-resourced, and effective oversight mechanisms.²⁶⁶

The lack of external accountability disproportionately affects marginalised and vulnerable groups, including market and street vendors, women, mini-bus drivers and touts and homeless persons who are frequently subjected to harassment, extortion, inhumane treatment, and unofficial sanctions such as the imposition of bribes by law enforcement officers.²⁶⁷ Without accessible and trustworthy channels for reporting abuse, these individuals are often left without recourse or protection, further eroding trust in law enforcement institutions.²⁶⁸ Strengthening independent monitoring mechanisms is essential to ensuring justice, transparency, and the protection of human rights, particularly for the most vulnerable.

²⁶⁵ *An Audit of Police Oversight in Africa* (African Policing Civilian Oversight Forum, 2008), 22, <https://apcof.org/wp-content/uploads/2016/05/Audit-of-Police-Oversight-in-Africa-.pdf>.

²⁶⁶ *An Audit of Police Oversight in Africa*, 22.

²⁶⁷ Mangwanda, *Fact Sheet 27: Sub-National Law Enforcement and Oversight in Four African Countries: Kenya, Ghana, Nigeria, and Zambia*.

²⁶⁸ Mangwanda, *Fact Sheet 27: Sub-National Law Enforcement and Oversight in Four African Countries: Kenya, Ghana, Nigeria, and Zambia*, 10.

8. Recommendations and Conclusion

The following recommendations were made to the government by participants at the validation workshop to address the current challenges in the Ivorian criminal justice system. They are multi-sectoral, with a focus on judicial, administrative, and monitoring and oversight.

Law reform

- Conduct an overall reform of the Penal Code and other legislation to align with Ivorian realities;
- Make law enforcement the exclusive domain of State structures by suppressing informal parallel structures of law enforcement such as the Microbes and Gnambros.
- Decriminalise minor offences targeting marginalised groups;
- Avoid restricting fundamental freedoms of marginalised groups, civil society and the population at large;
- Establish an independent NPM in accordance with the provisions of Article 18 of OPCAT and closely involve civil society in the preparation of the law on the establishment, composition and functioning of the NPM.

Judicial system and actors

- Imprisonment should be a measure of last resort and judges should prioritise alternatives to detention;
- Introduction of mediation to avoid cumbersome, complex and costly legal procedures;
- Develop and implement a plan for the resocialisation and reintegration of offenders in society;
- Find appropriate solutions for the effective application of community service orders;
- Prioritise the psycho-mental health of offenders;
- Actively consider the guidance of traditional authorities (chiefs and kings) in the settlement of disputes at local level.

Administrative authorities

- Provide sub-national authorities with sufficient financial resources to conduct their work;
- Provide a clear framework on the responsibilities and mandates of regional and municipal authorities to avoid overlaps in mandates;
- Provide necessary social arrangements when evicting populations from areas for infra-structural development;
- Regulate transport systems and ban the operation of illegal transport unions;
- Facilitate public participation in the policy-making process

Monitoring and oversight bodies

- Collaborate with civil society to monitor detention centres.

Côte d'Ivoire has experienced notable legislative and constitutional changes over the past 25 years, yet significant obstacles persist in effectively implementing legal reforms and protecting human rights. The legal system remains shaped by colonial relics and years of political instability, despite over 65 years of independence. The parallel operation of informal and customary mechanisms alongside formal justice structures often results in inconsistent legal outcomes and compromises the fairness and impartiality of the justice system.

This report has highlighted the impact of select criminal, security, and other exceptional laws in Côte d'Ivoire that are perceived and often experienced as unfair, discriminatory, exclusionary, and generally incompatible with human rights principles such as freedom of assembly, freedom of expression, and other norms enshrined in UN treaties and the African Charter on Human and Peoples' Rights. The objective of this report was to amplify voices and perspectives that are rarely heard, deliberately ignored, or purposefully obscured, with the aim of drawing attention to problematic issues within Côte d'Ivoire's legal framework and its enforcement. It is evident that the application of criminal, security, and exceptional laws in Côte d'Ivoire continues to disproportionately impact vulnerable and marginalised groups, including women, children, political opponents, human rights defenders, journalists and civil society activists.

For meaningful reform to take place, efforts should focus on reforming the Penal Code and other existing legislation. Outdated colonial-era laws that no longer reflect the current political and social realities must be repealed. Equal attention should be given to addressing and amending more recent laws that restrict freedoms of movement, privacy, and expression. Decriminalising laws that disproportionately target individuals based on status, poverty or activism is essential for establishing a consistent and human rights-oriented justice system.

9.

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