



Protecting Human Rights Defenders in Cote d'Ivoire ¹

by Megan Cahill

Cote d'Ivoire is one of sixteen nations that make up West Africa. The frontline grassroots human rights defenders (“HRD”) in Cote d'Ivoire face a number of dangerous threats. There are political and civil threats- including arrest, detention, harassment, unnecessary criminal charges, media attacks, violence, and murder. A recently passed law even criminalizes offending the head of state, which greatly limits its people’s freedom of expression. The HRDs are also facing economic, social, and cultural threats such as loss of land, property, and environmental rights. In an effort to combat these threats, HRDs raise awareness through peaceful methods like sensitization meetings in hopes of persuading the government to act on their behalf. However, companies and the government continue to perpetuate the harassment and intimidation of HRDs.

The UN has urged West African countries to enforce laws supporting HRDs or repeal laws that restrict them, so in 2014 Cote d'Ivoire passed the Law on the Promotion and Protection of Human Rights Defenders. It made Cote d'Ivoire the first nation to pass legislation dedicated to the protection of HRDs in Africa, including special protections for women. Unfortunately, there lacks an effective mechanism to implement the law.

Communities in Cote d'Ivoire also face multiple human rights violations. Large mining, logging, agriculture (Cocoa) and rubber companies often come in and strike deals with local

¹This blog post is based on a draft baseline assessment report of the situation of Frontline Grassroots Environmental, Land and Human Rights Defenders across West Africa and the Sahel co-authored published by Alfred Lahai Gbabai Brownell, Sr. 2019 Goldman Prize Winner from Africa and Lead Campaigner and Founder of Green Advocates International. The report offers a summary of HRDs and issues relating to land and environmental rights in communities in West Africa. This blog summarizes the report’s findings for Cote d'Ivoire.

government officials. Local communities are rarely consulted on these agreements, and often they end up losing their own land and have no recourse or avenue to get their land back or challenge the contracts, which negatively affects communities. Endeavors such as mining are alleged to contribute to the country's development; however, most companies do not follow through on their promises, and ultimately, local communities are harmed.

In the past, Non-Governmental Organizations (NGOs), Individuals, and Frontline Defenders from many African countries including Cote d'Ivoire could bring cases to the African Court on Human and Peoples' Rights (AfCHPR) to challenge their governments violations of basic human rights. The challenges are based on Article 34(6) declarations for individual and NGO access to the African Court as enshrined in the Protocol establishing the African court. Among the thirty African countries who are members of the African Court, only ten (10) including Cote D'Ivoire have ever made the declaration. However, in *Guillaume v. Côte d'Ivoire*, the AfCHPR rendered an order for provisional measures "finding that the situation of the applicants who were facing criminal proceedings domestically was sufficiently urgent and grave to ask Côte d'Ivoire to halt the execution of the arrest and detention warrants issued against them, with a view to preserving their rights and avoiding irreparable harm against them." As the result of the court's order, Côte d'Ivoire opted to withdraw from the protocol.

In 2019, Frontline Grassroots Environmental, land, and Human Rights Defenders from Cote d'Ivoire participated in the People's Summit held in Sierra Leone organized by Green Advocates International under the auspices of the Mano River Union Civil Society Natural Resources Rights and Governance Platform. It was an important step in the right direction for HRDs. The conference allowed HRDs to express their disappointment in not only the companies, but also local and federal governments. The summit highlighted the progress West African nations

have made in the fight for human rights, sustainability, and environmental protection. The opportunity to have an open dialogue about the HRDs' concerns can lead to more effective policy changes and business and government accountability. Frontline Grassroots Defenders are however not discouraged by Côte d'Ivoire's decision to withdraw from the AfCHPR protocol. Empowered by the Peoples summit, on January 29, 2021, two Frontline Grassroots Defenders from Cote d' Ivoire, a village Chief (Adou Kouame) and a Peasant Farmer (Kouman Kobenan Kra Michael), who participated in the Peoples forum and their small village of Similimi, took advantage of another regional human rights mechanism, the ECOWAS Court of Justice and brought complaints against Cote d' Ivoire for not honoring its obligation to protect the rights of its citizens.

In order for more effective progress and protection for HRDs, Cote d'Ivoire needs to create a mechanism to enforce existing laws or implement a new framework to aid HRDs and local communities. Cote d'Ivoire can achieve this first through education—making sure law and policy makers, HRDs, and community members are aware of existing HRD protection laws. The government must then make better efforts to enforce them.

HRDs in Cote d'Ivoire could also develop an advocacy strategy with local, national, and regional components. For local community action, information is crucial. First gathering, then presenting information to communities to explain their rights and responsibilities. Nationally, the priority is engaging with the media and targeting the justice system at the national level. At the regional level, the strategy is to support Frontline Grassroots HRDs and keep communities updated on case progress. The Cote d'Ivoire HRD's three-tiered strategy is a good starting point, but the government has to do its part to ensure the protection of Frontline Grassroots HRDs.