



CÔTE D'IVOIRE STUDY ON THE STATUS OF AND OPPORTUNITIES FOR REPARATIONS FOR SURVIVORS OF CONFLICT- RELATED SEXUAL VIOLENCE

To live well again



CÔTE D'IVOIRE



A faint, light gray outline of a world map serves as the background for the entire page. The map shows the continents and major islands, with a slightly darker shade of gray for the landmasses.

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ACRONYMS

AfDB	African Development Bank	ECOWAS	Economic Community of West African States
AFJ-CI	Association des femmes juristes du Côte d'Ivoire	ENSEA	Ecole nationale supérieure de statistique et d'économie appliquée d'Abidjan
APWE	Alliance patriotique de l'ethnie Wé	EPU	Examen périodique universel
CDVR	Commission dialogue, vérité et réconciliation	GBV	Gender-based violence
CEDAW	Comité pour l'élimination de la discrimination à l'égard des femmes / Committee on the Elimination of All Forms of Discrimination Against Women	GSF	Global Survivors Fund
CFA	Central African Franc	GTGD	Groupe thématique genre et développement
CNDH-CI	Conseil national des droits de l'homme de Côte d'Ivoire	FDS	Forces de défense et de sécurité
CNE	Commission nationale d'enquête	FESCI	Fédération estudiantine et scolaire de Côte d'Ivoire
CNLVFE	Comité national pour la lutte contre la violence faite aux femmes et aux enfants	FIDH	Fédération internationale des droits de l'homme
CNLVSC	Comité national de lutte contre les violences sexuelles liées aux conflits	FN	Forces nouvelles
CNS	Conseil national de sécurité	FPI	Front populaire ivoirien
COJEP	Congrès panafricain des jeunes et des patriotes	FRCI	Forces républicaines de Côte d'Ivoire
CONARIV	Commission nationale pour la réconciliation et l'indemnisation des victimes des crises survenues en Côte d'Ivoire	ICC	International Criminal Court
COVICI	Confédération des organisations des victimes des crises en Côte d'Ivoire	ICRC	International Committee for the Red Cross
CRSV	Conflict-related sexual violence	ICTJ	International Center for Transitional Justice
CSE	Cellule spéciale d'enquête	IDP	Internally displaced person
CSEI	Cellule spéciale d'enquête et d'instruction	IMF	International Monetary Fund
CSO	Civil society organisation	HRW	Human Rights Watch
DAV	Direction d'assistance aux victimes	HIV/AIDS	Human immunodeficiency virus / Acquired immunodeficiency syndrome
DDR	Disarmament, demobilisation, and reintegration	LGBTQ+	Lesbian, gay, bisexual, transgender, queer, and others
DEPG	Direction de l'égalité et de la promotion du genre	LIDHO	Ligue ivoirienne des droits de l'homme
DEPS	Direction des études, de la planification et des statistiques	MACA	Maison d'arrêt et de correction d'Abidjan
		MEASS	Ministère de l'Emploi, des affaires sociales et de la solidarité
		MFFAS	Ministère de la Famille, de la femme et des affaires sociales

MFFE	Ministère de la Famille, de la femme et de l'enfant	OTP	Office of the Prosecutor
MIDH	Mouvement ivoirien des droits de l'homme	PALAJ	Projet d'appui à l'amélioration de l'accès au droit et à la justice
MINUCI	Mission des Nations unies en Côte d'Ivoire	PAVVIOS	Centre de prévention pour le soutien et l'assistance aux victimes de violences sexuelles
MJDHLP	Ministère de la Justice, des droits de l'homme et des libertés publiques	PDCI	Parti démocratique de Côte d'Ivoire
MJP	Mouvement pour la justice et la paix	PNCS	Programme national pour la cohésion sociale
MPCI	Mouvement patriotique de Côte d'Ivoire	RDR	Rassemblement des républicains
MPFFPE	Ministère de la Promotion de la femme, de la famille et de la protection de l'enfant	SGBV	Sexual and gender-based violence
MPIGO	Mouvement populaire ivoirien du Grand Ouest	SNLVBG	Stratégie nationale pour la lutte contre la violence basée sur le genre
MRCN	Ministère de la Réconciliation et cohésion nationale	TFV	Trust Fund for Victims
MSCSIV	Ministre de la Solidarité, cohésion social et indemnisation des victimes	UN	United Nations
MSF	Médecins sans frontières	UNDP	United Nations Development Programme
MSLP	Ministère de la Solidarité et lutte contre le pauvreté	UNFPA	United Nations Population Fund
NGO	Non-governmental organisation	UNHCR	United Nations High Commissioner for Refugees
OHCHR	Office of the United Nations High Commissioner for Human Rights	UNHRC	United Nations Human Rights Council
OIDH	Observatoire ivoirien des droits de l'homme	UNSC	United Nations Security Council
ONUCI	Opérations des Nations unies en Côte d'Ivoire	UNSG	United Nations Secretary-General
		UPLTCI	Union pour la libération totale de la Côte d'Ivoire
		USD	United States Dollar
		VBG	Violence basée sur le genre
		WARO	West Africa Regional Office of the United Nations High Commissioner for Human Rights



EXECUTIVE SUMMARY

Côte d'Ivoire is a multi-ethnic country with a long history of accommodation, alliances and cooperation uniting its diverse communities. Given this context, the origins of the Ivorian conflict are complex and rooted in long simmering political and economic unrest, enflamed by leaders from all sides as they sought personal gain and political power.¹ These politics initiated a decade of conflict, from 2000–2011, during which time more than 21,000 persons were killed or disappeared.² Conflict-related sexual violence (CRSV) was used by all parties to the conflict from the earliest phases of the fighting, initially to humiliate politically engaged persons and their family members, and later as part of wider patterns of violence targeting perceived enemies as a way to punish or terrorise individuals, families and communities.³ This violence included rapes, gang rapes, sexual slavery and other forms of sexual violence during attacks on villages, towns and as part of house-to-house searches.⁴ Sexual violence was used as a weapon of war to systematically target civilians, inflict pain on communities and punish persons perceived to be political enemies.⁵

Sexual violence had a devastating impact on the individuals and communities targeted. All CRSV survivors interviewed for this GSF Study continue to experience severe impacts from the violations suffered, and none have benefited from adequate assistance or reparation. Study participants described themselves as living through cycles of harms, where each impact of CRSV deepens others. Stigma, poverty, rejection by family and community, medical needs and psychological traumas have all contributed

to an inability to work and participate in community and family life, which in turn has deepened isolation, economic hardship, and health problems.

Study participants defined reparations as the means to live in dignity, gain an adequate livelihood, access reliable medical care and moral support, and assure their children's care and education. Reweaving family and community bonds were imperative to repairing the harm caused by CRSV. This calls for individual support with reintegration, but also collective reparations aimed at reshaping the context where they live. Interviewees shared the consensus that while the state of Côte d'Ivoire is responsible for providing reparations, they were also practical in their thinking. They welcomed the possibility of interim reparations from non-state actors and requested that international organisations take a central role in supporting survivors.

The Ivorian legal code allows victims to join court proceedings as civil parties, thus permitting them to claim damages against the accused.⁶ Although this legal avenue exists, judicial mechanisms have thus far not proven a path to reparations for CRSV survivors.⁷ Impunity remains the overwhelming response to serious crimes committed during the conflict period, including with the Special Investigation and Examination Unit (*Cellule spéciale d'enquête et d'instruction*, CSEI).

Despite government promises of redress and reparations for CRSV, progress has been limited

1 Jean-Noël Loucou, *La Côte d'Ivoire coloniale* (Abidjan, CERAP, 2012), p. 112.

2 CONARIV, 'Rapport d'activités' (Republic of Côte d'Ivoire, March 2016), p. 30.

3 HRW, "My heart is cut": Sexual violence by rebels and pro-government forces in Côte d'Ivoire' (August 2007) 19(11A) *Human Rights Watch*, pp. 26–29, <https://www.hrw.org/reports/2007/cdi0807/cdi0807web.pdf>, accessed 25 March 2023; CNE, 'Rapport d'enquête sur les violations des droits de l'homme et du droit international humanitaire survenues dans la période du 31 octobre 2010 au 15 mai 2011' (Republic of Côte d'Ivoire, July 2012), p. 14.

4 HRW, "They killed them like it was nothing": The need for justice for Côte d'Ivoire's post-election crimes' (October 2011), p. 28, <https://www.hrw.org/reports/cdi1011WebUpload.pdf>, accessed 10 June 2022; UNHRC, 'Statement submitted by Amnesty International' (23 December 2010, 14th Special Session) A/HRC/S-14/NGO/1, para 4.

5 HRW 2007 'My Heart is Cut', pp. 26–29, 67; Francoise Roth, 'Côte d'Ivoire: Gender-based violence, conflicts, and the political transition: A case study report' (CMI–Martti Ahtisaari Centre and WANEP, 2013), p. 17, <http://womencount4peace.org/sites/default/files/sites/default/files/publications/case%20study%20-%20CMI%20-%20Cote%20d'Ivoire%20Gender-Based%20Violence%20Conflict%20and%20The%20Political%20Transition%20-%20en%20-%2020130910.PDF>, accessed 8 June 2022.

6 The Penal Code, 2017 amendment of Law No. 81-640 of 31 July 1981, art. 99.

7 FIDH, "On va régler ça en famille": les obstacles à une prise en charge effective des victimes de violence sexuelles en Côte d'Ivoire' (March 2022), p. 65, https://www.fidh.org/IMG/pdf/vsbg_cote_divoire-2.pdf, accessed 25 March 2023.

by a lack of political will, bureaucratic complexity, and the social stigma survivors face. After the 2015–2017 National Commission for Reconciliation and Compensation of Victims (*Commission nationale pour la réconciliation et l'indemnisation des victimes des crises survenues en Côte d'Ivoire*, CONARIV) that produced a consolidated list of all registered victims of conflict-related human rights violations and damages committed between 1990 and 2012 and a draft law on reparations,⁸ the Ministry of Reconciliation (*ministère de la Réconciliation et de la cohésion nationale*, MRCN) and the Ministry of Solidarity (*ministère de la Solidarité et de la lutte contre la pauvreté*, MSLP) now share the task of implementing Côte d'Ivoire's national reparations programme.

Frustrations amongst the Ivorian victim community with the slow pace of the programme as well as the minimal forms of reparations received to date are compounded by the absence of law-defining minimal standards of reparations and the guarantee of reparations as a right.⁹ In their critiques, victims' associations and civil society organisation (CSO) partners emphasise that the reparation process is non-transparent, non-inclusive and lacks special accessibility measures for more vulnerable groups, most notably CRSV survivors and children.¹⁰ Moreover, failures to deliver on promised reparations for CRSV survivors falls into a boarder pattern of the Ivorian government, along with its international partners, of responding to CRSV with ambitious plans

and promises but without securing the personnel, capacities and finances to implement them. Study participants thus expressed a preference for future advocacy and assistance work conducted through civil society and international actors rather than working directly with state agencies. In particular, Study participants felt they did not have the means or knowledge to navigate complex support services or government bureaucracies and requested assistance from non-governmental organisations (NGOs), and in particular international NGOs, in helping improve access to support services and in provisioning interim reparations.

That said, the Ivorian state remains responsible for providing services to its citizens and reparations to conflict victims. For CRSV survivors to access reparations as well as much needed public services over the long term, it is necessary to find ways for the government to work with, and for, survivors. Accordingly, this Study details a range of recommendations to state actors, but also to civil society and international community, to overcome the inadequacies of the national framework for reparations and for assistance to survivors of sexual and gender-based violence in general, based on existing state structures at national, regional, and local levels engaged in providing some form of reparations as well as general support to survivors. Full and detailed recommendations can be found at the end of this Study.

8 Vincent Duhem, 'Côte d'Ivoire: la Commission nationale pour la réconciliation et l'indemnisation a remis son rapport' (*Jeune Afrique*, 21 April 2016), <https://www.jeuneafrique.com/319997/societe/cote-divoire-commission-nationale-reconciliation-lindemnisation-a-remis-rapport/>, accessed May 2021.

9 APDH, 'Côte d'Ivoire, réconciliation nationale: où en sommes-nous? Évaluation de processus de réconciliation nationale en Côte d'Ivoire' (Konrad Adenauer Stiftung, 2017), p.59, <https://www.kas.de/documents/261825/261874/RECONCILIATION+NATIONALE.pdf/da30a4eb-a6ce-e5ea-2057-b78d0346c21a?version=1.1&t=1548239056652>, accessed 25 March 2023.

10 COVICI, ONG Bonne Action, FDPCI and RAJP, 'La situation des femmes, enfants et jeunes dans le processus de réparation en Côte d'Ivoire: rapport de monitoring' (July 2019), pp. 33, 36.



I. BACKGROUND AND METHODOLOGY

| 1.1. Background

1.1.1. Côte d'Ivoire Reparations Study

As part of its Global Reparations Study, the Global Survivors Fund (GSF), in collaboration with the Confederation of Organisations of Victims of the Ivorian Crisis (*Confédération des organisations de victimes de la crise ivoirienne*, COVICI), conducted this study to identify the reparations needs of survivors of conflict-related sexual violence (CRSV) in Côte d'Ivoire, as well as the opportunities for delivering reparations to survivors through judicial and administrative processes. This Study presents and analyses survivors' perceptions of and expectations for reparations, and offers practical, concrete and context-specific recommendations to policymakers and other relevant actors at national and global levels to inform the design and delivery of survivor-centred reparations in Côte d'Ivoire. This Côte d'Ivoire Study also seeks to establish the extent to which survivors of CRSV have already received any form of assistance or reparation through government programmes or from civil society initiatives, and if so, what lessons can be learned from these experiences to inform the design and delivery of comprehensive reparations in the future, including the potential delivery of interim reparative measures by GSF. As an objective in itself, the Côte d'Ivoire Study process further aimed to increase the understanding and awareness of survivors' right to reparation and to create further momentum for the delivery of meaningful survivor-centred reparations to CRSV survivors in Côte d'Ivoire.

The Côte d'Ivoire Study is part of a global study on reparations (the "Global Reparations Study") launched by GSF in 2020, which focuses on the status of and opportunities for reparations for survivors of CRSV in over 20 countries. The Global Reparations Study is a multi-actor effort led by GSF in collaboration with over 40 local and international partners, including survivors' networks and groups. It seeks to make recommendations for further action based on survivors' needs and aspirations and to identify potential support available among key actors and concrete action to enhance access to reparations for CRSV survivors around the world.

1.1.2. Study Partners



Global Survivors Fund (GSF) was launched in October 2019 by Dr Denis Mukwege and Ms Nadia Murad, Nobel Peace Prize laureates 2018. Its mission is to enhance access to reparations for survivors of conflict-related sexual violence around the globe, thus seeking to fill a gap long identified by survivors. GSF acts to provide interim reparative measures in situations where states or other parties are unable or unwilling to meet their responsibilities. GSF advocates also for duty bearers, as well as the international community, to develop reparations programmes, and provides expertise and technical support to guide states and civil society in the design of reparations programmes. GSF's survivor-centric approach is the cornerstone of its work. For more information, visit www.globalsurvivorsfund.org.



Confédération des organisations de victimes de la crise ivoirienne (COVICI) is a network of victims' organisations and federations created in August 2013 with the goal of coordinating victims' groups to make their voices heard and assert their rights to reparation. COVICI is composed of 99 organisations including federations, associations, and collectives from across Côte d'Ivoire and represents approximately 150,000 victims. For more information, visit <https://www.facebook.com/covici.cacoord>.

1.1.3. The author

Dr Joanna Rice is a Canadian political scientist whose work supports civil society and state-led transitional justice initiatives, with a specialisation in providing technical support to truth commissions. Joanna brings special expertise on integrating women's rights and on child and youth engagement in transitional justice processes. Joanna served as the International Center

for Transitional Justice (ICTJ) Representative in The Gambia and as a technical expert for transitional justice processes in Côte d'Ivoire, Mali, Sudan, DRC, Canada and with indigenous rights initiatives globally. Prior to this, Joanna worked as a Truth-Seeking Program Associate at the ICTJ.

1.1.4. Acknowledgements

This Study was conducted in partnership with COVICI and its regional partners. It is the result of hard work by all members of those national and regional teams. The author would especially like to acknowledge the major contributions of Ahoua Dagnogo, Edwige Brin and COVICI's president Kanté Lassina, as well as regional team leaders Diomande Adama, Kéi Léonard, Loua Serge and Yao Anne Marie, and regional social workers Biassi Charles, Dan Justin, Kone Naboudou and Yao Justine. Most importantly, this work is built on the contribution of eight survivor-researchers who helped lead the Study, and 34 survivor-participants who took part in interviews and focus groups. Their dedication and insight are the foundation of this project. The author would also like to acknowledge the many contributions of GSF colleagues who supported the writing and reviewing of this Study: Danae van des Straten Ponthoz, Delia Sánchez del Ángel, Vishnu Varatharajan, Andrea Leiva, Yasmine Sarr, Berta Fernández Rosón, Julie Guillerot, Elizabeth Sturley, Johanna Amaya Panche and Simon Paul Chrislett, as well as Aude Le Goff from the Trust Fund for Victims. Finally, thank you to external reviewer Cristian Correa, whose critical analysis, insightful suggestions, and extensive experience enormously improved this report.

| 1.2. Methodology

1.2.1. Aim of the Côte d'Ivoire Reparations Study

This Study aims to identify what current avenues are available in Côte d'Ivoire for accessing reparations for CRSV, what gaps exist between access and survivors' needs and how such gaps can be mitigated to ensure timely access to reparations for all survivors of CRSV.

1.2.2. Specific objectives of the Côte d'Ivoire Study

- 1.** Document the scope and extent of sexual violence committed during or related to the conflict period.
- 2.** Identify and assess legal and administrative remedies in place for awarding reparations to CRSV survivors.
- 3.** Identify and analyse survivors' perspectives, needs and expectations in relation to reparation and interim reparative measures.
- 4.** Identify gaps between current access to reparations and survivors' needs, and determine opportunities for, as well as possible challenges to, accessing reparations in Côte d'Ivoire.
- 5.** Provide contextual recommendations for ensuring that reparations and interim reparative measures are provided to survivors of CRSV in Côte d'Ivoire.

1.2.3. Study methods

This Country Study is a mixed-methods research study involving both quantitative and qualitative field research using a participatory and co-creation approach and incorporating extensive desk research. The Study is designed with the goals of conducting survivor-led research and providing reparative value to research participants. With those objectives in mind, CRSV survivors themselves were trained to lead data collection. This method was chosen based on our understanding that survivors are best placed to document their own experiences and views. The Study was carried out in the following stages.

DESK REVIEW AND PLANNING

An open-source document review was undertaken to inform the field work and identify gaps to be addressed in data collection. A series of internal meetings and meetings with partners were held to discuss the scope of the Study, obtain input on trauma-sensitive data collection methods, and set a timeframe. Seven remote interviews with victims' leaders, service providers and national experts in Côte d'Ivoire were conducted to further inform Study design.



COVICI staff members leaving a GSF workshop, Abidjan, Côte d'Ivoire, November 2021.
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RESEARCH TEAM AND SITE SELECTION

Field work began by identifying four research sites and forming local research teams. Our selected research sites were the western towns of Man and Duékoué, the central town of Bouaké and the Ivorian metropole, Abidjan. These sites were selected as representative of the regional and political diversity of communities affected by CRSV.

Four research teams were formed, each comprising a team leader, two researchers and a social worker. As the national partner co-leading this study, COVICI identified an experienced team leader for each research site. The team leaders were selected from COVICI's membership of victims' associations as persons especially engaged on work with CRSV survivors. Team leaders then selected two CRSV survivors from their local network to be trained as researchers. The survivors selected had some experience in victim activism or peer support in their community, as well as French and local language skills. Despite efforts to include male survivors, all researchers were female.¹¹ Finally, each team included a state social worker from the local community centre. The involvement of social workers ensured professional assistance was available as needed and was part of the reparative value our research offered participants. Researchers, team leaders and social workers were all paid an honorarium, at a competitive rate, for the hours worked on this Study.



1. Initial introduction discussion
 2. Semi-structured individual interview
 3. Follow-up psychosocial support counselling session
- Total = 42 interviews.

RESEARCH TEAM TRAINING WORKSHOPS

The Study lead travelled to each research site and trained the four teams in interviewing and reporting. Trainings consisted of two-day workshops aimed at teaching practical skills in trauma-informed, semi-structured interviewing. The workshops were also an opportunity to work closely with each team on developing a context-specific research plan. The research plans covered topics such as confidentiality, security concerns, how to communicate with survivors, participant-selection guidelines, how to recognise and respond to signs of distress, etc. Teams were taught how to conduct an informed consent process and developed a consent process script. Each team also created a context-specific risk assessment and mitigation strategy. Trainings further covered basic psychological first aid techniques.

INDIVIDUAL INTERVIEWS

Individual interviews with CRSV survivors were conducted by survivor-researchers, under supervision from team leaders. Study participants were selected from the team leader's local membership and represented a diverse group (i.e. ages, gender, political affiliations, period of conflict affected, ethnic background, etc.). Ensuring gender diversity was a challenge, with only one male survivor interviewed. Out of concern for the privacy and security of survivors, we did not contact participants unknown to the team leaders, and survivors were contacted by persons with whom they already had a relationship. Reaching out to participants included an initial assessment of whether their circumstances (i.e. mental, emotional, familial, security, etc.) would allow them to participate in this research. The fact that all participants had some prior relationship with a regional victims' organisation could be seen as a limitation of the study, as that affiliation may have influenced their thinking about reparation. In the view of the author, any possible costs were outweighed by the gains in terms of participant safety and wellbeing.

¹¹ Although our initial team included one male survivor as a researcher, the individual chose not to continue with the project.

Each research team conducted approximately 10 interviews within a three-week window, 42 interviews conducted overall. The number of interviews was flexible to ensure that quality and security were prioritised over quantity. Survivor-researchers from each team began by interviewing one another as an opportunity to practise and receive feedback. Interviews were semi-structured in format. Questions focused on the impacts of sexual violence on the participant's life as well as her or his perceptions of and expectations for reparations. Survivors were not asked about the experience of sexual violence itself, although some participants chose to discuss these experiences. Interviews were conducted one-on-one, unless otherwise requested by the interviewee. A social worker was nearby to provide support, as needed. In some cases, a second researcher or team leader was present during the interview as a translator. To facilitate their participation, travel costs and phone credit were provided to interviewees. An emergency fund was also available to each research team in case of unforeseen security risks or other urgent needs.

Each interviewee met with the research team at least three times at a local community centre. First, prospective interviewees were invited to an initial discussion introducing them to the project and its goals. Informed consent was discussed in this first meeting to avoid being rushed on the interview day and to ensure survivors had sufficient time to reflect on the decision to participate. Survivors wishing to participate were then invited back for a semi-structured individual interview in the coming days (see above). Finally, interviewees were invited to a follow-up psychosocial support counselling session with the team social worker. All interviewees chose to attend the offered counselling session, and some continued to return to the community centres for further care. Researchers further followed up with participants through phone calls at least twice in the following weeks to check in and to ensure no security risks or other related concerns had arisen.

FOCUS GROUPS

All interview participants were invited to attend a focus group workshop, held a few weeks after the individual interviews. The decision to divide research between individual interviews and focus group discussions reflected our understanding that

differing methods are more appropriate for differing research aims. Interviews were an effective format for discussing more personal matters such as the impacts of sexual violence. Questions related to expectations for reparations and advocacy goals were better suited to a guided group discussion as nearly all participants had limited knowledge of these topics prior to joining the Study. All focus group discussions were conducted with a social worker present.

Each focus group workshop began with an 'ice breaker' activity and a discussion about confidentiality, security risks and anonymity. While a few survivors knew one another, most participants were meeting each other for the first time. To help protect their identities, survivors were asked not to share their names and instead chose a pseudonym for the day. This was followed with a short presentation by GSF moderator about the Study as well as an introduction to reparations. The rest of the session consisted of a guided discussion, lasting for approximately two hours, and covering topics such as defining reparations, expectations for reparations, sources of support, advocacy goals and possible ways forward. The sessions ended with a catered group lunch.

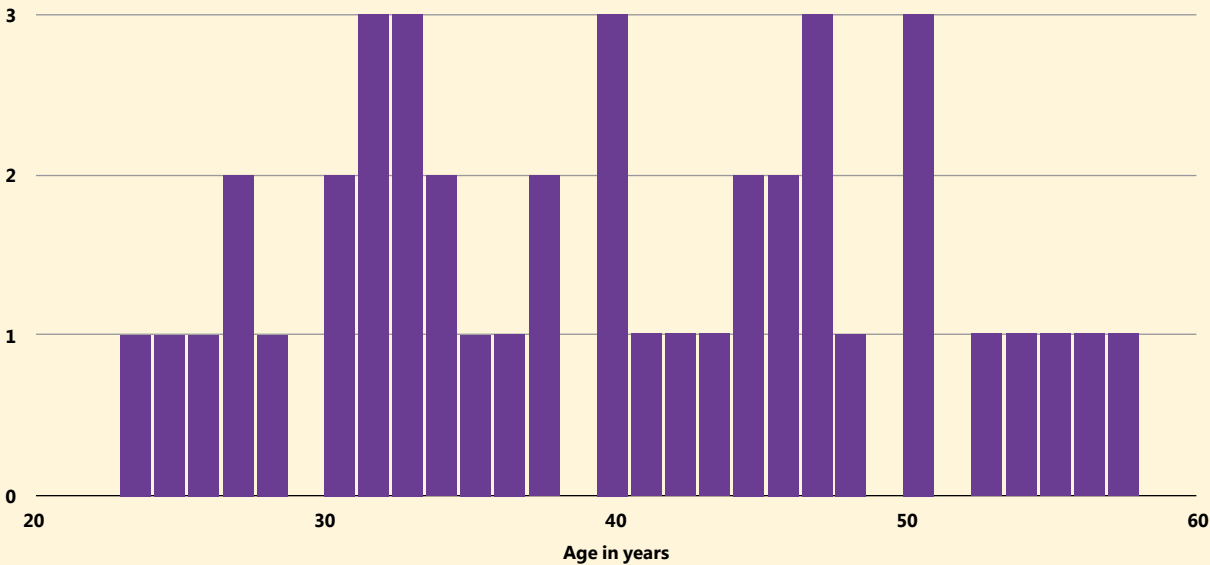
These graphs describe some features of the survivors interviewed in focus groups and individual semi-structured interviews during the fieldwork. The data was collected through Kobo Forms and analysed using descriptive statistics with RStudio.

FOLLOW-UP

As a final activity, Study participants were invited to a 'feedback and next steps' group discussion one month later. COVICI moderators returned to each research site and presented Study participants with a summary of the research findings gathered during interviews and focus group discussions. Survivors were given the opportunity to share their feedback and recommendations. In an effort to provide participants with something of reparative value, the feedback sessions were incorporated into a larger repair-oriented activity. These activities were selected based on the expressed interests of the participants during interviews and focus group discussions. The activities included a workshop on access to justice, a session on victims' rights, music and dancing, and peer support groups.

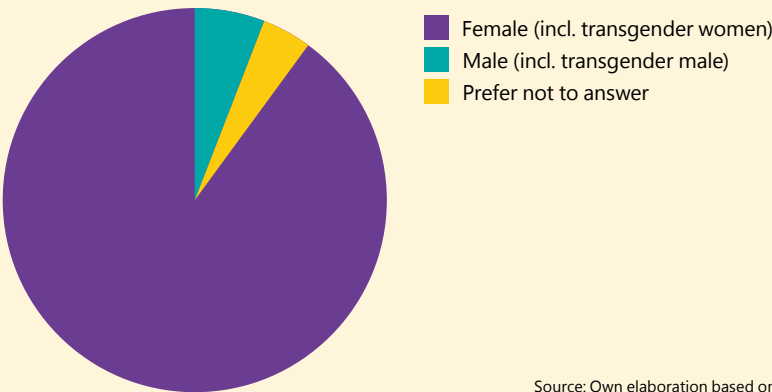
DISTRIBUTION OF SURVIVOR PARTICIPANTS' AGE

Number of survivor participants (total = 46)



DISTRIBUTION OF SURVIVOR PARTICIPANTS' GENDER

Number of survivor participants (total = 46)



Source: Own elaboration based on demographic profiles collected.

DATA AND ANALYSIS

Legal and policy documents were gathered and reviewed by the author and supplemented by input from select representatives of NGOs and government. The responses from interview and focus group discussion transcripts were uploaded to a secure server where they were analysed. The data was also subjected to theme recurrence and word frequency analysis, using NVivo software. The data from the survivors' demographic profiles was gathered and entered into the online surveying software Kobo.

1.2.4. Study limitations

Our research methods navigated the tension between putting CRSV survivors in a leading role, while recognising that most of these colleagues were learning challenging skills for the first time. Trauma-informed, semi-structured interviews are complex and sensitive work, and doing this work well requires significant experience. The two-day trainings provided had a notable impact but were not sufficient to develop the skills needed to conduct thorough semi-structured interviews.

This challenge was in part mitigated by investing significant time and financial resources in ensuring our research teams had readily available support. Survivors-researchers worked closely with local

team leaders and dedicated social workers, all of whom had experience in interviewing survivors of sexual violence.

Nevertheless, a tension remained between the challenges posed by our researchers' limited experience and the benefits of a survivor-led model. Ultimately, the author feels that the benefits outweighed the difficulties. In particular, feedback from Study participants showed that our methods had a higher-than-expected reparative impact on participants and contributed significantly to community-building amongst the survivors involved. We also saw notable skills transfer to our survivor-researchers, as well as feedback that they found the experience healing and self-actualising.

One challenge that was not fully mitigated was the very reasonable expectation expressed by Study participants for direct benefits beyond the small forms of compensation provided (i.e. travel funds, phone credit, counselling sessions). All interactions and communications with survivors emphasised that this Study was research focused and reminded participants that no direct benefits could be expected to follow. High expectations nevertheless remained. Other challenges were related to the withdrawal of some researchers from the project, low levels of literacy amongst participants, and communication challenges related to interviews taking place in remote areas.



II. INTRODUCTION

In Côte d'Ivoire, as in many other conflict settings, sexual violence was used as a weapon of war to systematically target civilians, inflict pain on communities and punish persons perceived as political enemies.¹² Women, men and children experienced rape, gang rape, sexual slavery, sexual assault in custody and sexual violence committed in front of family, amongst other forms of conflict-related sexual violence (CRSV).¹³ These acts were often connected to wider attacks and atrocities such as massacres, torture, land expulsions, abduction and pillaging.¹⁴ Sexual violence has grave physical, psychological and socioeconomic impacts for survivors. In Côte d'Ivoire, despite government promises of redress and reparation for CRSV survivors, progress towards those aims is limited by a lack of political will, bureaucratic complexity, security risks and social stigma, amongst other factors.

This Study seeks to better understand the needs of CRSV survivors, and how they can be met. All survivors involved in this Study struggled to meet basic health and sustenance needs for themselves, their children, and their wider families. Urgent medical and material needs were deemed a first priority in the expectations for reparations voiced by survivors interviewed. While material needs were a shared priority amongst interviewees, Study participants equally felt that meaningful and effective reparations must include measures aimed at recognition, apology, and redress. Interviewees shared the consensus that the government of Côte d'Ivoire is responsible for providing reparations, but past experiences with broken promises have led to low levels of trust in state initiatives. Many survivors expressed feelings of powerlessness before an opaque bureaucracy and stalled justice system. *"There is no*

one there for us," explained a survivor, *"we have no state. It has forgotten us. For us, it is like the state does not even exist here in Côte d'Ivoire."*¹⁵ Study participants ultimately felt the more difficult question was 'how' survivors might access reparations rather than 'what' reparations might entail. As a possible way forward, survivors asked for assistance from international NGOs and actors to provide interim assistance, to bridge their relationship with the state, and to help pressure or incentivise the state into meeting its obligations.

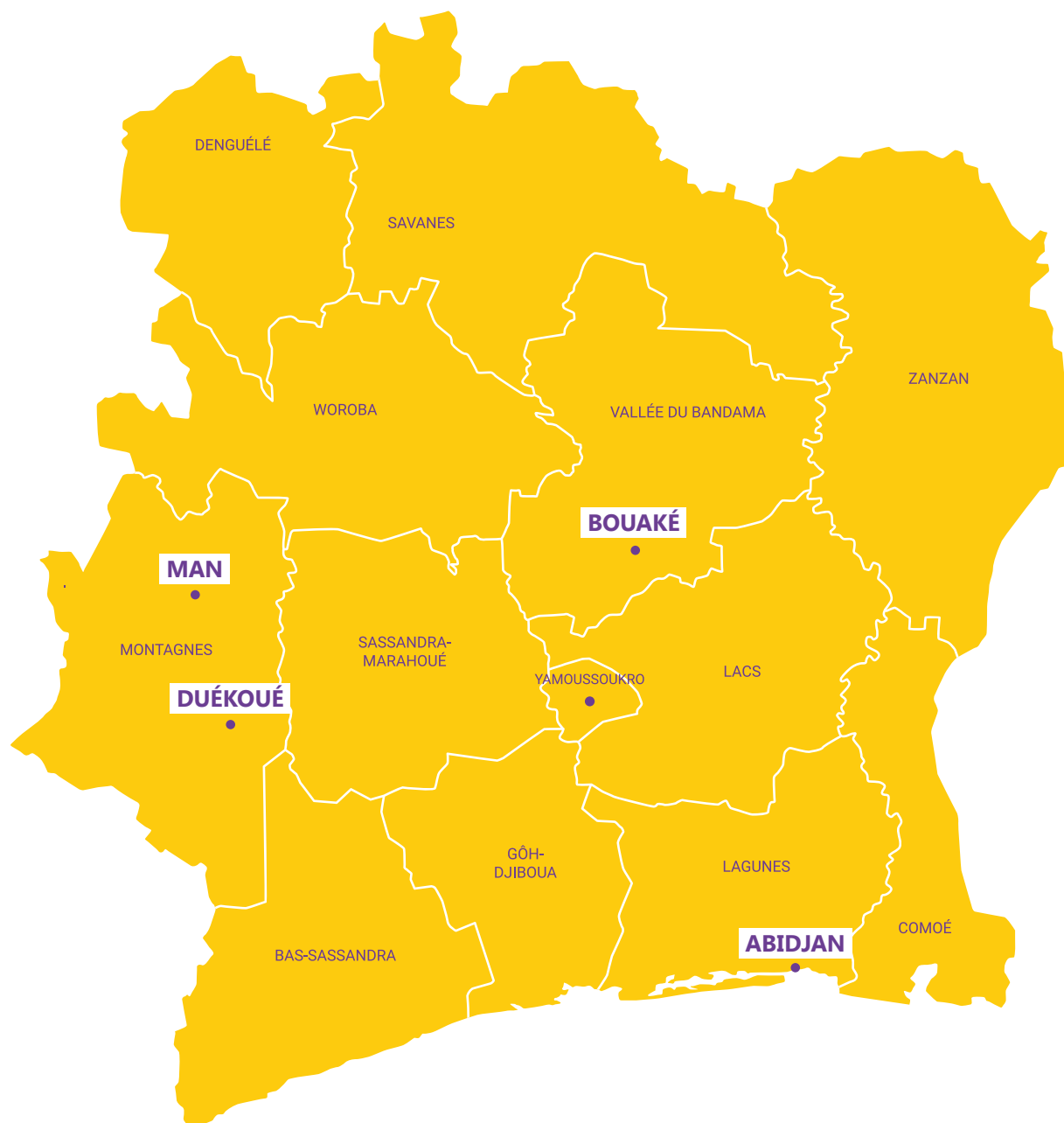
This report is divided into seven main sections, the first of which provides an overview of CRSV perpetrated in Côte d'Ivoire. The second section examines the impacts of CRSV on survivors and the wider community, and presents survivors' perceptions, needs and priorities for reparations, as well as the associated challenges of making such priorities a reality. The third section explores past and current access to interim assistance and relief and examines gaps in available services. The fourth section analyses the normative frameworks for judicial and non-judicial reparations in Côte d'Ivoire, looking at both international and domestic avenues to reparation. The fifth section examines the status of implementation of the ongoing reparations programme in Côte d'Ivoire, focusing on the gaps and challenges that have resulted in very limited reparations reaching CRSV survivors. The sixth section explores both opportunities for, and possible challenges to, accessing reparations in Côte d'Ivoire. A final section looks at concrete policy and programmatic changes that could advance reparations for survivors of CRSV, concluding with a set of recommendations for ensuring that survivors of CRSV obtain reparations.

¹² HRW 2007 'My heart is cut', pp. 26–29, 67; Roth 2013 'Gender-based violence, conflicts and the political transition', p. 17.

¹³ HRW 2007 'My heart is cut', pp. 43, 54–57; RAIDH, 'Rapport sur les violations des droits humains en Côte d'Ivoire de septembre 2002 à mai 2011' (2013), <https://www.ci-ddh.org/wp-content/uploads/2013/01/RAPPORT-DENQU%C3%83%C5%A0TE-version-finale-15-Janvier-PDF.pdf>, accessed 25 March 2023.

¹⁴ A noted pattern of targeting pregnant women and forcing miscarriages suggests an intention to commit abominating acts against a bloodline and rob the community of future generation. The CNE emphasised patterns of raping and harming pregnant women (CNE 2012 'Rapport d'enquête', p. 11). For the 2002–2004 conflict, HRW documented similar patterns amongst rebel forces of targeting pregnant women with especially egregious forms of sexual violence and violence that appears aimed at provoking miscarriages (i.e. beating their stomachs) (HRW 2007 'My heart is cut', pp. 28–30).

¹⁵ Semi-structured interview with MANSV04 (Man, 8 December 2021).



Map of Côte d'Ivoire

© Style Graphique / GSF



III. HISTORY OF THE CONFLICT AND PATTERNS OF CONFLICT-RELATED SEXUAL VIOLENCE IN CÔTE D'IVOIRE

The Côte d'Ivoire National Commission of Inquiry (*Commission nationale d'enquête*, CNE) documented 3,248 dead or disappeared during the country's 2010–2011 electoral crisis.¹⁶ As a frequently cited source, this figure has led to the common misconception that Côte d'Ivoire experienced a short 2011 crisis rather than what was in actuality, a decade-long civil conflict.¹⁷ Based on a review of government and civil society victims' registers, the 2016 National Commission for Reconciliation and the Compensation of Victims (*Commission nationale pour la réconciliation et l'indemnisation des victimes des crises survenues en Côte d'Ivoire*, CONARIV) reported more than 21,000 persons killed or disappeared during the decade of conflict from 2000–2011.¹⁸ At the height of the civil conflict, in the mid-2000s, between 500,000 and 1,705,000 persons were displaced, the majority (60%) of them women and girls.¹⁹ The December 2010–April 2011 crisis that surrounded the election of current Ivorian President Alassane Ouattara was in fact the culmination of political conflicts that spanned decades. This section of the report examines (1) the origins of the conflict and (2) a timeline of the conflict, highlighting patterns of sexual violence perpetrated during each conflict period. These patterns are (3) contextualised within the broader context of gender equality in Côte d'Ivoire.

| 3.1. Origins of the conflict

Côte d'Ivoire is a multi-ethnic country with a long history of accommodation, alliances, and cooperation between its diverse communities. The origins of the Ivorian conflict are complex and cannot be captured with the simplistic characterisation of an 'ethnic war'.

Ethnicity became a key dynamic of the war because, for personal and political gains, Ivorian leaders readily enflamed and exploited tenuous relationships created by colonial and post-colonial policies that assigned social and economic significance to ethnic categories.²⁰ Colonial and post-colonial land and labour policies, in particular, played a central role constructing and giving political salience to contemporary ethnic identities. The western region of Côte d'Ivoire is the heart of the cocoa, coffee and rubber industries, and the traditional homeland of the Krou: an ethnic group including Bété, Dida, Wê, Kroumen and Guéré peoples. To maximise potential revenue, French colonial administrators and later the post-colonial authorities established plantations throughout the fertile west by importing migrant labour from the arid north and from Upper Volta (today's Burkina Faso, Guinea and Mali, and northern Côte d'Ivoire).

16 CNE 2012 'Rapport d'enquête', p. 11.

17 The Commission itself notes its scope was limited to the 2010–2011 post-electoral period and that, even within that window, the figures provided are an underestimate (*ibid.*).

18 The CONARIV identified 21,516 civilians murdered or disappeared during the conflict period of 2000–2011, with the highest concentration in the central western region. Note that this figure is limited to persons who registered the deaths of friends and loved ones with a CSO, state agencies or the Commission. It also excludes non-violent conflict deaths of those who died after being cut from basic services (CONARIV 2016 'Rapport d'activités', p. 30).

19 The higher figure comes from the Ivorian Research Centre, the National School of Statistics and Applied Economics of Abidjan (*Ecole nationale supérieure de statistiques et d'économie appliquée d'Abidjan*, ENSEA), whereas the lower figures come from the Representative of the UN Secretary-General on the human rights of internally displaced persons (IDPs). In 2006, the UN estimated the number of IDPs during the civil war period was between 500,000 and one million. (For first source, see MFFAS (*ministère de la Famille, de la femme et des affaires sociales*), 'National Action Plan for the Implementation of Resolution 1325 (2008–2012) Background Document' (Republic of Côte d'Ivoire, 2007), p. 11, <https://www.oecd.org/swac/data-and-dialogue/gender-west-africa/Cote-dIvoire-NAP-2008-2012-EN.pdf>, accessed 7 April 2023. For the second source, see UNGA, 'Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum, Mission to Côte d'Ivoire, 18 October 2006' A/HRC/4/38/Add.2, para 12).

20 Loucou 2012 *La Côte d'Ivoire coloniale*, p. 112.

Northerners from within and outside the country's borders are often collectively referred to as 'Dioula', though they represent diverse ethnic or language groups. This policy meant both Dioula labour and Krou land were exploited for the purpose of reaping profits for a small industrial ruling class. Dioula migrant labourers were recruited into precarious, low-income work while Krou customary landowners lost access to their lands under policies pressuring its conversion into farmland for agri-business.²¹

In the decades since, that policy framework has become the background to a complex web of local land disputes in the west. Legal land deeds are rare in Côte d'Ivoire. In the west, land usage rights are often governed by *tutorat* relationships: a debt system binding the offspring of former migrant labourers to the Krou communities on whose traditional lands they live and work.²² Under the *tutorat* tradition, ownership of land cultivated by *hallogènes* (the so-called 'northerners') depends on continually meeting an ill-defined set of obligations to the local *allochtone* ('host community'). When these tenancy bonds were made by the grandparents of the current occupants, the agreements may have been tenable and even beneficial to both sides. In the decades since, these arrangements have given rise to complex land disputes in which both sides have legitimate grievances.

The prosperity Côte d'Ivoire knew throughout the 1960s and 1970s meant simmering land disputes remained largely mollified due to the younger generation simply leaving rural areas for well-paid jobs in Abidjan. This changed in the 1990s when the economy collapsed, and the International Monetary Fund (IMF) responded with strict austerity reforms in exchange for debt relief. This stripped the independence-era president, Félix Houphouët-Boigny, of the economic leverage that

had secured his 30-year one-party rule. Prior to the crash, the country's significant financial resources had maintained a relatively high standard of living while also allowing Houphouët-Boigny to co-opt potential opponents into an expansive civil service. This was all stripped away under IMF austerity. The first signs of unrest began in the form of an urban bi-partisan, pro-democracy student movement aimed at bringing an end to the one-party state.²³ On 31 May 1990, after failing to quell the movement with heavy-handed police action, Houphouët-Boigny declared Côte d'Ivoire a multi-party democracy. Marking the occasion, one of the youth movement's most vocal leaders, history professor Dr Laurent Gbagbo, founded the Ivorian Popular Front (*Front populaire ivoirien*, FPI) as the country's first legal opposition party. The 'Gathering of Republicans' party (*Rassemblement des républicains*, RDR), the party that would later form current President Alassane Ouattara's political base, was founded a year later.²⁴ In the years that followed, the once united youth movement that brought an end to one-party rule would divide into camps along these party lines.

President Houphouët-Boigny died on 5 December 1993, and the kingpins of Ivorian politics clashed over the power vacuum he left behind. This created the context where growing resentment in the rural west linked into youth factions in the urban centre. The linchpin came in the form of citizenship debates deployed by political elites aimed at delegitimising their opponents in the new democracy. Amongst those vying for power, neither Laurent Gbagbo nor Alassane Ouattara were dominant players. It was the President of the National Assembly, Henri Konan Bédié, who assumed the presidency. Bédié was the protégé of Houphouët-Boigny and leader of his Democratic Party of Côte d'Ivoire (*Parti démocratique de Côte d'Ivoire*, PDCI) up until his death in August

21 In 1960, when the French transferred authority to the Ivorian people, they handed power directly to the Democratic Party of Côte d'Ivoire (*Parti démocratique de Côte d'Ivoire*, PDCI) (Jean-Pierre Chauveau, 'Question foncière et construction nationale en Côte d'Ivoire: les enjeux silencieux d'un coup d'État' (2000) 78(2) *Politique africaine* 94 <https://doi.org/10.3917/polaf.078.009>). The Houphouët-Boigny government continued colonial-era policies aimed at étating the agricultural sector. In a 1962 declaration, President Houphouët-Boigny announced his own version of the colonial land law proclaiming, 'la terre appartient à celui qui la met en valeur'. In a second famous decree, Houphouët-Boigny declared his pan-Africanist platform, welcoming 'brothers' from all other French West African states to Côte d'Ivoire to come to cut western forests and cultivate the land (Armando Cutolo, 'Modernity, autochthony and the Ivorian nation: The end of a century in Cote d'Ivoire' (2010) 80(4) *Africa* 527 <http://dx.doi.org/10.3366/afr.2010.0401>).

22 Chauveau 2000 'Question foncière et construction nationale en Côte d'Ivoire', p. 125.

23 This formidable pro-democracy movement grew from post-colonial era President Houphouët-Boigny's impressive record of developing higher education in Côte d'Ivoire. His success produced a generation of leftist-oriented students and professors who demanded a new kind of nationalism divorced from what they considered the colonial mimicry of the Houphouët-Boigny era. In 1950, there were only 1,268 students in secondary schools. Thirty years later, the figure had grown nearly twenty-fold. At the end of the 1980s, the number of students at the University of Abidjan exceeded the 6,000 places available by three times (Dwayne Woods, 'The politicization of teachers' associations in Côte d'Ivoire' (1996) 39(3) *African Studies Review* 113, p. 129 <https://doi.org/10.2307/524945>).

24 The RDR opposition party was founded under the leadership of Djeni Kobena. As a friend of Kobena's, Laurent Gbagbo helped draft the founding statute of the RDR. In the first years of democracy, the two opposition parties – the FPI and RDR – worked together to weaken the PDCI.

2023. In a bid to solidify his claim to the presidency, Bédié introduced the concept of '*Ivoirité*', politicising the idea of a 'true' Ivorian citizenship.²⁵ He amended the Constitution, adding a requirement that all presidential candidates have a father *and* mother born on Ivorian soil. Though not the original target of the amendment, Ouattara was disqualified due to detractors' claims that his father was Burkina born.²⁶

During his rise to notoriety, Dr Gbagbo began incorporating *Ivoirité* into the anti-colonial discourse of Abidjan's increasingly bellicose youth movement. Alluding to growing land conflicts in the rural West, he constructed the idea of *allochtone* 'Ivorianness' as something that stood in contrast to the purported 'foreignness' of *hallogènes* (northerners).²⁷ The result was a claim that neo-colonial economic domination from outside the country and a supposed 'flood of foreigners' inside was one and the same.²⁸ In this way, citizenship debates folded the urban youth movement into the rural land crisis. From here, it was a short step to begin describing anyone of northern descent as an unwelcome burden on the crumbling

economy. Suddenly the anti-colonial discourse of what was, originally, a united pro-democratic youth movement transformed into anti-immigrant rhetoric. The result was political polarisation with no neutral space.²⁹

3.2. Timeline and patterns of sexual violence during the conflict

Victims' testimony suggests that a pattern of sexual violence was deployed from the earliest phases of the conflict to control and humiliate politically engaged persons and their family members.³⁰ By the end of the conflict, ethnicity and political affiliation were collapsed into one and the same thing, meaning any person – whether politically or militarily active or not – might be targeted with sexual violence as a way to punish or terrorise her or his community. The often public and degrading way sexual violence was committed during the Ivorian conflict suggests perpetrators used these acts to harm the victims' standing in their communities and break social and family bonds.³¹

TIMELINE OF THE CONFLICT



25 Definitions of '*Ivoirité*' vary depending on where the speaker sits politically. Proponents of the movement claim it was intended to promote Ivorian industry and culture against European dominance. Detractors, however, insist *Ivoirité* is a xenophobic principle used to legislate and legitimise the exclusion of northerners from political and economic life. (Ruth Marshall-Fratani, 'The war of "who is who": Autochthony, nationalism, and citizenship in the Ivorian Crisis', in Sara Dorman, Daniel Hammett and Paul Huent (Eds.), *Making nations, creating strangers: States and citizenship in Africa*. African Social Studies Series, Vol. 16 (Boston, Brill, 2007), p. 45.

26 This legislation originally targeted then RDR leader Djeni Kobena, whom opponents claimed was Ghanaian. Note there is no birth certificate or registry supporting the claim that Ouattara's father was foreign born. More to the point, neither Côte d'Ivoire nor Burkina Faso existed as the countries they are today at the time of his father's birth. It should also be noted that many FPI supporters interpret the 1993 Constitution as also blocking the presidency from anyone who has represented a foreign country in an official government post. This provision, they argue, would bar Ouattara given he served Burkina Faso as president of the West African Regional Bank, claiming he only officiated his Ivorian citizenship when he became prime minister of Côte d'Ivoire.

27 Gbagbo fuelled his support base with talk of 'noble' western farmers reduced to poverty by 'opportunistic northerners occupying their land' (Marshall-Fratani 2007 'The war of "who is who"', pp. 53–54.

28 Peter Geschiere and Francis Nyamnjoh, 'Capitalism and autochthony: The seesaw of mobility and belonging' (2000) 12(2) *Public Culture* 423, p. 443 <https://doi.org/10.1215/08992363-12-2-423>.

29 Marshall-Fratani 2007 'The war of "who is who"', p. 64.

30 HRW 2007 'My heart is cut' pp. 26–29.

31 Amnesty International, 'Côte d'Ivoire: Targeting women: The forgotten victims of the conflict' (15 March 2007), pp. 6–7, <https://www.amnesty.org/en/documents/AFR31/001/2007/en/>, accessed 25 March 2023. For a statement on rape used to harm standing in one's community, also see CNE 2011 'Rapport d'enquête', p. 14; Roth 2013 'Gender-based violence, conflicts and the political transition', p. 17.

The 2002–2004 conflict, in particular, saw a pattern of rape in front of family members as well as acts of forced incest.³² Children were especially targeted for rape in front of family members.³³ The way sexual violence mapped onto land expulsions and, in the final days of the war, the massacre of Guéré men and boys, also suggests that rape was deployed as part of campaigns to expel or eliminate perceived ‘enemy’ communities.³⁴ Not all patterns of sexual violence during the conflict map onto military objectives. While many survivors describe attackers citing political or ethnic affiliation as the motivation for an attack, others describe rape with no clear military motivation, at times targeting the same population perpetrators claimed to protect or liberate.³⁵ This ‘opportunistic’ sexual violence was extensive throughout the country, but most notable in patterns of gangs or militia groups attacking public transport vehicles, roadways, and private homes.³⁶

3.2.1. 2000 election

On Christmas Eve 1999, former army Staff Sergeant Ibrahim Coulibaly (known as IB) and his comrades (a group including the future rebel *commandants du zones*, or ComZones), led a coup d’état against President Bédié, placing their former general, Robert Guéï, in charge of a caretaker government. While initially reluctant to take power, Guéï soon became determined to hold onto the presidency. In the run-up to the 2000 election, President Guéï believed Alassane Ouattara was his only real threat in a general election. In a bid to secure his win, Guéï organised a dubious yet successful referendum on the constitutional provision barring Ouattara from candidacy. In protest, both the RDR and PDCI parties

boycotted the 2000 election, pitting the incumbent Guéï against a relatively minor player: FPI leader Dr Laurent Gbagbo. The professor won, sparking brutal street fighting and police violence that led to the death of at least 400 Ivorians. Guéï eventually conceded and Gbagbo was confirmed as the new president.

SEXUAL VIOLENCE DURING THE 2000 ELECTION PERIOD

The 2000 election saw the beginnings of what would become a pattern of sexual violence targeting perceived members of the political opposition by police and gendarmes. Survivor testimony describes mobs of FPI supporters collaborating with police, including senior officers, in the sexual assault of RDR supporters as well as acts of sexual violence by police while in detention.³⁷ In one incident recorded by Amnesty International, women presumed to be RDR supporters were handed over by security forces to members of a mob who publicly raped them.³⁸ The RDR leadership further reported that some of its female members were raped and gang raped as punishment for their political involvement or that of their husbands, fathers and other relatives.³⁹ In December 2000, just two months after the election, members of the security forces committed numerous sexual assaults and rapes against RDR supporters involved in protests against Ouattara’s exclusion from legislative elections. The victims included Dioula women with no political affiliation, accused of being RDR supporters simply because of their ethnic identity.⁴⁰ These early episodes set a precedent both for the central role that sexual violence would play in the dynamics of the coming civil war as well as the impunity that, to this day, surrounds these crimes.

32 HRW documented several cases from rebel camps during the 2002 conflict of family members being severely beaten or even killed for refusing to torture or rape sisters, wives, daughters, and other relatives (HRW 2007 ‘My heart is cut’, pp. 31–32).

33 HRW documented numerous testimonies featuring husbands, fathers, mothers, and children being forced to watch sexual assault against their wives, children, and other family members (HRW 2007 ‘My heart is cut’, pp. 32–35). Also see Roth 2013 ‘Gender-based violence, conflicts and the political transition’, p. 18–20.

34 A noted pattern of targeting pregnant women and forcing miscarriages suggests an intention to commit abominable acts against a bloodline and rob the community of future generations. The 2011 National Commission of Inquiry emphasised patterns of raping and harming pregnant women (CNE 2012 ‘Rapport d’enquête’, p. 11). For the 2002–2004 conflict, HRW documented similar patterns amongst rebel forces of targeting pregnant women with especially egregious forms of sexual violence and violence that appears aimed at provoking miscarriages (i.e. beating their stomachs) (HRW 2007 ‘My heart is cut’, pp. 28–30).

35 Bouaké focus group discussion (Bouaké, 25 November 2021); Duékoué focus group discussion (Duékoué, 1 December 2021).

36 Amnesty International 2007 ‘The forgotten victims of the conflict’, p. 20.

37 Despite documentation of and an investigation into the rape of Dioula women detained in the Abidjan Police Training School during the December attacks, no judicial process followed (ibid., pp. 6–8).

38 Ibid., p. 7.

39 HRW 2007 ‘My heart is cut’, pp. 26–29.

40 Amnesty International 2007 ‘The forgotten victims of the conflict’, pp. 19–20.

3.2.2. 2002–2004 civil war

On 19 September 2002, under the command of former youth leader Soro Guillaume, the rebel group the Patriotic Movement of Côte d'Ivoire (*Mouvement patriotique de Côte d'Ivoire*, MPCI) launched three simultaneous attacks across Côte d'Ivoire.⁴¹ French forces intervened to push the rebels back, creating a partition between the rebel-controlled north and state-controlled south that would last nearly a decade.⁴² Residents recount summary executions, sexual violence and slavery, murder of community leaders, and looting of homes and businesses.⁴³ A cease-fire was signed on 17 October 2002. Then, a month later on 26 November 2002, two additional allied rebel movements, the Popular Movement of the Ivorian Grand West (*Mouvement populaire ivoirien du Grand Ouest*, MPIGO) and the Movement for Justice and Peace (*Mouvement pour la justice et la paix*, MJP), captured the western towns of Man and Danané.

The three rebel groups later joined together as the *Forces nouvelles*. Government Defence and Security Forces (*Forces de défense et de sécurité*, FDS), with support from Liberian mercenaries and local militia groups, fought fierce battles in the next months to recapture the west. Meanwhile, in Abidjan, Gbagbo's government responded to the rebellion by launching a reign of terror targeting real and perceived RDR

supporters. The period is characterised by the 'masked death squads' (*escadrons de la mort*) who roamed Abidjan, assassinating political opponents.⁴⁴ The Ivorian Movement for Human Rights (*Mouvement ivoirien des droits de l'homme*, MIDH) documented at least 300 murders of RDR activists during this period.⁴⁵

SEXUAL AND GENDER-BASED VIOLENCE DURING THE 2002–2004 CIVIL WAR

The atrocities committed by the rebel forces are notable for the widespread sexual violence and sexual slavery committed.⁴⁶ The leaked report of the United Nations (UN) 2004 Independent Commission of Inquiry into atrocities during the 2002–2004 civil war documented widespread rape of women and children, noting these acts tended to accompany other cruel, inhuman and degrading treatment such as rape in the presence of family, forced incest, abduction and sexual slavery.⁴⁷ In urban areas in the state-controlled south, security forces committed politically motivated sexual violence, targeting women and girls perceived to be affiliated with the RDR or rebel movement.⁴⁸ RDR women leaders documented systematic use of strip searches, sexual humiliation and vaginal searches by security forces at checkpoints in predominantly Muslim neighbourhoods.⁴⁹ RDR leaders also reported that 'death squad' attacks on members' homes were sometimes accompanied by sexual assaults against

41 One attack was in the arid northern capital, Korhogo; one in Bouaké, the trading hub that connects Sahel traders to tropical industries in the south; and one in Abidjan, the lagoon-bound southern metropole.

42 Decades before, at the time of independence, Côte d'Ivoire and France signed an accord of mutual protection that would ensure French military support to the Ivorians in the event of an external armed threat. Under the claim that the war was a domestic affair, French President Chirac refused to honour the accords of mutual defence and crush the rebellion. For reasons that remain fiercely debated inside Côte d'Ivoire, France nevertheless stepped in to push the rebels back, saving the regime from a coup d'état (Jean-Christophe Notin, *Le crocodile et le scorpion: la France et la Côte d'Ivoire 1999–2013* (Paris, Rocher, 2013). Within the first days of the conflict in September 2002, the initial unilateral French military intervention, Opération Licorne, was joined by forces of the Economic Community of West African States (ECOWAS). The United Nations Mission in Côte d'Ivoire (*Mission des Nations unies en Côte d'Ivoire*, MINUCI) was established a few months later in May 2003 and was succeeded the following year by the United Nations Operation in Côte d'Ivoire (*Opération des Nations unies en Côte d'Ivoire*, ONUCI).

43 At least one hundred police and gendarmes, with their families, were taken prisoner in Bouaké as the rebel forces took the town. Unknown 'dozens' of those detained were then executed. This was followed by a larger manhunt for police, gendarmes, military personnel and forest rangers as the rebels consolidated control over the central and northern regions (Amnesty International, 'Côte d'Ivoire: une série de crimes impunis' (27 February 2003), pp. 5–14, <https://www.amnesty.org/fr/wp-content/uploads/sites/8/2021/06/afr310072003fr.pdf>, accessed 25 March). Between 90 and 131 people were found in a mass grave one week later (HRW 2007 'My heart is cut', p. 54). For testimony on targeting important female community leaders, see (RAIDH 2013 'Rapport sur les violations des droits humains', pp. 38–39). On reported professionalism of the rebel forces, see Notin 2013 *Le crocodile et le scorpion*.

44 The unpublished Office of the United Nations High Commissioner for Human Rights (OHCHR) fact-finding report (December 2003) on the *escadrons* claimed that elements close to the government, the presidential guard and militia groups of the President's ethnicity comprised 'death squads' (Elimane Fall and Cheikh Yérém Seck, 'Qui est derrière les escadrons de la mort?' *Jeune Afrique*, 12 March 2003), para 4, <https://www.jeuneafrique.com/120419/archives-thematique/qui-est-derriere-les-escadrons-de-la-mort/>, accessed 17 June 2022).

45 HRW 2007 'My heart is cut', p. 75.

46 Ibid., pp. 53–57.

47 Amnesty International 2007 'The forgotten victims of the conflict', pp. 9–10.

48 HRW 2007 'My heart is cut', p. 66.

49 Similarly, a humanitarian organisation in the south-western town of Guiglo documented numerous cases of vaginal searches of Burkinabé and Malian women by pro-government militias (HRW 2007 'My heart is cut', p. 67).

female family members.⁵⁰ In the weeks that followed the September 2002 attack, women were raped and sexually assaulted by government security forces during raids on Dioula neighbourhoods. This was often during operations aimed at destroying urban shanty towns accused of hiding rebels.⁵¹

As a self-proclaimed liberating force, the *Forces nouvelles* rebels initially promised to leave the local population untouched. Nonetheless, the wives, daughters, and other female relatives of state officials, FPI party members and security service personnel were targets of sexual violence. Several CRSV survivors interviewed by Human Rights Watch (HRW) reported being told that the assault was punishment for their family member's position in government.⁵² Moreover, as the occupation dragged on and resources dwindled, rebel forces began attacking civilians.⁵³ In Bouaké, survivor accounts suggest rape was often part of pillaging campaigns on houses and villages, with reports of rebels treating women as 'property' that could be 'looted' alongside other possessions.⁵⁴ In some cases, rebels occupied homes and detained female residents as sex slaves.⁵⁵ The situation was worst in the western zone where MPIGO and MJP controlled the region in coordination with local militias and with mercenaries from Liberia and Sierra Leone. In the words of a resident, "*there [was] so much rape, it's normal, we don't even talk about it*".⁵⁶ In this region, in particular, the rebels organised

periodic raids on villages to abduct women and girls, often holding them for ransom until the family paid for their return.⁵⁷ 'Opportunistic' sexual violence by rebel forces was also reported in the rebel-held far North, an area far from active fighting.⁵⁸

SEXUAL SLAVERY

Survivors of sexual slavery describe being forced to live with their captors for periods ranging from several days to over a year.⁵⁹ Amnesty International documented numerous cases of women held as sex slaves also being forcibly enrolled as combatants in the ranks of the MPCI and other rebel groups.⁶⁰ Some survivors reported being indiscriminately raped by many captors, while others were 'allocated' to a specific combatant.⁶¹ Abduction was sometimes followed by forced marriage or forced polygamous marriage to a rebel.⁶² Traditional gender norms mapped onto sexual violence in the forced labour that sex slaves and 'rebel wives' were required to perform in the camps, such as carrying water, cooking, cleaning and other household chores.⁶³ Other survivors describe being imprisoned in confined spaces or tied up in the woods, where they were held exclusively for the purpose of rape and gang rape.⁶⁴ Some testimony from survivors of sexual slavery includes other horrific and overlapping abuses such as

50 Ibid., p. 66.

51 Amnesty International 2007 'The forgotten victims of the conflict', p. 8.

52 HRW 2007 'My heart is cut', pp. 26, 54; Amnesty International 2007 'The forgotten victims of the conflict', p. 18.

53 HRW 2007 'My heart is cut', p. 54.

54 Amnesty International 2007 'The forgotten victims of the conflict', pp. 15–17.

55 HRW 2007 'My heart is cut', p. 56.

56 HRW, 'Trapped between two wars: Violence against civilians in western Côte d'Ivoire' (August 2003), p. 36, <https://www.hrw.org/reports/2003/cotedivoire0803/cotedivoire0803.pdf>, accessed 25 March 2023.

57 See HRW 2007 'My heart is cut', p. 43. In one such case, a woman abducted by the MPIGO in 2002 told Amnesty International, "I stayed with them for a month and 10 days. On the first day, 40 men had sex with me, at night, when they came back from the fighting ... I can't even count how many men had sex with me" (Amnesty International 2007 'The forgotten victims of the conflict', p. 16).

58 HRW 2007 'My heart is cut', p. 5.

59 Ibid., p. 41.

60 Ibid., p. 56.

61 Ibid., p. 41, p. 56.

62 Ibid., p. 41.

63 Ibid.

64 Ibid.

starvation, torture, severe beatings, being forcibly drugged and cannibalism.⁶⁵ Sex slaves were also the victims of a 2003 massacre following a power struggle between rebel groups.⁶⁶

This same period saw patterns of sexual violence by government security forces and pro-government militias and mercenaries. Following the recapture of Man in December 2002, a local women's group recorded 30 sexual assaults by pro-government troops, but estimated that over a hundred rapes took place during the operation.⁶⁷ In the south-west, over 100 sexual assaults targeting Burkinabé women and girls were documented in the context of 'body searches' by security services.⁶⁸ Liberian mercenaries were particularly implicated in sexual violence, including egregious incidents committed alongside massacres, torture, mutilation and the forced recruitment of children.⁶⁹ In the western region, where land disputes are concentrated, pro-government militias committed acts of sexual violence within wider attacks aimed at driving 'northerners' off the land.⁷⁰

3.2.3 Era of 'neither peace nor war'

The French brokered Linas-Marcoussis Peace Accord was signed in 2003, officially ending the civil war. The country remained partitioned, however, and all regions continued to see violence and repression at the hands of state forces, rebels, militias, and mercenaries. The

period is often referred to as a time of 'neither peace nor war'. In the west and north, *Forces nouvelles* leadership established lucrative extortion and smuggling networks while the population struggled under the collapse of public services (see section 5.1 Access to healthcare during the conflict). Open fighting had ended, but armed groups continued to operate as criminal gangs, extorting and looting the population. In the parts of the west reoccupied by state forces, state aligned militias forced 'northerners' to flee.⁷¹ In Abidjan, police forces repressed opposition groups, with security forces killing at least 100 protestors on 25 March 2004 alone.⁷² From 2004, seven internationally brokered peace deals failed to reunite Côte d'Ivoire. In March 2007, the *Forces nouvelles* and the government negotiated a homegrown agreement that reunited the country, dissolved the '*zone de confiance*' and created a new joint central command. Former rebel leader Guillaume Soro was made prime minister and placed in charge of organising presidential elections. Those elections would not take place until December 2010.

SEXUAL VIOLENCE DURING THE INTERWAR PERIOD

Though hostilities officially ended, members of rebels and pro-government forces operated as criminal gangs during the interwar period.⁷³ These gangs were responsible for widespread acts of rape, gang rape, abduction, and sexual assault, often linked to looting homes or extorting travellers.⁷⁴ For many survivors, it was unclear which armed group or criminal gang attacked them or what authority they could turn to for assistance.⁷⁵

65 Ibid., pp. 37–38.

66 A power struggle within the rebel ranks between the Bouaké-based MPCJ and the MPJ and MPIGO in the west resulted in the expulsion of rebel-aligned Liberian and Sierra Leonean mercenaries in 2003. An unknown number of women and girls held as sex slaves by Liberian and Sierra Leonean mercenaries were executed during the MPCJ campaign to expel the mercenaries in 2003. For unclear reasons, some Liberians and Sierra Leoneans killed their captives when leaving. This was followed by a second wave of executions by the MPCJ forces, who targeted the captives in reprisal killings of women accused of being Ivorian girlfriends of foreign mercenaries. A former rebel told Human Rights Watch that he was aware of "between 50 and 100" executions of women and girls during this period (HRW 2007 'My heart is cut', pp. 45–48).

67 Ibid., p. 62.

68 Ibid., p. 67.

69 Amnesty International 2007 'The forgotten victims of the conflict', p. 4.

70 HRW 2007 'My heart is cut', p. 63.

71 HRW, 'That land is my family's wealth: Addressing land dispossession after Côte d'Ivoire's post-election conflict' (9 October 2013), p. 20, <https://www.hrw.org/report/2013/10/09/land-my-familys-wealth/addressing-land-dispossession-after-cote-divoires-post>, accessed 25 March 2023.

72 HRW, 'Turning rhetoric into reality: Accountability for serious international crimes in Côte d'Ivoire' (3 April 2013), p. 20, <https://www.hrw.org/report/2013/04/03/turning-rhetoric-reality/accountability-serious-international-crimes-cote-divoire>, accessed 25 March 2023.

73 In the west, though the *Forces nouvelles* were no longer officially occupiers, they continued to control the region through force. Likewise, in areas under state control, the failure to disarm former pro-government militias meant these combatants formed bandit groups, armed with state-issued AK-47s (HRW, 'Afraid and forgotten: Lawlessness, rape, and impunity in western Côte d'Ivoire', 22 October 2010), p. 43, <https://www.hrw.org/report/2010/10/22/afraid-and-forgotten/lawlessness-rape-and-impunity-western-cote-divoire>, accessed 8 June 2022.

74 Amnesty International 2007 'The forgotten victims of the conflict', p. 14.

75 HRW 2010 'Afraid and forgotten', p. 42.

The most commonly associated violence with this period is that of ad hoc youth militias. The term '*Galaxie patriotique*' refers to a coalition of Gbagbo-aligned militant – and later also militarised – youth movements responsible for large-scale political action in support of the regime.⁷⁶ The *Galaxie patriotique* fostered a climate of 'violent vigilantism' in Abidjan, mobilising massive protests that often descended into street violence, and included acts of sexual violence.⁷⁷ Within this context, the Student and School Federation of Côte d'Ivoire (*Fédération estudiantine et scolaire de Côte d'Ivoire*, FESCI) established mafia-like control over the Abidjan University campus.⁷⁸ As close allies to the FDS, FESCI had unchecked authority on campus, allowing its members to sexually assault, harass and exploit female students with impunity.⁷⁹

In rural areas, women and girls must travel to earn an income. Bringing products to market, tending fields and foraging for wood all require leaving one's immediate community, and armed elements exploited this vulnerability.⁸⁰ '*Les barrages*' refers to a roadblock network set up by pro-Gbagbo rural youths claiming to protect their community from

rebels, while also serving as a rural war economy for a younger generation with few prospects.⁸¹ In rebel occupied areas, rebel forces had their own system of roadblocks and checkpoints that served the same purposes. Checkpoints and roadblocks were sites of systemic sexual violence from the 2002 civil war through the 2011 crisis, and into the post-war period. Public transit drivers recall 'attractive young female passengers' routinely taken from vehicles by armed groups.⁸² In 2009, three quarters of all sexual violence cases documented by HRW in the centre-west were perpetrated by '*coupeurs de route*' (highway robbers) on transport vehicles.⁸³

3.2.4. Post-election crisis, 2010–2011

On 28 November 2010, Ivorians turned out in high numbers to vote in a run-off election between the incumbent Laurent Gbagbo and his leading opponent Alassane Ouattara. Despite praise from UN Secretary General Ban Ki-Moon, the election launched one of the bloodiest episodes in Ivorian history.⁸⁴ UN election observers stood by the credibility of the process, but

76 The main groups comprising the *Galaxie* were the Student and School Federation of Côte d'Ivoire (*Fédération estudiantine et scolaire de Côte d'Ivoire*, FESCI), Agora Parliaments (*les Parlements Agora*), the Pan-African Congress of Youth and Patriots (*Congrès panafricain des jeunes et des patriotes*, COJEP), Women Patriots (*Les femmes patriotes*) and the Union for the Total Liberation of Côte d'Ivoire (*Union pour la libération totale de la Côte d'Ivoire*, UPLTI) (UNHRC, 'Report of the International Commission of Inquiry on Côte d'Ivoire', 1 July 2011, 70th Session, A/HRC/17/48, para 24, p. 9). Unclear boundaries always existed between the COJEP, FESCI, the '*barragistes*', pillagers and the unaffiliated youth, who simply took to the streets when they saw protests forming, often profiting from the chaos (Amnesty International 2007 'The forgotten victims of the conflict', pp. 11–12; HRW, 'The best school: Student violence, impunity, and the crisis in Côte d'Ivoire' (May 2008), p. 6, <https://www.hrw.org/reports/2008/cdi0508/cdi0508web.pdf>, accessed 25 March 2023).

77 Yacouba Konaté, 'Les enfants de la balle: de la Fesci aux mouvements patriotes' (2003/1) 89 *Politique africaine* 49, 70 <https://doi.org/10.3917/polaf.089.0049>; HRW 2008 'Student violence', pp. 46, 48.

78 During the war years, the Secretary-General of FESCI circulated the campus with a full escort of bodyguards. FESCI were further accused of running prisons inside the university and of attacking anyone who challenged their authority on campus (Konaté 2003 'Les enfants de la balle', p. 25; HRW 2008 'Student violence', p. 39).

79 On 25 March 2004, a PDCI student activist was raped by two members of FESCI following her participation in an anti-government protest (HRW 2007 'My heart is cut' pp. 80–81). A similar event followed in June 2005 when a student distributing pamphlets for an opposition event was detained and gang raped by FESCI members (Amnesty 2007 'The forgotten victims of the conflict', p. 11). FESCI's power on campus was also underlined by apolitical sexual exploitation and violence. Female students described being forced or pressured into sexual acts with FESCI members to avoid losing access to housing or classes, or other similar threats (HRW 2008 'Student violence', p. 47). Incidents of sexual violence by FESCI and other *Galaxie patriotique* members are likely underreported given the risk of reprisal victims faced when seeking help. As government-aligned groups, the *Galaxie patriotique* could count on impunity from the judicial system and inaction from the university (ibid., pp. 46, 48).

80 HRW 2010 'Afraid and forgotten', p. 5.

81 Richard Banégas and Ruth Marshall-Fratani, 'Côte d'Ivoire, un conflit régional?' (2003/1) 89 *Politique africaine* 5, p. 11 <https://doi.org/10.3917/polaf.089.0005>; Jean-Pierre Chauveau and Samuel Bobo Koffi, 'La situation de guerre dans l'arène villageoise' (2003/1) 89 *Politique africaine* 12, p. 32, <http://dx.doi.org/10.3917/polaf.089.0012>.

82 According to HRW, "hundreds of women and girls" were sexually assaulted, raped, and gang raped at checkpoints, citing a pattern of systematically pulling them from transport vehicles to be "marched into the bush where they are raped while other bandits stand guard". In their investigation, the youngest identified victims were infants and the oldest were women over 70 years old. Most incidents involved multiple victims, with as many as 20 women and girls raped in a single attack (HRW 2010 'Afraid and forgotten', p. 5).

83 Ibid., p. 32.

84 ONUCI, 'Statement on the Second Round of the Presidential Election Held on 28 November 2010 by Y.J. Choi, SRSG, ONUCI' (8 December 2010), paras 2 and 11; Caliste Baniafouna, *La démocratie de l'ONU en Côte d'Ivoire* (Paris, Editions Harmattan, 2012), p. 37.

national observers and the African Union mission reported widespread fraud and irregularities.⁸⁵ In this climate of uncertainty, a combination of missed deadlines and political brinkmanship allowed the Gbagbo-aligned President of the Constitutional Council to cancel results he deemed fraudulent in 13 departments, shifting the count in Gbagbo's favour.⁸⁶ The United Nations Operation in Côte d'Ivoire (*Opération des Nations unies en Côte d'Ivoire*, ONUCI) and the Ouattara camp refused these results and, on 8 January 2010, declared Alassane Ouattara as President. In response, Gbagbo declared himself the winner.

Though Ouattara enjoyed the support of the international community, Gbagbo still marshalled wide support within the security forces and from a devoted base. The country entered into a militarised deadlock. 'Barrages' (barricades) soon divided Abidjan into a grid of siege zones, keeping real and imagined enemies cloistered in their quarters.⁸⁷ Urban militias executed perceived opponents, often by immolation, while protests organised by Ouattara supporters met with indiscriminate violence from the FDS. Two months into the fighting, Gbagbo still controlled the state media, the army, the main urban centres, and a significant civilian support base. In February, in an effort to break the deadlock, the *Forces nouvelles* launched a military campaign to take the country's

western region, town by town.⁸⁸ Now renamed the Republican Forces of Côte d'Ivoire (*Forces républicaines de Côte d'Ivoire*, FRCI) and claiming authority as the new national army, the campaign brought new waves of civilian massacres across the west. The 29 March massacre at Duékoué's 'Coca Cola Carrefour' marks the deadliest of these attacks.⁸⁹ As the pro-Gbagbo forces retreated ahead of the rebel forces, they also committed atrocities against civilians.⁹⁰ Ouattara's forces launched an offensive on Abidjan in April 2011. Under Gbagbo's orders, the FDS retreated to the presidential palace leaving Abidjan's civilian population unprotected against the incoming FRCI. Retreating pro-Gbagbo militias and the FDS murdered 'northerners'. The FRCI equally committed extrajudicial executions as it entered neighbourhoods considered loyal to Gbagbo.⁹¹ The FDS looted what they could, soon to be followed by more looting from the FRCI and profiteering civilians.⁹² Gbagbo was arrested in his residence on 11 April 2011 and, on 30 November 2011, transferred to the International Criminal Court (ICC).

SEXUAL VIOLENCE DURING THE POST-ELECTORAL CRISIS

The United Nations Secretary-General (UNSG) Independent Expert Report on CRSV documented 248 cases of rape between December 2011 to September

85 Quoting the observer mission report: "After sharing information with other national and international election observers, we hereby state that the second round of the presidential elections in Côte d'Ivoire was held amidst major problems in various northern regions ... These problems were stealing of ballot boxes, arresting of candidates' representatives, multiple voting, refusal to admit international observers to witness counting of ballots, and the murder of representatives of candidates. To that effect, we hereby declare that the second round of voting was not free, fair and transparent in these localities" (Thabo Mbeki, 'What the world got wrong in Côte d'Ivoire' (*Foreign Policy*, 29 April 2011), <https://foreignpolicy.com/2011/04/29/what-the-world-got-wrong-in-cote-divoire/>, accessed 17 June 2022).

86 Hand-counting votes and numerous fraud investigations delayed the announcement of the results beyond the constitutionally mandated three-day deadline. Paul Yao N'Dré, President of the Constitutional Council and an ally of Laurent Gbagbo, declared that, according to the electoral code, missing the deadline left it to the courts to declare a winner. With over 20,000 polling stations to review in a week, the courts also inevitably missed their deadline, thus handing decision-making powers to the Constitutional Council (Thomas Basset, 'Winning coalition, sore loser: Côte d'Ivoire's 2010 presidential election' (2011) 110(440) *African Affairs* 469, p. 479, <http://dx.doi.org/10.1093/afraf/adr027>).

87 Antoine Panette, 'Selon la défense de Gbagbo, le récit de l'accusation est une histoire tronquée' (*Abidjan.net*, 2 February 2016), <https://news.abidjan.net/articles/580472/selon-la-defense-de-gbagbo-le-recit-de-laccusation-est-une-histoire-tronquee>, accessed 26 March 2023.

88 UNHRC 2011 'Report of the International Commission of Inquiry', para 42.

89 On 12 May 2011, journalist Jean-Paul Mari reported to the *Nouvel Observateur* that the massacre at the Carrefour and subsequent hunting down of civilian in the "brousse" (bush) resulted in a minimum of 1,000 deaths, and more likely 2,000 dead in this incident alone. The number would quickly drop to the International Committee of the Red Cross (ICRC) count of approximately 800, and remain so in official records to date (see Jean-Paul Mari, 'Côte d'Ivoire: enquête sur le massacre à Duékoué', *Le Canard Républicain*, 24 May 2011), para 1, <https://www.lecanardrepublicain.net/spip.php?article483>, accessed May 2021; ICRC, 'Côte d'Ivoire: Hundreds of civilians killed in Duékoué' (News release, 1 April 2011), <https://www.icrc.org/en/doc/resources/documents/news-release/2011/cote-d-ivoire-news-2011-01-04.htm>, accessed 25 March 2023.

90 For example, more than one hundred men, women and children were massacred in Boléquin on 28 March, and 10 more killed the following day in Guiglo (HRW, 'Côte d'Ivoire: West African immigrants massacred' (15 March 2011), p. 8, <https://www.hrw.org/news/2011/03/31/cote-divoire-west-african-immigrants-massacred>, accessed 25 March 2023; HRW 2011 'They killed them like it was nothing', p. 48).

91 HRW 2011 'They killed them like it was nothing', pp. 69–71.

92 Nearly 5,500 prisoners escaped Abidjan's maximum-security prison, *Maison d'arrêt et de correction d'Abidjan* (MACA), many of whom also joined the looting (OFPPA, 'Rapport de mission en République de Côte d'Ivoire' (May 2013), p. 23).

2012, 80% of which were perpetrated by armed men.⁹³ This figure includes only cases verified by a UN agent, making it a significant underestimate. Sexual violence was perpetrated by pro-Gbagbo street militias and security forces manning barricades and attacking RDR protestors. In the RDR stronghold of Abobo, HRW documented 14 gang rapes of women perceived to be Ouattara supporters.⁹⁴ On 19 December, more than 300 women marched in Grand Bassam demanding the release of detained Alassane Ouattara supporters. Demonstrators reported being sexually assaulted by police, who beat them, tore their underwear, and put their hands on their vaginas and breasts.⁹⁵ In the Gbagboist stronghold of Yopougon, pro-Gbagbo militias perpetrated rapes against 'northerner' neighbours. The FRCI retaliated with similar acts when they took over the town in April 2011.⁹⁶

During the western invasion, HRW documented sexual violence by the FRCI targeting Guéré women and girls.⁹⁷ Witnesses report that combatants seized women and girls while launching attacks on villages. Some women were then forced into the surrounding forests where they were raped, while others were held captive in houses for one or several days and repeatedly raped before the unit moved on.⁹⁸ Pro-Gbagbo forces also committed rapes while retreating from the region. In one especially egregious attack on 4 January 2011, at least 17 women, including a six-year-old child, were gang raped in Duékoué by armed men from the government aligned militia group, the

Patriotic Alliance of the Wé (*Alliance patriotique de l'ethnie Wé*, APWE). In early February, in Danané, nine women and girls, including pregnant women and a child, were raped by FDS elements.⁹⁹

SEXUAL VIOLENCE IN THE POST-WAR PERIOD

Hostilities officially ended in spring of 2011, but patterns of sexual and gender-based violence (SGBV) connected to the conflict lingered into the post-war period.¹⁰⁰ Insurgent victory is a relatively rare outcome of civil war and brings with it the challenge of transitioning from a rebel movement into a legitimate government.¹⁰¹ Over the next decade, President Ouattara continued to depend on the FRCI to maintain the security situation, leaving him reluctant to rein in the significant power still wielded by the ComZones and their elements.¹⁰² This has had important implications for CRSV. As noted in the 2013 UNSG's report on CRSV, the slow pace of disarmament and demobilisation and reintegration (DDR), the failure to dismantle war-era criminal networks and ongoing impunity for sexual violence committed by former combatants all contributed to continued patterns of CRSV in the post-war era.¹⁰³ In the present day, the Ouattara regime is generally seen as democratic reformers in the eyes of international and national onlookers, but that image has begun to waver in light of his controversial decision to run and win the 2020 election – an election boycotted by all main opposition parties.

93 UNSG, 'Sexual violence in conflict: Report of the Secretary-General' (14 March 2013, 67th Session) A/67/792–S/2013/149.

94 HRW 2011 'They killed them like it was nothing', p. 28.

95 UNHRC 2010 'Written statement submitted by Amnesty International', para 4.

96 Peace A. Medie, 'Rape reporting in post-conflict Côte d'Ivoire: Accessing justice and ending impunity' (2017) 116(464) *African Affairs* 414 <http://dx.doi.org/10.1093/afraf/adx008>; HRW 2011 'They killed them like it was nothing', pp. 57, 70.

97 HRW 2011 'West African immigrants massacred', p. 25.

98 One woman from Bakoubli, near Toulepleu, said the FRCI forces raped her in front of her children, then killed her husband, who had tried to intervene. In Bloléquin, after being captured by the FRCI on 20 March, eight Guéré women, including several children, were held captive in a villa where they were repeatedly raped. During the 29 March massacre in Duékoué, at least eight women were taken from their homes and repeatedly raped (Amnesty International, 'Côte D'Ivoire: Briefing to the UN Committee on the Elimination of Discrimination Against Women – 50th Session, October 2011', 20 September 2011), pp. 9, 11, <https://www.amnesty.org/en/documents/afr31/009/2011/en/>, accessed 25 March 2023).

99 UNSG, 'Conflict-related sexual violence. Report of the Secretary-General' (13 January 2012, 66th Session) A/66/657–S/2012/33, para 25.

100 From 1 January 2012 through 31 December 2015, ONUCI documented 1,129 rape cases affecting 1,146 victims, 66% targeting children (ONUCI, 'Rapport sur les viols et leur répression en Côte d'Ivoire', July 2016), p. 5).

101 Giulia Piccolino, 'Peacebuilding and statebuilding in post-2011 Côte d'Ivoire: A victor's peace' (2018) 117(468) *African Affairs* 485 <https://doi.org/10.1093/afraf/ady020>.

102 FIDH, 'Press release: 43 women who suffered sexual violence during the post-election crisis finally access justice' (20 March 2015).

103 For instance, the 2013 UNSG report documented armed robberies and rapes continuing in the Guémon and Moyen-Cavally regions through July 2012 (UNSG 2013 'Sexual violence in conflict', para 34).

SEXUAL VIOLENCE IN DETENTION

Côte d'Ivoire's prison system reached more than double capacity at the end of the conflict. That population included hundreds of detainees rounded up in connection with the electoral crisis, often waiting years before being charged.¹⁰⁴ In some cases, prisons failed to separate juveniles from adult detainees.¹⁰⁵ Although data on sexual violence in the Ivorian prisons was not found, wider research on this topic shows overcrowding, poor living conditions and inadequate staff make prisons high-risk sites for sexual violence and sexual exploitation, particularly where minors are not given special protection.¹⁰⁶

SEXUAL VIOLENCE AFFECTING DISPLACED PERSONS AND REFUGEES

UN and NGO estimates suggest internally displaced persons (IDPs) and refugees were those most gravely affected by CRSV, with this trend continuing into the post-war period. The United Nations Population Fund (UNFPA) found the highest rates of CRSV reported during the civil war years were amongst IDPs.¹⁰⁷ This pattern was repeated during the 2010–2011 crisis, with reports showing IDPs were twice as likely to be sexually assaulted by armed groups.¹⁰⁸ In 2016, the UNSC CRSV report warned of the grave risks still posed to displaced women and girls, particularly when attempting to travel.¹⁰⁹ As a United Nations High Commissioner for Refugees (UNHCR) representative in Côte d'Ivoire warned, large numbers of IDPs found themselves forced into situations of

sexual exploitation or survival sex, both during and after the war.¹¹⁰ Many displaced women and girls reported exchanging sex for very small amounts of money (1,000 CFA, or USD 2) or for food as minimal as a packet of biscuits or a plate of dinner.¹¹¹ In the aftermath of the 2011 crisis, approximately 150,000 Ivorian refugees fled to Liberia, including 6,000 girls and 35,000 women.¹¹² HRW reported on a crisis of women and girls being forced to engage in sex in order to secure food, shelter or other basic survival needs for themselves and their families, as well as many cases of rape and other forms of gender-based violence targeting refugees.¹¹³

SEXUAL EXPLOITATION

Rejection by family and community is compounded by disadvantages women face in property ownership and employment, forcing many CRSV survivors into precarious means of survival. A 2005 study captured the extent of the problem, reporting that three out of five survivors were rejected by family or community, with only a third reporting that they received support from family and friends.¹¹⁴ Sexual exploitation resulting from conflict-related harms and traumas is not a problem limited to survivors. The war undermined family and community networks that once protected more vulnerable groups. The loss of family breadwinners, jobs, land and property left many women to support families alone, and many children orphaned, some as household heads caring for younger siblings.¹¹⁵ A crisis of sexual exploitation and survival sex has grown from the poverty,

104 In the lead up to the electoral crisis, 12,000 prisoners were being held in a national prison system designed for 5,000, with numbers remaining similar into the post-war period (HRW, "To consolidate this peace of ours": A human rights agenda for Côte d'Ivoire, December 2015), p. 38, https://www.hrw.org/sites/default/files/report_pdf/cdi1215_4up.pdf, accessed 1 April 2023). Many detainees accused of crimes during the electoral period have had preventative and pre-trial detention periods extended, sometimes over years (ICTJ, 'Disappointed hope: Judicial handling of post-election violence in Côte d'Ivoire', 2016), <https://www.ictj.org/sites/default/files/ICTJ-Report-CDI-Prosecutions-2016-English.pdf>, accessed 25 March 2023.

105 Alexis Adele, 'Les prisons ignorent les droits des jeunes' (*The New Humanitarian*, 21 May 2015), <https://www.thenewhumanitarian.org/fr/analyses/2015/05/21/les-prisons-ignorent-les-droits-des-jeunes-ivoiriens>, accessed 30 March 2023.

106 ICRC, 'Sexual violence in detention' (2016), pp. 7, 11, <https://reliefweb.int/report/world/sexual-violence-detention>, accessed 30 March 2023.

107 UNFPA, 'Crise et violences basées sur le genre en Côte d'Ivoire: résultats des études et principaux défis' (October 2008), p. 10, https://cotedivoire.unfpa.org/sites/default/files/pub-pdf/UNFPACRISEETVIOLENCESBASEESSURLEGENRENCI_FRENCH.pdf, accessed 25 March 2023.

108 Medie 2017 'Rape reporting in post-conflict Côte d'Ivoire', p. 423.

109 UNSC, 'Report of the Secretary-General on conflict-related sexual violence' (20 April 2016) S/2016/361, paras 5–17.

110 HRW 2007 'My heart is cut', p. 84.

111 Ibid., p. 84.

112 HRW, 'Liberia: Protect refugees against sexual abuse' (20 April 2011), para 7, <https://www.hrw.org/news/2011/04/20/liberia-protect-refugees-against-sexual-abuse>, accessed 30 March 2023.

113 Ibid., paras 1, 11–13, 18–19.

114 HRW 2007 'My heart is cut', p. 94.

115 Amnesty International 2007 'The forgotten victims of the conflict', p. 34; HRW 2007 'My heart is cut', p. 83.

displacement and isolation brought by the conflict.¹¹⁶ Children's rights organisations, in particular, have seen an increase in child sex work post-war, with a 2016 study finding that nearly 60% of interviewed child sex workers cited basic survival as their motivation.¹¹⁷

3.2.5. Patterns and estimated number of CRSV survivors

SEXUAL VIOLENCE TARGETING CHILDREN

Children are a particularly vulnerable to CRSV owing to their dependence on others for care, their physical size, and their low status in society.¹¹⁸ The 2008 UNFPA report on the crisis of gender-based violence found that 81% of survivors of all reported sexual violence were children.¹¹⁹ Children are targeted with CRSV because they are especially vulnerable, but also because it is especially devastating for them, their families, and communities. When interviewed about violence at roadblocks, public transport drivers emphasised that armed groups targeted the 'youngest girls'.¹²⁰ Sexual abuse and exploitation targeting children also mapped onto forced recruitment, abduction and sexual slavery.¹²¹

International observers recounted that in the MPIGO rebel area in particular, every Liberian unit of five or six fighters included at least one child, often under 12 years old.¹²² HRW interviewed numerous survivors of sexual slavery who reported being abducted while still children, many of whom experienced forced participation in combat as an overlapping violation.¹²³ It is notable that children were also reported to be involved in or facilitators of sexual violence, suggesting some children were at once perpetrators and victims.¹²⁴

More research is needed on the topic of children born of rape. Anecdotal evidence suggests a high incidence of children born from CRSV during the Ivorian conflict. For example, in western villages during the mid-2000s, local CSOs attributed an extremely high proportion of teen mothers in the region (28–75% of all mothers) to widespread rape committed by armed groups.¹²⁵ What information is available suggests that children born of conflict-related rape endure extremely difficult life situations. Human Rights Watch reported that many women and girls who became mothers through rape could not return to their families, leading some to remain with captors as their only means of caring for these children.¹²⁶

116 HRW 2007 'My heart is cut', p. 1.

117 Adèle Krouwa and Diego Curutchet Mesner, 'Analyse situationnelle de l'exploitation sexuelle des enfants à des fins commerciales en Côte d'Ivoire' (SOS Violences Sexuelles, 2016), p. 46, <https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2018/10/Etude-Cote-Ivoire-30-mars-version-web-HD-compressed.pdf>, accessed 26 March 2023.

118 ICRC, 'Children affected by armed conflict and other situations of violence' (2011), <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-4082.pdf>, accessed 30 March 2023.

119 The report found that the average age of victims of sexual violence was 12.7 years, with data showing a peak in the age group of 10–14, a demographic representing 36% of all sexual violence cases (UNFPA 2008 'Crise et VBG', p. 10). Supporting this finding, a large-scale survey conducted in 2020 by the Ministry for Women, the Family and Children (*ministère de la Femme, de la famille et de l'enfant*, MFFE) found that one in five women (19.2% of respondents) experienced sexual violence in childhood (MFFE, 'Violence faite aux enfants et aux jeunes en Côte d'Ivoire' (Republic of Côte d'Ivoire, March 2020), p. 147). Note that most cases of sexual violence targeting children are committed by neighbours, acquaintances or other persons known to the victim and not by armed groups. Amongst female child survivors, the most likely perpetrators are boyfriends or friends (at 46.5% and 23.6%, respectively), with unknown attackers accounting for 27.3% of cases (Roth 2013 'Gender-based violence, conflicts and the political transition', p. 16).

120 HRW also documented the rape of very young children and infants, including a victim who was just seven months old (HRW 2010 'Afraid and forgotten', pp. 5, 21, 29, 34, 38).

121 Amnesty International 2007 'The forgotten victims of the conflict', p. 4; HRW 2007 'My heart is cut', pp. 22, 37, 42.

122 HRW 2003 'Trapped between two wars', p. 6.

123 A 2005 study with 147 children formerly associated with armed groups found 41% of sexual violence cases in the camps targeted children 12 or under (HRW 2007 'My heart is cut', p. 23).

124 In some examples, survivors describe child combatants facilitating sexual violence by acting as guards for abducted women and girls (Amnesty International 2007 'The forgotten victims of the conflict', p. 16). For a general statement on children as perpetrators, see UNSC 2012 'CRSV report', para 23.

125 HRW 2007 'My heart is cut', p. 23.

126 Ibid., p. 44.



Back Photo of African Girl Transporting Basket with Food.
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SEXUAL VIOLENCE TARGETING MEN AND BOYS

The 2011 National Commission of Inquiry (CNE) defined sexual violence as a crime only affecting women.¹²⁷ This view is repeated in other national and international investigations and reports from the conflict period, as well as in the design of Côte d'Ivoire's survivor assistance programmes.¹²⁸ Despite a lack of support and recognition, 40% of all gender-based violence cases verified by the CONARIV (1,196

cases), were committed against male victims.¹²⁹ A relatively high rate of sexual violence targeting men was also reported by the UNFPA in its landmark 2008 study, which found 5% of male respondents (compared to 10% of females) had experienced sexual violence in the 12 months prior to the research.¹³⁰ CRSV targeting men is underreported due to cultural taboos surrounding the topic and the unavailability of services supporting male survivors.¹³¹ Male survivors involved in a 2022 study by the International

¹²⁷ CNE 2011 'Rapport d'enquête', p. 13.

¹²⁸ For example, a 2013 civil society-led investigation into the post-electoral crisis reported that "0% of sexual violence targeted men" (RAIDH 2013 'Rapport sur les violations des droits humains', p. 30).

¹²⁹ Note that the CONARIV report does not give details on patterns of GBV affecting men or explain whether GBV is referred to interchangeably with sexual violence (CONARIV 2016 'Rapport d'activités', pp. 31–32).

¹³⁰ UNFPA 2008 'Crise et VBG', p. 10.

¹³¹ FIDH 2022 'On va régler ça en famille', p. 18.

Federation of Human Rights (*Fédération internationale des droits de l'homme*, FIDH) for example, recounted being mocked by judicial and social service personnel when seeking aid.¹³² Some survivor testimony nonetheless discusses sexual assault and humiliation of men.¹³³ Prison detainees, in particular, reported sexual torture such as having their genitals beaten or burned, and being ordered to rape other detainees.¹³⁴

ESTIMATING THE NUMBER OF SURVIVORS

The 2011 CNE identified 196 cases of conflict-related rape and sexual assault during the post-election period.¹³⁵ The authors emphasised this is “*lower than the real number given all evidence*”, but do not attempt to give a closer estimate.¹³⁶ Other transitional justice mechanisms looked at the full conflict period and produced larger estimates: the Commission on Dialogue, Truth and Reconciliation (*Commission dialogue, vérité et réconciliation*, CDVR) identified 1,359 cases of sexual violence while CONARIV verified 2,969 cases of gender-based violence.¹³⁷

During the conflict years, a 2008 UNFPA report based on extensive survey and interview data sounded the alarm of a ‘gender-based violence crisis’ in Côte d’Ivoire, estimating that 25% of women and 14% of men had experienced sexual violence in their lives.¹³⁸

Eleven percent of study respondents – a total of 130,337 people – reported being “*forced to have intercourse and/or raped*” in the last 12 months alone.¹³⁹ Note that these figures represent all sexual violence during the period in question, and are not limited to incidents directly connected to the conflict. As is the case in the majority of conflict zones, most sexual violence was perpetrated by persons in the victims’ family or close community (noting this distinction does not, however, preclude that sexual violence may be both conflict-related *and* perpetrated by a close relation).¹⁴⁰ Further evidence from the same study suggests that CRSV was nonetheless an important factor in the elevated numbers. Firstly, the highest rates of sexual violence were reported during the 2000–2007 conflict period, and the highest number of incidents occurred in areas that saw heavy fighting or served as major transit centres for armed groups.¹⁴¹ What is more, a separate UNFPA study based on medical records found that 20% of sexual violence reported to health authorities was perpetrated by men in uniform.¹⁴² Similarly high numbers are found in the results of the 2011–2012 Demographic and National Health Survey conducted by the National Institute of Statistics (*Institut national de statistiques*, INS). The INS reported a national average of 5.8% of women having experienced sexual violence during the year of the post-electoral crisis. That number reached 8% in the west where

¹³² Ibid.

¹³³ In one example, an NGO worker described rape of men in her village following an attack by Liberian forces: “Many men were mistreated. The rebels forced them to work like slaves and also raped some of the men ... we had to come to the village to get food when we were hiding in the bush. Some men went for us and five or six of them were raped. Some of the men died. Others are still here” (HRW 2007 ‘My heart is cut’, p. 35).

¹³⁴ Ibid., pp. 74–75.

¹³⁵ CEDAW, ‘Fourth periodic report submitted by Côte d’Ivoire under article 18 of the Convention, due in 2015’ (11 July 2018) CEDAW/C/CIV/4, para 13, Table 2. The CEDAW report cites data collected from the International Rescue Committee: 2010 and 2011 (January–September), 2012–2014 (with UNFPA support for the implementation of the Gender-Based Violence Information Management System); Studies and Documentation Planning Directorate, Ministry for the Advancement of Women and the Family and the Protection of Children: data for gender-based violence for 2015 (data still being consolidated); and Côte d’Ivoire Gender-Based Violence Information Management System: partial data on gender-based violence for 2016 (January–September), data still being processed.

¹³⁶ To give a sense of how low the official estimates are, we can look at the figures seen in the post-war period once reporting functional systems were established. The UN GBV Sub-Cluster provided support to 335 sexual violence survivors between February 2011 and March 2012. Between 2012–2016, ONUCI documented 1,129 cases of rape in Côte d’Ivoire (ONU CI 2016 ‘Rapport sur les viols’, p. 5). In 2018, the MFFE gave assistance to 2,744 survivors. While these figures do not help us understand the scope of CRSV, the fact that post-conflict sexual violence far outpaces CRSV estimates does give a sense of how low estimates gathered by the national transitional justice processes likely are (MFFE and DEPS, ‘Rapport d’analyse statistique 2018 sur les violences basées sur le genre’, Republic of Côte d’Ivoire, 2018, p. 21).

¹³⁷ The CDVR number is based on statements received from 28,024 females and 43,276 survivors, totalling 72,483 conflict victims (CDVR, ‘Rapport final’, Republic of Côte d’Ivoire, December 2014, p. 75). Note that the CDVR differentiated between sexual and gender-based violence in its report, while the CONARIV Commission grouped all sexual violence under the wider term ‘gender-based violence’ (CONARIV 2016 ‘Rapport d’activités’, p. 30).

¹³⁸ UNFPA 2008 ‘Crise et VBG’, p. 9.

¹³⁹ This 11% figure represents 10% of female respondents and 5% of male respondents (Ibid., p. 10).

¹⁴⁰ Mazeda Hossain, Cathy Zimmerman et al., ‘Men’s and women’s experiences of violence and traumatic events in rural Côte d’Ivoire before, during and after a period of armed conflict’ (2014) 4(2) *British Medical Journal Open* e003644, p. 4 <https://doi.org/10.1136%2Fbmjopen-2013-003644>.

¹⁴¹ These figures were based on 846 cases of sexual violence recorded in the 58 health facilities across the country, with the highest concentration found in Bouaké (25%), Daloa (21%), Yamoussoukro (17%) and Danané (12%). Similarly, the highest rates of sexual violence reported by interview respondents were in the rebel-occupied zones of Man (41%), Duékoué (35%) and Korhogo (26%) (UNFPA 2008 ‘Crise et VBG’, p. 10).

¹⁴² Ibid., p. 99.

the fighting was most intense.¹⁴³ We cannot devise concrete rates of CRSV from these figures, as too many unknown factors remain.

While significant numbers, these figures are also underestimates. In addition to being socially, culturally, and logistically difficult, reporting sexual violence involved grave security risks during the conflict and its aftermath. In both state- and rebel-held areas, armed combatants took on the roles of security forces, police and gendarmes.¹⁴⁴ This rendered reporting CRSV largely impossible, given the authorities were often connected to, or themselves, the perpetrators.¹⁴⁵ Even for survivors ready to risk reprisal, few lived in proximity to functioning police, judicial or social services, let alone had the financial means to pay for this assistance, or enjoyed a familial situation that would enable them to risk being exposed as a survivor.¹⁴⁶ Today, though the security situation has improved, the ongoing influence of former armed actors as well as the stigma surrounding sexual violence remain deterrents against speaking out about conflict-era sexual violence.¹⁴⁷ Given this context, it is impossible to give an accurate estimate of the full extent of sexual violence committed during the conflict period, though available figures portray CRSV as both widespread and systematic throughout every phase of the Ivorian conflict.

3.3. Gender equality in Côte d'Ivoire and its influence on CRSV

Patterns of CRSV in Côte d'Ivoire, as well as state, family and community responses to this violence, are connected to longstanding conditions of gender inequality and discrimination in the country.

3.3.1. Gender roles and norms

Legal and constitutional guarantees of women's rights are relatively strong in Côte d'Ivoire, yet this robust framework too often fails to translate into an improved social and economic reality for Ivorian women and girls. Not only are Ivorian women disproportionately burdened by unpaid work such as care for children, relatives and the household, they also tend to bear the burden of generating household income while having little control over family finances.¹⁴⁸ Although gross enrolment of girls in elementary school reached 98% in 2020, the direct and indirect costs of education disproportionately harm girls, contributing to a girls' secondary completion rate of 52% nationally, and just 2% in rural areas.¹⁴⁹ These inequalities continue as women enter the workforce, where women find themselves at a major disadvantage accessing technologies, formalising land ownership or receiving bank credit.¹⁵⁰

143 INS and ICF International, 'Enquête démographique et de santé à indicateurs multiples de Côte d'Ivoire 2011–2012' (2012), quoted in Medie 2017 'Rape reporting in post-conflict Côte d'Ivoire', p. 424.

144 HRW 2010 'Afraid and forgotten', pp. 41, 43.

145 Ibid., pp. 31, 43.

146 For example, the UNFPA report found that proximity of one's residence to a health facility was a determining factor in reporting, with 81% of the victims surveyed living within 5 km of a health facility (UNFPA 2008 'Crise et VBG', p. 11).

147 For example, during consultations by the ICTJ in Duékoué, Bangolo and Bouaké in 2014–2015, interviewers not only perceived hesitancy of women to speak about sexual violence, but also some resistance of men in the victim's community to give voice to women or to listen to them (author discussion with an ICTJ representative, November 2022).

148 Morkeh Blay-Tofey and Bandy X. Lee, 'Preventing gender-based violence engendered by conflict: The case of Côte d'Ivoire' (2015) 146 *Social Science and Medicine* 341, p. 345 <https://doi.org/10.1016/j.socscimed.2015.10.009>; CEDAW, 'Observations finales concernant le quatrième rapport périodique de la Côte d'Ivoire' (30 July 2019) CEDAW/C/CIV/CO/4.

149 CEDAW, 'Observations finales concernant le quatrième rapport périodique de la Côte d'Ivoire' (30 July 2019) CEDAW/C/CIV/CO/4, paras 39(b), 39(c); AFD (Agence française de développement), 'En Côte d'Ivoire, les filles poussent les portes de l'école' (23 January 2018), <https://www.afd.fr/fr/actualites/grand-angle/en-cote-divoire-les-filles-poussent-les-portes-de-lecole>, accessed 31 March 2023; World Bank, 'Côte d'Ivoire: Secondary completion rates, female' (UNSECO Institute of Statistics, June 2022), <https://data.worldbank.org/indicator/SE.SEC.CMPT.LO.FE.ZS?locations=CJ>, accessed 31 March 2023.

150 CEDAW 2019 'Concluding observations on the fourth periodic report'.

Overall, Côte d'Ivoire's global gender equity ranking score is 30 out of 35 in the sub-Saharan region, and 134 out of 156 countries assessed.¹⁵¹

This puts it amongst the least gender equal countries in the world, ranking amongst much poorer regional neighbours such as Mauritania, The Gambia and Benin.¹⁵² This surprisingly low score in one of the wealthiest nations in the region points to economic inequality as an important lens for analysing gender in Côte d'Ivoire. Under the Ouattara government, the country's economic growth has outperformed even the most optimistic projections; however, the benefits of that growth have not reached the low-income majority.¹⁵³ For gender equity, the implication has been that post-conflict reforms creating significant improvements in the legislative and policy framework upholding women's rights remain disconnected from the social and economic realities facing a majority of women and girls.

The post-war regime made important revisions to once discriminatory legislation related to nationality, employment, income tax, marriage, inheritance, and land ownership, and has passed a series of presidential ordinances fostering gender equity.¹⁵⁴ The 2016 Ivorian Constitution expressly commits to fighting gender-based discrimination and inequality.¹⁵⁵ While significant, the impacts for a low-income majority are limited. In a stark example, the

labour code was revised to address gender inequities in employment opportunities.¹⁵⁶ In practice, however, the reforms only impact a privileged minority of women. Most women and girls work in the informal sector or do domestic work, where they experience a high prevalence of harassment, unfair wages, and poor or dangerous working conditions.¹⁵⁷ The same dynamic repeats in matters related to reproductive health. Ivorian law protects an individual's right to plan childbirth and maternal care;¹⁵⁸ however, in practice, contraceptives and skilled obstetric care are generally only available to families in urban areas, who can afford the high cost.¹⁵⁹

This same pattern then repeats again in matters related to inheritance, marriage and land ownership.¹⁶⁰ In 2020, the Marriage Law (No. 64-379 of 7 October 1964) was revised to recognise women as possible heads of households (art. 58) and to end discriminatory inheritance laws that passed property to the husband's male relatives instead of widows (arts 22, 23 and 25).¹⁶¹ Yet low-income women and those living in rural areas tend to live in communities or families governed by customary law. The recent reforms do not cover customary or religious marriages, or long-time common-law partnerships.

151 World Economic Forum, 'Global gender gap report 2021' (2021), https://www3.weforum.org/docs/WEF_GGGR_2021.pdf, accessed 31 March 2023. Regarding scoring, 30 out of 35 in the sub-Saharan region, see p. 31. Regarding overall ranking, see p. 71.

152 Ibid., p. 171. Côte d'Ivoire's GDP is comparable to middle-income countries such as Libya and Bolivia, yet its Human Development Index ranks it with countries with much smaller economies such as Madagascar, Rwanda and Uganda (see UNDP, 'Human Development Report: Côte d'Ivoire', updated 8 September 2022), <https://hdr.undp.org/data-center/specific-country-data/#/countries/CIV>, accessed 31 March 2023).

153 On the failure to distribute benefits of wealth, see World Bank, 'Situation économique en Côte d'Ivoire: la force de l'éléphant' (December 2015), p. vii, <https://documents1.worldbank.org/curated/en/437971468194941284/pdf/102021-v2-FRENCH-WP-PUBLIC-Box394824B.pdf>, accessed 31 March 2023. Regarding income inequality, in 2018, the bottom 50% of Ivorians earned only 12.8% of wages. This bottom half earned an average annual income of USD 1,205, or about USD 3 a day (World Inequality Database, 'Income inequality, Côte d'Ivoire, 1988–2019'), <https://wid.world/country/cote-divoire/>, accessed 31 March 2023.

154 Law No. 2013-654 of 13 September 2013, amending arts 12, 13, 14 and 16 of Law No. 61-415 of 14 December 1961 on the Nationality Code, which guarantees equal treatment of women and men in the acquisition of nationality; see CEDAW 2018 'Fourth periodic report', para 35.

155 Constitution of Côte d'Ivoire 2016, preamble, arts 4, 32, 35–37.

156 Law No. 2015-532 of 20 July 2015 on the Labour Code.

157 Ibid.; CEDAW 2019 'Observations finales concernant le quatrième rapport périodique de la Côte d'Ivoire', para 41(a).

158 Law No. 006/PR/2002 of 15 April 2002 on Promoting Reproductive Health, arts 3 and 4.

159 US Department of State, 'Country reports on human rights practices for 2011: Côte d'Ivoire' (2011), p. 29, <https://2009-2017.state.gov/documents/organization/186399.pdf>, accessed 25 March 2023; In 2022, UNFPA reported a contraceptive prevalence of 26% (UNFPA, 'Data overview: Côte d'Ivoire', <https://www.unfpa.org/data/CI>, accessed 31 March 2023), contributing to high fertility rates in rural areas (i.e. 6.3 children on average) as well as high instances of teen mothers (in 2016, 30%, and 12% in 2020 of girls 15–19 years old had given birth). UNFPA, 'Country programme document for Côte d'Ivoire (2017–2020)' (11 July 2016) DP/DCP/CIV/2, para 3.

160 GI-ESCR and AFJ-CD, 'Rapport alternatif au Comité des droits de l'homme, Côte d'Ivoire, 113 Session, 16 March 2015–2 April 2015', (GI-ESCR, 2015), paras 4–8, https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/5e8e6991528a502d7493f19d/1586391442131/INT_CCPR_CSS_CIV_19579_F%2B%28%29+%28%29.pdf, accessed 11 April 2023.

161 Ibid., para 11; CEDAW 2019 'Concluding observations on the fourth periodic report', para 34.

These unions have no right to inheritance or marital property ownership under Ivorian law and, in many cases, women will lose their claim to joint property should their husband die or the union end.¹⁶²

Likewise, although the 1998 law recognising rural land ownership formally grants women and men equal rights to title, in practice few women can secure land through the reform process, largely because tradition rarely allows for women to be considered customary landowners.¹⁶³ Women are also more likely to lose property to conflict-related land disputes and less likely to benefit from settlements.¹⁶⁴

High rates of SGBV are ongoing problems in Côte d'Ivoire. In 2020, sexual violence comprised approximately one third of all violations reported to the National Council on Human Rights in Côte d'Ivoire (*Conseil national des droits de l'homme de Côte d'Ivoire*, CNDH-CI).¹⁶⁵ Children are especially targeted with sexual violence, making up 73% of reported cases in 2018.¹⁶⁶ Intimate-partner violence is another indicator of these trends, with a 2014 study finding that almost half of Ivorian women (49.8%) reported experiencing physical or sexual violence from a partner during their lifetime.¹⁶⁷ These numbers are especially stark when considering that SGBV remains an underreported crime.¹⁶⁸ Fear of being rejected by their husbands, relatives or community, and the threat of being unable to marry if identified as a survivor, are strong barriers to seeking assistance and justice. Moreover, when survivors do speak out, impunity is the most common outcome.¹⁶⁹ Cultural taboos mean

that sexual violence is said to 'ruin' the victim in the eyes of the community, and yet sexual violence as a crime is too often treated as unserious or 'just a women's problem' by local and state authorities.¹⁷⁰ So-called 'amicable' settlements mediated by community leaders remain common in rape cases, further trivialising the seriousness of the crime.¹⁷¹

3.3.2. Gender norms and patterns of sexual violence

Looking towards the wider discussion of this report, these trends map onto comparative research into CRSV. Large-scale studies across conflict contexts have shown that sexual violence is not inevitable in war. The strength of social and formal obstacles that combatants face when engaging in these acts are strong predictors of the extent that CRSV is seen in a given context.¹⁷² This finding points to a possible factor in the high incidence of CRSV during the Ivorian conflict. As seen, in Côte d'Ivoire, sexual violence at once has a devastating impact on the individuals and communities targeted, yet in a context where the perpetrators face few cultural or legal barriers or consequences.

Traditional gendered roles and norms in Côte d'Ivoire map onto patterns of CRSV by deepening both the vulnerabilities to and impacts of these assaults. Attitudes about the role of women in maintaining the honour of community and family are reflected in patterns of CRSV deployed as a form of community and family humiliation, such as in public rapes, rape

¹⁶² Outside legal unions, inheritance practices vary by region. Some traditions grant widows of a customary marriage the right to remain on their deceased husband's property while, in other regions, property returns to the husband's family, often forcing widows into dependency on relatives from their family of birth (GI-ESCR and AFJ-CD 2015 'Rapport alternatif', paras 11, 12).

¹⁶³ The establishment by Decree No. 2016-590 of 9 August 2016 of the Rural Land Agency, which has issued land certificates to 277 women (CEDAW 2018 'Fourth periodic report', para 14).

¹⁶⁴ Kevin Croke and Emilie Rees Smith, 'Côte d'Ivoire gender background note' (LOGICA Background Note, World Bank, August 2013), p. 9.

¹⁶⁵ CNDH-CI, 'Rapport annuel 2020' (2020), p. 55, <https://cndh.ci/wp-content/uploads/2015/10/Rapport-annuel-2020-CNDH-version-du-17-mars-2021-VERSION-FINALE.pdf>, accessed 31 March 2023.

¹⁶⁶ MFFE and DEPS 2018 'Rapport d'analyse statistique sur les VBG', p. 21.

¹⁶⁷ Kathryn Falb, Jeanie Annan et al., 'Reproductive coercion and intimate partner violence among rural women in Côte d'Ivoire: A cross-sectional study' (2014) 18(4) *African Journal of Reproductive Health* 61, p. 63.

¹⁶⁸ MFFE and DEPS 2018 'Rapport d'analyse statistique sur les VBG', p. 23.

¹⁶⁹ FIDH 2022 'On va régler ça en famille', p. 12.

¹⁷⁰ HRW 2007 'My heart is cut', p. 117.

¹⁷¹ FIDH 2022 'On va régler ça en famille', p. 32; on trivialising rape through community settlement, see ONUCI 2016 'Rapport sur les viols', p. 38.

¹⁷² Elisabeth Jean Wood, 'Rape during war is not inevitable: Variation in wartime sexual violence', in Morten Bergsmo, Alf B. Skre and Elisabeth Jean Wood (Eds.), *Understanding and proving international sex crimes*, pp. 389–419 (Oslo, Torkel Opsahl, 2014).

in front of family and forced incest.¹⁷³ Rape is an especially cruel weapon for its ability to undermine community cohesion and break, sometimes irreparably, social, and familial bonds. Likewise, attitudes about male's traditional roles as leaders and protectors are linked to strong cultural taboos about male rape. This is reflected in instances of men being targeted with sexual humiliation and rape in front of their families and communities.¹⁷⁴ Tragically, these same cultural attitudes also deepen the impacts of CRSV. In a 2017 study, focus group participants felt rape 'tarnished' or 'destroyed' victims.¹⁷⁵ This stigma means survivors often find themselves abandoned by partners, families, and communities, facing secondary crises of poverty, and lost social standing.

As seen before, poverty is gendered in Côte d'Ivoire. The widespread nature of CRSV meant that gendered income-generating activities, vital to many Ivorian families' survival, involved grave risk. Many women lost their livelihood out of fear to

move along roads, while others continued working for lack of other options and simply lived in fear of attack.¹⁷⁶ For many rural and low-income Ivorian women, farming, tending crops, foraging for food or wood, and selling in markets constitute important parts of their role in family and community life. Market women were particularly vulnerable as their work required travel on long dangerous stretches of road. Survivor statements suggest that market women were systematically extorted at roadblocks and checkpoints, with some testimony describing sexual violence used as punishment for those unable to pay bribes demanded by armed elements.¹⁷⁷ In order to continue these activities, women were forced to negotiate between checkpoints, armed bandits, and attacks on fields and homes. Militia and rebel groups took advantage of women's relative vulnerability by particularly targeting their market stalls, businesses, homes and farmlands for looting and repossession, with sexual violence often mapping onto these attacks.¹⁷⁸

173 The National Commission of Inquiry report (CNE 2012 'Rapport d'enquête', p. 14) included the following statement of sexual violence: "Rape is a weapon of war, it is a way of expressing contempt for the adversary who is humiliated in several ways: the woman is humiliated in her dignity, her flesh and her soul; her husband, her children, her parents in their honour." These words, and particularly the emphasis placed on the harm done to family honour, speak to cultural attitudes about rape in Côte d'Ivoire. Human Rights Watch found that, when describing rape in local languages, most interviewees chose words that emphasised not only violence or humiliation but also the destructive impact on family and community. Many francophone Ivorians refer to 'ruining the child' (*gâter*, as in 'to destroy'). Guéré women used the term '*O Kôhô*' which means 'ruined' or 'dirtied'. In Yacouba in the Dix-Huit (18) *Montagnes* region, the term used was '*Yanshiyi*' when a child was raped, and '*Yene Whompi*' when a woman was raped, both terms alluding to destruction and violence (HRW 2007 'My heart is cut', p. 96). For other examples, see HRW 2007 'My heart is cut', pp. 5, 31–35, Roth 2013 'Gender-based violence, conflicts and the political transition', p. 18, and Amnesty International 2007 'The forgotten victims of the conflict', p. 10.

174 HRW 2007 'My heart is cut', p. 35.

175 Medie 2017 'Rape reporting in post-conflict Côte d'Ivoire', p. 425.

176 HRW 2010 'Afraid and forgotten', pp. 5, 21, 26.

177 UNSG 2012 'CRSV report', para 25; HRW 2010 'Afraid and forgotten', p. 37.

178 RAIDH 2013 'Rapport sur les violations des droits humains', p. 33.



IV. SURVIVORS' PERCEPTIONS AND PRIORITIES

4.1. Survivors' perceptions on the right to reparation

Amongst survivors interviewed for this Study, only half had heard the term 'reparations' prior to participating and just one quarter had any further knowledge of what 'reparations' means. Even fewer knew Côte d'Ivoire had an ongoing national reparations process (15%). Two Study participants had registered with the reparations commission (CONARIV), but both had only limited knowledge of its purpose or outcomes. This lack of technical knowledge or training did not, however, represent a lack of insight amongst Study participants on these themes. Interviewees shared perceptive and nuanced ideas on what 'reparations' means to them, and what would be required to restore 'right relations' in their family, community, social and political lives.

In one focus group, participants converged on a definition of reparations as “putting back together the things that have been destroyed in one’s life.”¹⁷⁹

Other participants wished to qualify this definition, explaining that the consequences of the harms suffered are so severe, it is impossible to conceive of being 'repaired' to one's previous state. This group found it more appropriate to think of reparations as the support needed to *“forget the past and move forward”*.¹⁸⁰

What, then, in the view of these survivors, would it mean to 'put one's life back together' or, alternatively, 'forget the past and move forward'? Study participants described themselves as living in cycles of harm, where each harm then deepened others. Stigma, isolation, medical needs, and psychological traumas led to an inability to work and participate in community life. These impacts, in turn, compounded the economic hardships suffered due to abandonment by one's husband, rejection by family, or the destruction and pillaging of property. Likewise, abandonment placed the full burden of caring for children on survivors such that education and other childcare costs compete with medical bills, food, and shelter. In this context, 'forgetting' did not mean indifference to acknowledgement and accountability for the harms suffered but rather a wish not to be forever bound by the consequences of sexual violence.

All survivors interviewed continue to experience severe impacts from the violations suffered and none have benefited from adequate assistance or reparation. When survivors speak about the experience of sexual violence, they are speaking of ongoing harm both in the way past violations still shape their daily lives and in the negation of state responsibility to provide adequate care. Study participants thus saw reparations as the support needed to overcome the consequences of the past such that they and their children might live with dignity and enjoy a basic standard of wellbeing. Notably, this view invites programme designers and administrators to devise forward-looking reparations based on survivors' current situations rather than linking compensation to past experiences.

¹⁷⁹ See Bouaké focus group discussion (Bouaké, 25 November 2021); Man focus group discussion (Man, 29 November 2021); Duékoué focus group discussion (Duékoué, 1 December 2021).

¹⁸⁰ Semi-structured interview with CGABJ05 (Abidjan, 18 November 2021).



Survivor study participant at a GSF focus group workshop, Côte d'Ivoire, November 2021.
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4.2. Impacts of sexual violence and survivors' needs

Understanding CRSV survivors as experiencing ongoing harm is instructive when analysing their priorities for reparations. Survivors interviewed spoke first of urgent basic needs such as food, shelter, and education for their children, and only later spoke about justice or community-oriented initiatives. Rather than a statement that justice or community reintegration are less important, this is a plea to first stop an ongoing violation; namely, the denial of basic rights to life, health, education, and dignity. It follows that demanding an end to ongoing violation before speaking of redress or rehabilitation in no way means the latter is unimportant. Reparations, in the view of survivors interviewed, included being heard and acknowledged.

"I want a place to speak so that I can be heard by the government. I want them to hear me say they have done us wrong," explained one interviewee.¹⁸¹

Prioritising material reparations is, rather, a reflection of the sentiment that the path towards reparation and justice begins with – but certainly does not end by – putting an end to ongoing harms.

4.2.1. Physical and psychological impacts and needs

Few survivors interviewed received any professional medical care, let alone the long-term care and surgeries many require. None had received care from a professional mental health worker prior to participating in this Study. Many survivors lost their livelihood during the conflict, others were rejected by or lost their family, resulting in economic hardship that makes it very difficult to access medical care.¹⁸²

PHYSICAL HEALTH IMPACTS

Amongst the 42 survivors interviewed, 30 experienced ongoing physical harms because of sexual violence. Survivors listed many forms of past and ongoing harm related to the physical impacts of sexual violence. Those most cited were fibrosis and other damage to the stomach and reproductive organs, infertility, miscarriage, and HIV and other sexually transmitted diseases or infections.

Two interviewees were partially paralysed because of sexual violence. Many of the physical harms suffered require expensive surgery that survivors cannot afford, meaning the majority of those interviewed have lived a decade or more with severe pain, illness, and disability. In some cases, unreliable access to medication or resorting to cheaper local options ('*indigénat*' medicines) have worsened medical problems. Survivors spoke of infertility and HIV infection as especially harmful, citing these as reasons for abandonment by a partner or the inability to find a partner in the years since.

On paper, government policy promises comprehensive care for survivors of sexual violence. As detailed in a later section, however, these commitments are not matched with budgetary means or institutional capacity (see V.2 Access to care services post-conflict).¹⁸³ None of the Study interviewees knew of free or low-cost health services accessible to them.¹⁸⁴ As one survivor explained:

"It's like this: you are full of sickness. You don't even know what kinds of diseases [the rapist] put in your body. And you know no one who'll say to you 'ok, come on, let's go to the hospital, I'll come with you.' You just don't have that support."¹⁸⁵

¹⁸¹ Semi-structured interview with CGABJ06 (Abidjan, 12 November 2021).

¹⁸² A 2011 International Rescue Committee assessment of sexual violence case management cited the most common obstacles to care is stigma, on one hand, and lack financial means to pay transport and medical bills on the other. Reports by international and state agencies confirm the very low number of CRSV survivors accessing medical and mental health services. In a rare project aimed specifically at helping survivors of conflict-era sexual violence, UN-Women and the MFFE supported a total of 67 survivors by sending their files to the Special Commission of Inquiry and provided 54 of them with specialised medical attention and counselling (CEDAW 2018 'Fourth periodic report', para 135). Also see Croke and Rees Smith 2013 'Côte d'Ivoire gender background notes', p. 17.

¹⁸³ UN-Women, 'Rapport final: Évaluation des mécanismes nationaux de lutte contre les violences basées sur le genre' (July 2015), pp. 9, 29; Elizabeth Doney, 'Addressing conflict-related sexual violence: Efficacy of national action plans in Liberia and Côte d'Ivoire' (2021) 1(Spring) *Yale Review of International Studies*, p. 29, <http://yris.yira.org/essays/5036>, accessed 25 March 2023. During questions at the 2011 CEDAW Commission, the Ivorian Minister of the MFFE, Ms Coffie Goudou, blamed ongoing failures in the GBV response on the government's unwillingness to budget sufficient resources (see CEDAW, 'Le Comité pour l'élimination de la discrimination à l'égard des femmes examine le rapport de la Côte d'Ivoire', (Press release, 14 October 2011).

¹⁸⁴ Johanna Amaya Panche, 'Word frequency analysis with NVivo and the victim's demographic profile' (Global Survivors Fund, unpublished, 2022), p. 9.

¹⁸⁵ Semi-structured interview with MANSV04 (Man, 8 November 2021).

A further obstacle to medical care for CRSV survivors is the government's primary focus on improving case management in the immediate aftermath of assault.¹⁸⁶ While an important topic, this prioritisation means state services tend to fall outside the needs of CRSV survivors (see section 5.3 Contemporary support to CRSV survivors). Donors have also shifted focus in recent years. A decade after the war, donors have redirected their SGBV programmes away from CRSV and towards topics such as human trafficking.¹⁸⁷

MENTAL HEALTH IMPACTS

Past and ongoing traumas resulting from CRSV have translated into severe psychological impacts for survivors. These impacts are especially grave once compounded by a near total lack of professional support; by feelings of rejection and stigmatisation in family and community; and by high levels of stress caused by poverty, isolation, and related anxieties. In particular, the inability to care for oneself and one's family was cited as a central cause of distress:

“We are so helpless, it is like we have been made into children again,” said one interviewee.

Survivors also spoke of anxiety so crippling it was impossible to leave the house, go to work, or even speak to former friends and neighbours. As one young woman explained: *“I can't speak in front of people anymore. I have a lot to offer, but I just do nothing. I cannot say a word. I used to have a strong voice, but today I find I am constantly hiding. Hiding is the only way I can preserve my [mental] health.”*¹⁸⁸

Another explained: *“When I try to go out, my legs start to shake.” “We stay locked inside,” said another, “thinking about everything we experienced.”*¹⁸⁹ Survivors also spoke of severe depression as well as suicidal thoughts. *“They tore away my whole life,”* explained an interviewee. *“I lay there sick for years. I asked God to please take me, even despite my children,”* said another. One woman explained how she does not recognise herself anymore:

“This, what you see here, this is not my own self that you are seeing. I am constantly thinking of it. Constantly, constantly. It is too much to handle.”

The psychological impacts of sexual violence also interfered with current and future intimate relationships, leaving some participants unable to feel physical intimacy. *“When I sleep with a man, all of it returns to me,”* said one interviewee, while another explained: *“I am frightened the moment I am with a man ... I can't find myself; I don't feel any pleasure.”*¹⁹⁰

4.2.2. Impacts on family and children

Study participants returned often to the theme of isolation. This was particularly strong when discussing family life, as survivors spoke of being forced to hide suffering and illness from families and partners. Survivors equally spoke of the heavy burden they bear caring for children, younger siblings, ageing parents and elderly relatives.¹⁹¹ This burden, in many cases, was compounded by the death of husbands or other adult family members during the conflict, or abandonment by a husband or family. With work options limited by health problems as well as psychological or social struggles, survivors felt the stress of caring for dependents even more severely.

186 In its 2019 reply to the CEDAW Committee, the Ivorian delegation described reforms to security services as its response to the ongoing crisis of sexual violence (CEDAW, ‘Replies of Côte d’Ivoire to the list of issues and questions’, 20 June 2019, CEDAW/C/CIV/Q/4/Add.1, para 34).

187 Focus group discussions revealed that the ICRC and Doctors without Borders (*Médecins sans frontières*, MSF) were important service providers in the periods directly after the conflict, as were a handful of other smaller international NGOs. These organisations are now concentrated in other regions. Man focus group discussion (Man, 29 November 2021); Duékoué, focus group discussion (Duékoué, 1 December 2021).

188 Semi-structured interview with MANSV06 (Man, 8 December 2021).

189 Semi-structured interview with CGBKE05 (Bouaké, November 2021).

190 Semi-structured interview with MANSV10 (Man, 7 December 2021).

191 A 2015 study on GBV in the post-conflict period found that women tend to bear the burden of caring for children and generating income yet have little control over family finances. This situation is especially grave for war widows, a demographic that includes many survivors (Blay-Tofey and Lee 2015 ‘Preventing gender-based violence engendered by conflict’), p. 347.

IMPACTS ON MARRIAGE AND INTIMATE PARTNERSHIPS

The stigma attached to survivors of sexual violence in Ivorian society has resulted in many of those interviewed being abandoned by former partners or unable to find intimate partners in the years since.

*"Perhaps you want to be with a man, but in the end, one day he'll discover what happened to you ... I just prefer to stay alone, to live my life as it is, with all my problems, with all the tears I carry in my heart."*¹⁹²

Many reported being unable to have children as a consequence of sexual violence. Infertility not only denied these survivors the experience of motherhood, but it was also the most commonly cited reason for divorce or rejection by partners as well as the inability to find future partners. "I'll find a man," explained one survivor "but the moment will come when I have not had a child. He'll speak to others about this, he'll give up on me and he'll leave. It's happened a number of times."¹⁹³ Being denied the ability to have children is also a source of stigmatisation in the wider social and cultural context of Côte d'Ivoire, where a woman's worth is commonly linked to her role as a mother.¹⁹⁴

IMPACTS ON CHILDREN AND DEPENDENTS

Civil society actors estimate that a majority of all CRSV survivors were children at the time of violation.¹⁹⁵ Most of those persons are now young adults, though not all, as very young children were also targeted with sexual violence. In addition, young children were forced to watch sexual violence targeting their mothers and other family members.¹⁹⁶ Even for child survivors who are now adults, the impacts of sexual violence experienced during childhood are distinct from those affecting adults.

Children can face devastating and long-lasting impacts to their physical, social and mental development, as well as ruptures to family life and support networks.¹⁹⁷ Child survivors are less likely than adults to seek assistance, less likely to receive medical and psychosocial care, and are at greater risk of sexually transmitted infections, pregnancy and gynaecological complications.¹⁹⁸ Child survivors are also at risk of rejection by caregivers, socioeconomic marginalisation, trauma and other interruptions to their cognitive and social development. These impacts can have compounding and long-term effects, and without specialised care, former child survivors may find themselves in cycles of harm and disadvantage that endure throughout their lives.

Relatedly, more than any other familial or social concern, survivors spoke of their children.¹⁹⁹ Children are pushed into the same experience of isolation, stigmatisation, and economic hardship as a parent. Interviewees deemed the wellbeing and education of children as extremely urgent, with many prioritising their children's wellbeing and education over their own health. Interviewees described feeling unbearable pain watching their children stay home or work menial jobs while other children in the community went to school.²⁰⁰ As one survivor explained:

*"When our children don't go to school, it weighs on us very heavily. We can never find our way again when the children are at home, doing nothing ... We'll never recover like this, with all that weighing on our heart, we'll never get past it."*²⁰¹

For parents who did manage to keep their children in school, paying the direct and indirect costs of education was an unmanageable drain on limited resources. Lack of means often meant their children were not able to advance to higher education, had their education interrupted or left school early.²⁰²

192 Bouaké focus group discussion (Bouaké, 25 November 2021), participant CGBKE08.

193 Semi-structured interview with MANSV10 (Man, 7 December 2021).

194 OSIWA and COVICI, 'La reconnaissance et la redevabilité relatives aux cas de violences basées sur le genre en Côte d'Ivoire' (March 2020), pp. 16–17.

195 Medie 2017 'Rape reporting in post-conflict Côte d'Ivoire', p. 242.

196 HRW 2007 'My heart is cut', p. 32.

197 Rajja-Leena Punamäki, 'The uninformed guest of war enters childhood: Developmental and personality aspects of war and military violence' (2002) 8(3) *Traumatology* 181, pp. 182, 187–192, <https://doi.org/10.1177/153476560200800305>.

198 Ayesha Kadir, Sherry Shenoda et al., 'The effects of armed conflict on children' (2018) 142(6) *Paediatrics*, p. 5, <http://dx.doi.org/10.1542/peds.2018-2585.5>.

199 Amaya Panche 2022 'Word frequency analysis (GSF)', pp. 10–11.

200 Semi-structured interview with CGDKE06 (Duékoué, 8 December 2021).

201 Semi-structured interview with CGDKE01 (Duékoué, 7 December 2021).

202 Semi-structured interview with MANSV3 (Man, 7 December 2021).

Children experienced stigma and harassment due to their parents' status as CRSV survivors. One mother recounted how her son was bullied at school:

*"When he tried to speak up, the others would say 'get out of here! Who are you to speak, with a raped mother?' ... you see, it is no honour here to be a raped woman."*²⁰³

Interviewees feared that their children were also traumatised by a parent's experience of sexual violence. As one mother explained:

*"I had a son who was four years old [at the time of the attack]. One morning he came to me and asked, 'Mama, that day we were in the field, what did those men do to you? They took you and tied you up, then what is it they did to you?' What am I to explain to him? Now he is 14. What do I tell him? Should a mother expose her whole life in front of her child? This [experience] was traumatising for my child."*²⁰⁴

Another mother explained that after she told her adult son about her experience of rape, he left the country and has ended all contact. In her words,

"He cannot even bear to look at me anymore, he doesn't know what to do."²⁰⁵

The inability to meet familial obligations, and subsequent feelings of guilt and shame, were common themes in interviewee statements. While most testimony focused on the need to care for and educate children, these feelings extended to younger siblings, parents, and wider family. One

survivor described how her mother died because, as a survivor, she was unable to work and thus could not pay for her mother's medical bills.²⁰⁶ Another spoke of her struggle to pay her mother's medical expenses while she herself was in poor health and could only find work selling water packets on the roadside.²⁰⁷ Still another described the deep guilt she feels for having buried her deceased mother rapidly during the conflict, in an unmarked grave. Though she has tried for many years, she has not been able to save enough money in the decade since for the dignified burial she had promised to her mother before her death.²⁰⁸

4.2.3. Economic impacts and needs

In survivor testimony, economic hardship is a direct result of sexual violence. Rejection by or loss of family; abandonment by a partner; providing for children alone; health and psychological problems that prevent survivors from working; the high cost of medical care: all these struggles represent and deepen economic burdens, with many survivors bearing those burdens alone. Survivors spoke of urgent economic needs. Many regularly went without sufficient food and decent shelter. As one explained: *"When you go a day without eating, it's painful, we suffer ... our lives cannot be left to continue like that."*²⁰⁹

Focus group participants found consensus on the need for employment assistance, either in the form of financial aid to start a business or through an employment programme. Survivors struggle to find work, often due to ongoing health problems.²¹⁰ Notably, Study participants did not merely discuss employment assistance as an urgently needed remedy for poverty. They emphasised that regular, decent work was an important part of their emotional and social rehabilitation.²¹¹ Employment, one survivor explained, would fill her days with an activity and

203 Semi-structured interview with MANSV2 (Man, 7 December 2021).

204 Semi-structured interview with MANSV4 (Man, 8 December 2021).

205 Semi-structured interview with CGABJ03 (Abidjan, 7 December 2021).

206 Abidjan focus group discussion (Abidjan, 3 December 2021), participant CGABJ05.

207 Ibid., participant CGABJ07.

208 Semi-structured interview with MANSV02 (Man, 7 December 2021).

209 Semi-structured interview with MANSV04 (Man, 8 December 2021).

210 One survivor explained that she was in such severe pain that she was unable to attend work regularly. One day, taking advantage of her absence, a colleague disappeared with all the goods from her market stall. Another explained that she could not work in the market at all due to poor health, and instead maintained her family by selling coal on the road when she was well enough. Man focus group discussion (Man, 29 November 2021), participant MANSV04.

211 Man, Abidjan and Bouaké focus group discussions.

allow her to focus on the future.²¹² Another said employment would help her feel respected and included in her community.²¹³ Still others felt that earning an income to support their children would not only remedy a major stress but would also give them a sense of satisfaction and help them restore self-confidence.²¹⁴

4.2.4. Social and community impacts and needs

In their focus groups, participants discussed isolation and stigmatisation at length, as well as the possible reparative impact of community reintegration measures. Survivors described being frightened of leaving the house or speaking with neighbours, feeling those around them were likely to comment on their past.²¹⁵

"I cannot even walk [through the neighbourhood]," one explained, "people point their fingers at me and talk the moment I look away. I know what they are saying. Maybe they don't speak loud enough that I hear, but I know."

For many interviewees, the experience of neighbours "talking, talking, talking ... and shaming" led to their leaving to live alone in other cities or towns – a choice that could bring some relief, but equally brought further isolation and economic hardship.²¹⁶ Family or community rejection is compounded by disadvantages women face accessing education and employment, thus forcing some survivors into precarious means of survival.²¹⁷

A common theme throughout interviews was the feeling of being alone in one's suffering. Survivors explained that the stigma they felt made it very difficult to find friends or seek support, even from community or religious groups. As one woman explained: "We

cannot simply ask them [for support]. It will travel from ear to mouth, [then the people in this town] will insult and tease you."²¹⁸ Even well-meaning family or peers often left survivors feeling isolated. With stigma so engrained in social dynamics, well-intended words could be hurtful: "Once [your community] understands that you have been raped, there's nothing that can be done. They find it difficult, even if they want to help. So, we stay isolated, we don't talk to anyone about it."²¹⁹ Echoing these words, a 2019 study by a coalition of victims' rights NGOs found that victim-shaming was so ingrained in many Ivorian communities that survivors tended to self-stigmatise and self-isolate, even where no explicit negative acts or words were directed at them.²²⁰ Such patterns confirm that, in the absence of active efforts to reintegrate and heal community ties, survivors will remain isolated on the margins of family and community life.

4.3. Survivors' views and priorities on forms and modalities of reparations

In formulating a reparations policy, survivors themselves know best about their needs and what will bring meaningful change in their lives. This section reflects the words of survivors interviewed for this Study regarding their needs and expectations for reparations. Not all proposals here will translate directly into a feasible reparations policy. A reparations policy cannot, after all, rely solely on victims' views. These must be mitigated against what is realistic in the Ivorian context in which state resources face competing priorities, and tens of thousands of victims still await reparations. While the current section does not yet take the step of balancing survivor expectations against these realities, the final section of this report offers some recommendations on possible ways forward (see section XI Advancing reparations for CRSV survivors).

212 Semi-structured interview with CGABJ06 (Abidjan, 12 November 2021).

213 Semi-structured interview with MANSV06 (Man, 8 December 2021).

214 Semi-structured interview with MANSV02 (Man, 7 December 2021); semi-structured interview with MANSV04 (Man, 8 December 2021); semi-structured interview with CGABJ08 (Abidjan, 8 December 2021); semi-structured interview with CGBKE08 (Bouake, 7 January 2022).

215 Semi-structured interview with CGBKE08 (Bouaké, 7 December 2021).

216 See Man focus group discussions (Man, 29 November 2021).

217 See Abidjan focus group discussion (Abidjan, 3 December 2021).

218 Semi-structured interview with MANSV05 (Man, 8 December 2021).

219 Semi-structured interview with CGABJ05 (Abidjan, 18 November 2021).

220 COVICI et al. 2019 'Rapport de monitoring', p. 15.



Hospital in Côte d'Ivoire
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4.3.1. Individual reparations

Survivors interviewed for this Study sought the means to live their lives with dignity. It follows that, in the face of isolation and economic hardship, participants prioritised individual material reparations, defined as the means to gain an adequate livelihood, access reliable medical care, and support one's family. Interviewees preferred direct financial support due to concerns that reparations channelled through state services risked repeating past programmes where few benefits had reached survivors.

DIRECT FINANCIAL AND MATERIAL SUPPORT

Survivors preferred the option of direct financial and material support rather than having their needs met through assistance programmes, for example medical bonds through the National Programme of Social Cohesion (*Programme national pour la cohésion sociale*, PNCS). Survivors expressed

low levels of trust in the government. In the past, survivors found it impossible to benefit from state-administered programmes, citing obstacles such as complex bureaucracies; lack of clear communication and outreach efforts; burdensome documentation and verification requirements; and the perceived biases of programme administrators (see section VIII. Accessing remedies: Obstacles, barriers and risks). Survivors also cited the diversity amongst them as a reason to prioritise direct financial and material support. Though they shared common experiences, survivors felt their differing communities, ages, genders, and familial situations meant they faced quite different daily challenges and that programmes well-tailored to some might exclude others.

Compensation and pension: Interviewees did not propose a sum for their requested financial support. The 2015 interim reparations programme set a minimum standard of one million CFA (approx. USD 1,550) delivered to the family of deceased

persons.²²¹ To be effective, reparations should deliver significantly more to victims of grave violations, including CRSV survivors. Recipients of the one million CFA lump sums found it made no meaningful change in their lives. The amount disappeared immediately under cultural expectations to hold large funerals, the demands of an extended family and repaying debts.²²²

Study participants welcomed the idea of a pension programme but feared the practical obstacles such a system might entail. Under ideal conditions, this would be a preferred option; however, low trust in the Ivorian government meant survivors did not wish to leave its administration in the hands of state officials. Survivors feared this would lead to endless red tape or that funds would be preferentially distributed to those close to the regime. Survivors also worried they could spend years fighting for a pension only to have it cut off the moment government priorities changed, or a new regime was elected. It should nonetheless be emphasised that a pension, given in the form of a modest lifetime monthly payment, has many benefits over a lump sum. A pension serves as a lifetime protection against destitution.²²³ Large lump sum payments, in contrast, put survivors at risk of losing everything to fraud, predatory or desperate relatives, failed investments or other misfortunes. Whatever mechanism is used to distribute financial compensation, it must be easily accessible to survivors, overseen by an independent mechanism and funded by a legally guaranteed budget.

Employment assistance: The ability to independently care for one's children and family was an important aspect of interviewees' reflections on the themes of 'reparation and recovery'. It follows that a majority (approx. 70%) of interviewees requested help accessing decent employment. Depending on the individual, this could mean funds for establishing or improving a small business or help with job training and placement. As previously noted, employment was important to survivors beyond meeting sustenance needs. Survivors spoke of

employment as an important element in their sense of dignity and as a means of re-entering community life. One woman who lost her small business during the conflict explained that *"if I can do my trade again, then I'd be healed. But right now, staying in the house ... Like this, I'm still ill."*²²⁴ Survivors also placed high priority on employment assistance as a compliment to lump sums or other financial aid because it would allow them to work towards full independence. As one explained:

*"If the state can help me [to earn money], at least this way I can take care of my children – my children will go to school. That would work for me. Because we can't know what the state will do later on. Today, maybe they will do something [to support us] but what about tomorrow? Would it really be forever? But if they did something now so that I could take care of myself, of my children, that would work for me."*²²⁵

SUPPORT FOR CHILDREN

Assistance in ensuring children can be educated and well cared for was the most commonly cited reparations request.²²⁶ Survivors described feelings of intense stress and helplessness due to the inability to afford schooling and other basic needs for their children.

"Every start of the school semester, I am crying," explained a survivor, "my children in school: there, that is my reparation."²²⁷

As seen, children of survivors are pushed into the same isolation and economic hardship as their parents. It follows that each of the medical, psychological, social and community measures comprising survivors' reparations should extend to their children. Effectively bringing children into reparations would mean linking with child focused services such as paediatricians, child

221 ICTJ, 'ICTJ Synthèse: recommandations pour la réparation des victimes en Côte d'Ivoire' (August 2016), p. 8, https://www.ictj.org/sites/default/files/ICTJ-Briefing-CDI-Reparations-FRENCH_0.pdf, accessed 26 March 2023.

222 Duhem 2016 'CONARIV a remis son rapport'.

223 ICTJ, 'Recommandations pour la réparation des victimes', p. 9.

224 Semi-structured interview with MANSV02 (Man, 7 December 2021).

225 Semi-structured interview with MANSV04 (Man, 8 December 2021).

226 Amaya Panche 2022 'Word frequency analysis (GSF)', p. 11.

227 Semi-structured interview with MANSV05 (Man, 8 December 2021).

psychologists (or other psychosocial support services) and socio-educative activities such as summer camps, sports teams, arts programmes, and after-school groups. Above all, effective reparations will include bursaries covering school fees as well as kits covering indirect expenses such as school supplies, uniforms, and books. Educational support should extend to technical training for those seeking it. Effective education support would also include free access to tutors or equivalent education programmes for children who were forced to drop out of school or who are behind in their education.

MEDICAL ASSISTANCE

Study participants spoke of restoring health as central to reparations. Ending physical pain is necessary to begin forgetting the past, and this would facilitate their reintegration into employment and community life.²²⁸ Overall, survivors preferred the option of receiving direct funds to cover their medical costs. This is, in part, a reflection of the fact that health needs are not limited to paying medical bills. Transport, overnight stays, childcare and lost wages, funds to pay a support person, phone credit and various other indirect costs are needed for medical assistance to be truly accessible to survivors, particularly those living in remote areas. Survivors also preferred to receive direct funds because they distrusted state-administered programmes. Past experiences with PNCS medical bonds left Study participants strongly opposed to a voucher system or other similar programmes (see section 5.3.2 Medical bonds).

There are complications in defining medical assistance as a reparation. Health services are a human right that should be accessible to all citizens and not offered merely as a compensation in the exceptional case of a grave violation. What is more, survivors of sexual violence in Côte d'Ivoire already, in theory, have access to free medical care. In practice, however, this care is inaccessible and expensive (see section 5.3 Contemporary support to CRSV survivors). It follows that recommending free medical care as a reparation aligns with neither practical reality nor the principle of a human right to health. As an alternative approach, reparations can aim to operationalise access to healthcare. This approach would start by first forming an understanding of all the obstacles survivors face accessing medical services and then designing a programme that includes all measures

and services required by CRSV survivors so they could actually benefit from the right to medical assistance. This would include the provision of funds to individual survivors but would also equip medical centres in conflict-affected areas with the staff and resources necessary to meet the needs of CRSV survivors.

One focus group participant suggested that medical reparations could come in the form of a dedicated clinic where survivors were guaranteed free, quality care and specialised treatment for gynaecological and related illnesses. The option of a dedicated space was supported by other participants as many have experienced stigma when seeking medical aid and fear situations where it is necessary to explain their health problems to non-supportive medical personnel. To ensure remote areas were also covered, a similar scaled-down solution might entail equipping local clinics in conflict-affected areas with a dedicated staff member specialised in supporting CRSV survivors through their treatment and referrals. Note that expecting already busy healthcare professionals to take on new responsibilities' risks creating services that only exist on paper. Dedicated personnel need to be hired and trained for these services to be effective. Another benefit of this approach is its collective nature. Dedicated health services would ensure that some reparative measures are accessible to the potentially thousands of CRSV survivors who wish to remain unidentified and will not register with a reparations programme.

MORAL AND PSYCHOLOGICAL SUPPORT

When seeking ways to 'forget and move on', survivors felt reliable, accessible, and discreet moral support would make an important difference. Interviewees were open to various forms of moral support, including one-on-one counselling from psychologists or social workers, as well as joining peer support groups.

Although religious and community leaders play an important role in the lives of those interviewed, focus group participants felt these leaders were too closely involved in their community and family life, and preferred that they were not involved in counselling programmes. On the other hand, survivors felt community and religious leaders have an important potential role in community education addressing stigma (see section IX. Advancing reparations for CRSV survivors).

228 Amaya Panche 2022 'Word frequency analysis (GSF)', pp. 11, 12.



Survivor study participant at a GSF focus group workshop, Côte d'Ivoire, November 2021.

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Hospital in Côte d'Ivoire
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Survivors felt that peer support activities were important healing opportunities, particularly for those living in rural villages. These sentiments are captured in the following response:

*"The thought that we could come together sometimes, this gives me a lot of ideas ... My problem, it's the same as her problem. When we share together, we feel some joy. [Before this] she was alone in her corner, I was alone in mine. I had no idea what she was living. I told myself, 'my problems, it's only me alone who feels this way'. But when we're together, I can say to her 'I'm living the same thing. These problems we have, let's forget them.'"*²²⁹

Participants in this research Study overwhelmingly (39/42) expressed support for continuing to meet in peer support groups, having discovered the benefits of such opportunities through the project.²³⁰

As one explained, meeting as peers "allows us at least to breathe again".

LEGAL ASSISTANCE

Survivors did not share consensus on what justice means, nor on the extent to which justice was intrinsic to reparations (see below, section IV.3.3 Justice and apology as dimensions of reparations). That said, for

229 Duékoué focus group discussion (Duékoué, 29 November 2021), participant CGDKE05.

230 Author correspondence with COVICI representative, April 2022.

those survivors who did seek criminal justice, legal assistance is necessary. Survivors lack the knowledge needed to navigate the judicial system and have no funds to hire lawyers or travel to places where free legal assistance might be available. As one survivor explained:

*"Yes, in theory, we could approach the judiciary. But in actual reality, we cannot ask the justice system for anything at all because we don't even know how something like that is done. What are the procedures to follow? What are the steps we need to take, and – even beyond that – where would we actually go? Would we just walk into the police station? The fact is, if you don't understand every single step and you try to go to the justice system here, they are just going to send you in circles. They will say 'ok, let's meet tomorrow', then it will be the day after tomorrow, then the day after that. Eventually you'll be exhausted and give up."*²³¹

As this response suggests, where criminal justice is deemed an important element of reparations, legal assistance must be included.

4.3.2. Collective reparations

Collective reparations for the crime of CRSV aim to address the harms survivors suffer as members of families and communities. This can be framed by understanding reparations as collective in three ways: "(i) the right violated was a collective right that impacted on a community; (ii) the beneficiaries of the reparation are a group; and (iii) the type of good given or the way that it is distributed is collective in nature."²³² Given the cultural context of Côte d'Ivoire and the patterns of sexual violence seen during the conflict, there are indeed collective dimensions to both the rights violated and the groups harmed. As seen, sexual violence was actively deployed to destroy the fabric of communities and to undermine family bonds (see section 3.2 Timeline and patterns of sexual violence during the conflict). Through such acts, survivors, with their families and communities, suffered devastating

violations of the right to family, the right to childhood, and the rights to participate in social, political and community life. Moreover, attacks aimed at damaging the identity and social status of members of a collective are also attacks on that community itself, especially in a cultural context that places high value on traditional gender roles and socially punishes persons deemed in violation of these norms (see section 3.3.1 Gender roles and norms).

Unpacking what kind of reparation could or should come to the family and community to which CRSV survivors belong is a complex question, especially as those actors are, at times, complicit in deepening the harm suffered through stigmatising acts and words. Yet reweaving family and community bonds is imperative for repairing the harm of CRSV. In interview data, the rupture of social ties survivors experienced continued to be a main factor preventing them from restarting work, connecting with friends, and re-establishing themselves psychologically.²³³ With that in mind, one way to think of possible collective reparations for CRSV survivors is to design measures aimed at transforming the context around these survivors. All grave violations have ongoing dimensions, but sexual violence stands out in the ways CRSV survivors again and again find themselves in renewed cycles of harm. This calls for collective measures aimed at shaping their context such that those cycles of harm finally end. Such measures would contribute to strengthening community life and, in so doing, also help ensure individual reparations have a transformative impact on survivors' lives rather than serving as a stopgap until the next revictimisation.

COMMUNITY EDUCATION

Survivors supported the idea of community outreach programmes aimed at de-stigmatising sexual violence. Focus group participants felt involving community and religious leaders in anti-stigma advocacy efforts could be impactful, without requiring that any individual survivors be identified or exposed. In particular, interviewees asked that local leaders work with husbands and other male community members to understand survivors'

231 Semi-structured interview with CGDKE10 (Duékoué, October 2021).

232 Nadia Navarro, 'Collective reparations and the limitations of international criminal justice to respond to mass atrocity' (2018) 18 *International Criminal Law Review* 67, p. 67, <http://dx.doi.org/10.1163/15718123-01801006>, cited in Julie Guillerot, 'Reflections on the collective dimensions of reparations: Where we are? Where to go?' (Reparations, Responsibility and Victimhood in Transitional Societies, 2022), p. 27, <https://reparations.qub.ac.uk/assets/uploads/QUB-Collective-Reparations-Report-SP-LR.pdf>, accessed 1 April 2023.

233 Amaya Panche 2022 'Word frequency analysis (GSF)', p. 13.

experiences and learn how to support them. Survivors further proposed local radio programming as a way to combat stigma in their communities, noting that radio can reach a wide audience while posing a low risk of exposing individual survivors. Note that education and outreach programmes can go further than a baseline message of 'don't discriminate'. These measures can contribute to transforming the context around survivors by promoting positive messages about reintegration and support for those who suffered during the conflict.

INITIATIVES AIMED AT 'REWEAVING' COMMUNITY BONDS

Reparations programmes can contribute to the aim of 'reweaving' community bonds by including initiatives aimed at rebuilding community life, and survivors' roles therein. Community reintegration of CRSV survivors would mean building conditions at the community level that would permit survivors to be full participants in the social, cultural, and economic life of their communities. As one interviewee explained:

“Here is what reparations means to me: that the state recognises our situation, that we can live well again with our sisters [in the village] and with our families.”²³⁴

What that means in practice would differ depending on the circumstances in a given community and the relationships between specific survivors and their neighbours. Public education campaigns aimed at addressing stigmatisation, creating peer support groups, opportunities for survivors' membership in clubs or associations, or identifying and removing barriers to their participation in community events or organisations are all programmes that might contribute towards this goal. Mothers' clubs, small business collectives, cultural clubs, sports, dance and music associations, gardening, and cooking clubs: these are all ways community life begins recovering from conflict, as well as places where survivors can reconnect with peers.

“I am happy to meet sisters here. When I'm totally alone, I just ask myself 'why me? Why do I alone have to suffer these problems?' But now I see there are other sisters who have experienced the same problems as me.”²³⁵

Reparations that help reweave community fabric could also include creating opportunities for survivors, specifically, or local women, more generally, to participate in community management. This could, for example, take the form of creating peacebuilding clubs that connect survivors from opposing sides of the conflict, thus giving them an important role in rebuilding community life. It might also include participating in women's councils, or using seed funds to develop a small community initiative (e.g. a vegetable garden or a small income generating programme).

Survivors also expressed interest in forming support networks that could facilitate access to state services, NGOs, and other potential assistance. One survivor described a network linking persons in her community living with HIV. Through such structures, she said, members advocated together for their rights and needs, and gained access to service providers. Proposing a different possible model, another focus group participant described a women's collective in her community. Members receive mutual support for their small businesses and the collective serves as a channel for financial aid from the state.

It is not necessary to expose the status of CRSV survivors to support their participation in community life. That said, where the status of survivors is already publicly known, collective measures that support community associations may foster positive attitudes amongst their peers about survivors' reintegration. Relatedly, collective measures can help prevent the opposite scenario where individual reparations expose survivors to further stigmatisation or reprisal from community members who are also facing hardship but are not eligible for reparations. Including collective components in a reparations programme helps prevent the singling out individual survivors by providing their wider group with some benefit. Some examples include providing free school kits to all children at the community school, not just the children of CRSV survivors; or by providing specialised maternal healthcare to all women in conflict-affected areas.

²³⁴ Semi-structured interview with MANSV05 (Man, 8 December 2021).

²³⁵ Duékoué focus group discussion (Duékoué, 1 December 2021), participant CGDKE05.

Although requests for community reintegration were less pronounced than material reparations in interview data, this should not be read as a consensus that social and community needs are unimportant to survivors. Material needs are interrelated with survivors' struggles in community life. Illustrating this, one survivor defined material reparations as the support that would allow her to feel part of society again, to *"live well amongst peers again"*.²³⁶

STRENGTHENING PUBLIC SERVICES

Arguably, CRSV in Côte d'Ivoire is also a collective harm in its wider impacts on all Ivorian women and girls. As seen, CRSV was so widespread, and the state response so derelict of duty, that the lives of all women and girls are impacted. Patterns of sexual violence targeting roads, public transport and markets meant many women lost their livelihood, while others continued working in constant fear of attack for lack of other options.²³⁷ We have also seen how widespread CRSV led to impunity becoming a normalised response to the crime both during the conflict and into the aftermath. These experiences speak to the relevance of strengthening public services as a form of collective reparations.

Another reason to include collective reparations aimed at strengthening public services is that Study participants, themselves, valued this approach. As one focus group participant explained, the group was a small vanguard representing thousands more unnamed survivors.

Collective reparations would mean something was done "for the many of us hidden in the dark, the many who would never come forward."²³⁸

By requesting collective reparations in the form of improved state services, they felt they could contribute to supporting those who cannot speak out, and in doing so also give some meaning to their own suffering.

4.3.3. Justice and apology as dimensions of reparation

Study participants spoke of recognition, apologies, and accountability as important components of effective reparations. Money alone cannot suffice, they felt, without recognition of the harm those funds are intended to repair.

JUSTICE AS A COMPONENT OF REPARATION

Criminal justice was a complex topic for Study participants. Interviewees did not share consensus on the role justice should play in reparations and they did not agree on what might be 'just' in the place of criminal trials, where penal justice proves impossible. Some interviewees considered punishing those directly responsible for sexual violence paramount to repair; however, criminal prosecution was not a first priority for the majority. This is because most felt there was little to say on the topic when trials for CRSV appear impossible in Côte d'Ivoire (see section 6.2 Domestic framework for judicial reparations). Survivors noted that direct perpetrators are largely unknown or have disappeared. Secondly, and more to the point, the Ivorian government has proven itself unwilling to pursue criminal justice.

Amongst survivors seeking justice as a core component of reparations, most prioritised punishment of their direct perpetrators, persons who, in most cases, were low-level soldiers, rebels or bandits (15% of respondents compared to 8% who preferred high-level trials). These interviewees sought the chance to *"look [the individuals] in the eye"* and *"see him pay"*.²³⁹ A minority of focus group participants expressed support for high-level criminal trials of those who bear the greatest responsibility for grave violations. This could, for example, take the form of renewed International Criminal Court (ICC) trials or could involve further domestic trials, like that of the militia leader Amadé Ouérémi. As one survivor from Abidjan explained:

"While [the ICC trial] was ongoing, we felt that someone was there, actually fighting for the victims."

²³⁶ Semi-structured interview with MANSV05 (Man, 8 December 2021).

²³⁷ HRW 2010 'Afraid and forgotten', pp. 5, 21, 26.

²³⁸ Man focus group discussion (Man, 29 November 2021), participant MANSV03.

²³⁹ Amaya Panche 2022 'Word frequency analysis (GSF)', p. 12. Note that a CSO in a victims' perception study also found that victims' primary focus was on individual perpetrators facing punishment and not high-level trials (OSIWA and COVICI 2020 'La reconnaissance et la redevabilité relatives aux cas de VBG', p. 18).

Others felt high-level convictions can only bring partial relief and would not replace the hope for justice with a direct connection to their own experiences. Overall, their statements suggested that a lack of knowledge about past high-level trials, as well as the distance – both physical and metaphorical – between survivors' lives and these processes, have limited the satisfaction that such trials bring survivors.

It was not obvious to interviewees what alternative measures in the place of prosecutions could deliver another form of justice. Survivors asked for assistance from experts in this field to help them devise possible non-judicial justice-seeking initiatives.

As one possible measure, survivors felt that improving laws and judicial practices related to sexual violence might be a form of justice by “ensuring tomorrow women don’t experience the same thing.”²⁴⁰

APOLOGY

Survivors prioritised public apology as a symbolic form of reparation, so long as it entailed sincere recognition by the state of the harms they have suffered and the state's own role in that suffering. Many survivors felt that the government has ignored them in the post-conflict period: that despite many promises for transitional justice, there have been no meaningful efforts to understand or address the harms done to sexual violence survivors. One participant referred to CRSV survivors as the forgotten conflict victims (*“les laissées-pour-compte”*). This is reflected in a shared feeling amongst interviewees that more has been done for victims who suffered less serious harms such

pillage, or for persons who actively took part in the conflict (i.e. in the form of the DDR programme or reconciliation initiatives between political leaders).

“We see reconciliation all over the newspapers,” voiced a focus group participant, “but there has never been a newspaper reporting an apology for victims of rape.”²⁴¹

If the Ivorian state asked them for pardon, it would be a means of showing that the state, and by extension wider society, acknowledges that sexual violence was widespread, that it has had devastating impacts on the survivors, and that those survivors have not been given the support and care they need – and to which they have a right. On the question of who should ask for pardon, survivors shared consensus that the conflict had two sides, and that the leadership of both factions must apologise.²⁴²

Survivors were clear, however, that a state apology alone would not suffice. This is particularly the case given that the past harms suffered have been compounded by state negligence in providing basic care. This is expressed in the following response:

“I want the state to help me, to give me something so my children can go forward in their lives. If today they send me such a letter [asking forgiveness] then, oh well, we know all that. I'd just say, 'alright, I understand.' What I want is something, whether its money or otherwise, I want something so I can put my children in school.”²⁴³

After many years of being pushed by the current regime towards reconciliation, but without the provision of justice or reparation, pardon alone would feel empty to survivors.

240 Man focus group discussion (Man, 29 November 2021), participant MANSV03.

241 Semi structured interview with CGABJ06 (Abidjan, 8 December 2021).

242 Semi structured interview with CGABJ02 (Abidjan, 8 December 2021).

243 Semi structured interview with MANSV05 (Abidjan, 8 December 2021).

4.3.4. Measures from non-duty bearers

Survivors strongly felt that the state was responsible for providing reparations, but equally emphasised that they did not have the luxury of waiting for the Ivorian government to meet its responsibility. Survivors have spent a decade or more waiting for

political will to manifest for meaningful steps towards repair and justice. Given the urgency of their needs, survivors welcomed interim assistance from non-duty bearers. Citing a lack of trust in the state, focus group participants also expressed a desire for independent and, specifically, international actors to play a central role in the provision of reparations.

“Where is the state?”, a focus group participant exclaimed, “there is no state here! I have no state. You [as a representative of an international NGO] are my state ... you are the one facing me today, so you are the state, and it is you who I am asking.”



Hospital in Côte d'Ivoire
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V. ACCESS TO ASSISTANCE

Although care for survivors of sexual violence, in general, has improved over the last decade, the support framework lacks specialised services for addressing the specific needs of CRSV survivors. During the conflict period, CRSV survivors – and Ivorian society more generally – faced an almost complete collapse of medical and social services. From 2002 through 2010, no national plan or formal referral system existed to assist survivors with medical, psychological, or legal needs.²⁴⁴ Post-conflict, the Ivorian government declared combating sexual and gender-based violence (SGBV) as a national priority. This is done almost only through initiatives aimed at addressing current cases of SGBV or preventing them in the future. Improving general SGBV assistance could benefit CRSV survivors through the increased availability of help centres and trained professionals, or through changing cultural attitudes, but the specific needs of CRSV survivors are not met within this framework. Moreover, insufficient budgets, poor coordination and other related challenges mean even general SGBV assistance services leave major gaps in care.

survivors generally only sought treatment in the case of a medical emergency and otherwise preferred to remain silent or seek help from traditional healers.²⁴⁶ In a 2008 assessment, the UNFPA found that even amongst the minority of survivors who did access medical assistance, two thirds (67%) received only minimal care and just 8% had access to more complete tests (i.e. pregnancy, HIV, syphilis and hepatitis tests).²⁴⁷ Psychotherapeutic care for survivors of sexual violence was extremely limited throughout the country, and effectively non-existent in rebel occupied and rural regions.²⁴⁸

In *Forces nouvelles*-controlled areas, even the most basic health and social services were difficult to access.²⁴⁹ The region was cut off from national public health and social services, with limited emergency care and counselling available through NGOs.²⁵⁰ In Duékoué, during the 2011 crisis, the Red Cross and Doctors without Borders (*Médecins sans frontières*, MSF) provided emergency care to survivors, but long-term follow-up care was unavailable.²⁵¹ As one interviewee explained:

5.1. Access to healthcare during the conflict period

During the conflict period, healthcare providers reported that a large majority of survivors of sexual violence received inadequate or no medical treatment.²⁴⁵ According to medical personnel,

“Without MSF I would have been left for dead on the pavement.”

She went on to say that there was no possibility of surgery until after the conflict, and even then, it was impossible to save enough money for the operation.²⁵² Few survivors were tested for sexually

244 HRW 2007 ‘My heart is cut’, p. 97.

245 Ibid.

246 Ibid.

247 A UNFPA analysis of health records found health providers did not report on psychological care, suggesting survivors did not benefit from psychosocial assistance (UNFPA 2008 ‘Crise et VBG’, p. 100). The same study found that 81% of those who received some medical assistance lived within 5 km of a health facility (Ibid., p. 99).

248 Amnesty International 2007 ‘The forgotten victims of the conflict’, p. 32.

249 As Amnesty International reported: “it [was] very difficult, even impossible, for women who have been raped to obtain adequate medical care. Health care infrastructure, which was already insufficient and under-resourced before the conflict, [was] either largely destroyed or looted by fighters or [became] obsolete or neglected” (Ibid., p. 31).

250 International NGOs such as MSF provide some emergency care in main northern and western cities such as Man, Danané, Korhogo and Bouaké (Ibid., p. 32). During later phases of the conflict, survivors in urban areas of the west might have also found support through the ‘local coordination committee’ in Duékoué and the Women’s Centre of Excellence (*Centre d’excellence des femmes*) in Man (see UN-Women, ‘Global database on violence against women: Côte d’Ivoire’, <https://evaw-global-database.unwomen.org/fr/countries/africa/cote-d-ivoire>, accessed 25 March 2023).

251 Semi-structured interview with CGDKE06 (Duékoué, 8 December 2021).

252 Semi-structured interview with CGDKE07 (Duékoué, 8 December 2021).

transmitted infections and post-exposure prophylaxis treatments were effectively non-existent. This was especially grave as, in 2003, Côte d'Ivoire had West Africa's highest rates of HIV/AIDS, at 7% of the adult population.²⁵³ Though accurate data is missing, health practitioners believe that high rates of CRSV in part drove the HIV/AIDS crisis, noting that HIV rates were highest in conflict-affected regions.²⁵⁴

Medical assistance was more accessible in the state-controlled south, where a network of social centres endured throughout the conflict period. Abidjan had two centres dedicated to addressing SGBV.²⁵⁵ Listening centres (*bureaux d'écoutes*) were established by the Ministry of the Family, Women and Social Affairs (*ministère de la Famille, de la femme et des affaires sociales*, MFFAS) in select local town halls.²⁵⁶ Support was also available through 68 countrywide MFFAS Social Centres. Although primarily dedicated to facilitating community activities, some served as reception centres for survivors.²⁵⁷

5.2. Access to care services post-conflict

5.2.1. Post-conflict government response

In the post-conflict period, the Ivorian government has launched a series of ambitious national initiatives aimed at a multisectoral response to the country's high rates of SGBV. Going back to the pre-war period, in 2000, the Ivorian government has demonstrated

a pattern of launching ambitious policies and coordination bodies for addressing SGBV, only to find itself unable or unwilling to implement them. This is not to say there is no positive impacts from recent reform efforts. Civil society groups report notable improvement in case management as well as shifts in cultural attitudes away from stigmatising SGBV.²⁵⁸ A pattern continues, however, of announcing new plans or coordination bodies, but failing to match those commitments with the funding, personnel and policies needed to fully implement them.

In 2000, the year of President Gbagbo's inauguration, Côte d'Ivoire established the National Committee for the Fight to End Violence Against Women and Children (*Comité national pour la lutte contre la violence faite aux femmes et aux enfants*, CNLVFE). The CNLVFE is mandated to lead national efforts to support survivors of sexual violence, with members from the state, civil society, national and international NGOs, and the UN.²⁵⁹ In 2008, Côte d'Ivoire launched its National Strategy for the Implementation of Security Council Resolution 1325 on Women Peace and Security, making it the first African country to do so. The strategy has been criticised, however, for making vague promises, unmatched by a budget that would allow it to fully operate.²⁶⁰ Then, in 2009, the National Strategy for the Fight against Gender-Based Violence (*Stratégie nationale pour la lutte contre la violence basée sur la genre*, SNLVBG) was launched, under the CNLVFE's direction, as a multisectoral plan aimed at coordinating all SGBV response efforts.²⁶¹ The CNLVFE was reportedly only minimally functional from 2002 to 2012, leading to minimal results from these national

253 UNAIDS and WHO, 'Aids epidemic update' (December 2003), p. 2, https://data.unaids.org/pub/report/2003/2003_epiupdate_en.pdf, accessed 25 March 2023.

254 From interviews collected by Amnesty International (see Amnesty International 2007 'The forgotten victims of the conflict', p. 30). Should this assessment be correct, the UNAIDS found that in these regions 1/10 pregnant women were HIV-positive gives further evidence of widespread sexual violence (UNAIDS and WHO 2003 'Aids epidemic update', p. 12).

255 These are the PAVVIO Centre in Attécoubé and the Wildaf Help Centre in Treichville. Created in December 2009, the PAVVIO Centre for Prevention and Assistance for Victims of Sexual Violence is dedicated to provide care for survivors of sexual violence as well as prevention and awareness-raising activities. The PAVVIO Centre offers services well beyond its regional counterparts, including short-term accommodation, protection from retaliation and mediation with relatives to help prevent rejection or stigmatisation (see UN-Women 2015 'Évaluation des VBG', p. 30). In 2022, PAVVIO was the only centre offering accommodation to women or children escaping violence (FIDH 2022 'On va régler ça en famille', p. 61).

256 These were found in the Abidjan neighbourhoods of Abobo, Treichville and Yopougon. Note that without a dedicated private space to operate, these services were often not confidential and could not offer secure support to survivors (UNFPA 2008 'Crise et VBG', pp. 110–112).

257 MFFE and DEPS 2018 'Rapport d'analyse statistique sur les VBG', p. 13.

258 Assessment given by international experts in interviews. One interview was with a UNFPA staff member in May 2019, and another with a senior staff member at an international NGO in October 2022.

259 UN-Women 'Global database on violence against women Côte d'Ivoire'.

260 CEDAW 2018 'Fourth periodic report', para 273.

261 The Coordination Unit of the CNLVFE has been in place since July 2012. It is directed by a Central Supervisory Committee chaired by the Directorate of Equality and Promotion of Gender (*Direction de l'Égalité et de la promotion du genre*, DEPG). It is composed of the sectoral groups led by the ministries in charge of Justice, Human Rights and Public Freedoms, Interior and Security, and Health and the Fight against AIDS (UN-Women 2015 'Évaluation des VBG', p. 9).

initiatives.²⁶² From 2012, the CNLVFE built a national SGBV response strategy around a multisectoral network of service provider platforms (see below, section V.3.1 Multisectoral assistance framework).²⁶³

With the departure of the ONUCI in June 2017, monitoring and reporting of CRSV has primarily fallen to the National Human Rights Commission (*Conseil national des droit de l'homme*, CNDH-CI) and the CNLVFE.²⁶⁴ Since its founding in 2018, SGBV has been a main focus of the CNDH-CI's work. In 2020, the CNDH-CI reported that nearly one third of civil and political rights complaints received that year related to sexual violence (300 out of 950), approximately half of which resulted in action from the Council.²⁶⁵ The CNDH-CI has coordinated with conflict victims on wider questions of reparation and accountability, though CRSV does not appear to be a specific focus.²⁶⁶ Although the CNDH-CI's possible actions are limited to issuing opinions, recommendations and non-judicial inquiries, it is, nonetheless, an independent actor with strong investigation powers and the ability to call on any state actor for questioning.²⁶⁷ Given these powers, the CNDH-CI could be a strong ally in advancing the right to reparation for CRSV survivors.

Overall, the Ivorian government has overcommitted and underperformed in its efforts to address SGBV.²⁶⁸ This is in part due to the extent and complexities of the SGBV crisis in Côte d'Ivoire, but it also reflects a lack of political will to truly prioritise the issue. This is most clearly illustrated in a pattern of failing to

adequately fund commitments. Without a dedicated budget, SGBV response structures cannot properly function and only cover limited parts of the national territory, meaning many services exist only on paper.²⁶⁹ The problem is then worsened by the operational burden of running numerous parallel structures.²⁷⁰ In its 2017 final mission report, the ONUCI warned of a lack of "adequate resources for the implementation of all ongoing initiatives and various commitments taken by Côte d'Ivoire in the fight against sexual violence".²⁷¹ This critique is well placed; however, it is worth acknowledging that the UNOCI and other UN agencies were central partners in designing and implementing Côte d'Ivoire's current SGBV response strategy. As such, this critique also points to the importance of international agencies and actors learning from the experience of designing a 'gold standard' approach, but one ultimately delinked from what the government was realistically able and willing to implement.

5.2.2. Post-conflict international response

During the civil war years, responding to sexual violence was central to the UN's peacekeeping mandate in Côte d'Ivoire. UN Security Council Resolution 1528 (2004) authorised the deployment of the ONUCI, the country's peacekeeping mission, under a mandate with a stated focus on "promotion and protection of human rights in Côte d'Ivoire with special attention to violence committed against women and girls".²⁷² The ONUCI regularly reported on cases of violence against

262 After relaunching in 2013, the CNLVFE implemented less than a quarter of its planned activities that year (ibid., pp. 26, 36).

263 Author interview with an international expert in the GBV sector, August 2022.

264 UNSC, 'Conflict-related sexual violence: Report of the Secretary-General' (29 March 2019) S/2019/280, para 104.

265 CNDH-CI 2020 'Rapport annuel 2020', pp. 55, 63.

266 Ibid., pp. 92–93, 96.

267 Regarding its mandate to act on complaints, the CNDH-CI can: provide, in an advisory capacity, to the government, the parliament and any other competent body, either at their request or by using its power of self-referral, opinions, recommendations, proposals and reports concerning all questions relating to the protection and promotion of human rights (para 1); carry out non-judicial inquiries, conduct all necessary investigations into complaints and denunciations referred to it and draw up a report containing the measures it proposes to the government (para 6); question any authority and propose measures to end human rights violations (para 7) and issue opinions (para 8); access all information, interview any witness and all administrative authorities, and require all public or private services to provide it with all information and communicate all documents (paras 18, 19, 20) (CNDH-CI, 'Attributions', <https://cndh.ci/commission-centrale/attributions/> accessed 1 April 2023).

268 A 2012 self-evaluation by the inter-ministerial supervisory body, the DEPG, found that SNLVGB implementation had fallen short due to lack of management and coordination, as well as a failure to commit sufficient resources (Croke and Rees Smith 2013 'Côte d'Ivoire gender background note', p. 6).

269 FIDH 2022 'On va régler ça en famille', p. 5.

270 CEDAW 2018 'Fourth periodic report', para 273.

271 UNOCI and OHCHR, 'Report on rape crimes and their prosecution in Côte d'Ivoire: Summary' (2016), p. 4, <https://www.refworld.org/pdfid/57862c234.pdf>, accessed 25 March 2023.

272 UNSC, 'Resolution 1528: Adopted by the Security Council at its 4918th meeting' (27 February 2004) S/RES/1528, para 6(n). This mandate was reaffirmed by the UN Security Council in January 2007 (UNSC, 'Resolution 1739: Adopted by the Security Council at its 5617th meeting' (10 January 2007) S/RES/1739 para 2(m)); CEDAW 2018 'Fourth periodic report', para 14.

women, while its Gender Unit, in collaboration with the UNFPA, UNHCR and UNDP, supported legal aid, awareness campaigns, psychosocial and medical care, and trainings on strengthening the SGBV response of state and civil society partners.²⁷³ In 2004, the Gender and Development Thematic Group (*Groupe thématique genre et développement*, GTGD) was created under the leadership of UN-Women to coordinate all international interventions related to gender.²⁷⁴ From 2011, this included a joint action plan to address CRSV through the newly activated GBV Sub Cluster, under the leadership of the UNFPA.²⁷⁵ UN agencies were also key actors in developing, implementing and monitoring the SNLVBG.²⁷⁶ Amongst the UN agencies that remained in Côte d'Ivoire after the ONUCI left in 2017, the UNFPA leads sexual violence response work, in partnership with UNICEF and UN-Women, while the UNDP took over supporting the transitional justice process.²⁷⁷

Strong commitments made by the international community to addressing CRSV have been dampened by practical and political barriers to action. The fact that an international intervention actually supported a rebel movement in securing Ouattara's victory is, by global standards, quite a rare feature of the Ivorian context.²⁷⁸ One of the implications is a tendency for the Ouattara regime and its partners in the international community to focus on forward-looking policies and economic development while downplaying the need to address the ongoing impacts of the conflict.²⁷⁹ One of the clearest measures of the limited capacity of UN bodies to report on and support efforts to address conflict-era atrocities was the refusal of the Ivorian government to accept the presence in the country of the Office of the United Nations High Commissioner for Human Rights (OHCHR) when the ONUCI left. Follow-up was instead left to the UNDP and to the West Africa Regional Office of the United Nations High Commissioner for Human

Rights (WARO-OHCHR) at the regional level. Focusing on technical support and forward-looking initiatives rather than monitoring human rights left UN actors with little leverage to change the way the Ivorian government has addressed CRSV. One notable example is seen in the outcomes of the 2012 report of the UN Secretary-General (UNSG) on CRSV, placing Côte d'Ivoire under observation by the UN Security Council.²⁸⁰ In the years since, there has been no conviction of any prominent leader of an armed group listed in the report's annex, and only one conviction of any person for CRSV (see section 7.1.2 Amadé Ouérémi trial).²⁸¹ Although some security-sector reforms took place, there are no meaningful steps towards accountability within the armed forces (see section 6.2.3 Military tribunal) and only limited security-sector vetting (see section 6.3.2 Security-sector reform as a guarantee of non-repetition). Yet, in 2017, before any conviction and though only a handful of survivors had received reparations, Côte d'Ivoire was delisted.²⁸² The following year, in 2018, the amnesty decree effectively closed all investigations into serious conflict-era crimes (see section 8.1.3 Amnesties).

5.3. Contemporary support to CRSV survivors

Though SGBV is a stated priority of the Ivorian government and its international partners, their focus is on contemporary GBV response and referrals, and not on supporting survivors of conflict-era sexual violence. There are some exceptions. For example, the African Development Bank's project, Assistance and Social Reintegration of Women Victims of Violence in Conflict Situations in Côte d'Ivoire (*Assistance et réinsertion sociale des femmes victimes de violences liées au conflit en Côte d'Ivoire*) (2008–2013), was designed to strengthen support

273 UNFPA 2008 'Crise et VBG', p. 109.

274 CEDAW 2018 'Fourth periodic report', para 272.

275 UNFPA led the GBV Sub Cluster, with the Deputy Special Representative for UNOCI, United Nations Resident Coordinator, Humanitarian Coordinator and UNDP Resident Representative designated as the senior officer in charge of monitoring and reporting on GBV issues (ONUOC, 'Violence basée sur le genre en Côte d'Ivoire', December 2014, 4(6) *La Force de la Paix*, p. 3).

276 ONUCI 2016 'Rapport sur les viols', para 69. Some notable interventions include the creation of a sub-working group called MARA59 to track and monitor CRSV in 2014 (*ibid.*, para 81). In 2015, a coordination mechanism was established between the FRCI forces and ONUCI to better monitor and prevent sexual violence within military ranks (*ibid.*, para 82).

277 Author interview with an international expert in the GVB sector, August 2022.

278 Piccolino 2018 'A victor's peace'.

279 *Ibid.*

280 UNSG 2012 'CRSV report', para 23, 25, Annex: Parties in Côte d'Ivoire.

281 UNSG 2013 'Sexual violence in conflict', Annex, p. 32.

282 ONUCI 2016 'Rapport sur les viols', para 77.

to survivors from former *Forces nouvelles*-occupied regions.²⁸³ More generally speaking, the design and scope of the national SGBV response framework does not examine or respond to the specific needs of CRSV survivors. The Department of Equality and Promotion of Gender (*Direction de l'égalité et de la promotion du genre*, DEPG) is an inter-ministerial oversight body responsible for coordinating state and civil society programmes related to gender and GBV.²⁸⁴ According to the government's own self-evaluation, neither the core responsibilities nor self-reported activities of the DEPG include efforts to end impunity for CRSV, or support survivors in seeking accountability or reparation.²⁸⁵ Taking the DEPG mandate as illustrative of government priorities in the sector, the Ivorian government is future-oriented and focused on prevention, awareness-raising and strengthening the response to present-day sexual violence. As these goals illustrate, the national framework for addressing sexual violence is oriented away from examining or addressing the consequences of CRSV, particularly when it comes to accountability for these crimes.

Coordination challenges undermine the effectiveness of the national SGBV response framework.²⁸⁶ Sector actors often do not know what other services are available outside their own domain, causing survivors to be sent in circles or left unaware of possible assistance.²⁸⁷ In its 2019 review, the Convention on the Elimination of All Forms of Discrimination Against Women (*Comité pour l'élimination de la discrimination à l'égard des femmes*, CEDAW) Committee expressed concern at the number of actors intervening in the sphere of SGBV, noting a complex and often non-transparent system that crosses multiple ministries

and national coordination groups, as well as a large number of decentralised platforms and various levels of the judiciary and security services.²⁸⁸ All community- and state-level protection mechanisms were damaged by the conflict, then further interrupted by the departure of 17,135 public servants and social services employees when the government changed in 2011.²⁸⁹ During the conflict's aftermath, Côte d'Ivoire underwent three government reorganisations between 2012 and 2016, during which time responsibility for SGBV and women's affairs shifted between three different ministries.²⁹⁰ Each new minister needed time to take ownership of her or his mandate, and important institutional memory was lost with each staff turnover.²⁹¹ The repeated role reallocations have created significant coordination challenges. For instance, the Ministry of Family, Women and Children (*ministère de la Femme, de la famille et de l'enfant*, MFFE) is the designated lead on matters related to SGBV, yet the social and community centres providing direct services to survivors remains under the Ministry of Employment, Social Affairs and Solidarity (*ministère de l'Emploi, des affaires sociales et de la solidarité*, MEASS).²⁹²

5.3.1. Multisectoral assistance framework

Post-war programmes and services aimed at supporting survivors of SGBV are organised around a multisectoral assistance framework.²⁹³ SGBV platforms are local-level prevention, coordination and case management structures established through state, NGO and UN collaboration.²⁹⁴ In 2022, 79 platforms existed nationally.²⁹⁵ Five 'peace huts' offering counselling and

283 For overview of the programme, see AfDB, 'Côte d'Ivoire: sortir du conflit - Projet d'appui multisectoriel (composante basée sur le genre)' (2013), pp. 6–7. The initiative supported 399 survivors, or 87%, of the 457 project-identified cases of rape in the selected regions, namely Bouaké, Dabakala, Danané, Duékoué, Guiglo, Korhogo, Man, Odienné and Sakassou, as well as M'Bahiakro (CEDAW 2018 'Fourth periodic report', paras 130–131).

284 Decree No. 2006-41 of 15 March 2006.

285 UN-Women 2015 'Evaluation des VBG', p. 21.

286 FIDH 2022 'On va régler ça en famille', p. 67.

287 Ibid.

288 CEDAW 2019 'Observations finales concernant le quatrième rapport périodique de la Côte d'Ivoire', para 29(d).

289 AfDB 2013 'Projet d'appui multisectoriel', p. 7.

290 CEDAW 2018 'Fourth periodic report', paras 273–274.

291 Ibid.

292 Croke and Rees Smith 2013 'Côte d'Ivoire gender background note', p. 6.

293 MFFE and CNLVBG, 'Présentation du CNLVE' (undated), https://famille.gouv.ci/mffe/?page_id=4753, accessed 1 April 2023.

294 The platforms are under the direct responsibility of the local prefectural authorities and coordinated by the Regional Direction of the MFFE. At the national level, the CNLVE facilitates the work of these structures by serving as a central coordinating point between the various state organs involved in providing multisectoral care to survivors (UN-Women 2015 'Evaluation des VBG mechanisms', pp. 9, 23).

295 On the 2022 figure, see FIDH 2022 'On va régler ça en famille', p. 61. That total includes 14 counselling offices, six regional 'centres of excellence' and the PAVVIO Centre in Abidjan (CEDAW 2018 'Fourth periodic report', para 138). For additional information on GBV platforms in general, see MFFE and DEPS 2018 'Rapport d'analyse statistique sur les VBG', p. 13.

referrals were established in areas particularly affected by the conflict: the towns of Danané, Duékoué and Man, and the Abidjan neighbourhoods of Abobo and Yopougon.²⁹⁶ The Prevention Centre for Support and Assistance to Victims of Sexual Violence (*Centre de prévention pour le soutien et l'assistance aux victimes de violences sexuelles*, PAVVIOS) in Abidjan is the only centre in the country offering refuge to persons fleeing abuse; however, plans exist to build three more in Man, Korhogo and Bouaké.²⁹⁷ Though not specific to sexual violence survivors, support services are also available through 'social and educational complexes' and social centres.²⁹⁸ When fully functioning, this approach provides survivors with integrated care that includes medical, psychosocial, legal and socioeconomic support.

Self-evaluations and international assessments highlight that coordination and funding challenges have undermined the success of the multisectoral approach. For the overall system to be effective, each entity must attract sufficient funding and manage all internal affairs while engaging in excellent cross-sectoral coordination. In practice, the complexity and expense of this model has limited the quality and accessibility of care. UN-Women found in its 2015 assessment that nearly all GBV platforms lacked necessary equipment and personnel. Moreover, none of the structures reviewed had the capacity to manage logistical challenges such as transport, communication, and urgent shelter arrangements for survivors.²⁹⁹

In its 2019 oral declaration to the Universal Periodic Review (*Examen périodique universel*, EPU) pre-session, the Association of Women Jurists of Côte d'Ivoire (*Association des femmes juristes de Côte d'Ivoire*, AFJ-CI) reported that only two of the country's GBV response structures were fully operational.³⁰⁰ Additionally, outreach about support opportunities is limited and the red tape involved can be unwieldy,

especially for persons with low literacy or who lack official documentation.³⁰¹ The survivors interviewed for this Study had almost no knowledge of services available to them, highlighting the need to simplify procedures, and increase visibility and accessibility.³⁰²

5.3.2. Medical bonds

The National Programme for Social Cohesion (*Programme national pour la cohésion sociale*, PNCS) has provided a limited number of CRSV survivors with 'medical bonds' which, on paper, grant free medical care to conflict victims. The selection criteria for recipients are non-transparent, with the PNCS giving no guidelines on why some cases are prioritised over others. Of the 42 survivors interviewed, three had received a bond, but only one was able to use it to access medical care. Even in this case, the care was limited by its one-year deadline and the high cost of transport needed to reach the few medical centres willing to accept the bond. Although the bonds include a 150,000 CFA (USD 240) grant for travel and other expenses, with only a handful of locations accepting them, these funds quickly disappeared.³⁰³ Overall, the survivors and victims' leaders interviewed for this Study concur that the medical bonds are effectively not usable. The most common complaint was that doctors, pharmacies and hospitals simply refused to accept them. It seems medical personnel often cite bureaucratic reasons, such as a missing signature, to explain their refusal. One survivor explained that in the months required to secure a missing signature from a Ministry of Solidarity (*ministère de la Solidarité et de la lutte contre la pauvreté*, MSLP) official, the bond expired before ever being used. In another case, it took months to process paperwork required to issue the bond, resulting in that bond being just a few weeks away from expiration once finally approved.³⁰⁴

296 CEDAW 2018 'Fourth periodic report', para 139.

297 FIDH 2022 'On va régler ça en famille', p. 61.

298 For example, social centres recently received state funding to support persons with urgent medical needs, with up to 3 million CFA (approximately USD 4,700) for especially grave cases. See Bouaké focus group discussion (Bouaké, 25 November 2021), statement by social worker.

299 UN-Women 2015 'Évaluation des VBG', p. 32.

300 AFJ-CI, 'Déclaration orale: Pré-session EPU sur la Côte d'Ivoire' (2019), para 3(b), https://upr-info.org/sites/default/files/documents/2019-04/2._association_des_femmes_juristes_de_cote_divoire_stmt.pdf, accessed May 2021.

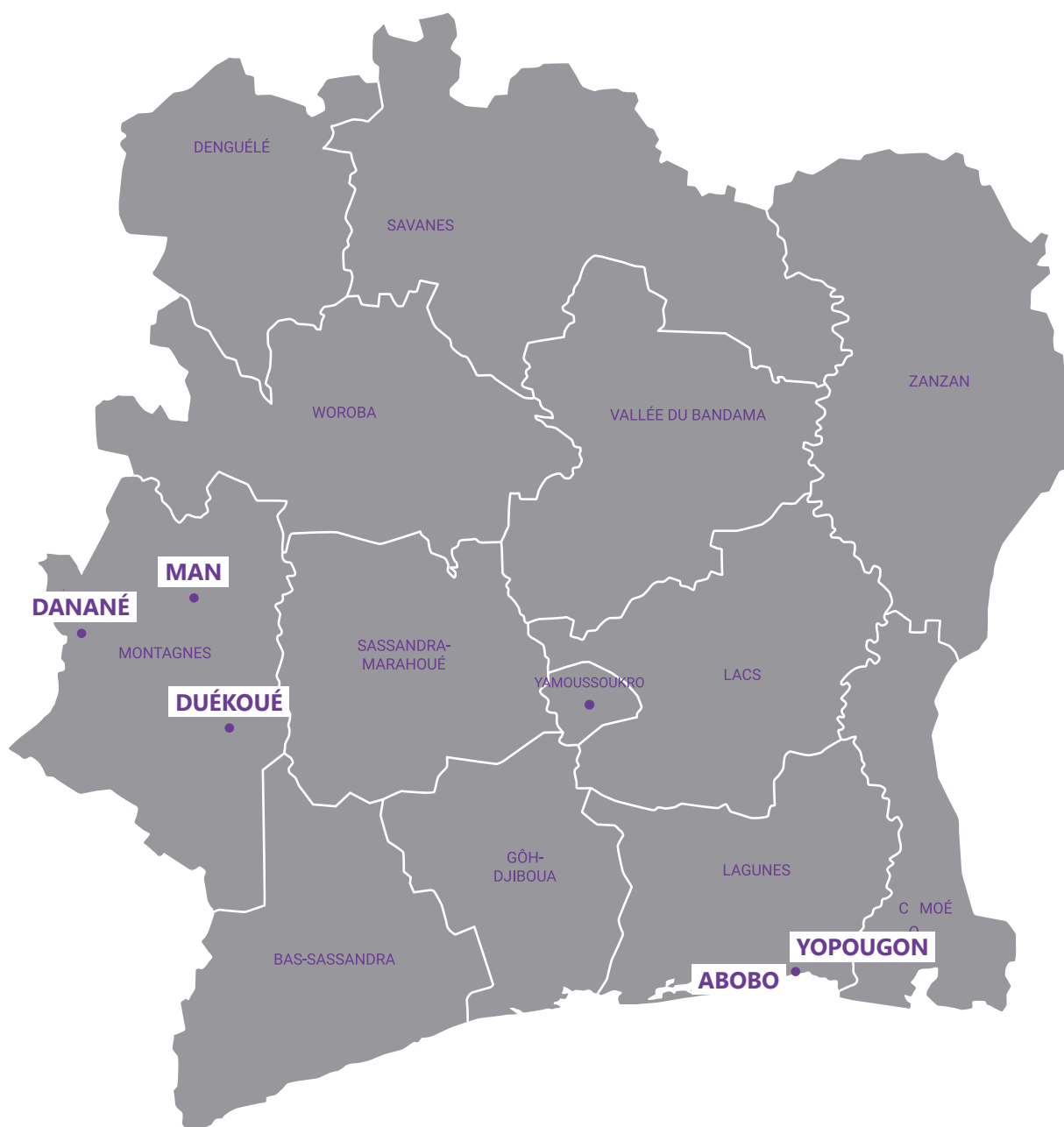
301 Bouaké focus group discussion (Bouaké, 25 November 2021), statement by social worker.

302 Amaya Panche 2022 'Word frequency analysis (GSF)', p. 9; Bouaké focus group discussion (Bouaké, 25 November 2021); Man focus group discussion (Man, 1 December 2021); Duékoué focus group discussion (Duékoué, 29 November 2021).

303 Abidjan focus group discussion (Abidjan, 3 December 2021), COVICI representative.

304 Ibid., participant CGABJ06.

PEACE HUTS OFFERING COUNSELLING AND REFERRALS AT NATIONAL LEVEL



Map of Côte d'Ivoire

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5.3.3. Police and gendarme services

SGBV should receive priority attention from police and judicial services in Côte d'Ivoire. This principle was encoded in a 2012 ordinance on police reception as well as in a series of inter-ministerial bulletins from the Ministry of Justice and Human Rights and Public Freedoms (*ministère de la Justice, des droits de l'homme et des libertés publiques*, MJDHLP) on improving responses to GBV complaints.³⁰⁵ In the first five years after the transition, 200 judges, prosecutors, lawyers and clerks were trained on GBV response.³⁰⁶ Police and gendarmes also underwent retraining on combating sexual violence, and gender focal points are now found at many police stations. These measures have produced notable improvements. According to a victims' leader from Bouaké,

*"Before when a woman was sent to the police to report sexual violence, they would say 'Well, what did you do in order to get raped? What were you wearing?' ... today the police at least know about women's rights ... there is an accompaniment."*³⁰⁷

In 2018, the ONUCI found that police files were opened in 90% of sexual violence cases documented by the UN Human Rights Division.³⁰⁸ That said, an opened file does not speak to how survivors were received by police, to whether high quality investigations were conducted, nor to whether convictions followed. In 2022, there were 403 focal points in 135 commissariats and police bureaus, as well as 44 'gender offices' in police and gendarme stations. In practice, however, the FIDH found that many focal points were not

readily available, and less than a quarter of the gender offices were operational.³⁰⁹ The FIDH further reported that gender offices, where they do exist, consistently fail to coordinate with other actors in the multisectoral SGBV response framework.³¹⁰

Study participants considered the police and others responsible for investigating crimes to be slow, inaccessible, biased in favour of perpetrators and more likely to shame survivors than help them.³¹¹ Likewise, NGOs report corrupt practices by police and judicial personnel who demand payments to ensure cases move forward.³¹² In some situations, victims or their family may be taken to face a perpetrator, or even told to catch the perpetrator themselves before the police will act.³¹³ Moreover, many ex-rebels were incorporated into the police, security and the civil services, meaning CRSV survivors may face associates of their former abusers when seeking assistance from police or judicial services.

5.3.4. Legal aid

Few legal services are designed to meet the specific needs of CRSV survivors. UN-Women and the Ministry for the Promotion of Women, the Family and the Protection of Children (*ministère de la Promotion de la femme, de la famille et de la protection de l'enfant*, MPFFPE) supported 67 CRSV survivors by sending their files to the Special Commission of Inquiry, additionally providing 54 of them with specialised medical attention and counselling.³¹⁴ The Support Project for Improving Access to Rights and Justice (*Projet d'appui*

305 MJDHLP, Circular No. 005 of 18 March 2014; Also see Inter-Ministerial Circular No. 016/MJ/MEMIS/MPRD of 4 August 2016 relating to the receipt of complaints concerning incidents of GBV, making provision for the first level of reporting of GBV cases.

306 CEDAW 2018 'Fourth periodic report', para 56.

307 Bouaké focus group discussion (Bouaké, 25 November 2021), statement by victims' association representative.

308 CEDAW 2018 'Fourth periodic report', para 115.

309 FIDH 2022 'On va régler ça en famille', p. 51.

310 Ibid., p. 67.

311 Bouaké focus group discussion (Bouaké, 25 November 2021); Man focus group discussion (Man, 29 November 2021); Duékoué focus group discussion (Duékoué, 1 December 2021).

312 FIDH 2022 'On va régler ça en famille', p. 53.

313 Ibid., p. 54.

314 CEDAW 2018 'Fourth periodic report', para 135.

à l'amélioration de l'accès au droit et à la justice, PALAJ) was launched in May 2013, in the post-war context, with a focus on access to justice for survivors of sexual violence. The project included six legal clinics, established by the AFJ-CI and the MJDHLP. Between May 2013 and July 2018, 746 sexual violence survivors received legal counselling or assistance.³¹⁵ As discussed later in this report, this is also an area where national NGOs have stepped in, with the Ivorian Human Rights League (*Ligue ivoirienne des droits de l'homme*, LIHDO) and the Ivorian Human Rights Movement (*Mouvement ivoirien des droits humains*, MIDH) supporting CRSV in mounting civil cases (see section 8.1.3 Amnesties, para 3).

Legal aid services for SGBV survivors, in general, exist in Côte d'Ivoire, but access is limited by practical and financial barriers. An October 2016 governmental decree promised free legal services to anyone who could not afford a lawyer or the cost of approaching judicial services.³¹⁶ Officially, SGBV survivors can access free legal aid through a designated unit (*Cellule pour la lutte contre la violence faite aux femmes et aux*

enfants) within the MJDHLP, through the Association of Volunteer Lawyers, or through the GBV Centre in Attiécoubé and the Wildaf Centre. GBV platforms and 'centres of excellence' are mandated to help connect survivors with these programmes.³¹⁷ In practice, however, it is difficult for survivors to benefit from state-mandated free legal aid. In order to apply, the victim must first secure a costly court statement and identify a lawyer willing to take the case. Few survivors have access to a pool of possible lawyers. Even if they did, few lawyers are willing to take these cases, as state reimbursement is slow and paperwork intensive.³¹⁸ As an alternative to the state-supported options, free legal aid is also available through 12 legal clinics (*cliniques juridiques*) run by the AFJ-CI and based throughout the country, providing free legal counsel for survivors and covering court fees.³¹⁹ These clinics are one of the few services available to CRSV survivors, yet funding cuts mean half of the clinics were projected to close in 2022.³²⁰ Even where support is available, many survivors cannot afford to give up work in order to attend court proceedings.³²¹

315 The legal clinics were established in Bondoukou, Bouaké, Guiglo, Korhogo, Man and San Pedro (ONUCI 2016 'Rapport sur les viols', para 71). See also IBCR (*Bureau international des droits des enfants*), 'Atelier bilan du PALAJ: vers une reconduction du projet d'accès au droit et à la justice?' (ICBR, 15 August, 2018), <https://www.ibcr.org/fr/nouvelles/atelier-bilan-du-palaj-vers-une-reconduction-du-projet-dacces-au-droit-et-a-la-justice/>, accessed 1 April 2023.

316 Décret No. 2016-781 'Fixant les modalités d'application de la loi n 72-833 du décembre 1972 portant Code de procédure civile, commerciale et administrative relativement à l'assistance judiciaire' (Republic of Côte d'Ivoire, 12 October 2016).

317 UN-Women 'Global database on violence against women: Côte d'Ivoire'.

318 FIDH 2022 'On va régler ça en famille', pp. 56–59.

319 Ibid., p. 59.

320 Ibid., p. 58.

321 ONUCI 2016 'Rapport sur les viols'.



Close up military woman or man shoulder arm sleeve with Ivory Coast flag patch.
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VI. AVENUES FOR REPARATIONS

6.1. International framework for judicial reparations

Côte d'Ivoire did not ratify the Rome Statute of the International Criminal Court (ICC) until 2013, despite signing it more than a decade earlier in 1998. On 18 April 2003, after the partition of the country into rebel- and state-led zones, President Laurent Gbagbo issued a declaration recognising the ad hoc jurisdiction of the ICC and allowing the Prosecutor's Office to open an investigation into alleged war crimes and crimes against humanity committed in the context of post-electoral violence.³²²

On 23 November 2011, the ICC issued an arrest warrant for President Laurent Gbagbo and, on 30 November 2011, he was transferred to The Hague. The ICC also issued an arrest warrant against his former youth minister and leader of the '*Congrès panafricain des jeunes et des patriotes*' (COJEP), Charles Blé Goudé, in 2011 (made public on 1 October 2013) and against former First Lady Simone Gbagbo in November 2012 as indirect co-perpetrators for

four counts of crimes against humanity, listed as rape and other sexual violence, murder, persecution and other inhumane acts.³²³ Goudé was transferred to The Hague in March 2014, while Ms Gbagbo remains in Côte d'Ivoire.

Although the investigation was eventually extended to include events from September 2002 onwards, the charges only reflected incidents committed in Abidjan, from November 2010. The Office of the Prosecutor (OTP) followed a policy of 'focused investigations' in the Goudé-Gbagbo trial, meaning that the case was built on four specific incidents that took place in Abidjan during a window of a few months.³²⁴ Consequently, the case only looked at a narrow picture of the conflict in terms of timeline, geography, alleged perpetrators and types of harm committed.³²⁵ In August 2018, the defence submitted a 'no case to answer motion' that was granted by the court, leading to the acquittal of Gbagbo and Goudé on 15 January 2019.³²⁶ The acquittal was confirmed in appeals on 31 March 2021, allowing Laurent Gbagbo to return to Côte d'Ivoire on 17 June 2021 at the invitation of President Ouattara.³²⁷

322 Ministries of State and Foreign Affairs (*ministère d'État et ministère des Affaires étrangères*), 'Déclaration de reconnaissance de la compétence de la Cour pénale internationale' (Republic of Côte d'Ivoire, 1 April 2003). While outwardly cooperative, the Gbagbo regime proved less so in practice, delaying the Prosecutor's preliminary visit indefinitely (Amnesty International 2007 'The forgotten victims of the conflict', p. 28); ICC, 'Jurisdiction in the general situation', in 'Situation in the Republic of Côte d'Ivoire' (undated) ICC-02/11, <https://www.icc-cpi.int/cdi>, accessed 2 April 2023.

323 Amnesty International, 'Côte d'Ivoire: The victors' law: The human rights situation two years after the post-electoral crisis' (February 2013), p. 71, <https://www.amnesty.org/en/documents/afr31/001/2013/en/>, accessed 1 April 2023.

324 These included two attacks on opposition marches, one of the Radiodiffusion-télévision ivoirienne (RTI) building on 16–19 December 2010, and a second attack on women demonstrators in Abobo on 3 March 2011 (ICC Pre-trial Chamber I, 'Situation in the Republic of Côte d'Ivoire in the case of the Prosecutor v. Laurent Gbagbo' (12 June 2014) ICC-02/11-01/11, https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2015_04777.PDF, accessed 2 April 2023). The third incident was the shelling of an Abobo marketplace on 17 March 2021, and a massacre and act of collective rape of 22 women by FDS forces (ibid., para 63). The prosecution also cited 32 other incidents in Abidjan as evidence of the contextual elements of an 'attack', as required to secure a conviction for crimes against humanity (ibid., para 77).

325 The Pre-trial Chamber's initial authorisation to investigate was based on an application that referred to crimes committed in the west (ICC Pre-trial Chamber III, 'Situation in Côte d'Ivoire', 15 November 2011) ICC-02/11, para 132, https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2011_18794.PDF, accessed 1 April 2023. None of these incidents appeared in the proceedings. According to ICC officers, the Prosecutor decided to build the charges on evidence readily available rather than undertaking the logistical and security challenges of looking beyond the metropole (HRW, 'Making justice count: Lessons from the ICC's work in Côte d'Ivoire', August 2015) p. 39, https://www.hrw.org/sites/default/files/report_pdf/cdi0815_4up.pdf, accessed 1 April 2023.

326 On 3 June 2013, the Pre-trial Chamber closed the confirmation hearing in Gbagbo's case, deciding there were no "substantial grounds to believe" the alleged crimes had been committed. After an extension allowing the Prosecutor to strengthen her case, the trial was allowed to proceed (FIDH, LIDHO and MIDH, 'Ivory Coast: The fight against impunity at a crossroads', 2013), p. 11, <https://www.fidh.org/IMG/pdf/cotedivoire617uk2013basdef.pdf>, accessed 25 March 2023. In 2015, the Laurent Gbagbo and Blé Goudé cases were linked into a single trial.

327 Aljazeera, 'Ex-President Laurent Gbagbo back in Ivory Coast after acquittal' (17 June 2021), <https://www.aljazeera.com/news/2021/6/17/former-president-laurent-gbagbo-returns-to-ivory-coast>, accessed 2 April 2023.

The ICC arrest warrant for Simone Gbagbo was rescinded in July 2021 on the grounds that the charges against her were largely the same as those which the court had definitively dismissed in the Gbagbo-Goudé case.³²⁸ Blé Goudé returned to Côte d'Ivoire on 26 November 2022.³²⁹

To date, the ICC has only charged alleged perpetrators of crimes committed by Gbagbo and his senior officials. While independent, the OTP nonetheless relies on the cooperation of national governments to investigate crimes allegedly committed within a given territory, and is thus at times constrained to work within the interests of a ruling regime.³³⁰ The OTP has communicated its commitment to a 'sequenced' approach in Côte d'Ivoire, stating that beginning with more accessible cases against the Gbagbo camp is not a sign of impartiality but a choice based on expedience.³³¹ This statement is, indeed, in line with a Rome Statute requirement that effectiveness and efficiency guide ICC operations, directing the Prosecutor to take the 'reasonable prospect of conviction' into account in case prioritisation.³³² These procedural directives can conflict with the role of the ICC as an important arbiter of moral authority both globally and in the countries where it operates. The OTP's 'sequential approach' has shaped the political landscape of Côte d'Ivoire. As of yet, the ICC has not interceded in the case of alleged war criminals who remain in prominent roles of the Ouattara regime's administration and security forces. Arguably, in its omission to act, the Court has inadvertently played a part in condoning this status quo.

6.1.1. The ICC as an avenue to reparations for CRSV survivors

The acquittal of Gbagbo and Blé Goudé closed the door to reparations for victims directly connected to the case.³³³ The ICC Registry's Victims' Participation and Reparations Section has had a field-based staff member in Abidjan since early 2012, representing 726 individuals at the Court. This total includes survivors of CRSV, although the office cannot disclose how many.³³⁴ Even with a conviction, the narrow scope of crimes addressed in the Goudé-Gbagbo trial would have translated to a limited avenue for CRSV survivors to access reparations. This is because under the Court's case law, only victims with a link to the specific incidents identified in the charges are represented in proceedings, limiting reparations to victims directly involved in incidents under review.³³⁵ As an underreported and often hidden crime, survivors of sexual violence are at a particular disadvantage within this judicial reparations' framework.

6.1.2. ICC Trust Fund for Victims

Independent of the Gbagbo-Goudé trial, the Trust Fund for Victims (TFV) of the ICC is implementing a non-judicial assistance programme to address the harms suffered by individual victims and communities resulting from crimes committed between 2002 and 2011. In 2017, the TFV conducted an initial assessment, and, finding an important reparative gap, the

328 ICC Pre-trial Chamber II, 'Decision on the Prosecutor's request to vacate the effect of the warrant issued against Ms Simone Gbagbo' (19 July 2021) ICC-02/11-01/12-90, <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-02/11-01/12-90>, accessed 1 April 2023.

329 Youenn Gourlay, 'Charles Blé Goudé de retour en Côte d'Ivoire sous le signe de la paix' (*Le Monde Afrique*, 27 November 2022), https://www.lemonde.fr/afrique/article/2022/11/27/charles-ble-goude-de-retour-en-cote-d-ivoire-sous-le-signe-de-la-peace-mon-role-n-est-pas-de-vous-revolter_6151829_3212.html, accessed 2 April 2023.

330 Sophie Rosenberg, 'The International Criminal Court in Côte d'Ivoire: Impartiality at stake?' (2017) 15 *Journal of International Criminal Justice* 471, p. 472, <http://dx.doi.org/10.1093/jicj/mqx030>.

331 Ibid.

332 The OTP's prioritisation criteria include: "to ensure that the Office focuses on cases in which it appears that it can conduct an effective and successful investigation leading to a prosecution with a reasonable prospect of conviction" (ICC-OTP, 'Policy paper on case selection and prioritisation', 15 September 2016), para 51, https://www.icc-cpi.int/sites/default/files/itemsDocuments/20160915_OTP-Policy_Case-Selection_Eng.pdf, accessed 2 April 2023. On "effective and efficient operations" of the court, see Rome Statute Preamble, art. 54(1b) on the role of the Prosecutor, art. 64(4) on the role of the Trial Chamber, art.44(2) on functions of staff (ICC, 'Rome Statute of the International Criminal Court: United Nations Treaty vol. 2187 No 38544', 17 July 1998), <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>, accessed 23 April 2023.

333 The ICC victims' page specifies that reparations are only awarded in the case of a conviction – see ICC, 'Victims' reparations', in *Victims* ICC-CPI.int (undated), para 2, <https://www.icc-cpi.int/about/victims>, accessed 2 April 2023.

334 Stéphanie Maupas, 'Affaire Gbagbo: une longue bataille juridique à venir' (*Radio France Internationale* (RFI), 31 January 2019), <https://www.rfi.fr/fr/afrique/20190131-affaire-gbagbo-une-longue-bataille-juridique-venir> accessed 3 April 2023; author interview with ICC official in Côte d'Ivoire, December 2021.

335 See 'Victim and witness participation in the situation' in ICC 1998 'Rome Statute', art. 68(3). The Appeals Chamber decided in 2008 that a victim only has standing at the ICC where there are specific judicial proceedings, and where those proceedings relate to the individual's personal interests (ICC, 'Judgment on victim participation in the investigation stage', paras 39–59 in 'Situation in the Democratic Republic of Congo', 19 December 2008, Case No. ICC-01/04), <https://www.icc-cpi.int/court-record/icc-01/04-556>, accessed 3 April 2023.

TVF Board opened its assistance programme as a complementary initiative to national reparations.³³⁶ The programme aims to address harms resulting from specific ‘emblematic’ events, where those events are qualifiable as war crimes or crimes against humanity. On August 2020, following a consultative process with CSOs and victims’ associations, 13 incidents committed between 2002 and 2011 were selected.³³⁷ The incidents chosen are well known to the Ivorian population and have a strong symbolic dimension.³³⁸ Gender criteria were also used to ensure crimes committed on a gender basis, including CRSV, were considered.³³⁹ An Advisory Committee of key civil society partners was then established.³⁴⁰

The TFV programme launched in 2021 in four regions with an initial budget of 800,000 euros for its first three-year phase. During its first year of operations, the TFV consulted extensively with communities and victims.³⁴¹ All consulted communities called for recognition of harms, prompting the TFV to initiate its programming with symbolic community-based actions. Large community consultations were held, then proceeded by extensive follow-up consultations.³⁴² Regarding individual reparations, the large number of victims and the limited availability of funds means the TFV has prioritised those most in need. The list of selected individuals was being finalised at the time of writing. The TFV listened to hundreds of pre-identified victims and selected recipients based on a transparent prioritisation methodology, including gender diversity. Once the list is finalised, an individualised rehabilitation

process including psychological rehabilitation, medical care and socioeconomic support will be designed with each victim.³⁴³

The TFV’s collaborative approach puts high priority on consultation and ownership of the programme by the victim community. This is a strength of the TFV approach; however, it comes at a cost. Four years of preparatory consultations and groundwork require significant expense, particularly given the relatively small number of beneficiaries who will receive reparations through the TFV. As a model for wider reparations programmes, particularly those with national reach, the strengths of the TFV approach must be considered against the cost required in terms of time and resources.

6.2. Domestic framework for judicial reparations

In Côte d’Ivoire, judicial reparations can be granted in criminal cases against private individuals, and victims can join court proceedings as civil parties, permitting them to claim damages against the accused.³⁴⁴ The state or select government officials can also be ordered by a court to pay reparations where criminal acts were committed in the course of official duties or where the state failed to meet its obligation to protect citizens from grave harm.³⁴⁵ Although these legal avenues exist, they have not proven a path to reparations for CRSV survivors. Impunity remains the overwhelming response to serious crimes committed

336 Author correspondence with Côte d’Ivoire TFV representative, August 2022.

337 These incidents are: In Haut-Sassandra, the executions at Monoko-Zohi, 28 and 29 November 2002; and attacks of Vavoua, Dania, Pelezi and Fiekon Borombo in November/December 2002. In Abidjan, the repression of the Women’s March in Abobo, 3 March 2011; the attack of the village of Anankoua-Kouté, 6 and 7 March 2011; the bombing of the market in Abobo, 17 March 2011; attacks on the districts of Doukouré and Mami Fatai, 11–13 March 2011; and attacks on the district of Yao Sehi, 11–13 April 2011. In the Moyen-Cavally region, executions in Doké in March 2011; the attack of Péhé, March 2011; the attack of Bedy-Goazon, 22 March 2011; and executions at the Prefecture of Blolequin, 28 and 29 March 2011. Finally, in the Guémon region, the murder of Duékoué’s Imam, 29 March 2011; and the attack on the quartier Carrefour in Duékoué, 29–30 March 2011 (ibid.).

338 The incidents were further selected based on criteria including: (i) the typology and severity of the harm; (ii) a coherent and non-discriminatory community distribution of victims; (iii) documentation of the incidents by the National Commission of Enquiry (CNE), the Dialogue, Truth and Reconciliation Commission (CDVR) or by other recognised national or international organisations (thus making it possible to qualify the harm suffered as falling within the scope of the Rome Statute and to ensure the eligibility of victims for assistance measures); and (iv) the geographical location of the incidents, given accessibly to the Fund’s implementing partners, etc. (ibid.).

339 Ibid.

340 Ibid.

341 Ibid.

342 As an example, in Blolequin, the community agreed to the erection of a stele in memory of those killed during the attack. In Duékoué, the community indicated that the re-building of two classrooms destroyed during the attack would be recognition of the collective harms suffered. In Abidjan, the urban habitat of the victims, the specificity of the incidents and the dismantling of the targeted areas made it more difficult to agree on a symbolic action; affected communities finally gathered for ecumenical prayers as a first step of symbolic actions (ibid.).

343 Ibid.

344 Penal Code, 2017 amendment of the Law No. 81-640 of July 1981, art. 99.

345 Ibid., arts 109, 238.

during the conflict period.³⁴⁶ If a conviction is secured, perpetrators are often unable to pay and there are no public funds guaranteeing survivors receive court-mandated reparations.³⁴⁷ It follows that the FIDH has not documented a single instance of a sexual violence survivor receiving judicial reparations.³⁴⁸

6.2.1. Sexual violence in domestic law

Trials pertaining to sexual violence are rare in Côte d'Ivoire. When these cases do advance to court, they are regularly thrown out due to poor investigations (see section 8.1 Judicial reparations).³⁴⁹ All conflict-era sexual violence occurred prior to the 2020 legislative reforms, meaning it falls under the former penal code. Though that code included rape as a serious crime, it lacked a legal definition, contributing to a tendency from prosecutors to drop charges or reclassify rape as 'indecent assault'.³⁵⁰

CRSV survivors have an additional recourse to justice through the application of international law in domestic courts. The Ivorian Constitution gives international treaties authority above domestic laws.³⁵¹ In practice, this means the ratification process of any international treaty requires that domestic law is revised to reflect its content.³⁵² The Rome Statute was domesticated into

the Ivorian penal code in 2020, resulting in the addition of crimes against humanity and war crimes. Given that domestication occurred after the 2011 transition, those provisions are not retroactively applicable to conflict-era crimes.³⁵³ Côte d'Ivoire had, however, ratified other international treaties relevant to protecting civilians from the war crimes and crimes against humanity at that time (see 1998 Penal Code, arts 137, 138 and 139).³⁵⁴ Even still, when applying international laws and conventions found in the 1998 Penal Code to cases of CRSV, a contemporary court will likely need to understand sexual violence as it was defined in Ivorian law at the time the crime was committed. It is thus possible to prosecute CRSV as an international crime domestically, but it would be based on the limited definition of sexual violence found in the former penal code.

6.2.2. Special Investigation and Examination Unit

The Special Investigation Unit (*Cellule spéciale d'enquête*, CSE) was created within the Tribunal of First Instance in Abidjan by a special ministerial order issued 24 June 2011. The CSE was later expanded to become the permanent Special Investigation and Examination Unit (*Cellule spéciale d'enquête et d'instruction*, CSEI).³⁵⁵ The CSEI was tasked with "investigations into

346 UNOCI and OHCHR 2016 'Summary report on rape crimes and their prosecution in Côte d'Ivoire'.

347 FIDH 2022 'On va régler ça en famille', p. 56.

348 Ibid., p. 65.

349 Ibid., pp. 55–56.

350 The legal framework for prosecuting sexual violence has been significantly strengthened with the 2020 revision of the Ivorian Penal Code including, for the first time, a definition of rape. The revised code defines rape as "all acts of penetration whether vaginal, anal, oral, or of another nature with a sexual purpose, imposed on another person without consent by a part of the human body or an object, through violence, threat, coercion, or surprise" (Penal Code 2021, section 1, art. 403). What is more, that definition includes marital rape as a crime under Ivorian law, with section 1, art. 403 of the 2021 Penal Code specifying that the above definition of rape applies "regardless of the nature of the relationship between the perpetrators and victims. Even if married". Rape is punishable by five to 20 years in prison, and life if it results in grave harm, depending on the situation of vulnerability of the victim. The new code maintains a distinction between rape and other acts of sexual violence, which are instead charged as "indecent assault" or "sexual harassment". Indecent assault is listed as a separate crime, comprising "all sexual assaults without penetration", and receives the much lighter sentence of one to three years in prison, with sentences reaching up to 10 years depending on the vulnerability of the victim (i.e. minors or persons under the authority of the perpetrator) (Penal Code 2021, section 1, art. 405).

351 The new Constitution of the Republic of Côte d'Ivoire came into effect on 8 November 2016 (Act No. 2016-886). Chapter 2, art. 123 establishes that duly ratified treaties have "authority superior to that of domestic law". This was also true under the previous Constitution (Constitution of Côte d'Ivoire 2000, Title 5, art. 87), meaning the same principles would apply to conflict-era crimes.

352 Author correspondence with a lawyer representing CRSV survivors in Côte d'Ivoire, August 2022.

353 For example, see the Hissène Habré trial at the Extraordinary African Chambers in Senegal for a discussion on the invalidity of retroactively applying international treaties in domestic courts. See: '25. What is the significance of Habré's prosecution under universal jurisdiction?' and '26. How does this trial fit into critiques of the role of international justice in Africa and claims that universal jurisdiction cases target Africans?' in HRW, 'Q&A: The Case of Hissène Habré before the Extraordinary African Chambers in Senegal' (3 May 2016), <https://www.hrw.org/news/2016/05/03/qa-case-hissene-habre-extraordinary-african-chambers-senegal#26>, accessed 3 April 2023.

354 Namely, the Geneva Conventions (ratified 1961) and Additional Protocols I and II (ratified 1977); The Hague Conventions (ratified 1980 and 1999); the Convention of the Rights of the Child (1991); the International Covenants on Human Rights (ratified 1992); the Genocide Convention (ratified 1995); the Convention on the Elimination of Discrimination Against Women (1995); and the Convention against Torture (ratified 1998).

355 The termination of the CSE was announced in September 2013, under pressure from civil society groups, before a single trial was scheduled. The Presidency agreed to renew and expand the unit into the now permanent CSEI (ICTJ 2016 'Disappointed hope', p. 10).

*serious crimes and major offences committed at the time of the crisis following the presidential election of 2010 and all offences connected with or related to those serious crimes and major offences".*³⁵⁶

The work of the CSEI has been slowed by operational difficulties.³⁵⁷ In its early days, the Public Prosecutor's Office submitted investigations *en masse*, without first mapping potential cases or creating an overarching prosecutorial strategy.³⁵⁸ CSEI investigators found themselves with a huge docket of cases and an overly broad mandate. Without guidelines for prioritising or ordering investigations, the CSEI has struggled to structure and classify cases. The CSEI is further challenged by the lack of a permanent court tasked with handling conflict-era cases. Crimes that were committed during the conflict by persons non-affiliated with the military are tried by courts of ordinary law, with grave crimes including sexual violence exclusively under the jurisdiction of the assize court.³⁵⁹ Between 2001 and 2014, the assize court did not hold any sessions, and has only met irregularly since 2014.³⁶⁰ What is more, the CSEI does not exclusively investigate conflict-related crimes, adding to its backlog and further overstressing staff.³⁶¹

In addition, although the criminal code and the code of criminal procedure were amended on 14 January 2015 to end the statute of limitations for international crimes,³⁶² when asked whether the new statute of limitations applied to cases before the CSEI, the Prosecutor-General said conflict-era international crimes would continue to

be prosecuted under the former criminal code. In the case of rape, the former code extended the statute of limitations to 10 years from the time the act was committed, or 10 years from the first investigative act.³⁶³ It is now 10 years since the end of the conflict period, and eight years since the CSEI began its work, meaning open cases could be thrown out and new cases blocked due to an expiring statute of limitations. That said, the expiring statute of limitations appears a moot concern in the face of the 2018 amnesty ordinance, which has frozen nearly all investigations into conflict-era crimes.³⁶⁴

6.2.3. Military tribunal

The military court has jurisdiction over sexual violence committed by members of the FRCI, gendarmes and police while on duty.³⁶⁵ With only one military tribunal for the entire country, its proceedings are rare and often delayed.³⁶⁶ The military tribunal has been criticised for lack of independence from the political executive, with all orders for prosecution first requiring permission from the ministry to which the accused is assigned (i.e. the Ministry of Defence or the Ministry of the Interior). Prosecution of military or security personnel is thus dependent on the approval of political leadership.³⁶⁷

In 2011, a military prosecutor charged former Gbagboist military leaders with crimes including rape, murder and the concealment of bodies.³⁶⁸ By 2014, nine cases were brought to trial, but no convictions for sexual violence were handed down for conflict-era sexual violence crimes.³⁶⁹ Indeed, in

356 Ibid.

357 FIDH, LIDHO and MIDH, 'Côte d'Ivoire: de la justice sacrifiée au nom de la 'réconciliation' à la justice instrumentalisée par le politique' (July 2022), p. 14, https://www.fidh.org/IMG/pdf/rapport_co_te_d_ivoire_no796f.pdf_web_ok_ok_au_12_juillet_2022.pdf, accessed 25 March 2023.

358 The Public Prosecutor submitted all cases to investigating judges without prioritising cases or grouping related events. Cases were then added to open investigations without connection to the facts of the case, resulting in files at the CSEI that contain up to 15 sub-cases and more than 100 defendants. Eventually, the Prosecutor classed all conflict-era CSEI investigations into four categories: (i) violent crimes involving death or bodily injury, including rape and other grave crimes against civilians; (ii) economic crimes such as looting; (iii) crimes involving the security of the state such as treason and conspiracy; and (iv) crimes identified by the 2011 CNE. This fourth category was opened in the CSEI's 9th Investigation Section, where crimes against the state were being investigated, and includes the handful of sexual violence cases opened by the investigating judges (ICTJ 2016 'Disappointed hope', p. 14).

359 Ibid., p. 16.

360 Ibid.; CEDAW 2018 'Fourth periodic report', para 116.

361 FIDH 2015 '43 women who suffered sexual violence', p. 12.

362 ICTJ 2016 'Disappointed hope', p. 7; author correspondence with Ivorian lawyer representing CRSV survivors, August 2022.

363 ICTJ 2016 'Disappointed hope', p. 7.

364 FIDH, LIDHO and MIDH 2022 'La justice sacrifiée', p. 19.

365 Law No. 74-350 of 24 July 1974 relative to the institution of a Military Procedure Code, arts 9, 10.

366 ONUCI 2016 'Rapport sur les viols', para 47.

367 The ministers communicate their decision to the military prosecutor in confidentially, with no requirement that such decisions be justified or made public. In practical terms, this rule bars the possibility of appeals (ONUCI 2016 'Rapport sur les viols', para 47).

368 HRW 2011 'They killed them like it was nothing', p. 6.

369 ICTJ 2016 'Disappointed hope', p. 2.

the case of conflict-era sexual violence by armed forces, the military tribunal made a blanket decision that it could not establish a chain of command for holding perpetrators of rape accountable and was therefore unable to prosecute CRSV cases. The security forces instead committed to better monitoring cases of sexual violence within their ranks and adopted the National Committee to Combat Conflict-Related Sexual Violence (CNLVSC).³⁷⁰

However, the military tribunal did prosecute and convict 15 cases of sexual violence by military personnel committed in the post-conflict period.³⁷¹

6.3. Domestic framework for non-judicial reparations

The post-war period in Côte d'Ivoire is characterised by far-reaching economic and political reforms as well as an extensive transitional justice programme. CSEI investigations were complemented by non-judicial measures including a national truth commission, a new Constitution, security-sector reforms, a large-scale demobilisation programme and the promise of a national reparations programme.

6.3.1. Dialogue, Truth and Reconciliation Commission

Just days after assuming office, on 27 April 2011, President Ouattara announced his intention to create a truth commission, promising that transitional justice would be a "major focus of {his} presidency".³⁷² The Dialogue,

Truth and Reconciliation Commission (*Commission dialogue, vérité et réconciliation*, CDVR) was established by presidential decree on 13 July 2011 with the stated goal of achieving "reconciliation and reinforcing social cohesion in Ivorian communities".³⁷³ Though the CDVR's composition included sections dedicated to work on gender and children's rights, its mandate did not specify a focus on sexual violence.³⁷⁴ Despite collecting more than 70,000 victim statements, including 1,359 related to SGBV, the CDVR's final report places surprisingly little emphasis on investigations or truth-seeking more generally. In the end, the report was little more than a summary of activities and quantitative data on the testimonies received.³⁷⁵ This failure to analyse testimony was a lost opportunity, not least from the perspective of addressing CRSV. The CDVR documented 151 cases of sexual slavery, 170 forced abortions, 747 rapes, 27 instances of forced incest, 83 forced marriages and 35 forced sterilisations.³⁷⁶ If analysed and used to inform post-war reform and recovery measures, these testimonies could have served as an important source for understanding CRSV and designing effective support and justice measures.³⁷⁷

6.3.2. Security-sector reform as guarantee of non-repetition

In September 2012, Côte d'Ivoire adopted a National Strategy for Security-Sector Reform aimed at rebuilding the security forces "in a framework that respects democratic principles and rules of good governance".³⁷⁸ The framework continued a process already under way of transitioning the *Forces nouvelles* into the new national army, the *Forces*

370 CEDAW 2018 'Fourth periodic report', para 128; CEDAW 2019 'Concluding observations on the fourth periodic report', para 9.

371 Salif Cheickna, 'Violences sexuelles liées aux conflits: l'ONU radie l'armée ivoirienne de la liste' (*Fratmat.info*, 18 May 2017), <https://www.fratmat.info/article/75340/Société/violences-sexuelles-liees-aux-conflits-lonu-radie-larmee-ivoirienne-de-la-liste>, accessed 3 April 2023.

372 HRW 2011 'They killed them like it was nothing', p. 89.

373 Ordinance 2011-167 of 13 July 2011, art. 5.

374 CDVR 2014 'Rapport final', pp. 18, 19.

375 On critiques of community outreach, see Hélène Calame Joël Hubrecht, 'La Commission dialogue, vérité et réconciliation ivoirienne: une belle coquille vide?' (Institut des Hautes études sur la justice, October 2015), p. 5, <https://ihej.org/wp-content/uploads/2015/10/La-Commission-Dialogue-V%C3%A9rit%C3%A9-et-R%C3%A9conciliation-ivoirienne-une-belle-coquille-vide-.pdf>, accessed 12 April 2023, including a study by the Ivorian Coalition for the International Criminal Court that found only 60% of Ivorians surveyed knew about the CDVR and 28% took part in a CDVR-related activity. On the limited scope of the report, see CDVR 2014 'Rapport final', where the discussion of results begins on page 96 and fills only 8 pages in total. The rest of the report covers methodology, a summary of activities and recommendations. The final report was only published two years after its completion, with major sections of an original draft deleted (Piccolino 2018 'A victor's peace', p. 501).

376 Women gave 39% of statements collected, or 28,024 in total (CDVR 2014 'Rapport final', p. 73).

377 This amounted to 1,359 CRSV cases in total (Ibid., p. 75).

378 The programme included a resocialisation process, payment of a transitional safety allowance as well as support for job training, along with other financial and vocational assistance (HRW 2015 'To consolidate this peace', p. 52). The reform framework built on a process under way since the signing of the Ouagadougou Accord in 2007 of merging the *Forces nouvelles* into the FDS as a single national army, the FRCI (UNSC, 'Ouagadougou Agreement', 4 March 2007, S/3007/144, para 3(2)).

républicaines de Côte d'Ivoire (FRCI). The armed forces adopted a National Action Plan Against Sexual Violence (NAP) as a central focus of security-sector reform efforts (validated in 2014 and adopted in July 2017). Rather than accountability measures, the NAP focuses on awareness-raising and training activities aimed at preventing future cases of sexual violence within the armed forces.³⁷⁹ The plan followed a 2014 pledge by the FRCI leadership to end sexual violence within their ranks and adopt a zero-tolerance policy in the security sector.³⁸⁰ By the end of 2015, more than 900 members of the FRCI and 300 police officers and gendarmes had received training on GBV.³⁸¹ Additionally, 120 local monitoring committees were established and tasked with ensuring sexual violence cases be transmitted to the correct authorities, and survivors given access to medical and legal care.³⁸²

Security-sector reforms included a national disarmament, demobilisation, and reintegration (DDR) programme attended by 69,506 former combatants, including 6,105 women, between 2012 and 2015.³⁸³ The DDR programme is criticised for its slow pace, for disproportionately benefiting Ouattara supporters and for the influence ComZones wielded over the process. ComZones had a central role determining who received generous transitional allowances, trainings, and job assistance, as well as several thousand highly coveted jobs in the security and public sectors.³⁸⁴ Indeed, the ComZone influence over the DDR process speaks to a wider dynamic. As a former insurgent movement consolidating into a central government, the Ouattara

regime found itself highly dependent on the FRCI to maintain the security situation.³⁸⁵ This has left President Ouattara unwilling to rein in the power still held by the ComZones and their elements. Ex-combatants have leveraged this power to demand further benefits from the DDR programme. Most notably, on 18 November 2014 and again from 6 to 7 January 2017, former DDR programme recipients staged violent uprisings, effectively holding the country hostage until their demands for further payments were met.³⁸⁶ All this demonstrates the weaknesses of the process.

6.3.3. National reparations programme

On 15 December 2014, President Ouattara declared that the government of Côte d'Ivoire would commit 10 billion CFA (approximately USD 16.2 million) to reparations for victims. Ouattara established the National Commission for Reconciliation and the Compensation of Victims (*Commission nationale pour la réconciliation et l'indemnisation des victimes des crises survenues en Côte d'Ivoire*, CONARIV) to lead the reparations process.³⁸⁷ Ordinance No. 2015-174 of 4 March 2015 gave CONARIV its official mandate: the Commission would produce a single consolidated list of victims of attacks, including CRSV, and harms committed from 1990 to 2012, and propose a reparations programme according to their needs and expectations.³⁸⁸ President Ouattara characterised CONARIV as a continuation of the CDVR's work, responsible for consolidating existing

379 To implement the NAP, a National Committee to Combat Conflict-related Sexual Violence (*Comité national de lutte contre les violences sexuelles liées aux conflits*, CNLVSVC) was created in June 2016 by presidential decree (Decree No. 2016-373 of 3 June 2016). Established within the Ministry of Defence and the Ministry of Interior, the CNLVSVC coordinates training of the defence and security services in view of eradicating CRSV and monitors ongoing efforts to end sexual violence within the armed forces.

380 The pledge was made at the London 'Global Summit to End Sexual Violence in Conflict'. The NAP was further backed by personal commitments signed by 30 FRCI officials and eight commanders of the *Gendarmerie nationale*, promising to take action against sexual violence in their ranks and collaborate with justice-seeking efforts (CEDAW 2018 'Fourth periodic report', para 126).

381 HRW 2015 'To consolidate this peace', p. 47.

382 CEDAW 2018 'Fourth periodic report', para 104.

383 At the time the Ouagadougou Agreement was signed, 110,000 fighters were destined to benefit from the UN demobilisation programme, with the number shrinking to 74,000 by the end of the post-electoral crisis and 69,506 actually participating in the programme (UNSC, 'Final progress report of the Secretary General on the United Nations Operation in Côte d'Ivoire' (31 January 2017, S/2017/89, para 29).

384 Piccolino 2018 'A victor's peace', p. 485; HRW 2015 'To consolidate this peace', p. 52.

385 HRW 2015 'To consolidate this peace', p. 57.

386 Haby Niakate and Vincent Duhem, 'Côte d'Ivoire: le malaise des militaires, conséquence d'un déficit de commandement et d'autorité' (*Jeune Afrique*, 23 January 2017), <https://www.jeuneafrique.com/mag/392686/politique/cote-divoire-malaise-militaires-consequence-dun-deficit-de-commandement-dautorite/>, accessed 1 April 2023.

387 HRW 2015 'To consolidate this peace', p. 9.

388 Ordinance No. 2015-174 of 4 March 2015. See Président de la République, 'Communiqué du Conseil des ministres' (24 March 2015), art. A1, para 2, https://www.gouv.ci/doc/1427368061CCM_240315_VDEF.pdf, accessed 3 April 2023.

victims files and identifying those not yet registered by a state or civil society body.³⁸⁹ While Commission President Paul Siméon Ahouana, archbishop of Bouaké, was a new appointment, seven of CONARIV's nine commissioners were carried over from the CDVR.³⁹⁰ As one victims' leader explained, this meant that victims disappointed by the truth commission now transferred their feelings to the reparations process.³⁹¹

CONARIV explicitly includes 'victims of sexual violence' within its definition of eligible victims, but the definition of sexual violence itself is left open. On one hand, an open definition allows survivors to self-identify; on the other, one might surmise it was also a source of exclusion. Given social attitudes that tend to diminish the severity of rape or pass doubt on survivors' stories, a clear definition of sexual violence in line with international standards would have protected survivors from bias.³⁹²

In March 2016, CONARIV handed a consolidated list of victims as well as a proposed national reparations policy to President Ouattara. During the course of its mandate, CONARIV validated 316,954 of the 874,056 files it received, totalling 36% of victims registered or identified by the various organisations that contributed files.³⁹³ The final CONARIV list included 2,969 survivors of GBV, with 40% male survivors, 60% female and 13% children.³⁹⁴ In the end, 557,102 files, nearly two thirds of the total received, were not validated. Of these, 216,712 (38.95%) were found to be duplicates, 203,342 (36%) were rejected for lack of the required proof of alleged violations, 68,525 (12%) were deemed fraudulent, 56,824 (10%) concerned persons deemed 'unreachable' for verification and 11,699 (2%) were deemed incorrectly filled out or otherwise unreadable.³⁹⁵



316,954 files validated:
36% of victims
registered
or identified



40%
male



60%
female



13%
children

2,969 survivors of GBV

Source: CONARIV 2016 'Rapport d'activités'.

389 Ibid.

390 Piccolino 2018 'A victor's peace', p. 502.

391 Author interview with leader of San Pedro Victims' Association, May 2021.

392 See CONARIV 2016 'Rapport d'activités', p. 41.

393 Ibid., p. 27.

394 Duhem 2016 'La CONARIV a remis son rapport'.

395 CONARIV 2016 'Rapport d'activités', p. 29.

Persons who were in refugee and displacement camps or otherwise in exile when CONARIV conducted its field missions could not register with the Commission. To its credit, CONARIV included a recommendation to the government in its final report that those still in refugee camps during the Commission's operational period should be given the opportunity to register.³⁹⁶ This provision also speaks to the more complex question of how CRSV should be defined and eligibility for reparations determined. Should persons who experienced sexual violence in refugee and IDP camps, in particular those who experienced violations outside the country or after the 2011 cut-off date, be included in reparations programmes?

Although CONARIV was mandated to create and validate a list of victims and propose a national reparations plan, this independent commission did not have the authority to make a final decision on the programme design or recipients, or to manage the actual implementation of the reparations programme.³⁹⁷ These responsibilities remain within the executive branch of government. Initially, this responsibility was held under the auspices of the Ministry of Solidarity, Social Cohesion and Compensation of Victims (*ministère de la Solidarité, cohésion sociale et indemnisation des victimes*, MSCSIV), to be implemented through its National Programme for Social Cohesion (*Programme national de cohésion sociale*, PNCS). During an April 2021 government reshuffle, this ministry was split into the Ministry of Solidarity (now the *ministère de la Solidarité et la lutte contre la pauvreté*, MSLCP) and a new Ministry of Reconciliation (*ministère de la Réconciliation et la cohésion nationale*, MRSC). Responsibility for national reparations was divided between the two bodies. The Ministry of Solidarity now holds the list

of eligible victims and state funding intended to pay for reparations, while the Ministry of Reconciliation is responsible for the actual issuing of reparations.³⁹⁸ The division has stalled reparations as the two ministries attempt the difficult task of coordinating between the one who holds the budget and the other who holds the mandate.³⁹⁹ Together, the ministries are responsible for delivering individual reparations based on the consolidated list created by CONARIV and then validated by the President of the Republic.⁴⁰⁰ In practice, however, it appears the Ministry of Solidarity does not rely on the list submitted by CONARIV (see section 8.2. Non-judicial reparations).

6.3.4 Reparations law

Distrust amongst the victim community is compounded by the absence of law defining and guaranteeing reparations.⁴⁰¹ In its final months, CONARIV drafted a law on the forms of reparations that it determined should be available to the victims of a given category of crime, including CRSV.⁴⁰² The draft reparations law gives a detailed framework for proposed compensation including lump sum and pension payments, psychological and medical rehabilitation, socioeconomic assistance, and collective reparations (see below). The draft reparations law lists widows, orphans and those who suffered sexual violence as priority reparations recipients and places a duty on the state to make 'every effort' to ensure medical and psychosocial services are accessible.⁴⁰³

Civil society groups are pushing strongly for the adoption of the law, arguing that without a legal framework, reparations depend on the goodwill of

396 Ibid., p. 61.

397 Ibid., p. 5.

398 Author interview with a director-level official at the Ministry for Reconciliation, November 2021.

399 FIDH, LIDHO and MIDH 2022 'La justice sacrifiée', p. 11.

400 On the role of the PNCS and the required validation of the President, see Président de la République 2015 'Communiqué du Conseil des ministres', art. A1, para 3.

401 APDH 2017 'Évaluation du processus de réconciliation', p. 59.

402 This draft law appears in the annexes of the CONARIV final report (CONARIV 2016 'Rapport d'activités', pp. 105–126). Although victims' groups were not included in drafting the proposed law, they were invited to review and validate the law in a workshop held on 2 December 2015 (author interview with COVICI representative, May 2021).

403 The preamble to CONARIV's reparations policy specifies that the policy takes into special consideration UNSC 'Resolution 2122' (18 October 2013, S/RES/2122). Throughout the policy document, special significance is given to survivors of sexual violence. The document repeats that sexual violence is considered amongst the gravest crimes addressed by the reparation policy (CONARIV 2016 'Rapport d'activités', p. 39). Also see CONARIV 2016 'Rapport d'activités', Draft Reparations Law 2016, art. 43, p. 116. The report even specifies that services must be made available near to a victims' place of residence. This is an important provision for a gender sensitive approach, given the cost of transport and the difficulty of leaving work and family duties. (CONARIV 2016 'Rapport d'activités', Draft Reparations Law 2016, art. 56).

the executive government.⁴⁰⁴ A legal framework is further needed to guarantee that reparations will be delivered in an equitable manner and meet a minimum standard. These are particularly pressing concerns given that the responsibility for delivering reparations does not lie with an independent body but is rather a shared task of government ministries.

INDIVIDUAL REPARATIONS

CONARIV drafted a reparations law proposing a framework for and legal guarantees of reparations. As of yet, this law has not been passed. The framework proposed by CONARIV includes the following for CRSV survivors:

MEASURES	BENEFICIARIES
Compensation, lump sum of 1,000,000 CFA (USD 1,550)	Victims
Monthly pension of 60,000 CFA (USD 93) over 36 months	Women
Psychological care	Victims and their spouses
Medical care (i.e. gynaecological, surgery, etc.)	Victims ⁴⁰⁵
Medical and psychological care	Child survivors of rape and abuse
Specialised follow-up care	Victims living with HIV/AIDS, including their children
Specialised follow-up	Child victims living with HIV
Psychological care	Children born of rape ⁴⁰⁶

The CONARIV draft law reflects a major improvement on the individual reparations CRSV survivors have received to date, making it a good starting point for advocacy demanding a more comprehensive and effective programme.⁴⁰⁷ The CONARIV approach nonetheless has limitations, not least being the minimal involvement of victims in its drafting.⁴⁰⁸ Also notable is a lack of provisions for the children of survivors such as education bursaries. Perhaps the most notable shortcoming is the limited timeline of a proposed pension which the draft law describes as a 36-installment 'pension' payment. This is not only confusing but, arguably, a manipulation of the term 'pension' in order to appear in line with global best practices. When delivered as a reparation, a pension is more than a form of compensation for past violations, it is a recognition that the consequences of CRSV make it impossible for many survivors to earn a living or benefit from the support of family and community. A pension is thus an effective reparation when it serves as a lifelong bulwark against destitution. It is also unclear why the drafters have limited the provision of pensions to female survivors of sexual violence.

COLLECTIVE REPARATIONS

The reparations framework presented by CONARIV also includes the provision of collective and symbolic reparations. The Commission proposed interventions "that will support care and solidarity at the community level", with three main focuses on (i) conflict prevention; (ii) increased accessibility of social services; and (iii) projects supporting economic recovery.⁴⁰⁹ The second and third focus could be particularly beneficial to CRSV survivors if designed in ways that respond to their specific needs and ensure safe and meaningful inclusion. That said, the proposed CONARIV collective reparations framework includes no special provisions for a gender-sensitive approach, nor any project or activity specific to the gendered impacts of the conflict or the root causes and consequences of sexual violence.

404 APA, 'Crise post-électorale: des victimes pour un "statut officiel et légal"' (*Atooci*, 21 March 2019), <http://www.atoo.ci/2019/03/21/crise-post-electorale-des-victimes-pour-un-statut-officiel-et-legal/>, accessed 1 April 2023; also see author interview with a COVICI representative, May 2021.

405 It is unclear why survivors of sexual violence do not have the cost of transport to medical and psychosocial support included in their compensation package, as provided for victims of serious injury.

406 The framework has been taken from CONARIV 2016 'Rapport d'activités', p. 43 (author's translation).

407 Article 50 of the draft reparations law clarifies that a person who has suffered multiple serious violations will receive a pension for each of these grave harms. Presumably, this provision would account for the reality that sexual violence is often accompanied by grave physical harms that should, in practice, qualify under the separate category of 'debilitating injury' (CONARIV 2016 'Rapport d'activités', Draft Reparations Law 2016, p. 188).

408 Discussion with COVICI representatives, October 2021; CONARIV 2016 'Rapport d'activités', p. 67.

409 Ibid., pp. 51–53.

In 2021, the Ministry of Reconciliation launched the national community reparations programme aimed at supporting local development projects proposed by selected conflict-affected communities.⁴¹⁰ At the time of writing, ministry officials had completed an outreach phase started five years before, in 2017, that involved field missions to select areas and were now reviewing applications.⁴¹¹ The author could not find information

describing the programme or its application process on a website or other public source, making it difficult for communities to apply if not selected by the Ministry of Reconciliation for outreach. Without transparent information on such opportunities and equitable access in applying, the perception persists that reparations are not a right but a government benefit, and one distributed at the discretion of state agents.

410 Author interview with the Director at the Ministry of Reconciliation, December 2021.

411 Ibid.; Government of Côte d'Ivoire, 'Réparation communautaire des victimes des crises: la ministre Mariatou Kone annonce le démarrage en juillet 2017' (Press release, 5 September 2017), <https://www.gouv.ci/actualite-article.php?recordID=7595>, accessed 3 April 2023.



VII. IMPLEMENTATION STATUS OF REPARATIONS

| 7.1. Judicial reparations

7.1.1. Special Investigation and Examination Unit

In its first four years, the CSEI opened 61 investigations and charged 1,038 individuals.⁴¹² Of these, only three cases have progressed to trial. The first brought Simone Gbagbo and 82 associates to trial in 2015 for crimes against the security of the state. Simone Gbagbo was sentenced to 20 years in prison.⁴¹³ The second process, starting 31 May 2016, was also against Simone Gbagbo, this time for 'crimes de sang' ('blood' crimes) including sexual violence.⁴¹⁴ The trial was rushed into session following Côte d'Ivoire's refusal to send Ms Gbagbo to The Hague. Citing the ICC's 'complimentary principle', Côte d'Ivoire put her on trial for similar charges as those she would face at the ICC. This process was marred by significant problems including lack of evidence, poor investigations, and the court's refusal to bring key witnesses.⁴¹⁵ Simone Gbagbo was unanimously acquitted by the jury.⁴¹⁶ A third trial against Amande Wuermi, known as Amadé Ouérémi, is the only conflict-era trial to result in a conviction for serious crimes against civilians.

7.1.2. Amadé Ouérémi trial

On 15 April 2021, the Criminal Tribunal of Abidjan sentenced Amadé Ouérémi to life in prison for crimes committed in Duékoué between 28 and 29 March 2011. Ouérémi was charged with 24 accounts of 'crimes against the population', including rape, genocide, pillaging, kidnapping, assault and battery and destruction of property – acts qualified by the court as crimes against humanity.⁴¹⁷ Thirty-four witness statements described Ouérémi committing summary executions, rapes, mutilations, and immolation.⁴¹⁸ He is the first pro-Ouattara element to appear in court, making the case an important step towards more balanced justice-seeking. Ouérémi was not, however, from the FRCI. He led an independent militia which supported the rebels from 2000 onwards.⁴¹⁹ Ouérémi's defence repeatedly reiterated that high-ranking members of the FRCI ordered the atrocities committed in Duékoué and thus bear the most responsibility.⁴²⁰ At the time of writing, none of those commanders were arrested. In January 2023, the Ivorian judiciary ruled that the appeal lodged by Amadé Ouérémi was inadmissible.⁴²¹

412 ICTJ 2016 'Disappointed hope', p. 15.

413 For a list of all the accused, the charges against them and the court's decisions pertaining to them, see OJDH, MIDH and LIDHO, 'Rapport de suivi des procès de la crise post-électorale 2010 en Côte d'Ivoire. Procès des pro-Gbagbo: un justice aux ordres?' (Trust Africa, 2015), pp. 4–5.

414 Reuters staff writers, 'L'ivoirienne Simone Gbagbo jugée pour crimes contre l'humanité' (Reuters, 31 May 2016), <https://www.reuters.com/article/cote-d-ivoire-gbagbo-proces-idFRKCN0YM1KZ>, accessed 3 April 2023.

415 HRW, 'Côte d'Ivoire: Simone Gbagbo acquitted after flawed war crimes trial' (29 March 2017), <https://www.hrw.org/news/2017/03/29/cote-divoire-simone-gbagbo-acquitted-after-flawed-war-crimes-trial>, accessed 3 April 2023.

416 Guardian staff writers and agencies in Abidjan, 'Ivory Coast's former first lady Simone Gbagbo acquitted of war crimes' (The Guardian, 28 March 2017), <https://www.theguardian.com/world/2017/mar/28/ivory-coast-simone-gbagbo-acquitted-war-crimes-humanity>, accessed 3 April 2023.

417 Florence Richard, 'Côte d'Ivoire – Massacre de Duékoué: Amadé Ouérémi condamné à la prison à vie' (Jeune Afrique, 3 April 2023), <https://www.jeuneafrique.com/1155680/politique/cote-divoire-massacre-de-duekoue-amade-oueremi-condamne-a-la-prison-a-vie/>, accessed 14 June 2023; Fréjus Quenum, 'Amadé Ouérémi condamné à la perpétuité' (DW, 15 April 2021), <https://www.dw.com/fr/amadé-ouérémi-condamné-à-la-perpétuité/a-57215002>, accessed 3 April 2023; FIDH, LIDHO and MIDH 2022 'Le justice sacrifiée', p. 18.

418 Richard 2021 'Massacre de Duékoué'.

419 Ibid.

420 Senior FRCI leaders, and most notably the ComZone Losséni Fofana (known as 'Loss'), were identified by Ouérémi as those primarily responsible for grave crimes committed in Duékoué. As the FIDH discovered, Ouérémi did not merely explain the actions of his own elements to investigators, but also laid out instructions received from the FRCI hierarchy (FIDH 2015 '43 women who suffered sexual violence', pp. 6, 19–21). Also see, Christelle Pire, 'Côte d'Ivoire: prison à vie pour Amadé Ouérémi, le seul coupable pour le massacre de Duékoué' (TV5 Monde, 16 April 2021), <https://information.tv5monde.com/video/cote-d-ivoire-prison-vie-pour-amade-oueremi-le-seul-coupable-pour-le-massacre-de-duekoue>, accessed 3 April 2023.

421 Aissatou Diallo, 'Procès du massacre de Duékoué: l'appel de Ouérémi rejeté' (Jeune Afrique, 25 January 2023), <https://www.jeuneafrique.com/1412172/politique/procès-du-massacre-de-duekoue-lappel-de-oueremi-rejete/>, accessed 3 April 2023.

As the first conviction for conflict-era crimes to include rape, the Amadé Ouérémi trial is also the first meaningful act towards prosecuting CRSV in Côte d'Ivoire. Eighty-four victims joined the case as civil parties, including at least two survivors of sexual violence.⁴²² The CRSV survivors were granted reparations; however, these are yet to be received.⁴²³ Ouérémi does not have the funds to pay, and the case judge has ruled that the Ivorian state would not be held responsible for compensating victims in his stead.⁴²⁴

7.2. Non-judicial reparations

7.2.1. Interim reparations

In August 2015, before CONARIV had finished its work, President Ouattara ordered an initial interim reparations programme to be led by the Ministry of Solidarity, Social Cohesion, and the Compensation of Victims (*ministère de la Solidarité, cohésion sociale et indemnisation des victimes*, MSCSIV) through its National Social Cohesion Programme (PNCS). This initial programme had a projected cost of between six and eight billion CFA (approximately USD 9.5–12.7 million). President Ouattara presided over the 4 August 2015 ceremony marking the first payments. The event drew criticism from international and national onlookers for coinciding the once-off interim reparations payments with the run-up to the 2015 presidential election and for his cynical remarks about forgiveness, without apologising himself.⁴²⁵ The interim reparations benefited a total of 4,500 persons, including 3,500 people who lost a close family member during the conflict and 1,000 who were seriously injured.⁴²⁶ If survivors of sexual violence received interim reparations, it was as a consequence of also being a victim of these harms. Recipients were given a lump sum payment of one million FCA

(approximately USD 1,000) for each deceased relative, while seriously injured victims received a voucher for free medical assistance, including 150,000 CFA (USD 235) for expenses. The effectiveness of the vouchers were criticised by victims who received them (see section 5.3.2 Medical bonds).

Overall, interim reparations remain a source of confusion within the victim community. Recipients lament that one-off payments disappeared almost immediately, and many are unclear whether they will receive additional reparations and, if so, in what form.⁴²⁷ As one recipient expressed:

*"The State has deceived us. They told us that this million was for the funerals ... To our great surprise, we are told that this is our compensation."*⁴²⁸

Art. 86 of the draft reparations law presented in CONARIV's final report appears to confirm his concern, reading: *"victims who have already benefited from reparation measures for a specific loss within the framework of the various compensation operations throughout the country prior to the promulgation of this law are not concerned by the compensation process governed by this law"*.⁴²⁹

Civil society groups report diminishing political will to continue delivering reparations, making the need for a law defining and guaranteeing victims' right to reparation all the more pressing.⁴³⁰

7.2.2. Reparations programmes

The Côte d'Ivoire individual reparations programmes officially launched on 30 October 2017. This process, called Operation 'Yako', delivered a second round of individual reparations in the form of renewed medical

422 Florence Richard, 'Massacre de Duékoué en Côte d'Ivoire : Amadé Ouérémi, "le bandit de la forêt classée" face à la justice' (*Jeune Afrique*, 26 March 2021), <https://www.jeuneafrique.com/1143922/politique/massacre-de-duekoue-en-cote-divoire-amade-queremi-le-bandit-de-la-foret-classee-face-a-la-justice/>, accessed 3 April 2023; author correspondence with lawyer representing CRSV survivors, August 2022.

423 Author correspondence with AFJ-CDI representative, May 2021.

424 Author correspondence with lawyer representing CRSV survivors, August 2022.

425 HRW 2015 'To consolidate this peace', p. 10.

426 CEDAW 2018, para 143.

427 Abraham Kouassi, 'Côte d'Ivoire: Victims say reparations so far are not enough' (*Justice Info*, 21 May 2019), paras 3–6, <https://www.justiceinfo.net/en/41485-cote-ivoire-victims-say-reparations-so-far-are-not-enough.html>, accessed 3 April 2023.

428 Quoted in Kouassi 2019 'Reparations so far are not enough', para 6.

429 CONARIV 2016 'Rapport d'activités', p. 414.

430 FIDH, LIDHO and MIDH 2022 'La justice sacrifiée', p. 11.

bonds for severely injured persons, including some CRSV survivors; school fees for children orphaned during the conflict (278 in total); access to microcredits for more vulnerable victims; and collective reparations in the form of socio-community construction or rehabilitation projects.⁴³¹ In March 2019, the Ivorian government reported on its progress in delivering these reparations. At that time, an estimated 9,400 of the approximately 49,000 listed victims of grave crimes had received some form of reparation.⁴³² For beneficiaries of those killed during the conflict, out of 19,018 prospective recipients, 63% had not received reparations.⁴³³ Amongst the gravely injured, 91% of the 26,783 prospective recipients were still waiting for reparations.⁴³⁴

Only 150 of the reparation recipients were sexual violence survivors, representing 5% of the GBV cases listed by CONARIV.⁴³⁵ Unclear criteria used to prioritise recipients as well as non-transparent selection processes make it difficult to determine whether these survivors were granted reparations specifically because of the experience of sexual violence or because they suffered severe injury to which CRSV was incidental. According to a COVICI representative, reparations received by CRSV survivors to date only include a voucher for medical and other expenses, and not the wider forms of reparations once proposed by CONARIV, including psychological care, lump sum payments and a short-

term 'pension'.⁴³⁶ COVICI believes that the number of CRSV survivor recipients has only increased by a handful of individuals since 2019, but no new official figures are available.⁴³⁷

The funding structure of the national reparations programme speaks to the likelihood that the Ivorian government will meet its commitment to victims within the current framework. In 2015, President Alassane Ouattara set up an initial fund of 10 billion CFA (USD 16,053,000) and, in 2017, the government announced it had increased this amount by 10 billion CFA each year, and would continue to do so.⁴³⁸ According to the publicly available figures, this would represent approximately 0.1% of the annual government budget.⁴³⁹ While seemingly significant, this equals approximately USD 327 per year for each of the approximately 49,000 identified eligible victims of grave human rights violations. Seen in this regard, the budget is unrealistic for delivering even basic compensation to these victims within a reasonable timeframe, let alone delivering the more comprehensive reparations promised in the CONARIV draft law. This is especially true assuming the budget also covers administrative expenses and the cost of improving or provisioning services needed to deliver effective reparations (i.e. doctors, medical care, support workers, legal aid, education, etc.) as well as some community reparations.⁴⁴⁰

431 COVICI et al. 2019 'Rapport de monitoring', p. 29.

432 APA 2019 'Crise post-électorale'.

433 "Révélant des chiffres de la Commission nationale pour la réconciliation et l'indemnisation des victimes (CONARIV), le conférencier a fait savoir que sur un total de 19 018 personnes, 62,71% des ayant-droits des personnes décédées pendant la crise ivoirienne n'ont pas encore été pris en charge" (Ibid.).

434 Ibid.

435 Lassina Kanté, 'Déclaration du Président de la COVICI, pris à part à un atelier de renforcement de la stratégie des OSC ivoiriennes pour améliorer la protection et le soutien des victimes de violences sexuelles en Côte d'Ivoire' (COVICI, 10 October 2019).

436 Ibid.

437 Author correspondence with COVICI representative, August 2021.

438 Government of Côte d'Ivoire 2017 'Réparation communautaire des victimes des crises'.

439 In 2022, the annual budget for the Ivorian government was 9,909.1 billion CFA (approximately USD 15.9 billion), making reparations approximately 0.1% of annual government expenditure (Government of Côte d'Ivoire, 'Économie: le budget 2022 s'établit à 9901,1 milliards de FCFA', 21 October 2021), <https://www.gouv.ci/actualite-article.php?recordID=12731>, accessed 3 April 2023.

440 Community reparations are in part funded by the UNDP and other donors (Government of Côte d'Ivoire 2017 'Réparation communautaire des victimes des crises').



VIII. ACCESSING REMEDIES: OBSTACLES, BARRIERS, AND RISKS

In Côte d'Ivoire, claiming one's right to reparation requires time, knowledge and funds, and risks exposing oneself to stigma. Survivors must navigate a complex bureaucracy and spend money and time applying for documentation and travelling to Abidjan. Survivors interviewed for this Study spoke of feeling demoralised and helpless when it came to accessing justice and reparations. "And me, how would I know what to do or where to go?" one survivor asked.

"And to speak with who, even? What would I say when I got there; 'I've been raped, who should I speak with?' Something like that will expose me for nothing in return, no one is going to just appear to take care of me."⁴⁴¹

| 8.1. Judicial reparations

8.1.1. Structural obstacles to accessing justice

The judicial system was near collapse in most regions during the conflict and effectively non-existent in rebel-controlled areas.⁴⁴² Between 2000 and 2007,

only 43 cases of sexual violence were recorded in the legal system. This is at a time when government surveys recorded staggering rates of sexual violence, particularly in conflict-affected regions (see section 3.2.5 Patterns and estimated number of CRSV survivors).⁴⁴³ In the north, no rebel group took meaningful steps to sanction sexual violence. With the *Forces nouvelles* acting at once as occupiers, security forces and de facto governing authorities, there was nowhere to report sexual violence committed by the rebels or their associates. In this climate of impunity, survivors were at times forced to live in proximity to perpetrators, where threats and intimidation made it impossible to seek justice and, in some cases, medical assistance.⁴⁴⁴ Even in state-controlled areas, police and gendarmes were reportedly unwilling to take minimal measures to address sexual violence.⁴⁴⁵ Survivor statements include instances of police intimidating survivors into not filing complaints, protecting or releasing perpetrators, or themselves perpetrating sexual violence.⁴⁴⁶ Others recalled going to police for help, only to be abused by the security forces, while others were handed over to youth mobs, who then perpetrated acts of sexual violence.⁴⁴⁷ Survivors and legal professionals attempting to pursue criminal cases against FDS forces or pro-government militant groups (e.g. FESCI) faced intimidation and harassment by security forces.⁴⁴⁸

Even where police were willing to assist CRSV survivors, many refused to open a case without a medical certificate from a doctor that confirmed

441 Man focus group discussion (Man, 29 November 2021), participant MANSV02.

442 AfDB 2013 'Projet d'appui multisectoriel', p. 6. For example, *Dix-Huit Montagnes*, one of the regions worst affected by systematic sexual violence throughout the decade of conflict, has a trial court able to address sexual violence, but it was non-operational during the conflict period, and the town's administration was de facto under control of rebel forces (HRW 2010 'Afraid and forgotten', p. 4).

443 Note this estimate refers to all sexual violence and not only conflict-related incidents (UNFPA 2008 'Crise et VBG', p. 9).

444 In one example, following the rape of a ten-year-old girl by a civilian with ties to the *Forces nouvelles*, the *Forces nouvelles* threatened the medical personnel treating her and prevented them issuing a medical certificate confirming the rape (Amnesty International 2007 'The forgotten victims of the conflict', p. 20). Also see HRW 2007 'My heart is cut', pp. 102, 112.

445 HRW 2010 'Afraid and forgotten' p. 4.

446 HRW 2007 'My heart is cut', pp. 48–50, 65–72.

447 Abidjan focus group discussion (Abidjan, 3 December 2021), participants CGABJ06 and CGABJ07.

448 HRW 2008 'Student violence', pp. 40–46.

'signs of sexual violence'.⁴⁴⁹ Obtaining a medical certificate was impossible for most CRSV survivors given the high cost (generally fixed at 50,000 CFA, or USD 80), the risk of stigma, a lack of support and the breakdown of public services. In other instances, even if police opened a case without a medical certificate, officers often refused to collect other evidence, citing a lack of means to investigate.⁴⁵⁰

Sexual violence survivors were further blocked from accessing justice by a proclivity, past and present, towards out-of-court settlements. Out-of-court settlements are generally brokered by a traditional chief or religious leader and entail the families of the victim and perpetrator agreeing on a compensation payment (often the cost of the victim's medical care).⁴⁵¹ Survivors and their families may face considerable pressure to avoid formal justice channels as relatives, neighbours and local leaders seek to "*preserve social cohesion and community reputation*" by resorting to amicable settlements.⁴⁵² Police officers are at times complicit, themselves pressuring victims to withdraw a claim and seek an 'amicable' solution, or by referring sexual violence directly to traditional leaders rather than filing a case.⁴⁵³ Out-of-court settlements must still be viewed within the wider context of breakdown, discrimination and inaccessibility that survivors faced – and still face – in the formal Ivorian justice system. For many survivors of sexual violence, community-based settlements were – and still are – the sole means of seeking some form of redress and funds to pay for medical care.⁴⁵⁴

8.1.2. Judicial independence

Criminal accountability in Côte d'Ivoire is undermined by the perception that prosecutions are one-sided and lack independence from the executive government. The Public Prosecutor has prioritised investigating and trying members of the Gbagbo camp.⁴⁵⁵ In 2015, the Ivorian Special Investigation Unit opened cases against eight 'ComZones' (rebel leaders, or *commandants de zones*) for alleged war crimes, but no action followed, and these men remain in senior government offices or military ranks, with some receiving major promotions in the years since. Given the inaction that followed, these investigations could be interpreted as a manoeuvre to forestall a possible ICC investigation rather than a genuine step towards justice.⁴⁵⁶

A perception of judicial bias is further reinforced by the executive's strong oversight powers in the judiciary.⁴⁵⁷ The President of the Republic has supervisory powers over the justice sector, including a lead role in the appointment and promotion of judges, as well as disciplinary actions against judges or prosecutors.⁴⁵⁸ The Public Prosecutor, under whose authority the CSEI falls, is appointed by presidential decree on the recommendation of the Minister of Justice.⁴⁵⁹ Judicial officials interviewed by the ICTJ confided that they follow the instructions given by the overseeing ministry, explaining that career advancement depends on obeying orders from the

449 See decrees affirming that a medical certificate is not required to open an investigation (Decree No. 016/MJ/MEMIS/MPRD of 4 August 2016) and that other means of investigation and the duty to take the complaint are required in all circumstances (Decree No. 15/MJ/CAB of 13 July 2016). A medical certificate is not a legal requirement for a conviction, with the Ivorian legal code permitting many forms of corroborating evidence to prove sexual assault. The Code of Procedure lists evidence including a psychological assessment, witness testimony or analysis from the scene. If a medical certificate is deemed necessary by a court, the prosecutor can subpoena a doctor to provide the certificate for free (ONUCI 2016 'Rapport sur les viols', para 46).

450 Numerous doctors' associations have committed to providing free certificates, including the Congress of Gynaecologists and the Medical Association. As of August 2016, approximately 100 of the member doctors agreed to provide medical certificates free of charge in cases of rape. As part of the national strategy to end conflict-related sexual violence, all military hospitals are also committed to providing medical certificates free of charge to survivors (see CEDAW 2018 'Fourth periodic report', para 103; ONUCI 2016 'Rapport sur les viols', para 77).

451 See ONUCI 2016 'Rapport sur les viols', paras 58–59. Note that the 2016 Constitution recognises traditional chiefs as official governance institutions in Côte d'Ivoire; however, their authority is limited to local civil issues and does not include criminal matters, with an explicit prohibition on administering sexual violence cases (FIDH 2022 'On va régler ça en famille', pp. 34–35). What is more, the Penal Code includes provisions that should, in theory, lead to punishment for persons brokering amicable settlements in sexual violence cases, but no one ever faced charges for such acts (Ibid., p. 31).

452 ONUCI 2016 'Rapport sur les viols', para 61; FIDH 2022 'On va régler ça en famille', p. 38.

453 Medie 2017 'Rape reporting in post-conflict Côte d'Ivoire', p. 427.

454 FIDH 2022 'On va régler ça en famille', p. 36.

455 ICTJ 2016 'Disappointed hope', p. 30; FIDH, LIDHO and MIDH 2022 'La justice sacrifiée', p. 14.

456 HRW 2015 'To consolidate this peace', p. 6.

457 ICTJ 2016 'Disappointed hope', pp. 19–22; FIDH, LIDHO and MIDH 2022 'La justice sacrifiée', p. 22.

458 ICTJ 2016 'Disappointed hope', pp. 22–23.

459 Ibid., p. 11.

executive.⁴⁶⁰ As one defence attorney explained, the investigating judges are “mere caretakers of cases, since the decisions are made by the executive”.⁴⁶¹

8.1.3. Amnesties

The Ivorian Constitution includes provisions allowing for amnesties and presidential pardons, even in the case of grave crimes against civilians. Those provisions were used in connection with peace agreements ending the 2002–2003 conflict, during negotiations to end the national partition in 2007, and again in the context of the 2010–2011 conflict.⁴⁶² Although the 2003 amnesty, on paper, excludes grave human rights violations, the Gbagbo regime brought no one to justice for the grave crimes committed during the civil war or its aftermath.⁴⁶³ The 2007 Ouagadougou Agreement then extended the 2003 amnesty. Like the 2003 law before it, the terms of the Ouagadougou peace accord explicitly excluded war crimes and crimes against humanity from amnesty but has nonetheless effectively blocked all prosecutions.⁴⁶⁴

On 8 August 2018, a presidential ordinance granted amnesty “to those individuals prosecuted or convicted for offences related to the post-electoral crisis of 2010–2011”.⁴⁶⁵ President Ouattara publicly stated that perpetrators of international crimes were not included and that the amnesty was instead intended to pardon those charged with treason or other offences against the state.⁴⁶⁶ Yet, the ordinance does not explicitly exclude perpetrators of serious crimes.⁴⁶⁷ A list containing approximately 800 names covered by the

amnesty accompanied the ordinance, but was never made public, causing confusion regarding whether certain alleged perpetrators were officially pardoned or simply left to go free.⁴⁶⁸ Confusion also persists regarding the extent to which the amnesty applies beyond this list, or to persons investigated for multiple crimes, including both crimes against the state and *crimes du sang* (as was the case against Simone Gbagbo).⁴⁶⁹ Ongoing investigations and judicial proceedings were halted, despite the accused’s alleged role in serious human rights violations.⁴⁷⁰

The Ivorian Human Rights Movement (Mouvement ivoirien des droits humains, MIDH), the Ivorian Human Rights League (*Ligue ivoirienne des droits de l’homme*, LIDHO) and the Ivorian chapter of the International Human Rights Federation (*Fédération internationale des droits de l’homme*, FIDH) have worked directly with CRSV survivors to bring forward criminal and civil lawsuits on their behalf. In 2006, the MIDH brought 25 cases of sexual violence to the Public Prosecutor for investigation, none of which went to trial.⁴⁷¹ In 2015, the FIDH, with the MIDH and LIDHO, filed a civil lawsuit with the CSEI on behalf of 43 survivors of sexual violence committed during the post-election violence, but again no trials followed.⁴⁷² These efforts continued until the amnesty ordinance was issued in 2018. Although, in principle, the amnesty should not apply to grave crimes such as CRSV, the cases have, nonetheless remained inactive. The FIDH and MIDH decided it was impossible to continue pressuring directly for CRSV trials and, instead, adopted a new strategy of challenging the legality of the amnesty’s application to grave crimes.⁴⁷³ Soon after the amnesty was passed by

460 Ibid., p. 22.

461 Ibid.

462 Government of Côte d’Ivoire, ‘La loi d’amnistie promulguée [i.e. Amnesty Law No. B0 2003-309 of 8 August 2003]’ (Press release, 11 August 2003), <https://reliefweb.int/report/cote-divoire/cote-divoire-la-loi-damnistie-promulguée>, accessed 3 April 2023.

463 Amnesty Law of 2003 (Law No. B0 2003-309 of 8 August 2003), arts 4(b, c, d).

464 UNSC 2007 ‘Ouagadougou Agreement’, art. 6(3).

465 Ordinance No. 2018-669 of 6 August 2018, art. 1.

466 OSIWA and COVICI 2020 ‘La reconnaissance et la redevabilité relatives aux cas de VBG’, p. 35.

467 CEDAW 2019 ‘Concluding observations on the fourth periodic report’, para 9(b).

468 FIDH, LIDHO and MIDH 2022 ‘La justice sacrifiée’, p. 17; Vincent Duhem, ‘Côte d’Ivoire: l’amnistie accordée par Alassane Ouattara contestée par plusieurs ONG’ (*Jeune Afrique*, 15 November 2018), <https://www.jeuneafrique.com/664623/societe/cote-divoire-lamnistie-accordee-par-lassane-ouattara-contestee-par-plusieurs-ong/>, accessed 6 June 2021.

469 ODH, ‘Déclaration de l’OIDH suite à l’ordonnance du chef de l’Etat Alassane Ouatta portant amnistie d’environ 800 personnes’ (7 August 2018).

470 On releases, see CEDAW 2019 ‘Concluding observations on the fourth periodic report’. On halted cases, see Duhem 2018 ‘L’amnistie contestée par plusieurs ONG’.

471 HRW 2007 ‘My heart is cut’, p. 110.

472 FIDH 2015 ‘43 women finally access justice’, p. 1.

473 OSIWA and COVICI 2020 ‘La reconnaissance et la redevabilité relatives aux cas de VBG’, p. 34.

the presidential ordinance in August 2018, the MIDH and LIDHO presented a complaint against it based on its *formal* unconstitutionality (namely, that the amnesty was originally an ordinance and not a law) and for its *substantive* unconstitutionality (that it did not comply with the obligation, recognised by Côte d'Ivoire, to investigate crimes that constitute serious violations of international human rights law). When the National Assembly later adopted the ordinance as law, the formal complaint was dismissed as moot, but the substantive complaint remained. As of this writing, the NGO coalition is still waiting for a response from the Supreme Court. In parallel to these actions, the coalition plans to take their case representing 43 survivors of CRSV to the Court of Justice of the regional Economic Community of West African States (ECOWAS), citing the failure of the Ivorian justice system.⁴⁷⁴

Ultimately the unclear scope of the amnesty appears to serve a political purpose by protecting perpetrators while also leaving enough vagueness for selective prosecutions. Again, all three amnesties officially exclude grave human rights violations. Strictly speaking, prosecutions of serious crimes including CRSV are not blocked by the amnesty laws.

8.2. Non-judicial reparations

Interviewees did not know where to start when it came to accessing remedies, and the barriers they face along the way feel insurmountable on top of the daily challenges of keeping themselves and their children going. Reaching out to authorities for help was hopeless, they said. Were they to take on the effort and expense of identifying and visiting the correct authorities, they would be met with indifference or even hostility. As one said:

*"How would an individual woman just walk into [a ministry] office? No one would even open the door for me, or I'd just wait at the secretary's office until they throw me out."*⁴⁷⁵

8.2.1. Lack of communication, accessibility, and protection

The CONARIV's final report listed CRSV survivors as priority recipients of reparations, yet the majority of survivors interviewed for this Study (90%) had no knowledge of an existing reparations programme in Côte d'Ivoire or of any interim assistance options. Survivors also voiced the complaint that those with close ties to the current regime seemed to receive preferential treatment.⁴⁷⁶ The reparations process became especially complex when divided between the Ministry of Reconciliation and the Ministry of Solidarity. When interviewed, even officials from the ministries themselves were unable to clarify who held which responsibilities for which matters, and how coordination worked between the two entities.⁴⁷⁷

The UN basic principles on the right to remedy include communication as a core component of reparations.⁴⁷⁸ CONARIV had a communication component; however, its impact was limited by its short tenure.⁴⁷⁹ Participants in this Study felt the national conversation on reparations was focused on less stigmatising harms such as property damage or theft.⁴⁸⁰ Indeed, in the west, CONARIV was known to interviewees as "*la commission des biens perdus*" (the 'lost property' commission).⁴⁸¹ Participants in the Duékoué focus group only knew CONARIV by this name and were unaware that it had a function beyond registering looted and destroyed property.

474 Author interview with a lawyer representing CRSV survivors, August 2022.

475 Man focus group discussion (Man, 29 November 2021), participant MANSV02.

476 For example, victims' organisations complain areas dominated by Gbagbo supporters have received less reparation, such as the south-western region surrounding San Pedro, where victims' groups say no one has benefited (COVICI et al. 2019 'Rapport de monitoring', p. 29); Man focus group discussion (Man, 29 November 2021), participant MANSV02.

477 Author interview with the Director of the Ministry of Reconciliation, December 2021; author correspondence with the Regional Director of the Ministry of Solidarity.

478 OHCHR, 'Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law' (UNGA 'Resolution 60/147' (16 December 2005), para 24.

479 Bouaké focus group discussion (Bouaké, 25 November 2021), Bouaké victims' leader.

480 Man focus group, specifically see statement of participant MANSV054. This is also relevant to a wider Duékoué focus group discussion on the term '*commission des biens perdus*'.

481 Abidjan focus group discussion (Abidjan, 3 December 2021), COVICI representative.

A 2018 assessment conducted by COVICI found that victims' preferred means of communication were local radios, local governance structures such as sub-prefectures and community centres, and community leaders such as traditional chiefs.⁴⁸² The absence of effective outreach in Côte d'Ivoire has left victims with little knowledge of their rights or the status of their claims, and thus vulnerable to misinformation or fraud.⁴⁸³ CRSV survivors are particularly at risk of exclusion and misinformation. As one survivor explained:

"[the government] does not know us because we are always hidden, we are ashamed to come out and say 'this is what I've lived'".⁴⁸⁴

Effective communication with CRSV survivors requires a longstanding, dedicated effort, done in coordination with local structures and tailored to the specific vulnerabilities survivors face. As seen, most survivors interviewed were unaware of CONARIV, the national reparations commission. A related problem persisted even for those who did understand that CONARIV, in principle, also applied to CRSV survivors. As an interviewee from Abidjan explained, she had arrived with the intention of registering as a CRSV survivor but found she was not given the opportunity to speak about the experience of sexual violence:

"When they came here, they had these questions. They asked me 'so, what happened to you?' Well, honestly, I couldn't just explain it like that. I said, 'Well they arrived at the house – and then they pillaged' ... You see, the questions [about sexual violence] just weren't there, they didn't ask about my case. They wanted my name, they photocopied my papers ... They asked many questions like, 'so what did they do?', 'The things they stole, what were they worth?' I answered as best I could. They gave me a paper and said I shouldn't lose it, that they would come back. Well, they never came back."⁴⁸⁵

As this account suggests, the CONARIV statement-taker did not block her from speaking about sexual violence; however, it appears the Commission did not develop a statement-taking methodology that would allow CRSV survivors to speak freely about a traumatic past.⁴⁸⁶

Amongst the minority who did attempt to register with CONARIV, these words shed light on how CRSV survivors experienced the registration procedures:

"When [CONARIV] assembled people here at the prefecture, I went. When I arrived, I didn't know to whom I should tell my problems. There were just too many people there ... There are women [who have experienced CRSV] who could not even go near the place. You are meant to arrive before all these people and just say 'I've been raped'? It's not that easy! We are forced to step aside. People were making a line outside, but I could not put myself in that line, there's too much shame. These are people you don't know, people you've never seen in your life, and we are supposed to just walk up to them one day and say 'here's what they did to me!' No, that's just not possible."⁴⁸⁷

The CONARIV report indicates special efforts were made to protect the confidentiality of CRSV survivors by conducting private interviews; however, the statement above suggests that such privacy was not always available or not accessible. The CONARIV report makes no mention of other protections or security measures facilitating CRSV survivors' participation. Survivor reflections on their experiences with CONARIV confirm the lack of such measures. Statement-taking centres were in public locations such as town halls.⁴⁸⁸ In such a setting, it would have been difficult for a CRSV survivor to enter without being seen by community members, and possibly by former perpetrators. One interviewee spoke of risking

482 COVICI, 'Regagner la confiance des victimes: l'information, premier pas vers une réparation effective: Rapport de monitoring' (July 2018), p. 15; Abidjan focus group discussion (Abidjan, 3 December 2021).

483 Ibid., pp. 16–17. For example, numerous self-proclaimed 'non-profits' charge victims significant fees to 'assist' with their reparations claims (see Abidjan focus group discussion, 3 December 2021).

484 Duékoué focus group discussion (Duékoué, 1 December 2021), participant CGDKE10; also see Man focus group discussion (Man, 29 November 2021), participant MANSV02.

485 Semi-structured interview with CGABJ06 (Abidjan, October 2021).

486 A similar statement was given in the Man focus group discussion (Man, 29 November 2021) by participant MANSV03.

487 Semi-structured interview with MANSV04 (Man, 8 December 2021).

488 CONARIV 2016 'Rapport d'activités', Annexes II: Liste des centres d'audition, pp. 81–82.

exposure before her community by registering, only to feel deep disappointment when no assistance ever followed.⁴⁸⁹ Another decided she could not register at all when she saw the setting:

*"I went thinking I'd find a place for women who were raped to speak, but it wasn't the case. I just left."*⁴⁹⁰

In addition, mobile CONARIV teams were supported by local teams that included a representative of a women's associations, but also religious, customary and community leaders.⁴⁹¹ It would thus have been difficult for survivors to disclose to CONARIV agents without risking being exposed before local leaders. Moreover, mobile teams collected testimony during a short window of time, with the entire country covered between 18 May and 30 June 2015.⁴⁹² As one victims' leader explained:

*"Even we [the local victims' association] did not realise CONARIV had come to town. I was at a meeting when I heard they were there, and by the time I finished the meeting and ran [to register] they were already gone."*⁴⁹³

In practice, a minority of the survivors interviewed for this Study registered with CONARIV, and all but one still awaits follow-up.⁴⁹⁴

8.2.2. Lack of clarity on eligibility

Amongst the bureaucratic obstacles to reparation, survivors found that obtaining the official documentation required was especially burdensome. In order to qualify for reparations, CONARIV required that all case files include some form of official proof beyond the victims' statements.⁴⁹⁵ In the case of sexual violence, survivors were required to provide either a medical certificate, a psychological or medical

file, or collaborating testimony from a religious or community leader.⁴⁹⁶ As discussed, few CRSV survivors received medical or psychological care, let alone obtained a costly medical certificate. Even in areas where such services were available during the conflict, the risk of stigma and family rejection meant many survivors avoided seeking assistance (see section 5.1. Access to healthcare during the conflict). These realities make verification through official documentation an unrealistic standard of proof for all victims, and particularly for CRSV survivors.⁴⁹⁷

During the conflict period, identity documents were lost and destroyed, and government offices or police stations where victims would, in theory, obtain official certifications or file complaints did not function or were themselves a source of threat. Today, replacing or obtaining official documentation is expensive and can involve circling through extensive bureaucratic red tape. One survivor from Bouaké described spending all the money she had to stay in Abidjan, trying to meet the correct official to submit documentation required to claim her medical bond. After two months, her savings ran out and she went home empty-handed.

*"We have absolutely no power before [these agents]," she said, "It is a country where we don't even know the name of the government office [we need]."*⁴⁹⁸

The Commission allowed for verification without documentation where community or religious leaders ('reliable' witnesses) could confirm a victim's statement. In the case of sexual violence, it is unlikely that survivors disclosed such events to community leaders. Indeed, survivors interviewed for this Study said they especially avoided confiding in local leaders given the central role these persons play in community and family life. In its discussion of fraud, CONARIV reports that many false statements were

489 Man focus group (Man, 29 November 2021), participant MANSV04.

490 Man focus group discussion (Man, 29 November 2021), participant MANSV03.

491 CONARIV 2016 'Rapport d'activités', p. 124.

492 Ibid, p. 9.

493 Author interview with the leader of the San Pedro victims' association, May 2021.

494 Duékoué focus group discussion (Duékoué, 1 December 2021), participant CGDKE10 received a response from the PNCS.

495 CONARIV 2016 'Rapport d'activités', pp. 20–22, 29, 104; COVICI et al. 2019 'Rapport de monitoring', pp. 33, 37.

496 The CONARIV report lists possible proof of sexual violence as: "A medical certificate, a patient file indicating psychological or medical treatment, a statement from a religious or community leader ..." (ellipses part of the original text, CONARIV 2016 'Rapport d'activités', p. 21).

497 ICTJ 2016 'Recommandations pour la réparation des victimes', p. 7.

498 Bouaké focus group discussion (Bouaké, 25 November 2021), participant CGBKE04.

identified during its field survey, writing that “very often, the facts alleged by the victim during his or her statement were denied by the witnesses, community leaders and other knowledgeable people”.⁴⁹⁹ Although this point does not specifically reference sexual violence, it illustrates a methodology in which the testimony of local leaders is prioritised over a victim’s own words. Although deferring to community leaders may have been a well-intended effort to make the verification process more flexible, in the case of CRSV, such a policy tends towards doubting and shaming survivors rather than supporting their claims.

The standard of proof required by the Ivorian reparations programme is closer to that used in a court than to the standards used in other large-scale national reparations programmes.⁵⁰⁰ Applying court-like standards to a national-scale reparations programme is hugely burdensome in the expense and administration required for all actors, not just victims. Such a standard of proof is also prone to error and unfair exclusion, especially of more vulnerable groups who have less access to official documents and the state officials issuing them.⁵⁰¹ A sufficient standard of proof for a non-judicial process may be met by reviewing survivor statements against other testimony by the same victim or by witnesses of the same events, such as those documented by the CDVR, by national and international NGOs, and by UN agencies. In some cases, it may be sufficient to assess the viability of a statement against known events or patterns of violations in a given location and time period. Moreover, in large-scale reparations programmes, it is accepted practice to default towards believing the testimony of survivors. This can mean giving survivors the benefit of the doubt or, alternatively, reversing the burden of proof onto administrative institutions.

Failing to align verification processes with the economic and social realities facing more vulnerable victims has resulted in another logistical obstacle for

CRSV survivors; namely, all persons registering with CONARIV were required to list a working phone number so ministry agents could reach them to verify their claims. At a 2019 conference, a representative of the Victims’ Assistance Department (*Direction de l’aide aux victimes*, DAV) within the Ministry of Solidarity (MSCSIV) admitted that the Ministry’s policy of phone verification was a primary reason why so few CRSV survivors had received reparations.⁵⁰² As he explained, ministry agents would phone those registered as GBV survivors to confirm their statements, only to have the person deny it was true. It should be unsurprising that survivors are not able or willing to give details of their abuse to an unknown person over the phone, particularly as many survivors share a phone with a partner or other family members. While acknowledging that a phone-based verification process did not work for sexual violence cases, the official insisted that survivors’ statements nonetheless needed to pass this process.⁵⁰³

8.2.3. Lack of information on the status of claims

In principle, CONARIV’s mandate offered a wide window of eligibility. It was open to victims from unrest in the 1990s to the coup d’état of 24 December 1999; then the period from the rebellion of 19 September 2002 up until the post-election crisis of November 2010; and finally, it then extended a year past the crisis to 31 December 2012.⁵⁰⁴ No information is available, however, on which distribution of reparation recipients come from which period of conflict, sparking claims from victims’ groups that persons who experienced violations outside the 2010 post-electoral crisis period are, in practice, excluded.⁵⁰⁵ Putting the cut-off date in 2012 also has consequences for the country’s large post-conflict prison population, a group that may contain a high number of survivors of sexual violence.⁵⁰⁶

499 CONARIV 2016 ‘Rapport d’activités’, p. 29.

500 ICTJ 2016 ‘Recommandations pour la réparation des victimes’, p. 7.

501 Ibid.

502 OSIWA and COVICI 2020 ‘Le reconnaissance et la redevabilité relatives aux cas de VBG’, p. 27.

503 Ibid.

504 CONARIV 2016 ‘Rapport d’activités’, p. 113.

505 CEDAW 2019 ‘Concluding observations on the fourth periodic review’, para 9.

506 Radio France Internationale, ‘Derrière les murs d’une prison pour les mineurs en Côte d’Ivoire’ (25 December 2014), <https://www.rfi.fr/fr/afrique/20141225-reportage-derriere-murs-prison-mineurs-com-droits-enfants-justice-maca-fondation-amigo-societe>, accessed 3 April 2023; Adele 2015 ‘Les prisons ignorent les droits des jeunes’.

As already discussed, only one third of victims who registered with CONARIV had their names retained on the list of eligible recipients. The ministries implementing reparations, the Ministry of Reconciliation and the Ministry of Solidarity, have no official process for communicating with victims regarding their status. For the minority of survivors who did register, there is no accessible way to seek information on the status of their claims.

Today most victims, even amongst the minority of CRSV survivors who did register with the Commission, do not know whether their files were approved or rejected by CONARIV and, if rejected, on what grounds.⁵⁰⁷ According to the MSLP, the Ministry of Solidarity did not receive a list of rejected files from CONARIV, meaning the agency does not have those names and thus cannot communicate with those victims.⁵⁰⁸ This has resulted in many victims preparing the documentation required to claim reparations, only to discover they are not eligible. This is especially problematic as preparing these documents is expensive, costing approximately 50,000 CFA (USD 80) per person.⁵⁰⁹ COVICI warns there is a trend of victims using their savings or going into debt to obtain the documents, only to discover that their application was already denied by CONARIV.⁵¹⁰

There is no review process for those who did not register with CONARIV and those deemed ineligible. Amongst the survivors interviewed, lack of knowledge about the process, lack of access to officials, security risks and fear of stigma were cited as the primary reasons for not registering. These reasons suggest that problems with both the registration and verification processes of CONARIV resulted in many instances of exclusion of victims of grave violations, in particular CRSV as a more hidden and stigmatised violation. This situation merits an appeal process and the possibility of rolling registration, and that such new provisions be designed with the goal of being accessible to more vulnerable groups.

Civil society groups criticise the Ministry of Solidarity for its lack of transparency surrounding the final validated list and for its unwillingness to accommodate unregistered conflict victims.⁵¹¹ Since 2018, COVICI has advocated before the Ministry of Solidarity for the publication of a list of the victims deemed eligible for reparations.⁵¹² In response to these advocacy efforts, the Ministry maintains that the names of eligible victims must remain confidential for the listed persons' own protection. An open publication of the list would indeed entail risks, particularly in the case of CRSV survivors. Although the list would not include information on specific violations suffered, family and community members often have insight into conflict-era events and may reach conclusions on their own about what CRSV survivors experienced. That said, publishing a list of eligible names would increase accessibility, remove bureaucratic burdens and save limited time and money for all involved. These reasons were, for example, behind decisions in Peru and Chile to publish lists of names.

It is nonetheless the view of this author that the open publication of all eligible names is not sensitive to the risks facing survivors of sexual violence and other similarly stigmatising violations. As a possible way forward, a mixed approach could be sought, one that publishes most names while protecting the identity of vulnerable persons by reaching out to these individuals in confidence.⁵¹³ That said, there are also risks to singling out CRSV survivors for special treatment, as any breach of confidentiality could then expose them.

There is no easy solution. Communicating in a safe, confidential, and respectful way with all reparation applicants is an enormous challenge. Achieving this will require excellent coordination across government levels and agencies, and with civil society partners. The government nonetheless has some options for making the task more manageable. The Ministry of Solidarity has representatives throughout the country (for example, at their regional offices or through partner agencies, such as Ministry of Social Welfare community centres). These

507 FIDH, LIDHO and MIDH 2022 'La justice sacrifiée', p. 11.

508 COVICI 2018 'Rapport de monitoring', p. 17.

509 Author interview with COVICI representative, May 2021.

510 Abidjan focus group (Abidjan, 3 December 2021), COVICI representative.

511 COVICI 2018 'Rapport de monitoring', p. 17; COVICI et al. 2019 'Rapport de monitoring', p. 37.

512 COVICI 2018 'Rapport de monitoring', p. 17.

513 For example, most names could be published, but those who registered as sexual violence survivors (and other high-risk groups such as victims of child recruitment) could benefit from dedicated and confidential outreach measures. The task would be less unwieldy as it would require privately contacting a few thousand people rather than more than three hundred thousand.

agencies could have an open-door policy allowing victims to meet with a local representative able to verify their status. Another option would be communicating with applicants through the NGO or victims' association that submitted a file on their behalf. Although this would apply to only 67% of applicants (362,537 files), that is still a significant percentage. The task can again be made less daunting if outreach efforts are limited to victims of serious crimes – CRSV, killings, disappearance, and serious bodily harm – totalling approximately 54,000 persons in CONARIV's registry.

A small number of CRSV survivors originally excluded from CONARIV have received some assistance on a case-by-case basis from the Ministry of Solidarity.⁵¹⁴ This was possible through support from COVICI, thanks to the organisation's persistence and knowledge of government procedures and personnel. As such, the cases represent exceptional circumstances and are not an opportunity open to all survivors. On one hand, these cases show goodwill on the part of the Ministry of Solidarity. On the other, this is an example of reparations being granted at the discretion of government officials, delinked from a concrete policy that recognises reparations as a right.

8.3. Overarching concerns

8.3.1. Isolation and poverty

Isolation from family and community combine with a lack of economic means to create an interlinked set of barriers to accessing reparations. Isolation is a cause of and a compounding factor in poverty, which in turn makes it difficult for survivors to pay for travel to government offices or take time away from work and childcare. There is also a social and psychological component to these challenges. Managing day-to-day is already a challenge for many persons living with the consequences of grave physical and mental trauma. It is thus unrealistic to expect that such persons take the initiative, in the face of so many barriers and stigma, to organise and petition unresponsive state institutions for their rights.⁵¹⁵

8.3.2 Security risks

Survivors in all four localities included in this Study expressed very low trust in the police and armed forces. Interviewees considered them biased, apt to stigmatise or expose survivors, and more likely to protect perpetrators – some of whom are their friends or associates – than help survivors. Interviewees from the country's interior, in particular, felt advocacy efforts entailed a high risk of repression. As a survivor previously involved in victims' advocacy efforts explained:

"If we agreed on an [advocacy] plan ... the minute you assemble, they will see there is something happening and, immediately, the national forces will be warned. They'll ask why you're here and if they don't like it, they call the mayor, saying 'there's women here, looking to make demands on you'. The mayor won't like it, he'll say stop them, and immediately you are surrounded. If you resist, they will use force, they will use tear gas and the guns they carry are real. If we do activism here, we'll end up victims again and again. Do you understand? Activism is very dangerous."⁵¹⁶

Even those who did not feel security forces posed a threat of violence, did not trust the police to protect them or act discreetly should they go to them for help.

8.3.3. Lack of transparency

These obstacles reinforce an overall sense that national reparations are delivered as a benefit that depends on the willingness of officials to assist a given individual or group rather than as a right that victims are entitled to and can claim.

Study participants felt partiality on the part of state officials meant some conflict victims received assistance while CRSV survivors did not. Interviewees explained that persons with ties to the ruling party seemed more likely to receive compensation, even when they suffered less debilitating harms.⁵¹⁷ These claims of impartiality cannot be substantiated without analysing the profiles of reparations recipients to

⁵¹⁴ Author interview with COVICI representative, May 2021.

⁵¹⁵ Man focus group discussion (Man, 29 November 2021), participant MANSV04.

⁵¹⁶ Bouaké focus group discussion (Bouaké, 25 November 2021), participant CGBKE01.

⁵¹⁷ Man focus group discussion (Man, 29 November 2021), participant MANSV3.

date, and that information is not publicly available. It is nonetheless clear that a lack of transparency regarding how reparations are distributed, and the criteria used for prioritisation, is a major source of frustration and resentment amongst victims.

8.3.4. Reconciliation prioritised over remedy

In the view of survivors, the Ivorian government has moved on from the conflict era and is deaf to calls for justice from the conflict victim community, if not openly hostile. While those interviewed strongly supported community reconciliation efforts, survivors felt that the language of 'national reconciliation' had been co-opted by some politicians as a way to block conflict victims' advocacy efforts. *"After the 'national reconciliation'", explained a Study participant,*

*"We can't just go to [the state] and say 'you have harmed me and must compensate me.' They will respond, 'so you're against Côte d'Ivoire?' It's part of the risk that we face, it's something that is blocking our rights. It blocks us because the big men, the leaders of the country, they say 'there has been reconciliation already, so now it's time for you to pardon'. What can we say after that? Are we going to say back to them, 'it's my right!' They will say, 'so you are against reconciliation?' It's a barrier for us, this 'national reconciliation'."*⁵¹⁸

As her words make clear, when victims' groups make demands on the state to meet their rights to justice and repair, state representatives tend to respond with statements that imply – or directly accuse – the victim community of inhibiting national reconciliation and thus undermining peace.

⁵¹⁸ Man focus group discussion (Man, 29 November 2021), participant MANSV02.



African market in Abidjan.

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Village in Côte d'Ivoire
© Adobe Stock



IX. ADVANCING REPARATIONS FOR CRSV SURVIVORS

Making reparations available and accessible is not only about assessing needs, but also about assessing what is possible. Turning survivors' expectations and needs into policy requires finding feasible ways to recognise the right to reparations, on a large scale, within a reasonable timeframe and budget, and without placing insurmountable administrative burdens on survivors, CSOs or on the state itself.

| 9.1. Role of state actors

In a December 2021 statement, Belmonde Dogo, the Minister of Solidarity, reaffirmed that the government of Côte d'Ivoire considers reparation a right of conflict victims and that President Ouattara continues to hold reparations as a priority of his administration.⁵¹⁹ Contradicting this statement, discussions between civil society leaders and representatives of the Ministries for Reconciliation and Solidarity have unofficially revealed that the government has abandoned individual reparations and instead will henceforth focus only on community reparations.⁵²⁰

Study participants were clear that past experiences with government-led initiatives have led to a loss of trust in the state and a preference for future engagements through civil society and international actors.⁵²¹ The state nonetheless remains responsible for providing services to citizens, and reparations to conflict victims. International agencies and national civil society have a role in this work, but for CRSV survivors to access reparations as well as much needed public services over the long term, it is necessary to find ways for the government to work with, and for, survivors. For policymakers in Côte d'Ivoire, that way forward starts by defining a reparations policy that recognises reparation as a right, not a benefit.

9.1.1. Budgeting

To be effective, a reparations policy must include the provision of funding for all necessary resources and personnel, as well as a clearly defined system and timeline for delivering and monitoring reparations. All tasks, programmes, and initiatives to be implemented must be budgeted and scheduled at the time of planning, as duties assigned to already busy state agents or underfunded local structures risk not happening. The timeline needed to implement a national-scale reparations programme extends beyond a single budgetary cycle. A successful reparations programme thus requires a long-term financial commitment from the state, which in turn should be backed by legislation to ensure funding is not dependent on the political will or priorities of a given administration.

Securing the funds needed for effective reparations in Côte d'Ivoire means increasing the current budget, but also improving the efficiency with which existing funds are used. According to the publicly available numbers, the reparations programme to date has received USD 50 million in state funds and delivered minimal reparations to fewer than 10,000 victims (in the form of small lump sum payments, education bursaries or medical bonds). Côte d'Ivoire has approved a list of approximately 54,000 victims of grave human rights violations for reparations. The cost and complexity of this task is enormous, but Côte d'Ivoire and its international partners have already demonstrated it is within their financial and technical capacities. The national DDR programme benefited almost 70,000 former combatants and comprised a package of benefits including job trainings, employment placements and seed funds, as well as other financial assistance and community reinsertion programmes.⁵²²

519 Ministry of Solidarity (*ministère de la Solidarité et la lutte contre le pauvreté* MSLP), 'Indemnisation des victimes des crises: le gouvernement relance le processus de réparations des préjudices' (10 December 2021), <https://www.solidarite.gouv.ci/actualite/actualite-detail/indemnisation-des-victimes-des-crisis-le-gouvernement-relance-le-processus-de-reparations-des-prejudices892>, accessed 3 April 2022.

520 FIDH, LIDHO and MIDH 2022 'La justice sacrifiée', p. 11.

521 Semi-structured interview with CGBKE07, October 2021.

522 ONUCI, 'Disarmament, demobilization, and reintegration of ex-combatants in Côte d'Ivoire' (undated), <https://onuci.unmissions.org/en/disarmament-demobilization-and-reintegration-ex-combatants-cote-d-ivoire>, accessed 1 April 2023.

9.1.2. Survivor participation and consultation

Difficult prioritisation and decision-making are needed to define a feasible and effective reparations policy. Those hard decisions are unlikely to be acceptable to victims if they are denied a seat at the discussion table. Conversely, meaningful opportunities to participate in crafting solutions give victims' groups the chance to understand constraints and become partners in finding a way forward. Reparations that are imposed will likely never feel sufficient, whereas when authorities demonstrate a sincere effort to consult with survivors' and meet their needs, that process itself can be reparative. For most survivors, such a process would be a first positive interaction with state officials. This alone may mark an important step towards reintegration into civic life and the restitution of survivors' social standing.⁵²³

Consultations that do not bring reparative value risk taking victims' time and raising expectations without the guarantee that something meaningful will follow. As was done in this Study, survivor participation can be linked to counselling services, trainings, or other opportunities to help survivors immediately access benefits or gain new skills. That said, even victims' participation must be balanced with other priorities if a reparations programme is to remain feasible. Victims are not a homogenous group and creating meaningful and secure opportunities for broad victim participation takes time and resources. The extent and thoroughness of victim consultations must be balanced against the imperatives of having resources left to implement, and of getting to implementation with minimal delay.

9.1.3. Strengthen coordination and engage local actors

As seen in earlier sections of this report, coordination challenges undermine the efficacy of public services in Côte d'Ivoire and have contributed to stalling the

reparations programme. Whereas basic care from public services is a right and not itself a reparation, effective reparations for CRSV survivors in the Ivorian context must include measures ensuring the accessibility and effectiveness of public services.

This requires engaging service providers on their roles and responsibilities in supporting CRSV survivors, as well as ensuring the division of duties are understood within all relevant state agencies and at all levels of government. An effective reparations policy should thus clarify who is responsible for which aspects of addressing victims' needs and rights within each relevant state ministry and programme and include a coordination process engaging all necessary actors (including state agencies, but also victims' associations, local NGOs, specialised medical staff, legal assistance, etc.).

In particular, this work requires that coordination efforts reach the local and regional levels. Study participants were opposed to future government engagements, describing their past experiences with state initiatives as sources of isolation and frustration. One possible way forward is to start at the local level, where there is some trust and a willingness to engage with state actors. Social centres (often embedded within community centres and known as '*les centres socio-éducatifs*' in Côte d'Ivoire) were an exception to the generally low levels of trust survivors felt for government services. Interviewees spoke of receiving reliable and caring support from social workers at local community centres. One interviewee recalled receiving help navigating governmental red tape for food assistance, while another explained how social workers intervened to stop harassment by local youths.⁵²⁴ Lack of knowledge about the services available at social centres as well as limited resources within the centres were cited as obstacles to assistance. Nevertheless, survivors expressed trust in and appreciation of community social workers and a desire to continue receiving assistance through these services.

523 Naomi Roht-Arriaza and Katharine Orlovsky, 'A complementary relationship: Reparations and development', in Pablo de Greiff and Roger Duthie (Eds.), *Transitional Justice and Development: Making Connections* (New York, SSRIC and ICTJ, 2009), cited by Guillerot 2022 'Where we are? Where to go?', p. 37.

524 One survivor in Duékoué recalled having a problem with a youth who repeatedly insulted her in public, citing the sexual violence she had experienced during the conflict. The police refused to intervene, whereas social workers from the community centre worked with local leaders and the family of the youth to find a resolution and secure an apology (Duékoué focus group discussion, 1 December 2021).

9.2. Role of international organisations

9.2.1. Survivor support

Study participants shared consensus on a request for assistance from international agencies and NGOs that could advocate on their behalf before state institutions.⁵²⁵ As seen, participants described feeling invisible before the state, and shared the certainty that no one would believe them if they approached government offices alone.⁵²⁶ They felt that support from international intermediaries would give legitimacy to their cause, and would be difficult for the state to brush aside or ignore.⁵²⁷ As one explained:

*"Maybe if international organisations, those that truly wish to support victims of sexual violence, come to help us. If they bring lawyers from outside this country, perhaps then it might be possible to push forward the cause of Côte d'Ivoire's victims."*⁵²⁸

As low-income persons largely deprived of education, interviewees lacked the knowhow to navigate complex state structures. They requested assistance from those with expertise and influence in this work.⁵²⁹

9.2.2. Multi-level mandate

These survivor perspectives translate into a multi-pronged mandate for international intermediaries intervening on the issue of justice, support, and reparations for CRSV survivors. Firstly, as requested by the survivors interviewed, international organisations have a role as advocates and in providing interim support on specific needs. Beyond merely helping to remove specific obstacles to reparations, international bodies also have a role in addressing the overall ineffectiveness and insensitivity of public services

towards conflict victims, and CRSV survivors in particular. The civil service requires an overall revision of the way ministries communicate with victims, respond to their requests, and recognise the right to remedy. Without addressing this underlining reality of inaccessible and disinterested state officials, removing specific barriers to reparations can only have short-term impacts. Finally, taking yet another step back, meeting survivors' request for international intermediaries requires that foreign actors combine short-term support for conflict victims with long-term efforts to strengthen democratic institutions and state policies. This is because an effective international intervention is done with constant awareness that there will be an exit, and that national institutions must not only be equipped but also committed to taking that work forward. In the Ivorian case, this means securing buy-in from state actors who, at best, have shown inconsistency in their commitment to recognising and addressing the right to reparations.

It would be no small feat to secure genuine government commitment, especially on a topic where so many other international actors have achieved limited success. Nevertheless, without government actors prepared to follow through on implementation and consolidation, the impact of international interventions will be short lived. As a possible way forward, international intermediaries might approach this challenge with the aim of building bridges between state services and survivors, such that government actors respond effectively to both requirements and become incentivised to respond to victims' rights. On one side, this might entail helping tilt the power balance in favour of survivors by equipping their organisations to be strong partners vis-a-vis state institutions. On the other side, international actors have a role partnering with the state in efforts to strengthen its democratic institutions. This work could take many forms: partnering with good governance monitoring bodies such as the CNDH-CI; supporting the National Assembly in passing

525 Bouaké focus group discussion (Bouaké, 25 November 2021); Man focus group discussion (Man, 29 November 2021); Abidjan focus group discussion (Abidjan, 3 December 2021).

526 Man focus group discussion (Man, 29 November 2021); Duékoué focus group discussion (Duékoué, 1 December 2021); Bouaké focus group discussion (Bouaké, 25 November 2021).

527 Man focus group discussion (Man, 29 November 2021), participant MANSV03.

528 Abidjan focus group discussion (Abidjan, 3 December 2021), participant CGABJ11.

529 Man focus group discussion (Man, 29 November 2021), participant MANSV02.

legislation protecting victims' rights and a reparations law in particular; and promoting the independence and accessibility of the courts, to name just a few examples. Whatever the means, the goal would be to ensure institutions and policies are in place such that Ivorians in general and conflict victims in particular have access to reliable avenues for exercising their rights over the long term.

9.3. Role of civil society: Advocacy strategies going forward

Given the low levels of trust felt towards the state, a reparations programme in Côte d'Ivoire will remain inaccessible to survivors if they have no option but to work directly through state institutions to access reparations or support services. As one interviewee expressed:

“The state has no interest in us. The people working there, they make their programmes, but in reality, they have done nothing for us. Nothing at all for us. If you are asking what we see as the way towards a tomorrow where we could prosper, it will be through the NGOs.”⁵³⁰

Survivor-led networks or local associations with a longstanding, trusted relationship to survivors are well placed to help identify CRSV survivors and support their engagement with reparations programmes and wider support services. As organisations embedded in their respective communities, these actors provide survivors with crucial information about services and programmes, as well as help link them to actors and agencies at the national and international level. Local NGOs and community organisations are also able to provide discreet and long-term support. In particular, survivors benefit from the ongoing

presence of local organisations, as compared to the often-short timeline of projects led by international organisations.⁵³¹ That said, local organisations cannot dedicate the time and resources needed to provide reliable, safe and long-term assistance to CRSV survivors without funding and training. This too must be budgeted and planned in a national reparations policy if reparations are to be accessible to survivors.

Study participants who had participated in advocacy efforts in the past found it required much effort yet brought little hope of success. Some survivors even faced security risks when joining advocacy initiatives.⁵³² The survivors and victims' group leaders interviewed primarily spoke of advocacy through demonstrations. Notwithstanding that it is wrong to repress peaceful protest and this itself might be an important topic for future civil society advocacy initiatives, there may be other options that entail less risk and are more likely to succeed in the specific aim of advancing reparations for CRSV survivors. Recall that COVICI effectively petitioned the Ministry of Solidarity to deliver reparations on an exceptional basis to formerly excluded CRSV survivors. Though limited, the state response still demonstrated that there is some space in which to move forward on survivors' rights.

Identifying this space and maximising its potential requires strategic thinking, particularly if we hope to move away from a case-by-case approach towards meaningful policy change and an overall reform of the national reparations programme. Such work starts by studying the constraints survivors and their CSO partners must work within and by thinking strategically about what avenues might still be open. Open letters, press conferences and brokering meetings with key government authorities are all strategies for bringing issues into the public light. Forging relationships with journalists and other media figures can further help reignite reparations as a national issue, particularly when those journalists represent all sides of the conflict. Furthermore, there may still be space for advocacy through judicial avenues in Côte d'Ivoire. As seen, there are CRSV-related cases under investigation at the CSEI. Though stalled since the 2018 amnesty, these cases,

⁵³⁰ Man focus group discussion (Man, 29 November 2021), participant MANSV02.

⁵³¹ Ibid.

⁵³² Bouaké focus group discussion (Bouaké, 25 November 2021).

in principle, do not fall under the amnesty. CSOs can go before a trial judge and ascertain if a given case is open or closed, and if it is closed, whether it is under amnesty or just stalled, and if it is under amnesty, whether it has been appealed, and so on. Even if it means a dogged process of going case-by-case, there is still room to exhaust domestic remedies, and these avenues should be tested.

Building alliances within the government can also be an effective strategy as long as it does not require becoming subservient to the authorities or exchanging goodwill and withholding critique in return for minimal benefits. Approaching authorities

as potential allies allows the possibility of identifying shared interests and joining forces in removing common obstacles. For example, CSOs might find common cause at the sub-prefecture level with local state officials also frustrated by the lack of resources needed to provide effective public services. Where CSOs and local actors jointly make claims to higher levels of authority, both parties gain legitimacy and weight in their demands. Strategic allies might also be found in the upper ranks of institutions such as the National Human Rights Council (CNDH-CI) or a partner ministry, where officials may wish to support reparations but are themselves blocked by some of the same challenges facing CSOs.



X. RECOMMENDATIONS

| 1. Recommendations for state actors

Approach reparations as a right and not a benefit

Design new and revise existing programmes, legislation, and policies to reflect the recognition of reparations as the right of all victims of grave conflict-era violations and not a merely a benefit delivered at the discretion of state officials. Reparations policies further require special measures aimed at ensuring the full inclusion of CRSV survivors.

Including survivors, draft and pass a reparations law

Hold consultations on a draft reparations law design and implementation procedures with victims' organisations and civil society partners, including special measures to ensure the inclusion of more vulnerable victims' groups, noting that meaningful inclusion may require financial assistance, training, and other support. The CONARIV draft reparations law could serve as the basis for these consultations.

Pass the draft reparations law, guaranteeing that reparations will be delivered in an equitable manner and meet a minimum standard. At a minimum, such a law should codify (i) eligibility criteria; (ii) an implementation plan; (iii) a budget and guarantees of state funding; (iv) a rubric for reparations accorded to victims of given prejudices; (v) the procedures laying out registration processes, how files will be reviewed and decisions communicated, and an appeals procedure; (vi) measures required to ensure an equitable process; (vii) special provisions to ensure the inclusion and protection of more vulnerable persons, particularly CRSV survivors and child victims; (viii) a timeline for the distribution of national reparations; and (ix) a definition of the registration and implementation body, including its governing structure and location inside the state administration, and a supervisory board with victim and civil society representatives amongst the members.

ESTABLISH SPECIAL MEASURES FOR CHILDREN AND FOR PERSONS WHO WERE CHILDREN AT THE TIME OF VIOLATION

Design programmes and services to reflect the centrality of children in patterns of CRSV in Côte d'Ivoire, ensuring services respond to the distinct and devastating impacts of childhood CRSV that are often carried into adulthood (i.e. loss of educational opportunities, impacts to physical and cognitive development, breakdown of family and community ties, abandonment, etc.).

DESIGN PROGRAMMES AND SUPPORT SERVICES TO BE INCLUSIVE OF THE FULL DIVERSITY OF CRSV SURVIVORS

Correct an ongoing tendency of donor, government, and civil society initiatives to approach CRSV as a problem affecting only women and girls, leaving important gaps in support available to male survivors as well as those from the LGBTQ+ community.

Establish additional reparation enrolment opportunities

Open additional enrolment periods for excluded cases, as well as the possibility of ongoing enrolment and appeals. To the extent possible, ongoing enrolment should be permanently available to CRSV survivors (and others likely to be excluded or blocked from past enrolment opportunities). If registration deadlines cannot be avoided, the window of opportunity for registration should be as wide as possible and accompanied by outreach efforts ensuring CRSV survivors are fully informed and have access to assistance for overcoming any barriers to registration.

Clarify and simplify the standards and burden of proof

To the fullest extent possible, remove administrative burdens from survivors in all programmes and procedures necessary to access reparations and

interim assistance. All actors should streamline and simplify their procedures and processes such that the minimum possible burden falls on beneficiaries. This means ensuring the accessibility of applications, renewals, documents, state offices, interactions with officials and communications, to name a few examples.

Clarify and simplify procedures related to registration and renewal of applications for reparations as well as any documentation required to do so.

Where identity documents are required, obtaining these documents must be free, accessible and require minimal administrative effort, and assistance must be available when needed.

Revise the Ivorian reparations programme's standard of proof of violation to be in line with those used in similar large-scale national reparations programmes. In particular, lack of official documentation should never be a reason to reject a conflict victim's reparations claim. The requirement of official documentation should be minimised and, where unavoidable, those documents (i.e. court decisions, death certificates, medical certificates, etc.) should be available free of charge and representatives must be available at the local level to facilitate processing.

Match planned reparations programmes and related activities with realistic budgets and timelines

All tasks, programmes and initiatives related to implementing reparations must be budgeted and a timeline set at the time of planning. Budgets must include financial commitments to all actors involved in the delivery of reparations including local administrators and public services as well as victims' associations, local NGOs, specialised medical staff, legal assistance, etc.

Establish and publish a timeline of milestones and deadlines for the distribution of the full national reparations programme. Regularly publish updates on progress towards these milestones and the reasons for any delays.

Establish a network for local focal points

Establish a network of accessible offices able to receive victims throughout the country. Offices should

ensure that designated, well-informed and regularly up-dated focal points are available to survivors to answer questions, assist with applications and renewals, confirm eligibility status and refer survivors to service providers (such as clinics, community centres, judicial assistance, etc.). In areas where the responsible ministry does not have representation, representatives from partner ministries, agencies or CSOs could serve as focal points.

Make communication transparent, accessible, and inclusive of those hardest to reach

Ensure that information on processes and programmes is available in clear, easy to understand language, and communicated in ways that are accessible to those most vulnerable to exclusion, namely through regular updates on local radios and to local administrators, community centres, victims' organisations and community representatives (i.e. traditional and religious leadership, women's and youth organisations, etc.). Written media is not accessible to many conflict victims, highlighting the importance of a network of designated local focal points (as recommended above).

Information on processes and programmes should also be available and regularly up-dated on government websites and in local/regional offices (i.e. townhalls, community centres, sub-prefectures, regional department offices, etc.), and sent to victims' associations and NGO partners.

Communicate eligibility status to registered victims

Without jeopardising survivors' confidentiality, communicate with all CONARIV- and PNCS-registered victims regarding the status of their application for reparations, giving priority to eligible victims of the most serious harms.

Strengthen coordination within and between ministries and states services

Clarify who is responsible for what aspects of addressing victims' needs and rights within ministries and programmes and focus the responsibility for delivering reparations within one single ministry.

Ensure the division of duties necessary to fulfil victims' right to reparation are understood internally within all relevant state agencies and at all levels involved in the provision of reparations, recalling the importance of budgeting for the time and resources required from all partners.

Map, engage and equip partners in the implementation of reparation programmes

Map referral pathways available at the community and regional levels, including medical centres, social welfare services, judicial clinics, schools and child welfare services, police and gendarmes, etc. NGOs that fill gaps in or compliment state services should also be included.

Equip service providers involved in the provision of reparations with the skills and resources to effectively meet the specific needs of CRSV survivors (i.e. with specialised medication, equipment or staff; by paying salaries for additional staff hours needed; by paying legal fees; with trained psychosocial support workers specialised in supporting sexual violence survivors, etc.).

Partner with and support local victims' organisations and networks

Rebuild trust in and improve accessibility to state services by partnering with local victims' networks and associations, including by provisioning them with financial support and trainings.

Increase access to free legal services and establish a security-sector complaints mechanism

Strengthen the availability of free legal services for sexual violence survivors, particularly in more remote areas, for example by expanding existing '*cliniques juridiques*'.

Establish an independent, accessible, and secure complaints mechanism in the police and security services, ensuring the anonymity and safety of survivors. To be effective, the mechanism must ensure complaints related to the treatment of sexual violence survivors are taken seriously and acted on immediately.

Take meaningful action towards bringing those responsible for grave conflict-era crimes to justice

Reopen cases related to grave human rights violations and international crimes during the conflict period, noting that the 2018 amnesty does not apply to these cases. This requires the provision of special measures ensuring CRSV survivors have safe and accessible opportunities to participate in trials as civil parties.

Take measures to strengthen the independence of national courts and the military tribunal, starting by removing the strong oversight powers held by the executive government.

Increase outreach aimed at making criminal trials more accessible and justice more meaningful to conflict victims, and to CRSV survivors in particular.

| 2. Recommendations for civil society

Think strategically about advocacy opportunities

Seek out and create strategic opportunities for bringing the issue of reparations into the public eye (i.e. by partnering with journalists, writing open letters, holding press conferences, pushing judicial authorities to provide information on stalled CSEI cases, etc.). As a starting point, identifying and working towards removing specific, smaller obstacles may be more effective than more general demands for reparations or reforms.

Form strategic alliances with government offices and actors on shared objectives

Identify shared interests with state actors and build alliances around pushing these issues forward.

Lead civic education and outreach initiatives

Lead public education campaigns, particularly regarding addressing the stigma surrounding sexual violence. CSOs are also well placed to lead outreach campaigns aimed at filling knowledge gaps related to reparations programmes and other support services.

Help bridge coordination and communication gaps amongst support services

Help address ongoing coordination and outreach challenges amongst support services by mapping and bridging service providers, and by linking survivors to these services.

Help strengthen community-level support to survivors

Partner with and support community structures that provide safe spaces and moral support to survivors. In addition to financial and logistical assistance, such structures may also need specialised training to meet effectively and safely the psychosocial and protection needs of survivors in their memberships.

Bridge communication between local structures and state service providers. Local actors often have important understanding of survivors' needs and expectations but limited knowledge about available services or programmes. Civil society actors are well placed to bridge that gap.

Empower survivors to become advocates in their own right

When serving as advocates for CRSV survivors, work in ways that empower survivors with opportunities to articulate their own needs, to be decision-makers in matters affecting them and to build skills to become effective advocates in their own right.

3. Recommendations for the international community

Direct donor funds towards strengthening survivors' rights to reparation and support

Ensure that funding proposals requesting donor funds for the justice sector or victims' support services include meaningful measures for CRSV survivors.

To the extent possible, consult with victims' associations on project design and selection, to ensure funds reach those trusted by and accessible to survivors, and monitor the impacts of donor-funded projects on CRSV survivors.

Commit to long-term support for survivors, extending beyond regular budgetary cycles. The short timeline of donor cycles can lead to the repetition of similar smaller projects and trainings, or projects that end before the benefits reach survivors.

Increase advocacy for justice and reparations with state counterparts

Increase incentives for the government of Côte d'Ivoire to meet its responsibility and commitments to justice and reparations for conflict victims and CRSV survivors in particular. This could, for example, mean including recommendations on reparations for CRSV survivors as part of the next Universal Periodic Review, as well as seeking more informal opportunities to advocate for fulfilling past promises related to reparations.

Support the democratic institutions necessary for strengthening justice and human rights

Advocate for or directly support efforts to strengthen key institutions such as the CNDH-CI, the courts, the legislature, or any other democratic mechanism. International actors can contribute to these institutions by supporting improvements on independence, effectiveness, accessibility, and geographical coverage, and by helping revise procedures, structures, budgets, and powers.

Support interim reparations

Survivors have urgent needs that cannot wait for the Ivorian state to deliver reparations. The international community has a role in the provision of interim assistance.

Ensure high standards in own operations and support national counterparts in doing the same

Design operations to regularly take stock of impacts on CRSV survivors, particularly regarding safety, security, inclusion, equity, and non-discrimination. This includes building meaningful opportunities for survivors to participate and give feedback on programme design.



XI. CONCLUSIONS

As we currently find the Ivorian national reparations programme, state agencies approach reparations not as a right that survivors of grave violations are entitled to and can claim, but as a benefit that depends on the willingness of government officials to respond to a given survivor's request for assistance. The problem is not merely that survivors do not know whether they qualify for reparations, but that there is no known plan regarding how and when all persons deemed eligible for reparations will learn their eligibility status, let alone receive such reparations. The situation is made worse by the Ministry of Solidarity's practice of creating partial recipient lists, without explanation of why some victims are favoured over others. What is more, without a legal framework, reparations depend on the goodwill of the executive government.⁵³³ A legal framework is needed to guarantee that reparations will be delivered in an equitable manner and meet a minimum standard, and that the programme will not be abandoned when government priorities change. Failures to deliver on promised reparations for CRSV survivors also fall into a boarder pattern of the Ivorian government, along with its international partners, of responding to CRSV with ambitious plans and promises but without first securing the ability and finances to implement them.

This Study has shown a complex of obstacles spanning government policy and practice and community and family life that together block survivors of CRSV from accessing effective remedies. Study participants have described how insurmountable these obstacles feel, especially to someone struggling day-to-day just to survive and care for family. The feelings of hopelessness and disillusionment expressed by Study participants are well founded, and the severity of the wrongs they and their dependents continue to suffer due to the ongoing denial of their right to remedy, and their basic rights to life, health, and dignity, cannot be understated. Within this bleak assessment, we have nonetheless identified some opportunities to advance the right to reparations for CRSV survivors. This is not a context where delivering effective reparations means building from nothing or convincing a government that has refused all

responsibility for remedying past wrongs to change its position. The government of Côte d'Ivoire has made public commitments to delivering reparations to conflict victims, to doing justice for the past and to making survivors of sexual violence a priority in transitional justice measures, specifically, and in post-war reforms, more generally.

Though demonstrably inadequate, a national framework is in place for delivering reparations to survivors and bringing justice to perpetrators of grave conflict-era crimes. There is also a national framework in place providing assistance to survivors of SGBV more generally. Even while policy trends are moving away from the government's willingness to address the past, there are some state actors showing readiness to work with CRSV survivors towards delivering effective reparations. This Study has given a detailed analysis of the shortcomings of these policies and programmes, and the barriers faced by CRSV survivors in accessing them. Nevertheless, the fact that a framework for transitional justice as well as wider SGBV assistance exists in Côte d'Ivoire creates the opportunity to recommend concrete steps to advance the right to remedy for and provide meaningful support to CRSV survivors. As described above, this work starts by codifying the right to reparations in law; by streamlining and simplifying procedures; and by improving coordination and clearly delegating duties between responsible state agencies. There is a further need to identify and mobilise a network of the local, regional, and national service providers needed to implement effective reparations, as well as build accessible outreach and communication programmes. To truly reach CRSV survivors, all these reforms must include special measures to meet the specific needs and constraints facing survivors. Perhaps most importantly, to be effective, reparations in Côte d'Ivoire need a realistic budget that is guaranteed by law.

This Study asked survivors of CRSV what would be required to repair the grave harms they have suffered. They answered that meeting their needs and expectations required an extensive programme

533 APA 2019 'Crise post-électorale'.

delivering comprehensive, multifaceted, and long-term reparations. Survivors interviewed urgently need assistance to address an ongoing denial of the basic rights to life, health, education, and dignity. Interviewees were also committed to holding the state and direct perpetrators responsible for conflict-era crimes. Despite citing many barriers, interviewees agreed that it is necessary to continue demanding some form of justice. Even if criminal prosecutions ultimately prove impossible in Côte d'Ivoire, apology and other symbolic forms of recognition are integral to effective reparations. As one participant explained:

“[W]e need to speak about the pain that we carry in our hearts, the pain that is wearing us down. [Without that] we can never be at peace; we could never go towards reconciliation. They must ask for our pardon.”⁵³⁴

Survivors understood that the government was bound to deliver reparations by *“obligation of their own laws”*, but also felt that without political will, this requirement was just hollow words.⁵³⁵ Consensus that it is the government’s responsibility to repair past harms did not translate into insistence that reparations come from the state. As one survivor expressed: *“they asked*

*war victims to come register. Sure, we can register. So, we give our names, but for what purpose? What can they actually do for us? They can do nothing.”*⁵³⁶ The urgency of survivors’ needs and their lack of trust in state mechanisms meant participants sought interim reparations from international agencies and NGOs.

*“We’ve tried with the government”, a survivor explained, “but it’s led to nothing. So now we want to try with other organisations.”*⁵³⁷

Above all else, Study participants sought support that comes within a reasonable timeframe. Participants ultimately felt the more important question was not what reparations entail or who delivers them, but rather how such reparations would come into their hands. *“What are reparations to us? Sure, we can answer that question,”* explained one participant, *“but it is not the main question. The main question is how. How do we actually receive reparations?”* As she so clearly understands, what is needed to repair the past is not the same question as what can be done in a timely way to respond meaningfully to extensive harm. This is particularly true where tens of thousands have suffered grave harms, and where the state has shown reluctance to fulfil its promise to remedy these wrongs. Turning survivors’ expectations and needs into policy means devising a feasible programme; a programme that applies on a large scale, within a workable budget and timeframe, that does not place insurmountable administrative burdens on officials or survivors, and that ensures government follows through over the long term.

534 Duékoué focus group discussion (Duékoué, 1 December 2021), participant CGDKE06.

535 Semi-structured interview with CGABJ06 (Abidjan, October 2021).

536 Man focus group discussion (Man, 29 November 2021), participant MANSV02.

537 Bouaké focus group discussion (Bouaké, 25 November 2021), participant CGBKE07.



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Author interview with an international expert in the GBV sector, August 2022.

Author discussion with an ICTJ representative, November 2022.

Author interview with a senior staff member at an international NGO, October 2022.



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