



STATE OF SAFETY OF JOURNALISTS IN COTE D'IVOIRE

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I. Introduction

The media's role in building a strong, vibrant and inclusive society cannot be overemphasised. As the fourth estate of the realm, the media serves as a counterweight to the overwhelming power and influence of government by ensuring that the actions of the latter are in the best interest of the people. This mediation role has however, often brought the media into conflict with some powerful state actors and their agents, partisan, ethnic or commercial interests and other individuals. As the most active players in the media space, media workers, particularly journalists, often end up at the receiving end of such conflicts. Journalists in Cote d'Ivoire are no exception.

Over the past ten years, the socio-political situation of Cote d'Ivoire has exposed journalists in that country to a series of violations, with security agencies and individuals, who are widely believed to be political party fanatics, as the dominant perpetrators.

This report highlights incidents of press freedom violations in Cote d'Ivoire over the past decade (2010-2019) in the light of the UN Plan of Action for the Protection of Journalists and the Issue of Impunity. Adopted on December 18, 2013, by the United Nations General Assembly, Resolution [A/RES/68/163](#) designated November 2 every year as the 'International Day to End Impunity for Crimes Against Journalists'. The Resolution urged all member states to commit to preventing violence against journalists, to ensure accountability and bring to justice perpetrators of crimes against journalists and media workers. It further called on States to promote a safe and enabling environment for journalists to do their work without undue interference from any actors.

Six years after the adoption of the Resolution, it is important to assess how countries are faring. This report focuses on the safety of journalists situation in Cote d'Ivoire over the past ten years; 2010 to 2019. Forty-nine (49) violations against journalists were recorded during the period, with none reported for 2019 as of the time of compiling this report in June 2019. The violations covering the 10 year period include murder, physical attacks, arbitrary arrests and/or detention, kidnapping, sentencing, as well as threats by individuals against journalists. The reports on these violations also mention the perpetrators who include, state security agents (particularly police), state officials, and political party activists.

The term "Journalists" is loosely used in this context to mean all the personnel who work to produce news and information; reporters and camera operators, photojournalists, directors, producers and public-interest bloggers.

The report is based on information on press freedom violations, particularly, those directly targeting journalists, which are supplied by the MFWA's correspondents and national partner organisation in Cote d'Ivoire. This information on press freedom violations is published as daily alerts on the MFWA's website. To ensure that as many violations as possible are captured, reports on violations in Cote d'Ivoire published by fellow members of the IFEX network are incorporated.

This assessment of incidence of media rights violations over such relatively long period is important because it reflects more closely and faithfully the safety of journalists' situation in the country, thus offering a more faithful and reliable reference data and narrative for advocacy

interventions. It is also aimed at triggering a national conversation among all stakeholders aimed at finding solutions to the issues raised.

II. Legal Context of the Media in Cote d'Ivoire

The legal environment for the media in Cote d'Ivoire is relatively free. The country's Constitution promulgated on November 8, 2016, guarantees freedom of expression and opinion. Articles 9 and 10 respectively express this freedom in the following explicit terms: "The freedom of thought and expression including the freedom of conscience, of religious or philosophical opinion are guaranteed to all"; "Everyone has the right to freely express and disseminate their ideas..."

Besides the constitutional provisions on press freedom, the country adopted [Law No 2017-868](#) in December 2017. This law, which specifically regulates the media industry, replaced the previous press law which was adopted in 2004.

The above law, together with the constitutional provisions (Articles 9&10) mentioned earlier, provide sufficiently healthy legal conditions for the exercise of press freedom and freedom of expression in Cote d'Ivoire. These provisions protect the media from any government control and censorship.

Also, [Law No 2017-868](#) (Article 89) excludes detention and imprisonment for offenses committed by the press. However, the law still contains provisions that violate the right to freedom of expression as it prescribes excessive fines in the following cases:

- Insulting the Head of State: up to CFA Francs 10 million (about US\$17,000).
- Publication, dissemination; disclosure or reproduction of false news; defamation against courts, the armed forces, members of the government and the National Assembly, all of which attract fines of up to CFA Francs 5 million (about US\$ 8,500).

In the case of press offenses committed against the Head of State, the public prosecutor of the Republic may institute proceedings without prior complaint of the victim (Article 39).

Finally, Articles 40-63 of the 2017 law created the Autorite National de la Presse (ANP) to replace the Conseil National de la Presse (CNP) as the media regulatory body responsible for enforcing the professional code of the media. Although Article 40 provides that the ANP is an independent administrative body, its members are appointed by decree of Cabinet. Moreover, the President of the ANP is appointed by the President of the Republic while three of members of the regulatory body are appointed respectively by the Minister for Communication, the Speaker of Parliament and the High Judicial Council (also chaired by the President).

The erstwhile CNP had notoriety for suspending media organisations and journalists at the least opportunity. It often used the then political crisis as a pretext to control the media, citing national security or public order concerns. It was however obvious that the majority of the media organisations targeted by the CNP were pro-Gbagbo. This led the MFWA to [petition](#) the CNP to reconsider the sanctions on the media, which had the tendency to cow the media, and also had implications on media sustainability.

III. Why Journalists' Safety Matters

Freedom of expression is guaranteed by Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and the African Charter on Human and Peoples' Rights.

These legal instruments have been established in recognition of the fundamental and non-negotiable value of press freedom and freedom of expression generally as a component of democracy as well as good governance and transparent public administration, which are essential for the development of any country and society.

The media is the vehicle for the broad exercise of this right to freedom of expression, with journalists as the drivers. Therefore, any attack on journalists is an attack on the collective right to receive and share information. Such a situation constitutes a violation of the constitutional and natural right of individuals to express themselves. Besides, when such a culture of impunity is allowed to prevail, the perpetrators of abuses against journalists and potential ones feel emboldened to commit further violations. When journalists are frequently attacked with the perpetrators going unpunished, it triggers self-censorship within the media with a ripple effect on the whole society.

Further, journalists as watchdogs play a mediator's role between the government and citizens. They scrutinise and report on the administration of justice, the management of public resources and delivery of public services. These reports trigger debates, inform the electoral decisions of the public and lead to changes in some cases.

The media thus enhances citizens' participation in governance and in decision making processes which are essential elements of democratic governance. It therefore follows that any attack on the media, as a key facilitator of this process of inclusion, has the potential to undermine participatory governance. In other words, participatory governance is enhanced when the media and, by extension, citizens, feel safe and protected to express themselves on all matters in which they have a stake, without fear or threat from any actors.

This report seeks to provide documentary evidence of the state of journalists' safety in Cote d'Ivoire and a basis for the government and other stakeholders in that country to make remedial interventions that match the scale of the problem.

IV. How Cote d'Ivoire is Faring on Journalists' Safety

The period under review is a critical one, because it coincides with the last days of Cote d'Ivoire's bitter civil strife and the post-conflict elections that closed the chapter the stormy regime of Laurent Gbagbo. However the ethnic violence and regional tensions remained after the elections, alongside the residual culture of intolerance for divergent editorial opinions. Consequently, many of the incidents of detention and assault of journalists were politically motivated.

Thus, despite Cote d'Ivoire having a relatively conducive legal environment for media practice, the socio-political conditions in the country have largely contributed to the violations. It is important to emphasise here that this report focuses exclusively on press freedom violations, and is limited to violations committed against journalists as defined earlier.

As shown in in Table 1 below, the Media Foundation for West Africa (MFWA) has recorded a total of 49 violations against journalists and media workers, representing an average of nearly five violations a year. Some of the violations may not have been captured by the MFWA, and so the number could possibly be higher. It must be acknowledged, however, that given the peculiar political and social context of Cote d'Ivoire over the monitoring period, the safety of journalists' situation in that country has been better than feared. As Freedom House observed in its 2018 Freedom in the [World Report](#), "Conditions for the press have improved since the end of the 2010–11 conflict, and incidents of violence and intimidation against journalists are relatively rare."

Year-on-year, the worst period during the decade under review was 2011, which recorded eleven violations. This is followed by 2018 and 2017 with eight and seven violations respectively. While the brief but brutal post-election war and its residual tensions may account for the emergence of 2011 as the stormiest year for journalist's safety, it is difficult to relate the figures for 2017 and 2018 to the socio-political realities of the country.

The figures in Table 1 below, also show that physical attacks on journalists has been the commonest type of violation in Cote d'Ivoire during the last 10 years. Nineteen out of the 49 violations recorded over the last 10 years has been physical attacks on journalists. Also, 12 incidents of arbitrary arrests and/or detentions were recorded, making it the second dominant type of violation.

Table 1: Year and Types Violations

Year	Types of Violations											
	Killing	Physical Attack	Arrest/ Detention	Suspend	Sentence	Kidnap	Seizure/ Destruction of Property	Fine	Court Action	Interrogation	Threat	Total
2010	1		1					1		2	1	6
2011	1	3	3			1	1			1	1	11
2012		1	3									4
2013	1					1				1	1	4
2014		1		1								2
2015		3	1	2					1			7
2016		1					1					2
2017		1	2							1	1	5
2018		4	2		1			1				8
Total	3	14	12	3	1	2	2	2	1	5	4	49

V. Perpetrators of violations

State security agencies (police and military) committed 26 violations. This represents 53% of the total violations recorded during the ten-year period under review. Unidentified individuals accounted for 11 violations, making them the next the most frequent culprits. It must be mentioned, however, that there is reasonable grounds to believe that most of these unidentified individuals could have been political party affiliates or vigilantes. This anonymity might account for the relatively small number of violations (3) officially recorded in the name of political party affiliates.

As captured in Table 2 below, other perpetrators of press freedom violations have been state officials, organised groups and regulatory bodies.

Table 2: Perpetrators and Types of Violations

Perpetrator	Types of Violations											Total
	Killing	Physical Attack	Arrest/ Detention	Suspend	Sentence	Kidnap	Seizure/ Destruction of Property	Fine	Court Action	Interrogation	Threat	
Security Agents	1	9	12							4		26
State Officials					1			1	1	1		4
Individuals	1	3				2	1				3	10
Political Party Affiliates	1	1									1	3
Regulatory Body				3				1				4
Organized Group		1					1					2
<i>Total</i>	3	14	12	3	1	2	2	2	1	5	4	49

VI. Redress for Violations

At the end of the political crisis of 2010-2011, the government of Cote d'Ivoire set up the National Commission for Reconciliation and Compensation of Victims (Commission Nationale pour la Réconciliation et l'Indemnisation des Victimes- CONARIV). The Commission was provided with CFA Francs 10 billion (about US\$ 17 million) to compensate victims of the various abuses. The process started in 2015 with a census to identify and build a victims database. There was, however, no special measures taken to deal with cases involving journalists and media professionals.

The failure to address violations suffered by the media in Cote d'Ivoire follows a sad trend in West Africa where perpetrators of violations against journalists often go unpunished. At best, they render apologies to their victims, sometimes privately. Many journalists accept such overtures as a consolation and decide not to pursue the case further because they have seen several such violations go uninvestigated and the perpetrators unpunished over the years.

Also, victims of violations committed by police or military personnel have very little chance of receiving any form of redress because, out of professional solidarity, the police often fail or pretend to investigate such incidents even when they are officially reported to them. In the case of journalists who are arbitrarily arrested and detained, the only amends have usually been their release from detention. No compensation is offered for the abuse of the victims' human rights.

This lack of commitment on the part of the state to protect journalists by investigating and punishing crimes against them has bred a culture of impunity that has emboldened perpetrators. On the other hand, the lack of accountability for crimes against journalists has often dissuaded the victims from reporting the violations to the police, believing that, as usual, justice will not be served.

On whether or not there has been an improvement in the state of journalists' safety in Cote d'Ivoire since the adoption of the UN Resolution on the safety of journalist in 2013, the evidence suggests a marginal improvement. While the four-year period preceding the Resolution (2010-2013) recorded 25 violations (average of 6.25% per year), the subsequent five years (2014-2018) have recorded 24 violations (4.8%), with no violation recorded/reported half-way through 2019.

VII. Conclusion and Recommendations

The media in Cote d'Ivoire, like those of other West African countries, are faced with persistent issues of safety in addition to a growing sustainability challenge. Falling professional standards and extreme partisanship have also led to credibility issues with public support and confidence waning. These deficits often lead to attacks on journalists with the victims receiving very little public support and solidarity.

There is therefore an urgent need for capacity support to journalists and media organisations as well as interventions to improve professionalism and ethical standards. To end this situation, all the media actors in Cote d'Ivoire such as the editors' guild, Groupement des Editeurs de Presse de Côte d'Ivoire (GEPCI), l'Observatoire de la Liberté de la Presse, de l'Ethique et de la Déontologie (OLPED) et l'Union Nationale des Journalistes de Côte d'Ivoire (UNJCI) and the Syndicat National des Professionnels de la Presse de Côte d'Ivoire (SYNAPPCI) as well as the media regulator, Autorité national de la presse (ANP) must work together to design appropriate capacity building programmes for media professionals.

Another drawback in the fight against impunity is the lack of commitment by media owners and managers to report attacks on their journalists and pursue the cases to ensure that justice is served. To help persuade the management of media houses to take up the cases of their staff who are abused, it is important for media workers to unionise in order to acquire the necessary influence on their employers.

The media facilitates information exchange among citizens and between citizens and government to ensure accountability and effective public service delivery. To carry out this mandate effectively, journalists must feel safe and protected. They must not be subject to censorship, threats, physical attacks and arbitrary arrests. They must be assured that any violations of their rights will be addressed.

To create such an enabling environment for journalists, the MFWA calls on all stakeholders to work together in a coordinated manner.

We further make the following recommendations to the respective stakeholders;

To UN Agencies in Cote d'Ivoire

- Set up emergency response mechanisms for persecuted journalists
- Build capacity of CSOs on the importance of journalists' safety and related issues
- Increase collaboration with government, relevant state institutions, media actors and CSO's to implement programmes to promote journalists' safety
- Follow up on reports of press freedom violations
- Mainstream issues related to safety of journalists and impunity into its broader programmes and activities
- Develop and distribute manuals on safety of journalists

To Government of Cote d'Ivoire

- Conduct immediate and effective investigations into incidents of violence against journalists
- Develop and implement frameworks to protect journalists' sources
- Train security, on press freedom and safety of journalists
- Create mechanisms to monitor and report on journalists' safety
- Create mechanisms for specifically addressing violence against journalists

To Civil Society Organisations and Academia

- Increase programmes to build capacity of journalists on safety precautions and practices
- Incorporate journalists' safety training into academic and journalism training programmes
- Mainstream gender and the specific types of violence faced by female journalists into broader programme agenda
- Build capacity of journalists in online safety
- Increase advocacy on seeking justice for abused journalists and media workers

To Media Actors

- Provide safety training for journalists including safety for women journalists and online safety
- Develop and implement guidelines on safety of journalists
- Support media outlets in developing and implementing safety policies
- Media owners, managers and editors should prioritise professional standards over commercialisation and partisanship
- Increase monitoring and reporting of violations against journalists



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