

REPORT ON RAPE CRIMES AND THEIR PROSECUTION IN CÔTE D'IVOIRE

Summary

1. *This joint report released by the United Nations Operation in Côte d'Ivoire (UNOCI) and the United Nations High Commissioner for Human Rights (OHCHR) presents the findings of investigations carried out by the Human Rights Division (HRD) of UNOCI on rape cases and their judicial prosecution in Côte d'Ivoire between 1st January 2012 and 31 December 2015.*
2. *This report was undertaken within the framework of United Nations Security Council Resolution 1528 (2004) and subsequent resolutions mandating UNOCI to contribute to the promotion and protection of human rights in Côte d'Ivoire with special attention to acts of violence committed against women and children, and to help investigate human rights violations with a view to ending impunity.*
3. *In monitoring the human rights situation in Côte d'Ivoire, UNOCI HRD documented 1,129 cases of rape committed against 1,146 victims across the country between 1st January 2012 and 31 December 2015. Seventy-six per cent of the victims were children, one percent of whom were boys.*
4. *About seven percent of alleged perpetrators in the cases documented by UNOCI HRD were reportedly State agents, particularly elements of the Forces Républicaines de Côte d'Ivoire (FRCI) and teachers. These figures only refer to cases actually documented by UNOCI HRD during the period under review. UNOCI HRD does not have the capacity to document all rape cases committed throughout the country. Furthermore, some victims did not report sexual violence that they suffered given the risk and the fear of retaliation and stigmatization within their communities, their lack of confidence in the judicial system and societal recourse, too frequently, to amicable settlements in rape cases.*
5. *Concerning the judicial prosecution of rape cases, data collected by UNOCI HRD indicate that investigations were opened in 1,021 cases, representing 90 percent of all the cases documented by UNOCI HRD. Of these, 203 – nearly 18 percent – ended in a conviction for a lesser offence than rape. Thirty-eight cases (three percent of the total number of the cases) were amicably settled out of court while 14 cases (one percent of the total number of the cases) were closed without prosecution. In 56 cases, representing five percent of the total number of the cases, the victims or their families did not file a complaint.*
6. *Judicial prosecution for rape faced various obstacles, including the fact that the Criminal Courts (Cours d'assises) did not hold any sessions between 2001 and 2014 and the irregular holding of sessions by the latter since 2014. This situation created a backlog of rape cases in the judicial system. Judicial authorities "reclassified" instances of rape documented by UNOCI HRD as*

“indecent assault”, an offence within the jurisdiction of first instance tribunals, whose sentencing power is not as strong as that of the Criminal Court.

7. *The commitment of the Government to fight against sexual violence should be accompanied by practical measures to end the prevailing impunity for sexual violence, in particular against children, given the low rate of convictions for rape. This report formulates recommendations to ensure better prevention and protection of women and children against sexual violence and to strengthen the fight against impunity for sexual violence in Côte d’Ivoire.*

Recommendations addressed to Ivoirian authorities

- National Strategy against Gender-based Violence:
 - Accelerate the development of a program for the implementation of the National Strategy against Gender-based Violence, including its priority axis No. 2 on justice and fight against impunity, and provide the funds necessary for this purpose;
 - Finalize the transfer process of the information management system on gender-based violence (GBV-IMS) and make available the necessary funds for its sustainability;
 - Give priority to sexual violence prevention campaigns in schools with particular emphasis on respect for the Code of Conduct for staff in public and private institutions;
- Judicial prosecution:
 - Take all necessary measures to bring to justice and punish all perpetrators of rape, particularly against children;
 - Take all necessary measures so that State agents, especially FRCI and teachers, are held to account for their actions and ensure that prosecutions are carried out and administrative and disciplinary sanctions are taken against perpetrators notwithstanding the legal proceedings;
 - Immediately make the necessary resources available to the competent authorities to facilitate the investigation of crimes of rape; and ensure regular sessions of the Criminal Courts (*Cours d’assises*), which are alone competent, in Ivorian law, to try crimes of rape, including by making available the necessary funds for their organization;
 - Consider holding special sessions of the Criminal Courts (*Cours d’assises*) on rape crimes in order to effectively and promptly fight against such crimes;
 - Ensure that all victims of sexual violence have access to justice, in particular by providing them free legal aid;
 - Adopt, regulate and disseminate, within security forces and the judiciary, protocols for the hearings of children, and reporting, advice and referral tools and procedures for cases involving children;

- The legislation:
 - Revise the Criminal Code in accordance with international standards with a view to including a definition of rape and other forms of sexual violence that identifies various constitutive elements; ensure participating consultation with experts and practitioners involved in the fight against gender-based violence within the framework of the ongoing revision of the Criminal Code and the Code of Criminal Procedure;
 - Adopt a law on the protection of victims and witnesses, and ensure the implementation of a specific victims and witnesses' protection programme, including for children; and ensure the confidentiality of the judicial process, including by opting for closed sessions, especially when children are involved;
 - Legislate for the creation of a compensation and reparation fund for victims;
 - Legislate and take necessary measures to grant a free medical certificate for victims of sexual violence, and ensure the effective implementation of Circular No. 005 of 18 March 2014;
- Capacity Building activities:
 - Continue to appoint and train focal points on women and children's rights in police stations and gendarmerie brigades, as well as law enforcement officers, including court officials, on sexual violence;
 - Organize and intensify national information and awareness-raising campaigns, including on the prevention and response to cases of rape, in particular against children and in rural areas; engage with community leaders and prefects on the fight against crimes of rape to outlaw amicable settlements and punish those who are involved in such practices;
 - Ensure that, during initial basic training courses and refresher education, agents of the security forces and the judiciary receive quality training to allow skills development in prevention and response to sexual violence, including against children;
- Conflict-related sexual violence:
 - Appoint a high-level representative on the issue of conflict-related sexual violence in order to institutionalize the commitment and political will of Côte d'Ivoire and to coordinate the actions of the State in this area, in particular to ensure the implementation of the Action Plan for the defence and security forces on the prevention and response to conflict-related sexual violence;
 - Continue Côte d'Ivoire's cooperation with its partners, including the Team of Experts on the Rule of Law and Sexual Violence in Conflict in the Office of the Special Representative of the United Nations Secretary-General for Sexual Violence in Conflict in order to facilitate

technical assistance to national institutions with a view to strengthening their capacity to better fight against sexual violence;

- Allocate adequate resources for the implementation of all ongoing initiatives and various commitments taken by Côte d'Ivoire in the fight against sexual violence.
