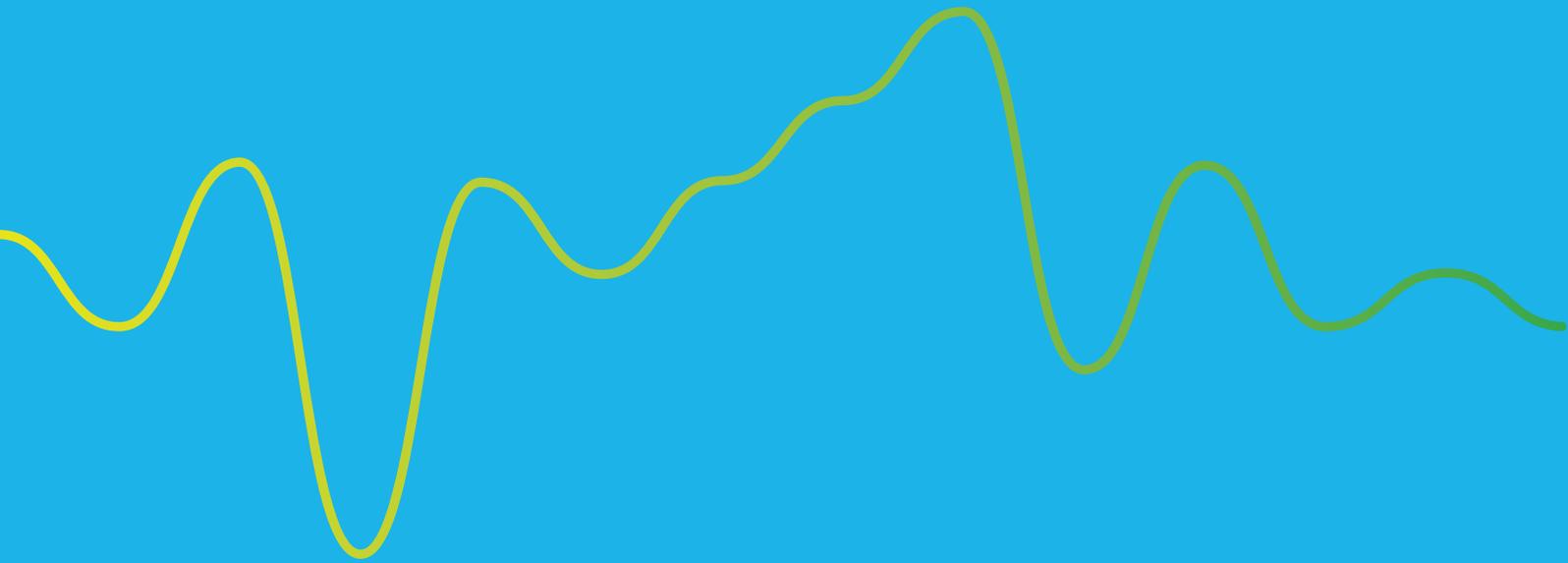


Inclusive Governance Initiative

Côte d'Ivoire

Baseline Report



#WeBelongAfrica
Inclusive Governance Initiative





#WeBelongAfrica brings together multiple initiatives that enable inclusive, just, affirming, safe, productive and fulfilling lives for all people in Africa, irrespective of sexual orientation, gender identity, gender expression or sex characteristics, and irrespective of HIV status or risk.

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Acronyms

AIDS	Acquired Immunodeficiency Syndrome
CDC-PEPFAR	Centers for Disease Control-Presidential Emergency Plan for AIDS Relief
CNDH-CI	National Human Rights Council of Côte d'Ivoire
CSO	Civil society organization
DPJEJ	Directorate of Judicial Protection of Children and Youth
GBV	Gender-based violence
HIV	Human Immunodeficiency Virus
IGI	Inclusive Governance Initiative
LGBTI	Lesbian, gay, bisexual, transgender and intersex
LILO	Look In Look Out
MSM	Men who have sex with men
NACP	National AIDS Control Programme
NGO	Non-governmental organization
NSP	National Strategic Plan
PLHIV	People living with HIV
RHDP	Rassemblement des Houphouëtistes pour la Démocratie et la Paix
ROPC-CI	Réseau des Organisations des Populations Clés de Côte d'Ivoire (Network of Organizations of Key Populations in Côte d'Ivoire)
SRHR	Sexual and reproductive health and rights
STI	Sexually transmitted infection
TB	Tuberculosis
TWG	Technical Working Group
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UPR	Universal Periodic Review

Introduction

The Inclusive Governance Initiative (IGI) is a regional project that aims to assist countries to include sexual and gender minorities in national efforts to achieve the Sustainable Development Goals and to promote and protect human rights. The overall objective of IGI is for state entities in sub-Saharan Africa to be increasingly accountable to and inclusive of their entire population, including lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. If this is achieved, it is envisaged that countries will see better laws, more responsive public sector services, and social norms that affirm LGBTI rights.

This baseline report provides a high-level analysis of the context of Côte d'Ivoire (in particular, key indicators relevant to activities at the national level) and also a baseline assessment for future monitoring and evaluation purposes. The analysis of cross-sectoral and LGBTI-focused legislation, policies and practices, as well as sectoral policies and strategies, provides a broader picture of the legal and social environment for human rights and LGBTI inclusion in the country. It shows how the norms and attitudes of decision makers are manifested in public spaces. The analysis examines the capacity and commitments of LGBTI civil society organizations (CSOs) to work on broader development issues and the extent to which they work with CSOs focused on social development more broadly (i.e. non-LGBTI organizations). It also examines the extent to which non-LGBTI CSOs are

directing their efforts towards greater LGBTI inclusion and representation.

This report highlights the gaps and barriers, not only in relation to the work done on LGBTI inclusion but also in relation to the accessibility and availability of information. Therefore, as well as presenting the findings in relation to the national indicators, this report also describes the research processes, including the bottlenecks and limitations encountered by the researcher. The report brings together the findings from a literature review and from the field regarding the national indicators. The results, presented in the 'Country Overview' section, present a picture of the situation of LGBTI people in Côte d'Ivoire and their rights as it stands today.

In parallel with this desk study, the researcher conducted critical stakeholder interviews. When this report and the stakeholder report are considered together, a deeper understanding of the elements relevant to the work of the IGI at the national level will be possible. The findings presented in this report and the information obtained from the stakeholder processes will provide insight into the 'windows of opportunity' for positive change. This will, therefore, inform and support the development of the IGI's strategy and programming in Côte d'Ivoire over the next four years.

Country overview

General

The current population of **Côte d'Ivoire** is approximately **27 million**.¹ The country's main² demographic, health and economic indicators are summarized in the tables below.

Demographic indicators

Enumerated population (RGPH 2014)	22,671,331
Projected population in 2020	26,453,542
Population growth rate	2.6%
Total fertility rate (projected 2020)	4.43 (3.7 urban vs 6.3 rural)
Life expectancy at birth (projection 2020)	56.8 years
Percentage of population aged 0–14 years	41.8%
Percentage of population aged 15–34 years	35.5%
Urbanization rate (projection 2017)	51.6%
Percentage of population non-national	24.2%

Health indicators

Infant mortality rate (per 1,000 live births, 2018)	81
Mortality quotient 15–60 years (per 1,000, 2016)	417 male vs. 376 female
Total expenditure on health per capita (Int \$, 2014)	187
Total expenditure on health as a percentage of gross domestic product (GDP) (2014)	5.7%

Economic indicators

GDP by value (US\$, 2018)	39.55 billion
GDP per capita (US\$, 2018)	1,570
Real GDP growth rate (2018)	+ 7.7%
Poverty rate (ENV 2015)	46.3%
Poverty line	CFA737/day (CFA269,075/year)

Development indicators

Net school enrolment rate (2016/17)	91.9% boys vs. 90.1% girls
Literacy rate 15–49 years (MICS 2016)	63.8% men vs. 47.2% women
Access to infrastructure (RGPH 2014)	Water: 60.5%; electricity: 61.9%

The issues of LGBTI people in general in Côte d'Ivoire—and particularly regarding men who have sex with men (MSM) and transgender people—have been highlighted since the 2010s, with the results of the first bio-behavioural surveys³ and the funding by partners (embassies, development cooperation actors and United Nations agencies) to LGBTI associations having received significant press coverage.⁴

The general public was thus able to see the level of the HIV epidemic in this subgroup of the population, and the existence of associations responding to HIV and protecting the rights of LGBTI people.

Since the accession to sovereignty through the decade from 2010 to 2020, the environment of LGBTI persons in Côte d'Ivoire has improved. No leader occupying the high offices of the State, from the President of the first Republic to the head of the military transition (2000), to President Alassane Ouattara under the current Third Republic, has expressed homophobia or active rejection of LGBTI people in their speeches. Violence and other intimidation perpetrated against LGBTI people have been recorded as far back as the military transition of 2000 and also on the occasion of the great post-election crisis of 2010.

1 <https://www.worldometers.info/world-population/cote-d-ivoire-population/>, accessed 9 September 2021.

2 Table 1: Key indicators for Côte d'Ivoire (sources: INS and WHO, 2020).

3 Enda Santé, 'Biological and behavioural study of STIs, HIV and AIDS among men who have sex with men (MSM) in the cities of Abidjan, Agboville, Bouaké, Gagnoa and Yamoussoukro', 2016', https://endasanteci.org/images/rapport/rapport_IBBS_MSM_2015_2016.pdf.

4 Marc-André Boisvert, 'Côte d'Ivoire: «Ici on rejette l'homosexualité»', *La Presse*, 6 April 2014, <https://www.lapresse.ca/international/afrique/201404/05/01-4754845-cote-divoire-ici-on-rejette-lhomosexualite.php>.

Although they can be considered politically coordinated acts, successive governments have not taken institutional measures to protect LGBTI people (through, for example, the enactment of protective laws). Also, incidentally, the fact that Côte d'Ivoire voted⁵ against Resolution A/HRC/27/32 on human rights, sexual orientation and gender identity, adopted by the United Nations Human Rights Council on 26 September 2014, can be considered a failure to meet its obligation to protect all citizens as proclaimed by the main international legal instruments to which it is a signatory.

Manifestations or indicators of the level of homophobia such as community violence and/or acts perpetrated by state agents were noted in some press under the heading of 'news'.⁶ It is rare to hear current leaders publicly express their rejection or condemnation of LGBTI people. Ivorian government leaders are ready to engage in stories on **universal inclusion, basic human rights and dignity for all**. Most of them recognize the existence of the LGBTI community; in doing so, they remind us of the authorizations for existence granted to associations by the Ministry of the Interior, even if they do not openly discuss the subject in their public positions or in their political discourse. In some sectors (such as health and human rights), significant progress has been made.

The change in public attitudes towards non-normative sexualities and genders observed in recent years is the result of several factors, including the efforts of LGBTI organizations. This helps to prepare the Ivorian environment for more focused efforts towards positive change.

Below is a summary of the results of the **indicator analysis**. It is divided into sections across the different **outcomes** of IGI. For more information, see the discussion in the section on indicator analysis.

Outcome 1: To what extent are decision makers sensitive to sexual and gender minorities? Are they inclusive and accountable to them? (indicators 1–8)

The indicators in this section aim to gather information on the extent to which decision makers in Côte d'Ivoire are sensitive, inclusive and accountable to sexual and gender minorities. To learn more about the attitudes of Ivorian leaders and decision makers, it is necessary to understand the legal and policy environment.

Country indicator 1: Punitive laws

The punitive laws of common crimes such as **sodomy** and **unnatural sexual offences** do not apply to sexual relations between consenting adults in Côte d'Ivoire. It has been a constant feature of Ivorian criminal law since independence that sexual relations between consenting adults of the same sex have not been criminalized. The provision deemed discriminatory with regard to the measure of punishment for acts qualified as **public indecency** has been repealed⁷ in the light of **the latest reforms of the Penal Code in 2019**. In the Penal Code, only indecent or unnatural acts—in particular, sodomy—committed against minors and acts qualified as paedophilia are criminalized.⁸

Within the LGBTI community, transgender persons are still in a state of legal insecurity with regard to the repression of acts, such as solicitation by sex workers. A study⁹ on the specific needs in terms of prevention and management of sexually transmitted infections (STIs)/ HIV among transgender people in Abidjan reveals that 59.6 percent of the respondents stated that they had engaged in transactional sex in the last 12 months. The report highlights that these sex workers are subjected to violence, bullying and heavy-handed arrests under the guise of the solicitation provision, which is not always well interpreted by security agents. LGBTI organizations are aware that the issue of the legal framework for sex work should be raised and addressed in consultation with all stakeholders so that institutional and legal reforms or

5 Ligue Ivoirienne de Droits de l'Homme, Mouvement Ivoirien des Droits Humains and Association des Femmes Juristes de Côte d'Ivoire, 'Alternative report to the United Nations Committee on Human Rights', March 2015, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CIV/INT_CCPR_CSS_CIV_19667_F.pdf.

6 Enda Santé, 'Biological and behavioural study of STIs, HIV and AIDS among men who have sex with men (MSM) in the cities of Abidjan, Agboville, Bouaké, Gagnoa and Yamoussoukro', 2016, https://endasanteci.org/images/rapport/rapport_IBBS_MSM_2015_2016.pdf.

7 See UPR 2015, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhssHwKY8fDRFym%2Bhdogiq7mzKsPQb1anLFdzgB6sf6TRQJhJ42bNI0YlqZtbiSfCUA882bCUtdnN5BH9ICy54oe95YjY95DjpF1jQFzIYaYfwG>.

8 See articles 413–417 of the Penal Code (Act No. 2019-574 of 26 June 2019 on the Penal Code).

9 Alliance Côte d'Ivoire, 'Report of the Study for the identification of specific needs in terms of prevention and management of STIs/HIV and AIDS among transgender people in Abidjan', February 2020 (not available online).

provisions allow transgender workers to live and exist without violence and abuse.

Country indicator 2: Protective laws

Through its Constitution of November 2016, Côte d'Ivoire has proclaimed its commitment to rights and freedoms in its preamble, and to respect for human dignity, justice and good governance as proclaimed by the main international and regional legal instruments.¹⁰ According to article 123 of the Constitution, "Treaties or agreements that have been duly ratified have, from the time of their publication, an authority superior to that of the laws..." These international and regional agreements or treaties grant legal protection to citizens of the signatory countries without discrimination, including LGBTI people. This is a general protection regime unless expressly exempted by the legislator in relation to a particular group or social category. In this case, Côte d'Ivoire has no textual provisions that discriminate against LGBTI people.

More concretely, the United Nations human rights treaty bodies that Côte d'Ivoire has ratified have confirmed that sexual orientation and gender identity are among the prohibited grounds for discrimination under international human rights law. This has been repeatedly confirmed in the decisions and general guidelines of several United Nations treaty bodies, such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee against Torture and the Committee on the Elimination of Discrimination against Women.¹¹ In addition, in a series of resolutions, the United Nations General Assembly has called on States to effectively protect the right to life of all persons under their jurisdiction and to promptly and thoroughly investigate all killings, including those motivated by the sexual orientation and gender identity of the victim.¹²

As a result of its commitment to the universal principles of respect for human dignity and life, an entire title (Title I) has been devoted to rights, freedoms and duties (articles 1–47). Article 4 of the Constitution is an essential anti-discrimination provision, which states that: "all Ivoirians are born free and equal in law (...)".

This protection regime extends into the workplace. No employer may take into consideration sex, age, national origin, race, religion, political and religious opinion, social

origin, membership or non-membership in a particular group, or any other factor that may affect the employment relationship, national origin, race, religion, political and religious opinion, social origin, membership or non-membership in a trade union and trade union activity, known or suspected HIV status or AIDS, or disability of workers in making decisions (article 4 of the Labour Code of Côte d'Ivoire).¹³ LGBTI people are entitled to this sectoral protection.

Also, in relation to employment, article 5 of the Labour Code protects employees or any person undergoing training or internship from sexual or 'moral' harassment by an employer. The expression 'any person' refers to non-discrimination in access to employment, including for members of a sexual or gender minority group.

This legal protection in the field of labour extends to the field of health,¹⁴ access to property, access to justice, access to education, access to freedom of association without discrimination, and the essential social rights promoted by the international treaties and conventions to which Côte d'Ivoire is a party.

The Constitution enshrines the education of children by making it compulsory in article 10, and incorporates the relevant provisions of the 1995 Education Act¹⁵ in its new articles 2.1 and 17, which specify the ages of 6–16 and the responsibility of parents for the education of their children.

The specific law on HIV,¹⁶ which is Law No. 2014-430 of 14 July 2014 on the prevention, protection and repression regime in the fight against HIV, as part of Côte d'Ivoire's commitment to the universal principles of human rights, states in article 18 under general protection that "any person with a sexually transmitted infection, living with HIV or belonging to a vulnerable group shall enjoy civil, political and social rights without discrimination. Any discrimination or stigmatization of a person on the basis of known or presumed HIV-positive status is prohibited." This provision is accompanied by a criminal conviction with a custodial sentence (article 52) for any perpetrator of discrimination. Given the prevalence of HIV among MSM and transgender people and the level of stigmatization and violence¹⁷ they suffer, this protective provision is critical, as is the authorities' willingness to take into account marginalized communities in their health policy. However, the specific protections given to women, girls, children, people living with HIV (PLHIV) and prison populations do not extend to LGBTI people. This omission means that no legal action is recognized for associations working for the rights of other key populations such as

10 United Nations Universal Declaration on Human Rights, United Nations Charter, African Charter on Human Rights and Additional Protocols.

11 Office of the High Commissioner for Human Rights, 'Fact Sheet: International Human Rights Law and Sexual Orientation & Gender Identity', OHCHR, Geneva, https://previous.ohchr.org/Documents/Issues/Discrimination/LGBT/FactSheets/unfe-11-UN_Fact_Sheets_GenderIdentity_English.pdf.

12 See, for example, United Nations Resolution A/RES/67/168.

13 Law No. 2015-532 of 14 September 2015 on the Labour Code.

14 Article 9 of the Constitution, Law No. 2016-886 of 8 November 2016.

15 Law No. 2015-635 of 17 September 2015 amending Law No. 95-686 of 7 September 1995 on compulsory education.

16 Law No. 2014-430 of 14 July 2014 on prevention, protection and repression in the fight against AIDS.

17 Enda Santé, 'Health Observatory Report 2019–2021' (not available online).

MSM, women who have sex with women, and transgender people.

Under the heading of the ‘duties’ of the State, the fundamental law sets out in articles 32 specific protections for ‘vulnerable’ populations. However, in the designation of this social category, sexual and gender minorities are not targeted.¹⁸

In terms of the fight against gender-based violence (GBV), Law No. 2019-574 of 26 June 2019 amending Law No. 81-640 of 31 July 1981 establishes the Penal Code as a protective source for vulnerable populations, including LGBTI people. Offences against the physical and/or moral integrity and privacy of vulnerable populations, women, girls, people with disabilities and key populations can be identified. Two circular notes reinforce the legal framework for responding to GBV. These are circular No. 005 of 18 March 2015 regarding the reception of complaints from victims of physical assault in the judicial police services, and the interministerial circular No. 016/MJ/MEMIS/MPRD of 4 August 2016 regarding the reception of complaints following GBV.

Under the chapter on the repression of offences against personal freedom, the Penal Code, in articles 444–447, protects key populations, PLHIV and other vulnerable populations, and denunciations, threats of violence and the disclosure of personal information in the professional environment are to be punished. Article 447 is explicit on the respect of confidentiality which entails the non-disclosure of HIV status and/or sexual orientation or sexual practice in the workplace.

The mechanism for punishing cases of rape is set out in articles 403 and 404 of the Penal Code. Unlike the 1981 version, the 2019 reform has defined rape in paragraphs 1 and 2 of the new article 403. One of the innovations that is of interest to the LGBTI community is the strong repression (life imprisonment) for the perpetrators of rape by means of ‘electronic communications’ (article 404, paragraph 7), noting that LGBTI people also use online social networks to organise and to communicate (dating sites, community organising etc.).

The repression of crimes and offences against the Constitution in articles 215–220 of the Penal Code is another guarantee of protection. This chapter of the Penal Code addresses the issue of the repression of infringements of freedoms, including those of LGBTI people by public officials (articles 215–220), and the encroachment of the administrative and judicial authorities into proceedings (article 221).

Thus, article 215 states that “Any civil servant (...) who orders or performs any arbitrary or prejudicial act against

either individual freedom, civil rights or the Constitution shall be punished...” Faced with civil servants, the guarantor of public order and individual freedoms, the population has a tool, a legal basis, for obtaining redress in the event of abuse.

Ivorian laws do not provide for any protection or specific rights in the area of adoption,¹⁹ marriage or legal gender recognition. The Family Code,²⁰ despite the various reforms that have taken place since 1964, has remained attached to the traditional conception of the basic family unit by defining marriage in article 1 as “(...) the union between a man and a woman celebrated before the civil registrar”.

Finally, in terms of protective laws, in the Ivorian Constitution, the specific law on HIV, the Labour Code, the law on the promotion and protection of human rights defenders and the Penal Code, general provisions in principle guarantee the enjoyment of social, economic and cultural rights to all citizens without discrimination.

Country indicator 3: Official policies, plans and technical guidance related to sexual and reproductive health and rights or population health

The HIV and tuberculosis (TB) programmes (and thus the health sector), and the Ministry of Justice’s sectoral policy on HIV (human rights and HIV), display the highest levels of inclusion of sexual and gender minority issues of any sector in Côte d’Ivoire. The country wanted to go beyond the health sector to affirm the multisectoral nature of the response to HIV and TB by involving the Ministry of Justice in the coordination of human rights interventions. Under the leadership of the Directorate of Judicial Protection of Children and Youth (DPJJEJ), in charge of coordinating human rights and HIV interventions, a Technical Working Group (TWG) on human rights and HIV, bringing together the main actors of civil society, including LGBTI associations and networks, national TB and HIV programmes, human rights bodies, the National Human Rights Council of Côte d’Ivoire (CNDH-CI) and United Nations agencies, meets quarterly to exchange information, and evaluate and influence the dynamics of human rights/HIV activities.

The review of interventions to combat stigma, discrimination, human rights and gender promotion in the National Strategic Plan (NSP) 2016–2020²¹ shows that key interventions have been carried out for the benefit of

18 “The State undertakes to guarantee the specific needs of vulnerable persons. It shall take the necessary measures to prevent the vulnerability of children, women, mothers, the elderly and people with disabilities...” (art. 32, para. 1 of the Constitution, 2016).

19 National Assembly of Côte d’Ivoire, ‘Loi relative à l’adoption’, http://www.assnat.ci/assembleenationale/IMG/pdf/loi_relative_a_l_adoption.pdf.

20 Republic of Côte d’Ivoire, ‘Loi No. 2019-570 relative au mariage’, 26 June 2019, http://www.famille.gouv.ci/public/documents/doc_drcc/loi_2019-570_sur_le_mariage.pdf.

21 NSP 2021–2025, p. 29.

Themes	Main challenges
Stigma and discrimination	<ul style="list-style-type: none"> Reducing stigma and discrimination against key populations and PLHIV by: <ul style="list-style-type: none"> improving the understanding of health providers and defence and security forces of human rights issues related to HIV and TB; and strengthening interventions in all districts to reduce discrimination against key populations and PLHIV.
Promotion of human rights and gender	<ul style="list-style-type: none"> Strengthening of advocacy actions towards legislators, justice actors, journalists and editors, and people in uniform, for the establishment of a favourable environment for the care of key populations and PLHIV Strengthening legal and judicial assistance to key populations and PLHIV Increasing the knowledge of PLHIV and key populations about their rights Strengthening the promotion of the HIV law, reforming inappropriate sections of the law, and reforming other punitive laws and policies Strengthening the reporting tool for cases of violence against PLHIV and key populations.

vulnerable populations, including MSM and transgender people.

Achievements include:

- the development of a five-year Human Rights and HIV Plan (2021–2025);
- the establishment of an online reporting platform for cases of violence and various human rights abuses against PLHIV, MSM, transgender people, people who use drugs, sex workers and other key populations;
- operationalization of the Human Rights and HIV Observatory²² for PLHIV and key populations with funding through the New Funding Model of the Global Fund to Fight AIDS, Tuberculosis and Malaria;
- the establishment of a pool of friendly lawyers and psychologists; and
- the inclusion of Côte d'Ivoire in the dynamics of the Global Partnership for Action to Eliminate all forms of HIV-related Stigma and Discrimination, launched in December 2018 by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Development Programme (UNDP),

UN Women and the Global Network of People Living with HIV (GNP+).

The NSP on HIV 2021–2025 recognizes that these achievements should not mask the major challenges and obstacles to ensuring an enabling environment for access to basic social services for PLHIV and key populations, including MSM and transgender people.²³

The reform of Law No. 430 of 14 July 2014 on HIV prevention, protection and repression, in its repressive aspects, targets barriers to access to services, such as articles 48 and 51 (criminalization of HIV transmission). Strong advocacy by LGBTI organizations and their partners led to the reform of the old article 360 of the Penal Code in 2019, which was discriminatory towards MSM.²⁴

Programming and service delivery (specifically for MSM) are satisfactory. Initiatives led by the government and its partners, such as the Centers for Disease Control- Presidential Emergency Plan for AIDS Relief (CDC-PEPFAR), show a willingness to include sexual minorities in the national HIV care policy within public institutions. The government's intention is to make health interventions for key populations sustainable, until now carried out almost exclusively in 'friendly' clinics run by CSOs.²⁵ The satisfactory results of the pilot phase have enabled

22 The Observatory for Human Rights and HIV in Côte d'Ivoire is a mechanism for monitoring, documenting and reporting on various human rights violations and abuses of key populations in the country. Enda Santé hosts this mechanism with funding from Alliance Côte d'Ivoire/the Global Fund.

23 NSP 2021–2025, p. 30. See also Legal Environment Assessment policy recommendations and Baseline Assessment/Funding Model.

24 Alternative UPR report 2015 and conclusions/recommendations of the United Nations Human Rights Committee.

25 Ministry of Health and Public Hygiene, CDC-PEPFAR and Heartland International, 'Fight against stigmatization and discrimination of key populations in the RCI: Report on the pilot phase of care for key populations in public centres 2013–2015'.

the inclusion of MSM care in all public health facilities supported by the Global Fund in Côte d'Ivoire.

The term 'key population' used in this context, which relates to the level of prevalence in specific populations, now incorporates the specific problems faced by vulnerable groups within the LGBTI communities, more specifically MSM and transgender people. Funds (PEPFAR and the Global Fund) are dedicated to addressing these specificities. For the PEPFAR Country Operational Plan (COP) 21 and the Global Fund's New Funding Model 3, in addition to MSM, transgender people are listed as priority targets and benefit from specific programming. Thus, funding will focus on institutional capacity-building, planning and leadership development for transgender communities. The funding also covers the collection and analysis of data on transgender people in 33 health districts. The content of the COP 21 will be dedicated to the development of a minimum package of activities in relation to the National Transgender AIDS Programme.

Country indicator 4: Official policies and plans on sexuality education

In the education sector, positive results have been noted globally in the introduction of training curricula in school programmes that provide a framework for a more inclusive approach. In this respect, there is a National Plan for Comprehensive Sexuality Education (PNESC 2016–2020).

The foundations of sexuality education in Côte d'Ivoire date back to the 1990s with initial projects on teaching life skills and populations (EVF/EmP). Life skills content was integrated into school textbooks and initial teacher training. Successive reforms and the adoption of the competency-based approach have made it possible to integrate sexual and reproductive health and rights (SRHR) into existing modules with the following themes: family education, STI/HIV prevention, family planning, alcoholism, drugs and delinquency.

However, a content analysis shows that gender and sexual minorities are not taken into account in the PNESC. The topics of homophobia, biphobia and transphobia are not addressed.²⁶ Evaluations have shown that the content and time allocated to the module are insufficient and that there are essential obstacles to the appropriation of the concept, notably the persistence of personal prejudices among teachers and parents of pupils, to facilitate the implementation of more inclusive policies in Côte d'Ivoire.

Country indicator 5: Parliamentary speeches

The issue of LGBTI rights has so far found an attentive ear within the Ivorian parliament. There is little official discourse that castigates or gives a position that denies the vulnerability, stigmatization and discrimination that LGBTI people face. The parliament is currently engaged in partnering with AIDS programmes as a gateway to capacity-building on the understanding of issues related to the fight against stigma and discrimination against MSM and transgender people, and the need to remove 'legal barriers' to access basic social services.²⁷ Through its involvement in the various anti-discrimination programmes, it can be said that the parliament has a progressive view on LGBTI issue.

However, given the turnover in the parliament and the renewal of seats, there is a need to continue capacity-building programmes for parliamentarians on the concepts of non-discrimination and the promotion of the rights of LGBTI persons. The recent comments in an interview by the Honourable B, a Member of Parliament from the new legislature, illustrates the persistence of prejudices and cultural beliefs on the level of acceptance of the LGBTI issue: "You talk about inclusion of minorities, while our African beliefs do not accept homosexuality. In any case, I am not ready to accept homosexuality in Côte d'Ivoire. This is my own opinion, but I wanted to stress it."²⁸

Country indicator 6: Court judgements/judges

In Côte d'Ivoire the current Penal Code does not contain any provision condemning sexual relations between consenting adults of the same sex. Prior to the July 2019 reform of the Penal Code, court decisions were based on the former article 360 to convict 'homosexuals'²⁹ under the guise of indecent assault.

Since this conviction, no other court decisions have been recorded in relation to sexual orientation or gender identity. However, members of the LGBTI community have been sentenced to prison on charges of 'soliciting', 'assault and battery' or 'blackmail'³⁰.

The law on marriage excludes same-sex/gender marriages. However, this issue has not yet been referred to a judge for censure on the grounds of unconstitutionality or discrimination. LGBTI organizations and activities do not currently advocate for marriage for all, as this is not seen as a high priority.

26 United Nations Population Fund and Le fonds Français Muskoka, 'Côte d'Ivoire : Documentation du Processus de Mise en Oeuvre de l'Education Sexuelle Complète', 2018, <https://ffmuskoka.org/rapport-cote-divoire/>.

27 Training of LILLO parliamentarians.

28 Interview with members of the Social and Cultural Affairs Committee of the parliament on 14 July 2021.

29 Tribunal of Sassandra, judgement No. 589/16: Public Prosecutor's Office against XX and YY, accused of public indecency with a minor of 18 years (not available online).

30 Court of Abidjan Plateau: Public Prosecutor's Office Against XXX (transgender sex workers), accused of extortion 25 February 2020.

Country indicator 7: Official report

Within the government, the Ministry of Health is the most open and aware of the public health and human rights issues surrounding the inclusion of LGBTI people. This is followed by the justice, security, and family, women and children sectors, which directly address the rights of LGBTI persons in their policies and programmes. They are assisted in this by the relatively favourable legal environment that does not criminalize sexual and gender minorities. The Ministry of Justice has coordinated the development of a national human rights and HIV plan in conjunction with UNAIDS, taking into account the specific needs of MSM and transgender people to remove 'barriers' to their access to basic social services.

Although not directly addressing the issue of LGBTI in the provision of services or support, within the Ministry of Education there is a Directorate of Gender Equality and Equity, which is developing a certain amount of technical knowledge on the issue of gender. It aims to enable parity and equity through gender and development approaches. In particular, it is involved in verifying girls' equitable access and whether they remain in education.

The other ministries surveyed do not widely accept or understand LGBTI issues as a 'gender' issue. The Ministries of Defence and the Civil Service ensure that they implement programmes and services that do not discriminate against LGBTI people. For these ministries, the non-discriminatory nature of the 'service' offered is reflected in the calls for applications for access to public sector jobs (civil servants, private soldiers or officers). The conditions of access to these jobs do not exclude sexual and gender minorities by right; therefore, any citizen who meets the general conditions of level of education, age, sex (defined as male or female), physical and intellectual abilities, and the right to compete is free to apply.³¹ They display a certain neutrality but have reservations about the 'open' inclusion of LGBTI people in their governance due to socio-cultural constraints. A senior government official expressed some reservations about UNDP's approach, through IGI, to increase the visibility of LGBTI people as this may risk further exclusion and stigmatization.

The reports of the CNDH-CI still do not systematically devote chapters to the situation of sexual and gender minorities under the heading of category rights. The institution's latest report is silent on cases of human rights abuses suffered by LGBTI people.³²

The researcher was not able to meet with other ministries to collect their annual reports. But as a senior civil servant from the Ministry of Public Service pointed out, gender aspects of the annual reports of the ministries are essentially disaggregated into 'male' and 'female';

nowhere is the subpopulation of sexual and gender minorities broken down.

Country indicator 8: Political parties/platforms

The leaders of the political parties in power (Rassemblement des Houphouëtistes pour la Démocratie et la Paix [RHDP]) have never officially said anything discriminatory against LGBTI people; it must be acknowledged that for the last 10 years no real public debate has taken place on the issue of the rights of LGBTI people in Côte d'Ivoire. The political agenda is rather dominated by purely 'political' issues relating to the electoral code, voter eligibility and the length of the presidential term. Socio-cultural issues have had little or no impact on political debates.

At most, political leaders point to the major progress linked to the reform of the Penal Code, which saw the pure and simple withdrawal of the former article 360, considered discriminatory by the United Nations Human Rights Committee.

The manifestos of the political parties (opposition and majority) do not mention LGBTI rights either in their strategy or plan. The LGBTI leaders interviewed felt that it would be useful to engage with these parties and hold them to account. A more thorough and comprehensive analysis of the political landscape could help.

Outcomes 2, 3 and 4: A closer look at the capacity and influence of the sexual and gender minority inclusion movement (indicators 9–16)

The indicators related to outcome 2 look at the capacity of activists and allies to raise awareness, influence relevant decision makers and hold authorities to account. Indicators related to outcome 3 look at the inclusion, participation, representation and influence of LGBTI populations and their allies in relevant policies and decisions. Outcome 4 of IGI aims to see the ideas, evidence and innovations of Côte d'Ivoire in supporting the inclusive governance of LGBTI people and related work. The results of the indicators for these outcomes are summarized together below.

Within civil society in Côte d'Ivoire, LGBTI organizations are visible and dynamic, as they are recognized by the Ministry of Interior and Security and often invited by

31 Ministère de la Fonction Publique et de la Modernisation de l'Administration, 'MFPMA 2021 : Liste des concours directs de la fonction publique', 2021, <https://fonctionpublique.laatech.net/2021/concours/?cc=1>.

32 CNDH, 'Rapport annuel 2019', CNDH, Abidjan, 2019, <https://cndh.ci/wp-content/uploads/2015/10/RAPPORT-ANNUEL-CNDH-2019.pdf>.

the Ministries of Health and Justice to participate in government workshops and seminars. Their recognition is linked to or based on their admitted objectives and missions to fight HIV, TB and hepatitis and promote human rights. However, in their manifesto, transgender associations, such as FondyGender, were able to obtain an official document recognizing them and authorizing them to operate from the prefecture of police after mentioning the terms ‘fight against AIDS and promotion of human rights among vulnerable populations’, however, without mentioning the word ‘transgender’.

The ‘movement’ is also fragmented because, within the ‘LGBTI’ group, identity associations specific to transgender people, lesbians and MSM stand out. According to interviews with stakeholders, each group wants to assert its ‘singularity’. The work on LGBTI rights in Côte d’Ivoire cuts across the rights of sex workers, the fight against GBV, stigma and discrimination, and SRHR.

Within the government and the programmes that support its actions, links and alliances are established especially with the fields of health/HIV/TB, justice, and women, family and children in the fight against GBV. Through these links, as members of the HIV and human rights TWGs that participate by invitation in meetings, the LGBTI movement has the opportunity to highlight the issues of the fight against violence, and access to justice and health services without stigmatization and discrimination with a dedicated offer in line with its specific needs.

Most notable are the new links that have been forged between LGBTI organizations, HIV programmes and the Ministry of Family, in charge of GBV issues. This ministry, through its GBV prevention and care services, adopts an inclusive approach by supporting initiatives to combat violence against LGBTI people without discrimination.³³

There is no LGBTI coalition or network, however there are strong associations organised around specific identity groups. The Réseau des Organisations des Populations Clés de Côte d’Ivoire (Network of Organizations of Key Populations in Côte d’Ivoire [ROPC-CI]) federates all organizations working in the field of highly stigmatized and discriminated minorities (sex workers, people who use drugs, MSM and transgender people).

In the fight against discrimination, there are joint initiatives between LGBTI associations, the ROPC-CI and the main partners that fund the fight against HIV in the country. The Global Fund and the United States Agency for International Development have grant agreements with organizations to implement prevention programmes and fight GBV and other human rights violations. Also,

paralegals are trained and operational to address issues of violence and abuse in connection with public services for the holistic management of rights violations.

Among the joint initiatives, we note the participation of the LGBTI non-governmental organization (NGO) Alternative Côte d’Ivoire alongside the Ligue Ivoirienne des Droits de l’Homme, a general human rights association that is working on the drafting of the alternative report on the state of implementation by Côte d’Ivoire of the International Covenant on Economic, Social and Cultural Rights (Universal Periodic Review [UPR] 2015). The interviews conducted did not reveal whether a coalition of LGBTI associations had directly initiated legislative reform. It should be noted that LGBTI associations meet regularly, have functional headquarters and have their own strategies to combat discrimination and HIV.

Regarding the level of involvement of LGBTI organizations in policymaking, the situational review and interview data showed that the community is sufficiently involved in the programming processes of the HIV and TB response. LGBTI organizations define themselves as ‘partners’ in the TB and HIV programmes of major donors.³⁴ The ROPC-CI, which includes LGBTI organizations, is represented in the Global Fund’s Country Coordination Mechanism. However, there is little representation of LGBTI organizations in bodies working to promote human rights more broadly, in particular the CNDH-CI.

Ministries and sectoral programmes involve LGBTI organizations as part of the civil society contribution to the development of strategic documents, and reflections on health and human rights issues. These two sectors—health and human rights—can be seen as the most progressive on the issue of LGBTI inclusion in governance. Within the Ministries of Health and Justice there is indeed a certain openness and understanding of the importance of LGBTI inclusion in policy. This is an entry point and opportunity that can be explored.

From the beginning of the HIV epidemic, the Ministry of Education has been involved in defining and implementing an appropriate response in schools and universities. It is also working on the response to GBV with the institutionalization of GBV units within schools (21 units throughout the country). There are also programmes for education on human rights and citizenship,³⁵ and comprehensive sexuality education. However, the approach is cautious because the concept of ‘comprehensive life skills’ is not fully accepted by students’ parents.³⁶ Within the Ministry of Education and its associated directorates there is an openness and understanding of the importance of LGBTI inclusion in

33 As part of the implementation of the Global Fund grant activities (Funding Model/New Funding Model 2 and New Funding Model 3), Enda Santé, the sub-recipient of the grant, strengthened the capacity of 39 focal points of the Ministry of Family Affairs in charge of GBV issues throughout the country so that they could better integrate and address LGBTI issues.

34 Stakeholder interview with a leading LGBTI organization/activist.

35 Ministère de l’Éducation Nationale, de l’Enseignement Technique et de la Formation Professionnelle and the OPEC Fund for International Development, ‘Atelier Formation des Encadreurs Pédagogiques’, 29–31 March 2021, https://dpfc-ci.net/wp-content/uploads/dpfc_fichiers/2021-2022/ofid/Module%20EDHC_Atelier%20OFID.pdf.

36 Interview with Ministry of Education officials.

policy, however sexual and gender minorities are not included in the National Plan on Comprehensive Sexuality Education. This is an entry point and opportunity that can be explored.

Within the Ministries of Women, Family and Children (MFFE) and Security, good practice in the inclusive delivery of services is noted. Indeed, gender focal points (for the police) and GBV focal points for the MFFE have been trained and installed in police stations and social service centres. Specifically for the Ministry of Security, 32 gender desks have been set up in police stations with the support of UNDP and the US Embassy. The focal points have been strengthened by Look In Look Out (LILO) and human rights training by Alliance Côte d'Ivoire and Enda Santé, financed by the Global Fund. They work in close collaboration with the HIV and GBV programmes to provide holistic care by addressing the specific issues of MSM, transgender, PLHIV and sex worker victims and survivors without discrimination.³⁷ This is an entry point and an opportunity that can be explored.

The CNDH-CI, as part of its mandate to promote, protect and defend human rights, has initiated a public training programme to popularize and raise awareness of human rights.³⁸ This programme, which began in 2018, has already held several regular and intensive sessions. The review of the Human Rights University reports on these topics shows that information on protection against discrimination based on sexual orientation, gender identity, gender expression and sexual characteristics (SOGIESC) is not yet being addressed. This is, however, a gateway for the IGI to develop training programmes related to the rights of LGBTI people.

There are specific knowledge products at country level regarding the inclusion of LGBTI people. They are mainly in the form of strategic planning documents (NSP 2021–2025) for the fight against HIV, research or studies produced by the Ministry of Health and/or independent NGOs and university researchers. In view of the research products that exist, especially the bio-behavioural surveys,³⁹ it appears that the government, through the Ministry of Health, is conducting fairly open and unrestricted research on the issue of LGBTI and is supporting the work of NGOs in this regard. This openness is still limited to the field of health and should be extended to other programme areas (housing, safety, employment etc.)

There are innovative social media platforms that create safe spaces for LGBTI-led dialogues:

- **EmmaInfos** is a virtual LGBTI platform that carries out social media activism in West Africa. It is a typical LGBTI structure and run by LGBTI people.

- **RFI Afrique** (Ivorian base) is open on LGBTI issues and, therefore, produces interviews, articles and publications on the realities, violations and violence suffered by LGBTI people.
- The **Guardian** newspaper uses the media to deconstruct myths and denounce human rights violations of LGBTI people, with a focus on West Africa.
- **OpenDemocracy** is an information organization that exposes violence and violations through the media by writing articles, publications, reports and interviews.

The indicator measuring **country-specific knowledge products** calls for materials that can be used for training/sensitization of decision makers to be prioritized. In interviews with key stakeholders, only the LILO programme was mentioned (a programme facilitated by Alliance-CI, the principal recipient at the community level of funding from the Global Fund). The LILO programme, despite its usefulness in combating stigma and discrimination, is seen as 'imported', and many people felt that it would be useful to invest in updated tools that are adapted to the national context.

Also under the aegis of the Ministry of Justice, through the DPJEEJ, and with the financial support of UNDP, a process of developing training modules on human rights and HIV has been initiated for the benefit of highly vulnerable populations, including LGBTI. The production of strategic tools is an indicator of inclusion to be encouraged.

Summary of implications and the way forward

The absence of punitive laws is an indicator of the level of tolerance and acceptance of diversity on which inclusive programmes can be built. However, the absence of punitive laws alone should not be sufficient to build any strategy for more inclusive governance. There are parallel socio-cultural perceptions that condition the objective appropriation of texts, the delivery of services or the adoption of strategic planning documents.

Awareness-raising and capacity-building activities for key actors—essential links in the delivery of services—should be carried out. The governance chain according to the policy system starts from the central level (ministerial cabinets and related structures) to the decentralized level (agents providing direct service to users of public services). Thus, central directors, programme coordinators, social workers, teachers and specialist educators, municipal councillors, professionals in the

37 See Observatory for Human Rights and HIV in Côte d'Ivoire review.

38 CNDH, 'Guide d'Information sur LUDDH', <https://cndh.ci/wp-content/uploads/2015/10/GUIDE-DINFORMATION-SUR-LUDDH-CNDH.pdf>.

39 Enda Santé, 'Biological and behavioural study of STIs, HIV and AIDS among men who have sex with men (MSM) in the cities of Abidjan, Agboville, Bouaké, Gagnoa and Yamoussoukro', 2016, https://endasanteci.org/images/rapport/rapport_IBBS_MSM_2015_2016.pdf.

justice system etc. may be reached. Stakeholders at the central level limited the scope of their understanding of gender to binary notions of male/female.

Although laws are enabling, parliamentarians need continuous updating and should be included among the beneficiaries of capacity-building. The renewal of seats creates turnover, and allies from previous legislatures are lost. This capacity-building will focus on education on civil and human rights and a gender approach that include sexual orientation and gender identity.

LGBTI organizations are among the CSOs recognized by the government and operate without restriction according to the purpose of their declaration of existence. This basis should allow them to build a militant and committed conscience on all issues impacting the

integral development of their members. This legal existence has not yet resulted in a strong coalition of LGBTI organizations and their allies. They are still largely fragmented and carry out HIV and human rights activities individually. It is important to create a homogeneous platform of LGBTI organizations with well-developed advocacy and governance techniques to better address the other areas of the Sustainable Development Goals.

It was also pointed out that the acronym 'LGBTI' contains several different identity groupings. Each organization has its own singularity, with little understanding of the specific problems and realities of others. It will be necessary to work on bringing together and identifying common advocacy issues to avoid the fragmentation of initiatives.

Analysis of indicators

Outcome 1: African decision makers are sensitive, inclusive and accountable to sexual and gender minorities

Country indicator 1: Punitive laws

Brief description

There are no punitive laws specifically targeting the LGBTI community in Côte d'Ivoire. In the Penal Code the fight against 'attacks on morals' is aimed at **acts of indecency or against nature and paedophilia** in articles 413–415 committed against minors. Under this chapter, the Penal Code also punishes acts qualified as 'public indecency'—i.e. any act committed in public that offends public morals or the moral feelings of people. In an environment that is intolerant of sexual and gender minorities, there is a risk that, in the absence of clear and agreed definitions, concepts such as 'indecent acts', 'unnatural' and 'indecent assault' are selectively applied to LGBTI people.

Another point of attention comes from the provisions listed in the chapter on the repression of offences against health, public health and morality, in which article 361 targets sex workers who engage in soliciting. MSM or transgender sex workers can be apprehended for soliciting, and face related abuse and stigmatization.

Data sources

Government laws

Decree No. 2016, Law No. 2019-574 of 26 June 2019 on the Penal Code, repression of offences against public morality (article 361); indecent assault (articles 413–415) and public indecency (article 416), http://www.famille.gouv.ci/public/documents/doc_drcc/loi_2019-574_portant_code_p%C3%A9nal.pdf

Law No. 781 of 12 October 2016 establishing the modalities of application of Law No. 72-833 of 21 December 1972 on the Code of Civil, Commercial and Administrative Procedure relating to legal aid, <https://admin.juriafrica.com/lex/decret-2016-781-12-octobre-2016-29877.htm>

Specific data

No criminalization of sex between men (consenting adults)

Contextual analysis

There are no laws criminalizing sex between adults, nor are there any laws criminalizing sex work. Recent reforms to the Penal Code, following a long process since 2015, have resulted in the removal of the former article 360 of the Penal Code, which was deemed discriminatory against MSM by the United Nations Human Rights Committee.

However, the absence of specific laws does not mean that there is an absolute absence of abuse or other reported harm to LGBTI persons. They are still victims of raids and other abuses under the provisions on soliciting and other related offences such as the repression of establishments of a primary or secondary nature where sex work is carried out.

The NGO Alternative Côte d'Ivoire has documented several cases of violations of the commitments to protect and enforce the rights of citizens without discrimination contained in the Constitution (since the 1960 Constitution); these include the right to dignity, to health, not to be arbitrarily detained, and the right to work. These cases were reported in the alternative report prepared jointly with African Men for Sexual Health and Rights (AMSHer) and submitted to the African Commission on Human and Peoples' Rights at its ordinary session in October 2012.⁴⁰

Recent incidents have also been documented by the Human Rights and HIV Observatory financed by the Global Fund and supported by Enda Santé-Côte d'Ivoire. For the 2019-2020 financial year, violence against MSM represented 14 percent of 590 validated reports of physical assault, harassment and stigmatization.

A regional study on the assessment of the community needs of lesbian and bisexual women in six Central and West African countries (including Côte d'Ivoire) found that this subgroup of LGBTI people faces various challenges that hinder the full enjoyment of their human rights.⁴¹ Thus, in terms of general health, there is a mismatch between the health care services offered and the needs of the communities. The same applies to sexual health and gender affirmatin care, particularly with the lack of availability of services in most community health centres, which are widely used by lesbian and bisexual women (60 percent of survey respondents). In the same study, the financial cost of services, which is considered to be

40 <http://www.plateforme-elsa.org/wp-content/uploads/2017/02/ACHPR-Rapport-alternative-Cote-dIvoire-LGBT.pdf>

41 Yves Kugbe and Sheba Apkikli, "Pour en finir avec les Labyrinthes" Portrait de nos vécus – Une recherche communautaire sur l'évaluation des besoins prioritaires des communautés lesbiennes, bisexuelles et queer – dans six pays d'Afrique de l'Ouest et du centre, Bénin, Burkina, Cameroun, Côte d'Ivoire, Mali et Togo' (not available online).

allied to the economic vulnerability of lesbian and bisexual women, is an obstacle to their access to care (64 percent of respondents cannot meet their basic needs, with 59 percent resorting to self-medication). In the face of these obstacles and other rights violations, the report mentions that redress mechanisms are poorly available and little used, with only 31 percent of victims of stigma and discrimination seeking assistance.

Key populations in West Africa most often identify unemployment and poverty as their greatest concerns, in addition to marginalization and invisibility. This economic vulnerability affecting access to care for LGBTI people has been accentuated by the COVID-19 pandemic.⁴²

Member organizations of the network of key populations (including MSM and transgender people) are now making the issue of an institutional framework for sex work an advocacy issue, to offer some more security and dignity to sex workers (including transgender people).

Data gaps and limitations

There are no punitive laws specifically targeting the LGBTI community in Côte d'Ivoire. The last baseline analysis of the legal framework was conducted in 2018 (Legal Environment Assessment). This assessment does not include the latest reform of the Penal Code in 2019, which removed confiscatory provisions. No gaps or limitations were identified.

Synthesized implications

Despite the lack of punitive laws, efforts must be made to ensure that service providers adopt a non-stigmatizing attitude towards LGBTI persons as a barrier to accessing basic social services. Specifically, the community and other service providers need to understand the extent to which stigma and intolerance are barriers to accessing services for LGBTI people.

Research has been conducted to gather evidence of how sexual and gender minorities in Côte d'Ivoire experience service provision. This research reveals that services are often judgemental and even abusive, and often lack empathy and understanding of the specific needs of the community.

Considerable progress has been made under the leadership of the national HIV and GBV programmes to collect data on MSM and transgender people (bio-behavioural surveys and documentation of violence). The collection of evidence and its documentation within the framework of a strengthened and inclusive observatory with LGBTI leaders skilled in violence monitoring techniques should be promoted.

Country indicator 2: Protective laws

Brief description

This indicator asks questions about the protective laws that exist. Understanding which protections exist in law (but perhaps, more importantly, which protections **do not** exist) is not only an important strategy in the advocacy space but also a measure of understanding the levels of exclusion faced by sexual and gender minorities.

The Constitution of Côte d'Ivoire does not contain any discriminatory provisions but does not explicitly mention sexual orientation or gender identity as protected classes. The State recognizes citizens' rights and freedoms without discrimination, as proclaimed by the main international legal instruments to which it is party. Thus, all the rights and freedoms are contained in articles 2–27 and essentially enshrine the rights:

- to life (art. 2);
- to dignity and recognition as a person before the law (art. 3);
- to non-discrimination (art. 4);
- not to be subjected to cruel and degrading treatment (art. 5, para. 1);
- to autonomy of will/consent to medical acts (art. 5, para. 2);
- to equal access to justice without discrimination (art. 8);
- to education and health without discrimination (art. 9);
- to work without discrimination (art. 14);
- to freedom of association (art. 20);
- to free movement (art. 21); and
- to information (art. 28).

Specifically, article 4 states that “all Ivorians are born free and equal in law. No one may be privileged or discriminated against on the basis of race, ethnicity, clan, tribe, skin colour, sex, region, social origin, religion or belief, opinion, wealth, difference in culture or language, social status, or physical or mental condition.”

With the development of social networks and their avatars, the State has adopted a specific law governing the use of personal data. This is the **Law No. 2013-450 of 19 June 2013** on the protection of personal data. LGBTI

people use social networks as a platform to exchange information, organise, and meet people, and too often they are subjected to blackmail and harassment. This law provides for the protection of privacy.

Through the **Penal Code and other criminal laws** (Law No. 2019-574 of 26 June 2019 on the Penal Code), the State protects LGBTI people against all forms of violence, including GBV (rape, physical assault, sexual assault). In the same vein, the Penal Code punishes violations of privacy, particularly in the case of violation of a secret of which the accused was in possession because of his status, profession or function.

Law No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders is the translation into the domestic order of the provisions drawn from the declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.⁴³ Article 1 of this law determines the quality of ‘human rights defender’. Thus, by its missions and its scope, people working with LGBTI people can be considered ‘human rights defenders’ and benefit from this particular regime. Thus, under the rights of human rights defenders, they have the right to freedom of exercise through the principle of freedom of exercise contained in article 3; the protection of the individual with the protection granted to all those who express opinions or publish reports in the context of their activities; the protection of offices and headquarters (article 6); the possibility of benefiting from financial and technical support provided that it is of legal origin (article 8); and, finally, the special protection of women human rights defenders (article 9).

The commitment of the Ivorian State to the promotion and protection of human rights, including those of populations vulnerable to HIV and PLHIV, is further reflected in **Law No. 2018-900 of 30 November 2018**, establishing the CNDH-CI. The CNDH is an independent administrative authority which exercises advisory functions, conducts consultations, carries out evaluation missions and makes proposals to the government and all other authorities.

Law No. 2015-532 of 20 July 2015 on the Labour Code takes into account the issue of HIV in the world of work by protecting the rights of workers and PLHIV in the workplace. This text thus appears to be proof of the legislator’s interest in the effective enjoyment of the right to work, regardless of the worker’s serological status.

In relation to HIV there is a specific law on HIV that enshrines a number of human rights for LGBTI people who are living with HIV. These are: the right to autonomy of will in articles 3–5, regarding the need to obtain consent for any act (screening, treatment); the right to privacy in article 10, which states, “No information on the HIV status of a person may be communicated to another person without

his unequivocal consent”; and the duty of confidentiality incumbent on health professionals in article 14. In sum, article 18 of the law enacts the extension of human rights to people infected with or vulnerable to HIV: “Any person with a Sexually Transmitted Infection, in abbreviated form STI, living with HIV or belonging to a vulnerable group enjoys, without discrimination, civil, political and social rights.” Any discrimination or stigmatization of a person on the basis of their known or presumed HIV-positive status is prohibited. This has certainly enshrined rights and general protection for PLHIV, care providers, women and children against sexual violence. However, it has the disadvantage of not specifically addressing LGBTI people.

Finally, we can highlight Decree No. 213/CAB/MSHP of 20 August 2008 on free antiretroviral treatment, which promotes universal access to treatment for HIV infection without discrimination.

Data sources

National laws

Ivorian Constitution: Law No. 2016-886 of 08/11/2016, establishing the Constitution of the Republic of Côte d’Ivoire, <https://www.presidence.ci/constitution-de-2016/>

Law No. 2019-574 of 26 June 2019 on the Penal Code, http://www.famille.gouv.ci/public/documents/doc_drcc/loi_2019-574_portant_code_p%C3%A9nal.pdf

Law No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders,

<https://ci-ddh.org/loi-n-2014-388-du-20-juin-2014-portant-promotion-et-protection-des-defenseurs-des-droits-de-lhomme/>

Law No. 2014-430 of 14 July 2014 on the prevention, protection and repression regime in the fight against HIV and AIDS, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=96421

Ivorian Labour Code, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/105179/128593/F776982909/Le-code-du-travail-ivoirien-13-05-17.pdf>

National Human Rights Council (CNDH-CI), <https://cndh.ci/accueil/>

Specific data

No specific inclusion

Contextual analysis

In addition to the Constitution, the provisions protecting LGBTI people in Côte d’Ivoire are found in several other texts, including the Penal Code, the specific law on

HIV and the law on the protection of personal data. In general terms, as homosexuality is not criminalized in the country, LGBTI people are citizens, holders of rights and subject to duties without discrimination in the same way as 'other sexual majorities'. The provisions of the Labour Code regarding conditions of access to and exercise of employment benefit them without discrimination.

Protection from violence through the Criminal Code allows LGBTI victims to bring cases to police stations or the courts without discrimination. However, with the persistence of stigma and discrimination in the community, there is a lack of specific protection for access to housing and work in some cases where sexual orientation is known or is apparent. Some employers use various spurious grounds to deny access to employment if they discover the applicant's sexual orientation. One LGBTI leader in this regard stated during the interview, "I am transgender, and when my employer found out about my true identity from a colleague, he asked for my negotiated departure from the company. I did not want to go to court, to avoid the scandal and the strong stigma that would surround this."⁴⁴

There is, moreover, Law No. 2015-532 of 20 July 2015 on the Labour Code, which takes into account the issue of HIV in the world of work by protecting the rights of workers and PLHIV in the workplace. This text has, however, the disadvantage of being silent on sex work and the specific protection of LGBTI people. This justifies the implementation of a comprehensive reform of the legislation in this area.

The law also fails to provide protection in the areas of marriage (same-sex/gender couples are not recognized), adoption and civil status. There is no legal gender recognition in Côte d'Ivoire, a gap that transgender associations are trying to address. One of the transgender leaders interviewed said that she had difficulty renewing her expired passport. In the background is the issue of the change of gender marker: "The officer on duty at the issuing office refused to accept my passport renewal application on the grounds that the person in front of me did not match the photo on the old passport."⁴⁵ This factual situation and the claims of transgender people clash with the law in relation to the principle of the 'unavailability of the state of persons',⁴⁶ which is still rigidly applied in Côte d'Ivoire in the absence of case law and given legal provisions on civil status which do not allow for a change of identity marker except on medical grounds. Interviews with LGBTI associations and other public bodies revealed that trans identity is a reality in the country.

In such a context, the legal recognition of trans identity as an element of the person's status appears to be one of the main possibilities. In this respect, it could notably allow the change of civil status, first names and sex, as a necessity

for the social inclusion of trans people. Advocates of this legislative initiative expressed the need for technical assistance to develop substantive legal arguments, including case law from other jurisdictions. This technical assistance should include the development of legal and social arguments for the inclusion of LGBTI people in and through legal reform. There are a number of allies among policymakers, but they are also uncomfortable expressing their support publicly for fear of the stigma associated with their involvement.

Data gaps and limitations

The guiding question for the collection of data for this indicator was: Are there any protective laws? If so, what are they?

In addition to the relevant provisions of the Constitution, there are laws and texts that promote the rights of LGBTI people in Côte d'Ivoire and the absence of specific texts that criminalize homosexuality. However, the most urgent gaps identified by the LGBTI associations are to remove the 'legal barriers' that condition their certain inclusion in governance policy.

Synthesized implications

Although many laws can be improved, there are a few areas of legal reform that LGBTI groups continue to lobby for. They are:

- the extension to LGBTI people of the specific protection afforded in the HIV law given their vulnerabilities to HIV and related stigma;
- the inclusion of sexual orientation and gender identity as grounds for non-discrimination in article 4 of the Constitution and in the Labour Act 2015;
- taking into account the reality of trans identity in Côte d'Ivoire by reforming the law on civil status;
- the definition of a protective institutional framework for the practice of sex work in the country; and
- the definition and application of terms ('unnatural acts', 'indecent acts') in the Penal Code in the chapter on the repression of offences against public morals and morality.

IGI programming should support this work and help LGBTI groups (and especially joint initiatives with human rights and HIV groups) to crystallize agreed legal reform objectives. Currently, initiatives are not coordinated. As with the suggestions made under indicator 1, work to reform the law needs to be combined with programmes to raise awareness among legislators and political, religious and community leaders. It will also be strategic to create

44 Interview with LGBTI leader on 11 July 2021 at Enda Santé's co-working space.

45 Telephone interview with transgender association transgender rights leader on 21 July 2021.

46 See https://fr.wikipedia.org/wiki/Indisponibilit%C3%A9_de_l%27%C3%A9tat_des_personnes.

and support spaces for NGOs and CSOs to respond to, comment on and engage with policies and laws.

Country indicator 3: Official policies/plans/technical guidelines on sexual and reproductive health and rights

Brief description

Côte d'Ivoire is experiencing a certain trend in favour of the realization and development of human rights, particularly with regard to SRHR indicators.⁴⁷ There are several official documents⁴⁸ that address SRHR specifically or in a related way. There are also some that do so more indirectly. These include the national policy document on sexual, reproductive and child health; the sector reference plan on family planning; and the national strategy for adolescent and youth health developed by the Ministry of Health; the national comprehensive sexuality education plan (2016–2020) developed by the Ministry of National Education; and the national strategic plan to combat HIV (2021–2025). However, there is a lack of a harmonized legal framework for all matters relating to SRHR in the country. The initiative exists in the form of a draft law, but it has not yet been adopted by parliament.

There are no national clinical guidelines for gender- and sexual minority-specific SRHR that take into account the reproductive health needs (counselling, family planning follow-up) and the management of hormone use among transgender people. There is no provision for their specific development either. There is, however, a national document/clinical guidelines on HIV prevention and care that includes the issues of PrEP for MSM, trans people and the treatment of STIs.

Data sources

Ministry of Health and Universal Health Coverage, 'National Mother and Child Health Programme and National Sexual, Reproductive and Child Health Policy' (May 2020), <http://pnsme.ci/admin/docs/politiquenationalemreetenfant2020.pdf>

NGO Equipop, 'Côte d'Ivoire on the march for sexual and reproductive health rights: Advocacy guide', https://equipop.org/publications/guide_plaidoyer_DSSR_RCI.pdf

Ministry of Education, 'National Comprehensive Sex Education Programme', <https://www.prb.org/wp-content/uploads/2018/05/Programme-National-de-l%E2%80%99Education-Sexuelle-Comple%CC%81te-de-Co%CC%82te-d%E2%80%99Ivoire-2016-2020.pdf>

Ministry of Health, 'National Strategic Plan for Adolescent and Youth Health', <https://scorecard.prb.org/wp-content/uploads/2018/05/Plan-Strate%CC%81gique-National-de-la-Sante%CC%81-des-Adolescents-et-des-Jeunes-2016-2020.-Co%CC%82te-d%E2%80%99Ivoire.pdf>

Ministry of Youth Promotion and Employment, 'National Youth Policy and Strategies', <http://www.jeunesse.gouv.ci/sites/default/files/politique-nationale-a-la-jeunesse.pdf>

Ministry of Health, 'Côte d'Ivoire HIV Prevention and Treatment Guidelines 2019',

https://www.differentiatedservicedelivery.org/Portals/0/adam/Content/WU-wkAckZkSi4dTtBWh8DA/File/Cote%20d'Ivoire_HIV%20Prevention%20&%20Treatment%20Guidelines_2019.pdf

Specific data

Inclusion of LGBTI people as a vulnerable group in the national HIV plan and the national HIV prevention and clinical guidelines

Contextual analysis

The vision of the strategic plan for the response to HIV over the period 2021–2025 (NSP 2021–2025) is in line with the overall vision of Côte d'Ivoire to end the HIV epidemic by 2030. Targeted interventions include MSM, and transgender people under the MSM/trans component, as key populations vulnerable to HIV. The NSP also identifies sex workers and people who use drugs as key populations.

In line with the national HIV and TB strategic plans, the State of Côte d'Ivoire, under the aegis of the Ministry of Justice and partners such as UNAIDS and the Global Fund, has developed a five-year human rights and HIV plan. This plan aims to reduce human rights barriers to accessing HIV services. It takes into account the specific challenges faced by transgender people, including issues of identity and gender, and the need to ensure access to HIV and TB services for all, including marginalized population groups. The plan aims to fight stigma and discrimination by raising awareness among key actors (advocacy with legislators, legal professionals, administrators and security forces on issues of gender identity, gender diversity, sexual orientation, human rights and GBV). Also, as designed, it addresses the issue of self-stigmatization, self-esteem and capacity-building of LGBTI actors and increasing their access to inclusive services. The existence of this five-year plan is an opportunity to support the Ministry of Justice, through its DPJEJ, to implement inclusive governance on LGBTI issues.

⁴⁷ For example, the contraceptive prevalence rate (modern methods) increased from 14 percent in 2012 to 19 percent in 2018 (track20.org).

⁴⁸ See DSSR/PF advocacy guide, p. 14.

Data gaps and limitations

There are many policy documents that address the issue of SRHR/family planning in a sectoral manner (youth, adolescents, schools) but do not yet integrate the specific needs of LGBTI people. In the reports and plans that have been reviewed there is a gap in access for transgender populations to family planning and support for hormone therapy.

Synthesized implications

HIV and stigma programmes—and, therefore, the health and justice sectors—are the most integrated for sexual and gender minorities. With the NSP 2021–2025, transgender people are recognized as a priority group, along with MSM; therefore, funding and efforts are mainly absorbed by MSM programmes.

Interviews with stakeholders revealed that key actors and government representatives working in the health sector, and particularly in HIV programmes, are generally more sensitive to the issues faced by sexual and gender minorities and have a better understanding (and, therefore, better policy) of how addressing discrimination is essential to improving service delivery and encouraging help-seeking behaviour. Evidence-based data (epidemic figures among LGBTI people) and the focus of key funding partners on supporting the government in the response to HIV would explain the progress made in this area. The health sector and, to a greater extent, the justice sector are gateways to implementation of the IGI.

Country indicator 4: Official sex education policies/plans

Brief description

The school health policy is a broad and holistic education policy. Underlying this general policy is the national programme for comprehensive education in Côte d'Ivoire.⁴⁹ The government's ambition is to offer young people and adolescents in and out of school adequate responses to their SRHR⁵⁰ needs. The content of the comprehensive health education programme comprises seven areas.⁵¹ Three axes to be highlighted that could be entry points for the IGI are provision of SRH, promotion of gender equality and equity, and human rights for SRH and well-being. As it stands, their content does not contain proper reference to sexual and gender diversity, or to human rights in relation to sexual orientation. This lack of an integrated approach by the government through these education programmes is indicative of the selective addressing of issues of equality, universality and

interdependence of individual freedoms and human rights of all citizens without discrimination.

In conjunction with the Ministry of Education, the Ministry of Health has a national school and university health programme for young people (National School and University Health Programme—Adolescents and Youth Service). It aims to contribute to the physical, mental, intellectual and social development of pupils and students by offering them local health care. The programme is a coordination structure whose mission is to contribute to the promotion of the health of pupils, students and school staff by providing them with a range of preventive, curative and promotional services to ensure their physical, mental and social well-being. It manages health centres in public schools.

Data sources

Press report on the court decision, <https://news.abidjan.net/articles/604120/justice-premiere-condamnation-pour-pratique-homosexuelle-en-cote-divoire>

Articles 4 and 8 of the Ivorian Constitution

Law No. 2016-886 of 8 November 2016, establishing the Constitution of the Republic of Côte d'Ivoire, <https://www.presidence.ci/constitution-de-2016/>

Specific data

An interesting initiative to reach young people was launched in Abidjan in July 2021 by the National School and University Health Programme—Adolescents and Youth Service in collaboration with the United Nations Population Fund and the NGO Action Against Hunger. This was the official launch of the 'E-Health Youth' application, which allows interactive communication for young people and adolescents. The application includes five modules (tips, a forum, chat, accountability and a media library) allowing young people to have anonymous and confidential access, without taboos and in real time, to information and education on health and SRH, and to psychosocial support. It should be noted that the content of the different modules does not contain appropriate references to different sexual orientations, gender identities and human rights in relation to sexual orientation.

Contextual analysis

The implementation of sex and gender education in Côte d'Ivoire still faces difficulties. Interviews with government officials show that the majority of educators still lack specific training on gender issues (understood in the broad sense to include sexual and gender minorities) and

49 Ministry of Education, 'National Comprehensive Sex Education Programme', <https://www.prb.org/wp-content/uploads/2018/05/Programme-National-de-l'E2%80%99Education-Sexuelle-Comple%CC%81te-de-Co%CC%82te-d'E2%80%99Ivoire-2016-2020.pdf>.

50 Programme document, p. 16.

51 Programme document, pp. 18–19.

human rights. Add to this the existence of prejudices and even embarrassment about talking openly about sexuality to young people through interactive discussions. “We are still in a ‘teacher–pupil’ relationship.”⁵² These same prejudices also exist among parents, who are unable to maintain and establish a dialogue with their children.⁵³

Two ministries coordinate the education and management of SRH of young people and adolescents (Health and National Education). They should be involved in any initiative, to ensure good coordination of interventions.

Data gaps and limitations

Interviews with government officials working in the education policy space revealed a lack of policies that are LGBTI-inclusive. Furthermore, there is a need for capacity-building of education sector officials on gender and human rights issues, including LGBTI issues. The socio-cultural context—still marked by considerable stigmatization—calls for a strategy to be developed.

Synthesized implications

Comprehensive sexuality education is being carried out, but cautiously, as it is not yet fully accepted by parents of students in the public school system. National education officials have the lead in implementing the programme. An inclusive policy that goes beyond gender binaries and stereotypes requires building the life skills and gender and human rights competencies of educators, school leaders and cabinet members. It will also require addressing misconceptions and mistrust of sex education, and being highly sensitive to religion, culture and traditions.

Country indicator 5: Parliamentary speeches/parliamentarians

Brief description

This discussion focuses on how the attitudes of parliamentarians to LGBTI rights and issues are reported in newspapers or in the public sphere in Côte d'Ivoire. The researcher noted that LGBTI issues have not been debated in parliament since the most recent reforms of the Penal Code in June 2019.

The researcher could not find any public statements or positions in the press during the last 10 years. At the height of the debate on the new Marriage Code in 2013, parliamentarians refrained from making public statements, even though a large part of public opinion suspected

them of promoting marriage for all. The President of the Republic, as the guarantor of social cohesion, is the only one who has officially stepped forward to deny the rumours.⁵⁴

In 2019, the reform of the Penal Code, which made it possible to ‘delete’ the former article 360, which was deemed discriminatory by the United Nations Human Rights Committee, did not give rise to much debate among the various parliamentary groups. As of 2019, there was good cooperation between the parliamentary administration and AIDS organizations. With funding from the Global Fund (New Funding Model 2), training in LILO and human rights has been initiated for parliamentarians.

However, these good initiatives should not obscure the fact that prejudices and other individual perceptions among parliamentarians need to be addressed. During the interviews with parliamentarians for this report, members of the Social and Cultural Affairs Committee expressed conflicting views on IGI. Significant reservations about the appropriateness of this initiative based on ‘our’ cultural and religious values that condemn homosexuality were put forward: “Currently we are not proposing any initiatives against homosexuality, but don’t ask us for more. We are African, and I for one without prejudice to the official position of parliament on this issue will never accept an open initiative for their social inclusion.”⁵⁵

Data sources

Training workshop for peer legislators on human rights and HIV, https://www.ansci.org/alliance/activites_plus.php?num=146

Marc-André Boisvert, ‘Côte d'Ivoire: «Ici on rejette l'homosexualité»’, *La Presse*, 6 April 2014, www.lapresse.ca/international/afrique/201404/05/01-4754845-cote-divoire-ici-on-rejette-lhomosexualite.php

Specific data

Parliamentarians across the political spectrum are involved in anti-stigma and anti-discrimination programmes through HIV programmes, and they have voted to remove the old article 360 from the Penal Code. This is an official recognition that LGBTI people are a vulnerable group whose issues need to be addressed.

Contextual analysis

Some parliamentarians demonstrated a willingness to be accountable to sexual and gender minorities. The only example of strong reticence during the interview with the Social and Cultural Affairs Committee was from a Member

52 Interview with the Sub-Directorate for Gender and Equality, Ministry of Education.

53 SRH policy documents for young people/priority issues to be addressed, p. 14.

54 Marc-André Boisvert, ‘Côte d'Ivoire: «Ici on rejette l'homosexualité»’, *La Presse*, 6 April 2014, www.lapresse.ca/international/afrique/201404/05/01-4754845-cote-divoire-ici-on-rejette-lhomosexualite.php.

55 Statement made by a Member of Parliament at the meeting between the researcher and the Social and Cultural Affairs Committee.

of Parliament from the ruling RHDP party speaking on his own behalf, whose ‘traditional values’ opposed the inclusion of LGBTI in any government policy. In general, Members of Parliament appear to avoid hate speech and stigmatization in public, and support programmes to combat stigma and discrimination in the context of HIV and sexual health.

Data gaps and limitations

The lack of access to speeches made in parliament made it difficult to conduct an in-depth analysis of parliamentary views on LGBTI issues. Nevertheless, the results reveal the public attitudes of some parliamentarians and their involvement in CSO initiatives to combat LGBTI stigma and discrimination, which were confirmed by the views expressed in the stakeholder interviews.

It should also be noted that the framework and timing of the meeting with the Members of Parliament did not allow in-depth discussion of relevant issues related to other sectors of public and social life. However, on all issues involving the lives or experiences of LGBTI people, the Chair of the Social and Cultural Affairs Committee asked to meet directly with LGBTI associations and/or networks to understand their needs and the obstacles to their full and complete inclusion in government programmes.

Synthesized implications

LGBTI leaders and HIV programme managers were pleased with the willingness of parliament to support anti-discrimination initiatives. However, all are aware that the social and cultural environment still determines parliamentarians’ individual attitudes. Parliamentary groups do not have any official position on the subject. If a more gradual change is to be achieved over the next four years, it is recommended that the IGI find ways to work closely with members of the administration (administrative staff) and parliamentarians to improve their attitudes (through human rights education and awareness programmes). Working closely with and providing information to parliamentary staff who support the parliamentary standing committees (e.g. Social and Cultural Affairs Committee, Defence and Security Committee) was also identified as a key opportunity.

Country indicator 6: Court judgements/rulings

How have LGBTI rights been treated in and by the courts to date?

Brief description

There are few cases or court decisions in Côte d’Ivoire reported on the direct rights of LGBTI people. In the absence of an easily accessible database of court decisions, the researcher was unable to obtain an exhaustive view of examples of LGBTI people being involved in court proceedings in all Ivorian jurisdictions. However, interviews with LGBTI organizations consistently revealed that LGBTI people were cited for cases related to common crimes or offences not explicitly related to sexual orientation or gender identity (e.g. theft, pimping, breach of trust, assault and battery, soliciting). Also, before the reform of the Penal Code in July 2019, in the absence of an express criminalization of homosexuality, one of the known court decisions was based on the former article 360 to convict ‘homosexuals’⁵⁶ under the charge of ‘indecent assault’. Since this conviction there is no known court decisions related to sexual or gender identity. The members of the LGBTI community who have been remanded in custody are mainly charged with ‘soliciting’, ‘assault and battery’ or ‘blackmail’, specifically affecting sex workers⁵⁷ who are transgender or MSM.

Data sources

Press report on the court decision, <https://news.abidjan.net/articles/604120/justice-premiere-condamnation-pour-pratique-homosexuelle-en-cote-divoire>

Articles 4 and 8 of the Ivorian Constitution

Law No. 2016-886 of 8 November 2016, establishing the Constitution of the Republic of Côte d’Ivoire, <https://www.presidence.ci/constitution-de-2016/>

Specific data

Few cases related to sexual orientation or gender identity have been specifically tried in court. The Ivorian Constitution guarantees a trial to all without discrimination. Same-sex/gender couples are marriages are not recognized in the country. However, sexual relations between consenting adults of the same sex are not criminalized.

Contextual analysis

In the case tried in Sassandra, the Public Prosecutor’s Office retained the facts qualified as public indecency and requested 18 months’ detention for two young MSM. This first in Côte d’Ivoire provoked reactions from the LGBTI community and human rights defenders in the country: “With this trial, we are afraid that the decision will become a precedent within the judiciary and will awaken homophobic feelings among some prosecutors as well

56 Tribunal of Sassandra, judgement No. 589/16: Public Prosecutor’s Office against XX and YY, accused of public indecency with a minor of 18 years (not available online).

57 Court of Abidjan Plateau: Public Prosecutor’s Office Against XXX (transgender sex workers), accused of extortion, 25 February 2020.

as the community. This requires us to strengthen the partnership with the Ministry of Justice and to work on the reform of Penal Law No. 58.”

Data gaps and limitations

This case was the only one of its kind in the last 10 years in Côte d'Ivoire. The researcher was aware of this case at the time of the incident, as he was in charge of the regional coordination of a project to promote and defend the rights of key populations. This case alerted the key actors that the favourable environment for LGBTI people appreciated by many observers could at any time be undermined by court decisions on the elements of the criminal law (former article 360 of the Penal Code) and especially by latent 'refusal' of homosexual practice in the communities.⁵⁹

Synthesized implications

No other issue specific to sexual and gender minorities has been dealt with by the courts apart from the above-mentioned case. However, in a context where the registries of the administrations/courts throughout the country are not connected, making it difficult for any researcher to easily access court decisions and their typology, it is difficult to obtain an accurate idea of whether or not there have been convictions of gay men or MSM on the periphery. The NGO Enda Santé Côte d'Ivoire, which hosts the human rights observatory in the context of the fight against HIV, is aware of this lack of reliable data and has initiated and obtained funding from the French Cooperation/Expertise France for a three-year project called 'Auxilium Legalis', starting in September 2021, in partnership with the Ministry of Justice, to create a database of GBV cases involving key populations. This approach includes the compilation of court decisions in which LGBTI people are mentioned. This represents an opportunity, and the development of the IGI programme can consider strengthening this system to compile and collect evidence from trials throughout the country.

Country indicator 7: Official reports

How has the inclusion of LGBTI people been addressed in official (state body) reports?

Brief description

The short answer to the guiding question for this indicator is that inclusion has not been significantly addressed in

official reports. Only the Ministry of Health, through the National AIDS Control Programme (NACP), has data or study reports in partnership with technical and financial partners that highlight LGBTI health and violence. Although the Ministry of Justice is involved in the activities of the HIV and Human Rights Observatory, it does not yet produce an official report on LGBTI human rights.

Data sources

NSP 2016–2020 (in the absence of the latest NSP 2021–2025, not available online), https://www.unaids.org/sites/default/files/country/documents/CIV_2017_countryreport.pdf

<https://www.pnlsoci.com/actualites/la-revue-programmatique-du-plan-strategique-national-2016-2020-a-jacqueville-du-17-21-fevrier-2020/>

Multiple Indicator Cluster and Demographic Health Surveys

Enda Santé, 'Biological and behavioural study of STIs, HIV and AIDS among men who have sex with men (MSM) in the cities of Abidjan, Agboville, Bouaké, Gagnoa and Yamoussoukro', 2016, https://endasanteci.org/images/rapport/rapport_IBBS_MSM_2015_2016.pdf

Specific data

LGBTI issues are addressed in official Ministry of Health reports.

Contextual analysis

The fact that the only report found that addresses LGBTI issues is from the Ministry of Health is significant. The IGI could build on this model of inclusion to develop activities and strategies for other government departments.

Data gaps and limitations

Access to reports and other data where the Ministry of Health and Universal Health Coverage is involved is particularly relevant to understanding how issues associated with key populations (specifically MSM and transgender people) are addressed. The researcher was unable to identify any other sectoral reports (online and in interviews) from other government departments that included data on the LGBTI community. Even though the Ministry of Family (in charge of gender) supports the holistic management of LGBTI people within the framework of the AIDS project implemented by organizations benefiting from support from the Global

58 Remarks made by Arthur, known as 'grandmother', an MSM leader who attended the trial on his return from Sassandra, during the debriefing meeting held at the NGO Espace Confiance, which is responsible for the AIDES/AFD project on advocacy and human rights in Africa and the Caribbean 2015–2019.

59 Chloé Mour, 'La Côte d'Ivoire, un pays «gay-friendly»?', *The Upstream Journal*, 16 June 2017,

Fund, there is no policy or report on GBV that mentions LGBTI issues. An initiative has just been launched by the NACP for interoperability between the services in charge of monitoring and evaluation so that the national reports on GBV produced by the Ministry of Family include LGBTI people. The IGI could be attentive to this initiative in developing its activities.

Synthesized implications

The lack of data in other government departments is indicative of the way in which the government deals with LGBTI issues and can be summarized by the phrase ‘tolerance but not visibility’. The usefulness of this finding for the IGI’s programming is that it provides an understanding of how far we still have to go. Government services must first recognize problems before they can address them.

Country indicator 8: Political parties/platforms

What is the position of the main political parties on LGBTI rights and issues?

Brief description

Côte d’Ivoire is a secular State with a plural landscape in terms of political life. The multiparty system has been in force since 1990, and several political parties democratically contest the votes of the population. Since 2010, following an election marred by a serious post-electoral crisis, a coalition of parties grouped under the RHDP is in power. It represents 137 of the 255 seats in the National Assembly. To its credit, having inherited a quasi-favourable legal environment, it oversaw the revision of the Penal Code in 2019, removing the last legal barriers discriminating against LGBTI people. The party in power can be considered quite progressive on the issue by following up on the recommendations of the United Nations Human Rights Committee.

No official party positions (government or opposition) have been recorded on the issue of LGBTI rights, and no political party manifesto mentions the LGBTI community. Parliamentarians of all persuasions who participate in activities initiated by NGOs to combat stigmatization present themselves as members of the public, and not as members of their political parties.

Data sources

RHDP manifesto, <https://docs.google.com/viewerng/viewer?url=https://www.rhdp.ci/sites/default/files/2019-01/ACCORD%2520POLITIQUE%2520RHDP.pdf>

PCDI-RDA manifesto, http://pdcirca.ci/wp-content/uploads/2016/04/pdci_rda_statut.pdf

UNG, member of the opposition platform EDS, manifesto, <http://ung.ci/wp-content/uploads/2017/01/STATUTS-ET-REGLEMENT-INTERIEUR-ADOPTES-A-LA-CONVENTION-1.pdf>

Political landscape in Côte d’Ivoire, https://fr.wikipedia.org/wiki/Politique_en_C%C3%B4te_d%27Ivoire

Christian Bouquet, ‘The Misuse of Democracy in Côte d’Ivoire’, <https://journals.openedition.org/espacepolitique/894>

Agence pour le Commerce extérieur, ‘République de Côte d’Ivoire’, 2017, <https://www.abh-ace.be/fr/pays-et-statistiques/commerce-par-pays/cote-divoire>

Specific data

Political party manifestos make no reference to LGBTI people.

Contextual analysis

The leaders of the ruling party do not comment on the rights of LGBTI people. They endorse the relevant provisions of the Constitution and the advances of the Penal Code that do not criminalize homosexuality. However, individually, the elected members of the party have their own opinions on the issue of LGBTI people; the Honourable Koné Aboubakar, elected RHDP Member of Parliament for the constituency of Séguéla, believes that there are populations in the country that are more vulnerable than LGBTI and should be supported.

The members of the Social and Cultural Affairs Committee of the parliament are open to any initiative that would give them a good understanding of the LGBTI landscape in the country. It is important to continue to identify individual politicians who speak credibly about inclusion and those who could potentially work against the IGI. The LGBTI community and CSOs need to think about how to ensure their presence in political party manifestos and policies, whilst at the same time managing so-called ‘cultural and religious sensitivities’.

Data gaps and limitations

No ‘official’ positions have been published by any political party.

Synthesized implications

Political parties in Côte d’Ivoire are engaged in a rebuilding process after the great post-electoral crisis of 2010–2011 and need to be fuelled by issues other than the general ‘traditional’ ones (poverty, unemployment, infrastructure) to propose more inclusive political programmes. Throughout this report the need to work with parliamentarians, key political party cabinets and key ministries and raise their awareness of LGBTI issues

has been stated repeatedly. Working with all parties (opposition and government) as allies and champions could be a promising starting point. Many stakeholders also suggested that it is not yet necessary to advocate for an official position from the ruling party in the current context of tolerance, and that it would be better to continue to work in a behind-the-scenes way, so as not to risk awakening latent cultural and religious prejudices.

Outcome 2: Capacity of LGBTI activists and allies to raise awareness, influence the decision makers concerned and hold the authorities to account

Country indicator 9: Joint inter-movement initiatives to influence the authorities and/or hold them to account

Which projects/initiatives/structures exist?

Brief description

In addition to what is being done in a remarkable way in the field of health/HIV control, the process of revising the gender policy in Côte d'Ivoire initiated by the Ministry of the Family, Women and Children should be noted as a good opportunity to address the specific issues of sexual and gender minorities.

The ROPC-CI, which includes LGBTI people, is an organization of about 20 members that has gained credibility to carry out advocacy on behalf of LGBTI organizations. It benefits from funding from the main partners in the fight against HIV (UNAIDS, the Global Fund, PEPFAR) and is represented in the Country Coordinating Mechanism.

Data sources

ROPC-CI, https://www.facebook.com/pg/reseaupopulationscles/posts/?ref=page_internal

Specific data

The ROPC-CI is actively working to promote LGBTI inclusion.

Contextual analysis

The strongest existing coalition is the ROPC-CI, which federates associations of LGBTI people, sex workers and people who use drugs. Today it is open to working closely with other organizations that offer services to LGBTI people (friendly clinics, CSOs that receive funding to address the issue of health and rights of LGBTI people).

Data gaps and limitations

The researcher was unable to find official documentation on the national gender policy review initiative at the time of finalizing this report.

Synthesized implications

If IGI wishes to pursue a programme that will see effective cross-movement initiatives in Côte d'Ivoire, the researcher recommends strengthening the existing network of key populations. An essential part of the cross-movement strengthening programme will be to conduct interviews and establish processes in the early stages of programme design and implementation where ROPC-CI members can contribute and give their views on what the alliance might need to develop, strengthen and become more effective.

Country indicator 10: Participation of LGBTI activists in processes related to broader rights, development and gender equality issues

Are LGBTI activists/organizations involved in wider rights, development and gender equality? Describe who/where/how.

Brief description

Many LGBTI organizations are active in the wider space of rights and development. To name but a few, Rights and Transgender Ivory Coast, FondyGender, Alternative Côte d'Ivoire and Arc en ciel plus Côte d'Ivoire share a common focus on defending constitutional rights and are key partners in national HIV programmes that provide SRH services to key populations. In addition, its leaders have been at the forefront of activism against femicide, homophobia and GBV. Alternative Côte d'Ivoire was involved in the drafting of the CSO alternative report (UPR 2015) which led to the formulation of the recommendations of the United Nations Human Rights Committee. On transgender and gay rights, the organizations feed the human rights and HIV observatory with a network of peer educators/paralegals and strengthen the documentation and reporting of GBV. They are also members of and are associated with the meetings

of the human rights and HIV TWG chaired by the DPJEJ of the Ministry of Justice.

Data sources

Alternative Côte d'Ivoire, <https://www.alternative-ci.org/qui-sommes-nous/>

FondyGender, transgender NGO, <https://www.facebook.com/pages/category/Community-Organization/FondyGender-C%C3%B4te-d'Ivoire-113651120761970/>

Transgender and Rights, <https://transgenresetdroits.org/>

Arc en ciel plus Côte d'Ivoire, <https://www.facebook.com/arcenciplus/>

Specific data

LGBTI associations enjoy a favourable legal environment and have declarations of existence. They are already involved in defining the national policy on HIV and other vulnerabilities (GBV) alongside the Ministry of Health.

Contextual analysis

Within civil society, LGBTI organizations are as vibrant as associations of PLHIV or mainstream organizations. The overlap between LGBTI and sex workers' rights is also being addressed by sex workers' organizations and LGBTI organizations, and the latter are often at the forefront of work on sex workers' rights, and vice versa, as many transgender and gay people do sex work. The organizations lack the technical skills to engage in the fight against harmful cultural practices and traditional beliefs. More generally, they need to build expertise on the subject of human rights in general and advocacy. The Sustainable Development Goals are still not well understood by LGBTI organizations; therefore, they need to become more involved with other ministries to define their general policy.

Data gaps and limitations

The researcher was unable to gather other examples of platforms and spaces in which LGBTI activists are included and involved.

Synthesized implications

It is significant that groups and individuals are not only active but also welcomed in non-LGBTI civil society processes that deal with broader rights. Groups are members, and this shows that the LGBTI community and people are not excluded from the human rights space of civil society or isolated in their own human rights work. It also shows the intersectionality of LGBTI rights work in Côte d'Ivoire. Strengthening the involvement of LGBTI

activists and organizations in broader rights, development and gender equality could be achieved through capacity-building and skills development activities. Identifying the skills gaps and needs of LGBTI organizations and individuals would be an interesting initial activity.

Country indicator 11: Allies of other movements involved in LGBTI inclusion processes

Are allies from other movements involved in LGBTI inclusion initiatives/projects? If so, who, where and how?

Brief description

Allies are involved in initiatives aimed at the inclusion of LGBTI people in Côte d'Ivoire. In June 2021, to promote a synergy of action for the benefit of LGBTI people (health, promotion of human rights), identity-based organizations that are not members of the ROPC-CI and those offering clinical, community and human rights services for the benefit of LGBTI people agreed during a workshop with the ROPC-CI to work together to integrate the network of key populations. The vision of merging with diversity of identity to better conduct advocacy was retained. A technical committee in charge of drafting the statutes and regulations of this new approach of the ROPC-CI is at work.

Alliance Côte d'Ivoire, the principal recipient of funds for the community component of the Global Fund, grants funding to the ROPC-CI to improve its coordination efforts. In addition, the funding enables the running of a human rights observatory (Observatory for Human Rights and HIV in Côte d'Ivoire), which monitors and documents cases of violence against key populations. This community monitoring mechanism is carried out in close collaboration with LGBTI organizations that are beneficiaries of Global Fund funding.

It is also worth noting that in recent years the CNDH-CI has been involving and inviting LGBTI identity associations to its activities. We can only deplore the fact that this institution's annual reports do not show the state of violence and denial of rights suffered by LGBTI people. LGBTI organizations are currently lobbying the CNDH-CI in this regard.

The Ligue Ivoirienne des Droits de l'Homme, a general human rights organization, works with LGBTI organizations to defend and protect their rights. In partnership with the NACP since 2018, it hosts an online reporting site (www.protectionpourtous.ci) for cases of violence suffered by PLHIV and members of key populations, including MSM and transgender people.

Data sources

Ivorian League for Human Rights (Ligue Ivoirienne des Droits de l'Homme), <https://lidho.ci/>

Alliance Côte d'Ivoire, <https://ansci.org/alliance/index.php>

Specific data

Allies from mainstream human rights organizations are involved in LGBTI inclusion initiatives/projects.

Contextual analysis

The most consistent allies for the inclusion of LGBTI people can be found in civil society involved in the response to HIV. Generally speaking, these are CSOs under Ivorian or foreign law that are beneficiaries of grants from the Global Fund and the CDC-PEPFAR/United States Agency for International Development. We also note the commitment of the first general human rights organization (Ligue Ivoirienne des Droits de l'Homme) to support LGBTI people over the past five years.

In the framework of the implementation of the Global Fund HIV/TB grant, a pool of friendly lawyers was formed by the sub-recipient in charge of human rights, the NGO Enda Santé. This pool of lawyers is an important lever for IGI in enabling a multisectoral approach to LGBTI inclusion.

These CSOs advocate strongly for the inclusion of sexual and gender minorities in all the work they do. Intersectional approaches to gender equality work do not, however, extend to the whole of society.

In government spaces, the National Observatory for Equality and Gender (ONEG),⁶⁰ created in 2019 and housed at the Prime Minister's Office, for example, still does not officially recognize sexual and gender minorities and, therefore, considers that gender equality consists of balancing the power relations between men and women, boys and girls. There is no reference to or recognition of sexual and gender minorities in the gender policy or the national action plan against GBV.

Data gaps and limitations

The researcher was unable to find other examples of where allies came together to support LGBTI inclusion processes (such as Pride marches, sharing campaign materials and participating in public events and dialogues).

Synthesized implications

Movements, organizations and initiatives that deal with gender issues, at least within civil society, are beginning to take a more inclusive and intersectional approach. The

most consistent allies for the LGBTI movement remain the organizations representing other key populations (ie sex workers and people who use drugs), and those that receive grants from the Global Fund and CDC-PEPFAR for the implementation of human rights programmes (eg. GBV, the observatory for human rights, education and advocacy).

Through advocacy and the strategy of building allies among 'service providers', the involvement of officers in the defence and security forces and social workers is notable in the provision of non-discriminatory services. Focal points are trained to facilitate access to justice and social support in a manner that does not discriminate against LGBTI people.

The researcher recommends exploring ways in which the trade union movement could also address LGBTI issues, and seeking potential allies within the movement.

Outcome 3: Inclusion, participation, representation and influence of the diverse LGBTI populations of Côte d'Ivoire and their allies in relevant policy- and decision making

Country indicator 12: Participation of LGBTI populations in policymaking processes

Are LGBTI communities involved in policymaking? Describe who/where/how.

Brief description

The Country Coordinating Mechanism for HIV, TB and malaria serves as the coordinating and oversight body for the implementation of all Global Fund grants. Key populations are represented on the Country Coordinating Mechanism and according to the statutory provisions.

Key populations—in particular, LGBTI people—are involved in the definition and implementation of the national AIDS policy. Within the NACP there are TWGs for each programme area, and LGBTI organizations are members. More specifically, there is a TWG for highly vulnerable populations.

60 See http://www.famille.gouv.ci/public/documents/doc_drcc/Decret_2019-592_portant_creation_attributions_organisation_et_fonctionnement_de__ONEG.pdf.

Within the Ministry of Justice, through the DPJEJ, there is a human rights TWG that brings together, among others, the LGBTI organizations that are members of the ROPC-CI. They contribute to the reflection and exchanges aimed at removing all legal barriers or barriers linked to various forms of violence, to promote access to basic social services. The development of the latest NSP was influenced by the effective participation of the ROPC-CI and its MSM and trans organizations throughout the process until the plan was validated in 2020.

In August 2021, for example, LGBTI associations associated with the NACP informed the development of the national technical guide for programmatic mapping of key populations (specifically sex workers, MSM, transgender people and people who use/inject drugs), which aims to harmonize methods and strategies for the programmatic mapping of key populations and equip actors to ensure better targeting.⁶¹

During the interviews, LGBTI leaders considered it deplorable that there are no direct links with the Ministry of Family, Women and Children to participate in the elaboration of the different strategic documents on equality, equity and gender. The IGI could support such a project as part of the definition of the intervention and implementation framework of the national gender policy.

Data sources

NACP workshop with the participation of LGBTI organizations, <https://www.pnisci.com/actualites/atelier-delaboration-du-cadre-de-resultat-du-psn-2021-2025-de-lutte-contre-linfection-des-ist-du-vih-du-sida-en-cote-divoire-du-03-au-06-mars-2025-a-jacqueville/>

Specific data

The extent to which LGBTI communities are involved in policymaking

Contextual analysis

Most of the findings are relevant to the HIV programming space and highlight the need to learn from the progress made in the health sector and, to a lesser extent, the justice sector, and extend them to other sectors. The lessons learned are numerous.

Data gaps and limitations

All the results reported in this section were obtained through stakeholder interviews and the literature review.

Synthesized implications

The involvement of LGBTI populations in policymaking processes is mainly in the context of HIV programmes and policies, and to a lesser degree with the Ministry of Justice. MSM and transgender people are a priority target for the NACP. LGBTI representation, however, is not visible in other official sectors and structures. Ministries and state offices may invite civil society to comment on or contribute to policy, and these gatherings may include organizations led by LGBTI people, but this is more on an ad hoc basis. The involvement of LGBTI groups in other sectors and in more formal structures will allow for greater inclusion, including beyond the health sector.

Country indicator 13: Coordination of advocacy and political messages among LGBTI groups (to influence laws, policies or programmes)

Is there coordinated advocacy and policy work by LGBTI groups? Describe who/where/how.

Brief description

Within the wider LGBTI movement, which includes gay and transgender sex workers, there are few if any coordinated advocacy strategies. Most of the advocacy is carried out in a coordinated manner by the ROPC-CI, a network that brings together all key populations. Among the LGBTI community, lesbians and intersex people (who are not very visible at either an organizational or an individual level) are not part of the so-called 'key populations' in Côte d'Ivoire; therefore, they are not members of the ROPC-CI and are not involved in the network's advocacy work. Technical and financial support from development partners is structured as direct support to the ROPC-CI on behalf of the communities it represents.

Data sources

UNAIDS, Ministry of Justice and Global Fund, 'Five-Year Action Plan on Human Rights and HIV' (not available online)

ROPC-CI Annual Action Plan (not available online)

Specific data

The ROPC-CI leads the coordination of national advocacy on behalf of the LGBTI movement, with the fight against HIV as the entry point.

61 See the FondyGender Facebook page, <https://www.facebook.com/pages/category/Community-Organization/FondyGender-C%C3%B4te-dIvoire-113651120761970/>.

Contextual analysis

The different entities of the LGBTI movement appear to come together when opportunities arise to influence policies and programmes related to their specific identity. Where funding is available, advocacy and policy work is more likely to be coordinated and led by the ROPC-CI.

Data gaps and limitations

No other groups were identified during the critical stakeholder interview.

Synthesized implications

There is a need to support the ROPC-CI in establishing mechanisms that will allow for the coordination of advocacy and policy work in relation to the inclusion of LGBTI people in Côte d'Ivoire. Political advocacy needs to be defined.

Country indicator 14: Coordination of advocacy and policy messages between LGBTI groups and other development actors (to influence law, policy or programming)

Is there coordinated advocacy and policy work between LGBTI groups and other development actors? Describe who/where/how.

Brief description

There have been recent coordinated efforts by LGBTI groups in partnership with other development actors to influence law, policy and programmes. These processes include the review of outdated laws (aspects of the HIV law related to the criminalization of HIV transmission and disclosure of HIV status), and reflection on an institutional framework for sex work instigated by Alliance Côte d'Ivoire under the coordination of the human rights and HIV TWG of the Ministry of Justice in 2020.

Prior to this, in 2015, Alternative Côte d'Ivoire—working for the LGBTI movement—joined forces with the human rights NGO Ligue Ivoirienne des Droits de l'Homme and the NGO Espace Confiance to draft an alternative report for the UPR/International Covenant on Economic, Social and Cultural Rights. The submission of its report led to the relevant recommendations of the United Nations Human Rights Committee to reform the former article 360 of the Penal Code, which discriminated against LGBTI people.

Data sources

UPR 2015 alternative report (not available online)

Specific data

Coordination of advocacy and policy work between LGBTI groups and other development actors. Working within the human rights and HIV TWG, there is a need for policy advocacy for the reform of the HIV law - which dates from 2014 – and to develop a coherent national strategy.

Contextual analysis

Coordinated efforts seem to occur more outside the specific LGBTI (health and human rights) space. The researcher was unable to investigate further within the LGBTI groups to find advocacy activities within the movement specifically. There is a need to further investigate this aspect.

Data gaps and limitations

Most of the findings reported in this section were obtained through the stakeholder interview process. It is recommended that they are verified and, if possible, official reports from leading LGBTI (Alternative Côte d'Ivoire, Arc en ciel plus) and, especially, lesbian associations should be examined to understand their level of involvement.

Synthesized implications

Activities that see coordinated advocacy and political messaging between LGBTI groups and other development actors (to influence law, policy or programming) will be welcomed within civil society. There are opportunities to strengthen existing links and alliances. The ROPC-CI is a key actor that can help facilitate efforts. Within the Ministries of Justice and Health, there is an openness and understanding of the importance of inclusion in policy.

Country indicator 15: Official policies/strategies by sector (poverty, gender equality, health, justice, education)

Which policies exist in the different sectors that relate to LGBTI inclusion (by sector if possible)?

Brief description

The researcher was unable to find an official policy or plan (apart from those related to HIV and key populations) that directly addresses LGBTI people. There are, however, policies and strategies that speak of universal rights for all Ivorians. The three-year National Human Rights and HIV Plan led by the Ministry of Justice includes strategies that hope to see first responders (service providers) being

empathetic (non-judgemental, caring) and inclusive (non-discriminatory, leaving no one behind).

Equitable access to health services is a primary objective of the Ministry of Health. This is reflected in article 18 of the HIV law. The Ministry of Education has many plans and policies that reiterate that every child in Côte d'Ivoire has the right to education, but none of them mention LGBTI learners or their specific needs and challenges.

Data sources

United Nations Population Fund, 'Côte d'Ivoire: Documentation du Processus de Mise en Oeuvre de l'Education Sexuelle Complète', <https://wcaro.unfpa.org/fr/publications/c%C3%B4te-divoire-documentation-du-processus-de-mise-en-oeuvre-de-leducation-sexuelle>

Ministry of Women, Family and Social Affairs, 'Summary of the National Document on Equal Opportunities, Equity and Gender', <https://knowledge.uclga.org/IMG/pdf/resumedudocumentdepolitiquenationalesurlegalitedeschanceslequiteetlegenre.pdf>

Advisory Group, 'National Development Plan 20162020', summary on emergence, <http://www.caidp.ci/uploads/506b0bce6be504b64d5359c6407cd7df.pdf>

Ministry of Justice and Public Liberties/UNDP, 'Legal Environment Assessment', July 2018, <https://hivlawcommission.org/wp-content/uploads/2018/11/COTE-DIVOIRE-LEA-RAPPORT-FINAL.pdf>

Specific data

National HIV policies consider LGBTI people as a vulnerable group and include strategies to address their needs and concerns.

Contextual analysis

The fact that only one official government policy/strategy (the NSP) directly recognizes sexual and gender minorities and considers strategies for their inclusion is indicative of the extent to which LGBTI people are not yet fully included in Côte d'Ivoire. If documents such as the National Action Plan against GBV do not explicitly address the specific needs of LGBTI people, it is not possible to fully protect these communities.

Data gaps and limitations

The researcher was unable to review all policies and plans in all sectors and recommends that the IGI engages its partners to identify relevant policies and plans for consideration.

Synthesized implications

A stakeholder from a ministerial cabinet said that the subject of LGBTI issues has never been discussed strategically at cabinet level, let alone included in strategic planning. She stated that she was almost certain that other ministerial cabinets apart from health did not mention this topic. Given the socio-cultural constraints and to avoid a possible 'boomerang' effect, many state actors argue that the IGI should focus primarily on education programmes, such as the Ministry of Education's comprehensive sex education programme, and training programmes for health service providers, the judiciary, the police and social workers. This strategy should be complemented by the 'Know your rights' education programmes.

The human rights and HIV observatory should be strengthened to produce quality evidence to serve as an advocacy tool and to raise awareness of the harm and human rights violations that result from the failure to address LGBTI issues and needs in national policy. IGI's programmes and activities can assist human rights defenders and LGBTI leaders to clearly define the needs for inclusive policy reform.

Outcome 4: Use of African ideas, evidence and innovations that support LGBTI-inclusive governance and related work

Country indicator 16: Country-specific knowledge products related to LGBTI inclusion

Which country-specific knowledge resources would be most useful to the IGI's work in the country to promote LGBTI inclusion?

Brief description

The observatory of human rights and HIV coordinated by the NGO Enda Santé with funding from Alliance Côte d'Ivoire has been centralizing data on various violations of the rights of key populations for two years. It has a database that can be used to understand the causes of violence, the types of violence, the services available and their limitations. Alliance Côte d'Ivoire and its partners have also developed tools, legal guides, leaflets and other flyers for community education and public awareness. It implements the only training/awareness-raising toolkit/programme, which is LILO.

UNDP and the Ministry of Justice have commissioned a training manual on HIV-related human rights for key actors (law enforcement, health professionals, journalists, community groups etc.), which was validated at the end of 2020 but has not yet been implemented.

The NACP has a database of anti-stigma and anti-discrimination awareness messages. Its 'highly vulnerable populations' department has just initiated a process of developing a human rights training manual, intended to improve the performance of health professionals.

The researcher was unable to visit the information units of the LGBTI associations and access all the tools available. The director of Alternative Côte d'Ivoire stated that the NGO has also developed awareness-raising tools and participated in the elaboration of sectoral reports on LGBTI people.

The researcher was able to identify numerous publications on the status of LGBTI people:

- Online resource kit on the status of LGBTI people in Côte d'Ivoire, <https://www.ucalgary.ca/sw/ramsay/africa/ivory-coast-cote-d-ivoire.htm>
- Kahofi Jischvi Suy, 'Soigner les LGBTQI+ de Côte d'Ivoire, un défi pour la Clinique de Confiance', BBC Africa, 6 November 2019, <https://www.bbc.com/afrique/region-50309174>
- Maureen Grisot, 'In Côte d'Ivoire, a "silent homophobia". The association Alternative-Côte d'Ivoire defends the rights of LGBT people in a society that is very hostile to them', *Le Monde*, 14 February 2014, https://www.lemonde.fr/afrique/article/2014/02/14/en-cote-d-ivoire-une-homophobie-silencieuse_4366455_3212.html

In terms of academic research, extensive research has been carried out by Professor Konan Sylvain Kouadio, PhD on homosexuality and the decriminalization of 'morals' at the University Félix Houphouët Boigny (not available online).

Data sources

Multiple Indicator Cluster and Demographic Health Surveys

Enda Santé, 'Biological and behavioural study of STIs, HIV and AIDS among men who have sex with men (MSM) in the cities of Abidjan, Agboville, Bouaké, Gagnoa and Yamoussoukro', 2016, https://endasanteci.org/images/rapport/rapport_IBBS_MSM_2015_2016.pdf

Enda Santé, 'Programmatic Mapping and Size Estimation of MSM in Abidjan using the advanced PLACE method', <https://www.fhi360.org/sites/default/files/media/documents/resource-linkages-cote-abidjan-french-place-april%202017.pdf>

United Nations Human Rights Committee, 'Final Observations concerning the initial report of Côte d'Ivoire', Geneva, 28 April 2015, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhssHwKY8fdRFym%2Bhdoqi7mzKsPQb1anLFdzqB6sf6TRQJhJ42bNI0yIqZtbiSfCUA882bCUtdnN5BH9ICy54oe95YjY95DjpF1jQFzIYaYfwG>

Specific data

Development and use of country-specific knowledge resources

Contextual analysis

National research coordinated by the government is notable mainly on the issue of HIV but rather limited in other areas. However, there are several resources available produced by NGOs and independent researchers/academics. There are also innovative and exciting social media platforms that create safe spaces for LGBTI-led dialogue and highlight and normalize LGBTI experiences in the media (see <https://emmalinfos.com/>).

Data gaps and limitations

What is listed here provides a variety of resources. The indicator framework calls for the materials to be used for training/awareness-raising of decision makers. In interviews with critical stakeholders, only the LILO programme (facilitated by Alliance Côte d'Ivoire) was mentioned, and many people felt that it would be useful to invest in updated and adapted tools. Initiatives by the Ministries of Justice and Health for training modules on human rights and HIV are not yet operational.

Synthesized implications

Having an up-to-date inventory of resources is useful for planning activities. It also clearly shows where the gaps are—for example, the need for more government-led evidence on GBV, discrimination and other rights violations against LGBTI people.

References

Data sources

Government laws

Law No. 2016-886 of 8 November 2016, establishing the Constitution of the Republic of Côte d'Ivoire, <https://www.presidence.ci/constitution-de-2016/>

Law No. 781 of 12 October 2016 establishing the modalities of application of Law No. 72-833 of 21 December 1972 on the Code of Civil, Commercial and Administrative Procedure relating to legal aid, <https://admin.juriafrica.com/lex/decret-2016-781-12-octobre-2016-29877.htm>

Law No. 2019-574 of 26 June 2019 on the Penal Code, http://www.famille.gouv.ci/public/documents/doc_drcc/loi_2019_574_portant_code_p%C3%A9nal.pdf

Law No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders, <https://ci-ddh.org/loi-n-2014-388-du-20-juin-2014-portant-promotion-et-protection-des-defenseurs-des-droits-de-lhomme/>

Law No. 2014-430 of 14 July 2014 on the prevention, protection and repression regime in the fight against HIV and AIDS, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=96421

Ivorian Labour Code, 13 May 2017, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/105179/128593/F776982909/Le-code-du-travail-ivoirien-13-05-17.pdf>

National Human Rights Council (CNDH-CI), <https://cndh.ci/accueil/>

Specific data

United Nations General Assembly, Report of the Working Group on the Universal Periodic Review, A/HRC/32/4, 15 April 2016, <https://www.right-docs.org/download/42600/>

Ministry of Health and Universal Health Coverage, National Mother and Child Health Programme (PNSME), National Sexual, Reproductive and Child Health Policy (May 2020), <http://pnsme.ci/admin/docs/politiquenationalemreetenfant2020.pdf>

NGO Equipop, 'Côte d'Ivoire on the march for sexual and reproductive health rights: Guide to advocacy', https://equipop.org/publications/guide_plaidoyer_DSSR_RCI.pdf

Ministry of Education, National Comprehensive Sex Education Programme, <https://www.prb.org/wp-content/uploads/2018/05/Programme-National-de-l'E2%80%99Education-Sexuelle-Comple%CC%81te-de-Co%CC%82te-d'E2%80%99Ivoire-2016-2020.pdf>

Ministry of Health, National Strategic Plan for Adolescent and Youth Health, <https://scorecard.prb.org/wp-content/uploads/2018/05/Plan-Strate%CC%81gique-National-de-la-Sante%CC%81-des-Adolescents-et-des-Jeunes-2016-2020.-Co%CC%82te-d'E2%80%99Ivoire.pdf>

Ministry of Youth Promotion and Employment, National Youth Policy and Strategies, <http://www.jeunesse.gouv.ci/sites/default/files/politique-nationale-a-la-jeunesse.pdf>

Ministry of Health and Public Hygiene, HIV Prevention and Treatment Guidelines, 19 April 2019, https://www.differentiatedservicedelivery.org/Portals/0/adam/Content/WU-wkAckZkSi4dTtBWh8DA/File/Cote%20d'Ivoire_HIV%20Prevention%20&%20Treatment%20Guidelines_2019.pdf

Training workshop for peer legislators on human rights and HIV, https://www.ansci.org/alliance/activites_plus.php?num=146

Marc-André Boisvert, 'Côte d'Ivoire: «Ici on rejette l'homosexualité»', *La Presse*, 6 April 2014, www.lapresse.ca/international/afrique/201404/05/01-4754845-cote-divoire-ici-on-rejette-lhomosexualite.php

Press report on the court decision, <https://news.abidjan.net/articles/604120/justice-premiere-condamnation-pour-pratique-homosexuelle-en-cote-divoire>

National AIDS Strategic Plan 2016–2020 (in the absence of the latest 2021–2025 unavailable online), <https://www.pnlsci.com/actualites/la-revue-programmatique-du-plan-strategique-national-2016-2020-a-jacqueville-du-17-21-fevrier-2020/>; https://www.unaids.org/sites/default/files/country/documents/CIV_2017_countryreport.pdf

Demographic and Multiple Indicator Health Survey, <https://www.dhsprogram.com/pubs/pdf/FR272/FR272.pdf>

Enda Santé, 'Biological and behavioural study of STIs, HIV and AIDS among men who have sex with men (MSM) in the cities of Abidjan, Agboville, Bouaké, Gagnoa and Yamoussoukro', 2016, https://endasanteci.org/images/rapport/rapport_IBBS_MSM_2015_2016.pdf

Enda Santé, 'Programmatic Mapping and Size Estimation of MSM in Abidjan using the advanced PLACE method', <https://www.fhi360.org/sites/default/files/media/documents/resource-linkages-cote-abidjan-french-place-april%202017.pdf>

RHDP manifesto, <https://docs.google.com/viewerng/viewer?url=https://www.rhdp.ci/sites/default/files/2019-01/ACCORD%2520POLITIQUE%2520RHDP.pdf>

PDCI -RDA manifesto, http://pdcirda.ci/wp-content/uploads/2016/04/pdci_rda_statut.pdf

UNG, member of the opposition platform EDS, manifesto, <http://ung.ci/wp-content/uploads/2017/01/STATUTS-ET-REGLEMENT-INTERIEUR-ADOPTES-A-LA-CONVENTION-1.pdf>

Political landscape in Côte d'Ivoire, https://fr.wikipedia.org/wiki/Politique_en_C%C3%B4te_d%27Ivoire; https://www.facebook.com/pg/reseaupopulationscles/posts/?ref=page_internal

Alternative Côte d'Ivoire, <https://www.alternative-ci.org/qui-sommes-nous/>

FondyGender, transgender NGO, <https://www.facebook.com/pages/category/Community-Organization/FondyGender-C%C3%B4te-divoire-113651120761970/>

Transgender and Rights, <https://transgenresetdroits.org/>

Arc en ciel plus Côte d'Ivoire, <https://www.facebook.com/arcencielplus/>

Ivorian League for Human Rights, <https://lidho.ci/>

Alliance Côte d'Ivoire, <https://ansci.org/alliance/index.php>

NACP workshop with participation of LGBTI organizations, <https://www.pnlsci.com/actualites/atelier-delaboration-du-cadre-de-resultat-du-psn-2021-2025-de-lutte-contre-linfection-des-ist-du-vih-du-sida-en-cote-divoire-du-03-au-06-mars-2025-a-jacqueville>

UNAIDS and Ministry of Justice, Five-Year Action Plan on Human Rights and HIV (not available online)

UPR 2015 (alternative report not available online)

United Nations Population Fund, 'Côte d'Ivoire: Documentation du Processus de Mise en Oeuvre de l'Education Sexuelle Complète', <https://wcaro.unfpa.org/fr/publications/c%C3%B4te-divoire-documentation-du-processus-de-mise-en-oeuvre-de-leducation-sexuelle>

Ministry of Women, Family and Social Affairs, Summary of the National Document on Equal Opportunities, Equity and Gender, <https://knowledge.uclga.org/IMG/pdf/resumedudocumentdepolitiquenationalesurlegalitedeschanceslequiteetlegenre.pdf>

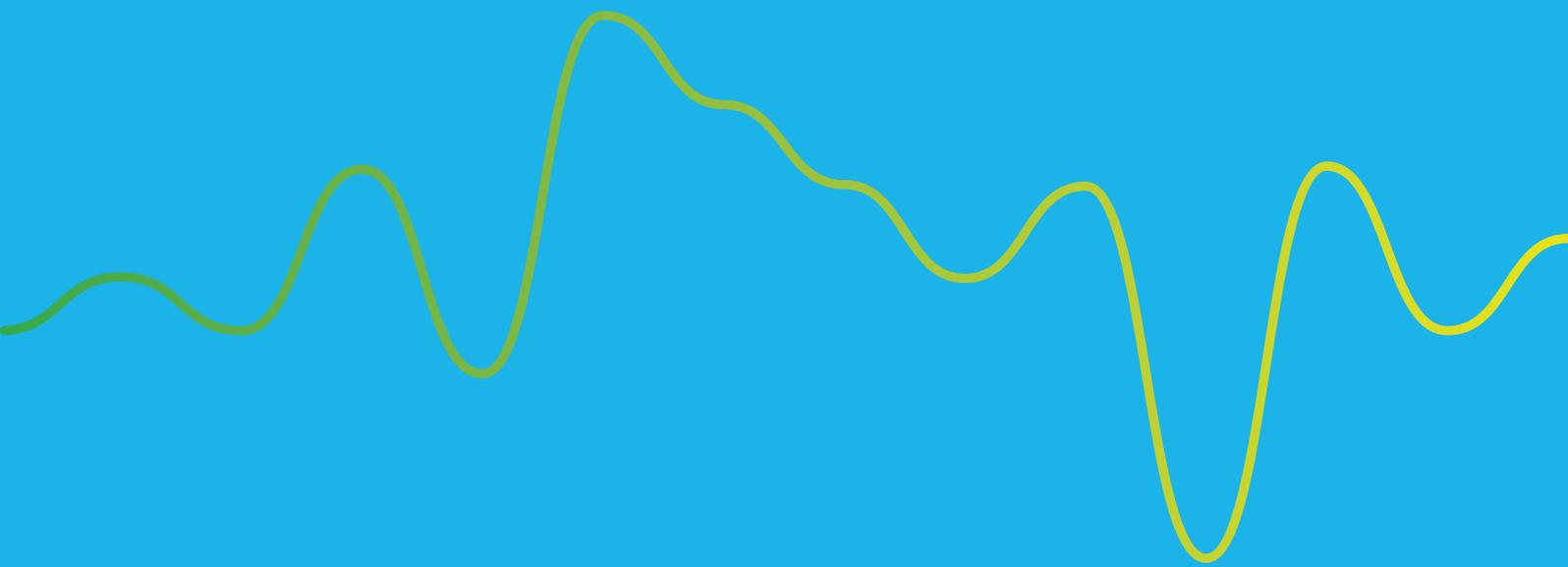
Advisory Group, National Development Plan 2016–2020, summary on emergence, <http://www.caidp.ci/uploads/506b0bce6be504b64d5359c6407cd7df.pdf>

Advisory Group website, National Development Plan 2016–2020, <http://www.gcpnd.gouv.ci/>

Ministry of Justice and Public Liberties and UNDP, Legal assessment, July 2018,

<https://hivlawcommission.org/wp-content/uploads/2018/11/COTE-DIVOIRE-LEA-RAPPORT-FINAL.pdf>

Advocacy for the achievement of the Sustainable Development Goals in Côte d'Ivoire, http://www.gcpnd.gouv.ci/fichier/doc/Note_GC_Plaidoyer_ODD-Def.pdf



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