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## Consejo de Derechos Humanos

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**Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo**

## Visita a Côte d'Ivoire

### **Informe del Grupo de Trabajo sobre la utilización de mercenarios como medio de violar los derechos humanos y obstaculizar el ejercicio del derecho de los pueblos a la libre determinación\***

#### *Resumen*

El Grupo de Trabajo sobre la utilización de mercenarios como medio de violar los derechos humanos y obstaculizar el ejercicio del derecho de los pueblos a la libre determinación visitó Côte d'Ivoire del 4 al 13 de marzo de 2024, por invitación del Gobierno. De conformidad con su mandato, el Grupo de Trabajo trató de recabar información sobre los mercenarios y las actividades conexas, así como sobre las repercusiones que tienen las actividades de las empresas militares y de seguridad privadas en el ejercicio de los derechos humanos. Se reunió con representantes del Gobierno, además de con miembros de embajadas extranjeras, organizaciones de la sociedad civil y agentes del sector de la seguridad privada.

Desde que el Grupo de Trabajo realizó su anterior visita en 2014, Côte d'Ivoire ha conseguido importantes progresos en materia de estabilidad, reconstrucción de sus instituciones centrales, fortalecimiento del sector de la seguridad e impulso del desarrollo socioeconómico. El Gobierno ha hecho esfuerzos conscientes para garantizar la cohesión social y mejorar la seguridad de sus ciudadanos, también en las zonas fronterizas. En particular, ha puesto en marcha diversos programas económicos para promover oportunidades de subsistencia sostenibles entre los sectores más marginados de la población, incluidas algunas iniciativas dirigidas específicamente a los jóvenes y a las mujeres. El Grupo de Trabajo reconoce que Côte d'Ivoire consiguió resolver en gran medida los problemas de seguridad desde las primeras etapas de su proceso de transición en 2011. En adelante, debe prestarse mayor atención a que la reforma del sector de la seguridad se considere una herramienta clave para prevenir que se produzcan hechos de violencia electoral y, de modo más general, que resurja el conflicto en el país.

\* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó y en francés.



El Grupo de Trabajo observa con satisfacción que se han aplicado una gran parte de las recomendaciones que formuló tras su visita de 2014. Sin embargo, a pesar de los progresos realizados por Côte d'Ivoire en el ámbito de la paz y la seguridad, persisten graves problemas. Si bien las condiciones de seguridad han mejorado de manera notable desde que terminó la segunda guerra civil en 2011, el país se enfrenta en la actualidad a una mayor amenaza del terrorismo internacional debido a que la actividad islamista extremista se ha extendido a través de las fronteras. El Grupo de Trabajo pide que se refuerce sin dilación el marco regulador de las empresas militares y de seguridad privada en Côte d'Ivoire, que sigue siendo inadecuado para hacer frente a los riesgos derivados de la creciente presencia de personal militar extranjero en los países vecinos. En ese sentido, urge regular las operaciones y los servicios de los agentes militares privados extranjeros.

El Grupo de Trabajo ha formulado una serie de recomendaciones destinadas a reforzar el marco jurídico por el que se rigen las actividades de los mercenarios, así como las operaciones de las empresas militares y de seguridad privada, mejorar el acceso de las víctimas a una justicia eficaz y a recursos útiles, y acabar con la impunidad de los delitos cometidos en el pasado.

## Anexo

# **Informe del Grupo de Trabajo sobre la utilización de mercenarios como medio de violar los derechos humanos y obstaculizar el ejercicio del derecho de los pueblos a la libre determinación sobre su visita a Côte d'Ivoire**

## **I. Introduction**

1. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (the Working Group) visited Côte d'Ivoire from 4 to 13 March 2024, at the invitation of the Government. The delegation comprised two members of the Working Group, Carlos Salazar Couto (Chair-Rapporteur) and Ravindran Daniel, accompanied by two human rights officers of the Office of the United Nations High Commissioner for Human Rights (OHCHR).
2. In accordance with Commission on Human Rights resolution 2005/2 and Human Rights Council resolution 51/13, the Working Group is mandated to study and identify sources, causes, manifestations and trends with regard to mercenaries and mercenary related activities, and their impact on human rights, particularly on the right to self-determination. The Working Group is also mandated to monitor the activities of private military and security companies and their effects on human rights.
3. The Working Group is grateful to the Government of Côte d'Ivoire for the invitation to visit the country and extends its thanks to those who made this important follow-up visit possible. The cooperation received by the Working Group demonstrates the commitment of Côte d'Ivoire to upholding human rights standards. The Working Group would like to express its appreciation to the Ministry of Justice and Human Rights, in particular the Director of the Human Rights Division, and to the Ministry of Foreign Affairs for coordinating its visit and for the organization of the constructive meetings that were held.
4. During its visit, the Working Group had fruitful exchanges with numerous senior officials of different ministries and agencies in Abidjan, including the Minister for Foreign Affairs, Kacou Adom, and the Chiefs of Staff of the Ministry of Justice and Human Rights, the Ministry of Defence, the Ministry of Interior and Security and the General Directorate of the National Police and Gendarmerie, as well as with the Minister of National Cohesion, Solidarity and the Fight against Poverty. The Working Group also held informative meetings with the Chairs of the National Human Rights Council and with the National Federation of private security companies of Côte d'Ivoire. It also met with the United Nations country team and with representatives of the diplomatic community. The Working Group wishes to thank them all for their openness in exchanging views with its delegation.
5. This visit was also the opportunity for the Working Group to travel to Korhogo and to Ouangolodougou in the north of the country at its borders with Burkina Faso and Mali. While there, the delegation visited the transit refugee camp of Ouangolodougou and met with high-level officials of Poro and Ferkessédougou Provinces.
6. Lastly, the Working Group warmly thanks representatives of the national civil society organizations and non-governmental organizations (NGOs) who met with its delegation. Their cooperation with the mandate of the Working Group is a testament to their vital role in monitoring the Government's human rights obligations and was key in informing the findings of the present report.
7. Throughout the visit, the Working Group aimed to better understand the human rights issues surrounding mercenary-related activities and private military and security companies in the country and how the Government address them.

8. The human rights mandate of the Working Group focuses on mercenaries, mercenary-related activities and private military and security companies and their impact of their activities on human rights.

9. The purpose of the visit to Côte d'Ivoire was two-fold: (a) to follow up on the 2014 visit of the Working Group and to examine how the recommendations issued in its report<sup>1</sup> had been implemented by the authorities of Côte d'Ivoire and to identify any possible obstacles in this regard; and (b) to assess how the country has made the transition from conflict to reconciliation since the 2002–2007 armed conflict and the post-election crisis in 2010, including when dealing with the phenomenon of mercenaries and private security and military actors.

## II. Mercenaries and mercenary-related activities

### A. General context

10. Mercenaries and mercenary-related actors<sup>2</sup> were widely used in the 2002–2007 conflict and in the conflict that erupted during and after 2010 presidential elections. As reported by the Working Group in 2014, an estimated 4,500 mercenaries were recruited by both parties to fight in both conflicts, with a large number coming from bordering States. In 2014, the Working Group received reliable information on human rights violations committed by mercenaries and other armed groups against Ivorian civilians in Côte d'Ivoire, including extrajudicial killings, rape, torture, enforced disappearance and abductions, as well as pillaging and arbitrary arrest and detention. Other accounts also highlighted the high number of gross violations against Ivorian women and children, as well as sexual violence, including incidents of female genital mutilation. The use of child soldiers by both sides to the conflict was reportedly widespread. In the immediate aftermath of the crisis, hundreds of thousands of people were internally displaced and could not return to their homes.<sup>3</sup>

11. Despite an extensive presence in the past, it appears from the Working Group's dialogue with Governmental and civil society actors throughout its visit that Côte d'Ivoire is now free of the presence of mercenaries or mercenary-related actors. Independent national and international monitors confirmed that reality.

12. Furthermore, in 2014, the Working Group found that *dozos*, traditional hunters who fought alongside the Forces républicaines in support of one of the parties, were reported to have committed scores of human rights violations between 2009 and 2013. They not only fought alongside the rebels, but also undertook functions normally attributed to elements of the State apparatus, such as the police and the gendarmerie. During the current visit, the Working Group was satisfied to learn that *dozos* are no longer carrying out State security functions and have gone back to their traditional roles. The Working Group is of the view that the Ivorian authorities have made significant progress in reinstating the rule of law and State institutions and mechanisms to address the challenging aftermath of the two conflicts.

13. The Working Group previously noted that the porousness of the borders of Côte d'Ivoire facilitated the recruitment and use of mercenaries in the conflicts of 2002–2007 and 2010–2011. Today, Côte d'Ivoire is no longer home to mercenarism. However, it is facing

<sup>1</sup> [A/HRC/30/34/Add.1](#).

<sup>2</sup> In the present report, the Working Group uses the term “mercenary” as it is defined in article 1 of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, namely, to describe any person who: (a) is specially recruited locally or abroad in order to fight in an armed conflict; (b) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party; (c) is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict; (d) is not a member of the armed forces of a party to the conflict; and (e) has not been sent by a State that is not a party to the conflict on official duty as a member of its armed forces.

<sup>3</sup> [A/HRC/30/34/Add.1](#), para. 20.

an increasingly fragile regional security situation, including the growing presence of foreign non-State armed actors and private military companies, as well as jihadist groups in the neighbouring countries of Burkina Faso and Mali. It remains vulnerable to jihadist violence, primarily as the result of the length and porosity of its borders with the two countries. The Working Group noted that Côte d'Ivoire has thus far managed to keep its population protected since the terrorist attacks of 2016 and 2020–2021.<sup>4</sup>

14. According to one analysis, President Alassane Ouattara has concentrated on restoring political stability and social cohesion through economic growth, with impressive results, while the Government has developed recovery planning and investment projects that have proven useful in the six northern regions most vulnerable to jihadist infiltration. Simultaneously, far-reaching security-sector reforms have enabled authorities to build a military able to ward off the jihadist violence scarring the Sahel.<sup>5</sup> The Working Group notes that the strengthening of security measures at the borders, combined with the roll-out of a range of livelihood projects to alleviate poverty and youth unemployment, particularly in the north, appear to have successfully protected Côte d'Ivoire from any spillover of the violence witnessed in its neighbouring countries.

15. The Working Group also noted that, since 2011, more than 280,000 Ivorian refugees have voluntarily returned to their country owing to the fundamental and durable initiatives put in place by the authorities, as well as to efforts for reconciliation and national cohesion.

16. At the same time, the Working Group noted with appreciation that Côte d'Ivoire remains a land of hospitality for refugees and asylum-seekers. The country continues to open its borders to people seeking protection, including, since May 2021, refugees from Burkina Faso fleeing violence by jihadist and foreign armed groups. The delegation of the Working Group had the opportunity to visit the transit refugee camp of Ouangolodougou, which opened in July 2023 to host civilians from Burkina Faso, and to hold discussions with some of the displaced families who had taken refuge in the camp. The Working Group was satisfied that the camp provided decent conditions of life to the communities it hosted and that no private security companies operated in the camp. The Working Group, noting that the camp houses predominantly women and girls, takes the opportunity, in the present report, to urge the authorities to ensure that the rights of women and girls, specifically, are provided with protection in those transit camps, in particular from the commission of sexual violence and related crimes.

17. The Working Group also noted with great interest that, as part of its compliance with international transitional justice requirements, the Government established non-judicial mechanisms to provide care for survivors. The Dialogue, Truth and Reconciliation Commission, established on 13 July 2011, was mandated to seek truth, pursue the perpetrators of atrocities in order to attribute responsibility, support victims through reparations and institute the duty of memory to ensure that crimes are not repeated. The National Commission for Reconciliation and Compensation of Victims, established by Ordinance No. 2015-174 of 24 March 2015, was intended to “complete the work of the Dialogue, Truth and Reconciliation Commission, both by seeking out and recording victims and beneficiaries of victims not yet recorded and by making relevant proposals regarding reparation for harm arising from the attacks on individuals and property that took place during the crises in Côte d'Ivoire”.<sup>6</sup>

18. The Government has placed particular emphasis on the provision of resources of various types, including financial reparations, aimed at the rehabilitation of victims. On 7 June 2017, Côte d'Ivoire adopted a national strategy for reconciliation and social cohesion for the period 2016–2020 and established a special fund with an initial allocation of 10 billion

<sup>4</sup> On 13 March 2016, a terrorist attack took place at Grand Bassam near Abidjan, in which 18 people were killed, including a number of foreigners. Responsibility for the attack was claimed by Al-Qaida in the Islamic Maghreb (AQIM). In 2020, presumed jihadists killed 14 soldiers in the border town of Kafolo. In 2021 a series of smaller raids took place just south of Burkina Faso.

<sup>5</sup> International Crisis Group, “Keeping jihadists out of northern Côte d'Ivoire”, 11 August 2023.

<sup>6</sup> CEDAW/C/CIV/FCO/4, para. 7.

CFA francs to compensate victims of the crises that took place in the country, including victims of sexual and gender-based violence.

19. Ten years after its first visit to the country, the Working Group welcomes the newly established political, security and economic stability in Côte d'Ivoire and calls on the Ivorian authorities to ensure its sustainability through a human-rights based approach to peace and reconciliation measures. To that end, the Working Group calls on the international community to continue its technical support to Côte d'Ivoire.

## **B. Legal framework regulating mercenarism and mercenary-related activities**

20. The Working Group was pleased by the strong commitment of the Ivorian authorities towards the ratification of both the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and the Organization of African Unity Convention for the elimination of mercenarism in Africa. The Working Group urges the authorities to ratify both treaties as early as possible, as was indicated by representatives of the Ministry of Justice throughout its official visit.

21. The Working Group also notes that Côte d'Ivoire is a party to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, which defines mercenaries in its article 47.

22. The new Criminal Code of Côte d'Ivoire,<sup>7</sup> amended in 2019, contains provisions dealing with mercenaries directly, reflecting the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The Criminal Code, in section 5, articles 171, 172 and 173, criminalizes any involvement in mercenary activities and defines a mercenary as any person being specially recruited to fight in an armed conflict, being motivated by private gain, not being a national of a party to the conflict and not being a member of the armed forces of a party to the conflict. The law further prohibits the involvement of Ivorian nationals as mercenaries abroad.

23. The Working Group notes that the domestic framework regulating mercenarism and mercenary activities appears to be in line with international law, including the provisions of the United Nations Convention on Mercenaries and the Geneva Conventions of 1949. The new criminal code provides for both proscription and prevention of mercenarism and mercenary-related activities by prohibiting and punishing the recruitment, use, financing and training of mercenaries and by punishing the mere fact of being a mercenary.

24. The Criminal Code further prohibits the unlawful entry or exit of a foreign national or a stateless person into or from Côte d'Ivoire, or their transit through Côte d'Ivoire, for mercenary purposes. The law also clearly prohibits the involvement of Ivorian nationals as mercenaries abroad. While the Working Group received information about such cases during its visit, it did not receive details about the measures taken to punish those individuals.

25. The Working Group also noted with appreciation that some of the recommendations it issued in 2014 were implemented. Specifically, the Working Group welcomes the inclusion of the definition of rape and other crimes of a sexual nature in the newly adopted Criminal Code of 2019, as well as the efforts taken by the authorities to combat violence against women. More needs to be done to give full effect to this legislation.

26. The Working Group is of the view that the clear domestic legal framework regulating mercenarism and mercenary activities adopted by Côte d'Ivoire is an important first step to holding perpetrators accountable, which in turn signals to all potential perpetrators that they will face justice if they commit those crimes.

27. The Working Group notes, however, that section 5 of the Criminal Code had not yet been implemented. The Working Group was also informed that many Ivoirians lacked

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<sup>7</sup> Act No. 2019-574 of 26 June 2019 of the Criminal Code, available at <https://www.droit-afrique.com/uploads/RCI-Code-2019-penal.pdf>.

confidence in their justice system, particularly in relation to bringing perpetrators of violations committed during the past conflicts to justice and ensuring access to remedies for victims of violations. The independence of the judiciary was also challenged by several interlocutors who pointed out that Côte d'Ivoire has failed to bring many suspected perpetrators of human rights violations and abuses to justice, in particular the supporters of President Ouattara. In order for the country's commitment to combat mercenarism and mercenary-related crimes to retain its significance, it is imperative that it protect and respect the independence and integrity of its justice system and be seen to do so with impartiality.

## **C. Challenges in the application of the legal framework against mercenarism and mercenary related activities**

### **1. Lack of accountability for past crimes committed by mercenaries and mercenary-related actors**

28. The Working Group did not receive satisfactory information about measures taken to address crimes committed by mercenaries during past conflicts in Côte d'Ivoire, particularly in relation to bringing to justice perpetrators of violations committed during the past conflicts and ensuring access to remedies for victims of violations, abuses and related crimes committed by mercenaries and related actors during the 2002–2007 conflict and after the 2010 presidential elections.

29. The Working Group took note that the authorities have taken wide ranging measures to ensure reconciliation through transitional justice, including financial reparations, the establishment of the Dialogue, Truth and Reconciliation Commission and the ratification of the Rome Statute of the International Criminal Court, which gave rise to the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*.

30. The Working Group also took note of Presidential Ordinance 2018-669 of 6 August 2018, granting amnesty to 800 people accused or indicted for crimes linked to the 2010 crisis or the attacks on the State that followed, among whom could be people presumed responsible for the most serious crimes, including the recruitment and financing of mercenaries.

31. The Working Group notes that Presidential Ordinance 2018-669 excludes “persons being tried before an international criminal court” and “military personnel and members of armed groups” from its scope of application. The Working Group further observes the argument of the Government that the amnesty granted under the ordinance does not therefore apply either to “persons being tried before an international criminal court” who are suspected, accused or convicted of war crimes, crimes against humanity or gross violations of human rights, including conflict-related sexual violence, or to “military personnel and members of armed groups”.<sup>8</sup>

32. However, as the Working Group has often reported, although the profile of victims of mercenaries during armed conflict does not differ considerably from that of other victims of conflict, victims of mercenaries may be at increased risk of vulnerability and may experience a heightened sense of fear owing to a perception that there is no course of action available against the perpetrators.<sup>9</sup> Presidential Ordinance 2018-669 seems to further violate the rights of victims to truth and justice.

33. The Working Group wishes to recall that international law mandates prosecution for serious crimes, such as crimes against humanity and war crimes, to ensure that victims' rights to truth and justice are respected. Major international treaties to which Côte d'Ivoire is a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1949 Geneva Conventions and the Rome Statute of the International Criminal Court, provide that individuals allegedly responsible for serious crimes, which include the recruitment, use, financing and training of mercenaries and mercenary related actors, must be fairly prosecuted. It is the view of this Working Group that

<sup>8</sup> See CEDAW/C/CIV/FCO/4.

<sup>9</sup> See A/HRC/51/25.

an amnesty for serious crimes would also be contrary to the principles of the founding Charter of the African Union and the African Charter on Human and Peoples' Rights.

34. While the Working Group welcomes the efforts of the authorities to prevent and deter future conflicts through "reconciliation" measures, it strongly reiterates that reconciliation and justice, rather than being exclusive, are mutually reinforcing. Victims of mercenaries have the right to know the full and complete truth about the events that transpired, their specific circumstances and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for them.

35. The apparent accountability gap for past crimes in Côte d'Ivoire is worrying and seems to anchor impunity for those responsible for gross human rights violations and abuses. Without justice for the many victims of the crimes of mercenaries and mercenary-related actors, real and lasting reconciliation cannot be achieved. The Working Group strongly encourages Côte d'Ivoire to adopt a victim-centred approach to ensure victims' effective access to justice and remedy for past crimes, with focus on mercenarism and mercenary-related activities.

## **2. Continued presence of arms and weapons in the public domain**

36. The proliferation of small arms is a common phenomenon in post-conflict countries, and Côte d'Ivoire is not immune to it. In that context, the reform of the security sector, implemented in 2012 by the Authority for Disarmament, Demobilization and Reintegration, has contributed to improved security in Côte d'Ivoire. That process, completed in June 2015, succeeded in reintegrating 55,000 ex-combatants out of a total of 74,000 who had been identified. With the reintegration of those former combatants into civil society, many small and light weapons were seized by the authorities.

37. During its exchanges with representatives of the Ministries of Defence and Interior, the Working Group was informed that, as part of the reform, private security companies played a role by employing some of the former combatants. The companies emerged as a means of reintegration for some ex-combatants.

38. Nevertheless, many challenges remain. It appeared from the dialogue that the Working Group held with various governmental authorities that no vetting process was put in place to verify whether the former combatants were themselves involved in human rights abuses or violations prior to their reintegration, including as employees of private security companies. Similarly, no vetting process seems to have been put in place to assess whether the former combatants still owned weapons and, if so, of what calibre, for what purpose and where they are located.

39. The Working Group also notes with concern that a reported 19,000 ex-combatants have not benefited from the disarmament, demobilization and reintegration process, including nationals of neighbouring countries who benefit from the free movement agreement between Economic Community of West African States (ECOWAS) countries, thus increasing the risk of the rampant smuggling of small and light weapons across the porous borders.<sup>10</sup>

40. The Working Group stresses that any partial implementation of the disarmament, demobilization and reintegration of ex-combatants, including the proper accounting of weapons and arms in the hands of various armed groups in the disarmament, demobilization and reintegration process, would mean that such weapons and arms remain outside of the control of formal institutions, in the public domain.

41. In that context, open sources monitors recently noted an increase in smuggling and trafficking activities due to growing local demand for illicit goods and firearms. The local demand is fuelled by banditry, the need of communities for self-defence and the reliance in

<sup>10</sup> See, for example, Radio France Internationale, "Côte d'Ivoire: 74, 000 ex-combattants à désarmer d'ici fin juin", 12 May 2015.



firearms of artisanal and small-scale gold mining operators, particularly so in the tri-border area of Burkina Faso, Niger and Mali.<sup>11</sup>

42. Despite the progress made in disarmament by the Ivorian authorities, the Working Group is of the view that the authorities need to intensify efforts to end the proliferation of arms and weapons in the public domain. The Working Group reiterates its call to ensure that former combatants are not integrated into occupations involving the use of force, for instance in the army, and the need for an effective policy to recover weapons being traded illicitly, including across borders.

#### **D. Prevention of recruitments of mercenaries, including predatory recruitments, through economic empowerment**

43. The findings in the 2014 report of the Working Group included the exacerbated risks to the country's fragile stability emanating from socioeconomic vulnerabilities and inequalities among population groups, often observed across geographic districts, with the rural north being left further behind.

44. During the past conflicts in Côte d'Ivoire, young and poor people, including children, were recruited as combatants in neighbouring countries. Some were later reported to have become mercenaries, given their extensive training and subsequent involvement in warfare. Child soldiers who were drawn into mercenarism were very often from impoverished settings.

45. The Working Group has consistently reported the risks around predatory recruitment, taking advantage of the socioeconomic status or other vulnerabilities of marginalized groups, in some instances involving coercion or fraud.<sup>12</sup> The Working Group also reported on the ways in which private security companies and related actors use such recruits and on the human rights violations perpetrated around their recruitment.

46. As set out in *The Sustainable Development Goals Report 2022*,<sup>13</sup> poverty and lack of opportunities push already vulnerable populations further behind, putting them at risk of being subjected to human rights violations, including those perpetrated by mercenaries and mercenary-related actors.

47. Consequently, an approach based on the prevention of human rights violations in the Ivorian context necessarily involves tackling the root causes of the environment in which past violations of human rights and international human rights law occurred, including the prevalence of mercenarism and exploitative practices in various contexts.

48. The global commitments captured in the 2030 Agenda for Sustainable Development and the Sustainable Development Goals represent an opportunity for Côte d'Ivoire to advance the realization of economic and social rights and, therefore, to tackle the root causes of past violations of human rights and international human rights law, guided by human rights standards.

49. Several Sustainable Development Goals are considered to be of key importance in tackling the root causes of mercenarism, its related practices and the phenomenon of predatory recruitment: Goal 2, on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture; Goal 3, on ensuring healthy lives and promoting well-being for all at all ages; Goal 4, on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all; Goal 8, on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; Goal 10, on reducing inequality within and among countries; and Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. Côte d'Ivoire should put human rights at the core of all its economic, cultural and social commitments in working to achieve the Sustainable Development Goals and

<sup>11</sup> Small Arms Survey, "Annual report 2021" (2022).

<sup>12</sup> [A/HRC/54/29](#).

<sup>13</sup> *The Sustainable Development Goals Report 2022* (United Nations publication, 2022).

addressing gaps in global governance relating to mercenaries and private military and security companies in preparation for the Summit of the Future, to be held in September 2024.<sup>14</sup>

50. Ten years after its first visit to Côte d'Ivoire, the Working Group noted the commitment of the Government and the steps it has taken to unite the country and to direct it towards social cohesion and prosperity, with a social dividend, while putting in place the pillars for sustainable growth. At its core, the issue of employment is intricately linked to fostering inclusive growth and social accountabilities, characterized not merely by economic expansion but also by the equitable distribution of opportunities and the recognition and protection of the contributions of individuals and of human rights. The country, which seems to have recognized this dual challenge, stands to enjoy compounding benefits.

51. The Working Group noted with appreciation the efforts of the Government in implementing policies and programmes to increase the productivity of all employment - in agriculture, non-farm household enterprises and the modern wage sector. The Working Group also identified policies that focus specifically on helping youth to engage in higher productivity work in different sectors.

52. Special attention was also placed on targeted programmes for young women who might be particularly disadvantaged, compared with young men, by other dimensions of the transition, such as family formation. The Working Group noted that social norms tended to enforce job segregation by gender, although programmes boosting women's transition to productive employment have tried to take a more integrated approach, focusing on skills improvement and advocacy of women's rights.

53. In the north operational zone, bordering Burkina Faso and Mali, the Government has strengthened its security deployment and rolled out a wide range of social programmes to alleviate poverty and provide alternative livelihood opportunities for youth. The integration of security measures, combined with social and economic programmes, has reportedly led to a decrease in militant violence since 2020 and 2021 when the region witnessed a series of targeted terrorist attacks linked with regional jihadism.

54. The Working Group urges the Government to continue its efforts to live up to its commitment to the 2030 Agenda and to ensure an equal distribution of economic resources throughout the country. It also calls on the authorities and to increase measures to fight corruption.

55. Equal access to economic, social and cultural rights throughout the country is key to prevent the risk that the youth of Côte d'Ivoire may turn to mercenary-related activities.

### **III. Private military and security companies**

56. The Working Group defines the term "private military and security company" as "a corporate entity, which provides on a compensatory basis, military and/or security services by physical persons and/or legal entities". Focus on the types of services carried out by such private companies is essential, given the mutable nature of their operations, the complex corporate structures employed by the industry and the potential risks to human rights posed by their operations.<sup>15</sup>

#### **A. International regulation of private military and security companies**

##### **1. Montreux Document**

57. The Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict, adopted in 2009, clarifies the status of private security companies and the responsibility of the governments that hire them under international law. The non-legally

<sup>14</sup> A/HRC/54/29, paras. 36–40.

<sup>15</sup> A/HRC/15/25, annex, art. 2.

binding document includes two parts covering: (a) the obligations of States and private security companies under international law, outlining a wide range of good practices for contracting States regarding the hire, use and oversight of such companies; and (b) a proposed voluntary code of conduct for private security companies.

58. The Working Group noted that Côte d'Ivoire is not a signatory of the Montreux Document, which reaffirms the existing obligations of States under international law, in particular international humanitarian law and human rights law, relating to the activities of private military and security companies. The Working Group encourages Côte d'Ivoire to consider adopting the Montreux Document, which contains a series of best practices designed to help States take appropriate measures to comply with their obligations under international law in times of conflict. The adoption of the Montreux Document by Côte d'Ivoire would give a strong signal of its efforts to improve the regulation of the private security industry, and to create a regulatory framework for the governance of the private military sector.

## **2. International Code of Conduct for Private Security Service Providers' Association**

59. The International Code of Conduct for Private Security Service Providers' Association is a multi-stakeholder initiative established as a Swiss non-profit association. All of its members – States, private security companies and civil society organizations, referred to as the three pillars – form part of its general assembly.

60. The association is guided by the principles of the International Code of Conduct for Private Security Service Providers, which include a commitment to good governance, respect for human rights and international humanitarian law and a high standard of professional conduct. The association strives to ensure protection and to provide remedies to victims of abuse by private security providers. It endeavours to prevent the excessive use of force, to prevent torture and other degrading treatment or punishment, to prevent sexual exploitation and abuse and gender-based violence, to prevent human trafficking, slavery and forced labour, to protect the rights of children and to prevent discrimination.

61. Côte d'Ivoire does not currently participate in the association and no private security companies based in Côte d'Ivoire are members of the association.

62. The Working Group wishes to reiterate the usefulness of membership in the association, which requires that companies meet certain standards in order to be certified as being in good standing. This means that companies have been vetted and inspected and found to be compliant with the relevant human rights standards. Further, as a result of membership, the companies are required to provide a grievance mechanism to address situations where human rights abuses or offences have been committed – a positive practice that helps ensure accountability.

## **3. Voluntary Principles on Security and Human Rights**

63. Another relevant initiative is the Voluntary Principles on Security and Human Rights, elaborated in 2000 as “a set of principles designed to guide companies in the extractive sector in maintaining the safety and security of their operations within an operating framework that encourages respect for human rights”. The Working Group's assessment of the principles can be found in its 2019 report on private military and security companies operating in the extractive industry.<sup>16</sup>

64. The Working Group took note that Côte d'Ivoire was not a signatory to the Voluntary Principles on Security and Human Rights. State signatories to the principles are better able to align their corporate policies and procedures with internationally recognized human rights principles in the provision of security for their operations. In so doing, companies inform employees, contractors, shareholders and consumers of their commitment to the principles by sharing best practices and lessons learned and by collaborating on difficult issues. Member organizations engage with companies and governments to promote adherence to and implementation of the principles through the development of strong corporate policies, practices and procedures.

<sup>16</sup> [A/HRC/42/42](#).

65. While the duty to protect human rights rests with Côte d'Ivoire, businesses it contracts also have a responsibility to avoid harming people and to address the adverse impacts of activities in which they might be involved. The Working Group strongly encourages Côte d'Ivoire to become a signatory to and to use the Voluntary Principles on Security and Human Rights to assist companies, in particularly private security companies operating in the extractive sector, to understand the environment in which they are operating, to identify security-related human rights risks and to take meaningful steps to address them.

## **B. Domestic regulation of private security companies**

66. Since 2002, there has been an exponential increase in the number of private security companies operating in Côte d'Ivoire. The companies, which undertake an important role in the provision of security in the country, constitute a major industry and a significant contribution to the national budget. Data illustrate a significant escalation: from 35,000 agents employed by 100 private security companies in 2005, to 50,000 employed by 300 private security companies in 2009, to 70,500 employees engaged by 400 companies in 2012<sup>17</sup> to 200,000 employees employed by 310 registered companies in 2024. The rapid expansion of both private security companies and their personnel mirrors the heightened demand for security by Ivorian citizens. In 2024, according to the official records of the Ministry of Interior, 310 private security companies had obtained licences to operate in the country.

67. The Working Group notes with concern the challenges in identifying an accurate figure of both employees and private security companies active in the country. Despite the agreement of all interlocutors with regard to the proliferation of such companies, figures differ vastly, making the evaluation and oversight of the sector, including the impact of its services, difficult to monitor.

68. Private security companies continue to function within a contractual framework and specified boundaries. The configuration of the security industry market, which is predominantly determined by the State, has progressively shifted away from traditional State responsibilities, such as economic and social intelligence gathering, to the transportation of funds, passenger and baggage screening at ports and airports and personal protection. Over time, the private security sector has evolved into a significant component of the broader security policy in the country.

69. Decree No. 2005-73, dated 3 February 2005, governs the regulation of private security and cash-in-transit services. The decree outlines three categories of authorized activities, including: providing services involving human surveillance or monitoring through electronic security systems, guarding movable or immovable property or buildings and ensuring the security of individuals within those premises; transporting and safeguarding funds, valuable items and documents; and providing personal protection services.

70. The 2005 decree is supported by other instruments, including three decrees of 2 February 2007 (No. 148/MS/CAB, No. 149/MS/CAB and No. 150/MS/CAB) on, respectively, the terms of use of firearms by personnel of private security companies; the specificities of the uniforms and vehicles of the personnel of private security companies; and the licensing procedures of the personnel of private security companies. Interministerial directives dated 2018 and 2019 further define the operations of the companies.

71. It is the view of the Working Group that the domestic regulation of the private security industry offers some degree of control over the activities of private security companies, in alignment with the practices outlined in the Montreux Document. The 17 distinct services provided by private security companies are classified according to the criteria established in Ivorian legislation. Notably, the services are predominantly centred around surveillance and security (26 per cent), close protection/bodyguard services (12 per cent), guarding with dogs and dog handlers (12 per cent), video surveillance (9 per cent) and electronic security services

<sup>17</sup> Edem K. Comlan, "Côte d'Ivoire", in *The Privatisation of Security in Africa: Challenges and Lessons from Côte D'Ivoire, Mali and Senegal*, Alan Bryden, ed. (Geneva, Geneva Centre for the Democratic Control of Armed Forces, 2016).

(8 per cent). The Working Group also observed that there are limited numbers of cash-in-transit private security companies operating within the country. The delegation of the Working Group was informed that only such companies have the right to licences for the possession of small arms.

### **C. Remaining challenges in the regulation of private military and security companies**

72. The Working Group identified remaining challenges relating to the regulatory and operating framework of private security and military companies in Côte d'Ivoire.

73. The Working Group is of the view that the lack of standardization in the training of the personnel of private security companies poses a risk to public order. It appears that, despite the legal obligation of private security companies to train their staff in accredited training centres, the majority of private security companies do not use the training centres to train their staff. Large and medium-sized companies mostly have their own training centres, which are approved by the vocational training fund (Fonds de développement de formation professionnelle), and train their own agents. This lack of standardization, which should be ensured by the State through duly accredited training centres, results in disparities in the skills of private security personnel. Adequate training, particularly in the protection of rights and fundamental freedoms, is essential to ensure that no violations are committed by private security personnel in the course of their duties.

74. The Working Group notes with interest private initiatives to coordinate the efforts of private military and security companies, including to standardize and provide a monitoring framework for the operations of private security companies as well as stricter adherence to labour law for their personnel. The Working Group also welcomes the role of the National Human Rights Council in overseeing the activities of private security companies and, in particular, its 2022 report, which provided an analysis of the gaps and challenges currently facing private security companies in Côte d'Ivoire.<sup>18</sup> In its report, the National Human Rights Council concluded that the Ivorian private industry sector, although regulated in theory, is dysfunctional in practice and that it may have a negative impact on the enjoyment of human rights, including those of its personnel. Specifically, the National Human Rights Council noted that private security personnel were often deprived of the freedoms of assembly, opinion and association and that their social rights to a minimum wage and access to social protection were often not met.

75. Furthermore, Decree No. 2005-73 does not mandate a rigorous screening procedure for private security firms, despite periodic inspections conducted by the appropriate governmental body. There is no specific mandate for implementing a thorough vetting process to verify whether private security personnel have been implicated in previous human rights violations. Moreover, there is no provision for establishing mechanisms for addressing grievances from victims in cases where violations occur. While the National Human Rights Council conducted a dedicated study in 2022 on private military companies and human rights, the actual implementation of its recommendations by the security companies the Working Group met with remains largely unknown.

76. More generally, the Working Group is very concerned about the lack of any independent oversight of the operations of private security companies, in particular in relation to the licensing, vetting and training of private security contractors. The Working Group therefore strongly recommends a more significant and independent oversight function over the activities of private security companies, including through the establishment of an independent mechanism, fully inclusive of all segments of civil society. The Working Group further encourages strengthening of the oversight over such companies by regularizing inspections of company activities and by reinforcing the frameworks for remedies and accountability in cases where the personnel of private security companies commit criminal offences and human rights abuses.

<sup>18</sup> Conseil National des Droits de l'Homme de Côte d'Ivoire, *La responsabilité sociale des entreprises privées de sécurité de Côte d'Ivoire* (2022).

77. With regard to private military companies, the Working Group notes with great concern that the Ivorian legal framework solely addresses private security companies and does not cover the activities and services of private military companies. The Working Group is concerned about the absence of a framework to regulate their activities. The increasing involvement of foreign private military companies in armed conflicts and their contracting by bordering States raises serious questions regarding the lack of regulation of such non-State actors in Côte d'Ivoire itself.

78. The Working Group noted of the confirmation by authorities that there were no private military companies in Côte d'Ivoire and that there is no privatization of core State functions. However, in view of past events in the country, and the fact that private military actors are actively prospecting for new contracts in the region, the Working Group is of the strong view that the absence of such a regulatory framework constitutes a legal vacuum, which might give rise to impunity in the future. Against that background, Côte d'Ivoire must intensify its efforts to adopt and implement standards regulating the activities of private military companies. The Working Group therefore calls on Côte d'Ivoire to initiate regulations to govern the activities and services of private military companies as a matter of priority.

#### **IV. Conclusion and recommendations**

79. The Working Group reiterates its appreciation to the Government of Côte d'Ivoire for extending the invitation to visit the country in order to discharge the functions mandated by the Human Rights Council. The visiting delegation benefited from the cooperation and willingness of the Government to engage in dialogue and to discuss the country's transition from its difficult past to a newly established stability. The delegation also appreciated the openness of its exchange with domestic NGOs and notes the pivotal role they play in the monitoring of human rights in Côte d'Ivoire. While domestic and international NGOs are generally free to operate, they have expressed concern about a proposed bill on the regulation and possible restriction of their activities. The Working Group encourages the Government to expand the freedom of NGOs to operate rather than restricting their activities.

80. The follow-up visit of the Working Group, 10 years after its initial visit, provided it with a solid platform to continue its cooperation to strengthen the efforts of Côte d'Ivoire to pursue a sustainable human-rights based approach to security and peace.

81. Since the previous visit of the Working Group in 2014, Côte d'Ivoire has made considerable progress in achieving stability, rebuilding its core institutions, strengthening the security sector and ensuring socioeconomic development. The Government has made conscious efforts to ensure social cohesion and to strengthen the security of its citizens, including in the border areas. Notably, the Government has implemented various economic programmes to promote sustainable livelihood opportunities for the most marginalized segments of the population, with specific initiatives targeting youth and women. The Working Group recognizes that, to a large extent, Côte d'Ivoire succeeded in addressing security issues at the outset of its transition process in 2011. More attention now needs to be paid to the reform of the security sector as a key tool for preventing electoral violence and the resurgence of conflicts in the country.

82. The Working Group notes with appreciation that a large number of the recommendations it issued following its visit in 2014 have been implemented. Specifically, the Working Group welcomes the inclusion of the definition of rape and other crimes of a sexual nature in the newly adopted Criminal Code of 2019, as well as the efforts of the authorities to combat violence against women. The Working Group also welcomes the establishment of a national civil registry.

83. However, in spite of progress in the field of peace and security, serious challenges remain. Recent political and security developments in neighbouring countries, including the presence of extremism/jihadism and of foreign private military actors, may have an impact on the country's still fragile, security and political stability. The upcoming Presidential election in 2025 may also test the country's newfound stability.

84. As the Working Group has consistently reported, the recruitment, financing, use and transfer of mercenaries, mercenary-related and private military and security actors in any context prolongs conflicts, amplifies levels of violence, substantially increases the risk of violations of human rights and international humanitarian law and undermines peace efforts. The Working Group therefore calls on the Government to continue its strategies to reinforce security along its northern borders and to strengthen programmes to alleviate poverty and unemployment in the area, with the overall objective of preventing the recruitment, including the predatory recruitment, of mercenaries and mercenary-related actors, including by extremist groups and foreign private military companies.

85. The security environment in Côte d'Ivoire has improved markedly since the end of the second civil war in 2011. However, the country is also facing an increased threat from international terrorism owing to the spillover of extremist Islamist militant activity across its borders. The Working Group urgently calls for the strengthening of the private military and security regulatory framework, which remains inadequate to the task of tackling the risks created by the ever-increasing presence of foreign military personnel in neighbouring countries. Specifically, there is an urgent need to regulate the operations and services of private foreign military actors.

86. The dual response of the Government of Côte d'Ivoire to the jihadist violence on its northern borders and to the risks of predatory recruitment by mercenary-related actors seems to have borne fruit, both in military terms and in terms of economic development initiatives. In line with the 2030 Agenda and the Sustainable Development Goals, Côte d'Ivoire will need to continue to look at the root causes of mercenarism and related activities and to tackle the structural causes and drivers of poverty, inequality and social injustice in order to create conditions for a free, just and socially sustainable future.

87. The Working Group calls on the international community to step up its international cooperation and to work in close partnership with the Government of Côte d'Ivoire to achieve its goals.

88. In the light of the findings elaborated above, the Working Group provides the following recommendations to the Government of Côte d'Ivoire.

89. With regard to mercenaries and mercenary-related activities, the Working Group recommends that Côte d'Ivoire:

(a) Expedite the ratification of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and the Organization of African Unity Convention for the elimination of mercenarism in Africa;

(b) Ensure that the domestic legislation criminalizing the recruitment of mercenaries encompasses all the elements of recruitment, adopt the measures necessary to ensure the enforcement of such legislation and ensure that the legislation adopted penalizes the accomplices of recruiters, considering the manner in which recruitment takes place and the actors involved;

(c) Take measures to prevent the recruitment of mercenaries and mercenary-related actors and take the measures necessary to ensure that individuals are not recruited in their territory;

(d) Hold the perpetrators of human rights violations in the past conflicts to account in order to support genuine reconciliation and peace efforts;

(e) Take measures to systematically collect and analyse data to facilitate access to justice and reparations for victims of the past conflicts;

(f) Increase efforts with neighbouring States to tighten border control and oversight of cross-border activities to safeguard against mercenaries, foreign fighters and foreign armed elements;

(g) Enhance mutual legal assistance regimes and extradition agreements with the countries of origin of the fighters to facilitate a greater exchange of evidence and

information in order to better secure convictions for crimes, including those committed by Ivorian mercenaries abroad;

(h) Develop a strategy to address, combat and prevent mercenarism, the influx of foreign fighters and armed threats, including for Ivorian nationals possibly fighting abroad or other nationals transiting through the territory of Côte d'Ivoire;

(i) Continue to ensure a stable environment, particularly in the light of the deterioration of the security situation in bordering countries, and in the region more generally; in this regard, the Working Group encourages the national security and military forces of Côte d'Ivoire to increase efforts to end the proliferation of arms and weapons in the public domain;

(j) Ensure that programmes, such as those on disarmament, demobilization and reintegration, are carried out in a transparent, impartial and democratic manner and that former combatants benefit from such programmes, irrespective of their political affiliation, and that former combatants are not recruited into professions where the use of force is required, including those who have been involved in mercenarism or mercenary-related activities;

(k) Strengthen ongoing cooperation with international and regional mechanisms, including ECOWAS, to combat mercenarism and mercenary-related activities;

(l) Continue to take the measures necessary to address inequality and discrimination and to tackle the root causes of recruitment, including predatory recruitment;

(m) Ensure the necessary protection of individuals in vulnerable situations who could fall prey to predatory recruitment, including young men from low socioeconomic and conflict-affected backgrounds, as well as children and migrants.

90. With regard to private military and security companies, the Working Group recommends that Côte d'Ivoire:

(a) Regulate the services, operations and licences of private military companies;

(b) Establish an independent and robust oversight mechanism to vet and monitor the activities of private military and security companies, including the use of new technologies in the security context, and keep a consistent record of related data; such an independent oversight mechanism would ensure that licensing authorities function without conflict of interest and do not unduly benefit from the private security industry;

(c) Take more effective action to counter the illegal activities of private security companies and their personnel;

(d) Ensure that former combatants are not recruited by private security companies, in particular in circumstances where they would be armed and the use of force likely;

(e) Ensure that international human rights standards are incorporated into the training manuals of private security companies and that such standards become a standard requirement for licensing;

(f) Continue to improve and develop the vocational training of private security personnel provided by public and private institutions, including on human rights, respect for cultural diversity and sexual exploitation and abuse;

(g) Continue to ensure that private security personnel do not perform functions that are the responsibility of State security apparatus;

(h) Join the International Code of Conduct Association for Private Security Service Providers' Association and the Montreux Document Forum in support of good practices and the effective regulation of private military and security companies;



- (i) **Implement the Voluntary Principles on Security and Human Rights;**
  - (j) **Implement the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework as a minimum benchmark for ensuring corporate responsibility and strengthening safeguards against human rights violations, particularly in the context of the activities of private security companies;**
  - (k) **Provide public security personnel with training in relevant international human rights standards, including the Voluntary Principles on Security and Human Rights for those deployed in the extractive industries;**
  - (l) **Provide support for the negotiation of a binding international regulation on private military and security companies.**
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