

STATEMENT BY LEADERS OF ORGANISATIONS AND ACTIVISTS HUMAN RIGHTS DEFENDERS FOR LGBTIQ PEOPLE IN CÔTE D'IVOIRE

Feminist Opportunities Now, together with partner organisations and activists in Côte d'Ivoire, wish to express our deep indignation and concern at the rise in hate speech, calls for murder, discrimination and violence directed against lesbian, gay, bisexual, transgender, intersex and all other gender identities and sexual orientations (LGBTIQ), as we note with dismay the increasing use of social networks as a tool for spreading hatred, disinformation and numerous calls to exterminate LGBTIQ people.

It is important to remember that, for the general population in Côte d'Ivoire, the term Wouby or Woubi refers to the entire community, making no distinction between gender identity or sexual orientation.

In recent weeks, we have seen an alarming increase in publications on social networks, video clips, panels and live videos seeking to stigmatise, defame and incite violence against the LGBTIQ community. Isolated situations specific to all individuals, regardless of sexual orientation, are deliberately distorted or exaggerated to fuel hate speech and legitimise physical and psychological attacks. These acts, whether physical, verbal or psychological, are a direct attack on human dignity and fundamental rights.

Hatred towards LGBTIQ people has no place in our society, or anywhere else, yet we see that attacks against our communities continue to increase, whether on social networks, in public spaces, and even in institutions that are supposed to protect the entire population without distinction.

More specifically, we note that:

1. Hate speech, whether uttered by individuals, groups or even public leaders, is neither firmly condemned nor combated, and we believe that no form of propaganda calling for hatred and violence should be tolerated in a society that proclaims its adherence to the rights and freedoms defined in the 1948 Universal Declaration of Human Rights.
2. Many accounts are created and many people use social networks to spread false and alarmist messages, often based on events taken out of context or deliberately distorted. These acts, which are clearly an organised attempt to divide, create fear and panic, and above all legitimise acts of violence against LGBTIQ people, are neither firmly condemned nor combated, and we believe that the manipulation of social networks to spread hatred against minority groups should be grounds for sanctions as defined in the provisions of the law on cybercrime.
3. Online campaigns of misinformation and hatred have real and serious consequences, including an upsurge in verbal attacks,

physical, moral and psychological attacks on LGBTIQ people. Social networks, far from serving as a space for dialogue and sharing, have become platforms where violence is propagated on a massive scale, and we believe that the rise in attacks on LGBTIQ people is the result of judicial inaction.

4. Those responsible for these speeches and violent acts go unpunished, creating a climate of insecurity for LGBTIQ people, and we believe that impunity for the perpetrators of hate speech and violence constitutes a violation of the human rights of LGBTIQ people.
5. Côte d'Ivoire is a secular state and no one should impose their religious beliefs or use them to oppress or harm other citizens.

We would like to remind you that :

Côte d'Ivoire recognises in Article 2 of the Ivorian Constitution: ***The human person is sacred. All human beings are born free and equal before the law. They enjoy inalienable rights such as the right to life, liberty, the development of their personality and respect for their dignity. Human rights are inviolable. The public authorities have an obligation to ensure that they are respected, protected and promoted. Any punishment that results in the deprivation of human life is prohibited.*** This reaffirms that every person has the right to live freely, in full development of his or her personality and without fear, whatever his or her gender and/or sexual orientation.

Côte d'Ivoire has no legal provisions criminalising LGBTIQ people, so Article 2 of the Ivorian constitution applies to everyone without restrictions or limitations.

Paragraph 1 of the new Article 226 of the Ivorian Criminal Code, which defines discrimination, recognises that ***Discrimination: any distinction, exclusion, restriction or preference based on national or ethnic origin, race, colour, descent, sex, family status, pregnancy, physical appearance, vulnerability resulting from apparent or known economic status, surname, place of residence, state of health, disability or morals, age, political, religious or philosophical opinions, trade union activities, which has the purpose or effect of destroying or compromising the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms, in the political, economic, social and cultural fields or in any other field of public life;*** This reaffirming that acts of violation of the human rights of LGBTIQ people on the grounds of their physical appearance should be punished in accordance with the provisions of the new Article 227 of the Ivorian Penal Code, which sets out the penalties incurred by anyone guilty of discrimination.

Côte d'Ivoire has ratified:

- The International Covenant on Civil and Political Rights in 1992, article 26 of which establishes equality before the law and protection against **ALL DISCRIMINATION**.
- The African Charter on Human and Peoples' Rights, which guarantees fundamental human rights and equality for all. Resolution 275 of the Maputo Protocol expressly condemns acts of violence and discrimination against people because of their sexual orientation and gender identity.

As a member of the United Nations, Côte d'Ivoire is committed to the 2030 Agenda for Sustainable Development, which includes the goal of eliminating inequality and promoting equality for all, without discrimination, which includes LGBTIQ people in the fight against discrimination and inequality, thus reaffirming its commitment to protecting and promoting the rights of marginalised groups.

Violence and hatred against LGBTIQ people constitute crimes against persons based on Chapter 1 of Title 2 of the Ivorian Penal Code, which mentions physical harm in articles 378 to 402. We therefore call on the competent authorities to take firm and immediate measures to protect the victims and punish those responsible for these acts as defined by law.

The LGBTIQ community living in Côte d'Ivoire is mainly made up of Ivorian citizens who hold civil and political rights.

Despite existing for over a decade, LGBTIQ organisations have never created propaganda or polemics around human rights violations against LGBTIQ people. ***LGBTIQ communities have never called for the legalisation of same-sex marriage.***

Paedophilia and rape are not concepts inherent to the LGBTIQ community. A paedophile is not necessarily a member of the LGBTIQ community.

Sexual orientation, defined as the emotional, romantic, psychological, affective and/or sexual attraction felt by an individual towards another individual, who may be of the opposite sex and/or the same sex, is not a choice that can be made or controlled, but is constructed over the course of a lifetime and can in no way be equated with sexual deviances such as paedophilia, zoophilia or necrophilia.

We call on :

- **Rapid and decisive action by social networks, in particular Facebook, Tiktok and Youtube:** The companies behind these platforms must assume their responsibilities in moderating content, deleting hate messages and penalising accounts that propagate violence against the LGBTIQ community.
The term "woubi" commonly used in certain hate publications refers to the LGBTIQ community and this should be integrated into their algorithms.
- **The accountability of the government of Côte d'Ivoire, as guarantor of the protection of the rights of all populations:** The government and the state institutions responsible for maintaining public order must imperatively implement the provisions of the law by strengthening the mechanisms of protection and law enforcement against online hate speech and the resulting attacks.
- **The mobilisation of organisations, bodies and institutions for the protection and defence of human rights,** based on the principles of universal application of human rights, to provide support and assistance to defenders of the human rights of LGBTIQ people, by firmly condemning all anti-LGBTIQ propaganda and subjecting them to the rigours of the law.

We call on institutions such as: **The Ivorian Coalition of Human Rights Defenders, the Ivorian League of Human Rights, the Network of National Human Rights Institutions, the Ivorian League of Human Rights**

des Droits des Femmes, Amnesty International Cote d'Ivoire, International Federation for Human Rights, Association des Femmes Juristes de Côte d'Ivoire,

- **The solidarity of civil society groups and organisations**, because today we are the target of these hate speeches and calls for criminalisation, but we don't know what the target groups will be tomorrow, as is already the case for albinos or gender equality, and it could even target twins or any other fringe of the community. No one is immune.
- **Collective awareness:** It is crucial that every user of social networks becomes aware of the impact of their online actions. Sharing or supporting hate speech is not only irresponsible, it is an act of complicity in the violence that ensues. Together, we must work to build a digital space that is safer and more respectful of all. It is therefore imperative that society mobilises to put an end to the use of social networks as a weapon of hate and to ensure that every individual can live freely, without fear of being targeted for who they are.
- **We also call on the media to play their part responsibly:** by avoiding hate speech or discrimination, and by highlighting stories of resilience and courage within LGBTIQ communities, opting for positive visibility.

It is also important for the LGBTIQ community to be aware of the laws in force concerning public order offences and other crimes.

No one is above the law and no law protects an offender regardless of their sexual orientation.

We reaffirm our commitment to promoting, protecting and upholding the human rights and dignity of the people of Côte d'Ivoire, particularly LGBTIQ people.

Finally, we address civil society, educators, community leaders, religious leaders and every citizen: It is our collective duty to promote respect, understanding and inclusion. It is time to build a future where everyone, regardless of their sexual identity or orientation, can live with dignity and without fear.

Abidjan, 05 September 2024

This statement was prepared and validated by a consortium of the civil society organisations listed below:

1. All Inside Ivory Coast
2. Transgender and Rights Association
3. Fondygender Ivory Coast
4. Hope Trans
5. Tilé Initiative
6. The GTQ Activist Panel and Allies for Inclusion and Positive Visibility
7. NGO DREAMS
8. NGO QET Inclusion
9. LBQ Ivorian Women's Network (RIF-LBQ)
10. Woman African Freedom (WAF)