



International Covenant on Civil and Political Rights

Distr.: General
16 February 2015
English
Original: French
English, French and Spanish only

Human Rights Committee

113th session

March 16–2 April 2015

Item 7 of the provisional agenda

**Consideration of reports submitted by States parties
under article 40 of the Covenant**

List of issues in relation to the initial report of Côte d'Ivoire

Addendum

Replies of Côte d'Ivoire to the list of issues*

[Date received: 6 February 2015]

Constitutional and legal framework within which the Covenant is implemented (art. 2)

Reply to question 1 of the list of issues (CCPR/C/CIV/Q/1/Add.1)

1. As a rule, the provisions of the Covenant are not directly invoked by parties or litigants before Ivorian courts.

Reply to question 2 of the list of issues

2. The establishment of a mechanism to follow up on the decisions and recommendations of the treaty bodies is under way.

Reply to question 3 of the list of issues

3. No measure has been taken to amend the Act in question. The National Human Rights Commission functions entirely independently and it has never challenged the Government for interfering in its work. It freely expresses its opinions on all matters regarding its functions without impediment. The members are appointed on the proposal of social and professional organizations without interference from the State.

* The present document is being issued without formal editing.



4. Its financial resources come from a specific budget line in the State budget. The Commission can receive donations, legacies and subsidies from national or foreign natural or legal persons in accordance with the public accounting rules. The Commission draws up its budget without interference from the State, which provides it with budgetary resources according to its financial situation. The Commission manages the budget independently in line with Ivorian standards and accounts management procedures.

5. With respect to human resources, in addition to the staff seconded by the State to the Commission to assist with the exercise of its functions, the Commission receives an appropriation for the recruitment of staff.

Additional information

6. The Government does not oppose this procedure. In accordance with legislation in force, it is incumbent on the National Human Rights Commission of Côte d'Ivoire to take all necessary steps to discharge its functions.

Results

7. The Government has not yet received the annual reports of these two institutions and therefore cannot ascertain the outcome of their discussions.

Reply to question 4 of the list of issues

8. The report of the Dialogue, Truth and Reconciliation Commission has not yet been made public. Nevertheless, under its mandate it has taken steps to:

- Identify the causes of the crisis;
- Identify human rights violations that have occurred during the various crises in Côte d'Ivoire since 1990;
- Geotype and precisely map human rights violations that have occurred in Côte d'Ivoire since 1990;
- Hold hearings for 72,483 persons.

9. The Government welcomes the fact that the Commission has been able to carry out its mission without impediment both in the interior of the country and in the capital, Abidjan. The victims have been identified and it therefore remains to consider reparation for damages, which will be assessed by the courts. In the meantime, the Government plans to set up a fund to compensate victims this year, with an initial contribution from the Ivorian State of 10 billion CFA francs.

Measures

10. The pursuit of truth and accountability, and hearings for victims, perpetrators and witnesses of the political-military crises since 1999 in Côte d'Ivoire, which are the main objectives of the Dialogue, Truth and Reconciliation Commission, also form part of the fight against impunity. Furthermore, legal proceedings can still be conducted against perpetrators of the most serious human rights violations. The cathartic function of the Commission does not exclude the criminal or civil liability of those responsible for violations.

Information

11. Subsequent to a one-year extension upon termination of its initial mandate, the Commission presented its end-of-mission report in December 2014. The report demonstrates that the Commission has completed its mission.

Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)

Reply to question 5 of the list of issues

12. The reforms to the Personal and Family Code are currently under discussion. In 2012 the State adopted a law concerning equality between marriage partners, and set up a national commission to combat gender-based violence and another to combat child trafficking.

Additional information

13. The States parties to the Covenant are committed to ensuring that their populations enjoy the rights set forth in the Covenant. The enjoyment of those rights depends on the recognition of the legal personality of those concerned. With regard to the category of persons in Côte d'Ivoire at risk of statelessness, which could limit their enjoyment of these rights, the above-mentioned law fulfils the requirements of the Covenant as set out in articles 2, paragraph 1, and 16, and establishes a flexible and accessible mechanism under which beneficiaries may obtain recognition of their nationality and thereby access to all their rights.

Comment

14. Foreign nationals who marry Ivorians may acquire Ivorian nationality at the time of the marriage ceremony.

Reply to question 6 of the list of issues

15. Persons with albinism are not subject to any form of discrimination in Côte d'Ivoire. The Government is committed to reacting to any violation to which they may fall victim. In addition, persons with albinism form associations which carry out their activities undisturbed.

16. Act No. 98-594 of 10 November 1998 on guidance for persons with disabilities is already in place. It recognizes equality of opportunity and treatment for persons with disabilities, particularly in the area of training and employment. The bill authorizing the President of the Republic to ratify the Convention on the Rights of Persons with Disabilities was adopted on 21 June 2013 by the National Assembly. The Government encourages employers to recruit persons with disabilities and itself sets an example. This is shown by the fact that, the Council of Ministers, meeting on 14 January 2015, decided to increase the number of posts reserved for persons with disabilities in the civil service from 94 to 300.

17. There is no legal provision prohibiting relations between consenting adults in Côte d'Ivoire. Under current legislation, only public manifestations of such relations are prohibited. Reforms of those texts will be envisaged as attitudes evolve.

Reply to question 7 of the list of issues

18. The amendment of articles 58, 59, 60 and 67 of Act No. 64-375 of 7 October 1964 concerning marriage illustrates the Government's resolve to take appropriate measures to establish equality between men and women; the same applies to inheritance, filiation and the organization of household management. Other reforms to the Personal and Family Code are envisaged to redress any discrimination between men and women in the Ivorian legal system.

Information

19. The following information has been communicated in response to question 7 of the list of issues:

- Income-generating activities for over 11,000 women are being funded through the Côte d'Ivoire Women's Support Fund (FAFCI);
- Training is provided for 700 rural women in functional literacy and simplified accounting;
- Economic assistance is provided for women who have been displaced by war;
- Income-generating activities are carried out for the benefit of over 183 women's groups;
- Obstacles relating to primary school enrolment have been overcome, which has enabled thousands of children to access schools pending mobile court hearings to regularize their civil status;
- The policy on free education has been enhanced, providing the opportunity for all children, with a special focus on girls, to attend school by reducing the school fees paid by households by means of the annual distribution of school kits (2,860,331 in 2013–2014). Three thousand primary school management committees have benefited from this initiative;
- Awareness is being raised about girls accessing and staying in school;
- Gender issues were included in the 2009–2012 curriculum;
- School textbooks have been revised in order to eliminate sexist stereotypes and other belittling clichés;
- Education provision has been expanded through the construction of multiple classrooms (preschool and primary education, and secondary, university and vocational education);
- Career paths have been opened up for any candidates wishing to apply, without distinction as to sex, particularly in the army and police force;
- Economic support is provided to orphans and children placed in vulnerable situations on account of HIV/AIDS, 49 per cent of whom are girls.

Information

20. The ongoing revision of the Personal and Family Code will take into account the concern regarding the waiting period of 300 days imposed on women before they can remarry.

Additional information

21. The ongoing revision of the common codes will take into account all these concerns.

Information

22. The revision of the Criminal Code is in progress.

Reply to question 8 of the list of issues

23. There is no basis for the reference to this type of discrimination. Men and women are treated equally in terms of salary scales and salary amounts in Côte d'Ivoire. In addition, their retirement pension contributions are the same.

24. Several special measures have been referred to in response to question 8 of the list of issues:

- Establishment of a Compendium of Women's Skills, the aim of which is to enhance the profile, participation and leadership role of women in public and private management;
- Awareness-raising for religious and community leaders in respect of gender and emerging issues such as child marriage and early pregnancy;
- Promotion of success stories relating to women leaders in politics;
- Audiovisual programming devoted to women, their challenges and accomplishments.

Information

25. Statistical studies from 2010 show that women account for 11.5 per cent of the total number of workers in the private sector and have difficulty attaining positions of responsibility.

Additional information on the time frame

26. The bill is under preparation. As it stands, it is difficult to specify the intended time frame for its adoption by the State party.

Right to life (arts. 6 and 14)

Reply to question 9 of the list of issues

27. During the Council of Ministers on Wednesday 14 January 2014, the Government adopted the amendment to the Criminal Code and the Civil Procedure Code ending the death penalty in the Ivorian legal system, among other amendments. Act No. 2000-513 of 1 August 2000 establishing the Constitution of the Republic of Côte d'Ivoire has abolished the death penalty.

Additional information

28. It is important to indicate that when the Act on the death penalty was in force, no execution took place even though some sentences were handed down. A de facto moratorium was therefore in place. No capital punishment sentences have been handed down by the courts in the State party and no executions have taken place during the period covered by the report.

Reply to question 10 of the list of issues

29. It should be pointed out that the admissibility of "judicial execution" is a prerequisite for the use of the term "extrajudicial execution". However, since the abolition of the death penalty in 2000 by the Constitution, judicial execution has not existed. It follows that the term "extrajudicial execution" cannot be accepted. Legal proceedings currently under way will serve to clarify all these allegations.

Explanation

30. The special investigation unit will undertake in due course the exhumation of the bodies and mortal remains in this region (Duékoué) with a view to gathering crucial evidence for the investigation of these cases.

Additional information

31. With regard to the legal action that the State party intends to take in respect of the conclusions of the report of the National Commission of Inquiry established in July 2011 to undertake an investigation into the post-election violence that occurred from 31 October 2010 to 15 May 2011, the investigation unit is working on the matter.

Information

32. Inquiries are under way. The departments in charge of these cases are making intense efforts to bring the procedures to a successful close.

Reply to paragraph 11 of the list of issues

33. Investigations are being conducted and have resulted in the arrest of persons who held senior positions in the army under the former regime. One of those persons, sentenced to 15 years in prison, has appealed. Investigations continue into the other cases.

Reply to question 12 of the list of issues

34. Ivorian law prohibits voluntary termination of pregnancy. Measures are nevertheless taken with a view to improving the living conditions and chances of survival of the woman.

Information

35. This practice barely exists or at least is rarely reported to the public authorities.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 3, 7 and 24)**Reply to question 13 of the list of issues**

36. The current reform of the Criminal Code meets this and other concerns.

Information

37. Court proceedings in relation to the post-election crisis are currently under way.

Measures

38. In order to make it easier to file complaints concerning acts of torture committed by police or security forces, the office of the military prosecutor publicizes the procedure for bringing cases before it and receives complaints against acts of torture committed by police or security forces.

Reply to question 14 of the list of issues

39. Marital rape and domestic violence constitute assaults causing bodily harm. Although they are not specifically defined in a text, these two offences are punished and prosecuted under the legal classifications of violent crime, wilful assault and rape in the Criminal Code. However, it is envisaged that under the current revision of the Criminal Code, these acts will be defined as specific offences.

Measures

40. Several measures have been referred to in response to question 14 of the list of issues:

- Reactivation of the National Committee to Combat Violence against Women and Children, which consists of representatives from the National Assembly, the Economic and Social Council, relevant ministries, religious and traditional organizations, non-governmental organizations (NGOs) working to combat violence against women and children, and lastly, civil society organizations;
 - Development of a national strategy to combat gender-based violence;
 - Strengthening of legal and judicial assistance for persons wishing to make a complaint;
 - Information and awareness-raising campaign on gender-based violence and its consequences.
41. Other measures:
- Legal assistance for victims;
 - Provision of support by certain organizations working in the area of human rights;
 - Elimination of the requirement of a medical certificate for any person wishing to initiate the complaints procedure.
42. Regarding the impact of these measures, the general public is nowadays aware of the phenomenon and is no longer hesitant to report cases of violence to the competent authorities. All sectors of society are actively involved.

Information

43. In Côte d'Ivoire, persons from any profession who commit acts of sexual violence are always sentenced by the courts when these acts are reported to the competent authorities. Judicial proceedings are systematically initiated to seek out unidentified perpetrators.
44. Any violence against young girls in school is subject to legal proceedings if the case has been brought to the attention of the competent authorities. Rape committed by a person who has authority over the victim is considered an aggravating circumstance in the Criminal Code. In this connection, the Minister of National Education and Technical Training has launched the campaign *Zéro grossesse à l'école* (No pregnancy in school) in order to raise awareness in teaching circles of the risks incurred when such acts are committed.

Additional information

45. In March 2014 the Government adopted a national strategy to combat gender-based violence.

Reply to question 15 of the list of issues

Measures

46. The following measures have been identified in response to question 15 of the list of issues:
- Information and awareness-raising campaigns for institutional stakeholders, religious and community leaders, and civil society organizations;
 - Provision of legal and judicial assistance to vulnerable groups through legal clinics;
 - Information and awareness-raising campaigns targeting perpetrators and victims of female genital mutilation;

- Knife collection campaign ceremonies;
- Initiation of retraining programmes through the establishment of income-generating activities for women who perform female genital mutilation;
- Sentencing of all persons who engage in this practice to prison terms coupled with fines.

Additional information

47. Corporal punishment is prohibited in all places and is monitored particularly in prisons, schools and homes. The State is using awareness-raising campaigns to encourage respect for physical integrity in all places and at all times. Corporal punishment is formally prohibited in schools. It is classified as an offence of physical assault in the Criminal Code.

Elimination of slavery and servitude (arts. 8 and 24)

Reply to question 16 of the list of issues

48. Article 378 of the Criminal Code prohibits the forced labour of adults and children, which is punishable by a prison term of 1 to 5 years together with a fine of 360,000 to 1 million CFA francs. Furthermore, article 376 classifies the conclusion of agreements depriving a third party of liberty as an offence punishable by a prison term of 5 to 10 years together with a fine of 500,000 to 5 million CFA francs. Lastly, the procurement and exploitation of adults and children for purposes of prostitution by force, violence or ill-treatment are illegal under the terms of articles 335 and 336.

49. Measures taken to combat trafficking include:

- Adoption and implementation of the national action plan 2012–2014;
- Measures to raise awareness and take action against trafficking;
- Protection of children in all sectors of activity, particularly agriculture, mining, trade, domestic work and craft trades;
- Increasing the number of prosecutions for breaches of the legislation on child trafficking by sentencing more perpetrators and identifying more victims of child trafficking.

Liberty and security of the person and the right to a fair trial (arts. 9 and 14)

Reply to question 17 of the list of issues

50. These allegations are groundless.

Reply to question 18 of the list of issues

51. The wide-ranging reforms undertaken to overhaul the judicial system will enable procedures to be brought into line with international standards.

Information

52. Proceedings in relation to the persons concerned are currently being pursued through the opening of hearings in the appeals court of Abidjan.

Reply to question 19 of the list of issues

53. The independence of the justice system proclaimed by the 2000 Constitution is a reality and applies to judges in their capacity as the judicial power. The Supreme Council of the Judiciary is the authority that guarantees that independence. The Government has put in place a special investigation unit led by the Public Prosecutor at the court of first instance of Abidjan, assisted by a deputy prosecutor, investigating judges and judicial police officers, and equipped with the necessary resources to carry out its tasks. There have been no reports of threats to the independence of the judges belonging to this unit in the performance of their duties.

54. Besides the cases mentioned in the report of the State party, please indicate what measures have been taken to root out corruption in the judiciary:

- Revitalization of the Inspectorate General of Judicial and Prison Services;
- Establishment of the High Authority to combat corruption;
- Preparation of a code of ethics and professional conduct.

55. Additional measures:

- Expansion of the judicial system through the construction and opening of courts throughout the country with the support of development partners;
- Harmonization of the costs of judicial processes in order provide legal support and thereby improve access to justice and ensure transparency of costs for public service users;
- Implementation of a free legal and judicial assistance programme for vulnerable population groups with the support of the European Union;
- Establishment of legal clinics in six regions of the country;
- Establishment of information and guidance booths in 11 pilot courts throughout the country;
- Organization of regular human rights caravans throughout the country.

Treatment of persons deprived of their liberty (art. 10)**Reply to question 20 of the list of issues***Measures taken*

56. The following measures have been taken:

- Refurbishment of detention centres and correctional facilities;
- Renovation of the Bouaké prison facility;
- Recruitment, training and assignment of 1,997 new prison guards in addition to the 998 already in service;
- Purchase of six vans for the transfer of detainees and three liaison vehicles;
- Provision of appropriate surveillance equipment to the Abidjan detention centre and the Bouaké prison camp.

Additional information

57. Additional points:

- The functions of judges responsible for the execution of sentences have been revitalized through the appointment of nine judges;
- Detention is used judiciously;
- Judicial procedures have been streamlined;
- Presidential pardons are in place;
- The Bouaké prison camp has been refurbished and reopened;
- It is planned to build 10 new prisons meeting international standards, with capacity for 300 to 500 inmates.

Measures

58. Further measures have been identified in response to question 20 of the list of issues:
- Wings reserved for minors in nine detention centres have been adequately refurbished and fitted out;
 - A national policy on health care in prisons has been formulated with a view to providing effective medical treatment for detainees;
 - Ten (18) medical units have been restored to allow for closer monitoring of the health of detainees;
 - Food rations have increased from 160 CFA francs per day to 420 CFA francs per day for each prisoner.

Additional information

59. There is no mechanism of this kind. However, in general the judge responsible for the execution of sentences who oversees detentions is competent to receive complaints from the detainees under his or her responsibility. The complaints are not confidential, nor are they transmitted to an independent body, but the judge in question is required to receive them and to ensure they are appropriately followed up in accordance with his or her duty to ensure proper management of the conditions of detention. A judge therefore upholds the constitutional guarantee of public freedoms and is bound by rules on confidentiality.

Right to freedom of movement, right to recognition as a person before the law and right to privacy (arts. 7, 12, 13, 16 and 17)**Reply to question 21 of the list of issues**

60. The adoption of a national asylum law is not envisaged at present. Regarding the voluntary repatriation of Ivorian refugees, the following measures have been taken:

- Tripartite committees have been set up consisting of the State of Côte d'Ivoire, the State hosting the refugees and the Office of the United Nations High Commissioner for Refugees;
- A voluntary repatriation framework has been defined;
- Security provisions have been established;
- Health care is provided for women during delivery and for children from 0 to 5 years of age;
- Social reintegration and rehabilitation is available for persons who have been repatriated (schools, public service, private sector, etc.);

- Provisions are in place to enable all persons unlawfully deprived of their assets to recover them;
- Legal provisions have been established to facilitate the issuance of birth and death certificates during the crisis;
- Procedures for issuing identity cards have been reintroduced.

Information

61. Awareness-raising for internally displaced persons with regard to tolerance, forgiveness, social cohesion and their return to their homes.

- Food and other basic necessities are collected and distributed to refugees, repatriates and disaster victims;
- Act No. 2014-137 of 24 March 2014 on the status of wards of the State establishes the conditions for better care of minors where one or both of their parents or their legal guardian have fallen victim to a national disaster or have died in a situation of war while carrying out public service tasks;
- The security and defence forces have been redeployed throughout the territory;
- The administration of justice has been reorganized throughout the country;
- Information and monitoring committees at departmental, subprefectural and community levels have been created or reactivated with a view to identifying hot beds of tension and preventing intercommunal clashes;
- Departmental security committees have been created or reactivated with a view to establishing a consultation and coordination framework with the security forces;
- The disarmament, demobilization and reintegration process is being continued.

62. The following information has been communicated in response to question 21 of the list of issues:

- Act No. 2013-653 of 13 September 2013 on acquisition of nationality by declaration;
- Decree No. 2013-848 of 19 December 2013 on procedures for the implementation of Act No. 2013-653 of 13 September 2013 on acquisition of nationality by declaration;
- With the support of the Office of the United Nations High Commissioner for Refugees, mobile hearings have been organized for the late issuance of birth certificates for vulnerable children at risk of statelessness living in care centres;
- A digital databank of official gazettes published since 1959 has been established;
- Legal provisions have been established to facilitate the issuance of birth and death certificates during the crisis.

Additional information

63. Refugees in Côte d'Ivoire can only be expelled if they engage in activities likely to disturb the public order or for reasons of national security.

Freedom of expression and right to freedom of assembly and association (arts. 19, 21 and 22)**Reply to question 22 of the list of issues**

64. The following information has been communicated in response to question 22 of the list of issues:

- Three regulatory bodies have been established: the High Authority for Audiovisual Communication (HACA), the National Press Council (CNP) and the Observatory for freedom of the press, ethics and standards of conduct (OLPED);
- A fund has been set up to support and develop the press and audiovisual enterprises by financing training, studies and guidance; broadcasting; the development of the press and multimedia; and projects of interest to professional organizations as a whole.

Reply to question 23 of the list of issues

65. With respect to defenders: Act No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders has been adopted.

66. With respect to leaders of political parties and trade unions: political parties and trade unions carry out their activities without any disturbance in Abidjan and throughout the country.

Information

67. The investigations into such acts, and prosecutions, convictions and sentencing of those responsible for such acts, as well as the events of 3 March 2011 in Abobo, which resulted in the death of several activists, are carried out within the context of post-crisis procedures.

Protection of the family and rights of the child (arts. 23 and 24)**Reply to question 24 of the list of issues**

68. This concern is taken into consideration within the framework of the ongoing revision of the Personal and Family Code.

Measures

69. The measures referred to in response to question 24 of the list of issues are the following:

- Awareness-raising campaigns against early marriage and female genital mutilation, targeting religious and community leaders;
- Dissemination of the Act prohibiting early marriage in Côte d'Ivoire;
- Effective implementation of the Act prohibiting early marriage by prosecuting the perpetrators of such practices;
- Awareness-raising regarding girls' education.

Information

70. Polygamy is not recognized in Côte d'Ivoire. Information and awareness-raising campaigns are conducted to publicize the Act prohibiting polygamy.

Reply to question 25 of the list of issues

71. The following measures have been taken:

- Subprefectures and town halls have been reopened throughout the country;
- Legislative provisions have been established for the free declaration and registration of children born during the crisis (September 2002–April 2011), in accordance with regular procedures;
- Civil registry training is provided to registry office personnel in the regions of Côte d'Ivoire;
- Civil registration centres have been provided with legal texts and civil status registers;
- Mobile hearings are organized on a regular basis;
- Discussion workshops have been organized on birth declaration strategies for the general public;
- Public awareness-raising campaigns have been organized with respect to civil registration.

Data

72. According to the 2014 SITAN situation analysis report on children in Côte d'Ivoire, the estimated number of children up to 17 years of age who are currently unregistered stands at 2,800,747, almost 1.3 million of whom are under 5 years of age and 1,552,236 of whom are school-aged children, between 5 and 17 years old.

Participation in public affairs (art. 25)**Reply to question 26 of the list of issues**

73. Access to the civil service is governed by regulations that preclude the possibility of clientelism.

Information

74. The objective of the reform of the Independent Electoral Commission, which is responsible for organizing elections in Côte d'Ivoire, is to take appropriate measures for the smooth running of elections in Côte d'Ivoire, such as strengthening the capacities of the members of the Commission, establishing the list of local electoral commissions and the proposed adjustment of the electoral code.

Dissemination of information on the Covenant (art. 2)**Reply to question 27 of the list of issues**

75. The Government is seeking funding to translate the Covenant into the main languages spoken in Côte d'Ivoire.

Information

76. The report, which, as indicated in paragraph 9 of the State party's report, was prepared under the direction of the Ministry of Justice, Human Rights and Public Freedoms, benefited from the contributions of the competent ministries and public authorities, the

Human Rights Division of the United Nations Operation in Côte d'Ivoire (ONUCI), non-governmental organizations and civil society. As the Côte d'Ivoire National Human Rights Commission was not established at that time, it was not involved in the preparation of the report. The National Commission was established under Act No. 2012-1132 of 13 December 2012. It began its activities in June 2013.
