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Initial reports of States parties due in June 1993

Côte d'Ivoire*, **

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** Annexes to the present document may be consulted in the files of the Secretariat.

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Acronyms and abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
EAPCI	Survey on the Aspirations of Populations Living in Côte d'Ivoire
ECOWAS	Economic Community of West African States
FN	Forces nouvelles
FPI	Front populaire ivoirien
FRCI	Forces républicaines de Côte d'Ivoire
ICC	International Criminal Court
ICTs	Information and communication technologies
ILO	International Labour Organization
MICS	Multiple Indicator Cluster Survey
NGO	Non-governmental organization
PDCI	Parti démocratique de Côte d'Ivoire
RDR	Rassemblement des républicains
UNDP	United Nations Development Programme

I. Introduction

1. The International Covenant on Civil and Political Rights was adopted by the United Nations General Assembly on 16 December 1966 with the aim of reinforcing the Universal Declaration of Human Rights.
2. In force since 23 March 1976, it guarantees human rights and fundamental freedoms that include the right to life, the prohibition of torture, slavery and forced labour, the right to liberty, etc.
3. By ratifying the Covenant on 26 March 1992, Côte d'Ivoire was thus committing itself to the obligations deriving from it. This meant, first, working to secure universal and effective respect for human rights and freedoms in accordance with the Charter of the United Nations and, second, submitting periodic reports to the Human Rights Committee on measures taken to this end.
4. In accordance with article 87 of the Ivorian Constitution, which provides that "duly ratified international agreements, once promulgated, shall have precedence over the laws, subject to each treaty or agreement being implemented by the other party", the Covenant is an integral part of the country's internal legislation.
5. As such, the Covenant directly affects Ivorian law and its provisions can be directly invoked before the country's courts. Furthermore, if the provisions of duly implemented international agreements dealing with fundamental rights and fundamental freedoms should conflict with the country's internal law, the international agreements will prevail.
6. The political deadlock in Côte d'Ivoire from the early 1990s onward prevented the country from meeting the requirement to report regularly on national efforts to apply the provisions of the International Covenant on Civil and Political Rights.
7. Now, with normality gradually returning, the State of Côte d'Ivoire means to honour its international commitments and make good the delay in submitting periodic reports to the treaty bodies.
8. The present report on implementation of the International Covenant on Civil and Political Rights for the 1993–2013 period depicts the situation with civil and political rights in accordance with the general guidelines of the Human Rights Committee.
9. This report was prepared under the direction of the Ministry of Justice, Human Rights and Public Freedoms and benefited from the contributions of the competent ministries and public authorities, the Human Rights Division of the United Nations Operation in Côte d'Ivoire and civil society NGOs.
10. It was then consolidated at a workshop (14 March 2013) attended by all the experts who have enriched it with their knowledge and experience.
11. The report presents general information on Côte d'Ivoire, the measures taken to implement the International Covenant on Civil and Political Rights, and a conclusion.

II. General information about Côte d'Ivoire

12. Situated in the west of the African continent and in the intertropical zone, Côte d'Ivoire extends over a land area of 322,462 km². It borders on the Atlantic Ocean to the south, Ghana to the east, Burkina Faso and Mali to the north and Guinea and Liberia to the west. Abidjan is the economic capital and Yamoussoukro the political capital of the country.

13. Côte d'Ivoire shares specific geographical characteristics with the other countries of the West Africa subregion bordering on the Gulf of Guinea. Its population is characterized by a high proportion of young people and by a sociocultural diversity that has been enriched by decades of immigration from neighbouring countries.

14. The country's path to modern democracy began in 1990 with the advent of a multiparty system, but has been strewn with a succession of sociopolitical crises. Following the post-election crisis from December 2010 to April 2011, the country embarked upon a process of political and social normalization that is a precondition for viable economic growth.

Demographic characteristics

15. Projections by the National Statistics Institute, based on data from the 1998 General Population and Housing Survey, put the population of Côte d'Ivoire at 20.8 million inhabitants in 2008. According to the National Statistics Institute, 43 per cent of the population are aged under 15 and 49 per cent are women, of whom 51 per cent are of childbearing age; 52 per cent of the population live in rural areas and 48 per cent in urban areas.

16. The National Statistics Institute estimated the annual population growth rate at 2.8 per cent in 2008. The country's demographic dynamism is manifested in high fertility and early childbearing, the result being a crude birth rate of 37.9 per cent and a total fertility rate of 4.6 children per woman in 2006.

17. Because of its geographical and historical position as an economic and cultural crossroads, Côte d'Ivoire is a country of high immigration. Immigrants, most of them from the countries of the subregion, make up 26 per cent of the population.

Ethnic characteristics

18. The Ivorian population is multi-ethnic. The indigenous peoples consist of four major ethnic groups (the Voltaïques, the Mandé, the Akan and the Krou) encompassing some sixty subgroups.

Economic characteristics

19. The sociopolitical crisis in the country was harmful to real gross domestic product (GDP) growth. This fluctuated sharply between 2000 and 2003, when it was -2.3 per cent and -1.7 per cent, respectively. Still dominated by coffee and cacao, the national economy (see the economic profile in annex 1) improved slightly from 2004 thanks to the resources generated by oil extraction, the development of the telecommunications sector and trade.

20. This upturn manifested itself in GDP growth rates of 1 per cent in 2004, 1.8 per cent in 2005 and 1.2 per cent in 2006, respectively. Nonetheless, the 2006 United Nations Development Programme (UNDP) report ranked Côte d'Ivoire 164th out of 177 countries, with a human development index estimated at 41.5 per cent. A survey conducted by the National Statistics Institute put the proportion of households living below the poverty line at 38.4 per cent in 2002, while the current rate, according to the 2006 UNDP report, is 44 per cent.

Social characteristics

21. The number of jobs in the economy was put at 6,006,190 in 2000. The evolution of employment has been influenced by economic growth (jobs are created when growth exceeds 1.5 per cent) and by the political and military crisis. The latter caused considerable destruction to production facilities, resulting in a large number of layoffs among

working-age Ivorians. In 2002, the unemployment rate was 6.2 per cent of the active population, with 402,274 people unemployed out of an active population of 6,502,115.

22. The labour market situation in Côte d'Ivoire closely resembles that of other countries in sub-Saharan Africa. Supply substantially outstrips demand, resulting in an intractable imbalance and downward pressure on wages.

23. The poverty index in Côte d'Ivoire (the proportion of people below the accepted human development threshold) stood at 40.3 per cent in 2004, placing the country ninety-second out of 108 developing countries (UNDP Human Development Report 2006). Côte d'Ivoire thus remains an underdeveloped country. Poverty worsened severely in the run-up to the crisis, with the poverty index rising from 32.3 per cent in 1993 to 36.8 per cent in 1995 and then to 38.4 per cent in 2002. In 2003 it was between 42.0 per cent and 44.2 per cent.

Cultural characteristics

24. French is the official language.

25. The country is characterized by religious diversity. Freedom of worship is guaranteed by the Constitution and the main religions are Christianity, Islam and animism. The religions most practised by the populations living in Côte d'Ivoire are Islam (40 per cent) and Christianity (30 per cent), while 20 per cent of the country's inhabitants practise other religions and 10 per cent are animists.

Political characteristics

26. Following independence, the Republic of Côte d'Ivoire, a unitary State, opted for a presidential system. Renewed by the Second Republic, the presidential system is characterized by the separation of powers within the State (the executive branch, the legislative branch and the judicial branch).

27. Long considered a haven of peace and political stability in West Africa, the country went through a series of sociopolitical crises after the coup d'état of 24 December 1999 and then experienced a decade of military and political crisis from 19 September 2002 until the post-election crisis ended on 11 April 2011.

The system of law and justice

28. The colonial-era judicial machinery was overhauled after independence. The aim was to create a modern judiciary that met the country's needs.

29. Three principles governed this modernization operation: justice is done on behalf of the people; judges are subject in the exercise of their functions only to the authority of the law, their independence being guaranteed by the country's President; and the judiciary is the guardian of individual freedoms.

III. Information on internal measures to guarantee the rights and freedoms contained in the International Covenant on Civil and Political Rights

Article 1

The right of peoples to self-determination

30. The State of Côte d'Ivoire has been an independent, sovereign republic since 7 August 1960. It is a secular, democratic and social State (Act No. 2000-513 of 1 August 2000 establishing the Constitution of the Republic of Côte d'Ivoire, art. 30) that respects human rights and public freedoms in a spirit of public peace, national solidarity and justice.

31. The State of Côte d'Ivoire is indivisible from its territory and its nation. Sovereignty belongs entirely and unconditionally to the people and “no section of the people and no individual may arrogate it to themselves” (Constitution, art. 31). This sovereignty is exercised “through referendums and through its elected representatives”, as set out in article 32 of the Constitution.

32. The Ivorian nation is composed of citizens who are equal before the law, irrespective of their origins. Thus, as article 30 of the Constitution states, “equality before the law is guaranteed to all without distinction as to origin, race, ethnicity, sex or religion”. In the context of the Ivorian nation, the common denominator is citizenship.

33. All citizens are entitled to lead a decent life and further their material and spiritual well-being within the framework of Ivorian culture, civilization and law, enjoying the fundamental rights and freedoms enshrined in the Constitution in accordance with the principle of equality and social justice.

34. The State is striving to meet the obligations entailed for it by the right to self-determination and the right to dispose freely of natural wealth and resources.

Participation in public affairs

35. Ivorian political life is governed by the system of pluralist democracy based on the primacy of law and respect for human rights. The Ivorian electoral system rests on universal suffrage and is open to all citizens. Its rules are set by the Constitution and the Electoral Code.

36. Participation by Ivorian citizens has been a prime concern of the country’s rulers ever since Côte d'Ivoire became a sovereign nation.

37. The Governments that Côte d'Ivoire has had since 1960 have been as representative as possible of the country’s regions and different political sensibilities. This is also reflected in the public administration, a very frequent complaint being that appointments have reflected the ethnic make-up of the ruling class.

38. At the local level, through its decentralization policy, the State has been doing its best to open the way to self-government by human communities endowed with their own legal personality, authorities and resources. It is pursuing:

- Participation by local populations in the management of their own affairs and their own development through the choice of personnel and projects;
- The opportunity for all citizens to hold subnational elected office so that they can exercise power, but also so that the influence of the political parties they come from can be extended and consolidated right across the country;

- The redistribution of economic activity and employment throughout the country by turning the main urban centres of departments, regions and districts into local hubs for economic development;
- The strengthening and consolidation of the national territorial structure by developing the urban system and sectoral equipment networks and by ensuring a minimum standard of well-being in every inhabited part of the country.

39. With its newly invigorated and strengthened decentralization policy, Côte d'Ivoire now has 197 communes, 31 regions and 2 autonomous districts over the length and breadth of the country.

40. From the perspective of post-crisis reconstruction, local authorities have proved to be indispensable actors in peace consolidation strategies and participatory development.

Managing natural resources for the benefit of local people

41. Following independence in 1960, Côte d'Ivoire opted for economic liberalism based on private enterprise and an outward-looking approach in the interests of economic development and international trade in goods and services.

42. The strength of prices for the raw materials exported by Côte d'Ivoire, particularly coffee and cacao, meant that the country experienced a remarkable economic boom and was able to implement numerous socioeconomic infrastructure projects in all its regions. However, this development dynamic, known as the "Ivorian miracle", was checked in the early 1980s by an economic crisis.

43. The customary rights of the country's populations over their landholdings were disrupted by the colonial power and then by the Ivorian State, which monopolized land.

44. This change in legal status gave rise to numerous conflicts that led the legislature to pass Act No. 98-750 of 23 December 1998 establishing a rural land code, amended by article 26 of the law of 28 July 2004, which stipulates: "Property rights over rural land acquired prior to this Act by physical persons or legal entities who do not meet the conditions of ownership laid down in article 1 above are maintained. The owners to whom this dispensation applies are listed in a decree of the Council of Ministers. Property rights acquired by physical persons prior to this Act can be transmitted to their heirs." It formalizes and modernizes land ownership by identifying properties and providing land title.

45. It is now up to the State to forestall any conflict by publicizing this legal statute widely among the country's populations and simplifying land registration procedures.

46. Following the post-election crisis and the return of numerous displaced persons to regions in the west (Guémon, Cavally and Tonkpi), it was found that land had been occupied and seized by former neighbours of these displaced persons and by new arrivals. The Government is seeking to remedy this situation, which is jeopardizing the national reconciliation process.

47. Where extractive resources are concerned, the Government is striving to publish regular reports giving data on revenues from hydrocarbon production and mineral exploitation.

Articles 2 and 26

Implementation of the Covenant in Côte d'Ivoire

48. Côte d'Ivoire is fully committed to the struggle against discrimination of every kind. Recognizing the principle that it is up to Governments to safeguard and protect the rights of individuals against discriminatory acts, Côte d'Ivoire has incorporated well-grounded and effective anti-discrimination measures into its legislation.

49. Côte d'Ivoire is a party to the fundamental international agreements containing provisions that prohibit discrimination, such as the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and its protocols, and the African Charter on Human and Peoples' Rights.

The obligation to act in order to give effect to the rights recognized in the Covenant

50. In the preamble to its Constitution, Côte d'Ivoire proclaims its adherence to rights and freedoms as defined in the Universal Declaration of Human Rights of 1948 and in the African Charter on Human and Peoples' Rights of 1981. It considers the human person sacred and reaffirms that all human beings are born free and equal before the law and thereby enjoy inalienable rights, namely the right to life, liberty, the free development of their personality and respect for their dignity. These rights are inviolable and the public authorities have an obligation to enforce, protect and promote them (Constitution, art. 2).

51. Article 17 of the Constitution forbids any discrimination in access to or the exercise of employment based on sex or on political, religious or philosophical opinions.

52. Legislative, judicial and administrative guarantees have been put in place to uphold the principle of non-discrimination in Ivorian society. The equality principle is incorporated into almost all the laws governing political, social and economic life in Côte d'Ivoire.

53. Articles 195 to 201 of the Criminal Code forbid any distinction, exclusion, restriction or preference based on race, colour, ancestry or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Thus, anyone guilty of racism, xenophobia, tribalism or racial or religious discrimination will be punished by a prison term of 5 to 10 years and a fine of 500,000 to 5 million CFA francs.

54. The penalty is doubled if:

- The offence has been committed via the print media or some other written format, radio, television or any of the instruments of the new information and communication technologies (ICTs) giving the views expressed a wide currency;
- The offence has been committed on the occasion or in the course of a political demonstration or a rally of a political character;
- The offence has been committed by a public official as defined by article 223 of the Criminal Code. In these cases, the courts may order that perpetrators be removed from their posts if they were responsible for protecting the rights they violated.

55. Non-discrimination between individuals is likewise guaranteed by employment laws. The main laws applicable in this area are: Act No. 95/15 of 12 January 1995 establishing the Labour Code in Côte d'Ivoire; articles 7 to 9 of Decree No. 96-287 of 3 April 1996 concerning contracts of employment; and Order No. 6421 of 15 June 2004

amending Order No. 1437 of 19 February 2004 regulating the recruitment and employment contract visa fees of non-Ivorian personnel.

56. Act No. 95/15 of 12 January 1995 establishing the Labour Code in Côte d'Ivoire provides that no employer may take account of workers' sex, age, national origin, race, religion, political or religious opinions, social background, membership or non-membership of a trade union or trade union activity when taking decisions about recruitment, the performance and allocation of work, vocational training, advancement, promotion, pay, benefits, discipline or termination of the employment contract.

57. Article 9 of Decree No. 96-287 of 3 April 1996 abolishes any discrimination in treatment between an Ivorian worker and a foreign worker who does the same job or is equally qualified. Among other things, foreigners have the right to join a trade union (Labour Code, art. 51.1). However, members responsible for administering or running a union must be Ivorian nationals or nationals of any other State with which reciprocity agreements covering occupational protection and the right to organize have been concluded, and must be in possession of their civil and political rights, in accordance with the provisions of the organic laws on voter eligibility that govern these.

58. Provided that they are likewise in possession of these rights, foreigners legally resident in Côte d'Ivoire for at least three years may also take part in administration and management functions (Act No. 95/15 of 12 January 1995 establishing the Labour Code, art. 51.5).

59. Article 30 of the Electoral Code contains equality provisions in the stipulations governing election campaigns. While an election campaign is in progress, candidates are to have equal access to official print, radio and television media in accordance with the procedures decreed by the Council of Ministers at the instigation of the National Election Commission. This equality is guaranteed by the High Authority for Audiovisual Communication.

60. Press freedom in Côte d'Ivoire is governed by Act No. 2004-644 of 14 December 2004 establishing the legal regime for audiovisual communication. The Act enshrines freedom of expression and decriminalizes press offences in Côte d'Ivoire.

Judicial remedies, proceedings and enforcement of rulings relating to rights violations

61. To ensure that all citizens have effective remedies against any infringement, the Ivorian legal system rests upon a number of principles that include the equality of all citizens before the public system of justice, without discrimination of any kind whatever.

62. The different remedies available to any persons believing themselves to have been the victims of human rights violations are administrative remedies, judicial remedies and extrajudicial remedies.

Judicial remedies

63. All Ivorians are entitled to go to court over any violation of the provisions of the Covenant.

The law courts

64. There are two types of courts, those of first instance and those of second instance.

65. Courts of first instance are the first to hear cases. These are the lower courts and their separate divisions, which are small courts set up in smaller towns to bring justice closer to citizens. They operate with one or two magistrates who are competent to deal with

all kinds of cases and come under the administrative authority of the lower courts, of which they are merely branches.

66. The courts of second instance comprise the three appeals courts, which are in Abidjan, Bouaké and Daloa.

67. The Court of Cassation sits in Abidjan and hears appeals on points of law against the rulings of the appeals courts or against verdicts handed down in the final instance by the lower courts or their divisions.

The employment tribunal

68. Under article 54 of the Supreme Court Act, the Administrative Chamber “hears, in the first and final instance, appeals against decisions by the administrative authorities on the grounds of abuse of power”. The law giving the Administrative Chamber of the Supreme Court authority to hear appeals on the grounds of abuse of power also sets out the nature of the actions that may be reviewed. These are decisions or actions taken by the administrative authorities. No distinction is made concerning the regulatory or individual character of decisions. Consequently, all decisions, whether individual or regulatory, may be appealed against on the grounds of abuse of power.

The Constitutional Council

69. Under the relevant provisions of the 2000 Constitution, the Constitutional Council is the guarantor of the separation of powers, of respect for the constitutionality of laws and of fundamental rights and principles, and of the proper functioning of republican institutions. Accordingly, it is responsible for settling conflicts of jurisdiction between the different branches, announcing voting results and settling electoral disputes. It has consultative powers over the implementation of article 48 of the Constitution concerning the powers of the country’s President in exceptional circumstances.

70. The Constitutional Council has very broad oversight powers: *a priori* review, i.e., the right to block measures before they are applied (*contrôle par voie d'action*); *a posteriori* review; and challenge on the grounds of unconstitutionality, which is an effective guarantee for the protection of rights and freedoms. In Côte d’Ivoire, any citizen may bring such a challenge before any court and at any stage of judicial proceedings.

71. Under article 77 of the Constitution, cases may be brought before the Constitutional Council by human rights organizations under the laws on public freedoms, which is a major contribution to the consolidation of the rule of law.

Administrative remedies

72. All persons who consider that their rights have been violated by the administrative authorities may apply for a review of the measure, in the form either of an internal administrative appeal (*recours gracieux*) or an appeal to a higher authority (*recours hiérarchique*). The former are submitted to the administrative authority that took the decision, while the latter are submitted to the authority ranking above the one that took the decision.

Extrajudicial remedies

73. In addition to the other remedies, there are also non-judicial remedies for individuals claiming to have been discriminated against. Complaints can be taken to the Ministry of Justice, Human Rights and Public Freedoms, the Côte d’Ivoire National Human Rights Commission, the Ombudsman and the High Authority for Audiovisual Communication.

The Ministry of Justice, Human Rights and Public Freedoms

74. Issues of human rights protection and advancement devolve within the Government upon the Ministry of Justice, Human Rights and Public Freedoms. Under the provisions dealing with the powers of the different parts of the Government, the remit of this department of State is to create a framework for efforts to combat impunity, advance and uphold human rights and strengthen the judicial assistance mechanism.

The Côte d'Ivoire National Human Rights Commission

75. The Côte d'Ivoire National Human Rights Commission has powers of strategic oversight, investigation, recommendation and injunction *vis-à-vis* the Government on human rights issues.

76. The National Human Rights Commission is responsible for receiving, reviewing and investigating allegations of human rights violations, including accusations of racial discrimination, for evaluating the results of these reviews and investigations, and for submitting its findings to the competent administrative authorities so that recommendations can be followed up on.

77. Cases can be brought before the Commission by any victim of a human rights violation or any other physical person or legal entity resident in Côte d'Ivoire and having an interest in acting. At the request of its chairperson or any of its members, the Commission may also consider cases of violations on its own initiative.

78. For the period from July 2007 to July 2012, the Commission's 2012 report states that 822 allegations of human rights violations and abuses came before it, of which 474 concerned violations of economic and social rights, 319 of civil and political rights and 29 of collective rights.

79. As part of its protection mission, the Côte d'Ivoire National Human Rights Commission has carried out a number of field investigations, both in the District of Abidjan and in the country's interior, successively visiting Abouabou in the District of Abidjan, Marahui in the Department of Bondoukou and Akoupé in the wake of intercommunal clashes.

The Ombudsman

80. Responsible primarily for helping to resolve disputes between citizens and the public authorities, the Ombudsman is an independent authority who does not take instructions from any other authority. He does not answer to either the public administration or the Government. His mission is to seek an amicable settlement for disputes between citizens and State administrations, local authorities, public institutions or any other bodies invested with a public service mission (social organizations, State enterprises, etc.).

81. The Ombudsman can deal with disagreements and disputes of any kind that are subject to the arbitration of the country's President when the opposing parties are, among others:

- A public legal entity and the public administration;
- A public official or agent and the public administration;
- A private physical person or legal entity and the public administration;
- One physical person or legal entity and another.

82. He is also competent to hear disputes between urban or village authorities or any other bodies.

83. The Ombudsman is not, however, competent to hear a case that is pending before the courts or to reopen or even criticize the justice of a court ruling. In the event that a court case is withdrawn, the parties may take it to the Ombudsman by mutual agreement.

84. The Ombudsman's 1997–2006 report gives a total figure of 633 complaints submitted. The number of complaints dealt with, i.e., the number that were admissible, was 503 for the period, or 79.46 per cent, meaning that only 20.5 per cent of cases were ruled to be inadmissible and fall outside the Ombudsman's remit. Over this same period, 137 cases ended in a settlement, giving a success rate of over 27 per cent.

The High Authority for Audiovisual Communication

85. Set up to replace the National Council for Audiovisual Communication, the High Authority for Audiovisual Communication is an independent administrative authority that regulates audiovisual communication.

86. Its mission is to guarantee the freedom and protection of audiovisual communication, ensure that information is handled ethically, oversee equitable access to official organs of information and communication for the country's official institutions, political parties, associations and citizens, and foster and uphold pluralism in the audiovisual media.

87. It is also responsible for ensuring equal access and treatment for, and pluralist expression of, different currents of opinion, particularly at election times.

88. The rules on broadcasting and press publication as laid down by article 69 of Act No. 2004-643 of 14 December 2004 establishing the legal regime for the press stipulate that the penalties prescribed by articles 174 and 175 of the Criminal Code will apply to anyone using the press:

- To incite theft and looting, assault and murder, the burning or destruction by any means whatever of public and private property or any form of violence against physical persons and legal entities or their property, or to seek to vindicate crimes and offences;
- To incite xenophobia, tribal hatred, religious hatred, racial hatred or hatred in any form;
- To seek to vindicate war crimes or collaboration with the enemy;
- To incite the Armed Forces or police to insubordination and rebellion;
- To undermine the integrity of the country's territory or the internal or external security of the State.

89. As can be appreciated, broadcasts and writings may not contain any humiliating material or any insults based on language, race, colour, sex, political opinions, philosophical beliefs, religion, membership of a sect or anything else of the kind. Broadcasts and writings may not encourage the use of violence or incite racial hatred.

90. Cases can be brought before the High Authority for Audiovisual Communication by any physical person or legal entity, the administrative and legislative authorities and the governing boards of public bodies.

91. To discharge its remit, it has full powers of investigation and inquiry and may call upon the cooperation of all administrations, both public and private.

International remedies

92. Since Côte d'Ivoire is a party to the Optional Protocol to the International Covenant on Civil and Political Rights, individuals who consider that any of the rights set out in the Covenant have been violated in their case may submit notifications to the Human Rights Committee.

93. It must be recognized that Côte d'Ivoire has equipped itself with a battery of legal instruments for the protection of persons. However, ignorance of these laws is a cause of vulnerability among populations who, with the exception of a few law practitioners, are unaware of their rights and duties. They do not react when their rights are violated owing to ignorance of the remedies available, the heavy costs and complexity of legal proceedings and, in many cases, their geographical distance from the courts.

94. These dysfunctions have created a crisis of confidence in judicial institutions and among potential users of them. This crisis of confidence has spread to justice system personnel. According to the conclusions of the survey carried out in 2005 by the National Statistics Institute, 65 per cent of respondents thought that Ivorian justice was manipulated by political and economic interests, while 50 per cent believed the judicial system to be unfair and inaccessible to disadvantaged sectors of society. This state of affairs was confirmed by the Survey on the Aspirations of Populations Living in Côte d'Ivoire (EAPCI-2008), which indicated that 56.1 per cent of the population were dissatisfied with the workings of the justice system (National Development Plan 2012–2015).

95. Access to justice underpins trust in the justice system among citizens and is an essential element in the country's stabilization, as well as being a pledge of sustainable development. It forms part of the struggle against impunity and guarantees equity.

96. In view of all this, and as part of its security reforms, the Government has put in place a policy to reform and modernize the judicial and prison system in order to make justice more accessible to citizens and ensure its independence.

Article 3

Equality between men and women

97. At the international level, Côte d'Ivoire has ratified a number of instruments enshrining the free exercise by women, on an equal footing with men, of the fundamental rights of human beings. These include:

- The Charter of the United Nations, which is a reaffirmation of faith in fundamental human rights, in the dignity and value of the human person and in the equal rights of men and women;
- The Universal Declaration of Human Rights, which affirms the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and that all may avail themselves of every right and every freedom without discrimination of any kind, including sexual discrimination;
- The African Charter on Human and Peoples' Rights;
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed but not yet ratified;
- The Convention on the Political Rights of Women (accession by Côte d'Ivoire on 6 September 1995);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);

- The Convention on the Nationality of Married Women, ratified on 20 November 1999;
- The Abuja Agreement on Trafficking in Persons, especially Women and Children, signed in 2006;
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, ratified on 8 December 1961;
- The International Labour Organization (ILO) Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100), ratified on 5 May 1961.

The principle of equality between men and women in the Ivorian Constitution

98. The principle of equality between men and women was enshrined in the first Constitution and reinforced in the Constitution of 1 August 2000, which also prohibited any form of torture or physical or psychological violence, injury or degradation of women.

99. Equality between women and men in the exercise of political rights is enshrined in articles 30 and 33 of the Constitution of 1 August 2000, confirming the stipulation in article 2 of the same Constitution that “all human beings are born free and equal before the law”.

100. Article 7 also adds that the State is to ensure equal access for all citizens to health care, education, culture, information, vocational training and employment.

101. Article 17 goes further, prescribing that “all are to have equal access to positions of employment in the public or private sector”, while forbidding “any discrimination in access to or the exercise of employment based on sex or political, religious or philosophical opinions”.

The principle of equality between men and women in Ivorian legislation

102. Internally, numerous laws uphold the principle of equality between the sexes enshrined in the Constitution. They include in particular:

- Act No. 92-570 of 11 September 1992 establishing the General Statute of the Ivorian Public Administration;
- Act No. 2001-479 of 9 August 2001 establishing the National Police Personnel Statute (art. 4);
- Act No. 2002-43 of 21 January 2002 establishing the status of prefects (art. 9) and its implementing decree (art. 4);
- The Labour Code (arts. 2, 4, 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 23.8 and 23.9) and its implementing decrees.

103. Conversely, other laws that are still in force contain discriminatory provisions. These are:

- Act No. 70-483 of 3 August 1970 on minority;
- Act No. 64-376 of 7 October 1964 concerning divorce and separation as amended and completed by Act No. 83-801 of 2 August 1983 (arts. 24 new, 25, 26, 27 bis and 29) and Act No. 98-748 of 23 December 1998;
- Act No. 83-799 of 2 August 1983, as amended by Act No. 83-377 of 7 October 1983 concerning paternity and filiation;
- Act No. 64-380 of 7 October 1964 concerning inheritance;

- Act No. 95-15 of 12 January 1995 establishing the Labour Code, as amended by Act No. 97-400 of 11 July 1997 (arts. 23.1 to 23.9);
- The General Tax Code;
- Act No. 92-570 of 11 September 1992 establishing the General Statute of the Ivorian Public Administration (arts. 14, 23.1 to 23.9 and 48).

Institutional mechanisms for implementing and following up government policy on protection for the family, women and children

104. A department of State, the Ministry of Solidarity, the Family, Women and Children, is responsible for implementing and following up government policy on protection for the family, women and children.

105. A number of national action plans have been developed, including:

- The National Women's Action Plan (2003–2007), adopted in 2002. The aim of this plan is to help bring about the changes needed to reduce disparities between men and women and foster access to greater equity and equality for the latter, while improving their living conditions;
- The National Population Action Plan (2002–2006), which includes a subprogramme whose aims include enhancing women's economic power;
- The development in December 2008 of a national strategy to combat gender-based violence in order to promote a harmonized holistic multisectoral approach to the issue at the national level;
- The creation of a department responsible for gender promotion and legal issues within the Ministry of Solidarity, the Family, Women and Children;
- The national policy document on equal opportunity, equity and gender adopted by the Government in April 2009. The goal of this national policy is to create a national environment favourable to gender mainstreaming in public and private life with a view to equitable and sustainable development that benefits every inhabitant of Côte d'Ivoire;
- The poverty reduction strategy document incorporates a sex-specific dimension and gives substance to the commitment of Côte d'Ivoire to operationalizing the provisions of the Beijing Platform for Action. This document includes Millennium Development Goals 1 and 3 dealing with poverty reduction and sex equality. Among other outcomes, it envisages social well-being for all via implementation of strategic priority no. 4: improving the accessibility and quality of basic social services, environmental conservation, promotion of gender equality and social protection.

Measures to ensure equal pay for men and women

106. In Côte d'Ivoire, by virtue of the legislative and regulatory provisions of the General Statute of the Ivorian Public Administration, the Labour Code and the national collective bargaining agreement of 1977, among others, women are entitled to equal pay for work equal or equivalent to that done by men. The Government plans to take the appropriate measures to enforce the “equal pay for equal work” principle and correct the discriminatory provisions of the Finance Act so that women and men are rewarded equitably for doing the same work and holding the same positions.

Measures for the advancement of women in public- and private-sector employment and elected office

Constitutional provisions

107. Women's right to participate in activities affecting the life of the nation is proclaimed by the Constitution through the principle of equality. This principle is affirmed in article 5 of the 1960 Constitution and reasserted by articles 17, 30 and 23 of the Constitution of August 2000.

108. These constitutional provisions are completed and confirmed by other laws prescribing equal access to public-sector jobs and political life.

Legislative provisions

109. The legislative provisions favouring women's access to decision-making positions include:

- Article 3 of the Electoral Code, which, reiterating the provisions of the Constitution, states that "Ivorian nationals of both sexes and persons who have acquired Ivorian nationality by naturalization or marriage, aged 18 and over, registered on the electoral role and in possession of their civil and civic rights, are electors...";
- Article 11 of the Labour Code;
- Article 3 of the General Statute of the Ivorian Public Administration, which prescribes that government officials shall be recruited by competitive examination, except as otherwise decreed.

110. The laws governing access to defence and security jobs make no distinction based on sex, so that men and women have the same advantages and opportunities for performing them. It should be noted, however, that the gendarmerie is not yet open to women, although there are no laws prohibiting women from joining it.

111. The tenor of these laws is that all Ivorians may hold positions in the public or private sector on the same footing.

112. To these laws may be added the Solemn Declaration of Côte d'Ivoire on Equality of Opportunities, Equity and Gender signed by the country's President on 21 February 2007.

113. This quite substantial body of legislation in Côte d'Ivoire gives women the opportunity to assert themselves and participate in public and political activities on the same footing as men.

The position of women in public and political life

114. A rapid analysis of the statistics on women's current occupational situation reveals the gender inequalities that still persist in Côte d'Ivoire.

115. In the public sector, taking all categories together, 26.88 per cent of personnel are women, of whom less than 10 per cent hold positions of responsibility.

116. Since 1980, with the opening up of certain positions formerly reserved for men, women have increasingly held key positions in government departments (ministers, executive secretaries, chiefs of staff, central directors, regional directors).

117. Positions in the police, navy and army, which come under the Ministry of the Interior and Ministry of Defence, were formerly reserved for men but are now open to women. In 1994, a women attained a position of authority as a departmental prefect for the

first time in Côte d'Ivoire. A woman has been promoted to the rank of General in the Forces républicaines de Côte d'Ivoire (Republican Forces of Côte d'Ivoire) (FRCI).

1. Female representation in decision-making bodies (percentages of total)

Indicator	1995	2001	2003	Source
Women members of the Government	8.33	21.4	15.38	Official Gazette
Women members of Parliament	8.0	8.5	8.52	National Assembly
Women mayors	5.1	5.0	4.54	Department of Local Government
Economic and Social Council	11.0	10.8	19.17	Economic and Social Council

2. Representation in decision-making bodies

Executive branch

Percentage of women ministers

Period of government	Percentage of women	Total number of ministers
1990–1995	11.6	95
1995–2000	10.0	30
2000–2005	21.4	28
7 March 2007	12.12	33
4 March 2010	07.14	28
June 2011	13.88	36

Percentage of women members of the Economic and Social Council

Period of government	Percentage of women	Total number of Council members
1990–1995	7.5	120
1995–2000	8.3	120
2000–2005	16.7	120

Percentage of women members of the corps of prefects in 2002

Prefects	1.7	58
General secretaries	6.9	58
Deputy prefects	8.7	231

Percentage of women mayors

Period of government	Percentage of women	Total number of mayors
1975–1980	2.7	37
1980–1985	2.9	137
1985–1990	2.3	175
1990–1995	2.9	136
1995–2000	5.1	196
2000–2005	4.6	197

Legislative branch

Period of government	Percentage of women	Total number of deputies
1975–1980	10.0	110
1980–1985	5.4	147
1985–1990	5.7	175
1990–1995	4.6	175
1995–2000	8.3	168
2000–2005	7.5	225
Since 2011		

Judicial branch

Year: 2002	Percentage of women	Total number
Magistrates	10.0	110
Lawyers	5.4	147
Bailiffs	5.7	175

Source: Ministry of Solidarity, the Family, Women and Children.

The representation of women in decision-making bodies since 2011 is as follows (source: Compendium of Women's Skills in Côte d'Ivoire/Office of the President).

1. *Government*: of 28 ministers, 5 are women.
2. *National Assembly*: 11 per cent of deputies are women.
3. *Economic and Social Council*: of 120 Council members, 20 are women, or 16 per cent.
4. *Chancellery*: 1 women holds the position of Chancellor.
5. *Independent Electoral Commission*: 7 female Commission members out of 31.
6. *Diplomatic service*: 6 women out of 47 heads of diplomatic missions, 1 women out of 3 consuls.
7. *Decentralized authorities*:

3. Women in positions of authority (2013)

Rank	Administrative authority	Total	Male	Female	Percentage of women
01	Highest-level (<i>hors grade</i>) prefect	68	64	4	5.88
02	Departmental prefect	132	125	7	5.30
03	General secretary of prefecture	220	198	22	10.0
04	Deputy prefect	311	244	67	21.54
05	Total	731	631	100	13.67

Source: Department of Local Government (Ministry of State, Ministry of the Interior and Security).

8. *Departments*: 1 female General Council chairperson.

9. *Communes*: 9 female mayors out of 197, or 4.56 per cent.

118. One woman, Jacqueline Oble, a former Minister of Justice and Public Freedoms, was a candidate in the last presidential election in Côte d'Ivoire. She obtained 2,273 votes, or 0.27 per cent of the total.

119. In the private sector, women account for only a small percentage of workers and are unlikely to rise to positions of responsibility. This situation is a consequence of female underrepresentation in the school system and in vocational training. Women account for between 60 and 70 per cent of workers active in the primary sector (agriculture, stockbreeding).

120. In view of their contribution to this sector, the Government has encouraged them to organize into cooperatives in order to increase their scale and mass in their dealings with the businesses to which they sell their output. As a result of this State initiative, over 44 formal women's groupings and cooperatives were registered in 2002.

121. The secondary sector (small and medium-sized industries and small and medium-sized enterprises) employs 16.7 per cent of the country's active population. Women, of whom the vast majority work in agroindustry (food, fisheries and textiles), the packaging industry and the petrochemical industry (cosmetics, etc.), account for 3.5 per cent of all workers in the sector.

122. Women represented 22 per cent of the active population working in the tertiary sector (commerce, services and administration) in 1991, with 47 per cent in education, 11 per cent in health care and 18 per cent in general administration. In 2001, they represented 33 per cent of the active population working in this sector.

123. Despite this evolution, gender inequalities persist to women's disadvantage. This underrepresentation of women in State institutions, the public administration and even the private sector can be explained by:

- The persistence of sexist prejudices relegating women to the domestic sphere;
- The violence surrounding politics, which constrains their ambitions;
- The priority given to family responsibilities;
- The problem of material and financial resources, increasingly due to the feminization of poverty;
- Illiteracy due to the low level of female school attendance and training.

124. To encourage and strengthen female representation in politics, the government programme aims to increase women's participation in the running of public and political affairs and to amend certain provisions of the Electoral Code so that women candidates are well positioned.

125. In addition, a Compendium of Women's Skills in Côte d'Ivoire has been created in the interests of gender promotion and women's autonomy. The goal is to have available a pool of skilled women capable of serving in different positions of responsibility.

In civil society

126. Ivorian women are active participants in community associations, which have received a strong impetus as democracy has been consolidated and the foundations of civil society have strengthened. They account for a large share of the membership of the country's associations and hold positions of leadership in these and in national and professional organizations.

Discrimination in the minimum age of marriage

127. The statutory minimum age for marriage is 18 for women and 20 for men. Below these ages, a dispensation from the public prosecutor is required.

Inequality in marriage rights

128. Different articles of the 1983 Marriage Act contain unequal provisions concerning the age of consent to marriage and the roles of the spouses within the household. The Act empowers men to take all important decisions affecting the life of the household, with women's role confined to the performance of housework.

129. In addition, discrimination can be found in articles of the 1964 law on divorce and separation, as amended and completed by the laws of 1983 and 1998, which require women to wait at least 300 days before remarrying, whereas there is no waiting requirement for men.

130. This law also entitles the Government to oppose the acquisition of Ivorian nationality by a foreign woman married to an Ivorian man. In the 1981 law instituting the Criminal Code, meanwhile, the offence of adultery is defined differently for a wife than for a husband, especially as regards the admissibility of evidence.

131. Lastly, the 1998 law against certain forms of violence towards women takes no account of spousal violence, which is actually the most common sort. The only provisions that can be invoked are the general provisions on assault in the Criminal Code.

132. This inequality also extends to paid work. Work for men is regarded as a right but also as a duty, whereas married women pursuing an occupation long did so on sufferance, requiring their husbands' approval.

133. Whereas the former article 67 of the Ivorian Civil Code (Act No. 64-375/1964) ratified this, while stating: "If the husband's opposition is not justified by the interests of the family, the wife may be authorized by the courts to disregard it", the new legislation of 1983 introduced two new provisions, one dealing with young women's recognized ability to pursue an occupation of their own, the other with their rights over the products of their labour.

134. Article 67 of the old Family Code reads: "Women may exercise an occupation separate from their husbands' unless a court finds that the pursuit of this occupation is detrimental to the interests of the family."

135. The Government recognizes these inequalities, and measures have accordingly been taken to rectify them. One instance of this are the new provisions introduced in the recent reform of the Marriage Act, guaranteeing equality between the spouses as the basis of the family. The new article 58 of the Marriage Act prescribes that "the family is led jointly by the two spouses in the interests of the household and children. Together, they are responsible for undertaking the moral and material direction of the family and providing for their children's education and future".

136. In the new wording, article 59 provides that the spouses are to contribute to the expenses of the household in proportion to their capacity, and the courts may enforce this provision on a spouse who refuses to do so.

137. As for the new articles 60 and 67, the reformulation is only apparent in article 60, where it is no longer for the husband alone to choose the couple's place of residence. Meanwhile, article 67 proclaims the right for "each of the spouses to pursue the occupation of their choice, unless a court finds that the pursuit of this occupation is detrimental to the interests of the family".

Equality in divorce proceedings, including custody of children

138. Divorce may be sought by men and women for the same causes. Ivorian legislation provides for fault-based divorce and divorce by consent.

139. Divorce by consent can take place when the couple have been married for at least two years. Fault-based divorce is allowed in cases of adultery, excesses, abuse or serious insult of one spouse by the other and desertion of the family or the conjugal home, and when the spouse has been convicted of an offence against honour, if the preservation of the conjugal tie is thereby rendered intolerable.

140. The equal rights of the husband and wife are respected whenever a marriage is thus dissolved. In the event of divorce, custody of underage children is granted to the spouse who obtained the divorce, unless the court, in the light of information gathered on each spouse's living conditions, orders that all or some of them are to be placed in the care either of the other spouse, or of a third party, in the best interests of the children. A maintenance allowance will be payable by the man or the women, depending on the needs identified by the judge.

141. In the case of cohabitants, the matter is not settled by a judge because they have no legal status. In the event the husband or cohabiting man dies, the woman will have custody of their underage children unless the guardianship judge decides to entrust this to a third party in the best interests of the children.

Girls' education

142. The Ivorian Constitution guarantees equal access to education for all children of both sexes. The institutional and legal framework as amended in 1994, the adoption of the Education/Training Sector Development Plan 1998–2010 and the passing of Act No. 95-696 of 7 September 1995 have reaffirmed the right to education and equal treatment for all in preschool, primary and secondary education and higher education alike.

143. The Ministry of National Education has taken measures (ministerial decrees) to promote girls' education. These are:

- The creation of the Girls' and Women's Education and Training Promotion Unit on 15 April 1998. As part of its remit, this is responsible for coordinating efforts and initiatives to promote girls' and women's education;
- The 1999 circular on parity of enrolment entitled "Inscription par parité". The aim was to equalize enrolment of girls and boys in the first year of elementary school;
- The circular issued by ministerial order (1373/MEN/DESAC/SD-EPT) on enrolment of girls in the first year of elementary school, dated 28 August 2000;
- The provision of school kits to parents in regions of low enrolment has been tried out in the Zanzan region in the north-east to encourage parents in that region to take their daughters to school;
- Measures to keep pregnant girls at school. These measures have not yet been formalized but are being put into effect. The statutory basis for them is currently being finalized (draft ministerial order);
- The creation by the Société Mathématique de Côte d'Ivoire of special awards such as the Miss mathématique competition and the provision of scholarships to girls to encourage them to take science courses, which are largely the preserve of boys at present.

144. In 2001, the State abolished school fees at the primary level and the use of school uniforms at both the primary and secondary levels in order to make education free for all

children, and particularly girls. The introduction of school canteens in 1997 and the large-scale distribution of school kits since 2002 have been particularly beneficial to girls.

145. Following these measures, the apparent intake rate in the first year of elementary school dropped from 58.6 per cent for girls and 61.1 per cent for boys in 2001–2002 to 57.3 per cent for girls and 57.3 per cent for boys in 2006–2007. The girl/boy parity index for primary school has been 0.88 since 2006.

146. The statistics available on the apparent intake rate, gross enrolment rate, gross completion rate and transition rate are given below.

Apparent intake rate in primary education from 1998 to 2008

Year	98/99	99/00	00/01	01/02	05/06	06/07	07/08
Total (%)	63.7	63.2	63.4	66.4	70.6	70.6	76.9
Boys (%)	68.8	68.9	68.2	69.9	77.0	76.9	83.9
Girls (%)	58.3	57.1	58.5	62.8	64.1	64.4	70.0

Gross enrolment rate in primary education from 1998 to 2008

Year	98/99	99/00	00/01	01/02	05/06	06/07	07/08
Total (%)	71.7	72.1	74.4	76.0	74.0	74.3	77.9
Boys (%)	79.8	79.9	81.5	83.8	81.9	82.5	79.6
Girls (%)	63.1	63.9	66.0	67.7	65.9	66.1	63.7

Gross completion rate in primary education from 1998 to 2008

Year	98/99	99/00	00/01	01/02	05/06	06/07	07/08
Total (%)	44.4	43.1	46.7	45.0	43.1	46.0	51.1
Boys (%)	50.2	50.8	54.4	52.7	52.3	53.4	59.8
Girls (%)	36.0	34.7	38.4	36.8	33.5	38.3	42.2
Gap (B-G) (%)	14.2	16.1	16.0	15.8	18.8	15.1	17.6

Transition rate from the sixth year of middle school from 1998 to 2008

Year	98/99	99/00	00/01	01/02	05/06	06/07	07/08
Total (%)	41.3	35.2	39.6	38.0	44.4	48.3	47.3
Boys (%)	33.8	36.1	41.4	39.1	41.8	48.6	50.3
Girls (%)	37.4	33.8	36.7	36.1	48.3	47.8	42.9

Intake rate in elementary education from 1998 to 2008

Year	98/99	99/00	00/01	01/02	05/06	06/07	07/08
Total (%)	30.4	26.1	28.6	28.4	28.9	32.8	33.2
Boys (%)	22.2	20.0	21.3	21.9	25.7	26.0	24.5
Girls (%)	38.0	31.6	35.4	34.4	32.0	39.3	41.6

Apparent intake rate in secondary education from 1998 to 2008

Year	98/99	99/00	00/01	01/02	05/06	06/07	07/08
Total (%)	11.9	12.9	13.6	14.2	13.2	13.0	16.0
Boys (%)	7.4	8.7	8.7	4.7	10.0	9.4	11.8
Girls (%)	16.6	17.8	18.4	23.5	16.2	16.3	19.9

Gross enrolment rate in primary education from 1998 to 2008

Year	98/99	99/00	00/01	01/02	05/06	06/07	07/08
Total (%)	29.6	29.5	29.8	30.2	30.7	32.4	34.4
Boys (%)	21.3	22.0	22.4	22.8	23.8	24.6	26.2
Girls (%)	37.6	36.6	39.9	37.2	37.1	39.7	42.2

Gross enrolment rate in secondary education from 1998 to 2008

Year	98/99	99/00	00/01	01/02	05/06	06/07	07/08
Total (%)	13.3	14.7	15.9	16.9	15.4	15.8	16.1
Boys (%)	8.6	9.2	9.9	10.9	11.5	11.7	11.9
Girls (%)	18.8	20.4	21.9	22.7	19.1	19.6	20.1

Breakdown of male and female students by cycle

Stage	Sex	
	Male (%)	Female (%)
Preparatory year	47.6	52.4
First cycle	64.8	35.2
Second cycle	70.1	29.9
Third cycle	76.3	23.7

Source: Department of Information Technology, Planning, Evaluation and Statistics of the Ministry of National Education.

147. The main reasons for girls and women to break off their studies are pregnancy, forced marriage, lack of funds and sickness. To these may be added the sexist prejudices that are still a hindrance to girls' education. In the case of Muslim denominational schools, teaching syllabuses do not conform to official curricula, which creates problems when it comes to recognition of diplomas and job applications.

148. The military and political crisis (19 September 2002 to 11 April 2011) seriously affected the situation of the education sector, as numerous schools had to be closed because of lack of security. An overview of the current situation in primary education reveals the existence of bottlenecks that make the Millennium Development Goal of having available by 2015 the resources for all children, both girls and boys, to complete primary education is unlikely to be achieved.

149. In the coming years, Côte d'Ivoire will need to implement a new education policy that is effective, equitable and financially viable, enabling the country to make progress

towards the Millennium Development Goals, especially universal completion of primary education.

Measures against sexism

150. The Government has taken steps to do away with the sexist prejudices that stand in the way of girls' education. Thus, in 2002, primary school textbooks were revised and stereotypical images showing women doing only housework were removed. The images now show both women and men doing the same jobs as engineers, doctors, salespeople, cooks, etc.

151. Gender training and awareness-raising for teachers and communities have led to these appreciating the importance of education for girls, agreeing to enrol them in school and keeping them on there.

Measures taken in general and vocational education to increase the private-sector female workforce

152. Measures have been taken in general and vocational education to increase the private-sector female workforce. As part of the post-crisis reconstruction effort, the Government equipped itself with a government action matrix providing all the necessary tools to match training more closely to work, especially in the short term, by way of an enhanced public-private partnership. In the area of technical education, this commitment has been manifested in the initiative taken with the General Confederation of Côte d'Ivoire Companies to set up a joint committee to provide the country with a regulatory framework under which jobs can be made available for girls and boys coming out of vocational training.

153. Reform of technical education is under way. One aim is to build a partnership between businesses and training colleges in their respective areas of expertise in order to provide a long-term employment solution for graduates of these colleges, and to increase the number of places so that more opportunities are available for girls and boys.

154. This ministerial department also has an agency that manages vocational training and trains girls and boys who are not attending school. As part of the post-crisis reintegration process, the agency is striving to reintegrate young persons aged over 16 who are not attending school or are having learning difficulties at primary school and secondary school.

Transmission of nationality to children

155. The provisions governing the transmission of nationality to children are contained in Act No. 72-852 of 21 December 1972 establishing the Ivorian Nationality Code, particularly articles 6, 7, 9 and 11.

156. The Act recognizes Ivorian nationality either by birth or by acquisition as follows: "The law determines which individuals have Ivorian nationality by birth. Ivorian nationality is acquired or lost after birth by the operation of the law or the public authority..." (Nationality Act, art. 1).

157. Filiation was the criterion taken by the Ivorian legislature in 1972 to establish nationality by right of birth. Whether legitimate or born out of wedlock, and whether born in Côte d'Ivoire or abroad, children are Ivorian if it is legally established that they are the offspring of at least one Ivorian parent (Act No. 72-852 of 21 December 1972, arts. 6,7 and 9). Children acquire Ivorian nationality even if the legally prescribed conditions for this only arise after their birth, for example with the naturalization of a parent.

158. In cases of full adoption, children acquire fully fledged Ivorian nationality if at least one of the adoptive parents is Ivorian (new art. 11).

159. Foreign minors may acquire Ivorian nationality by a ruling of the public authority: this is the naturalization procedure as established by articles 28 and 30 of the Ivorian Nationality Code.

Legislation on rape and marital rape

160. Côte d'Ivoire has equipped itself with legal tools guaranteeing the principles of equality and non-discrimination, but also, and particularly, sexual rights for all.

161. Article 2 of the Ivorian Constitution provides that "all human beings are born free and equal before the law. They have the right to life, liberty, the free development of their personality and respect for their dignity. These rights are inviolable". The Ivorian Constitution thus affirms the same rights for women as for men.

162. Under the Ivorian Criminal Code, rape is a crime punishable by law. Article 354 of the Code provides that this crime carries a prison term of 20 years, or a life sentence if the perpetrator was assisted by one or more persons or if the victim was a minor aged under 15.

163. Côte d'Ivoire has ratified international and continental treaties upholding sexual rights. By way of example, it ratified CEDAW on 6 September 1995. Côte d'Ivoire has also signed the Optional Protocol to CEDAW, which was adopted on 6 October 1999 and came into force on 22 December 2000. It is also a signatory to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which was adopted on 11 July 2003 but which Côte d'Ivoire has yet to ratify.

164. Ivorian law does have some gaps, however, when it comes to protecting women against certain forms of violence. Marital rape is not a criminal offence. In addition, there is no specific law against domestic violence. The Government is aware of these gaps and is currently working to fill them.

Measures to abolish traditional customs and practices that are detrimental to the dignity and physical safety of women and girls

165. The State of Côte d'Ivoire has ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which denounces and condemns these cruel and harmful practices.

166. Female genital mutilation remains a quite widespread practice in Côte d'Ivoire and constitutes a form of serious violence against women, with harmful consequences for their physical and mental health.

167. Côte d'Ivoire is one of the West African countries where female circumcision is most prevalent. The preliminary findings of the Multiple Indicator Cluster Survey (MICS 2006) put its prevalence in the country at about 36 per cent, but with disparities from region to region, so that it is as high as 87 per cent in the country's north and 73 per cent in the west. Practised in most cultural groups, but strongly prevalent (MICS 2006) among the Voltaïques (72.2 per cent) and the Mandé of the north (70.5 per cent) and less common among the Akan (3.5 per cent), female genital mutilation still commands wide social acceptance, particularly in Muslim communities.

168. Act No. 98/757 of 23 December 1998 bans female circumcision in Côte d'Ivoire. It stipulates that any action damaging to a female's genital organs, in the form of total or partial mutilation, circumcision, desensitization or any other practice proving harmful carries a prison term of from 1 to 5 years and a large fine of between CFAF 360,000 and CFAF 2 million. The penalty rises to 5 to 20 years' imprisonment if the victim dies as a consequence of the operation. Any doctor carrying out the procedure is liable to be banned from practising medicine for up to 5 years.

169. There are real obstacles to implementing the law against female genital mutilation in Côte d'Ivoire, most particularly sociocultural inertia. It is a practice whose origins lie in the education and socialization of girls. To deal with this difficulty, the Government is placing the emphasis on awareness-raising and publicizing the law. At the present time, 454 committees set up by NGOs that are partners of the Ministry of Solidarity, the Family, Women and Children are working to combat and monitor female genital mutilation. Also noteworthy is the very conspicuous involvement of Muslim religious organizations such as the Djigui Foundation, which is carrying out training and awareness-raising in its own community in particular and among the general population.

170. To eradicate this phenomenon, a number of actions have been targeted at practitioners of female circumcision to discourage them from continuing the practice. Most of these actions involve the implementation of income-generating activities. It must be acknowledged, however, that these programmes do not usually yield convincing results, owing to the importance of the social issues linked to the practice of female circumcision as compared to economic issues.

171. These actions have brought down the prevalence of female genital mutilation from 46 per cent to 38 per cent in Côte d'Ivoire. The crises the country has been through have undoubtedly had an adverse effect on circumcision rates, with certain populations resuming these traditional practices after being left to fend for themselves.

172. It must be emphasized, however, that the Government does also take enforcement measures, involving the arrest of perpetrators of female genital mutilation. Thus, in the north of Côte d'Ivoire two women practitioners, the village head and village notables were arrested for circumcising four 10-year-old girls. In the centre-west region, four women practitioners and 18 parents were sent to prison for circumcising 35 girls aged between 6 months and 9 years.

173. In the same vein, the Government is planning other enforcement measures to halt this retrograde practice. These measures include medical checks on girls' genitals from primary school onward, firm enforcement of the law, the reactivation of hotlines so that cases of genital mutilation can be reported and the creation of a platform for following up and evaluating actions to combat female genital mutilation in partnership with civil society, particularly the Djigui Foundation.

Forced and early marriage

174. Traditional forced or early marriages and cohabiting unions that restrict the freedom of women and most particularly of girls are still practised in several regions of Côte d'Ivoire. They are prohibited by Act No. 98-756 of 23 December 1998, amending the Criminal Code instituted by Act No. 81-640 of 31 July 1981.

175. The Government, acting through the National Committee to Combat Violence against Women and Children, regularly runs awareness-raising campaigns targeting religious and community leaders on the issue of early and forced marriage, and also uses radio and television broadcasts to denounce all forms of violence against women and harmful practices.

176. The Government has also benefited from the support of NGOs in combating forced and early marriage. In 2000, for example, the Association Ivoirienne des Droits de la Femme (Ivorian Association for Women's Rights) secured the release of Fanta Kéita, a girl aged just 16 who had been convicted in court of murdering the man whom her family had forced her to marry, and who beat her to gratify his sexual desires.

Reform of the Criminal Code to ban discriminatory practices tied to widowhood

177. There is no law condemning certain rites of widowhood, such as levirate and sororate marriage. The goal pursued by the State with its planned amendments to the criminal laws is to create better legal and judicial safeguards against all forms of gender-based violence. All forms of violence or discrimination against women that are still practised in the country are accordingly covered by it. Thus, the new article 347 of the draft Criminal Code prohibits discriminatory practices tied to widowhood.

Effective enforcement of the dowry ban

178. There are numerous factors holding back the effective enforcement of certain legal provisions on marriage, including sociocultural inertia. The use of dowries is a centuries-old tradition that is found in all the cultural zones of the country. Faced with this difficulty, successive Governments, in coordination with civil society organizations, have given priority to communication with a view to changing perceptions and thence behaviour. Nonetheless, the use of dowries is a criminal offence in Côte d'Ivoire.

179. The different awareness-raising programmes have yielded conclusive results, with dowries now reduced to a symbolic function in almost all the country's regions. The State means to pursue its efforts to bring the different populations into compliance with the law.

Article 4

Derogations in time of public emergency

180. In the Ivorian constitutional and legal system, derogations of rights in the emergency situations described in specific articles of the Constitution and other relevant laws are exceptions to the enjoyment of fundamental human rights.

181. Under the Constitution, fundamental rights and freedoms can only be limited by law.

182. Such limitations must not be at odds with the letter or spirit of the Constitution, the democratic requirements of society and secular government, or the principle of proportionality. Furthermore, article 48 allows the President of Côte d'Ivoire, in the event of a serious and imminent threat to the country's institutions, independence or territorial integrity or to the implementation of international commitments, to take exceptional measures that have the effect of restricting fundamental rights and freedoms to the extent the situation requires. The same holds for martial law.

State of emergency

183. A state of emergency is declared when there is imminent danger resulting from severe disruptions to public order, or in response to events whose nature or severity makes them likely to impede the proper functioning of the economy or public or social services. It is declared by a decree specifying its duration and the areas of the country it applies to.

184. A state of emergency confers exceptionally broad policing powers on the Minister of the Interior, including the power to prohibit the movement of persons or vehicles in particular areas at specified times by ministerial order, ban gatherings likely to cause or perpetuate disorder and order the temporary closure of theatres and cinemas, bars and gathering places in the areas specified.

Martial law

185. Martial law is declared in the event of imminent danger to the country's internal or external security. It is decreed by the Council of Ministers. A law must be passed, however,

if it is to be continued beyond a fortnight. The effects are essentially of two kinds: transfer to the military authorities of police powers normally exercised by the civilian authorities, and a considerable expansion of police powers.

186. Nonetheless, the measures taken must in no event violate the right to life, integrity of the person, freedom of opinion, the principle of non-retroactivity of the criminal law, or the presumption of innocence.

187. In October 2000, the head of the military junta in power, General Robert Guéï, refused to acknowledge defeat in the first round of the presidential elections and proclaimed himself “first President of the Second Republic of Côte d’Ivoire”. His Government immediately decreed a state of emergency and curfew. Some thirty soldiers surrounded the headquarters of the National Election Commission and denied access to journalists and observers. In response to what was a kind of coup d'état, taking place as the legitimate winner, Laurent Gbagbo, awaited confirmation of his election victory from the National Election Commission, violence broke out in several areas of Abidjan.

188. In December 2000, the Supreme Court struck down the candidature of Mr. Alassane Ouattara in the legislative elections owing to doubts over his nationality. The authority persisted in its intention to hold the elections on 10 December. In view of the circumstances, the country’s President decreed a state of emergency and curfew from Monday 4 to Tuesday 12 December 2000 and drafted in the army and gendarmerie.

Article 6

The right to life

189. The right to life is one of the most important of all rights, and is guaranteed essentially by the Universal Declaration of Human Rights and the fundamental human rights conventions of the United Nations and the African Union to which Côte d’Ivoire is a party.

190. Article 2 of Act No. 2000-513 of 1 August 2000 establishing the Constitution of the Republic of Côte d’Ivoire provides that the human person is sacred; that all human beings are born free and equal before the law; and that they enjoy inalienable rights, namely the right to life, liberty, the free development of their personality and respect for their dignity.

191. The Ivorian system of criminal law guarantees individuals’ security and the integrity of their person and protects the right to life through the criminal sanctions prescribed by the Criminal Code for anyone endangering human life. These sanctions range from a prison term to monetary fines.

192. The sociopolitical disturbances of recent years in Côte d’Ivoire had a negative impact on respect for the right to life. Over this period, cases of torture and cruel, inhuman and degrading treatment, extrajudicial executions and abductions and forced disappearances were observed in different parts of the country. Freedom of expression also came under attack.

Extrajudicial executions

193. Numerous extrajudicial executions were committed by police forces, armed forces, militias and armed groups after conflict broke out in 2002, peaking after the 2010 presidential election.

194. The National Commission of Inquiry, set up on 20 July 2011 to investigate violations of human rights and international humanitarian law committed during the

post-election period from 31 October 2010 to 15 May 2011, identified 2,018 cases of summary executions carried out for political and/or ethnic reasons.

195. The report on human rights violations in Côte d'Ivoire between September 2002 and May 2011 prepared by the Regroupement des acteurs ivoiriens des droits humains (Grouping of Ivorian Human Rights Actors) states that 7 per cent of women, 18 per cent of men and 27 per cent of children were subject to attempted violations of their right to life.

196. There are substantially fewer extrajudicial executions today. Most of them are carried out by the Forces républicaines de Côte d'Ivoire (FRCI), by former combatants who have not been demobilized or by militias that have not been disarmed.

Measures taken to prevent further violations

197. The Government has opened judicial and non-judicial inquiries in all cases, conducted by the national authorities and by intergovernmental and non-governmental bodies. Great stress is also being laid on national reconciliation.

1. Judicial and administrative inquiries into human rights violations

198. Certain cases of political violence leading to tragedies have been investigated by the Ivorian authorities, international organizations and NGOs. For example, following the events of 24, 25 and 26 October and of December 2000, the International Federation for Human Rights, Reporters without Borders, the United Nations Secretariat and the Ivorian authorities conducted investigations and issued reports on them. However, the reports and recommendations have not been made public or acted upon.

199. The judicial investigation into the Yopougon mass grave ended in April 2001 with a military tribunal acquitting the police officers suspected of involvement.

200. On 21 October 2003, as Jean Hélène, a correspondent with Radio France Internationale, waited near the national police headquarters in Abidjan for the release of 11 members of the Rassemblement des républicains (RDR), an opposition party, a police officer shot him in the head with a Kalashnikov and killed him. The police officer was convicted of "voluntary homicide" on 22 January 2004 in Abidjan and sentenced to 17 years in prison.

Forced disappearances

201. Forced disappearances have been frequent in Côte d'Ivoire during the periods of upheaval it has gone through.

202. The report on human rights violations in Côte d'Ivoire from September 2002 to May 2011 prepared by the Regroupement des acteurs ivoiriens des droits humains stated that 1 per cent of women, 2 per cent of men and 2 per cent of children had been abducted and gone missing.

203. The report of the National Commission of Inquiry identified numerous cases of disappearances, including many children. The Commission counted 265 cases of forced disappearance in the period from 31 October 2010 to 15 May 2011 alone.

204. The cases receiving most media coverage involved Mr. Guy-André Kieffer, a French-Canadian journalist, and Yves Lambelin, the chief executive officer of SIFCA group.

205. The French-Canadian journalist Guy-André Kieffer disappeared on 16 April 2004 in Abidjan while carrying out an investigation in Côte d'Ivoire. An inquiry is being conducted by a judge in France, Patrick Ramael, but is not yet complete.

206. Yves Lambelin was abducted on 4 April 2011 from the lobby of the Novotel hotel with three of his colleagues and the hotel manager. Yves Lambelin's body was identified some months later. No judicial investigation has been completed.

207. A retired senior air force officer, Colonel Major Dosso Adama, was abducted and murdered in the post-election period. The case was tried by the Abidjan Military Tribunal, which sentenced the five defendants to long periods of military detention ranging from 5 to 15 years. Despite being convicted by the tribunal, they retain their military status.

208. In Côte d'Ivoire, four officers close to the former regime of Laurent Gbagbo were indicted in October 2012 for the murder of General Robert Guéi, the former head of State who governed the country from December 1999 to October 2000. He was murdered on 19 September 2002.

209. However, other murders and extrajudicial executions of certain military and political figures close to the former President have never been cleared up.

210. A special investigation unit was created by interministerial order in June 2011 to examine the post-election crisis in order to shed light on the atrocities and various crimes perpetrated after the results of the second round of the presidential election on 28 November 2010 were announced. Its investigations are ongoing.

211. The National Commission of Inquiry created by Decree No. 2011-176 of 20 July 2011 to investigate violations of human rights and public freedoms in the aftermath of the presidential election held on 31 October and 28 November 2010 was given the task of conducting non-judicial investigations into breaches of human rights and international humanitarian law in the period from 31 October 2010 to 15 May 2011.

212. The Commission submitted its report to the country's President in August 2012. The report identified the abuses committed in the period from 30 October 2010 to 15 May 2011 inclusive. According to its investigations, of 3,248 people killed, 1,452 were murdered by "pro-Gbagbo forces" (including 1,009 summary executions), 727 by the FRCI (including 545 summary executions) and 200 by "Dozos".

213. The report also singles out pro-Gbagbo "self-defence groups" or militia members, while attributing 57 other killings to what the Commission calls "miscellaneous persons". The report also identifies 3,248 cases of "violations of the right to life", 8,141 cases of "violence to the person", 345 cases of "torture", 194 cases of "rape", 265 "forced disappearances" and 260 cases of "arbitrary detention".

2. Political measures

214. The political measures advocated by the Ivorian authorities are aimed at national reconciliation.

The National Mediation and Reconciliation Committee

215. In November 2000, the Government set up the National Mediation and Reconciliation Committee, chaired by the Chief Ombudsman of Côte d'Ivoire. Comprising representatives of civil society and all political, denominational and regional perspectives, the Committee has the remit of reducing and ending the sociopolitical strains ensuing from the military coup d'état of 24 December 1999 with a view to national reconciliation. The Committee held a consultation workshop on the subject of national reconciliation from 17 to 19 April 2009 at Grand Bassam, bringing together participants from the political, social, religious, professional and civil society spheres.

The National Reconciliation Forum

216. The National Reconciliation Forum was an initiative of the former President of Côte d'Ivoire, Laurent Gbagbo. It was set up so that the country could turn the page once and for all on 18 months of political violence, ethnic and religious abuses and abortive coups d'état, and lasted from October to December 2001. The general objectives of this assembly included closing the controversy about the nationality of Mr. Alassane Ouattara and recognizing the legitimacy of the current Government.

217. When it had completed its work, the Forum recommended:

- Maintaining the Constitution as it stood because it was accepted by all the political parties and had received the approval of citizens by a large margin in the July 2000 referendum, while calling for the creation of a “committee of jurists to harmonize certain provisions with a view to making the Constitution easier to understand”;
- Reopening the file on the Yopougon mass grave in the light of new facts in order to “better allocate responsibilities and enlighten public opinion”;
- Forgiving “all offences closely associated with the events (political violence), and issuing amnesties or pardons or taking any other measure that can give practical effect to the nation’s forgiveness of those who have asked for its clemency, in accordance with current regulations”, all this in “the interests of calming the public mood”;
- Revising the Nationality Code in the interests of “harmonious coexistence” between Ivorian and immigrant communities.

The National Human Rights Commission

218. The Côte d'Ivoire National Human Rights Commission has been in existence since 3 May 2004. It is constituted as an independent legal entity and is financially autonomous. Its functions are to coordinate, consult, evaluate and propose measures to advance, protect and uphold human rights.

219. The Commission could not actually begin its work until 31 July 2008, more than three years after it was created. This delay was mainly due to the military and political crisis.

220. The original mandate having expired, the Government reformed the Commission to bring its legal status into line with the Paris Principles. This included removing members who came from political movements and replacing them with members from NGOs.

221. The Côte d'Ivoire National Human Rights Commission is characterized by the diversity of its composition. It includes voting members (parliamentarians, civil society representatives and experts) but also consultative members (representatives of the Government and certain official institutions). All members are appointed by decree for a non-renewable five-year term.

The Dialogue, Truth and Reconciliation Commission

222. Ordinance No. 2011-167 of 13 July 2011 created the Dialogue, Truth and Reconciliation Commission, whose mission is to work in complete independence for reconciliation and greater social cohesion between all communities living in Côte d'Ivoire. Its essential task will be to identify violations and their perpetrators and propose reparations for the victims.

223. The different agreements concluded by the belligerent parties to put an end to violence of every kind in Côte d'Ivoire may also be included in the category of political measures, namely the Lomé, Marcoussis, Accra, Pretoria and Ouagadougou agreements.

3. Security measures

224. The successive political and military crises in Côte d'Ivoire contributed to burgeoning insecurity that brought human rights violations and hindered the free movement of persons and goods.

225. The security situation worsened further with the post-election crisis of December 2010, with armed conflict leading to widespread devastation and the destruction of police and gendarmerie stations and military camps.

226. Faced with this disturbing security situation, the Government issued Ordinance No. 2011-033 of 17 March 2011 merging the government forces (Forces armées nationales de Côte d'Ivoire) with former members of the armed forces of the Forces nouvelles coalition to create the Forces républicaines de Côte d'Ivoire, in accordance with the Ouagadougou Political Agreement.

227. It also appointed chiefs to the major military commands and redeployed all the security forces countrywide.

228. In the interests of free movement of goods and persons, an anti-racketeering unit and a military police force were set up.

229. Operations to rehabilitate security infrastructure were carried out. Police and gendarmerie posts occupied by armed groups were returned to the regular security forces.

230. In the case of abuses against the population by security and defence forces, the Ivorian authorities took measures after the various crises to encourage the military to return to their barracks, reduce the number of roadblocks on the main thoroughfares and ban illegal home searches.

231. Particular stress is being placed on the programme of disarmament, demobilization and rehabilitation of former combatants by the Government, which is engaged in a reform of the security sector.

232. Despite government efforts, the level of security still falls short of public expectations.

4. Prosecutions

233. The arrest of the former President of Côte d'Ivoire, Laurent Gbagbo, and his wife was the first in a wave of arrests among political and military leaders from the former regime. Military and civilian prosecutors had brought charges against at least 118 of these, including Charles Blé Goudé, General Guiai Bi Poin and General Bruno Dogbo Blé.

234. The civilian public prosecution service has essentially limited its charges to financial crimes and crimes against the State, particularly where the former President is concerned, while military prosecutors have included murder, rape and other violent crimes in their arraignments. Conversely, at the time this chapter was drafted not a single member of the pro-Ouattara forces had been charged with crimes committed during the post-election crisis.

235. The State of Côte d'Ivoire has taken measures against human rights violations attributable to members of the defence and security forces in the performance of their functions. Disciplinary actions and criminal prosecutions have been brought against those concerned by the Military Tribunal.

236. Amnesty laws and/or presidential pardons issued in the course of political negotiations specify that they are not applicable to the perpetrators of acts of violence against the person and serious human rights violations.

237. Internationally, collaboration with the International Criminal Court has resulted in the former President of Côte d'Ivoire being transferred to The Hague.

238. However, the actions of the country's own justice system have been criticized by Ivorian and international organizations, as no charges have been brought against certain individuals accused of human rights violations.

Rules and regulations governing firearms use by the police and security forces

239. The use of force and firearms is subject to compliance with international human rights standards and the national legislation of Côte d'Ivoire. The principles of proportionality, legality, responsibility and need must be strictly observed.

240. Incidents in which security force personnel use force and firearms are notified to their superiors for review. The latter will be held responsible for their actions if they do not take the necessary measures to halt abuses.

241. Lethal firearms use is an extreme measure that must only be taken in specific circumstances involving an imminent threat of death or serious injury to the member of the security forces concerned or to others and/or to prevent an offence posing a severe threat to life.

242. Errors by the police are usually committed, deliberately or otherwise, during routine checks or social or political demonstrations.

243. In the past five years, the Abidjan Military Tribunal has recorded 11 such instances involving the police, of which 7 have gone to trial.

Abolition of the death penalty

244. The Ivorian Constitution guarantees the right to life. The death penalty was abolished in Côte d'Ivoire under all circumstances by the Constitution of 1 August 2000.

245. Nonetheless, the death penalty has not yet been removed from the provisions of the Ivorian Criminal Code. Thus, articles 38 to 42 of the Criminal Code make provision for the death penalty in Côte d'Ivoire and numerous other articles prescribe the death penalty for a whole range of crimes.

246. Articles 137, 138, 139, 141, 142, 143, 144, 343, 344, 345, 361, 370, 395 and 449 of the Criminal Code specify the crimes subject to the death penalty. They include, among others, homicide, forced displacement or dispersal of populations or children or the placing of these in living conditions that are bound to result in their death or disappearance, crimes against the population, crimes against prisoners of war, treason and espionage, murder, parricide, manslaughter, infanticide, robbery or attempted robbery leading to death or injury, conspiracy and desertion, etc.

247. The necessary amendments are currently being made to the Criminal Code and other laws making provision for capital punishment.

248. From 1993 to 1997, about 12 people were sentenced to death for intentional homicide, murder, armed attacks and robbery, and cannibalism.

249. Côte d'Ivoire actively supports international initiatives to abolish the death sentence. It plans to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The birth rate

250. Fertility in Côte d'Ivoire remains high. Women give birth to an average of five children over their childbearing years. The overall fertility rate, i.e., the average number of live births in the population of women of childbearing age each year, and the crude birth rate, which is the ratio between the number of live births and the average population in the year, have been estimated at 173 per 1,000 and 37 per 1,000, respectively, by the Ministry of Health (preliminary findings of Demographic and Health Survey III of 2012).

The maternal mortality ratio

251. The maternal mortality ratio was estimated at 597 maternal deaths per 100,000 live births in 2005, 470 maternal deaths per 100,000 live births in 2008 (United Nations estimations, 2008) and 614 deaths per 100,000 live births in 2012.

252. In 80 per cent of cases, maternal mortality is due to direct causes, namely post-partum haemorrhage (36.1 per cent), obstructed labour (20.3 per cent), complications from high blood pressure (18.2 per cent), complications from abortion (14.8 per cent) and post-partum infections (4.8 per cent). This maternal mortality is a symptom of the inadequate coverage of obstetric care (with 87 per cent receiving antenatal care in the first period of pregnancy (PNC 1) and 45 per cent in the last period (PNC 4) in 2005) and inadequacies in the prevention and treatment of complications arising during pregnancy, labour and post-partum (National Health Development Plan 2009–2013, p. 37).

253. This high maternal mortality ratio is partly due to the low incidence of caesareans (0.7 per cent instead of the 5 per cent recommended by the World Health Organization), the low proportion of births attended by skilled health personnel (56 per cent in 2006, according to MICS 2006), limited use of family planning services (an 8 per cent prevalence rate for modern contraception, according to MICS 2006), inadequate integration of maternal and infant health services, the inequitable distribution of medical facilities and personnel in the regions and the limited involvement of local authorities and communities in maternal health care activities.

254. To remedy this situation, the Government has taken a number of measures through the Ministry of Health with a view to reducing the maternal mortality ratio.

255. In the area of sexuality and reproduction, the National Programme for Reproductive Health and Family Planning has engaged in numerous activities aimed at reducing maternal morbidity and mortality and providing girls with ongoing access to health and nutrition information and services. The impact of these activities can be gauged from improvements in measures taken to lower this ratio. These are:

256. Policies and programmes:

- Development of the road map for reducing maternal and neonatal mortality, which was officially launched on 29 September 2008;
- Revision of the National Health Development Plan for 2009–2013;
- Development of a national reproductive health policy and a policy document on reproductive health services.

257. Operational measures taken between 2003 and 2007:

- Refurbishment of maternity wards and/or operating theatres at 51 health-care facilities providing emergency obstetric care;
- Medical care for 306 women with fistulas;

- Provision of medical supplies and reproductive health products at 202 health-care facilities;
- Establishment of regional committees to combat cancer;
- Supply of contraceptives to all health-care facilities in the country;
- Free antenatal check-ups in the area covered by the project from 2006 to 2008;
- Integration of 400 family planning services into 1,529 health-care facilities;
- Completion of three phases of a tetanus vaccination campaign for pregnant women in 2009;
- Free distribution of treated mosquito nets to protect against malaria;
- Availability of reproductive health services around the clock;
- Subsidized maternity treatment;
- Subsidized maternity care and delivery assistance and supply of free delivery kits in rural areas;
- Priority for urgent cases in determining access to health care in order to promote and protect women's health.

258. The 2013 action matrix of the Ministry of Health includes:

- Improved access to emergency obstetric and neonatal care;
- Improved supervision of pregnancies and monitoring of mothers and infants after birth;
- An improved supply and distribution system for strategic products and inputs and blood products in areas not currently served.

259. Abortions are a leading cause of maternal morbidity and mortality. The practice is illegal, and almost all abortions are clandestine and carried out in a medically unsuitable environment by underqualified or unqualified persons.

260. A study carried out by doctors in 2007 and reported by the Association ivoirienne pour le bien-être familial (Ivorian Association for Family Welfare) reported 44 unwanted pregnancies for every 100 women, with 42 per cent of women having had at least one abortion. Of 3,500 abortions, 25 per cent had been carried out by doctors, 7.2 per cent by nurses, midwives and pharmacists and 49.4 per cent by traditional healers.

261. There are 543 maternal deaths for every 100,000 new live births, at least 13 per cent of them linked to clandestine abortions, according to the World Health Organization.

262. In Côte d'Ivoire, abortion is forbidden by the Criminal Code. Article 366 provides that members of the medical profession or other public health professions who advise on, facilitate or themselves apply methods of abortion are liable to the same penalties.

263. No offence is committed when the life of the mother is in grave peril and the pregnancy is terminated to protect it. Even then, though, the doctor treating the woman or the surgeon is required to seek the opinion of one doctor or two consulting doctors.

264. Thus, only therapeutic abortion is permitted. This severe constraint often results in women who are desperate to terminate unwanted pregnancies resorting to clandestine abortions, which very often lead to their death.

265. Some civil society organizations find the legal framework governing abortion in Côte d'Ivoire very rigid, as regrettably it is bound to result in women aborting under non-standard conditions, with deaths occurring as a result. They consequently recommend

that abortion should be legalized, following the example of certain countries where the legalization of abortion has helped bring down mortality rates among women.

266. The Government, supported by civil society organizations and partners, is implementing contraception and family planning awareness-raising measures among the target population. Young people in schools and rural populations are being informed about the dangers of early sexual relations with a view to preventing unwanted pregnancies and particularly sexually transmitted diseases such as HIV.

267. Plans for 2013 include:

- Expanding the supply of clinical family planning services and the community-based distribution of contraceptives, including HIV screening in 800 public and private health-care facilities, particularly in rural and peri-urban areas, for women aged between 15 and 49; and
- Promoting the use of maternal health services, especially family planning, among women and men in rural and peri-urban areas.

268. The 1994 Cairo International Conference on Population and Development resulted in the Ivorian leadership undertaking to treat population issues generally and sexual rights and reproductive health in particular as development priorities. This commitment translated into the preparation and adoption in 1998 of the National Programme for Reproductive Health and Family Planning and the whole range of policies and standards in this area.

Infanticide

269. In Côte d'Ivoire, the right to life is held to be sacrosanct. Article 2 of the Ivorian Constitution of 1 August 2000 provides that “the human person is sacred. All human beings are born free and equal before the law and thereby enjoy inalienable rights, namely the right to life...”. Paragraph 3 of that article then goes on to forbid any punishment that deprives a person of life. Respect for children’s right to life is the foundation of the prohibitions on abortion and infanticide and the penalties prescribed for them under articles 366 and 361, respectively, of the Criminal Code.

270. Ritual infanticide is still rife in certain regions of Côte d'Ivoire, although such practices are increasingly being abandoned. Awareness-raising and suppression measures by the administrative and judicial authorities, supported by the spread of Christianity and rising school attendance, have been very important in changing behaviour.

Article 7

The prohibition of torture

271. Measures to combat torture and ill-treatment are a standing priority in the reform process now under way in Côte d'Ivoire. Côte d'Ivoire is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and intends to make good on its commitment to submit a report to the Committee against Torture in the near future.

272. Article 2, paragraph 1, of the Ivorian Constitution reads: “The human person is sacred.” Paragraph 2 states that people “enjoy inalienable rights, namely the right to life...”. Paragraph 4 proclaims: “Any penalty that deprives a person of life is forbidden.” With this provision, Côte d'Ivoire became one of the States that have abolished the death penalty.

273. Besides forbidding the death penalty, the Ivorian Constitution protects citizens against physical or mental torture and cruel, human and degrading treatment and punishment. As article 3 of the Constitution states: “Slavery, forced labour, inhuman and

cruel, degrading and humiliating treatment, physical or mental torture, physical violence and disfigurement and anything that degrades the human being are forbidden and punishable by law.”

274. No provision of the Criminal Code explicitly defines torture or cruel, inhuman or degrading treatment. However, the Code does include provisions forbidding acts of torture (arts. 138, 139, 344 and 374) and treatment that is cruel, inhuman or degrading to human beings (arts. 138 and 139).

275. Nonetheless, cases of torture and cruel, inhuman and degrading treatment have been observed in Abidjan and various other parts of the country over the past decade, while the State, having fallen into some disarray, has not been able to muster the institutional or logistical resources to order their cessation or prevent their resurgence.

276. For the period from 2002 to 2011, the report on human rights violations in Côte d’Ivoire prepared by the Regroupement des acteurs ivoiriens des droits humains mentions that 2 per cent of women, 4 per cent of men and 9 per cent of children were subject to torture or cruel, inhuman or degrading treatment.

277. During the post-election period alone, the National Commission of Inquiry counted 296 cases of torture leading to death, 1,354 cases of torture and 1,135 cases of cruel, inhuman and degrading treatment. The Commission has recommended that the perpetrators of these acts should be prosecuted, but failure to bring charges has made it impossible to prosecute perpetrators of torture in Côte d’Ivoire.

The penalties for torture and cruel, inhuman or degrading treatment

278. The penalties for torture and cruel, inhuman or degrading treatment are laid down in the Criminal Code: they are the death penalty (arts. 138 and 139) and life imprisonment (arts. 344 and 374).

The use of statements or confessions obtained by torture or any other prohibited treatment in court proceedings

279. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has been ratified by Côte d’Ivoire, forbids this.

280. However, national laws, the Criminal Code and specifically the Criminal Procedure Code do not contain any prohibition on such use.

281. The Criminal Procedure Code, while not directly prohibiting the use of confessions obtained under torture, does have provisions that forestall this. They are the requirement for suspects to have their lawyer, a close relative or a friend present from the preliminary investigation stage onward, the freedom to sign or not sign the statement by them included in the report on the police custody hearing, the presence of a doctor if requested, the right to ask the court to rule the preliminary investigation procedure invalid, and the presence of the public prosecutor (a magistrate) directing the judicial proceedings.

Complaints procedure in cases of torture or ill-treatment by the police, the security forces or prison staff

282. The options available to victims are as follows:

- Torture victims may make a complaint to the perpetrator’s superior;
- At their first court appearance, victims may report the abuse they have suffered in order to have the earlier proceedings (police custody) declared invalid;

- Victims may hold the State liable before the courts for offences committed by its agents;
- Victims may ask the judge to apply the penalties for ill-treatment in custody.

Complaints made during the reporting period and the results of any investigations into them

283. Complaints by victims of violence are laid before the judicial or police authorities. This is infrequent, however. Victims who do not approach the police or courts say that this is because they believe they cannot obtain a fair and impartial hearing. In other cases, they fear reprisals by the security forces.

284. Appeals for witnesses or testimony made by the judicial authorities to the general population often fall on deaf ears. People's reluctance to enforce their rights seems to reflect mistrust of the judicial system among some and unquestionably has a negative impact on judicial investigations.

285. Nonetheless, there were complaints that led to arrests and convictions during the period. A notable case were the proceedings over the assassination of General Robert Guéi and the disappearance of a senior Air Force officer.

The remedies available to victims of torture or ill-treatment, including the right to compensation

286. Any victim of torture or ill-treatment wishing to pursue compensation can sue the State for fault-based liability and seek an award of damages; if the State is found liable, the court will set the compensation amount.

287. The Ivorian Government, committed as it is to fundamental values that include the right to life, has deplored such violations and taken action to punish the perpetrators and make redress for the harm done. To this end, the Government has lodged with the United Nations Treaty Section in New York the instruments of ratification of the statute establishing the International Criminal Court (ICC), which lays down the operating rules of the ICC. In April 2003, in the wake of the violence that followed the contested presidential and legislative elections, Côte d'Ivoire accepted the jurisdiction of the ICC by virtue of article 12, paragraph 3, of the Rome Statute.

288. Besides the constitutional guarantee prohibiting torture and the relevant articles of international conventions with the force of law as provided by article 87 of the Constitution, the perpetrators of torture and ill-treatment can be prosecuted under article 194 of the Criminal Code.

289. Measures have been taken by the Government to put an end to torture and inhuman treatment allegedly committed by the FRCI and the fraternity of traditional hunters known as "Dozos". They include:

- Human rights training sessions for military, paramilitary and security forces in 2011 and 2012;
- Creation of a working group on military ethics and professional conduct by the Minister of Defence (Order No. 494 of 24 December 2012). It is due to report in April 2013;
- Creation of a working group on allegations of torture and ill-treatment in detention facilities made in the reports of human rights NGOs over the period from 1 June 2012 to 30 October 2012;

- Awareness-raising activities by the Ministry of Security among traditional “Dozo” hunters to persuade them not to take upon themselves the work of the law enforcement authorities but henceforth to confine themselves to their traditional missions as protectors and as upholders of tradition.

290. The training provided to members of the security and defence forces includes modules on human rights and international humanitarian law. Their actions are to be guided by republican values and by respect for the Declaration of the Rights of Man and of the Citizen, the Constitution, international conventions and the laws. Exemplary conduct is expected of them in both their professional and their private life. They are subject to a special statute whose demands upon them include exemplary conduct and unconditional respect for human rights and for individuals.

Extradition

291. Extradition conditions, procedures and effects are as prescribed by the Extradition of Foreigners Act of 10 March 1927. Article 5 of the Act provides that extradition will not be authorized when the crime or offence is political in nature or when the circumstances show that extradition is being sought for political ends.

Corporal punishment in educational establishments

292. In 2009, the Minister of Education issued a regulation banning corporal punishment in public- and private-sector educational establishments. It is not prohibited by law, however.

293. Côte d’Ivoire will take steps to harmonize its legislation with international human rights standards in this area.

Article 8

The prohibition of slavery

Legal and institutional measures

294. Under article 3 of the Constitution, slavery is prohibited and punishable by law. Thus, there is no slavery in Côte d’Ivoire. The Government resolutely combats all comparable practices such as racism, sexual exploitation, human trafficking, exploitation and child labour.

295. The Government has adopted Act No. 2010-272 prohibiting trafficking in children and the worst forms of child labour. This is the first law to prescribe penalties specifically for these offences. It sets the penalties for exploiting and supplying children for the purposes of prostitution at between 5 and 20 years in prison plus a fine; these penalties are quite severe, but are not proportionate to those prescribed for other serious crimes such as rape. When a child is subjected to forced labour, or situations comparable to servitude or slavery, the Act prescribes a penalty of 10 to 20 years in prison plus a fine, which is quite severe.

296. Article 378 of the Criminal Code prohibits the use of adults and children as forced labour, prescribing quite severe penalties of 1 to 5 years in prison plus a fine of between CFAF 400,000 and CFAF 1 million.

297. Article 376 makes it a criminal offence to enter into agreements depriving a third person of freedom; the penalty prescribed is 5 to 10 years in prison plus a fine.

298. Procuring and exploiting adults and children for the purposes of prostitution by force, violence or ill-treatment are illegal under articles 335 and 336.

299. A National Committee for the Oversight of Actions to Combat Child Trafficking, Exploitation and Labour was created by Decree No. 2011-366 of 3 November 2011. It is responsible for securing cooperation between different institutions and pursuing government initiatives on human trafficking. It was established pursuant to Decree No. 2011-365 of 3 November 2011 creating the Interministerial Committee to Combat Child Trafficking, Exploitation and Labour, which has the mission of evaluating and monitoring government actions to combat child trafficking, exploitation and labour.

300. Accordingly, it is responsible for monitoring the implementation of government projects and programmes as part of efforts to combat child trafficking, exploitation and labour; initiating measures to prevent child trafficking, exploitation and labour; submitting proposals to Government for the abolition of child labour; proposing measures for the care of victims of the worst forms of child labour; and contributing to the educational and occupational rehabilitation of child workers. It is composed of Ivorian and international NGOs working in the area of child protection.

301. In addition to creating these bodies, in August 2011 Côte d'Ivoire ratified the two optional protocols to the Convention on the Rights of the Child, one on the sale of children, child prostitution and child pornography, and the other on the involvement of children in armed conflict.

302. An order issued by the Minister of Employment lists certain types of dangerous work that are unsuitable for children, and a national action plan to combat child trafficking and labour has been prepared.

303. In addition to these institutional measures, the Government has allocated some CFAF 100 million to the construction of two shelters for child trafficking victims.

Suppression initiatives

304. The Ivorian Government has deployed security forces to protect trafficking victims. These very often identify trafficking victims within vulnerable groups. In 2011, for example, three victims were identified by the competent divisions of the Ministry of Solidarity, the Family, Women and Children and the Ministry of the Interior.

305. In March 2007, an Ivorian court found a man from Taiwan Province of China and a Filipino woman guilty of trafficking four Filipinos to Abidjan for the purposes of sexual exploitation and sentenced them to six months in prison, a fine of US\$ 1,000 and restitution of US\$ 10,000 to each victim. The Government ordered the closure of the establishment where the victims had been exploited.

306. That same year, a man charged with trafficking 13 children from Togo into Côte d'Ivoire was sentenced to a year in prison. People are frequently arrested on suspicion of trafficking.

Caring for victims of trafficking

307. The Government operates community education centres and mobile schools for children who are victims of trafficking and the worst forms of child labour.

308. The National Anti-trafficking Committee repatriated 25 child trafficking victims to their home countries in 2007. The Committee referred 21 other children to the International Catholic Child Bureau, an NGO, for repatriation.

309. There is currently no formal government programme for Ivorian nationals repatriated to Côte d'Ivoire, although the Ministry of Solidarity, the Family, Women and Children is occasionally called upon to give assistance. In September 2008, the Ministry of Solidarity, the Family, Women and Children, in collaboration with the United Nations

Children's Fund, published a manual detailing government procedures for assisting victims of child labour and trafficking.

310. The Ministry of Solidarity, the Family, Women and Children is responsible for all aspects of the repatriation of foreign victims. This includes informing not only the individuals concerned but also the consular offices of embassies and the authorities of victims' home countries.

Prevention activities

311. The Government has been making sustained efforts to prevent trafficking by initiating information and awareness-raising campaigns aimed at the prefectoral authorities, community leaders and members of village anti-trafficking committees.

312. Awareness-raising campaigns are also aimed at the community at large and at vulnerable populations. They deal with the worst forms of child labour, children's rights, the consequences of working in conditions hazardous to children's health, the role of local communities in efforts to combat human trafficking and child labour, and the national victim assistance procedure. This information is conveyed through posters and hoardings, radio broadcasts and public presentations.

313. In June 2008, the Government published a study conducted jointly with private-sector cacao producers on the impact of child labour and forced adult labour in the country's cacao sector. The study revealed that the impact of child labour was considerable. This information was also conveyed through posters and hoardings, radio broadcasts and public presentations.

The training of State agents involved in anti-trafficking operations

314. Training is currently provided by different organizations at the police and gendarmerie training colleges. Based mainly on the general principles of the Convention on the Rights of the Child and current international legislation, courses largely focus on violence that is sexual and sexist in character, including sexual violence against girls.

315. The security forces have now received training on forced labour and child trafficking and on the referral system and procedures, thanks to cooperation from Germany and the International Catholic Child Bureau.

316. Prefectoral authorities are regularly briefed on child labour issues, as are magistrates.

317. The commitment of the Ivorian Government to a planned reform to the training syllabuses of the police and gendarmerie colleges so that they include a permanent, compulsory course on children's rights and protection forms part of the National Development Plan 2012–2015, which is designed to enhance the ability of the security forces to provide better protection to civilian populations.

318. At the same time, the Government is pressing for an increased effort to investigate and prosecute trafficking and those who perpetrate it and exploit children.

319. There are as yet no national statistics on the overall situation with child trafficking in Côte d'Ivoire. Nonetheless, there are some indicators that reveal its scale. According to an ILO study published in 2005, about 2,000 child workers in the informal sector other than domestic employment in Abidjan had fallen victim to trafficking.

Court-ordered work or services that individuals in prison or on parole can normally be called upon to perform

320. The types of court-ordered work or services that individuals in prison or on parole can normally be called upon to perform are:

- Cleaning or upkeep of buildings;
- Services required for the prison to operate;
- Technical workshops;
- Prison administration work sites and gardens;
- Public interest work in public bodies and various administrations.

321. The prison authorities can also make a group of prisoners available to a private user for outside work under the paid contract system.

Article 9
The right to liberty and security of person

322. The right to liberty and security of person is understood to relate to the prohibition of arbitrary arrest and to the treatment of prisoners. It guarantees all individuals' right to freedom and security.

323. Under article 22 of the Constitution, no-one may be arbitrarily detained. This constitutional provision is reinforced by the provisions of the Criminal Procedure Code dealing with police custody and preventive detention, as they lay down strict time limits for these two measures.

324. Nonetheless, the crisis from which Côte d'Ivoire is progressively recovering has involved numerous violations of this principle, abetted by dysfunctions in judicial police units and by the weakening of State authority.

325. Now that the Government's writ runs right across the country and the judicial police are under better supervision, compliance with this principle is once again the rule and violations are the exception.

The time limit on police custody

326. The time limit on police custody prescribed by article 63 of the Civil Procedure Code is 48 hours. This may be extended by a further 48 hours on the authority of the public prosecutor or the investigating magistrate.

327. Persons who are arrested are immediately informed of the reasons for this. They have the right to contact a lawyer straight away and may ask to be seen by a doctor. Attendance by a doctor becomes compulsory if they are held for more than 48 hours. They may immediately notify their family.

328. For individuals to be placed in police custody, there must be serious and corroborative circumstantial evidence that they have committed a breach of the criminal law and that their detention is necessary for the proper conduct of the investigation. The time limit on police custody is 48 hours, renewable once for ordinary offences and twice for drug offences. For national security offences, a non-renewable period of 60 days is allowed. Renewals must be authorized by the public prosecutor.

Rights when in police custody

329. Individuals held in police custody are entitled under the Civil Procedure Code to the assistance of a lawyer. They are also entitled to be seen by a doctor and to communicate with their family, provided such communication does not interfere with the proceedings.

Remand

330. The duration of pretrial detention varies with the nature of the offence and the method of prosecution chosen. For offences prosecuted under the *flagrante delicto* procedure, the period is 15 days from the time the individual is presented to the public prosecutor; for offences prosecuted under the judicial investigation procedure, the pretrial period is six months, renewable only in the case of financial offences involving an amount of CFAF 25 million or more, public funds, or agricultural products. For criminal offences, the period is 18 months, renewable only in the case of murder and similar crimes.

331. In cases where the remand period is renewable, renewal is carried out every four months and is ordered by the examining magistrate after consultation with the public prosecutor. Individuals on remand may apply for bail at any time, and may appeal if the application is rejected.

Statistics on the number of people in detention

332. Côte d'Ivoire has 33 prisons, 3 observation centres and a rehabilitation centre for minors. Since the post-election crisis, only 29 prisons have been operational, with those of Adzopé, Gagnoa, Toumodi and Abengourou being out of service.

333. The statistics for the number of people in custody fluctuate. As of 31 August 2012, the prison population was 6,218 in the whole country, of whom 2,272 were on remand (37.52 per cent) and 3,946 were serving sentences (63.46 per cent). As of 31 December 2012, there were 2,764 people on remand out of a total of 7,543 in custody.

334. The capacity of the 33 prisons is estimated at 3,369 prisoners, on the basis of 5 m² of space per person. By this measure, the level of prison overpopulation is 185 per cent in the country as a whole.

335. There is no central register listing all places of detention and the names of those held there. Instead, each place of detention has its own register where each inmate is recorded. This register, required by article 684 of the Criminal Procedure Code, is kept under the authority of the governor. It must be presented for inspection and endorsement to the different judicial authorities when they visit the establishment. Extracts may be provided.

336. The same prison register is used for inmates on remand and those serving sentences. They are registered in chronological order of incarceration. However, compellable witnesses and individuals who are temporarily detained are recorded in different registers.

Article 10

Treatment of persons deprived of their liberty

337. The treatment to be given to persons deprived of their liberty is prescribed by article 19 of the Constitution, whose first paragraph is the first sentence of article 9 of the International Covenant on Civil and Political Rights, and Decree No. 69-189 of 14 May 1969 regulating prisons and prescribing implementation procedures for custodial sentences.

338. Respect for the dignity and human rights of prison populations requires the deployment of enormous human, material and financial resources by the State and an

adequate prison infrastructure. At the present time, Côte d'Ivoire is having to cope with a shortage of prison places, capacity constraints and ageing facilities.

339. Thus, as of 31 January 2011, the Abidjan Detention and Correctional Facility, the main prison in Côte d'Ivoire, contained 5,286 prisoners, even though it was designed for just 1,500.

340. To deal with this disturbing situation, the Government is considering building a new detention centre in Abidjan to receive women and minors, so that they can be kept apart from adult or dangerous prisoners.

341. First, though, in view of the post-election crisis and the number of prison escapes, the State has invested CFAF 2 billion in refurbishing the Abidjan Detention and Correctional Facility to bring it up to international standards. As of 30 April 2012, this prison held 2,102 inmates.

342. The Government has also reformed the Criminal Procedure Code, focusing on the provisions dealing, first, with settlements for crimes and minor offences and, second, with preventive detention. The new measures put in place mean that first offenders will no longer need to be held on remand, while remand times will be reduced for others, helping to control prison overcrowding.

343. The Government is aware of the grave social dangers posed by conditions in the country's prisons, and with the help of international partners has invested significant sums in improving living conditions there. Eighteen detention and correctional facilities of the 32 in Côte d'Ivoire have been completely refurbished in the past few years.

344. In addition, the recruitment of additional prison officers has improved the ratio of supervisors to prisoners, which now stands at 1 to 14.

345. Over the same period, a higher food budget for detention and correctional facilities has made it possible to increase the amount spent on food per prisoner, which now averages CFAF 314 as against CFAF 80 five years ago. These efforts have reduced the mortality rate in prisons.

346. The concern of the Government now is to further improve living and detention conditions in the prisons of Côte d'Ivoire.

Oversight arrangements

347. Although they are a statutory requirement, oversight mechanisms are not adequately implemented by the competent authorities. Centrally, there is the Inspectorate General of Judicial and Prison Services, whose organization, remit and operating methods are laid down by Decree No. 85-516 of 12 July 1985. This organization carries out two types of inspections as part of its activities: ongoing general inspections to monitor prisons, and limited inspections, including those carried out on the instructions of the Minister of Justice, to deal with specific situations. Decree No. 2003-193 of 3 July 2003 likewise provides that the Prisons Department is responsible for overseeing prisons and monitoring the implementation of custodial sentences.

348. Articles 111 and 112 of Decree No. 69-189 of 14 May 1969 regulating prisons and prescribing implementation procedures for custodial sentences give magistrates, prefects and sub-prefects the power to inspect prisons in their jurisdiction. They require the judge responsible for the enforcement of sentences, the examining magistrate and the juvenile court judge to carry out a prison inspection at least once a month. The public prosecutor carries out quarterly inspections of facilities on the court premises, while the President of the Indictment Division carries out annual inspections. A record of every such inspection

must be compiled and an exemplified copy sent to the Minister of Justice at the Chancellery.

349. Access to prisons by NGOs is another external oversight mechanism that provides a guarantee of compliance with Ivorian and international standards. One such NGO is the International Committee of the Red Cross, whose reports go to the highest authorities, including the President of Côte d'Ivoire. Their status as prison inspectors gives them an oversight role that enables them to provide the relevant authorities with objective information on any issues they encounter.

350. Despite all these instruments and support of many kinds, the prison service is still far from meeting its goals, owing to the gap between the operational resources theoretically available to it and the reality in the different prisons inspected.

351. Members of prison staffs are trained to conduct themselves and to carry out their work in a way that sets a good example to inmates and earns their respect. Thus, article 66 of Decree No. 69-189 of 14 May 1969 regulating prisons and prescribing implementation procedures for custodial sentences forbids them to:

- Act violently towards inmates or address them insultingly or in coarse or familiar language;
- Eat, drink or converse familiarly with inmates or with their family members, friends or visitors;
- Smoke inside the prison or be seen there in a state of intoxication;
- Employ inmates for their own purposes or request assistance from them in their work;
- Accept any gift, loan or benefit whatever from inmates or their relatives or friends;
- Undertake any commission or buy or sell anything on their behalf;
- Facilitate or tolerate any correspondence or method of irregular communication by inmates with one another or with persons outside, or the introduction of any object except in the circumstances and conditions strictly provided for in the regulations;
- Engage directly or indirectly with inmates to influence their defence or choice of counsel.

352. The Ivorian Criminal Code was instituted by Act No. 81-640 of 31 July 1981. Several articles in the Code deal with the legal situation of minors and with the penalties for crimes and offences committed against them.

353. Article 14 deals with the criminal responsibility of minors. It states that "anyone aged under 18 at the time of the offence" is a minor for the purposes of criminal law.

354. Article 116 clarifies criminal responsibility by stipulating that "acts committed by a minor aged under 10 cannot be categorized or prosecuted as crimes", that "minors aged 13, if found guilty, will automatically be entitled to exculpation on the grounds of minority", that "minors aged 10 to 13 cannot be subject to any measures other than those of protection, assistance, oversight and education as provided by law", that "minority as an extenuating or exculpating factor shall benefit minors aged from 16 to 18 under the conditions prescribed by the Criminal Procedure Code" and, lastly, that "in respect of crimes and offences, minority as grounds for exculpation shall produce the effects prescribed by article 114" of the Criminal Code.

355. Article 114 states that "when an extenuating circumstance is established, the main penalties incurred shall be reduced as follows: the death penalty shall be replaced by 5 to 20 years' imprisonment, life imprisonment shall be replaced by a prison term of 1 to 10 years,

time-limited criminal imprisonment shall be replaced by a prison term of 6 months to 5 years, and correctional imprisonment shall be replaced by a prison term of 10 days to 6 months”.

356. Articles 756 ff. of the Criminal Procedure Code set out the rules applicable to juvenile delinquents. Article 756 provides that “minors aged under 18 accused of an infraction categorized as a crime or offence shall not be sent before the ordinary criminal courts and may only be tried by the juvenile courts or the juvenile assize court”.

357. Infractions committed by minors fall within the exclusive purview of the different juvenile jurisdictions, including juvenile court judges. These must seek to understand the personalities of the minors who come before them in order to apply the re-education and socio-occupational rehabilitation measures best suited to them. In the interests of children, the law affirms the primacy of these alternative measures over custodial sentences. Here again, committal measures against minors are disallowed. Judgements against them can be expunged from their criminal record.

358. Where preliminary inquiries conducted by the judicial police are concerned, the Ivorian Criminal Procedure Code does not contain specific provisions for minors. Nor does it make any provision for extrajudicial methods of dealing with minor offences committed by juvenile delinquents. Nonetheless, a special judicial police division called the Minors Brigade has been set up in Abidjan to deal with cases involving minors, but this brigade does not have exclusive competence.

359. Minors in prison are held communally. Minors and adults must be separated as completely as possible. They have special sleeping, eating and clothing arrangements prescribed by an order of the Minister of Justice.

360. Minors are subject to a special regime in which education features prominently and which is designed to prevent idleness. They are accordingly required to undertake school or vocational training activities appropriate to their age and educational level. Rest times are devoted to sport or organized leisure.

361. Minors must spend as much time in the open air as weather conditions and operational requirements permit. However, solitary confinement can be ordered for them as a disciplinary measure under articles 52, 53 and 54, with maximum cell times being halved in their case.

362. Direct supervision is the task of specialized educators who guide their activities and observe their behaviour so that they can report to the juvenile court judge. As of September 2012, some fifteen detention centres out of a total of 33 had social workers of this kind on hand. In view of the positive results attributed to this initiative, the authorities now wish to create this post in all the country’s detention and correctional centres.

Application of United Nations rules on the treatment of prisoners

The Standard Minimum Rules for the Treatment of Prisoners

363. Overcrowding is the predominant characteristic of the country’s detention and correctional facilities. The treatment of women and minors there does not meet international standards.

364. Women’s special hygiene needs are not taken into account and there are no special facilities for pregnant and nursing women. The same holds true for minors deprived of liberty, as they are not completely separated from adults in most establishments.

365. The problems affecting the prison system also include malnutrition and a lack of health-care facilities, resulting in high mortality rates among prisoners.

366. The Government is working with the support of the International Committee of the Red Cross and other international organizations to find responses to these issues.

The Standard Minimum Rules for the Administration of Juvenile Justice

367. International agreements and national legislation stipulating that juveniles on remand and in prison are to be kept separate from adults are partially complied with.

368. Decree No. 69-189 of 14 May 1969 regulating prisons and prescribing implementation procedures for custodial sentences also stipulates that minors are to be held apart from adults insofar as the layout of the premises permits this.

369. The provisions requiring that juveniles should be able to follow the school or vocational training activities appropriate to their age are not fully complied with because only a few establishments have classrooms set aside for this.

Article 11

Imprisonment for inability to fulfil a contractual obligation

370. Côte d'Ivoire complies with the principle that no one should be deprived of liberty because they are unable to fulfil certain contractual obligations.

371. Nonetheless, article 401 of the Ivorian Criminal Code prescribes a term of imprisonment for any person who misappropriates, dissipates or destroys money, goods, banknotes, receipts or any other documents containing or effecting obligations or discharges to the detriment of the owner, possessor or keeper of the effects when these have been entrusted to that person only for safekeeping or by way of rental, proxy or security or under a hiring contract or for the purposes of paid or unpaid work, on condition that they should be returned or accounted for or put to a particular use or employment.

Article 12

Liberty of movement

372. People's right to liberty of movement and freedom to choose their place of residence is guaranteed by the Constitution. These freedoms may be limited only by law with a view to preventing offences, promoting social and economic development, ensuring properly planned and disciplined urban growth and protecting public property.

373. Liberty of movement is guaranteed in Côte d'Ivoire not only by the Constitution but also by a number of international instruments to which Côte d'Ivoire is a party. These include the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.

374. The Economic Community of West African States (ECOWAS) and West African Economic and Monetary Union treaties also establish the principle of free movement for goods and persons. This liberty of movement is restricted to holders of certain official documents. In Côte d'Ivoire, these are the national identity card for Ivorians travelling within the country's borders and a passport for those travelling beyond them.

Conditions for the issue of travel documents

375. Among foreigners, a distinction must be made between nationals of ECOWAS member States and others. The former can travel in Côte d'Ivoire on identity cards issued by their State or their consulate in Côte d'Ivoire. All others must hold a passport, and if their stay exceeds three months they must have a resident's card.

376. Until 1990, there were no particular obstacles to liberty of movement in Côte d'Ivoire. From that year, with the introduction of residence permits, all kinds of obstacles began to appear as identity checks proliferated on major highways with all the associated abuses, including discrimination on the basis of names and physical appearance.

377. The situation worsened in September 2002 because of the war, with roadblocks multiplying to as many as 120 at times between Abidjan and Pogo, a distance of 600 km.

378. The authorities took vigorous measures at the end of the war, reducing the number of roadblocks to 33 in the whole country.

379. To counter the illegal road blocks and road closures that were restricting liberty of movement, the military police was reactivated and special arrangements were implemented to deal with these scourges.

Restrictions on liberty of movement

380. Restrictions on liberty of movement can be applied by court rulings and by the administrative authorities in the interests of the nation's economic and social development.

381. The Criminal Code prescribes some penalties and security measures that restrict liberty. These are banning orders (*interdiction de paraître en certains lieux*) and banishment orders (*interdiction de séjour*), imposed as security measures.

382. Under articles 78 and 79 of the Criminal Code, a judge may issue a banning order prohibiting a person convicted of a crime or offence from returning to the place where his or her presence would be a threat to public order, in consideration of the seriousness of the crime or offence and the danger that person represents. This prohibition may not exceed 10 years for any act classed as an offence (*délit*).

383. A banishment order consists, according to article 80 of the Criminal Code, in convicted persons being prohibited from visiting a list of places officially notified to them. This involves the application of identification and surveillance measures prescribed by decree. In all cases, the ruling may additionally order surveillance and attendance measures as prescribed by articles 88 and 89 of the Code.

384. The judge may issue a banishment order in any case where the accused is convicted of a crime. In the case of offences, banishment orders are issued in the cases and under the conditions prescribed by a special provision of the law.

385. Banishment orders apply from the day on which the judgement under which they are issued becomes final. Their duration is from 5 to 20 years for acts classed as crimes and from 2 to 5 years for acts classed as offences.

386. In all cases where a judgement is made against a foreigner or stateless person, the judge may debar that person from entering any part of Côte d'Ivoire. The duration of the ban is from 5 to 20 years for acts classed as crimes and from 2 to 5 years for acts classed as offences.

387. The judge may debar any foreigner or stateless person who represents a threat to public order from entering Côte d'Ivoire in the event of acquittal or non-suit for one of the causes stipulated by article 105 of the Criminal Code.

388. If the order cannot be implemented, or until it becomes possible to implement, the entry ban is replaced by confinement in a care home.

Article 13

The rights of aliens

389. Throughout its history, Côte d'Ivoire has welcomed, succoured and given asylum to people fleeing oppression and violence.

390. Following the outbreak of the Liberian war on 26 December 1989, Côte d'Ivoire had to cope with a massive influx of refugees escaping the horrors of that armed conflict.

391. A remarkable example of this in the recent past was the reception of thousands of Liberian refugees after the Liberian war broke out on 20 December 1989.

392. The welcome given to these Liberians, prompted essentially by the legendary hospitality of the Ivorian people, was subsequently formalized by the international conventions on the status of refugees signed by the State of Côte d'Ivoire. In view of this welcoming stance, the Office of the United Nations High Commissioner for Refugees signed a host State agreement with the Ivorian Government on 28 February 1992. The agreement reaffirms the responsibility of the State of Côte d'Ivoire to protect refugees with the support of the Office of the High Commissioner. It was in this perspective that the Ivorian Government set up the National Coordination Committee for the Assistance of Liberian Refugees in 1992, this being subsequently turned by Decree No. 2000-84 of 16 February 2000 into the Department of Aid and Assistance to Refugees and Stateless Persons.

393. The Constitution guarantees the fundamental rights and freedoms of foreigners, with certain restrictions on these rights and freedoms as allowed by international law.

394. In addition to the legal instruments cited, Côte d'Ivoire operates in accordance with national refugee protection laws.

395. Article 12 of the Ivorian Constitution of August 2000 states: "Anyone persecuted because of their political, religious or philosophical beliefs or their ethnicity is entitled to asylum in the Republic of Côte d'Ivoire, provided they obey the laws of the country."

396. The statutes of 16 January 2001 on the identification of foreigners and their presence in Côte d'Ivoire, as amended in 2004 and 2005, provide the basis for the protection of refugees pending the adoption of a national asylum law.

397. Individual recognition is the procedure generally applied to individuals wishing to benefit from the right to asylum in Côte d'Ivoire. Any written request that a person makes to the Republic of Côte d'Ivoire for protection from persecution that he or she has suffered and is still threatened by in his or her home country constitutes an asylum application.

398. Asylum encompasses the status, protection and assistance provided within Côte d'Ivoire to persons whose situation is that of a refugee or asylum seeker.

The conditions for expulsion

399. A foreigner may be expelled from Côte d'Ivoire for non-compliance with the rules applicable to foreigners entering and remaining in the country, or if there is a serious threat to national security.

400. The decision to expel foreigners from Côte d'Ivoire is one for the Ministry of the Interior.

401. In February 2009, the managing director of a telephony firm was expelled from Côte d'Ivoire by Order No. 161/MI/CAB signed by the then Minister of the Interior. This measure was reversed by Order No. 075/MEMI/CAB of 19 January 2012.

The situation of displaced persons in Côte d'Ivoire

402. The various political and military crises that have occurred in Côte d'Ivoire have led to major population movements both within the country and beyond its borders.

403. The failed coup d'état of September 2002 led to massive shifts of populations away from their normal areas of residence.

404. International organizations have put the number of persons who were internally displaced at 500,000. The great majority lived in host communities in the Government-controlled south of the country (United Nations Office for the Coordination of Humanitarian Affairs in Côte d'Ivoire, 11 August 2005) and in camps at Guiglo, Yamoussoukro and the Catholic mission of Duékoué.

405. The violence that followed the presidential election in Côte d'Ivoire in November 2010 displaced hundreds of thousands of people. By the time the crisis reached its height, in 2011, about 200,000 men, women and children had sought asylum in 13 neighbouring countries, with Liberia, Ghana and Togo taking in the largest numbers. In addition, about a million people are estimated to have been displaced within Côte d'Ivoire. The situation improved considerably after April 2011, when the new President took office and a new Government was formed.

406. To help refugees return to Côte d'Ivoire, in August 2011 the Office of the United Nations High Commissioner for Refugees concluded a tripartite agreement with the Governments of Côte d'Ivoire and Liberia, thus creating the legal framework and procedures for the repatriation of Ivorian refugees in Liberia who freely consented to this. A similar agreement was concluded with the Ghanaian authorities in October 2011.

407. Within Côte d'Ivoire itself, most internally displaced persons were able to return to their homes and attempt to rebuild their lives. However, tens of thousands have yet to find lasting solutions to their displacement.

408. Lack of security, humanitarian needs and access to land are the main obstacles to the return of displaced persons in the west of the country, where ongoing land disputes are perpetuating displacement and feeding ethnic tensions. Other major difficulties stand in the way of internally displaced persons' desire to resume a normal life: food insecurity, limited access to health, education and housing services and gender-based sexual violence.

409. Another factor is the inadequacy of the financial resources available to implement the different projects and programmes devised for the rehabilitation and/or reintegration of internally displaced persons.

Responses to internal population displacement

410. In October 2011, the Ministry of Employment, Social Affairs and Solidarity, which is responsible for coordination with humanitarian organizations, set up a National Humanitarian Action Coordination Committee bringing together a number of ministries, NGOs and United Nations agencies. In this cooperative framework, humanitarian actors developed a strategy to enable internally displaced persons to return on a voluntary, sustainable basis, and this was validated by the Government in November 2011.

411. The restoration of State authority and security throughout the country, together with the restoration of basic social services and the promotion of income-generating activities, constitute responses to the return and reintegration difficulties of internally displaced persons.

412. In addition, government programmes were put in place for displaced persons. Under the President's Emergency Plan, about 380 water pumps in villages taking in returning displaced persons were repaired during the first half of 2012. The Government provided

this distressed population with financial and material assistance. It even contributed to the rebuilding of 1,000 dwellings with technical support from a humanitarian agency, Care.

413. Following the incidents triggered by the closure of the Nahibly camp, populations have benefited from government food and non-food donations and from financial support totalling CFAF 70 million.

414. The Government has made a substantial effort on behalf of internally displaced persons in the Lagunes region by providing a fund of CFAF 50 million to initiate a huge return operation, acting once again in collaboration with humanitarian agencies.

415. The Government is also benefiting from various programmes put in place by the international community to assist with reintegration into communities in certain parts of the country, especially the west.

416. These combined actions have produced tangible results. Whereas in May 2011 there were an estimated 80,000 internally displaced persons on 118 sites, there are now no displaced persons on these sites.

Internally displaced persons (IDPs) on sites as of mid-April 2012

<i>Region</i>	<i>Number of families</i>	<i>IDPs on sites</i>	<i>Number of sites</i>
Moyen-Cavally	1 070	5 301	2
Lagunes-Abidjan	83	325	7
Overall total	1 153	5 626	9

Source: Ministry of Solidarity, the Family, Women and Children.

Persons living on sites in the west as of June 2012

<i>Department</i>	<i>Name of site</i>	<i>Families</i>	<i>IDPs</i>
Duékoué	Catholic mission	163	739
	Nahibly	907	4 562
Total		1 070	5 301

Source: Ministry of Solidarity, the Family, Women and Children.

Article 14

The judicial system

417. The organization of the judicial machinery in Côte d'Ivoire is based on Act No. 61-155 of 18 May 1961 as amended and completed by Acts Nos. 64-227 of 14 June 1964, 97-399 of 11 July 1997, 98-744 of 23 December 1998 and 99-435 of 6 July 1999.

418. The Government plans to revise this law to bring it into line with the provisions of the 2000 Constitution, which creates three supreme courts, the Court of Cassation, the Council of State and the Revenue Court, to replace the different chambers of the Supreme Court. These new courts are not yet operational.

The appointment of magistrates

419. Under article 106 of the Constitution of 1 August 2000, it is the responsibility of the Higher Council of the Magistracy to appoint and discipline magistrates.

420. As prescribed by article 105 of the Constitution, the members of the Higher Council of the Magistracy are:

- The President of the Court of Cassation, who is automatically its deputy chairperson;
- The President of the Council of State;
- The President of the Revenue Court;
- The public prosecutor at the Court of Cassation;
- Six figures from outside the magistracy, including three full members and three alternate members, half appointed by the President of Côte d'Ivoire and half by the President of the National Assembly;
- Three magistrates from the bench, comprising two full members and one alternate member, and three magistrates from the public prosecution service, comprising two full members and one alternate member, nominated by their peers. These magistrates may not take their places in the Council when its deliberations concern them.

421. Pending establishment of the new supreme courts, the Higher Council of the Magistracy is operating under existing laws and regulations, as per article 130 of the Constitution.

422. Thus, article 5 of the law establishing the status of the magistracy provides that appointments to the different positions in the two grades of the judicial hierarchy are to be made by decree at the instigation of the Minister of Justice, while magistrates are to be appointed to the bench after consultation with the Higher Council of the Magistracy.

The representation of women as members of the judiciary, court officers and members of the legal profession

Women magistrates

<i>Position</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Magistrates	473	151	624

Source: Department of Legal Services, Human Resources Section (Ministry of Justice, Human Rights and Public Freedoms).

Women clerks of the court

<i>Position</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Judicial services administrators	2	25	27
Judicial services assistants	21	104	125
Judicial services secretaries	59	259	318
Registry and prosecution services assistants	123	301	424
Total	205	689	894

Source: Department of Legal Services, Human Resources Section (Ministry of Justice, Human Rights and Public Freedoms).

Female prison staff

Position	Female	Total
Prison assistants	18	64
Prison monitors	33	111
Prison supervisory staff	213	849
Governors	2	10
Total	266	1 034

Source: Department of Legal Services, Human Resources Section (Ministry of Justice, Human Rights and Public Freedoms).

Female representation in the legal professions

Profession	Total	Male	Female	Women (%)	Notes
Notaries	200	80	120	60	
Legal consultants	108	88	20	18.5	
Bailiffs	388	343	45	11.59	
Auctioneers	32	19	13	40.62	
Agents	469	441	28	5.97	
Lawyers	508	379	129	25.39	

Source: Department of Legal Services, Human Resources Section (Ministry of Justice, Human Rights and Public Freedoms).

The law establishing the status of the magistracy

423. Magistrates are governed by Act No. 78-662 of 4 August 1978 establishing the status of the magistracy, as amended by Act No. 94-437 of 16 August 1994 and Act No. 94-498 of 6 September 1994. Article 1 stipulates that “the judiciary comprises: magistrates of the Supreme Court, of the bench and public prosecution services of the appeal courts and lower courts, and magistrates employed in the central administration of the Ministry of Justice. It also includes legal assistants”.

424. The retirement of magistrates is governed by Act No. 94-440 of 16 August 1994 determining the composition, organization, powers and operation of the Supreme Court, as amended and completed by Act No. 97-243 of 25 April 1997, and by the law establishing the status of the magistracy.

425. Article 12 of the Supreme Court Act provides that “vice-presidents, judges, public prosecutors and prosecuting counsel shall discontinue their functions upon reaching the age of 65”.

426. Article 63 of the law establishing the status of the magistracy stipulates that “subject to any extensions that may be prescribed by the laws applicable to all public officials, the age limit is set at 65 for magistrates of the highest grade and 60 for other magistrates”.

427. The Government is currently taking steps to consolidate the independence prescribed for magistrates by the Constitution and to improve their working conditions.

The irremovability of magistrates

428. Under article 103 of the Constitution, magistrates are subject only to the authority of the law in the performance of their functions.

429. Magistrates on the bench are independent and irremovable. Their career progression and discipline are a matter for the Higher Council of the Magistracy. Magistrates in the public prosecution service are subject to the administrative hierarchy. Their careers and discipline are a matter for the Minister of Justice.

430. The principle of irremovability applying to magistrates on the bench, the purpose of which is to enhance the independence of the justice system, means that they cannot be reassigned or promoted without their consent.

431. Efforts are made to apply this provision despite the administrative, sociological, material and political obstacles.

Promotion for magistrates

432. Magistrates are promoted on the basis of evaluation and assessment.

433. Magistrates are evaluated in accordance with a scale given on the assessment form at the end of the judicial year by the court Presidents whom they come under. These are:

- The senior Presidents of courts of appeal and court Presidents in the case of magistrates on the bench;
- The public prosecutors of the lower and appeal courts in the case of public prosecution service magistrates.

434. Some magistrates consider that this method of evaluation lacks credibility and have requested the introduction of a procedure based on objective criteria.

The disciplinary regime for magistrates

435. The disciplinary regime for magistrates is regulated by articles 35 ff. of the law establishing the status of the magistracy.

436. Any misconduct by magistrates or breach of decency, dignity or the proprieties of their office is a disciplinary offence that will be appraised by a member of the public prosecution service in the light of the obligations deriving from the magistrate's hierarchical status.

437. The disciplinary sanctions applicable to magistrates are: a reprimand that will stand against their name on the Bar roll, compulsory reassignment, debarment from promotion, withdrawal from certain functions, relegation in step, demotion, compulsory retirement or discontinuation of functions when they are not entitled to a retirement pension, and dismissal with or without loss of pension rights.

438. A disciplinary offence may not give rise to more than one of these penalties, except that relegation in step and demotion may be combined with compulsory reassignment.

439. Apart from any disciplinary action, public prosecutors and senior Presidents of courts of appeal have the power to give warnings to magistrates placed under their authority.

Corruption

440. Magistrates are very often accused of corruption. Successive Governments in Côte d'Ivoire have always striven to curb this within the judiciary.

441. In October 2012, disciplinary proceedings were brought against eight magistrates, six of them from the public prosecution service and two from the bench, for abuse of authority, abandonment of post, corruption and extortion.

442. The magistrates concerned, according to the Government, “are suspended from their duties pending a final decision on the disciplinary actions in progress”.

Organization and functioning of the Bar

443. The Bar Association comprises the chairperson and 14 members elected every two years by the General Assembly of Lawyers. It represents all members of the Bar. The Association has 14 members.

444. The Bar Association is required by law to uphold the honour of the Bar and enforce its code of ethics. The Association exercises regulatory and administrative functions and disciplinary functions.

445. The regulatory and administrative functions of the Association include arranging placements and professional training for lawyers, prescribing their ethical rules, arranging assistance for the most destitute of them and determining whether a lawyer is to be registered on the Bar roll or some other register. In the disciplinary area, it is the Association that judges and punishes any misconduct by lawyers, with proceedings being initiated by its chairperson.

446. On the initiative of its chairperson, the Bar Association also deals with numerous issues relating to the legal profession and its organization, administration and future, but also with justice as a public service, safeguards for human rights and respect for fundamental freedoms. The Association meets once a week.

447. At the head of the Association is the chairperson, who is elected every two years by the General Assembly of Lawyers. The chairperson runs and represents the Association, chairing both the Bar Association and the General Assembly of Lawyers.

448. The chairperson is responsible for the day-to-day management of the Association. He or she advises lawyers on difficulties they may encounter in their professional lives, deals with any incidents that may arise between them and intervenes in any disputes they may have with the courts. He or she receives and considers any complaints against lawyers and refers them to the disciplinary board when appropriate.

449. The Bar always arranges for legal aid to be provided when requested. Lawyers who fail to provide legal aid without a valid reason are liable to be brought before the disciplinary board. However, non-payment for services by the public treasury may constitute a justification for lawyers refusing to take up cases assigned to them.

450. Lawyers are based in Abidjan. It is difficult for them to operate in the rest of the country, where there is very little business capable of providing them with a decent livelihood. What might be an option for the Bar would be to open a secondary practice in certain towns for lawyers who already have clients there.

Special jurisdictions

1. The Abidjan Military Tribunal

451. There is only one military tribunal in Côte d'Ivoire. This is a special court for members of the Armed Forces whose prosecuting magistrate and four jurors are also military personnel. Only the President is a civilian magistrate, seconded from the Abidjan Court of Appeal.

452. The tribunal operates broadly as an assize court, following an adversarial rather than an inquisitorial procedure.

453. In peacetime it is competent, when the accused are all military personnel, to try:

- Military offences defined by the Criminal Code when they are unconnected with any infractions falling within the purview of other courts;
- National security offences;
- Any offence committed either during service or whilst in service (this does not apply to non-military offences committed by the military personnel of the gendarmerie while discharging their functions as a civilian judicial police force or administrative police force), or whilst maintaining order, or within a military establishment.

454. If even one civilian is suspected of having committed an infraction with a group of military personnel, the ordinary courts will have exclusive competence.

455. In wartime, this rule is reversed and the military tribunal becomes competent to try civilians, even when no military personnel are involved. The military tribunal becomes a court of first and last instance: no appeal is possible against its rulings, as with assize court judgements.

2. *Commercial courts*

456. A commercial court is a tribunal that specializes in settling commercial disputes. Commercial courts were created by Decision No. 01/PR of 11 January 2012 of the President of Côte d'Ivoire. A commercial court is a tribunal that specializes in settling commercial disputes.

457. Professional judges (career magistrates) and commercial court judges sit on these courts. Commercial court judges are chosen from a candidate list compiled by the Chamber of Commerce and Industry after consultation with legally constituted business associations and chambers of trade.

458. Cases are tried by full commercial court judges and alternate commercial court judges, appointed for three years with the possibility of renewal.

459. At present, there is just one commercial court, the Abidjan Commercial Court, created by Decree No. 2012-628 of 6 July 2012. It formally reopened proceedings on Monday 1 October 2012.

The right of free and equal access to justice

460. Free and equal access to justice is guaranteed by article 20 of the Constitution, article 21 of which also forbids arbitrary arrest and detention, while article 22 affirms the presumption of innocence. Article 27 of the Civil, Commercial and Administrative Procedure Code makes provision for those who cannot afford to exercise their legal rights as plaintiffs or defendants to do so without cost to them.

461. In Côte d'Ivoire, the issue of access to justice raises a twofold concern: access from the geographical point of view, i.e., the distance between the courts and potential users, and access from the point of view of cost. There is also the matter of structural accessibility.

462. On the first point, the Ivorian Government, in its concern to make the justice system more accessible to citizens, has initiated a programme to create new courts. Justice is currently dispensed by 25 court divisions, 8 courts of first instance, 3 appeal courts and the Supreme Court. Conscious of the need to improve the effectiveness of its judicial system, the Ivorian Government has taken numerous measures to improve the capabilities of those

working in it, and is open to any cooperation and to support from the international community to diversify and expand these measures so that they have a greater impact.

463. Existing facilities do not cater to the needs of a certain category of user, namely people with disabilities, whose rights are not adequately guaranteed. It is very difficult for the deaf, the blind and the physically disabled to participate in court proceedings.

464. On the second point, legal aid is provided and court fees are waived for those who cannot afford them, after examination of their case. Pleadings and court fees are expensive. They are unaffordable even for many citizens living above the poverty line. Vulnerable persons — the unemployed, prisoners and children — are entitled to legal aid from the State. The State has an obligation to provide them with a lawyer free of charge in their own interests and the interests of justice.

465. It must be said that citizens rarely benefit from this assistance, owing to ignorance of the aid available and the cumbersome and complex procedure involved.

466. Legal aid could benefit more citizens in the wake of a reform aimed ultimately at creating local legal aid bureaux in each jurisdiction, with the central bureau at the Ministry of Justice henceforth dealing only with appeals.

The right to a fair hearing

467. The right to a fair hearing is supported by general guarantees and particular guarantees. The general guarantees are based on the independence and impartiality of justice.

468. In the first place, independence, which is the cornerstone of the rule of law, guarantees a fair hearing in court proceedings. This principle is enshrined in articles 101 and 103 of the 2000 Constitution, which provide, respectively, that “the judiciary is independent of the executive and the legislature” (art. 101) and that “magistrates are subject in the exercise of their functions only to the authority of the law...” (art. 103).

469. Then, impartiality is guaranteed by the legal mechanisms available to participants in court proceedings, in particular the right of challenge (Criminal Procedure Code, arts. 637 to 643, and Civil, Commercial and Administrative Procedure Code, arts. 128 ff.) and the reasonable suspicion provision (Criminal Procedure Code, art. 631).

470. The particular guarantees of the right to a fair hearing are respect for the rights of defendants and the presumption of innocence.

471. Respect for the rights of defendants relies on the recognition that those going to trial are entitled to the assistance of a defence lawyer and an interpreter from the preliminary investigation (in criminal proceedings) onward. The services of an interpreter are provided free of charge. In case of need, the prosecuting authorities will request one and make him or her available to the person being prosecuted.

472. The presumption of innocence is enshrined in article 22 of the Constitution of 1 August 2000 as an inviolable principle and is applied at every stage of criminal proceedings.

473. Proceedings must be conducted within a reasonable period of time, taking into account the specifics of each situation.

474. Article 597 of Act No. 69-371 of 12 August 1969 amending the Criminal Procedure Code makes provision for trials in absentia.

475. When, following an indictment, accuseds cannot be taken into custody or fails to present themselves within 10 days of the summons being served at their home, or absconds

after presenting themselves or being taken into custody, the judicial authorities will issue an ordinance requiring them to present themselves within a further period of 10 days.

476. This ordinance will be published within eight days in one of the newspapers of Côte d'Ivoire and posted on the door of the accused's home, the town hall of the accused's commune or the offices of the sub-prefecture, and the courtroom of the assize court. The public prosecutor will notify the ordinance to the property registrar of the absconder's home district.

477. After an interval of 10 days, the accused will be tried in absentia. No defence lawyer may represent the absconding defendant. However, when accuseds are unavoidably prevented from obeying the summons contained in the ordinance, their relatives or friends may present their excuse. If the court accepts the excuse, it will order a stay of proceedings and, where appropriate, sequestration of the accused's property for a period of time to be determined in view of the nature of the excuse and the geographical distance involved.

478. In all other cases, the order referring the case to the assize court will be read, together with the formal notification of the ordinance requiring the absconder to appear and the records confirming the publication and posting of the ordinance. Following this reading and the case made by the public prosecutor, the court will issue its verdict in absentia.

479. If any of the formalities prescribed above is omitted, the court will declare the in absentia procedure null and void and order it to be resumed from the first illegal act. Otherwise, the court will reach a verdict without the assistance of assessors, and may not grant the benefit of extenuating circumstances to the absconding accused in the event of a conviction. The court will then rule on civil damages.

480. The property of accuseds convicted in absentia, if it has not been confiscated, is kept in escrow and the escrow account is made over to the legal owner once the conviction has become irrevocable by expiration of the time period allowed for the accused to appear for trial in person after the in absentia conviction.

481. An extract of the sentence is published in the newspapers of Côte d'Ivoire and also posted on the door of the absconder's last home, the town hall of the commune or subdivision where the crime was committed, and the courtroom of the assize court. It is also sent to the property registrar of the absconder's home area.

482. Once the notification measures prescribed above have been taken, the convicted person becomes subject to all the disqualifications prescribed by law.

483. Persons convicted in absentia have no right of appeal.

Compensation in the event of a miscarriage of justice

484. Ivorian legislation makes no provision for compensation in the event of a miscarriage of justice.

Double jeopardy

485. The principle of freedom from double jeopardy exists in the Ivorian Criminal Code, article 120 of which stipulates that "no one may be prosecuted twice for the same cause of action", and this principle is applied by the courts.

Article 15

Non-retroactivity of the law

486. The Constitution and the relevant legislation guarantee that “no one may be held guilty of any criminal offence because of an act or omission which did not constitute a criminal offence at the time it was committed. Nor shall a heavier penalty be imposed than that applicable at the time the criminal offence was committed”.

487. The first paragraph of article 21 of the Constitution of Côte d’Ivoire reads: “No one may be prosecuted, arrested, held in custody or charged except by virtue of a law enacted prior to the actions of which they are accused.”

488. Article 13 of the Ivorian Criminal Code provides that “the judge may not treat as an infringement and punish any action that is not legally defined and punishable as such. The judge may not order any penalties or detention measures other than those prescribed by law for the infringement identified. Application by analogy of a provision of the criminal law to an action for which it does not provide is forbidden”.

Article 16

The right to recognition as a person before the law

489. The Constitution and the relevant provisions of the Civil Code guarantee all human beings the right to recognition as a person before the law.

490. Recognition as a person before the law involves individualization, which occurs when a person is given a surname and first name and these are then declared to the civil registry.

491. The civil registry is regulated by legislation, regulations and circulars, including:

- Act No. 64-374 of 7 October 1964: this is the basic legislation governing civil registration in Côte d’Ivoire, as it standardized the rules applying to the country’s citizens. It organized the civil registry into a public service whose day-to-day operation is the responsibility of the administrative authorities, overseen by the judiciary;
- Act No. 85-578 of 29 July 1985 amending Act No. 80-1180 of 17 October 1980 on municipal organization, which involved the communes in the management of civil registries;
- Act No. 83-799 of 2 August 1983 amending Act No. 64-374 of 7 October 1964;
- Decree No. 2004-28 of 15 January 2004 amending Decree No. 2001-103 of 15 February 2001 establishing the National Identity Office;
- Decision No. 2007-14/PR of 21 September 2007 establishing special arrangements for mobile court hearings.

492. The day-to-day running of the civil registry service is the responsibility of the administrative authorities, overseen by the judiciary.

Rules on the registration of births and access to a personal identity document

493. The Civil Code provides for two methods of registering births: the ordinary procedure and the so-called late registration procedure. With the former, births are declared to the civil registry within three months. The applicant presents a number of documents and then receives a birth certificate from the registrar.

494. The so-called late registration procedure applies when the declaration is made after the legally prescribed 90-day deadline. The applicant must then seek a court ruling that serves in place of a birth certificate, something that involves a fairly complex and costly judicial procedure.

495. When a large number of people are affected by this situation, it is possible to hold mobile hearings in their local area presided over by a visiting magistrate who applies the law. These hearings can be held for anyone born in Côte d'Ivoire who is aged 13 or over and whose birth has never been declared. They are free of charge, but are not intended for citizens whose civil registry records have been destroyed. The procedure for reconstituting such records will be carried out alongside the mobile hearings.

496. Registration at birth is the declaration of a child's birth, which can be carried out through any branch of the public administration by officially recording it in the registers of the civil registry service. A permanent document, the birth certificate, can then be obtained to attest to the person's existence for legal purposes.

497. Despite all these legal provisions, a large number of children in Côte d'Ivoire do not have birth certificates.

498. This situation can be due to:

- A lack of secondary registration centres in villages far from sub-prefectures;
- A lack of motivation among certain civil registry employees seconded to secondary registration centres;
- Poor record-keeping at certain secondary registration centres;
- A failure by the State to provide civil registries regularly with office supplies and equipment (registers, forms, stamps, typewriters, etc.);
- The absence of the competent administrative authorities from areas formerly occupied by the Forces nouvelles;
- The distance of registration centres from populations, particularly in rural areas;
- The lack of human resources and equipment at civil registries hinders the proper running of their activities, preventing them from providing the public with a reliable, high-quality service that lives up to their expectations;
- Parents' ignorance and neglect: declaring their children's birth is not a priority for some parents, while others are unaware of the procedure and where it can be carried out;
- The rising costs entailed in declaring births for households that do not live in the administrative centres of sub-prefectures or in villages where secondary registration centres have been set up.

499. These problems have contributed greatly to the rise in the proportion of children without birth certificates.

500. According to the MICS 2006 findings, the political and military crisis led to a decline from 72 per cent to 55 per cent in the proportion of births declared in Côte d'Ivoire. This proportion is 79 per cent in urban areas and 40 per cent in rural ones.

501. To deal with this problem, in 2008 the Government implemented a project to modernize the civil registry service with the goal of:

- Making the civil registry service more accessible to the population;
- Improving the quality of civil registry services;

- Computerizing civil registries;
- Making civil registry services more secure;
- Registering the whole population with the civil registry service;
- Creating a national civil registration databank.

502. The Government is also emphasizing the use of capacity-building seminars to train those involved in operating civil registries, namely the prefectural authorities, the judiciary and civil registry personnel.

Article 17

The right to privacy

503. The Constitution and current laws protect privacy in Côte d'Ivoire. Thus, article 4 of the Ivorian Constitution provides that the home is inviolable, and this principle can only be disregarded or restricted by the operation of the law. Articles 384 and 385 of the Criminal Code prescribe the penalties for unlawful entry (6 days to 2 months) and interference with correspondence (1 month to 1 year).

504. Slanderous accusations are punishable under article 382 of the Criminal Code, particularly when the intention is to impugn a person's honour and reputation.

The confidentiality of correspondence and other forms of communication

505. Article 34 of the Telecommunications Code provides that anyone involved in implementing a telecommunications service who violates the confidentiality of correspondence or discloses, publishes or uses the content of correspondence without the sender's or recipient's permission is subject to the penalties laid down in article 385 of the Criminal Code.

Home searches

506. The Civil Procedure Code lays down the rules for home searches. It provides that examining magistrates may visit the scene of a crime or offence to effect all the relevant inquiries or carry out searches. They must notify the public prosecutor, who is entitled to accompany them. Examining magistrates are always assisted by a clerk, who prepares a report on their operations.

507. If the investigation requires it, examining magistrates, after first notifying the public prosecutor of their own court, may travel with their clerk into the jurisdictions of the different courts of Côte d'Ivoire to carry out such inquiries as may be necessary, subject to their first notifying the public prosecutor of the court into whose jurisdiction they are travelling. The reasons for the visit are to be given in the report.

508. Searches are carried out wherever objects whose discovery would help bring the truth to light might be located.

509. If an accused's home is searched, the examining magistrate, subject to the provisions herein regarding professional confidentiality and the rights of the defence, will carry out the search in the presence of the person whose home is being searched.

510. If this cannot be done, examining magistrates must invite that person to nominate a representative of their choice, failing which the magistrates themselves will choose and call in two witnesses, who may not be persons coming under their own administrative authority. These persons will sign the record of such operations, compiled in accordance with the present provisions. Refusal to do so will be noted in the record.

511. Unless a complaint is made from within the home, or as otherwise provided by law, home searches and inspections may not commence before 4 a.m. or after 9 p.m. However, inspections, searches and seizures may be conducted at any time of day or night for the purpose of establishing any offence inside any hotel, lodging house, guest house, bar, club, society, dance hall or place of entertainment and annexes to these, or any other place that is open to the public or used by the public.

512. If the search takes place in a home other than the accused's, the person whose home it is must be invited to attend. If that person is unavailable or declines to attend, the search will be carried out with two of his or her blood relatives or relatives by marriage present in the home or, failing this, in the presence of two witnesses. The examining magistrate must follow the procedure set out above.

513. However, the magistrate is first required to order all measures that may be conducive to safeguarding professional confidentiality and the rights of the defence. When documents are to be sought as part of an investigation, the examining magistrate or the judicial police officer instructed by the magistrate must comply with the above obligation where applicable and will be entitled only to peruse the documents before seizing them.

514. The defence and security forces flouted the provisions relating to searches in all the various military and political crises. After the post-election crisis, the Government issued an interministerial circular to put an end to abusive home inspections and searches conducted without any legal justification by the police. The purpose of this government measure was to provide a reminder of the legal provisions that had to be complied with by any law enforcement personnel instructed to carry out a home inspection and/or search.

515. Any communication or disclosure without the permission of the accused or the accused's assigns or of the signatory or addressee of a document obtained by a search to anyone not legally authorized to peruse it is punishable by a fine of between CFAC 50,000 and CFAF 600,000 and a prison term of 3 months to 3 years.

516. The accused, a private plaintiff seeking damages or anyone else claiming rights over an object seized by the court may apply to the examining magistrate for its restitution. If the application is made by the accused or the private plaintiff, it will be notified both to the other party and to the public prosecution service. If it is made by a third party, it will be notified to the accused, the private plaintiff and the public prosecution service.

517. In the court divisions, there is no requirement for notification to be given to the public prosecution service as provided above. Any observations to which notification may give rise must be formulated within three days.

518. The examining magistrate's ruling may be referred to the Indictment Division, upon request, within 10 days of its notification to the interested parties. The investigation may not be delayed thereby. Third parties have the same right as the parties to the case to have their observations considered by the Indictment Division, but they cannot assert a right to benefit from the procedure.

519. Following a non-suit decision, the examining magistrate remains competent to pronounce on the restitution of seized items. The magistrate's rulings may be referred to the Indictment Division as set out above.

Prejudice to honour and reputation

520. A person's honour may be impugned by libel and slander or abuse. The legal measures protecting individuals whose honour or reputation is impugned are contained in the Civil Code (art. 1382) and Act No. 2004-643 of 14 December 2004 establishing the legal regime for the press.

521. The law allows the State to initiate criminal proceedings for libel and slander against public officials. In addition, the State may, at its own discretion or at the request of the plaintiff, convert a civil libel or slander case into a criminal case. Criminal libel or slander is punishable by a prison term of 3 months to 2 years.

522. Persons whose honour has been impugned may seek to establish the civil liability of the perpetrator under article 1382 of the Civil Code. To do so, they must demonstrate a wrongful act, some harm and a causal link.

523. When a person's honour is impugned in the press, news organizations owning newspapers or periodicals are required to pay any financial penalties awarded to the victim.

524. News organizations are required to publish the court's ruling as soon as it is announced. The ruling must be published in full, free of charge, in the first issue of the publication to appear following its announcement, in the same position, on the same page and in the same typeface as was used for the article complained of; or, if the publication has been suspended, it will be published in a newspaper or periodical of the victim's choice at the expense of the news organization against which the case was brought, on penalty of a fine of CFAF 5 million to CFAF 15 million.

525. In addition, anyone impugned in a newspaper or periodical may demand to publish a reply, if they believe that the material published about them is mistaken or defamatory or that it impugns their honour, reputation or dignity. The editor of the publication is required to print the reply of anyone so impugned within three days of receiving it in the case of a newspaper or periodical published daily, and in the next issue in the case of others. The reply must be published in the same position and in the same typeface as the article to which it responds, without any interpolation.

526. These requirements are usually complied with by press publications when they impugn people's honour and reputation.

Article 18

Freedom of thought and religion

527. Article 9 of the Ivorian Constitution enshrines freedom of thought and expression, particularly freedom of conscience and of religious or philosophical opinion.

Freedom of religion

528. Côte d'Ivoire is a secular State and attacks on freedom of religion are forbidden by articles 195 to 201 of the Criminal Code. The Ministry of the Interior has a Department of Religious Affairs to protect the free, plural expression of religious beliefs.

529. In addition, the State provides regular assistance to persons of different faiths making pilgrimages to holy places, in the interests of social cohesion.

530. Religious beliefs can be freely organized and practised within the law. The same is true of philosophical schools of thought. The secular character of the State is respected in the conduct of worship and the expression of beliefs. Those practising religious faiths are entitled to organize and carry on their activities freely within the law.

531. In both urban and rural areas, the Ivorian population follows a number of religions (Christianity, Islam, Harrism, Buddhism, the Bahá'í Faith, animism, etc.). Religious sects and organizations coexist peacefully. The freedom of expression they enjoy means that worship can be carried out at both public and private sites throughout the country.

532. This environment was sometimes disrupted during the political crisis of the past two decades. Political conflicts spilled over into the religious arena with attacks on religious buildings (mosques and churches) and religious figures. The wisdom and maturity of religious leaders kept this violence in check, and it is now a thing of the past.

Legal recognition of faiths

533. The law requires all religious groups to register with the Government. Groups must submit an application to the Ministry of the Interior. The application must include the statutes and internal regulations of the group, a list of its founder members and committee members, the date of creation (or the date on which the founder received the revelation of his or her vocation) and the minutes of the general meeting.

534. The Ministry of the Interior investigates the organization to ensure that the group is not harbouring politically subversive members or pursuing a politically subversive aim.

535. The Department of Religious Affairs is responsible for promoting religious freedom and the country's official secularism. It arranges journeys of religious pilgrimage.

536. Education in Côte d'Ivoire is carried on by public- and private-sector establishments, among which are Islamic and Christian denominational schools. Their work is governed by regulatory provisions and agreements, which include:

- Decree No. 61-140 of 15 April 1961 organizing private education;
- Decree No. 66-123 of 31 March 1966 dealing with the organization of religious education in schools, article 6 of which stipulates that it applies to the Catholic and Protestant faiths alone;
- The agreement of 20 February 1974 between the State and private Catholic and Protestant teaching establishments;
- The agreement of 17 December 1998 between the State and private denominational teaching establishments;
- The agreement of 2 December 1993 on Islamic education.

537. Denominational schools accept all Ivorian pupils irrespective of their religious affiliation. It is not compulsory for children to take religious education classes, and parents are guaranteed the right to have their children receive a religious education that accords with their own beliefs.

Article 19

Freedom of expression

538. Freedom of expression is safeguarded in Côte d'Ivoire by the Constitution and other relevant legislation.

539. Articles 9 and 10 of the Ivorian Constitution enshrine citizens' right to information and to freedom of expression and opinion.

540. The press and audiovisual media in Côte d'Ivoire are governed by Act No. 2004-643 of 14 December 1991 establishing the legal regime for print media, which forbids the imprisonment of journalists for any violation of the press laws, and by Act No. 2004-644 of 14 December 2004 establishing the legal regime for audiovisual communication.

541. The media are plural and diverse. Over time, more or less successfully, they have furnished the background to Ivorians' lives.

542. From 1960 to 1990, Côte d'Ivoire had two daily newspapers (*Fraternité Matin* and *Ivoire Soir*) and two magazines (*Fraternité Hebdo* and *Ivoire Dimanche*). In 2010, the National Press Council recorded the existence on the market of 90 titles published regularly by news organizations, out of a total of 207 legally constituted publications registered in its files.

543. Two public broadcasters dominate the audiovisual scene, RTI 1 and RTI 2. In addition, there is a pay channel provider, Canal+Horizons, which now has about 40,000 subscriber households in the country.

544. Besides Radio Côte d'Ivoire and Fréquence 2, which are the State broadcasters, numerous other stations have diversified the Ivorian audiovisual landscape, particularly:

- Local radio stations, whose operating rules are set by the decree of 13 September 1995, and which are estimated to number over 50;
- Commercial radio stations, of which there are 2;
- Foreign radio stations, numbering 5; and
- Faith-based radio stations, totalling over 10.

545. All these radio stations broadcast on frequency modulation and are free to air.

546. The better to regulate this plurality of press and media, there are two regulatory bodies in Côte d'Ivoire: the High Authority for Audiovisual Communication and the National Press Council.

547. Apart from these regulatory bodies, the print media have a self-regulatory body, the Observatory of Press Freedom, Ethics and Standards of Conduct.

548. Under these laws, everyone is entitled to express their thoughts and opinions, whether individually or collectively, and to propagate them orally, in writing, through images or by other means. This freedom includes the right to obtain or convey ideas or information without any interference by the authorities.

549. The exercise of these freedoms may be limited in order to guarantee national security, public order and public safety, uphold the fundamental principles of the Republic, safeguard the country's territorial integrity, prevent offences, punish offenders, forestall the disclosure of information recognized as State secrets, preserve the rights, good name and private and family life of others, protect the professional confidentiality provided for by law, and ensure that the judicial function is fulfilled in accordance with its purpose.

550. The provisions regulating use of the media to disseminate information and ideas are not considered to restrict freedom of expression or the propagation of thought, provided they do not prevent publication. The formalities, conditions and procedures to be followed in exercising the right to the expression and dissemination of thought are prescribed by law.

Attacks on press freedom in Côte d'Ivoire

551. The right to free expression has often been violated in Côte d'Ivoire since the 1990s. These violations have taken a variety of forms, namely:

- Unwarranted detention and questioning of journalists;
- Intimidation of journalists;
- Dismissal of journalists;
- Imprisonment of journalists;
- Abductions and disappearances of journalists;

- Murders of journalists;
- Arson and other attacks on media premises;
- Seizure of newspapers;
- Suspension of radio broadcasts;
- Interruptions to the broadcasts of certain foreign radio stations.

552. In October 2003, Jean Hélène, a correspondent with Radio France Internationale, was shot dead by a police officer outside the national police headquarters. On 22 January 2004, the police officer was sentenced in Abidjan to 17 years in prison for “voluntary homicide”.

553. The press also commits human rights violations by disregarding people’s right of reply, providing unbalanced coverage and publishing libels, groundless accusations, disrespectful comments and articles of a nature to incite political violence and exploit ethnic and religious tensions.

554. The latest world ranking of press freedom by Reporters Without Borders moved Côte d’Ivoire up from 159th place (2010) to 96th place (2012), which is indicative of the efforts made by the political authorities since the end of the post-election crisis to enable journalists, the media and citizens to work in a safe environment.

555. Nonetheless, it must be recognized that there is still work to be done, especially when it comes to strengthening media actors’ capabilities and improving their working conditions.

The Internet in Côte d’Ivoire

556. Access to the Internet is a fundamental human right. Everyone has a right to freedom of expression and access to knowledge and information. The Internet is one method whereby these fundamental rights are exercised.

557. In Côte d’Ivoire, the Internet plays a vital role in disseminating information in all its diversity. Different portals have been created in the country, one example being the official government portal, “abidjan.net”.

558. In October 2011, the Government launched its “e-gov” project. This aims at modernizing State administration and will be a tool for good governance. In the same vein, it set up the National Agency for Universal Telecommunications Service to foster access to ICTs for all. The remit of this agency includes helping ensure that all populations, and particularly the most disadvantaged, have access to essential telecommunications tools and services throughout the country.

559. Using the Internet for malicious purposes is banned in Côte d’Ivoire. Anyone using the Internet for illicit ends, such as theft or fraud, is liable to be prosecuted under current laws. The Government has sponsored a bill to combat cybercrime. This bill will incorporate the ECOWAS directive on fighting cybercrime into Ivorian law, and deals essentially with the security of electronic data and content.

560. The number of Internet service providers in Côte d’Ivoire is estimated at over 20, including fixed-line and mobile telephony firms.

Article 20

Prohibition of propaganda for war

561. Under article 10 of the Constitution, everyone is entitled to express and disseminate their views, but “any propaganda having the aim or effect of setting one social group over another or encouraging racial or religious hatred is prohibited”.

562. In Ivorian law, intolerance in any form is deemed to be inimical to social peace and a cause of rights violations. This is why all kinds of intolerance, and particularly racism, racial discrimination and xenophobia, are forbidden and acts associated with them are treated as offences and are the subject of criminal penalties.

563. The notions of brotherhood and peace, which are the foundation of tolerance, appear in the preamble to the Ivorian Constitution, which sets forth the fundamental concepts and principles of the Constitution itself. The Constitution likewise states that “all human beings are born free and equal before the law”. They thus have equal rights, with the emphasis being on peace both within the country and in the world at large.

564. Article 2 of the Constitution provides: “The human person is sacred. All human beings are born free and equal before the law and thereby enjoy inalienable rights, namely the right to life, liberty, the free development of their personality and respect for their dignity. These rights are inviolable and the public authorities have an obligation to enforce, protect and promote them. Any penalty that deprives a person of life is forbidden.” The State must ensure that this equality applies in practice. No privileges may be granted to any individual, family, group or class whatever, other than the privileges and immunities defined by current laws. State bodies and the administrative authorities are required to act at all times in accordance with the principle of equality before the law.

565. The Ivorian Criminal Code provides that committing any act against the members of a national, ethnic, racial, religious or other group with the intention of wholly or partly destroying it in fulfilment of a plan constitutes genocide, and no statutory limitation applies to these crimes.

566. The Criminal Code also provides that anyone preventing religious practices and ceremonies from being carried out by force, threat or any other illegal act will be subject to a penalty prescribed by law.

567. The Criminal Code states that anyone practising discrimination based on a difference of language, race, colour, sex, political opinion, philosophical belief, religion, religious sect, etc., must be judged guilty of an offence and subjected to criminal sanctions.

568. The Criminal Code provides that inciting the authorities of a foreign State to make war or undertake hostile acts against the Republic of Côte d’Ivoire, or cooperating with the authorities of a foreign State for this purpose, is a punishable offence.

569. All judicial remedies are available against violations of fundamental rights and freedoms, including acts of discrimination. Within Côte d’Ivoire itself, judgements handed down by the courts of first instance may be appealed against in the Court of Appeal or taken to the Supreme Court for a ruling on points of law. Appeals may also be taken to the international bodies whose competence has been recognized by Côte d’Ivoire.

570. Besides judicial remedies, there are administrative remedies exercised through the Côte d’Ivoire National Human Rights Commission and the Ombudsman. These are responsible for taking up complaints and allegations concerning human rights violations and presenting their conclusions to the authorities concerned so that they can take the appropriate measures.

571. Côte d'Ivoire is convinced that successfully combating all forms and manifestations of discrimination and intolerance must involve pooling efforts at both the national and the international levels.

572. Accordingly, Côte d'Ivoire is a party to all international instruments administered by global bodies (the United Nations) and regional ones (the African Union, ECOWAS, etc.), and cooperates closely and constructively with the special mechanisms of these organizations responsible for combating intolerance and discrimination.

Articles 21 and 22

Freedom of assembly and association

573. The principle of freedom of association and assembly is enshrined in article 11 of the 2000 Constitution. In addition, Côte d'Ivoire is a party to numerous international legal instruments guaranteeing these freedoms. These include the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.

574. Act No. 60-315 of 21 September 1960 concerning associations provides the legal basis for the creation of any association in Côte d'Ivoire.

575. All these provisions show the country's determination to contribute effectively to the establishment of democracy by guaranteeing the freedoms of association and demonstration.

576. What these mean is the opportunity to seek out and receive information of different kinds, to organize, and to peacefully promote and protect ideals, in association with others.

577. It is right to stress, though, that the crises in Côte d'Ivoire undermined these freedoms. The successive political crises that have occurred since the death of the country's first President created a climate of intolerance and suspicion around political leaders, human rights defenders, trade unionists and student leaders. In civil society, human rights NGOs paid a heavy price. Summons, harassment, intimidation and threats led some to spend long periods in hiding, while others were forced into exile.

578. Where political party activists were concerned, intolerance broke out among both former rebels and government troops after the failed coup of 19 September 2002 and they violently repressed anyone accused or suspected of belonging to the rival camp or regarded as a traitor. In both the north and the west, former rebels often targeted people who had been or were thought to have been politically active as members of or sympathizers with the Front populaire ivoirien (Ivorian Popular Front) (FPI), while anyone from the south could be taken for a spy, with grave consequences. Entire populations fled from the rebels' abuses to Abidjan, where they swelled the mass of displaced persons.

579. The same fate was met with by people from the north who found themselves in the area controlled by the Government, and by opposition parties, even though political pluralism is enshrined in the Constitution.

580. The forms, conditions and procedure to be applied when exercising the right to hold gatherings and demonstrations are prescribed by law.

581. Anyone organizing a gathering must submit an application to the Ministry of the Interior at least 48 hours before the date planned for it. The application must have been submitted to the competent body at least five days before the date. The application must include the programme and purpose of the gathering, information about its place, time, location and length, measures taken to ensure order and safety, and the estimated number of participants. The route must also be given, with the points of departure and arrival.

582. Submission of an application for authorization of a public gathering counts as prior notice. The competent body will ban any gathering that has not been notified beforehand and will take all necessary measures to maintain order and security.

583. Fundamental rights and freedoms may be limited only for reasons set out in specific provisions of the Constitution and by virtue of the law, and on condition that these limitations do not undermine the very essence of these rights and freedoms. The limitations applied to rights and freedoms may not contradict either the letter and spirit of the Constitution or the requirements of a democratic, secular social order, and they must comply with the principle of proportionality.

584. A public gathering will be temporarily banned if it is held in pursuit of any of the following aims: overthrow of the constitutional order, violation of the territorial unity and independence of Côte d'Ivoire, constitutional freedoms and human rights, or incitation to national, racial or religious intolerance. The competent authority must inform the organizer of the temporary ban on the gathering.

585. Article 185 of the Criminal Code makes it an offence punishable by a prison term of 1 to 6 months for anyone to prevent or break up a duly notified demonstration or procession.

586. Article 238 of Act No. 1981-640 of 31 July 1981 instituting the Criminal Code (amended by Act No. 1995-522 of 6 July 1995) provides that "public officials using or ordering violence against persons without good reason in or during the performance of their functions shall be punished as appropriate given the nature and severity of this violence, and the penalty shall be increased in accordance with the rule set out in article 109".

587. In addition, victims have civil law remedies against restrictions on their freedom of assembly because of the actions of agents provocateurs and/or counter-demonstrators.

588. Law enforcement personnel assigned to police rallies are instructed in the need to observe international human rights standards in the course of their duties. Members of the security forces are often punished in accordance with current laws when accused of violence during political or social protests. However, orchestrated violence is also committed against such personnel by demonstrators.

589. Associations can be created simply by declaring them to the Ministry of the Interior following submission of their statutes and internal regulations, lists of executive committee members and founding members in quadruplicate and a stamped envelope. They become operational even before the receipt is obtained.

590. The legal grounds for withholding permission for an association to form are:

- That the applicant is not an Ivorian citizen, has convictions entailing the forfeiture of civic rights, or has been sentenced to a criminal or other court-imposed penalty;
- That its object is unlawful, when it seeks to undermine the integrity of the country's territory, compromise public security, harm the general interest of the country, etc.

591. The establishment in Côte d'Ivoire of any international or foreign association availing itself of NGO status must be duly authorized by the competent authorities. The application must be submitted to the Ministry of the Interior. If the latter approves the application, it will issue an order to this effect, whereas refusal will be conveyed simply by a notification. To be recognized as NGOs, international and foreign associations must apply to the Ministry of Foreign Affairs, attaching the approval of the Ministry of the Interior to the application.

592. Associations are present throughout the country and operate in different economic, social, cultural and humanitarian fields.

The organization of political parties

593. The creation of political parties and political groupings is governed by Act No. 93-663 of 9 August 1993 concerning political parties and political groupings and by Decree No. 99-511 of 11 August 1999 laying down implementation procedures for Act No. 93-668 of 9 August 1993 concerning political parties and political groupings.

594. Political parties or groupings are legal entities under private law and may be created freely. They may not identify themselves with a race, ethnic group, sex, religion, sect, language, profession or region of the country.

595. To acquire legal capacity, any political party or grouping must make a prior declaration to the Ministry of the Interior, against receipt.

596. The prior declaration must be made in writing, on plain paper, by the founding members of the political party or grouping. It must state the civil status, nationality, profession and home address of all those responsible in any way for the administration or leadership of the political party or grouping. The following must be attached to the declaration:

- The statutes in triplicate;
- The internal regulations in triplicate;
- The manifesto or statement of principle or general statement in triplicate;
- A list of founding members in triplicate;
- A list of members of the governing body in triplicate, giving the surname and first names, profession and postal address of each;
- A certificate of nationality for each of the founding members;
- Three copies of the minutes of the constituent general meeting.

597. The Minister of the Interior will have three months in which to verify that the dossier meets the prescriptions of the Act. Once this has been confirmed, the Minister will issue the receipt.

598. Should the dossier be found not to meet the prescriptions of the Act, the Minister of the Interior will notify the leadership of the political party or grouping to this effect by registered mail with advice of receipt, and they will have a month to come into compliance with the rules.

599. Should they refuse or fail to acknowledge the notification, the provisions of article 21 of the Act will be applied, in particular as they relate to suspension of the activities of the political party or grouping.

600. Suspension of the activities of the political party or grouping may be appealed against before the Constitutional Council.

601. If after three months the Minister of the Interior has not been able to act on the dossier, the political party or grouping is deemed to have acquired legal capacity.

602. Political parties or groupings may be suspended for a specified period or dissolved, with or without total or partial confiscation of property, in the following cases:

- Violation of constitutional principles, particularly articles 2, 3, 6 and 7 of the Constitution;
- Violation of the provisions of articles 4, 5 and 8 of the Act;
- Non-regulation financing;

- Partnership with a foreign political party whose objective is to destroy the constitutional foundations of Côte d'Ivoire;
- Adoption of a programme of action likely to undermine peace, social equilibrium, public order or national unity.

603. Suspension is carried out by decree in the Council of Ministers, when an urgent need is identified. Dissolutions are ordered by a judge.

604. If suspension of the activities of a political party or grouping is accompanied by legal action, the suspension cannot be lifted until there is a final ruling from the competent courts.

605. From 1990 to 2012, a total of 144 political parties were declared in Côte d'Ivoire.

Funding for associations

606. Article 21 of Act No. 60-315 of 21 September 1960 concerning associations stipulates that charitable associations may receive gifts and bequests subject to authorization in the form of an order issued by the prefect of the department where the establishment is headquartered when the donation is worth CFAF 10 million or less, and of a Council of Ministers decree when the donation is worth over CFAF 10 million.

607. Act No. 2004-494 of 10 September 2004 sets out the conditions for the financing of political parties and groupings. The amount of such financing is tied to their representation in Parliament.

608. The amount allocated to political parties and groupings is set each year by the Finance Act and represents a 1,000th part of the State budget.

609. The subsidy amount for candidates in presidential elections is given in the Finance Act for the year of the election concerned. This financing is granted to candidates who have obtained at least 10 per cent of the votes cast in the presidential election.

610. However, article 13 of the Act provides that no political party or grouping may receive financial contributions or material assistance directly or indirectly from legal entities governed by public law or Ivorian firms that are in full or partial public ownership.

611. Political parties and groupings and presidential candidates are also forbidden to receive, accept, solicit or approve gifts, presents, subsidies, offers or any other resources from foreign firms, organizations or countries.

The protection of trade union freedoms

612. The Constitution of 1 August 2000 guarantees the right to organize and the right to strike for workers in the public and private sectors.

613. Act No. 60-315 of 21 September 1960 concerning associations provides the legal basis for the creation of trade unions in Côte d'Ivoire. However, the Act does not specify the operating procedures for such organizations. Other laws establish the right to organize.

614. Employment legislation gives workers, the liberal professions and self-employed persons employing no staff the right to form and freely join unions. Only members of the Armed Forces and police are excluded from these provisions, which is not an infringement of international labour standards.

615. Employers are forbidden to apply pressure for or against a union. Administration or leadership functions in unions can only be performed by Ivorian nationals, nationals of a State with which reciprocity agreements have been signed on the right to organize and the

defence of professional interests, or foreigners legally resident in Côte d'Ivoire for at least three years. Workers may "form unions under any designation they choose".

Freedom to organize and the right to strike

616. The right to organize and the right to strike are enshrined in article 18 of the 2000 Constitution for workers in the public and private sectors. The principle that prevails is that of freedom of association and assembly as already discussed.

617. However, exercise of these rights is governed by a number of laws, in particular the Act establishing the Labour Code, the Act establishing the General Statute of the Ivorian Public Administration, Act No. 92-571 of 11 September 1992 concerning strike procedures in public services, Decree No. 95-690 of 6 September 1995 establishing special procedures for provision of a minimum service in the event of a strike in the public services, and the national collective bargaining agreement of 20 July 1977.

618. As regards freedom to organize, article 9 of the Constitution guarantees that all citizens are free to join any trade union and political organization of their choice; no limitation may be placed on the exercise of these freedoms other than by law.

619. Administration or leadership roles in unions can only be performed by Ivorian nationals, nationals of a State with which reciprocity agreements have been signed on the right to organize and the defence of professional interests, or foreigners legally resident in Côte d'Ivoire for at least three years. Workers may "form unions under any designation they choose".

The limits on the freedom to organize

620. In accordance with article 22, paragraph 2, of the Covenant, the law creates some restrictions on freedom of association and freedom to organize for certain persons or socio-occupational categories. Owing to the nature of their functions, members of the Armed Forces and the internal security forces are prohibited from forming political parties or political associations and from being members thereof. However, members of the Armed Forces or the internal security forces may be authorized to join social, sporting, cultural or welfare associations. Members of the Armed Forces and the internal security forces are debarred from forming or joining trade unions, and thus do not have the right to strike.

621. The main unions in Côte d'Ivoire are:

- The General Workers Union of Côte d'Ivoire;
- The Federation of Autonomous Trade Unions of Côte d'Ivoire;
- The Confederation of Free Trade Unions of Côte d'Ivoire, known as "Dignité";
- The "Humanisme" union confederation;
- The National Union of Workers of Côte d'Ivoire.

Promoting associations of human rights defenders

622. The Government has prepared a bill for the protection of human rights defenders.

Article 23

Family protection

623. The family benefits from protection under article 5 of the Ivorian Constitution, which stipulates that “the family is the basic unit of society. The State is responsible for its protection”.

624. In addition, article 2 of the Ivorian Constitution enshrines the principle of legal equality between men and women. The laws on the status of individuals and the family make no distinction between legitimate children, legitimized children and children born out of wedlock.

625. A number of gender promotion measures have been taken, in particular:

- The creation of a Department of Gender Equality and Promotion at the Ministry of Solidarity, the Family, Women and Children;
- The preparation and adoption on 23 April 2009 by the Council of Ministers of the policy document entitled “Politique nationale sur l’égalité des chances, l’équité et le genre”, whose aim is to create a favourable environment for gender mainstreaming in all sectors and at every level;
- The establishment of a Compendium of Women’s Skills;
- The ratification in 1995 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and, in 2011, of its Optional Protocol.

626. Notwithstanding everything said above, there are gender equalities in different areas. In the area of education, for example, there is a very high rate of illiteracy among women (55 per cent in 2011), something that affects their living conditions.

627. This situation compounds women’s ignorance of legal matters and prevents them from familiarizing themselves with the body of favourable legal provisions contained in international, regional and national instruments.

628. Ivorian positive law used to enshrine the customary practice of treating men as the heads of families (Marriage Act, art. 58). This institution had discriminatory consequences for women in practice and in certain legal provisions. It encouraged the monopolization of family decision-making by men:

- It was up to the husband to decide where the family should live;
- In marriages with community of property, the husband is the head of the community;
- The husband was empowered, in the interests of the family, to forbid his wife to pursue a separate occupation;
- Wage-earning women, being treated as dependents, are taxed heavily under the provisions of the General Tax Code, which only grants tax relief to employees deemed to be heads of families. In addition, they cannot declare their children and receive family allowances without the father’s permission;
- The widower of a female State or private-sector employee is not entitled to a widower’s pension.

629. While a great deal has yet to be done to improve the situation of women, the Government remains as determined to protect them as it is to protect children. The reformed Marriage Act has introduced new provisions establishing equality between men and women in certain areas such as choice of residence and children’s upbringing.

630. Different provisions of the Ivorian Civil Code establish that men and women are entitled to marry without any discrimination whatever.

The legal age of marriage

631. Men may not marry before the age of 20 or women before the age of 18. However, the public prosecutor may grant dispensations when there are serious reasons.

632. In addition, those aged under 21 may not marry without the permission of whichever of the father or mother exercises parental authority. The father or mother's permission may be given orally, when the marriage is conducted, or be received in advance by a civil registry officer or a notary, who will formally record it and notify it through administrative channels to the civil registry officer competent to conduct the marriage.

633. The right to give consent of whichever of the father or mother does so is sufficiently established by the declaration he or she makes to this effect to the civil registry official or notary receiving the consent.

634. If the father and mother are deceased, unknown or unable to express their wishes, have no known place of abode or have both been deprived of parental rights, permission is given by the guardian. If there is no guardian, authorization is sought by petitioning the President of the court or the court division of the minor's usual place of residence.

635. If the guardian withholds consent, the minor may apply to the President of the court or court division for authorization. In all cases, this magistrate's ruling will be issued in an ordinance without statement of reasons, following inquiries if necessary. The public prosecution service will be consulted when it is represented before the court concerned.

636. When the application is based on the guardian's refusal, it cannot be ruled on without the latter first being examined or duly summoned to appear in the forms appropriate to interim procedures. Whether granting or refusing authorization, the magistrate's ordinance is not subject to appeal.

Provisions governing nationality by marriage

637. In accordance with articles 13, 14 and 40 of Decision No. 2005-09/PR of 29 August 2005, women of foreign nationality who marry an Ivorian acquire Ivorian nationality if they formally opt for this at the time of marriage. The same provisions apply to men of foreign nationality marrying an Ivorian woman.

The rights and obligations of spouses

638. Marriage creates legitimate families. Under the provisions of Act No. 64-375 of 7 October 1964 concerning marriage, spouses undertake to live in common. They owe each other fidelity, succour and assistance.

639. Simply by marrying, the spouses jointly take upon themselves the obligation to feed, support and raise their children. They will contribute to the charges of the marriage in proportion to their respective capacities. A spouse who does not fulfil this obligation may be compelled to do so by the courts. Women have the use of their husband's surname.

640. The family is headed jointly by the spouses, in the interests of the household and children. The wife cooperates with the husband in undertaking the moral and material direction of the family, providing for its upkeep, and raising and settling the children.

641. It is up to both spouses to contribute to the expenses of the household. By virtue of the marriage, the decision as to where the family is to live is now one for both spouses.

642. Each spouse is entitled to carry on the occupation of his or her choice unless a court rules that the exercise of a particular occupation runs counter to the interests of the family.

The administration of property

643. Côte d'Ivoire has a standard marital regime, that of community of property, and an optional regime, that of separation of property. The civil registry official will ask the couple to make the choice when the marriage takes place. The spouses-to-be must concur in their answers.

644. It is possible for the spouses to change the marital regime after the marriage, on three conditions:

- That this is done in the interests of the family and not merely for convenience;
- That the spouses have followed the marital regime originally chosen for two years; and
- That they follow the special procedure laid down by the Marriage Act.

The procedure for divorce and legal separation

645. A joint application for divorce by mutual consent is formulated in writing and signed by both spouses, who are not required to state the cause. This is submitted to the President of the court or court division with jurisdiction in their area of residence, either by both spouses acting together and in concert, or by one of them alone, or by their respective lawyers, or by one lawyer chosen by mutual accord. It must be accompanied by a draft settlement setting out the consequences of the divorce, failing which it will be inadmissible. The court with jurisdiction is:

- The court of the place where the family residence is situated;
- The court of the place of residence of the spouse with whom any underage children are living.

646. The judge may not question the spouses about their motives, but examines the application with each of them and takes care to draw their attention to the true implications of the settlement, then calls a meeting between them and their lawyers, where applicable. If the spouses still intend to divorce at this stage, the judge informs them that they must confirm their application after a cooling-off period of three months, failing which the judge will rule the divorce proceedings void in closed session.

647. Once the cooling-off period is over, if the spouses still wish to dissolve the marital bond, the judge pronounces the divorce within a month of receiving this confirmation of mutual consent, approving the settlement setting out the consequences of the divorce by the same judgement.

648. The judge may refuse to approve the settlement if he or she determines that it does not adequately protect the interests of the children or one of the spouses, stating the grounds for this decision. In this case, the judge does not grant the divorce. Such a refusal, and any ruling made in violation of public policy provisions, may be appealed by declaration to the clerk of the court within 30 days of the notification made to the parties by the clerk's office at the request of the public prosecution service.

649. In the case of fault-based divorce, the court determines which of the spouses is to remain in the marital home, unless the spouses reach a court-approved settlement. In the case of divorce by mutual consent, it is the spouses who determine the choice of residence by agreement before the approval of the court is sought. In all cases, the upbringing,

oversight and upkeep of the children remains the responsibility of both the father and the mother.

Protection for children, whether born in or out of wedlock, in the event of divorce

650. The law makes no distinction in the protection due to children born in or out of wedlock. This means that whoever exercises parental authority is obliged to protect the minor concerned.

Polygamy and forced marriages

651. Polygamy and forced marriages are not recognized in Côte d'Ivoire. They are forbidden by articles 2 and 3 of Act No. 64-376 of 7 October 1964, as amended by Act No. 83-800 of 2 August 1983.

Article 24

Child protection

652. There are laws providing for the protection of children in the civil, social and penal spheres, most particularly:

- Act No. 70-483 of 3 August 1970 concerning minority;
- The Criminal Code;
- The Criminal Procedure Code;
- The Labour Code.

653. The State thus provides particular protection to children, in view of their vulnerability. Indeed, there are special protections for child workers in the Labour Code. This forbids the employment of children aged under 16. Furthermore, children aged under 18 are exempted from certain types of dangerous work by Order No. 009 MEMEASS/CAB of 19 January 2012 revising Order No. 2250 of 14 March 2005 of the Ministry of Public Administration and Employment.

654. In addition, protection for children in difficult or dangerous situations is provided by the Minority Act, which empowers the guardianship judge, once assigned the case, to withdraw custody of a child whose health, development or physical, moral or mental integrity is being imperilled by the person having custody or exercising parental authority over that child and entrust it to a suitable person or institution.

655. To protect children who have or are suspected of having committed one or more offences, the Criminal Code specifically provides that the acts of a child aged up to 10 cannot be classed as criminal acts. Consequently, such children cannot be prosecuted or tried for such acts. Children aged 13 automatically benefit from exculpation on the grounds of minority.

656. Such children cannot be subject to any measures other than those of protection, assistance, oversight and education provided for by law. Those aged 18 can plead minority as an extenuating factor. Procedurally, the special arrangements provided for in articles 745 ff. of the Criminal Procedure Code will apply.

Article 25

The right to participate in public affairs

657. It is a constitutional principle that every citizen may take part in the management of public affairs. This may be done either directly or through the intermediary of elected representatives.

658. This principle of direct or indirect participation, in the spirit of articles 13 and 14 of the African Charter on Human and Peoples' Rights and article 25 of the International Covenant on Civil and Political Rights, is subject to just one limitation, which is the forfeiture of civic and political rights following a final guilty verdict for a crime or offence.

659. Under article 33 of the Constitution, suffrage is universal, free, equal and secret. All Ivorian nationals of both sexes aged 18 or over and in possession of their civil and political rights are entitled to vote under the conditions laid down by law.

660. In accordance with the Constitution, the people participate in decision-making affecting the life of the nation either directly by way of referendums or indirectly through the intermediary of their elected representatives.

661. Elections are governed by Act No. 2000-514 of 1 August 2000, as amended by Decision No. 2008-15/PR of 14 April 2008 and Ordinance No. 2008-133 of 14 April 2008 establishing the Electoral Code.

662. It is the responsibility of the Independent Electoral Commission to hold and supervise elections and referendums.

Exercising the right to vote

663. All Ivorian citizens of both sexes aged 18 or over and in possession of their civil and political rights are entitled to vote (Constitution, art. 3).

664. The following are excluded from the process, however:

- Individuals convicted of a crime;
- Individuals sentenced to an unsuspended prison term for theft, fraud, abuse of trust, misappropriation of public funds, forgery and the use of forgeries, corruption and influence peddling, or indecent assault;
- Undischarged bankrupts;
- Absconders tried in absentia;
- Individuals subject to a banning order;
- Individuals whom the courts have debarred from voting, and more generally those debarred from doing so by law.

665. In Côte d'Ivoire, all citizens of both sexes may stand in the various elections subject to the conditions prescribed by law for each election.

666. There are factors that prevent citizens from exercising these rights, such as illiteracy, social pressures and impediments to free movement.

667. The State has taken steps to deal with these obstacles so that citizens can vote for their chosen candidate.

668. Secret voting, the single ballot, voter protection and encouragement for political parties to train their activists are some of the measures taken by the State to allow citizens to enjoy the prerogatives of freedom associated with the right to vote.

669. The Electoral Code allows any voters suffering from a definite infirmity or physical disability to be assisted by any person of their choice.

Conditions for holding elected office

1. Presidential elections

670. Articles 48 and 49 of the Electoral Code stipulate that any Ivorian qualifying as a voter can be authorized to stand in presidential elections in the Republic of Côte d'Ivoire subject to the conditions laid down by the Constitution.

671. However, individuals stripped of their eligibility by a court ruling and those whose affairs are managed by a court-appointed administrator are ineligible.

672. Individuals performing certain functions incompatible with the presidency are not allowed to stand while performing those functions or for six months after they have ceased to do so. These are the members of the Constitutional Council and supreme courts, magistrates, central and departmental accounting officers, chief executives and directors of establishments or firms in full or partial public ownership, civil servants, members of the Armed Forces and the like and members of the National Election Commission.

673. Candidates in presidential elections must be of Ivorian origin, have been born to a father and mother who are themselves of Ivorian origin, have been continuously resident in Côte d'Ivoire for the whole of the five years preceding the ballot and not make use of any other nationality.

674. According to analysts of Ivorian politics, this provision was designed to disqualify Mr. Alassane Ouattara, who was claimed to be of Burkina Faso origin on his father's side. In addition, he was living in Washington at the time as Deputy Managing Director of the International Monetary Fund. This prevented him from participating in the presidential elections of October 1995 and 2000.

675. This situation exacerbated the political violence and the destruction of the social fabric in Côte d'Ivoire over the course of the presidential elections and local elections.

676. Despite this provision, Mr. Alassane Ouattara was able to participate in the presidential elections of October and November 2010 because of ruling No. 2005-01/PR of 5 May 2005 rendering eligible "exceptionally, and solely for the presidential election of October 2005, the candidates presented by the political parties that are signatories to the Linas-Marcoussis agreement".

677. Articles 35 and 55 of the Constitution prescribe other conditions relating to age, health, moral character and the declaration of assets.

678. Any candidate in presidential elections has the option of making a complaint about the fairness of the poll or the count, which must be submitted in writing to the President of the Constitutional Council. This must be done within three days of the ballot closing.

679. The Constitutional Council will examine the complaint and issue a ruling within seven days of receiving it. However, it may reject invalid complaints or those containing only grievances that clearly have no bearing on the contested election without first conducting investigation hearings.

680. Any complaints will be examined by the Constitutional Council within seven days of receiving the written statements.

681. Côte d'Ivoire held three presidential elections over the period covered by the present report, in 1995, 2000 and 2010.

The presidential elections of October 1995, 2000 and 2010

682. Two candidates stood in the presidential elections of October 1995. These were Messrs. Henri Konan Bédié and Francis Wodié, belonging to the Parti démocratique de Côte d'Ivoire (PDCI) and the Parti ivoirien des travailleurs, respectively. These elections were boycotted by the FPI and the Rassemblement des républicains (RDR), which demanded better organizational conditions for the election. In particular, they asked for a revision of the Electoral Code, a complete review of electoral rolls, the use of identity cards instead of affidavits of identity and votes for Ivorians resident abroad.

683. Voter turnout was 56.2 per cent in these elections. The call to boycott them gave a comfortable margin of victory to the PDCI candidate, who was elected with 96.16 per cent of the votes, or a total of 1,640,635 ballots cast in his favour. The Parti ivoirien des travailleurs received just 3.84 per cent of the votes.

684. The presidential election of October 2000 brought four candidates into contention, namely Robert Guéi, Laurent Gbagbo, Théodore Mel Eg and Nicolas Dioulo. The candidates for the RDR and the PDCI were excluded from the race for the presidency.

685. The election was carried by Mr. Laurent Gbagbo, the FPI candidate, with 59.36 per cent of the votes, or a total of 1,065,597. He thus became the third President of Côte d'Ivoire and the first who was not a member of the PDCI. The election was marked by numerous confrontations.

686. The 2010 presidential elections took place on 31 October and 28 November 2010 nationwide and in 19 other countries where Ivorian citizens live.

687. Fourteen candidates met in the first round. Messrs. Laurent Gbagbo, the outgoing President, and Alassane Ouattara, the former Prime Minister, were in the lead after the first round with 38.04 per cent and 32.07 per cent, respectively, outpolling Henri Konan Bédié (25.24 per cent), Toikeusse Mabri (2.57 per cent) and another group of candidates receiving less than 1 per cent of the vote between them.

688. Following the second round, Alassane Ouattara was declared President of Côte d'Ivoire on 2 December 2010 with 54.10 per cent of the vote. However, the Constitutional Council invalidated the results from certain regions of the north and centre and announced the re-election of Laurent Gbagbo with 51.45 per cent of the vote.

689. Laurent Gbagbo's refusal to relinquish power further exacerbated the political crisis, and civil war was the result. Following his arrest on 11 April 2011, Mr. Alassane Ouattara was declared President of Côte d'Ivoire by the Constitutional Council on 6 May 2011. This was the first election in the country's history to go to a second round.

2. Eligibility to stand in legislative elections

690. Article 70 of the Election Act states: "All Ivorians who qualify as voters may stand in the electoral district of their choice."

691. Candidates must meet the age, nationality and residency conditions laid down in article 71 of the Election Act.

692. The residency criteria do not apply to diplomats and other individuals posted abroad by the State, international officials or political exiles.

693. Persons who have held Ivorian nationality for less than 10 years and local elected officials dismissed from office for embezzlement are ineligible.

694. Magistrates, civil servants, members of the Armed Forces and managers of public-sector enterprises must have obtained leave of absence to present their candidature. Candidatures are examined by the Independent Electoral Commission, which notifies

candidates whom it deems ineligible. Candidates then have “three days to bring their case before the Constitutional Council, which will issue a ruling within three days thereafter”.

695. Any voter is entitled to contest a candidate’s eligibility within eight days from the date the candidature is published, a period that was reduced by decree to three days for the elections of 10 December. This is done by petitioning the Constitutional Council, which will rule within 15 days on whether the request has been deemed admissible, giving the reasons for its decision.

Legislative elections

696. In the period covered by the present report, Côte d’Ivoire held legislative elections in 1995, 2000 and 2011.

697. Elections were held on 25 November 1995. The objective was to elect 175 deputies to the National Assembly for five years.

698. Negotiations between the Government and opposition parties resulted in disputed electoral rolls being revised. The boycott was then lifted and the party in power, the PDCI, was faced with nine political groupings and independent candidates.

699. The main opposition parties had grouped themselves under the banner of the Front républicain, chief among them the FPI and the RDR.

700. The election passed off peacefully in the presence of foreign observers, unlike the presidential election, which had taken place in a tense atmosphere. Nonetheless, voting had to be recommenced in three districts where disturbances had disrupted it. The final results, declared on 29 November, gave an overwhelming victory to the PDCI.

Parti démocratique de Côte d’Ivoire (PDCI): 150

Rassemblement des républicains (RDR): 13

Front populaire ivoirien (FPI): 12

701. The 2000 legislative elections were held to elect 225 deputies and took place on 10 December 2000. However, they were boycotted by the RDR because Mr. Alassane Ouattara had been declared ineligible. Some members of the RDR stood. The elections were won by the FPI. The results were as follows:

Front populaire ivoirien (FPI): 96

Parti démocratique de Côte d’Ivoire (PDCI): 94

Rassemblement des républicains (RDR): 5

Parti ivoirien des travailleurs: 4

Union démocratique de Côte d’Ivoire: 1

Mouvement des forces d’avenir: 1

Independents: 22

Vacant: 2

702. The latest legislative elections took place in December 2011. The FPI refused to take part, largely in protest at the detention of Laurent Gbagbo. However, candidates from the party did stand as independents.

703. Partial legislative elections were held on Sunday 3 February 2013 in six parts of the country where the results had been invalidated and/or deputies had died.

704. The results gave the RDR enough seats for an absolute majority.

Rassemblement des républicains (RDR):	27
Parti démocratique de Côte d'Ivoire (PDCI):	79
Union pour la démocratie et la paix en Côte d'Ivoire:	7
Rassemblement des houphouétistes pour la paix et la démocratie:	4
Mouvement des forces d'avenir:	3
Union pour la Côte d'Ivoire:	1
Independents:	39

705. In July 2002, Côte d'Ivoire held nationwide elections for departmental councils. These decentralized authorities were abolished in September 2011.

Eligibility to stand in municipal elections

706. The eligibility and ineligibility conditions for municipal elections are set out in articles 137, 138, 140, 141 and 142 of the Electoral Code.

707. The Election Act stipulates: "All Ivorians aged 25 and over who qualify as voters may stand in municipal elections in any electoral district of their choice to seek election as municipal councillors."

708. To declare their candidature, candidates must be registered on the electoral roll of the electoral district chosen and actually reside in the commune concerned. However, voters not residing in the commune may be eligible if they have definite economic and social interests there. The number of non-resident municipal councillors thus elected may not exceed one third of the council's membership. Conversely, the following are ineligible:

- Persons who have held Ivorian nationality for less than 10 years;
- Persons receiving assistance from a communal fund;
- Regional council chairpersons and councillors, mayors, deputy mayors and municipal councillors, rural council chairpersons and councillors dismissed from office for embezzlement, even if they have not incurred a penalty stripping them of civic rights, without prejudice to the provisions of the Municipal Organization Act.

709. To this list may be added persons performing their functions in the electoral district. These are the prefectoral authorities, the prefect's chiefs of staff, magistrates, accounting officers responsible for communal funds and suppliers of municipal services, and paid agents of the commune, not including those who, whether public officials or independent operators, receive no payment from the commune other than for services they provide to it in this capacity, and public officials or other State agents whose remit includes overseeing decentralized authorities on any basis and at any level, members of the Armed Forces and the like.

710. Municipal councillors who become ineligible for any reason arising after their election are immediately relieved of their responsibilities by the oversight authority on the initiative of the National Election Commission.

Municipal elections

711. In the period covered by the report, Côte d'Ivoire held municipal elections in February 1996 and March 2001.

712. Disputes over municipal council elections fall within the purview of the Council of State, which is not yet in place. This task currently devolves upon the Administrative Chamber of the Supreme Court.

Employment in the public administration

713. Under article 17 of the Constitution, public- and private-sector jobs are accessible to all on an equal footing. This principle is reiterated by the General Statute of the Ivorian Public Administration and the Labour Code. To ensure that all citizens have genuinely equal access to public-sector jobs, entry is by competitive examination.

714. In applications to the public administration, no distinction may be made between the sexes. However, special procedures may reserve jobs for candidates of one or the other sex by reason of the physical capabilities or constraints associated with certain functions, in accordance with article 14 of Act No. 92-570 of 11 September 1992 establishing the General Statute of the Ivorian Public Administration.

715. Periodically, direct competitive examinations are held to recruit young staff and professional competitive examinations to promote staff in mid-career.

IV. Conclusion

716. The Ivorian authorities are unequivocally committed to ensuring that citizens genuinely benefit from the rights proclaimed by the Covenant, despite the difficulties Côte d'Ivoire has experienced in the past 10 years.

717. The different measures taken to give effect to the provisions of the Covenant have led to considerable improvements in the human rights situation.

718. Côte d'Ivoire intends to maintain its resolute progress towards democracy and the consolidation of the rule of law, an indispensable precondition for the full realization of fundamental rights and public freedoms, in accordance with its international commitments.
