



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Information received from Côte d'Ivoire on follow-up to the
concluding observations on its fourth periodic report***

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* The present document is being issued without formal editing.



I. Follow-up information

A. Follow-up information relating to paragraph 10 (b) of the concluding observations

1. Presidential Ordinance 2018-669 of 6 August 2018 on amnesty expressly excludes “persons being tried before an international criminal court” and “military personnel and members of armed groups” from its scope of application.
2. The amnesty granted under the said Ordinance therefore does not apply either to “persons being tried before an international criminal court” who are suspected, accused or convicted of war crimes, crimes against humanity or gross violations of human rights, including conflict-related sexual violence, or to “military personnel and members of armed groups”.

B. Follow-up information relating to paragraph 10 (e) of the concluding observations

3. Formal justice or judicial reparation is the primary way to combat impunity.
4. Under Ivorian positive law as it currently stands, any individual against whom an offence has been committed, or who suffers the consequences thereof, is considered to be the victim of that offence. The individual’s status as a victim is recognized by the mere fact that the offence was directed against that individual, or that he or she suffers harm as a result thereof.
5. However, in order for that individual to obtain monetary compensation, he or she must bring a civil action before the courts (either an investigating court or a trial court).
6. In other words, monetary compensation is not automatic but is subject to the willingness of the party concerned to claim it by bringing a civil action. If a civil action is brought, the compensation awarded to the individual by the courts is estimated taking into account the extent of the harm caused to the individual by the offence. The interested party is always entitled to contest the amount of the compensation through ordinary and/or extraordinary means of appeal.
7. Furthermore, as part of its compliance with international transitional justice requirements, the Ivorian Government established non-judicial mechanisms to provide care for survivors, namely:
 - The Dialogue, Truth and Reconciliation Commission, established on 13 July 2011, which was mandated to seek truth, pursue the perpetrators of atrocities in order to attribute responsibility, support victims through reparations, and institute the duty of memory to ensure that crimes are not repeated
 - The National Commission for Reconciliation and Compensation of Victims, established by Ordinance No. 2015-174 of 24 March 2015, which is intended to “complete the work of the Dialogue, Truth and Reconciliation Commission, both by seeking out and recording victims and beneficiaries of victims not yet recorded, and by making relevant proposals regarding reparation for harm arising from the attacks on individuals and property that took place during the crises in Côte d’Ivoire” (article 2)
 - The National Programme for Social Cohesion established by Decree No. 2015-266 of 22 April 2015.

8. Pursuant to General Assembly resolution 60/147, adopted on 16 December 2005, the status of “victim of war” applies to both the direct victim and the indirect victim. In the Ivorian context, a “victim of war” is understood to be any person or individual who has suffered harm or damage during a situation of armed conflict (whether internal or external).

9. From that perspective, the formal status of victims has been established by the preparation of a single consolidated list by the National Commission of Inquiry, after a sorting and refining process, with a view to these victims obtaining appropriate reparations.

10. The victims have been involved in all stages of the reparation process: design, establishment, implementation and evaluation.

11. The reparation process takes account of injured and deceased individuals (individual reparation) and collective reparation.

12. With regard to the victims, priority has been given to injured individuals and the beneficiaries of deceased individuals. These individuals are:

- Victims of sexual violence
- Victims of gender-based violence
- Incapacitated persons
- Maimed or disabled persons.

13. An interministerial committee, comprising 10 technical ministries and the facilities in charge of reparations, has been established to coordinate and monitor the reparation process.

14. Lastly, in order to expedite prosecutions and conclude cases related to gender-based violence, the Government is placing particular emphasis on the existence of resources of various types:

- Financial reparations aimed at the rehabilitation of victims:
 - The question of gender equity has been taken into account in the establishment of a reparation mechanism for victims and/or the beneficiaries of victims as part of the reparation programme
 - On 7 June 2017, Côte d’Ivoire adopted a national strategy for reconciliation and social cohesion for the period 2016–2020 and established a special fund with an initial allocation of 10 billion CFA francs for compensating victims of the crises that took place in Côte d’Ivoire, including victims of sexual and gender-based violence.
- Public awareness-raising through legal aid and legal clinics:
 - Legal assistance was decentralized by Decree No. 2016-781 of 12 October 2016, which sets out the implementing regulations for Act No. 72-833 of 21 December 1972 on the Code of Civil, Commercial and Administrative Procedures. Under articles 27 to 31 of that Decree, all persons without financial resources are permitted to have access to justice, free of charge, throughout the national territory
 - In addition to legal aid offices, the State, in partnership with certain non-governmental organizations, such as the Association des Femmes Juristes de Côte d’Ivoire (AFJCI), provides public access to legal clinics established and operated in 12 localities: Abidjan (Abidjan-Plateau, Abobo and Yopougon), San Pedro, Guiglo, Man, Bouaké, Korhogo, Daloa, Abengourou, Boundiali and Bondoukou. These legal clinics operate as listening and

guidance centres. Advice is provided free of charge, with the aim of helping people to better understand their rights and, more importantly, to claim them.

- The drafting and adoption of legal texts:
 - Circular No. 005 of 18 March 2014 on the procedure for handling complaints made in criminal investigation police stations by victims of sexual aggression, indicating that police officers must not make the admissibility of the victim's complaint contingent on the existence of a medical certificate
 - Interministerial Circular No. 016/MJ/MEMIS/MPRD of 4 August 2016 on the procedure for handling complaints of gender-based violence
 - Pursuant to article 784 of Act No. 2018-975 of 27 December 2018 on the new Code of Criminal Procedure, published on 13 March 2019 in the Official Gazette, a minor victim is granted a period of two years after he or she has reached the age of majority to take legal action before the courts in order to exercise his or her rights.
- Development of tools and structures to combat gender-based violence:
 - 77 platforms for multisectoral care set up throughout the country, assisting women through the prevention of gender-based violence and the provision of medical, psychosocial, legal, judicial, security and socioeconomic support to the victims of such violence
 - 437 national and non-governmental actors trained in preventing and responding to gender-based violence
 - 377 members of 46 platforms trained in the use of the Gender-Based Violence Information Management System
 - 112 health-care providers from 10 health districts trained in medical/clinical care for survivors of sexual violence
 - National Committee to Combat Sexual Violence related to the Conflict established in 2016 (chaired by the President of the Republic with a pool of experts consisting of all the major commanders)
 - 33 gender desks at police stations and 3 at gendarmerie stations
 - A free helpline, "1308", launched for reporting and referrals
 - Gender-based violence focal points set up in the courts
 - 400 gender-based focal points set up in the police
 - Criminal Code and Code of Criminal Procedure revised in 2019
 - A number of reception facilities established to prevent violations and facilitate support for victims of sexual violence:
 - o A Centre for Prevention of Sexual Violence and Support and Assistance for Victims (PAVVIOS)
 - o A reception centre for child victims of trafficking and exploitation in Soubré, inaugurated by the First Lady on 7 June 2018
 - o Peace huts set up by the West Africa Network for Peacekeeping - Côte d'Ivoire, which are also centres for the referral and support of victims of gender-based violence.

- Assistance measures aimed at the rehabilitation of victims:
 - Agreements concluded by the Government of Côte d’Ivoire with hospitals, regarding care in the context of reparations (for example, the Ministry of Women, Family and Children with Hôpital Mère-Enfant de Bingerville)
 - The Reintegration Project for Former Combatants (PACIVIL), which provides support for the development of agricultural value chains in areas in the north of the country and the financing of income-generating activities for vulnerable populations. The aim of the project was to promote social cohesion, achieve the reintegration of former combatants and provide conflict victims with psychosocial assistance
 - Since 2015, Côte d’Ivoire has been implementing the Sahel Women’s Empowerment and Demographic Dividend Project, with a budget of US\$ 30 million for poverty reduction, women’s empowerment and the demographic dividend.

15. The Project, financed by the World Bank Group, allows women and young girls to have access to reproductive health services. It also aims to improve supply chains for maternal, neonatal, infant and nutritional health products. It is part of the priority action plan, Programme d’Appui à la Réduction de la Pauvreté et à la Réalisation des Objectifs de Développement du Millénaire (PARP-OMD (Support Programme for Poverty Reduction and Achievement of the Millennium Development Goals)).

C. Follow-up information relating to paragraph 30 (b) of the concluding observations

16. With the aim of reducing, as far as possible, the fragmentation of punitive texts, Côte d’Ivoire has transposed provisions relating to Act No. 98-757 of 23 December 1998 criminalizing certain types of violence against women (articles 394 to 398 and 439 of the Criminal Code); early and forced marriages (article 439 of the Criminal Code); sexual offences such as incest (article 410 of the Criminal Code); and sexual harassment, as psychological violence (article 418 of the Criminal Code). It has strengthened its national regulatory framework by adopting a new Criminal Code through Act No. 2019-574 of 26 June 2019 in order to bring its national legislation into conformity with the international legal instruments to which it is a party and to take into account new offences, such as marital rape in article 403, paragraph 3, thereof: “(...) Rape occurs, in the circumstances set out in the previous paragraphs, regardless of the nature of the relations that exist between the perpetrator and the victim. However, if they are married, the consent of the spouses to the sexual act is presumed in the absence of proof to the contrary.”

17. The said Act on the Criminal Code goes further, with the same objective, by specifically criminalizing domestic violence.

18. A National Committee to Combat Violence against Women and Children was established by Decree No. 2000-133 of 23 February 2000 and is fully operational in all 31 regions of Côte d’Ivoire.

D. Follow-up information relating to paragraph 34 (a) of the concluding observations

19. First, it is important to emphasize that parity between men and women is enshrined in article 37 of Act No. 2016-886 of 8 November 2016 establishing the

Ivorian Constitution of 8 November 2016 (“the State shall promote parity between men and women in the labour market”).

20. The said Constitution also provides that “the State shall encourage the promotion of women to positions of responsibility in public institutions and authorities and in private companies”.

21. Moreover, article 36 of the Ivorian Constitution of 8 November 2016 stipulates that “(...) the State shall take action to promote the political rights of women by providing them with greater opportunities for representation in electoral assemblies. The rules for application of this article must be established by law.”

22. In order to promote the representation of female elected officials in local, regional and national representative bodies, the Government of Côte d’Ivoire adopted Act No. 2019-870 of 14 October 2019, promoting the representation of women in elected and partially elected assemblies. That Act requires that women must account for at least 30 per cent of candidates presented for elections of deputies, senators and regional, district and municipal councillors.

23. This Act, the implementing regulations for which are set out in Decree No. 2020-941 of 25 November 2020, requires all lists of candidates to follow an alternating pattern, such that if two candidates of the same sex are listed, the third candidate must be of another sex, in order to allow a greater number of women to participate in the political life of the nation.

24. Moreover, the said Act grants “additional public financing for any political party or grouping whose list comprises at least 50 per cent female candidates in these elections”.

25. As a result of the implementation of this Act, 33 female deputies were elected in the most recent legislative elections, in March 2021, compared with 29 previously.

26. With the awareness-raising campaign being undertaken by the Ministry of Women, Family and Children and supported by development partners and civil society organizations, these results are bound to further improve in future elections.

27. This Act, for which an implementing decree has been enacted, is reflected in the Ivorian electoral code.

28. The Ministry of Women, Family and Children is in the process of drafting a bill to extend gender parity to the government and private companies, pursuant to article 37 of the current Constitution adopted in 2016.
