



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-second session
3-21 March 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination***

CÔTE D'IVOIRE

1. The Committee considered the fifth to fourteenth periodic reports of Côte d'Ivoire, submitted as a single document (CERD/C/382/Add.2), at its 1568th and 1569th meetings (CERD/C/SR.1568 and 1569), held on 12 and 13 March 2003. At its 1582nd meeting (CERD/C/SR.1582), held on 21 March 2003, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the periodic reports submitted by the State party and the additional information provided orally by the delegation. The Committee was encouraged by the fact that the Government, despite the current crisis in the State party, was represented by a high-level delegation and provided frank and constructive replies to the questions asked and comments made.

* Please note that the symbol CERD/C/Session No./CO/... replaces the symbol CERD/C/304/Add

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the disturbances now taking place in Côte d'Ivoire are obstacles to the State party's stability and are factors which may impede its efforts to implement the Convention.

C. Positive aspects

4. The Committee welcomes the conclusion of the Linas-Marcoussis Agreement of 23 January 2003 and of the Accra Agreement of 8 March 2003, which enabled a government of national reconciliation to be formed, as a means of restoring confidence and overcoming the crisis.

5. The Committee welcomes the State party's commitment to prosecute any media which incite hatred or racial discrimination.

6. The Committee notes with satisfaction that Côte d'Ivoire has established a Ministry of Human Rights and plans to set up a National Human Rights Commission (under Decree No. 2000-830 of 22 November 2000) and an Ombudsman's Office (articles 115-118 of the Constitution).

7. The Committee welcomes the Government's declaration of principle on human rights contained in its information paper describing its efforts to guarantee respect for human rights in the current crisis situation. The Committee also notes that a free telephone line has been made available to enable any victim of a human rights violation to contact the Ministry of Human Rights.

8. The Committee notes with satisfaction that the State party recently ratified ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

9. Taking note of the conclusions of the Forum on National Reconciliation on the elimination of economic and social disparities between the north and the south of Côte d'Ivoire, the Committee encourages the State party to continue its campaign to reduce regional disparities.

10. Taking note with satisfaction of the action taken on 4 October 2001 to raise awareness of human rights among the security forces, the Committee encourages the State party to continue and expand these efforts to cover political parties, press organs and civil society.

D. Concerns and recommendations

11. The Committee, recalling article 1, paragraph 3, of the Convention, notes with concern that the misuse for political ends of Nationality Code Act No. 61-415 of 14 December 1961, as amended by Act No. 72-852 of 21 December 1972, has given rise to discriminatory practices. The Committee also notes that the misuse for xenophobic purposes of the concept of "*ivoirité*", which does not appear in the Constitution, has been a key factor in the current crisis. The Committee recommends that the Nationality Code be implemented in conformity with the provisions of the Convention.

12. The Committee expresses its concern about information relating to the racial and xenophobic violence that ended in mass graves in various regions of the country and encourages the State party to continue its efforts to prevent a repetition of such violence and to punish the persons responsible for it.
13. The Committee notes with concern that the implementation of Rural Land Act No. 98-750 of 23 December 1998 created a sense of insecurity among foreigners of certain ethnic groups who owned land prior to its adoption. The Committee urges the State party to continue its efforts to explain this text better to the populations concerned and to ensure better protection of acquired rights.
14. The Committee notes with concern that the misinterpretation of election laws has given rise to tensions between ethnic and religious groups and recommends that these laws be reviewed in the light of the provisions of the Convention relating to the right of all citizens to take part in the country's political life.
15. In general, with regard to the provisions of the Constitution (particularly article 35) and the nationality legislation that has been called into question in the context of the crisis in Côte d'Ivoire, the Committee recommends that the State party take account of existing realities on the ground, in particular the coexistence of different ethnic groups, in order to guarantee that these provisions are more fully implemented.
16. Noting with concern that some of the national media have used propaganda to incite war and encourage hatred and xenophobia, the Committee recommends that the State party continue its efforts to take the necessary measures to put an end to this practice.
17. The Committee invites the State party to provide information on the status of the Convention in the hierarchy of legislation in Côte d'Ivoire, as well as on whether it is possible for individuals to invoke the provisions of the Convention directly before the domestic courts. It would also like to receive information on the practical implementation of the laws prohibiting racial discrimination, as well as on the number of complaints and of prosecutions for racist acts.
18. The Committee recommends that the State party continue its efforts to adopt legislation or regulations which define the respective spheres of competence of the National Human Rights Commission and the Ombudsman's Office, spell out the procedure for bringing cases before them and determine whether their decisions are binding. More specifically, the Committee invites the State party to strengthen the guarantees of independence of these bodies so that their activities will be effective and credible, particularly for the purposes of mediation. To this end, the State party should take the appropriate measures to inform the public of the remedies available to the victims of acts of discrimination or xenophobia.
19. The Committee recommends that the State party take all necessary steps to educate officials, political leaders and the public about, and make them aware of, the provisions of the Convention. Due account must be taken of general recommendation XIII, according to which law enforcement officials should receive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to ethnic origin or religion.

20. The Committee invites the Government, political parties, civil society and the armed forces to honour the State party's commitments under the Convention in order to restore peace and security and to maintain a frank and constructive dialogue with the population of Côte d'Ivoire, as is done by the Forum for National Reconciliation.
21. The Committee recalls the State party's request to have an international commission of inquiry set up to carry out investigations and establish the facts throughout the national territory in order to identify cases of serious violations of human rights and international humanitarian law since 19 September 2002. The Committee urges the State party to take the necessary measures and create the necessary conditions for such an inquiry and to include all the information on this question in its next periodic report.
22. The Committee recommends that, in its next periodic report, the State party provide full and detailed information on the measures taken at the national level to implement the provisions of article 5 in order to prevent and criminalize any form of discrimination in the enjoyment by the different ethnic groups of economic, social and cultural rights.
23. The Committee urges the State party to strengthen the measures guaranteeing the contribution of civil society organizations to the promotion of inter-ethnic harmony and expresses the hope that the next periodic report will describe the role of these organizations, including their participation in action to combat discrimination by publicizing the Convention.
24. The Committee recommends that, in giving effect in its internal legal system to the provisions of the Convention, particularly those of articles 2 to 7, the State party take account of the relevant parts of the Durban Declaration and Programme of Action and include information in its next periodic report on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.
25. The Committee notes that the State party has not made the optional declaration under article 14 of the Convention and strongly urges it to consider making such a declaration.
26. The Committee strongly recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 15 December 1992. In this connection, the Committee draws the State party's attention to General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.
27. The Committee recommends that the State party disseminate its periodic reports widely among the public at large as soon as they have been submitted and that the Committee's concluding observations be publicized in the same way.
28. The Committee recommends that the State party submit its fifteenth, sixteenth and seventeenth periodic reports in one document, due on 3 February 2006, and that it should reply to all the questions raised in these concluding observations.