



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues in relation to the initial report of Côte-d'Ivoire\*

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

1. Given that article 87 of the Constitution establishes the primacy of the Covenant over the national laws of Côte d'Ivoire, please indicate how often the Covenant has been invoked before and applied by the courts and administrative authorities of the State party and provide examples, if any, of such cases. Please also provide examples of instances in which the Covenant has prevailed over a national law when there has been a conflict between them. Specify the measures taken by the State party to ensure that information on the Covenant is disseminated among judges, lawyers, law enforcement officers and the public.
2. Please provide information on the steps taken by the State party in response to the Views adopted by the Human Rights Committee on 31 October 2011 concerning communication No. 1759/2008 (CCPR/C/103/D/1759/2008). Specify whether the State party has put in place a mechanism to follow up on the decisions and recommendations of the treaty bodies.
3. Please indicate what measures have been taken by the State party to amend Act No. 2012-1132 of 13 December 2012 on the establishment of the National Human Rights Commission in order to make it operational, guarantee its independence, ensure that its members are appointed in an independent manner and provide it with appropriate human and financial resources in accordance with the Paris Principles. Please specify what measures have been taken by the State party to apply for accreditation of the National Human Rights Commission by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Please describe the outcome of the Commission's and the Ombudsman's examination of allegations of human rights violations and abuses and indicate what follow-up action has been taken.
4. Please indicate what progress has been made by the Dialogue, Truth and Reconciliation Commission established pursuant to Ordinance No. 2011-167 of 13 July 2011 in identifying violations and the perpetrators of those violations and providing compensation for victims. Please also indicate what measures have been taken to ensure that the Commission functions in accordance with the Covenant and does not contribute to

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\* Adopted by the Committee at its 111th session (7–25 July 2014).



the continued impunity of the perpetrators of the human rights violations that occurred following the elections. Indicate whether the State party intends to renew the Commission's mandate.

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

5. Please indicate whether the State party intends to adopt a comprehensive law on non-discrimination based on the criteria set out in the Covenant. Please provide information on any recent rulings relating to protection against discrimination that have been handed down by the courts in the State party on the basis of the laws or legal provisions on non-discrimination which are mentioned in paragraphs 53 to 59 of the State party's initial report (CCPR/C/CIV/1). Please describe how the Acquisition of Nationality by Declaration Act (Act No. 2013-653 of 13 September 2013) meets the requirements of the Covenant in respect of non-discrimination. Kindly comment on the compatibility of the new legislative provisions concerning nationality with the Covenant (paragraph 130 of the State party's report).

6. Please provide information on any measures taken by the State party to provide effective protection against acts of discrimination for: (a) persons with albinism; (b) persons with disabilities; and (c) lesbian, gay, bisexual and transgender people.

7. Please provide information on any measures taken by the State party to amend the laws listed in paragraph 103 of the report, which the State party has recognized as containing provisions that are discriminatory against women, particularly with regard to divorce and separation, paternity, filiation and inheritance. Please provide information on the results of the various measures undertaken by the State party, as listed in paragraph 105 of its report, to curtail stereotypes of women and promote gender equality. Kindly furnish information on the steps taken by the State party to amend the articles of the 1964 law on divorce and separation, as amended and supplemented by the laws of 1983 and 1998, which require women to wait at least 300 days before remarrying. Please provide information on any steps taken to amend the portions of the Criminal Code which set out different definitions of the offence of adultery when committed by a woman and when committed by a man and on any steps taken to decriminalize adultery in accordance with the Covenant. Please provide information on the progress made by the State party towards the adoption of a new Criminal Code, which is to contain a new article 347 under which levirate and sororate will be prohibited.

8. Please clarify whether the State party has taken measures to rectify the discriminatory provisions of the Finance Act with a view to upholding the principle of equal pay for men and women for work of equal value. Indicate what special measures the State party has put in place to remedy the underrepresentation of women in elective office and provide information on the employment rate of women in senior posts in the private sector. Please specify the intended time frame for the adoption by the State party of the bill designed to increase the representation of women and provide details on its provisions.

**Right to life (arts. 6 and 14)**

9. With a view to the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, please provide information on the abolition of the death penalty under the Criminal Code and other laws of the State party. Please indicate whether any death sentences have nonetheless been handed down by Ivorian courts during the period covered by the report and whether any executions have taken place.

10. Please provide information on summary or extrajudicial executions carried out by the police, the Armed Forces, militias, armed groups or demobilized former combatants between 1999 and 2010. Include information on the investigations conducted, the trials

held, the convictions obtained, the penalties imposed on the perpetrators and the compensation awarded to victims. Please explain why no legal action has been taken concerning the events of 24, 25 and 26 October 2000 (initial State party report (CCPR/C/CIV/1), para. 198). Please indicate whether the State party intends to reopen the file on the Yopougon mass grave and to undertake an investigation into the attack on the Nahibly camp near Duékoué and the mass grave at Torgueï. Please indicate what legal action the State party intends to take in respect of the conclusions presented in the report of the National Commission Of Inquiry, which was established in July 2011 to undertake an investigation into the post-election violence that occurred from 31 October 2010 to 15 May 2011. Please provide information on the progress made in the investigations led by the Special Investigation Unit into the summary or extrajudicial executions that took place between 31 October 2010 and 15 May 2011 and indicate what action the State party intends to take in that connection.

11. Please provide information on the investigations conducted, the trials held, the convictions obtained and sentences handed down to those responsible for the enforced disappearances referred to by the State party in its report covering the period from 2002 to 2011 and on cases that have occurred since then.

12. Please clarify whether the State party intends to review its legislation on the voluntary termination of pregnancy with a view to averting clandestine abortions, which sometimes result in the death of the mother. Please provide information on the extent to which ritual infanticide is practised in the State party and the impact of the measures taken by the State party to eradicate that practice.

**Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 3, 7 and 24)**

13. Please provide information on measures taken to introduce a definition of torture and cruel, inhuman or degrading treatment into the laws of the State party, in particular the Criminal Code. Please also provide information on: cases of torture that took place between 2002 and 2010; the allegations that acts of torture have been committed by the Forces Républicaines de Côte-d'Ivoire since 2011; the investigations conducted, prosecutions brought and penalties imposed on perpetrators of torture; and the measures taken to compensate and rehabilitate victims. Please indicate what action the State party plans to take on the recommendations made in the report of the National Commission of Inquiry, which documents cases of torture during the post-election period. Specify what measures have been taken to make it easier to file complaints concerning acts of torture committed by police or security forces.

14. Please provide details concerning the steps taken to make acts of domestic violence, including marital rape, a punishable offence. Indicate whether the State party has taken measures to combat domestic violence and describe the impact of any such measures. Please also indicate what steps have been taken to make filing complaints easier for women and girl victims and to put in place protection measures such as shelters and rehabilitation measures. Please provide information on investigations conducted, trials held, convictions obtained and penalties imposed on those responsible for acts of violence against women, in particular sexual violence perpetrated by the Forces Républicaines de Côte-d'Ivoire and unidentified armed men. Also provide information on the steps taken to investigate, prosecute, convict and punish teachers who commit sexual violence against girls in school, mainly in the Bouaké region and in the western part of the country. Please indicate whether the State party intends to adopt a national strategy for the elimination of violence against women.

15. Please specify what measures have been taken by the State party to ensure strict enforcement of Act No. 98/757 of 23 December 1998, which prohibits female circumcision

in the State party, and to adopt a national strategy to put an end to female genital mutilation and address the entrenched cultural factors that encourage the practice. Specify also what steps have been taken by the State party to make the use of corporal punishment unlawful in all places, including family settings.

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

16. Please provide information on the extent of human trafficking in the State party, especially of women and children, for purposes of economic or sexual exploitation or for other purposes. Please also provide information on measures taken to enforce Act No. 2010-272, which prohibits trafficking in children and the worst forms of child labour, and the relevant provisions of the Criminal Code, particularly those dealing with investigations into cases of trafficking in persons and the worst forms of child labour and with prosecutions, convictions and penalties for those offences. Describe the impact that awareness-raising campaigns led by the State party have had and the results obtained by the National Committee for the Oversight of Actions to Combat Child Trafficking, Exploitation and Labour. Indicate what progress has been made towards adopting and implementing the National Action Plan to Combat Child Labour.

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

17. Please provide details on the measures taken by the State party to protect the population from arbitrary deprivation of liberty by, in particular, investigating, prosecuting, convicting and punishing those responsible for instances of arbitrary detention, ensuring that an effective remedy is available in such cases and providing victims with redress. Please provide information on allegations that persons have been held in incommunicado detention on the premises of the National Surveillance Directorate, at the Korhogo gendarmerie and in camps of the Forces Républicaines without being able to contact a lawyer or their family or being brought before a judge.

18. Please specify what measures have been taken to prevent the improper use of police custody and ensure that fundamental legal safeguards for persons in detention are provided in practice, particularly the right of people to be informed of the reasons for their arrest, to have access to a lawyer and a doctor, and to contact family members. Provide information on any measures taken by the State party to reduce excessive periods of pretrial detention. In particular, please provide information on the persons arrested during the outbreak of post-election violence in 2010 and 2011 who have yet to be tried.

19. Please provide details on the efforts made to guarantee the independence of the judiciary in practice. In particular, provide information on measures taken to ensure the independence and impartiality of the justice system during investigations and prosecutions concerning perpetrators of post-election violence in Côte d'Ivoire. Besides the cases mentioned in the report of the State party, please indicate: (a) what measures have been taken to root out corruption in the judiciary; (b) what inquiries have been conducted into cases of corruption; and (c) what penalties have been imposed on members of the judiciary. Please clarify whether the State party has taken additional steps to make the justice system more accessible, to promote access to justice for the entire population, particularly persons who cannot afford court fees, to provide the public with information on legal assistance and facilitate access to such assistance. Please indicate what steps the State party has taken to introduce legal provisions on compensation in the event of a miscarriage of justice.

**Treatment of persons deprived of their liberty (art. 10)**

20. Please describe the measures currently being taken to improve prison conditions in the State party. Please indicate what progress has been made in refurbishing the 14 detention centres and correctional facilities that have not yet been fully renovated

(CCPR/C/CIV/1, para. 343) and in building new detention centres and correctional facilities. In particular, provide details on the steps taken to reduce prison overcrowding in the State party, including the Abidjan Detention and Correctional Facility. Please provide information on the steps taken to ensure that different classes of prisoners are separated from one another, particularly minors from adults and prisoners under different types of detention regimes. Specify what measures have been taken to allocate adequate health-care resources to detention and correctional facilities, to prevent deaths in prison and to improve prisoners' diets. Clarify whether there is an independent, confidential mechanism in prisons for receiving complaints from prisoners. If so, give examples and indicate the number of complaints received and the action taken on the complaints.

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

21. Please provide information on any steps taken towards the adoption of a national asylum law and provide information on measures taken to facilitate the voluntary repatriation of Ivorian refugees and furnish them identity documents. Please also provide information on the progress made by the State party towards finding lasting solutions for the internally displaced persons in the State party who have been living in camps since 2002 and towards addressing the lack of security and violence to which they are sometimes subjected. Provide information on measures taken by the State party to prevent statelessness. Please specify what steps have been taken by the State party to uphold, *de jure* and *de facto*, the principle of non-refoulement with respect to foreign nationals expelled from the State party.

**Freedom of expression and right to freedom of assembly and association (arts. 19, 21 and 22)**

22. Please comment on the allegations of intimidation, harassment and punishment of journalists. Provide information on the investigations conducted in such cases, the prosecution of the persons responsible and the penalties imposed upon them. Furnish information on the steps taken to align legal provisions on freedom of the press with the Covenant.

23. Please provide information on the measures taken to guarantee the right to the exercise of freedom of assembly and association in the State party in practice and to protect human rights defenders, leaders of political parties, trade unions and victims of intimidation or of arbitrary arrest or detention from threats, violence and arbitrary interference in their activities. Please also provide information on investigations into such acts, on the prosecution and conviction of those responsible for such acts and on the deaths of a number of activists on 3 March 2011 in Abobo.

**Protection of the family and rights of the child (arts. 23 and 24)**

24. Please specify whether the State party intends to amend its legislation with a view to setting the same minimum age for marriage for men and women. Please indicate what measures have been taken by the State party to overcome the obstacles that stand in the way of the enforcement of the law that prohibits early and forced marriages. Please provide information on the steps taken by the State party to enforce the legal prohibition of polygamy.

25. Please specify what measures are currently being taken to address the factors referred to in paragraph 498 of the State party's report that are hindering efforts to raise the birth registration rate. Please provide data on the number of persons, particularly children, and including internally displaced persons, on whom vital records are lacking in the civil registry service.

**Participation in public affairs (art. 25)**

26. Please indicate what steps have been taken to do away with clientelism in the recruitment of civil servants. Provide information on efforts made to ensure that future elections will run smoothly and to ensure that all members of the electorate are able to exercise their right to vote.

**Dissemination of information on the Covenant (art. 2)**

27. Please provide information on measures taken to disseminate information on the Covenant. Indicate whether the Covenant has been translated into the languages that are widely spoken in the country. Please also provide more detailed information on the participation of representatives of civil society, non-governmental organizations and the National Human Rights Commission in the preparation of the initial report.

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