



International Covenant on Civil and Political Rights

Distr.: General
23 August 2024
English
Original: French
English, French and Spanish only

Human Rights Committee

List of issues prior to submission of the second periodic report of Côte d'Ivoire*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant developments concerning the legal and institutional framework for the promotion and protection of human rights that have taken place since the adoption of the Committee's previous concluding observations;¹ on measures taken to implement the recommendations contained in the Committee's previous concluding observations; and on measures taken by the State party to implement the Views adopted by the Committee on 31 October 2011 in the case of *Traoré et al. v. Côte d'Ivoire*.² Please also specify whether the interministerial committee to monitor the implementation of international human rights instruments includes a mechanism for monitoring the implementation of Views on individual communications.

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

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

2. Given that article 123 of the Constitution establishes the primacy of the Covenant over national laws, please provide examples of cases, if any, in which the provisions of the Covenant have been invoked before the courts and administrative authorities, including examples in which the courts and administrative authorities have directly applied the provisions of the Covenant or have relied on the Covenant in interpreting national legislation. Please provide information on measures aimed at making the provisions of the Covenant and the two Optional Protocols thereto more widely known to the population at large, including the individual communications procedure under the first Optional Protocol to the Covenant, and include information on the related training provided for judges, prosecutors, lawyers, law enforcement officials and members of the defence and security forces.

3. Following the establishment of the National Human Rights Council pursuant to Act No. 2018-900 of 30 November 2018, please indicate what measures have been taken to ensure a clear, transparent and participatory selection and appointment process for members of the decision-making body, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

* Adopted by the Committee at its 141st session (1–23 July 2024).

¹ CCPR/C/CIV/CO/1.

² CCPR/C/103/D/1759/2008.



Please describe the measures in place to ensure that the Council has adequate human and financial resources, including for the purpose of carrying out its functions effectively throughout the territory of the State party. Please provide information on the legal and regulatory framework governing collaboration between the Council and public entities, as well as detailed information on the follow-up given by the public entities concerned to the recommendations issued by the Council, including with regard to individual complaints of violations of civil and political rights.

Anti-corruption measures (arts. 2 and 25)

4. Please provide information on the measures taken to combat corruption, including to ensure the independence of the various anti-corruption institutions and provide them with sufficient resources, and indicate what results have been achieved. Please include information on the investigation, prosecution and punishment of cases of corruption, including high-level corruption involving politicians and senior civil servants. Please provide information on the implementation of Decree No. 2014-219 of 16 April 2014 governing asset declaration, including information on the penalties imposed in the event of non-compliance with reporting requirements. Please provide information on the measures taken to ensure that requests for information submitted under Act No. 2013-867 of 23 December 2013 on access to information of public interest are systematically acted upon in a timely manner, and describe the measures taken to ensure the protection of whistle-blowers, including whether the State party intends to adopt a specific law on the protection of whistle-blowers in accordance with international human rights and anti-corruption standards.

Combating impunity (arts. 2, 6 and 7)

5. Please describe all measures taken to combat impunity, in particular with regard to serious human rights violations committed in the context of the crisis that occurred in 2010–2011 following the 2010 presidential election. Please include statistics, broken down by type of violation and position of perpetrator, on investigations carried out, prosecutions initiated, convictions handed down and the nature of penalties imposed, including against members of the police and security forces. Please indicate what measures have been taken to ensure that perpetrators of serious human rights violations cannot be granted amnesty, in accordance with international law. Please indicate what progress has been made in implementing the recommendations contained in the final report of the Dialogue, Truth and Reconciliation Commission to ensure that all victims benefit from adequate reparation measures, including compensation, restitution and rehabilitation.

Non-discrimination (arts. 2, 20, 23 and 26)

6. Please describe the legal framework prohibiting discrimination and offences of incitement to hatred and provide information disaggregated by ground of discrimination on related court decisions, including information on the legal basis for such decisions. Please indicate what measures have been taken by the State party to combat discrimination, hate speech, harassment and acts of violence suffered by lesbian, gay, bisexual, transgender and intersex persons, and whether the State party intends to enact legislation to explicitly prohibit discrimination on grounds of sexual orientation and gender identity. Please describe and analyse the impact of the measures taken to combat acts of discrimination suffered by persons with disabilities, including discrimination and acts of violence suffered by persons with albinism, and to promote the participation in society of persons with disabilities on an equal footing.

Equality between women and men (arts. 2, 3, 23, 25 and 26)

7. Please describe the measures taken by the State party to guarantee equality between men and women in law and in practice, in particular with regard to divorce, separation and inheritance, and indicate whether the State party plans to amend article 6 of Act No. 2019-570 of 26 June 2019 on marriage, which requires women to wait 300 days before remarrying. Please provide information, disaggregated by sex, on the application of article 456 of the Criminal Code, which criminalizes adultery, and specify what measures have been taken to

decriminalize adultery in accordance with the recommendations made in the Committee's previous concluding observations (para. 11).³

8. Please provide information on the results of the various measures taken by the State party to combat stereotypes in respect of women and to promote gender equality. Please provide information on the measures taken and envisaged to combat the de facto discrimination faced by women in the labour market, particularly in the informal sector, and to ensure that women benefit fully from the protection of labour law, particularly with regard to equal pay for work of equal value, and that they have access to social protection. Please describe and analyse the impact of the special measures taken to remedy the underrepresentation of women in public administration, including among judges and prosecutors, in elected office and in positions of responsibility, in both the public and private sectors.

Violence against women and harmful practices (arts. 2, 3, 6–8 and 26)

9. In the light of the Committee's previous concluding observations (para. 13), please provide information on the measures taken to combat violence against women, including domestic violence, which reportedly remains widespread, and on their impact. Please indicate whether the State party plans to revise article 403 of the Criminal Code, amended in 2021, in order to remove the presumption of spousal consent from the definition of rape. Please provide recent statistical data on: (a) the number of complaints lodged in respect of the various forms of violence against women; (b) the investigations carried out and prosecutions initiated in relation to those complaints; and (c) the convictions handed down and penalties imposed. Please include information on the measures taken to combat impunity for sexual violence committed in the context of the 2010–2011 post-electoral crisis, including sexual violence perpetrated by the Republican Forces of Côte d'Ivoire, and on steps to support the victims of those acts of sexual violence and to ensure that the victims are not stigmatized.

10. Please provide information on measures to promote and facilitate the reporting of cases of violence against women, and on steps taken to improve protection and care mechanisms for victims of gender-based violence and, where necessary, their children, including access to shelters, medical, psychological and legal assistance, and compensation. Please provide information on the training given to judges, prosecutors, lawyers and law enforcement officials on the investigation and judicial investigation of gender-based violence and on the care of victims, including specific training on conflict-related sexual violence. With reference to the Committee's previous concluding observations (para. 12), please describe measures taken and results achieved with regard to combating harmful practices against women, such as female genital mutilation, early marriage, polygamy and forced marriage, including measures taken to bring those responsible to justice.

Right to life (arts. 2 and 6)

11. Please provide information on the legal framework in the State party governing the use of force and firearms by law enforcement officials and defence and security forces, indicating what measures are in place to ensure that this framework is respected in practice. Please describe the measures taken by the State party to ensure that all allegations of abuse are promptly, independently and impartially investigated, that perpetrators are brought to justice and appropriately punished and that victims receive adequate reparations. Please provide information on cases where law enforcement and security officials have used lethal force and on the outcome of the investigations carried out, including in the context of law enforcement operations during the 2020 presidential elections, such as the intervention by security forces in the town of Elibou on 9 November 2020.

12. Please describe the measures taken by the State party to ensure the protection of the rights to life and to security of person in the context of election-related violence, including the measures taken to ensure that police and security forces intervene systematically, effectively and impartially to prevent and respond to such violence. With regard to the violence during the 2020 election, which resulted in the deaths of at least 85 people and

³ Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/CIV/CO/1](#).

injuries to hundreds more, please provide information on the measures taken to ensure that those responsible are brought to justice, regardless of their political affiliation, and sentenced to appropriate penalties. Please provide information on the measures taken to ensure that victims receive appropriate reparation.

13. In the light of the Committee's general comment No. 36 (2018) on the right to life, please indicate whether the State party intends to revise its legislation on voluntary interruption of pregnancy in order to avoid clandestine abortions that endanger women's lives, in particular by providing for further exceptions to the prohibition on abortion and decriminalizing abortion in all other cases. Please provide information on the action taken by the State party to help women avoid unwanted pregnancies, in particular by strengthening its family planning and sex education programmes, including for men and adolescents, with an emphasis on the importance of contraception and the right to sexual and reproductive health. Please describe the measures taken to guarantee women's and adolescent girls' access to information on abortion, and to remove current obstacles to women's and girls' effective access to safe and legal abortion.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 2 and 7)

14. Please provide information on the measures taken to establish and put in place a national mechanism for the prevention of torture in line with international standards, following the State party's accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2023, including an independent mechanism to regularly monitor and inspect all places of deprivation of liberty. In the light of the Committee's previous concluding observations (para. 16), please describe the measures taken to ensure that all alleged cases of torture and ill-treatment are thoroughly investigated, the perpetrators prosecuted and, if they are found guilty, sentenced to appropriate penalties. Please provide information on compensation and rehabilitation services for victims.

Elimination of slavery and servitude (arts. 6–8 and 24)

15. Please report on the efforts made, including the financial resources allocated, to combat trafficking in persons and exploitation of children, in particular the measures taken to: (a) improve the early identification of victims and their referral to appropriate assistance; (b) step up the criminal prosecution of those responsible, including, where appropriate, complicit officials; and (c) guarantee the protection of victims and their access to an effective system of support and compensation. Please provide statistical information on the number of complaints filed, investigations carried out, prosecutions initiated, convictions handed down and penalties imposed on the perpetrators, as well as on compensation and assistance provided to victims. Please also provide information on awareness-raising campaigns and training provided in this area, particularly for members of the law enforcement and security forces, judges, prosecutors, lawyers, social workers and civil society organizations.

Liberty and security of person (art. 9)

16. In the light of the Committee's general comment No. 35 (2014) on liberty and security of person, please specify what measures have been taken by the State party to protect all persons against arbitrary deprivation of liberty, in particular by investigating arbitrary detentions and prosecuting, convicting and punishing those responsible and by ensuring an effective remedy against such acts as well as reparation for the victims. Please provide information on allegations of the arbitrary detention of hundreds of people in the context of the 2020 electoral process, including opposition members and activists, some of whom were allegedly held incommunicado on the premises of the National Surveillance Directorate without any legal basis and without access to a judge before being transferred to the prison authorities.

17. In the light of the provisions of the new Code of Criminal Procedure adopted in 2018, please specify what measures have been taken to prevent improper use of police custody, enforce time limits for police custody and requirements with respect to release, and ensure that fundamental legal safeguards for persons in detention are provided in practice,

particularly the right to be informed of the reasons for their arrest, to have access to a lawyer and a doctor, and to contact family members. Please provide information on the implementation of the provisions of the Code of Criminal Procedure aimed at reducing the number of persons held in pretrial detention, including court supervision and the possibility of pleading guilty to minor offences. Please report on the measures taken to ensure regular and systematic judicial review of the lawfulness of detention, including on the premises of the National Surveillance Directorate, and comment on reports that despite the introduction of time limits for pretrial detention of 18 months in the case of ordinary offences and 24 months in the case of serious offences, many accused persons are still being held beyond those time limits. In the light of the Committee's previous concluding observations (paras. 18 and 19), please provide information on the measures taken to remedy the situation of persons who have been in pretrial detention for many years, in particular those detained in the context of the 2010–2011 post-electoral crisis.

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

18. Please specify what measures are currently being taken to improve conditions of detention in the State party, including in police custody, and bring them into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, please provide information, supported by statistics, on the impact of the measures taken to reduce prison overcrowding, including on the effective application of the alternative measures to detention provided for in Act No. 2019-574 of 26 June 2019 on the Criminal Code (as amended by Act No. 2021-893 of 21 December 2021), such as suspended prison sentences and community service, as well as measures to reduce the use of pretrial detention. Please provide information on the measures taken to ensure that different classes of prisoner are separated from one another, particularly adults from minors and prisoners under different types of detention regime, including women and girls. Please specify what measures have been taken to allocate adequate health-care resources to detention and correctional facilities and prevent deaths in prison, and to improve prisoners' diets.

Treatment of asylum-seekers, refugees and persons at risk of statelessness (art. 13, 14 and 16)

19. Please provide information on the measures taken by the State party to prevent statelessness, including the wide dissemination and implementation of the National Plan of Action for the Eradication of Statelessness in Côte d'Ivoire. In the light of the adoption of Act No. 2023-590 of 7 June 2023 on refugee status, please describe the measures taken by the State party to guarantee the principle of non-refoulement in law and in practice.

Fair trial, independence of the judiciary and access to justice (art. 14)

20. Please indicate what efforts have been made to guarantee and strengthen in practice the independence and impartiality of the judiciary and the public prosecutor's office, in particular in connection with the investigation of election-related violence in Côte d'Ivoire and the prosecution of alleged perpetrators. Please also indicate what measures have been taken to combat corruption in the judicial system, including by increasing the transparency of judicial proceedings. Please describe the measures taken to reduce the backlog of court cases and to promote access to justice, in particular access to legal assistance for persons without sufficient resources and for populations living in remote areas.

Forced evictions (arts. 2, 12, 17 and 26)

21. Please provide information on the establishment of a legal and regulatory framework governing eviction operations that complies with international standards in this area. In the light of the communiqué issued by the Autonomous District of Abidjan on 23 February 2024 announcing eviction operations affecting 176 sites across the city of Abidjan, please provide information on the measures taken to ensure that no evictions take place without meaningful consultation with those concerned and appropriate arrangements for their compensation and resettlement. Please also provide information on the measures taken to ensure the implementation of court decisions concerning illegal evictions, in particular the eviction in Abidjan of the inhabitants of the Houphouët-Boigny 1 and 2 neighbourhoods in the commune

of Koumassi and the Banco Nord Extension 2 zone in the commune of Yopougon, including on how the State party intends to address the issues of compensation and resettlement of the victims.

Freedom of expression (art. 19)

22. In the light of the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, please indicate whether the State party plans to revise its legislation, including the amendments made in 2022 to the legal regime for the press and the legal regime for audiovisual communication, as well as article 214 of the bill on electronic communications adopted by the Senate on 7 May 2024, to ensure that it cannot be used to muzzle the press and critical voices, in particular by ensuring that offences such as the dissemination of false news are clearly defined and that penalties are proportionate to the seriousness of the offence. Please provide detailed information on convictions and penalties relating to the exercise of the right to freedom of expression, including suspensions of operating licenses imposed on the media, and describe the measures taken to prevent abuse and ensure the protection of journalists, bloggers, political figures, activists and human rights defenders against threats, harassment, arbitrary detention or other acts of violence or intimidation against them. Please provide information on the investigations carried out in such cases, the prosecution of the persons responsible and the penalties imposed on them, as well as on the reparation made to the victims.

Freedom of peaceful assembly (art. 21)

23. In the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, please describe the measures taken by the State party to guarantee the full exercise of the right to freedom of peaceful assembly. Please provide information on the legal framework governing this right, explaining the compatibility with the Covenant of the provisions of the new Criminal Code, in particular articles 191 and 196–199. Please explain the necessity and proportionality of the ban on demonstrations on the public highway introduced by interministerial decree in 2020. Please provide information on the measures taken, including training, to ensure that law enforcement and security officials do not use excessive force when policing demonstrations and other gatherings.

Freedom of association (arts. 9 and 22)

24. Please provide information on the measures taken to guarantee in practice the exercise of freedom of association in the State party and to protect human rights defenders from intimidation and arbitrary arrest and detention. Please provide information on the investigations carried out in such cases, the prosecution of the persons responsible, the convictions handed down and the penalties imposed, as well as on the reparation made to the victims. Please describe the measures taken or envisaged to ensure that the protection mechanism established pursuant to the implementing decree of Act No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders can carry out its functions effectively and with complete independence and impartiality, in particular by ensuring the inclusion of human rights defenders in its membership and by providing it with sufficient resources.

Protection of the rights of the child (art. 24)

25. Please describe the measures taken to ensure that all births, including those of children of refugees and displaced persons, are registered and that birth certificates are issued to all newborn children, and indicate what progress has been made in this regard. Please also specify what steps have been taken by the State party to prohibit, in law and in practice, the use of corporal punishment on children in all places, including family settings. Please describe the measures taken to guarantee the protection of children against violence and abuse, including sexual violence, to raise public awareness of this issue and to ensure that child victims of violence receive comprehensive assistance.

Participation in public affairs (art. 25)

26. Please describe the measures taken to ensure a level playing field for all candidates in electoral processes, including to guarantee the independence and impartiality of the Independent Electoral Commission. Please comment on the compatibility with article 25 of the Covenant of the exclusion of 40 out of 44 candidates for the 2020 presidential election. Please comment on allegations that members of the opposition were subjected to arbitrary arrest and detention by police and security forces in the context of the 2020 presidential election, including for participating in peaceful demonstrations.
