

CÔTE D'IVOIRE

CERD 29TH No. 18 (A/9618) (1974)

223. The initial report of the Ivory Coast was considered together with the information submitted by that reporting State in response to decision 3 (VII) of the Committee. The Committee noted regretfully that the information contained in the two documents dealt only with some of the provisions of article 2, paragraph (1) (a), article 4, paragraph (a), and article 5, paragraph (f), of the Convention; that that information related solely to legislative measures, to the exclusion of judicial, administrative or other measures; and that the statements made in the documents were not always accompanied by the texts of the relevant legislative provisions. Nor did the documents contain any information on the relations, if any, between the reporting State and the racist régimes of southern Africa, or on the ethnic composition of the population, as envisaged in the Committee's general recommendations III and IV respectively. The Committee decided to request the Government of the reporting State to supply the information which was missing in the documents under consideration in its next report and expressed the hope that that report would be organized on the basis of the guidelines laid down by the Committee.

CERD 29TH No. 18 (A/36/18) (1981)

202. The second, third and fourth periodic reports of the Ivory Coast submitted in one document (CERD/C/64/Add.2) were considered by the Committee together with the introductory statement of the representative of the reporting State.

203. The Committee commended the Government of the Ivory Coast for its comprehensive report which covered the period 1974-1980 and provided information on practically all the important questions.

204. It was noted that the Ivory Coast condemned apartheid while at the same time advocating dialogue with South Africa. The Government was asked to provide fuller information in its next report on the results of that dialogue.

205. It was pointed out that article 6 of the Constitution of the Ivory Coast did not correspond to the provisions of article 4 (a) and (b) of the Convention. In that connection, the Government was asked whether it intended to enact legislation to give effect to those provisions and to present the text of the relevant articles of the draft Penal Code of the Ivory Coast under consideration.

206. With reference to article 5 of the Convention, the Committee asked how justice was administered at the present time, particularly in rural areas, since the Penal Code had not yet entered into force; how popular participation was encouraged in the political field; whether several candidates were permitted to compete for party nominations in elections of the different levels in the single democratic party of the Ivory Coast; and how the general population could voice complaints regarding government policies. Explanation was requested of the statement in the report that access to the courts by non-nationals was facilitated by settled practice in which the security for costs and damages was very rarely called for. In that connection, it was asked when such security was required and when it was not, as it seemed to be a form of discrimination against non-nationals. Further information was asked for regarding the press: who owned the media; whether the media could be privately owned and whether foreign publications were available in the Ivory Coast. With reference to the right to form and join trade unions, it was asked whether trade unions were independent or were linked to the Government and whether strikes were permitted under the Labour Code. In that connection, the text of the Labour Code was also requested. Noting that foreigners in the Ivory Coast had considerable holdings in the capital of companies, a member asked whether that situation led to tension between such foreigners and the indigenous population and what measures, if any, were taken to reduce such tension, to narrow disparities in income and to enable Ivory Coast citizens to enter the economy as entrepreneurs; whether there were any laws to promote Africanization and whether the Government encouraged participation by the local population in the foreign sector.

207. Referring to an incident concerning the death of 46 Ghanaians who had been arrested in the Ivory Coast, a member of the Committee said that those acts violated the principles with which the Ivory Coast claimed to be imbued and that the Government had not reacted in the manner expected.

208. Noting that the report did not contain reference to any provisions implementing article 6 of the Convention, the Committee requested further explanations on that point.

209. In connection with article 7 of the Convention, it was asked whether integration of the population of the Ivory Coast was based on concepts of a general nature or on a specifically African concept, namely negritude. A member of the Committee commended the Government of the Ivory Coast for the way in which it was giving effect to the provisions of article 7 of the Convention.

210. The representative of the Ivory Coast replied to some of the questions raised and assured the Committee that replies to remaining questions would be provided in his country's next report. He said that until the draft Penal Code was adopted, the Ivory Coast was applying the French Penal Code. In reply to the question concerning the Africanization of the managerial class, he said that for 10 years the Ivory Coast had had ministers who were not from the Ivory Coast and who had never changed nationality. Since the country's achievement of independence, Africanization was applied only gradually and an Ivory Coast citizen was authorized to replace a foreigner in a post only when he had acquired the same degree of skill. Measures had been taken to provide the same security for foreigners as for citizens; in the Ivory Coast the very concept of "foreigners" was special, because no distinction was made in their regard in any areas of economic or social life. Regarding offences against the person, such as tattooing, filing of teeth and the like, he said that while there was no specific written provision regarding the matter, those practices were punishable and were referred to in the draft Penal Code. The Ivory Coast authorities had no intention of concealing them and spared no effort to eliminate them through an information campaign and Party directives.

211. In reply to questions concerning article 5 of the Convention, the representative said that security for costs and damages may not constitute a discriminatory measure because it applied to all foreigners, regardless of nationality for race. Regarding administration of justice in rural areas, he said that under African justice, conciliation and mediation were essential principles and were applied in rural areas when the parties to a dispute did not refer the matter directly to the competent court. When the matter fell within the competence of traditional justice, it was usually preferred to have it settled in the village by the wise men who were used to that kind of problem and if no solution was found, one of the parties could apply to the court. The latter, applying modern legal procedures, took into account what had been decided on the basis of traditional justice. The relations between traditional and modern justice were not codified; they were extremely flexible and were guided primarily by the spirit of conciliation and mediation between groups. Replying to questions concerning the political situation, he said that the existence of a single party, the Democratic Party of the Ivory Coast, was no impediment to democracy. The Party did not endorse any of the candidates who stood for election and voting was conducted in two rounds of secret balloting for a single member, the first round on the basis of an absolute majority and the second on the basis of plurality. All foreign publications were sold without censure or restriction. The right to strike was fully recognized and the trade unions, which represented the different corporations, could, within the limits of the Constitution, call a strike and submit their claims to the appropriate ministers. The representative regretted the incident of the death of 46 Ghanaians and expressed his conviction that the Ivory Coast authorities and the President would take the steps which were necessary. Finally, as to the question of negritude, he said that it was not a concept

which differed from country to country, because it was based on the fundamental values of Africa. Although there was no specifically African culture in the Ivory Coast, the practices of one region were not allowed to interfere with the positive aspects of another.

CERD A/46/18 (1991)

306. At its 922nd meeting, on 8 August 1991 (see CERD/C/SR.922), the Committee reviewed the implementation of the Convention by Côte d'Ivoire based on its previous reports (CERD/C/64/Add.2) and their consideration by the Committee (see CERD/C/SR.510 and 511). The Committee noted that the State party had not submitted a report since 1980, but was pleased that representatives of the State party were participating in the Committee's current review of the earlier reports.

307. The representative of the State party expressed his Government's regret at its failure to submit a periodic report since 1980 and explained that this had been due to economic and administrative difficulties facing the country. This in no way detracted from its determination to meet its obligations under the Convention and its continued support of the work of the Committee. He, therefore, requested a further three months in which to submit a full report covering the period 1980-1991, which would include replies to questions and comments raised by the Committee and further information on measures taken to implement the Convention.

308. The representative of the State party also informed the Committee of domestic legislative provisions relating to the implementation of the Convention, including those continued in the Constitution, providing for equality before the law for all without distinction as to origin, race, sex or religion, and those making any particularist propaganda of a racial or ethnic nature and any manifestation of racial discrimination punishable by law. He indicated, moreover, that provisions relating to the prevention and punishment of discriminatory attitudes and practices were contained in the Civil Code, the Code of Nationality, the Code of Civil Procedure, the Penal Code and the Code of Penal Procedure.

309. In addition, the representative of the State party informed the Committee that there were 60 ethnic groups in his country, along with a substantial foreign community. A multi-party system had been introduced under the present Government, consisting of some 40 political parties, some of which were represented in Parliament and controlled in some of the larger municipalities through elected mayors. As evidence of the country's democratic structure, the representative noted that numerous independent trade unions had been established and that freedom of the press, with the existence of approximately 20 newspapers representing various political trends and the sale of foreign newspapers, had also been established.

310. Côte d'Ivoire also played an active part in regional cooperation and the establishment of regional and subregional organizations. It welcomed the recent significant changes in South Africa and continued to encourage dialogue as the only means of working out a new strategy for the dismantlement of the odious system of apartheid.

311. Members of the Committee thanked the representative for providing the Committee with useful information and explanations. As regards the long delay in submitting a report, they recognized that many countries had difficulty in meeting their reporting obligations under the various international instruments, but noted that assistance in the preparation of reports could be

made available through the programme of advisory services of the United Nations Centre for Human Rights.

312. Members of the Committee recalled that the previous reports had been deemed satisfactory from the point of view of conformity with the guidelines and that the Committee had noted the significance of the country's ethnic characteristics. Other points previously emphasized by the Committee concerned the right to nationality, the right to own property and the right to work. In the foregoing connection, the Committee had drawn attention to the large number of applications for naturalization by foreigners, had noted that non-nationals had considerable holdings in many companies established in Côte d'Ivoire and that that country was a party to ILO Convention No. 111 concerning discrimination in respect of employment and occupation. However, the Committee had also noted the lack of information on the effective implementation of domestic legislation, in particular with regard to the number of complaints filed for discriminatory acts, examples of judgements handed down by the courts and the widely reported restrictions on press and trade union freedom.

313. Members of the Committee wished to receive information concerning recent events, including the social consequences of the financial crisis affecting the country and the measures being taken to assist the most disadvantaged sections of the population; the identity of the most disadvantaged elements in the population; the continued restrictions on press freedom; the new, independent Ligue ivoirienne des droits de l'homme; and the detention without charge in the spring of 1991 of activists from opposition parties, of trade unionists and of teachers who had taken part in demonstrations. They also wished to know whether the rural infrastructure was being developed with a view to shifting from reliance on cocoa and coffee to food crops.

314. The State party was requested to provide the Committee with a complete report, in accordance with the Committee's guidelines, containing, in particular, an up-to-date breakdown of the population, including the percentage of foreigners; an analysis of how the various articles of the Convention were applied in practice; a description of the relevant laws, particularly the Penal Code, as amended in 1981, and how such laws were actually applied; and details concerning any difficulties encountered.

315. Replying to some of the questions raised by members of the Committee, the representative of the State party explained that under the Constitution political parties could be formed, and several had in fact been formed since 1990, but that there was a national consensus that because of the country's economic difficulties one party government was preferable. Freedom of association and expression was respected, and three or four demonstrations had been taking place daily. Those arrested had taken advantage of the demonstrations to commit acts of vandalism, but they had been released after interrogation.

316. With regard to the economic crisis facing the country, the representative of the State party informed the Committee that this was due to the fall in cocoa and coffee prices, on which the livelihood of over 60 per cent of the population depended. Concerning the ethnic composition of the population, it was difficult to pinpoint which section was poorest in terms of geographical zones, but the Government was attempting to help the most disadvantaged through the building of inexpensive accommodations and the payment of unemployment benefits. Free medical and child

benefits were also provided to poor families, and the Government was also encouraging the diversification of crops.

317. The State party representative informed the Committee that replies to all of the questions that had been raised would be provided in the next report. Noting that staff recruitment and coordination presented particular problems in his country, the representative expressed the hope that assistance in preparing Côte d'Ivoire's report to the Committee would be provided by the United Nations, so that it could be produced more quickly.

Concluding observations

318. In concluding the review, the Committee thanked the delegation for appearing before it and for explaining the reasons for the delay in the submission of reports that were due. The Committee also expressed appreciation for the delegation's efforts to respond to some of its questions. It took note of the intention of the Government of Côte d'Ivoire to submit a written report soon.

CERD A/51/18 (1996)

262. At its 1154th meeting, held on 14 March 1996 (see CERD/C/SR.1154), the Committee reviewed the implementation of the Convention by Côte d'Ivoire based upon its previous report (CERD/C/64/Add.2) and the Committee's consideration thereof (see CERD/C/SR.510, 511 and 922). The Committee noted with regret that no report had been submitted to the Committee since 1980.

263. The Committee regretted that Côte d'Ivoire had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Côte d'Ivoire setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

264. The Committee suggested that the Government of Côte d'Ivoire avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

CERD A/58/18 (2003)

19. 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

20. 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.

B. Factors and difficulties impeding the implementation of the Convention

21. 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

22. 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.

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

24. 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).

25. 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.

26. 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.

27. 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.

28. 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

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.