



## International Covenant on Civil and Political Rights

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### Human Rights Committee

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### List of issues prepared in the absence of the initial report of Côte d'Ivoire due in 1993

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

1. Please explain the status of the Covenant in the constitutional and domestic legal framework, in particular with regard to:

(a) What specific measures the State party has taken to bring its national laws in line with its obligations under the Covenant;

(b) What Covenant rights are implemented in the Constitution or other legislation and what particular Covenant rights are not provided for. Please also indicate whether the Covenant itself may be invoked before the Courts, and if so please provide examples;

(c) What remedies are available for violations of Covenant rights and, in practice, what obstacles exist to their effectiveness and the measures taken to address them.

2. Please provide information on the steps taken, if any, to ensure that the National Human Rights Commission is in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

#### Counter-terrorism measures and respect for Covenant guarantees

3. Please describe the legislative measures that have been adopted to combat terrorism and what impact they have on particular rights guaranteed under the Covenant.

#### Discrimination, participation in public affairs, equality between men and women (arts. 2, 3, 12, 25 and 26)

4. Please indicate the legislative and administrative measures, including recent court decisions, if any, relating to protection against discrimination in all fields, on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Are there any court decisions? If so, please provide information on these decisions.

5. According to information before the Committee, the 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. In particular, the Nationality Code does not provide for the acquisition of Ivorian nationality for children born in the country to parents who are stateless. Please explain the compatibility of this restriction with the provisions of the Covenant and more generally, please explain the measures taken, if any, to ensure that all provisions of the Nationality Code are in line with the Covenant. Please further explain the measures taken to give effect, in practice, to the concept of “*ivoirité*”.

6. Article 35 of the Constitution, concerning the eligibility to run for the office of the President of the Republic, provides that all candidates must be of Ivorian origin and born of Ivorian parents. This would appear to disqualify about a quarter of the population, whose origins are mixed. Please explain the justification of this provision in the light of the provisions of the Covenant.

7. According to information before the Committee, there is pervasive discrimination against women in the State party. Please provide information on: (a) women’s status in the political, economic and social life of the country; (b) levels of employment among women and the proportion of women in positions of responsibility both in the private and public sectors; (c) whether women and men receive equal pay for equal work; and (e) the literacy and school enrolment rates for women as compared to those of men. Indicate all legislative and other steps taken to eliminate any negative attitudes and stereotypes in society, and measures to put an end to discriminatory actions, both in the public and private sectors, which impair the equal enjoyment of all rights by women and men.

8. According to information before the Committee, elections were held in the State party in November 2010. Please confirm that this information is correct and indicate the measures taken by the State party to give effect to the recommendations of the Secretary-General that elections should be free and fair and reflect the level of Ivorian political participation in the State party. Please further state whether these elections were held in a manner that complies with the provisions of the Covenant.

### **Right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)**

9. Please comment on allegations that cases of summary and arbitrary executions and torture were rampant in the State party, particularly in government-controlled zones where the great majority of the victims are allegedly people from the north and neighbouring countries such as Burkina Faso, Mali and Niger. Please provide detailed information on the number of people that have been: (a) investigated for summary and arbitrary executions; (b) prosecuted; (c) acquitted; (d) convicted; and (e) sanctioned, including the nature of those sanctions. Please also indicate whether the families have been granted redress and compensation.

10. Please provide detailed information on the measures taken, if any, to address the disproportionate use of force against civilians, and frequent instances of torture and ill-treatment committed by Forces nouvelles elements in Vavoua, Ségou, Korhogo and Bouaké which were reported by the Secretary-General in January and April 2009. Please further respond to reports that in April 2009, law enforcement officials continued to use disproportionate force against civilians in the area under government control. Furthermore, acts of torture allegedly have been carried out by members of the Centre de Commandement des opérations de sécurité against two members of the opposition party, including Mr. Kone Seydou. Please provide detailed information on the number of law enforcement officials that have been: (a) investigated for excessive use of force and torture;

(b) prosecuted; (c) acquitted; (d) convicted; and (e) sanctioned, and the nature of those sanctions.

11. Please provide information on whether an independent body to investigate complaints of abuse and ill-treatment by law enforcement officials exists. If so, please provide data on the number of law enforcement officials that have been: (a) investigated; (b) prosecuted; (c) convicted or acquitted; and (d) punished, and the nature of the sanctions. Please also state the number of victims or members of their families that have received redress and compensation.

12. According to information before the Committee, violence against women is widespread. Reports provide a disturbing trend of cases of abduction, rape and violence against girls and women, particularly in the western part of the country and in the Vavoua region. Please provide detailed information on the widespread problem of violence against women. What legislative measures are in place to combat such violence, in particular measures for ensuring that acts of domestic violence are effectively investigated and perpetrators prosecuted and sanctioned? Please also provide information on any other steps taken to combat domestic violence, such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies.

13. According to information before the Committee, about 36 per cent of women between 15 and 49 years old are subjected to female genital mutilation. Please provide detailed information on the measures taken, if any, to ensure that the practice is eradicated and perpetrators investigated, prosecuted and punished. Please comment specifically on the legal and educational measures taken to combat the practice of female genital mutilation.

14. Please provide detailed information on the measures that have been taken, if any, to reduce the high incidence of maternal mortality, which is mainly attributed to insufficient health services and lack of access to reproductive health services during pregnancy.

15. According to information before the Committee, corporal punishment is lawful in homes. According to a statistical review by the United Nations Children's Fund (UNICEF) of 29 countries, including Côte d'Ivoire, an average of 19 per cent of children aged 2 to 14 experienced severe physical punishment at home during the period 2005 to 2006. Furthermore, in Côte d'Ivoire, children have limited protection from violence and abuse under the Minority Act and the Penal Code. Please provide detailed information on the measures taken, if any, to ensure the elimination of corporal punishment in all settings. Further, please state the steps taken to bring to justice individuals that breach the prohibition of corporal punishment, and provide information on the sanctions imposed and compensation provided to victims.

16. Please provide information on the measures that have been adopted to ensure that the Amnesty Ordinance of 2007 is in line with the amnesty provision of the Ouagadougou Political Agreement and the 2003 Amnesty Law, so that there is no amnesty for war crimes, crimes against humanity and other serious violations of human rights. What steps have been taken to review the 2007 Amnesty Ordinance to bring it in line with international standards?

### **Elimination of slavery and servitude (art. 8)**

17. According to information before the Committee, in 2009 UNICEF reported that the State party is one of the main destinations for child trafficking. Please provide detailed information on: (a) the State party's legislative framework for combating trafficking in human beings, in particular women and children; (b) the prevalence of this phenomenon, expressed in statistical data disaggregated by gender, age and country of origin; (c) the number of prosecutions, convictions and sanctions imposed on persons involved in human

trafficking; and (d) any training programmes for professionals involved in implementing the State party's measures against trafficking, including the police, the judiciary, members of the prosecution authorities and social workers.

18. Please comment on allegations that there is a high incidence of forced labour involving migrant workers and children who work in plantations, in particular cocoa plantations, mining and domestic service sectors. Please provide detailed information on the measures taken, if any, to address this problem.

### **Right to liberty and security of the person, treatment of persons deprived of their liberty and right to fair trial (arts. 9, 10 and 14)**

19. Please provide information on permissible grounds of deprivation of liberty and on redress mechanisms in place to address instances of unlawful arrest or detention. Furthermore, please provide information on the legislative requirements for placing persons in police custody and pretrial detention, including on the maximum length of custody and pretrial detention. Please also elaborate on the rights of persons while in police custody, including access to a lawyer, the stage at which a suspect is allowed access to a lawyer, and the maximum period of detention before an individual is brought before a judge.

20. Please also provide information on the number of complaints received during recent years regarding incidents of ill-treatment by law enforcement officials. Please provide detailed information regarding procedures, if any, whereby a complaint of ill-treatment by prison officials or other authorities in places of detention, including in psychiatric institutions, can be filed and duly investigated, perpetrators brought to justice, and victims offered redress and compensation.

21. According to information before the Committee, prisons are overcrowded and inmates lack access to adequate health services and food. Please provide detailed information on the number of existing prisons and their inmates and explain whether prisons include special sections for minors. Please explain the measures that have been taken, if any, to improve prison conditions.

22. According to information before the Committee, corruption is endemic in the administration of justice. Please provide information on the measures being taken, if any: (a) to fight corruption; (b) to investigate corrupt officials; (c) to discipline judges; and (d) to discipline law enforcement officers. Further, please provide detailed information on the measures taken, if any, to improve judicial independence and strengthen the tenure of judges.

23. According to information before the Committee, the law does not properly guarantee the right to fair trial and the current legal aid system is complex and virtually inaccessible. Please explain the procedure for granting legal aid and provide details of the number and types of cases in which legal aid has been sought, granted and denied in recent years. Please comment, in particular, on the availability of legal aid for constitutional motions. Please provide measures taken, if any, to improve the legal aid system to ensure that it is accessible and effective.

### **Freedom of movement (art. 12)**

24. According to information before the Committee, in 2006, the Representative of the Secretary-General on the human rights of internally displaced persons noted that the State party is confronted with a crisis in the protection of the human rights of internally displaced persons (IDPs), which stems from an inadequate response to the needs of such persons. What steps have been taken, if any, to address the problems faced by IDPs?

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

25. Please comment on allegations that journalists and editors continue to be exposed to intimidation, attacks, arbitrary arrests and loss of life despite the constitutional provisions protecting the freedom of the press. Furthermore, human rights defenders who publish critical reports allegedly face similar attacks. Please provide detailed information on the steps taken, if any, to promote and protect freedom of expression.

26. Please respond to allegations that during a peaceful protest of educators of the École normale supérieure against a decision of the Minister of Public Service and of Employment in December 2009, protesters were subjected to arbitrary arrests and violence by the police. Please respond to allegations that protesters who find themselves in the so-called “red zones” cannot express their right to free speech. Please explain how these actions can be justified under the Covenant.

27. Please provide information on the regulations governing the operation of political parties, trade unions and non-governmental organizations (NGOs) and on their application in practice. The establishment and functioning of human rights NGOs is still governed by Law 60/315 of 21 September 1960, which provides for the dissolution of an organization by government decree, whereas previous legislation assigned the authority to the courts to decide whether the activities or objectives of the organization are against the law. Please give examples on how this law is applied in practice. Does the State party envisage amending this provision in order to protect freedom of association in accordance with the provisions of the Covenant?

**Protection of the family, and rights of the child (arts. 8, 23, 24 and 26)**

28. Please explain in detail the distinction provided by the law between the minimum legal marriage age for boys (20 years) and that for girls (18 years). Are forced marriages prohibited by law? Please provide detailed information on the measures taken, if any, to ensure that legislation does not provide for differential treatment to a child on the basis of his or her sex or gender.

29. According to information before the Committee, although discrimination is prohibited by law in the State party, in practice non-citizen children, children with disabilities, children born out of wedlock, children from ethnic minorities, Muslim children and girls are subjected to discrimination. Please provide detailed information on the measures taken, if any, to address this problem.

**Dissemination of information relating to the Covenant**

30. Please indicate the steps taken to increase awareness and understanding of the Covenant among the general public and State employees, especially teachers, judges, lawyers and law enforcement officials.