



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/6/CIV/1  
3 September 2009

ENGLISH  
Original: FRENCH

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HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Sixth session  
Geneva, 30 November-11 December 2009

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Côte d'Ivoire**

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\* The present document was not edited before being sent to the United Nations translation services.

## **Introduction**

1. The present document, prepared in accordance with resolution 60/251 of 15 March 2006 of the United Nations General Assembly, is the official report of the Government of the Republic of Côte d'Ivoire under the universal periodic review (decision 6/102 of the Human Rights Council).<sup>1</sup>

### **I. GENERAL OVERVIEW, INSTITUTIONAL AND NORMATIVE FRAMEWORK**

#### **A. General overview**

2. The territory of Côte d'Ivoire covers an area of 322,463 square kilometres, or 1 per cent of the entire African continent. It is situated in West Africa and is bordered on the east by Ghana, to the north by Mali and Burkina Faso and to the west by Liberia and Guinea. It has a sea coast 600 kilometres long, forming its southern frontier. A former French colony, it has been independent since 7 August 1960, and was governed by President Félix Houphouët-Boigny from that date until his death on 7 December 1993.

3. With a population of about 18 million, Côte d'Ivoire has four principal ethnic groups: the Mande, the Guro, the Kru and the Akan. This indigenous population has been added to over a number of decades by successive waves of migrants from neighbouring or more distant countries, drawn by the country's noteworthy economic prosperity during the 1960s, 70s and 80s, its favourable geographical position and the liberal open-door policies pursued by President Félix Houphouët-Boigny.

4. Economically, Côte d'Ivoire is essentially an agricultural country. Its chief products are the cocoa bean, for which it is the world's leading exporter, coffee, timber and various other mineral and mining raw materials. Its active industrial sector is developing and is increasingly diversified.

5. During the period from the 1960s to the 1990s, Côte d'Ivoire enjoyed remarkable political stability, based on the vitality and dynamism of its economy, and this made it a model in West Africa and on the African continent as a whole. However, from the end of the 1990s the country went through a lengthy period of upheaval and political crisis, culminating in a coup d'état on 24 December 1999, and a military rebellion which broke out on 19 September 2002 and resulted in the partition of the country.

6. From that date until today, numerous agreements have been signed to bring about the restoration of peace, under the sponsorship of African and French Heads of State and African or international regional political institutions (ECOWAS or the Economic Community of West African States, the African Union, the United Nations, etc.). The Ouagadougou Political Agreement (APO), the last of this series of agreements, was signed on 4 March 2007 in Ouagadougou (Burkina Faso) and was facilitated by President Blaise Compaore. In line with the provisions of this Agreement, which helped to calm the political and social climate, the process of emergence from crisis has seen some noteworthy successes, including the redeployment of Government agencies throughout the national territory, the beginning of disarmament, the launch of activities by the Integrated Command Centre (CCI), and the initiation of the process of registration and identification of voters in preparation for holding a general election.<sup>2</sup>

## **B. Institutional framework**

### **1. Political structure**

#### **(a) The legislature**

7. Article 71 of the Constitution, paragraph 1, provides that legislative authority lies with the National Assembly, in which laws are voted upon and adopted. Paragraph 2 provides that the rules governing citizenship, civil rights and the fundamental guarantees given to citizens to exercise their civil liberties are set down by law. Consequently, in Côte d'Ivoire the National Assembly is the body responsible for establishing, through laws proposed on a shared basis with the Government, the legal regime governing the rights and freedoms of individuals. Moreover, thanks to its prerogative under article 82 of the Constitution of monitoring action by the Government, the National Assembly guarantees the protection of rights and freedoms, including through its power to amend draft laws, its right to be informed of Government action and the creation, of its own motion, of Parliamentary commissions of inquiry. These are means of action which, in spite of the absence of sanctions, enable the Parliament by adopting legislation to monitor the actions of Government bodies, to keep the public informed and to strengthen the rule of law in Côte d'Ivoire.

8. The National Assembly has 225 members, including 19 women, distributed among five parliamentary groups which play their part in democratic debates. The first Vice-President of the Assembly is a woman.

#### **(b) The executive**

9. Within the Government in office, matters concerning the protection of human rights are the responsibility of the Ministry of Justice and Human Rights (MJDH). Under the provisions of decree 2007-458 of 20 April 2007 on the respective roles of members of the Government, this Ministry is responsible for:

- Creating a framework for combating impunity
- Promoting and defending human rights
- Devising, planning and implementing programmes of human rights education
- Improving the arrangements for legal assistance

10. To carry out these tasks, the Ministry has a Division of Human Rights and Criminal Justice (DGDHAP). This comprises a department for the protection of human rights and a department for regulating and promoting human rights. These two agencies contribute to the promotion and protection of human rights, not least by regularly reviewing the body of laws on human rights and publishing a free paper called "My Rights", issued in over 5,000 copies, which serves to inform and educate citizens on human rights and fundamental freedoms. They also supervise the establishment, follow-up and equipping of a thousand human rights clubs, in partnership with the non-governmental organizations and the United Nations Operation in Côte d'Ivoire (UNOCI).

11. The Division also has a police subdivision for human rights, responsible for ensuring respect for human rights in the course of non-judicial inquiries, monitoring these inquiries, combating impunity and identifying, for preventive purposes, vulnerable social groups whose circumstances place them at risk of human rights violations. From its formation in 2007 until 31 December 2008, the Division has recorded 376 complaints, of which 200 have been defined as human rights violations, and 32 allegations of violations.

12. Finally, the Ministry is responsible for chairing the Inter-Ministerial Committee whose task is to ensure that international humanitarian law is applied and respected in Côte d'Ivoire. One way in which it does this is to ensure that the laws are in conformity with the principles of international humanitarian law.

**(c) The political parties and groups**

13. Since 1990 over a hundred political parties, groups and movements have been contributing to the democratic debate, in accordance with article 14 of the Constitution, which provides that these political parties and movements "shall compete in the formation of the will of the people and in the expression of suffrage".

14. These parties and groups engage in democratic oversight and early warning, while providing support and education for citizens, especially on the situation of civil liberties, and proposing reforms with a view to consolidating democracy. They enjoy a wide range of constitutional rights in so doing, especially freedom of association, the freedom to organize public demonstrations, and other lawful means of action to compel those in Government to respect the freedoms of citizens and to combat violations of their rights.

15. Since 2005 political parties and movements have been eligible for public funding, under decision 2005-07/PR of 15 July 2005, which defines the arrangements and conditions for making funds available.

**2. Jurisdictional machinery**

**(a) The Constitutional Council**

16. Under the relevant provisions of the Constitution of 2000, the Constitutional Council is the guarantor of the separation of powers, respect for the constitutionality of the laws and of fundamental rights and principles, and of the proper functioning of the institutions of the State. In this capacity, it resolves conflicts of jurisdiction between the various authorities, declares ballot results and settles election disputes. It plays a consultative role in respect of the application of article 48 of the Constitution concerning the powers of the President of the Republic in exceptional circumstances.

17. The Constitutional Council has very wide supervisory powers: a priori supervision, that is, via direct intervention or a posteriori and through the plea of unconstitutionality, which is an effective means of protecting rights and freedoms and can be raised by any citizen in any court and at all stages of court proceedings. Moreover, under article 77 of the Constitution, human rights organizations may call upon the Constitutional Council to resolve any matter relating to the laws on civil liberties, and this is a major advantage in consolidating the rule of law.

**(b) The judiciary**

18. The judiciary is the keystone of the protection and defence of human rights in Côte d'Ivoire. It is independent of the executive and of the legislature. According to the Constitution it is made up of the higher courts (the Court of Cassation, the Council of State and the Auditor General's Department) and the ordinary courts, comprising the appeal courts and the first instance courts. However, pending the adoption of laws establishing the full range of higher courts, judicial authority is vested in the Supreme Court (the highest level tier of jurisdiction) and the first instance courts and their special sections (the ordinary courts).

19. The appeal courts have ordinary law jurisdiction for the protection of rights and freedoms, including proceedings in administrative cases, and must ensure that the decisions of the courts and the acts of Government agencies are in conformity with the law. Appeals can ultimately be made to the Supreme Court to correct any gaps in the protection system.

**3. Independent mechanisms**

**(a) The State Mediator**

20. Under articles 115 to 118 of the Constitution of 1 August 2000, and Law 2007-540 of 1 August 2007, enacted to apply these provisions of the Constitution, the State Mediator is an independent administrative authority which helps to promote human rights and to consolidate the rule of law. He or she receives and investigates appeals and complaints from citizens about any malfunctioning of Government administration or that of local authorities, public bodies or any public service agency, with a view to achieving a friendly settlement.

21. The State Mediator has jurisdiction to conduct investigations in any Government office or agency, including the army, the police and the prison system, concerning violations of the rights and freedoms of citizens. His jurisdiction also extends to dealing with disputes between natural or legal persons among themselves, or disputes between village or urban communities or any other entity. His office may entertain cases from any natural or legal person, whether or not residing on the national territory and regardless of nationality or age. Appeals and proceedings handled by the Mediator are free of charge, which is an additional surety for the promotion and protection of citizens' rights.

**(b) The National Human Rights Commission of Côte d'Ivoire**

22. The National Human Rights Commission of Côte d'Ivoire (CNDHCI) was established through decision 2005-08/PR of 15 July 2005, and has been in operation since January 2007. It consists of elected members and representatives of civil society and of the Government ministries with responsibility for human rights matters, as well as persons with a reputation in this area. It is financially independent and enjoys genuine freedom in deciding where and how to work. The CNDHCI, whose members are known as "commissioners", has powers of strategic oversight, investigation, recommendation and even injunction vis-à-vis the Government in matters of human rights. It is also responsible for ensuring that a culture of human rights is developed and promoted among the public at large.

23. In performing its duties the CNDHCI may convene sessions on its own behalf, and can also be approached by any citizen who is a victim or a witness of human rights violations. In conducting

its inquiries, the Commission may summon witnesses to appear, and may call for assistance of any kind from State authorities in ascertaining the truth. It may also visit penal establishments and any place where people are held in police custody. When its investigations are complete, it may recommend a prosecution or call upon any authority or body with coercive powers to protect and defend human rights, or may propose steps to be taken to put an end to violations of those rights.

24. The present make-up of the CNDHCI, which is the outcome of political negotiations in a context of political crisis, will be reviewed and brought into conformity with the Paris Principles once normality returns to Côte d'Ivoire.

### **(c) The National Council for Audio-visual Communication and the National Press Council**

25. The National Council for Audio-visual Communication (CNCA) was established by Law 2004-644 of 14 December 2004, creating a legal regime for audio-visual communications. It comprises professionals working in the sector, a lawyer and a representative of the organizations for the defence of human rights. The CNCA is fully independent and not accountable to any Government body. It is responsible for guaranteeing and securing the freedom and protection of those working in the sector, while ensuring that they respect the ethical code and the pluralism espoused by the profession. The CNCA has wide powers to institute or call for criminal proceedings whenever violations or breaches of the rules are found to have occurred when it investigates the areas for which it is responsible. It also has statutory powers to enact rules and standards for the equipment and technology used in broadcasting and the reception of broadcasts.

26. The National Press Council, established under Law 2004-643 of 14 December 2004, is responsible for ensuring that press freedom is strictly observed in the print media. Within its field of competence, its mandate and powers are identical to those of the CNCA.

## **C. The normative framework**

### **1. On the international level**

27. Between its accession to independence and the present, Côte d'Ivoire has become a party to almost all the principal international legal instruments concerning human rights:

- The International Covenant on Civil and Political Rights, ratified on 26 March 1992
- The International Covenant on Economic, Social and Cultural Rights, ratified on 26 March 1992
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified on 18 December 1995
- The Convention on the Elimination of All Forms of Discrimination against Women, ratified on 18 December 1995
- The Convention on the Elimination of All Forms of Racial Discrimination, ratified on 4 February 1973
- The Convention on the Rights of the Child, ratified on 4 February 1999

- The First Optional Protocol to the International Covenant on Civil and Political Rights, ratified on 5 March 1997
- The Geneva Conventions of 1949 and their Additional Protocols 1 and 2
- The Convention on the Prevention and Punishment of the Crime of Genocide, ratified on 18 December 1995
- The Convention relating to the Status of Refugees and its Protocol, ratified on 8 December 1961
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, ratified on 1 December 1994
- The principal conventions of the International Labour Organization, especially Nos. 11, 19, 29, 87, 98, 100, 111, 105, 135, 138, 182
- The principal UNESCO conventions, especially the Convention against Discrimination in Education

28. On 8 May 1999 Côte d'Ivoire also ratified the Vocational Rehabilitation and Employment (Disabled Persons) Convention, ILO Convention No. 159.

29. It has signed the Statute of the International Criminal Court and has accepted its jurisdiction, in accordance with article 12 of the Rome Statute.

30. Finally, Côte d'Ivoire has added its support to the documents issued by the twenty-third extraordinary General Assembly of the United Nations (2000) and to the Millennium Development Goals (2000).

## **2. On the regional level**

31. Côte d'Ivoire is a party to the following regional instruments:

- The African Charter on Human and Peoples' Rights, ratified on 6 January 1992
- The Constitutive Act of the African Union, ratified on 27 February 2001
- The African Charter on the Rights and Welfare of the Child, ratified on 27 February 2004
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court of Human and Peoples' Rights, ratified on 21 March 2003
- The Protocol to the African Charter on Human and Peoples' Rights relating to the rights of women
- The OAU Convention Governing Specific Aspects of Refugee Problems in Africa
- The African Union Convention on the Prevention and Combating of Corruption

32. Côte d'Ivoire has also assumed human rights obligations in the framework of ECOWAS and the International Organization of la Francophonie.

33. Finally, it participates in the African peer review mechanism established through the New Partnership for Africa's Development (NEPAD), which aims to promote cooperation between African States and to secure the promotion and protection of human rights by assessing the implementation of the obligations assumed by each State.

### **3. On the national level**

34. To secure the promotion and protection of human rights, Côte d'Ivoire has adopted a range of normative and institutional rules, the cornerstone being the Constitution of 1 August 2000, which has 28 articles dealing with human rights.

35. In addition, many legislative and regulatory provisions have been adopted to strengthen the system for protecting and promoting human rights.

#### **(a) The Ivorian Constitution**

36. The Ivorian Constitution of 1 August 2000 is a significant advance in the recognition and protection of human rights. It strengthens the measures laid down in the former 1960 Constitution, especially with regard to civil and political rights, and extends the reach and scope of these rights while reaffirming solidarity rights and economic and social rights.

37. The strict separation of powers under the Constitution, and the clear definition of the character, functions and prerogatives of each, form a bulwark against the wayward conduct and abuses which typify the exercise of State power in every nation. It guarantees the full and free enjoyment by citizens of their constitutional rights and freedoms.

38. Finally, in the preamble to its Constitution, Côte d'Ivoire reaffirms its unswerving adherence to the ideals of the Universal Declaration of Human Rights and of the African Charter of Human and Peoples' Rights.

#### **(b) National legislation**

39. In the course of decades, Côte d'Ivoire had adopted a wide range of laws and regulations relating to various aspects of the promotion and protection of human rights, including:

- Law 81-640 of 31 July on the Penal Code, amended by laws 95-522 of 6 July 1995, 96-764 of 3 October 1996, 97-398 of 11 November 1997 and 98-756 of 23 December 1998
- Law 70-483 of 3 August on minors, guaranteeing the protection of minors
- Law 64-374 of 7 October 1964 on the Family Code, amended by Law 83-799 of 2 August 1983
- Law 99-476 of 2 August 1999, defining and organizing the social welfare institutions

## **II. PROTECTION AND PROMOTION OF HUMAN RIGHTS**

### **A. Civil and political rights**

#### **1. The right to life, the right to physical integrity, the prohibition of torture and of cruel, inhuman and degrading treatment**

40. The Constitution of 1 August 2000 enshrines, in article 2, the principle of respect for life, reaffirming that the human person is sacred and prohibiting any form of punishment involving the deprivation of life.

41. Article 3 of the Constitution prohibits cruel, inhuman or degrading or humiliating treatment, torture, physical violence and mutilation, and all forms of debasement of human beings.

42. The Ivorian Penal Code sanctions violations of these rights. Further progress has been made in the following areas:

##### **(a) Prohibition of the death penalty**

43. This prohibition is laid down in the Constitution of 2000, and signals progress in the promotion of human rights. However, not all the legislative and regulatory provisions referring to the death penalty have been explicitly abolished.

##### **(b) The right to life**

44. Under Ivorian law, the right to life has enjoyed absolute protection since 2000. However, the crisis which broke out in 2002, resulting in the de facto partition of the country, gravely undermined the authority of the State over a part of the national territory, with serious violations of human rights.

##### **(c) The right to physical integrity**

45. During the period in question, instances of torture and of cruel, inhuman and degrading treatment were also observed in various parts of the national territory, without the State, which was partially dismembered, having the institutional and logistic means to order them to cease or prevent them from recurring.

46. However, with the effective cessation of hostilities and especially the signing of the Ouagadougou Political Agreement of 4 March 2007, no further attacks on the right to life or other human rights have been observed or reported.

##### **(d) Combating impunity**

47. The Government of Côte d'Ivoire has taken measures against the attacks on human rights which are imputable to the defence and security forces acting in the course of their duties. Disciplinary and criminal proceedings have been instituted by the Military Tribunal against the persons concerned.

48. Amnesty laws and/or presidential pardons issued in the context of political negotiations specify that they do not apply to those responsible for attacks on physical integrity or to serious violations of human rights.

## **2. Combating all forms of discrimination, intolerance and exclusion**

49. Article 2 of the Constitution of 2000 provides that all human beings are born free and equal before the law in Côte d'Ivoire.

50. Article 17 of this Constitution prohibits all discrimination based on gender or political, religious or philosophical opinions, in recruitment for employment or in the course of employment.

51. These provisions are supplemented by articles 195 to 201 of the Penal Code, by which racial and religious discrimination or attacks on freedom of worship are punishable offences.

## **3. Conditions of detention**

52. Respect for the human dignity and human rights of those in prison requires the State to invest substantial human, material and financial resources, and to provide adequate buildings to house them.

53. As of now, Côte d'Ivoire is facing a lack of detention facilities, a shortage of capacity and old and outdated prisons.

54. For example, on 31 November 2008 the House of Detention and Correction (MACA) in Abidjan, which is the chief prison in Côte d'Ivoire, was housing 4,773 prisoners, although it was planned to hold 1,500. This excess prison population of the MACA is one of the immediate reasons for the many escape attempts by prisoners in recent years.

55. To deal with this worrying situation, the Government is planning to build a new detention facility in Abidjan to receive the women and the minors, separating them from adult or dangerous prisoners.

56. The Government has also reformed the code of criminal procedure, focusing on the clauses dealing with crimes and minor offences, and those on preventive detention. The new measures which have been put in place will make it possible to avoid using preventive detention for first offenders, and to reduce the time spent in preventive detention, which will help to reduce overcrowding in the prisons.

57. Aware of the grave social dangers inherent in the conditions prevailing in the country's prisons, and with the help of international partners, the Government has invested significant sums to improve living conditions in the prisons. Eighteen houses of detention and correction have been completely refurbished in the past few years.

58. The recruitment of additional prison officers has also made it possible to improve the ratio of supervisors to prisoners, which now stands at 1 to 14.

59. Over the same period, an increase in the food budget for houses of detention and correction has made it possible to increase the amounts spent on food for each prisoner, which is now 314 CFA francs on average, or 0.50 euros a day. The efforts made have reduced the mortality rate in the prisons, and the Government's present concern is to improve further the conditions of detention and living conditions in the prisons.

#### **4. Police custody**

60. Police custody is governed by article 76 of the code of criminal procedure. The Government is aware that conditions of detention in judicial police premises during inquiries are unsatisfactory because of the lack of space and the poor hygiene, and has built new police stations and new gendarmerie brigades in Abidjan district and in many places in the country.

61. Awareness-raising measures and questioning are regularly undertaken to ensure strict compliance with the legal requirements for police custody, and proper follow-up by the prosecuting authorities in accordance with the code of criminal procedure. The Code limits the duration of periods in police custody to 48 hours, renewable on one occasion only following authorization by the State Prosecutor.

#### **5. The right not to be forced into exile, the rights of asylum-seekers and of refugees**

62. Article 12 of the Constitution of 1 August 2000 provides that no Ivorian citizen may be forced into exile, and reaffirms the readiness of Côte d'Ivoire to grant asylum within the country. These provisions conform to the international conventions ratified by Côte d'Ivoire, especially the African Charter on Human and Peoples' Rights, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

63. Assistance is given to asylum-seekers and refugees by the Service for Aid and Assistance to Refugees and Stateless Persons (SAARA) established by the Government, under the authority of the National Commission on Eligibility for Refugee Status.<sup>3</sup>

#### **6. Freedom of access to the courts and guarantees of due process**

64. Article 20 of the Constitution provides that everyone has the right to free and equal access to the courts.

65. In Côte d'Ivoire, access to the courts raises two problems: geographical access, having regard to the distance between the litigants and the courts, and access from the point of view of the cost of proceedings. On the first point, the Government, which is anxious to bring the courts closer to the public, has launched a programme to set up new courts. There are now 36 divisional courts, 8 first instance courts, 3 appeal courts and a supreme court. As for judicial personnel, there are 490 judges, 765 registrars, 820 prison governors, 83 special education officers, 525 inter-ministerial agents and over 500 lawyers.

66. However, being aware of the need to enhance the effectiveness of its judicial system, the Ivorian Government has taken many initiatives to strengthen the capacity of those working in the system, and welcomes assistance and support from the international community to diversify and extend these measures and increase their impact.

67. On the second point, destitute people can obtain legal aid and be exempted from court costs on inspection of their files.

68. In Côte d'Ivoire, there are both general and special guarantees of due process.

69. The general guarantees derive from the independence and impartiality of the courts. This independence, which is the cornerstone of a State governed by the rule of law, secures the right of litigants to a fair trial. This principle is laid down in article 101 and 103 of the Constitution of 2000, which provide, respectively, that "The judicial power shall be independent of the executive power

and the legislative power” (art. 101) and that “in the exercise of their functions, judges shall be subject only to the authority of the law” (art. 103). Finally, impartiality is secured by the legal mechanisms available to litigants, including the right of challenge (articles 637 to 643 of the Code of Criminal Procedure and article 128 et seq. of the Code of Civil, Commercial and Administrative Procedure) and the right of legitimate suspicion of bias (article 631 of the Code of Criminal Procedure).

70. The special guarantees of the right to due process reside in respect for the rights of the defence and the presumption of innocence. Respecting the rights of the defence means that the litigant can have the assistance of counsel and of an interpreter from the outset of a criminal investigation. The presumption of innocence is laid down in article 22 of the Constitution of 1 August 2000 and defined as inviolable.

### **7. Freedom of conscience and religion**

71. Article 9 of the Constitution enshrines freedom of thought and expression, including freedom of conscience and of religious or philosophical opinion.

72. Côte d’Ivoire is a secular State, and attacks on freedom of religion are offences under articles 195 to 201 of the Penal Code. To safeguard the free and pluralist expression of religious convictions, the Ministry of the Interior has a Division of Worship, established by a Government decree.

73. Finally, for the sake of social cohesion, the State regularly assists those undertaking pilgrimages to holy places.

### **8. Freedom of opinion and expression**

74. Article 9 of the Constitution enshrines the right of citizens to freedom of opinion and expression.

75. About 20 daily newspapers and dozens of local and privately run radio stations report each day on the political, social, cultural and sporting life of the nation.

76. To provide better guarantees of the right to press freedom, the bodies which regulate and promote the press are managed by media professionals. A law is now in force to decriminalize press offences.

77. The effective establishment of a fund to support and promote the press, run by media professionals, will contribute to improving conditions for the profession.

### **9. The right to participate in running public affairs**

78. Article 33 of the Constitution provides that all Ivorian nationals of both sexes aged at least 18 may vote and enjoy their civil and political rights. Law 2000-514 of 1 August on the electoral code states the conditions for candidates to be eligible.

79. However, to bring about a more peaceful society, the Government has organized special procedures, free of charge, to enable every Ivorian to obtain a birth certificate and be entered on the electoral rolls.

80. In addition, in the context of the negotiations surrounding the process for resolving the crisis, the President of the Republic, relying on the emergency powers conferred on him by article 48 of the Constitution and on the recommendations of the African Union's mediator, has signed a decision permitting eligibility for all the signatories of the Linas-Marcoussis Agreement in the forthcoming Presidential elections, notwithstanding all provisions to the contrary in the Constitution.

## **10. Freedom of assembly and association**

81. The principle of freedom of association and assembly is laid down in article 11 of the Constitution of 2000.

82. This constitutional right is accompanied by a very flexible declaratory system for the formation of an association, and this has resulted in a flood of new non-governmental organizations (NGOs) which are extremely active, including in the area of human rights. Côte d'Ivoire now has over 200 associations for the defence and promotion of human rights.

## **11. Arbitrary arrests**

83. According to article 22 of the Constitution, nobody may be arbitrarily detained.

84. However, as a result of the crisis from which Côte d'Ivoire is gradually emerging, this principle has often been violated, a situation brought about by malfunctioning of the judicial police units or the fact that the State had ceased to be present in the central, northern and western areas.

85. Today, thanks to the redeployment of Government offices throughout the territory and improved supervision of the judicial police, respect for this principle has become the rule and its violation the exception.

## **B. Economic, social and cultural rights**

### **1. The right to a healthy environment**

86. In article 19, the Constitution reaffirms the right to a healthy environment for all citizens. In accordance with this constitutional provision, Côte d'Ivoire is party to numerous international legal instruments on environmental protection. At the national level, there are many laws in force to govern the management of the environment.

87. For example, Law 96-894 of 3 October 1996 on the environment code provides, in article 33, that everyone has the fundamental right to live in a healthy and balanced environment. Everyone is also obliged to contribute, individually or collectively, to safeguarding the national heritage.

88. As for the sanctions available for violations of this right, article 35.5 of the same law lays down the principle that "the polluter pays", stating that any natural or legal persons whose actions and/or activities cause, or may cause, damage to the environment, is liable to pay a fine and/or a tax. Such a person must also bear responsibility for making good the damage.<sup>4</sup>

89. The National Environment Agency (ANDE), which is overseen by the Ministry for the Environment, Water and Forests, has a safeguarding and supervising role, the aim being to ensure that environmental questions are taken into account whenever new development projects and programmes are devised and executed.

90. In addition, the rational management of protected land, including designated forests, the national parks and the reservations, is governed by Law 65-425 of 20 December 1965, which incorporates the Forestry Code, and Law 2002-102 of 11 February 2002 on the creation, management and financing of national parks and reservations.

91. Finally, to contribute to sounder management of domestic and industrial waste, the uncontrolled dumping of which carries a serious risk of epidemics and endangers public health, a Government ministry for urban rubbish disposal has been created by the Head of State.

## **2. The right to work and social protection**

### **(a) The right to work**

92. The promotion and protection of this right is governed by article 7 of the Constitution.

93. In 1991 Côte d'Ivoire introduced a National Employment Plan, revised in 1995. However, the results obtained by implementing the Plan were already insufficient, and were virtually wiped out by the effects of the military and political crisis which broke out in 2002.<sup>5</sup>

94. Nevertheless, the recent decision by the Bretton Woods institutions to admit Côte d'Ivoire to the decision point of the Highly Indebted Poor Countries Initiative (HIPC), and the prospects of a reduction of the debt burden in the light of this decision, could result in the injection into the national economy of the resources needed for growth, job creation and reduced unemployment.

### **(b) Social protection**

95. In Côte d'Ivoire, the social security policy adopted by the State requires employers to provide occupational cover for workers and their families. This social security policy is implemented by the following: the retirement pension fund for State employees (CGRAE), supported by the general fund (Mutuelle) for public officials and agents, and the national social insurance fund (CNPS) for the private sector. There is also a social insurance fund for the national police and a military insurance fund for the defence and security forces. The benefits available from these funds cover all workers in the modern public and private sectors.

96. However, workers in these modern sectors, whether public or private, represent only 10 per cent of the economically active population, and this compels a large proportion of the population either to have recourse to private insurance or to remain without any medical or social insurance cover. This is the case with all those working in the agricultural sector and in rural occupations.<sup>6</sup>

## **3. The freedom to form and join trade unions and to strike**

97. Trade union freedom and the right to strike for workers in the public and private sector are laid down in article 18 of the Constitution of 2000. The prevailing principle in this area is the one already mentioned, freedom of assembly and association.

98. However, the exercise of these rights is governed by a number of laws, such as the law on the Labour Code, the law and regulations concerning government service and the inter-occupational collective agreement of 20 July 1977.<sup>7</sup>

#### **4. The right to education and training**

99. Under article 7 of the Constitution of 1 August 2000, the State guarantees all citizens equal access to health, education, culture, vocational training and employment.

100. As well as the infrastructure of schools, the preparation of a school register and the introduction of an educational system within its resources, the Government has adopted and is implementing a number of social measures to enable all citizens to exercise their right to education. Since 2000 these new measures comprise the abolition of compulsory school uniforms and of the cost of registering for the first preparatory year (CP1), increasing the number of school canteens in primary and secondary schools and distributing school books free of charge in public primary schools. To date, 7,524,841 school kits have been distributed at a cost of 14,350,362,690 CFA francs, or 22,077,481 euros.<sup>8</sup>

#### **5. The right to health**

101. Article 7 of the Constitution enshrines the right to health of all citizens.

102. To secure the right of all to primary health care, Côte d'Ivoire has adopted a National Health Development Plan (PNDS). The changes and corrections introduced for the period 2009-2013 take account of the effects of the present social and political situation, with the deterioration in health indicators in sensitive areas such as maternal mortality, immunization coverage, the control of infectious diseases such as malaria and HIV/AIDS, excessive mortality in the emergency services, etc.

103. Moreover, in order to act effectively to improve the epidemiological situation and the state of public health, the Ministry of Health has introduced 20 programmes and a health project for the priority transmissible and non-transmissible diseases. The budget allocated to health in 2007 was 95.5 billion, representing 8.41 per cent of the national budget.

104. The priorities for health include maternal mortality, immunization coverage and the control of infectious diseases such as HIV/AIDS.

##### **(a) Maternal and neonatal health and the health of children and adolescents**

105. The Ministry of Health and Hygiene oversees the implementation of the national programme on reproductive health and family planning. This programme covers a range of activities - awareness-raising, training, education and assistance in the areas of sexual and reproductive health, implemented with the support of NGOs and development partners.

106. The information and awareness-raising campaigns aimed at young people are carried out through health clubs for young people, clubs for education about family or school life (prevention of teenage pregnancies) and counselling centres for the school population.

107. These initiatives have brought encouraging results and are worth pursuing, in spite of the difficulties the country is presently facing.<sup>9</sup>

**(b) Immunization coverage**

108. An Expanded Immunization Programme (PEV) has been operating in Côte d'Ivoire since 1978. This is part of the preventive health policy for the population at large, and especially for children and women of reproductive age. This programme targets eight infectious diseases preventable through vaccination: tuberculosis, diphtheria, whooping cough, tetanus, poliomyelitis, scarlet fever, yellow fever and hepatitis B.

109. Immunization services are available through 1,420 primary health-care centres, both public and private. They work to fixed schedules as well as providing roving services in all health districts. All services provided under the Expanded Immunization Programme are free of charge.

**(c) HIV/AIDS prevention, treatment and care**

110. In Côte d'Ivoire, the principal strategies for preventing HIV/AIDS infection are the promotion of abstinence, mutual fidelity and low-risk sexual behaviour and the rolling out of advisory and tracing centres (CD) which also work to prevent mother-to-child transmission of HIV; public education about the work of the centres and the prevention of mother-to-child transmission; proper treatment of sexually transmitted infections, following the syndrome approach; promoting the campaign against the stigmatization and discrimination associated with HIV at the individual and community levels and in the workplace; and promoting positive prevention.<sup>10</sup>

**C. Protection for particular groups**

**1. Women's rights**

111. The Constitution of 2000 enshrines the principle of equality between men and women.

112. In application of this principle, Law 95-15 of 12 January 1995 on the Labour Code provides, in article 2, that every natural person has the right to work. In other words, this law prohibits all forms of discrimination based on gender for access to employment of any kind.

113. In addition, some of the provisions of the Code contain specific measures in favour of women, especially by prohibiting physically taxing work during pregnancy and lactation.

114. Since the end of the 1990s, ministers responsible for matters relating to gender, women and the family, in conjunction with the NGOs and civil society, have persuaded Parliament to adopt laws punishing certain forms of violence against women: Law 98-756 of 23 December 1998, which amends and supplements Law 81-640 of 31 July 1981 instituting a penal code; and Law 98-757 of 23 December 1998 punishing certain forms of violence against women, including female genital mutilation.

115. As regards awareness-raising and public education, since 1995 the Ministry of the Family, Women and Social Affairs (MFFAS) has been conducting education campaigns about the law in urban, peri-urban and rural areas, and on international days has organized training sessions on the basic concepts of the rights of women, families and children. Between 1995 and 2000 a Ministry-run advice and information centre handled 2,350 cases of marital problems, abandoned women, widows, teenage mothers and pregnant adolescents.

116. There is also a national committee to campaign against violence against women and children, established by the Government in July 2000. It is responsible for advising and assisting vulnerable people facing problems stemming from their position in society. This Committee can take action to

pursue cases of rape, excision, forced marriage, abandonment, repudiation, assault and battery, etc. As for cases of gender-based violence (VBG), there have been several achievements: the formation of a centre of excellence dealing with these cases; the holding of special statutory days each year on the question; the initiation, in December 2008, of 16 campaigning days against gender-based violence, and the holding of interregional conference on the subject in Abidjan. Finally, in April 2008 a training session for 35 judges was organized with a view to strengthening the capacity of the courts to combat sexual violence.

117. As for excision, early marriage and forced marriages, the Government consistently supports NGO initiatives to promote their eradication. Awareness-raising campaigns about female genital mutilation (FGM) organized by NGOs with Government support in the southern, western and northern regions of the country have familiarized people with this phenomenon. A total of 225,998 people have been trained to be aware of FGM and sexual violence, and psycho-social and medical care is being provided by various organizations for 455 victims. There are 25 monitoring committees taking part in the campaign against FGM, and their role has improved awareness and helped to reduce the scale of the problem, while providing care for victims of sexual violence.

118. In 2008 the Government established within the Ministry of the Family, Women and Social Affairs, a central department responsible for equality and gender promotion. Its task is to ensure that equity and equality between the sexes is observed, and to highlight the issue of gender. This policy decision was reaffirmed in February 2007 by the signing of a solemn declaration on equal opportunities, equity and gender (statistics of percentages of men/women, see annexes).<sup>11</sup>

119. Finally, in conformity with the statements and recommendations issued by the United Nations Security Council inviting Member States of the United Nations to have regard to gender differences in conflict situations, and to comply with Security Council resolution 1325/2000, a national plan for implementing this resolution has been adopted in Côte d'Ivoire and has been implemented since 2008. It aims, inter alia, to establish machinery for protecting and caring for victims of violence, to create special units for the treatment of acts of violence committed against women and girls, and to combat practices which devalue women.

## **2. The rights of the child**

120. Article 6 of the Constitution provides that the State shall protect children.

121. Children's welfare and development in society is one of the Government's main concerns. A number of strategies have been put in place to combat abuses of children, especially in the form of child trafficking. Under decree 2001-467 of 5 July 2001, the Government set up the National Committee to Combat Child Trafficking (CNLTEE), and in July 2005 it signed a multilateral cooperation agreement among West African countries for the purpose of combining efforts to put an end to this scandal.

122. A national plan of action against child trafficking and child labour was adopted in 2007, and ILO Conventions Nos. 138 and 182, the Minimum Age Convention and the Worst Forms of Child Labour Convention, were ratified in 2003.

123. One of the main challenges is how to cope with the unexpected effects of the crisis, including the effects of psychological and social trauma and the degradation of living conditions. Specific projects have been developed and implemented to care for children and ensure their reintegration, notwithstanding the unfavourable political and economic situation.

124. Moreover, there is serious concern about the plight of street children, caused by dysfunctional family units in urban areas. Many voluntary or charitable measures are in progress or are planned by public or private initiatives to deal with this by taking care of the children or returning them to their families.

125. Finally, as regards the situation of orphans or children who are vulnerable through HIV/AIDS (OEV - orphans and vulnerable children) the State has adopted a care policy and intervention plans for the periods 2004-2006 and 2007-2010, together with a follow-up and evaluation plan for 2007-2010. The available quantifiable data show that:

- 10 social care centres for the OEVs are available within the country
- 120 health professionals are being trained at 16 locations to take care of the OEVs
- 80 social workers are being trained at 4 locations
- Legal, medical, nutritional, scholastic and psychological support is being provided for the scheme, and 10,000 OEV children are being brought into education

126. On the legal plane, there are criminal sanctions in the Penal Code for attacks on the physical and moral integrity of children.

## **2. The rights of persons with disabilities**

127. Article 6 of the Constitution provides for the rights of persons with disabilities to have their needs taken into account.<sup>12</sup>

128. From a geographical perspective, the majority of persons with disabilities live in rural communities.

129. In accordance with the measures resulting from the Panafrican Conference on the African Decade of Persons with Disabilities, held in Addis Ababa on 4-7 February 2002, the Ivorian Government organized a workshop on 29-31 January 2007 to prepare the report of Côte d'Ivoire on the implementation of the Africa-wide plan of action.

130. Côte d'Ivoire has also ratified a number of international legal instruments relating to the protection of the rights of citizens in general, and those of persons with disabilities in particular, including ILO Convention No. 159 on the vocational rehabilitation of disabled persons and the Jomtien Declaration on special educational needs.

131. Before adopting some of these international legal instruments, Côte d'Ivoire had already, in 1998, adopted the framework Law 98-594 of 10 November 1998 on persons with disabilities, and in 2002 it adopted new legal provisions for the protection and social advancement of persons with disabilities.

132. Pending the effective implementation of the legal instruments relating to access to employment for persons with disabilities, Côte d'Ivoire is holding special rounds of recruitment for persons with disabilities, not requiring them to undergo a preliminary selection process. As of 31 December 2008, 637 Ivorians with a handicap had already benefited from this Government measure. This method of recruitment is not merely a single humanitarian action; it demonstrates the ongoing concern of the State to secure the advancement of citizens with disabilities by enabling them to gain access to stable and rewarding employment in the public service.

### **3. Internally displaced persons**

133. The successive political and military crises which have affected Côte d'Ivoire since 1999, seriously undermining the ordinary functioning of State institutions, have resulted in massive and repeated waves of population displacement. According to the available estimates, the number of those affected is between 750,000 and 1 million.

134. To bring the necessary assistance to these people in the difficult situation they find themselves in, a Government ministry for solidarity and war victims has been created. A draft law to compensate war victims has also been prepared and is being transmitted to Parliament.

135. Finally, on a transitional basis the State, working in conjunction with a number of partners, has initiated and put in place incentives and programmes of assistance to enable displaced people to return to their regions of origin.

### **III. DIFFICULTIES AND CONSTRAINTS**

136. The Government of Côte d'Ivoire is fully aware of the commitments entered into by the State through the international legal instruments for the promotion and protection of human rights. It is conscious of the crucial importance of fully implementing these instruments for all those living on its territory. However, the political and military crises faced by Côte d'Ivoire since 1999, exacerbated by the war which broke out in September 2002, have had many grave consequences in the political, economic and social spheres.

137. On the political level, the de facto partition of the national territory into two zones, one being the so-called Government zone in the south, the other the so-called CNO zone in the centre, the north and the west, beyond the control of the State, has prevented the holding of Presidential elections since the elections of 2000. As a result, State institutions have become somewhat fragile, and so has the moral authority of those in charge of them. Moreover, in accordance with the various political agreements signed in the framework of negotiations to put an end to the crisis, the Governments which have held office from 2002 until today have been composed on the basis of political compromises which seek to preserve a delicate equilibrium, to the detriment of Government cohesion, complementarity and solidarity. Finally, the absolute necessity of seeking solutions to bring an end to the crisis has favoured "legalism" and legal authoritarianism, which some perceive to be a form of impunity.

138. On the economic level, the various "peaks" of the lengthy crisis have resulted in the mass shutdown or removal of businesses, an increase in unemployment and a general impoverishment among the population at large.<sup>13</sup> Furthermore, following the breakdown of financial relations with the Bretton Woods institutions, which followed the outbreak of war in 2002, for several successive years the national economy registered negative rates of growth. During these years of economic stagnation, most budget receipts were used to pay the salaries of Government officials and agents, resulting in the accumulation of arrears of payments on the internal and external debts of the State. The widespread deterioration of public infrastructures and especially of the roads, for lack of resources to maintain them, has further darkened an already bleak picture.

139. From a social and security perspective, the lengthy crisis has caused population movements, difficult to control, across the national territory, flagrant violations of human rights and widespread malfunctioning in the provision of basic social services. The virtually constant state of insecurity has forced many international organizations to close down their operations in Côte d'Ivoire for the time being.

#### **IV. PROSPECTS AND CONCLUSION**

140. Since the outbreak of the crisis in 2002, there have been numerous protracted and complex political negotiations. The most recent agreement signed in the context of these negotiations is the Ouagadougou Political Agreement (APO) which is being gradually implemented and which opens up new prospects along the following lines:

- The completion of the process of restoring peace through a general election
- The consolidation of the rule of law and the campaign against impunity
- The campaign against poverty and unemployment
- The completion of administrative reforms

##### **A. The completion of the peace process**

141. Among the achievements of the Ouagadougou Political Agreement of 4 March 2007, a decisive step forward in solving the crisis which broke out in 2002, were the appointment by President Laurent Gbagbo, on 29 March 2007, of Mr. Kigbabori Guillaume Soro, Secretary-General of the New Forces, as Prime Minister of the transitional Government; the adoption of an order on 12 April 2007 declaring an amnesty and the abolition of the “confidence zone”; the ceremony of the peace flame, held on 30 July 2007, etc. The completion of the process of emerging from crisis calls for effective involvement by the political parties and civil society, and the support of the international community in ensuring a peaceful general election and presidential election.

##### **B. The consolidation of the rule of law and the campaign against impunity**

142. Everyone is entitled to live in a political and legal climate which fosters the peaceful enjoyment of his or her rights. These conditions can only be guaranteed by a State whose central apparatus and various branches possess sufficient legal and moral authority, exercised over the whole of the national territory. The repeated mass violations suffered by the Ivorian public during the military and political crisis, which have gone unpunished and dismembered the State, testify that peace is the primordial condition for the respect and promotion of human rights in every country. As soon as the process of emergence from crisis is complete, Côte d’Ivoire will undertake a voluntarist policy of consolidating the rule of law, by combating impunity and through the general introduction of the values of the culture of peace in public and private education. Human rights education will help citizens to familiarize themselves with the international legal instruments on human rights, and to gain a sound understanding of the values which underpin them. It will also contribute in the long term to preventing attacks on human rights and building a just society upholding respect for the dignity and equality of all citizens.

##### **C. Combating poverty and unemployment**

143. One effect of the increase in unemployment and poverty has been to hold the national economy back through the reduction in purchasing power as well as in consumption and industrial output. It also tends to exacerbate the risk of social breakdown in a “convalescent” country where all the economic indicators warn of the need for prudence.

144. Côte d'Ivoire is aware of the threats involved and has established a Ministry for Solidarity, responsible for taking care of war victims. On the proposal of this Ministry, the Government has adopted a national programme for combating poverty (PNLCP), with a special unit for combating poverty (CLCP) to oversee its implementation. This unit has drawn up recommendations leading to the adoption of social measures for reducing poverty.

145. In addition, to enable Côte d'Ivoire to be admitted to the Heavily Indebted Poor Countries initiative (HIPC), the Government has adopted and submitted a Poverty Reduction Strategy Paper (PRSP). The facilities, concessionary loans and ultimately, the measures for reducing the debt which the World Bank and the International Monetary Fund would then grant to Côte d'Ivoire will help to strengthen the programme for combating poverty.

#### **D. Finalizing the legislative reforms**

146. Numerous legislative reforms are currently in progress. They concern the rights of the family, the Penal Code, the Code of Criminal Procedure, conditions in the prisons and the strengthening of capacity in the administration of justice. When completed, they will have a definite impact on the rule of law and the promotion of human rights in Côte d'Ivoire.

#### **V. PRIORITIES, INITIATIVES AND COMMITMENTS**

147. As part of the actions contemplated to meet the challenges faced by Côte d'Ivoire in defending and promoting human rights, ratification of the following instruments is expected in the near future:

- The Convention on the Reduction of Statelessness
- The International Convention for the Protection of All Persons from Enforced Disappearance
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- The Optional Protocol to the Convention on the Rights of the Child, on the Involvement of Children in Armed Conflict
- The Optional Protocol to the Convention on the Rights of the Child, concerning the Sale of Children, Child Prostitution and Child Pornography
- The Optional Protocol to the International Convention on Economic, Social and Cultural Rights
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

148. Other initiatives are planned, as follows:

- Signing the Protocol to the African Charter on the rights of women
- Bringing the composition of the national Human Rights Commission into conformity with the Paris Principles
- Strengthening the capacity of the various groups of actors involved in applying the legislation

## **VI. INTERNATIONAL COOPERATION**

### **A. Cooperation with the human rights machinery**

#### **1. At the regional level**

149. Côte d'Ivoire regularly attends sessions of the African Commission on Human Rights, and has submitted reports in connection with the implementation of the Charter. It has also ratified the Protocol establishing the African Court of Human and Peoples' Rights, and has made a declaration of acceptance of the jurisdiction of the Court to receive applications from non-governmental organizations.

#### **2. At the international level**

##### **(a) The treaty bodies**

150. Côte d'Ivoire intends to honour its commitment to submit periodic reports to the treaty bodies. For this purpose, it will transmit a formal request for technical assistance to strengthen the capacity of national officials responsible for preparing reports for the treaty bodies.

151. Consultations are now taking place with the Parliament concerning certain international instruments which have not yet been ratified. The same will be done for the three following declarations of acceptance which Côte d'Ivoire has still to make:

- Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination
- Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Article 21 of the same Convention, allowing for inter-State complaints

##### **(b) Special procedures**

152. In the framework of cooperation with the special procedures, several special rapporteurs have been invited to Côte d'Ivoire: the Special Representative of the Secretary-General on the human rights of internally displaced persons; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

153. Côte d'Ivoire is prepared to consider any request for a visit from mandate holders under the special procedures.

## **B. Technical assistance**

154. Having regard to the difficulties and constraints described above and the progress which has to be made in promoting human rights in Côte d'Ivoire, the support of the international community will be essential, especially in the following areas:

1. Strengthening technical capacity for the preparation of reports, in order to catch up with the submission of reports to the treaty bodies on the implementation of international instruments;
2. Support for the harmonization of national legislation with the provisions of the international human rights instruments;
3. Organizing training seminars on human rights for those working in the justice system and the security forces;
4. Support for the preparation of a national plan for the promotion and protection of human rights;
5. Support for educational and awareness-raising activities on human rights, with a view especially to preparing and distributing popular reading matter in the main national languages;
6. Support for the consolidation of the civil service;
7. Strengthening the operational capacity of the Ministry responsible for promoting human rights;
8. Support for human rights training for local elected representatives and members of parliament responsible for drafting legislation;
9. Strengthening the capacity of the national Human Rights Commission.

### *Notes*

<sup>1</sup> The following procedure was adopted in preparing this Report:

Information and data was gathered and compiled by the national working group (EPU) created by ministerial order, comprising representatives of the various ministries whose functions include human rights matters; there was a meeting of all the partners concerned to exchange information about the work of the EPU, the subject matter of the Report and its contents; and a workshop was held to put the results together, and was attended by all these partners, national institutions, the Human Rights Division of UNOCI and representatives of civil society. The Report was then transmitted, following review by the Government, to the Secretariat of the Human Rights Council.

<sup>2</sup> However, the ceaseless quest for a solution to the political and military crisis through a number of diplomatic initiatives, and the de facto partition of the country, which has curbed the reach of State authority over a large portion of the national territory, together with the disastrous impact of the crisis on the national economy as a whole, have impaired the ability of Côte d'Ivoire to comply with all its national and international obligations, and to implement a robust and effective policy for protecting human rights and preventing violations.

<sup>3</sup> It is important to bear in mind that there are no refugee camps in Côte d'Ivoire. The Government has adopted three strategies for receiving asylum-seekers: voluntary repatriation, a return to third countries willing to accept the refugee, and integration into local communities. On 30 June 2008 there were 25,875 refugees in Côte d'Ivoire who had been integrated into local communities.

<sup>4</sup> When a friendly settlement was being sought of the contentious case arising from the dumping of toxic waste in Côte d'Ivoire in August 2007 by the vessel *Probo Koala*, it was in accordance with the "polluter pays" principle that a protocol was signed between the Government of Côte d'Ivoire and the Trafigura company. This negotiated agreement provided for compensation to the victims, the cleaning up of the contaminated sites and environmental follow-up, the latter task being entrusted to various national organizations, including the National Bureau of Technical and Development Studies (BNETD) and the Ivorian Centre against Pollution (CIAPOL).

Article 39 of the Environment Code provides that every significant project likely to have an impact on the environment must be the subject of a preliminary environmental impact assessment.

<sup>5</sup> According to the available data, the unemployment rate among the economically active population, which was 6.4 per cent in 2002, rose to 15.7 per cent in 2008. Among young people aged between 15 and 24, who represent the majority of the population, the unemployment rate in 2008 was 24.2 per cent. The rate for women is 19.8 per cent, compared with 12.1 per cent for men.

<sup>6</sup> To remedy this shortcoming, organic laws on the subject of universal sickness insurance have been adopted by Parliament since 9 October 2001. The implementation of these plans has been delayed by the effects of the political and military crisis.

<sup>7</sup> There are several trade unions or trade union confederations in Côte d'Ivoire which workers may join to promote their trade union or occupational rights:

- (a) The Union of Workers of Côte d'Ivoire (UGTCI);
- (b) The Confederation of Free Workers of Côte d'Ivoire (Dignité);
- (c) The Federation of Independent Unions of Côte d'Ivoire (FESACI).

In accordance with the laws and regulations in force, failure to comply with the procedures, including the notice to be given in the event of a strike, incur sanctions for the strikers, including loss of pay for the days not worked.

<sup>8</sup> In spite of these efforts, school attendance is still at a relatively low level, as evidenced by the figures for 2008:

- (a) 56.1 per cent in primary education (58.8 per cent for boys and 53.1 per cent for girls);
- (b) 26.6 per cent in secondary education (30.3 per cent for boys and 22.6 per cent for girls).

Higher and technical education is provided by the public universities of Abidjan-Cocody, Abobo-Adjamé, Bouaké, Korhogo and Daloa, and by a number of private establishments. However, the lack of accommodation on residential campuses, which in any case are too few in number, remains acute.

<sup>9</sup> A draft law is in preparation on reproductive health, together with a draft decree to permit advertising campaigns about contraceptive methods.

<sup>10</sup> As regards treatment, Côte d'Ivoire has decided to improve access to care facilities for persons living with AIDS, including children born to seropositive mothers and the mothers themselves; to improve the tracing of HIV among all tuberculosis patients; to make antiretroviral drugs free of charge, and to reducing the cost of other medicines for treating infectious diseases.

<sup>11</sup> At the international level, Côte d'Ivoire has adopted and implemented the recommendations of the international and African conferences in Mexico (1975), Copenhagen (1980), Nairobi (1985), Cairo (CIPD, 1994), Beijing (1995), Beijing + 5 (2000), and Beijing + 10 (2005).

<sup>12</sup> The general census of the population and the habitat in 1998 established the proportion of persons with disabilities as 0.55 per cent, of whom 0.29 per cent are incapacitated, 0.21 per cent are deaf and dumb, 0.20 per cent have sight impairments and 0.16 per cent have other types of disability (leprosy, mental incapacity, etc.). The age distribution shows that 0.4 per cent of children under 5 have disabilities, compared with 2.7 per cent of those aged over 65.

<sup>13</sup> The findings of a survey published in 2008 by the National Statistics Institute (INS) show that over 49 per cent of the Ivorian population are now living below the poverty threshold, compared with under 40 per cent in 2002.