

# UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

## UNIVERSAL PERIODIC REVIEW, 6<sup>TH</sup> SESSION CÔTE D'IVOIRE REVIEWED ON 3 DECEMBER 2009, AFTERNOON

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### Overview

In the afternoon of 3 December 2009, the Working Group on the UPR examined the human rights situation in Côte d'Ivoire. Mr Tia Kone, President of the Supreme Court, led the delegation of Côte d'Ivoire, which was high-level and consisted of 18 persons.<sup>1</sup> Mr Kone addressed most issues raised during the review and delegated the closing remarks to Ms Yao Kouassi Euphrasie, Director of Equality and Gender-Promotion at the Ministry of Women, Family and Social Affairs, to underline the importance of gender equality issues.

54 countries took part in the review, which was dominated by African and Western European and other Western States, although some Asian and Latin American countries also raised questions and made recommendations.

During the review, the delegation of Côte d'Ivoire expressed full appreciation for all recommendations made and showed commitment to pursuing the promotion and protection of human rights. In its responses to the concerns raised, it underlined that the past decade of political and military crisis was the main reason for lack of compliance with human rights obligations and the State repeatedly requested technical and financial assistance from the international community to effectively promote and protect human rights.

### General information on Côte d'Ivoire

- Côte d'Ivoire is not a member of the Human Rights Council.

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<sup>1</sup> To view the country statements login into the OHCHR extranet is required:  
<http://portal.ohchr.org/portal/page/portal/UPR/6th%20Session/Coted'Ivoire/Cote%20d'Ivoire.pdf>

- The members of the troika for the examination of Côte d'Ivoire were Bolivia, Ghana and Slovakia.<sup>2</sup>
- Côte d'Ivoire held a national consultation but no details on place or date were given neither in the national report nor in the OHCHR summary of stakeholders' information.

### Information submitted to the Working Group

The **national report** of Côte d'Ivoire<sup>3</sup> is comprehensive and self-critical. The report identifies the achievements made and challenges experienced in recent years. In general, positive results are limited as many of the measures and national plans introduced before 2002 remained ineffective, due to the military and political crisis. Nevertheless, the report stresses the country's full commitment to fulfilling international human rights obligations. The national report provides information on the process for its preparation, including the establishment of a national working group, and the holding of a meeting and a workshop with concerned partners. The report mentions the inclusion of civil society in these meetings but does not give any details.

The OHCHR **compilation of UN information**<sup>4</sup> focuses on: racial and xenophobic violence;<sup>5</sup> discrimination against vulnerable groups of children (non-citizens, disabled, born out of wedlock, ethnic minorities, Muslims or girls);<sup>6</sup> use of disproportionate force (including torture and ill treatment) against civilians by the *Forces Nouvelles*<sup>7</sup> and law enforcement officials;<sup>8</sup> domestic violence against women and children, including sexual violence; high prevalence of female genital mutilation (FGM);<sup>9</sup> the use of corporal punishment;<sup>10</sup> the continuing problem of weak law enforcement and widespread impunity for perpetrators;<sup>11</sup> trafficking of children for economic exploitation and the practice of forced labour of migrant workers and children;<sup>12</sup> the absence of a functioning justice system,<sup>13</sup> including the need to develop a juvenile justice system; the persistence of corruption,<sup>14</sup> impunity for perpetrators of human rights violations;<sup>15</sup> the right to freedom of opinion and expression;<sup>16</sup> the right of all citizens to take part in political life, and concerns about delays in voter registration for the presidential elections;<sup>17</sup> trade union rights;<sup>18</sup> rising costs of living; insufficiency of

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<sup>2</sup> Côte d'Ivoire did not request that a member of its regional group be among its troika. There were no objections by Côte d'Ivoire or by the members of the troika to the selection. A summary of the selection of troikas is contained in ISHR's *Council Update* on the selection of troikas at the 12<sup>th</sup> session, available at <http://www.ishr.ch/council-monitor/council-updates>

<sup>3</sup> A/HRC/WG.6/6/CIV/1 available at

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CI/A\\_HRC\\_WG.6\\_6\\_CIV\\_1\\_CotedIvoire\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CI/A_HRC_WG.6_6_CIV_1_CotedIvoire_E.pdf)

<sup>4</sup> A/HRC/WG.6/6/CIV/2 available at

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CI/A\\_HRC\\_WG.6\\_6\\_CIV\\_2\\_Cote\\_dIvoire\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CI/A_HRC_WG.6_6_CIV_2_Cote_dIvoire_E.pdf)

<sup>5</sup> CERD/C/62/CO/1, para. 10.

<sup>6</sup> CRC/C/15/Add.155, para. 22

<sup>7</sup> The *Forces Nouvelles* is a political alliance of former armed opposition groups, which control the country's north since September 2002.

<sup>8</sup> S/2009/21, para. 19. and S/2009/196, para. 25.

<sup>9</sup> UNICEF submission to UPR on Côte d'Ivoire, pp. 5-6.

<sup>10</sup> UNICEF submission to UPR on Côte d'Ivoire, pp. 5-6.

<sup>11</sup> S/2009/196, para. 26; S/2009/21, para. 20; S/2008/451, para. 41. Sexual violence against girls in school, see: CRC/C/15/Add.155, para. 37. Impunity of perpetrators, see: S/2009/344, para. 37.

<sup>12</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva doc. No. (ILOLEX) 062007CIV0182, p.1.

<sup>13</sup> S/2008/645, para. 44.

<sup>14</sup> S/2008/645, para. 45.

<sup>15</sup> Press release, "United Nations Deputy High Commissioner for Human Rights concludes visit to Côte d'Ivoire", 27 May 2008, available at [www.unhcr.ch/hurricane/hurricane.nsf/view01/08093CA320A0C313C12574560048398E?opendocument](http://www.unhcr.ch/hurricane/hurricane.nsf/view01/08093CA320A0C313C12574560048398E?opendocument) (last visited on 7 December 2009)

<sup>16</sup> S/2007/451, para. 51.

<sup>17</sup> S/2009/344, paras. 18-19.

basic health services, particularly for maternal health;<sup>19</sup> impact of HIV/AIDS on orphans;<sup>20</sup> dumping of toxic waste;<sup>21</sup> paramilitaries control natural resources in the north of the country;<sup>22</sup> access to education (gender gaps, disparity between rural and urban areas, disparity between poor and non-poor groups);<sup>23</sup> and reintegration of internally displaced persons (IDPs) and the lack of knowledge about their rights.<sup>24</sup>

Nine individual NGOs and four groups of NGOs submitted information for the OHCHR **summary of stakeholders' information**.<sup>25</sup> The compilation of reports submitted by stakeholders mentions some achievements with regards to the State's cooperation with human rights mechanisms, such as the ratification of the majority of international human rights conventions, but notes at the same time challenges still faced, including pending treaty body reports and ratification of other important conventions, such as the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*.<sup>26</sup> The stakeholders expressed concerns regarding the implementation of human rights law in the area of the rights of the child<sup>27</sup> and the lack of independence of the national human rights institution.<sup>28</sup> Key concerns were raised in relation to: discrimination on the basis of statelessness and the absence of certification and registration mechanisms;<sup>29</sup> widespread gender-gaps with regards to access to education for girls, participation of women in social and political life, access for women to the modern labour market, reproductive right,<sup>30</sup> and social practices that tolerate sexual violence against women (including FGM) and corporal punishment of children;<sup>31</sup> discrimination of ethnic minorities, migrants and disabled persons;<sup>32</sup> use of disproportionate force against civilians;<sup>33</sup> cases of grave human rights violations; the use of the death penalty (even though abolished) and torture in areas controlled by the *Forces de défense et de sécurité (FDS)*;<sup>34</sup> impunity for perpetrators of sexual and domestic violence against women and children as well as poor legal assistance for victims;<sup>35</sup> inhuman conditions in detention centres;<sup>36</sup> trafficking in children and forced labour;<sup>37</sup> freedom of expression, including attacks against human rights defenders, journalists, members of the political opposition

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<sup>18</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, doc No. (ILOLEX) 092009CIV182, pp. 4-5.

<sup>19</sup> UNICEF submission to UPR on Côte d'Ivoire, p. 1.

<sup>20</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, doc No. (ILOLEX) 092009CIV182, pp. 4-5

<sup>21</sup> Press release, Special Rapporteur on toxic waste concludes his mission to Côte d'Ivoire", Abidjan, 8 August 2008.

<sup>22</sup> S/2009/188, paras. 3 and 65-70

<sup>23</sup> UNICEF submission to UPR on Côte d'Ivoire, p.2 and ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, doc No. (ILOLEX) 092009CIV138, p.2.

<sup>24</sup> A/61/276, paras. 12-18.

<sup>25</sup> A/HRC/WG.6/6/CIV/3, available

at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CI/A\\_HRC\\_WG6\\_6\\_CIV\\_3\\_EF.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CI/A_HRC_WG6_6_CIV_3_EF.pdf), p. 11.

<sup>26</sup> Coalition pour l'examen périodique universel de la Côte d'Ivoire (CEPU-CI) and joint statement of Fédération internationale des ligues des droits de l'Homme (FIDH), Ligue Ivoirienne des Droits de l'Homme (LIDHO) and Mouvement Ivoirien des Droits Humains (MIDH).

<sup>27</sup> Actions pour la protection des droits de l'homme (APDH)

<sup>28</sup> Regroupement des acteurs ivoiriens des droits humains (RAIDH), Coalition Ivoirienne des défenseurs des droits humains (CIDDH) and Front Line (FL)

<sup>29</sup> FIDH/MIDH/LIDHO and Open Society Justice Initiative (OSJI).

<sup>30</sup> L'Initiative des droits sexuels (SRI) and Human Rights Watch (HRW).

<sup>31</sup> L'Initiative des droits sexuels (SRI), The Global Initiative to End All Corporal Punishment of Children (GIEACPC) and Human Rights Watch (HRW).

<sup>32</sup> CEPU-CI and HRW.

<sup>33</sup> CEPU-CI

<sup>34</sup> CEPU-CI, HRW, joint statement by FIDH/MIDH/LIDHO and Franciscans International (FI)

<sup>35</sup> APDH, CEPU-CI, HRW and SRI.

<sup>36</sup> Joint statement of FIDH/MIDH/LIDHO.

<sup>37</sup> APDH, Défenses des Enfants International-Côte d'Ivoire (DEI-CI) and FI.

and trade unionists;<sup>38</sup> general poverty;<sup>39</sup> poor access to health services;<sup>40</sup> dumping of toxic waste;<sup>41</sup> and access to education.<sup>42</sup>

## Interactive dialogue<sup>43</sup>

### Presentation by the State

At the beginning of his 22-minutes presentation, Mr Kone outlined that national law guarantees the promotion and protection of human rights for all, but at the same time acknowledged the numerous challenges that remain in realising these rights. He stressed the severe human rights situation the State faces, and pointed out that this has to be seen in the context of a decade of political and military crisis. Since 2007 a peace process aimed at unifying the divided country and re-establishing the authority of the State had begun with the signing of the Ouagadougou Agreement. Mr Kone repeatedly emphasised the State's commitment to comply with all human rights obligations, stressed the appreciation of all recommendations made by the Working Group, and asked the international community for technical assistance. During the presentation the following issues were highlighted: establishment of ministerial departments to promote human rights;<sup>44</sup> introduction of mechanisms to ensure freedom of expression;<sup>45</sup> improvement of conditions of detention; improvement of the registration of citizens, including the issuance of documents and voters registration; the fight against impunity; creation of school infrastructure; implementation of a national sanitation plan; establishment of mechanisms to save the environment; measures taken to enhance gender equality; plans and instruments to protect the rights of the child; instruments established to protect the rights of disabled persons and IDPs. The statement of Côte d'Ivoire mostly repeated the information given in the national report and did not include an update on recent developments.

### Themes and issues

In the interactive dialogue the country under review underlined its full commitment to fulfilling all its human rights obligations. At the same time, Côte d'Ivoire underlined that the delay in complying with its human rights obligations results from the recent crisis. It repeatedly asked the international community for technical assistance to effectively promote and protect human rights.

Many States<sup>46</sup> expressed concerns regarding the **situation and rights of women and girls**, particularly the widespread sexual violence against them, including FGM.<sup>47</sup> Some countries recommended continuing efforts and effective measures and policies to combat and prevent sexual violence, in accordance with recommendations by the Secretary-General in 2007. These measures should include awareness-raising campaigns and training of security forces to strengthen law enforcement and the judicial system to ensure the

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<sup>38</sup> Front Line (FL), CIDDH and HRW.

<sup>39</sup> CEPU-CI and FI.

<sup>40</sup> CEPU-CI and SRI.

<sup>41</sup> APDH, L'Union des Victimes des Déchets Toxiques d'Abidjan et Banlieues (UVDTAB) and CEPU-CI.

<sup>42</sup> APDH, CEPU-CI and École, instrument de la paix (EIP-CI).

<sup>43</sup> Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at [www.un.org/webcast/unhrc/index.asp](http://www.un.org/webcast/unhrc/index.asp).

<sup>44</sup> Le Ministère de la Lutte contre le SIDA, Ministère de la Solidarité et des Victimes de Guerre, Ministère de la Femme, de la Famille et des Affaires Sociales, Ministère de la Justice et des Droits de l'Homme.

<sup>45</sup> La Commission Nationale des Droits de l'Homme de Côte d'Ivoire (CNDHCI), le Conseil National de la Communication Audiovisuelle (CNCA) et le Conseil National de la Presse (CNP).

<sup>46</sup> Angola, Austria, Argentina, Egypt, Holy See, Luxembourg, Norway, Malaysia, Mexico, Senegal, Slovenia, Sweden and United States of America.

<sup>47</sup> Angola, Argentina, Belarus, Egypt, Luxembourg and Senegal.

**effective investigation and prosecution of perpetrators.** Côte d'Ivoire responded, that measures for appropriate investigation and prosecution of domestic and sexual violence are under way, such as the establishment of a national committee to combat violence against women and children in 2000, the reaffirmation of a Ministerial declaration for gender equality and equal opportunities in 2009, as well as planned awareness-raising campaigns against the practice of FGM.

Numerous States<sup>48</sup> recommended that Côte d'Ivoire continue its efforts regarding **national re-conciliation** and take all necessary steps to consolidate the rule of law in the country. Algeria and Djibouti in this respect suggested the full implementation of the Ouagadougou Agreement. Brazil, France, Luxembourg, Spain and the United Kingdom (UK) urged the State to hold the delayed **presidential elections** and ensure that they are free, open and transparent, and that all citizens can take part in the country's political life without discrimination.

Some States made requests with regards to the right to life, physical integrity and security of people, such as to effectively settle inter-communal disputes and end gross human rights violations by the '*Forces Nouvelles*' (Argentina, Canada) and to combat the practice of arbitrary and summary executions (Gabon). States' comments included the need to improve the efficiency of the judicial system and the fight against impunity,<sup>49</sup> including by revoking the amnesties granted for human rights violations committed during the crisis (Sweden). Côte d'Ivoire stated that the consolidation of the rule of law was of highest priority for the country and repeated the need for technical assistance.

Several States<sup>50</sup> addressed the need to **provide human rights training** with a focus on the protection of vulnerable groups (such as women, children, disabled persons, IDPs) to law enforcement officials, security forces, as well as members of the judiciary to ensure full accountability for human rights violations. Measures taken should contribute to **combat corruption** and **impunity**<sup>51</sup> and could be accomplished with technical assistance from the international community.<sup>52</sup> In its statement after the adoption of the Working Group's report on the review on 7 December 2009, Côte d'Ivoire emphasised its willingness to provide human rights training and awareness-raising campaigns to personnel of the justice system and the security forces and requested technical assistance in this respect.

Frequently, States<sup>53</sup> expressed concern about the violation of the **rights of the child** in Côte d'Ivoire and the need for follow-up measures for the protection of children against human trafficking, exploitation (forced labour), and domestic and sexual violence. The country under review furthermore was urged to fully ensure access to primary education, harmonise the child protection legal framework, and establish mechanisms to protect children within the justice system.

Other key issues covered during the review included: the independence of the National Human Rights Commission and the need for it to comply with the Paris Principles;<sup>54</sup> the prioritisation of protection and aid programmes for victims and vulnerable groups (orphans, abandoned children, IDPs, disabled persons);<sup>55</sup>

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<sup>48</sup> Algeria, Djibouti, Nigeria and the United Kingdom.

<sup>49</sup> Argentina, Canada, Gabon, Germany, South Africa and the United Kingdom,

<sup>50</sup> Algeria, Argentina, Azerbaijan, Czech Republic, The Democratic Republic of the Congo, Italy, Libyan Arab Jamahiriya, Mauritius, Morocco, Spain, South Africa, Uganda and United States of America.

<sup>51</sup> Argentina and Czech Republic.

<sup>52</sup> Argentina, Morocco and Spain.

<sup>53</sup> Algeria, Angola, Argentina, Azerbaijan, Bangladesh, Belarus, Cuba, Czech Republic, Holy See, Italy, Malaysia, Mexico, Saudi Arabia and Sweden.

<sup>54</sup> Egypt, France, Ireland, Morocco, Netherlands, Niger and Pakistan.

<sup>55</sup> Belarus, Czech Republic, Germany, Ghana, Malaysia and Viet Nam.

preventing arbitrary detention<sup>56</sup> and further improving the conditions of detention;<sup>57</sup> continuing cooperation with international human rights mechanisms, including by submitting pending treaty body reports;<sup>58</sup> establishing an effective process of follow-up to UPR recommendations with the involvement of civil society;<sup>59</sup> technical and financial assistance from the international community to comply with human rights obligations;<sup>60</sup> investigating and prosecuting violations against human rights defenders and journalists (Norway); pursuing the implementation of a national strategy for sustainable development, including poverty reduction;<sup>61</sup> ensuring access of all citizens to healthcare and HIV/AIDS treatment,<sup>62</sup> social services (South Africa) and legal aid (Italy).

### Adoption of the report

The Working Group on UPR adopted the draft report on Côte d'Ivoire on 7 December 2009.<sup>63</sup> All 108 recommendations formulated during the interactive dialogue enjoyed the support of the country under review although it considered that 15 of the recommendations as already implemented or in the process of implementation.<sup>64</sup> The State highlighted the following priorities to meet the challenges in defending and promoting human rights: to emerge from the crisis; return to the rule of law; and fight impunity and effectively implement all human rights. At the end of the adoption, Côte d'Ivoire reiterated its request for technical assistance to the international community in the following areas: strengthening technical capacity for the preparation of reports to fulfil reporting obligations to treaty bodies; support for harmonisation of national legislation with international human rights obligations; organising training seminars on human rights for personnel of the justice system and security forces; support for the preparation of a national plan for the promotion and protection of human rights; support for educational and awareness-raising activities on human rights; support for the consolidation of the civil service; strengthening the operational capacity of the Ministry responsible for promoting human rights; support for human rights training for local elected representatives and members of the parliament responsible for drafting legislation; and strengthening the capacity of the National Human Rights Commission.

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<sup>56</sup> Austria and Djibouti.

<sup>57</sup> Czech Republic, Netherlands, Slovakia,

<sup>58</sup> Norway and Pakistan.

<sup>59</sup> Austria, Belgium, Mexico and Norway.

<sup>60</sup> Angola, Bangladesh, Brazil, Egypt, Libyan Arab Jamahiriya, Morocco, Niger and Senegal.

<sup>61</sup> Angola, Brazil, Ghana, Malaysia, Mauritius and the Russian Federation.

<sup>62</sup> Bangladesh, Cuba, Spain, Saudi Arabia and United States of America.

<sup>63</sup> A/HRC/WG.6/6/L.8

<sup>64</sup> Recommendations No. 18, 19, 21, 22, 35, 40, 41, 42, 43, 48, 66, 67, 68, 69 and 73.

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