

REPUBLIC OF COTE D'IVOIRE
Ministry of Human Rights and Public Freedoms

**INITIAL AND COMBINED REPORT OF THE REPUBLIC OF COTE D'IVOIRE TO THE
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

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Abbreviations

ACHPR: African Charter on Human and Peoples' Rights

ADB: African Development Bank

AGEFOP: National Vocational Training Agency

AGEPE: Agency for Employment Study and Promotion

AGEROUTE: National Road Agency

ANDE: National Environment Agency

BNETD: National Technical Studies and Development Bureau

CC: Constitutional Council

CCI-CI: Chamber of Commerce and Industry of Côte d'Ivoire

CDVR: Dialogue, Truth and Reconciliation Commission

CEDAW: Convention on the Elimination of all Forms of Discrimination against Women

CEI: Independent Electoral Commission

CEPICI: Côte d'Ivoire Investment Promotion Centre

CFA: African Financial Community

CIAPOL: Ivorian Anti-Pollution Centre

CMCI: Chamber of Trades of Côte d'Ivoire

CNAC: National Centre of Arts and Culture

CNBIOS: National Bio-safety Commission

CNDH-CI: National Human Rights Commission of Côte d'Ivoire

CNP: National Media Council

COPEB: Basic Education Development Committees

CRAMA: Regional Conservatory of Arts and Crafts in Abengourou

CTAA: Technical Centre for Applied Arts

DDR/RRR: Demobilisation, Disarmament, Reinsertion/Rehabilitation, Resettlement, Reintegration

DGE: Directorate-General of Employment

ECOWAS: Economic Community of West African States

EGPLA: Literary and Artistic Property Summit

EIA: Environmental Impact Assessment

FDFP: Vocational Training Development Fund

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FNR: National Regulatory Fund

FNS: National Solidarity Fund

FONSIC: Film Industry Support Fund

FSIC: Fund for the Support of Cultural Initiatives

HACA: Audiovisual Communication Authority

HIPC: Heavily Indebted Poor Countries Initiative

ICC: International Criminal Court

ILO: International Labour Organisation

INIE: Ivorian Business Institute

INSAAC: Advanced Institute of Arts and Cultural Action

LEA: Advanced School of Art Education

MACA: Central Prison of Abidjan

MASA: African Performing Arts Market

MDGs: Millennium Development Goals

NGO: No-governmental Organisation

OIPR: Ivorian Parks and Reserves Authority

OLPED: Freedom of the Press, Ethics and Professional Code of Conduct Observatory

OMOCI: Labour Office of Côte d'Ivoire

ONAC-CI: National Office for Film-related Activities of Côte d'Ivoire

ONFP: National Vocational Training Office

ONPC: National Civil Defence Office

PA: Protected Areas

PAE: Employment Assistance Programme

PASCO: Competitive Structural Adjustment Plan

PASI: Informal Sector Support Programme

PCGAP: National Protected Areas Management Programme

PCME: Micro Enterprise Creation Programme

PFS: Service Platform

PNDS: National Health Development Plan

PNR: National Parks and Reserves

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PNRRC: National Reintegration and Community Rehabilitation Programme

PRODIGE: Pilot Programme for the Development of Employment-Generating Initiatives

PRSP: Poverty Reduction Strategy Paper

PSCE: Special Employment Creation Programme

PSCN: National Civic Service Programme

PVRH: Human Resource Development Programme

RNO: National Observation Network

SIIC: Classified Installations Inspectorate Department

SME: Small and Medium Enterprises

SMIG: Guaranteed Minimum Wage

SNRR: National Reconstruction and Reintegration Secretariat

SODEXAM: Airports Management and Development Company

UEMOA: West African Economic and Monetary Union

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNO: United Nations Organisation

URES: Regional Higher Education Units

INTRODUCTION

Situated in West Africa, Côte d'Ivoire has a land surface area of 322,462 Km². It is bound to the East by Ghana, to the North by Burkina Faso and Mali, to the West by Guinea and Liberia and to the South by the Gulf of Guinea. Its political and administrative capital is Yamoussoukro while the economic capital is Abidjan.

The country has about sixty ethnic groups which are divided into four major groups: the Gur, the Mande, the Kwa and the Kru. In 2001, its population was estimated to be 21,504,000 inhabitants, with 26% of them being non nationals. The population is mostly young (40%) and the growth rate for the period 2000-2010 was 2.03%.

Côte d'Ivoire is a secular State where different religious denominations co-exist, the key ones being Islam, Christianity and Animism.

The democratic political regime opted for by the Ivorian people brought a lot of hope during the first three decades of independence.

However, after the death of the first President, the various political actors failed to achieve consensus on a new democratic order. This state of affairs led to political instability over the last two decades with devastating consequences. Thus, the respect for human rights and commitments entered into by Côte d'Ivoire were undermined. These included, among others, the presentation of reports to treaty organs.

It is to address this state of affairs that this initial and combined report is presented. It provides an account of measures taken by Côte d'Ivoire in respect of its obligations under Article 62 of the African Charter on Human and Peoples' Rights. It presents the institutional and legal framework under which human rights are exercised in Côte d'Ivoire as well as measures taken to implement the African Charter on Human and Peoples' Rights at the national level.

**PART ONE
PRESENTATION OF THE INSTITUTIONAL
AND LEGAL FRAMEWORK**

CHAPTER I

INSTITUTIONAL FRAMEWORK

The institutional framework under which human rights are exercised in Côte d'Ivoire depends on constitutional and non constitutional mechanisms.

I - CONSTITUTIONAL MECHANISMS

These constitutional mechanisms revolve around political and judicial bodies as well as other independent administrative authorities.

1- Political bodies

These bodies comprise the National Assembly and the Government which represent the legislative and executive branches of government respectively.

1-1-Legislative authority

Instituted under Title IV of the Constitution, the National Assembly is unicameral. Its members are elected by direct universal suffrage for a term of five years renewable, and are referred to as Members of Parliament.

The first section of Article 71 of the Constitution states that "the National Assembly is the legislative arm. It passes laws". The second section states that "the Act lays down the conditions governing citizenship, civic rights and the fundamental safeguards for citizens to exercise their public freedoms".

It can be deduced from the foregoing that the National Assembly is responsible for the determination of the legal regime of rights and freedoms through the passage of laws, an initiative it shares with government. Furthermore, thanks to the power of control of government action conferred on it by Article 82 of the Constitution, the National Assembly is the custodian of the protection of rights and freedoms; particularly through the power to amend draft bills, the right to information on government action and the establishment of a parliamentary committee of enquiry through its own initiative. These courses of action, though not linked to any sanctions, provide the capacity for Parliament to control government action, inform the public and consolidate the rule of law through the passage of laws.

1-2- Executive authority

Provided for under Title III of the Constitution, the President of the Republic and the Government constitute the executive branch of the Ivorian political system.

As the exclusive holder of executive power, the President of the Republic is elected by direct universal suffrage for a five-year term renewable once. He determines and conducts national policy and ensures the enforcement of laws and judicial decisions. To this effect, he is responsible for ensuring respect for the basic safeguards provided by the law for citizens to exercise their public freedoms.

In his capacity as the guarantor of the Constitution, the President of the Republic ensures respect for the rights contained in chapter one of title one of the aforementioned Constitution.

As the guarantor of compliance with international commitments by Côte d'Ivoire, the President of the Republic ensures that the safeguards granted to citizens under these legal instruments are applied.

As part of the implementation of his policy aimed at complying with human rights since the ratification of the African Charter on Human and Peoples' Rights on 6th January, 1992, the Executive branch, through government action, has taken several measures and actions, the most important of which relate to the ratification of international legal texts on Rights and the establishment of a Ministry of Human Rights.

In the area of ratifications, Côte d'Ivoire is party to more than fifty conventions, treaties or international covenants which guarantee human rights. For purposes of illustration, the following examples may be cited:

- The Additional Protocol to the ACHPR establishing the African Court on Human and Peoples' Rights ratified by the State on 21 March, 2003;
- The African Charter on the Rights and Welfare of the Child, ratified on 27 February, 2004.

In terms of measures, the Ivorian Government has always included the fight against human rights violations among its priorities. Thus, even before the outbreak of the crisis on 19 September, 2002 and in view of the numerous human rights violations, the government took steps to fight against impunity by recognizing the competence of the International Criminal Court (in accordance with its Article 12). Furthermore, it is necessary to note the determination of the State to shed light on allegations of human rights abuses, among which are:

- The United Nations Commission of Enquiry (UNO) on Human Rights Violations which occurred during the events of March 2004;
- The Committee of Enquiry on the Disposal of Toxic Waste in Abidjan in 2006;
- The Committee of Enquiry on Violation of Human Rights and International Humanitarian Law which occurred between 28 November, 2010 and 15 May, 2011 inclusive,

-Etc.

Apart from these political bodies, the Ivorian Constitution also makes provision for judicial bodies to ensure that citizens are able to exercise their rights.

1-3 – Independent administrative authorities

The administrative authorities referred to in this context are those prescribed by the Constitution, and whose organisation and functioning are established by law.

1-3-1- The Ombudsman

Provided for in Title XI of the Constitution, the Ombudsman of the Republic is an independent administrative authority. This institution is currently regulated by Organic Law No. 2007-540 of 1st August 2007 setting out the powers, organisation and operation of the mediation body referred to as the “Ombudsman of the Republic”.

Article 7 of the above-mentioned text empowers the Ombudsman to carry out “the task of settling conflicts and disputes of all kinds submitted to the President of the Republic, through mediation without prejudice to the powers vested by the laws and regulations in institutions and State organs; these are mainly disputes between:

- A public legal person and the Administration;
- A civil servant or public officer and the Administration;
- A private natural or legal person and the Administration;
- Two persons, either natural or legal persons”

He is also competent to exercise jurisdiction over disputes between urban or village communities or between all other entities.

Thus, from the foregoing, it can be seen that the Ombudsman is vested with a public service mission and is not answerable to any other authority. He is appointed by the President of the Republic upon the recommendation of the Speaker of the National Assembly for a non renewable term of six years. The appointment of the Ombudsman cannot be terminated until the end of his term of office.

However, the only exception is when he is incapacitated according to an observation by the Constitutional Council which consults with the President of the Republic.

He is immune from prosecution, arrest, detention or judgment for expressing his opinions or for actions taken in the performance of his duties.

The Ombudsman acts according to the principles of equity, common sense, customs, practices and good morals. He may be informed by any means, directly or indirectly. He determines the admissibility of petitions in the light of jurisdictions of the various State institutions and the status of existing procedures. The appeals made to the Ombudsman entail the suspension of all forms of administrative and judicial actions by the parties. The decisions of the Ombudsman are final and binding on all the parties.

1-3-2-The Independent National Electoral Commission

Like the Ombudsman, the Independent National Electoral Commission (CEI) is provided for by Article 32 of the Ivorian Constitution. However, it is an independent Administrative Authority with the responsibility of organising, supervising and controlling the conduct of all elections and referenda in keeping with the prevailing rules and regulations.

It ensures the enforcement of the Electoral Code and related texts by the administrative authorities and the political parties, members of civil society, the candidates as well as the voters.

In exercising its powers, the Independent Electoral Commission has access to all sources of information on the electoral process and the public media.

It comprises permanent members and non permanent members. It has a central committee and local committees at the regional, provincial and district levels.

Its composition is as follows:

- a representative of the President of the Republic
- a representative of the Speaker of the National Assembly
- a representative of the President of the Economic and Social Council
- two judges appointed by the Higher Council of the Judiciary
- two lawyers appointed by the Bar
- a representative of the Ministry of Territorial Administration
- a representative of the Ministry of the Interior
- a representative of the Minister of Finance and Economy
- a representative of the Minister of Defence
- two representatives of every political party or movement with at least one of them being an MP at the National Assembly who has won at least a municipal election of the Regional Council, the General Council or District Council.

Its decisions are arrived at after relevant deliberations of its members.

In addition to these constitutional mechanisms, as a State, Côte d'Ivoire has its own non constitutional means of practising human rights

2 – Judicial organs

Just like the political bodies, the judicial bodies for exercising human rights under the Constitution are two: the judicial authority and the Constitutional Council.

2-1 –Judicial authority

Falling under Title VIII of the Constitution, the Judiciary is the third branch of government provided by the Constitution. It is independent of the executive and legislative branches and it is exercised by judges, who in exercising their functions, are not answerable to any authority of the law. Guarantor of individual freedoms, judicial power is structured around the courts (Supreme Court, appeal courts and the courts of first instance) and the Higher Judicial Council. The implementation of decisions of its structures falls on the President of the Republic unlike the Constitutional Council.

2-2- Constitutional Council

Constituting a greater part of Title VII of the Constitution, the Constitutional Council (CC) is the judge of the constitutionality of laws and the regulatory body for the functioning of public powers. To this effect, it ensures compliance with the laws of the Constitution, particularly, the respect for the rights and freedoms proclaimed in Title I of the Constitution. It also controls the regular expression of the people through presidential and legislative elections as well as through referendums.

Any dispute on the constitutionality of a law can be at the request of the President of the Republic, the Speaker of the National Assembly, any parliamentary group and one tenth of the Members of the National Assembly. It can also be at the request of human rights defence organisations for any text which infringes public freedoms. Furthermore, any complainant can raise an objection as to the unconstitutionality of a law before any court (Article 96 of the Constitution).

Its decisions, which are not subject to any appeal whatsoever, are binding on all administrative, judicial and military authorities and on any natural or legal persons.

II – NON-CONSTITUTIONAL MECHANISMS

Non constitutional mechanisms must be understood in this context as structures put in place to promote the exercise of human rights; they are not organised along the lines of constitutional provisions. These mechanisms comprise both independent administrative authorities and private initiatives.

1- Independent administrative authorities

The independent administrative authorities are State institutions, acting on their own behalf, in regulating certain sectors considered as essential, particularly in cases where the government would like to avoid any direct intervention. The independent administrative authorities are a new legal category because, contrary to the traditional administrative practice, they do not fall under the hierarchical authority of a Minister. Apart from the two (02) stipulated in the Constitution, three (03) others are provided for and organised by the law. They are the:

- National Human Rights Commission of Côte d'Ivoire
- National Media Council
- High Audio-Visual Communication Authority

1-1-The National Human Rights Commission of Côte d'Ivoire

The National Human Rights Commission of Côte d'Ivoire (CNDH-CI) is an advisory body which carries out duties relating to dialogue, consultation, assessment and proposal in the area of promoting, protecting and defending human rights.

As such, it receives complaints and accusations on cases of human rights violations. It conducts non judicial investigations and even all the necessary investigations on complaints and accusations brought to its attention. It presents a report to the government on actions taken by the Commission.

It can also question any other authority or body which wields coercive power in relation to human rights violations in their respective fields of endeavour and propose measures which tend to put a stop to such violations.

It can also visit prisons and jails or any other detention facility after authorisation by any competent public prosecutor who may witness it.

The Commission studies any issue concerning human rights protection.

It periodically informs the President of the Republic, the Speaker of the National Assembly, the Chairman of the Constitutional Council, the Ombudsman, the Chairman of the Economic and Social Council, the Prime Minister, the National Assembly, the Minister for Human Rights and the entire Government about its activities and makes proposals for the State to implement resolutions by bodies and institutions within the United Nations system, the African Union and all other international organisations operating in the field of human rights.

It also submits an annual report on the human rights situation in Côte d'Ivoire to the above-mentioned authorities, which must be reported to the public by the Commission.

It acts in advisory capacity to the government, Parliament and any other State institution, at their request or through its own initiative or advice concerning any Human Rights protection issue.

The Commission takes part in the preparation of reports prescribed by international legal instruments to which Côte d'Ivoire is a party, and as part of its mission, maintains relations with national and international human rights institutions and organisations in line with the policy orientation outlined by the government.

The National Human Rights Commission of Côte d'Ivoire consists of members who act in their advisory capacity and members with voting rights.

The members with voting rights are:

- Four representatives of the National Assembly;
- Two representatives of the Economic and Social Council;
- Two representatives from the Office of the Ombudsman;
- Two representatives of the Higher Judicial Council;
- Two representatives of the Bar Association;
- One representative of the Labour Unions;
- Four persons recognised for their competence in human rights matters with at least one of them being a woman;
- Three representatives from religious organisations;
- Three representatives from farmers' organisations with at least one of them being a woman;
- One representative from each signatory party to the Linas-Marcoussis Agreement.

The members with an advisory role come from the relevant Ministries.

Any natural or legal person resident in Côte d'Ivoire and concerned about pursuing a case of human rights violations can refer the issue to the National Human Rights Commission. The latter may, on its own initiative, also examine any case of human rights violation committed in Côte d'Ivoire.

1-2-The National Media Council

The National Media Council (CNP) is an Independent Administrative Authority responsible for ensuring compliance by press agencies and journalists with the obligations laid down by the Law on the press regime.

It has a disciplinary authority which it exercises within the journalism profession and among media professionals. To this effect, it ensures compliance with the rules governing establishment, decency, resources and ethics of the media profession and pluralism in the media environment.

The National Media Council is made up of eleven members as follows:

- a communication professional appointed by the President of the Republic, Chairperson;
- a representative of the Minister of Communication;
- a judge appointed by the Higher Judicial Council;
- two professional journalists appointed by the professional journalists' organisation;
- a representative of Publishers' Association;
- a representative of editors;
- a representative of media distribution companies;
- a representative of civil society appointed by human rights defence organisations;
- a representatives of printers;
- a representative of Consumers' Associations.

The National Media Council may be petitioned at any moment by any concerned individual. It may also act through its own initiative. Its decisions may be published by any appropriate means.

At the end of the first quarter of the year, a report on the enforcement of the Act on the media is forwarded to the:

- President of the Republic;
- Speaker of the National Assembly;
- Chairman of the Economic and Social Council;
- Prime Minister;
- Minister of Communication;
- Minister of Finance and Economy;
- Minister of Justice and Keeper of the Seals.

1-3- The High Audiovisual Communication Authority

Established in lieu and place of the National Council for Audiovisual Communication, the High Audiovisual Communication Authority (HACA) is an Independent Administrative Regulatory Authority for Audiovisual Communication with a mission to guarantee and ensure freedom and protection of audiovisual communication, guarantee access and provide equal treatment to Republican institutions, political parties, associations and citizens to official information and communication agencies and also promote pluralism in the audiovisual sector.

Furthermore, the Authority is tasked with ensuring equal access and treatment; as well as pluralistic expression of various schools of thought, particularly during periods of elections. It comprises twelve (12) members:

- One communication professional appointed by the President of the Republic;
- One person appointed by the Speaker of the National Assembly;
- One person appointed by the Chairman of the Economic and Social Council;
- A judge appointed by the Higher Judicial Council;
- A person appointed by the Minister of Communication;
- A person appointed by the Minister of Finance and Economic Planning;
- A person appointed by the Minister of Culture;
- A person appointed by the Minister of Posts and Information and Communication Technology (ICT);
- A person designated by Human Rights Associations;
- Three representatives of professional audiovisual Communication organisations including a professional journalist in the audiovisual sector, a Media engineer and a professional producer.

These persons are appointed for a six-year term non renewable. Their appointments cannot be revoked.

Apart from these independent administrative authorities, there are other non constitutional mechanisms for administering human rights which come from private initiatives.

2-Private initiatives

These private initiatives must be understood as those ones originating from citizens and which seek to establish platforms for exercising their rights. These platforms are formed around political parties and civil society organisations.

2-1-Political parties

Article 13 of the Constitution states that political parties are formed and they exercise their activities freely subject to complying with the laws of the Republic, the principles of national sovereignty and democracy. They are equal and subject to the same obligations.

Under Article 1 of law N°93-668 of 9 August 1993, the political party is an association of natural persons who subscribe to the same political ideals and commit themselves to the pursuit of the cause so as to implement their programme, win power and exercise it according to the democratic principles prescribed in the Constitution.

These are legal persons governed by private law which are established freely. However, they are not to be identified with race, ethnic group, sex, religion, sect, language, a profession or a region of the country.

Any citizen has the right to join a political party of their choice. The founding members and leaders of political parties must be Ivorian nationals who enjoy their civil and political rights.

2-2- Civil society organisations

They are many and multifaceted. However, their main characteristic is that they are governed by Law N°60-315 of 21 September 1960 on associations.

This law states in Article 2 that associations are established freely without prior authorisation. However, they must be established for a cause or have a legal purpose, not contrary to laws and good morals and not undermine the general interest of the country.

Just like the political parties, they are legal persons governed by private law with different and wide-ranging objectives. Membership thereof is open to every citizen.

CHAPTER II

LEGAL FRAMEWORK

The legal framework under which human rights are exercised in Côte d'Ivoire consists of the Constitution, international treaties and the law.

I – CONSTITUTION

The Ivorian Constitution of 1st August 2000 devotes the first 22 provisions to rights and freedoms, in addition to paragraphs 6 and 7 of its preamble. These provisions, together with 6 duties, constitute Title 1 of this Constitution.

It establishes all the rights and freedoms proclaimed therein into constitutional principles. These, to a large extent, are also found in international human rights treaties to which Côte d'Ivoire is a party.

II – INTERNATIONAL TREATIES

Under the terms of Article 87 of the Constitution, immediately Treaties or Agreements have been duly ratified, they assume a higher authority than laws, and for every treaty or agreement, it then becomes subject to implementation by the other party.

Côte d'Ivoire is party to 56 international human rights legal instruments. Together with the Constitution and laws, these instruments constitute the whole legal corpus of human rights in Côte d'Ivoire.

An overview of these international human rights legal instruments ratified by Côte d'Ivoire makes it possible to assess the proactive approach of the country and its love for the promotion of human rights. Thus, we have the:

1. Universal Declaration of Human Rights of 1948;
2. African Charter on Human and Peoples' Rights of 1981: **ratified on 6 January 1992;**
3. International Covenant on Civil and Political Rights: **ratified on 26 March, 1992;**
4. International Covenant on Economic, Social and Cultural Rights: **ratified on 26 March, 1992;**
5. Optional Protocol relating to the International Covenant on Civil and Political Rights: **ratified on 5 March, 1997;**
6. ILO Convention No. 100 concerning the legality of remuneration between male and female workers for work of equal value: **ratified on 05 May, 1961;**

7. ILO Convention No. 111 concerning discrimination in terms of employment and occupation of 25 June, 1958: **ratified on 5 May, 1961;**
8. International Convention on the Elimination of all forms of Racial Discrimination: **ratified on 4 January, 1973;**
9. Convention on the Elimination of all forms of Discrimination against Women: **ratified on 18 December, 1995;**
10. UNESCO Convention against discrimination in Education adopted on 14 December, 1960 in Paris: **ratified on 7 October 1998;**
11. ILO Convention No.105 concerning the abolition of forced labour of 25 June, 1957: **ratified on 21 November 1960;**
12. ILO Convention No. 29 concerning forced labour of 28 June, 1930: **ratified on 21 November, 1960;**
13. Convention on Slavery: **ratified on 8 December, 1961;**
14. Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slave Trade of 7 September, 1956: **ratified on 10 December, 1970;**
15. Protocol on the Code of Community Citizenship: **ratified on 24 July, 1987;**
16. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: **ratified on 18 December, 1995;**
17. Convention on the Prevention and Punishment of the Crime of Genocide: **ratified on 20 December, 1995;**
18. Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others: **ratified on 2 November 1999;**
- 19 – Convention relating to the Status of Refugees of 28 July, 1951: **ratified on 08 December 1961;**
- 20- Protocol relating to the Status of Refugees: **ratified on 16 February, 1970;**
- 21- Convention on the Rights of the Child: **ratified on 4 February, 1991;**
- 22-ILO Convention No. 182 concerning the Prohibition of the Worst Forms of Child Labour and the Immediate Action Towards their Elimination: **ratified on 7 February, 2003;**
- 23-African Charter on the Rights and Welfare of the Child: **ratified on 27 February, 2004;**
- 24-Convention on the Political Rights of Women of 20 December, 1952: **ratified on 18 December, 1995;**
- 25- Convention on the Consent for Marriage, Minimum Age for Marriage and Registration of Marriages: **ratified on 18 December 1995;**
- 26-Convention on the Nationality of Married Women adopted on 29 January, 1957 in New York: **ratified on 2 November, 1999;**
- 27- Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography: **ratified on 19 September, 2011;**
- 28- ILO Convention No. 11 concerning the Rights of Association and Combination of Agricultural Workers of 1921: **ratified on 21 November, 1960;**
- 29- ILO Convention No. 19 concerning Equal Treatment of Workers and Nationals concerning Industrial Accidents of 1925: **ratified on 5 May, 1961;**
- 30- ILO Convention No.98 Concerning the Application of Principles of the Right to Collective Bargaining of 1st July, 1949: **ratified on 5 May, 1961;**
- 31- ILO Convention No. 87 concerning Freedom of Association and the Protection of the Right to Organise of 9 July, 1948: **ratified on 21 November, 1961;**
- 32- ILO Convention No. 95 concerning the Protection of Wages of 1949: **ratified on 21 November, 1961;**

- 33- 1971 ILO Convention No. 135 concerning the Protection of Workers' Representatives in Industry and the facilities to be provided them: **ratified on 21 February, 1973;**
- 34-Convention No.81 concerning labour inspection in industry and commerce: **ratified on 5 June, 1987;**
- 35- ILO Convention No.159 concerning Vocational Rehabilitation and Employment of Disabled Persons of 20 June, 1983: **ratified on 08 May, 1999;**
- 36- ILO Convention No. N°138 concerning the minimum age of admission into employment of 26 June, 1973: **ratified on 07 February, 2003;**
- 37- Geneva Convention on the Protection of Civilians during Warfare: **ratified on 28 December, 1961;**
- 38- Geneva Convention for the Relief of the Wounded, the Sick and Shipwrecked Members of Armed Forces at Sea: **ratified on 28 December 1961;**
- 39- Geneva Convention on the Treatment of Prisoners of War: **ratified on 28 December, 1961;**
- 40-Convention for the Relief of the Wounded and the Sick in the Armed Forces during Warfare, Geneva, 27 July, 1929: **ratified on 28 December, 1961;**
- 41- Supplementary Protocol to the Geneva Conventions of 12 August, 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I): **ratified on 20 September, 1989;**
- 42- Supplementary Protocol to the Geneva Conventions of 12 August, 1949 relating to the Protection of Victims of Unarmed International Conflicts (Protocol II): **ratified on 20 September, 1989;**
- 43- African Intellectual Property Organisation: **ratified on 24 May, 1960;**
- 44- Convention concerning the Protection of World, Cultural and Natural Heritage: **ratified on 25 November 1980;**
- 45-Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the 1984 Convention: **ratified on 24 January, 1980;**
- 46- UNESCO Convention concerning Measures to be taken to Prohibit and Prevent the Illicit Import and Transfer of Ownership of Cultural Property: **ratified on 26 December, 1989;**
- 47- ACHPR Protocol on the Establishment of an African Court of Human and Peoples' Rights: **ratified on 06 January, 1992;**
- 48- Protocol relating to the Court of the Economic Community of West African States: **ratified on 25 July, 1996;**
- 49-Revised ECOWAS Treaty: **ratified on 25 July, 1996;**
- 50- UNESCO Protocol instituting Conciliation and Good Offices Commission responsible for seeking the settlement of any Disputes which may arise between States Parties to the Convention against Discrimination in Education of 10 December, 1962: **ratified on 8 May, 1999;**
- 51- Basel Convention: **ratified on 9 June, 1994;**
- 52- International Convention against the Taking of Hostages: **ratified on 22 August, 1989;**
- 53- Convention on the Prohibition of Employment, Stockpiling, Production and Transfer of Ant-Personnel Mines: **ratified on 30 June, 2000;**
- 54-Convention on the Prevention and Punishment of Violations against Persons Enjoying International Protection, Including Diplomatic Staff: **ratified on 13 March, 2002;**
- 55- Protocol relating to the Prohibition of the Use of Asphyxiating, Toxic Gases and Bacteriological Substances in War: **ratified on 27 July, 1970;**
- 56- OAU Convention on Specific Aspects of Refugee Problems: **ratified on 26 February, 1998.**

III – THE LAW

A substantial number of laws have been adopted to reinforce and ensure clarity in the legal provisions relating to human rights. They relate in particular to the family, women and persons with disabilities and other protected categories.

<p>PART TWO MEASURES FOR THE IMPLEMENTATION OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS</p>
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CHAPTER I

CIVIL AND POLITICAL RIGHTS

I-EQUALITY BEFORE THE LAW (Article 3)

Act 2000-513 of 1st August, 2000 on the Constitution of Côte d'Ivoire states in paragraph 2 of Article 2 that *"All human beings are born free and are equal before the law"*.

In the light of this constitutional provision, it can be asserted that in Côte d'Ivoire, there are no discriminatory measures whatsoever between persons in relation to the law. Thus, equality of all persons before the law is guaranteed.

The practice before the courts is not different from the above-mentioned principle.

II-PROTECTION OF THE RIGHT TO LIFE (Article 4)

According to paragraph 1 of Article 2 of the Ivorian Constitution, *"The human person is sacred"*. Paragraph 2 stipulates that *"They enjoy inalienable rights which are life..."* In paragraph 4, it states that *"Any punishment seeking to deprive human life is prohibited."* By this statement, Côte d'Ivoire can be counted among States which have abolished the death penalty.

Apart from the prohibition of the death penalty, the Ivorian Constitution protects citizens against any physical or moral torture or cruel, inhuman and degrading punishment or treatment. In fact, according to Article 3 of the Constitution *"Slavery, forced labour, inhuman, degrading and humiliating treatment, physical or moral torture, physical abuse, mutilations and all forms of debasement of the human being are prohibited and punishable by law"*.

However, for the past decade, cases of torture and cruel, inhuman and degrading treatment have been observed in different parts of the nation without the partially disoriented State being able to

use the institutional and logistical resources available to order their cessation or prevent their resurgence.

Thus, the right to life as established is rightfully considered as “the ultimate right for which no derogation is authorised”. Relatively observed up to the end of 1999, the right to life has been characterised by a lot of abuses during the decade from 2000 to 2010, particularly during the politico-military crises of 2002 and the 2010 post-election period.

The Ivorian Government, committed to the cardinal values including the right to life, has deplored these abuses and taken steps to sanction the perpetrators and repair the damage caused. To this effect, the Government signed a Cooperation Agreement with the International Criminal Court on 28 June, 2011.

III-PROHIBITION OF SLAVE TRADE (Article 5)

Under Article 3 of the Constitution, it is prohibited and punishable by law. It must therefore be noted that slavery does not exist in Côte d’Ivoire and that the Government is fighting resolutely against all related practices such as racism, sexual exploitation, slavery, exploitation and child labour.

To this effect, a National Monitoring Committee on Actions to Combat Slavery, Exploitation and Child Labour was set up by Decree N° 2011-366 of 3 November, 2011. It is a follow-up to Decree N° 2011-365 of 3 November, 2011 on the establishment of an Interdepartmental Committee on Combating Slavery, Exploitation and Child Labour, tasked with assessing and following-up on Government actions in terms of fighting the phenomenon of slavery, exploitation and child labour.

In this connection, it is tasked to monitor the implementation of Government projects and programmes in combating slavery, exploitation and child labour; initiate actions for the prevention of slavery, exploitation and child labour; make proposals to the government for the abolition of child labour; propose measures for children who are victims of the worst forms of child labour to be assisted and contribute to the education and vocational re-integration of child workers. It comprises national and international non-governmental organisations working in the field of child protection.

Apart from the establishment of these bodies, Côte d’Ivoire ratified in August, 2011 the two optional protocols to the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution and Child Pornography as well as the involvement of children in armed conflicts.

Furthermore, in April, 2009, the President of the Republic promulgated the law of August 2008 on punishment of racism, xenophobia, tribalism and racial and religious discriminations for the implementation of the recommendations of the Special Rapporteur on Freedom of Opinion and Expression during his visit in 2004.

An Order of the Minister of Employment provides a list of dangerous jobs from which children are exempted.

IV-RIGHT TO FREEDOM AND PERSONAL SECURITY (Article 6)

The right to freedom and personal security is understood to mean the prohibition of arbitrary arrest and treatment of detainees.

1-Prohibition of arbitrary arrest

Under Article 22 of the Constitution, no person can be arbitrarily detained. This constitutional provision is further reinforced by the provisions of the Criminal Procedure Code relating to custody and detention awaiting trial as they limit these two measures within strict deadlines.

However, as a result of the crises from which Côte d'Ivoire is gradually emerging, this principle has faced a lot of abuses caused by the breakdown of the judicial police units and the authority of the State.

Today, thanks to the re-establishment of the State administration across the entire nation and a better control of the judicial police units, compliance with this principle is becoming the rule and its violation, an exception.

2-Treatment of prisoners

The respect for the dignity and human rights of the prison population calls for the deployment of huge human, material and financial resources by the State as well as adequate accommodation facilities. But, today, Côte d'Ivoire is confronted with inadequate prison facilities and capacity and the prisons are in a dilapidated state.

Thus, the Central Prison of Abidjan (MACA) which is the main prison facility in Côte d'Ivoire had 5,286 inmates as at 31 January, 2011 whereas it was designed to accommodate 1,500 prisoners.

To address this disturbing situation, the Government plans to build a new prison in Abidjan for women and minors to separate them from adult and dangerous inmates.

But first, following the post-election crisis and the escape of prisoners, the State invested an amount of 2 billion for the rehabilitation of the MACA prison to bring it to international standards. By 30 April 2012, this prison had 2,102 detainees.

Moreover, the government has revised the Criminal Procedure Code particularly the provisions relating to transactions in matters of tort and serious offences on the one hand, and custody pending trial on the other. The new measures introduced are helping to prevent the custody of first time offenders and to reduce the timeframe for remand in custody. This will contribute to the reduction of overcrowding in the prisons.

In any case, conscious of the serious social risks associated with living conditions in the country's prisons, the Ivorian Government, with the assistance of international partners, has agreed to invest substantially towards the improvement of conditions of life in prisons. To this end, 18 prisons and rehabilitation centres were fully renovated in recent years and now there are 32 prisons in Côte d'Ivoire.

The recruitment of additional prison officers has also helped to improve the ratio of detainees per supervisor, which today stands at 1 to 14. During the same period, the increase in feeding allowances allocated to prisons and correctional facilities helped to increase the amount of feeding allowance per detainee, which today stands at an average of CFA 314 francs as against CFA 80 francs five years ago. These efforts have resulted in a reduction in the mortality rate in prisons.

Today, the concern of the Government is to further improve conditions of life and detention in prisons in Côte d'Ivoire.

V-THE RIGHT TO JUSTICE (Article 7)

The right to justice means the right to free and equal access to justice and the guarantee of a fair trial.

1-The right to free and equal access to justice

With regard to free and equal access to justice, it is provided for in Article 20 of the Constitution. In Côte d'Ivoire, access to justice raises a two-fold concern: access from the geographical point of view, that is, the distance to be covered by citizens seeking justice in the courts; and access from the point of view of the cost of justice.

On the first point, the Ivorian Government, conscious of bringing justice closer to the people, has started a programme of establishing new courts. Thus, today, there are 25 sections of operating courts, 8 courts of first instance, 3 appeal courts and a supreme court which provide justice.

However, conscious of the need to improve the effectiveness of its judicial system, the Ivorian Government has taken several measures to build capacity among the stakeholders in the judicial system and is open to any form of cooperation and support from the international community likely to help diversify and scale up efforts to enhance the impact.

On the second point, deprived and needy persons can benefit from legal assistance and free litigation costs after consideration of their case.

2-Guarantee of a fair trial

With regard to the guarantee of a fair trial, it is broken down into general and specific guarantees.

The general guarantees are part of the independence and impartiality of the Judiciary. First, independence which is the foundation of the rule of law, guarantees the right of people to seek a fair trial. The principle is enshrined in the 2000 Constitution in its Articles 101 and 103 which state respectively that "*The judicial authority is independent from the executive and legislative authorities.*" (Art. 101) and that "*in exercising their functions, the judges are only subject to the law...*" (Art. 103).

Secondly, impartiality is guaranteed by providing legal assistance to the accused person, in particular concerning disqualification (Section 637 to 643 of the Criminal Procedure Code and Section 128 et seq. regarding the civil, commercial and administrative procedural code) and legitimate suspicion (Section 631 of the Criminal Procedure Code).

The specific guarantees of the right to a fair trial are related to the respect of the rights of defence and the presumption of innocence. The respect of the right of defence is part of the right of the accused to be assisted by a defence counsel and an interpreter, especially from the preliminary investigations in criminal matters. The presumption of innocence is enshrined as an intangible principle in Article 22 of the Constitution of 1st August, 2000.

VI-FREEDOM OF CONSCIENCE, THE PROFESSION AND FREE PRACTICE OF RELIGION (Article 8)

Article 9 of the Ivorian Constitution recognises freedom of thought and expression, in particular freedom of conscience, religious or philosophical opinion.

Côte d'Ivoire is a secular State and violations of the freedom of religion are punishable under Sections 195 to 201 of the Criminal Code. To ensure free and pluralistic expression of religious beliefs, the Ministry of the Interior has a Directorate in charge of Religious Affairs which was established by Government decree.

Furthermore, to foster social cohesion, the State provides regular assistance to pilgrims who visit Holy Places.

VII- THE RIGHT TO INFORMATION, EXPRESSION AND DISSEMINATION OF OPINIONS (Article 9)

Article 9 of the Ivorian Constitution recognises the right to information, freedom of expression and opinion of citizens. The media in Côte d'Ivoire are regulated by laws N° 2004-643 of 14 December, 1991, on the legal regime of the print media and N° 2004-644 of 14 December 2004, on the legal regime pertaining to Audiovisual Communication.

The media are plural and diverse. Over time, they have, either successfully or unsuccessfully, marked the life of the Ivorian population. From the point of view of their nomenclature and typology, the following observations can be made:

1- Print Media

From 1960 to 1990, Côte d'Ivoire had two newspapers (the *Fraternité Matin* and *Ivoire Soir*) and two magazines (*Fraternité Hebdo* and *Ivoire Dimanche*). In 2010, the National Media Council (CNP) registered ninety (90) titles published regularly by media companies out of a total of two hundred and seven publications legally established and officially registered.

2-Television

Two public television stations share the audiovisual environment: they are *RTI 1* and *RTI 2*. In addition to these, the encrypted station *Canal + horizon* is watched today by about 40,000 locally subscribed households.

3-Radio

In addition to *Radio Côte d'Ivoire* and *Fréquence 2* which are State Radio Stations, the audiovisual space is enriched by a number of stations. These are notably:

- local radio stations (Decree of 13 September, 1995 fixing their operational rules): they are about 50 in number;
- commercial radio stations: 2;
- foreign radio stations: 5;
- religious radio stations: 10.

It must be stated in precise terms that all the radio stations carry out their transmissions on Frequency Modulation and can be accessed freely.

4-Regulatory bodies

To ensure effective regulation of this plural media, Côte d'Ivoire has two bodies; the High Audiovisual Communication Authority (HACA) and the National Media Council (CNP).

Apart from these regulatory bodies, there is a self-regulatory body for the print media called the Freedom of the Press, Ethics and Professional Code of Conduct Observatory (OLPED).

5-Violations of the freedom of expression and of the press

In exercising the right of freedom of expression and of the press, violations were observed. They have been frequent over the last ten years and they have taken the form of burning and destruction of publications on the markets and suspension of broadcasts by radio and television stations, particularly international ones.

Attacks on the physical integrity of journalists also characterised this decade. Efforts were made by the authorities to guarantee a free and qualitative press through certain actions such as financial assistance to help support and develop the press, granting of tax reliefs to this sector and funding the training of journalists.

VIII-FREEDOM OF ASSOCIATION, ASSEMBLY AND DEMONSTRATION (Articles 10 and 11)

The principle of freedom of association and assembly is recognised by Article 11 of the 2000 Constitution. In addition to this, Côte d'Ivoire is party to several legal instruments which guarantee these freedoms. They include the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.

All these provisions show the determination of the country to contribute effectively to the establishment of democracy by guaranteeing the freedoms of association and demonstration. They include the possibility of searching for and receiving different forms of information, organising oneself, and peacefully promoting and protecting ideals in concert with other persons.

But it is important to underscore the fact that in spite of the entire corpus for the promotion of freedom of association, assembly and demonstration, the crises faced by Côte d'Ivoire undermined these freedoms. In fact, the outbreak of the war in September, 2002 created a climate of intolerance and suspicion towards political leaders, Human Rights Defenders, trade unionists and students' movement leaders who did not subscribe to the dominant orthodox thoughts of the two camps (North, South). In terms of civil society, it is human rights NGOs which paid a heavy price.

Summonses, harassments, intimidations and threats led to some people going into hiding while others had to go into exile.

Concerning the militants of political parties, whether they were ex-rebels or government troops, intolerance competed with violence in punishing all those who were accused or suspected of being in the opposing camp and viewed as traitors. In both the North and the West, the former rebels

often targeted people who had been politically active as members or supposedly allies of the FPI; and the fact that one was from the South brought on oneself serious suspicions full of consequences. Entire populations fled exactions by the rebels to increase the mass of displaced persons in Abidjan.

The same situation applied to people from the North popularly referred to as “Dioulas” who were in government-controlled areas and to opposition parties. Though political pluralism is recognised by the Constitution, several persons (belonging to or supposed to belong to the political opposition) were subjected to kidnapping, confinement, arrest, harassment, torture and killing.

But since the end of the crises, the Government has been working on the freedom of association and assembly.

IX-FREEDOM OF MOVEMENT (Article 12)

Freedom of movement is guaranteed in Côte d’Ivoire, not only by the constitutional provisions but also by a series of international instruments to which Côte d’Ivoire is a party. These are the African Charter on Human and Peoples’ Rights and the International Covenant on Civil and Political Rights.

Furthermore, the State is also a party to the ECOWAS and UEMOA treaties establishing free movement of persons and goods.

This freedom of movement is contingent on the possession of certain administrative documents. In Côte d’Ivoire, these include the National Identity Card for Ivorians for movement within the country’s borders and passports for people moving outside the borders of the country.

For foreigners, there is the need to distinguish ECOWAS Member States from others. The former can move in Côte d’Ivoire with identity cards issued by their State or their Consulate in Côte d’Ivoire. Others must possess a passport and if their stay exceeds three months, they must obtain a resident permit.

Up to 1990, freedom of movement in Côte d’Ivoire did not pose any specific problem. With effect from that year and the introduction of residence permits, several problems arose as a result of the erection of numerous checkpoints for the control of identity cards on roads and abuses were created by one’s surname and racial profiling incidents occurred.

The situation worsened from September, 2002 as a result of the war and the erection of check points numbering about 120 at times from Abidjan to Pogo (Ivorian city situated at the border with the Republic of Mali), a distance of about 600kms.

When the war ended, the authorities took drastic measures to reduce the number of road blocks to 33 all over the country. To fight against illegal road blocks and highway robbers which were a hindrance to the freedom of movement, the Military Police was reactivated and a special mechanism was put in place to address the canker.

X-THE RIGHT TO PARTICIPATE IN THE MANAGEMENT OF PUBLIC AFFAIRS (Article 13)

The Constitution lays down the principle for every citizen to take part in the management of public affairs. This participation is done either directly or through elected representatives.

The principle of direct or indirect participation, in keeping with the spirit of Articles 13 and 14 of the African Charter on Human and Peoples' Rights, which recognises only one limitation, that is the loss of civic and political rights following the final judgment for a crime or particularly serious offence.

1- The right to suffrage

Under Article 33 of the Constitution, the right to vote is universal, free, equal and secret.

All Ivorian nationals of both sexes who are at least 18 years old and who enjoy their civic and political rights are eligible to vote according to the conditions determined by law.

According to the constitutional provisions, the people participate in decision-making in the affairs of the nation, either directly or through referendums, or indirectly through their elected representatives.

Electoral issues are governed by Act N°2000-514 of 1st August, 2000 as amended by the decision N°2008-15/PR of 14 April, 2008 and Order N°2008-133 of 14 April, 2008 on the Electoral Code.

The organisation and supervision of elections and referendums are within the purview of the Independent Electoral Commission.

2- The right to vote

The right to vote is guaranteed to all Ivorian citizens of both sexes aged 18 years and above, who qualify to enjoy their civic and political rights. However, the following are excluded from the process:

- Individuals convicted for criminal offences;
- Individuals convicted to an unsuspended term of imprisonment for theft, swindling, breach of trust, embezzlement of public funds, forgery and falsification of records, corruption and influence peddling and serious morality offences;
- the bankrupt not yet rehabilitated;
- Individuals convicted in absentia;
- Banned persons;
- Individuals banned by the courts from voting and generally people subjected to a ban by the passage of laws.

3-The right to stand for elections

In Côte d'Ivoire, all citizens of both sexes can stand for the various elections subject to the terms of the law for each election. During the period extending from 1992 to 2012, Côte d'Ivoire organised three presidential elections in 1995, 2000 and 2010 and three parliamentary elections in 1995, 2000 and 2011 respectively.

4- Presidential election

The conditions to be fulfilled as a candidate for the presidential elections are laid down in Article 35 of the Constitution. Thus, to be a candidate one must:

- be of Ivorian origin, born by an Ivorian father and mother who must both be of Ivorian origin;
- never have renounced his/her Ivorian nationality;
- never have had another nationality;
- have resided in Côte d'Ivoire continually for a period of five years prior to the dates of the elections and must have actually stayed in the country for a period of five years prior to the elections;
- be in a complete state of physical and mental health duly certified by a college of three medical practitioners appointed by the Constitutional Council on a list proposed by the Medical Council;
- be of good morality and a high sense of probity;
- declare his/her surname and justify its origin.

According to Article 55 of the Electoral Code, a candidate for the presidential election is liable to the payment of a deposit of CFA 20.000.000 francs to the State Treasury.

5-Parliamentary elections

The conditions to be fulfilled as a candidate for the parliamentary elections are laid down in Article 71 of the Electoral Code. According to these provisions, the candidate for parliamentary election must:

- be at least 25 years;
- be an Ivorian by birth;
- never have renounced his/her Ivorian nationality;
- have resided continuously in Côte d'Ivoire for five years prior to the date of the elections.

6-The right of every person to have access to public office

Under the terms of Article 17 of the Constitution, access to public or private employment is equal to all. This principle is restated in the General Civil Service Regulations and the Labour Code. To ensure respect for equal access of all citizens to public employment, the accepted principle is that of competitive entrance examinations.

In fact, direct competitions are periodically organised for recruitment of young public servants and professional examinations are held for the promotion of career civil servants.

XI-PROPERTY RIGHTS (Article 14)

Article 15 of the Ivorian Constitution of 1st August, 2000 states that “[*] property right is guaranteed to all. No one shall be deprived of his property if it is not for public use and it is subject to a fair and prior compensation”.*

To exercise this right, the State took measures contained in Title III of the Ivorian Criminal Code, the Civil Code and the 1932 Act on expropriation for the purpose of public utility.

CHAPTER II

SOCIAL, ECONOMIC AND CULTURAL RIGHTS

I- THE RIGHT TO DECENT WORK (Article 15)

The promotion and protection of this right is governed by Article 7 of the Constitution. Côte d'Ivoire took several measures regarding employment. To better appreciate the efforts of the Ivorian Government on the enjoyment of the right to decent work, the presentation is outlined in three (3) stages, from 1990 to 2012. Thus, there is:

The National Employment Plan (1991-1995)

This plan is broken down into five (5) programmes which were more or less successful.

Employment Assistance Programme (PAE)

This is targeted at young graduates without any professional experience to enable them benefit from a tailor-made qualifying training and/or practical internships in companies to facilitate their employment, and if possible, enable them to capitalise the professional experience acquired to negotiate subsequently for employment.

Special Employment Creation Programme (PSCE)

This is meant to ensure that the time of the rural youth or drop outs or women who are the sole breadwinners in their families is used beneficially in carrying out high labour intensive public utility tasks in the average-sized cities and major rural centres

Micro Enterprise Creation Programme (PCME)

It is targeted at retrenched workers in the public and private sectors and other job seekers with average-sized business plans; it also applies to persons who are desirous of establishing their own projects.

National Priority Employment Programme (PEPN)

It consists of negotiating with employers regarding the priority need to employ individual citizens with the required qualifications to fill vacant positions in their businesses.

Rapid Employment Generating Programme (PGER)

It consists of employment creation through an implementing agency governed by private law which will execute works of general interest for the State and local governments in collaboration with SMEs and artisans connected with construction and public works. This Programme was never implemented.

Apart from the Employment Assistance Programme and the Priority Employment Programme for nationals which functioned from 1991 to 1993 and funded by means of an exceptional budgetary appropriation, the others did not get underway until 1994 thanks to the institution of social funds.

However, it is important to point out that at the beginning of the 1990's , the State gave much attention to the informal sector and micro-enterprises in view of their rapid expansion, their capacity for adaptation and their potential for employment creation and absorption of manpower.

This position was confirmed when in its 1991 economic programme, the government, realising the significant contribution that small-scale businesses in the informal sector could make in terms of achieving growth, national production objectives and employment creation, started promoting the small-scale businesses in the informal sector and to develop the linkages between them, the SMEs and the major enterprises. This policy of lending support to small-scale businesses resulted in the establishment of the Informal Sector Support Programme in 1992 (PASI) in collaboration with development partners.

Later in 1995, as part of the Human Resource Development Programme (PVRH), the State established the Active Population Support Programme with a component devoted to the development of vocational skills of informal sector operators.

For example, the PVRH focused on the reactivation of the interface between education, training and employment. It sought basically to address the issue of non adaptation of training to employment in order to put qualified and enterprising workers on the labour market. With this in mind, the programme also laid emphasis on the improvement of productivity of labour, rational organisation of the labour market and the development of continuing education.

Furthermore, to promote the employment of the less privileged social groups, the State created the social sector funds in 1994. The funds, distributed among various technical ministries enable the latter to undertake direct employment creation programmes. They include the Ministries of Agriculture, Women's Affairs, Culture, Youth and the Ministry of Employment which conducts the above-mentioned programmes.

During the period indicated above, the State established the PASCO. This programme mainly concerned the stimulation of private initiative and employment creation. Its development objective was to ensure the reorganisation of the business environment through facilitation of the formalities for the creation of businesses, the reduction of production costs (factor costs, taxation and customs), the establishment of competition, liberalisation of the economy and the labour market, access to credit and the reorganisation of the legal framework.

In this particular instance, the PASCO led specifically to a series of direct or indirect, passive or active measures and an employment policy such as:

Incentives for early retirement – It comprised an exceptional cumulative allowance of entitlements in case of retrenchment or retirement benefits for workers with at least fifteen (15) years of experience in the public service and employees in public enterprises which are being restructured. This means that while helping to reorganise the public service and public enterprises facing difficulties, it also became possible to find resources for workers to be retrained for other economic activities. However, as the venture entailed huge finances, it could not be sustainably managed to the end.

Reform of Technical and Vocational Education; to upgrade the level of internal and external efficiency and improve the adaptation of training to employment.

Institutional Reform targeting Direct Labour Market Intervention; the Labour Office of Côte d'Ivoire (OMOCI), National Vocational Training Office (ONFP) and the National Regulatory Fund (FNR) were dissolved in 1992 and replaced with the Agency for Employment Study and Promotion (AGEPE), the Vocational Training Development Fund (FDFP) and the National Vocational Training Agency (AGEFOP). This was to ensure a better interface between training-employment and employment intermediation.

Labour Legislation Reform; by the passage of Law No. 95-15 of 12 January, 1995 on the labour code passed to replace Law No. 64-290 of 1st August, 1964 relating to the labour code, liberalised the labour market and introduced flexibilities in terms of employment access, management of employment and the work force. The objective here was to do away with the rigidities and public monopolies with the view to ensuring more fluidity on the labour market.

Other reforms carried out complemented the policy aimed at stimulating the private sector and creating employment, that is: (i) the establishment of the Côte d'Ivoire Investment Promotion Centre (CEPICI) to develop business opportunities in the country and facilitate investment procedures; (ii) financial sector reform for an enhanced mobilisation of savings at the national level and access to credit and laying emphasis on microfinance structuring for the development of micro-credits for micro and small operations; (iii) reform of the judiciary to strengthen their independence and the capacity of stakeholders and rationalise the procedures and delays in settlements, particularly in respect of economic disputes; (iv) reform of the codes relating to investment, customs, taxes with the view to contributing to the promotion of the private sector and employment creation; (v) the establishment of the Ivorian Business Institute (INIE) for the technical supervision of entrepreneurs.

2 – National Employment Plan (1995-99)

In reviewing the 1991-95 plan, a National Employment Plan was initiated by the Ministry of Employment. This plan incorporated the fund of the 1991 plan but went beyond the targeted programmes to recommend institutional, economic, financial and fiscal measures to support the action geared towards employment. In fact, this plan was never formally adopted and did not go beyond mere intentions. From 1995 onwards, the economy recovered, slipping back into its former growth path.

However, the 1995 plan had the merit of inspiring direct initiatives on the labour market by the intervention structures including some institutional measures on employment policy. In terms of direct initiatives, the following come to mind:

- AGEPE established three employment programmes apart from the ones under the 1991 plan (special integration programme for targeted women in relation to self-employment; rural youth integration programme also targeted at self-employment; programme for employment retention and professional retraining focused on the reintegration of unemployed persons for economic reasons);
- AGEFOP developed training programmes through apprenticeship and absorption of young school dropouts. With regard to the institutional measures, the following can be noted:
- The adoption of a policy Act to promote the employment of persons with disabilities (Law

N° 98-594 of 10 November, 1998);

- The establishment of a National Employment Commission to coordinate actions on employment (Decree No. 99-50 of 20 January, 1999).

3- National Employment Policy

From 2000 onwards, the State intensified its efforts on employment through the formulation of the **Employment Policy** covering the period 2000-2012. This employment policy was essentially dictated by the urgency to quickly come out of the socio-economic crisis and refocus on compensation measures as a result of the negative consequences of the employment crisis in general and on the youth in particular. The structure of this policy is based on:

- The creation of Demobilisation, Disarmament, Reinsertion/Rehabilitation, Resettlement, Reintegration Programmes (DDR/RRR) for ex-combatants and groups at risk;
- The establishment of a National Solidarity Fund for the Promotion of Youth Employment aimed at guaranteeing funding of projects targeted at the youth (FNS);
- The establishment of a Directorate-General of Employment in 2004 with the aim of guiding and coordinating the National Employment Policy;
- The reactivation of the high labour-intensive public utility works for the creation of temporary jobs for the youth and women;
- The reactivation of the Employment Assistance Programme for Young Graduates (PAE);
- The creation of a Pilot Programme for the Development of Employment-Generating Initiatives (PRODIGE) to finance income-generating activities for the youth and women;
- The strengthening of the youth training and integration programme through the service platform (FDFP, AGEPE, AGEFOP, FNS);
- The adoption of exceptional measures to enable businesses affected by the socio-political crisis to better safeguard employment;
- The establishment by local governments of mechanisms for self-employment projects targeting the youth and women.

Furthermore, tax measures were instituted in 2009 to boost employment (article 10 of the fiscal Appendix 2009): i) tax credit for employment creation; ii) special tax measures of the National Solidarity Fund for the Promotion of Youth Employment; iii) tax reliefs on wages and salaries regarding allowances paid in respect of school internships; iv) tax relief in respect of employer's

contribution paid to local staff; v) tax relief on national contribution allowances for job placement internships.

These programmes and measures cover the entire period from 2000 to 2011; they are currently the main component of the public policy instruments on employment in Côte d'Ivoire.

Apart from the programmes, several institutional stakeholders are developing initiatives in the field of employment. These stakeholders are from the public and private sectors, civil society and development partners.

3-1-Public and semi-public Stakeholders

- Directorate General of Employment (DGE): orientation, definition, coordination and evaluation of the national employment policy;
- Research and Employment Promotion Agency (AGEPE): intermediation of employment and observation of the labour market;
- National Vocational Training Agency (AGEFOP): vocational training expertise;
- Vocational Training Development Fund (FDFP): financing continuing vocational training and apprenticeship;
- National Solidarity Fund for the Promotion of Youth Employment (FNS): bank guarantee for youth projects;
- Service Platform (PFS): pooling of services AGEPE-FDFP-AGEFOPFNS aimed at technical and financial support for the integration of the youth in business and self-employment;
- Ivorian Enterprise Institute (INIE): promotion of entrepreneurship and supervision of Micro, Small and Medium-Scale Enterprises;
- National Road Agency (AGEROUTE): implementation of high labour-intensive programmes;
- National Reintegration and Community Rehabilitation Programme (PNRRC): economic reintegration and community rehabilitation of young ex-combatants at risk;
- National Civic Service Programme (PSCN): civic, technical and vocational training of the youth and guidance for economic integration;
- National Reconstruction and Reintegration Secretariat (SNRR): its mission is to ensure policy formulation, guidance and implementation of reconstruction and reintegration programmes.

In addition to these structures, almost all the technical Ministries are individually developing sector – based direct employment programmes. The regional and local authorities also make interventions in terms of actions towards local employment through specific technical and financial support mechanisms for the promotion of youth and women's employment.

3-2-Private sector operators

Private sector institutions operate in the job market either by means of employment intermediation or by direct training and reintegration initiatives or programmes:

- Private Training and Placement Consultancies;
- Chamber of Commerce and Industry of Côte d'Ivoire (CCI-CI);
- Chamber of Trades of Côte d'Ivoire (CMCI);
- Ivorian Federation of Small and Medium-Scale Enterprises (FIPME).

3-3-Civil Society Actors

Many non-Governmental Organisations (NGOs) are increasingly present on the ground to take measures relating to employment.

3-4-Bilateral and Multilateral Partners

A number of development partners also make interventions in the area of employment targeted at vulnerable groups, and most of the time, they operate independently. The involvement of external operators has received a boost following the crises faced by the country.

4- Issue of fair and equal pay for all

As the right to decent work also means the right to equal and fair wages, the Ivorian Government has in the last decade taken measures by way of salary increments for workers with the aim of addressing the problem of poverty. Thus, within the Public Service, the Government increased the salaries in the following jobs and/or professional groups:

- law enforcement officers,
- basic school teachers,
- secondary school tutors,
- lecturers and researchers at the higher education level,
- judges,
- medical doctors,
- prefects, secretaries-general and sub-prefects,
- the military,
- etc.

For the private sector, the Government, in collaboration with the Employers' Association, took a decision to increase the guaranteed minimum wage (GMW) to CFA 60,000 francs. With regard to some liberal professions, like the media, the Government is making efforts to get the media bosses to implement salaries contained in the salary scale in exchange for huge tax reliefs and considerable support for the development of the profession.

II-THE RIGHT TO HEALTH (Article 16)

Considering the level of poverty among the population and desirous of guaranteeing the right to health for all the people, right from the onset, the Ivorian State opted for free health care. But this policy was not only expensive for the State, but it also brought about inequalities between Abidjan and the other regional capitals on the one hand, and disparities between the rural and urban areas on the other. This option was gradually done away with from 1978. At the same time, Côte d'Ivoire signed up to different objectives and principles defined at supra-national levels to improve and implement its national health policy: the Alma Ata Declaration of 1978 which places emphasis on primary health care; the District level approach which prioritises the development of health sectors based on an operational unit; the Bamako Initiative of 1987 focused on the appeal for community participation in the development of health; and in 2000, the Millennium Development Goals for Health (WHO) derived from the Millennium Development Goals (MDGs).

Guided by these objectives, the Ivorian public authorities had the ambition to implement the policy of equal and qualitative health care for the entire population, particularly as part of the national poverty reduction strategy. The country designed a National Health Development Plan (PNDS) in June, 1996, and also for the period 1996 -2005. This PNDS was focused on the state of health and well-being of the population. Its objective was to bring the provision of health services at par with the essential needs of the population, that is, reduce morbidity and mortality in connection with the major health problems and improve the overall effectiveness of the system as well as the quality of health services. It was also aimed at improving access to health services, promoting primary health care, improving multi-sector intervention and partnership as well as the development and optimal utilisation of human resources and the promotion of research.

But these measures initiated by the Ivorian State as part of the National Health Development Plan were seriously undermined by the war. Furthermore, they led to a reduction in public resources and a limitation of the resources allocated to the health sector to only 7% of the national budget.

1- Organisation

The Ivorian health system, structured in the form of a pyramid, is organised around the level of first contact, namely, primary healthcare centres; then health establishments which provide secondary healthcare and referral services.

The first-contact health facilities refer to urban and rural health centres and urban hospitals. They are 1,183 across the entire nation.

The hospitals of first contact are general hospitals and some specialised teaching hospitals. They are 67 in number.

As for the secondary and referral hospitals, they consist of University Teaching Hospitals and Specialised Institutes. There are thirteen (13) of such facilities.

These government hospitals are supported by a wide-range of private clinics and hospitals. Since 1997, the non-profit sector has been operating through community-based urban and rural hospitals.

2- Functioning

In Côte d'Ivoire, the modern health system is basically supported by the State. It provides funding for running the administration by allocating balancing subsidies to national public institutions or financial allocations to public healthcare facilities and administrative bodies. The State carries out most of the investments.

Until 1994, healthcare in public facilities were free of charge in Côte d'Ivoire. However, against the backdrop of crisis marked by inadequate financial resources on the part of the State, which is the major contributor to the public health system, households and the private sector have started contributing to the funding of health in public health facilities. Thus, since October 1994, health care services are paid for and fees collected from users of public health facilities. The beneficiaries pay directly for the services provided or through insurance or a mutual health instrument or community financing system.

Furthermore, from April, 2011 to 2012, the Government established a free healthcare system in all public health facilities in the country. Today, this provision is limited to pregnant women, children of up to five years in cases such as fever and childbirth.

III-THE RIGHT TO EDUCATION (Article 17)

From the period of independence of the country in 1960, the Ivorian public authorities placed education on the list of priorities and demonstrated the determination to provide 100% education coverage to children of the country. To attain this objective, about 44% of the national budget was allocated to education every year.

The Constitution of 1st August, 2000 confirms this free education option and recognises the obligation of the State to provide equal access to education for all children of the country.

To ensure that the situation of poor parents does not undermine the provision of a minimum level of education to their children, a lot of school textbooks were distributed to public schools. This policy, which was in operation from the period of independence, was put on hold due to the unfavourable economic situation in the country. It was restored in 2001/2002. The military and political crisis of 19 September, 2002 compelled the State to suspend it. The programme has been re-introduced since 2011/2012.

Furthermore, school canteens have brought relief to children who stay far from their schools. In the regions with low level of education in the North and North East of the country, Basic Education Development Committees (COPEB) have been established to create awareness among parents for the education of all children, including young girls. The COPEBs contribute to the retention of girls in schools. These committees also work towards the mobilisation of village populations for the management and rehabilitation of school buildings. They also promote the creation of agricultural cooperatives as a means of producing food crops at school and generating financial resources to support the school canteens for their contribution to school activities.

Apart from the usual primary, secondary and higher education levels, the Ivorian education system has a pre-school level covering three sections (young, middle and older sections). Before the political and military crises, there were 391 private and public kindergartens operating all over the country.

In 2005, within the public system alone, there were 600 kindergartens with 2,109 teachers providing teaching to 41,556 pupils.

1- Primary education

The primary cycle consists of six levels (two at the preparatory level, two at the elementary level and two at the middle level). It ends up with the award of Primary Education Certificate and sitting an entrance examination into secondary Form 1 and the colleges. In 2001, the Ministry of Education had 8,050 public primary schools, handled by 43,562 teachers for a total of 1,872,856 pupils while the number of private schools stood at 925, and handled by 7,406 teachers for a total of 240,980 pupils.

In 2005, there were 6,519 primary schools with 86.8% of them being public facilities, the number of teachers was 38,116 and pupils 1,661,901. The low rate of enrolment of girls led the State to develop a policy of enrolment of the girl child in the 1990's. In March 1993, the Ministry of

Education, in collaboration with the African Development Bank, established a project dubbed “ADB Education Project IV” to improve the quality of education, boost enrolment in general and that of girls in particular.

2- Secondary education

Education at this phase is sub-divided into two cycles. The first consists of four levels leading to the award of the First Cycle Education Certificate. The second consists of three levels leading to the Baccalauréat.

In 2005, the Ministry of Education enrolled a total of 660,152 students with the number of teachers being 19,892. It must be stated that in 2001-2002, before the outbreak of the war, the number was 682,461 students and 22,536 teachers.

3- Higher education

In 2007, the number of public schools stood at 42 comprising three (3) universities, two (2) Regional Higher Education Units (URES), 3 Advanced Schools, 33 specialised training institutes and 143 private institutions including 17 universities and 126 Advanced Schools, with 75% of all the institutions concentrated in the Abidjan District. The total number of lecturers-researchers was 2,400.

Table 13: Distribution of the student population according to the type of Institution in 2007.	Proportion of students	Total Student Population
Reception Facilities		
Public Universities		
COCODY	34.50%	54,081
ABOBO-ADJAME	04.82%	7,553
BOUAKE	08.24%	12,926
Advanced Public Institutes		
INPHB	03.67%	5,760
IPNETP	0.34%	527
ENS	02.33%	3,655
ENSEA	0.17%	267
Advanced Private Institutes	33.54%	52,575
Private Universities	02.76%	4,332
Institutions outside the MESRS	09.63%	15,096
Total Student Population	100%	156,772

Notwithstanding these achievements, many students with baccalauréat or an equivalent certificate do not have access to a qualitative higher education, and even trained ones cannot find jobs. This situation is due basically to the low qualification of technical and administrative staff, the low level of social transfers, violence in the university environment and inability to control school and university enrolments. This leads to overcrowding in the lecture and tutorial halls. Furthermore, there is the issue of high school fees for many students in the advanced institutes, inadequate student welfare systems, the high concentration of higher education capacity in Abidjan and the mismatch between training and employment.

4- Technical and vocational education

This sector, which lacks accommodation facilities in the public sector, did not record any new construction projects between 2001 and 2008. However, in the private sector, the number of institutions kept on increasing from 153 in 2004 to 274 in 2007 with 54.75% of them concentrated in the Abidjan district alone. The number of students increased from 28,066 in 2002 to 48,624 in 2007 with 23,699 girls. The population of girls accounts for 40.86% of the total number of students in the public sector schools as against 52.27% in the private sector. In 2007, the number of teachers was 3,324 with 582 of them carrying out administrative duties.

A large number of young persons and adults, particularly girls and women do not have sufficient access to high quality vocational and technical training and those who receive training are not integrated into the socio-occupational structure. This situation is due to the inappropriate distribution of technical education and vocational training institutions, the inadequate and poor state of existing training infrastructure.

Furthermore, the lack of teachers and administrative staff, equipment and training materials as well as the low standard and low quality of technical and vocational education have worsened the poor performance concerning this aspect of education.

On the whole, in spite of some difficulties, it can be stated that the right to education is a top priority and constant concern of the Government of Cote d'Ivoire in its continuing efforts and determination to ensure that a large number of people as possible get access to education. Better still, in the secondary and higher education levels, arrangements have been made to provide education in Human Rights through the introduction of a module entitled "Human Rights" and the creation of "Human Rights" clubs for students and the foundation of a UNESCO Chair for Peace for students.

Furthermore, imitating the Government, private initiatives have been undertaken to establish institutions which provide Human Rights training such as the Institute of Human Rights of the Université de l'Atlantique and the Institute for Dignity and Human Rights of the Centre for Research - Action for Peace.

Chapter III

SOLIDARITY RIGHTS

I- PROTECTION OF THE FAMILY, ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND PROTECTION OF OLDER PERSONS AND PERSONS WITH DISABILITIES (Article 18)

1- Protection of the family and women

The family enjoys protection under Article 5 of the Ivorian Constitution which stipulates that *“the family is the core unit of society. The State shall ensure its protection”*.

In addition, the Ivorian constitution enshrines the principle of legal equality of both men and women on the basis of Article 2. The laws on personal and family status do not make any distinction between legitimate children, legitimized children and natural children.

To promote gender, various actions were taken. These include:

- The creation of a Directorate for Equality and Gender Promotion at the Ministry of Family, Women and Children’s Affairs;
- The formulation and adoption of the National Policy Document on equal opportunity, equity and gender on 23rd April, 2009 by cabinet is intended to create a conducive environment for the inclusion of gender in all sectors and at all levels;
- The compilation of a list of women’s skills; and
- The ratification in 1995 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and its Optional Protocol in 2011.

2- Status of women’s rights

In spite of all the aforementioned, there are gender inequalities in various areas. Thus, in the education sector, women face a high rate of illiteracy (55% in 2011); anything that impacts negatively on their lives.

This situation worsens the legal illiteracy of women and prevents them from being informed about all the positive legal provisions contained in the international, regional and national instruments.

The Ivorian positive law recognises customary practice which sees the man as the family head (Article 58 of the Marriage Act). As a matter of fact and in practice, in certain legal provisions, this institution has a discriminatory effect on women. It promotes a monopoly of family decision-making by the man.

- The choice of the family’s residence is decided by the husband;
- In marriage, the man is the head of the family;
- The husband reserves the right, in the interest of the family, to stop the woman from exercising the right as an independent professional;
- The female salaried employee, regarded as dependent, is heavily taxed by the provisions of the Tax Code which grants tax rebates only to employees considered as head of households. Moreover, the

woman cannot register her children and receive family allowances unless authorised by the children's father.

- The widower of the woman (government worker or private sector employee) cannot benefit from the widow's pension.

Though the situation of women still requires a lot of efforts, it is within the competence of the government to fully protect them as it pertains in the case of the child, persons with disabilities and older persons.

3- Child protection

With regard to child protection, it is stipulated in legal texts such as the civil, social and criminal law provisions. These include:

- Law N°70- of 3rd August 1970 on minors;
- The criminal code;
- The criminal procedure code;
- The labour code;

Thus, taking into account the vulnerability of children, the State grants them special protection. Better still, the **protection of the child worker** is provided for by the Labour Code. The text prohibits the employment of a child below 16 years. Moreover, children below 18 years are exempted from certain hazardous work by order n°009 MEMEASS/CAB of 19th January, 2012 as amended by Decree n°2250 of 14th March, 2005 of the Ministry of Public Service and Employment.

Furthermore, the law on minors makes provision for the **protection of the child in difficulty or danger**, and this enables the guardian magistrate, once the case is referred to him/her, to take away from a guardian or whoever exercises the paternal authority rights, a child whose health, development or physical, moral or mental integrity is jeopardized and entrust the him/her to the care of an institution or a competent person.

Again, to ensure the **protection of the child, who perpetrates a crime or is alleged to have committed one or more offenses**, the criminal code expressly states that the offences of a ten-year old child (maximum) are not likely to be deemed as criminal acts. Consequently, the child can neither be prosecuted nor tried for these offences. If the child is thirteen, they enjoy the right of being minors and discharged from the alleged offences. They can only be protected, supported, supervised and educated as provided by law. In case they are 18 years, they enjoy mitigating circumstances of being minors. With regard to procedural arrangements, they are subject to a special justice system under Section 745 and subsequent sections of the Code of Criminal Procedure.

4- Protection of persons with disabilities and older persons

Like children, the protection of persons with disabilities and older persons is enshrined in Article 6 of the Constitution. Geographically, the majority of people with disabilities live in the rural areas.

In accordance with the measures from the Pan-African Conference on the Decade of Persons with Disabilities held from 4 to 7 February, 2002 in Addis Ababa, the Ivorian Government held a workshop from 29th January, 2007 for the preparation of Côte d'Ivoire's report on the implementation of the continental action plan.

Moreover, Côte d'Ivoire has ratified different international legal instruments relating to citizen's rights protection in general and persons with disabilities in particular. These include:

- International Labour Organisation (ILO) Convention No. 159 on the rehabilitation of persons with disabilities;
- Rules on equal opportunities for persons with disabilities;
- The Jomtien Declaration on Special Educational Needs.

Prior to the adoption of some of these international legal instruments, Côte d'Ivoire adopted in 1998 the Framework Law No. 98-594 of 10th November, 1998 relating to persons with disabilities, and in 2002, new legal provisions were adopted for the protection and social advancement of persons with disabilities.

Pending the effective implementation of legal instruments regarding access of persons with disabilities to employment, the Government of Côte d'Ivoire organizes special recruitments for persons with disabilities without prior tests. On 31st December, 2008, 637 Ivoirians with disabilities benefited from the government policy. This recruitment, far from being a mere one-off humanitarian action, reflects the ongoing concern of the State to ensure that citizens with disabilities get access to decent and stable jobs in the public service.

II-THE RIGHT TO FREE DISPOSAL OF RESOURCES (Article 21)

The right of citizens to free enterprise is guaranteed within the limits prescribed by law under the provisions of Article 16 of the Constitution. This provision therefore allows everyone to enjoy their resources freely whether material, financial or intellectual.

However, this freedom is limited by law to ensure equal distribution of both material and financial resources through a fiscal and social policy that allows all to enjoy the national wealth.

Thus, companies which invest in Côte d'Ivoire under the provisions of the investment code are required to re-invest part of their profits locally, and in the field of mining operations, they are also required to undertake social projects for the neighbouring communities.

III-THE RIGHT TO ECONOMIC AND CULTURAL DEVELOPMENT (Article 22)

1-The right to economic development

As Côte d'Ivoire is about to turn the darkest page in the country's history since independence, it is confronted with serious challenges. The country must meet the aspirations of the Ivorian population through an effective implementation of Poverty Reduction Strategy. In addition, Côte d'Ivoire finds itself mid-way in the 2015 deadline set by the United Nations after adopting the Millennium Declaration for the achievement of the Millennium Development Goals (MDGs), which the country committed itself to, at the Millennium Summit in New York in 2000.

In fact, after going through a decade of crisis, Côte d'Ivoire had been weakened by the disintegration of the social fabric, by growing insecurity, a slowdown in economic development, massive youth unemployment and widespread poor governance. The effect was that the country's image was dented, leading to the suspension of relations with the international financial community and the

rapid degradation of basic socio-economic infrastructure, which all together, compounded the poverty rate estimated at 48.9% in 2008.

Faced with this situation, the Government of the Republic of Côte d'Ivoire is expected to provide urgent and effective solutions, particularly in the area of peace-building, reconstruction and sustainable development. Furthermore, with the view to ensuring the welfare of the population, the Government has always made poverty eradication a major concern. This commitment led to the adoption of priority areas to address the issue of poverty in 1997 and the beginning of the formulation phase of the Poverty Reduction Strategy Paper (PRSP) in 2000 as part of the Heavily Indebted Poor Countries initiative (HIPC). This process which culminated in the adoption of the interim PRSP I in March 2002 by the International Community was unfortunately interrupted by the September 2002 military and political crisis.

However, the government continued with the implementation of the PRSP I in spite of the expenses involved in recovering from the crisis. Today, Côte d'Ivoire has a reference and coordinating framework for economic, financial, social and cultural policies aimed at addressing the issue of poverty.

The PRSP aims at improving the living conditions of the people, especially the most vulnerable, through a healthy and adequate diet, access to clean water, basic energy services, quality health care, education, a healthy environment and decent accommodation. It includes the promotion and respect for human rights, gender equality and achievement of the MDGs as conditions for a sustainable development. In this regard, issues relating to vulnerable populations, infected or affected by the major pandemics such as HIV/ AIDS, have been given special attention.

For its part, the Government, drawing lessons from past experiences, is determined to strengthen the rule of law, build a model and modern State in keeping with moral and democratic values based on social justice, merit, stringency, probity and accountability.

2- The right to cultural development

Specifically, as far as cultural development is concerned, it should be noted that the Government of Côte d'Ivoire is conscious of the limitations of a development which fails to take the cultural dimension into consideration. Indeed, realizing that *“raising the cultural standard of a country can improve both civic and social levels and enhance the productivity of technical and economic resources”*, the Government of Côte d'Ivoire has taken several actions to “democratize” culture and the arts.

Thus, it may be noted:

- Politically:

- * That the Ministry of Culture has been created;
- * That a draft law on National Cultural Policy has been formulated.

- Administratively:

- * A Department of Regulation and Litigation has been established within the said Ministry;
- * Regional Offices for Culture increased from 10 in 2007 to 13 in 2012.

- The protection of creators' rights: Establishment of a Copyright Office: the Human Rights Office of Côte d'Ivoire (BURIDA);

- **In terms of the respect for and protection of intellectual property rights:** the holding in August, 2008 of the Literary and Artistic Property Summit (EGPLA), the creation of a brigade to fight against fraud and piracy of cultural works (Cultural Brigade).

- **In terms of protection of cultural heritage, the following conventions have been ratified on the one hand:**

- * The Convention on World, Cultural and Natural Heritage (1972);
- *The Universal Declaration on Cultural Diversity (2001);
- *Convention for the Protection of Intangible Cultural Heritage (2003);
- * Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2007); and,

The creation in June, 2012 of the Ivorian Cultural Heritage Office (OIPC), on the other:

- **In terms of training and education in the area of Arts and Culture: there are several institutions which include:**

- *Advanced Institute of Arts and Cultural Action (INSAAC);
- * Advanced School of Art Education (LEA);
- * Technical Centre for Applied Arts (CTAA);
- * The Regional Conservatory of Arts and Crafts in Abengourou (CRAMA).

- **In terms of cultural activities,** several events and infrastructure do actually exist:

- * Many festivals (including the African Performing Arts Market –MASA);
- * Musical concerts, art workshops, drama representations; etc.
- * The (national, municipal and school) libraries, municipal centres for cultural activities, the National Centre of Arts and Culture (CNAC), the National Office for Film-related Activities of Côte d'Ivoire (ONAC-CI), etc.

Furthermore, to support artistic and cultural creation, the Ivorian Government has set up several Funds including the Fund for the Support of Cultural Initiatives (FSIC) –which collapsed a long time ago, and the Film Industry Support Fund (FONSIC) established by Decree n°2008-139 of 14th April, 2008.

IV-THE RIGHT TO PEACE AND SECURITY (Article 23)

The right to peace and security is undoubtedly the greatest and most immediate challenge for the Ivorian Government. Indeed, once considered a haven of peace and a land of hospitality, Côte d'Ivoire, which has long served as a model of political and economic stability and a model of social cohesion for its neighbours in the West African sub-region, experienced the horrors of war.

The 2002 and 2011 armed conflicts, including the climate of insecurity in which the people have lived for the past two decades, are eloquent testimony that the people want peace and security in Côte d'Ivoire.

Conscious of this fact, the Ivorian Government, headed by the Head of State, has embarked on a number of actions to promote peace through a genuine national reconciliation. Thus, one of the first actions of the Head of State was to create a Dialogue, Truth and Reconciliation Commission (CDVR), led by the Prime Minister Charles Konan BANNY. In addition, the Head of State has travelled to almost all the sub-regional capitals to call on Ivorians in exile to return home. Still on the initiative of the Head of State, he has opened dialogue with the opposition as part of the appeasement of the socio-political climate needed for economic recovery and self-realisation of the population.

His efforts remained unflinching, when it came to taking measures to strengthen the security of the population in cities and in the rural areas. As an illustration, one can mention the creation of special police units to counter racketeering (ULCR), highway robbery, the phenomenon known as “road blockers”, the reactivation of the military police whose primary objective is to bring the “lost” forces of the Republican Forces of Côte d’Ivoire (FRCI) back to the barracks, equipping the military and paramilitary forces with equipment pending the lifting of the arms embargo to provide them with conventional means of defence, etc.

Furthermore, to strengthen the national defence mechanism, ensure the protection of people and goods and institutional stability, the Special Forces were created by Decree n°2011-201 of 3rd August 2011, under the command of the President of the Republic and Commander in Chief of the Armed Forces.

In the search for peace and security, the enormous efforts made by the International Community must also be noted, by the presence of UN Mission soldiers in Côte d’Ivoire (ONUCI) backed by Ivorian soldiers in joint patrols to serve as deterrence and response, where necessary, in the event of any attempts to destabilize the regime and disrupt social peace.

Thus, though the situation is generally returning to normal at the national level, as evidenced by the United Nations security Index which moved downwards from level 4 to 1, the return of Embassies such as Great Britain and the Netherlands which closed their doors, the return of non essential diplomatic personnel and their families such as those of France and the United States of America, etc, it must however be stated that in the West of the country, the security situation is still precarious. Indeed, in this part of Côte d’Ivoire which shares a border with Liberia and is the most affected region of the country for the past decades of crises, scores of people lost their lives within one year (1), when attacks were perpetrated against villages by heavily armed men from Liberia.

Besides, Human Rights Watch (HRW), in its June 2012 report, noted the highly sensitive nature of the security issue in that region of Côte d’Ivoire, because of the threat posed by hundreds of highly armed men, most of whom would have fought for the ousted President Laurent Gbagbo.

In short, far from being an insurmountable quest, the search for peace and improved security in Côte d’Ivoire is viewed by the current leaders of the country as a prerequisite for the full enjoyment of other Human Rights. Therefore, the Ivorian Government is working tirelessly to make the right to peace and security a tangible reality in Côte d’Ivoire.

V-THE RIGHT TO A DECENT ENVIRONMENT (Article 24)

It should be recalled that it was in the early 1970’s that Côte d’Ivoire established structures to deal with environmental issues. However, it was from 8 June, 1971 that the concerns to conserve biological diversity were explicitly taken into account, with the creation of the State Secretariat for

the Management of National Game Reserves and Reforestation. In 1974, this department became the Ministry of Water and Forestry. Then, for the first time, a Ministry of Nature Protection and Environment was created. Thereafter, the prerogatives of sustainable management of biological diversity were jointly assigned to the Ministries of Agriculture and Environment respectively.

Today, the Ministry of Environment and Sustainable Development, in addition to the implementation of relevant international conventions, ensures the management of biological diversity and the implementation of Government's environmental management policy.

The overall objective is to help ensure a healthy environment and sustainable management of natural resources. In this regard, many actions were taken on the following:

1- Preservation of the quality of air

With regard to air pollution from vehicle exhaust pipes, a recent study showed that Côte d'Ivoire has an ageing fleet, with more than 80% of the vehicles being older than five (5) years. To solve this problem, it was decided that the importation of vehicles above five (5) years should be reduced. To do this, the Ivorian Government has resolved to regulate the importation of old vehicles.

2 – Management of waste and garbage from ships

2-1- Waste

Waste is generated by waste oils from ships which should be recycled. To better manage this waste, a committee on recovery and disposal of waste was created. However, this committee is not yet operational because the texts governing the issue of waste from ships have not yet been adopted.

2-2- Household garbage

Here, it should be noted that since 1994 about twenty refuse collection approvals for ships have been granted to Small and Medium Enterprises (SMEs).

3- Disaster Prevention

As part of disaster prevention, a meeting is held weekly with the National Civil Defence Office (ONPC), the Prefecture of Abidjan, the Ministry of Works and Urban Development, SODEXAM and the National Technical Studies and Development Bureau (BNETD). Prevention activities are directed at identifying high risk areas. Such zones are vulnerable locations which sometimes cause loss of human lives in case of floods and/or landslides. Seventeen areas have so far been identified.

An operation to evict squatters has been scheduled for 14th May, 2012. It consists of evicting and demolishing houses in the flood-prone zones which are to be rehabilitated. The rehabilitation is not for building purposes but rather to put the said space to use so as to prevent the population from going back to it.

In this regard, a compensation of CFA 120,000 francs is provided to compensate each family. Moreover, a draft decree on the establishment of a National Risk Reduction and Disaster Platform is being developed. It aims at putting a structure in place to prevent risks.

4- Site and toxic cleanup

Since the dumping of toxic waste, a first step of cleaning up was performed by the company-TREDI. It covers 17 sites in the city of Abidjan. The second step referred to as “complementary cleaning up”, which covers sites not yet cleaned up by TREDI, is supervised by the Department of Environmental Quality and Risks. The complementary cleaning up began in 2010 and will end in 2015.

Funding for additional cleaning up, estimated at five (5) billion FCFA comes from the company known as TRAFIGURA.

5- Management of industrial and hazardous waste

Strategies for a sustainable management of industrial and hazardous waste were moderately handled (50%). Workshops were organised for the development of a national chemical products management plan, and they included:

- The African regional workshop for the validation of international chemical products management document and nanotechnology of industrial chemical products;
- The workshop for the validation of the document outlining the gaps and needs for improving the legislation on chemical products and waste;
- The regional workshop training for Francophone African countries organized on polychlorobiphenyl and waste containing persistent organic pollutants.

6 – Management of municipal solid waste

The daily production of household waste in Abidjan increased from about 2,500 tons in 2002 (date of the outbreak of the Ivorian crisis) to about 3,500 tons today. The removal rate is currently estimated at 41.1% as against the recommended standard of 90%, thus making the city of Abidjan unhealthy. This is linked to the migratory flows of populations fleeing the war to Abidjan, the increased production rate of household waste as compared to the removal rate, the limited technical capacity and the limited operational capacity of workers, obsolete infrastructure, the anti-social behaviour of populations and the illegal and unregulated occupation of public places for commercial purposes. This degradation of sanitation has repercussions on health, the environment, economy and tourism.

7- Management of biomedical and industrial waste

For hazardous medical and biomedical waste, management plans are almost non-existent. Although health and safety committees are regulated, they are also not functional and disposal methods vary. Biomedical waste production in Côte d’Ivoire was estimated at 3,200 tons a year (Doucouré et al. 2002).

Some centres practise ditch burning, traditional mode of burning, burial in undeveloped ditches. Finally, the existing wastewater treatment plants are out of use but these centres have septic tanks. Thus, the potential risks to the environment are visible, and they include contamination of groundwater, proliferation of insect breeders and rodents, development of infections such as tetanus, typhoid fever, diarrhoea, hepatitis B, HIV/ AIDS, pollution of the atmosphere worsened by the low temperature of waste combustion.

8- Improvement of sustainable waste management

Strategies for the control of pollution and climate change were moderately implemented (44%); a national conference on climate change was organized. However, the activities planned under the polluter pays principle could not be carried out. In terms of strategies for sustainable management of hazardous and industrial waste, a national plan for chemical management has been partially developed.

9- Access to potable water

In Côte d'Ivoire, only 61% of the population have access to potable water, representing 77% in urban areas and 50% in the rural areas. Access to potable water in the rural areas is estimated at 50% on average with 76% by human-operated pumps and 13% by improved village water supply systems. In rural areas, out of 13,845 localities supplied, there were 2,059 pumps for 350 subscribers. The overall rate of breakdowns observed is estimated at 29.7%. On the contrary, the average rate is 73% in the urban areas.

Although these achievements are significant, it should be noted that many difficulties bring about significant deficits in potable water supply cause inconveniences to the population.

In addition to actions cited above, other measures have been taken to improve the environmental quality and the living conditions of the inhabitants of Côte d'Ivoire. They include, notably, the creation of administrative structures and formulation of strategies.

10- Creation of administrative structures and formulation of strategies

10-1- National Bio-safety Commission (CNBIOS)

The National Bio-safety Commission (CNBIOS) is the competent national authority in Côte d'Ivoire. It is under the Ministry of Environment. Its jurisdiction covers all applications for the use of all GMOs, whether from within or outside Côte d'Ivoire. It processes applications for authorisation by providing technical advice.

10-2- National Commission for Sustainable Development

Today, this Commission is strengthened by the Directorate-General for Sustainable Development. It aims at:

- Promoting public participation in the development and implementation of policies and strategies for sustainable development;
- Monitoring strategies and policy implementation relating to sustainable development;
- Advising on all policies and strategies that could affect environmental dimensions relating to sustainable development;
- Preparing all necessary measures to avoid waste, unsustainable modes of production and consumption;
- Promoting the implementation of clean and effective technologies.

A National Sustainable Development Strategy has just been formulated.

10-3- Ivorian Parks and Reserves Authority (OIPR)

Established pursuant to legislative decree N° 2002- 359 of 24 July, 2002, the Ivorian Parks and Reserves Authority is an autonomous part government-owned entity. It is the core operational authority of the National Protected Areas Management Programme (PCGAP). The sector Ministry delegates the management of the NRP to the OIPR. As such, its main aim is to implement the PCGAP.

The Ivorian Parks and Reserves Authority aims at restoring and protecting the various ecosystems. The different restoration activities were partially carried out at 45%. Indeed, the protection of the State forest heritage was poorly done (21%), for lack of patrols (OIPR) in the national parks. Nevertheless, the exploitation of forest and wildlife resources has been largely controlled (95%) by control missions in the four Abidjan corridor checkpoints.

Strengthening partnerships with local authorities (Prefects and Sub-prefects of communities along the Taï National Park) and research in terms of the management of protected areas were inadequate (26%). Integrated management of water resources was very poor (27%), for out of 04 projects initiated in this domain, only one (1) was fully implemented.

Côte d'Ivoire has eight (08) national parks (1856750 ha), four (04) fauna or flora reserves (247170ha) and two (02) complete nature reserves (155 ha) if the botanical reserves are added to these reserves as they were created as accompanying measures, the total protected areas (PA) amount to 2,201 ha (representing 7% of the territory). The national parks and reserves protect about 90% of mammals and birds of the region, including regionally endemic population of antelopes and primates.

10-4- OIPR Foundation

The financing of certain investments and recurrent expenses will be provided by the revenue from investments of a Foundation exclusively meant for financing conservation parks and reserves (PNR). The Foundation is governed by the provisions of law n° 2002- 102 of 11th February, 2002 concerning the creation, management and funding of the PNR and, as subsidiaries, by provisions governing associations recognised to be of public benefit. The Foundation's aim is to mobilize and better manage adequate funds for a stable and sustainable funding of actions to protect the PNR to complement the Government's efforts. It has a capital designed to ensure the availability of additional funds required through a Trust Fund. It finances, as a matter of priority, conservation actions and capacity building for the management of PNR.

10-5- National Environment Agency (ANDE)

The National Environment Agency (ANDE) was created by decree n°97- of 09 July 1997. It aims at:

- guaranteeing that environmental concerns are incorporated into development programmes and projects;
- ensuring the establishment and management of a national environmental information system;
- ensuring the implementation of the impact study procedure and environmental impact assessment of macroeconomic policies.

At this point, it should be noted that the first Environmental Impact Assessment (EIA) started in 1998. Since then, about three hundred (300) Environmental Impact studies have been carried out, namely, an average of 20 studies per year.

10-6- Ivorian Anti-Pollution Centre (CIAPOL)

CIAPOL is a Public Administrative Institution created by decree n°91-662 of 9 October, 1991. Its aim is to control and monitor water and air pollution. But these activities are mainly focused on quality control of inland lagoon marine and coastal waters. CIAPOL oversees the “water” National Observation Network (RNO). For some time, CIAPOL saw its activities extended to pollution control and industrial pollution through the integration of the Classified Installations Inspectorate Department (SIIC).

10-7- Establishment of an Environmental Monitoring System

The establishment of an Environmental Monitoring System was conducted at 47%. Although assistance was provided for the climate change impact assessment and the concept of sustainable development given a boost, the Environmental Monitoring Observatories were not created; neither was the prevention of disasters associated with heavy downpours implemented; the establishment of emergency response plans was partially executed. Thus, advocacy and sensitisation efforts for environmental protection were very low and the National Two-Week Environment Activity was not organised.

CHAPTER IV

OTHER MEASURES OF THE CHARTER

I-THE AFRICAN CHARTER AND ITS IMPLEMENTATION (Article 25)

Having ratified the African Charter on Human and Peoples’ Rights in 1992, Côte d’Ivoire, like other member States, is obliged to ensure its effective implementation.

Thus, Côte d’Ivoire performs this duty through the establishment of institutions with the mandate to promote and protect Human Rights. These mainly concern the Ministry of Human Rights and Civil Liberties and the National Human Rights Commission of Côte d’Ivoire (CNDH-CI).

Moreover, the requirement for the representation of Human Rights promotion organizations in all structures and public institutions contributes to the promotion of rights and civil liberties guaranteed by the Charter.

Seminars organised for this purpose by both the Ministry of Human Rights and Civil Liberties, which the National Human Rights Commission had already helped to emphasize on the rights and liberties guaranteed by the Charter.

Moreover, the Ministry celebrates the African Human Rights Day every year. During such events, messages on the content of the Charter are sent to the authorities and the citizens. Radio and television broadcasts as well as lectures and debates are sometimes organized. Similar activities are carried out by the National Human Rights Commission of Côte d’Ivoire (CNDH-CI), Non-Governmental Organizations and associations working in the field of Human Rights.

Indeed, the sensitization is not enough due to financial and logistical constraints. But the Government intends to continue with the awareness campaigns and dissemination of the relevant provisions of the Charter.

II-INDEPENDENCE OF THE COURTS (Article 26)

The framers of the 2000 constitution elevated the Court, which until then was a judicial authority, to the status of the Judiciary. This power, under the provisions of Article 101 of the Constitution, is independent of the Executive and Legislative branches of government, and it is exercised by the superior courts which are the Court of Cassation, the Council of State, the Audit Office, the Appeal Courts and the courts.

The independence of the judiciary is again emphasised in Article 103 of the Constitution which stipulates that “in exercising their functions, the judges are only subject to the rule of law”. This is a truly independent *erga omnes*.

It should be noted that the President of the Republic is the guarantor of the independence of the judiciary. Thus, he presides over the Higher Judicial Council.

The Higher Judicial Council is an institution which investigates all issues relating to the independence of the Judiciary. It makes proposals for the appointment of judges of the superior courts, the first Presidents of the Appeal Courts, Presidents of the Courts of first instance. The Council approves the promotion and appointment of other judges and acts as the Disciplinary Council for judges.

In addition to the President of the Republic, it also comprises the Chief Justice, the vice-presidents of the institution, six individuals, recognized for their competence in legal or administrative matters, including three appointees nominated on the basis of the recommendation by the Speaker of the National Assembly and four judges with equal representation from the two positions, one being the representative and the other, the alternate.

Members of the Higher Judicial Council are appointed by Decree by the President of the Republic.

In view of the fact that the Court of Cassation, the Council of State and the Court of Auditors are not yet operational, their powers are exercised by the Supreme Court.

CONCLUSION

As a State party to the African Charter on Human and Peoples' Rights since 1992, Côte d'Ivoire has unfortunately lagged behind in preparing and submitting its reports as required under Article 62 of the Charter.

The production of this initial and combined report reflects the commitment of the Ivorian Government to make the promotion and protection of Human Rights one of its priorities.

Comments, observations and recommendations of the African Commission on Human and Peoples' Rights on this report will be appreciated with the view to consolidating Human Rights activities in Côte d'Ivoire.

Côte d'Ivoire therefore seizes this opportunity to appeal to the African Union and its specialised agencies to support the Ivorian authorities in their efforts to make the respect for Human Rights a permanent feature in the country.

In any case, since the words and deeds of the highest authorities of the country, such as the President of the Republic, are in keeping with a greater respect for Human Rights, they bear testimony, if need be, of the return of Côte d'Ivoire to the community of nations which have made the respect for Human Rights a sacrosanct principle and an important foundation underpinning international cooperation.