

REFERENCE: BN/follow-up/Côte d'Ivoire/81

24 February 2022

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the fourth periodic report of Côte d'Ivoire, at the Committee's seventy-third session, held in July 2019. At the end of that session, the Committee's concluding observations ([CEDAW/C/CIV/CO/4](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 60 on follow-up to the concluding observations, the Committee requested Côte d'Ivoire to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 10 (b) and (e), 30 (b) and 34 (a) of the concluding observations.

The Committee welcomes the follow-up report received in December 2021 ([CEDAW/C/CIV/FCO/4](#)) under the CEDAW follow-up procedure. At its eighty-first session, held in February 2022, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 10 (b)** of the concluding observations, urging the State party to **“ensure that Presidential Ordinance 2018-669 on amnesty does not apply to persons suspected, accused or convicted of war crimes, crimes against humanity or gross violations of human rights, including conflict-related sexual violence, recalling that amnesties are impermissible if they interfere with victims' right to an effective remedy, including reparation, or if they restrict victims' and societies' right to know the truth about violations of international human rights law and international humanitarian law, and must be in line with the international obligations of the State party, including those emanating from Security Council resolutions 1820 (2008), 2106 (2013) and 2467 (2019), in which the Council explicitly stresses the need for exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes”**:

The Committee notes the information shared by the State party on the scope of the Presidential Ordinance 2018-669 of 6 August 2018, which excludes “persons being tried before an international criminal court” and “military personnel and members of armed groups”. However, it reiterates its concern that the Ordinance does not explicitly exclude amnesty for all persons suspected, accused or convicted of war crimes, crimes against humanity or gross violations of human rights, including conflict-related sexual violence.

The Committee considers that the State party has taken no action to implement the recommendation. It considers that the recommendation **has not been implemented**.

The Committee notes that the information provided by the State party is vague and incomplete, and that it fails to address the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

H.E.Mr Kouadio ADJOUANI
Permanent Representative

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In relation to the recommendation made in **paragraph 10 (e)** of the concluding observations, urging the State party to **“ensure that women and girls who are victims of violence have the formal status of victims and that they obtain appropriate reparations”**:

The Committee takes note of the information provided by the State party on the provision of reparations under national law, the non-judicial transitional justice mechanisms in place and the reparations process for victims of war. It also notes the various efforts made by the State party to provide financial reparations and legal aid to victims, to combat gender-based violence and to facilitate complaints and rehabilitation. Specifically, the Committee notes with appreciation the inclusion of victims of sexual and gender-based violence in the consolidated list of the victims of war established by the National Commission of Inquiry, in view of providing appropriate reparations to victims. Additionally, it welcomes the establishment of a special fund for the compensation of victims of the crises that took place in Côte d'Ivoire under the national strategy for reconciliation and social cohesion for the period of 2016 to 2020. The Committee further notes the role of the non-judicial transitional justice mechanisms and of the interministerial committee with regard to reparations. Nevertheless, the Committee regrets the absence of information on the status of the reparations process under the interministerial committee and on the special fund. It also expresses concern about the lack of statistical data on women and girls who are victims of conflict-related violence, particularly sexual and gender-based violence, and whether they were all included in the consolidated list of the victims of war by the National Commission of Inquiry and whether and which reparations they received.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 10 (b) and (e)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1) **Accelerate its efforts to ensure that Presidential Ordinance 2018-669 on amnesty does not apply to persons suspected, accused or convicted of war crimes, crimes against humanity or gross violations of human rights, including conflict-related sexual violence, recalling that amnesties are impermissible if they interfere with victims' right to an effective remedy, including reparation, or if they restrict victims' and societies' right to know the truth about violations of international human rights law and international humanitarian law, and must be in line with the international obligations of the State party, including those emanating from Security Council resolutions 1820 (2008), 2106 (2013) and 2467 (2019), in which the Council explicitly stresses the need for exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes; and**

2) **Ensure, without delay, that women and girls who are victims of conflict-related violence have the formal status of victims and that they obtain appropriate reparations.**

In relation to the recommendation made in **paragraph 30 (b)** of the concluding observations, urging the State party to **“adopt a comprehensive law to prevent, combat and punish all forms of gender-based violence against women”**:

The Committee welcomes the adoption of a new Criminal Code through Act No. 2019-574 of 26 June 2019, that includes, among others, a definition of rape in its article 403 and criminalizes all forms of rape, regardless of the relationship between the perpetrator and the



victim. However, it remains concerned that the definition of marital rape is not based on the lack of freely given consent and that not all forms of domestic violence are explicitly criminalized. Further, the Committee takes note with appreciation of the establishment of a National Committee to Combat Violence against Women and Children in February 2000. Overall, while noting the State party's aim to reduce the fragmentation of national legislation, it regrets the absence of information on any steps taken to adopt a comprehensive law that defines and criminalizes all forms of gender-based violence against women, including physical, sexual, psychological and economic violence.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 30 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Adopt a comprehensive law to prevent, combat and punish all forms of gender-based violence against women, which defines and criminalizes all forms of gender-based violence against women in all spheres.

With regard to the recommendation made in **paragraph 34 (a)** of the concluding observations, urging the State party to “**adopt a law on gender parity, with a view to ensuring equal representation of women in all areas of political and public life**”:

The Committee notes with appreciation the adoption of Act No. 2019-870 of 14 October 2019, promoting the representation of women in elected and partially elected assemblies, and of its implementing regulations. It also welcomes the awareness-raising campaign undertaken by the Ministry of Women, Family and Children. Nevertheless, the Committee remains concerned that the quota, set out in Act No. 2019-870, only applies to candidates and not elected positions, that it is limited to 30 per cent and that incentives are provided rather than sanctions. Further, while the Committee welcomes the drafting of a bill on gender parity by the Ministry of Women, Family and Children, it regrets the absence of information on its scope and the timeframe for its finalization.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 34 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Strengthen its efforts to adopt a law on gender parity, with a view to ensuring equal representation of women in all areas of political and public life.

Please accept, Excellency, the assurances of my highest consideration.



Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Louiza Chalal'.

Louiza Chalal
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women