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**Elections to fill vacancies in subsidiary organs and
other elections: election of eighteen members of the
Human Rights Council**

**Note verbale dated 3 October 2012 from the Permanent Mission of
the Republic of Côte d'Ivoire to the United Nations addressed to
the President of the General Assembly**

The Permanent Mission of the Republic of Côte d'Ivoire to the United Nations has the honour to recall that Côte d'Ivoire has submitted its candidacy for a seat on the Human Rights Council, for the period 2013-2015, at the elections scheduled to take place at the sixty-seventh session of the General Assembly.

The Permanent Mission of the Republic of Côte d'Ivoire wishes to note that the Ivorian candidacy has already been endorsed by the African Union and has the honour to transmit an aide-mémoire describing the commitments that the Republic of Côte d'Ivoire has undertaken voluntarily, in accordance with General Assembly resolution 60/251 (see annex).



Annex to the note verbale dated 3 October 2012 from the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the President of the General Assembly

Candidacy of the Republic of Côte d'Ivoire to the Human Rights Council (2013-2015)

Voluntary obligations and commitments of the Republic of Côte d'Ivoire in support of its candidacy to the Human Rights Council for the period 2013-2015

General policy in the area of human rights

Introduction

Côte d'Ivoire covers an area of 322,463 km², or 1 per cent of the African continent. It is situated in West Africa and is bordered to the east by Ghana, to the north by Mali and Burkina Faso and to the west by Liberia and Guinea; it has a coastline of 600 km which constitutes its southern border. A former French colony, it has been independent since 7 August 1960.

Côte d'Ivoire's commitment to the promotion and protection of human rights derives from the policy of peace and dialogue of the founding father of the Ivorian nation, Félix Houphouët-Boigny, which affirms the sanctity of the human person and places the individual at the heart of all undertakings of society.

This commitment is put into practice through a variety of legal instruments at both the national and the international levels.

Institutional framework

Political mechanisms

The legislature

Article 71 of the Constitution provides, in paragraph 1, that the National Assembly possesses legislative power and enacts laws and, in paragraph 2, that the laws establish provisions concerning citizenship and the civic rights and fundamental guarantees accorded to citizens for the exercise of public freedoms. It follows from the foregoing that in Côte d'Ivoire, the National Assembly is the body responsible for establishing the legal regime of rights and freedoms, through laws for which it takes the initiative along with the Government. Moreover, by virtue of its power to monitor government actions, under article 82 of the Constitution, the National Assembly is the guarantor of the protection of rights and freedoms, in particular through the power to amend draft legislation, the right to receive information about government actions and the establishment, on its own initiative, of parliamentary commissions of inquiry. By these means, although they are not accompanied by penalties, the Parliament, through the enactment of laws, is able to monitor the functioning of the administration, keep the public informed and strengthen the rule of law in Côte d'Ivoire.

The executive branch

The Government assigns questions of the protection and promotion of human rights to the Ministry of human rights and public freedoms.

Under article 20 of decree No. 2011-118 of 22 June 2011 on the functions of the components of the Government, the Ministry of human rights and public freedoms is responsible for the implementation and follow-up of Government policy in the area of human rights and public freedoms.

Political parties and groupings

Since 1990, over 100 political parties, groupings and movements have participated in the democratic arena, in accordance with article 14 of the Constitution, whereby political parties and movements contribute to the expression of the public will and the exercise of the right to vote.

These parties and groups perform the function of monitoring democracy and raising alerts, training and educating citizens, particularly on the status of freedoms, and proposing reforms with a view to the consolidation of democracy. To that end, they have a broad range of constitutional rights and, in particular, freedom of association and freedom to organize public events and pursue other legal means of action to compel the authorities to respect civic freedoms and prevent violations of rights.

Since 2005, political parties and movements have been eligible for public financing in accordance with decision No. 2005-07/PR of 15 July 2005, which defines the modalities and conditions of the provision of such financing.

Juridical mechanisms

The Constitutional Court

Under the relevant provisions of the 2000 Constitution, the Constitutional Court is the guarantor of the separation of powers, respect for the constitutionality of laws and fundamental rights and principles, and the proper functioning of national institutions. To that end, it resolves conflicts of competence between the various authorities, announces the results of elections and settles electoral disputes. It has advisory power with regard to the implementation of article 48 of the Constitution concerning the powers of the President of the Republic in exceptional circumstances. In the area of monitoring, the Constitutional Court has broad powers encompassing monitoring a priori, or active monitoring; monitoring a posteriori; and pleas of unconstitutionality, which are an effective guarantee for the protection of rights and freedoms. In Côte d'Ivoire, a plea of unconstitutionality may be entered by any citizen before any of the courts and at all stages of judicial procedures. Moreover, under article 77 of the Constitution, human rights protection organizations may apply to the Constitutional Court in respect of laws concerning public freedoms, which is of major benefit in consolidating the rule of law.

The judiciary

The judiciary is the cornerstone of the protection and promotion of human rights in Côte d'Ivoire. The judiciary, which is independent from the executive and legislative branches, consists, under the Constitution, of the higher courts (Court of

Appeal, Council of State and Court of Audit) and the ordinary courts, including appeals courts and tribunals.

Pending the adoption of laws on the establishment of all the higher courts, however, the judiciary consists of the Supreme Court (higher court) and the courts of first instance and their separate chambers (ordinary courts).

With regard to the protection of rights and freedoms, the appellate judge has competence under common law, including in administrative disputes, to ensure that judicial decisions and administrative acts are in conformity with the law; the Supreme Court intervenes as a last resort to correct any shortcomings in the system of protection.

Independent mechanisms

The national ombudsman

In accordance with articles 115 to 118 of the Constitution of 1 August 2000 and act No. 2007-540 of 1 August 2007 adopted in implementation of these constitutional provisions, the national ombudsman is an independent administrative authority who participates in the promotion of human rights and the consolidation of the rule of law. In this capacity, he receives and considers claims and complaints from the public concerning malfunctions of the State administration, territorial authorities, public institutions or any other body providing public service with a view to an amicable settlement.

The national ombudsman is empowered to conduct investigations in any public administration, including the army, the police and the penitentiary administration, relating to violations of the rights and freedoms of citizens. He is also competent to consider disputes between individuals and legal entities or disputes between village and urban communities or any other entities. Any individual or legal entity, whether resident or non-resident in the national territory, of any nationality or age, may apply to the ombudsman. No fee is charged at the time of application or during the procedure, which is an additional guarantee of the promotion and protection of civic rights.

The national human rights commission of Côte d'Ivoire

The national human rights commission of Côte d'Ivoire was established by decision No. 2005-08/PR of 15 July 2005 and started work in January 2007. The Commission consists of elected members and representatives of civil society and of the ministries concerned with human rights issues, as well as prominent individuals with recognized competence in this area; it has financial autonomy and full freedom of action and orientation. The Commission — whose members are known as “commissioners” — has powers of strategic monitoring, investigation, recommendation and even injunction vis-à-vis the Government on human rights issues. It is also responsible for ensuring the promotion and development of a culture of human rights within the population.

In order to carry out these tasks, the Commission has the power to initiate action; it may also be approached by any citizen who has been a victim or witness of human rights violations.

The national council of audiovisual communications and the national press council

The national council of audiovisual communications, which was established by act No. 2004-644 of 14 December 2004 concerning the legal regime for audiovisual communications, consists of professionals in that field, a lawyer and a representative of human rights protection bodies. The Council, which is not part of any hierarchy, is responsible for safeguarding and ensuring the freedom and protection of personnel in the audiovisual sphere while monitoring their respect for the ethics and standards relating to information and pluralism in the audiovisual arena. The Council has broad powers which enable it to instigate criminal proceedings or support the initiation of such proceedings in cases of violations or offences discovered during its own investigations in the areas within its competence. It also has standard-setting powers which enable it to establish norms and standards in relation to broadcasting and receiving equipment and technologies. The Council was established by order No. 2011-75 of 30 April 2011 as the supreme authority for audiovisual communications.

The national press council, which was established by act No. 2004-643 of 14 December 2004, is responsible for ensuring strict respect for freedom of the written press. Its functions and powers are identical to those of the national council of audiovisual communications.

Legal framework

At the international level

Since the time of its accession to independence in 1960 to the present day, Côte d'Ivoire has become party to almost all the main international human rights instruments, specifically:

- The Convention on the Prevention and Punishment of the Crime of Genocide, ratified on 18 December 1995
- The International Covenant on Civil and Political Rights, ratified on 26 March 1992
- The International Covenant on Economic, Social and Cultural Rights, ratified on 26 March 1992
- The Optional Protocol to the International Covenant on Civil and Political Rights, ratified on 5 March 1997
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified on 18 December 1995
- The Convention on the Elimination of All Forms of Discrimination against Women, ratified on 18 December 1995
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, ratified on 20 January 2012
- The Amendment to article 43, paragraph 2 of the Convention on the Rights of the Child, ratified on 25 September 2001

- The International Convention on the Elimination of All Forms of Racial Discrimination, ratified on 4 January 1973
- The Convention on the Rights of the Child, ratified on 4 February 1991
- The 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
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, ratified on 12 March 2012
- The Optional Protocol to the International Covenant on Civil and Political Rights, ratified on 5 March 1997
- The 1949 Geneva Conventions and Additional Protocols I and II
- The Convention relating to the status of refugees, ratified on 8 December 1961
- The Protocol relating to the status of refugees, ratified on 16 February 1970
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, ratified on 1 December 1994
- The principal conventions of the International Labour Organization, in particular Nos. 11, 19, 29, 87, 98, 100, 105, 111, 135, 138 and 182
- The principal conventions of the United Nations Educational, Scientific and Cultural Organization, in particular the Convention against Discrimination in Education

Côte d'Ivoire also ratified Convention No. 159 of the International Labour Organization concerning the vocational rehabilitation and employment of disabled persons, on 8 May 1999. It signed the Rome Statute of the International Criminal Court and recognized the competence of the Court (in accordance with article 12 of the Rome Statute). Lastly, Côte d'Ivoire endorsed the outcome documents of the twenty-third special session of the United Nations General Assembly (2000) and the Millennium Development Goals (2000).

At the regional level

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

- The African Charter on Human and Peoples' Rights, ratified on 6 January 1992
- The Constitutive Act of the African Union, ratified on 27 February 2001
- The African Charter on the Rights and Welfare of the Child, ratified on 1 March 2004
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, ratified on 7 January 2003
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- The Convention of the Organization of African Unity Governing the Specific Aspects of Refugee Problems in Africa

- The Convention of the African Union on the Prevention and Combating of Corruption

In addition, Côte d'Ivoire has undertaken human rights commitments within the framework of the Economic Community of West African States and the International Organization of la Francophonie. Lastly, it contributes to the African Peer Review Mechanism, created in the framework of the New Partnership for Africa's Development, which seeks to promote cooperation among African States and to ensure the promotion and protection of human rights by evaluating compliance with the obligations undertaken by each State.

At the national level

In order to ensure the protection and promotion of human rights, Côte d'Ivoire has established an extensive regulatory and institutional framework, whose keystone is the Constitution of 1 August 2000, 28 articles of which are devoted to human rights issues.

While the human rights provisions of the Constitution of 1960 were quite modest in scope, the Constitution of 1 August 2000 gives extensive coverage to the protection of fundamental rights. Thus, 22 of its 133 articles are devoted to essential rights and freedoms.

By strengthening the provisions of the previous Constitution of 1960, particularly with regard to civil and political rights, the 2000 Constitution broadened the scope and purview of these rights while reaffirming solidarity rights and economic and social rights.

Furthermore, the strict constitutional separation of powers and the clear definition of the attributes, functions and prerogatives of each branch of power act as a bulwark against the excesses and abuses inherent to the exercise of State power in any country, and ensure citizens' free and full enjoyment of their constitutional rights and freedoms.

Lastly, in the preamble to the Constitution, Côte d'Ivoire reaffirms its unwavering commitment to the ideals proclaimed in the 1948 Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

In addition, many laws and regulations have been adopted in order to strengthen the system for the protection and promotion of human rights.

The resolve of the Ivorian State to implement and monitor national and international legal instruments found expression, firstly, in the establishment of a human rights division within the Ministry of Justice.

Following the formation of Governments in August 2002 and March 2003, that portfolio was successively entrusted to a Vice Ministry, then to a Ministry in its own right.

The development of a national human rights policy that, alongside existing sectoral interventions, seeks to define a comprehensive and coherent strategy for the promotion and protection of human rights, is vital necessity for Côte d'Ivoire.

As a crucial instrument for the promotion and protection of human rights, the national human rights policy provides a framework and a basis for all Government

action in the field of human rights, with a view to strengthening the rule of law and promoting good governance.

Pledges and commitments

At the national level

The overall objective of the national human rights policy is to establish a human rights culture in Côte d'Ivoire so as to ensure respect for all aspects of human life. Specifically, this will be achieved by:

- Making Côte d'Ivoire a country that guarantees the comprehensive development of the individual by ensuring full enjoyment of civil, political, economic, social, cultural and environmental rights
- Promoting the emergence and consolidation of a culture of human rights that is capable of strengthening the rule of law and good governance and of restoring human dignity
- Contributing to the building and strengthening of national capacities for the promotion and protection of human rights
- Providing a framework for the formulation and implementation of bilateral and multilateral technical cooperation activities in the field of human rights
- Affording a framework for the coordination of activities to promote and protect human rights
- Promoting the establishment of an agency to monitor and protect human rights
- Safeguarding civil society organizations involved in the promotion and protection of human rights
- Involving the various strata of society in the dynamics of human rights
- Enhancing exchanges and creating a permanent consultative framework to forge a consensus in favour of human rights

The achievement of these objectives will be sought through the implementation of core strategies for the promotion and protection of human rights.

These strategies, which are necessary to lay the basic foundations for the sustainable protection and promotion of human rights in Côte d'Ivoire, cover a three-year period, from 2012 to 2015. They are based on an analysis of the human rights situation in Côte d'Ivoire and include objectives and action plans with regard to:

Promotion of human rights

This strategy is based on the premise that human rights cannot be respected if governments, society, in short national public opinion, are ignorant of them.

Thus, the Government, through the Ministry of human rights and public freedoms, is envisaging, under this heading, a series of information, awareness-raising and education activities for socio-professional groups that include:

- Promoting a culture of human rights by raising awareness of respect for the fundamental and universal values of life and human dignity
- Building the capacity of public and private, governmental and non-governmental institutions working in the field of human rights
- Strengthening human rights teaching modules in the education system
- Organizing human rights training seminars for personnel from the judiciary and the security forces
- Supporting human rights educational and awareness-raising activities, including the development and dissemination of outreach material in the main national languages
- Strengthening the operational capacities of the Ministry of human rights
- Supporting human rights training for local elected officials and parliamentarians responsible for drafting laws
- Building the capacity of the national human rights commission of Côte d'Ivoire and bringing it into line with the Paris Principles

Protection of human rights

It is essential to raise awareness of human rights to ensure that people are familiar with their rights and responsibilities. However, provision must be made for enforcement and protection mechanisms in order to deter potential perpetrators of acts that might undermine these rights. This approach is all the more important as Côte d'Ivoire is emerging from a severe crisis during which certain elements of the population may have become accustomed to carrying out acts that violate the rights and freedoms of others. It is also a means of combating impunity, an essential step towards the advent of the rule of law.

At the international level

Côte d'Ivoire intends to honour its commitment to submit periodic reports to the treaty bodies. To this end, it intends to send a formal request for technical assistance for capacity building of national personnel responsible for drafting reports to treaty bodies.

Consultations are currently underway with Parliament with regard to the following international instruments that have not yet been ratified:

- The Convention on the Reduction of Statelessness
- The International Convention for the Protection of All Persons from Enforced Disappearance
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The Convention on the Rights of Persons with Disabilities
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The Optional Protocol to the Convention on the Rights of the Child on a communications procedure

The following initiatives are also planned:

- Ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- Alignment of the structure of the national human rights commission of Côte d'Ivoire with the Paris Principles

The same goes for the three statements of acceptance that Côte d'Ivoire has not yet formulated:

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

It is also important to take all appropriate steps to align national legislation with the provisions of these international treaties and agreements and to ensure the timely preparation of the reports required under certain conventions.

In the light of the aforementioned objective, the Ministry of human rights and public freedoms plans to concentrate its efforts in the following areas:

- Adopting laws and regulations that seek to give effect to international commitments
- Building technical capacity for the preparation of reports in order to catch up with its backlog in the submission to the treaty bodies of reports on the implementation of the international instruments
- Harmonizing national legislation with the provisions of international human rights instruments
