

## Women's rights protection instruments ratified by Côte d'Ivoire:

- **CEDAW:** ratified in 1995
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** signed in 2004, not ratified

**Ratify!** Although Côte d'Ivoire ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1995, the government has never submitted a report on implementation of its provisions to the UN Committee in charge of monitoring its application (CEDAW Committee). Côte d'Ivoire has not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) or the Optional Protocol to CEDAW.

**Respect!** The Coalition of the Campaign is particularly concerned by: persistent discriminatory legislative provisions; discrimination within the family; violence; limited access to education, property, health services and justice; and under-representation in public and political life.

## / Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several policies aimed at improving respect for women's rights, including:

- The establishment in 2006 of the Equality and Gender Directorate within the Ministry of the Family, Women and Social Affairs, responsible for coordinating government activities in the fight against gender discrimination and the adoption of the National Policy on Equal Opportunities, Equity and Gender in April 2009 to promote the consideration of gender in the public and private sectors.

## / But discrimination and violence persist

### IN LAW

Many discriminatory provisions persist in Ivorian legislation, including:

**Within the family:** The Civil Code provides that the man holds the status of head of the family (art. 58). The husband chooses the family residence (art. 60). The husband has the right under common law to administer and dispose of marital property (art. 81). A divorced woman cannot remarry during a period of 300 days from the date the divorce is pronounced (arts. 25 and 26). A woman can be punished for adultery wherever the offence is committed, while the man is only punished in the case of habitual adultery or adultery that takes place in the marital home (Criminal Code, art. 391).

According to the Law on Succession 1964 (n° 64-374), "property is passed to the parents and his spouse, in that order".

**Employment law:** A woman may only take employment if such work does not clash with the “interests of the family” (Civil Code, art. 67). Women are forbidden to do certain types of work specified by decree (Labour Code, art. 23). If the type of work does not appear in this list, employers can nevertheless require women to undergo tests to establish whether they are strong enough to conduct such work. Thus, for example, women have limited access to the police force. The pension allocated to the widower of a female civil servant is lower than the one allocated to the widow of a male civil servant (Civil Service Code, Law n° 92570 1992).

## IN PRACTICE

### • Discrimination in the family

The abolition of polygamy by the Civil Code has had the perverse effect of increasing cases of repudiation and eviction of women. They find themselves with no protection or legal recourse and often with the responsibility of looking after children. In addition, forced and early marriages remain very common. In 2008, it was estimated that over one third of girls were married before the age of 18 years.

In spite of the 1983 law on marriage that provides for a regime of separation of marital property, most couples still chose the common law regime that gives the husband alone the right to administer the common property in the marriage.

### • Violence

Despite the adoption in 1998 of a law punishing some forms of violence against women (Law n° 98-757), and a law criminalising rape (Law n° 81-640), perpetrators of these crimes continue to benefit from general impunity, partly due to a culture of silence. During the armed conflict between 2002 and 2007, crimes of sexual violence were perpetrated on a large scale by members of armed groups. Such crimes have since become ‘normalised’ and victims of such crimes rarely file complaints for fear of social stigmatisation or reprisals by the perpetrator or his family.

Although female genital mutilation (FGM) has been a crime since 1998, it is still practised, especially in rural areas and amongst the Muslim population, partly as a result of the failure of government to implement awareness-raising programmes.

### • Obstacles to access to education

The general level of schooling in Côte d’Ivoire is very low, especially for girls: in the northern areas of the country, under the influence of tradition, the population remains reluctant to educate girls, who are often responsible for domestic tasks. In 2009, only 49% of girls were educated at primary school level as opposed to 61% of boys, and over 75% of girls received no secondary school education. The literacy rate for young women aged between 15 and 25 was only 40%.

### • Under-representation in public and political life

Women are poorly represented in political life in Côte d’Ivoire: during the last elections, held in 2000, only 18 women were elected out of 224 members of parliament (8.9%). In 2009, there were only 8 women mayors, one woman village chief (of a total of 1500), and one woman held the post of president of a regional council. No legal steps

have been taken to promote parity. Although women can now enter the police force, they are often relegated to low-status roles such as traffic police and administrative positions. Women still do not have access to posts within military police.

- **Obstacles to access to property**

Ivoirian women have limited access to property, especially in rural areas, not because of discriminatory legislation but because of socio-cultural pressures and women's lack of knowledge of their rights.

- **Obstacles to access to health**

The generalisation of rape has contributed to making Côte d'Ivoire the country with the highest rate of HIV/AIDS in West Africa. Although this rate decreased significantly

## The Coalition of the Campaign calls on the authorities of Côte d'Ivoire to:

- **Reform or abolish all discriminatory legal provisions**, in accordance with CEDAW, in particular within the Civil Code, the Labour Code, the Civil Service Code and the Criminal Code.
- **Strengthen laws and policies to combat violence against women**, including by establishing awareness-raising campaigns and training programmes for legal personnel and health professionals; by ensuring that perpetrators are prosecuted and punished; and sensitizing the population on the harmful effects of FGM.
- **Promote access to education for girls**, by guaranteeing free, compulsory schooling up to the age of 15 and by taking steps to encourage girls to enrol in higher education.
- **Reinforce women's access to decision-making positions**, in particular by adopting temporary special measures including a law on quotas.
- **Guarantee women's access to land and property**, by implementing awareness-raising programmes for women on their rights, especially in rural areas.
- **Guarantee women's access to health**, including by promoting access to family planning, especially in rural areas; by decriminalising abortion; and by adopting the draft law on the fight against HIV/ AIDS.
- **Guarantee women's access to justice**, in particular by setting up education and awareness-raising programmes for all those responsible for the application of laws relating to women's rights; by informing women of existing recourse mechanisms for violations; and by setting up legal assistance services for victims.
- **Submit the initial report on implementation of CEDAW provisions** to the CEDAW Committee which is overdue since 1996.
- **Ratify the Maputo Protocol, the Optional Protocol to CEDAW and the Rome Statute of the International Criminal Court.**

since 1990 (from 14% to 4.7%), it remains 3 to 4 times higher than in neighbouring countries. Apart from a pre-draft law, which has seen no progress (which would establish prison sentences for voluntary contamination), the authorities have not made any legislative commitments to assist victims of HIV/AIDS.

Abortion is an offence that incurs a prison sentence resulting in widespread practice of non-medical abortions.

### • **Obstacles to access to justice**

It is difficult for Ivorian women to obtain access to justice, particularly due to a lack of information concerning their rights and the laws that protect them, for fear of being rejected by their families, and because of the significant costs of trials.

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## **PRINCIPAL SOURCES**

- Focal Points: WILDAF-Côte d'Ivoire, AFJCI, MIDH, LIDHO
- UNICEF, The State of the World's Children, 2009: [www.unicef.org](http://www.unicef.org)

**For more information on women's rights and the actions of the campaign in Côte d'Ivoire, see: [www.africa4womensrights.org](http://www.africa4womensrights.org)**

## **THE CAMPAIGN FOCAL POINTS IN CÔTE D'IVOIRE**

### **WILDAF-Côte d'Ivoire**



WILDAF-Côte d'Ivoire is a member of WILDAF, a Pan African network whose objective is to promote and enforce human rights in general and those of women in particular. The network has existed in Côte d'Ivoire since 1999. Its main activities are: the establishment of support and advice centres for women victims of violence; and actions to combat violations of children's rights.

[www.wildaf-ao.org](http://www.wildaf-ao.org)

### **Association des Femmes Juristes de la Côte d'Ivoire (AFCJI)**



AFCJI aims to promote and raise awareness on women's rights and children's rights, including socio-economic rights, the right to health and a healthy environment and fighting violence against women. AFCJI provides legal assistance to destitute women and women in detention; and implements awareness-raising and advocacy campaigns.

[www.afjci.org](http://www.afjci.org)

### **Mouvement ivoirien des droits humains (MIDH)**



MIDH is a human rights NGO. It carries out legal and investigative activities, principally on the issue of democracy human rights and non-violence. It provides legal advice; organises fact-finding missions, advocacy, and human rights education.

### **Ligue ivoirienne des droits de l'Homme (LIDHO)**



LIDHO, created in 1987, works for the promotion and protection of human rights. LIDHO aims to contribute to the strengthening of the Ivorian judicial system, respect for civil, politic, economic and social rights and the abolition of all forms of discrimination, especially against women, children and people affected by HIV/AIDS.

[www.lidho.org](http://www.lidho.org)