

## CÔTE D'IVOIRE

Political volatility and violence in Côte d'Ivoire have increased poverty and mass displacement<sup>1</sup> and have had a profound impact on the security and wellbeing of the entire civilian population, particularly women and children given the widespread use of rape and sexual violence during the civil strife.<sup>2</sup> Overall, women's position in Ivorian society remains low, with many subjected to discriminatory practices, significantly limiting the capacity of women to play an active role in society, as well as representing violations of their human rights.

Article 30 of the Ivorian Constitution – adopted following a referendum in 2000 – grants equal rights to women, and article 3 commits the state to taking appropriate measures to ensure the development of women and realisation of their human rights.<sup>3</sup> The country ratified the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 1995, and in 2012, it ratified the Optional Protocol on violence against women. Côte d'Ivoire has also signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.<sup>4</sup>

### 1. Discriminatory family code

Article 1 of the Civil Code sets the **minimum age of marriage** at 18 for women and 21 for men. The court can, however, make exceptions for serious (unspecified) reasons. While the law (Act No. 98-756) prohibits early and forced marriages, as well as the payment of dowry, it is rarely enforced.<sup>5</sup> The 2011-2012 Demographic and Health Survey (DHS) reports that 12% of women were married by the age of 15 and 36% before the age of 18. Half of women had entered their first union before the age of 20.<sup>6</sup> Customary marriages are not legally recognised, although reportedly the large majority of marriages in rural areas are based on customary law and therefore not registered.<sup>7</sup>

Articles 58 and 59 of the Civil Code were amended in 2012 to eliminate several discriminatory provisions. Whereas **parental authority** was previously the legal right of fathers, who were regarded as the head of the household with sole paternal rights over their children, the new amendment specifies that both spouses equally manage the interests of the children and that both parents are responsible for the moral and economic

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<sup>1</sup> Freedom House (2010), p. 9

<sup>2</sup> Amnesty International (2011)

<sup>3</sup> FAO (n.d.)

<sup>4</sup> African Commission on Human and Peoples' Rights (2013)

<sup>5</sup> CEDAW (2011a), p. 5

<sup>6</sup> DHS (2011-2012), p. 55

<sup>7</sup> Internal Displacement Monitoring Center (2009), p. 1

development of the family both relative to marriage and after divorce.<sup>8</sup> When it comes to decision-making, most women decide alone (68%) or with their husband/partner (14%) how to spend the money she has earned.<sup>9</sup> However, when choices are made over important household purchases, in 61% of the cases, women report that their husband make the decision alone.<sup>10</sup>

Under the Civil Code, widows have the right to **inherit** property; in practice, inheritance practices vary across different districts. In some areas, widows have the right to remain on their husband's property and continue to work the land; in others they are expected to return to their natal homes.<sup>11</sup> Civil law protects the right of children and their descendants, regardless of gender, to inherit from parents, grandparents or other relatives, but again in practice, inheritance customs vary.<sup>12</sup> In addition, civil law recognises legitimate and illegitimate children on equal standing in matters of succession, thus allowing wives married in customary marriages to have some protection in terms of succession ("customary" widows may retain control of property for their children until they come of age).<sup>13</sup> Some communities are matrilineal, but even here, property passes from the mother to the son rather than the daughter.<sup>14</sup>

Women have the right to **divorce**, and repudiation is outlawed under the Civil Code.<sup>15</sup> In case of divorce, custody of the children is generally awarded to the spouse who obtained the divorce.<sup>16</sup> The divorce law discriminates against women by providing that women must wait at least two years before remarrying, while no time requirement is set for men.<sup>17</sup>

### ***More***

Although **polygamy** is prohibited under article 2 of the Civil Code since 1964,<sup>18</sup> the 2011-2012 DHS reports that 28% of women live in a polygamous union.<sup>19</sup> The percentage has declined somewhat from the DHS of 1994, when 37% of women were in a polygamous union.<sup>20</sup>

There is no law prohibiting discriminatory practices such as **levirate**, whereby a woman is obligated to marry a brother of her deceased husband.<sup>21</sup>

The **adolescent fertility** rate, as reported in the 2011-2012 DHS, is 129 births per 1000 women age 15-19. Three out of ten adolescents (in the 15-19 age group) have already started having children: 30% have already had at least once child or are pregnant with their first.<sup>22</sup>

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<sup>8</sup> Civil Code, articles 58 and 59; UN Women (2012)

<sup>9</sup> DHS (2011-2012), p. 299

<sup>10</sup> DHS (2011-2012), p. 308

<sup>11</sup> CEDAW (2010), p. 14

<sup>12</sup> FAO (n.d.)

<sup>13</sup> Internal Displacement Monitoring Center (2009), p. 1

<sup>14</sup> FAO (n.d.)

<sup>15</sup> FAO (n.d.)

<sup>16</sup> CEDAW (2010), p. 92

<sup>17</sup> CEDAW (2010), p. 14

<sup>18</sup> FAO (n.d.)

<sup>19</sup> DHS (2011-2012), p. 60

<sup>20</sup> DHS (2011-2012), p. 61

<sup>21</sup> CEDAW (2011a), p. 5

<sup>22</sup> DHS (2011-2012), p. 71

## 2. Restricted physical integrity

Any consideration of the physical integrity of Ivorian women and girls must take into account the impact of the civil conflict. Despite considerable progress since the end of the violent post-election crisis in 2011, on-going instability in the country contributes towards a generalised culture of violence and impunity, meaning that the laws in place to protect women and girls from violence are less effective.<sup>23</sup>

There is no legislation that specifically addresses **domestic violence**. Data from the 2011-2012 Demographic and Health Survey (DHS) suggests, however, that such violence is relatively widespread. The survey reports that 26% of women declared having experience physical violence in their lifetime, and 20% had been victims within the previous 12 months.<sup>24</sup> Courts and police view domestic violence as a problem to be addressed within the family, and this, along with the severe social stigma and the blame that women victims of domestic violence face, means that few are willing to report incidents.<sup>25</sup> Data on attitudes to domestic violence show that almost half (48%) of women believe that for at least one of the cited reasons (i.e. burning the food, arguing with her husband, going out without his permission, neglecting the children or refusing to have sex) her partner is justified in reacting with physical aggression.<sup>26</sup>

The Penal Code prohibits **rape** and imposes prison terms of 5-20 years. The crime is punishable by life if the perpetrator was assisted by one or more people, or if the victim is under the age of 15.<sup>27</sup> Marital rape is not criminalised.<sup>28</sup> In fact, the Penal Code does not provide a definition of rape, making it difficult for survivors to obtain effective remedies, including access to justice. A context of civil conflict followed by a fragile post-conflict reconstruction period has also made it difficult for legislation on rape to be implemented, and perpetrators of sexual violence have not been prosecuted (in fact, an amnesty was granted in 2007 to all involved in the conflict).<sup>29</sup> Throughout the conflict (both in 2002-2007 and 2010-2011), rape and sexual violence were used as weapons by both sides, in order to humiliate victims' families and communities.<sup>30</sup> Reliable statistics are not available as to the number of women and girls subjected to sexual violence during these periods of conflict, but the consistency of testimonies and reports gathered by Human Rights Watch and Amnesty International indicates that such experiences were widespread.<sup>31</sup>

**Sexual harassment** is prohibited by Act No.98-756 of 1998, which defines the latter as occurring when a person "asks for sexual favours in return for a service or action as part of an employee's job requirements; uses threats of punishment or actual punishment to coerce a person under his/her authority to consent to sexual favours or takes revenge against someone who refused such favours to him/her; or requires a subordinate to provide favours of the same type before letting him/her obtain a job, promotion, reward, decoration, distinction or any other advantage either for himself/herself or another person." This crime is punishable with up to 3 years in

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<sup>23</sup> UN News Centre (2013); Amnesty International (2011), p. 5

<sup>24</sup> DHS (2011-2012), p. 343

<sup>25</sup> CEDAW (2011a), p. 2

<sup>26</sup> DHS (2011-2012), p. 312

<sup>27</sup> Amnesty International (2011), p. 13

<sup>28</sup> CEDAW (2011a), p. 3

<sup>29</sup> Freedom House (2010)

<sup>30</sup> Amnesty International (2011); UN News Centre (2013)

<sup>31</sup> Amnesty International (2011); Human Rights Watch (2007)

prison and fines up to 1 million CFA francs.<sup>32</sup> There does not, however, appear to be a government office tasked with addressing sexual harassment.<sup>33</sup>

Act 98/757 introduced in 1998 made it illegal to practise **female genital mutilation** (FGM) in Côte d'Ivoire and established criminal penalties — imprisonment for up to five years and/or fines — for those who perform the act.<sup>34</sup> As of 2006, 36.4% of women reported have undergone FGM.<sup>35</sup> FGM prevalence among women in Côte d'Ivoire varies significantly according to religion, ethnicity, region and educational status. It is most prevalent among Muslim women (78% of Muslim women have undergone FGM) and least prevalent among Catholic women (19%) and Protestant women (13%). It is prevalent among Voltaiques (72.2 %) and Northern Mande (70.5%) ethnic groups, in rural areas, and among women and girls that have not had access to education. Data show that young girls and even babies are increasingly affected by practices of female genital mutilation and cutting, whereas the phenomenon is more and more taking an urban character, due to the recent crisis and massive population displacement.<sup>36</sup> The majority of men and women (82% in both cases) declared they were favourable to the elimination of this practice.<sup>37</sup>

### **More**

**Abortion** in Côte d'Ivoire is illegal, except to save a woman's life.<sup>38</sup>

Since the repeal of an earlier French law that banned “incitement to abortion and contraceptive propaganda” in 1981, women have the right to access contraception under Ivoirian law.<sup>39</sup> The 2011-2012 DHS reports that 20% of women use some form of **contraception**, while 14% use modern methods.<sup>40</sup> The same survey finds that 27% of women in a union have an unmet need for family planning.<sup>41</sup> Access to reproductive services must again be contextualised within post-conflict reconstruction and the need to rebuild health facilities that were destroyed during the conflict. High rates of sexual violence and limited access to services have also made the treatment of sexually transmitted diseases more difficult. In addition, few women (10%) report making decisions regarding their own health care,<sup>42</sup> in 64% of the cases, it is their husband or partner who makes such decisions.<sup>43</sup>

## **3. Son bias**

The estimated male/female **sex ratio** for the working age population in 2013 is 1.04 and the sex ratio at birth is also 1.03.<sup>44</sup> There is evidence to suggest that Côte d'Ivoire is a country of low concern in relation to **missing women** due to high adult sex ratios.

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<sup>32</sup> World Bank (2013)

<sup>33</sup> World Bank (2013)

<sup>34</sup> Amnesty International (2011), p. 128

<sup>35</sup> OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

<sup>36</sup> UNICEF (2005a); UNICEF (2005b)

<sup>37</sup> DHS (2011-2012), p. 327

<sup>38</sup> Center for Reproductive Rights (2013)

<sup>39</sup> Center for Reproductive Rights (2003), p. 122

<sup>40</sup> DHS (2011-2012), p. 99

<sup>41</sup> DHS (2011-2012)

<sup>42</sup> DHS (2011-2012), p. 209

<sup>43</sup> DHS (2011-2012), p. 308

<sup>44</sup> CIA (2013)

## **More**

Gender disaggregated data regarding **early childhood nutrition**, weight and growth were reported in the 2011-2012 Demographic and Health Survey. While rates are high, they are slightly more elevated for boys than for girls. For example, stunting is slightly higher for boys (33%), compared to girls (27%).<sup>45</sup>

The United Nations reports, for the period of 2006-2012, a primary-secondary **education** gross enrolment rate (f/m) of 48.6/54.4, while female third-level students make up 32.6% of the total for the same period.<sup>46</sup> A recent report to the Committee for the Elimination of Discrimination against Women, however, notes that girls' enrolment rates at the secondary level (23%) are much lower than at the primary level (53%).<sup>47</sup>

## **4. Restricted resources and assets**

Under the Rural Land Act, Ivorian women and men have equal **land ownership** rights.<sup>48</sup> In practice, however, women rarely become landowners due to both discriminatory practices and women's lack of awareness of their rights and the law.<sup>49</sup> In addition, under customary practices, sons are more likely than daughters to inherit their fathers' land.<sup>50</sup> The 2011-2012 Demographic and Health Survey (DHS) reports that 37% of men declare owning land, compared to 25% of women.<sup>51</sup> While the 1983 law on marriage provided for a regime of separation of marital property, most couples marry under the common law regime which gives the husband alone the right to administer the common property – including land – in the marriage. (Land ownership is also affected by recent political instability. Human Rights Watch reports that many people fled violence in western Côte d'Ivoire during the 2010-2011 post-election crisis, only to find upon their return that their land had been illegally taken over.<sup>52</sup>)

According to the Civil Code, there is no gender discrimination regarding **access to non-land assets**. This right is, however, limited under the option of "marriage with community of property," as mentioned above, which considers husbands to be the head of the household and gives them the authority to manage assets.<sup>53</sup> The majority of women do not own a home: only 7% of women compared to 33% of men are homeowners.<sup>54</sup>

Access to **financial services**, including bank loans is difficult for women, not because of legal discrimination but because they are unable to meet the lending criteria established by banks, such as a title to a house or production of a profitable cash crop.<sup>55</sup> Some banks also require married women to secure their husband's approval for loans.<sup>56</sup>

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<sup>45</sup> DHS (2011-2012), p. 176

<sup>46</sup> UNdata (2013)

<sup>47</sup> CEDAW (2011b), p. 4

<sup>48</sup> CEDAW (2011b), p. 9

<sup>49</sup> CEDAW (2011b), p. 9; Human Rights Watch (2013)

<sup>50</sup> CEDAW (2011b), p. 9

<sup>51</sup> DHS (2011-2012), p. 305

<sup>52</sup> Human Rights Watch (2013)

<sup>53</sup> FAO (n.d.)

<sup>54</sup> DHS (2011-2012), p. 305

<sup>55</sup> US state Department (2012)

<sup>56</sup> Freedom House (2010), p. 11

## 5. Restricted civil liberties

There are no legal restrictions on women's **access to public space** in Côte d'Ivoire, although years of civil conflict have affected freedom of movement for the entire population. In addition, in the 2011-2012 Demographic and Health Survey (DHS), 51.1% of women report that it is primarily their husbands who decide whether they can visit their family and parents.<sup>57</sup> Certain customary practices also constrain women's movements. In the Ouémé Valley, for example, during the period of ORO worship in August, women must remain inside for 17 days.<sup>58</sup> Amendment of the Civil Code in 2012 (article 60) has meant, however, that both spouses are now allowed to choose the family domicile. In addition, married women no longer need to show their marriage certificates in order to obtain a passport.<sup>59</sup>

In terms of **political voice**, freedom of assembly and association are both guaranteed by the Constitution, and people have the right to form unions.<sup>60</sup> Unlike previous years, since 2012 the government has generally respected these rights. It has, however, been unable to prevent significant violence on the part of other groups aiming to disperse demonstrations.<sup>61</sup> Data is not available on the number of women active in civil society organisations, however women's rights groups have been at the forefront of campaigns to eradicate female genital mutilation and child marriage, campaigns against forced marriage, patterns of inheritance that exclude women, and other discriminatory practices.<sup>62</sup>

Côte d'Ivoire has no **quotas** at a national level to promote women's political participation but has voluntary party quotas.<sup>63</sup> Since 2001, the Ivorian Public Front has a 30% quota for women at all levels, including electoral candidate lists. The quota has not, however, always been achieved in practice.<sup>64</sup> In fact, the total percentage of women representatives fell from 21% in 2010 to 14% in 2011. On the other hand, for the 2011 legislative elections there were 105 female candidates, around 11%, compared to the 3% they represented for the 2001 elections.<sup>65</sup> Generally, women are underrepresented in politics. In 2013, women held 10.4% of seats in the national parliaments.<sup>66</sup> That said, women occupy several prominent positions, including first vice president of the National Assembly, five ministers of cabinet as well as chairpersons of important commissions.<sup>67</sup>

### **More**

While the Labour Code mandates non-discrimination based on gender in hiring, there is no mandate on equal remuneration for men and women for **work** of equal value.<sup>68</sup> It should be noted, however, that in the private sector, women account for only 11.5% of all employees.<sup>69</sup>

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<sup>57</sup> DHS (2011-2012), p. 308

<sup>58</sup> Africa for Women's Rights

<sup>59</sup> World Bank (2013)

<sup>60</sup> Freedom House (2010), p. 12

<sup>61</sup> US State Department (2012)

<sup>62</sup> US State Department (2012)

<sup>63</sup> IDEA (2012)

<sup>64</sup> The Quota Project (2013)

<sup>65</sup> FMI (2012), p. 20

<sup>66</sup> OECD (2014), *Gender, Institutions and Development Database*, <http://stats.oecd.org>

<sup>67</sup> US State Department (2012)

<sup>68</sup> World Bank (2013)

<sup>69</sup> CEDAW (2011a), p. 4

Women employees in the formal sector are entitled to 14 weeks fully paid **maternity leave**, financed by the government, under article 23.5 of the Labour Code.<sup>70</sup>

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<sup>70</sup> World Bank (2013)

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