



## **Submission by the United Nations High Commissioner for Refugees**

**for the Office of the High Commissioner for Human Rights' Compilation Report:**

**- Universal Periodic Review:**

### **CÔTE D'IVOIRE**

#### **I. Background and Current Conditions**

The number of persons of concern to UNHCR in Côte d'Ivoire has evolved due to the turbulent sociopolitical situations occurring in the Western Africa sub region. UNHCR's Office in Côte d'Ivoire was established in 1990 shortly after the breakout of the Liberian crisis. UNHCR has until 2002 been dealing mainly with refugees and asylum seekers from Liberia and Sierra Leone. The failed military coup in September 2002 and the ensuing conflict in Côte d'Ivoire generated large-scale displacement, both internally and externally. UNHCR has since then expanded the scope of its activities to address the protection needs of internally displaced persons as well as preventing and/or reducing statelessness in the country.

Côte d'Ivoire succeeded to the *1951 Refugee Convention* in December 1961 and acceded to its *1967 Protocol* in February 1970 and ratified the 1969 OAU Convention governing the specific aspects of refugee problems in Africa.

***Situation of refugees:*** Since the 1990s, Côte d'Ivoire has welcomed hundred of thousands of Liberian refugees due to the war that affected their country for several years. Liberians were not confined to refugee camps but rather welcomed in the cities and villages of Côte d'Ivoire as the former State President, Houphouët Boigny, wanted them to be treated as brothers and sisters rather than as refugees. Consequently, three regions next to the Liberian border became refugee-hosting areas. Only one refugee camp was created (and has since been transformed into a village), catering for a limited number of refugees while the large majority of refugees live in the villages with other communities. With the improvement of the situation in Liberia, a repatriation operation was undertaken from 2004 to 2007. There are currently close to 25,000 refugees of whom 24,000 are Liberian and around +500 refugees are of other nationalities, particularly from the Central Africa sub-region.

Concerning the protection of refugees, the Government of Côte d'Ivoire started in February 2008 to distribute new Refugee Identity Cards to all refugees from Liberia and Sierra Leone aged 14 and above. Refugees from other nationalities living in urban areas started receiving ID cards in 2004.

In order to provide a durable solution to Liberian and Sierra Leonean refugees, the Government made a formal declaration to facilitate local integration on 19 June, 2007. Specifically, the Government expressed its willingness to give all refugees interested in obtaining Ivorian nationality access to the naturalization process.

While Côte d'Ivoire is a State Party to international and regional refugee instruments, the country is yet to adopt a domestic refugee law. The draft refugee law, which benefitted from technical advice by UNHCR, is with the Council of Minister level pending its submission to the Parliament for adoption.

***Situation of asylum seekers:*** The Government of Côte d'Ivoire abides by the core principle of "non refoulement". Furthermore, asylum seekers are provided with temporary documents until a final decision is reached on their asylum claim. The National Eligibility Commission, which examines asylum applications in line with the main conventions on refugee status; namely the 1951 Refugee Convention, its 1967 Protocol and the 1969 OAU Convention governing the specific aspects of refugee problems in Africa, was formally established by the Government in 2007, although it had been functioning for years. Asylum seekers can lodge appeals before the Refugee Appeal Commission, which has been functional since November 2008.

Moreover, the Government has, with the support of UNHCR, prepared guidelines on rules of procedure in order to provide guidance to asylum seekers and those assisting the latter and to speed up the refugee status determination (RSD) process. Asylum seekers whose claims are rejected by the appellate body are generally allowed to stay in the country as lawful permanent residents.

Unfortunately, the government officials in charge of RSD are often appointed to other functions after serving just for a limited period of time within the National Eligibility Commission or the appellate Body. This has compelled UNHCR for years to provide regular trainings to newly appointed members.

***Internally Displaced Persons (IPDs):*** According to a survey undertaken by UNFPA and the Ecole Nationale de Statistiques et de L'Economie Appliquee (ENSSA), there are more than 709,377 IDPs in five of the 18 regions of Côte d'Ivoire. The Government has taken active part in the process of drafting the AU convention on IDPs. The IDP issue featured among the key points, which the Government needs to resolve, in the Ouagadougou Peace Agreement signed in March 2007. Moreover, a Ministry was created in 2006 in order to take care of the victims of war, including IDPs. In addition, the Government has twice invited the Representative of the

Secretary General on the human rights of IDPs to visit Côte d'Ivoire (in April 2006<sup>1</sup> and a follow-up visit in June 2007<sup>2</sup>).

On 9 March 2007, UNHCR's office in Côte d'Ivoire wrote to the President of Côte d'Ivoire and the Secretary-General of the Forces Armées des Forces Nouvelles (FAFN) in order to draw their attention to a number of points which the Office deemed vital to the process of national reconciliation, namely: helping displaced persons recover their property and belongings or providing them with appropriate compensation; paying particular attention to the land tenure issue; and ensuring that displaced persons participate in all stages of the electoral process.

In July 2007, UNHCR's office in Côte d'Ivoire transmitted detailed conclusions and recommendations to the national authorities and encouraged the Government to take concrete measures to finalize, adopt and implement without further delay the Plan of Action on the Return of IDPs prepared by the Ministry of Solidarity.

While the Government confirms its national Plan of Action on the Return of IDPs, there has been no Government policy direction and leadership on other durable solutions for IDPs, namely, local integration and resettlement elsewhere in the country.

The issue of land is critical as it is the structural cause of violent conflicts between and among communities in the western part of the country. Agreements reached between communities are oftentimes not respected. Also, the Law on Rural Land Tenure has not yet been implemented.

While UNHCR welcomed the conclusion of agreements between indigenous communities and returnees based on the traditions of the country, which should ensure greater ownership of the process by the population groups involved, UNHCR was concerned about conflicts that could arise from such agreements. No provision appears to have been made for a mechanism to resolve conflicts between returnees and their legal representatives (called "tuteurs"), and at times these agreements appear to be inconsistent with the Law on Rural Land Tenure, which could complicate the implementation of the Law.

Concerning land and property restitution, the Government established committees in some regions of the country. Unfortunately, these committees are not functional currently due to lacking cooperation by the FAFN, especially in Bouaké. Though a bill on the compensation of the victims of war was adopted in July 2007 by the Government, it has not yet entered into force.

**Statelessness:** The issue of nationality is one of the main causes of conflict in Côte d'Ivoire. Some have estimated the number of people in Côte d'Ivoire without any identity paper to approximately 3 million. As part of the reconciliation process after the 2002-03 armed conflict the National Unity Government organized *audiences foraines* through which mobile courts conducted late birth registrations and issued birth certificates, which can be used to establish

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<sup>1</sup> The report on the RSG's mission to Côte d'Ivoire dated 18 October 2006 (A/HRC/4/38/Add.2) is available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/147/05/PDF/G0614705.pdf?OpenElement>.

<sup>2</sup> Reporting from the follow-up visit is reflected in the RSG's report dated 13 August 2007 on the Protection of and assistance to internally displaced persons (A/62/227, paras 22-30) to the General Assembly prior to its 62nd Session. The report is available at <http://daccessdds.un.org/doc/UNDOC/GEN/N07/457/46/PDF/N0745746.pdf?OpenElement>.

nationality and enable people found to be Ivorian to vote in future elections. The process was officially completed in 2008 and by the end of the campaign 900,000 persons age 13 years and above had been issued substitute birth certificates. There are, however, indications that many persons still lack identity documents, particularly as the *audiences foraines* did not target children below the age of 13 years.

## **II. Recommendations**

- While noting with appreciation the efforts of the Government to strengthen RSD procedures, there is a need to ensure a certain stability of the bodies processing refugee claims by appointing members for a reasonable period of time.
- Though the Government is globally fulfilling its international obligations vis-à-vis refugees UNHCR recommends that a national law on refugees/asylum be adopted.
- The Protection Cluster welcomes the efforts made by the Government to facilitate the return of IDPs but remains concerned that the same efforts are not made in regard to other durable solutions for the IDPs. The issue of house, land and property restitution or compensation needs special attention from the Government in order to prevent intra- and inter-community conflicts. The Government is therefore encouraged to devise and implement a national strategy addressing the situation of IDPs.
- While appreciating the efforts of the Government through the organization of *audiences foraines*, which have played an instrumental role in preventing the phenomenon of statelessness, UNHCR would like to recommend that the Government continues to facilitate the issuance of identity documents for individuals who were unable to benefit from the *audiences foraines*.
- UNHCR encourages the Government to consider accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and to adapt its legislation to international standards relating to the prevention and reduction of statelessness and the protection of stateless persons.