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M. Daniel Kablan Duncan
Minister of Foreign Affairs
Ministry of Foreign Affairs
Plateau, Boulevard Agoulevant
BP V109 Abidjan
Côte d'Ivoire

5 November 2012

Dear Minister,

OPEN LETTER: CÔTE D'IVOIRE'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012.

When electing members of the Council, Member States take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.¹ As you know, it is well-established practice for candidate States to submit voluntary human rights pledges in advance of Council elections to help ensure the election of States that are firmly committed to human rights. Based on information available to Amnesty International, it appears that Côte d'Ivoire has not submitted any such voluntary pledges. We very much regret this and urge you to submit your pledges without further delay, as also requested in our earlier letter of 8 October 2012.

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² On the occasion of Côte d'Ivoire's candidacy, we take the opportunity to suggest a number of actions that your government can take, expressed as election pledges and commitments to promote and protect human rights at the national and international levels. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.³

Commitments at the international level

Ratification of international human rights instruments

We take this opportunity to encourage you to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

¹ A/RES/60/251, para 8.

² A/RES/60/251, para 9.

³ Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

Cooperation with the Special Procedures

We note that the Special Rapporteur on the human rights of internally displaced persons visited Côte d'Ivoire in July 2012, and we encourage you to implement his recommendations. We also encourage you to facilitate the visits, agreed in principle, by the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; the Working Group on Enforced or Involuntary Disappearances; and the Working Group on Arbitrary Detention. Furthermore, we note that the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination is currently requesting permission to visit, and we urge your government to facilitate this visit without further delay. We additionally encourage you to extend a standing invitation to all Special Procedures.

Cooperation with the treaty monitoring bodies

We urge you to promptly submit the periodic reports that are due to the Human Rights Committee; the Committee on Economic, Social and Cultural Rights; the Committee against Torture; the Committee on the Elimination of Racial Discrimination; and the Committee on the Rights of the Child. We note in particular that several initial reports – including to the Human Rights Committee, the Committee against Torture and the Committee on Economic, Social and Cultural Rights – have been overdue for more than 15 years. As a state party to international human rights treaties, Côte d'Ivoire is obliged to cooperate with the respective Treaty Bodies, including by submitting initial and periodic reports. A consistent failure to do so seriously undermines the effective monitoring of the state's implementation of these treaties and contravenes the state's obligation to cooperate with the Treaty Bodies.

Engagement with the Universal Periodic Review

During your first Universal Periodic Review (UPR) in December 2009, you accepted recommendations to combat the practice of arbitrary arrest and detention,⁴ as well as ending summary executions and the climate of impunity for such violations,⁵ including by adopting and implementing an action plan to end impunity and to reinforce the judicial system.⁶ Additionally, you accepted recommendations to cooperate with civil society and NGOs in the follow-up to the UPR, including by designing and implementing a national action plan.⁷ We urge you to ensure the prompt and full implementation of these recommendations and to provide regular updates on such efforts to the Council.

Participation in the deliberations of the Human Rights Council

We urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

Commitments at the national level

We call on you to fulfil President Alassane Ouattara's pledge to fight against impunity by immediately suspending, pending investigation, any person in a position of authority suspected of committing

⁴ Report of the Working Group on the Universal Periodic Review, Côte d'Ivoire, 4 January 2010 (A/HRC/13/9), recommendations 99.54 (Austria) and 99.57 (Djibouti).

⁵ A/HRC/13/9, recommendation 99.32 (Gabon).

⁶ A/HRC/13/9, recommendations 99.62 (Canada), 99.70 (Germany), and 99.71 (South Africa).

⁷ A/HRC/13/9, recommendations 99.97 (Belgium), 99.98 (Austria), 99.99 (Mexico), and 99.100 (Norway).

human rights violations or abuses. We also call on you to exercise strict control over members of the security forces and state-sponsored militia; to hold to account any member suspected of human rights violations; and to ensure that such allegations are promptly, fully and impartially investigated by ordinary civilian courts.

Additionally, we urge you to put an end to arbitrary arrests and detentions in illegal places of detention and to try individuals charged with human rights violations in fair and public trials without undue delay.

We encourage your government to make voluntary human rights pledges including the elements listed above. We also encourage your government to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

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Amnesty International