

DISCLAIMER: This document was produced in 2005 and is a summary of the laws of the Ivory Coast that appertain to international parental child abduction, contact and relocation as they were at that time. **reunite** International Child Abduction Centre cannot vouch for the accuracy of this information for use in litigation and it is not intended to provide case specific advice.

## **IVORY COAST**

### **Overview**

The Ivory Coast gained independence from France in 1960 and was politically stable until a coup in 1999. There was a further coup in 2001 and an attempted coup in 2002. The Ivory Coast is now ruled by a government of national reconciliation, however sporadic episodes of violence continue. As a result, operations at the British Embassy were suspended on 1 April 2005.

The population of the Ivory Coast is divided between of followers of Christianity, Islam and indigenous beliefs, which have traditionally fused together in practice. However, in the past decade there has been a shift towards a greater emphasis on these divisions since the continuing political conflict divides the nation along ethnic and religious lines. The majority of the Muslim population and the Malaki School of Islamic jurisprudence has the most influence. Sufism has also been influential in the practise of Islam in the Ivory Coast. Article 30 of the Constitution of 2000 reads that the Ivory Coast is a secular, democratic republic.

### **Court Structure**

The lower courts, which were created by Presidential Decree include the Courts of Appeal, the Courts of First Instance, the Courts of Assize, and the Justice of the Peace Courts. The lowest level of court is the Justice of the Peace Court, which has jurisdiction over minor civil and criminal cases. At the next level the Courts of First Instance have jurisdiction to hear minor criminal cases (with a maximum sentence of three months or less), juvenile cases, and civil cases. There are 5 of these courts situated in Abidjan, Bouaké, Daloa, Korhogo, and Man. The Courts of Assize handle only major criminal cases. There are 2 Courts of Appeal in Abidjan and Bouaké, which hear appeals from Courts of First Instance and Courts of Assize. In rural areas law is often administered through traditional institutions in accordance with customary law, although the formal court system is gradually superseding this system. Any disputes

that cannot be settled by traditional means are settled by a Grand Mediator, who acts as a bridge between the modern court system and traditional methods.

The superior courts are established in the Constitution and include the Supreme Court, the High Court of Justice and the State Security Court. The Supreme Court is separated into four sections for the constitutionality of laws, administrative appeal, criminal appeal, and financial control of government services.

### **Custody and Guardianship**

The provisions related to parental authority and guardianship of children are contained in law 70-483 of 1970 on Minority. Parental authority is exercised over individuals who are under the age of 21. Majority can be attained earlier upon marriage. Parental authority consists of the rights and duties of a mother and father regarding their minor children. During marriage this authority is exercised by the father in his role as head of the family. In the absence of a judicial order to the contrary, the mother can exercise this authority if the father has lost his right to parental authority, if he is absent, or if the father gives up this right voluntarily. In the event of divorce or separation, parental authority is exercised by the parent who has been granted custody according to the best interests of the child. If one of the parents is deceased the surviving parent exercises parental authority. In all cases, if it is in the best interests of the child, custody can be exercised by a third person other than a parent.

Parental authority of children born outside marriage is exercised by the mother if the child has the mother's name and was not recognised by the father during the first year after the birth of the child, otherwise it is exercised by the father.

### **Access**

The non-custodial parent has the right to have contact with the child.

### **Nationality**

The Ivory Coast Nationality Code No. 72-852 of 1972 reads that the child of parents with citizenship of the Ivory Coast acquires nationality whether he or she is born within the Ivory Coast or abroad. A child who has one parent who has citizenship of the Ivory Coast is also entitled to citizenship.

## **International Law**

The Ivory Coast ratified the UN Convention on the Rights of the Child in 1989.

## **Child Abduction**

Article 370 of the Criminal Code 1981 reads that abduction of a minor using fraud or violence is punishable by 5 to 10 years imprisonment and a fine of 500,000-50000000 Francs. If the child is 15 or under the maximum penalty should be applied. If not violence or fraud is used the penalty is 1 to 5 years imprisonment and a fine of 50000-5000000 Francs. If the abductor is a parent of the child without parental responsibility the penalty is 1 month to 1 year imprisonment and a fine of 50000-500000 Francs. If the abductor has been deprived of parental responsibility the prison term can be increased to 3 years.

## **Contacts**

Ministry of Foreign Affairs  
BP V 109 Abidjan  
Ivory Coast  
Tel: 20 32 08 88/ 9417  
Fax: 20 33 23 08

Ministry of Justice  
BP V 107 Abidjan  
Ivory Coast  
Tel: 20 32 08 88  
Fax: 20 21 85 10

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