



# Côte d'Ivoire: Application of article 360 of the Penal Code against sexual minorities (2014)

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## 1. Provisions of Article 360

Article 360 of the Penal Code of Côte d'Ivoire states the following:

[translation]

Any person who commits an act of outrage to public decency shall be punished by a term of imprisonment of three months to two years and a fine of 50,000 to 500,000 francs [approximately C\$109 to C\$1,087].

If the act of outrage to public decency involves an improper or unnatural act with a person of the same sex, the term of imprisonment is from six months to two years, and the fine shall be 50,000 to 300,000 francs [approximately C\$109 to C\$653].

The penalties may be doubled if the offence was committed against a minor or in the presence of a minor of 18 years of age. (Côte d'Ivoire 1981)

## 2. Application of Article 360 Against Sexual Minorities

In correspondence with the Research Directorate, a representative of the Ivorian Human Rights League (Ligue ivoirienne des droits de l'homme, LIDHO), an NGO that was founded in 1987 to provide legal assistance to victims of human rights violations in Côte d'Ivoire, provided the following information:

[translation]

It would be difficult to confirm whether this article is already repressing homosexuals in Côte d'Ivoire. Jurisprudence on the subject is basically inaccessible/nonexistent because outrage to public decency falls within the offences that are generally prosecuted by way of denunciation -an action taken by the witness to a violation of a law and used when

citizens feel it is necessary to do so. In this case, however, many people may not be aware of the possibility of applying such a provision against homosexuals [...], thus legal proceedings of the sort are rare. (9 Dec. 2014)

Further information on whether proceedings under article 360 could be undertaken only following the filing of a complaint by a witness could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Furthermore, in correspondence sent to the Research Directorate, a representative of Alternative Côte d'Ivoire, an NGO that promotes the rights of sexual minorities and access for sexual minorities to healthcare (Front Line Defenders 24 Jan. 2014), also stated the following:

[translation]

At the moment, we cannot confirm whether any court decision has resulted from this provision. In fact, no documentary review of court decisions was conducted by us or by other human rights organizations. (Alternative Côte d'Ivoire 11 Dec. 2014)

Additional information on the application of article 360 of the Ivorian Penal Code against sexual minorities could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Alternative Côte d'Ivoire. 11 December 2014. Correspondence from a representative to the Research Directorate.

Côte d'Ivoire. 1981 (amended in 1995). Loi n° 1981-640 du 31 juillet 1981, instituant le Code pénal (modifiée par la Loi n° 1995-522 du 6 juillet 1995). [Accessed 22 Dec. 2014]

Front Line Defenders. 24 January 2014. "Côte d'Ivoire : Menaces de mort et attaques contre le défenseur des droits LGBTI M. Claver Touré et Alternative-Côte d'Ivoire." [Accessed 18 Dec. 2014]

Ligue ivoirienne des droits de l'homme (LIDHO). 9 December 2014. Correspondence from a representative to the Research Directorate.

## Additional Sources Consulted

Oral sources: Attempts to contact the following persons and organizations were unsuccessful within the time constraints for this Response: Côte d'Ivoire - ministère de la Justice; Ivoirian journalist; Ordre des avocats de Côte d'Ivoire.

Internet sites, including: Abidjan.net; African Men for Sexual Health and Rights; AllAfrica; Amnesty International; Côte d'Ivoire - ministère de la Justice, Côte d'Ivoire government's official Web portal; ecoi.net; Factiva; Fédération internationale des ligues des droits de l'homme; Fraternité Matin; Freedom House; Jeune Afrique; Human Rights Watch; Imatin.net; L'Intelligent d'Abidjan; International Gay and Lesbian Human Rights Commission; International Lesbian, Gay, Bisexual, Trans and Intersex Association; Ivoirescoop.net; IvoirTV.net; LGBTnet; Pink news; United Nations - Office of the High Commissioner for Human Rights; Refworld.

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