

# ON THE PROTECTION OF CHILDREN'S RIGHTS IN CÔTE D'IVOIRE: FROM A THEORETICAL PERSPECTIVE TO AN EFFECTIVE LAW ENFORCEMENT

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In Côte d'Ivoire, the protection of children's rights is governed by a solid legal framework consisting of constitutional provisions, national legislation, and international instruments. This chapter examines the legal regime guaranteeing children's rights, with a focus on constitutional mandates relating to education, health, and protection from exploitation. It explores the implementation of these laws, including mandatory birth registration, parental responsibilities, and the prohibition of child marriage and labor. Despite legislative advances, challenges persist regarding their effective implementation, particularly with regard to statelessness and access to justice. The study highlights the role of national and international monitoring mechanisms in ensuring compliance with child protection standards. By analyzing the theoretical foundations and practical application, this chapter highlights the need to strengthen institutional mechanisms to translate legal provisions into concrete results for children in Côte d'Ivoire.

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## 1 Introduction

The protection of children's rights remains a pressing challenge globally, and in Côte d'Ivoire, systemic issues such as child labour, weak legal enforcement, and fragmented legislation continue to impede meaningful progress. Despite the ratification of key international instruments, most notably the Convention on the Rights of the Child (CRC), the country is still struggling in translating these commitments into effective practice remains inconsistent. This chapter examines the legal and practical dimensions of safeguarding children's rights in Côte d'Ivoire, highlighting the gap between theoretical frameworks and concrete enforcement mechanisms.

The analysis unfolds in three parts. First, the chapter provides a general overview of the legal regime governing child protection, assessing both domestic legislation and international obligations. Second, it examines national legal provisions, with a focus on the regulation of child labor in cocoa plantations, a sector where persistent violations demand urgent action despite existing interventions. Finally, the author concludes this chapter by evaluating the necessary conditions for strengthening child rights protection, emphasizing three key reforms: (1) the direct application of the CRC by Ivorian courts, (2) the adoption of a unified child protection code, and (3) enhanced multilateral cooperation to reinforce national efforts.

For these proposals to succeed, a coordinated approach is essential. The Ivorian government, judiciary, and international actors, including the ILO, UNICEF, and NGOs, must collaborate more effectively to ensure compliance with child rights standards. By closing legislative gaps, strengthening enforcement mechanisms, and fostering strategic partnerships, Côte d'Ivoire can move beyond theoretical commitments and deliver tangible, lasting protections for its most vulnerable citizens. The following discussion not only highlights existing challenges but also proposes solutions that can be implemented to secure a safer future for Ivorian children.

## 2 The Legal Regime of Child's Rights Protection: General Overview of the Applicable Law

From the outset, it is essential to note that in Côte d'Ivoire, the protection of children's rights is ensured by various legal instruments at both domestic and multilateral levels. At the highest level of the hierarchy of internal legal norms is the fundamental law of Côte d'Ivoire. This constitutional law, adopted in 2016,<sup>1</sup> has laid down provisions relating to the protection of children, particularly concerning their education.<sup>2</sup> Children's right to education is thus an obligation incumbent on the State and public authorities, who are required to ensure favorable conditions for its implementation. More broadly, the Constitution protects children's rights by stating that "the State and public authorities protect young people against all forms of exploitation and abandonment".<sup>3</sup> In this respect, the Constitution unequivocally stipulates that schooling is compulsory for children of both sexes and prohibits child labor in any activity that endangers their health, growth, or physical and mental equilibrium.<sup>4</sup> It also mandates measures to prevent their vulnerability through access to health services, education, culture, sports, and leisure.<sup>5</sup> Furthermore, the constitutional law specifies that

*»the State shall ensure the promotion and development of general public education, technical education and vocational training, as well as the expansion of all branches of education, by international quality standards and in line with the needs of the job markets«<sup>6</sup>*

in a sense that it pertains to

*»the State and public authorities to create conditions conducive to the civic and moral education of young people by taking all necessary measures to ensure the participation of youth in the social, economic, cultural, sporting and political development of the country. They help young people to enter working life by developing their cultural, scientific, psychological, physical and creative potential.«<sup>7</sup>*

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<sup>1</sup> Loi n° 2016-886 du 8 novembre 2016 portant Constitution de la République de Côte d'Ivoire, Ci-après Constitution de 2016.

<sup>2</sup> Constitution 2016, Article 10.

<sup>3</sup> Constitution 2016, Article 34.

<sup>4</sup> Constitution 2016, Article 16.

<sup>5</sup> Constitution 2016, Article 32.

<sup>6</sup> Constitution 2016, Article 10.

<sup>7</sup> Constitution 2016, Article 34.

The enforcement of these constitutional provisions is effectively carried out following the adoption of the necessary legislative acts by Parliament. Once these acts are adopted by Parliament and promulgated by the President according to constitutional procedures, they become binding and mandatory in their application. They are subject to periodic review by the United Nations Human Rights Committee. In other words, the protection of children's rights is assessed and monitored by national and international institutions. In addition to the provisions of constitutional law, ordinary parliamentary acts also include specific provisions regarding children's rights, notably by clearly defining the legal status of minors. For instance, according to the law relating to minors, a minor is defined as "a person who has not yet reached the age of eighteen years",<sup>8</sup> and parental authority is granted to the father and mother. This authority includes rights and obligations concerning the minor, namely: to ensure the custody, direction, supervision, maintenance, instruction and education of the child; to arrange for any educational assistance measures to be taken in respect of the child; to consent to the adoption or emancipation of the child under the conditions laid down by law; to administer the child's property and to dispose of the income from said property.

Concerning protective measures or educational assistance, the law on minors stipulates that "minors may be the subject of protective measures when their health, morality, or education are compromised or insufficiently safeguarded due to the immorality or incapacity of the father and mother or the person with custody rights".<sup>9</sup> But suppose it is the father and mother who have parental authority over their child. In that case, the latter is entitled to the establishment of its filiation concerning its authors<sup>10</sup> when it is born in<sup>11</sup> or out of wedlock.<sup>12</sup> In situations where a child is born out of wedlock, filiation is established concerning the mother by the mere fact of birth. However, if the birth certificate does not indicate the mother's name, filiation is established through an acknowledgment or a judgment.<sup>13</sup> In the case of the father, filiation can only be proven through an acknowledgment or a judgment. This provision is of paramount importance because many children remain without any identity, making them stateless, and consequently living with no

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<sup>8</sup> Loi n° 2019-572 du 26 juin 2019 relative à la minorité, Article 1.

<sup>9</sup> Loi n° 2019-572 du 26 juin 2019 relative à la minorité, Article 27.

<sup>10</sup> Loi n° 2019-571 du 26 juin 2019 relative à la filiation, Article 1.

<sup>11</sup> Loi n° 2019-571 du 26 juin 2019 relative à la filiation, Article 2.

<sup>12</sup> Loi n° 2019-571 du 26 juin 2019 relative à la filiation, Article 19.

<sup>13</sup> Loi n° 2019-571 du 26 juin 2019 relative à la filiation, Article 19.

recognition by society. This situation has changed by adopting the new legislation, making a child's birth registration mandatory. This provision is of paramount importance because many children remain without any identity, making them stateless and consequently living without recognition by society. This situation has changed through the adoption of new legislation, making the registration of a child's birth mandatory.

Regarding the law on marriage, it is stipulated that men and women under the age of eighteen may not enter into marriage.<sup>14</sup> It is also stated that, by the mere fact of marriage, the spouses must feed, maintain, and educate their children. At the same time, the family must be managed jointly by the spouses in the interests of the household and the children.<sup>15</sup> As for the law on inheritance,<sup>16</sup> it stipulates that inheritance is opened by death or by a judicial declaration of death in the event of the absence or disappearance of the father, mother, or other ascendants. The latter may then distribute and divide their property among their children and descendants. It stipulates that inheritance is opened by death or by a judicial declaration of death in the event of the absence or disappearance<sup>17</sup> of the father, mother, or other ascendants, and that the latter may distribute and divide their property between their children and descendants.<sup>18</sup> The applicable multilateral legal instruments and their domestication by national legal systems have made it possible to observe that over the last three decades, significant progress in the protection of children's rights has been recorded on all continents, improving the lives of children in several respects, notably access to healthcare, education and food, and other measures of protection against various forms of violence and exploitation against them.

The assessment and monitoring of the Ivorian national legislation on child rights protection is conducted by a United Nations body named the Committee on the Rights of the Child (hereinafter: UNCRC), which, based on equitable geographical distribution, is composed of 18 independent experts elected by the States parties to the Convention on the Rights of the Child<sup>19</sup> (hereinafter: CRC). Their mission includes monitoring the implementation of the CRC and its Optional Protocols,

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<sup>14</sup> Loi n° 2019-570 du 26 juin 2019 relative au mariage, Article 2.

<sup>15</sup> Loi n° 2019-570 du 26 juin 2019 relative au mariage, Article 51.

<sup>16</sup> Loi n° 2019-573 du 26 juin 2019 relative aux successions.

<sup>17</sup> Loi n° 2019-573 du 26 juin 2019 relative aux successions, Article 1.

<sup>18</sup> Loi n° 2019-573 du 26 juin 2019 relative aux successions, Article 129.

<sup>19</sup> Convention on the Rights of the Child, retrieved from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (accessed: 29 July 2025).

namely those on the involvement of children in armed conflict, child trafficking, child prostitution, and child pornography.<sup>20</sup>

The protection of children's rights in Côte d'Ivoire is periodically assessed by the UNCRC, which based its recommendations on a report submitted by the competent Ivorian authorities. It is worth noting that a ministry has even been created to address all issues concerning children's rights: the Ministry for Women, the Family and Children. The President of Côte d'Ivoire, His Excellency Mr. Alassane Ouattara, has gone a step further by making the protection of children's rights a government priority, introducing reforms and adopting policies, programs, and projects, and even providing specific provisions under the 2016 constitutional law regarding the protection of children's rights in many domains.

With respect to the reforms, many have been undertaken, focusing on issues concerning the age of the child, which ranges from 0 to 18 years for both boys and girls; the law on minorities; the law on inheritance; the laws on marriage and filiation; and the Penal Code Act and Penal Code of Procedure.

To ensure the effective enforcement of the law, numerous questions are generally raised regarding the application of reforms related to children's rights and their protection. One such reform, from a procedural standpoint, seeks to address the issue of directly invoking or pleading the CRC before national courts. In fact, since Côte d'Ivoire is a State Party to CRC, any ruling by a national court or tribunal based on the absence of legislation or the presence of legislation inconsistent with the CRC would not be valid. The reforms also address several critical issues, including the allocation of budget resources for child protection, private sector involvement in child protection initiatives, the mandatory registration of children at birth, and preventive measures to combat violence against children. Other reforms focus on the prohibition of corporal punishment both at home and in schools, the ban on the forced marriage of children, the fight against gender-based violence, the protection of children with disabilities, and efforts to prevent early pregnancies among young girls. Additionally, other violations of children's rights are being addressed, such as sexual violence, issues faced by migrant children, out-of-school children, stateless

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<sup>20</sup> See more Committee on the Rights of the Child, 2000, p. 15 and ff.

children, children born out of wedlock, and the practice of genital mutilation among young girls.

Children who are victims of certain crimes often fall into categories commonly referred to as "abandoned children" or "children of the street," meaning children experiencing homelessness or precarious housing, out of the supervision or guidance of their parents, and engaging in various delinquent activities. This group of children is referred to as "minors in conflict with the law"<sup>21</sup>, and the law establishes special conditions for their detention. These provisions include defining the age of criminal responsibility and outlining the procedures for their interrogation during police investigations or judicial proceedings. If an individual aged 18 is the perpetrator of an offense or the victim of an alleged offense, the Public Prosecutor is responsible for prosecuting the case. However, such individuals are not subject to the jurisdiction of ordinary courts; instead, they may be brought before a juvenile judge or a juvenile court.<sup>22</sup>

This ministerial circular governs the monitoring of proceedings during preliminary investigations and the handling of cases before public prosecutors' offices, as well as the oversight of investigations conducted by magistrates or juvenile court judges and the management of cases before trial panels. In this regard, Title VIII of the 2020 Code of Criminal Procedure (hereinafter: CCP) includes several provisions specifically applicable to minors involved in criminal proceedings, whether as perpetrators, accomplices, victims, or witnesses. In such cases, the judicial police officer, public prosecutor, or judge is required to notify the child and youth protection service to provide assistance.<sup>23</sup> The CCP stipulates: At all stages of the proceedings, a minor witness or victim under the age of sixteen may only be heard by judicial police officers or magistrates in the presence of their legal representative or an educator from the judicial protection of children and young people.<sup>24</sup> However, a minor under the age of thirteen may not be held in police custody without the authorization of the public prosecutor<sup>25</sup>, and such a measure may not exceed 24 hours, except in criminal cases and with the authorization of the public

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<sup>21</sup> Circulaire du Garde des sceaux, Ministre de la justice, 26 septembre 2017, relative à la répression d'infractions commises par des mineurs communément appelés 'mineurs en conflit avec la loi'.

<sup>22</sup> Code de procédure pénal, Article 783.

<sup>23</sup> Code de procédure pénal, Article 786.

<sup>24</sup> Code de procédure pénal, Article 790.

<sup>25</sup> Code de procédure pénal, Article 791.

prosecutor.<sup>26</sup> In cases where the young person is 18 years of age or older, they may be held in police custody.<sup>27</sup> For criminal offences not covered by criminal law, the juvenile judge, the juvenile court<sup>28</sup> or the juvenile criminal court<sup>29</sup> will, depending on the case, implement appropriate measures of protection, assistance, supervision, and education, with the understanding that a criminal sentence may be imposed on the minor, based on the circumstances.<sup>30</sup>

While the law on minors defines 'minor' or 'minority' as anyone under the age of 18, it is the Penal Code (hereinafter: PC) that specifically outlines offenses committed against minors or children. It establishes several provisions for the protection and prosecution of violations of children's rights. In particular, the PC includes specific provisions defining crimes and offenses related to children's rights, such as cases of infanticide<sup>31</sup>, violence, and assault against minors under the age of fifteen or against a person unable to protect themselves due to their physical or mental State, or those who voluntarily deprive them of food or care to the point of compromising their health".<sup>32</sup> Also punishable is anyone who exposes, or causes to be exposed, or neglects, or causes to be neglected, a child or a person incapable of protecting themselves due to their physical or mental State, in a solitary place.<sup>33</sup>

Penalties are also defined in cases of child abandonment<sup>34</sup> or abduction,<sup>35</sup> with specific legal provisions addressing the severity of the offense and the protection of the child's well-being. These penalties include imprisonment, life imprisonment, and payment of a fine. However, the code specifies that abduction may carry the death penalty if it results in the death of the minor or if it causes a disability leading to a permanent incapacity of more than 30%.<sup>36</sup> Thus, a minor who was the victim of reprehensible criminal acts at the time of the offense and who has reached the age of majority may initiate legal proceedings within two years of reaching the age of majority, even if the statute of limitations has already expired.<sup>37</sup> If the minor is the

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<sup>26</sup> Code de procédure pénal, Article 787.

<sup>27</sup> Code de procédure pénal, Article 794.

<sup>28</sup> Code de procédure pénal, Article 821.

<sup>29</sup> Code de procédure pénal, Article 817.

<sup>30</sup> Code de procédure pénal, Article 796.

<sup>31</sup> Code de procédure pénal, Article 361.

<sup>32</sup> Code pénal, Article 362.

<sup>33</sup> Code pénal, Article 363.

<sup>34</sup> Code pénal, Article 370.

<sup>35</sup> Code pénal, Article 365.

<sup>36</sup> Code pénal, Article 370.

<sup>37</sup> Code de procédure pénal, Article 784.



victim of violence or sexual assault, the Public Prosecutor can initiate public proceedings against the perpetrator(s).<sup>38</sup>

The protection of children's rights in Côte d'Ivoire is overseen by various national institutions, primarily at the ministerial level, including the Ministry for Women, Family, and Children; the Ministry of Social Affairs; the Ministry of the Interior and Security; the Ministry of Justice; the Ministry of Health; the Ministry of Education; and the Ministry of Communication. Local and regional authorities, alongside associations, NGOs, and technical and financial partners, also contribute to addressing these issues.

In addition, the government has implemented a range of domestic measures aimed at preventing and addressing violations of children's rights. These measures include, but are not limited to: the policy of compulsory schooling for all children; the resocialization program for socially disadvantaged children; the facilitation of acquiring birth certificates and other identity documents; the establishment of care structures for children who are victims of violence or in conflict with the law; the constitutional guarantee of compulsory education for all children, regardless of gender; the prohibition and suppression of child labor; the State's commitment to preventing children's vulnerability and ensuring their access to health services, education, employment, culture, sports, and leisure; and the adoption of several legislative texts, including the 2016 law against human trafficking. The National Committee to Combat Violence against Women and Children; the Implementation Unit for the Program to Protect Vulnerable Children and Adolescents; the national coalition to combat child marriage; and the Child Protection Committees. The Ministry for Women, the Family and Children ensures coordination between all national institutions, non-governmental organizations, and other partners involved in child protection.

At the international level, Côte d'Ivoire has signed or ratified relevant international legal instruments related to the protection of children's rights worldwide. The measures to implement these international standards include the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of

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<sup>38</sup> Code de procédure pénal, Article 785.

Intercountry Adoption.<sup>39</sup> Additionally, other international legal instruments are in the process of being ratified, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>40</sup>; the Third Optional Protocol to the CRC<sup>41</sup>, establishing a communications procedure; and the signing of bilateral agreements on trafficking and labor with neighboring countries (Mali, Burkina Faso, and Ghana). Côte d'Ivoire has also signed various regional agreements with eight other countries in the sub-region, notably concerning the establishment of a coordination mechanism for the implementation of national and international legal instruments, involving the Interministerial Committee to Combat Child Trafficking, Exploitation, and Labor. The enforcement and implementation measures in domestic law must be consistent with international legal instruments.

### **3 Example of an Enforced Law in Protecting Children's Rights: The Fight Against Child Labor in Cocoa Plantations**

The economy of Côte d'Ivoire has long relied on agriculture, particularly the production of coffee and cocoa. The country remains the world's leading producer of cocoa. However, from 1960, the year of its independence, until 2015, Côte d'Ivoire struggled to transform its cocoa into chocolate due to a lack of industrialization in the cocoa sector. Recognizing the sector's vital importance to its social and economic development, the Ivorian government, in power since 2011, has undertaken significant reforms to industrialize the cocoa economy and promote the sustainable exploitation of Ivorian cocoa through economic diplomacy. Achieving this goal, however, requires addressing misconceptions, including the notion propagated by some international media that Ivorian cocoa is produced mainly through child labor in the fields. All things considered, while this may have been the case more than twenty years ago, it is no longer true today. The Ivorian government has implemented a range of institutional and legal measures, both

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<sup>39</sup> Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, retrieved from: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69> (accessed: 29 July 2025).

<sup>40</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, retrieved from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers> (accessed: 29 July 2025).

<sup>41</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, retrieved from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children> (accessed: 29 July 2025); see also Happold, 2000.

preventive and repressive, along with diplomatic initiatives aimed at reforming cocoa agriculture in Côte d'Ivoire and eliminating child labor in cocoa fields by 2025.<sup>42</sup>

Diplomatic efforts within the framework of economic diplomacy have focused on improving the image of Ivorian cocoa production, particularly addressing the negative perceptions around child labor, which some international media and NGOs have fueled through often disproportionate and sometimes unfounded criticism and propaganda. Domestically, the First Lady of Côte d'Ivoire has led efforts to successfully convince foreign partners and investors in the cocoa industry that Ivorian cocoa and coffee production are predominantly free from the use of child labor. Today, diplomats from Europe, Asia, the Americas, and United Nations officials have a better understanding of this complex issue. Several other ministries directly or indirectly involved in the cocoa farming sector - including the Ministry of Agriculture and Rural Development, the Ministry of Justice, the Ministry of Family, Women, and Children, the Ministry of the Interior and Security, the Ministry of National Education, and the Ministry of Youth Promotion and Civic Service—have taken regulatory measures to address child labor in cocoa fields. During international meetings in Abidjan and abroad, these ministries have explained the government's initiatives to foreign partners and the international community.

To better coordinate these efforts, the government has established the National Committee for Monitoring Actions to Combat Trafficking, Exploitation, and Child Labor, which plays a key role in monitoring and raising awareness of this issue. This Committee, chaired by the First Lady of Côte d'Ivoire, has consistently used opportunities in European and African capitals, as well as in Washington and at the World Bank, to reassure global leaders that children in Côte d'Ivoire are increasingly in school rather than in the cocoa fields, through concrete actions on the ground.

This diplomatic effort has proven successful, as it led to the signing of a partnership agreement between Côte d'Ivoire and the American government. In addition to the National Monitoring Committee, the presence of the Technical Committee for the Coordination of the National Strategy for Sustainable Cocoa and national NGOs, such as the Child Labor in Cocoa Coordination Group (hereinafter: CLCCG), is noteworthy. The CLCCG is a public-private partnership that brings together Côte

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<sup>42</sup> More on child labour in cocoa plantation see also Busquet Bosma & Hummels, 2021.

d'Ivoire, Ghana, the United States, and international companies involved in the purchasing and processing of cocoa and chocolate. The national strategy in place aims to ensure cocoa traceability and ultimately eliminate child labor from the cocoa value chain in Côte d'Ivoire. In this context, the strategy adopted by state actors, underpinned by a firm political commitment, is centered around fostering collaboration and aligning efforts across both public and private sectors, all working in unison to strengthen the integrity and sustainability of the cocoa value chain.

The diplomat, especially the Ambassador or Head of Mission, is responsible for assuring the authorities of the accrediting State that Ivorian cocoa complies with international standards and criteria for production and trade, highlighting that it is produced without child labor and does not contribute to deforestation.

## 4 Conclusion

The conditions for effectively addressing violations of children's rights in Côte d'Ivoire include, first and foremost, the obligation for Ivorian courts to directly invoke the provisions of the CRC, to which the country is a party. In fact, relying solely on national legislation regarding children's rights will not be sufficient when domestic law conflicts with international legal instruments to which Côte d'Ivoire is a signatory. A second critical condition is the adoption of a unified child protection code, which would have the advantage of consolidating all matters related to children's rights into a single legislative framework.

Finally, in the pursuit of eradicating child labor in the cocoa fields of Côte d'Ivoire, both from a practical standpoint and through economic diplomacy, it is essential first to establish precise and targeted national responses via well-defined strategies. In tackling child labor within the cocoa sector, multilateral diplomacy has significantly reinforced national efforts. Key contributions from multilateral institutions, such as the International Labour Organization, the United Nations Children's Fund, the World Bank, the European Union, and international NGOs, including Save the Children, the International Cocoa Initiative, and the Children of Africa Foundation, have been crucial to these initiatives.

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