

**Universal Periodic Review**  
**(16<sup>th</sup> session, spring 2013, from 22 April – 3 May 2013)**  
**Contribution of UNESCO**

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

**Cape Verde**

**I. BACROUND AND FRAMEWORK**

**1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 28/04/1988			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not state party to Convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not state party to Convention			Right to take part in cultural life

## **II. Promotion and protection of human rights on the ground**

### **Right to education**

#### Normative Framework:

2. Constitutional framework: The Constitution of the Republic of Cape Verde of September 25th 1992 (as amended by Constitutional Law 1/V/99<sup>o</sup> on November 23rd 1999, enshrines that all citizens are equal under the law without distinction due to social origin, socio-economic condition, race, sex, religion, and political convictions or ideologies, and ensures all citizens the full enjoyment of fundamental freedoms (Article 1).

3. Article 83 on reciprocal duties of citizens enshrines the duty to respect each other, without discrimination, and to preserve relations that can promote, safeguard and reinforce both mutual respect and tolerance.

4. Article 7 establishes that one of the fundamental duties of the State is to promote education, scientific and technological research, knowledge, and the use of new technologies, as well as cultural development in Cape Verde's society.

5. Article 49 enshrines the freedom to learn, educate and teach for all. Moreover, this article establishes that this freedom comprises: "(a) the right to attend educational and teaching establishments, and to be taught without any type of discrimination, in accordance with the law; (b) the right to choose the field of education and training; (c) the prohibition of the State to organize education according to specific philosophical, aesthetic, political, ideological, or religious guidelines; (d) the prohibition of confessional public education; (e) the freedom of communities, civil society organizations, private entities and citizens to establish schools and educational institutions, other forms of education, and private education, at all levels in accordance with the law".

6. Article 72 (2) establishes that in order to ensure the right to a clean environment, public authorities must promote environmental education.

7. Article 74 establishes that in order to ensure the rights of the youth, society and public authorities must promote and support youth organizations that pursue educational goals, among others, and execute youth policies particularly in education, professional training, and physical, intellectual, and cultural development.

8. Article 77 enshrines the right to education, and establishes that education, through school or family, must: (a) be integral and promote the human, moral, social, cultural, and economic development of all citizen; (b) prepare and train all citizens for professional activities, civic and democratic participation at work, and the full exercise of citizenship; (c) promote the development of scientific research and innovation; (d) promote equality of opportunity to access material, social, and cultural benefits; (e) stimulate the development of the human personality, autonomy, learning and creative spirit, artistic sensibility, and interest for knowledge; (f) promote the values of democracy, tolerance, solidarity, responsibility, and participation".

9. Moreover, this article declares that in order to protect the right to education, the State must: "(a) ensure the right to equal opportunities to school access and achievement; (b) promote, encourage, and organize pre-school education; (c) ensure compulsory, universal, and

free basic education, whose duration will be established by law; (d) promote adult education and eliminate illiteracy; (e) promote higher education considering the need to have a quality framework and to improve the educational, cultural, and scientific level of the country; (f) create the conditions for all to be able to access, on the basis of capacity, all levels of education, as well as scientific research and artistic education; (g) organize social action in school; (h) socialize the costs of education; (i) monitor public and private education and ensure its quality, in accordance with the law; (j) organize and define the principles of the national education system by integrating public and private institutions; (k) regulate, by law, the participation of teachers, students, family, and civil society in defining and implementing the education policy and the democratic management of schools; (l) promote fundamental scientific and applied research, preferably of fields that are in the interests of the country's human sustainable development”.

10. To that extent, public authorities must: “(a) organize and ensure the existence and the regular operation of a network of public educational institutions that can cover the needs of the entire population; (b) promote the creation of a network that interconnects schools, the community, and economic, social, and cultural activities; (c) promote and support, in accordance with the law, private educational institutions that pursue objective of the public interest; (d) promote civic education and the exercise of citizenship; (e) promote the knowledge of universal and Cape Verdean history and culture.

11. Article 81 (4) enshrines the right and the duty for parents to educate their children in conformity with their own fundamental beliefs by considering the integral development of a child's or teenager's personality, and by respecting their legal rights.

12. Article 88 establishes that parents must assist their children...namely regarding their...education”

13. Article 87 establishes that in order to protect the family, “the State must, in particular: ... (b) Cooperate with parents for the education of their children”.

14. Legislative framework: Cape Verde's principal law regulating education in the country is the Basic Law of the Education System of December 29<sup>th</sup> 1990<sup>1</sup> (Lei de Bases do Sistema Educativo - Lei n° 103/III/90 de 29 de Dezembro). Legislative Decree No. 2/2010 revises the Education System, approved by Law No. 103/III/90 of December 29, as amended by Law No. 113/V/99 of 18 October.

15. Article 4 on the rights and duties in education provides:

1. Every citizen has the right and duty of education.
2. The family, communities and local authorities have the right and duty to participate in various promotional and educational initiatives.
3. The State, through its competent bodies, promotes the participation of citizens and their organizations in achieving the objectives in Education through various measures.
4. The state gradually promotes equality of opportunity of access for all citizens to the various levels of education and equal opportunities in school success.

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<sup>1</sup><http://www.bcv.cv/SiteCollectionDocuments/O%20Banco/Constituicao%20da%20Republica/BO%2017%20I%20Serie.pdf>

5. The state creates access devices and the frequency of various levels of education depending on the available resources.
  6. In order to ensure the conditions necessary for the enjoyment of rights and performance of the duties of citizens in education, the State must ensure the development and improvement of public education, with priority given to compulsory education.
  7. Private and cooperative education notes the provisions of this law and the principles, structure and objectives of education, without prejudice to the continuation of specific purposes and modes of organization that are legally entitled to it.
  8. A subsystem of non-school education promotes higher levels of education and cultural development of youth and adults from the perspective of lifelong education and professional training.
16. Article 6 on Free access to the education system: the educational system is directed to all individuals regardless of age, sex, socioeconomic status, intellectual or cultural, religious belief or philosophical conviction.
17. Article 13 on the compulsory nature of education: 1. The State guarantees universal and compulsory education up to 10th grade. 2. The State shall promote the creation of conditions to extend compulsory education until the 12th year of schooling.
18. Article 14 on Free Education: 1. Basic education is universal, compulsory and free, lasting eight years. 2. The conditions of a free education under this article shall be established by Decree-Law.
19. Article 50 on Education for children and youth with special needs: 1. The education of children and youth with special needs, including those due to disability, is organized according to specific methods of care tailored to their needs.
20. Article 78 on Financial Resources:
1. The public school system should be considered as a priority of national policy, the preparation and approval of the State Budget and the National Development Plan, if any.
  2. The Local Government shall cooperate with the Government in the mobilization and provision of financial resources to the public school system.
  3. Families and communities should contribute to the national effort in relation to the education of children and youth according to the principles, forms and criteria to be established by law.
21. Other laws regulating Cape Verde's education system are the following:
- a) Statute of Teaching Staff – Legislative Decree No.2/2004<sup>2</sup> (Estatuto do Pessoal Docente Decreto Legislativo nº 2 de 2004): the Statute of the staff, hereinafter Statute defines the rights (Article 5) and duties (Article 6), the structure of jobs, careers and salaries, the disciplinary system and scheme of the same staff.

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<sup>2</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=67&view=finish&cid=72&catid=4&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=67&view=finish&cid=72&catid=4&m=0)

b) Statute of Private Education of June 3rd, 1996 amended by Decree-Law No. 32/2007<sup>3</sup> (Estatuto do Ensino Privado aprovado pelo Decreto-Lei n° 17/96, 3 de Junho): with the increase of the park from private schools, the current scenario of the operation thereof has been subject to disparate questions that contribute to the reduction of confidence in the quality of service they provide. The law aims to re-establish the parameters of quality in the management of education and training, establish levels of objectives and requirements that should govern the behavior of the organizations that administer private education, determining conditions for smooth operation, supported in self-control, to improve the quality of service provided by them.

c) Basic Education Evaluation System – Decree-Law 43/2003<sup>4</sup> (Sistema de avaliação Ensino Básico Decreto-Lei n° 43/2003 de 27 de Outubro): This Law is a measures taken to structure and implement an evaluation system of learning that, based on the functions of formative assessment and ranking, is conducted according to the requirements of rigor and transparency and contributes effectively to the promotion of quality education, meeting the expectations of most of the educational community.

d) Secondary Education Evaluation System – Decree-Law No. 42/03/20<sup>5</sup> (Sistema de avaliação Ensino secundário Decreto-Lei n°42/03/20 de 20 de Outubro): Secondary education aims to enable the acquisition of the necessary scientific-technological and cultural necessary for academic studies and for an active life, but in particular that allows for technical and artistic ways, of acquiring professional qualifications to enter the labor market.

e) Statute of the High School Student (Estatuto do Aluno Ensino Secundário Decreto-Lei n° 31/2007 de 3 de Setembro): This law defines the status of the student of public institutions of secondary education, sets out the respective rights and duties and establishes a general code of conduct that includes rules of coexistence and discipline that must be known and observed by all elements of the educational community. Article 4 establishes that the autonomy of the administration and management of schools and the creation and development of their educational projects assumes the responsibility of all members of the community for safeguarding the right to education and equal opportunities in access to and success in school, the pursuit of the objectives of educational projects, including socio-cultural integration, and the development of a culture of citizenship capable of promoting the values of the human person, democracy and the responsible exercise of individual freedom.

f) Cape Verde's Organic Law of the Ministry of Education, Culture, and Sports<sup>6</sup> (Decree Law N. 25/2001 of November 5<sup>th</sup>) (Lei Orgânica do Ministério da Educação, Cultura e

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<sup>3</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=67&view=finish&cid=69&catid=4&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=67&view=finish&cid=69&catid=4&m=0)

<sup>4</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=67&view=finish&cid=100&catid=4&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=67&view=finish&cid=100&catid=4&m=0)

<sup>5</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=67&view=finish&cid=99&catid=4&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=67&view=finish&cid=99&catid=4&m=0)

<sup>6</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=67&view=finish&cid=78&catid=4&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=67&view=finish&cid=78&catid=4&m=0)

Desportos), establishes the duty of the Ministry to guarantee the right to education to Cape Verde's citizens.

Policy measures:

22. Cooperation Agreement between UNESCO and the Community of Portuguese Speaking Countries<sup>7</sup> (A Comunidade dos Países de Língua Portuguesa – CPLP) of October 31<sup>st</sup>, 2000: The CPLP and UNESCO agree to cooperate through their respective organs. This co-operation focuses on relevant issues relating to education, the exact and natural sciences, as well as the social sciences, the protection of the environment, culture, communication, information and computer science, democracy, peace, and all other sectors in which both organizations have related tasks and activities.

23. National Plan of Action for Education For All (October 2002) - Plano Nacional De Acção De Educação Para Todos (P N A – E P T)<sup>8</sup>: The National Plan for Education for All is a direct result of the Dakar Framework for Action, which sets out the overarching objectives of education for all by 2015 and national policy options that provide for basic education a fundamental role in promoting development, while serving as well as an instrument for integration and social inclusion. Accordingly, the plan has a global perspective, integrating the different components of the education subsystem, an articulated whole whose ultimate aim is to raise the cultural level of the population through the provision of quality education services.Financing of Education

24. Higher Education Scholarships<sup>9</sup> – Higher Education development (1978<sup>10</sup> until today): Since independence, Cape Verde elected human resources development through training and capacity as the key to their development. To achieve this goal, the country counted on the support of international partners, including Cuba. Indeed, the Republic of Cuba, from an early age has supported the Government of Cape Verde offering numerous training opportunities for their staff. This support is reflected in the provision of jobs and scholarships in the areas of Physical Education and Sports, Medical Science / Medicine and medical specialties, Veterinary Medicine, Telecommunication, Mechanical, Computer Science, Accounting, Electricity, Pedagogy; specialties Childhood Education, Education special; various specialties in the social sciences and humanities, economics, mathematics, several areas of exact sciences, foreign languages and literatures, for formation of secondary and higher level in their training institutions.

<sup>7</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=66&view=finish&cid=45&catid=3&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=66&view=finish&cid=45&catid=3&m=0)

<sup>8</sup><http://planipolis.iiep.unesco.org/upload/Cape%20Verde/Cape%20Verde%20PNA%20EducacaoTodos.pdf> (Link cannot open). National Plan in Google docs format: [https://docs.google.com/viewer?a=v&q=cache:jO-PK1qGSsJ:planipolis.iiep.unesco.org/upload/Cape%2520Verde/Cape%2520Verde%2520PNA%2520EducacaoTodos.pdf+&hl=en&pid=bl&srcid=ADGEEShz6BcA7B9Qn7rYFwvdWQPbA9saZH\\_Wz2fZKKegpIktlSbWPSP9NPabNFE37oCHQbvgOiJLQ5IL5IL4nB1HaMP2v7k2YcH-kI10nWiHjgGfa7TsbT0x-ZfDnQQf\\_1G1IZcy3c4&sig=AHIEtbQ1GbvFBmkaK6sEJfxjZkx1EN41lg&pli=1](https://docs.google.com/viewer?a=v&q=cache:jO-PK1qGSsJ:planipolis.iiep.unesco.org/upload/Cape%2520Verde/Cape%2520Verde%2520PNA%2520EducacaoTodos.pdf+&hl=en&pid=bl&srcid=ADGEEShz6BcA7B9Qn7rYFwvdWQPbA9saZH_Wz2fZKKegpIktlSbWPSP9NPabNFE37oCHQbvgOiJLQ5IL5IL4nB1HaMP2v7k2YcH-kI10nWiHjgGfa7TsbT0x-ZfDnQQf_1G1IZcy3c4&sig=AHIEtbQ1GbvFBmkaK6sEJfxjZkx1EN41lg&pli=1)

<sup>9</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=66&view=finish&cid=109&catid=3&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=66&view=finish&cid=109&catid=3&m=0)

<sup>10</sup> Under the 1st *Acordo de Cooperação Económica, Técnica e Científica* (August 9th, 1978).

25. Inclusive Education: Construction of Rural Schools in Cape Verde (In the Forum for Economic and Commercial Cooperation between China and Africa – Construction of Secondary School Cova Figueira<sup>11</sup>: One of the eight measures of the Chino-Africa Summit was the construction of 50 rural schools in Africa. Negotiations between the parties (MNE/MED/Chinese Cooperation) decided on the construction of three “rural” schools in Cape Verde, two on the island of Santiago (municipality of Ribeira Grande de Santiago - Salineiro location and county of St. Miguel) and another on the island of Fogo (county of Santa Catarina village of Cova Figueira). The mechanism agreed for the operationalization of this funding was an Agreement Exchange of Notes which set forth the responsibilities of parts. Note that the first phase of the first two schools has been opened and the schools are operational. The Cova Figueira school is in its construction phase.

26. Literacy: Agreement between the Swiss Federal Council and the Government of the Republic of Cape Verde concerning the support of Cape Verde’s National Literacy program<sup>12</sup>: The Agreement is intended to bring in Cape Verde support on certain activities of the national literacy and adult education program, from January 1<sup>st</sup> 2001 until December 31<sup>st</sup>, 2002.

#### Cooperation:

27. Cape Verde is not party to UNESCO’s Convention against Discrimination in Education and did not report to UNESCO for either the Sixth or Seventh Consultation on the measures taken for the implementation of the Recommendation against Discrimination in Education (covering the periods 1995-1999 and 2000-2005).

28. Cape Verde is not party to 1989 UNESCO’s Convention on Technical and Vocational Education.

29. Cape Verde did not report within the framework of the fourth consultation of Member States the measures taken for the implementation of UNESCO’s 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

### **Freedom of opinion and expression<sup>13</sup>**

#### Achievements, best practices, challenges and constraints

30. Legislative framework: The Constitution of Cape Verde guarantees freedom of expression and information under Article 45: *“Everyone shall have freedom of expression by speech, image, or any other medium; Everyone shall have the freedom to inform and to be informed, obtaining, receiving, and giving out information and ideas in any form without limitation, discrimination, or impediment.”* Simultaneously, Article 46 ensures freedom and independence of the press while sub paragraph eight guarantees for journalists, under law

<sup>11</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=66&view=finish&cid=107&catid=3&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=66&view=finish&cid=107&catid=3&m=0)

<sup>12</sup>[http://www.minedu.gov.cv/index.php?option=com\\_jdownloads&Itemid=66&view=finish&cid=56&catid=3&m=0](http://www.minedu.gov.cv/index.php?option=com_jdownloads&Itemid=66&view=finish&cid=56&catid=3&m=0)

<sup>13</sup> Sources :

*“access to sources of information and shall be assured of independence and professional secrecy; no journalist shall be forced to reveal his sources of information”<sup>14</sup>.*”

31. Defamation remains criminalized under article 166 of Cape Verde’s criminal code<sup>15</sup>.
32. There is yet to be a freedom of information law in the country.
33. Media self-regulation: Media self-regulation exists in the country. For example, the Association of Journalists from Cape Verde<sup>16</sup> works to ensure that journalists respect the Code of Ethics of the Association is respected and that journalist rights are protected.
34. Safety of journalists: UNESCO recorded no killing of journalists and media workers in Cape Verde between 2008 and 2011.

### **III. RECOMMENDATIONS**

#### **Right to education**

35. Cape Verde should be encouraged to ratify the 1960 Convention against Discrimination in Education.
36. UNESCO has recently launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO’s governing bodies at the end of 2013. Cape Verde has not yet reported to UNESCO on the Recommendation and is now strongly encouraged to submit a report.
37. Cape Verde could be encouraged to adopt further measures (e.g. special laws) which aim to combat discrimination in education, protect minority groups, combat illiteracy, and promote gender equality.

#### **Freedom of opinion and expression**

38. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.
39. The Government is encouraged to begin the process to introduce a freedom of information law to enable public information to be accessed easily and freely by the public.

#### **The right to enjoy the benefits of scientific progress and its applications (REBSP)**

40. The Government of Cape Verde is encouraged to report to UNESCO within the framework of the on-going consultation with Member States on the monitoring of the implementation of the 1974 Recommendation on the Status of Scientific Researchers.

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<sup>14</sup> <http://www.unhcr.org/refworld/country,,NATLEGBOD,,CPV,,3ae6b5bd0,0.html>

<sup>15</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=206287#LinkTarget\\_968](http://www.wipo.int/wipolex/en/text.jsp?file_id=206287#LinkTarget_968)

<sup>16</sup> <http://ajoc.org.cv/index.php>