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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review \***

**Cape Verde**

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its third session from 1 to 15 December 2008. The review of Cape Verde was held at the 13<sup>th</sup> meeting, on 10 December 2008. The delegation of Cape Verde was headed by Marisa Helena Morais, Ministry of Justice. At its meeting on 15 December 2008, the Working Group adopted the present report.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Cape Verde: Angola, Bolivia and Saudi Arabia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Cape Verde:
  - (a) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/3/ CPV/2);
  - (b) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/3/ CPV/3).
4. A list of questions prepared in advance by Denmark, Germany, Latvia, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Cape Verde through the troika. These questions are available on the extranet of the universal periodic review.

## I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

### A. Presentation by the State under review

5. The head of the delegation, Marisa Helena Morais, Ministry of Justice, stated that, owing to internal constraints, it was not possible for Cape Verde to submit a written report on time. Nonetheless, Cape Verde was convinced that the universal periodic review is an important mechanism for the debate regarding the human rights situation in any part of the world. The review represents an opportunity for self-evaluation and reflection on new strategies to be adopted, and increases the demand and commitments for more effective solutions in priority matters. Cape Verde has a vital, consolidated democracy, which pursues sustained development, based on the human rights entitlement of its citizens, and is integrated into the world economy.
6. The Minister stated that, 33 years after independence, the growth of GDP in Cape Verde is above average in Africa, and the benefits of economic reforms, followed by a democratic process with regular elections since 1991, have guaranteed stability. Since independence, the illiteracy rate has been reduced by more than 40 per cent, and is now estimated at 20 per cent. Thanks to the State's education policies, the literacy rate among population aged between 15 and 24 years is almost 97 per cent, and 89.7 per cent for the 15-49 years age bracket. The Minister stated that Cape Verde expects to reach the Millennium Development Goals in almost all domains by 2015. According to statistics provided by the Ministry of Health, the child mortality rate has dropped from 57.9/1000 in 1995 to 21.7/1000 in 2007. According to the national statistics institute (Instituto Nacional de Estatística), life expectancy has risen from 70.8 years in 2000 to 72.8 in 2008, an increase of 11 years compared to 1990. The increase in the quality of life, including available income, has allowed the country to be upgraded from the category of lesser developed country and to improve its rating in the human development index.

7. The State's Constitution consecrates the concept of dignity of all individuals as an absolute value and envisages rights, liberties and guarantees for all citizens of Cape Verde, including the right to life and integrity, to take part in politics and citizenship, recognition of the rights of foreigners residing or visiting the country, rights to employment and non-discrimination, and economic, social and cultural rights. Cape Verde has also acceded to core human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the Involvement of Children in Armed Conflicts and the Sale of Children, Child Prostitution and Child Pornography, and the United Nations Convention against Transnational Organized Crime and the Protocol thereto to Prevent, Suppress and Punish Trafficking in Persons.

8. The Minister emphasized that such international instruments have a privileged status, as they have precedence over all legislative and normative acts with infra-constitutional value. They are also part of the Cape Verdean juridical regime for rights, liberties and guarantees not foreseen in the Constitution. Furthermore, the Constitution stipulates that constitutional and legal rules should be interpreted and integrated in harmony with the Universal Declaration of Human Rights. Fundamental rights have also immediate applicability and link public and private entities, giving them greater effectiveness. This approach has allowed positive internal evolution. As a result, other legislative initiatives have been made, many of which reflect the provisions of the international treaties ratified by Cape Verde, such as the new Penal Code of 2004, which covers crimes related to domestic violence, crimes against humanity, genocide and crimes against the laws of war. Combined with this instrument, the new 2005 Penal Process Code ensures effective process guarantees and safeguards to all citizens, and includes an important norm concerning the fight against domestic violence, which envisages the exclusion of the aggressor from the family house of residence.

9. The new Labour Code, in force since 2008, has contributed in many ways to a new dynamic in labour relations, reflecting some of the new international norms binding Cape Verde. For instance, the minimum working age, previously 14 years, is now 15, and domestic labour, until recently excluded from specific juridical attention, is now included in the Labour Code. Other legislative initiatives have been recently implemented, such as a regulation of legal aid, allowing access to justice for economically disadvantaged groups. Laws on mediation and arbitration also allow alternative conflict resolution. These laws were adopted following broad, ample public discussion.

10. In 1999, a joint mission by OHCHR and the United Nations Development Programme evaluated the human rights situation and pinpointed the need to create an institution, which could address the issues of human rights and international humanitarian law.

11. The national plan of action for human rights and citizenship, adopted in 2003, identifies the main situations of violations or constraints in the implementation of human rights and citizenship and is used for the selection of administrative, legislative and institutional priorities and proposals for the respect of human rights and citizenship.

12. The plan of action was developed following an extensive dialogue with civil society through the promotion of seminars and consultations with the various social entities. Instruments

for social participation to elaborate, monitor and evaluate public politics were established as a result of the recognition of the importance of democratic participation. This process culminated with the creation of the National Commission for Human Rights and Citizenship, which has the main task of ensuring implementation of the plan.

13. The commission, which has financial, administrative and budgetary autonomy, has been active since 2005. Its duty is to promote awareness of and education on human rights in Cape Verde, promote studies on human rights issues, advise the Government, promote investigations and assist in cases related to human rights and international humanitarian law. The commission, which is progressively incorporating the Paris Principles, is a serious and independent organism with members from both civil society and governmental entities.

14. Successive Governments have been working to fulfil major social interventions, to improve the standards and effectiveness of the rights of specific social groups. This approach has allowed the creation of institutions geared to work with vulnerable groups, such as women and children, and of other institutions, in sectors such as agriculture, labour and education where human rights issues are also important.

15. The Child and Adolescent Institute, which has offices in the main urban centres also serving more remote areas, currently plays a significant role in the harmonized and integral development of the child. Another key body is the Cape-Verdean Institute for Gender Equality and Equity, working specifically on gender issues and empowerment of women, which has been seeking to work with civil society in a joint effort to reach groups that are difficult to contact through governmental programmes.

16. The fight against poverty demands special attention, being one of the obstacles to the implementation of human rights. In this sense, efforts to achieve good national economic development should be accompanied by social development, thus stopping the widening of the wealth gap.

17. The national programme for the fight against poverty focuses its interventions on two fronts: improvement of infrastructures, for example access to water and basic sanitation; and social and economic integration of the most affected population groups, as well as those located in critical areas. Closely related to the fight against poverty is the Cape Verdean Institute of Scholar and Social Action (intended to work with scholar and social actions for student population from low-income families) and the Institute for Employment and Professional Training (with the aim of fighting unemployment through the implementation of active employment policies and professional training, to promote employment and improve the quality of supply), which both regard education, training and competency as important tools in the fight against poverty.

18. The access to rights and justice is assured by the Government's affirmative programme. In addition to legislative programmes, investments are made to improve national infrastructure in the justice sector (courts and prisons) and to train professionals, such as judges, justice officials and prison guards.

19. A significant initiative was to create, in 2005, the "law houses", non-judicial structures aimed at promoting access to justice and rights and guaranteeing information and juridical consultation for citizens, especially deprived people. They stimulate the development of citizenship and civil participation, and the use of judicial and extra-judicial means for conflict

resolution. The houses aim to provide citizens with knowledge of their rights and duties in specific cases in their daily lives. Through this mechanism, citizens have access to judicial consultation through partnerships with the Cape Verde lawyers organization. The houses also provide shelter to victims of violence and offer alternative solutions to conflict.

20. Cape Verde has intensified contacts with international and regional institutions for human rights in recent years. The country has prepared reports presented at United Nations conferences, and has strived to participate in human rights meetings and regional initiatives.

21. Cape Verde recognizes the importance of creating a solid information system to guide planning, verify the effects of Government policies and pay attention to the fulfilment of international human rights obligations. In recent years, with economic stabilization, progressive policies of social inclusion were implemented, weaker groups were empowered and inequalities in income distribution were addressed. Government policies are focused on reducing social and economic disparity, and efforts have been made to fulfil international obligations for the promotion and protection of human rights.

22. Data on the situation of women in the country shows visible progress, but also indicate that there is still much to do. Women's participation is visibly increasing in areas such as the judiciary and in ministerial roles, as well as in the private sphere, yet they are still poorly represented in leadership and managerial roles, and in Parliament. Although specific statistics are lacking, there has been an increase in the number of female professionals in professions previously dominated by males, such as the health sector. However, the number of women who perform work requiring lower skills, and receive lower wages, is greater

23. Regarding domestic violence, the second Demographic Enquiry on Reproductive Health survey, conducted in 2006, found that 22 per cent of those surveyed acknowledged having been victims of violence since the age of 15. Another 20 per cent acknowledged having been victims of violence in the past 12 months. There are numerous initiatives in place, such as an institutional network for the fight against gender-based violence, coordinated by the Cape-Verdean Institute for Gender Equality and Equity. The network aims at ensuring that victims of domestic violence are promptly and efficiently provided with personalized support, assistance and security. Another important initiative was the development of the national plan against gender-based violence.

24. According to data from the *Questionnaire des indicateurs de base du bien-être* (2007), the literacy rate of people over 15 years of age is 79.6 per cent, with a slightly higher rate for males (87 per cent) than females (73.1 per cent). With regard to the younger population, Cape Verde has reached important progress in guaranteeing the inclusion of all children of school age in the educational system. The Minister emphasized that a project to introduce the subject of human rights in school curricula is in the process of being implemented.

25. Poverty is a major challenge for Cape Verde and constitutes an obstacle to the realization of many human rights. The Government has developed programmes with the aim of creating alliances between economic growth and economic and social rights. The concept of poverty reduction adopted by the Government is broad and covers both policies of a macroeconomic character (budgeting, monetary and exchange) and good governance (measures of a microeconomic and sectoral nature) targeting deprived populations. Programme targets include the reduction of the poverty rate, absolute poverty eradication, raising groups living below the

poverty line to the medium income bracket, improving the productive capacity and economic and social infrastructure for poor communities.

26. Some progress can be noted in this context; for example, the coverage of formal social security has been extended and now includes underprivileged groups. Minimum social income support for basic needs is distributed to nearly 6,000 indigenous people, mostly elderly. Other results have been achieved, such as the integration of public employers in areas of health and maternity, and the extension of social security to other activity sectors, including self-employed workers and members of statutory unions.

27. Access to housing is another concern. Many deprived families are living in degraded dwellings without basic living conditions. It is in this context that “Operation Hope”, a Government Project launched in 2003, operates for the recovery and improvement of homes of many poor families throughout the country, as well as of immigrants from São Tomé e Príncipe and Mozambique. The project is aimed at helping deprived groups (residents and non-residents), with an emphasis on households led by women, large families, neglected elderly persons and those with disabilities.

28. Free and universal entitlement to health care is a recognized right in Cape Verde, but owing to its geography and the lack of resources, it is difficult to ensure that right to all citizens. Data collected in 2007 show that the level of satisfaction about health services reached 84.6 per cent. Bearing in mind the shortcomings and constraints regarding health matters, important initiatives have been taken to minimize obstacles to the enjoyment of the rights to health. With regard to sexual and reproductive health, all citizens are eligible for assistance and advice on relevant matters, such as AIDS prevention, birth control, family planning and vaccination. Contraceptives, birth control pills, birth control injections, coils and so on are available to couples. For people affected by HIV/AIDS, the Government has implemented a programme that provides free anti-retroviral drugs. The programme also includes psychological assistance before and after HIV tests, with the aim of improving the quality of life and the life expectancy of people living with HIV/AIDS.

29. The implementation of children’s rights in Cape Verde has been strengthened by several measures that have the objective of fulfilling international commitments and those of the Millennium Development Goals, as well as the plan of action entitled “A World Fit for Children”. One concrete initiative in the area of protection is the infant emergency centres in Praia and Mindelo, which assist children from all over the country, in situations of abandonment, danger, risk, neglect and abuse. Unfortunately, its assistance capacity is still at a minimum and needs to be increased. The focus is on the child’s best interests and to avoid separating children from their families. Another important step is the creation of child call centres (Disque Denúncia), which have the objective of creating awareness of society, as all citizens are responsible for the protection of children’s rights. The aim is to ensure that any citizen with information on the violation of a child’s rights may contact the centre anonymously and secretly, which will trigger action by the responsible State organizations.

30. Cape Verdean citizens with disabilities deserve special attention from the Government, especially with regard to guaranteeing work conditions and equal treatment. The Government has been promoting professional integration, dignity, increase of self-esteem and economic autonomy for all citizens with disabilities by creating incentives like State benefits and tax exemptions to enterprises and all those who offer jobs to disabled persons. Moreover, civil

society has some necessary conditions in place to preserve and defend the rights of citizens with disabilities.

31. With regard to key national priorities, Cape Verde has put in place a number of measures, including the reform of the judicial system, the prevention and fight against corruption and organized crime. It is necessary and fundamental that, to reach the above-mentioned objectives, security be guaranteed for families and the population so that all may make use and take advantage of their rights with total liberty, as proclaimed in the Constitution, the law and legal instruments. The axis for current fundamental reform of the State is related to the reinforcement of the sense of citizenship, including (a) to develop control and promotional policies for the respect of fundamental citizens rights; (b) to promote respect for and compliance with the human rights and fundamental freedoms proclaimed by the Constitution and international or regional instruments in relation to human rights relevant to Cape Verde; (c) to increase the quality of application of the national laws and assure the response capacity of the judicial and juridical system as well as its responsibility to justice; (d) to promote equal access to justice and remove obstacles to effective access; (e) To increase the participation of citizens in the administration of justice; (f) to pay special attention to children's rights, since children represent one of the most vulnerable groups, and also combine efforts to fight violence against women and give support to victims; and (g) to strengthen the role of civil society in human rights and the promotion of democracy and increase the mobilization capacity of civil society.

#### **B. Interactive dialogue and responses by the State under review**

32. During the interactive dialogue, statements were made by 24 delegations.

33. Chile congratulated Cape Verde on the legislative reforms pursued to comply with the obligations stemming from the Convention on the Elimination of All Forms of Discrimination against Women. It noted the entry into force of the new Criminal Code, also commended by the Committee on the Elimination of Racial Discrimination, the Code of Criminal Procedure, the regulatory decree of 2004 on legal aid, the regulatory decree of 2005 on the creation of arbitration centres and the decree on the establishment of mediation and legal centres to ensure access to justice and law. Chile also noted that the Committee on the Elimination of Discrimination against Women commended Cape Verde for taking into account international human rights instruments in the development of its 2005-2009 national plan for gender equality and equity and the national programme on poverty reduction, and indicated that the International Labour Organization Committee of Experts observed that the plan included affirmative action. Chile noted that, in 2003, the Committee on the Elimination of Racial Discrimination commended the development by the national human rights committee and the plan of action on human rights and citizenship. Chile also noted that the Committee on the Rights of the Child expressed concern that the administrative structures and the courts did not apply the Convention on the Rights of the Child and recommended that they amend outdated laws and adopt new laws in line with the Convention. Chile asked if Cape Verde has adopted corrective measures in line with these recommendations, and recommended that it incorporate explicit prohibition of physical punishment into national legislation and monitor its implementation strictly, particularly in the case of police dealing with minors. Chile endorsed and reiterated the recommendation of the Committee on the Rights of the Child on increasing efforts to address sexual violence against and exploitation of children, such as prostitution, through the judicial system. Since Cape Verde is a transit country for the trafficking of women and girls, Chile recommended maximizing legislative, administrative and police measures to combat this crime, which particularly affects foreign women; introduce reforms to the judicial system to expedite the administration of justice,

including the creation of new or more courts for lesser offences; and study the possibility of implementing a system of probation for those accused of lesser crimes that do not represent a threat to society. Chile also recommended that it adapt national legislation to fulfil its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

34. Algeria noted the adoption of the national plan of action for human rights and citizenship and the national commission for human rights and citizenship, established according to the Paris Principles, and charged with implementing the plan. It congratulated Cape Verde on taking into account international human rights instruments in drafting the 2005-2009 national plan for gender equality and equity and the national programme to combat poverty. Algeria welcomed the Government's efforts to reduce illiteracy throughout the country by encouraging schooling for children. It recommended that the Government ratify the UNESCO Convention against Discrimination in Education. It welcomed the policy of strengthening the role of women in society, and noted with interest the legislative reforms made to guarantee fundamental rights and freedoms of citizens through the implementation of a number of basic laws, such as the 2004 Criminal Code. Algeria recommended that the State accede to the Convention on the Protection and Punishment of the Crime of Genocide and the Convention on the Status of Refugees, and continue its reforms to promote democracy and the fundamental freedoms of citizens.

35. France regretted that Cape Verde was unable to submit a national report and hoped that it would do so in the future. It congratulated Cape Verde on having set up in 2004 a national commission for human rights and citizenship and welcomed its cooperation with international human rights protection mechanisms. The criminalization of domestic violence is an encouraging step in combating violence against women. France noted that the Committee on the Elimination of Discrimination against Women has nevertheless indicated that this phenomenon, in particular domestic violence, is widespread. France asked about the measures envisaged by the authorities to ensure that complaints of violence against women, particularly domestic violence, lead rapidly to prosecution, and recommended that Cape Verde promote the establishment of places to care for and provide assistance to female victims of domestic violence. Regarding the rights of the child, the phenomenon of street children is particularly distressing, given that children are left to themselves and are vulnerable to physical and sexual abuse. France asked for clarification of the measures taken to protect street children and especially to combat child prostitution. France noted that the Committee on the Rights of the Child indicated that the administration of juvenile justice has a number of shortcomings, in particular the lack of alternative sentences to detention for minors less than 16 years of age. France recommended initiating a reflection on how to deal with minor delinquency in order to provide for sentences suited to their age, to educate them and lead to their social reintegration. France expressed concern about delays in the administration of justice and the duration of preventive detention. France indicated that prison conditions, overcrowding in prisons and insufficient access to care are the main difficulties encountered; it therefore recommended that the necessary measures to improve prison conditions be taken.

36. Argentina noted that, according to reports, women in Cape Verde participate little in political life, the labour market and cultural matters. It enquired about mechanisms and policies being implemented or under consideration to increase participation by women in these areas.

37. Maldives noted that Cape Verde has undergone great socio-economic and political changes and faces challenges that accompany the graduation from the status of least developed country. Maldives noted the State's vulnerability to external economic and environmental shocks and the resource constraints it faces. Despite the challenges, Cape Verde has achieved enormous

progress since independence, including in the field of human rights. It is party to seven major human rights instruments and a number of related protocols, and has been active in integrating the principles contained in these instruments into national laws, practices and procedures, such as the Criminal Code in 2004, the Code of Criminal Procedure in 2005, the establishment of legal aid in 2004, the creation of the institute for gender equality and equity in 1994 and the establishment of the national commission for human rights and citizenship in 2004. Treaty bodies, special procedures and OHCHR offer an excellent means of gaining access to and mobilizing assistance. Maldives recommended that Cape Verde consider working with the new OHCHR Regional Office in Dakar to develop a common-core document in order to simplify and streamline treaty body reporting procedures, and invite selected special procedures with mandates of particular interest to Cape Verde to visit the country and make recommendations. This might also be a useful step towards the extension of a standing invitation to special procedures.

38. Germany welcomed the State's ongoing commitment to ensuring civil and political rights, as guaranteed under the Covenant, and its willingness to secure social, economic and cultural rights, especially regarding the improvement of educational opportunities for all. It remained concerned about the situation of homeless children, prostitution, sexual abuse and mistreatment of children and child labour, as expressed also by the Committee on the Rights of the Child in 2001. Germany enquired about the Government's responses to these issues and follow-up measures to recommendations of the Committee on the Elimination of Discrimination against Women on violence against women, which is still prevalent, and persisting deep-rooted patriarchal stereotypes about the roles and responsibilities of women in family and society. It recommended that the Government adopt measures to put an end to the widespread practice of corporal punishment of minors at home, in school and by the police force, as recommended by the Committee on the Rights of the Child in 2003, and take measures to fight trafficking of foreign women and girls through its territory.

39. Italy commended the State's commitment to the universal periodic review process. While appreciating that Cape Verde had acceded to the main international human rights instruments, Italy noted that the State is facing difficulties in presenting regular reports on the implementation of their provisions. Italy recommended that it increase efforts to fulfil its obligation stemming from ratified conventions. The Committee on the Rights of the Child has reported cases of sexual violence and exploitation, including child prostitution, and recommended that the Government take measures to combat sexual violence against children and child prostitution as a matter of priority. Italy welcomed the reported improvements in the attainment of universal primary education. However, it recommended developing a national strategy for human rights education in the school system at all levels, in accordance with the plan of action for 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers and the practice of human rights in the school community. Detention conditions in both police stations and prisons are a matter of concern, owing to, inter alia, overcrowding and the lack of adequate health and medical support services. In this respect, Italy recommended that Cape Verde improve prison and detention facilities, also by means of human rights training for law enforcement and prison officials.

40. The Netherlands commended the Government's improvements with regard to respect for civil and political rights, cooperation with human rights instruments and the establishment of the national commission for human rights and citizenship. It enquired about whether reinstatement of street patrols by military police was a temporary response to a spike in violence, or a structural response to increased street crime; the assessment and strategy to deal with increasing

threats from organized crime, despite the blockage in Parliament of justice reforms; and steps taken by the Government to implement anti-corruption and money-laundering strategies developed with the support of the United Nations Office on Drugs and Crime. The Netherlands noted that the human rights situation of children needs continuous attention and improvement, namely with respect to child prostitution; abuse and violence against girls and boys; children living and/or working on the street; child labour; abandonment; the rights of children with disabilities; access to compulsory education, especially in rural areas; and the quality of education. It recommended that the Government continue to improve the situation of children.

41. Luxembourg congratulated Cape Verde on its democracy, transparent periodic elections and commitment to human rights. Luxembourg stated that it was a partner to Cape Verde in combating poverty and promoting economic, social and cultural rights, through jointly defined and implemented development programmes in areas such as water, education and health. Luxembourg noted that the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women expressed concern about the status of women in Cape Verde, particularly regarding stereotypes of foreign women, and that the Committee on the Rights of the Child was concerned that discrimination against women was widespread. The Committee was also concerned about the situation of street children and their sexual exploitation, violence against children, child prostitution and child labour, and asked about the measures Cape Verde intends to take. Luxembourg recommended that Cape Verde follow up on the recommendations of the committees.

42. Canada recognized the efforts made by the State to ensure the respect of human rights and fundamental freedoms of its citizens, serving as a model of stability and democracy in the region. It applauded the creation of a national plan for gender equality and equity and the programme for poverty reduction, both of which drew upon international human rights instruments. Canada expressed concern about reports that pre-trial detention may last up to a year, and recommended that the State take measures to reduce the duration of pre-trial detention in order to conform to international standards. It would support all efforts by the Government to improve the living conditions of women to ensure that women's rights are respected. Noting the reports of the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination that domestic violence is of concern, Canada recommended that the Government respect article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women, which calls for countries to take appropriate measures to change socio-cultural stereotypes and practices.

43. Mexico commended the State's efforts to meet challenges in the field of human rights and the progress made within the framework of the Millennium Development Goals, particularly concerning infant and maternal mortality rates, life expectancy and universal primary education. Mexico also commended the fact that Cape Verde is no longer on the list of least developed countries and welcomed the criminalization of domestic violence in 2004 and the direct implementation of international human rights instruments by the courts. Mexico recommended that the State strengthen the national human rights commission to meet the requirements of the Paris Principles; ratify the Convention on the Rights of Persons with Disabilities, the Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; intensify efforts to address cases of sexual violence and exploitation of children; establish courts for juveniles in conflict with the law; intensify efforts to combat violence against women and increase their participation in the labour market; and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

44. Portugal welcomed the ratification of most core international human rights instruments. Although Cape Verde is not yet a party to the Rome Statute of the International Criminal Court, Portugal recommended that it complete the ratification process as soon as possible and ensure that the Statute and the Agreement on Privileges and Immunities of the Court are effectively implemented in national legislation. Amidst reports of de facto discrimination of women in matters relating to marriage and family, Portugal enquired about concrete steps to follow up the recommendations of the Committee on the Elimination of Discrimination against Women on awareness-raising measures to achieve gender equality in marriage and family relations, and recommended that priority be given to their implementation. Noting the importance of efforts to fight sexual abuse of minors, child abandonment and ill treatment, the phenomena of street children and child labour, Portugal enquired about the recently established national commission for legal and institutional reform for children and young persons, in order to prohibit and eliminate the worst forms of child labour. It recommended effective implementation of international labour standards regarding children.

45. Sweden noted with appreciation that Cape Verde is party to the Convention against Torture. Despite efforts by the authorities, there were reports of police brutality and poor conditions in place of detention. It asked Cape Verde to elaborate on concrete measures it might consider to improve the situation of persons in places of detention and indicate how initiatives to combat police brutality are proceeding. Sweden recommended that Cape Verde continue efforts to ensure that the action of police forces and the conditions in places of detention meet international human rights standards fully, and consider policy measures to promote tolerance and non-discrimination for lesbian, gay, bisexual and transgender persons.

46. The Minister for Justice of Cape Verde stated that police brutality is not systematic; there were isolated cases of brutality in prisons, but the judiciary deals with cases of police brutality severely. Indeed, a number of police officers had been tried and were sentenced. The Government will make further efforts in this field, in compliance with international obligations and norms. Regarding prison overcrowding, the State recognized that the situation was grave, but was investing five million Euro, over a two-year period, to build two new facilities in Praia and Sal, which will double detention capacity and is expected to guarantee better treatment of juvenile offenders, especially through enhanced social reinsertion.

47. The Minister stated that the increase of tourist activity has brought new problems, such as child prostitution. While the Government believes that education and the fight against poverty can help eradicate the problems, it is also implementing measures to tackle child prostitution swiftly. There are two infant emergency centres in Praia and Mindelo for abused and neglected children, and there is a child call centre to receive information, which can be given anonymously, about mistreated children, and create awareness among citizens of how to protect children's rights. The Government is working closely on this scourge and further initiatives will be taken, especially in the social domain.

48. Concerning discrimination of women, the Minister stated that the real challenge is a widespread, deep-rooted attitude towards women in Cape Verde and that one of the main concerns of the Government and civil society remains domestic violence. Some measures have already been taken. A plan of action was implemented by a network of civil and public institutions, including health workers. The Government believes that, in the long run, education is another effective tool, but judicial norms have also been envisaged to tackle domestic violence, such as the possibility of excluding the aggressor from the family circle, with further judicial control over his behaviour. In spite of these problems, the status of women is improving;

for example, 8 of the 16 members of the Government are women, and one is Prime Minister. Female ministers are responsible for crucial areas, such as justice, defence, finance and economics. There are also more women engaged in professional activities once reserved to men, like doctors, judges and teachers. Figures remain very positive: in secondary education, there are more female than male students, and 97 per cent of all children attend primary schools.

49. Morocco was pleased to note various initiatives and reforms undertaken by the State, particularly with respect to women, and welcomed the establishment of a national institute on gender equality and the high-level representation of women in posts of responsibility. Morocco also welcomed measures to combat violence against women, in particular criminalizing domestic violence, and noted the considerable progress made in implementing the Millennium Development Goals, particularly in reducing child mortality, combating poverty and ensuring primary education for all citizens. Morocco encouraged Cape Verde in these efforts. It noted with satisfaction the adoption of a national plan of action for human rights and citizenship, and in particular the inclusion of civil society when it was drafted.

50. The United Kingdom noted the efforts made by Cape Verde to comply with its international obligations, particularly given its limited resources. It welcomed the answers to the questions posted in advance and indicated that the OHCHR reports demonstrate the positive steps taken to address human rights issues and to implement most of the human rights treaties. It noted that Common Country Assessment identified considerable progress in securing civil, political, economic and social rights, and good prospects for achieving the Millennium Development Goals by 2015. The State's progress offers a model to small developing States, and the United Kingdom welcomed the legislative reforms, including a new Criminal Code and Code of Criminal Procedure. However, it also noted that the Committee on the Elimination of Discrimination against Women had expressed concern that discrimination against women persisted in certain areas, including sexual and domestic violence, low participation of women in elected bodies, imbalance of employment opportunities and remuneration, and polygamy. The Committee of the Rights of the Child also expressed concern about cases of sexual violence, exploitation of children, corporal punishment and child labour. The United Kingdom recommended that Cape Verde take further steps to address discrimination against women and vulnerable groups, including children. It welcomed the Minister's comments about current initiatives, including the call centre, but regretted the lack of a written national report. While realizing that human rights reporting requirements can be significant, it encouraged the State to work closely with civil society to ease the burden on the State and to meet its reporting requirements. Given the number of outstanding reports, the United Kingdom recommended that Cape Verde draw up an agreed timetable with OHCHR to address the backlog of reports and future work, and continue to collaborate with non-governmental organizations. It also recommended that the State strengthen its institutions and ratify key treaties, including the Optional Protocol to the Convention against Torture. It noted that the reports highlight key priorities and challenges, including constraints on human resources, and welcomed the State's commitment to addressing these challenges.

51. Senegal congratulated Cape Verde on the considerable progress made in human rights, notwithstanding the many constraints that have threatened to slow the pace of development. In civil, political, economic and social rights, Cape Verde has made tangible progress, which suggests that it is on course to meet the Millennium Development Goals by 2015. Senegal appealed to the international community to continue to support the State's efforts in this regard, and invited the State to increase cooperation with human rights institutions, including by envisaging invitations to special procedures mandate-holders to visit the country. Senegal

enquired about the work of the commission for legal and institutional reform for children and adolescents.

52. China regretted that Cape Verde was unable to submit a national report owing to a lack of human and financial resources. China noted that, despite the constraints of its own development level, Cape Verde has made efforts in recent years to promote human rights. China indicated that headway had been made in civil, political, economic and social rights. It noted that Cape Verde has ratified a series of human rights instruments and set up related mechanisms to fulfil treaty obligations. China noted the State's active cooperation and engagement with United Nations and non-governmental organizations and stated that effective measures have been taken to promote women's and children's right. It also noted that the main challenges for the Government are still poverty eradication, resolving the shortage of water resources, improving public health and medical care and satisfying people's basic needs. China appealed to the international community to take into account the challenges faced by Cape Verde in promoting human rights and to increase financial and technical assistance to build the State's capacity, with the aim of increasing the enjoyment of economic, social and cultural rights of its people.

53. Latvia regretted that the Government was unable to submit a written report on time and noted with appreciation the considerable progress in securing civil, political, economic and social rights, and the good prospects of achieving the Millennium Development Goals by 2015. Latvia recommended that the Government extend a standing invitation to all special procedures of the Council.

54. Slovenia appreciated that the rule of law and representative democracy are well-rooted in Cape Verde and noted that the Constitution ensures the inviolability and inalienability of human rights and respect for the dignity of the person. Slovenia welcomed the Government's approval of several programmes and strategies related to human rights in education, employment, health policy, poverty eradication, development of social protection and others. While welcoming the measures taken to address violence against women, including the criminalization of domestic violence under the Criminal Code, Slovenia noted that violence against women, including domestic violence, continues to be prevalent in the country. Slovenia asked what additional measures Cape Verde has taken to lower the number of victims of all forms of violence against women, including domestic violence and sexual harassment. It recommended that Cape Verde establish and provide adequate resources for a sufficient number of safe houses to shelter victims of domestic violence, and further improve the efficiency of existing mechanisms for compensating victims of domestic violence. Slovenia welcomed any request for technical assistance that the State deem necessary.

55. Angola noted with appreciation that Cape Verde is showing great engagement to improving human rights by ratifying international instruments and accepting several recommendations to improve human rights. It welcomed the strategies implemented to improve children's rights, such as the national declaration on social policy regarding children's rights. Angola enquired about the challenges to the implementation of existing policies in this area and how the international community could assist Cape Verde. While appreciating the Government's efforts to implement policies to achieve gender parity, Angola recommended that it continue its positive efforts to fight discrimination against women, to change deep-rooted behaviours and attitudes. As Cape Verde is one of the countries most affected by drought and desertification, Angola enquired about the impact of these problems on the economy and the environment, and how the international community could support Cape Verde in this regard.

56. Brazil acknowledged the adoption of the legal and regulatory framework to foster the internalization of human rights instruments, the establishment of the national committee of human rights and the elaboration of the plan of action on human rights and citizenship. Brazil was confident that, with its commitment, open dialogue with civil society and the close cooperation of the international community, Cape Verde would continue to overcome its main challenges and achieve sustainable development and combat poverty. Brazil asked how Cape Verde interacts with the African Commission on Human Rights and what major challenges it faces in regional and international human rights systems. It also asked about the main steps taken in the promotion and fulfilment of the rights of the child and of women, and to combat all forms of discrimination. It further asked about the steps taken and the shortcomings identified regarding economic, social and cultural rights. Finally, Brazil asked about the urgent needs identified by Cape Verde for the realization of its right to development, with special attention to capacity-building and technical assistance. Brazil recommended that Cape Verde reach the human rights goals set by the Council in its resolution 9/12; consider ratifying the Rome Statute of the International Criminal Court, the Convention for the Protection of All Persons against Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the Optional Protocols to the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women; consider extending a standing invitation to human rights special procedures; strengthen its policy to fully guarantee the rights of the child, with special attention to children without parental care; and consider strengthening programmes to fight and prevent HIV/AIDS, with special attention to women and children.

57. Cameroon noted with interest the creation of an institute for gender equality and equity, the development of a national plan in this area, and real progress in national life expectancy. It encouraged the Government to complete the preparation of reports to treaty bodies, continue its campaign against all forms of discrimination and ratify the Economic Community of West African States Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials.

58. South Africa commended Cape Verde for taking into consideration international human rights instruments in the development of the national gender equality plan for 2005-2009 and the national poverty alleviation programme. It highlighted the important policies and measures taken to promote the rights of women, such as the establishment of the institute of gender equality and equity to guarantee the equal enjoyment of human rights by women. It referred to the 2005 report in which UNICEF noted the considerable progress by the Government in securing civil, political, economic and social rights, and the good prospects for achieving the Millennium Development Goals by 2015.

59. Nigeria recognized the State's commitment to the promotion and protection of all human rights. It noted in particular the agenda on women's empowerment, gender mainstreaming and children's rights. While the State promotes all human rights and adopts core human rights treaties, Nigeria acknowledged the major challenges Cape Verde faces in the effective implementation of conventions, as well as its development agenda with respect to poverty alleviation, creation of employment and the general well-being of its people. Nigeria called on the international community to assist Cape Verde to attain these goals and the Millennium Development Goals.

60. Cape Verde stated that there are 15 ongoing environmental projects, financed through international assistance. One regards the building of a dam, since lack of water is still a major national problem. Juvenile delinquency, in the form of youth gangs, and abundant drug

consumption are relatively new trends that have links with organized crime, the wider incidence of trafficking and the development of tourism. Another problem was the forced repatriation of convicted Cape Verdean citizens. People feel insecure and certain urban centres, such as Praia, have seen an increase in security measures. Owing to insufficient policemen to face this situation, the Government decided to use military police units rather than army troops to patrol urban centres. The use of military police is totally legal, as it is envisaged by the law on the General Regime for the Armed Forces and included in the Constitution. Cape Verde pointed out that the functions and role played by military police are very similar to those of the national police force, and that it was the people who explicitly requested the intervention of the military police, which is deployed only when the security conditions become critical.

61. Because of its strategic geographical position, social and economic structure and weak institutional capacities, Cape Verde is a crossroads for illicit trafficking, especially trafficking in persons, and international organized crime networks. In 2003, the Government requested the assistance of the United Nations Office on Drugs and Crime to tackle international crime, enhance police training and border control. In order to reduce the penetration of organized crime into the fabric of Cape Verdean society, there is a need for strengthening the administration of justice and for equipping institutions with suitable instruments. This fight, which demands international cooperation and mutual assistance among concerned States, is the strategy that Cape Verde is pursuing. With regard to support for drug users, a centre in Praia provides help for the rehabilitation of citizens from all regions of the country.

62. The Government is committed, by law and in practice, to continuing its fight against sexual exploitation and ill treatment of children. In 2007, infant emergency centres assisted approximately 100 children and around 70 in the first semester of 2008. Regarding juvenile justice, the State emphasized the existence of alternative sentences and of an institution where children between 12 and 16 years of age in conflict with the law can find shelter. Cape Verde stated that legislation neither forbids nor punishes sexual relations between persons of the same sex, unless minors are involved. Cape Verdean society is traditionally very tolerant. It has ratified the Convention on the Elimination of All Forms of Discrimination against Women and will also ratify the Optional Protocol thereto, and also expects to ratify the Optional Protocol to the Convention against Torture.

## II. CONCLUSIONS AND/OR RECOMMENDATIONS

63. In the course of the discussion, the following recommendations were made to Cape Verde:

1. To incorporate explicit prohibition of physical punishment into national legislation and monitor its implementation strictly, particularly in the case of police dealing with minors (Chile);
2. To increase efforts to address cases of sexual violence and exploitation against children, such as prostitution, through the judicial system, as recommended by the Committee on the Rights of the Child (Chile);
3. To maximize legislative, administrative and police measures to combat trafficking of women and girls, which particularly affects foreign women (Chile);
4. To introduce reforms to the judicial system to expedite the administration of justice, including the creation or increase in number of courts for lesser offences,

and to study the possibility of implementing a system of probation for those accused of lesser crimes and who do not pose a threat to society (Chile);

5. To adapt national legislation to fulfil its obligations under the Committee on the Elimination of Racial Discrimination (Chile);
6. To ratify the UNESCO Convention against Discrimination in Education (Algeria);
7. To accede to the Convention on the Protection and Punishment of the Crime of Genocide and the Convention on the Status of Refugees (Algeria);
8. To promote the establishment of places to care for and provide assistance to women victims of domestic violence (France);
9. To consider how to deal with minor delinquency in order to provide sentences suited to the age of offenders, to educate them and lead to their social reintegration (France);
10. To take necessary measures to improve prison conditions (France);
11. To consider working with the new OHCHR Regional Office in Dakar to develop a common-core document to simplify and streamline treaty body reporting procedures (Maldives);
12. To invite selected human rights special procedures with mandates of particular interest to Cape Verde to visit the country and make recommendations (Maldives);
13. To adopt all necessary measures to put an end to the widespread practice of corporal punishment of minors at home, in school and by the police force, as recommended by the Committee on the Rights of the Child in 2003 (Germany);
14. To take effective measures to fight the trafficking of foreign women and girls through its territory (Germany);
15. To increase efforts to fulfil engagements and obligation stemming from ratified Conventions (Italy);
16. To take appropriate measures to combat sexual violence against children and child prostitution effectively, as a matter of priority (Italy);
17. To develop a national strategy for human rights education in the school system at all levels, in accordance with the plan of action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers and the practice of human rights in the school community (Italy);
18. To improve prisons and detention facilities, also by means of human rights training for law enforcement officials and prison officials (Italy);

19. To continue to seriously improve the situation of children (Netherlands);
20. To follow up the recommendations of the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women on discrimination against women (Luxembourg);
21. To implement the recommendations of the Committee on the Rights of the Child on street children and their sexual exploitation, child prostitution, violence against children and child labour (Luxembourg);
22. To take all necessary measures to reduce the duration of pre-trial detention to conform to international standards (Canada);
23. To respect article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women calling for countries to take appropriate measures to change socio-cultural stereotypes and practices (Canada);
24. To strengthen the national human rights commission to meet the requirements of the Paris Principles (Mexico);
25. To ratify the Convention on the Rights of Persons with Disabilities (Mexico);
26. To ratify the Convention for the Protection of All Persons from Enforced Disappearance (Mexico);
27. To ratify the Optional Protocol to the Convention against Torture (Mexico);
28. To intensify efforts to address cases of sexual violence and exploitation of children (Mexico);
29. To establish courts for juveniles in conflict with the law (Mexico);
30. To intensify efforts to combat violence against women and to increase their participation in the labour market (Mexico);
31. To ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Mexico);
32. To complete the ratification process of the Rome Statute as soon as possible and ensure that the Statute and the Agreement on Privileges and Immunities of the International Criminal Court are effectively implemented in national legislation (Portugal);
33. To give priority to the implementation of awareness-raising measures aimed at achieving gender equality in marriage and family relations (Portugal);
34. To effectively implement international labour standards with regard to children (Portugal);
35. To continue efforts to ensure that the action of police forces and conditions in places of detention meet international human rights standards fully (Sweden);

36. To consider appropriate policy measures in order to promote tolerance and non-discrimination for lesbian, gay, bisexual and transgender persons (Sweden);
  37. To take further steps to address discrimination against women and vulnerable groups, including children (United Kingdom);
  38. To draw up a timetable with OHCHR for addressing the backlog of reports and future work and to continue to collaborate with non-governmental organizations (United Kingdom);
  39. To strengthen its institutions and ratify key treaties, including the Optional Protocol to the Convention against Torture (United Kingdom);
  40. To appeal to the international community to take into account difficulties and challenges faced in promoting human rights and to increase financial and technical assistance for capacity-building (China);
  41. To extend a standing invitation to all special procedures of the Council (Latvia);
  42. To establish and provide adequate resources for a sufficient number of safe houses to shelter victims of domestic violence (Slovenia);
  43. To improve the efficiency of existing mechanisms for compensating victims of domestic violence (Slovenia);
  44. To continue efforts to fight discrimination against women, aiming to change deep-rooted behaviours and attitudes (Angola);
  45. To reach the human rights goals set by the Council in its resolution 9/12 (Brazil);
  46. To consider ratifying the Rome Statute of the International Criminal Court, the Convention for the Protection of All Persons against Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the Optional Protocols to the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women (Brazil);
  47. To consider extending a standing invitation to human rights special procedures (Brazil);
  48. To strengthen its policy to guarantee the rights of the child fully, with special attention to children without parental care (Brazil);
  49. To consider strengthening programmes to fight and prevent HIV/AIDS, with special attention to women and children (Brazil);
  50. To call on the international community for assistance in attaining its goals, including the Millennium Development Goals (Nigeria);
64. The response of Cape Verde to these recommendations will be included in the outcome report to be adopted by the Council at its tenth session.

65. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

**Annex**

**COMPOSITION OF THE DELEGATION**

The delegation of Cape Verde was headed by Marisa Helena Morais, Ministry of Justice, and composed of two members:

Mr. Alcides Barros, Chargé d'Affaires, Permanent Mission of Cape Verde

Ms. Liriam Tiujo Delgado, Counsellor, National Commission for Human Rights

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