



**NATIONAL COMMISSION FOR HUMAN RIGHTS AND CITIZENSHIP OF
THE REPUBLIC OF CABO VERDE**

Universal Periodic Review Report

April 2023

INTRODUCTION

1. The State of Cape Verde has already undergone three review cycles under the Universal Periodic Review, in 2008, 2013 and 2018. As the evaluation under the 4th cycle approaches, the National Commission for Human Rights and Citizenship (CNDHC), a national human rights institution, endowed with administrative, financial and capital autonomy and with powers in human rights, citizenship and international humanitarian law, takes this opportunity to submit its contribution within the scope of the evaluation of the State of Cabo Verde, to take place in November 2023.

METHODOLOGY

2. The CNDHC is made up by representatives of Government, political parties, trade unions, journalists, religious denominations and civil society organizations, among others.
3. For the preparation of this report, a working group composed of Commissioners and CNDHC's Staff was set up. After a consultation process to define the content of the report, the working group prepared and shared the final version of the document with the Staff and Commissioners, and incorporating the contributions received from the different stakeholders.
4. The contribution from Civil Society in this report was guaranteed by the Commissioners who are part of the CNDHC.

NATIONAL CONTEXT OF THE UNIVERSAL PERIODIC REVIEW

5. The Universal Periodic Review Mechanism (UPR) has recently received special attention from different authorities and organizations, namely with regard to the need for greater dissemination at national level and greater participation in the process. The CNDHC has promoted a broad knowledge of it, either through meetings intended to awareness raising or through production of spots to enable a better understanding of the mechanism, its advantages and the ways to engage the various stakeholders.
6. In December 2022, the CNDHC held an awareness-raising seminar on the UPR, with Government entities and civil society. A spot has been produced to diffuse on public television information about the UPR and calling for engagement and

participation within the scope of the fourth evaluation cycle. In addition, the CNDHC has provided technical support to the Interministerial Commission responsible for preparing the Government Reports, both in terms of training and clarifications to ensure compliance with the State's obligations in this field.

NATIONAL INSTITUTION OF HUMAN RIGHTS and NATIONAL PREVENTION MECHANISM, recommendations 112.22 to 112.28; 112.31 and 112.32

7. The National Commission for Human Rights and Citizenship (CNDHC), was created in 2004, through Decree-Law No. 38/2004 of October 11. Since its establishment, it has widely promoted human rights at the national level, through trainings, sessions in schools, communities, publications on its social network and on the website and in various contexts through the production of videos and informative spots, in several formats. In addition, it receives complaints of human rights violations, giving all due treatment and referral.
8. Since 2018, the CNDHC has also worked as a National Mechanism for the Prevention of Torture (MNP), according to Resolution No. 98/2018 of September 24, conducting visits to detention centres or any form of arrest or imprisonment and preparing reports with recommendations on measures to be adopted to improve the current framework of respect for human rights in the country and prevent torture and cruel, inhuman or degrading treatment.
9. For the proper and effective performance of its tasks, both as a National Human Rights Institution and as MNP, it's necessary to invest in sufficient and appropriate resources.
10. The CNDHC, an institution with already almost 19 years old, has a statute which proves to be more and more off key when compared to social dynamics and current needs, therefore, clearly needs urgent revision in order to guarantee the institutional reality adjustment and its compliance with the Paris Principles.
11. In the last UPR review in 2018, the State of Cabo Verde was recommended to accelerate the compliance process of the CNDHC with the Paris Principles, a process has not yet been completed.
12. The institutional reality has showed the need and urgency to approving a new staff framework for CNDHC and improving the working conditions of its technical team.

The CNDHC has been in dialogue with the Government in order to accelerate the compliance process of its Statutes with the Paris Principles, and this matter has received attention from the Government, which has guaranteed that, later this year, the process will be completed.

13. Although the resources are insufficient, the CNDHC and the MNP have been able to respond favorably to their tasks, with the international and regional partners support.

RECOMMENDATIONS

- ✓ *Accelerate the compliance process of the National Commission for Human Rights and Citizenship with the Paris Principles;*
- ✓ *To approve, urgently, a new CNDHC staff framework and to correct the officials labour situation;*
- ✓ *To reinforce the budget of the CNDHC in order to be able to recruit more staff and ensure better conditions for the proper fulfillment of its duties.*

NON-DISCRIMINATION, recommendation 112.34

14. The Constitution of the Republic of Cabo Verde enshrines in its Article 24 the principle of equality, but does not deal with all situations may result into unequal treatment.
15. The Article 161 of the Criminal Code provides for the crime of discrimination. However, it does not cover certain factors of discrimination such as sexual orientation and gender identity, disability, age, language, social and economic conditions, among others.
16. The CNDHC prepared and published the Diagnostic Study on the Social and Legal Situation of LGBTI Persons in Cabo Verde, with the aim of better understanding the reality of these people and contributing to the reinforcement of public policies in this field.
17. One of the recommendations of the Study was for the approval of an anti-discrimination law. It was in this context that the CNDHC prepared and delivered to Parliament a proposal for an anti-discrimination law and has carried out awareness-raising actions with the authorities, for its discussion and approval.

RECOMMENDATIONS

- ✓ *Speed up the process of approving the anti-discrimination law;*

- ✓ *Give special attention in the context of defining of public policies to particular groups that have been most affected by discrimination, such as LGBTI people, people with mental illness, people with disabilities and immigrants.*

PRISONS, recommendations 112.36 to 112.40; 112.42 to 112.46

18. In 2018, the First Prison Census was held in Cabo Verde that allowed a more in-depth knowledge of the inmate population at the national level, collecting data to trace the profile of this population, exploring variables such as criminal recidivism rate, overcrowding rate, the education level of inmates, areas of training interest, criminal record and family history, uses of drugs, prisoners perception on the treatment they receive in prisons, among other aspects.
19. According to the aforementioned Census, of the 5 existing Prisons in the country, 3 had an occupancy rate far above their capacity, as in the case of the Fogo Regional Prison and the Central Prisons of Praia and São Vicente.
20. From the visits carried out by the CNDHC, as a National Prevention Mechanism (MNP), it is observed that some prisons, namely the Fogo and Santo Antão Regions, do not offer conditions for the adequate separation of prisoners. In the Central Prisons of Praia and São Vicente the separation of prisoners is done by sex, age, pre-trial detention and convicted and by type of crimes, but the number of inmates by cells exceeds its capacity.
21. In terms of violence in prison, the Census reports that 32.9% of the inmates reported that they were assaulted, physically or verbally by the security agents and 32.7% reported that, at least once, they were assaulted, physically or verbally, by their cellmates.
22. As part of the visits the CNDHC held to prisons, as MNP, it receives many complaints of alleged violations from the prison officers towards the inmates. In the last 5 years, the CNDHC has received, on average, 13 annual complaints of alleged torture or cruel treatment by prison officers.
23. In order to ensure better conditions for the proper separation of inmates, rehabilitation works were carried out in the Fogo Regional Prison, which now houses 150 inmates, to the detriment of the previous 50.

24. In 2019, the 1st National Plan for Social Reintegration (PNRS), 2019-2023, was approved, aiming to create the conditions for the well-being of prisoners and the full enjoyment of their rights. The Plan also aims to contribute to the reduction of criminal recidivism and ensure a better reintegration of prisoners into society.
25. The Government of Cabo Verde has made efforts to boost the implementation of the PNRS, namely by hiring more staff in several areas such as Psychology, Social Work and Criminology and the opening of Decentralized Offices for Social Reintegration in several municipalities of the country to provide better technical advice to the courts and monitoring of prisoners under Flexibilization Measures of Imprisonment (MFP), defendants/sentenced to Alternative Penalties and Sentences (PMA) and juveniles in compliance with measures of the sentencing.
26. Also within the scope of the implementation of the PNRS, several training courses were provided for prison officers and inmates in several areas and themes and programs were created to recover young people from 16 to 21 years old serving prison sentences, aiming to combat crime.
27. Despite the efforts have been made in terms of training courses for prisoners, their reintegration into the labour market and the creation of income-generating activities, after their release is still at unsatisfactory levels.
28. Through Ordinance No. 46/2022 of September 15, the Government decided to establish mandatory the use of prison uniform by inmates, within the prison premises, as well as the styles, model, quality and color.
29. The Government, through Ordinance No. 22/2022 of May 25, raised the Sal Regional Prison to category of Central Prison, starting to receive inmates sentenced to serve a prison sentence of more than 8 years.
30. The Code for the Execution of Criminal Penalties (CESPC), approved by Legislative Decree No. 6/2018 of October 31, provides, in its Article 45, the possibility of creating special prisons or special sections or cells in common prisons, intended exclusively for the execution of sentences and measures of:
 - i. Individuals exempted from criminal responsibility due mental illness;
 - ii. Defendants undergoing to be confined to a psychiatric hospital or similar establishment for as long as the disturbance lasts in accordance with the law;
 - iii. Inmates serving a prison sentence with severe mental illness;
 - iv. Inmates serving a prison sentence in a security regime, ordered as a result of their observation and evaluation and within the framework for

- approval of their Individual Re-education Plan;
- v. Women;
 - vi. Young, up to twenty-one years old;
 - vii. Pre-trial detainees;
 - viii. Persons detained for presentation to the judge;
 - ix. Prisoners or defendants who are at high risk with regard to their personal safety, in particularly due to performing of their duties;
31. Considering that, in the context of the visits as MNP, the CNDHC has found situations of overcrowding, of prisoners who show evident signs of psychological/psychiatric disorder, the gradual implementation of the provisions of Article 45 of the CESPC has to be assumed as an urgent and necessary measure.
32. The visits carried out by the CNDHC, as MNP, show a deficit of prison guards and technicians in the different prisons. Despite the efforts made in recent years by the Government to reinforce the prisons with more prison guards and technical staff, the number remains far below the required to ensure the respect of prisoners' rights and ensure a good implementation of the National Plan for Social Reintegration.

RECOMMENDATIONS

- ✓ *Extend the capacity of prisons so as to ensure the proper separation of prisoners;*
- ✓ *Conduct continuous training of prison officers and officials on human rights, with a special focus on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;*
- ✓ *Strengthen partnerships with organizations and companies in order to facilitate job offers to prisoners after their release from prison;*
- ✓ *Accelerate the implementation of the provisions of Article 45 of the CESPC, particularly with regard to young people, women and prisoners who show psychic or psychiatric disorders.*
- ✓ *Accelerate the recruitment procedure of additional technicians and prison officers;*

PERSONS WITH DISABILITIES, recommendations 112.4 to 112.6; 112.153; 112.154

33. The Government of Cabo Verde has taken measures to ensure better protection and promotion of the rights of persons with disabilities.
34. Through Decree-Law No. 21/2019, of May 24, the Government approved the law establishing the general bases of the legal regime for prevention, rehabilitation and participation of people with disabilities.
35. In 2022, it approved Ordinance No. 56/2022, of December 5, which establishes the technical conditions for the installation and operation of Care Centers for People with Disabilities, in a situation of dependence, aiming to provide a set of services to people with disabilities, namely support and to attend to the needs of daily living, medical assistance and recreational activities, which contribute to keep them in their socio-family environment.
36. Another important measure is related to the approval of Ordinance No. 27/2018, of August 8, which regulates the process for granting free registration and attendance in public and private pre-school education establishments, basic school, secondary and higher education and vocational training for people with disabilities;
37. Despite the many efforts made by the Government, challenges remain in the implementation of the provisions of the Convention on the Rights of Persons with Disabilities.
38. Notable amongst those are the difficulty to access many public places such as schools, health services, leisure activities facilities due to their inadequacy for persons with motor impairment. It also highlights the difficulty in accessing information since the informative contents, documents and other means for dissemination of information are not adapted to people with disabilities.
39. The CNDHC has sought, whenever possible, to produce information materials on human rights, in language and formats accessible to persons with disabilities. Public television has also guaranteed, in the news services, the dissemination of news through sign language.
40. Another challenge is the inadequacy of public transport for people with disabilities. There have been efforts to adapt public passenger transport to the needs of people with disabilities, but existing offers fall short of what is desirable.
41. People with disabilities who are in prisons, although in very small numbers, face serious problems, reducing their autonomy, since the structures are not adapted to their needs.
42. To strengthen the protection of the rights of persons with disabilities, the associations of persons with disabilities have called for the ratification of the

Optional Protocol to the Convention on the Rights of Persons with Disabilities. In 2019, the CNDHC sent a recommendation to the Government to take the necessary steps with a view to ratifying the said instrument, but this recommendation has not yet taken effect.

RECOMMENDATIONS

- ✓ *Strengthen the inspection of construction works and ensure they are accessible to people with disabilities;*
- ✓ *Promote and encourage that, gradually, the content broadcast by public or private media are accessible to persons with disabilities;*
- ✓ *Ensure that textbooks and other education and training materials are adapted to the needs of persons with disabilities;*
- ✓ *Create mechanisms to ensure the adaptation of public transport, making it accessible to people with disabilities;*
- ✓ *Create the conditions to ensure that public bodies, particularly prisons may be adapted to the needs of persons with disabilities;*
- ✓ *Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities;*

POVERTY, recommendations 112.75, 112.77, 112.83 and 112.84

43. The Strategic Plan for Sustainable Development (PEDS), a strategic governance document, has given special attention to the issue of combating poverty. Both PEDS I (2017-2021) and PEDS II (2022-2026) have made the diagnosis of the existing situation in this matter and projected the Government's vision for the coming years.

44. The Government approved, through Resolution No. 4/2023 of January 28, the National Strategy for the Eradication of Extreme Poverty (ENEPE), 2022-2026, creating a set of measures and strategies to ensure that, by 2026, poverty is no longer a reality in the country. The document recognizes the worsening of extreme poverty, due to the economic recession resulting from COVID-19, currently affecting about 13.1% of Cabo Verdeans.

45. These strategic documents are of the utmost importance, making it possible to measure the country's gains and adjust the indicators defined for their implementation.

46. In addition to the impact of COVID-19, the current international situation, particularly the war in Europe, has aggravated the situation of families, who, due to the progressive increase in the prices of essential goods, have faced many difficulties.

RECOMMENDATIONS

- ✓ *Strengthen measures to support and protect families in extreme poverty;*
- ✓ *Adopt additional measures to support vulnerable groups most affected by poverty;*
- ✓ *Strengthen the technical and financial capacity of institutions;*
- ✓ *Periodically evaluate the implementation of strategic documents related to poverty indicators.*