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United Nations Country Team in Cabo Verde

Compilation Report from UN agencies on the 4th Cycle of the Universal Periodic Review Forty-first session

I. Introduction

This report is a joint submission from United Nations agencies in Cabo Verde, led by the Resident Coordinator's Office and presented in a summarised manner owing to word-limit constraints. While identifying key achievements in Cabo Verde's human rights journey, it also points out crucial gaps and makes recommendations for addressing these gaps.

II. National human rights framework

1. Constitutional and legislative framework

- 1.1. The United Nations Country Team commends the ratification of all Convention on human rights at global and regional levels, presenting the reports at global level but not at regional level.
- 1.2. The United Nations Country Team commends the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance in December 2022 (112.1 A/HRC/39/5/Add.1 Para. 7).
- 1.3. The United Nations Country Team commends the ratification of the Hague Convention on the Civil Aspects of International Child Abduction approved in the National Assembly, Resolution no. 45/X/2022, which entry into force of law in March 2023 (112.8 A/HRC/39/5/Add.1 Para. 7).
- 1.4. The United Nations Country Team commends the ratification of the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, approved in the National Assembly and published in the BO n.º. 50, Series I, May 2022 that entered into force of law in 2023 (112.8 A/HRC/39/5/Add.1 Para. 7).

Integration of international obligations in legislative framework

Primary duty-bearer(s): Minister of Family, Parliament

Recommendation(s):

- The United Nations Country Team recommends the ratification of the optional protocol to the Convention on the Rights of Persons with Disabilities, to reinforce the materialization of the rights of persons with disabilities (112.5 -A/HRC/39/5/Add.1 - Para. 7)
- 1.5. Much effort has been done by the government and by the judicial system to improve the flow of cases, but the right to justice has been done with slowness. The digitalization of justice, SIJE, is being done, and it is expected great changes in justice responses. In fact, it is needed more investments in Justice system to improve its performance, to assure the human rights protection of citizens and to assure the justice security, contributing to social peace and economic progress.

Justice system Primary duty-bearer(s):

Prime Minister, Minister of Justice

Recommendation(s):

- The United Nations Country Team recommends to intensification of investment in Justice sector to accelerate conflict resolution, enhance the legal information to the population to prevent crimes
- 1.6. The United Nations Country Team commends the approval of the law on the prevention, rehabilitation, and participation of persons with disabilities (21/2019), and the design and adoption of the Strategic Plan for the rights of persons with disabilities 2022-2026, which is currently under implementation, that translates into operational form the vision and policy measures leading to greater inclusion and participation of Persons with Disabilities in the country's development process (112.154 A/HRC/39/5/Add.1 Para. 7)

Primary duty-bearer(s): Government (Ministries of transportation, housing, education, health) - The United Nations Country Team recommends the amelioration of overall conditions for people with disabilities, including the access to public buildings for those with motor difficulties, and in general access to health, to education, to information, to the public transport and for a more inclusive communication

1.7. Despite the existence of a program that includes a national strategy for the transversalization of Citizenship Education that includes Human Rights, there are challenges because teachers are trained to address specific scientific content and not in an integrated way. In addition, teachers must analyze and evaluate attitudes and not contents.

(112.154 - A/HRC/39/5/Add.1 - Para. 7)

Primary bearer(s): Recommendation(s):

Ministry of Education

duty-

• The United Nations Country Team recommends continuing efforts to effectively implement a National Strategy for Human Rights Education at all levels (112.96)

- 1.8. The Constitution of the Republic of Cabo Verde of 1992, as amended in 2010 provides for the right to education as well as the freedom to learn. Article 49 states that, "Everyone has the freedom to learn, to educate and to teach," while article 78 provides that, "Everyone has the right to education." This right is guaranteed without any discrimination as article 1(2) of the Constitution provides for equality of all citizens before the law.
- 1.9. The Orientation law on Education of 2010 as amended in 2018 enshrines the right to education but this right is only guaranteed to citizens. Article 4(1) states that, "Every citizen has the right and duty of education" and article 4(4) adds that, "The State progressively promotes equal access for all citizens to different degrees of education and equal opportunities for school success." In terms of non-discrimination and equality, article 6 provides that the education system is directed to all individuals without discrimination.
- 1.10. Through recommendation N°112.95 of the last UPR cycle, Cabo Verde was asked to continue its efforts to expand the scope of free education to include secondary education level. However, according to article 14(1) of the Orientation Law on Education of 2010 as amended, education is only free during the 8 years of basic education. Moreover, article 16 (2) states that, "Preschool education is directed to all children from the year they reach four years of age," but does not guarantee that this education is free and compulsory.
- 1.11. The country recently adopted the National Adaptation Plan of Cabo Verde 2022-2030 to respond to climate change; one of the plan's strategic actions is to implement a climate education plan through various initiatives such as development and inclusion of adaptation in education curricula.
- 1.12. Following recommendation N°112.94 to undertake extra measures to address the challenges of illiteracy among all in the rural and urban areas, it was reported in the voluntary national review on the implementation of the 2030 agenda for sustainable development that the literacy rate in Cabo Verde reached 88.5% in 2019, some 0.9% higher than in 2016. The literacy rate is higher among men (93.1%) than among women (83.9%), and almost all young people aged 15 to 24 know how to read and write. This improvement is due to the national effort to address the challenges of illiteracy. Government expenditure allocated to education represents 17.09% of government expenditure.
- 1.13. The Initiative on the Evolving Right to Education highlights the need to ensure digital skills, digital inclusion and protections. To this end, the Cabo Verde Digital Strategy (2016-2021) was adopted and one of its pillars entails training on basic skills in the field of digital tools through technological initiation programs in primary and secondary schools. Similarly, the Digital Cabo Verde Project was adopted in 2020 with the aim of further developing digital skills through ICT training.

Primary dutybearer(s): Ministry of Education and Ministry of Family

Recommendation(s):

- The United Nations Country Team recommends the introduction of legislation to make pre-primary education free and compulsory for at least one year
- The United Nations Country Team recommends the regularly submission of comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- 1.14. Furthermore, the rights of lesbian gay, bisexual, transgender and intersex persons are guaranteed by the Constitution of the Republic of Cabo Verde. However, necessary specific programs and legislature framework must be reinforced along with increase of social consciousness on the conditions of LGBTI persons. A law proposal against discrimination was submitted to the Parliament, which will also protect the LGBTI persons.

Primary duty-bearer(s): CNDHC, Government

Recommendation(s):

- The United Nations Country Team recommends more actions for the protocol regarding the specificities of LGBTI persons
- 1.15. The country also recently adopted the law No. 7/X/2022, of May 16, 2022, defining the Legal Regime for the Prevention and Comprehensive Care of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome (HIV/AIDS): Aims to update and strengthen domestic legislative mechanisms for the protection of human rights of special categories of people such as children, women, older people and persons with disabilities in the context of HIV/AIDS including their right to health education. Article 11 specifically forbids requiring any HIV test as a precondition for admission to schools or universities as well as any form of discrimination against the People Living with HIV (PLHIV) in the exercise of their fundamental rights. Similarly, this law prescribes discrimination as article 4 provides that, "All citizens, regardless of their gender identity, sexual orientation and marital status should have access to... education programs related to HIV and sexually transmitted infections". Similarly, article 16(3) provides that, "Educational institutions should include content on the modes of transmission, prevention and treatment of HIV/AIDS and STIs, within the scope of health education and sexual and reproductive education, at the level of basic and secondary education and training curricula professional, adapted to each level of education, training of teachers...".
- 1.16. To prevent and fight Violence against children, Cabo Verde carried out the major reform already done on this matter, which culminated with the 4th revision of the Penal Code (2021) and the Code of Penal Procedure (2021) and the operationalization of the II National Action Plan to Prevent and Fight Sexual Violence 2022-2024 (resolution 122/2021) is currently in place.
- 1.17. The pending cases of paternity investigation in the main city, Praia, reduced 70% for the period March 2021 Dec 2022 which had tremendous impact on the child right. In 2022, 1/3 of the pending processes of sexual crimes against children in the Public Ministry (Praia) were concluded.

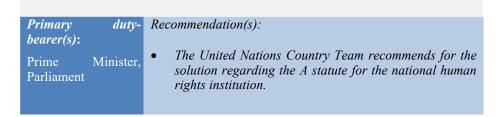
- 1.18. Resolution 102/2021 of November 19th approved the National Action Plan to Prevent and Combat Sexual Violence Against Children and Adolescents 2022-2024, which includes, among its specific objectives, the improvement of institutional and organizational capacities of specialized care for children and adolescents who are victims or at risk, as well as their families. The 2021 amendment to the Criminal Procedure Code strengthened the status of the victim and other victims of crime by imposing on the Public Prosecutor's Office the obligation to investigate and collect evidence of the damage caused by the crime. The first plan against human trafficking (2017-2021) covers the protective needs of children.
- 1.19. A positive structural impact on the children rights has been occurring through the application of instruments such as the operationalization of the II National Action Plan to Prevent and Fight Sexual Violence, the National Multi-stakeholder C4D communication strategy to prevent and fight against child SEA (resolution 101/2021, the Communication Plan (resolution 100/2021), the revision of the Statute of Child and Adolescent ECA (2022) and guidelines to control, supervise and monitor actions of the public and private institutions that develop activities directed to children (2021).
- 1.20. A strategy to combat child labour was adopted, in line with the Convention's Committee recommendations, namely on legislative harmonization, in particular the revision of the age that the list of hazardous work applies and the adoption of legislation on light work. Child Labour Survey was done within the framework of the Continuous Multi-objective Survey (IMC 2022).
- 1.21. The United Nations Country Team recognizes the government's efforts for child protection.

Children Primary duty-bearer(s): Prime Minister, Council of Ministers • The United Nations Country Team recommends continuous close follow-up of the implementation of all measures including measures against the paternity irresponsibility and celerity in the treatment of sexual crimes against children by judicial system.

- 1.22. The United Nations Country Team commends the measures taken to ensure that juvenile offenders are held separately from adults in detention facilities at all times based in the Decree-Law No. 2/2006 of November 27 and the creation of the Orlando Pantera Socio-Educational Center that meets the specific needs of minors in this age group (112.37 A/HRC/39/5/Add.1 Para. 7).
- 1.23. The United Nations Country Team notes that the approval in 2021 of the fourth alteration to the Penal Code gives the fine the status of the main penalty, allowing that fines should be a real alternative to prison sentences, if prevention requirements are safeguarded in each case, especially in small and medium-sized crimes (112.42 A/HRC/39/5/Add.1 Para. 7).
- 1.24. The United Nations Country Team commends the approval of the third amendment to the Code of Criminal Procedure, also in 2021, which reassessed the measures of personal coercion and the assumptions for pre-trial detention, clarifying the situations in which the judge, when he does not consider the other personal coercive measures to be adequate or sufficient, can apply pre-trial detention, always as a measure of last resort (112.39 A/HRC/39/5/Add.1 Para. 7).

2. Human rights institutional infrastructure and policy measures

2.1. Cabo Verde continues to make significant achievements to enhance the human rights institutional infrastructure and policy measures. Cabo Verde has a good framework of human rights protection, starting by the Constitution of the Republic and other structuring laws. Cabo Verde has ratified all UN Conventions on Human Rights and has been submitting reports to the committees. One of the situations to be solved is the requirement for A statute for the National Commission for Human Rights and Citizenship, as a human rights institution. The Government was trying to solve the problem by bringing the CNDHC attributions to the Ombudsman, considering that this entity is constitutional and so can easily have the A statute near GAHNRI. According to the government it is not possible under the existing Constitution to have the President of CNDHC be directly elected by the Parliament as required by Paris Declaration. For that it would be needed the extraordinary revision of the Constitution and the government is waiting for the moment of normal revision or the decision of the Parliament on the Ombudsman Statute revision for the fusion of the two institutions in one.



- 2.2. The United Nations Country Team notes the efforts to adopt further measures to prevent and combat episodes of human trafficking and child sexual exploitation through the strengthening of the national legislation on Child Sexual Exploitation with the 4th revision of the Penal Code (2021) and the Code of Penal Procedure (2021), together with the approval in 2021 of the amendment to the Criminal Procedure Code that has strengthened the status of the victim and other victims of crime by imposing on the Public Prosecutor's Office the obligation to investigate and collect evidence of the damage caused by the crime. The first plan against human trafficking (2017-2021) also covers the protective needs of children (112.55 A/HRC/39/5/Add.1 Para. 7).
- 2.3. The United Nations Country Team notes the efforts taking to prevent and eliminate human trafficking, including improving services to protect, rehabilitate and reintegrate victims with the preparation of the II Plan against Human Trafficking (2023-2027) and its action plan (112.61 A/HRC/39/5/Add.1 Para. 7.
- 2.4. The United Nations Country Team commends the approval, by the Resolution No. 40/2018, on May 9, and implementation of the National Plan to Combat Trafficking in Persons (2018–2021) under which the Observatory for monitoring and rapid identification of situations of human trafficking was created, enabling the centralization and acceleration of the implementation of activities against trafficking. The II Plan against Human Trafficking (2023-2027) and its action plan are under preparation (112.52/53 A/HRC/39/5/Add.1 Para. 7).

- 2.5. The United Nations Country Team notes that a legal reform on equality and discrimination in employment and occupation is engaged by promoting capacity-developing activities of the labour inspection services and other entities and as well by elaborating a roadmap to reinforce the application of the equal pay principle that was adopted and presented to the leaders of parties with parliamentary seats. 112.111
- 2.6. The United Nations Country Team commends that a national labour inspection campaign on equality and non-discrimination at work in the tourism sector was conducted and proposals for the amendment of the administrative offense' proceedings are being drafted, to effectively address non-compliance issues detected. 112.111
- 2.7. The United Nations Country Team praises that in Cabo Verde the wage gap between men and women is illegal and unconstitutional. All wages are according to the nature of the work and not related to be done by men and women. 112.111
- 2.8. The United Nations Country Team praises the significant progress made during the period to secure and improve rural and urban population's access to water, with Renewable Energy and Energy Efficient technologies and an energy-water nexus approach.

III. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Right to social protection

1.1. The United Nations Country Team recognizes the efforts of the Government for the consolidation of the Single Social Registry (CSU) as the unique entry point for access to public social benefits and the unique mechanism for targeting families in extreme poverty. The Single Social Register was strengthened with the territorialisation of social action, benefiting from the municipalisation of services and with new attributions of the National Centre for Social Benefits (CNPS). Also, it benefited from the improvement of the IT tool, the table of indicators to support the targeting and prioritization of families; as well as the legal diploma that stipulates the rules for the process. Currently the CSU covers around 75% of the population, with households classified in Groups 1 and 2 (i.e. people in situations of greater poverty and vulnerability) 112.90.

2. Right to an adequate standard of living

2.1. The United Nations Country Team commends the intensification efforts made in poverty alleviation, particularly during the COVID-19 Pandemic when support mechanisms for the poorest and most vulnerable populations were strengthened, as the Social Inclusion Income (RSI) with the aim of increasing the disposable income of the poorest and most vulnerable families for 2 years, the Emergency Social Inclusion Income (RSI-E), allowing that 48.2% of the population in extreme poverty was covered. The National Strategy for the Eradication of Extreme Poverty (ENEPE) was approved by the Council of Ministers on 29 December 2022 and published in 2023 in the Official Bulletin Series I, no. 8. (Resolution no. 4/2023 of 26 January), starting its implementation in 2023. (112.75, 112.83, 112.84 and 112.76 - A/HRC/39/5/Add.1 - Para. 7).

3. Right to health

The United Nations Country Team notes that the country has developed a sexual and reproductive health policy with special attention to improving the quality of women's health and the health of boys. 112.136.

The United Nations Country Team notes the universal health coverage index of 69, where the population is less than 30 minutes from a primary care facility. 112.92

The United Nations Country Team congratulates the country for the introduction of HPV vaccine at national vaccination calendar followed by vaccination campaign for 10-year-old girls and then extended to 12 years of age (112.87). It also praises the revision of the law on the "Taxa de moderador" of Health - Decree Law 02 / 2021: The moderating fee has been updated where children up to five years of age, pregnant women, vulnerable patients and people with disabilities, among others, are exempt from payment. Family planning consultations, dialysis care, treatment programs for chronic alcoholics and drug addicts, and vaccination are also exempt from moderating fees. Health professionals are being specialized in General and Family Medicine. 112.92

The United Nations Country Team commends country's efforts to eliminate malaria; introduction of new vaccines in the national vaccination calendar; maintenance of the polio-free country certificate; strengthening its response to emergencies with the development of the National Strategy for Prevention Response to Health Emergencies; strengthening the implementation of the ONE Health strategy; existence of an Independent Health Regulatory Agency. It should also be noted that the country is in the

process of certifying the elimination of mother-to-child transmission of HIV and syphilis. It is the second country in the PALOPS with the highest rate of universal health coverage. 112.93

Primary duty-bearer(s):Minister of Health

Recommendation(s):

- The United Nations Country Team recommends investing more in the skills of health technicians OR frontline workers to attend to the special needs of disabled people in order to have a more equitable health. 112.87
- The United Nations Country Team recommends continuing to train health, education and other professionals so that all girls and boys, regardless of their condition, have access to and can enjoy these services. 112.136
- The United Nations Country Team recommends the reinforcement of public care with the use of increasingly qualified and sufficient health professionals. 112.92
- The United Nations Country Team recommends the reinforcement of health promotion actions with the improvement of the population's health literacy, since there is the challenge of chronic non-communicable diseases that constitute the third cause of death as well as the reinforcement of human resources and the resilience of the Health System in the face of health emergencies, 112.93

4. Right to education

All children in Cabo Verde, irrespective of their geographic location, economic status or circumstances have the right to education. National policies have been put in place to ensure uptake by all; specific initiatives like the school feeding programme instituted by the Government of Cabo Verde help promote school enrolment, attendance and completion, to help contribute to producing human capital that are well equipped to build the country.

The United Nations Country Team noted that with the COVID-19 pandemic and the reopening of the schools, the resumption of classes for children with disabilities has been slow. It was necessary to increase the awareness of families and cover them with social protection programs to counteract this situation. However, the challenges are still important, due to the insufficiency of human resources qualified.

The United Nations Country Team notes that the process of ratification of the Convention against Discrimination in Education started with the National Assembly approving the resolution, and regulations have been established which exempt people with disabilities from paying fees from pre-school to higher education. Nonetheless, the convention has not yet been ratified (112.9 - A/HRC/39/5/Add.1 - Para. 7).

Following recommendation N°112.128 of the previous UPR cycle to step up measures to expand access to education, the decree-Law No. 63/2021 of 29 September, approving the establishment of the Ministry of the Family, Inclusion and Social Development (MFIDS) established the MFIDS whose functions under article 4 include promoting education and vocational training and article 22 (1) (c) specifically tasks this responsibility on the unit for social and solidarity economy which shall be directly

dependent on the MFIDS.

Further, the Ordinance No. 58/2020 Regulation of Individual and Home Education was adopted by the Ministry of Education and it states that it aims to promote individual teaching and home school learning as a flexible, personalized and inclusive way of teaching which enables access, permanence and conclusion of each and every student of their education regardless of their social situation, thus overcoming the limitation associated with face-to-face teaching and learning and its costs (p.4).

Quality education	
Primary duty-bearer:	Recommendation(s):
Minister of Education	 The United Nations Country Team recommends that schools be staffed with qualified professionals to assist people with disabilities. 112.87 The United Nations Country Team recommends to take all necessary steps to ensure the implementation of the Convention against Discrimination in Education . 112.12

5. Cultural rights

B. Rights of specific persons or groups-

1.. Women

The United Nations Country Team notes that gender-based violence is taken very seriously in the country. The judicial system has been doing its part to punish adequately the aggressors, working also with them in rehabilitation to avoid reincidences. Women and girls' victims of domestic violence are ensured psychological treatment (112.107). However, it is noted that it is necessary to reinforce at the level of justice a mechanism that promotes faster justice for gender-based crimes. 112.110

The parity law was approved by the Parliament and was applied in the legislative election in 2021, and the Parliament has more women elected. At local level although more women were elected for municipal assemblies. It is important that for the next local election the parity law be applied aiming at gender equality in politics at local level. The resolution No. 1/2022 of January 5 approved the National Plan for Gender Equality (2021-2025), as an important instrument for gender equality policies implementation.

The United Nations Country Team notes that the country has strengthened the mechanisms of participation and empowerment of young people and women by creating spaces for dialogue and debates between the Government (central and local), young people and different development actors in order to contribute to increase the civic and political participation of young people in the context of the Agendas 2030 and 2063 and the Strategic Plan for Sustainable Development. 112.110

The United Nations Country Team note that the national plan for gender equality, PNIG, was approved by the Council of Minister in 2021 and it is observed clear upgrade of general consciousness regarding stereotypes against women. 112.121

Primary duty-bearer(s): *Recommendation(s):* The United Nations Country Team recommends Prime Minister, Council increasing the work on the education side, combating of Ministers stereotypes against women and girls which will contribute to diminish gender-based violence. 112.107 The United Nations Country Team recommends that special attention be reserved to continuous implementation of gender equality policies. The United Nations Country Team recommends expanding public education programs that inform on the negative impact of discriminatory stereotypes and harmful practices and implement and accelerate awareness campaign of gender equality including at the political level. 112.110

2. Children

The United Nations Country Team notice that the process of ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure started but it is not yet concluded. The National Assembly has approved the resolution.

The United Nations Country Team praises the actions that have been developed with the introduction of new instruments to improve the quality of maternal, neonatal and child services, an intervention that will allow the improvement of health indicators. It should be noted that the level of education families in vulnerable situations benefit from social and school action programs (materials, uniforms, transportation) and all children have a hot meal in schools. This investment is evident in the schooling rate, which is around 96% in basic education and about 70% in secondary education, with parity in access. There are inequalities in terms of permanence (boys drop out more) and success (girls have better grades and fail less). 112.136

The Civil Code of 1997 defines a minor under article 133 to be, "A person who has not yet completed eighteen years old" but provides under article 1567 that minors can get married at the age of 16 years old with parental consent. A person below the age of 16 may not get married.

Primary duty-bearer:Prime Minister, Council of Ministers

Recommendation(s):

- The United Nations Country Team recommends the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (112.3 A/HRC/39/5/Add.1 Para. 7)
- The United Nations Country Team recommends revising the Civil Code to specify that a minor can marry under exceptional circumstance and only upon judicial decision, in compliance with international human rights law.

5. Migrants, refugees and asylum seekers

The United Nations Country Team notes the efforts made on addressing the multi-sectoral protection needs of migrants in West and Central Africa and the awareness campaign launched aiming to combat discrimination, promote respect and appreciation for cultural diversity in the context of migration, and disseminate and recognize the contribution of immigrants and immigration in Cabo Verde. Nonetheless, more necessary measures can be taken to ensure that migrant workers are protected against discrimination on the grounds of national origin (112.158 - A/HRC/39/5/Add.1 - Para. 7).

The United Nations Country Team notes the efforts made on providing all assistance necessary to facilitate the social and economic integration of forced returnees with the development and public presentation of the National Program for the Reception and Social (Re)Integration of Forced Returnee Migrants in March 2023 (112.91 - A/HRC/39/5/Add.1 - Para. 7).

Primary duty-bearer:

Recommendation(s):

Prime Minister, Council of Ministers

 The United Nations Country Team recommends the ratification of the Convention relating to the Status of Refugees (112.7 - A/HRC/39/5/Add.1 - Para. 7)

8. Persons with disabilities

Primary duty-bearer: Prime Minister, Council of Ministers • The United Nations Country Team recommends the effective implementation of the Plan for the Rights of people with disabilities. 112.87 • It also recommends investing more in the skills of health technicians OR frontline workers to attend to the special needs of disabled people in order to have a more equitable health. 112.87

9. **Detained persons**

The United Nations Country Team notes the effort to facilitate the reintegration of former detainees, by inter alia improving access to education, vocational training or other activities for detainees through the implementation of the National Plan for Social Reintegration 2020-2023 (112.36 - A/HRC/39/5/Add.1 - Para. 7).