

**Universal Periodic Review  
(44<sup>th</sup> working group session)  
Contribution of UNESCO to Compilation of UN information**

**Cabo Verde**

**I. RATIFICATION OF UNESCO CONVENTIONS**

<b>TITLE</b>	<b>Date of ratification, accession, acceptance or succession</b>	<b>Declarations/Reservations</b>	<b>Recognition of specific competences of treaty bodies</b>	<b>Reference to the rights within UNESCO's field of competence</b>
Convention against Discrimination in Education (1960)	Ratification: 05/10/2022			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance: 28/04/1988			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification: 06/01/2016			The right freely to participate in the cultural life of the community
Convention on the Protection and Promotion of	Ratification: 26/05/2021			The right freely to participate in the cultural life of the community

the Cultural Diversity of Cultural Expressions (2005)				
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**II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORK AND IMPLEMENTATION**  
**A. RIGHT TO EDUCATION**

Legislative, regulatory and policy frameworks

1. The Constitution of the Republic of Cape Verde of 1992, as amended in 2010<sup>1</sup> 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.
2. The Framework law on Education of 2010 as amended in 2018<sup>2</sup> 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. 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 Framework 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.
3. As recommended in the previous UPR cycle (Recommendation N°112.9 - N°112.12), Cabo Verde ratified the Convention against Discrimination in Education on 05/10/2022.
4. The country recently adopted the following texts:
  - 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)<sup>3</sup> : 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.

<sup>1</sup> <https://www.governo.cv/documentos/constituicao-da-republica/>

<sup>2</sup> [Decreto-legislativo nº 13 2018 LBSE.pdf \(gov.cv\)](#)

<sup>3</sup> [L 7 2022 CABO.pdf \(ilo.org\)](#)

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 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, as well as the pre- and post-graduate training of teachers...”

- Decree-Law No. 63/2021 of 29 September, approving the establishment of the Ministry of the Family, Inclusion and Social Development (MFIDS)<sup>4</sup>: Establishes the Ministry of the Family, Inclusion and Social Development whose assignments according to article 4 (d) include to develop a family policy that ensures access to basic social goods such as education and technical-vocational training.
- Ordinance No. 58/2020 Regulation of Individual and Home Education<sup>5</sup>: seeks to regulate the modalities of individual teaching and home schooling, defining the rules and procedures regarding enrolment and attendance, as well as the process of monitoring and certification of learning (p.2).
- Decree-Law No. 80/2020: Approves the Staff Statute of the Education Inspection.<sup>6</sup> This decree was adopted in light of the increased expansion of schools in Cabo Verde, the massive construction of school infrastructure and the growing autonomy of schools, to equip the education system with competent personnel to perform inspection tasks (p.9).
- New procedures regarding the suspension and closure of schools in the case of pupils, teachers and/or staff confirmed with COVID-19<sup>7</sup>: Provides practical information on the procedure to be followed in schools in case pupils or staff are confirmed with COVID-19 so as to ensure the safety and continuity of learning.
- National Adaptation Plan of Cabo Verde 2022-2030<sup>8</sup>: Adopted 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.

#### Legal age of marriage

5. The Civil Code of 1997<sup>9</sup> 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

<sup>4</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/112989/141364/F-1519226286/DL6321.pdf>

<sup>5</sup> [B.O Ensino Individual e Doméstico.pdf \(gov.cv\)](#)

<sup>6</sup> [Estatuto do pessoal da Inspeção de Educação Decreto-lei nº 802020 7ApLzuc.pdf \(gov.cv\)](#)

<sup>7</sup> [bo\\_29-10-2020\\_122\\_Resolução\\_nº\\_144\\_2020\\_sp34sz1.pdf \(gov.cv\)](#)

<sup>8</sup> [NAP Cabo Verde EN.pdf \(unfccc.int\)](#)

<sup>9</sup> [http://intersismet.com/wp-content/uploads/2013/11/codigo\\_civil\\_caboverde.pdf](http://intersismet.com/wp-content/uploads/2013/11/codigo_civil_caboverde.pdf)

can get married at the age of 16 years old with parental consent. A person below the age of 16 may not get married.

#### Access to education

6. 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)<sup>10</sup> 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.
7. Further, the Ordinance No. 58/2020 Regulation of Individual and Home Education<sup>11</sup> 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).

#### Persons with disabilities

8. Recommendations N°112.102 and N°112.103 of the previous UPR cycle relate to people with disabilities, and in this regard the Delegation of the Ministry of Education, through the Multidisciplinary Team of Support to Inclusive Education, signed a cooperation protocol with the Agostinho Neto Hospital in the field of "Promotion of Inclusive Education of Children and Young People with Special Educational Needs" in October 2021.<sup>12</sup> It includes, among other measures, study guidance and testing for professors/supervisors.

#### Detained persons

9. By recommendation N°112.36 of the previous UPR cycle, Cabo Verde was advised to take effective measures to facilitate the reintegration of former detainees, by inter alia improving access to education and vocational training for detainees. It has been reported that the Ministry of Justice continued inmate vocational training programs.<sup>13</sup>

#### Illiteracy

10. 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<sup>14</sup> 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

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<sup>10</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/112989/141364/F-1519226286/DL6321.pdf>

<sup>11</sup> [B.O. Ensino Individual e Doméstico.pdf \(gov.cv\)](#)

<sup>12</sup> [Ministry of Education \(gov.cv\)](#)

<sup>13</sup> [Ministry of Justice and National Association of Municipalities of Cape Verde sign protocol for the rehabilitation and social reintegration of prisoners - Government of Cape Verde \(governo.cv\)](#)

<sup>14</sup> [cabo\\_verde\\_vnr\\_2021.pdf \(unesco.org\)](#)

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.

#### Gross enrolment rates

11. The gross enrolment rates (GER)<sup>15</sup> were:

- Pre-primary education enrolment rates in 2019: 75% in total, 76% girls and 74% boys;
- Primary education enrolment rates in 2019: 101% in total, 98% girls and 104% boys;
- Secondary school enrolment rates in 2019: 89% total, and 93% girls and 85% boys;
- Tertiary education enrolment rates in 2018: 24% in total, 28% girls and 19% boys.

#### Government expenditure

12. Government expenditure on education was 7.6% of GDP in 2020, which represents 17.1% of government expenditure allocated to education.<sup>16</sup>

#### Digital education

13. The Cape Verde Digital Strategy (2016-2021)<sup>17</sup> 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<sup>18</sup> was adopted in 2020 with the aim of further developing digital skills through ICT training.

#### Discrimination in education (UNESCO consultations)

14. Cabo Verde did not submit a report for the 9<sup>th</sup> and the 10<sup>th</sup> Consultation on the implementation of the Convention and the Recommendation against Discrimination in Education.

## **B. FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION**

#### Constitutional and legislative frameworks

15. The Republic of Cabo Verde's 1992 Constitution<sup>19</sup> explicitly guarantees respect for human rights and fundamental freedoms including freedom of expression and of information (Art. 29 and 48). Article 165 of the criminal code criminalizes defamation and establishes sentences from 6 to 18 months or fine of 80-200 days, which can be increased by one third if the act was committed against a victim in the exercise of

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<sup>15</sup> UIS data

<sup>16</sup> [sdg4-data.uis.unesco.org](https://sdg4-data.uis.unesco.org)

<sup>17</sup> [https://ictpolicyafrica.org/api/documents/download?\\_id=5eb2c030663081001bdbc788](https://ictpolicyafrica.org/api/documents/download?_id=5eb2c030663081001bdbc788)

<sup>18</sup>

<https://www.mf.gov.cv/documents/20126/0/Plano+de+Engajamento+das+Partes+Interessadas.pdf/41d658f1-b72a-07c7-e2f3-29e374fdc1d1?t=1603379796768>

<sup>19</sup> Constitution of the Republic of Cabo Verde (2010), available at [https://aceproject.org/ero-en/regions/africa/CV/cape-verde-constitution-2010/at\\_download/file](https://aceproject.org/ero-en/regions/africa/CV/cape-verde-constitution-2010/at_download/file)

their functions.<sup>20</sup>

16. A new right to information law (10/X/2022 adopted on May 6, 2022) entered into force in 2022. The law is enacted to regulate and guarantee access to information under the custody of public agencies and entities. It equally establishes transparent procedures and how a citizen or entity can request access to documents.

#### Implementation of the law

17. Although the implementation of the Freedom of Information Law started in 2022, it is important to note that the law does not create an independent oversight body.

#### Safety of journalists

18. As of 31 January 2023, UNESCO has reported no killings of journalists in the country since 2006, when systematic reporting by the organization began.<sup>21</sup>

### **III. RECOMMENDATIONS**

#### **A. RIGHT TO EDUCATION**

19. Cabo Verde should be encouraged to:

- i. Introduce in the legislation at least twelve years of free primary and secondary education;
- ii. Introduce legislation to make pre-primary education free and compulsory for at least one year;
- iii. Revise 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;
- iv. Submit comprehensive national reports regularly for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education;
- v. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education<sup>22</sup> and Her Atlas.<sup>23</sup>

#### **B. FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION**

20. Cabo Verde is recommended to decriminalize defamation and place it within the civil code, in line with international standards.

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<sup>20</sup> <https://policehumanrightsresources.org/content/uploads/2016/07/Penal-Code-Cape-Verde-2003-Good-version.pdf?x19059> (non official translation)

<sup>21</sup> <https://en.unesco.org/themes/safety-journalists/observatory/country/223688>

<sup>22</sup> <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

<sup>23</sup> <https://en.unesco.org/education/girls-women-rights>

21. Cabo Verde is recommended to create an independent oversight board for its Freedom of Information Law implementation.

**C. RIGHT FREELY TO PARTICIPATE IN THE CULTURAL LIFE OF THE COMMUNITY (CULTURAL RIGHTS)**

22. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Cabo Verde is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Cabo Verde is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS**

23. Cabo Verde did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. Therefore, Cabo Verde is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. Furthermore, Cabo Verde is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the

formulation of specific recommendations. Within this framework, Cabo Verde is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.