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resolution 16/21**

Cape Verde

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified/not accepted</i> |
|--|---|---|---|
| <i>Ratification, accession or succession</i> | ICERD (1979) ICESCR (1993) ICCPR (1993) ICCPR-OP 2 (2000) CEDAW (1980) CAT (1992) CRC (1992) OP-CRC-AC (2002) OP-CRC-SC (2002) ICRMW (1997) CPED (signature only, 2007) | CRPD (2011) OP-CAT (signature only, 2011) | |
| <i>Reservations, declarations and/or understandings</i> | | | |
| <i>Complaint procedures, inquiry and urgent action³</i> | CAT, art. 20 (1992) ICCPR-OP 1 (2000) CPED (signature only, 2007) | OP-ICESCR (signature only, 2011) OP-CEDAW, art. 8 (2011) OP-CRC-IC (signature only, 2012) | ICERD, art. 14 ICCPR, art. 41 CAT, arts. 21 and 22 ICRMW, arts. 76 and 77 OP-CRPD |

Other main relevant international instruments

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified</i> |
|--|--|---|---|
| <i>Ratification, accession or succession</i> | Protocol on refugees ⁴ Palermo Protocol ⁵ Geneva Conventions of 12 August 1949 and Additional Protocols thereto, except Additional Protocol III ⁶ ILO fundamental conventions, except No. 138 ⁷ | Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court ILO Convention No. 138 ⁸ | Conventions on refugees and stateless persons ⁹ ILO Conventions Nos. 169 and 189 ¹⁰ Additional Protocol III to Geneva Convention of 12 August 1949 ¹¹ UNESCO Convention against Discrimination in Education |

1. UNHCR recommended that Cape Verde accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness, as recommended by the Committee on the Rights of the Child in 2001.¹²

2. UNESCO recommended that Cape Verde ratify the 1960 Convention against Discrimination in Education as well as submit a report to the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006–2011).¹³

3. UNHCR recommended that Cape Verde accede to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.¹⁴

B. Constitutional and legislative framework

4. In 2012, the Human Rights Committee (HR Committee) noted that article 12 of the new Constitution proclaims that all treaties ratified by Cape Verde, including ICCPR, are part of domestic law.¹⁵

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions¹⁶

| <i>National human rights institution</i> | <i>Status during previous cycle</i> | <i>Status during present cycle¹⁷</i> |
|--|-------------------------------------|---|
| National Commission for Human Rights and Citizenship of Cape Verde | No status | No status |

5. The HR Committee shared the concerns expressed by the Human Rights Council during the review of Cape Verde under the universal periodic review (UPR) mechanism on the need to strengthen the National Commission for Human Rights and Citizenship.¹⁸

6. The United Nations Country Team (UNCT) stated that, in October 2011, the National Commission for Human Rights and Citizenship submitted to the Government a new statute in compliance with the Paris Principles to be approved by the Parliament. The proposed statute is expected to provide the Commission with the autonomy and independence needed.¹⁹

7. The HR Committee recommended that Cape Verde widely disseminate ICCPR and its Protocols, the text of its initial report as well as the concluding observations of the HR Committee.²⁰ The HR Committee also recommended that Cape Verde take appropriate measures to raise awareness of ICCPR among judges, lawyers and prosecutors to ensure that its provisions are taken into account, as necessary, by national courts.²¹

8. UNCT indicated that a national action plan for the follow-up on the UPR recommendations had been elaborated and validated in 2012.²²

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies²³

1. Reporting status

| <i>Treaty body</i> | <i>Concluding observations included in previous review</i> | <i>Latest report submitted since previous review</i> | <i>Latest concluding observations</i> | <i>Reporting status</i> |
|--------------------|--|--|---------------------------------------|---|
| CERD | August 2003 | - | - | Thirteenth and fourteenth reports overdue since 2006. |
| CESCR | - | - | - | Initial report overdue since 1995. |
| HR Committee | - | - | March 2012 | Initial report overdue since 1994. |

| <i>Treaty body</i> | <i>Concluding observations included in previous review</i> | <i>Latest report submitted since previous review</i> | <i>Latest concluding observations</i> | <i>Reporting status</i> |
|--------------------|--|--|---------------------------------------|--|
| CEDAW | August 2006 | 2010 | - | Seventh and eighth reports pending consideration. |
| CAT | - | - | - | First to fifth reports overdue since 1993, 1997, 2001, 2005 and 2009 respectively. |
| CRC | October 2001 | - | - | Second to fourth reports overdue since 1999, 2004 and 2009 respectively. Initial OP-CRC-SC and OP-CRC-AC reports overdue since 2004. |
| CMW | - | - | - | Initial report overdue since 2008. |
| CRPD | - | - | - | Initial report due in 2013. |

B. Cooperation with special procedures²⁴

| | <i>Status during previous cycle</i> | <i>Current status</i> |
|---|---|-----------------------|
| <i>Standing invitation</i> | No | No |
| <i>Visits undertaken</i> | None | None |
| <i>Visits agreed to in principle</i> | None | None |
| <i>Visits requested</i> | None | None |
| <i>Responses to letters of allegations and urgent appeals</i> | During the period under review no communications were sent. | |

9. UNCT noted that no standing invitation has been issued by Cape Verde.²⁵

C. Cooperation with the Office of the High Commissioner for Human Rights

10. Cape Verde has received technical assistance from the OHCHR Regional Office in Dakar, which has been delivered in close partnership with UNCT. A training of State and non-State actors and the national human rights institution was undertaken, focusing on the elaboration of the common core document to treaty bodies, and on reporting on the ICESCR and CAT. Technical assistance was provided for the elaboration of the report on the ICESCR and the CEDAW, as well as for the elaboration of the National Action Plan for the follow-up of UPR recommendations.²⁶

III. Implementation of international human rights obligations

A. Equality and non-discrimination

11. The HR Committee urged Cape Verde to adopt a comprehensive and integrated approach to its policies to ensure that gender mainstreaming is practised at all levels. Cape Verde should enhance its efforts to eliminate existing patriarchal and gender stereotypes on the roles and responsibilities of women and men in the family and in society by, inter alia, adopting programmes that seek to raise awareness in society of gender equality.²⁷

12. UNCT indicated that the promotion of gender equality is coordinated by the Cape Verdean Institute for Gender Equality and Equity (ICIEG). The National Equality Plan, initially 2005–2009, was revised in 2009 and extended to 2011. Presently a two-year interim Gender Equality Plan (2011–2012) is under implementation.²⁸

13. The United Nations Development Assistance Framework (UNDAF) 2012–2016 for Cape Verde indicated that disparities between the sexes are all the more important because of the proportion of women heads of household (48 per cent of the total in 2010) a proportion which is even higher among poor families (56 per cent). Women are undoubtedly the main source of support for families as well as being, in most cases, the only persons responsible for most of the children in the country.²⁹

14. UNDAF noted that in spite of far-reaching reforms, inequality — between rich and poor, men and women and between regions — remains a key national characteristic.³⁰ There are still inequities linked to gender and age, as well as inequalities between rural and urban areas.³¹

15. UNCT stated that, although there are no reported cases of discrimination against people living with HIV (PLHIV), social prejudice exists. The HIV/AIDS Law (19/VII/2007) covers several aspects, including prohibition of the discrimination based on the HIV/AIDS status. The law could, however, better reflect human rights and gender equality, as it omits the needs of women and of specific vulnerable populations in the context of HIV.³²

16. UNCT indicated that no data exists on racial discrimination; however prejudice certainly exists, especially with regard to immigrants from West Africa.³³

17. In 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts) noted that the new Labour Code provided for protection against discrimination on the grounds of sex, race, colour, social origin, religion and political opinion but it did not refer to national extraction nor did it provide for protection against direct or indirect discrimination. The Committee of Experts noted a report that foreign workers employed in the construction sector as well as in the domestic sector were discriminated against, as they received salaries considerably lower to that of national workers. It requested Cape Verde to indicate how it is ensured that adequate protection is provided against discrimination on the ground of national extraction as well as against both direct and indirect discrimination.³⁴

B. Right to life, liberty and security of the person

18. UNCT stated that homicides have increased, peaking in 2011, especially among youth, in Praia and other urban centres. Increases in criminality in cities, and the circulation of small arms remain concern for the authorities and important investments are being made in capacity-building of the police, mobilization of local authorities and definition of new municipal police modalities for better proximity interventions.³⁵

19. The HR Committee was concerned that police brutality against juveniles, as a form of extrajudicial punishment, may be common and is allegedly sanctioned by the society. It urged Cape Verde to take concrete measures to combat juvenile delinquency and the increase in the number of youth gangs by, inter alia, addressing the root causes for the increased juvenile delinquency and proliferation of youth gangs. It recommended that Cape Verde ensure that allegations of brutality and other forms of abuse by law enforcement personnel are effectively investigated and that those responsible are held accountable.³⁶

20. UNCT stated that Cape Verde still faced challenges in complying with human rights obligations in terms of prison conditions: the country had overcrowded prison facilities and

inmates were not separated by age as set out by the law on special imprisonment regimes. Measures to address these challenges had been taken, including the construction of a new regional prison facility (island of Sal) and installation of a Video Surveillance System in the second central prison (island of S. Vicente).³⁷ The HR Committee also raised similar concerns.³⁸

21. UNCT stated that a special law against gender based violence was passed in 2011 (Law 84/VII/11). Gender-based violence is now an *ex officio* crime and offences include physical, psychological, sexual, moral and patrimonial violence, as well as harassment. The special law foresees that the legal proceedings in gender-based violence are abbreviated, and professionals involved, especially the legal and medical ones, had specific functions and deadlines which, if not fulfilled, could lead to a disciplinary sanction. Support services are to be interdisciplinary and decentralized. Furthermore, the law established a period of one year for a range of services to be set up (support centres for victims, aiming at an integral response to their situation, treatment of the perpetrators through the implementation of psychological, psychiatric and educational programmes, shelters for victims, support fund, among others).³⁹

22. UNDAF indicated that the spread of violence throughout the fabric of Cape Verdean society has a considerable impact on gender relations. In the domestic sphere, one out of every five women had been a victim of at least one act of violence during the previous year, aggravated by alcohol consumption. Increasing numbers of young people are exposed to violent behaviour, in particular in towns. For example, the rate of domestic violence in the capital, Praia is 30 per cent.⁴⁰

23. The HR Committee expressed concern at child abuse and sexual exploitation in schools. It urged Cape Verde to improve mechanisms for early detection, encouraging reporting of suspected and actual abuse. It recommended that Cape Verde ensure that such cases were thoroughly investigated, that perpetrators are prosecuted, and if convicted, punished with appropriate sanctions and that victims are adequately rehabilitated.⁴¹

24. While noting that corporal punishment was unlawful in schools, penal institutions and care institutions, the HR Committee was concerned that corporal punishment still occurred as excessive chastisement in the home, and at frequent use of corporal punishment by teachers. It indicated that Cape Verde should put an end to corporal punishment in all settings; act vigorously against the use of corporal punishment in schools; promote non-violent forms of discipline as alternatives to corporal punishment; and conduct public information campaigns to raise awareness about its harmful effect.⁴²

25. The HR Committee was concerned at the prevalence of trafficking in persons, particularly women and children, as the territory of Cape Verde is often used for transit purposes. It indicated that Cape Verde should focus on trafficking flows from, to and in transit through its territory; train its police officers, border personnel, judges, lawyers and other relevant personnel in order to raise awareness of this phenomenon and the rights of victims; ensure that all perpetrators of trafficking in persons were investigated, prosecuted, and if convicted, adequately sanctioned; and guarantee that adequate protection, reparation and compensation were provided to victims.⁴³

26. UNHCR is concerned that Cape Verde remained a country of transit for trafficked women and girls. It is also concerned about the exploitation of women and girls who resort to prostitution as a survival strategy, and about the potential negative impact that increased tourism could have on the incidence of prostitution, as noted by the Committee on the Elimination of All Discrimination against Women in 2006.⁴⁴

27. UNCT stated that Cape Verde did not have specific legislation on trafficking in persons. However, progress has been made with the drafting of a bill on smuggling of migrants, including provisions on the fight against trafficking in persons, which was to be

approved by the Parliament. However, in order to effectively address the important risks associated with trafficking through adequate public interventions, it was increasingly imperative to invest in data collection and analysis of the situation.⁴⁵

C. Administration of justice, including impunity, and the rule of law

28. UNCT stated that in 2010 there was a revision of the Constitution, approved by consensus of all political parties. Its main focus was on the judicial system, to ensure that courts and judges were more independent. While Supreme Court judges were appointed by Parliament or the President of the Republic in the past. All judges were now elected inside the justice structure by judges. The High Council for the Judiciary gained more independence. To combat the slowness of justice, the court of appeal was created.⁴⁶

29. The HR Committee was concerned that judges were underpaid, which could expose them to grave risks of bribery and corruption, particularly in light of the emergence of drug trafficking groups that might interfere with the administration of justice. It recommended that Cape Verde take steps to entrench judicial independence by ensuring that the remuneration of judges was sufficient to guarantee judicial independence and integrity.⁴⁷

30. The HR Committee was concerned at lengthy pretrial detention leading to overcrowding in prisons and places of detention and which is allegedly exacerbated by delays in the delivery of justice. It urged Cape Verde to improve prison conditions and ensure that the treatment of detainees and prisoners in detention facilities and prisons was in line with ICCPR and the United Nations Standard Minimum Rules for the Treatment of Prisoners.⁴⁸

31. The HR Committee urged Cape Verde to segregate juveniles from adult prisoners, and accused persons from convicts.⁴⁹ It also recommended that Cape Verde review its system of administration of justice in order to expedite the delivery of justice.⁵⁰

32. UNCT stated that there was a perception of impunity among the population, related to the slowness of administration of justice. It noted that, for the judicial year 2010–2011, 32,196 criminal cases had accumulated from the previous judicial year (2009–2010), while 18,497 new cases entered in that judicial year (2010–2011) and only 8,950 were resolved. On the positive side, even though the accumulated cases were increasing, so was the number of resolved cases (up 22.5 per cent globally and up 54.6 per cent for the capital, Praia), as a result of measures implemented.⁵¹

D. Right to privacy, marriage and family life

33. UNCT stated that 2.7 per cent of the 0–17 year olds did not have birth registry in Cape Verde (5,117 children). When data is disaggregated by age group, 81 per cent of these children are 0 to 4 years and 1 in every 4 children under one year has not been registered yet. The Code for Civil Registry is in the process of revision, in view of improving the legal framework on this matter, and eliminating the late registry of children.⁵²

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

34. The HR Committee noted the lack of information on the regulatory framework governing the right to freedom of opinion and expression and how these rights were enjoyed in practice and urged Cape Verde to provide information in this regard.⁵³

35. UNESCO stated that defamation remained criminalized under article 166 of the Criminal Code and recommended that Cape Verde decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.⁵⁴

36. UNESCO noted that there is yet to be a freedom of information law and recommended that Cape Verde begin the process to introduce a freedom of information law to enable public information to be accessed easily and freely by the public.⁵⁵

37. UNCT stated that women's presence in decision-making has evolved positively in the last decade, although at a modest rate: in the legislative branch from 11 per cent to 21 per cent (2001 to 2011); and local level from 16 per cent to 23 per cent (2001 to 2012). Parity has been achieved at the executive branch for the third consecutive cabinet, from 36 per cent to 47 per cent (2001 to 2011).⁵⁶

38. The HR Committee recommended that Cape Verde increase the number of women in decision-making positions in all spheres, particularly in the private sector.⁵⁷

F. Right to work and to just and favourable conditions of work

39. UNCT indicated that unemployment was a challenge, particularly among youth and women. The 2011 unemployment rate was 12.2 per cent (up from 10.7 per cent in 2010), 11.4 per cent for men and 13.2 per cent for women. Young people are especially affected: unemployment was 21.3 per cent in 2010 for 15–24 years old: 18.3 per cent for young men and 25.5 per cent for young women.⁵⁸

40. In 2011, the ILO Committee of Experts recalled that article 61 of the Constitution provided for the principle of equal remuneration for equal work and that section 16 of the new Labour Code provided that all workers had the right to fair remuneration according to the nature, quantity and quality of work. However, the Committee of Experts stated that these provisions in the Constitution and the Labour Code were inadequate to ensure the full application of the principle of equal remuneration for men and women for work of equal value and might hinder progress in eliminating gender-based pay discrimination. Moreover, while criteria such as quality and quantity may be used to determine the level of earnings, the use of only these criteria might have the effect of impeding an objective evaluation of the work performed by men and women on the basis of a wider range of criteria free from gender bias.⁵⁹

41. In 2011, the ILO Committee of Experts observed that the Labour Code only referred to the possibility of sexual harassment committed by the employer, the instructor or another superior but did not take into account sexual harassment committed by other workers. The Committee of Experts also noted that Act No. 84/VII/2011 provided for measures for the prevention and repression of gender-based violence and that this Act also referred to sexual harassment committed by anyone with authority. The Committee of Experts requested Cape Verde to provide information on the manner in which section 410 of the Labour Code, in combination with Act No. 84/VII/2011, apply to sexual harassment in the workplace and grant protection for workers for acts committed by both employers and workers.⁶⁰

G. Right to social security and to an adequate standard of living

42. UNDAF indicated that social and gender inequalities interacted with disparities between rural and urban areas and with the regional imbalances that persist in respect of most of the Millennium Development Goals (MDGs), and in particular with regard to poverty, access to drinking water and sanitation. Because of the persistent inequalities, Cape Verde still experiences difficulty in meeting all the MDGs and in guaranteeing

harmonious development for the population. The inequalities essentially depend on disparities arising from differences between regions, socioeconomic environment, age group and gender.⁶¹

43. UNDAF reported that poverty is still a rural phenomenon, as the rural population seems to have benefited less from growth.⁶² Poverty particularly affects women heads of household, especially so in rural areas in comparison with urban ones.⁶³ Children and young people are also affected by poverty in families with women heads of household.⁶⁴

44. UNDAF indicated that a system of social protection has been in place since 1957 and that new laws governing social protection were adopted in 2003. Nevertheless, 73.3 per cent of the rural population and 57.2 per cent of the urban population are without any form of protection or social insurance.⁶⁵

45. UNCT stated that programmes and policies to overcome serious housing and social problems were ongoing, reflecting the rather limited achievements in the domain of housing and urban planning, compared to other social rights. Living in precarious and unhealthy housing was particularly common in Praia and Mindelo, the country's bigger cities, and the more touristic islands of Sal and Boa Vista.⁶⁶

46. UNDAF noted that the percentage of households connected to the water supply varies from less than 20 per cent in some towns to over 70 per cent in others. The proportion of households with a toilet varies from 19.6 per cent in Sao Domingos to 83.6 per cent in Sal (68.3 per cent in urban areas and 38.2 per cent in rural ones).⁶⁷

H. Right to health

47. UNDAF indicated that access to and the use of different goods and services is still a problem on account of the disparities. Rural populations live furthest away from health facilities. For 23 per cent of the rural population, in comparison with 8 per cent of the urban population, the nearest health post is more than 30 minutes away on foot; the populations of the islands of S. Antao, S. Nicolau and Brava are most affected by this problem.⁶⁸

48. UNCT stated that Cape Verde was increasingly facing health problems linked to non-communicable disease and socio-behavioural illness, while still facing the challenges of communicable diseases. Challenges persist in terms of the quality and client orientation of the provision of care. Other challenges include socio-community attention to target social issues, including pregnancy among teenagers, the reduction of mortality by cervical cancer (second cause of cancer mortality in the country), and elimination of malaria, poliomyelitis, congenital rubella syndrome and dengue control.⁶⁹

49. UNDAF observed that infant mortality fell to 20 per 1,000 in 2009, but perinatal mortality remains at 25 per 1,000, accounting for 68 per cent of infant mortality. This figure is even higher in rural areas and is one of the country's concerns. Fluctuations in maternal mortality, which was 17.3 per 100,000 live births in 2005 and 53.7 per 100,000 live births in 2009 and in 2010, call for attention.⁷⁰

50. UNDAF noted that the proportion of deliveries attended by qualified medical personnel increased from 78 per cent in 2005 to 87 per cent in 2009. However, in spite of these encouraging results, disparities between the different regions in the country (50 per cent in Praia and 9 per cent in S. Nicolau) still call for a differentiated response for women in the different municipalities and strata of society.⁷¹

I. Right to education

51. UNDAF observed that the improvement in the literacy rate is one of the remarkable improvements made by Cape Verde. At the time of independence, more than 70 per cent of Cape Verde's population were illiterate, whereas in 2010, the literacy rate was 82.8 per cent among young people aged over 15 years. Today, only 4 per cent of those aged from 15–24 years are illiterate. However, despite major and rapid progress, 42 per cent of economically active women and 50 per cent of economically active men still have only a primary-level education, which is insufficient to support, at least in the short term, the country's ambitions in terms of competitiveness and economic integration.⁷²

52. UNCT stated that preschool education tended to exclude children from disadvantaged families and rural areas, as these families face difficulty with costs, relative distance to residence and scarcity of kindergartens. More than half of the country's municipalities have net rates of preschool enrolment lower than the national average. Quality of services was also uneven.⁷³

53. UNDAF indicated that the likelihood of completing primary education is 81 per cent for children from poor families, whereas it is 90 per cent for children from families in the first quintile. There are still inequalities in preschool education, secondary education, vocational training and access to higher education because education at these levels is concentrated in urban areas, as a result of which the cost is less affordable for lower income families. These inequalities feed the cycle of poverty and marginalization because the lack of proper training affects access to employment and determines social status.⁷⁴

54. UNESCO recommended that Cape Verde adopt further measures, e.g. special laws, which aim to combat discrimination in education, protect minority groups, combat illiteracy, and promote gender equality.⁷⁵

J. Persons with disabilities

55. UNCT stated that regulatory texts have been prepared for the framework law on prevention, rehabilitation and integration of persons with disabilities (on physical accessibility, adjustment of the educational process to special educational needs, health care for prevention, treatment and rehabilitation, and the programme for employment and qualification). However, there is awareness of the need to revise the framework law itself.⁷⁶

56. UNCT indicated that, apart from an encompassing legal framework, a national strategic plan on disability is required, with a view to a coordinated response in preventing and improving the living conditions of disabled people. Systematic data on disability is not available, including information on their socioeconomic profile, which makes formulation of better targeted public policies difficult.⁷⁷

57. UNCT stated that the National Health Plan identifies persons with disabilities as a priority, as specified in the Constitution, but no specific measure is put forth. The lack of qualified human resources, both in education and health, constrains the implementation of policies for the disabled. There is only one disability rehabilitation centre in the country, located in Praia. In terms of the education system, special education is gaining ground, with the training of teachers and acquisition of equipment, and establishment of special needs units within some schools.⁷⁸

K. Migrants, refugees and asylum seekers

58. The HR Committee noted the alleged sporadic clashes between West African immigrants and the police and the military following the killing of an immigrant from a neighbouring country, who was the tenth West African to be killed in the period between 2002 and 2005. It urged Cape Verde to thoroughly investigate the root cause of the murders of West African immigrants; and ensure that the alleged perpetrators of such violence were prosecuted and appropriately sanctioned, and that family members of the victims were adequately compensated.⁷⁹

59. UNHCR stated that, while Cape Verde acceded to the 1967 Protocol two decades ago, thereby adhering to the principles of the 1951 Convention, it had yet to establish national legislation to implement the provisions of the Convention. With no national legislation and no institutional body within the Government taking responsibility for asylum seekers and refugees, Cape Verde was not fully meeting its international obligations in the field of refugee protection.⁸⁰

60. UNHCR indicated that, while very few asylum applications are registered each year, the actual number of asylum seekers arriving on the territory is unknown, because there is no procedure in place to ensure systematic registration and processing of asylum claims. There was also no information available on the treatment of persons in need of international protection and on effective safeguards against refoulement at the border or from within the territory.⁸¹

61. UNHCR recommended that Cape Verde establish the requisite national asylum legislation and refugee status determination procedure, with the assistance of UNHCR, in order to uphold its international obligations more fully.⁸²

L. Right to development and environmental issues

62. UNCT stated that Cape Verde had a fragile environmental situation, characterized by peculiar climatic, geological, geomorphologic, marine, and terrestrial ecosystems. The country had taken decisive action to combat desertification, for soil and water conservation, and to reduce greater environmental degradation while reducing poverty. The country was highly vulnerable to climate change risks, and climate change is expected to impact significantly on Cape Verde's natural and social system, not least of which would be the availability of water and access to energy resources. In this regard, mainstreaming climate into Cape Verde development process was quite important.⁸³

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Cape Verde from the previous cycle (A/HRC/WG.6/3/CPV/2).

² The following abbreviations have been used for this document:

| | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |

| | |
|------------|---|
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| CPED | International Convention for the Protection of All Persons from Enforced Disappearance |

³ A table in the previous UPR compilation contained the following information under Recognition of specific competences of treaty bodies: *Individual complaints*: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; *Inquiry procedure*: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; *Inter-State complaints*: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; *Urgent action*: CPED, art. 30.

⁴ 1967 Protocol relating to the Status of Refugees.

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ Convention No. 138 concerning Minimum Age for Admission to Employment.

⁹ 1951 Convention relating to the Status of Refugees, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

¹⁰ International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries; Convention No. 189 concerning Decent Work for Domestic Workers.

¹¹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

¹² UNHCR submission to the UPR on Cape Verde, p. 2.

¹³ UNESCO submission to the UPR on Cape Verde, p. 8.

¹⁴ UNHCR submission to the UPR on Cape Verde, p. 3.

¹⁵ CCPR/C/CPV/CO/1, para. 6.

- ¹⁶ According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).
- ¹⁷ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- ¹⁸ CCPR/C/CPV/CO/1, para. 5.
- ¹⁹ UNCT submission to the UPR on Cape Verde, para. 12.
- ²⁰ CCPR/C/CPV/CO/1, para. 20.
- ²¹ *Ibid.*, para. 6.
- ²² UNCT submission to the UPR on Cape Verde, para. 19.
- ²³ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRIC | Committee on the Rights of the Child |
| CRPD | Committee on the Rights of Persons with Disabilities |
- ²⁴ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ²⁵ UNCT submission to the UPR on Cape Verde, para. 21.
- ²⁶ *Ibid.*, para. 23.
- ²⁷ CCPR/C/CPV/CO/1, para. 8.
- ²⁸ UNCT submission to the UPR on Cape Verde, para. 26.
- ²⁹ Plan cadre des Nations Unies pour l'Aide au Développement de la République du Cap-Vert (UNDAF) 2012–2016, Praia, version du 12 mars 2012, p. 11.
- ³⁰ *Ibid.*, p. 6.
- ³¹ *Ibid.*, p. 8.
- ³² UNCT submission to the UPR on Cape Verde, para. 29.
- ³³ *Ibid.*, para. 28.
- ³⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Cape Verde, adopted 2011, published 101st ILC session (2012), p. 1.
- ³⁵ UNCT submission to the UPR on Cape Verde, para. 37.
- ³⁶ CCPR/C/CPV/CO/1, para. 11.
- ³⁷ UNCT submission to the UPR on Cape Verde, para. 31.
- ³⁸ CCPR/C/CPV/CO/1, para. 14.
- ³⁹ UNCT submission to the UPR on Cape Verde, paras. 7–8.
- ⁴⁰ Plan cadre des Nations Unies pour l'Aide au Développement de la République du Cap-Vert (UNDAF) 2012–2016, Praia, version du 12 mars 2012, p. 26.
- ⁴¹ CCPR/C/CPV/CO/1, para. 10.
- ⁴² *Ibid.*, para. 12.
- ⁴³ *Ibid.*, para. 13.
- ⁴⁴ UNHCR submission to the UPR on Cape Verde, p. 3.
- ⁴⁵ UNCT submission to the UPR on Cape Verde, para. 43.
- ⁴⁶ *Ibid.*, para. 6.
- ⁴⁷ CCPR/C/CPV/CO/1, para. 15.
- ⁴⁸ *Ibid.*, para. 14.
- ⁴⁹ *Ibid.*, para. 14.
- ⁵⁰ *Ibid.*, para. 14.
- ⁵¹ UNCT submission to the UPR on Cape Verde, para. 45.
- ⁵² *Ibid.*, para. 38.
- ⁵³ CCPR/C/CPV/CO/1, para. 16.

- ⁵⁴ UNESCO submission to the UPR on Cape Verde, p. 8.
- ⁵⁵ *Ibid.*, p. 8.
- ⁵⁶ UNCT submission to the UPR on Cape Verde, para. 48.
- ⁵⁷ CCPR/C/CPV/CO/1, para. 8.
- ⁵⁸ UNCT submission to the UPR on Cape Verde, para. 49.
- ⁵⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Equal Remuneration Convention, 1951 (No. 100) – Cape Verde, adopted 2011, published 101st ILC session (2012), pp. 1–2.
- ⁶⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Cape Verde, adopted 2011, published 101st ILC session (2012), p. 2.
- ⁶¹ Plan cadre des Nations Unies pour l’Aide au Développement de la République du Cap-Vert (UNDAF) 2012–2016, Praia, version du 12 mars 2012, p. 31.
- ⁶² *Ibid.*, p. 20.
- ⁶³ *Ibid.*, p. 10.
- ⁶⁴ *Ibid.*, p. 31.
- ⁶⁵ *Ibid.*, p. 22.
- ⁶⁶ UNCT submission to the UPR on Cape Verde, para. 55.
- ⁶⁷ Plan cadre des Nations Unies pour l’Aide au Développement de la République du Cap-Vert (UNDAF) 2012–2016, Praia, version du 12 mars 2012, p. 33.
- ⁶⁸ *Ibid.*, p. 31.
- ⁶⁹ UNCT submission to the UPR on Cape Verde, paras. 57, 61 and 62.
- ⁷⁰ Plan cadre des Nations Unies pour l’Aide au Développement de la République du Cap-Vert (UNDAF) 2012–2016, Praia, version du 12 mars 2012, p. 32.
- ⁷¹ *Ibid.*, p. 32.
- ⁷² *Ibid.*, pp. 21–22.
- ⁷³ UNCT submission to the UPR on Cape Verde, para. 68.
- ⁷⁴ Plan cadre des Nations Unies pour l’Aide au Développement de la République du Cap-Vert (UNDAF) 2012–2016, Praia, version du 12 mars 2012, p. 33.
- ⁷⁵ UNESCO submission to the UPR on Cape Verde, p. 8, para. 37.
- ⁷⁶ UNCT submission to the UPR on Cape Verde, para. 70.
- ⁷⁷ *Ibid.*, para. 71.
- ⁷⁸ *Ibid.*, para. 72.
- ⁷⁹ CCPR/C/CPV/CO/1, para. 18.
- ⁸⁰ UNHCR submission to the UPR on Cape Verde, p. 1.
- ⁸¹ *Ibid.*, p. 2.
- ⁸² *Ibid.*, p. 2.
- ⁸³ UNCT submission to the UPR on Cape Verde, para. 75.
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