



REPUBLIC OF CAPE VERDE

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Working Group  
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STATEMENT

By

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M. President

Ms. High Commissioner

Excellences Members of the Council,

It is a great honour for me to represent the Republic of Cape Verde in this forum, and present some of the achievements and challenges placed by the cape-verdean society in matters of human rights. On behalf of the cape-verdean delegation and on my behalf, we thank for the opportunity, certain that it will be a very constructive dialog.

Not ignoring however, the fact that due some internal constraints it was not possible for us to submit on time a written report. We are convinced that the Universal Periodic Exam is an important mechanism for the debate regarding human rights situation in any part of the world including Cape Verde. It represents an opportunity for the auto evaluation and reflection of new strategies to be adopted, as well as increase the demand for more effective solutions in matters that deserve priority treatment.

We hope that the Counsel will consider the oral presentation of this report, as a renewed commitment gesture from the Cape Verde Government to fulfil all commitments assumed internationally regarding human rights.”

Cape Verde is a country with an insular nature, formed by 9 populated islands, with an exclusive economic area superior than 600 thousand km<sup>2</sup>, and total population inferior then 500 thousand habitants.

The country's GDP growth has been above global African region countries. The benefits of economic reforms which have taken place have been followed by a democratic process which has made the country's regime as one of the most stable in the continent. Since 1991, there has been regular elections were democratic rotation have been reached.

Turned 33 years, as independent country, Cape Verde manages to reduce in more than 40 percent the illiteracy rate, now estimated as 20%, accompanied by a general basic school attendance (95%). The result of education policies has been the abrupt reduction of illiteracy in populations with ages comprised of up to 49 years old. The literacy rate of the population

aged comprised between 15 and 24 falls within the 96,9%, being slightly higher for female population than male. For population group with ages comprised between 15 and 49 records show a record 89,7% of literacy.

Cape Verde should reach the ODM's in almost all domains before 2015. In some places, these objectives already been reached, as it can be seen by the reduction of the child mortality rate and the increase of life expectancy. According to Statistics Report from the Ministry of Health, the general mortality rate was of 9,1/1000 in 1995 to 5,3/1000 in 2007; the children mortality changed from 57,9/1000 to 21,7/1000 in the same period; According to INE, life expectancy changed from 70,8 years in 2000 to 72,8 in 2008, an increase of 11 years compared to 1990.

In fact, in the last few years, Cape Verde registered a slight increase in live quality and disposable income which lead to the country's graduation from the category of LDC. Those indicators have also contributed to increase Cape Verde's Human Development Index.

Members of the Council,

Cape Verde's constitution foresees rights, liberty and guarantees to all Cape-verdean citizens (from living rights and integrity to the right to freedom; from the right to take part in politics and citizenship, to the recognition of rights of foreigners residing or passing by the country; employment rights, non-discrimination rights, economic, social and cultural rights) and consecrated the concept of dignity of all individuals as an absolute value.

Cape Verde has a government system based in the separation of powers between different sovereign organisms, an independent judicial power, local power where its collaborators are elected and held responsible by the community, public administration on service of citizens, foreseen as a development instrument. It also establishes a system that guarantees the respect to all citizens as a characteristic regime of a pluralist democracy.

Today, Cape Verde has a consolidated democracy presenting an evident vitality and have prised in its transformation to modern country, integrated in the world economy and pursuit a sustained development, based in human rights entitlement of its citizens.

Cape Verde is part of the core human rights instruments. International agreement of the civil and political rights, International agreement of the Economic, Social and Cultural rights, the Convention regarding elimination of all forms of Racial Discrimination; Convention regarding elimination of all forms of Women Discrimination, Convention against Torture and other Harm and Cruelty, Atrocious and Degrading Treatment, Convention regarding Child Rights, Convention of the UN regarding International Organized Crime and Additional Protocols, etc.

It is important to emphasise that such international instruments, have singular importance and privileged status in the sense that they prevail above all legislative and normative acts of the Constitution.

They are also part of the Cape-verdean juridical regime for rights, liberties and guarantees non-predicted in the Constitution but predicted in any law or international convention.

It is important to notice the fact that the Constitution of the Republic attributes internal binding force to the Universal Declaration of the Human Rights, stipulating that constitutional and legal rules should be interpreted and integrated in harmony with such instrument.

Fundamental rights have also immediate applicability and binding to public and private entities giving like this a greater effectiveness.

This tight follow up of the international development in matters of human rights have allowed a positive evolution in internal transformations.

In the same order, other legislative interventions were accomplished, many of which inspired in international treaties from which Cape Verde is part of, as the new Penal Code of 2004, by including crimes related to domestic violence, crimes against humanity, genocide, crimes against laws of war. Combined to this achievement, and as a result of it was taken in to force the new 2005 Penal Process Code, concerned in making effective all process guarantees and equivalent legal process. This paper includes an important rule in the fight against domestic violence – although it is not possible to do a substantial evaluation of its efficiency up to present – in the removal of the aggressor from the family house of residence.

The new Labour Code, in force since 2007, has contributed in many ways to stamp a new dynamic in labour relations, reflecting some of the new international norms binding Cape Verde. One of those is the minimum working age established at 15, which previously was 14 years old, as well as what domestic labour is concerned, in the sense of allowing legal inclusion of these labour force, which have so far been left out of a specific juridical treatment.

Other recent legislative interventions were taken like the intervention that makes viable the access to justice by groups economically deprived citizens (legislation that regulates judicial assistance), laws regarding extra-judicial assistance of conflicts (mediation and arbitrage), etc. In many of those cases, a broad public discussion took place and was respected, allowing participation of all society in its debate and acknowledgement of good practices, which was the main objective to install.

**Although there has been many achievements, there is still a lot to work for.**

With the Report of Human Rights, taken place in 1999, by the combined mission of the High Commissary of the United Nations and the Programme of the United Nations in Cape Verde, an evaluation of the human rights in the country was made, having been *pinpointed* the need to create an institution suited to take care of these matters as well as the International Humanitarian Rights.

In 2003, the National Action Plan for Human Rights and Citizenship was adopted, here described as PNADHC, which identified main situations of violations or constraints for the implementation of human rights and citizenship, and it aimed also to elect priorities and present proposals of administrative, legislative and institutional character to promote, protect and increase the level of respect for the human rights and citizenship.

The PNADHC was constituted followed an extensive dialog with the civil society by promoting seminars and consultations with the various social intervention's. The construction of instruments for social participation to elaborate, monitor and evaluate public politics in Cape Verde, to take part as a result of recognition of the principal for democratic participation. In sequence, the practice of discussions and deliberations are increased with the aim to fulfil the States duties. This process lead to the creation of National Commission for

the Human Rights and Citizenship, CNDHC, with main attribution to assure the implementation of PNADHC.

The National Commission for Human Rights and Citizenship is in action since 2005, and it holds a financial, administrative and budgeting autonomy. Its duty is to promote awareness and education of human rights in Cape Verde. Promote studies in matters of human rights, give advice to the government; promote investigations and assist in cases related to human rights and international humanitarian rights.

This institution, incorporates “Paris Principles”, step by step, it has been working for its affirmation while serious and privileged organism by gathering members in representation of civil society and governmental entities, seeking to materialize many actions in this path.

The successive Governments have been working to fulfil main social intervention areas needy of specific treatment, aiming to improve the level of completion and effectiveness of rights of specific social groups. It is with this spirit that there is in place institutions geared to work with vulnerable groups such as women and children, and other institutions like the ones in sectors such as agriculture, labour, education where the subject of human rights should be present even if crosswise in the above described politics.

Regarding child rights, the Cape-verdean Child and Adolescent Institute holds now days an important role in the harmonized and integral development of children with geographical coverage in main urban centres of the country trying to respond to isolated regions and villages.

Other important institution is the Institution for the Equality and Fairness of Gender working specifically over issues of genre and empowerment of women. This organism have been seeking to work above all with institutions of the organized civil society for a combined promotion of interventions to achieve in an effective way the groups that are harder to get to by governmental programs.

**The fight against poverty** demands a special attention of the government in order to overcome it. As we are aware, poverty is one of the obstacles for the execution of human

rights. In this sense, efforts for the good economic development of the country should be accompanied by social development stopping the increase in the gap between rich and poor.

The National Programme for the Fight Against Poverty have been focusing its actions and interventions in two main specific fronts: improve infrastructures (like access to water and basic sanitation), and social and economic integration of the most affected population groups as well as population based in critical areas.

Closely related with the fight for poverty eradication is the Cape-verdean Institute of Scholar and Social Action (created in 1983, destined to work with scholar and social actions for student population from backgrounds of low income) and the Institute for Employment and Professional Training (created in 1979, with the aim to promote the increase of employment vacancies, improve quality of offers fighting like this unemployment via the execution of active politics for employment and professional training), both with the philosophy that education, training and capability are important tools in the fight against poverty.

The access to Rights and Justice is made by the strong programme in place. On top of the legislative programmes above mentioned, we should also mention investments made to endow the country of better infrastructures in the justice sector – courts, prisons – creating conditions and also efforts made to train its professionals like magistrates, justice officials and prison guards.

An important initiative was to create Law Houses in 2005, and these are non-judicial structures, trained to promote the access to justice and rights, guaranteeing namely information and juridical consultation to citizens. They stimulate the development of citizenship and the civic participation, disclosing judicial and extra-judicial means existent for conflict resolution. The Law Houses aim to provide citizens with knowledge of their rights and duties towards a specific case of its quotidian living experiences. Through these it is possible for citizens to have access to judicial consultation supported by lawyers through partnerships with the Cape Verde Lawyers Organization (OACV). Besides this, there is an aim to refuge victims of violence and grant alternative solutions to conflict. It is an important project to guarantee access to justice by deprived population.

Contacts with international and regional institutions for human rights have been intensified in the last few years by Cape Verde. Step by step, the country has prepared reports presented in the organization of the United Nations and has tried to participate in meetings and regional initiatives in matters of human rights.

Mr- President

Cape Verde recognizes the importance of creating a solid information system to guide planning and to verify the effects of governmental politics related with protection and promotion of human rights. It is also important to pay attention to the level of fulfilment of international obligations related with human rights, which reports are an indicator.

In late years, with the emergent dynamics and economic stabilization the implementation of progressive politics of social inclusion, the empowerment of weaker groups and the overcoming of income distribution inequality were reinforced. Governmental politics are focused in the reduction of social and economic disparity and efforts have been made for the effective fulfilment of international obligations for the promotion and protection of human rights. We can summarize the following:

### **Women Rights**

Data available about women situation in the country shows visible gains but also it indicates that there is still a lot to do. It is visible in some cases, like judiciary, ministerial role, duties of the private sector the increase in women's participation, leadership roles, managerial roles, Parliament representatives as well as women participation which is still very little.

Although there are no specific statistics in the matter, there has been an increase in the number of female professionals, which was before ruled by male employees (like health services). On the other hand, we can also verify that the lowest income payments to employees women's.

Domestic violence, as reported in the second Demographic and Reproductive Health Enquiry (IDSR 2006) made by the National Statistics Institute (INE), 22% of enquired confessed having been victims of violence from the age of 15, and another 20% have declared having been victim of violence in the last 12 months and these last represents a ratio of 1:5.

Between many existent actions in place, there is the Institutional Network for Fight Against Violence based in genre. It is coordinated by ICIEG (Cape-verdean Institute for Equality and Fairness of Genre), which was created to respond to the lack of articulation between partners/intervenient making difficult the appropriate treatment to cases. The aim of the network is to pay quality support to victims of domestic violence with most haste, security and efficiency, facilitating the conduction, and personalized and adequate assistance case by case. Another important step in this fight was the conception of the National Plan against Violence based in gender which brought some contributors and indications in this matter.

### **Right to Education**

According to data extracted from QUIBB 2007, the rate of literacy of populations with more than 15 years old is of 79,6%, with a slightly higher rate for male (87,0%) than female (73,1%).

As for the younger population, Cape Verde has reached important progresses guaranteeing the inclusion of all children in scholar age in the educational system. We can emphasise that human rights its part off the scholar curriculum.

### **Fight against poverty and social inequality**

Poverty has been one of the main challenges of the Cape-verdean government and we are aware that it constitutes an obstacle for the execution of many rights.

The Government has developed programmes with the aim to create alliances between economic growth and economic and social rights. The concept of political poverty reduction adopted by the Cape-verdean government is omnibus and it covers both politics of macroeconomic character (budgeting, monetary and exchange), and public management of good governance, like measures of microeconomic and sector nature, targeting groups of deprived population.

The targets to reach are the reduction of poverty rate, absolute poverty eradication, the elevation to medium income groups living bellow poverty groundsel, the improvement of productive capacity of the poor, the improvement of economic and social infrastructures of poor communities.

### **In this context there are some gains that can be marked**

The coverage of formal social security has been increasing and it embraces deprived groups. A minimum social income support for basic needs is distributed to nearly 6 thousand people in indigence situation, mostly, the elderly. Notice, that the advances in the sector are non contributory with the extension of income support coverage to elderly and vulnerable citizens.

Other results have been reached, namely with the integration of Public Employers in areas of health and maternity, the extension of social security base to other activity sectors, namely liberal professionals, businessman's and members of statutory organisms of collective persons.

### **Housing rights**

The global housing access has been another concern. There is a great number of degraded habitations and without basic living conditions reaching much of the deprived families. It is in this context that "Hope Operation" operates, a Government Project created in 2003 (Dispatch 011/2003) for the recovery and improvement of residence of many poor families through the country, as well as emigrants from São Tomé e Príncipe and Mozambique.

The project aims to contemplate greatly deprived groups from our society, residents and non-residents, with emphasis to women ahead of families and families with a great number of children, elderly in situation of partial abandonment and people carrying disability.

### **Right to health care**

The free and universal entitlement to health care, constitutes a recognized right, but we can still find difficulties in Cape Verde, in the matter of its archipelago configuration and the lack of resources to assure such entitlements to all citizens.

Data from QUIBB 2007 shows that level of satisfaction of the health services provided reached 84,6%. Keeping in mind deficiencies and constraints regarding health matters, important interventions have been made trying to minimize obstacles. As for sexual and reproductive health care, where all citizens, man and women, can be assisted and oriented regarding relevant matters, namely AIDS prevention, birth control, family planning,

vaccination system, etc. Available to couples we find contraceptives, birth control pills, birth control injections, coils, etc.

For people carrying HIV/AIDS, the government has implemented a program with the aim to support free of charges anti-retroviral drugs. CCS-AIDS programme includes also a progressive improvement of psychological assistance and practitioners for victims of the disease. Assistance is provided before and after HIV tests seeking to improve life quality as well as life expectancy of victims.

### **Labour Rights**

Labour policies emerge as central role in the table of transversal policies. In fact, the lack of flexibility caused by poverty related to unemployment in the last fifteen years places labour policies in the centre of poverty reduction policies.

The main objective of employment policy is the improvement of labour market conditions, to create conditions to adapt the supply and demand of job vacancies, qualify and improve people's skills. In this sense, essential measures adopted to support professionals and geographical exchange of labour force are assume aiming the adequate supply and demand of labour force characteristics, in both professional and geographical. These measures follow the strong investment path in professional training with the adoption of a Strategic Professional Training Plan installed by Professional Employment and Training Institute.

### **Child and Adolescent Rights**

The adoption of Child Rights in Cape Verde have been positively affected by several actions already in place with the objective of fulfilling with the international commitments assumed in the matter and that are included in the Millennium Development Objectives, as well as the Plan of action of "A World Fit for Children".

As specific actions in protection areas – oriented by studies and specific sector plans previously made, supported a better intervention by the plan – The Infant Emergency Centre in Praia assists children from all around the country, in situations of abandonment, danger, risk, neglect, abuse, etc. Although it was an important initiative, the assistance capacity is still at its minimum and it needs to be increased. The focus is in the child's main interests, and if advisable avoids separating them from their families. Another important step, was to create

a “Disc Denúncia” (child call centre), working towards creating awareness of society as each citizen is responsible for the protection of child rights. The result of this work will be for each citizen holding information of a child right violation to contact the centre, and this will be made via an anonymous and secret mechanism triggering like this all responsible State organizations.

### **Handicap rights protection.**

Cape-verdean citizens that have disability deserve special attention from the government, especially in respect to labour condition and fairness. The Cape Verde Government has been promoting professional integration, dignifying, increasing self-esteem and economic autonomy to all citizens with disability, by creating incentives like state benefits and tax exemptions to companies and all of those who offer job vacancies to disabled.

Like this, the Cape-verdean civil society has in place all necessary conditions for preservation and defence of the rights of citizens with disability, organized in specific associations.

## **NATIONAL KEY PRIORITIES**

We find in place a group of measures aiming between others, the reform of the judicial system, prevention and fight against corruption and organized crimes. It is necessary and fundamental that, to reach the above mentioned objectives, families and national community security should be guaranteed, so that with total liberty they can make use and take advantage of their rights, as proclaimed in the Constitution, in the law and legal instruments combining the Government and Cape-verdean society.

The axis for current fundamental reform of the State, is related to the reinforcement of citizenship aiming between others:

- To develop control and promotional policies for the respect of fundamental citizens rights and policies for citizenship reinforcement;
- To promote respect and compliance with human rights and fundamental freedom proclaimed by the Constitution and international or regional instruments in relation to human rights that links the Cape-verdean State;

- Increase quality in the application of the country's law and assure response capacity of the judicial and juridical system as well as its responsibility for justice;
- To promote access to justice entitlement and remove obstacles to the effective access by citizens;
- To increase citizens participation in Justice Administration;
- To pay special attention to children's rights, in relation to their protection, since children's represent one of the most vulnerable groups, and also combine efforts to fight violence against women and support the victims;
- Reinforce the role of civil society in the domain of activities of human rights, promoting democracy and the increase of organizations capacity of the civil society in matters on civic mobilization.