

Universal Periodic Review (30th session, Apr-May 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

[Cabo Verde](#)

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not ratified	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	28/04/1988 Acceptance	<i>Cabo Verde declared not to be bound by the provisions of Article 16, paragraph 1</i>		Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	06/01/2016 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	Not ratified			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The national Constitution and education-related laws contain extensive provisions on the right to education. The Constitution of 1992, as amended in 2010, enshrines the right to education and the “right to equal opportunities to school access and achievement” and guarantees notably compulsory, universal and free basic education. More than ten articles of the Constitution address specific aspects of the right to education.

2. The Basic Law of the Education System of 1990 is the principal law governing education in the country. It provides for the legal duration of free and compulsory education, among other things, and states that the public school system should be considered as a priority. End of 2013, Cabo Verde adopted the Law on Children and Adolescents (*Estatuto da Criança edo Adolescente*, Lei No. 50/VIII/2013),¹ which further guarantees the right to education and prohibits corporal punishment in all settings.
3. In terms of reporting to UNESCO, Cabo Verde has not submitted national report within the framework of the **8th (2011-2013) and 9th (2016-2017) Consultation of Member States** on the measures taken to implement the UNESCO Convention against Discrimination in Education. Likewise, Cabo Verde did not report on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **5th (2012-2013) and 6th (2016-2017) Consultations of Member States**.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework

4. The Constitution of Cabo Verde guarantees freedom of expression and information under Art. 45: “Everyone shall have freedom of expression by speech, image, or any other medium; everyone shall have the freedom to inform and to be informed, obtaining, receiving, and giving out information and ideas in any form without limitation, discrimination, or impediment.” Art. 46 ensures freedom and independence of the press and guarantees for journalists access to sources of information also stating “no journalist shall be forced to reveal his sources of information.”²
5. Defamation remains criminalized under article 166 of Cabo Verde’s Criminal Code.³
6. There is no freedom of information legislation in the country.⁴

➤ Implementation of Legislation

7. In 2011, the Parliament approved the creation of a Regulatory Authority for the Media, whose goal is to protect press freedom and ensure pluralism of opinions.⁵

➤ Safety of Journalists

8. UNESCO recorded no killing of journalists and media workers in Cabo Verde since 2008.

¹ Unofficial translation, Lei n° 50/VIII/2013, do B.O. I Série, n° 70, de 26 de Dezembro, accessible online at: <https://www.dol.gov/ilab/submissions/pdf/CaboVerde20141204.pdf> (last accessed on 10 July 2017)

² <http://www.unhcr.org/refworld/country,,NATLEGBOD,,CPV,,3ae6b5bd0,0.html>

³ http://www.wipo.int/wipolex/en/text.jsp?file_id=206287#LinkTarget_968

⁴ <https://freedomhouse.org/report/freedom-press/2015/Cabo-verde>

⁵ <https://freedomhouse.org/report/freedom-press/2014/Cabo-verde>

III. Recommendations

9. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (16th session) on the Universal Periodic Review (July 2013):⁶

115.18. *Consider acceding to the UNESCO Convention against Discrimination in Education as a basis for its policy to improve access of girl children to school.*

115.79. *Continue to combat all forms of discrimination in education in particular by adopting specific measures aimed at combating remaining gender-related inequalities.*

115.80. *Continue to take measures to combat all forms of discrimination in the area of education and protect minority groups.*

115.81. *Adopt further measures which aim to combat discrimination in education, combat illiteracy and promote gender equality.*

115.85. *Prohibit and criminalize corporal punishment imposed on children at home and school, and increase efforts to raise awareness about the negative effects of this practice.*

115.86. *Adopt all the practical measures to end corporal punishment in all places and act drastically against all forms of corporal punishments in school, promoting forms of nonviolent disciplinary measures as alternatives and launch public information campaigns to raise awareness about its harmful effects.*

115.107. *Continue to take action in favor of free education so as to provide access to pre-school education for children from disadvantaged families.*

116.4. *Adopt the necessary policy measures to promote gender equality, with a particular attention to combating gender violence through education and awareness raising campaigns as well as through comprehensive legal and psychological support to counter this violence.*

Review and specific recommendations

10. Firstly, and of particular importance for UNESCO, Cabo Verde was recommended to become a State Party to UNESCO's Convention against Discrimination in Education during the previous UPR cycle (Recommendation No. 115.18). In the context of Sustainable Development Goal 4 on education (SDG 4),⁷ ratifying this Convention would provide Cabo Verde with a supportive legal environment for all efforts made towards providing and ensuring "inclusive and equitable quality education and lifelong learning opportunities for all". In that respect, the recommendation should be reiterated and Cabo Verde further encouraged to engage actively in the process of ratification of UNESCO's Convention against Discrimination in Education and, if needed, to seek UNESCO's assistance.

11. Among the education-related recommendations made during the last UPR cycle, an important number of them focused on non-discrimination and on the prohibition of corporal punishment. Major progress at the legal level has been achieved, with the adoption of the Law on Children and Adolescents ("Estatuto da Criança edo Adolescente")⁸ in 2013, and its entry into effect in 2014.

⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/154/07/PDF/G1315407.pdf?OpenElement>

⁷ See Education 2030 – Incheon Declaration and Framework for Action:

<http://unesdoc.unesco.org/images/0024/002456/245656E.pdf>

⁸ Unofficial translation, Lei nº 50/VIII/2013, do B.O. I Série, nº 70, de 26 de Dezembro, accessible online at: <https://www.dol.gov/ilab/submissions/pdf/CaboVerde20141204.pdf> (last accessed on 10 July 2017)

12. Law reform has been achieved to prohibit corporal punishment in all settings, including the home and school (articles 31 and 51 respectively). As regards school discipline, the law provides notably that it must be given with full respect for the rights of the child and the adolescent and that physical or humiliating sanctions are prohibited, as well as any kind of sanction because the child has become pregnant. The law adds that the expulsion of a child or adolescent from school can only occur in cases expressly provided by law, and through the competent disciplinary process. In that sense, recommendations from the UPR have been implemented.
13. Additionally, the law enshrines the principles of equality of opportunity and non-discrimination in Article 5, which provides that all children and adolescents are equal under the provisions of this law and cannot be discriminated against on the basis of any ground. Such legal provisions should be particularly welcome. In the field of education, those principles have been recognized as central to the achievement of the SDG 4 and the Education 2030 agenda. The national Constitution and education legislation had already enshrined the principles of equality of opportunities in education and the principle of equality before the adoption of this law. This new legal development is contributing to reinforcing the legal framework of the country and to foster national efforts under this frame.
14. Furthermore, the Law on Children and Adolescents provides for specific safeguards, specifying that given that children and adolescents are entitled to free and compulsory education, school failure cannot be used a ground for their expulsion from the education system. Similarly, pregnancy cannot be used as a reason for being expelled from an educational institution (article 47).
15. As regards the implementation of free and compulsory education, challenges were noted in 2013 concerning the expansion to 8 years and the effective universalization of access to education, with difficulties in achieving compulsory education.⁹ The objective that was set for 2016 was the achievement of universal access to education, with 10 years of free and compulsory education.¹⁰ These efforts are positive in view of the recommendations set under the Education 2030 Framework for Action to implement and achieve SDG-4 by 2030. Countries are encouraged to ensure “access to and completion of quality education for all children and youth to at least 12 years of free, publicly funded, inclusive and equitable quality primary and secondary education, of which at least nine years are compulsory”.¹¹ Cabo Verde’s efforts should be welcomed and the country encouraged to further improving the quality of education and extending the duration of free and compulsory education.

➤ **Specific recommendations:**

⁹ Ibid., p. 76, Official version in Portuguese : “Problema Selecionado em 2013: A expansão para 8 anos e a universalização efetiva do acesso, com não evasão e sucesso no ensino obrigatório não foi alcançado.”

¹⁰ Ibid., p. 76, Official version in Portuguese : “Objetivo para 2016: Alcançada a universalização do acesso, com permanência e sucesso na escolaridade básica, gratuita e obrigatória de 10 anos.”

¹¹ See Education 2030 – Incheon Declaration and Framework for Action, para 12 : <http://unesdoc.unesco.org/images/0024/002456/245656E.pdf>

1. Cabo Verde should be strongly encouraged to implement the recommendation made during the last UPR cycle, accepted to ratify UNESCO's Convention against Discrimination in Education and to seek UNESCO's assistance if needed.
2. Cabo Verde could be encouraged to continue implementing measures to improve the quality of education and to extend the legal duration of free and compulsory education.
3. Cabo Verde should be strongly encouraged to continue to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
4. Cabo Verde should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.¹²

Freedom of opinion and expression

16. Cabo Verde is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
17. Cabo Verde is encouraged to adopt a freedom of information law that is in accordance with international standards.

Cultural Rights

18. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹³ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003),¹⁴ 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 NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
19. Cabo Verde is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

¹² Accessible at: <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

¹³ Periodic Report available at: <http://whc.unesco.org/document/106683>

¹⁴ Periodic Report not available

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

20. **Cabo Verde** submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002527/252798e.pdf>). Cabo Verde reported that action had been taken in the country to promote the guiding principles of the 1974 Recommendation among multiple stakeholders, including the principles of respect for autonomy, freedom of research, non-discrimination and respect for the human rights of researchers.