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**Cabo Verde\***

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## List of abbreviations

A PONTE	Association for the Promotion of Mental Health
ACARINHAR	Association of Families and Friends of Children with Brain Paralysis
ACATI	Cabo Verdean Association to Assist the Elderly
UNHCHR	United Nations High Commissioner for Human Rights
ACRIDES	Association of Needy Children
AJOC	Association of Cabo Verde Journalists
ALUPEC	Unified Alphabet for the Writing of Cabo Verdean Language
AMJ	Association of Cabo Verdean Woman Lawyers
ARC	Regulating Authority for Mass Media
AZM	Zé Moniz Association for Development
CCSL	Cabo Verdean Confederation of Free Unions
CRC	Convention on the Rights of the Child
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ECOWAS	Economic Community of West African States
CIGEF	Research Centre on Gender and Family
CIMI	Inter-ministerial Immigration Commission
Citi-Habitat	Innovation Centre on Social Intervention Technologies for Habitat
CNDH	Human Rights and Humanitarian Law
CNDHC	National Commission for Human Rights and Citizenship
COLMEIA	Association of Parents and Friends of Children and Youth with Special Educational Needs
COPAC	Paralympic Committee of Cabo Verde
CPLP	Community of the Portuguese-speaking Countries
CRCV	Constitution of the Republic of Cabo Verde
DECRP	Strategic Document for Growth and Poverty Reduction
DEF	Directorate of Foreigners and Borders
DGI	General Directorate for Immigration
DL	Decree-Law
ENI	National Strategy for Immigration
FECAD	Cabo Verdean Federation of Disabled People Associations
GAV	Office for Victim Assistance
ICCA	Cabo Verdean Institute for Children and Adolescent
ICIEG	Cabo Verdean Institute for Gender Equality and Equity
IDRF	Household Expenditure and Income Survey
DRHS	Demographic and Reproductive Health Survey
IMC	Continuous Multi-Purpose Survey
MFI	Micro-Finance Institutions
INE	National Institute for Statistics
INFORPRESS	Cabo Verdean News Agency
INPS	National Institute for Social Security

CPI	Consumer Price Index
VTP	Voluntary termination of pregnancy
MORABI	Association Supporting the Self-promotion of Women in Development
MPD	Movement for Democracy (political party)
SEN	Special Educational Needs
OACV	Bar Association of Cabo Verde
OECD	Organization for Economic Co-operation and Development
MDGs	Millennium Development Goals
OMCV	Organization of Women from Cabo Verde
NGO	Non-Governmental Organization
UN	United Nations
PAICV	African Party for the Independence of Cabo Verde (political party)
PALOP	Portuguese-speaking African countries
PEDS	Strategic Plan for Sustainable Development
GDP	Gross Domestic Product
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
PISI	Immigrant Social Integration Project
PlatONG	Platform of Non-Governmental Organization of Cabo Verde
NP	National Police
PNIG	National Plan for Gender Equality
UNDP	United Nations Development Programme
PNVBG	National Plan against Gender-Based Violence
PROMUL	Promotion of Multiculturalism
PRV	Voluntary Return Project
QUIBB	Unified Survey of Well Being Baseline Indicators
AR-WAWA	African Renaissance — West African Women Association
RCV	Radio of Cabo Verde
SIDS	Small Island Developing States
SIGOF	Information and Management System of State's Financial Operations
SNIAC	National System for Civil Identification and Certification
SCJ (CC)	Supreme Court of Justice (Constitutional Court)
TCV	Television of Cabo Verde
UCI	Immigration Coordinating Unit
UCID	Independent and Democratic Cabo Verdean Union (political party)
UNICV	University of Cabo Verde
UNTC-CS	Cabo Verdean Workers Union — Central Union
UPR	Universal Periodic Review
USD	US Dollar
GBV	Gender-Based Violence
VERDEFAM	Cabo Verdean Association for Family Protection
HIV	Human Immunodeficiency Virus

## Introduction

1. This report comprises the Common Core Document of the Republic of Cabo Verde, and it has been prepared in compliance with the general guidelines of the Human Rights Committee on initial and periodic reports to be submitted by the States Parties (HRI/GEN/2/Rev.6). It includes general information about the demographic, economic, social and cultural characteristics of Cabo Verde, as well as its constitutional, political and legal framework.

2. The preparation of the Common Core Document was coordinated by the National Commission for Human Rights and Citizenship (CNDHC) through a collaborative process, which involved the governmental Ministries and civil society organizations. Its preparation was initiated while preparing the Cabo Verde's periodic report on the implementation of the Convention on the Rights of the Child (CRC) and the initial reports on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR). On 20 February 2017, the draft version of the Common Core Document was socialized with the representatives of the various government sectors and civil society organizations, and the inputs collected during the working sessions were integrated in this document.

## I. General information

### A. Demographic, economic, social and cultural characteristics

3. Cabo Verde is a 10-island archipelago of volcanic origin, 9 of which are inhabited. The country is located on the West Africa Coast, about 500 Km from Senegal. Its privileged geostrategic location on the crossroad of routes in the Mid-Atlantic Ocean, poses risks and opportunities, mainly related to the country's security and stability of institutions. Such risks are maximized by its weak capacity to oversee its vast exclusive economic zone. Partnership agreements with friendly organizations and countries has supported the country in countering transnational organized crime, which uses it as a transit point for the various illicit trafficking and jeopardizes peace and security in the West African subregion, of which it is part. Cabo Verde made the largest cocaine seizure among the West African countries, about 1.5 tons, which shows the country's and its institutions' high performance in the fight against transnational organized crime.

4. Despite being a low mid-income country, according to the World Bank's rating, the country profiles itself by the lack of natural resources and its status of a Small Island Developing State (SIDS), which makes it vulnerable to economic external factors and risks related to climate change. Its climate is characterised by extended periods of drought as well as short and irregular raining seasons, which resulted in the past in episodes of famine, forced migration and loss of lives. The existence of active volcanoes is one of the characteristics related to natural disaster risk.

5. Cabo Verde has benefited from good ratings by foreign organizations. The "Democracy Index", publicized by the Economist Intelligence Unit, rated the country at 27th place, and 2nd best position among the Portuguese-speaking Countries (PALOP), side-by-side in indicator performance with some OECD Countries, notably, in areas on transparent electoral process, political pluralism, functioning of government institutions, and the assurance of civil liberties. In the Freedom House report, the country reached the maximum rate and was considered first-class free country. Recently, Cabo Verde climbed an additional 10 points in the last released report on freedom of the press, and the last "Ibrahim Index", from the Mo Ibrahim foundation, rates Cabo Verde at the second place on democracy and good governance.

6. Cabo Verde also holds high levels of transparency and a low corruption perception being always placed among the best in Africa on transparency, enjoying also an excellent rating at global level. On-going initiatives, such as electronic governance programme, the consolidation of financial reforms, the full implementation of the new government

procurement system, the strengthening of the regulation and oversight, the enactment of the anti-money laundering law, the security and national defence reforms, and the implementation of the integrated plan to fight corruption will continue contributing to the improvement of this important index.

7. Cabo Verde is a Lusophone country, ethnically and linguistically homogeneous: There is an official language — the Portuguese Language — and a national language — the Creole of Cabo Verde — used for daily communication in interpersonal relations, covering the entire national territory. The Constitution, in its article 9, charges the State with the duty to promote the conditions for the formalization of the Cabo Verdean mother tongue, in parity with the Portuguese language, assuring all national citizens the duty to know the official languages and the right to use them. One of the great steps towards the consolidation of Creole was taken through the Decree-Law n° 67/98, as of 31 December, which approved, on an experimental basis, the Unified Alphabet for the Writing of the Cabo Verdean Language, in short known as ALUPEC.

### **Demographic indicators**

8. The indicators are in many cases presented by municipality, since the statistics consider the administrative division of the country into 22 municipalities: some of the 9 islands represent a single municipality, as it is the case of the islands of Brava, Maio, Sal, Boa Vista, and São Vicente. The remaining islands — Santiago, Santo Antão, Fogo, and São Nicolau are divided into various municipalities: Santiago accounts for 9 municipalities (Praia, Ribeira Grande de Santiago, São Domingos, São Lourenço dos Órgãos, São Salvador do Mundo, Santa Catarina, Tarrafal, São Miguel and Santa Cruz), Santo Antão, with 3 municipalities (Ribeira Grande, Paúl, Porto Novo), the same for the island Fogo (São Filipe, Mosteiros, and Santa Catarina do Fogo) and the island of São Nicolau with 2 municipalities (Ribeira Brava, and Tarrafal de São Nicolau).

9. In 2015, Cabo Verde hosted a population of 524,833 inhabitants, according to the 2010-2030 Geographic Projections, prepared by the National Institute for Statistics. The population is distributed between the two sexes, as follows: 50% female and 50% male. Between 15 and 44 years, the proportion of men is greater than of women (respectively, 51.2% and 48.8% of the population within this age group). In fact, historically Cabo Verde is a country marked by emigration, which has an important diaspora, but since the 1990s it has also become a destination country, with predominance of male immigration in this age group. From the 1950s on, there are more women than men, and the proportion of women in the above-mentioned age group beyond 64 years of 60.6%, associated with the migratory dynamics (male emigration in previous generations) and a longer life expectancy among women.

10. The municipalities are differentiated in terms of the population size: the municipality of Praia, which houses the capital, has 151,436 inhabitants, more than a quarter of the archipelago's population (28.9%), followed by the municipality of São Vicente with 15,4% (81,014 inhabitants) and Santa Catarina with 8.6% of the total (45,123 inhabitants); The three least populous municipalities are Tarrafal de São Nicolau (5,242 inhabitants), Santa Catarina in Fogo (5,279 inhabitants) and Brava (5,698 inhabitants), each representing around 1% of the country's population.

11. According to the 2010 Census, the population resides predominantly in urban areas (61.8%), compared to 38.2% in rural areas.

12. The population density increased around 5% between 2011 and 2015, when it reached 130.1 inhabitants/km<sup>2</sup> at national level. There are differences by island: São Vicente presented in 2015 the highest population density of Cabo Verde (356.9 inhab/km<sup>2</sup>) followed by the island of Santiago (296.8 inhab/km<sup>2</sup>) and Sal (156.2 inhab/km<sup>2</sup>). The less densely populated islands are Boa Vista (23.3 inhab/km<sup>2</sup>), May (25.9 inhab/km<sup>2</sup>) and São Nicolau (36.2 inhab/km<sup>2</sup>). The islands in which there is stagnation or even decrease of population are Santo Antão, São Nicolau, Fogo and Brava, due to internal and external migratory processes. The island of Boa Vista, despite its low population density, shows a rapid population growth: its population density increased from 16.5 to 23.3 inhab/km<sup>2</sup>

between 2011 and 2015. Boa Vista is one of Cabo Verde's islands with tourism vocation and greater employment opportunities.

13. According to the 2010 Census data, 95.3% of the population living in Cabo Verde holds Cabo Verdean nationality, 1.7% have dual nationality and 2.9% of foreign nationality. The migratory balance in Cabo Verde continues to be negative, that is, there are more people leaving the country than entering. However, in terms of trends, this negative balance has been decreasing, from -1,822 in 2011 to -1,010 in 2015, a decrease of -44.6%.

14. In terms of religion, the population is mostly Catholic (77.4%). Christian Rationalists account for 1.9%, Islam 1.8%, Nazarenes 1.7% and Adventists 1.5%. The proportion of people who declared that they did not profess any religion was 10.8%.

15. Globally there is a trend towards a slowdown in population growth: the growth rate of 2.4 between 1990 and 2000 has dropped to 1.2 between 2000 and 2010. There are differences by island in the population growth, which is more significant for the island of Sal, an island that as Boa Vista has a tourist vocation; On the contrary, the growth is lesser for islands as Santo Antão and São Nicolau.

16. The population of Cabo Verde is young, while at the same time it is observed the narrowing of the population pyramid base and increase of the relative weight of people within working age. In 2015, the age group between 0-14 years represents 29.4% of the population (when it was 31.7% in 2010 and 42.1% in 2000). The population within working age (15-64 years) accounts for 65.2% of the population (when it was 51.6% in 2000). The elderly population (65 years and over) represents 5.4% of the total (6.7% of women and 4.2% of men). The total dependency ratio has been steadily declining over the last 5 years, due to the considerable number of men and women of working age compared to the population of children and the elderly, with Cabo Verde in a situation of potential demographic dividend: In 2010, the total dependency ratio was 61.8% and dropped to 53.5% in 2015.

17. The Synthetic Fertility Index has been gradually and steadily declining: the average number of children per woman dropped from 6 to 4 between 1990 and 2000, and to 2.6 between 2000 and 2010. This evolution could be linked to the improvement of living conditions, such as access to education, information and family planning services and the use of contraceptives, which allow the exercise of freedom of choice on the number of children each person wants to have.

18. According to the IMC, the average household size was of 3.8 persons in 2014, when it was 4.2 in 2010, 4.6 in 2000, and 4.9 in 1990 (census data). Households in rural areas tend to be slightly larger: on average, 4.2 persons per household compared to 3.6 for households in urban areas.

19. Regarding the gender of household representatives, according to 2010 Census data, about 48% of households in Cabo Verde indicate that they have a female representative. In the rural areas, women represent 50% of the households, which happens with about 46% of the urban households. The representativeness of the households varies on the other hand according to the islands and municipalities of residence: the municipalities where the heads of the households are mostly female are those of Santiago island's countryside: Tarrafal (62.6%), Santa Cruz (57.2%), and São Lourenço dos Órgãos (52.4%). On the other hand, in the three municipalities of Santo Antão, Sal, Boa Vista and Santa Catarina do Fogo, more than 60% of the households have a male representative, followed by the other municipalities of Fogo: São Filipe (57.8%) and Mosteiros (56.7%). For the remaining municipalities, the proportions are close to the national average.

20. About 45% of households in Cabo Verde are married, 38% non-marital, 15% single-parent and 1% non-relative. Among the non-marital households there are single parent households and composite non-marital households (with children and other individuals as the representative). The single parent households account for 14% of all households in Cabo Verde, a decrease compared to 2000, in which the single parent households accounted for 16.7% of total households. Most of the single parent households have a female representative and 26% of households where women are the representative are single parent. The composite non-marital households account for 24% of all households in Cabo

Verde. These households are also largely represented by women. The households represented by men account for 64% of the married households (7% isolated couples, 33% isolated couples with children, and 24% couples with children and other individuals).

21. In terms of marriage situation, the trend is towards a decrease in marriages: in 2010, about 10% of the population was married, rate which in 2000 was 17%. In 2010, about 38% of the population was single, and the non-marital cohabitation registered a decrease, dropping to 20.5%, when it was 23% in 2000.

22. Life expectancy increased between 2000 and 2010, from 75 to 79.1 years for women, and from 67 to 69.7 years for men.

### **Social, economic and cultural indicators**

23. At the end of 2007, due to the achievements made in human development and per capita income, Cabo Verde graduated from the list of Least Developed Countries. In 2014, it held the 122nd position in terms of Human Development, which corresponds to an index of 0.646. The Gini coefficient is estimated at 0.46 (2015): it was 0.47 in 2007 and 0.53 in 2002.

24. Data from the Household Expenditure and Income Survey (IDRF) (2001-2002) ranked relative poverty at 36.7%, rate which has been dropping over the years to 26.6% in 2007 (QUIBB) and to 24.2% in 2015 (IDRF). In 2015, the relative poverty remained higher in rural area (40.9%) versus 15% in urban areas) and extreme poverty affects 9.9 % of the population (19.2% of rural population and 4.7% of the urban area).

25. According to the IDRF III's preliminary results, when considering absolute poverty, there were 35% of the population living below the absolute poverty line in 2015: 48.3% in rural areas and 27.7% in urban areas, whereas in 2007 this rate was 46.4%, and 57.6% in 2001-2002, i.e. A decrease in the last 8 years of 11.4 percentage points in the previous 6 years. In 2007, the absolute extreme poverty affected 10.6% of the population (20.3% of the population in rural area and 5.3% in urban area).

26. In 2015, on average, about 1/4 of the household expenditure were for food (26%), the same for the expenditure related to housing, water and electricity (26%). On average, health accounts for 3% of annual household expenditure and education 2%. Proportionately, average expenditures on food decreased by 11 percentage points between 2002 and 2015, while transport costs increased by 5 percentage points, which combined currently accounts for about 12% of annual average expenditure of households. Food absorbs a large share of rural households' expenditures (33%), while in urban household expenditures on housing, water and electricity costs more (27%).

27. The nutritional status of children has improved substantially: the rate of underweight children under 5 years dropped from 13.5% to 3.9% between 1990 and 2009 (these being the most recent data available). Chronic malnutrition, which affected 16% of children under 5 years in 1994, changed positively, by decreasing to 9.7% in 2009. The same trend occurred for acute malnutrition, which dropped from 6% to 2.6%.

28. According to data from the Ministry of Health, under-5 mortality was 22.5% in 2014 (corresponding to 239 deaths). Infant mortality (under 1 year) is the main cause of deaths, especially in the early neonatal (62.4%), late neonatal (12.4%) and post-neonatal stages with 25.2%.

29. The maternal mortality, on average, remains around 30.9 per 100,000 live births in the last 5 years (2010 to 2015), with oscillations of 1 to 2 deaths per year to a maximum of 4 to 5. The coverage of prenatal care has evolved: the rate of pregnant women who pay at least one prenatal visit increased from 74% to 99.3% between 2007 and 2014. Births attended by skilled health professionals rose to 95.6% in 2014, and increase of 21.2 percentage points compared to 2007.

30. In 2005, the contraceptive prevalence rate was 44% among sexually active women regardless of their marital status (42% for modern methods, 22% for sexually active girls aged 15-19), and unmet need for contraception of 17%. Access to contraceptives and family planning is secured in sites of difficult access, through monthly trips by the Health Agent.



In 2007, the III Sexual and Reproductive Health Survey will be conducted, which will enable updating these data.

31. The data regarding termination of pregnancy are not compiled into statistics. However, Cabo Verde legal framework has decriminalized the practice of abortion since 1987, meaning that the public health services provide voluntary termination of pregnancy (VTP) in safe conditions.

32. Cabo Verde is going through an epidemiological transition phase, with a significant incidence of infectious-contagious diseases coexisting with an increasing occurrence of degenerative diseases such as strokes, tumours and circulatory system diseases or traumatic diseases, among the top 10 causes of mortality.

33. Overall the Gross Mortality Rate a downward trend, with an average value of 5.19% between 2004 and 2013. In 2013, there were 2,531 deaths, corresponding to a mortality rate of 4.9%. Men account for 57% of deaths and bear a higher mortality rate (5.7%) when compared to women (4.2%). The circulatory system diseases are the main cause of mortality (27.6%) both among men (23.6%) and among women (32.9%). It is also noted that the incidence of causes of death presents some differences in terms of gender: men are 21 times more likely to die due to mental and behavioural diseases, as well as to external causes, trauma and poisoning.

34. The prevalence of HIV infection in 2005 was 0.8%, with 0.4% for women and 1.1% for men (IDRS II, 2005), a rate that was considered low when compared to global and regional figures. The administrative data of the Ministry of Health show a tendency, for the last three years, to increase the number of cases among pregnant women: 0.7% in 2011, 0.8% in 2012 and 1% in 2013, with a slight decrease in 2014 to 0.9%. HIV transmission from mother to child decreased by 2.7 percentage points between 2011 and 2013: it dropped from 5.6% in 2011 to 2.9% in 2013, maintaining this rate in 2014. In 2014, the percentage of the population with advanced HIV infection with access to antiretroviral drugs was 56% (54% for women and 59% for men), reflecting in the reduction of deaths: 75 deaths occurred in 2014 against 84 in 2013.

35. The number of tuberculosis cases has declined significantly in recent years. In 2013, there were 285 new cases of tuberculosis, with an incidence of 55.6 per 100,000 inhabitants. The prevalence was 61.9 per 100,000 inhabitants and there were 15 deaths, corresponding to a mortality rate of 2.9 per 100,000 inhabitants. In 2011, when the mortality rate was the highest in the last 5 years, it was 4.9 per 100,000 inhabitants (25 deaths).

36. The county has averaged 46 malaria cases per year in the last six years (2008 to 2013). The number of cases varied from a minimum of 36 to a maximum of 66 case per year, which corresponds, respectively, to an incidence of 7 to 13.6 per 100,000 inhabitants. In 2013, there were no deaths, whereas in the previous 5 years there were between 1 and 3 deaths per year. The highest case fatality rate for this 5-year period (2008 to 2012) was 8.3% in 2011, and the lowest rate of 2.1% in 2010.

37. In 2009-2010, Cabo Verde faced the first dengue epidemic, with no other outbreak since then. In October 2015, there was an outbreak of the Zika virus.

38. According to data from the Ministry of Education, in the academic year 2013/2014 the net enrolment rate in primary education (which corresponds to 6 years of schooling in children aged 6 to 11 years) was 93%, being 91.3 % among girls and 94.5% among boys. The gross enrolment rate (children enrolled regardless of age) was 105.4%. In that same school year, the dropout rate in primary education was 1.1% (0.9% among girls and 1.4% among boys), which represents 0.6 percentage points lower than the 2009/2010 dropout rate. The failure rate was 8.6%, a rate that in 2010 was 10.5%, affecting boys more (10.8%) than girls (6.2%). There are variations in these various indicators per municipality.

39. The Transition Rate from Primary to Secondary Education indicates that in general, 87.4% of students have moved from primary to secondary school in the 2013/2014 academic year. The net enrolment rate in secondary education is 70.1% (it was 65.1% in the 2009/2010 academic year), being 74.8% among girls and 65.5% among boys. The dropout rate in secondary education is 5.8% (it was 7.8% in 2009/2010), being 6.9% among boys

and 4.8% among girls. Several municipalities have higher dropout rates than the national average, such as São Filipe (13%) Paúl and Brava (both 11%), Boa Vista and Tarrafal de São Nicolau (both 10%). The failure rate in the secondary education is high, 24%, being higher among boys (27%) than among girls (21%).

40. In the 2013/2014 academic year, there were 420 primary education facilities and 50 secondary education facilities. This corresponds to a decrease of 7 primary education facilities and an increase of 5 secondary education facilities between 2010 and 2014. In the same 2013/14 school year, there were 2,965 primary school teachers and 2,965 secondary school teachers serving 65,954 primary school students and 52,427 secondary school students.

41. The youth literacy rate (15-24 years) is around 98% (2012, 2013 and 2014), when it was 96.3% in 2010. The rate in 2014 was 97.4% for men and 98.3% for women; 97.6% in rural areas and 98% in urban areas. For adults (15 years and over), it stands at 86.5% in 2014, when it was about 82.8% in 2010. There has been some progress in literacy for both men and women, but more significant for women, yet the data for 2014 show that there remains an important gap between women (82%) and men (91%): illiteracy remains particularly significant for rural women, with a literacy rate of 74.1% (over ¼ of rural women are illiterate — 25.9%, affecting mostly women over 35 years old).

42. Data from the 2016 Employment Survey indicate an activity rate of 63.7% (246,680 people), which is higher in urban areas (67.3%) than in rural areas (56.4%), as well as among men (69.4%) than among women (58.2%). Gender disparities are more significant in rural areas, where the female activity rate is 48.4% and the male activity rate is 64.4% (16 percentage points of difference).

43. In 2015, the labour force was absorbed by the different activity sectors as follows: the tertiary sector is the one that absorbs the most labour force (61.1% of active employees), followed by the primary sector (20.4%) and the secondary sector (18.5%). The economic activity sectors absorbing more labour are agriculture and fisheries (19.7% of jobs), trade (15%), and construction (9%). Public administration, defence and social security contributes to 8.3% of jobs, rising to 16.8% if considered the jobs in education (7%) and health (1.5%) sectors, which in Cabo Verde are mostly public-sector jobs. There are considerable differences by residence area (with a large share of agriculture in rural areas, while trade and public administration generate jobs mainly in urban areas). On the other hand, the employment niches of women and men are quite different: for women, the first niche of employment is trade, followed by agriculture and thirdly by domestic employment, a quasi-exclusive activity of women; For men, the first niche is agriculture, followed by construction and trade.

44. The informal sector absorbs a considerable proportion of the workforce and, according to a 2015 INE estimate, it contributed by 12% for the GDP. The INE's informal sector survey (2014) identified 33,228 informal units (without organized accounting), 79.6% of which in urban areas (26,445) and 20.4% in urban areas (6,783). However, it should be noted that this survey does not include data from the agriculture sector. The units are mostly single-person units (87.2%). The units with two people represent 9.4% of the total and only 3.4% of the informal sector units have more than 2 workers.

45. The unemployment rate in 2016 stood at 15% (women 17.4% and men 12.9%) and is particularly high among young people: 42% in the 15-24 age group. Gender differences are particularly significant among the youngest aged 15-19 years, among whom the female unemployment rate is 74.3% versus 47.6% among men belonging to the same age group: for youth aged 20-24, these rates are 48% versus 39.2%, respectively. The unemployment rate is lower in rural areas (10.3%) than in urban areas (16.9%). However, employment available in rural areas may not have characteristics that make it necessarily regular, safe or profitable. Overall, underemployment (measured in terms of hours worked weekly less than 35 hours, when the person declares wanting to work more hours, if he/she found another activity) affects 26.3% of the employed population and 44.4% of those who work in rural areas, especially rural women (54% versus 38% rural men).

46. Although there is no concrete data on the percentage of the labour force belonging to a union, there are two major trade union centres in Cabo Verde, the UNTC-CS (Cabo

Verdean Workers Union — Central Union) and CCSL (Cabo Verdean Confederation of Free Trade Unions). The former has a nationwide coverage, with 17 affiliated unions (3 national and the remaining regional). The UNTC-CS has more than 35,000 registered members. A 2004 study indicates that 87% of unionised workers in Cabo Verde are affiliated with UNTC-CS and 13% with CCSL.

47. Cabo Verde's per capita GDP in 2014 was 3,586 \$. It increased by 2.8% during the period from 2010 to 2012. During this period, however, the islands of São Vicente, São Nicolau and Sal presented negative rates of change of their per capita GDP, with the most expressive drop observed on the island of Sal (8.2%). The highest per capita GDP figures are found on the islands of Boa Vista and Sal, where tourism is more dynamic and there are significant regional differences in terms of economic growth.

48. Cabo Verde's Gross Domestic Product (GDP) stands at US \$ 1.57 billion in 2015. Between 2008 and 2012, the GDP declined from 6.7% to 2.5%, considering the effects of the 2008 international financial crisis and of the Euro zone. The data indicate that in 2014 the GDP maintained the growth trend recorded from 2010 to 2014, having grown in that period about 11.4%. The growth is linked to the tertiary sector, which in the same period grew 11.6%. It should be noted that Cabo Verde has a strong economic dependence on tourism and remittances from the diaspora.

49. Cabo Verde has intensified public investment over the past eight years based on concessional financing, which it would no longer be able to benefit from after the end of the transitional period due to its graduation from the Least Developed Country list. Investments focused particularly on infrastructure for economic growth (roads, dams for water mobilization for agriculture, etc.) and administrative and institutional reforms to make the economy more attractive and competitive. In 2015 public debt represented 118% of GDP. The fact that the debt is highly concessional is a positive factor, but the economic environment has not favoured growth at the necessary level, constituting a risk factor for debt, in the same way as the appreciation of the US dollar (debt currency) poses a risk. Debt imposes strong limitations on the fiscal space and a greater effort in the management of public finances.

50. The Consumer Price Index (CPI) shows an evolution over the last 8 years (2007 to 2014) from 100 to 119.4. In 2014, there was a deflation of 0.2%, indicating a fall in prices in the classes of products with greater weight in the basic basket.

51. Cabo Verde's General Budget applied on averaged between 2005 and 2013, 7.1% of funds to the health sector. From 2010 to 2014, the education budget represented on average 14.1% of the State Budget and in 2015 about 16.4%.

52. Official Development Aid has declined considerably due to international financial crises, but also to Cabo Verde's graduation and its status change, no longer being a Least Developed Country. Cabo Verde has sought to diversify its development partnerships.

## **B. Constitutional, political and legal structure**

53. The Constitution defines Cabo Verde as a sovereign, unitary and democratic republic which guarantees respect for the dignity of the human person and recognizes the inviolability and inalienability of human rights as the foundation of all human community, peace and justice. The Constitution of the Republic of Cabo Verde came into force in 1992 and has been revised three times since then, with the last revision being made in 2010. The 2010 Constitutional revision focused mainly on the court system, namely, as it consecrated the constitutional permission enabling the State to accept the jurisdiction of the International Criminal Court, consecrated the mandatory existence of courts of second instance, and limited the intervention of political powers, namely, The President of the Republic, and the National Assembly in the process of appointing the judges of the Supreme Court of Justice.

54. The revision also amended the required majority for tax approval, which was 2/3 of the Members of the Parliament (MPs), to absolute majority of MPs; strengthened the power of the President of the Republic; increased the time lag between legislative and presidential

elections; reaffirmed the principle of Non-extradition of nationals, but allowed the extradition of Cabo Verdeans in cases of terrorism and international organized crime, provided that the requesting State admits the extradition of its nationals, and also allowed the permission to search the house at night by means of a court mandate in cases of especially violent crime, terrorism and trafficking in arms, trafficking in persons and drug trafficking.

55. Cabo Verde is a member of international organizations at global and regional level, among the latter, the African Union, the Economic Community of West African States (ECOWAS) and the Community of the Portuguese Speaking Countries (CPLP). The country is also a member of the International Criminal Court, whose membership became possible with the 2010 constitutional revision, authorized by Resolution n° 23/VIII/2011, as of July 27, 2011.

56. Sovereign bodies include the President of the Republic, the National Assembly, the Government and the Courts, which in their reciprocal relations and in the performance of their duties, respect the separation and independence of powers, in accordance with the Constitution.

57. The first three mentioned bodies, together with the local municipalities, are part of the so-called organs of political power, which emanate from the popular, universal, direct, secret, equal and periodic vote.

58. The set-up of Cabo Verde's political system is a semi-presidential regime, also referred to as rationalized or mitigated parliamentary regime.

59. The country's constitutional law expressly states that justice is administered on behalf of the people by the courts and non-judicial bodies of conflict resolution, established under the Constitution and the law, in accordance with the rules of jurisdiction and procedure legally set, and that justice can also be administered by courts established through international treaties, conventions or agreements to which Cabo Verde is a party, in accordance with the respective rules of jurisdiction and procedure. Therefore, it is not allowed any other court order, notably popular or religious courts. It is a fact that in Cabo Verde there are no traditional and/or religious court established or functioning.

### **President of the Republic**

60. The President of the Republic is elected by universal, direct, and secret suffrage by citizens registered in national territory and abroad, in a system of two rounds, being considered the elected candidate, the one who has obtained, in the first round, the absolute majority of votes validly cast, not counting blank votes or, if the above does not happen, the candidate who, in the second round has obtained the majority of votes validly cast.

61. For the purpose of electing the President of the Republic, the territory of the Republic of Cabo Verde comprises the national constituency and foreign constituency, the latter made of all the countries in which Cabo Verdean voters reside. Each of these two constituencies corresponds to an electoral college, having each electing citizen registered abroad a vote, being the total of these votes equal to a maximum of one fifth of the votes found in the national territory (articles 372 and 373 of the Electoral Code).

62. The presidential term lasts five years, beginning with the office-taking and ending with the office-taking of the new President-elect. The President of the Republic shall not run for a third term within five years immediately following the end of the second consecutive term.

63. The President of the Republic is the guarantor of the Nation "and State" unity, of the territory integrity and of the national independence. He/she represents internally and externally the Republic of Cabo Verde and, by inheritance of its functions, the President is the Commander-in-Chief of the Armed Forces.

64. The PR has the power to: dissolve the National Assembly, by observing the provisions under paragraph 2 of article 143 of the Constitution and listening to the political parties that sit in it; appoint the Prime Minister, after hearing the political forces sitting in the National Assembly and taking into account the results of the elections; appoint the

President of the Supreme Court of Justice among the judges composing it, upon the proposal of their peers; request the Constitutional Court to consider preventively the constitutionality of international treaties and to review the constitutionality of legal norms.

65. The President of the Republic also has the power to: promulgate and have the laws, legislative decrees, decree-laws, and decrees published; exercise the right of political veto within thirty days from the date of receipt of any law for promulgation; dismiss the Government, pursuant to paragraph 2 of article 202 of the Constitution; appoint and exonerate the members of the Government, upon proposal from the Prime Minister; appoint, upon a proposal from the Government, the President of the Court of Auditors, the General Prosecutor of the Republic, the Chief of Staff of the Armed Forces and the Deputy Chief of Staff of the Armed Forces, when it exists; declare the state of siege and emergency, after hearing the Government and after being authorized by the National Assembly.

66. In the field of international relations, the President of the Republic has the power to: ratify international treaties and agreements, following valid approval; declare war and make peace, upon the Government's proposal, after hearing the Council of the Republic, and with the authorization of the National Assembly, or, when the latter is not assembled, of its Standing Committee; appoint and exonerate ambassadors, permanent representatives and extraordinary envoys, upon the Government's proposal; receive credentials and accept the accreditation of foreign diplomatic representatives.

67. The acts of the President of the Republic that must be performed upon proposal or after hearing the Government are endorsed by the Prime Minister, under penalty of legal non-existence. The lack of promulgation or signature by the President of the Republic of laws subject to such legal formalities means legal non-existence.

68. In performing his/her duties, the President of the Republic is assisted by the Council of the Republic, which, upon his/her request, is responsible for ruling on the dissolution of the National Assembly, the resignation of the Government, the scheduling of the elections for the President of the Republic, the MPs to the National Assembly and the holding of referendum at national level; declaration of war or peace making, declaration of a state of siege or emergency and ratification of treaties involving restrictions of sovereignty, the participation of the country in international organizations of collective or military security and other serious issues of national life.

### **National Assembly**

69. The National Assembly currently comprises 72 MPs, six of whom for the constituency outside the national territory, under the terms of article 408 of the Electoral Code. For the purpose of electing MPs to the National Assembly, the national territory is divided into constituencies, where each constituency corresponds to an island, whose name it adopts, except the island of Santiago which comprises two constituencies: the constituency of Santiago Norte, which comprises the municipalities of Tarrafal, São Miguel, Santa Catarina, São Salvador do Mundo, São Lourenço dos Órgãos and Santa Cruz; the constituency of Santiago Sul, which includes the municipalities of São Domingos, Praia and Ribeira Grande de Santiago.

70. Voters residing outside the national territory are grouped into three constituencies, all based in the City of Praia, each electing two MPs: the constituency of the Americas; The constituency of Europe and the Rest of the World, and the constituency of Africa. Each constituency corresponds to an electoral college, composed of all the voters registered in it (articles 406 and 407 of the Electoral Code).

71. The Constitution recognizes the political parties represented in the National Assembly and which are not part of the Government, the right of democratic opposition, which includes the right to be informed, regularly and directly by the Government, about the progress of the key issues of public interest and right to broadcasting time, right of reply and of political response. The democratic opposition status of the political parties represented in the National Assembly is regulated by the Law no. 03/IV/91 of July 4 and extends to political parties represented in any other assemblies designated by direct election to the corresponding executives of which they are not part.

72. Currently, there are six political parties in Cabo Verde: PAICV (African Party for the Independence of Cabo Verde), MPD (Movement for Democracy), UCID (Independent Cabo Verdean Democratic Union), PSD (Social Democratic Party), PRD (Democratic Renewal Party), PTS (Labour and Solidarity Party) and the People's Party of Cabo Verde (PP). PCD (Democratic Convergence Party), established in 1994, was abolished in 2006. Out of the mentioned-above six parties, only PAICV, MPD and UCID currently hold seats at the National Assembly and local municipalities, with UCID holding three national MPs, all elected by São Vicente, as well as seats at the City Council and the Municipal Assembly of São Vicente.

73. The National Assembly is dissolved whenever, in the same legislature, it rejects two motions of confidence to the Government or approve four motions of censure to the Government. It can also be dissolved in the event of a serious institutional crisis, which means that it is practically impossible to ensure otherwise that democratic institutions function properly and that the act should be preceded by an opinion of the Republic Council.

74. The National Assembly cannot be dissolved, under penalty of legal non-existence of the dissolution act, within twelve months after its election, in the year preceding the end of the President's office term, in case of a state of siege or emergency during such period and until the thirtieth day after its termination or after a motion of confidence or censure has been tabled and until the tenth day following the vote on the motion.

75. The National Assembly has a Standing Committee and Specialized Committees, and may also set up Occasional Commissions and Commissions of Inquiry for acts of Government or Public Administration and for other specifically determined purposes. The Standing Committee shall be presided over by the President of the National Assembly and shall function during the period in which the National Assembly is dissolved, at the intervals of the legislative sessions and in the other cases and conditions provided for in the Constitution.

76. The Prime Minister shall present before the plenary of the National Assembly for discussion of public interest, on a regular basis, as scheduled in the Rules of Procedure of the National Assembly. The Government has the right to attend plenary meetings of the National Assembly, and may speak, under the regimental terms. Meetings may be scheduled for the Government's consultation, for making oral or written questions or for clarification requests, in which the presence of the member or members of the Government summoned is mandatory.

77. The MPs and parliamentary groups do not respond civilly or criminally to the votes and opinions they cast in the performance of their duties. No MP may be detained or arrested pending trial without authorization from the National Assembly, except in found-in-the act cases for crimes punishable by imprisonment, with a maximum limit of more than three years. The MPs are answerable to a court of second instance for crimes committed in the performance of their duties.

### **Government**

78. The Government is responsible for defining, directing and executing the general domestic and foreign policies of the country, directing the direct administration of the State, overseeing the indirect administration, and exercising oversight over autonomous administration (Article 185 of the Constitution). The Government is composed of the Prime Minister, the Ministers and the Secretaries of State, and may be composed of one or more Deputy Prime Ministers. The current organic law of the Government was approved by DL n°37/2016, of 17 June.

79. The Government functions as a college through the Council of Ministers. The Council of Ministers shall be composed of the Prime Minister, the Deputy Prime Ministers, if any, and the Ministers, being chaired and coordinated by the Prime Minister, who may, whenever he/she deems it or by decision of the Council of Ministers, summon the Secretaries of State, if any, to participate in it, without the right to vote. The Council of Ministers may organize and meet in a specialized manner to deal with specific matters.

80. The Government is governed by a program containing the objectives and tasks it intends to carry out, the measures to be adopted and the main policy guidelines to be followed in all areas of government activity, which it submits to the National Assembly for approval, within a maximum period of fifteen days from the date of it took office, requesting the approval of a motion of confidence exclusively on the general policy that he intends to carry out.

81. The members of the Government are linked to the Government's program and to the deliberations of the Council of Ministers, and are jointly and politically responsible for its execution. The Prime Minister is politically accountable to the National Assembly. The Deputy Prime Ministers and Ministers are accountable to the Prime Minister and, within the scope of the Government's political responsibility, to the National Assembly. The Secretaries of State are politically accountable to the Prime Minister and respective Ministers.

82. The Government, by resolution of the Council of Ministers, may request to the National Assembly, at any time, a motion of confidence on the political orientation it intends to follow or on any matter of relevant national interest. The National Assembly may, by the initiative of a fifth of the MPs or of any Parliamentary Group, vote on motions of censure to the Government on its general policy or on any matter of relevant national interest.

83. No member of the Government may be detained or arrested pending trial without authorization from the National Assembly, except in found-in-the act cases for crimes punishable by imprisonment, with a maximum limit of more than three years. The members of the Government are answerable to a court of second instance for crimes committed in the performance of their duties.

### **Municipalities**

84. The local authority organization comprises an elected assembly, with deliberative powers, and an executive collegial body accountable to it. The Constitution entrusts local authorities with tax powers and the right to own finances and assets, matters regulated by the Local Finance Law, the last of which was approved by Law nr. 79/VI/2005, of September 05.

85. The attributions and the general organization of local authorities, as well as the public — private partnership regime of regional, municipal or local scope are contained in Law nr 69/VII/2010 of August 16. The law in question foresees the existence of three categories of local authorities: The Municipalities, as the basic category; The Parishes, at infra-municipal level, corresponding to administrative subdivisions of the municipal territory; The Administrative Regions, at supra-municipal level.

86. Cabo Verde currently has only municipalities, in a total of 22. There are no infra- or supra-municipalities yet. For the purpose of electing municipal body officials, the constituency corresponds to the territory of the respective municipality. Each constituency corresponds to an electoral college composed of a number of voters registered in it (articles 428 of the Electoral Code).

87. The voters of the elective organs of the municipalities are: Cabo Verdean citizens of both sexes, over eighteen years old, registered in the national territory; Foreigners and stateless persons of both sexes, over eighteen years old, registered in the national territory and legally and habitually resident in Cabo Verde for more than three years; Legally established Portuguese-speaking citizens, under the same conditions as national citizens.

88. The system of organization, competence and functioning of the municipalities, defined with the basic local authority, is contained under the Law nr 134/IV/ 5, of July 3.

### **Judicial System**

89. The administration of justice is enshrined in the Constitution of Cabo Verde aiming at resolving conflicts of public and private interests, repressing the violation of democratic legality and ensuring the protection of legally protected rights and interests (Article 209 of the Constitution of the Republic of Cabo Verde).

90. Thus, justice is administered on behalf of the people, by the courts and non-jurisdictional composition of conflicts established under the Constitution and law, in accordance with legally established rules of jurisdiction and procedure. It is further administered by courts established through international treaties, conventions or agreements to which Cabo Verde is a party, in accordance with their respective rules of jurisdiction and procedure.

91. The courts are independent bodies, subject to the Constitution and the law, whose functions are established by law and cannot apply rules contrary to the Constitution or the principles contained therein. The hearings of the courts shall be public, unless the Court itself decides otherwise, duly substantiated and given in accordance with the procedural law, in order to safeguard the dignity of persons, the privacy of private life and public morals, and to ensure their normal functioning.

92. In Cabo Verde, in addition to the Constitutional Court, there are the following courts: The Supreme Court of Justice, the Judicial Courts of Second Instance, the Judicial Courts of First Instance, the Court of Auditors, the Military Court of Appeal, and the Tax and Customs Courts. The Constitution provides that administrative tribunals and arbitration tribunals, as well as bodies for the regulation of conflicts in territorial areas that are more restricted than those in the jurisdiction of the courts of first instance, may be created by law.

93. Justice reform is one of the pillars of the State Reform process in Cabo Verde. Its guidelines are part of the Study on the State of Justice held in 2002 and the successive Justice Strategic Plans adopted by the Ministry of Justice, the last of which covers the 2006/2011 five-year period. Within the framework of the justice sector reform, important laws have been adopted over the last ten years, all of them having as basic assumptions the strengthening of the court autonomy and independence and the judiciary that serve them. Among them, stand out the Law nr 90/VII/2011, of February 14, on the Superior Council of the Judiciary; Law nr. 89/VII/2011, on the organization of the Public Prosecution Service; Law nr. 88/VII/2011, on the organization of courts; DL nr. 4/2011, of January 17, which approves the new Code of Judicial Costs; Law nr. 1/VIII/2011 of June 20, which approves the new Statute of Judges; Law nr. 2/VIII/2011, of the same date, which approves the new Statute for Public Prosecutors; Law nr. 80/VI/2005, of September 05, which establishes the rules of organization and functioning of the Supreme Court of Justice. The scope of the justice sector reform also includes the reform of register and notarial services, under which new notarial and land register codes and a new notary fee list for registration and civil identification were adopted, and established the National System of Civil Identification and Authentication (SNIAC) as well as its subsequent interconnection with the Cabo Verdean consulates and embassies abroad (Resolution 15/2009, of June 2, Joint Order of the Ministers of State Reform, Justice and Foreign Affairs, Cooperation and Communities, of January 18, 2010, Decrees — Laws nr. 09 and 10/2010, of 03/29/2010, rectified on May 24, 2010 and Decree Law nr. 70/2009, of December 30).

### **Legal Counsel**

94. The forensic mandate shall be free and shall not be subject in any way to a measure or agreement which prevents or limits the personal and free choice of the agent by the principal. The forensic mandate and the legal consultation constitute acts of counsel, when exercised in the interests of third parties and in the scope of professional activity. Only lawyers and trainee lawyers with registration in force at the Cabo Verde Bar Association (OACV) may, in the whole national territory and before any jurisdiction, body, authority or public or private entity, practice counselling acts, on a freelance basis, subject to the exceptions provided for by law. The practice of law is subject to a strict Code of Ethics, whose observance is supervised by the Cabo Verde Bar Association, whose discipline and regulation are subordinated, under the terms of the Constitution and its statutes approved by Law nr. 91/VI/006, of January 9. The Cabo Verde Bar Association is a public association independent from state bodies, employers' associations, political parties, religious denominations, as well as any other public or private, national, foreign or international entities, being free and autonomous from their rules.

95. In performing his/her duty, the lawyer is a Justice and Law servant and an indispensable collaborator of the Justice administration. The Constitution recognizes the



indispensable guarantees for the exercise of the profession, including the inviolability, in the performance of his/her duties and within the limits of the law, of documents, correspondence and other objects entrusted to him/her by the client, which he/she has obtained for the defence of this or that concerns his/her profession. The Constitution also subjects the exercise of the function of lawyer to professional liability.

96. The right to a hearing and defence in criminal proceedings is inviolable and it is guaranteed to all defendants, under the terms of Article 35 of the Constitution of the Republic. Any stakeholder in criminal proceedings, who is called upon to testify, has the right to be accompanied by a lawyer, either before a judicial authority or before a criminal police authority. The defendant (a person who is strongly suspected of having committed a crime, whose existence is sufficiently proven — Article 74 (2) of the Criminal Procedure Code) in particular enjoys, at any stage of the proceedings, the right to freely choose his or her defence counsel to assist him/her in any act of the proceedings in which he/she participates or to request the judge to appoint one to him/her, and when detained, has the right to communicate, even in private, with him/her, which may in the meantime occur in sight, when imposed by security reasons.

97. The defender must be a lawyer and, in the absence of the lawyer, the defendant may be assisted by any other person of his or her free choice, except in cases where, by law, the counselling must be exercised by a lawyer. In particular, it is compulsory the defender's assistance in any questioning of an accused person detained or imprisoned, at the preliminary hearing and at the trial and in any procedural act, whenever the accused is deaf, dumb, illiterate, under 18 years of age, unknown of the Portuguese and/or Cabo Verdean languages, or if it raises the question of their none criminal responsibility or diminished criminal responsibility. Except those situations in which the counsel assistance is mandatory, the judge may appoint counsel to the accused whenever the circumstances of the case reveal the need or convenience of the accused to be assisted.

98. Persons entitled to become assistants in criminal proceedings, whose roster is contained in article 71 of the Criminal Procedure Code (Legislative Decree No. 2/2005, of February 7), as well as persons who by special law have such a right, are always represented by a lawyer. The assistant plays the role of Public Prosecution's collaborator, whose activity is subordinated to its intervention in the proceedings, unless for exceptions under the law, notably, concerning the processing of cases pending private prosecution.

99. Pursuant to article 35 of the Civil Procedure Code, it is mandatory to establish a lawyer in civil cases falling within the jurisdiction of courts for which an ordinary appeal is admissible, in cases where an appeal is always admissible, regardless of value, as well as in appeals and in the cases directly submitted to the Supreme Court of Justice. In cases in which the appointment of a lawyer is not mandatory, the parties themselves may be asked to be represented by solicitors or trainee lawyers. In the inventories, only the intervention of a lawyer is required to raise or discuss issues of law.

100. It is also not necessary to appoint a lawyer in cases where the Public Prosecution Service is in charge of the party's representation, which happens in relation to the absentees and incapacities in which it is incumbent on the Public Prosecution Service to try, in his/her name and representation, any actions that are necessary for the protection of their rights and interests, also assuming their defence, as well as those that are uncertain when they or their representatives do not file opposition, or, in the case of the absentee, when they do not appear in time for to file it. The Public Prosecution Service also represents the State in civil proceedings, without prejudice to cases in which the law especially allows the counselling by its own legal representative, ceasing the Prosecution Service's main intervention, in this case, once he/she is appointed.

### **Legal Assistance**

101. Article 20 of the Constitution, which recognizes the right of all citizens to have access to justice and a fair trial, and prohibits their denial for lack of economic means, is found in Law nr. 35/III/88 of July 18, which recognizes the right to legal assistance to natural and legal persons who prove that they have insufficient financial means to cover all

or part of the usual costs of the proceedings or the fees payable to the relevant professionals for their services.

102. The regulation of the Law on Access to Justice, regarding partial or total exemption of payment for relevant professional services or its deferral or payment in instalments, is contained in the Regulatory Decree No. 10/2004, of November 02, which imposes to the State the assurance of payment of a remuneration to the relevant professional services providing legal assistance, according to a table approved by the Administrative Rule n° 1/2005, of January 10. The regulation of the Law on Access to Justice on exemption or deferral of the payment of the costs and expenses is contained in Decree No. 99/88 of November 05, as amended by the Code of Judicial Costs.

103. Under the terms established by Law 35/III/88, it is the responsibility of the State, in agreement with the entities that are responsible for this purpose, to organize legal information mechanisms and legal assistance. The organization of these services was assigned to the Cabo Verde Bar Association, through Law no. 91/VI/2006, of January 9. The legal assistance model in force in Cabo Verde is based on a system of competence sharing between the State, the Bar Association and the judge in charge of the case. The State is responsible for assuring the remuneration to the relevant professionals, the judge is responsible for granting the benefit of legal assistance and the Bar Association for the appointment of the advocate or public defender.

104. In this context, and according to data provided by the Ministry of Justice from 2005 to 2014, the Ministry transferred to the Cabo Verde Bar Association for payment of legal assistance services provided by the assigned lawyers, the approximate amount of 130,000,000 escudos (One hundred and thirty million escudos). And according to information provided by the Bar Association, this figure corresponds to approximately 60,000 (sixty thousand) interventions in lawsuits, held in representation of citizens who did not have the means to pay the costs of their lawsuit.

105. According to data from the Report of the Public Prosecution Council on the Situation of Justice in the Judicial Year 2014/2015, in the period between August 2014 to September 2015, in criminal matters, there were 27,889 new criminal cases registered in the Public Prosecution Office at national level. Compared with the judicial year of 2013/2014, where 24,600 new criminal cases were registered, it is noted an increase of 3,289 new registered criminal cases, which corresponds to an increase of 13.4%. To the new processes are added those carried over in the same period of previous years, totalling 123,315 criminal cases. In the judicial year in question, 27,236 criminal proceedings were terminated and definitively resolved, which represents an increase of 11,106 closed criminal proceedings as compared to judicial year 2013/2014, which corresponds to an increase of 68.9% compared to the 2013/2014 judicial year. A comparative analysis between the cases filed and carried over in the judicial years of 2013/2014 and 2014/2015 shows that in the judicial year 2014/2015 there was a marked decrease in criminal cases. In that year, the number of pending cases increased, from 95,426 criminal cases in 2013/2014 to 96,079 criminal cases, an increase of 653 criminal cases, corresponding to 0.7%.

106. The following table presents data from the National Police in relation to the main crimes committed against persons (life and physical integrity), from 2012 to 2015.

<i>Crimes</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
Homicide	56	54	65	46
Corporal offence	4 112	4 013	4 117	4 205
<b>Total</b>	<b>4 168</b>	<b>4 067</b>	<b>4 182</b>	<b>4 251</b>

107. With regard to sexual crimes, in the country's capital, the city of Praia, the Judicial Police registered in 2013, 142 sexual crimes, 138 against women (about 97%) and 4 against men (about 3%). Out of these, 77% were perpetrated against children or adolescents. Out of the 142 sexual crimes, 14 were rapes (9 against adolescents, 4 against women and 1 against children).

108. According to data from the Directorate General of Prison and Social Reintegration Services, the prison population in the country increased from 1,205 in 2010 to 1,543 in 2016.

109. Police personnel in Cabo Verde increased from 1,445 in 2008 to 1,832 in 2013, which corresponds to a rate of 298.7 police officers per 100,000 people in 2008 and 361.2 in 2013.

110. According to data from the aforementioned Report on the Situation of Justice, in the judicial year 2014/2015, each Prosecutor (Prosecution Service Magistrate) was obliged to handle 13,120 inhabitants and 2,402 cases.

111. The Criminal Procedure Code in force in Cabo Verde establishes a maximum period of detention of forty-eight hours and a maximum term of preventive detention of twenty-six months that can be extended in cases of special complexity to thirty-six months. If these deadlines are exceeded, the defendant is immediately released through the Habeas Corpus procedure granted by the Supreme Court of Justice or by the District Court in case of detention, upon request of the accused or any citizen.

112. In Cabo Verde, the Constitutional Law and the Criminal Procedure Code expressly prohibit the death penalty and the application of life imprisonment or custodial sentences or security measure of unlimited duration. Prison sentence shall not exceed 30 years.

### **Electoral system**

113. Democracy has allowed greater freedom and pro-active participation of Cabo Verdean citizens in the country's political life, with gains at all levels, valuing the participation of each citizen, who freely and conscientiously gives his/her contribution in choosing his/her legitimate representatives.

114. The Cabo Verdean electoral system enjoys enormous credibility among political actors in general, as well as wide recognition in Africa, since it is a system that has proven its effectiveness. Nonetheless, suspicions about the impartiality of the electoral system by some political forces (the opposition) that resulted in the amendment of the Electoral Code in 2007, by consensus, with a view to ensuring greater transparency of the process.

115. The voter registration is unofficial, mandatory, permanent and unique for all elections by universal, direct, equal and secret suffrage (Article 32 of the Electoral Code). Voters registered in the country and abroad are included in the Electoral Census Database, regulated by Law No. 22/VII/2008, of January 14, which is administered by the electoral process support service under the Ministry of Justice and Labour.

116. Except for the President of the Republic election, candidates for elective political offices are presented by duly registered political parties, alone or in coalition, and, in the case of the elections of the Holders of the Municipal Bodies, also by groups of independent citizens. The conversion of votes into mandates, in each multi-member electoral college, is conducted according to the principle of proportional representation. It is an exception to the system — the rule of proportional representation according to the highest average of D'Hondt, the election for municipal councils in which all the mandates are conferred on the competing list, which has obtained the absolute majority of votes validly cast (Article 433 of the Electoral Code).

117. The Constitution prohibits the lifetime exercise of any political office or appointment by political bodies. Holders of political office respond politically, civilly and criminally for acts and omissions that they practice in the performance of their duties and because of them, according to the law. Crimes committed by political office-holders in the performance of their duties and because of them are called crimes of responsibility and are typified and punished by the Law 85/VI/2005, December of 26.

118. The voters are citizens of Cabo Verde, of both sexes, over eighteen years of age, not covered by any incapacity, as well as Cabo Verdean citizens who hold nationality from other States. Cabo Verdean voters are electable, not subject to any ineligibility under the law, in particular, in articles 9, 404 and 405 of the Electoral Code. Among the electoral

incapacities foreseen in the country's legislation are included for example; Citizens barred by judicial sentence, the mentally ill, citizens with suspended political rights by court order.

119. There is also active and passive electoral capacity in the municipal elections for the Portuguese-speaking citizen (national of any CPLP country). Lusophone citizens residing in Cabo Verde have the right to exercise political activity related to their electoral capacity (Article 3 of Law No. 36/V/97, which approves the Statute of the Lusophone Citizen recognizing the right to vote in local elections, and the easier acquisition of nationality in relation to other foreigners, among other rights).

120. The Constitution considers as Cabo Verdeans all those who, by law or international convention, are considered as such, and the State may conclude treaties of dual nationality, and Cabo Verdeans may acquire the nationality of another country without losing their nationality of origin.

121. The first multi-party elections in Cabo Verde (of the National Assembly, President of the Republic and Municipal Office-Holders) took place in 1991, following the constitutional revision of September 1990 (Constitutional Law No. 2/III/90, of September 29, 1990, which amended and republished the Constitution of the Republic of October 13, 1980), the approval of the Law of Political Parties (Law no. 86/III/90, dated 10/6/1990) and new Electoral Laws 87/III/90 and 88/III/90, dated 10/13/1990) and of the revision of the municipal electoral laws of 1989 and 1990, through Decree-Law no. 133/91 of 02/10/1991 and 122/91, of 09/20/1991.

122. Since then, 6 legislative elections have been held (1991, 1995, 2001, 2006, 2011, 2016), marked by political alternation between the two largest parties (2 first won by the MPD, 3 by the PAICV, the most recent by the MPD).

123. The overall abstention rate in legislative elections ranged from a low of 24% (2011) to a high of 45.8% (2006). For each of the 6 legislative elections mentioned, in chronological order, it was 25%, 22%, 45.5%, 45.8%, 24% and 34.2%.

124. In the 2006 election for the members of the National Assembly, there were about nine electoral appeals to the SCJ (CC), decided by judgements nrs. 5, 8, 9 and 10/2005, of 12/24; nrs. 1, 2 and 3/2006 of 31/1; 5/2006, of 24/02; and 6/2006, of 27/2.

125. In the 2011 election for the members of the National Assembly, the electoral appeals for the SCJ (CC), were about eight. Out of the eight, three were related to the submission of candidatures, which were settled by Judgements 1, of 01/04/2011 and 3 and 4 of 01/07/2011. The other electoral appeals related to deliberations of the National Election Commission, imposing fines on the media and competing applications, were decided by judgements nrs. 5, 6, 7 and 8/2011, of 01/31 and 02/07, respectively.

126. The number of female MPs elected at the National Assembly level has been steadily increasing, from 2 MPs elected in 1991 to 17 MPs elected in 2016. The representation of women in the National Assembly grew from 4% to 24% in this period.

127. Comparing the results of the 2010 Census and the results of the 2010 Electoral Census, at the national level, the registered population represents 85% of the target population, i.e. the population aged 18 or older resident in Cabo Verde in 2010; The percentage of non-registered persons by sex is 13% for men and 12% for women; The age groups in which census levels tend to be the lowest are the youngest (18-24 years) and the elderly (65 or older).

128. The elections for the President of the Republic, also 6 since 1991, were held in the same years for the elections of the Members of the National Assembly, observing the legal time lag stipulated for this purpose. Overall abstention rates in the presidential elections were 56.5% in 1996, 41% in the second round in 2001 (48.3% in the first round), 47% in 2006, 40% in the second round of 2011 (46.3% in the first round) and 64.5% in 2016.

129. In the 2001 election for the President of the Republic, there were about 25 electoral appeals for the SCJ (CC), covering the distinct phases of the electoral process. These appeals were decided by judgments nrs. 9 and 11/2000 (on the constitutionality of paragraph 3 of article 372 of the Electoral Code) of 12/10 and 4/12, no. 7/2001, of 7/3; No. 12/2001; No. 13/201, of 7/3; 18/2001, 9/3; 9/2011, of 7/3; Nos. 8 to 6/2001, of 7/3; 12 to

17/2001, of 7/3 and 19/2001, of 7/3; 11/2001, 7/3; 10/2001, 7/3; N° 6<sup>a</sup>/2001, of 15/2; 4/2001, of 5/2; Nos. 3 to 1-A/2001, dated 5/2; No. 1/2001, of 7/1; No. 11/2001 of 7/3, 10/2001 of 7/3, No. 6-A/2001 of 5/2; N° 12/2000 (on the constitutionality of article 212 of the Electoral Code), of 7/12.

130. The 2006 Presidential election was challenged by the defeated candidate, and the appeal was decided by the SCJ (CC) Judgement nr. 7/2006, published in the Official Gazette I series no. 12, dated March 20, 2006.

131. Regarding the elections for the Municipal Organ Holders, 7 were held, namely, in 1991, 1996, 2000, 2004, 2008, 2012 and 2016. The municipal elections are for the Municipal Council and Municipal Assembly.

132. In 2000, the average abstention rate was around 40% for both the Municipal Council and the Municipal Assembly, varying between municipalities, between a minimum abstention of around 18% and a maximum of 49%.

133. In 2004, the average abstention rate was 42.5% for both the Municipal Council and the Municipal Assembly, with different abstention rates among the municipalities, with a minimum of around 23% and a maximum of 53%.

134. In 2008, the average abstention rate was 19.4% (Municipal Council and Municipal Assembly), with a minimum of 8% and a maximum of 30%.

135. In 2012, the average abstention rate was 31%, with a minimum of 18% and a maximum of 38%.

136. In 2016 the average abstention rate was 41.6%.

137. In the 20 February 2000 election for the Municipal Organ Holders, there were about seven electoral appeals, decided by judgements nrs. 1/2000, of 1/19, 2/2000, of 1/22; 3/2000, of 1/24; 4/2000, of 1/24; 5/2000, of 2/2; 7/2000, of 3/1; 8/2000, of 5/3.

138. In the 2004 election for the Municipal Organ Holders, there were about 10 electoral appeals to the SCJ (CC), decided by the judgements 6/2004, of 02/20; 12/2004, of 3/30; 10/2004 (deciding two appeals) of 2/24; 9/2004, of 2/23; S/N, 20/2; No. 8/2004, of 2/20; 7/2004, of 2/20; 6/2004, of 2/20; 5/2002, of 2/20; 4/2004, of 2/19.

139. In the 2008 election for the Municipal Organ Holders, there were about 13 electoral appeals to the SCJ (CC), decided by judgements nrs. 19/2008, of 06/02, 18/2008, of 6/25; 16/2008, of 5/8; nrs. 3 to 9/2008, of 4/17; nrs. 10 to 12/2008, of 4/17.

140. In the 2012 election for the Municipal Organ Holders, the electoral appeals include those who challenged the electoral results of some of the polling stations in Santa Catarina de Santiago, decided by the judgements of the SCJ (CC) nr. 10 and 12/2012.

141. Regarding electoral appeals to the STJ (CC) related to the voter registration, there are seven to be noted, decided respectively by judgements nr. 3/2003, of 11/27, 5/2003, of 12/18; nr. 3/2004, of 28/11; nrs. 15 and 16/2004, of 6/18; nr. 15/2005, of 5/28 and nr. 12/2011, of 8/4.

142. At the municipal level, women's representation also increased over time: from 22% in 2012 to 26% in 2016 (both at the level of the Municipal Assembly and the Municipal Council), although no female mayor was elected in 2016, out of a total of 22 municipalities.

### **Structuring of Non-Governmental Organizations**

143. From 1987, with the publication of law no. 28/III/87 of December 31, regulating the exercise of freedom of association, the first NGOs began to emerge. The law laid down the foundations of the common legal regime of non-profit and non-political associations, thus allowing that "the greater citizens, in the enjoyment of their civil rights, can freely and without dependence of any authorization, build associations."

144. Under this law, all citizens over the age of eighteen, in the enjoyment of their civil rights, are guaranteed the free exercise of the right to associate for purposes not contrary to the law or public morality, without the need for any authorization. No one is obliged to associate with or remain associated with any organization. The acquisition of legal

personality by the private associations depends on its registration, in the services of the Registry and notary of its headquarters. Associations constituted by public deed, with the specifications required by law, enjoy legal personality. The legality review (conformity to the law and public morality) of the associations is the responsibility of the courts, according to the law.

145. The law recognizes that Cabo Verdean associations have the right to free membership in associations or international organizations that do not pursue purposes contrary to the law, but subjects to the authorization of the Government the promotion and establishment of international associations in Cabo Verde, as well as the implementation of activities in Cabo Verde by international and foreign associations.

146. Private associations are extinguished as follows: by resolution of the general assembly; by the expiry of the period, if they have been constituted temporarily; or by the verification of any other extinctive cause foreseen in the constitution or articles of association. They are, however, extinguished, by court decision, when: all members have died or disappeared; their insolvency is declared; their purpose has been exhausted or has become impossible; its actual purpose is unlawful or contrary to the Public morality or does not coincide with the purpose expressed in the act of constitution or in the articles of association or; when its purpose is repeatedly pursued by illicit means, contrary to public morality.

147. Trade union associations are governed by the Labour Code (Legislative Decree No. 5/2007 of October 16, as amended by Legislative Decree No. 1/2016 of June 16 and Decree-Law No. 1/2016 of February 3) and have, under Law No. 17/V/96 of December 30, the right to be heard on legislative initiatives related to labour law. The business associations are governed by Law no. 75/III/90 of June 29 and, alternatively, by the non-profit associations law, while the Chambers of Commerce and Industry enjoy a specific regime, provided under the DL n° 57/95, of October 23. The constitution, competence and merging and division system of the Leagues and Federations of Micro-Finance Institutions (MFIs), which have their own legal personality, without prejudice to the maintenance of the legal personality of each grouped institution, are also governed by a special law, notably, by the Decree-Law 13/2011, of 01/31/2011.

148. The regime for the exercise of microfinance activity by private associations is regulated by the Law No. 83/VIII/2015 of January 16, 2015, which replaced the Law 15/VII/2007 of September 19, 2007. The Partner Commissions, which are non-profit private associations with their own legal personality, created in the context of the implementation of the National Programs to Combat Poverty, are governed by Law nr. 35/VI/2003 of September 15. The legal status of youth associations is provided under the Law 26/VI/2003, of July 21, which defines them as youth institutions with legal personality, of non-profit nature, which pursue objectives in accordance with the Constitution and the law.

149. The general legal framework of public utility legal persons is contained in the Decree-Law no. 59/2005, of September 19, which considers as such, associations or foundations that pursue purposes of general interest, or of the national community or any island or municipality, cooperating with the Central and Local Public Administration, in terms of deserving from the part of this Administration the declaration of public utility. Associations or foundations may only be declared to be of public utility if they, cumulatively meet the following criteria: they do not privilege, benefit, prejudice, deprive or arbitrarily deprive any person of any duty based on race, sex, education, ancestry, language, origin, religion, social and economic conditions or political or ideological convictions; demonstrate in pursuance of its purposes its public utility; promote and develop it, by cooperating with the Public Administration in the accomplishment of its purposes.

150. The associations that operate primarily for the benefit of members may also be declared to be of public utility if, by their very existence, they promote relevant activities of general interest and meet the requirements laid down by law. They can be declared of public utility after two years of effective and regular operation, a period that can exceptionally be reduced by order of the Prime Minister, provided that the associations and

foundations pursue some of the following purposes: teaching, education and culture; health, including medical, medicine and food assistance; support and protection of children and the elderly; support for victims of domestic violence; environment protection, natural and built heritage and promotion of quality of life; social and community integration; rural development; scientific and technological research; education, particularly through human and civil rights. The remaining associations or foundations can only be declared of public utility after five years of effective and relevant operation, unless they are especially exempted from this period due to exceptional circumstances.

151. The Environment Basic Law — Law no. 86/IV/93, July 26, declares, in the meantime, as legal persons of administrative public utility, subject to the regime of these associations regularly constituted whose main objective is to protect the environment, natural and built heritage, conservation of nature and promotion of quality of life. It recognizes to these associations the rights provided for in Article 40 (4) thereof, as well as the legitimacy to propose actions on behalf of their associates or to become assistants in proceedings instituted for infringement of the rules contained therein or in supplementary legislation, enjoying the benefit of assistance in the form of exemption from costs due to its intervention in these proceedings.

152. It assures them the right to broadcast on radio and television and the right to space in the press, under the terms to be regulated, as well as subsidies, in particular for training and information. It recognizes the right to consult and inform central and local government bodies, in particular with regard to land use and town planning plans, municipal development plans, forestry and agricultural development plans and projects, studies and landscape restoration projects in degraded areas, urban rehabilitation and renovation projects, among others. The law also recognizes to these associations the right to exemption from stamp duty, customs taxes on imports of equipment and materials indispensable for the full performance of their duties and other taxes on these incidents, as well as other tax benefits legally attributed to persons Collective agreements of public utility.

153. It imposes on the State and other legal persons governed by public law, and in particular on local authorities, the duty to encourage the participation of private entities in initiatives of interest in the pursuit of the aims set out therein, in particular national or local associations for the protection of the environment, natural and built heritage and consumer protection.

154. The Decree — Law 20/2011, of February 28, on the elimination of architectural barriers, also grants the non-governmental organizations of persons with disabilities or reduced or conditioned mobility, with legal personality, the legitimacy to propose and intervene in any actions Compliance with technical accessibility standards.

## **II. General framework for the protection and promotion of human rights**

### **C. Acceptance of international human rights norms**

155. At the international level, Cabo Verde ratified the main international human rights conventions and protocols concluded within the framework of the United Nations, according to the following list, mentioning the date of ratification between brackets:

- (a) International Convention for the Elimination of Racial Discrimination (1979);
- (b) Convention on the Elimination of All Forms of Discrimination against Women (1980);
- (c) Convention on the Rights of the Child (1992);
- (d) Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1992);
- (e) International Covenant on Civil and Political Rights (1993);

- (f) International Covenant on Economic, Social and Cultural Rights (1993);
- (g) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1997);
- (h) Optional Protocol to the International Covenant on Civil and Political Rights on individual petitions (2002);
- (i) Optional Protocol to the International Covenant on Civil and Political Rights on the Abolition of the Death Penalty (2000);
- (j) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2002);
- (k) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Prostitution and Child Pornography (2002);
- (l) Convention on the Right of Persons with Disabilities (2011);
- (m) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2011);
- (n) Optional Protocol to the Convention against Torture, concerning regular visits by independent international and national bodies, to places of detention (2016).

156. In 2007 Cabo Verde signed the International Convention for the Protection of All Persons from Enforced Disappearance. Its ratification required the adoption of legislative measures, in particular the amendment of the Penal Code to the criminalization of forced disappearance, which was done at the end of 2015 on the occasion of the revision of the Penal Code (Legislative Decree No. 4/2015, of November 11th). Specifically, through Article 268 B on Crimes against Humanity and its paragraph (i), which defines forced disappearance in line with the Convention's definition.

157. Since Cabo Verde has ratified human rights instruments of international law such as the Mérida Convention on Corruption and the Palermo Convention on Transnational Organized Crime (ratified in 2004), and its Additional Protocols to the Convention on the Prevention, And Punishment of Trafficking in Persons, especially Women and Children, and against the Smuggling of Migrants, the Penal Code was still adequate, and now provides for acts classified as crimes by these instruments. Furthermore, under the Treaty of Rome, which created the International Criminal Court (ratified in 2011), of which Cabo Verde is a state party, with the introduction of articles on international crimes, including crimes of genocide, crimes against humanity and war crimes, updating the national criminal legal system, which although it already included some of these conducts, did not do so with the breadth of international criminal law.

158. With regard to the conventions of the International Labour Organization, Cabo Verde ratified 14 conventions, including the 8 fundamental conventions:

- (a) In 1979, Convention nr. 29 on Forced or Compulsory Labour;
- (b) In the same year, the conventions n° 98 on Right of organization and collective bargaining;
- (c) No. 100 on Equal pay;
- (d) No. 105 on Abolition of Forced Labour, and
- (e) N°111 on Discrimination (Employment and Occupation);
- (f) In 1999, Convention nr. 87 on Freedom of Association and Protection of the Right to Organize;
- (g) In 2001, nr. 182 on the Worst Forms of Child Labour;
- (h) In 2011, the nr. 138 on Minimum age.

159. Also, among the conventions referred to in Appendix 2 of the common base reporting guidelines, the following:

- (i) In 1979, the Convention No. 81 on Labour Inspection;



- (j) In 1987 Convention No. 118 on Equal Treatment (Social Security).

160. In relation to The Hague conventions on private international law, Cabo Verde ratified the Convention on Protection of Children and Cooperation in International Adoption in 2009.

161. In relation to the Geneva Conventions and other instruments of international humanitarian law, Cabo Verde ratified:

- (a) In 1984, the Geneva Convention I, II, III and IV;
- (b) In 1995, the respective Additional Protocols I and II on the protection of victims, respectively of international and non-international conflicts;
- (c) In 2006, it signed the III Additional Protocol on the Adoption of an Additional Distinctive Emblem;
- (d) In 2001, it ratified the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and their destruction.

162. At the regional level, Cabo Verde, as a State Party to the African Union and the Economic Community of West African States (ECOWAS), has adhered to the main instruments promoting human rights:

- (a) African Charter on Human and Peoples' Rights (1987);
- (b) African Charter on the Rights and Welfare of Children (1993);
- (c) African Youth Charter (2010);
- (d) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (2005).

#### **D. Legal framework for the protection of human rights at the national level**

163. Part II of the Constitution of the Republic of Cabo Verde contains provisions relating to Fundamental Rights and Duties, incorporating in its text provisions contained in the various human rights instruments accepted and ratified by the country. To this end, it presents the general principles guiding fundamental rights and duties; rights, freedoms and guarantees; the rights, freedoms and guarantees of political participation and exercise of citizenship; the rights, freedoms and guarantees of workers; economic, social and cultural rights and duties; the fundamental duties and dispositions relative to the family.

164. The provisions contained in the Constitution can only be changed through a constitutional revision by the National Assembly, five years after the date of publication of the last ordinary revision law (article 286 of the CRCV). The National Assembly may at any time assume powers of extraordinary revision of the Constitution by a majority of four fifths of the MPs in office. However, revision laws may not restrict or limit the rights, freedoms and guarantees set out in the Constitution (Article 290.2 of the CRCV). The rights, freedoms and guarantees may only be suspended in the event of a declaration of the state of siege or emergencies, in accordance with the Constitution (article 27 of the CRCV). In the event of a state of siege or a state of emergency, the declaration of any of them may in no case affect the rights to life, physical integrity, personal identity, civil capacity and citizenship, non-retroactivity of criminal law, of the accused and freedom of conscience and religion (article 274 of the CRCV).

165. In accordance with Article 12 of the Constitution of the Republic of Cabo Verde, general or common international law forms an integral part of the Cabo Verdean legal order. International treaties and agreements, duly approved or ratified, shall be in force in the Cabo Verdean legal order after publication in the Official Gazette and entry into force in the international legal order and while internationally binding the State of Cabo Verde. In addition, Article 12 (4) provides that "the rules and principles of general or common international law and of international law validly approved or ratified shall, after their entry into force in the international and domestic legal order, take precedence over all Internal

legislative and normative acts of infra-constitutional value. Article 17 (1), on the other hand, stipulates that international laws or conventions may enshrine rights, freedoms and guarantees not provided for in the Constitution, so that all provisions of international human rights instruments ratified are fully accepted even if they contain rights, freedom and guarantees more comprehensive than the Constitution. Accordingly, the provisions of the various human rights instruments validly approved or ratified by the country may be invoked before the courts and authorities of the country. These rights have been invoked in the courts and administrative bodies and are not to a significant extent due to the still limited knowledge that the conventions in force in the country can be invoked in these forums.

166. In terms of responsibilities, at the level of the Government, there are two ministerial departments that are most directly related to the issue of Human Rights: The Ministry of Justice and Labour and the Ministry of Foreign Affairs and Communities, Define and implement actions and programs for the planning and management of Cabo Verde's relations with international human rights organizations.

167. As for the Ministry of Justice, it is its responsibility, in particular, to promote, in coordination with the entities concerned, human rights, and to ensure its defence, protection and development, as well as to centralize and coordinate, in close coordination with the Ministry Cabo Verde's relations with international and non-governmental organizations in the areas of justice, human rights and organized crime. It is also the government's interlocutor in its relations with the National Commission for Human Rights and Citizenship. The new Organic Law of the Ministry of Justice in preparation brings as a novelty the creation of an Advisory Council for Justice, Human Rights and Citizenship, as an organ of consultation of the Minister, in the definition of general guidelines and in the harmonization of strategies, proposals and Policy, as well as in conducting the Ministry's activity.

168. The promotion and development of human rights was one of the essential pillars of the Strategic Plan of the Ministry of Justice for the 2006-2011 five-year period, which included a sub-program dedicated exclusively to this issue, which proposed, as a global objective, the protection and the effective exercise of citizens' rights and to strengthen the foundations of the democratic rule of law and, as a specific objective, to promote a culture of peace, knowledge and defence of rights and respect for the rights of citizens. It is also part of the Government Program (2016) as one of the great commitments of the Ninth Legislature, with justice being considered as one of the basic pillars of democracy and effective protection of rights. This document details the policy measures to be implemented for speedy justice and to guarantee citizens the constitutional rights to legal information and access to justice, regardless of their financial condition.

169. Persons who consider themselves victims of violation of any of their rights may appeal to the Courts, the Ombudsman and the National Commission for Human Rights. Article 22 of the Constitution guarantees everyone the right to access to justice and to obtain, within a reasonable time and through a fair process, the protection of their legally protected rights or interests. To that end, it ensures that justice cannot be denied due to insufficient economic means, guaranteeing free legal assistance under Law 35/III/88 of July 18. Article 22 also provides that "in order to safeguard individual rights, freedoms and guarantees, the law establishes speedy and priority judicial procedures to ensure effective and timely protection against threats or violations of those rights, freedoms and guarantees."

170. As an organ of the independent State and auxiliary of political power, elected by the National Assembly for as long as the law determines, there is the Ombudsman. Its essential mandate is to defend and promote the rights, freedoms, guarantees and legitimate interests of citizens, in order to ensure, through informal means, the justice, legality and regularity of the exercise of public powers. Everyone may submit complaints to the Ombudsman, acting or omission by the public authorities, which shall examine them without a decision-making power, directing to the competent bodies the necessary recommendations to prevent and remedy illegalities or injustices (Article 21 of the CRCV and Law 29/VI/2003, of 4 August).

171. The first Ombudsman took office in December 2013, elected by Parliament as planned. The organization of the Ombudsman's Office, including the personnel regime and staff, was regulated in February 2014 (Decree-Law no. 10/2014 of 21 February). In 2016, the Ombudsman was staffed with 12 people.

172. From the beginning of 2014 to the first half of 2016, the Ombudsman received 351 reports. The island of Santiago, where the majority of the population lives, has the highest number of reports (262), followed by São Vicente (41), Santo Antão (20), Fogo (13), Boa Vista (6) and Sal 5); 4 reports were from the diaspora. Of the total, 234 reports were admitted as complaints, 107 were not admitted and 11 are in preliminary analysis. Complaints' content vary v but tend to focus on aspects such as reclassifications, promotions and career advancement, retirement pensions, reinsurance payments, insolvency proceedings, various issues relating to urban management, among others. The most targeted entities in the complaints are the central public administration (36.6%), followed by the municipal public administration (13%) and the police (10%). By the end of the semester of 2016, 113 complaints were finalized, 121 in progress, of which 34 are pending confirmation of the solution by two Ministries.

173. Dissemination of the duties and responsibilities of the Ombudsman was made through lectures-debates with students from secondary and higher education schools, a meeting with the Municipal Assembly of São Vicente and meetings with associative leaders from that island. Leaflets were drawn up, distributed among others through the Citizen's House, which has 41 branches nationwide and it is in a position to support people's access to the Ombudsman. It was released a spot on the television, radio program, created an institutional website and Facebook account.

174. The National Commission for Human Rights and Citizenship aims to protect, promote and strengthen Human Rights, Citizenship and International Humanitarian Law in Cabo Verde. In this context, it also provides assistance and monitoring of complaints of human rights violations, making recommendations to the Government and the entities involved in the matter.

175. With respect to the existence of a system of reparation and compensation for victims, in the Cabo Verdean legal system, the victim has both the possibility of requesting redress or compensation for damages sustained in a civil proceeding or in the criminal proceedings (articles 83 et seq. Of the Code and Articles 95 to 106 of the Criminal Procedure Code). In addition, Article 109 of the Criminal Procedure Code establishes that even if the victim did not file an application for compensation in the course of the proceedings or in a separate civil action, the judge will arbitrate, even if absolving, an amount as compensation for damages caused.

176. As for victims, Law 81/VI/2005 of September 12 and its Regulatory Decree 2/2006 of 13 February establish and regulate measures for the protection of witnesses in criminal proceedings when their life, physical or legal psychic, liberty or property of considerable value are endangered by their contribution to the proven facts of the case, including the relatives of witnesses and other persons close to them.

177. The Law that defines measures to prevent and suppress the crime of gender-based violence (Law 84/VII/2011, of January 10) brings as a measure of protection for victims the Victim Support Centres in order to support the victim in its rehabilitation (Article 19) providing multidisciplinary services in the social, psychological and legal areas, as regulated by Decree-Law no. 8/2015 (Article 45). Some Victim Support Centres have already been established in the Houses of Law, and it is expected that in Counties where there are no Houses of Law, they will be established through partnership with NGOs or State services. Also as a measure of support, the Law brings the "Casa Abrigo" (shelters), which aim at temporary shelter for the victim, allowing them to be rehabilitated. The first "Casa Abrigo" in the country is under construction on Santiago Island, as a result of the partnership between the Cabo Verdean Institute for Gender Equality and Equity and an NGO from Tarrafal City.

178. Cabo Verde accepts the competence of the African Commission on Human Rights and signed the African Charter on Human and Peoples' Rights on 6 October 1987, which entered into force on November 6, 1987. As a means of safeguarding the rights provided for

in the Charter, it establishes an African Commission on Human and Peoples' Rights with the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa. To date, Cabo Verde has no report/complaint to the African Commission on Human Rights.

179. On the other hand, Cabo Verde has not yet signed or ratified the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights.

## **E. Framework within which human rights are promoted at the national level**

### **National parliaments and assemblies**

180. The National Assembly has a Specialized Committee on Legal Affairs, Human Rights and Media, which is the advisory body of the plenary and other bodies of the Parliament on human rights issues. In accordance with its 2006 Regulations, the Committee has a Subcommittee on Petitions and Human Rights, composed of three members, tasked with issuing opinions or conclusions on matters relating to rights, freedoms and guarantees and petitions.

181. Parliamentary networks also play a key role in promoting human rights. Among them, the following stand out: The Network of Women Parliamentarians; the Network of Population and Development; and the Network of Parliamentarians for the Environment. All these networks have been working on a regular basis to meet their objectives, which can be seen by consulting their action plans and annual reports.

### **National human rights institutions**

182. The National Commission for Human Rights and Citizenship is the national institution in charge of the promotion of human rights in a global scope. In addition, there are specific institutions for the promotion of human rights: the Cabo Verdean Institute for Children and Adolescents and the Cabo Verdean Institute for Gender Equality and Equity. Of all three, the oldest is the Cabo Verdean Institute for Children and Adolescents, whose origins date back to 1984, when the Cabo Verdean Children Institute was established. The Cabo Verdean Institute for Gender Equality and Equity (ICIEG) began as the Institute for the Feminine Condition, institutionalized on January 10, 1994, by the Decree-Law No. 1/94. In 2006, it becomes ICIEG, institutionalized by the Decree-Law, of July 10, 2006, published in the Official Gazette, I Series, No. 20. The National Commission for Human Rights and Citizenship (CNDHC) was created by Decree Law no. 38/2004, of October 11, replacing the previous National Committee for Human Rights, established in 2001. The establishment of all three institutions represented an important added value in the promotion of human rights in the country, giving political and social visibility to the thematic area and thus contributing to strengthen citizenship and broaden the enjoyment of the rights, freedoms and Guarantees. The degree of performance of its statutory responsibilities is satisfactory, notwithstanding the persistence of many shortcomings, mainly caused by the lack of financial resources, partly covered by international cooperation, which has however declined in recent years. With the exception of the Cabo Verdean Institute for Children and Adolescents, all of them have an Internet website, where information of interest related to their activities are published, even although they are not always updated.

183. In relation to the CNDHC, initially, in 2001, through Decree-Law no. 19/2001, of September 24, it was established the National Committee for Human Rights, following the recommendations made at the Vienna Conference on Human Rights in 1993 and based on the Resolution 154 of March 3, 1992 of the UN Commission on Human Rights.

184. The rationalization of structures led to the merging of Human Rights and International Humanitarian Law and led to the establishment of a representative Basis Committee, integrating the various sectors of public intervention, the object of which was

inherent in the promotion of Human Rights in its broadest sense, highlighting the concern to give seat to Non-Governmental Organizations.

185. The competencies of the CNDH were: the protection and dissemination of human rights and international humanitarian law; the definition of a strategy and the preparation, implementation and evaluation of the National Action Plan for Human Rights; The preparation and submission of initial and periodic reports under the international instruments on Human Rights and International Humanitarian Law.

186. Subsequently, through the Decree-Law no. 38/2004, of October 11, the CNDH was abolished, replaced by the National Commission for Human Rights and Citizenship (CNDHC), recognizing, first of all, autonomy and independence in relation to the public powers and private interests, and also assuming the scope and mandate to advocate and consolidate the values of citizenship.

187. Its overall mandate includes: the promotion of education for human rights, international humanitarian law and citizenship; participation in the definition and execution of public policies of the government in these areas; advisory services to the government; investigation of human rights violations; and follow-up of the implementation of the national action plan o for human rights and citizenship.

188. At the moment, the new Statute of the CNDHC has been drafted in accordance with the Paris Principles, and waits for approval.

189. Since 2011, the CNDHC has made efforts to change its Statute so that the commission can have a new statute, which is in line with the Paris Principles. In 2011, a draft statute was prepared and submitted to the Government for approval, but without success, and recently the President of the CNDHC had some meetings with the Minister of Justice in order to sensitize the Government to the need for approval of a new statute, and, in principle, the new statute should be approved in the semester of 2017.

190. In the context of the promotion of human rights, it is also worth highlighting the role played by the Houses of Law in Cabo Verde over the last 10 years. Created by the DL 62/2005, of October 10, they functioned under the Ministry of Justice with the mission of promoting access to justice and law, guaranteeing, in particular, legal information and counselling, and could also function as mediation centres or make their facilities available for arbitration cases. They were installed in almost all municipalities of the country. They have broadcast a radio program called “direitu na bu kaza”, which received high public acceptance. They have signed several protocols with the country’s municipal councils, ICIEG and civil society organizations. The evolution of service demand of the Houses of Law revealed a great acceptance of the institution. The demand increased from 112 cases served in 2007 to 1,905 cases in 2009. Women were one of the important target groups of the House of Right: reasons for women seeking services include issues related to acknowledgement of paternity, child support, aggression and gender-based violence.

191. The Houses of Law, within the scope of the Regulation of the Law on combating GBV (Decree-Law no. 8/2015, Article 45) should house the Victim Support Centres for GBV, providing multidisciplinary services (social, psychological and legal area). However, in the context of the on-going decentralization of social services to municipalities, it is expected that the Centres will work within social services under the municipal councils. In general, the Houses of Law model is being reviewed, taking into account its high fixed operating costs compared to the results obtained. In fact, the Law Houses are organized to provide legal information and legal advice, but not to guarantee legal counselling in court, a function assigned to the Cabo Verde Bar Association. In most cases, effective legal protection was not guaranteed. The model to be implemented should provide for concerted intervention between the Houses of Law and the Bar Association in order to guarantee effective legal assistance to citizens. On the other hand, the Government’s Program for the IX Legislature calls for greater legal information to be provided to citizens, including through education, the media, social networks, universities, the Bar Association and the Consumer Protection Association, among other associations.

**Dissemination of human rights instruments**

192. The National Commission for Human Rights and Citizenship — CNDHC has played an important role in the dissemination of international human rights instruments through periodic paper publications that are distributed free of charge. Among the publications, we highlight: 2004-2010 National Report on Human Rights I, National Prize for Human Rights, Universal Declaration of Human Rights translated into Portuguese and Creole, International Covenant on Economic, Social and Cultural Rights — ICESCR and Optional Protocol to the International Covenant on Economic, Social and Cultural Rights — Protocol to the ICESCR. The publication of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is currently under preparation.

193. Another publication worth mentioning was the dissemination Convention on the Rights of the Child by ICCA through brochures distributed for free. Also in 2007, following the recommendations received from the CEDAW Committee to Cabo Verde's initial report, the edition by ICIEG of the "Cabo Verde and CEDAW" (500 copies), prefaced by the Prime Minister, containing the Convention's full text; the Cabo Verde's initial report to the Committee's questions to the State of Cabo Verde and subsequent replies; the Opening Statement and the Considerations and Recommendations made to the country. A copy of the book was distributed to each of the 72 Members of the National Parliament. In 2013, after receiving the recommendations of the CEDAW Committee for the Cabo Verde's periodic report, a pocket book (560 copies) containing elements of the Cabo Verde's periodic report, Committee questions and State responses was published, as well as the final recommendations made by the Committee.

**Raising human rights awareness among public officials and other professionals**

194. In this area, the awareness-raising and training activities implemented by the Cabo Verdean Institute for Gender Equality and Equity (ICIEG), as well as the activities carried out by the Network of Support for the Victims of Gender-Based Violence — SOL Network; The Cabo Verdean Institute for Children and Adolescents (ICCA); And the Houses of Law. It is also worth noting the efforts made by non-governmental organizations, such as the Platform of Non-Governmental Organizations of Cabo Verde (PlatONG), the Zé Moniz Development Association (AZM), the Cabo Verdean Women Jurists Association (AMJ) Organization of Women from Cabo Verde (OMCV), Association Supporting the Self-Promotion of Women in Development (MORABI), Cabo Verde Federation of Associations of Disabled People (FECAD).

195. The awareness-raising activities targeted National Police Officers, Prison Officers, health personnel, teachers, judges, prosecutors, lawyers, and Rede SOL staff. In the case of the National Police (PN), in 2010 several capacity building activities were implemented on Human Rights, Gender and GBV, and following these activities the Ministry of the Interior approved in 2014/15 the introduction of a Human Rights Module and Citizenship in the curricula of the National Police Training Centre, as well as a module on Gender and GBV.

196. Regarding the mainstreaming of Education for Citizenship in the school curricula, the Curriculum Revision Guiding Document (2005/2006) stipulated the introduction of a subject in the curricula of primary and secondary education. From 1st to 4th grade of schooling (1st cycle of primary education), as non-curricular area, it is applied in a cross-cutting way in all subjects included in the study program. However, from the 5th to the 8th grade of schooling (2nd and 3rd cycles of primary education) it was introduced as a subject area. It is a fundamental subject that reflects cross-cutting concerns in society and involves different dimensions of citizenship education (human rights education, environmental education, road education, financial education, consumer education, entrepreneurship education, Gender, health and sexuality education, etc.). In the context of the current review of the teaching programs and manuals, thematic areas such as human rights, gender equality and citizenship will be mainstreamed into the curriculum, integrating themes in the different subjects, by setting specific targets in order to be applied in all cycles, from elementary school to high school.

### Promotion of human rights awareness through the mass media

197. The various human rights-related institutions, in particular CNDHC and ICIEG, have included in their communication strategy with society dissemination and awareness-raising activities for a culture of citizenship, defence and promotion of human rights. As already reported in the 2010 CEDAW report, a number of activities promoting the elimination of women's inferior status have been developed, including the training of media professionals in gender issues, the production and broadcasting of a Radio Course Entitled "Family", which the supporting materials included the Family School Course Manual. In this activity, training sessions on family relations from a gender perspective was delivered to male and female trainers, adult education activist, and NGO and community leaders. In cooperation with women's NGOs and the Ministry of Health, two national campaigns on women's health and sexual and reproductive health — the Anti-Breast Cancer Campaign and the Female Condom Campaign — were launched, in 2006 and 2010, respectively. In 2008, ICIEG signed a protocol with a private television channel for the production of the "TV Mulher" program that addresses various legal, social, economic and health issues on women. Institutional capacity to disseminate women's rights and programs and projects carried out by ICIEG was also strengthened, notably, by organizing debates, publishing articles, distributing brochures, designing radio programs, newsletters and conducting awareness-raising campaigns and advertisements on public and private television.

198. The weekly radio program "Bom dia kriola", broadcast since 2000, has been a valuable information space of women's rights on the Radio of Cabo Verde. In 2008, ICIEG signed a Protocol to strengthen partnerships with Radio Novas Tecnologias Educativas, a state broadcaster, which has supported the production of programs that address gender issues, domestic violence and sexual and reproductive health with a focus on women, as it is the case of the breast cancer information program.

199. Within the framework of the House of Law project, the Ministry of Justice has funded a program on Radio of Cabo Verde entitled "Law in your House" ("Direitu na bu Kaza"), aiming to raise awareness, and provide information and education on family law as well as domestic violence.

200. In 2005, the CNDHC held the National Conference on Human Rights, with a large participation of partners. In that same year, the National Commission for Human Rights and Citizenship, in partnership with the Centre for Human Rights and Popular Memory of Rio Grande do Norte/DHNET/Brazil, defined a Global Communication Plan with the main objective of implementing the National Action Plan for Human Rights and Citizenship, which provides, in addition to the spot advertising major CNDHC events, thematic micro — programs and training courses targeted to opinion makers, journalists and social communicators; the publication of a printed newsletter, serving as CNDHC's official information mechanism and bridging itself with its members and citizens. In addition to this printed newsletter, there is an online newsletter, issued from the CNDHC's website, as an open space open to citizens and to which they channel their inputs, criticisms, expectations, and frustrations. In 2012, the CNDHC, in partnership with the University of Cabo Verde (UNICV), the Association of Journalists of Cabo Verde (AJOC) and the University of La Laguna, organized a seminar entitled "Communication and Human Rights" aimed to contribute to the qualification of Professionals in Cabo Verde in the thematic areas of Human Rights and Citizenship. The objective was to equip journalists with tools for an informed and pedagogical approach to human rights.

201. Another support on which the Global Communication Plan is based is community radios, as effective development partners, for the potential they offer for greater integration and interaction of communities in the geographic areas and the topics they cover. The legal framework of community radios is contained in the Decree-Law no. 37/2007 of November 5, amended by the Decree-Law 50/2010 of November 22.

202. The Platform of NGOs also has interventions on the radio to disseminate its activities. Citi-Habitat has a community radio — the Ponta d'Água Community Radio — through which it promotes the dissemination of its activities.

203. Another important means for the promotion and dissemination of human rights has been Radio Novas Tecnologias Educativas, whose editorial line focuses on education for

citizenship and facilitation of education. Its mission is to ensure the dissemination of information and training programs on teaching and education, to promote communication with society on government policies in the education sector and to develop initiatives for distance learning and education.

204. In terms of the written press, four generic national newspapers operate in the country combined with their respective electronic version, while new electronic newspapers have been appearing. There is a thematic journal “Artiletra”, an Educational, Scientific and Cultural newspaper/magazine. There is a public news agency (INFORPRESS) with the mission of producing and distributing news to the widest possible range of users (radios, newspapers, websites as well as national and foreign televisions) and providing the State of Cabo Verde with a public interest service relating to informing citizens, in the country and in the diaspora. In terms of television, there is the TCV (public television), the Record of Cabo Verde (private television) and Tiver (private television). The national radios include the RCV (public radio) and several private radios (Radio Comercial, Praia FM, Creole FM, among others). Data from INE (2014) on access to information and communication technologies in Cabo Verde show that 77.4% of households have television (83.3% in urban areas and 64.9% in rural areas). On the other hand, 36.8% of the population used a computer in the last 3 months and 37.1% the internet. There are no differences in the use of computers and internet between women and men, but the rates are considerably lower in rural areas, where about 1 in 5 people used the internet in the last 3 months (19.4%), which happens with almost 1 in 2 people in urban areas (46.2%).

205. The regulation and supervision of the entities that carry out communication activities in Cabo Verde is under the responsibility of ARC — the Regulatory Authority for Media. The ARC Was established by Law nº 8/VIII/2011, of December 29, and took office with the inauguration of the Regulatory Council on July 23, 2015. The ARC is a legal person governed by public law, constituted constitutionally with the nature of independent authority and subject to no guidelines or guidance from the political power, and whose performance by legal determination cannot call into question the freedom of the press. It has as main regulating objectives to promote and guarantee the cultural pluralism and the diversity of expression of several currents of thought; Ensure the free circulation of content by entities pursuing media activities and free access to content by their recipients; ensure that the information provided by the editorial services is based on criteria of journalistic requirements, impartiality, exemption, and rigour; and ensure the protection of individual rights of personality wherever they are concerned. ARC’s intervention and supervision is targeted to news agencies, periodicals, irrespective of the medium they use, radio and television operators, on-line content subject to editorial treatment and organized as a coherent whole, as well as advertising and marketing agents and publicity companies, which are engaged in the activity of survey and opinion poll.

### **Role of civil society, including non-governmental organizations**

206. There are a large number of non-governmental organizations that are concerned with human rights issues, including the Organization Women from Cabo Verde (OMCV), the Association Supporting the Self-Promotion of Women in Development (MORABI), the “Zé Moniz” Association for Solidarity and Development, the Association for the Promotion of Mental Health (APONTE), the Cabo Verdean Association of Disabled People (ACD), the Association for the Promotion of Family, Women and Children (Plural), the Nazarene Solidarity League, Cabo Verdean Caritas, the Cabo Verde Red Cross, the Centre for Innovation in Social Intervention Technologies for Habitat (Citi-Habitat), the Cabo Verdean Association for the Protection of the Family (VerdeFam), The Blackpanthers Association, the Happy Childhood Foundation (FIF), the Cabo Verdean Association of the Visually Impaired (ADEVIC), the Association of Disadvantaged Children (ACRIDES), the Association of Families and Friends And Children with Cerebral Palsy (Acarinhar), the Cabo Verdean Association of Women Lawyers (AMJ), the Association for the Rights of Children and Families Cabo Verde, the Association to promote the inclusion of people with disabilities through dance “Mon na Roda” and others. Most, if not all, non-governmental human rights organizations are affiliated to the Platform of NGOs.



207. The Platform of NGOs of Cabo Verde is an independent, non-profit, non-governmental organization that has been in operation since 1998, adopting as its motto the construction of a society where each citizen can exercise his/her rights of citizenship in an environment of progress, peace, justice and opportunities for all bearing values and principles such as equity, social justice, honesty, tolerance and perseverance. According to the report published in September 2011, to date, the organization had close to two hundred associated organizations, spread throughout the national territory. In addition to the strong internal dynamics in favour of its associates, the Platform of NGOs also has an intense activity of seeking external partnerships as a way to assure sustainability to its intervention, which reflects the strength of the organization. It is a member of the CPLP National Platform Network. The Platform of NGOs has paid particular attention to the role of population education in the development process, and in December 2008 it held a national meeting to reflect on the theme, the results of which are contained in a brochure published under the title “Popular Education. Cabo Verde Study Case” sponsored by the Belgian NGO Solidarité Socialiste. It should also be noted that since 2011 the associations of people with disabilities have established the Cabo Verdean Federation of Disabled People Associations (FECAD).

### **Budget allocation and trends**

208. Regular budgets of the National Commission for Human Rights and Citizenship — CNDHC, and the Cabo Verdean Institute for Gender Equality and Equity — ICIEG and the Institute of Children and Adolescents — ICCA are secured by the State Budget, through the funds transfer. From its creation to date, the funds allocated to these institutions have experienced a positive evolution, in percentage that exceeds the rate of inflation.

209. The CNDHC’s overall budget from 2004 to 2007 was 5,000,000 CVE, 2008 to 2013, 13,266,000 CVE in 2014, 15,226,282 CVE and in 2015 and 2016 it was 16,726,282 CVE. It should be noted that this is an operating budget, meaning there are no funds, within the State budget, for project execution. The projects carried out by the CNDHC have funds not coming from the General State Budget, but usually from international organizations, especially from the United Nations.

### **Development cooperation and technical assistance**

210. The public authorities have promoted a constructive dialogue with all partners — both international and national — taking into account that Human Rights is a cross-cutting thematic area of the various sectors that make up society. In addition, the Government has developed a framework for on-going cooperation with international and regional human rights mechanisms. Cabo Verde has always benefited from international cooperation in the promotion of human rights, in particular from United Nations agencies concerned with the issue. For example, the first “National Report on Human Rights” in the country was the result of joint support from OHCHR and UNDP in assessing the country’s situation with regard to civil and political rights, economic, social and cultural rights and the right to sustainable development. Cabo Verde’s positive response to the recommendation of the joint mission to develop the National Action Plan for Human Rights and Citizenship became possible in 2002-2003, thanks to the support provided by OHCHR and UNDP, with Cabo Verde being chosen, within the framework of the Human Rights Strengthening Programme (HURIST), for the development of a pilot project for the preparation of the National Action Plan for Human Rights in Africa. The reports on the implementation of the international human rights conventions of which Cabo Verde is a State party submitted by the country have been prepared with the support of the United Nations agencies, in particular the two reports already submitted on CEDAW, the report on the CRC, the report The Universal Periodic Review (UPR), as well as the three reports under preparation: periodic report to CRC, initial report to ICESCR and ICCPR. The publication by the Government in 2008 through the ICIEG and INE of the pocketbook entitled Women and Men in Cabo Verde — Facts and Figures was also possible thanks to financial support from the United Nations Coordination Office, among other publications on the dissemination of human rights.

211. In order to deepen knowledge and know the inequities to act upon, the Government established a partnership agreement (2008) with the African Observatory of Gender Indicators by adopting a reference framework for the definition of qualitative and quantitative indicators on gender equality and equity and conducted a study on the evolution of woman status in Cabo Verde. As a result, in 2010, the IDISA Study (Gender in Africa) was presented. Index of Development of the Female Condition in Cabo Verde).

212. The project establishing the Houses of Law has benefited, in its start-up phase, from funding for a period of three years, through a Japanese donation agreement (JSDF), concluded with AID/BM, for access to the law and legal assistance to vulnerable groups, including women, in the amount of \$ US 333,600. In addition, it also benefited from other external funding, including a donation agreement “Strengthening the Rule of Law in Cabo Verde, donation No. TF053035” with the World Bank Institutional Development Fund for the implementation of various activities under the Strategic Plan of the Ministry of Justice to ensure the protection and effective exercise of citizens’ rights and the strengthening of the foundations of the Democratic Rule of Law. In the framework of the United Nations Trust Fund for the Eradication of Violence against Women, the project had, at the end of 2009, financial support to combat domestic violence. It also benefited from part of the budgetary aid granted to Cabo Verde by the World Bank under the Justice component of the Poverty Reduction Strategy Project. The Justice component of this Project aims at the development of behavioural attitudes and models based on the constitutional principles of freedom, justice, democracy and human rights own values, and guaranteeing citizens access to justice and law.

213. Three studies on crime have been carried out, which have also benefited from financial and technical support from United Nations institutions. In the fight against the effects of drought and desertification, as well as in programs and plans for environmental protection and development, the support of international partners continues to be essential, as Cabo Verde counts on a significant aid in the fight against poverty and development promotion, notably, from the Netherlands, the World Bank, UNDP, FEM, the European Union, IFAD, and the CCD Secretariat. Other countries and organizations have also supported the country in the promotion of human rights, as it is the case of France and the Spanish Galician Fund, which have cooperated in particular with ICIEG and OMCV within the scope of GOIP (Office for Professional Guidance and Integration of Women).

214. However, there is a trend in the country for the reduction of Official Development Assistance, associated, among other factors, with the country’s change in development status, which is no longer a Least Developed Country. Despite its graduation, Cabo Verde maintains its vulnerability, associated with its status as a Small Island Developing State (SIDS). The international community recognizes the specific vulnerability of Small Island Developing States, and the United Nations has led the discussion on the necessary partnership for sustainable development in the context of the specificities of States such as Cabo Verde.

## **F. Reporting process at national level**

215. Since the entry into force of the conventions ratified by Cabo Verde in the internal legal order, they have been implemented by the sectoral areas, and the reports have been presented under the CEDAW and the CRC, which have been organized by the institutions operating in the respective areas, with the support of international organizations. This has not turned out to be the case in the remaining sectors.

216. Once established, the CNDHC became in charge of coordinating process of reporting to the Committees on the various conventions. Training at the national level on human rights reporting, including the CNDHC, sectors and civil society, was carried out with the support of OHCHR. It was aimed at establishing a permanent intersectoral working group, which, however, could not be put into operation, mainly due to the mobility of public administration staff. The preparation of the reports is currently under the coordination of the CNDHC, through the creation of a specific task force for each report, working closely with the sectors, which provide data and follow the process of preparing

the report, at various participating stages for this purpose. The information is also collected from civil society organizations participating in the same process of preparation and validation.

217. The process of preparing reports and receiving recommendations from the Committees has been an opportunity for public debate, in particular in the case of CEDAW, and in particular with entities responsible for policy making and their implementation at various levels. In 2013, following the recommendations received from the CEDAW Committee to Cabo Verde's periodic report, they were presented to the National Assembly in a Special Parliamentary Session, held in partnership with the Network of Women Parliamentarians. At the executive level, a thematic session of the Council of Ministers was held on these same recommendations.

## **G. Other human rights related information**

218. Cabo Verde is a signatory to the main documents of the global development agenda, including the 2030 Sustainable Development Goals. In terms of gender equality, the Cairo Program of Action and the Beijing Platform for Action, which, like CEDAW, are part of the regular monitoring of achievements at national level (the latest reports date from 2013 and 2014 respectively — ICPD+ 20 and Beijing+20). In addition, and within the scope of monitoring achievements and challenges, two progress reports on MDG 3 were prepared, also in a participatory and cross-sectoral manner.

## **III. Information on non-discrimination and equality and effective remedies**

### **Non-discrimination and equality**

219. Paragraphs 162 to 164 of this document refer to provisions of the Constitution of the Republic of Cabo Verde relating to human rights safeguarded by international instruments, as well as the conditions for its amendment.

220. It may also be mentioned that the materialization of economic, political, social and cultural democracy and the construction of a free, fair and caring society is the primary objective of the State of Cabo Verde, as determined in Article 1 of the Constitution.

221. The right to equality, as a fundamental premise for the attainment of the above-mentioned objective is one of the basic rights of the citizen's rights, freedoms and guarantees provided for in the Cabo Verdean Constitution, in its article 24, which establishes that all citizens have equal social dignity and are equal before the law, and no one can be privileged, benefited or harmed, deprived of any right or exempt from any duty based on race, sex, descent, language, origin, religion, social and economic conditions or political or ideological beliefs.

222. This referred right cross-cuts the entire Cabo Verdean legal system, from family relations, the exercise of social, economic, civil and political rights, only yielding to the constitutionally consented need to safeguard the superior interests of the community, constituting a guiding principle of interpretation and of law enforcement. It gives in, however, before the need to protect children, adolescence, equality between the sexes and the elderly, as well as before the need to ensure the regular functioning of the democratic rule of law.

223. Closely linked to the principle of equality are the principles of the universality of rights (Article 23 of the Constitution), the prohibition of restriction of rights (Article 17), the assimilation of the status of foreigners and stateless persons to that of national citizens (Article 25 of the Constitution).

224. The realization of the principle of equality presupposes the existence of a fairer society, less unequal and with equal opportunities for personal fulfilment for its members, without distinction of sex, race, creed, sexual orientation, socio-economic condition and others. This presupposes, in a society such as Cabo Verde, to build social cohesion and the

strengthening of citizenship as basic pillars of public policies and, in particular, to reduce poverty and social inequalities, equity in access to education, health, housing and living conditions, culture, respect for human rights and integration of minorities and people with special needs.

225. The successive government programs from independence to date have chosen social promotion and human resources capacity-building as priority objectives and putting particular emphasis on social inclusion, especially of people and groups lacking protection and suffering marginalization. The Government's Program for the Ninth Legislature (2016) highlights among its fundamental commitments social inclusion, as well as the policy measures to be implemented for this purpose, including, among others: a Plan to Combat Poverty and Social Exclusion based on access to income, employment and economic development; social policies oriented to a families and vulnerable groups such as women, the elderly and people with disabilities; The spatial focus of social policies and inclusive economy, according to the poverty mapping ; The definition of preventive, protective and integrating solutions for families, according to their level of poverty, with a focus on access to basic services; Special attention to youth with severe disabilities and their families.

### **Gender equality**

226. With regard to gender equality, the Constitution of the Republic of Cabo Verde includes women's rights in different articles, in particular, on equality of citizens before the law, in which the State is entrusted with the fundamental task of progressively removing obstacles of economic, social, cultural and political nature that prevent real equality of opportunity among citizens, especially the factors of discrimination against women, both within the family and society. In addition, in regulating family relations, it provides for equality of civil and political rights and duties by spouses and prohibits discrimination against children born out of wedlock, and for participation in public life. Right to equal and free access to public functions and elective positions, encouraging the balanced participation of men and women in political life, to mention just a few.

227. Considering that violence against women, with a significant quantitative dimension, continued to present itself as a form of control and domination in the private setting and in society, in 2011, the Special Law nr. 84/VII/2011 of January 10, commonly known as the GBV Law was enacted. In addition to consecrating criminal and civil protection measures, it provides for a number of preventive measures, to promote gender equality and reduce the number of victims, and measures for faster responses in care-taking by institutions, for the rehabilitation of the aggressor and for psychological and material support to the victims. This law, while enshrining measures to prevent and suppress gender-based violence, goes beyond simply repressing the crime of gender-based violence and constitutes an important instrument for ensuring gender equality.

228. At criminal procedural protection level, it was decided to confer a public nature on the crime of GBV, assuming that this crime is not of an intimate or personal matter but a harm affecting all of Cabo Verdean society and that goes beyond the sphere of the harmed party. Regarding the procedural aspect, and in order to avoid delays in court proceedings, the GBV Law establishes that criminal proceedings instituted under the law are of an urgent nature, which means that priority must be given to cases involving VBG in relation to the other crimes.

229. Two years after the entry into force of the law, Decree-Law no. 8/2014, of January 27 was approved, regulating it, establishing the necessary provisions for the implementation of the recommended solutions.

230. As mentioned in paragraph 181 there is an Institution, the ICIEG, responsible for coordinating gender equality policies in Cabo Verde. The existence of a number of civil society organizations committed to the promotion of gender equality, which work closely with ICIEG, implementing projects funded by the institution using international cooperation funds in the areas of health, education, VBG, microfinance, among others, is another gain obtained in this respect. The progress made with regard to social protection in maternity, the setting up of the CIGEF — Centre for Gender and Family Research in

partnership with the University of Cabo Verde (Uni-CV) in order to carry out studies on this issue are also part of the achievement list.

231. In 2005, the country adopted a National Action Plan for Gender Equality and Equity, which was extended until 2011, as a guiding tool for public policies on gender issues. An evaluation of the Plan conducted at the end of 2011 highlighted the following results: i) the introduction of a gender concept (from a feminine theme to a balanced social and economic development issue); ii) a change in the visibility of gender issues, which become part of the public and political agenda; (iii) the first thematic area on which Cabo Verde regularly reports to the United Nations (through reports to CEDAW); iv) the thematic area in which the government works in greater coordination with NGOs and their beneficiaries. PNIEG has contributed to the development of the skills of both government and NGOs in terms of technical knowledge and management skills, networking and service to the target public, improving the services available to the population on gender equity and equality. There were also important advances in the adoption of data disaggregated by sex in all the work of the National Institute of Statistics (INE) and research carried out by other public organizations. At the legislation level, laws were created and revised that explicitly addressed women's rights and/or equity measures.

232. In 2011, decision was made to develop an interim plan covering a 2-year period: Action Program for the Promotion of Gender Equality (PAPIG, 2011-2012), aiming at adequate planning for the transition period, taking into account the end of the PNIEG implementation period, the 2011 legislative elections and the need for policy alignment to the Government Program for the new legislature and the DECRP III (finalized at the end of 2012), as well as the first year of implementation of the Special Law on GBV (which defined additional competences for ICIEG, including support to institutional partners in the Institutional adaptation effort). The Interim Plan was subsequently extended for an additional year, with the preparation of a specific work program for 2013. In April 2015, the National Plan for Equality and Gender 2015-2018 (PNIG) was approved by the Council of Ministers, and the diploma was published on March 23, 2016. The purpose of the 2015-2018 PNIG is to provide the State of Cabo Verde with a framework for the formulation and implementation of policies, programs and strategic actions, both specific and cross-cutting, that contribute in an integral way to the promotion of equal rights, duties and opportunities for men and women and an effective and visible participation of women in all areas of social life contributing to their empowerment.

233. In the area of combating violence, the adoption of the second National Plan to Combat Gender-Based Violence (GBV) witnesses the bet in the implementation of a systematized framework for action to eradicate this harmful practice to human rights, reproduced in the process of socialization and day-to-day practices. The capacity building efforts of the various stakeholders for the implementation of the VBG Law has been enormous, covering the national police, magistrates, lawyers, health technicians and various education and civil society stakeholders. In addition to the training sessions themselves, instruments such as specific standard operating procedures for the Police and Health sector, an annotated version of the GBV Law, were developed to guarantee homogeneity in their interpretation and application, as well as specific manuals of good practices for education (Education for equality and non-violence) and the media. It should be noted that the National Police Training Centre introduced a module on Human Rights, Gender and GBV in initial training. In addition to the capacity building efforts, another important achievement was the creation of the inter-institutional centres to support victims of domestic violence (Rede SOL), through which care is provided to GBV victims. The Rede Sol is active in 12 municipalities of country and between 2008 and 2013 it supported a total of 16,395 GBV victims. About 50% received psychological and social support, almost 60% legal support and 100%, police support. The police service has been specializing and there are Victim Assistance Offices (GAV) in 12 police stations in the country. Also, worthy noting, it is the launching of a toll-free telephone hotline for complaints, guidance and referrals of GBV victims, at 800 14 15. As well as the creation of the "Cabo Verde White Ribbon" Network, made up of men committed to the promotion of gender equality. Among other activities to raise awareness and disseminate the VBG Law to civil society and with the support of associations and NGOs.

234. The Government's Program for the Ninth Legislature (2016) calls for a set of policy measures to promote gender equality, among others: the commitment to mainstreaming a gender approach in all spheres of governance; the definition of a care system in support of caregivers, particularly the poorest; the use of gender-sensitive budgeting in cooperation projects; the promotion of parity at all levels; measures to promote gender equity, including in the promotion of employment and income, with particular attention to the rural world, where poverty and gender inequalities tend to be more marked; the strengthening of responses to GBV.

### **People with disabilities**

235. Article 76 of the Constitution recognizes the right of persons with disabilities to the special protection of the family, society and public authorities, giving them full responsibility for the prevention, treatment, rehabilitation and full social inclusion of persons with disabilities. Among the infra-constitutional legislative measures, stands out the approval in 2000 of Law no. 122/V/2000, on the general bases of prevention, rehabilitation and integration of people with disabilities, which was regulated in 2010. As a result, the National Plan of Action for the African Decade was prepared for the three-year period 2006-2009, which defined the national response to the situation of people with disabilities. In 2013, this law was repealed and replaced by Law 40/VIII/2013, which defines the general bases of the legal regime for the prevention, qualification, rehabilitation and participation of persons with disabilities.

236. Among the recently adopted legislative measures, it is worth highlighting the Decree-Law 20/2011 of February 28, which approves the technical standards that guarantee the accessibility, with safety and autonomy, of persons with disabilities and limited mobility, through the elimination of urban and architectural barriers and the possibility granted by the Electoral Code to those of voting accompanied by a freely chosen voting citizen, in order to safeguard the political participation of persons with disabilities on equal terms. It should also be noted that during the last electoral events, although there was no legal obligation to do so, some parties and candidatures used sign language in their broadcasting time.

237. In order to better ensure the right to education of children with special educational needs, the Ministry of Education has created the Special Education sector, which, in partnership with disability advocacy associations, has been developing work in schools, despite resource limitation. The new Organization structure of the Ministry of Education (2016) created a Centre for Special Education and Educational Inclusion that responds specifically to issues related to the inclusion of children/youth with special educational needs (SEN) in the education system.

238. Actions carried out include strengthening the capacities of the various educational stakeholders to integrate students with SEN into the education system, including pre-school coordinators and monitors, pedagogical coordinators of the Education Delegations in the different counties of the country, primary education managers and teachers, as well as Secondary Education teachers and pedagogical directors. The Centre for Special Education and Educational Inclusion is also responsible for monitoring the work of the Local Centres for Inclusive Education that were established, under the Delegations of the Ministry of Education (decentralized level in the municipalities). A total of 14 of the country's 22 municipalities already have resource rooms equipped with specific Special Education materials, and teachers have been trained to accompany students (integrated in schools). In addition, resources have already been mobilized for the installation of three more resource rooms. The centre has also worked on the promotion of sign language in Cabo Verde and has prepared a proposal to regulate the special procedures for student care with SEN.

239. According to data collected by the Ministry of Education, about 1,915 children and young people with SEN are currently enrolled in the three education subsystems (pre-school, primary and secondary).

240. State support for persons with disabilities is found in the form of financial and in-kind support, medical and medical support for them and their families, either through the contributory and non-contributory social security system, or through school social

assistance or through public institutions of social solidarity. The State has also promoted the integration of people with disabilities into the labour market through its policy of tax benefits to companies that recruit such persons, as provided by the State Budget Laws.

241. As part of the implementation of a CNDHC project aimed at enabling the social inclusion of deaf people, particularly in terms of access to information as provided under the International Convention on the Rights of Persons with Disabilities, ratified by Cabo Verde in 2011, sign language was introduced in the National Television of Cabo Verde's (TCV) news programme. The project was an initiative by the CNDHC and the FECAD — Cabo Verdean Federation of Associations of Disabled People, with the financial support of Handicap International. It started on June 24, 2013 and entailed the interpreting of TCV's evening news programme into the sign language, the interpreting was carried out by two interpreters who appeared alternately from Monday to Friday. In December 2013, the project continued with the support of other partners: in 2014 with funding from the local bank Caixa Económica de Cabo Verde, and from 2015 on, with the support of the Presidency of the Republic. Currently, the project manager is FECAD. It should also be noted that there are versions of the Constitution in Braille and in audio, aiming at promoting social inclusion and access to information for blind people.

242. The associative organization in this field has been experiencing increasing dynamism. The Association of the Visually Impaired in Cabo Verde and the Cabo Verdean Association of the Disabled were created in 1993 and 1994, respectively, and the Association of Children with Cerebral Palsy and the Mon na Roda Association, which aims at promoting the social integration of people with a disability through dance. The National Orthopaedic and Functional Re-education Centre, a project of the Cabo Verdean Association of the Disabled, launched in 2005, the only one in the country, the “Manuel Júlio School”, aimed at basic schooling of people with visual impairment, operating in its own building since 2003, and the “Casa da Patrícia”, designed to accommodate children with cerebral palsy, are institutions designed to meet the needs of people with disabilities and their families. In São Vicente, there is also an association (ADEF) dedicated to this issue, whose intervention extends to S. Antão. In 2014, the association COLMEIA-Association of Parents and Friends of Children and Young People with Special Educational Needs was created, with the purpose of supporting people who need especial care, namely Down Syndrome, Autism and Dyslexia.

243. In this context, it is worth highlighting the initiatives that have been developed in the country in promoting the social inclusion of people with disabilities through sport. Paralympic sports were established in Cabo Verde within the Cabo Verde Association for the Disabled. In 1998, the project was transformed into the Paralympic Committee of Cabo Verde (COPAC) in order to take part of the international Paralympic family. COPAC's main objectives are as follows: to integrate youth and children with disabilities into society through education, rehabilitation, integration and sports activity; promote high level Paralympic sport where participants are national athletes who stand out the most based on their classification and performance. COPAC is part of the National Olympic Committee and has representing delegations in all the islands.

244. According to data from the COPAC athlete management program, 195 Paralympic athletes are currently registered in the committee, of which 120 are males and 75 females, from all the islands of the country. There are also 59 coaches and 62 referees registered.

245. Through COPAC, Cabo Verde has participated in the most important international competitions under the Paralympic sport and has stood out in these competitions. Cabo Verde currently has two international champions and two record holders. In the last CPLP games held in Cabo Verde, the Paralympic athletes won 8 medals, 5 gold, 2 silver and 1 bronze. In international sport, it is still worth noting that the first Cabo Verde's Olympic medal was won by a Paralympic athlete.

246. In addition to sport, COPAC has intervention in the areas such as health and education, as it subsidizes the studies of 20 young Paralympic athletes, while 70% of the athletes who finished their studies are employed.

247. In addition to providing services to people with disabilities and their families, civil society organizations have had a strong advocacy role to better respond to the specific

needs of people with disabilities and to combat discrimination. Several campaigns have been implemented in partnership with public institutions such as CNDHC (National Commission for Human Rights and Citizenship) and ICCA (Cabo Verdean Institute for Children and Adolescents), including television and radio spots, events, participation in the capital Praia's Carnival, in 2013, 2014 and 2016. Carnival parades mobilize thousands of viewers annually, and they are broadcast on television, while the groups themselves mobilize around 200 participants, including floats, wings and people. The themes portrayed include "City of Praia without Barriers", and "Life is a game". The initiatives were carried out with the financial and logistical support of Praia Municipal Council and Ministry of Culture, in the same way as the other carnival groups in Praia. Other initiatives that have made it possible to grant visibility to people with disabilities, their abilities and the right to participation and non-discrimination are the wheelchair dancing shows presented by the Mon na Roda Association.

248. Despite increasing awareness of the rights of people with disabilities in Cabo Verde and the progress made both in terms of the legal framework and public policies on the protection of their rights, much remains to be done in view of achieving their full social inclusion into the Cabo Verdean society, the exercise of their rights to education, health, leisure, among others. Despite the on-going efforts to increase and specialize responses, several gaps can be identified, in particular difficulties in accessing supportive devices and technologies, physiotherapy and social security, fundamental in particular so that families can accompany their children with disabilities. The absence of statistical data, collected through appropriate methodologies, is an important constraint from the point of view of response planning.

### **Elderly**

249. The 2010 Census shows that the number of people aged 65 and over is 28,597, being 17,578 women and 11,019 men. This age group represents 5.4% of the total resident population in Cabo Verde, 6.7% of the total of women and 4.2% of the total of the men. In 2000, the elderly population represented 6.3% of the population and in 1990 5.8%.

250. Traditionally, the elderly lives within the family. 21% of households in Cabo Verde have at least one elderly person aged 65 or over (BMI, 2015). There are, however, cases of elderly people living alone, suffering from various kinds of hardships, whose situation requires a specific intervention.

251. Among the problems presented by the elderly are economic problems, poor housing and comfort conditions, difficulties in accessing medical appointments and medical care, chronic diseases, degenerative diseases, isolation and neglect. There is sometimes a lack of knowledge about their rights, for example in relation to social pension.

252. Article 77 of the Constitution stipulates that the elderly need special attention from public authorities and society.

253. Some of the country's major policy instruments, particularly the Strategic Document for Growth and Poverty Reduction (DECRP) and the Social Protection Development Strategy, reflected the state's concern for the elderly. The Government Program for the IX Legislature (2016) provides for the elderly support measures for elderly caregivers, the reform of social pension policies as well as health care and medicines for the elderly, among others.

254. Resolution No. 49/2011, of November 28, adopted the National Policy Charter for the Elderly, a document of national policy for this segment of the population aimed at its full social integration. The recommended measures include the creation of the "Articles of Association for the Elderly". The protection of the elderly by the State has consisted in the granting of a non-contributory monthly social pension, through the National Pension Centre, to all elderly people who do not have their own means of subsistence, as well as medical and medicine assistance in public health services. It should be noted that the Ministry of Health is currently in the process of preparing a Health Strategy for the Elderly. The local authorities have intervened in the establishment of day-care centres, to assist the elderly in open regime and the celebration of holidays with the elderly.



255. In contrast to other vulnerable social groups, there are virtually no non-governmental organizations specifically dedicated to the protection of the elderly. The only known associations are the ACATI (Cabo Verdean Association to Support the Elderly), based in S. Vicente, Alcides Barros Association and the Community Association for the Development of Thought in the city of Praia and the Jorge Ribeiro Foundation.

### **Immigrants**

256. The Law No. 66/VIII/2014 of July 17, defines the legal regime for entry, stay, exit and expulsion of foreigners from the Cabo Verdean territory, as well as their status, a law regulated by the Decree-Law No. 2/2015 of January 6.

257. On the same date, it was approved the Decree-Law No. 1/2015 of January 6, which established the necessary provisions for the extraordinary regularization of foreign nationals who are in an irregular situation in the national territory. Earlier, in 2010, through the Decree-Law 13/2010 of April 26, a special process had been established for the regularization of the status of Bissau Guinean citizens, who were in the national territory without legal authorization to stay. As a result of the extraordinary regularization process of Guinean citizens, 1,458 citizens were regularized and from the 2015 extraordinary regularization process 1,058 citizens were regularized, 888 of whom were male and 170 were female.

258. The Decree-Law No. 1/2009 of January 19 approved the Convention on the Suppression of the Requirement of Legalization of Foreign Public Acts. The Legislative Decree No. 5/2007 of October 16 regulates the work of foreigners.

259. The Cabo Verde 2009 Migration Profile Survey indicated a 20% increase in the migrant population from 8,931 individuals in 1991 to 11,183 in 2005, about 2% of the population. It is estimated that in 2009 there would be between 15 and 20 thousand illegal immigrants in Cabo Verde. In 2010, immigrants were, according to Census data, 14,373, the equivalent of 2.9% of the population. Among them, and according to data from the Foreign and Borders Directorate, 11,713 people were in illegal status, with the majority from Guinea-Bissau (14%), followed by China and Senegal (9%), Portugal and Nigeria (8%). In 2014, (IMC) the immigrant population was estimated at 16,491, corresponding to 3.2% of the total population living in Cabo Verde. The definition adopted includes persons born abroad, irrespective of their nationality.

260. In 2014, the immigrant population (defined as a foreign-born population, regardless of nationality and currently living in Cabo Verde) was mainly concentrated in Praia (38.8%), Santa Catarina (12.4%) and São Vicente (13% 2%), in the largest cities in the country, and in the two tourist islands — Boa Vista (13.6%) and Sal (9.3%). In terms of provenance, the countries with the highest weight are those of ECOWAS (35.5%) and other African countries (41.1%), followed by Europe (16.9%). The countries of the Americas and Asia account for only 5.2% and 1.4%, respectively, of the origins. Overall there are more men (59%) and, in terms of age group, the majority are aged between 25 and 44 years (51.7%). The immigrants who seek Cabo Verde are mainly workers: about 82.6% of those who are 15 or more are active, and 72% are working. The unemployment rate is at 13% (13.9% for men and 11.3% for women), which is below the national unemployment rate, which stood at 15.8 per cent in 2014). Among the employees, the majority work in private companies (47%), with important gender differences (about 58% among men and 17% among women). This is followed by self-employed persons (23%), with significant gender differences (about 15% among men and 37% among women) and those working in public administration (10%). The proportion of self-employed with staff is 6% (mainly men) and about 5% work in family houses/domestic employment (mainly women). The vast majority work permanently on a full-time basis (85%, this rate being 90% among men and 76% among women). Out of the total number of immigrants who are working, 46.5% are enrolled in the social security (INPS). Those that are affiliated in some kind of union correspond to 10%.

261. According to data from the Directorate-General for Borders, from 2000 to 2015, 10,247 residence permits were issued, of which 40% were granted to citizens from Guinea Bissau, 13% from Senegal and 10% from Nigeria.

262. Among the main problems faced by immigrants are those related to the regularization of their stay, a process that is sometimes time-consuming; non-compliance with labour legislation and work in undignified conditions, mainly referred to by workers in the construction sector; problems related to access to vocational training; the provision of spaces for religious practice; the creation of conditions that promote the integration of their children in school, as well as situations of discrimination and humiliation.

263. Until a few years ago, the country did not have a coherent immigration policy that was consistent with the principles of respect for human rights of those who demanded it. Aware of this reality, the 2006-2011 Government Program recommended the careful management of migratory flows due to the country's limited absorption capacity and the need to respond to the associated challenges in protecting the rights of immigrants. The DECRP II, in the same sense, warned of the need to accelerate the process of legalization of foreigners residing in Cabo Verde, taking into account the labour market needs.

264. In this sense, the Inter-ministerial Commission for the study and proposal of the bases of the Immigration Policy (CIMI) was established in 2008, which was mandated to prepare a National Immigration Strategy (ENI), approved by Resolution no. 3/2012, of January 23. It would, however, be replaced by the Immigration Coordination Unit (UCI), created by Decree-Law no. 19/2011 of February 28, in order to better coordinate the implementation of the national immigration policy and to train public institutions with responsibilities in the field. The UCI, in functions from 2012 to 2016, is currently configured as Directorate General of Immigration (DGI).

265. A review of the activities defined in the ENI Action Plan developed during the year 2013 was carried out in July 2014. An evaluation of the implementation of the ENI Action Plan for the period 2013/2016 is on-going. The 2013 activity report highlights actions to regularize immigrants in Cabo Verde, notably, revision of the law that regulates the status of foreigners in Cabo Verde and the asylum law; acceleration of the procedures for granting residence permits, installation of Office for Immigrant Support in the Island of Sal. It indicates the improvement of the dialogue between the various public institutions on immigration; the implementation of training courses for national police officers, tour operators and officials of the Directorate of Foreigners and Borders (DEF); the organization of immigration statistics; supervision of immigrant labour activity in Cabo Verde; and the diagnosis of the situation of the social integration of immigrants in Cabo Verde. The identified constraints on the implementation of the plan include limiting human and financial resources and the poor dissemination of mobility agreements.

266. A number of immigrant communities are currently organized into associations such as the Malian Residents' Association in Cabo Verde, the Guinea- Conakry Community Association, the Ghanaian Resident Association in Cabo Verde, the Guinean Resident Association in Cabo Verde, the Association of Cameroon residents in Cabo Verde, the Association of Gambians residents in Cabo Verde, the Association of Senegalese immigrants residents in Cabo Verde, the Association of Nigerians residents in Cabo Verde, the Association of Sierra Leoneans residents in Cabo Verde and the Association of Nationals, And Friends of Integrated Development of the Bafatá Region, the Association of Guinean Students and Researchers in Cabo Verde, the Association of Muslim Women in Cabo Verde, the African Hope Association, and the of Ivory Coast Association in Cabo Verde. These associations established the so-called Platform for African Communities Residing in Cabo Verde which is a federation of associations of African immigrants and other residents in Cabo Verde. Some national associations also intervene in this area, as it is the case of the association RA-AMAO (West African Women's Association).

267. The Platform of the African Communities Residing in Cabo Verde and the above-mentioned associations have been interlocutors in the dialogue with the communities, including participation in the National Immigration Council meetings. In 2013, a specific project for the dialogue and strengthening of the civil society in the promotion of the social integration of the immigrant communities in Cabo Verde — the Immigrant Social Integration Project (PISI) was designed and from that date to the present, several activities were implemented, notably, the training of 303 leaders and members of immigrant associations in project design and management, associative and financial management, leadership, immigration issues and ENI. The DGI also funded 17 association projects, with

616 direct beneficiaries from the communities of Guinea Bissau, Nigeria, Gambia, Senegal, Sierra Leone (on literacy, small business management, handicrafts, language training, vocational training, etc.). The House of African Immigrant Communities in Cabo Verde was also established in February 2014, which is the Headquarters of the African Communities Platform. Its operating expenses are supported by the DGI.

268. The DGI also developed the projects “Promotion of Multiculturality” (PROMUL) and “Voluntary Return Project” (PRV). PROMUL is an information/training/awareness project aimed at promoting tolerance, and cultural and religious diversity in Cabo Verdean society, and the need for respect for difference. In its turn, the PRV promotes the voluntary return to the countries of origin of foreign citizens residing in Cabo Verde, who are in an illegal status and who do not have the financial resources to return on their own, having carried out since its implementation in 2015, 9 returns.

#### **Effective remedies**

269. In describing the national legal framework for the protection of human rights (section D, in particular paragraphs 168 to 178), mechanisms for appeals were presented in situations of violation of rights and referenced some remedial mechanisms. Paragraphs 189 and 190 refer to measures aiming to promote access to justice and law.

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