



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties
under article 18 of the Convention on the Elimination
of All Forms of Discrimination against Women**

**Combined initial, second, third, fourth, fifth and sixth
periodic reports of States parties**

Cape Verde*

* The present report is being issued without formal editing.

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Introduction

1. The Government of the Republic of Cape Verde has prepared this report, which combines the initial, second, third, fourth, fifth and sixth reports, taking into account the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the “Convention”) and based on the progress made in their implementation, in conformity with article 18 of the Convention.

2. Adopted on 18 December 1979, the Convention was ratified by the Republic of Cape Verde on 5 December 1980.

3. In ratifying the Convention, the Republic of Cape Verde affirmed its readiness to take on board the international procedure for the recognition of women’s rights, thus ensuring its commitment to the implementation of the procedure at the domestic level.

4. In that context, this report has been compiled in accordance with the guidelines on the form and content of reports to be submitted by States parties to the Convention, adopted by the Committee on the Elimination of Discrimination against Women (contained in document HRI/GEN/2 and Rev.1).

5. The Republic of Cape Verde has not previously submitted any reports for the following reasons:

(a) During the 1980s, in the wake of the country’s new independence, attained in 1975, the State was acquiring form and structure, a slow process during which the compilation of reports was not a viable proposition;

(b) The institution in charge of women’s issues, known as the Institute on the Status of Women, was established only in 1994 and its inception was delayed until such time as it could be fully staffed, a process that is still ongoing;

(c) Financial and technical difficulties were also experienced in the process of developing work of this nature;

(d) Owing to various staff and bureaucratic changes, it has not always been possible to remain fully informed of the work done to promote women’s rights.

6. The most recent facts and figures cited in this report concerning population characteristics, demography and economic activity in Cape Verde are based on the census of 2000 or on the statistics produced by various departments. Censuses are conducted by the National Statistical Institute (INE), which was established in 1996, prior to which they were conducted by the General Department of Statistics at the Ministry of Economic Coordination. For reasons of cost, censuses providing a broad factual analysis of the population are conducted every 10 years. In other words, censuses were conducted in 1980, 1990 and 2000. Where available, the most recent nationwide facts produced by INE or by government departments have consequently been cited in this report.

7. This being the initial report, it should be pointed out that, in view of the accumulated number of years for which reports are due, greater emphasis will be placed on legislation and the current situation. In regard to part two of the report, it was decided to use the following methodology: subjects relating to articles 1 and 2 of the Convention are presented in chronological order, that is to say, beginning with

1980 and continuing to the present, primarily to demonstrate how the Convention was received under the constitutional order in force during that period and how it has been gradually incorporated by internal legislation and the new Constitution of the Republic, adopted in 1992.

8. The subjects of the subsequent articles (arts. 3 to 16) of the Convention are covered first by dealing with the legislation and system currently in force in Cape Verde and subsequently in the order in which those subjects were previously regulated. This methodology is warranted by the fact that information concerning the 1980s is inadequate, unsystematic and not always available, owing in particular, as already noted, to the country's recent independence and the fact that the organization of the State took shape only gradually.

9. In presenting this report, however, the Government of Cape Verde intends to reaffirm the provisions of the Convention and, as far as possible, fill the remaining gaps by virtue of the fact that all of the reports due are combined as one.

Part One

Essential facts and figures

Social and demographic situation

10. Issues relating to discrimination against women have always been a paramount concern of the successive governments formed since the independence of the Republic of Cape Verde.

11. The status of Cape Verdean women has long been inferior to that of men. Aspects relating to culture, tradition, religion and even the choice of population policy are frequently cited as justification for the subordination of women. Women have consequently become a vulnerable and dependent group and their situation has, at various times, been a function of family difficulties and socio-economic circumstances. Traditionally, the responsibility of educating children and caring for the aged falls mainly to Cape Verdean women.

12. Following the independence of the Republic of Cape Verde, however, the gradual claim has been that women enjoy equal rights with men, whether in political, economic, cultural, social or family life. Under Cape Verdean law, women are guaranteed equal rights and dignity with men.

13. The Republic of Cape Verde uses legal, administrative and educational means to eliminate all forms of discrimination against women and protect their special rights and interests. Knowing their own minds, Cape Verdean women are playing an increasingly active part in national development and contribute significantly to the sectors of industry, agriculture, science, culture, education and public health. At the same time, women have acquired respect, self-confidence and self-esteem, thereby furthering the capacity for the achievement of progress as far as participation at the political, educational, scientific and productive levels is concerned.

14. Discrimination against women and violation of their interests and rights are clearly not uncommon events, and many of the talents and skills of Cape Verdean women require strengthening.

15. The Republic of Cape Verde has devoted attention to economic development and to the strengthening of the judicial system, eliminating all underlying notions of discrimination against women and consequently accomplishing the strategic objectives of the Beijing Declaration and Programme of Action adopted at the Fourth World Conference on Women.

16. According to the most recent census, in 2000, the resident population of Cape Verde was 434,625, of whom 223,995, or 51.53 per cent, were women. For 2005 the estimated population is 475,947, of whom 246,459, or 51.78 per cent, are women. In 2002 the birth rate was estimated to be 27.81 births per 1,000 inhabitants and the death rate was estimated at 7 deaths per 1,000 inhabitants, for an annual natural growth rate of 0.85 per cent. Estimated life expectancy in 2002 was 72 years for women and 70 years for men. In 2000 the average population density was approximately 107.8 inhabitants per km².

17. According to the 2000 census there were 93,975 family units, 40.1 per cent of which were headed by women. Likewise according to the 2000 census, 21.9 per cent of women heads of household earned a living from farming or fishing, 39.9 per cent were skilled or semi-skilled workers and approximately 38.2 per cent were unskilled workers.

18. The Republic of Cape Verde is an archipelago of volcanic origin, made up of 10 islands and 13 islets, situated approximately 450 kilometres from the western coast of Africa, opposite Senegal. The islands are scattered and occupy a total area of 4,033 km².

19. The archipelago is divided into two main groups, classified according to the prevailing winds, the windward (Barlavento) and leeward (Sotavento) groups. Cape Verde is located in the Sahel zone, with that zone's typically arid and semi-arid climate; rainfall, periodic and variable, is limited to a few days per year. Droughts are very frequent.

20. Of the 10 islands making up the country — Santiago, São Vicente, Boavista, São Nicolau, Brava, Sal, Fogo, Santo Antão, Maio and Santa Luzia — only the last-mentioned is uninhabited.

21. The country has inadequate natural resources, even though its exclusive economic zone covers approximately 700,000 km².

22. Approximately 50.4 per cent of the total resident population is concentrated on the island of Santiago, where the capital, Praia, is located, and 53.2 per cent of the island's population are women.

23. About 53.8 per cent of the population lives in urban areas and 46.2 per cent in rural areas. Women make up a majority of the population in both rural and urban areas; according to the 2000 census, 51.5 per cent of the urban population were women, and 52.1 per cent of the rural population were women.

24. The official language is Portuguese, used above all in schools, in the media and in certain meetings and gatherings. Nevertheless, in their daily life Cape Verdeans speak Creole, which is in the process of being officially recognized, and which is the basic language of day-to-day communication.

25. A majority of Cape Verde's population is Christian, with 80 per cent estimated to be Catholic, 10 per cent Protestant and the remaining 10 per cent other religions.

26. According to the 2000 census, approximately 8.6 per cent of the population was ageing, in other words, 60 years old or more; the country therefore has a fairly young population. Women account for 58.8 per cent of the elderly.

27. With regard to education, according to the 2000 census, in urban areas 22.3 per cent of girls who enter the school system remain for 11 years and complete their secondary studies, 53.8 per cent finish their comprehensive basic education and 14.2 per cent are illiterate or semi-literate. In rural areas, 7.34 per cent of women complete secondary school, 54.4 per cent finish their basic education and 29.8 per cent are illiterate. The overall illiteracy rate is 25.2 per cent, and the illiteracy rate for women in general is 32.8 per cent.

28. The Republic of Cape Verde has included maternal and child health programmes in its Government Programme for the Sixth Legislature 2001-2005, which, with a view to eliminating all forms of discrimination against women and improving their standard of living, is aimed at improving access to quality family planning and maternal and child health services, with priority given to preventive measures.

Political situation

29. When the first government was formed following independence in 1975, none of the 10 ministries established at that time were headed by women. There are currently three women ministers heading very important ministries, namely, Justice; Education and Human Resource Development; and Environment, Agriculture and Fisheries. There are eight women members of the National Assembly and, in Cape Verde's 17 cities, 68 women members of local assemblies and municipal councils, two of whom are presidents of their municipal assembly and one of whom is president of her municipality.

30. The Republic of Cape Verde achieved independence in 1975 and quickly undertook a process of political, economic and social organization and reconstruction of the country.

31. In political terms, the country's history can be divided into two distinct periods: the First Republic, from 1975 to 1990, and the Second Republic, from 1990 on. During the first period there was a single party system; in the second, thanks to a process of political reform, a multiparty system was instituted.

32. The Republic of Cape Verde is a democratic, semi-presidential State, with separation of the executive, legislative and judicial branches.

33. Executive power is shared by the President of the Republic and by the head of Government, the Prime Minister, in their respective spheres of responsibilities as set out in the Constitution. The current Government is divided into nine ministries and five State secretariats.

34. Legislative power is exercised by the National Assembly, which is composed of a minimum of 66 and a maximum of 72 members, elected by direct universal suffrage for a five-year term.

35. Judicial power is exercised through the courts.

36. At the local administrative level, political structure is divided into 17 municipalities and 31 parishes, with each municipality headed by a President elected by direct universal suffrage and secret ballot. The representative bodies in the cities are the municipal assembly (or municipal legislature) and the municipality (municipal executive branch).

Economic situation

37. Cape Verde is a developing country that faces severe economic difficulties and depends on external aid. Nevertheless, in 2004 Cape Verde began the transition process from classification as a least developed country to classification as a middle-income developing country, thanks to the improvement in its human development index.

38. According to the 2000 census, as a result of emigration, the country benefits from significant foreign remittances, mostly from families residing in Portugal, the United States of America, the Netherlands and France.

39. Gross domestic product is approximately US\$ 600 million, with the primary, secondary and tertiary sectors representing 11.6 per cent, 19 per cent and 69.4 per cent, respectively, of that total. According to the 2000 census, the GDP growth rate in 2000 was 6.8 per cent and per capita GDP was US\$ 1,472.

40. During the implementation period for the Government Programme for the Sixth Legislature 2001-2005, the Government has adopted measures to promote equality of opportunity with a view to ensuring effective participation by women in economic, political and cultural activities and increased representation of women at decision-making levels.

41. According to available statistics, updated during the 2000 census, the working age population was 174,644, of whom 144,310 were actually employed. Of that total, the gross employment rate for women and men was 29.5 per cent and 37.7 per cent, respectively. The overall unemployment rate was 17.4 per cent; of the number of unemployed, 11.1 per cent were men and 23.8 per cent were women. The unemployment rates in urban and rural areas were 18.7 per cent and 15.7 per cent, respectively (see table below).

Gender disaggregated statistics: total resident population and working age population

<i>Population</i>	<i>Men</i>		<i>Women</i>		<i>Total</i>	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
Resident population	207 994	—	223 995	—	431 989	—
Working age population	88 070	100	86 574	100	174 664	100
Employed	78 314	88.9	65 996	76.2	310	82.6
Unemployed	9 756	11.1	20 578	23.8	30 334	17.4

Source: 2000 census, economic characteristics of the population.

42. Poverty-related problems in the Republic of Cape Verde must be addressed by improving housing and providing better access to food, drinking water, health, sanitation, sources of energy for food preparation and light and other basic goods and services, in order to raise the standard of living. Those problems are especially urgent in rural areas.

43. According to the 2000 census, the tertiary sector is the greatest source of employment, representing about 57.1 per cent, followed by the primary sector, approximately 23.9 per cent, and, finally, the secondary sector, about 19.1 per cent. Constraints in the secondary sector, in industry, pose a problem because there are few jobs in that sector and the only alternative, especially for women, has been the informal sector.

44. Furthermore, women have been shown to be the main victims of poverty, in particular women heads of households, unemployed women and women having a low level of education.

45. Medium- and long-term measures, including the provision of access to credit, education and health, have been taken to improve the situation of women in particular, as shall be seen throughout this report.

Part Two

Implementation in the Republic of Cape Verde of measures established by the Convention

Articles 1 and 2: Legislative measures to eliminate discrimination against women

46. The Republic of Cape Verde solemnly proclaimed its independence on 5 July 1975, breaking with colonialism and becoming a free, sovereign, united and democratic nation. The Political Organization of the State Act, which entered into force at the same time, established the first State organs of power and shaped the preliminary judicial and political organization necessary for governing and administering the country until such time as a State Constitution was approved.

47. On 13 October 1980, the first Political Constitution of the Republic of Cape Verde was approved, establishing the principles, policies and measures to be implemented in the country.

48. Under the constitutional order established in 1980, the Constitution, while making no reference to the hierarchy of laws, clearly stood as the Basic Law of the Republic of Cape Verde insofar as other legislative acts and normative measures were obliged to conform with it (art. 62 (j) of the Constitution of 1980).

49. Article 99 of the Constitution (Basic Law) of 1980 provided that, during the transitional period, the legislation in force at the time of independence would remain in effect, provided that it was not inconsistent with the Constitution, the laws of the Republic and the objectives of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC).

50. It should be emphasized that the normative texts in force derived from the Constitution of the Republic of Cape Verde included none on human rights. On that

score, the Constitution of 1980 provided that “the rights, freedoms, guarantees and obligations set forth in this Constitution shall not exclude others for which provision is made in the other laws of the Republic”.

51. In Title II of the Constitution of 1980, which deals specifically with rights, freedoms, guarantees and obligations, article 25 provides that all citizens are equal before the law, enjoy the same rights and are subject to the same obligations, with no distinction as to gender, social, intellectual or cultural status, religious belief or philosophical conviction.

52. With particular reference to the question of gender, moreover, the Constitution of 1980 provided under article 26 that “men and women are equal before the law in all walks of political, economic, social and cultural life”.

53. Provision was also made for other rights and fundamental freedoms with the corollary of legal and social equality, such as:

- The right of children to equality, regardless of the civil status of their forebears (art. 27);
- The right of recourse to the judiciary (art. 34);
- Guarantee of the inviolable right to life and to physical and moral integrity insofar as no person may be punished, other than in the cases and with the safeguards provided by law, or subjected to torture, the death penalty, life imprisonment, forced labour or custodial measures of unlimited or indefinite duration (art. 35);
- The right to non-retroactive application of criminal law (art. 36);
- The right to choose a profession or occupation (art. 39);
- The right to protection, safety and sanitary conditions in the workplace (art. 40);
- The right to inviolability of the home, correspondence and other means of private communication (art. 41);
- The right to health protection (art. 42);
- The right to education at all levels (art. 44);
- The right to freedom of intellectual, artistic and scientific activity that is “not inconsistent with the promotion of social progress” (art. 45);
- The right and obligation to participate in the country’s political, economic and cultural life (art. 46);
- The right to freedom of thought, assembly, association, demonstration and religion (art. 47).

54. Under article 28 of the Constitution of 1980, all national citizens residing or sojourning abroad enjoyed the same rights and were subject to the same obligations. By the same token, aliens, on the basis of reciprocity, and stateless persons residing or sojourning in the territory of the country enjoyed the same rights and were subject to the same obligations, except in regard to political rights, the exercise of public functions and other rights and obligations reserved by law for national citizens (arts. 28 and 30). The distinction was by no means gender-based.

55. Under the above-mentioned provisions of the Constitution of 1980, women suffered no reduction of status (*capitis deminutio*) in any of the political, economic, social and cultural walks of life. Nevertheless, they effectively participated very little in any sector during the fledgling period of the Republic of Cape Verde.

56. It was under the auspices of the Constitution of 1980 that the Convention on the Elimination of All Forms of Discrimination against Women was ratified on 5 December 1980. The Convention was fully incorporated into Cape Verdean domestic law, without conflict with any constitutional norm.

57. Following the approval of the Constitution of 1980, three constitutional amendments were passed: the first was pursuant to Act No. 2/81 of 14 February 1981; the second was pursuant to Constitutional Act No. 1/III/88 of 17 December 1988, under which article 4 of the Constitution was revoked and the multiparty system was established through the institution of a new political regime for the country, which, until that point, had been under a one-party system; and the third was pursuant to Constitutional Act No. 2/III/90 of 29 September 1990, under which article 64 of the Constitution of 1980 was amended to establish free, universal, equal, direct and secret suffrage for all citizens registered in the national territory for voting in the elections for the President of the Republic (previously elected by the National People's Assembly). It also stipulated that any voting citizen of Cape Verdean origin over 35 years of age was eligible for the office of President of the Republic. It should be pointed out that none of the constitutional amendments prejudiced women's rights or any other mechanism, thus creating no potential conflict with the Convention.

58. In 1992, the Constitution of 1980 was revoked, together with its various amendments, and a new Constitution of the Republic of Cape Verde was approved pursuant to Constitutional Act No. 1/IV/92 of 25 September 1992, which is currently in force. Following their validation, two constitutional amendments were passed, the first pursuant to Constitutional Amendment Act No. 1/IV/95 of 13 November 1995 and the second pursuant to Constitutional Amendment Act No. 1/V/99 of 23 November 1999, under which substantial changes were introduced.

59. Under the constitutional order established in 1992, the laws and other normative acts of the State, including international treaties and agreements, are subject to the Constitution and are valid only if they are in conformity therewith (art. 3 of the Constitution of the Republic of Cape Verde of 1992). Moreover, article 12, paragraph 4, of the Constitution of 1992 (as amended by the Constitutional Act of 1999) provides that "the rules and principles of general or common international law and of conventional international law, as duly approved or ratified, shall prevail, after their entry into force in the international and domestic legal orders, over all subconstitutional domestic legislative and normative acts".

60. In that context, the Convention on the Elimination of All Forms of Discrimination against Women was embraced by the new constitutional order of 1992, being fully in conformity with the Constitution and additionally prevailing over all subconstitutional rules. In other words, all subconstitutional rules must conform to both the Constitution of 1992 and the Convention.

61. Hence it is that, notwithstanding that international laws and conventions may prescribe laws, freedoms and guarantees not provided for under the Constitution,

article 17, paragraph 1, of the current Constitution enshrines all the mechanisms of the Convention, which have been fully embraced by the current Constitution, even though the former may encompass broader rights, freedoms and guarantees than the latter.

62. The current Constitution also guarantees that, as far as their extension and essential substance is concerned, the constitutional norms concerning rights, freedoms and guarantees must be interpreted in accordance with the Universal Declaration of Human Rights and may not be interpreted in a restrictive manner (art. 3, paras. 3 and 17, of the current Constitution).

63. The Constitution of 1992 provides that one of the basic tasks of the State is to guarantee respect for human rights and ensure the full exercise of the fundamental rights and liberties of all citizens (art. 7 (b) of the Constitution of 1992).

64. In addition, following the constitutional amendment of 1999, the Constitution now explicitly provides that the State is to perform the task of promoting the “well-being and quality of life of the Cape Verdean people, in particular the most needy layers of society, and progressively removing the economic, social, cultural and political obstacles that prevent true equality of opportunity among citizens, most notably the factors of discrimination against women in the family and in society” (art. 7 of the current Constitution).

65. The Constitution of 1992 guarantees respect through dignity of the human person and recognizes the inviolability and inalienability of human rights by also enshrining the equality of all citizens before the law, without distinction as to origin, economic status, race, gender, religion, political or ideological beliefs or social status, thus ensuring the full exercise of the fundamental freedoms by all citizens (art. 1, paras. 1, 2, and 7, of the current Constitution).

66. The principle of equality is additionally related to other principles cited in the Constitution, such as:

- The right of access to justice and legal representation (art. 21 of the current Constitution);
- The right to freedom of thought, expression, information, association, religion, worship, intellectual, artistic and cultural creation and demonstration, and others (art. 28 of the current Constitution);
- The right to freedom and personal security in that any person who is unlawfully arrested or detained may bring a *habeas corpus* case before the competent court (arts. 29 and 35 of the current Constitution);
- The right to nationality (art. 39 of the current Constitution);
- The right to choose a profession and hold public office (art. 41 of the current Constitution);
- The right to privacy (arts. 43 and 44 of the current Constitution);
- The right to marriage (art. 46 of the current Constitution);
- The right to freedom of expression and information (art. 47 of the current Constitution);

- The right to freedom of conscience, religion and worship (art. 48 of the current Constitution);
- The right to freedom to learn, instruct and teach (art. 49 of the current Constitution);
- The right to freedom of movement and emigration (art. 50 of the current Constitution).

67. Pursuant to article 22 of the current Constitution, “Cape Verdean citizens who reside or sojourn abroad shall enjoy all rights, freedoms and guarantees and be subject to all constitutionally prescribed obligations which are not incompatible with their absence from the national territory”. Moreover, “with the exception of political rights and rights and obligations that are constitutionally or legally reserved for national citizens, all aliens and stateless persons who reside or sojourn in the national territory shall enjoy the same rights, freedoms and guarantees and shall be subject to the same obligations as Cape Verdean citizens” (art. 23 of the current Constitution). In this regard, it should be noted that no established distinction of this type is taken into consideration in order for these rights to be recognized.

68. The principle of equality is evident in various branches of law and is further provided for in many individual laws. It is also apparent at all levels of the Cape Verdean judicial system.

69. Having thus developed out of the principle of the dignity of the human person, the principle of equality is understood in its widest sense. As such, it comprises equality before the law and the elimination or reduction by the public authorities of economic, social, cultural and political inequalities that preclude equal opportunities for well-being and a better quality of life.

70. In the Civil Code (in force since June 1967), provision is made for the principle of equality in regard to the acquisition of legal personality and other rights relating to personality.

71. All persons are entitled to the legal capacity that enables them to be the subject of any legal relations, except in cases where the law provides otherwise. Legal capacity cannot be wholly or partially renounced (arts. 65 and 67, Civil Code).

72. Legal personality is acquired at birth and ceases at death (art. 64, para. 1, and art. 66, para. 1, Civil Code).

73. There is no restriction on the legal capacity of women under the legislation in force in the Republic of Cape Verde.

74. The restrictions on legal capacity prescribed by law relate to the exercise of certain rights and are based on important objective criteria, particularly in the case of minors and persons who are ineligible or legally incapacitated. Under Cape Verdean law, any person who has not yet attained 18 years of age is regarded as a minor. Ineligible persons include those who, owing to a mental abnormality or a hearing, speech or visual impairment, are incapable of managing their own lives and possessions. In addition, “individuals with a permanent but mild mental abnormality, hearing, speech or visual impairment or whose ineligibility is warranted by the consumption of alcohol or narcotic drugs insofar as they are demonstrably incapable of administering their property with ease” may be regarded as legally incapacitated (arts. 133, 143 and 157, Civil Code). In cases where a

person is ineligible or legally incapacitated, full powers must be granted through the judicial process.

75. The law recognizes the rights of personality for individuals, in particular the right to seek appropriate redress for any unlawful or threatened violation, the right to a name, the right to an identity, the right to privacy and the right to own property, among others.

76. Also provided for as a fundamental right is the freedom to marry and establish a family; under the Constitution the family is regarded as the essential element and nucleus of society as a whole (art. 81, para. 1, of the current Constitution). Fatherhood and motherhood are “primordial social values” (art. 81, para. 2, of the current Constitution), and marriage and family responsibilities are equally divided between men and women (art. 1624 et seq., Civil Code). It is also incumbent on the State and social institutions to create conditions that guarantee the unity and stability of the family, allow it to achieve its social function and enable its members to attain their individual potential (art. 86 of the current Constitution).

77. Other aspects of equality and non-discrimination on the basis of gender, particularly in the context of civil law, will be discussed under the other articles of the Convention, as appropriate.

78. It should be said that none of the criminal provisions in the Cape Verdean penal system discriminate against women.

79. The judicial and non-judicial resources of the legal system of the Republic of Cape Verde are available to any person whose rights, including the right to equality and non-discrimination, are violated.

Article 3: Measures to ensure the development and advancement of women

80. The Government of the Republic of Cape Verde recognizes rights, obligations and fundamental freedoms as inviolable and guarantees to individuals the exercise and protection thereof.

81. In that context, the Republic of Cape Verde ratified the International Covenant on Civil and Political Rights, pursuant to Act No. 75/IV/92 of 15 March 1993, the International Covenant on Economic, Social and Cultural Rights, pursuant to the Act of 15 March 1993, and the African Charter on Human and Peoples’ Rights, pursuant to Act No. 12/III/86 of 31 December 1993. All these international instruments are therefore recognized by the Republic of Cape Verde and are in force at the domestic level, meaning that they may be invoked before the courts by any individual.

82. Moreover, in February 2005, through the joint efforts of the National Commission on Human Rights and Citizenship, non-governmental organizations and the Government, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa was approved by the Council of Ministers with a view to the authorization of its ratification by Parliament, thus demonstrating the ongoing efforts of the various sectors aimed at realizing the rights of women.

83. The Government of the Republic of Cape Verde has not only adopted these legislative measures but is also implementing them in various fields, thereby promoting many activities for the protection and advancement of women.

84. Women's rights are promoted through activities conducted by the Government and by non-governmental organizations with a view to awareness-raising and the adoption of more concrete measures in that regard. These organizations are concerned with women in relation to health, culture and the economy, as well as women's social role in Cape Verde.

85. In the field of legal information, the main task has been to disseminate information on women's rights by holding discussions, publishing articles and distributing brochures to the public in campaigns and publicity drives.

86. Between 1980 and 1985-1986, with a view to furthering the development and advancement of women, Education Radio and Voice of São Vicente Radio aired "Mudjer", a programme for women that covered child safety issues and advised parents and mothers on domestic matters and child upbringing.

87. In the same context, the programme "Antenne de la femme" (Women on Air) was broadcast twice weekly (Monday and Friday) in 1998 by the public stations Cape Verde Radio and Television FM.

88. In 2000 and 2001, the daily programme "Bonjour Créole" (Good Morning Creole) (Monday to Friday), devoted to discussion of the subjects mentioned, was aired by Cape Verde National Radio.

89. Between 1996 and 2000, the twice-monthly radio and television programme "Partenariat" (Partnership) was aired by Radio-Television Cape Verde (RTC). Its main themes of discussion were the Family Code, the national population policy and sexual and reproductive health.

90. Since 2003, the weekly programme "Femina" has been aired (on Fridays) by RTC and, in 2004, the mini-programme "Mudjer" was aired (on Wednesdays and rebroadcast on Sundays) by the Organization of Cape Verdean Women (OMVC). Dealing with such important topics as breastfeeding, employment rights, reproductive health and HIV/AIDS, both programmes targeted the development and advancement of women.

91. In addition to the transmission of radio and television programmes, numerous campaigns for the development and advancement of women have been conducted. These included a round table on women and development, held in Praia in 1992, that aimed to place women's issues in the public domain and emphasize the importance of defining and implementing public policies on women.

92. The Institute on the Status of Women was created by Decree-Law No. 1/94 of 10 January 1994 in order to address women's issues with a view to promoting social and behavioural change for the effective exercise of equal rights, opportunities and dignity, in addition to encouraging the integration of women into national development and all areas and levels of family, professional, cultural, economic and political life.

93. As always since 1994, the prime objective of the Institute is to ensure that greater attention is devoted to women's issues. With guidance from the Institute,

various programmes for the advancement and development of women in Cape Verde have consequently been implemented.

94. The work developed through the Institute has included the editing of a guide to women's rights and a study of the Convention on the Elimination of All Forms of Discrimination against Women, in 1996 and 2000.

95. Adopted in 1996, the National Action Plan for the Advancement of Women (1996-2000) introduced gender-mainstreaming into overall and sectoral planning and created groups to monitor and evaluate the implementation of gender-mainstreaming in government sectors (in particular, by integrating such mainstreaming into the demographic survey of reproductive health of 1998 and preparation of the agricultural census of 2000).

96. Other work developed by the Institute includes that of collaboration with non-governmental organizations for the purposes of carrying out awareness-raising activities in the reproductive health sector, as well as income-generating activities, actions to promote rights and participation, and workshops and training designed to raise awareness of gender issues and encourage discussion of the role of women in development; promoting campaigns against domestic violence; and publishing information guides on women's rights, illustrated brochures on family law, and diaries and leaflets on family planning, young people, the family and teenage pregnancy.

97. In 2000 and 2001, further to the work begun in 1996, the Cabinet of the Prime Minister, the Institute on the Status of Women and the United Nations Population Fund (UNFPA) worked on a programme for introduction of the gender perspective into development plans and programmes (as in the health and adult education sectors), the reason being that gender-mainstreaming had not been sufficiently integrated into development policies and plans. The aim is to raise awareness of the need to appropriate and use the gender concept as a development tool by employing data in an attempt to diminish or eliminate the disparities between the male and female components of society. The main idea is to involve the organs of public administration in performing gender-mainstreaming work and obtaining better statistical indicators and other important data for social studies purposes.

98. This policy continues to be supported by the Institute, insofar as not all departments and institutions are sensitive to the issues involved.

99. In 2001, in conjunction with the Network of Journalists for the People (REJOP), the Institute conducted an information campaign that included conferences on the fight against AIDS and the distribution of *Pa Nós* bulletins on school-age pregnancy and decisions of the Ministry of Education, as well as the pocket guides *Fille et Garçon*, *Rapazinho Rapagão* and *Menina Moça*, and information material on young people and drugs, the Labour Code and other such matters.

100. In 2002, the Institute carried out a project designed to further the promotion of sexual equality and strengthen the capacities of women through gender-mainstreaming in the social, economic and political fields. Work was carried out country-wide, with almost every commune in the country taking part, and involved activities, training, information campaigns and seminars aimed at raising awareness about microcredit, which is instrumental in fighting poverty and women's economic and financial dependence.

101. Between 2001 and 2004, the National Human Rights Committee, established pursuant to Decree-Law No. 19/2001, was actively engaged in disseminating information on women's rights to the general public and in schools. Its tasks included that of defining the human rights strategy and elaborating the National Action Plan for Human Rights.

102. In 2004, the Government of the Republic of Cape Verde followed up the activities provided for under the above Plan by setting up a facility for victims of domestic violence (discussed in further detail under article 5 concerning elimination of the stereotype of women as inferior).

103. The National Action Plan for Human Rights also set gender equality as one of its objectives. The fact that more female students now receive higher education grants from the Cape Verdean Government is an indicator of the progress achieved towards this objective; in 2004, 60.3 per cent of the total number of grants awarded went to women (for further details of the progress achieved in this context, see the information provided under article 10 concerning equal rights of men and women in the field of education and sport).

104. The Plan also provides for the adoption of special laws regulating domestic work and the social security system in favour of domestic workers, in which connection there is still work to be done.

105. In 2003, the National Commission on Human Rights and Citizenship was established pursuant to Decree-Law No. 38/2004, replacing the National Human Rights Committee. This body, which is now operational, has accordingly followed up the implementation of activities for the promotion and advancement of women, in addition to carrying out activities in the field of human rights in general.

106. Prior to the establishment of the Institute on the Status of Women, the Organization of Cape Verdean Women (OMCV) was the institution which, since 1981 and still to this day, has actively promoted gender equality by helping women to resolve problems relating to equal rights in areas such as the family, education, health, work and access to public health care.

107. Since 1981, OMCV has furthered the elimination of all forms of discrimination and violence against women by helping in the struggle for economic, social and cultural independence. It carries out its work in all of the country's islands.

108. Various non-governmental organizations thus work in parallel with government institutions for the progress and advancement of women. At the present time, there are at least six women's organizations operating in specific sectors of the Republic of Cape Verde, including the Association in Support of Women's Self-Promotion in Development (MORABI), the Cape Verdean Association of Women Jurists (AMJ), OMCV, the Association of Cape Verdean Businesswomen, the Network of Women Parliamentarians and the Network of Cape Verdean Women Economists. A further 31 civil society institutions are scattered throughout the country's islands. Although not exclusively concerned with women's issues, they also promote women's activities and seek to prioritize women as a vulnerable group in some of their policies.

109. It should nevertheless be said that difficulties are entailed in ensuring that every island benefits equally from the work done on behalf of women; various

Governments and non-governmental organizations endeavour to pursue such activities in different islands but have been largely focused on areas where the population is most highly concentrated.

Article 4: Special temporary measures

110. In the Cape Verdean legal system, temporary measures within the meaning of article 4, paragraph 1, of the Convention do not exist.

111. In order to promote the political participation of women, however, the Electoral Code, which came into effect in 1999, provides that the State shall award an electoral subsidy to political parties or coalitions and to lists put forward by citizens' groups, at least 25 per cent of whose successful candidates for municipal election are women (art. 420, Electoral Code).

112. Subject to the same conditions, an electoral subsidy is also awarded by the State in the case of national elections (art. 404, Electoral Code).

113. As will be seen further, the Government has also set various objectives to be achieved in the context of the National Poverty Alleviation Programme, including, for example, a minimum number of beneficiaries. In taking on many of these objectives, the Government has tended to ensure that women account for 60 per cent, or a minimum of one half, as the case may be, of those benefiting from the Programme.

114. Such measures illustrate the concern of the Cape Verdean Government to engage in efforts to hasten the achievement of equality between men and women, providing women with greater access to opportunities in order to compensate for unequal treatment.

115. Furthermore, in regard to legislation, as already mentioned in connection with the principle of equality, the Cape Verdean legal system encompasses a series of special measures, including some within the legal framework of family policy.

116. Within the legal framework of family policy, female workers are entitled to maternity leave without loss of salary or social benefits (art. 132 of Decree-Law No. 62/87), and the current Constitution stipulates that the law must provide special protection for the employment of women during pregnancy and following confinement (art. 64, para. 4, of the current Constitution).

117. Under the current Constitution, the adoption of employment conditions that support the fulfilment of maternal and family roles is deemed to be a discriminatory measure, as it is the State's responsibility to ensure the elimination of conditions that are conducive to discrimination against women and to guarantee the protection of women's rights (art. 87, para. 2, of the current Constitution).

118. In accordance with Ministerial Order No. 5177 of 23 February 1957, which is still in force, work carried out by pregnant women must be such as not to place the pregnancy at risk. It also provides that, during the final two months of pregnancy, such work must be done in moderation and, where determined necessary by a doctor, suspended (art. 1 of Ministerial Order No. 5177 of 23 February 1957).

119. Concerning the public sector, Legislative Decree No. 3/93 guarantees a number of special rights for pregnant workers.

120. Female public servants are entitled to post-natal maternity leave of 60 days (art. 15 of Legislative Decree No. 3/93). Such leave does not prejudice the right to holiday leave (art. 18, Legislative Decree No. 3/93).

121. For the first six months after confinement, a public servant who is breastfeeding is entitled to a break of 45 minutes during each period of work or, in other words, in both morning and afternoon (art. 17, Legislative Decree No. 3/93).

122. In the private sector, Decree-Law No. 62/87 provides various measures designed to safeguard the interests of women in the performance of their maternal role.

123. Accordingly, article 110 of Decree-Law No. 62/87 prescribes that female workers are entitled to post-natal leave of 45 days, with pay.

124. Ministerial Order No. 5177 of 23 February 1957 also prescribes various conditions for the employment of pregnant women. Article 3 provides that it is forbidden to employ pregnant women in work which requires them to stand and move about substantially and that, during the final months of pregnancy, their work must be sedentary in nature.

125. Article 4 further prescribes that it is forbidden to employ pregnant women in: (a) jobs which are physically demanding, strenuous or prolonged or which specifically involve carrying items on the head; (b) jobs which involve postures or positions that may endanger the pregnancy; (c) jobs in which the body, in particular the abdomen, may be jolted, shaken or subjected to vibration; (d) industrial or other activities in which toxic, hazardous or unhealthy products are handled.

126. In regard to breastfeeding, both mother and child are provided with full care. Accordingly, during the first three months of breastfeeding, mothers must be occupied in sedentary work and, during the first two months of breastfeeding, they are not permitted to perform night work (art. 5, Ministerial Order No. 5177 of 23 February 1957).

127. Under article 6 of Ministerial Order No. 5177 of 23 February 1957, mothers are entitled to a break of half an hour in both mornings and afternoons for the purpose of breastfeeding, where necessary, without loss of pay.

128. Article 7 of Ministerial Order No. 5177 of 23 February 1957 also stipulates that a pregnant woman must be seen by the doctor or midwife of her employer, under supervision of the latter, and must also abide by the prescriptions and advice provided.

129. The National Institute for Social Welfare also provides a monthly breastfeeding allowance for every child of an insured person until the end of the civil month when the child reaches the age of six months (art. 36 of Decree-Law No. 120/82). Women insured under the social security system also receive a maternity allowance for a period of 30 days following the delivery of their child. The same allowance is also provided for a period of up to 30 days, as prescribed by the medical services, in the case of stillbirth or miscarriage (art. 39, Decree-Law No. 120/82).

130. The right to work is currently undergoing a process of reform. New legislation regulating employment relations in the private sector is accordingly being considered with a view to harmonizing the law with actual practice. Special

legislation regulating the employment of domestic workers is also needed in view of the particular features of their occupation.

131. Health care for women in general, pregnant women and children is provided by reproductive health centres or otherwise by health facilities offering maternal and child care as part of their services. Medical assistance is fully or partially subsidized by the State on the basis of means testing. (For further information, see article 12 concerning equal rights of men and women in the field of health care.)

Article 5: Elimination of the stereotype of women as inferior

132. The government departments in the Republic of Cape Verde have gradually adopted concrete measures designed to develop the scale and models of sociocultural behaviour among men and women, as well as eliminate practices based on the perceived inferiority or superiority of either sex or on male and female stereotyping. The results of these measures can be seen in the increased participation of women in political and public life, education and the judiciary, as noted above.

133. The Republic of Cape Verde is aware that family education furthers the proper understanding of the social function of motherhood and promotes recognition of the shared responsibility of men and women for the care of children.

134. In that spirit, the education system has therefore been redrawn, including among its disciplines the subject of personal and social education, one of the purposes of which is to promote discussion of gender-related issues. Through this discipline, interpersonal and social relationships are deliberated, along with reproductive health matters, relations between men and women and the country's existing social problems and inequalities.

135. One of the problems which the Government of the Republic of Cape Verde is currently addressing relates to domestic violence, currently the subject of a national campaign based on combating the subordination of women and thus gradually eliminating the stereotype of inferiority.

136. Innumerable explanations are given for domestic violence in Cape Verde, but the cardinal factors are said to be socio-economic circumstances and machismo, or men believing themselves to be superior to women; this is still a factor in society, especially among the most disadvantaged groups. Other reasons cited include alcoholism, drugs and unemployment.

137. The Government of the Republic of Cape Verde is working to devise specific legislative measures to combat violence of this kind, and also to organize campaigns to make women aware of their rights and bring home to society at large that this is a problem for everyone to tackle.

138. For example, Legislative Decree No. 4/97 of 28 April 1997 for the first time made it a punishable offence to "mistreat" or overwork minors, people with disabilities, subordinates or one's spouse (art. 4). A penalty of one to five years' imprisonment is prescribed for physical and mental cruelty towards a spouse. The penalty is two to eight years' imprisonment in the event of serious harm to physical or mental health, or 4 to 10 years' imprisonment if the cruel treatment results in death or permanent disability.

139. In response to the problem of domestic violence, Cape Verde's new Penal Code, in force since 1 July 2004, incorporates this offence. It spells out that the offence consists of inflicting on a spouse physical or mental ill-treatment or cruelty, and that this is punishable by one to four years' imprisonment (art. 134).

140. In this way, an effort has been made through the new criminal law to respond to domestic violence, given the seriousness of the problem and the frequency with which women suffer from it. No such offence featured in the previous Penal Code, dating from 1887.

141. In addition, since July 2004 the Government has undertaken campaigns to make women aware of their rights, explaining what domestic violence is, the forms it takes and the remedies available to them when it occurs.

142. The campaign on the theme "Are you a victim of domestic violence? We can break the silence" has been popularized through informative brochures and has also been made widely known through announcements on national television.

143. It should be made clear that the aim of the campaign is to educate and sensitize society as a whole to violence in its various forms — physical, sexual, psychological or economic — while advising women who are victims of violence to seek help and to report their attackers, and bringing to their notice the various institutions which are equipped and ready to help them, including specialized medical services, psychological services, the police, legal services and other sources of guidance.

144. In July 2004 a reception centre for victims of domestic violence was opened in the Agostinho Neto hospital in the country's capital, Praia. This centre is part of a pilot project which is planned to be extended in the near future to other islands and population centres. Locating it in a hospital is intended to make it easier for victims to gain access to a specialized service, while saving time and ensuring support for women under conditions of privacy. This pilot project is being carried out by the Ministry of Justice, the Ministry of Internal Administration, the Ministry of Health and the Ministry of Labour, Employment and Solidarity, in association with bodies such as the Association of Women Jurists and the Organization of Cape Verdean Women.

145. For this purpose, programmes have been devised to help members of both the police force and the criminal investigation service to improve the way they treat women victims of violence, and to make sure the victims are given appropriate assistance.

146. Apart from medical assistance and legal and psychosocial counselling, the project envisages supporting women in emergent situations where the victim is at risk, i.e., when it is impossible to separate her from the attacker and when she has neither a place of refuge nor relatives to turn to. In such cases, the victim will be admitted to temporary shelters where confidentiality is guaranteed.

147. In the period since the opening of the reception centre for victims of domestic violence (July-December 2004), about 245 women have been admitted.

148. In the same line of policy, in January 2004 the Government, acting through the Cape Verde Children's Institute, set up emergency children's centres in the towns of Praia and Mindelo, with sufficient capacity for children from other islands as well.

149. These centres offer temporary transitional shelter for children who have suffered ill-treatment, abandonment, violence or sexual abuse, or who may be at risk for other reasons. They also provide psychological, social and educational support. Monitors are responsible for the physical and psychological welfare of the children. Children up to the age of 12 are admitted to the centres, but some are in the age group 13 to 16.

150. The emergency children's centres also have a toll-free telephone line (0800 10 20), which is available 24 hours a day for reporting ill-treatment and sexual abuse of children, and for providing guidance and information.

151. The Republic of Cape Verde is thus endeavouring, by including a focus on violence against children and adolescents in family life, to draw attention to the broader aspects of domestic violence, which may have a direct impact on children as well as women.

152. Seminars, lectures and debates are frequently held in schools, along with discussions broadcast over the radio, to help make as many people as possible aware of issues pertaining to women and their contribution to progress, and putting paid to the stereotype of women as inferior.

153. According to the 2000 census, 40.1 per cent of households are headed by women and, as we will see later, most microcredits are granted to women. However, economic independence and the weight of responsibility which women have to bear in the family does not equate to moral independence such as would free them from the stereotypes of a supposed inferiority in relation to men. Accordingly, many non-governmental and governmental organizations have focused on the individual and social development of women in various regions of the country and in schools.

154. These are examples of specific measures taken to reduce or eliminate a number of social problems from which the stereotype of inferiority derives, and which underlie social and cultural behaviour patterns. The situation of women in Cape Verde has in fact shown a gradual improvement, but more results are expected from the measures already taken.

155. In addition, successive governments of the Republic of Cape Verde have worked to reduce or even eliminate all the stereotypes of women as inferior by offering certain incentives.

156. As we have already mentioned, article 404, paragraph 2, of the Electoral Code states that electoral subsidies will be awarded, in accordance with law, to political parties or coalitions of parties at least 25 per cent of whose successful candidates in national elections are women.

157. This subsidy may also be granted, under the same terms, where the outcome is similar in municipal elections (art. 420, para. 2, Electoral Code).

158. In general terms, the Electoral Code in force provides that the lists of candidates selected by the parties to contest national and municipal elections must show a balanced representation of both sexes (art. 404, para. 1, and art. 420, para. 1, Electoral Code).

159. Nonetheless, women's participation in the legislature has been modest, although it has increased significantly over the years. This issue will be dealt with in greater detail under article 7, on women's participation in public and political life.

160. It must, however, be recognized that there have been some improvements in the recognition of women's role in society. The importance of this role in Cape Verde is demonstrated by women's growing presence in the executive branch (ministries and secretariats, senior posts in government offices and departments, municipalities), in the judiciary, in the civil service in general and, although still limited, in legislative bodies (the National Assembly and municipal councils).

161. Currently, 8 of the 72 deputies in the National Assembly are women. In the face of this relatively modest number, the Institute on the Status of Women is currently discussing with non-governmental organizations the possibility of working to increase this number through affirmative-action legislation.

162. Only 43 of the 285 representatives elected to municipal councils, or 15.09 per cent, are women. While this is not a large proportion, it can be seen that the number of women in this area has increased at each election, as will be seen in the part of this report dealing with article 7. It should also be noted that two of the municipal councils in the country's 17 towns are presided over by women.

163. As for the executive branch, of the 17 ministries making up the Government of Cape Verde, three are currently held by women. They hold the important posts of Minister of Justice, Minister of Education and Human Resources Development, and Minister of the Environment, Agriculture and Fisheries.

164. The holders of seats on municipal councils are elected by direct popular suffrage, and 25 of the 117 municipal councillors are women, or 21.37 per cent. In 2004, for the first time, a woman was elected as President of a municipality, in Mindelo, the country's second largest town.

165. As for women currently in senior posts, they now make up 34.7 per cent of directors and administrative and expert staff in various ministries and other bodies.

166. Generally speaking, 46.5 per cent of public officials are now women.

Public officials by age and gender

Age	Men		Women		Total number
	Number	Percentage	Number	Percentage	
20-25	63	48.5	67	51.5	130
25-30	845	54.7	701	45.3	1 546
30-35	1 130	49.0	1 174	51.0	2 304
35-40	1 221	53.9	1 045	46.1	2 266
40-45	1 367	54.7	1 134	45.3	2 501
45-50	1 142	57.0	863	43.0	2 005
50-55	583	49.9	586	50.1	1 169
55-60	311	57.2	233	42.8	544
60-65	166	57.8	121	42.2	287
Total	6 828	53.5	5 924	46.5	12 752

Source: Ministry of State for Reforms and Public Administration. Data updated September-December 2004.

167. Women's access to senior administrative and political posts is guaranteed in Cape Verde, and is subject to no restrictions.

168. For example, when the National Human Rights Committee was set up in 2001, a woman was appointed as its Chairperson (2001-2004).

169. The National Commission on Human Rights and Citizenship, established in 2004, is currently chaired by a woman.

170. When the Bar Association of Cape Verde was created in 2001, its first President was a woman (2001-2004).

171. As for the judiciary, one of the five current judges on the Supreme Court is a woman, and others have also sat on the Supreme Court in previous years. More and more women are employed in the judiciary or as government procurators. Indeed, the number of women in the judiciary is almost equal to that of men.

Members of the judiciary, by gender

	<i>Men</i>		<i>Women</i>		<i>Total number</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	
1998	14	58.3	10	41.7	24
1999	16	61.5	10	38.5	26
2000	17	60.7	11	39.3	28
2001	17	56.7	13	43.3	30
2002	18	58.1	13	41.9	31
2003	19	55.9	15	44.1	34
2004	17	53.1	15	46.9	32

Source: Official Gazette No. 5, Series II, 2 February 1998.

Official Gazette No. 13, Series II, 19 March 1999.

Official Gazette No. 9, Series II, 28 February 2000.

Official Gazette No. 6, Series II, 5 February 2001.

Official Gazette No. 12, Series II, 25 March 2002.

Official Gazette No. 6, Series II, 12 March 2003.

Official Gazette No. 4, Series II, 4 March 2004.

Prosecuting magistrates (government procurators), by gender

	<i>Men</i>		<i>Women</i>		<i>Total number</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	
1998	17	100	0	0	17
1999	20	100	0	0	20
2000	20	90.9	2	9.1	22
2001	21	87.5	3	12.5	24
2002	23	92	3	8	25
2003	27	90	4	10	30
2004	27	90	4	10	30

Source: Official Gazette No. 10, Series II, 3 March 1998.

Official Gazette No. 16, Series II, 19 March 1999.

Official Gazette No. 11, Series II, 18 March 2002.

Official Gazette No. 8, Series II, 3 March 2004.

172. In the private sector, the proportions of men and women vary according to the area of activity. According to the latest statistics, from 2000, the situation is as follows:

Employed population aged 15 or over, by sector and area of activity and by gender

<i>Area of activity</i>	<i>Men</i>		<i>Women</i>		<i>Total</i>	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
Primary sector	17 091	51.8	15 882	48.2	32 973	100
Agriculture, livestock, hunting and forestry	13 083	46.6	15 019	53.4	28 102	100
Fisheries	3 560	96.9	115	3.1	3 675	100
Mining	448	37.5	748	62.5	1 196	100
Secondary sector	21 960	51.8	4 364	48.2	26 324	100
Manufacturing	6 744	68.7	3 076	31.3	9 820	100
Electricity production and distribution	779	85.9	128	14.1	907	100
Construction	14 437	92.6	1 160	7.4	15 597	100
Tertiary sector	36 049	45.7	42 764	54.3	78 813	100
Commerce; repair of vehicles, motorcycles and personal goods	8 435	35.8	15 111	64.2	23 546	100
Accommodation and food services (restaurants and similar establishments)	1 375	39.3	2 122	60.7	3 497	100
Transport, goods and communications	7 011	86.9	1 060	13.1	8 071	100
Financial sector	312	43.6	403	56.4	715	100
Real estate, rentals and business services	1 142	73.4	413	26.6	1 555	100
Public administration, defence and compulsory social security contributions	11 055	56.2	8 606	43.8	19 661	100
Education	2 863	35.8	5 143	64.2	8 006	100

Area of activity	Men		Women		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Health and social services	681	37.9	1 116	62.1	1 797	100
Other community, social and personal services	2 697	51.3	2 562	48.7	5 259	100
Families employing maids	216	3.5	6 041	96.5	6 257	100
International bodies and other extraterritorial institutions	262	58.4	187	41.6	449	100
Total	75 100	54.4	63 010	45.6	138 110	100

Source: 2000 census, National Statistical Institute (INE).

173. It is worth noting that women traditionally play the largest role in the education and informal sectors. In the latter, many women work in informal commerce to support themselves; in many cases, this is due to a lack of schooling. As we will see below, however, egalitarian educational programmes have been adopted with a view to minimizing this problem. They include the adult literacy system, access to higher education and the granting of scholarships, and they are part of the campaign to eliminate the stereotype of women's inferiority.

Article 6: Elimination of trafficking in women and forced prostitution

174. Cape Verde, which is a small country, has not had any serious problems with trafficking in women and forced prostitution.

175. One of the human values cherished in Cape Verde is human dignity, an essential and inviolable principle. This is expressly stated in article 1, paragraph 1, of the current Constitution.

176. In the legal system of Cape Verde, as established by the new Penal Code in force since 1 July 2004, the issue of trafficking in women and forced prostitution is connected to the freedom of the human person, in this case, sexual freedom and self-determination. In general, crimes of a sexual nature, such as rape and sexual assault, no longer come under the heading of offences against decency, as was the case in the previous Penal Code. Thus, sexual freedom is now seen, not as a matter coming under the heading of morality, but as an inherent right of all persons. Thus, the legal right protected in sexual offences is the freedom and independence of the human person.

177. Under Cape Verdean criminal law, sexual assault is a sexual act carried out by means of violence, coercion, threats, deception, deliberately rendering the victim unconscious or unable to resist, or exploitation of such a situation, and it is punishable by two to eight years' imprisonment (art. 142, Penal Code). The same penalty applies to any person using the above means to cause suffering to another person or to engage in sexual acts with a third party; if the victim is less than 14 years old, the penalty is 4 to 10 years' imprisonment.

178. The definition of sexual assault with penetration includes copulation, anal intercourse, oral sex, vaginal or anal penetration using fingers or objects designed

for the practice of sexual acts or used in situations of sexual activity, and kissing. Such acts must involve another person; to persuade or coerce such a person to undergo penetration by a third person is an offence punishable by 4 to 10 years' imprisonment (art. 143, Penal Code).

179. One important tenet of the Cape Verde Penal Code is that minors are not considered to be capable of taking a decision with regard to sexual relations; accordingly, offences involving minors are considered separate crimes, such as "sexual abuse of a child". Whether or not the minor was consenting is of no relevance; the age of the minor is the deciding factor, in other words sexual relations with a minor of 14 years or less is a statutory offence (art. 144, Penal Code).

180. In cases of sexual crimes involving children, the perpetrator of a sexual act with a minor of 14 years or less or an individual who causes that minor to be involved in a sexual act with another individual is liable to a penalty of between two and eight years' imprisonment; in cases involving sexual penetration, the prison term is 4 to 10 years (art. 144, Penal Code). Any such act is automatically a criminal offence, whether the victim was consenting or not.

181. If the offence was committed against a minor of more than 14 years and less than 16 years of age, "by an individual in a position of authority over the minor, whose position stems from any relationship or situation whatsoever, or if the victim is under the care of that individual, the latter shall be subject to a penalty of six months' to four years' imprisonment". If there was sexual penetration, the prison term shall be one to six years (art. 145, Penal Code). For minors between 14 and 16 years of age, criminal law is likewise applicable whether or not the victim was consenting.

182. In attempting to protect minors, the Penal Code criminalizes "the sexual exploitation of a minor for the purposes of pornography" (a minor being considered to be an individual of less than 14 years of age) or of a disabled person, using him or her for purposes of or in scenes involving exhibitionism or pornography; that crime is punishable by three years' imprisonment (art. 150, Penal Code).

183. The Penal Code thus seeks to protect individuals, in particular children, from sexual exploitation. It also seeks to protect free choice in sexual matters by defining sexual crimes against minors or individuals having diminished capacity.

184. Prostitution per se is not a crime in Cape Verde. However, activities involving the exploitation of prostitution are included in the definition of several separate crimes.

185. One crime against the freedom of individuals is procuring, defined under article 148 of the Penal Code as encouraging or facilitating an act of prostitution or a sexual act involving a minor of less than 14 years of age or a disabled person, and punishable by imprisonment for two to eight years. If the victim is a minor under 16 years of age, or is living in extreme poverty, the prison term shall be one to five years. The law therefore seeks to suppress such activities, in particular in cases where the victim is used as an object or is taken advantage of because of the economic difficulties he or she is facing.

186. Trafficking of individuals for the purposes of sexual exploitation is also defined in Cape Verdean criminal legislation as "recruitment of a minor for sexual exploitation abroad", which includes the recruitment, transport, housing or receiving

of a minor of less than 16 years of age or facilitation of those activities, for the purpose of sexual acts or prostitution in a foreign country; the punishment is two to eight years' imprisonment (art. 149, Penal Code).

187. The Penal Code also deals with other situations, for example "sexual abuse of a hospitalized or detained individual". Anyone who takes advantage of his or her position or physical location in a penal establishment, hospital, health facility, assistance or care centre, educational institution or correctional institution to engage in a sexual act with a person in his or her care shall be subject to six months' to four years' imprisonment (art. 146, Penal Code). However, if there is sexual penetration, the penalty shall be one to six years' imprisonment.

188. For the crimes described above, and dealt with in articles 142 to 150 of the Penal Code, the penalties are increased if the victim is a relative, whether older or younger, is a ward of the perpetrator, or if the circumstances show an increased degree of illegality as a result of the actions or degree of guilt of the perpetrator (art. 151, para. 1, Penal Code).

189. For the offences defined in articles 142 to 146, 148, paragraph 1, and 150, the minimum and maximum penalties are increased by one third and one half respectively if the act in question results in pregnancy, affects the physical or moral integrity of the victim, transmits a serious or incurable illness or leads to the suicide or death of the victim (art. 151, para. 2, Penal Code). These stiffer penalties are beginning to provide a more appropriate response to sexual assault involving vaginal penetration.

190. With regard to the HIV/AIDS epidemic when the first case of AIDS was diagnosed in Cape Verde in 1986, the Ministry of Health began to develop a programme of action to prevent and combat HIV/AIDS. That strategy involved using samples taken to establish a database to be used to trace cases of HIV/AIDS. The database should help control the number of cases and establish planning and intervention programmes to combat AIDS. In addition, once the first case of HIV/AIDS in Cape Verde had been registered, efforts were increased to introduce new measures for the prevention of HIV/AIDS and the care of AIDS patients, and to allocate more resources for those measures. Since that time there has been a constant effort to improve the quality of the HIV/AIDS registry.

191. In 2001, Ministerial Decree No. 50/2001 established the Coordination Committee to Combat AIDS (CCS-SIDA), which is responsible for overall implementation of the Government's AIDS-related policy, through coordination of activities aimed at establishing and developing a national plan to combat AIDS, follow-up to and harmonization of the work of the various organizations and institutions and promotion of cooperation with governmental and non-governmental partners.

192. Accordingly, since 2001 the Government of Cape Verde, through the Ministry of Health, has been conducting a determined country-wide campaign to combat HIV/AIDS. There is increased awareness of that issue thanks to promotion of discussion on national television, outdoor skits, brochures, discussion of sexual health in the schools and annual information campaigns, such as the "Women, Girls and HIV/AIDS" campaign in 2003.

193. The aim of that campaign is to increase awareness among women, one of the vulnerable groups, and to teach them about the need to protect themselves. The

initiative came in reaction to the growing number of women suffering from HIV/AIDS listed in the national registry. The percentage of women in the registry increased from 31 per cent in 1987 to 49 per cent in 2003, and 7 per cent of the cases diagnosed were young women between 15 and 24 years of age.

194. In 2004 the Government of the Republic of Cape Verde approved a programme to provide antiretrovirals free of charge to individuals living with HIV/AIDS. These drugs are supplied not on the basis of any discriminatory criteria, but solely on the objective situation of the affected individual and the related epidemiological information. Furthermore, the CCS-SIDA programme is gradually improving the psychological and medical care available to HIV-positive individuals: it provides counselling before and after HIV tests and seeks to improve the quality of life and the life expectancy of infected individuals.

195. Pregnant women receive special attention. If they so desire, they are tested for HIV/AIDS and, if the virus is detected, steps are taken immediately to ensure that the baby is not infected.

Previous legal regime

196. Before the entry into force of the new Penal Code in July 2004, crimes such as sexual assault were included under the heading of offences against decency, as has already been indicated.

197. Accordingly, article 390 included, among other offences against decency, a public offence against morality, or publicity of that act or other aggravating circumstances; if there was no clear victim, the crime was punishable by imprisonment up to six months and a fine of up to one month's income.

198. Article 391 (Indecent assault) provided that any indecent assault against an individual of the opposite sex, committed with violence and whether sexually motivated or otherwise, was punishable by imprisonment. If the victim was a girl under 16 years of age, the penalty would remain the same.

199. Article 395 defined the crime of violent or fraudulent abduction as the kidnapping of a woman for nefarious purposes, using physical violence, verbal intimidation or deception, excluding seduction or cases where the woman no longer had the use of her reason or senses; those were considered to be aggravating circumstances and, if there was no rape or violation of the woman, the perpetrator was charged with aggravated indecent assault. The first paragraph provided that the kidnapping of a minor of 12 years of age or younger for sexual purposes was considered to be rape; the second paragraph provided that the prison term imposed in such cases should be lengthened.

200. In all indecent assault cases, penalties were increased to the next level if there were aggravating circumstances; for example if the perpetrator: was an older relative, brother, guardian, caregiver or superior of the victim or held any position of authority over him or her; was responsible for his or her education, training or care; was a cleric or minister of any religion; was a civil servant whose official role involved dealing with the victim; was the maid of the victim or his or her family; was a member of a recognized profession and had some influence over the victim; or infected the victim with any syphilitic or venereal disease.

201. Article 337 criminalized bigamy, defined as an act whereby a man or woman enters into a second marriage when the first marriage has not been legally dissolved; the punishment was two to eight years' imprisonment and the maximum fine.

202. The crime of rape was defined in Decree-Law No. 78/79 of 25 August 1979 as an act of copulation against the will of or without the consent of a woman over 16 years of age or a minor under 16 years of age whether or not the victim was willing or consenting. The punishment was imprisonment for two to eight years or, in the case of a minor under 12 years of age, 8 to 12 years' imprisonment.

203. Article 405 of the previous Penal Code criminalized procuring, defined as influencing, inciting, assisting or facilitating, in order to satisfy the sexual desires of another, the prostitution or corruption of an individual dependent on the guilty party; the punishment was one to two years' imprisonment, an appropriate fine and suspension of political rights for 12 years. In addition, a husband guilty of committing such offence against his wife could at worst be sentenced to exile, a fine of three months to three years' income and suspension of his political rights for 12 years. In the case of a crime committed against a minor on the part of that minor's guardian or any individual responsible for the education, upbringing or care of a minor under 21 years of age, the perpetrator could be sentenced to six months' to two years' imprisonment, an appropriate fine and suspension of the right to be a guardian or member of a family council, and of the right to teach or to direct any educational establishment (art. 405, paras. 1 and 2, previous Penal Code).

204. The provisions relating to the crime of procuring were subsequently amended and redrafted by Act No. 80/V/98 of 7 December 1998. The definition of the crime was broadened: any individual who encouraged, assisted or facilitated prostitution or any sexual acts involving minors of 14 years of age or under, or disabled persons was subject to imprisonment for 8 to 12 years. In cases involving a minor between the ages of 14 and 16 years of age, the penalty was two to eight years' imprisonment. Those penalties could be increased in the following cases: (a) if the perpetrator took advantage of or exploited a victim who had been abandoned or was in a difficult economic situation or, in the case of minors, took advantage of the situation of the parents, those responsible for their education or any individual or body in a position of guardianship or responsibility over the minor; (b) if the perpetrator acted in the context of his business or profession or for profit; (c) if the perpetrator used violence, serious threat or any form of deception or deceit; or (d) if the victim was an older or younger relative or under the guardianship or responsibility of the perpetrator or if the circumstances of the case reveal an increased degree of illegality of the act or responsibility of the perpetrator. The penalty could also be increased if, as a result of the illegal act, the victim became pregnant, if his or her physical or psychological condition was gravely affected, or if the victim was infected with a serious or incurable illness, committed suicide or died (art. 405, paras. 1-4, Act No. 80/V/98).

205. With regard to the situation on the ground, the available data do not specifically reveal the types of sex crimes (in the preceding Penal Code, sex crime is understood to mean rape, aggravated indecent assault and abduction) that were brought before the courts and do not differentiate between male and female victims, although it is believed that most victims of sex crimes are women.

206. In analysing the earlier criminal legislation, the fact that the new Penal Code considers sexual offences as crimes against persons and not against morality or

decency is a major step forward. Further, the need to keep gender-disaggregated statistics has been recognized in order to produce a true picture of offences committed against women.

207. In the annual reports produced by the Office of the Attorney-General of the Republic from 1981 to 2003, there is no record of cases concerning the crimes of trafficking of women and forced prostitution having been brought before the courts in Cape Verde or still pending. In other words, the incidence of these offences in the various islands forming the archipelago is low.

Article 7: Participation of women in public and political life

208. Negative discrimination, or more specifically, gender discrimination, is not permitted in the Republic of Cape Verde, and women enjoy equal political rights and rights to participate in public life.

209. The Constitution of the Republic of Cape Verde recognizes as a fundamental right the political participation of all citizens and the exercise of their citizenship. This includes the right to participate in public life, to manage public affairs, to organize political power (political parties), to express and respond to political statements, to petition and take public action and to exercise freedom of the press.

210. In this context, the Constitution establishes a form of positive discrimination by providing for the State to promote the balanced participation of citizens of both genders in political life (art. 54 of the current Constitution).

211. Article 55, paragraph 1, of the Constitution guarantees to citizens the right of access to elected office and to be elected to any political post, if the candidate has been duly registered before the election or has submitted a valid candidacy. Therefore, there is no gender discrimination in the exercise of these rights.

212. Legislation under the Constitution also guarantees to Cape Verdeans of both genders who are over 18 years of age the active right to vote (art. 5, Electoral Code, approved by Act No. 92/V/99 of 16 January 1999). Its citizens do not forfeit that right when they become citizens of other States (art. 6, Electoral Code).

213. Thus, in the Republic of Cape Verde, all citizens can vote and be elected without discrimination on the basis of gender, and the latter is not a condition of access to the vote or eligibility for office.

214. Voting is not obligatory in Cape Verde; it is a civic duty promoted by the Government. However, voter registration is obligatory and permanent; it is valid for all elections by direct, universal, equal and secret ballot (art. 30, Electoral Code).

215. As already mentioned, articles 404, paragraph 2, and 420, paragraph 2, of the Electoral Code in force since 1999 provide for the granting of a State subsidy, in implementation of the law, for political parties or coalitions of parties at both the national and the municipal level, at least 25 per cent of whose successful candidates are women.

216. In general, an analysis of the most recent elections reveals that the participation of women in politics and public life has increased gradually in each term. Nevertheless, trends in the election of deputies to the National Assembly have been somewhat uneven with regard to women's participation. According to

available data on the past four elections, the fluctuations have been more or less as follows:

Legislative elections — National Assembly deputies by gender

	<i>Men</i>		<i>Women</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
1986*	72	86.75	11	13.25	83
1991	76	96.2	3	3.8	79
1996	63	87.5	9	12.5	72
2001	64	88.9	8	11.1	72

Source: Official Gazette, No. 2, Supplement, Series I, January 2001.

Official Gazette No. 6, Series I, 18 March 1996.

Division for Plenary Assembly Assistance — National Assembly (1986 and 1991).

* Note that the 1986 elections took place under the preceding single-party regime.

217. In the context of elections for the Municipal Assembly, or municipal legislative branch, and for the Municipality, or municipal executive branch, the figures available from the past three elections for the 17 communes reveal the following picture:

Municipal elections — Deputies and Presidents of Municipal Assemblies by gender

<i>Year</i>	<i>Office</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1996	Deputies	235	30	260
	Presidents	17	0	17
2000	Deputies	240	41	281
	Presidents	15	2	17
2004	Deputies	242	43	285

Source: National Association of Municipalities of Cape Verde.

Official Gazette No. 6, Series I, 6 March 2000.

Official Gazette No. 10, Supplement, Series I, 5 April 2004.

Municipal elections — Deputies and Presidents of Municipalities by gender

<i>Year</i>	<i>Office</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1996	Deputies	97	12	109
	Presidents	17	0	17
2000	Deputies	96	17	113
	Presidents	17	0	17
2004	Deputies	92	25	117
	Presidents	16	1	17

Source: National Association of Municipalities of Cape Verde.
 Official Gazette No. 6, Series I, 6 March 2000.
 Official Gazette No. 10, Supplement, Series I, 5 April 2004.

218. Although the number of women in the National Assembly, the Municipal Assemblies and the Municipalities is relatively low, there has been a gradual increase in the participation of women. Moreover, while their numbers are low, their interventions are organized.

219. The Network of Women Parliamentarians of Cape Verde has existed since 2002. It is made up of deputies of the National Assembly currently in office, independently of the party to which they belong, with the aim of acting jointly for the benefit of women. Their objectives are: (a) to guarantee the protection of the interests and equal rights of women and men parliamentarians from a gender perspective; (b) to share experience with counterpart organizations in other countries and with interest groups in the field of promoting legislative gender initiatives, in particular to protect the interests of women, children and the family; (c) to motivate the competent bodies to implement international conventions and recommendations regarding issues concerning women, children and the family, among objectives linked to gender issues.

220. With regard to freedom of expression, it should be noted that article 47 of the Constitution describes it broadly as the right to express and disseminate one's ideas either in words, images or by other means; no one can be persecuted for their political, philosophical, religious or other views.

221. Article 51 of the Constitution also establishes freedom of association, without the need for administrative authorization. This principle is safeguarded in subconstitutional legislation. For instance, Act No. 74/III/90, article 4, paragraph 3, of 29 June 1974, on the legal regime for political associations, establishes that no one may be prevented from joining an association.

222. Currently there are about 11 women's associations in Cape Verde.

223. With regard to the period between 1975 and 1990, although there were elections, it should be pointed out that they took place under a single-party system. After the political liberalization which occurred with the adoption of a multiparty system, the first democratic, direct and free elections were held on 13 January 1991 for members of the National Assembly; the presidential elections were held in February, and municipal elections in the towns that existed in the country at the time were held in December.

224. The successive Governments have always promoted citizen participation in the elections, and throughout this entire period there has always been a high level of participation.

225. As already mentioned, with the formation of the first Government in 1975, out of the 10 ministries established, none were held by women. Currently, women are increasingly active participants in the political and public life of Cape Verde. There are three women Ministers holding important portfolios in the Government: the Minister of Justice, the Minister of Education and Human Resource Development and the Minister of the Environment, Agriculture and Fisheries.

226. On the subject of the types of access to public life, and in particular, civil service, the right of equality and non-discrimination guaranteed by the Constitution is part of ordinary law which expressly establishes equality of access, opportunity and promotion for all candidates and all posts. (More specific information on this subject will be provided in this report in the section on article 11 of the Convention.)

Article 8: Participation of women in international affairs

227. In the Republic of Cape Verde, no discriminatory criteria are applied to representatives of the country in international relations.

228. In 1998, with the entry into force of Decree-Law No. 57/98, the legal regime for the diplomatic service was established.

229. Beginning in 1998, no criteria for admission to the diplomatic service that could diminish or restrict women's access were allowed. It must be emphasized that there are no discriminatory factors involved in determining the requirements for promotion and advancement.

230. On the legal level, admission to the diplomatic service is through open competitive examination for which all Cape Verdean citizens may be candidates. Under this procedure, there are objective, merit-based criteria for admission (art. 10, Decree-Law No. 7/96).

231. Promotion and progress in diplomatic careers also depends on objective evaluation criteria, and those who enter this career enjoy the same general rights and obligations as members of the civil service (arts. 17 and 23, Decree-Law No. 57/98).

232. Regardless of gender, when a diplomat serving abroad marries, the Ministry of Foreign Affairs, Cooperation and Communities will reimburse the travel costs for the spouse from the country of residence to the country where the diplomat is posted (art. 65, Decree-Law No. 57/98).

233. In accordance with the above-mentioned Decree-Law, members of the diplomatic service have the same vacation time, unpaid leave and paid leave as civil servants (art. 68, Decree-Law No. 57/98).

234. According to the 2005 statistics provided by the Ministry of Foreign Affairs, Cooperation and Communities, 26 women currently hold diplomatic posts, or 32.5 per cent.

Distribution of diplomatic staff in the Ministry of Foreign Affairs, Cooperation and Communities by gender

	<i>Men</i>		<i>Women</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
2005	54	67.5	26	32.5	80

Source: Executive Administrative Office — Ministry of Foreign Affairs, Cooperation and Communities (2005).

235. Following the latest competitive examinations for entry to the diplomatic service, 8 of the 14 candidates recruited by the Ministry of Foreign Affairs, Cooperation and Communities were women, or 57.1 per cent.

236. Decree-Law No. 57/98 and Decree-Law No. 7/96 as amended, which define the professional status of executive staff in the diplomatic service, do not contain gender-disaggregated criteria.

237. In the Republic of Cape Verde, equal access of men and women to diplomatic careers is not limited to the legislative level; at the international level, several women have been appointed to represent the country in various States.

238. Between 1993 and 1999, a woman represented the Republic of Cape Verde at the African Commission on Peoples' and Human Rights of the African Union, where she held the posts of Commissioner and deputy Chairman.

239. Between 2003 and 2004, a Cape Verdean woman chaired the Network of African Women Ministers and Parliamentarians.

240. In 2004, a woman was appointed Ambassador of the Republic of Cape Verde to the United Nations. The current Ambassador to Cuba is also a woman.

241. Equal rights and opportunities for men and women have therefore been respected with regard to representation and participation at the international level.

242. Prior to this system, Decree-Law No. 119/85 of 24 October 1985 governed admission and access to the diplomatic service and defined the stages of the diplomatic career in general terms.

243. Under the above-mentioned Decree-Law, citizens were eligible to apply for a diplomatic post if they held a Master's degree or the equivalent. Thus, admission requirements, temporary appointments and promotions were not gender-based; however, female representation and participation at the international level was less usual at that time.

Article 9: Nationality of women and their children

244. Article 39 of the current Constitution provides that no individual of Cape Verdean origin shall be deprived of nationality or citizenship rights.

245. Article 5, paragraph 3, of the current Constitution provides that Cape Verdeans may acquire the nationality of another country without losing their original nationality.

246. In accordance with the Constitution and subconstitutional law, specifically Act No. 41/IV/92 of 6 April 1992, which amended Act No. 80/III/90 of 29 June 1980, a foreign national married to a Cape Verdean may acquire nationality after registration of the marriage.

247. Subsequent divorce or annulment of the marriage does not prejudice the nationality of the spouse who contracted it in good faith (art. 9, paras. 1 and 2, Act No. 41/IV/92).

248. Constitutional and subconstitutional laws on the acquisition or loss of nationality do not allow gender-based discrimination; men and women therefore have the same rights in this respect.

249. With regard to children, Act No. 80/III/90 provides that a child born in a foreign country may acquire Cape Verdean nationality if the father or mother is Cape Verdean by birth; either parent may therefore confer said right on the child. The Act also provides that a child born in Cape Verde of alien parents may acquire Cape Verdean nationality if the parents have lived in Cape Verde for at least five years and neither is an official of their respective Governments (art. 8, Act No. 80/III/90).

250. With respect to non-nationals, article 7, paragraph 1, of the Constitution provides that it is the fundamental duty of the State to guarantee the human rights of aliens who are permanent or temporary residents of Cape Verde or who are in transit through the national territory, in compliance with international human rights standards, as well as rights reserved, constitutionally or by law, to Cape Verdean citizens.

251. Aliens or stateless persons who are legal residents or who are seeking asylum may be legally expelled only as provided for under the law (art. 36 of the current Constitution).

252. Current national legislation provides that the State shall grant nationality based on the following non-discriminatory criteria:

- (i) The applicant must have resided in Cape Verde on a regular basis for at least five years;
- (ii) He or she must be legally emancipated, as provided in Cape Verdean domestic law;
- (iii) The applicant must be in good standing;
- (iv) He/she must be able to take care of himself or herself and earn a living (art. 12, Act No. 41/IV/92).

253. Current national legislation does not, therefore, differentiate between men and women with respect to the acquisition of nationality.

254. Nor does the law allow discrimination between men and women with regard to loss of nationality. Individuals who are nationals of other States may, in accordance with the laws governing individual rights, choose not to acquire Cape Verdean nationality (art. 15, Act No. 41/IV/92).

255. In accordance with current national legislation, the acquisition or loss of nationality is governed by the provisions on individual rights. This constitutes substantial progress in that, prior to the amendment contained in Act No. 41/IV/92,

Decree-Law No. 114/90 stipulated that an alien spouse who applied for Cape Verdean nationality was required to renounce his/her current nationality, unless the law in his/her country of origin did not require renunciation of Cape Verdean nationality, in the same situation (art. 7, Decree-Law No. 114/90).

Previous legal regime

256. The acquisition, loss and reacquisition of Cape Verdean nationality was previously governed by Decree-Law No. 71/76, which did not contain provisions that specifically discriminated against women.

257. Under the above-mentioned law, a child was considered to be a Cape Verdean national if the father or mother was born in Cape Verde (art. 1, para. (a), Decree-Law No. 71/76). A child born in another country of Cape Verdean parents employed in the diplomatic service was also considered to be a Cape Verdean national (art. 3, Decree-Law No. 71/76).

258. With respect to the acquisition of nationality by marriage, article 5 provided that an alien spouse could acquire Cape Verdean nationality under the following conditions: (a) the husband or wife had been married three years or more; (b) they were legally domiciled in Cape Verde; (c) the alien spouse had renounced his/her previous nationality; (d) the alien spouse was able to pledge, in political and moral terms, his/her willingness to integrate into Cape Verdean society (art. 5, Decree-Law No. 71/76).

259. Under this regime, a citizen lost his/her nationality by voluntarily stating that he/she no longer wished it or by acquiring another nationality by marriage. However, nationality could be re-acquired in the latter case if the marriage was declared null and void and the spouse re-established residence in Cape Verde (arts. 10 and 12, Decree-Law No. 71/76).

260. In general, the domestic laws in force between 1980 and 1990 did not discriminate on the basis of gender and granted men and women the same right to confer nationality on their children. Although the acquisition of another nationality resulted in the loss of Cape Verdean nationality, current legislation does not impose that restriction.

Article 10: Equal rights between men and women in education and sports

261. Since the 1990s, access to education and sports has been guaranteed to both boys and girls.

262. Article 49 of the Constitution of the Republic of Cape Verde guarantees all individuals the right to learn and to teach. Specifically, article 49 guarantees both genders the right to attend or teach at educational institutions and the right to choose a particular course of study or training; prohibits the State from basing educational curricula on philosophical beliefs and political or religious ideologies and from teaching religion in public schools; and grants communities, civil society organizations and other recognized institutions, and individuals, the freedom to

establish schools, private education academies and other educational institutions at all levels, in accordance with the law.

263. The Constitution also guarantees equal rights for men and women in the field of physical education and sports (art. 79 of the current Constitution). Subconstitutional law provides that the Government shall promote equal access for men and women to all levels of education as well as sports activities (Decree-Law No. 25/2001 of 5 November 2001).

264. In conjunction with article 77 of the Constitution, which covers the right to education, the above-mentioned provision removes any uncertainty regarding the equality of men and women in the field of education and culture.

265. Moreover, in order to ensure the right to education, the Constitution gives the State responsibility for promoting education at all levels and establishes the conditions for universal access to the various levels of education and to scientific research and artistic output. To achieve these aims, it is also necessary to ensure the right to equal opportunities in terms of access to school and success at school (art. 77, para. 3, of the current Constitution).

266. The Republic of Cape Verde also safeguards gender equality in education and culture under the terms of the International Covenant on Economic, Social and Cultural Rights, with regard to combating discrimination in the field of information.

267. With regard to ordinary law, attention should be drawn to the Framework Act on Education (Act No. 103/III/90 of 29 December 1990), which sets out the basic principles for the organization and functioning of both the public and private education systems.

268. The Framework Act reaffirms as a general principle the right of all individuals to have free access to the education system, irrespective of gender, age, socio-economic status, intellectual or cultural level, religious belief or philosophical conviction (art. 6 of the Framework Act). In this context, the State has a duty to promote progressively equal access for all to the various levels of education and equal opportunities for access to school. In order to create the necessary conditions for the realization of citizens' rights with regard to education, the State has a duty to ensure that the public education system is developed and improved, prioritizing compulsory education.

269. The Framework Act on Education also sets out the concept of an education system characterized by plurality and diversity that takes into account collective and individual values, needs and aspirations, making the education process more relevant to Cape Verdean life and culture.

270. The basic objectives of the education system, which are set out in the above-mentioned Act, are, inter alia, to promote comprehensive and continuing education of the individual in the context of the wider world; to shape the ethical and civic awareness of the individual; to promote creativity, innovation and research as factors in national development; to encourage continual reflection by pupils and students on spiritual, aesthetic, moral and civic values while ensuring their balanced physical development; to strengthen national awareness and unity; to encourage the preservation and reaffirmation of cultural values and national heritage; to promote knowledge of and respect for human rights and to develop an awareness and spirit of tolerance and solidarity; to foster a critical awareness of national realities among

members of the younger generation; and to promote a spirit of international understanding, solidarity and peace (arts. 10 and 11 of the Framework Act).

271. In the Republic of Cape Verde, State educational establishments are generally run on the basis of school fees and charges of symbolic value, which are paid by school pupils.

This system of participation is intended to give pupils' parents joint responsibility for education costs.

272. For example, Legislative Decree No. 17/97 establishes the system of school fees and charges for secondary education and provides for reduction of the relevant amount for families with more than one child at school or university, as well as exemption from payment of the legally required school fees for pupils from low-income families. The annual income of each family is also used to determine the various amounts required. Moreover, any pupil who obtains grades classed as excellent under Legislative Decree No. 17/97 is exempt from payment of school fees.

273. In general terms, since the reform of 1990, the education system has encompassed the subsystem of preschool education along with school education and extracurricular education, complemented by cultural activities and school sport (art. 123 of the Framework Act).

274. Preschool education complements or supplements the family's responsibilities with regard to a child's upbringing (art. 12, para. 2, of the Framework Act).

275. School education comprises primary, secondary, intermediate and higher education and special forms of education. Extracurricular education encompasses literacy and post-literacy activities, vocational training and the general system of apprenticeship, in combination with school education (art. 12, paras. 2, 3 and 4, of the Framework Act).

276. More specifically, primary education comprises six years of schooling in total and is organized into three phases, the first of which consists of preliminary and introductory activities, the second of general education and the third of enhancement/development and consolidation with a view to raising the child's standard of education.

277. Secondary education, which lasts six years, is divided into three phases, each lasting two years: the first phase or common-core syllabus; the second phase, with a general stream and a technical stream; and the third phase, specialization, which also has a general stream and a technical stream.

278. Intermediate education is vocational in nature and is aimed at training mid-level professionals in specific areas of expertise.

279. Under the Framework Act on Education, primary education is compulsory and children who reach the age of six before 31 December must be enrolled. Schooling is compulsory between the ages of 6 and 15, or from the first year to the sixth year (art. 17 of the Framework Act).

280. Girls and boys enjoy the same conditions for career and vocational guidance, for access to education and for the achievement of diplomas in educational establishments of all categories; they have the same rights with respect to school curricula, examinations, the qualifications of teaching staff and the quality of school equipment.

281. The school curriculum includes subjects relating to sexual education, health and family planning, which are taught in Social and Personal Education classes throughout secondary education. In Social and Personal Education, the individual's relations with society, the family and him- or herself are analysed; another purpose of the classes is to discuss problems of home, school and community life and to develop the capacity to think rationally about personal and social problems. The subject also covers civic participation.

282. The specific situation in education shows that the efforts made by Cape Verdean Governments to ensure that women have access to all levels of education have borne and continue to bear fruit. The number of girls and boys at different stages of the education system is practically equal.

Number of children enrolled by gender — preschool education

<i>School year</i>	<i>Boys</i>		<i>Girls</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
1990/91	3 992	54.0	3 400	46.0	7 392
1991/92	4 777	53.5	4 150	46.5	8 927
1992/93	5 591	53.0	4 957	47.0	10 548
1993/94	6 545	52.5	5 919	47.5	12 464
1994/95	6 706	52.0	6 188	48.0	12 894
1995/96	7 038	51.5	6 626	48.5	13 664
1996/97	7 210	51.0	6 926	49.0	14 136
1997/98	7 512	50.5	7 361	49.5	14 873
1998/99	9 206	50.5	9 021	49.5	18 227
1999/00	10 167	51.3	9 643	48.7	19 810
2000/01	9 733	49.1	10 077	50.9	19 810
2001/02	10 364	50.2	10 278	49.8	20 642
2002/03	10 472	49.6	10 623	50.4	21 095
2003/04	10 326	49.2	10 677	50.8	21 003

Source: Research and Planning Bureau — Ministry of Education and Human Resource Development (2005).

Number of children enrolled by gender — primary education

<i>School year</i>	<i>Boys</i>		<i>Girls</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
1990/91	35 541	50.9	34 280	49.1	69 821
1991/92	36 974	51.1	35 336	48.9	72 310
1992/93	37 101	50.5	36 359	49.5	73 460
1993/94	39 837	51.0	38 336	49.0	78 173
1994/95	42 526	50.7	41 420	49.3	83 946
1995/96	44 292	50.9	42 777	49.1	87 069
1996/97	44 362	50.0	44 306	50.0	88 668
1997/98	46 900	51.1	44 877	48.9	91 777
1998/99	47 194	51.3	44 829	48.7	92 023
1999/00	46 741	51.0	44 895	49.0	91 636
2000/01	45 852	50.8	44 405	49.2	90 257
2001/02	45 852	51.1	43 957	48.9	89 809
2002/03	45 099	51.3	42 744	48.7	87 843
2003/04	43 753	51.4	41 385	48.6	85 138

Number of children enrolled by gender — secondary education**General stream and technical stream**

<i>School year</i>	<i>Boys</i>		<i>Girls</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
1990/91	5 081	53.1	4 487	46.9	9 568
1991/92	6 021	53.9	5 154	46.1	11 175
1992/93	6 177	50.9	5 966	49.1	12 143
1993/94	6 623	50.1	6 585	49.9	13 208
1994/95	8 894	51.1	8 505	48.9	17 399
1995/96	10 167	50.9	9 808	49.1	19 975
1996/97	12 203	49.0	12 723	51.0	24 926
1997/98	18 879	59.7	12 723	40.3	31 602
1998/99	18 331	49.3	18 866	50.7	37 197
1999/00	19 613	49.6	19 929	50.4	39 542
2000/01	21 746	48.6	23 002	51.4	44 748
2001/02	23 175	48.2	24 880	51.8	48 055
2002/03	23 786	48.0	25 736	52.0	49 522
2003/04	23 839	47.8	26 002	52.2	49 841

Number of children enrolled by gender — secondary education**General stream**

<i>School year</i>	<i>Boys</i>		<i>Girls</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
1990/91	4 677	53.1	4 131	46.9	8 808
1991/92	5 489	53.9	4 701	46.1	10 190
1992/93	5 571	50.4	5 488	49.6	11 059
1993/94	5 865	49.3	6 028	50.7	11 893
1994/95	8 247	51.0	7 920	49.0	16 167
1995/96	9 499	50.8	9 203	49.2	18 702
1996/97	11 603	48.7	12 205	51.3	23 808
1997/98	18 269	60.1	12 110	39.9	30 379
1998/99	17 681	49.1	18 307	50.9	35 988
1999/00	18 979	49.1	19 652	50.9	38 631
2000/01	21 015	48.3	22 527	51.7	43 542
2001/02	22 121	47.8	24 195	52.2	46 316
2002/03	22 662	47.5	25 004	52.5	47 666
2003/04	22 420	47.2	25 079	52.8	47 499

Number of children enrolled by gender — secondary education**Technical stream**

<i>School year</i>	<i>Boys</i>		<i>Girls</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
1990/91	404	53.2	356	46.8	760
1991/92	532	54.0	453	46.0	985
1992/93	606	55.9	478	44.1	1 084
1993/94	758	57.6	557	42.4	1 315
1994/95	647	52.5	585	47.5	1 232
1995/96	668	52.5	605	47.5	1 373
1996/97	600	53.7	518	46.3	1 118
1997/98	610	49.9	613	50.1	1 223
1998/99	650	53.8	559	46.2	1 209
1999/00	634	69.6	277	30.4	911
2000/01	731	60.6	475	39.4	1 206
2001/02	1 054	60.6	6 685	39.4	1 739
2002/03	1 124	60.6	732	39.4	1 856
2003/04	1 385	60.5	906	39.5	2 291

283. Higher education in Cape Verde consists of university education and polytechnic education, which aim to provide high-level scientific, cultural and technical training for professional and cultural activities and to promote development of the skills of design, innovation and critical analysis. In State higher education institutions, tuition fees and charges are to be paid under the terms laid down by law.

284. The gender-based statistics for the six higher-education institutions in the country's islands — the Higher Education Institute (ISE), the Higher Engineering and Marine Science Studies Institute (ISECMAR), the Economics and Entrepreneurship Institute (ISCEE), the National Agrarian Research and Development Institute (INIDA), Jean Piaget University and Isidoro Graça Higher Education Institute (IESIG) — show that there has been a prevalence of women in recent years.

Students at higher education institutions in Cape Verde by gender

<i>Academic year</i>	<i>Men</i>		<i>Women</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
1996/97	234	54.0	199	46.0	433
1997/98	242	51.6	227	48.4	469
1998/99	368	52.1	338	47.9	706
1999/00	403	50.3	398	49.7	801
2000/01	344	48.0	373	52.0	717
2001/02	886	49.0	924	51.0	1 810
2002/03	1 043	47.1	1 172	52.9	2 215

285. In the higher education sector, the Pedagogical Institute, where primary-school teachers are trained, still exists in Cape Verde and also has a clear predominance of women.

Changes in student numbers at the Pedagogical Institute

<i>Academic year</i>	<i>Men</i>		<i>Women</i>		<i>Total</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
1994/95	97	47.1	109	52.9	206
1995/96	70	44.6	87	55.4	157
1996/97	75	46.0	88	54.0	163
1997/98	191	42.2	262	57.8	453
1998/99	193	45.5	231	54.5	424
1999/00	202	43.9	258	56.1	460
2000/01	226	43.6	292	56.4	518
2001/02	256	44.6	318	55.4	574
2002/03	285	34.5	542	65.5	827
2003/04	377	34.3	721	65.7	1 098

286. In the Republic of Cape Verde, scholarships consist of a variety of financial resources made available to Cape Verdean nationals, without distinction on the basis of gender, who wish to pursue their studies or a specialization or to receive training, including advanced vocational training (Legislative Decree No. 57/93).

287. Under Legislative Decree No. 57/93, scholarships may be either repayable or non-repayable. The repayable type takes the form of a contract setting out the obligation to repay the money and the conditions for repayment. Non-repayable scholarships are awarded by preference to candidates who have obtained special or vocational school qualifications, on the basis of merit. Local councils, State institutions and other public and private entities may fund scholarships, which form part of a national plan for the awarding of scholarships. It should be noted that no criteria considered discriminatory under the Convention are used in the scholarship application and selection process.

288. With regard to scholarships awarded by the Government of Cape Verde to higher-education students from countries such as Brazil, Cuba and Portugal, and also to Cape Verdean nationals, female students have most often been the recipients over the years.

Scholarships awarded by the Government of Cape Verde, by gender

Year	Male students		Female students		Total
	Number	Percentage	Number	Percentage	Number
1992	61	61.0	39	39.0	100
1993	82	59.9	55	40.1	137
1994	135	46.9	153	53.1	288
1995	250	50.5	245	49.5	495
1996	252	48.7	265	51.3	517
1997	294	48.7	310	51.3	604
1998	306	48.7	322	51.3	628
1999	373	52.0	344	48.0	717
2000	213	46.0	250	54.0	463
2001	284	49.5	290	50.5	574
2002	127	40.7	185	59.3	312
2003	111	41.4	157	58.6	268
2004	115	39.7	175	60.3	290
Total	2 603	48.3	2 790	51.7	5 393

Source: Education and Training Support Fund (FAEF) — Ministry of Education and Human Resource Development.

289. Legislative Decree No. 17/96 establishes that the State is responsible for the licensing and taxation of private educational establishments and for providing them with various types of support. In this context, private schools that provide education for the public must comply with the objectives of the general education system (art. 16 of the Legislative Decree).

290. Extracurricular education is made up of two levels: basic education for adults, which includes literacy, post-literacy and other forms of continuing education, with the aim of raising cultural standards; and apprenticeships and vocational training, which focus on skills enhancement and the practice of a particular profession.

291. These programmes, in particular adult literacy, are accessible both to men and to women.

292. According to the 2000 census, of a total of 62,696 illiterate persons, 69.5 per cent are women. Despite the high illiteracy rate recorded among women, current figures show that the rate fell over the course of a decade, thanks to the implementation of the programmes, in particular the adult education programme. In urban areas, the female illiteracy rate dropped from 35.7 per cent in 1990 to 24.5 per cent in 2000. In rural areas, these figures were 55.9 per cent and 43.4 per cent, respectively.

293. In addition, the Framework Act provides for other special forms of education, such as special education, the teaching of gifted children and distance learning.

294. Since the school year 2001/02, the Ministry of Education, Culture and Sports has given notice of the possibility of “temporary suspension from school of pregnant pupils”. However, this measure has caused controversy.

295. According to the Ministry of Education, Culture and Sports, the measure is designed to “reconcile the constitutional principle of protection of motherhood and childhood with that of safeguarding, as far as possible, the right of access to education and training”.

296. It has also been noted that the Cape Verde public education system allows a student to fail only twice; after a third failure the pupil must leave the public school system and continue his studies in a private school. Pregnant girls are therefore temporarily suspended in order to protect them from failing, since their pregnancy often affects their chances for success. That measure is very controversial, however, and has caused reactions and protests from civil society groups, although the actual effects of the measure have not specifically been studied.

297. Sport is considered an integral part of a child’s education, its chief aim being to improve students’ physical condition. Sport is also seen as a cultural activity that promotes solidarity, cooperation, independence and creativity.

298. Accordingly, article 12 of the new Framework Act on Education (Act No. 113/V/99) provides that cultural and sporting activities in the schools should be an integral component of the educational system. In the Republic of Cape Verde, physical education and development are believed to contribute to well-being, improve psychomotor skills and teach values such as fair play (art. 19 (f) of the new Framework Act).

299. Development of the intellectual, cultural and physical capacities of students is a priority at all levels of education, on an equal basis for boys and for girls.

300. According to the Directorate-General for Sport, there are men’s, women’s and mixed-gender sports associations. Generally speaking professional and non-professional sports training programmes do not discriminate on the basis of gender. While there are no specific statistics, it is clear that there are fewer sports associations for women than for men.

301. The Cape Verdean Olympic Committee reports that the Republic of Cape Verde participated in the last three Olympic Games: Atlanta (1996), Sydney (2000) and Athens (2004); there have always been women athletes on the track and field and rhythmic gymnastics teams.

302. Women are also encouraged to participate in regional games. Cape Verde participated in the African Games in Zimbabwe (1995), Johannesburg (1999) and Abuja (2003). Women athletes represented our country at all these games. In Zimbabwe, there were four women athletes on the rhythmic gymnastics team; seven in Johannesburg (two on the Tae Kwon Do team, four in rhythmic gymnastics and one in track and field); and three in Abuja (two in track and field and one in Tae Kwon Do).

303. Women also frequently represent Cape Verde in other international games, in particular in team sports such as football.

Previous regime

304. Before the adoption of the Framework Act on Education in 1990, the school system was divided into several levels: primary education, preparatory school, secondary school, technical/professional schools and teacher training schools. School fees and charges were established by the law as were any exemptions (Decree No. 58/76). Unfortunately no statistics are available concerning the number of girls and boys at the various levels of the school system during that period.

305. The previous financial aid system provided for the award of State grants as a necessity for the economic and social development of the country, which had only recently gained its independence. The intention was to improve the technical skills of managers, and the grant holder, upon his return to the country, was required to work for at least five years in a location designated by the Government. There was absolutely no gender-based discrimination in the provisions of that law (Decree No. 83/81). In the period leading up to 1990, some changes were made to the official description of basic primary education.

Article 11: Equal rights of men and women to work

306. The Constitution of Cape Verde enshrines the right to freedom as a fundamental right, including also free choice of vocation, occupation or trade for all individuals in accordance with the Constitution, the law and general international or treaty law incorporated into the domestic juridical order (art. 41, current Constitution).

307. The Republic of Cape Verde has acceded to several international treaties aimed at achieving those goals, for example, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, ratified by Act No. 75/IV/92 of 15 March 1992; the African Charter on Human and Peoples' Rights, ratified by Act No. 12/III/86, of 31 December 1986; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified on 16 September 1997.

308. Several other major conventions of the International Labour Organization (ILO) relating to equality of labour rights for men and women are applicable in the Republic of Cape Verde: Convention No. 81 concerning Labour Inspection in

Industry and Commerce, ratified on 15 October 1997; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, ratified on 16 October 1997; and Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, ratified on 3 April 1979.

309. Article 60 of the Constitution likewise provides, without discriminating according to gender, that workers have the right to fair remuneration and also establishes the principle that men and women should receive equal remuneration for work of equal value.

310. The Civil Code also provides that each spouse may choose and freely exercise any occupation or activity without seeking the consent of the other spouse and may also freely open bank accounts in his or her name (arts. 1629 and 1630).

311. The Constitution also guarantees workers the right to the following: dignity, hygiene, health and stability of employment in the workplace, a maximum length for the working day, a weekly day off, social insurance, rest periods and paid leave (art. 62, current Constitution).

312. Discrimination against women is not allowed. On the other hand, special treatment is allowed in accordance with the Convention on the Elimination of All Forms of Discrimination against Women. For example, the Constitution itself requires that the law must ensure special treatment in the workplace for women during pregnancy and following childbirth (art. 64, para. 4, of the current Constitution).

313. In recognition of women's role in society, the Constitution also establishes that the law must guarantee working conditions that facilitate women's maternal and family responsibilities (art. 64, para. 5, of the current Constitution).

314. With regard to labour rights, the relevant legislation provides protection for both private- and public-sector workers. Both kinds of legislation aim at protecting women's rights as enshrined in the Constitution.

315. In the public sector, specifically employees and civil servants in public administration, Act No. 44/V/98 of 9 March 1998 establishes the fundamental juridical principles governing working conditions in the public administration sector: the working day is eight hours long, divided into two periods, with a lunch break and a specific time for starting and finishing work. On an exceptional basis and with prior authorization, work may be undertaken outside the normal working hours. However, article 14, paragraph 5, provides that the civil servant or employee may be excused from working extra hours on reasonable grounds, for example during the late stages of pregnancy.

316. Other laws guarantee the principle of equality between men and women in the public administration sector, although there are differences relating to women's maternity benefits.

317. In the civil service, the employment legislation that applies to central and local municipal civil servants and to State institutions providing services to citizens contains no provisions that discriminate against women.

318. In the Republic of Cape Verde there is thus no gender discrimination with regard to hiring, promotion, advancement, remuneration or holidays in the context of the activities and functions of the civil service.

319. With regard to absenteeism, up to six days' absence from work is allowed when a civil servant marries (art. 13 (a), Decree-Law No. 3/93).

320. The civil service grants 60 days of maternity leave to women civil servants beginning on the day they give birth (art. 15, Decree-Law No. 3/93).

321. Women civil servants are allowed time off work for prenatal medical consultations during pregnancy (art. 16, Decree-Law No. 3/93).

322. A civil servant or employee has the right to 45 minutes per work period for breastfeeding during the six months following childbirth (art. 17, Decree-Law No. 3/93).

323. Maternity leave does not affect holiday entitlement, which is banked with the remaining days to be taken outside the holiday period at a later date, including in the following calendar year (art. 18, Decree-Law No. 3/93).

324. No civil servant, whether male or female, may continue to work in the civil service beyond the age of 65 (art. 31, Act No. 102/IV/93).

325. For the civil service, article 5 of the Statute on Retirement and Survivor Benefits (Act No. 61/III/89 of 30 December 1989), which is applicable to all employees of State services and other groups of individuals governed by the public law regime who do not have any special status, provides for regular retirement benefits to an employee who has reached the age of 60 and has 34 years seniority, with no distinction between men and women.

326. Pursuant to the Statute on Retirement and Survivor Benefits, a surviving, divorced or common law spouse is entitled to a spousal survivor benefit if on the date of the pensioner's death he or she had worked for at least five years in the civil service (arts. 64 and 65).

327. In the private sector, Decree-Law No. 62/87 of 30 June 1987, which is currently in force in Cape Verde, defines the general juridical regime for labour relations and establishes in its article 39 (b) the following general principle for all workers in the private sector and mixed and public cooperatives: prohibition of all discriminatory restrictions relating to equal access to work, equal opportunity and treatment in the workplace, and equal working conditions.

328. This Legislative Decree covers a series of regulations affecting labour relations in Cape Verde, one of the basic principles of which is worker non-discrimination.

329. The Legislative Decree mentioned above prohibits discrimination against any person, meaning that equal opportunities and equal job treatment are inalienable. The principle of equality is applicable to matters of occupational promotion, union organizations and job security, the right to equal benefits under the social welfare system, the right to a rest break in accordance with national and treaty law, the right to occupational training provided by the company under the same conditions. The principle of equal and timely pay for equal work (art. 37 (m), Legislative Decree No. 62/87) also obtains.

330. Women's reproductive function is also protected by law. It should be noted that pregnant women are forbidden to carry out tasks presenting genuine risks to their pregnancy.

331. There are also local nurseries and kindergartens, at varying economic levels, providing care for children, especially infants, with a view to allowing women to continue their occupational activities.

332. Workers in the private sector who have met the conditions established by law may be required to work overtime. However, Act No. 101/IV/93 of 31 December 1993, supplementing Legislative Decree No. 62/87, prohibits pregnant women and women with children under the age of 10 months from working overtime and from working on the weekly rest day or on a holiday (art. 100, para. 5, Legislative Decree No. 62/87).

333. Article 104 of this Legislative Decree also provides that in the event of a marriage, three consecutive days of leave are allowed.

334. Article 110 of this Legislative Decree, which provides that women workers have the right to a paid maternity leave of 45 days, should also be mentioned.

335. Ministerial Decree No. 5177 of 23 February 1957 covers other aspects of work by pregnant women that have already been mentioned in this report in the section regarding article 4, on special temporary measures. Accordingly, women's reproductive function is protected under the law, and it is forbidden to allow women to carry out tasks entailing the risks mentioned in paragraph 330 above.

336. Regarding guaranteed pay during maternity leave, women workers have the right to receive from their employers the difference between the pay they would have received during their absence and the amount of the subsidy provided by the social welfare system for their maternity leave. However, women workers who are not covered by the social welfare system do not have the right to receive full pay from their employers during the leave (art. 132, Legislative Decree No. 62/87).

337. Legislative Decree No. 170/91 of 27 November 1991, which establishes the framework for the right to form trade unions, also calls on the unions to defend and promote the social and occupational interests of workers by overseeing compliance with laws affecting working hours, weekly days off, paid leave, work by youths and women, and any other laws touching on the rights and safeguards of workers (art. 30 (a)).

338. Decree No. 86/78 of 22 September 1978, which governs the framework for the provision of mandatory workplace insurance, establishes (in art. 37) that a widow has the right to a pension in the amount of 30 per cent of the base pay, and also stipulates that in the event of a new marriage or cohabitation the pension shall be converted into a lump-sum compensation payment corresponding to the amount of the annual pension.

339. The wife also has the right to a pension of 30 per cent of the base pay, under the same conditions mentioned above, if, before the death of her spouse she was divorced or legally separated from him and had the right to maintenance (art. 28, Decree No. 86/78). In addition, if on the death of the victim there are competing claims from other divorced or legally separated spouses, the pension shall be divided equally between all those with rightful claims.

340. Article 25 of Decree No. 135/91 of 2 October 1991, which governs the National Social Welfare Institute, provides for the payment of a maternity benefit, with special attention to women's reproductive function. Accordingly, the objective of the social welfare system is to provide support for the family, especially in cases

where the insured persons have left the national territory while their job contract is still in effect (arts. 2, 9 and 12 1, of Legislative Decree No. 114/82 of 24 December 1982).

341. Article 36 of Legislative Decree No. 120/82 of 24 December 1982, which governs the social welfare system, also provides a breastfeeding subsidy for each child of the insured person. This benefit is allotted on a monthly basis until the end of the month in which the infant turns six months old (900 Cape Verde escudos, art. 2, Ministerial Decree No. 77/92 of 30 December 1992).

342. Article 39 of Decree No. 120/92 of 24 December 1992 (including the amendments to Decree No. 5/87 of 14 February 1987 and the interpretation of Decree No. 9/87 of 14 February 1987), which establishes the framework for the creation of the social welfare system, gives beneficiaries the right to a subsidy for a period of 30 days after the birth of a child. This subsidy is also provided in the event of a stillbirth or miscarriage in accordance with the number of days determined by medical services, which may not exceed 30 days.

343. Article 83 of Decree No. 120/82 of 24 December 1982 provides that all insured men and women have the right to an old-age pension after their 65th or 60th birthdays. The census of 2000 indicates that in the Republic of Cape Verde, at least 8.6 per cent of the population, or 37,116 persons (21,898 women and 15,218 men), are over the age of 60. However, it is impossible to state precisely how many persons benefit from the pension, or the gender of the beneficiaries.

344. In addition, the above-mentioned Decree also establishes the right to medical care and medicines.

345. Since most workers who participated in labour-intensive public works programmes are without protection because of age limits, workplace accidents or sickness, Legislative Decree No. 122/92 establishes social insurance for old age and disability. This legislation does not discriminate on the basis of the gender of the beneficiaries, and the criteria applied are objective and rigorous.

346. Therefore, in 1995 Legislative Decree No. 2/95 created Minimum Social Protection, which aims to assist all vulnerable individuals or families who have duly demonstrated their economic or social need or who are socially dysfunctional or marginalized by providing them with adequate food assistance, free medical care and medicines and a regular, cumulative or other type of benefit. With the adjustments for 2005, the value of the benefit is now equivalent to approximately US\$ 30,000. The total number of beneficiaries is 4,196 persons, but there are no gender-disaggregated statistics.

347. The Constitution upholds freedom of occupation and employment and guarantees the right to social benefits in accordance with the law (art. 41 of the current Constitution).

348. It should be added that the Government has not limited its efforts to the adoption of laws protecting workers' rights. It also has endeavoured to create conditions allowing all citizens to exercise the right to work without distinction as to gender.

349. Accordingly, Legislative Decree No. 50/94 of 22 August 1994 established the National Employment and Occupational Training Council (CNEF), linking it with the educational system. The Council operates under the auspices of the Employment

and Occupational Training Institute as well as through employment centres. It endeavours to guide young people into the job market and to establish a dialogue between workers and companies. In addition, it has launched training programmes for boys and girls in such areas as sewing, mechanics, computer science, electricity and house painting, with a view to easing access to an entry-level job. During the training sessions, which last three to four months, youths also receive a monthly subsidy for training-related expenses.

350. Non-governmental organizations are also promoting training programmes for the sector of the population in which youths tend to drop out of school or to be unemployed. These organizations are seeking to train youths in order to help them find jobs.

351. An apprenticeship programme was launched in 1996, starting in the country's two major cities; there are currently five such centres. There are no statistics regarding the number of youths who have frequented such centres or participated in their training programmes. However, a study carried out between 1998 and 2000 showed that 57.4 per cent of the 622 youths who were interviewed (of a total of 843 who participated in and completed the training programme) were male and 42.6 per cent female. Admittedly, most of the training offered is in such traditionally masculine trades as carpentry and electricity, although there is no distinction with regard to the enrolment age for such programmes.

352. In this regard, article 7, paragraph 2, of Legislative Decree No. 51/94 of 22 August 1994 calls for facilitating and promoting the integration of women and other disadvantaged groups into the job market.

353. The Statute of the Employment and Training Promotion Fund, adopted under Decree-Law No. 52/94, provides that the purpose of the Fund is to contribute to employment growth by financing training projects and programmes and job placement projects and by promoting and supporting micro and small enterprises (art. 6). It should be noted that there is no gender discrimination in the pursuit of these objectives.

Article 12: Equal rights of men and women in the field of health care

354. In the Republic of Cape Verde, there is no discrimination in access to health care for women.

355. One of the principles underlying the health-care system, as set out in article 70 of the Constitution and in Act No. 41/VI/2004 (art. 3), governing access by the Cape Verdean population to health-care services, is the free and universal right to such services.

356. The Ministry of Health of Cape Verde guarantees the right of the entire population of the country to health care.

357. As for public health facilities, there are currently 2 central hospitals on the islands of Santiago and São Vicente; 3 regional hospitals in the municipalities of Ribeira Grande, Santa Caterina and São Felipe; 5 reproductive health centres in Ribeira Grande, Santa Caterina, São Felipe, São Vicente and Praia; 2 health delegation offices; 1 regional pharmaceutical office; 1 occupational therapy centre;

19 health centres; 22 health posts; 120 core units and 6 drug distribution points on the various islands. It should be noted that these health facilities are listed in accordance with their complexity and organizational quality. The hospitals, for instance, are the best equipped health-care facilities and have a greater capacity to offer specialized services. The reproductive health centres are somewhat smaller, but each has a doctor on site. The health posts have nurses but no doctors on site, and the core units have health personnel with technical training but no doctors or nurses, and so on.

358. According to information supplied by the Ministry of Health, there are no private hospitals in Cape Verde, although some private clinics and offices do exist. In those cases, the exercise of the profession is regulated by law.

359. In 2001, the Maternal and Child Health Protection and Family Planning Programme was replaced by the National Reproductive Health Programme, which is run by reproductive health centres. The purpose of this reform was to handle the matter of reproductive health in a more open and integrated manner, not only for women during their pregnancies but during all phases of life, providing counsel to young people and addressing the question of sexuality, with emphasis on the physical, mental and social well-being of both women and men.

360. There are two reproductive health centres, one situated in the town of Praia and the other in Mindelo. In locations having no health centre, the health delegations are responsible, among other duties, for reproductive health-care monitoring in the communities closest to them. However, depending on the complexity of the problem, the patient might be directed to a reproductive health centre.

361. In locations where there are no reproductive health centres or health delegations, guidance in the area of reproductive health can be sought from health posts or health units.

362. However, the reproductive health centres provide general disease prevention and health promotion services, prenatal consultations and delivery care, as well as vaccinations and personalized out-patient and nursing services.

363. The reproductive health centres are also responsible for conducting educational and informational missions, under the programme entitled "Information, Education and Communication", whose purpose is to provide information on reproductive health to couples or to individuals of either gender, including adolescents, young people and adult women and men, and to answer their questions.

364. The centres also ensure the distribution of medicines to meet the primary health needs of women and infants, with a view to preventing complications and infant mortality. This includes the Expanded Programme on Immunization (EPI), which provides vaccinations to pregnant women and children from birth to five years, and vaccination boosters to children over five.

365. Health-care costs are paid wholly or in part out of the government budget, in accordance with the circumstances, particularly the nature of the illness and the social and economic situation of the patient (art. 3, Act No. 62/III/89, and art. 3, Act No. 41/VI/2004).

366. Drugs and medical treatment are free in the areas of family planning, maternity (prenatal, natal and post-natal care) and emergency services, and care for patients

suffering from such illnesses as HIV/AIDS, for pregnant women or women in delivery, for children, for persons over the age of 65, and for destitute individuals and families.

367. Other services, such as ultrasound scanning, are provided at a reduced cost, to help maintain the equipment, except in cases where the pregnant woman has no financial means.

368. The health-care system provides guidance and information on family planning and the prevention of sexually transmitted and infectious diseases, and provides a variety of services. On average, a woman receives 4.6 medical consultations during a pregnancy, as well as nutritional and dietary advice, breastfeeding guidance and care related to detecting and preventing neonatal infections and to child vaccinations.

369. The health centres provide counselling to families in such matters as family planning, in particular how to plan a family in such a way as to ensure responsible and conscientious parenthood. Women or couples can receive support for planning the births of their children.

370. The objective of family planning is to promote the health and well-being of the family by offering individuals and couples the means to choose freely and responsibly the number of children they wish to have as well as the best time to have them. It includes pre-nuptial counselling as well as information on reproduction, birth control and the prevention of sexually transmissible diseases.

371. The reproductive health centres provide women with a consultation in order to evaluate and choose the optimal birth control method. They also provide condoms, birth control pills, birth control shots and intrauterine devices. Also available are surgical procedures, as well as related guidance.

372. Apart from the Government's activities in respect of reproductive health, some non-governmental organizations are also involved in this field. One of these is the Cape Verdean Family Protection Association (VERDEFAM), which has been supplying information on fertility, sex education, sexual and reproductive health and the prevention of sexually transmissible diseases since 1995.

373. VERDEFAM runs six health centres on five different islands, namely, Praia, Mindelo, Tarrafal, São Felipe, Sal and Ribeira Grande. They offer counselling and information services, individual support, group support, dialogue and family planning, and then distribute modern birth control methods. They also offer urological, gynaecological and psychological services and pregnancy testing. In Praia alone, VERDEFAM provided 25 cervical examinations and 14,448 ultrasound scans in 2004. Other non-governmental organizations are also active in the area of reproductive health promotion.

374. The birth rate has gradually decreased as a result of the work of Government bodies and non-governmental organizations. According to the 1980 census done in Cape Verde, the average birth rate was 6.99 children per mother, a rate which dropped to 5.48 in 1990 and 3.98 in 2000.

375. Cape Verde is currently seeing the development of programmes related to reproductive health, such as awareness-raising about birth control methods, the expansion of vaccination coverage and enhanced training for doctors and nurses, which will surely help to improve the quality of life for women and their children. It

should be mentioned that progress in these areas is also attributable to the increased education levels of women.

376. A decrease in infant and maternal mortality, resulting from expanded health coverage throughout the islands, has been recorded. Currently, about 65 per cent of all births are attended by doctors and 35 per cent by midwives.

377. With regard to the crime of abortion in Cape Verde, the relevant legislation has been amended several times since 1980.

378. From 1980 to 1986, the crime of abortion was punishable without exception under article 358 of the former Penal Code, whether or not it was performed with the woman's consent.

379. Since 1986, Act No. 9/III/86 has regulated the crime of abortion, and related exceptions. This law stipulates that, in a given set of circumstances, the voluntary interruption of pregnancy is no longer a punishable offence.

380. Act No. 9/III/86 contains guarantees of the right to be informed and responsible parenthood, in recognition of the social value of maternity and the need to protect women's health (art. 1, Act No. 9/III/86).

381. According to that law, anyone who terminates a pregnancy without the woman's consent is subject to two to eight years' imprisonment (art. 2, para. 1, Act No. 9/III/86). Anyone who terminates a pregnancy with the consent of the woman, but in violation of the provisions of the current law, is subject to six months to two years' imprisonment (art. 2, para. 2, Act No. 9/III/86); a woman who induces or agrees to the termination of her pregnancy under conditions which violate the provisions of Act No. 9/III/86 is subject to three months' imprisonment (art. 2, para. 3).

382. According to article 2, paragraph 4, of Act No. 9/III/86, if a pregnancy is terminated in violation of the provisions of that law and the woman dies as a result or suffers serious physical or mental injury, the penalty shall be increased by a maximum of one third, because the person responsible should have foreseen that his or her behaviour might lead to such a result.

383. Pursuant to article 3 of the above-mentioned Act and the relevant regulations contained in Decree No. 7/87 of 14 February 1987, voluntary termination of pregnancy is legal if the woman consents and the procedure is carried out in a legally authorized health centre which has the appropriate technical capability and medical specialists. The pregnant woman must be informed of the possible consequences of termination of her pregnancy and the following conditions must also be fulfilled:

- (i) Termination is the only way to avoid the very real risk of the woman's death or serious and permanent harm to her physical and mental health;
- (ii) The intention is to avoid possible transmission to the foetus of a serious hereditary or contagious disease;
- (iii) Termination is intended to avoid giving birth to a child who has severe physical deformities or who is mentally retarded;
- (iv) Termination occurs with the consent of the woman and in the first 12 weeks of pregnancy, in a hospital and under medical care.

384. Hospitals and other health facilities provide special care for the elderly and physically and mentally disabled persons. Many non-governmental organizations also devote themselves to providing better social and living conditions for those groups. There are currently five institutions which provide care to disabled persons: l'Association d'Appui aux Handicapés, l'Association Capverdienne des Handicapés, l'Association d'Appui au Développement et à l'Intégration de l'Enfant Handicapé, l'Association des Handicapés Visuels du Cap-Vert, l'Association de Promotion de la Santé Mentale "A Ponte". Those organizations work to increase awareness among families and in society about integrating physically disabled persons into society and also operate rehabilitation and assistance centres for improving the physical and mental health and morale of the disabled. They also distribute medication and provide study grants for disabled men and women without discrimination. Fourteen other organizations, while not working exclusively to promote the rights of disabled persons and the elderly, also work with those groups.

385. The Ministry of Labour and Solidarity likewise has a programme to support civil institutions and organizations that assist the most disadvantaged of the elderly. These efforts include provision of hot meals, medication and medical care as well as leisure time activities.

386. The activities take place in dedicated locations such as drop-in centres and retirement homes, in particular in São Vicente, where there are three retirement homes. Two of the homes are managed by the municipal social service office and the third is managed by the Cape Verde Red Cross. Generally speaking, the communities with the most services are those on the islands of Santiago, São Vicente and São Antão, which have the highest proportion of elderly in the country: 47.7, 15.5 and 15.1 per cent, respectively.

387. Since most of the elderly are women, the latter make up a large proportion of the beneficiaries of these services.

388. With regard to those suffering from HIV/AIDS, as was stated in 2004, the Government of the Republic of Cape Verde has adopted a programme to provide anti-retrovirals free of charge to persons suffering from HIV/AIDS; there is no discrimination in the provision of those medications. Furthermore, the programme of the Coordination Committee to combat HIV/AIDS (CCS-SIDA) is aimed at gradually improving the psychological and medical care provided to HIV positive individuals by providing them with counselling before and after HIV tests. The purpose of the programme is to improve the quality of life and life expectancy of infected individuals.

389. All pregnant women who so desire may undergo a free HIV/AIDS test. If the result is positive, the reproductive health centres provide medical care and drug treatment before, during and following childbirth.

390. Information programmes and campaigns, workshops and seminars aimed at women in particular are organized systematically by governmental departments and non-governmental organizations. Activities include discussion of sexual relations with a husband or wife who is infected with HIV/AIDS, distribution of information brochures and pamphlets, etc.

Previous regime

391. Maternal and child health-care programmes began in Cape Verde in 1997 with the Maternal and Child Health Protection and Family Planning Programme (PMI-PF), undertaken as a national cooperative effort with international funding. At that time it was not really a government programme.

392. In 1984 there was at least one PMI-PF centre in each local community. Later, in 1986, the expanded programme on immunization (EPI) for young children was added to the services provided by the Programme.

393. Between 1981 and 2000 the Maternal and Child Health Protection and Family Planning Programme coordinated efforts in the health sector relating to prenatal health follow-up and counselling and post-natal care and vaccination, providing services to women and children free of charge. In 1991 responsibility for that programme was transferred to the Government.

394. Since 1989, the basic health-care system has prioritized the promotion of maternal and child health; family planning is also included in basic health care (art. 4, Act No. 62/III/89 of 30 April 1989).

395. Pursuant to article 34 of Act No. 62/III/89, health care is provided to pregnant women, children up to the age of two, and disadvantaged patients, free of charge.

396. In addition, Regulatory Decree 4/93 of 8 March 1993 on basic health care provides that pregnant women and children receiving regular health care from the Maternal and Child Health Protection and Family Planning Programme, patients who are officially recognized as being disadvantaged, in particular those receiving social assistance or who are unemployed and without resources, workers in highly labour-intensive jobs, and those suffering from chronic illnesses or from illnesses covered by national primary health-care programmes, are exempt from having to pay for health care, or pay reduced rates.

397. The previous system was therefore continued, with PMI-PF being responsible for pregnant women and children up to the age of two, providing them with free health care, medical consultations, vaccinations, family planning and other services.

398. A review of family planning policies reveals that there has been a decrease in the average number of children born to each woman in both urban and rural areas. From 1990 to 2000 the average number of children overall and in rural areas dropped from 5.2 and 5.7 to 3.4 and 4.8, respectively. These figures show that it is more difficult to undertake family planning programmes in rural areas, and that rural women are less aware of family planning issues.

399. Better family planning and a reduction in the number of children as a result of the implementation of State policies should lead to an improved quality of life for households, in particular the most disadvantaged and those headed by women.

Article 13: Equal rights of men and women in areas of economic and cultural life

400. The fight against poverty, which affects women in particular, constitutes a challenge for African countries, particularly those in the Sahel region.

401. The unemployment rate for women is higher and women have a greater rate of economic dependency than men. The Government of the Republic of Cape Verde is therefore making an enhanced effort to increase awareness among the most disadvantaged and to provide them with training and information. Policies adopted for that purpose give priority to women because they have been identified as a vulnerable group.

402. In 2003, in the context of government initiatives, Resolution No. 23/2003 established the National Poverty Alleviation Commission, which provides support to the disadvantaged with a view to facilitating their insertion into the labour market; it is part of a nationwide programme. Some subprogrammes, however, operate in only 7 of the 17 local municipalities.

403. The National Poverty Alleviation Programme (PNLP) includes microcredit projects operated in cooperation with five non-governmental organizations and likewise has partnership-based social sector development activities aimed at improving infrastructure (facilitating access to electricity and sanitation; construction of childcare centres; literacy; job training) and socio-economic programmes to assist disadvantaged groups.

404. The Government develops targets for these projects, such as reducing the number of individuals requiring assistance. The Government tends to require that at least 50 to 60 per cent of the total number of individuals assisted are women.

405. In 1998, a similar programme, called the Coordination Unit for the Poverty Alleviation Programme, was established by resolution 40-B/98 and placed under the responsibility of the Office of the Deputy Prime Minister. That Programme targeted mainly rural areas.

406. Generally speaking, in the Republic of Cape Verde women have the same rights and enjoy the same status as men in economic matters, including access to finance and farming and, in particular, bank and mortgage loans and other forms of credit. Women and men also have equal rights to participate in recreational activities, sport and all aspects of cultural life.

407. It should be stressed that the legislation of the Republic of Cape Verde prohibits gender discrimination in relation to bank and mortgage loans and other forms of credit as well as to questions regarding juridical status and capacity.

408. In accordance with article 1630 of the Civil Code, both husband and wife may open bank accounts in their own name and carry out banking transactions freely. (Other specific cases concerning management of family affairs will be dealt with in the section of the report dealing with article 16.)

409. No discriminatory practices can be used with regard to bank and mortgage loans and other forms of credit. If any discriminatory action does take place, it does not confer the right to challenge it in court, nor does any civil liability attach.

410. The Government of the Republic of Cape Verde and approximately nine non-governmental organizations currently offer an increasingly varied range of loan and microcredit services to individuals excluded from the formal banking system. Microcredit programmes provide small loans to support alternative projects that generate income and stimulate employment; these programmes are considered an integral part of the strategy for combating poverty and social exclusion.

411. Although there are no precise statistics for the country as a whole, owing largely to the fact that microcredit programmes are operated by various institutions, making it difficult to gather data, we nevertheless have information that confirms that it is mostly women who make use of such programmes; in many cases the small loans are used to undertake informal activities for which there is no fixed location. These activities include purchase and sale of products and the sale of food, clothing, shoes and other items on an itinerant basis.

412. In two of the largest institutions consulted, far more women than men take advantage of the programme.

413. One of the largest organizations providing microcredit services in the Republic of Cape Verde is the Association in Support of Women's Self-Promotion in Development (MORABI), created in 1992, which offers microcredit loans or support for micro-enterprises to create employment and generate income. In January 2005 MORABI reported having approved 6,649 microcredit loans (6,512 to women heads of household and 137 to men). It should be noted that most microcredit loans are for the development of commercial activities and only a small portion for farming activities.

414. In addition, since 1997 the Training and Loan Programme for Micro-enterprises, funded by Agricultural Cooperative Development International and Volunteers in Overseas Cooperative Assistance (ACDI/VOCA) and managed by the Caisse d'Epargne (savings bank) has made 12,059 loans, of which 10,542 were granted to women.

415. There is no discrimination against women in cultural matters in Cape Verde. Recreational, sporting and other cultural activities are promoted by the State or non-governmental organizations and do not discriminate on the basis of gender.

416. Articles 48, 49 and 53 of the Constitution guarantee the right to participate freely in educational, research, literary, artistic and cultural activities.

417. Both the State and civil society are active in promoting culture. The non-governmental organization "Zé Moniz" Association for Solidarity and Development, in particular, promotes the national craft industry and has organized an annual fair in the capital since 1996 which brings together craftworkers from all the islands.

Article 14: Rural women

418. The Republic of Cape Verde recognizes that the fight against poverty, which is most prevalent in rural areas, must be strengthened and more resources must be gathered to address the problems involved. Lack of water and natural resources are obstacles which must be overcome through the adoption of effective public policies. Although such efforts take time, and progress is gradual, government departments in partnership with non-governmental organizations are making an ongoing effort to address the difficulties and constraints hindering rural development.

419. According to the Institute on the Status of Women, the policies adopted should include efforts to increase awareness on the part of the rural population in order to change their behaviour with regard to the environment and thereby ensure the rational and balanced use of available resources.

420. In 1998 the Government established a unit in the Office of the Deputy Prime Minister to coordinate the National Poverty Alleviation Programme. Currently the National Poverty Alleviation Commission is responsible for programmes in that area (resolution 23/2003).

421. A number of non-governmental organizations are also active in the specific areas of rural and community development. They also give priority to assisting women, who are considered a vulnerable group.

422. Activities undertaken by the Government and non-governmental organizations at the community level include: training in soil and water management; training and information on nutrition and accounting practices; assistance in constructing dykes, drilling public wells and building reservoirs; assistance in promoting increased access to electricity; training in the use and maintenance of drip-type irrigation systems; support for the establishment and strengthening of financial services for micro-enterprises and farmers; and campaigns to combat desertification.

423. Campaigns have periodically been organized to raise awareness about environmental management, and have been targeted at both men and women in farming communities in general.

424. In 2003, the Regional Programme for the Promotion of Household and Alternative Energies in the Sahel was set up, focusing particularly on rural and outlying areas, with a view to replacing wood energy by alternative energies. Women are the target audience and the beneficiaries of the programme.

425. Cape Verde television has broadcast a documentary aimed at persons living in rural and outlying communities, informing them of ways to improve livestock raising on small holdings by pointing out recommended steps, proper feeding methods and useful techniques.

426. Given the scarcity of rainfall, the Government and non-governmental organizations are encouraging the adoption of the drop-by-drop system as a way of improving productivity, lowering costs and avoiding losses. Wide acceptance of such drip irrigation by the society is being advocated, although this is not yet actually the case.

427. The suppliers of microcredit — such as the Government through its National Poverty Alleviation Programme and also non-governmental organizations like the Agricultural Cooperative Development International/Volunteers Overseas Cooperative Assistance (ACDI/VOCA) and the Association in Support of Women's Self-promotion in Development (MORABI) through their programmes — have earmarked much of the microcredit for women. No analysis has been done of the relevant data, but even though a considerable portion of the microcredit is set aside for business development, some of it is granted for agricultural activities. The figures on microcredit are given in this report in the discussion of article 13, in connection with the issue of the equal economic and cultural rights of men and women.

428. Pursuant to the Framework Act (Act No. 103/III/90 of 29 December 1990), our educational system also offers informal education on two levels: basic adult education that includes literacy education, post-literacy training and other continuing education courses, the objective of which is to raise the cultural level; and apprenticeship programmes and vocational training courses aimed at skills

transfer and preparation for the exercise of a profession. Women as a group are of course included in this system.

429. Action by the various Presidents to provide adult education has resulted in a reduction of illiteracy in the last 10 years. In 1990, for instance, the rate of illiteracy among women in rural areas was 55.9 per cent, as against 43.4 per cent in 2000.

430. The overall rate of illiteracy, however, is still highest among women, and especially those in rural areas. According to the 2000 census, 68.3 per cent of the 37,149 illiterates in rural areas were women. Nonetheless, thanks to efforts and policies that have been specially targeted to the rural areas, in particular under the National Poverty Alleviation Programme and with the active participation of non-governmental organizations, the aim is to achieve a sizeable reduction in the persistently high illiteracy rate among women.

431. In the field of health, the 2000 census showed a relative decline of 16 per cent in the fertility rate in rural areas between 1999 and 2000. This can be accounted for by the higher level of school attendance by rural women and the good results produced by the expanded family planning programme.

Article 15: Equal treatment with regard to legal capacity and choice of domicile

432. In the Republic of Cape Verde, all human beings are considered equal before the law (art. 23 of the current Constitution).

433. Following this approach, article 68 of the Constitution ensures the right to private property as well as its transfer during one's lifetime or after death; it also provides for inheritance rights. The expropriation or requisition of property for public purposes is permissible provided legal procedures are followed and proper compensation is paid. All persons, regardless of their gender, enjoy the right to property.

434. Article 50 of the Constitution guarantees citizens the right to leave and enter the country's territory freely, and the freedom to emigrate. It can thus be said that all citizens of Cape Verde enjoy equal treatment with regard to choice of domicile.

435. The Civil Code stipulates that no one may renounce legal capacity completely or partially. Thus, any action to that effect is considered null and void (art. 67, Civil Code).

436. Accordingly, men and women enjoy equal rights to conclude any type of contract and to manage property. Once married or living together out of wedlock, both spouses or partners are responsible for the running of the household (art. 1626, para. 1, Civil Code).

437. They are also responsible as a couple for managing the property they own and any assets produced by their work; each is free to practice a profession or occupation without the spouse's or partner's consent (art. 1629, Civil Code, read in conjunction with art. 41 of the Constitution).

438. The Constitution gives all individuals access to justice and the courts, to the services of attorneys to protect their rights and interests and to legal recourse, and

does so free of charge when the individual in question lacks the financial means (art. 21).

439. Discrimination in general is prohibited in all areas of the law, civil, administrative or penal.

440. Lastly, every individual is guaranteed access to the courts, and any conditions for initiating proceedings are dependent not on the gender of the plaintiff but rather on his or her economic situation (Act No. 35/III/88). Specific regulations under this Act were adopted in 2004 to guarantee that right of access, providing for legal assistance with partial or total waiver of payment for the services of a court-appointed attorney or the authorization of payment in instalments (Regulatory Decree No. 10/2004 of 2 November).

441. Specifically, the Cape Verdean Association of Women Jurists was founded in 2001 to safeguard vulnerable social groups, especially women, by helping them bring to court claims of rights violations. In 2004, 101 women victims received legal assistance with family matters (divorce, regulation of parental authority, domestic violence) or with incidents involving aggression, the right to work, social benefits and the like.

Article 16: Equal rights of men and women in all matters relating to marriage and family relations

442. Cape Verde ensures equality between men and women in all matters relating to marriage and the family.

443. The Constitution of Cape Verde considers the family to be the basic element and the underpinning of society as a whole. It must be protected so that it can accomplish its social role and the personal fulfilment of its members. Therefore, everyone enjoys the right to form a family.

444. Article 87 of the Constitution, for instance, provides that it is the State's responsibility to help the family fulfil its mission as guardian of the moral values recognized by the community, to promote the social and economic independence of the spouses, to cooperate with parents in the education of their children and to define and implement a comprehensive, integrated family policy.

445. To make it possible for the State to perform these functions, the Constitution also provides that it has a duty to strive to eliminate conditions that are discriminatory to women and ensure the protection of the rights of women and children (art. 87, para. 2, of the Constitution). Accordingly, the State always acts so as to guarantee gender equality in all matters relating to marriage and family relations.

446. Men and women have the same right to enter into marriage with free and full consent and freely to choose a spouse, provided that both partners have clearly expressed their intention to marry (arts. 1551 and 1576, Civil Code).

447. Polygamy is not permitted. Marriage is understood as a voluntary union between two persons of the opposite sex with a view to forming a family in order to share their lives fully. Thus, the existence of a previous undissolved marriage may be cause for annulment of the second marriage (art. 1564 (e), Civil Code).

448. The spouses have the same civil and political rights and duties and the same responsibilities during the course of a marriage until such time as it is dissolved (Constitution, art. 46, para. 3, and Civil Code, arts. 1624, 1631, 1632 and 1633).

449. Family life is thus the concern of both spouses. It should be noted that one of the duties of both husband and wife is to contribute to household expenses insofar as they are able. In the case of legal separation and even after the dissolution of a marriage, this duty may continue in the form of an obligation to provide alimony and, depending on the different legal arrangements and the different circumstances under which separation or divorce are granted, the obligation is reciprocal without distinction as to gender (art. 1626, Civil Code).

450. As concerns the upbringing and education of their offspring, the parents must safeguard the interests of all their children, without distinction. In addition, fathers and mothers must help their children, whether born in or out of wedlock, especially with regard to their proper nourishment, supervision and education (art. 88, Constitution).

451. Cohabitation, understood as a relation between two persons of the opposite sex who live together voluntarily under conditions similar to marriage, is prohibited in Cape Verde. However, in the case of such unions, recognition after the fact is permitted only in the case of persons over the age of 19. The man and woman applying for recognition must be in full command of their mental faculties and have no matrimonial impediments, and they must prove that they have lived together for at least three years (arts. 1563 and 1712, Civil Code); this time period is dispensed with where the couple have had one or more children together.

452. A recognized cohabitation has all the same legal effects as a formal marriage and produces its effects as from the date it began (art. 1716, Civil Code). This recognition of cohabitation in Cape Verdean legislation on the same terms as marriage is extremely important.

453. When a cohabitation that was never officially recognized ceases, either party may apply to a court for the right to alimony and the division of property held in common, and the right to inhabit the family home in a case where the couple had minor children in their care.

454. In a marriage, the exercise of parental authority is shared by both parents, although, as stated earlier, in a great many families — about 40.1 per cent of them — the woman is the head of household, indicating that very often women have assumed the responsibility of raising their children.

455. Where there has been a legal separation, divorce or annulment of a marriage, the custody of the children, the alimony to be paid to either spouse and the manner in which payments are to be made are governed by a court-approved agreement between the parents. A court can refuse to approve it if the agreement does not serve the interests of the children. In the absence of an agreement or of a written application to the Public Procurator's Office, the court will, based on the interests of the children, award the custody of minor children to one of the parents or, where there is a grave danger to the health, the security, the upbringing or the education of the children, to another person or an institution (art. 1857, Civil Code).

456. In the case of the mother, filiation is established by the very fact of the birth of the child, whereas paternity is presumed in the case of the mother's husband.

Paternity of children born out of wedlock is established by recognition of paternity (art. 1745, Civil Code).

457. Where filiation is confirmed in the case of parents not married at the time at the birth of the child, the assumption is that the parent with whom a minor child is living shall retain custody. However, custody and responsibility for a child up to the age of six are to be given as a matter of priority to the mother, unless special circumstances warrant a different solution (art. 1819, Civil Code).

458. When a minor child is living with the mother in a situation not formalized by marriage or not legally recognized in accordance with the provisions of article 1826 of the Civil Code, the father is obligated to provide alimony to the mother, if she needs it, during pregnancy and the first year of the child's life, regardless of any public benefits she may receive.

459. In the case of unmarried cohabiting parents in a common-law marriage, it falls to both of them to exercise parental authority because the recognition of their status confers it on both of them. With the cessation of recognized cohabitation, the exercise of parental authority is regulated in the same way as in the case of divorce, namely by means of an agreement between the two partners or, failing that, by means of a court ruling that takes the interests of the children into account.

460. Men and women have equality in terms of the rights and responsibilities with regard to custody and adoption of children.

461. There is no gender discrimination with regard to adoption in establishing either the adoption relation or the responsibility that stems from it (arts. 1920 and 1922, Civil Code).

462. The law requires the appointment of a guardian for minor children in cases where the parents are deceased, the parents have been stripped of parental authority, there is an impediment to the exercise of parental authority or it has not been exercised for over six months and there has been no voluntary delegation of authority, or the parents are unknown or have disappeared (arts. 1874 and 1875, Civil Code).

463. The duties of a guardian are stipulated by the parents, by legislation or by a court. A guardian's gender is not a determining factor and does not enter into the determination of the responsibilities towards the child, whose interest in all cases must be guaranteed, safeguarded and defended (arts. 1874 and 1875, Civil Code).

464. As for the right to choose a name, each spouse has the right by law to use the family name of the other. No gender distinction, therefore, enters into the exercise of this right, nor does the law impose the use of the name of one of the spouses. The woman thus remains free to choose whether or not to adopt her husband's name (art. 1628, Civil Code).

465. The spouses have the right to use each other's name until such time as they divorce or, if widowed, remarry. A surviving or legally separated spouse may, however, be barred from using the name of his or her deceased or separated spouse.

466. The spouses have the right to use the name of both their parents or only one of them, with the restrictions that apply in the civil register legislation (art. 1809, Civil Code).

467. The Civil Code further stipulates that each spouse may freely choose and exercise a profession or an occupation without the consent of the other, and may also freely open bank accounts and make transfers within them in his or her name alone (arts. 1629 and 1630).

468. In application of the right to equality set out in article 46, paragraph 3, of the Constitution, the Civil Code provides that both spouses have the same rights in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property.

469. Differences arise from the fact that the spouses can freely determine the marriage regime governing their property rights, either by choosing one of the regimes provided for in civil legislation or by stipulating a regime that is acceptable to them, within the limits of the law.

470. The regimes provided for by law are the joint ownership of property, the separate ownership of property or the joint ownership of acquired property. If the parties do not express a wish with regard to a particular property regime, national law requires that the joint ownership of acquired property shall apply (art. 1674, Civil Code). The definition of jointly owned or community property depends on the marriage regime chosen. Moreover, beyond what is specified as jointly or separately owned property under the marriage regime established, article 1635 of the Civil Code provides that each spouse has the right to administer his or her own property, including:

- (i) Income received from work;
- (ii) Copyrights and related rights;
- (iii) Property brought by the spouse into the marriage or acquired free of charge after the marriage, as well as property that replaced it;
- (iv) Property given or left to the spouses with the stipulation that the other spouse may not administer it, except in the case of property given or left in trust for the lawful wife of an administering spouse;
- (v) Moveable property belonging to one of the spouses or common property used exclusively by that spouse for the purposes of work;
- (vi) Property owned exclusively by one of the spouses in a case where that spouse becomes unable to administer it because his or her whereabouts are unknown or for any other reason, and where that spouse has not appointed any proxy to administer that property;
- (vii) Property belonging to one of the spouses who has given the other spouse power of attorney to administer it.

471. Each spouse is entitled to perform ordinary administrative acts relating to jointly owned property, and it is for the couple alone to decide by mutual agreement about all other administrative acts (art. 1635, para. 3, Civil Code).

472. In the case of individually or jointly owned moveable property, either spouse may freely transfer *inter vivos* any property under his or her administration. The consent of both spouses is, however, required for the transfer of moveable property belonging exclusively to the spouse who does not administer it, except in the case of administrative acts or transfers of individually owned or common property used

jointly by the spouses for domestic purposes or for purposes of work (art. 1638, paras. 1, 2 and 3, Civil Code).

473. Except in cases where the separation-of-property regime is in force, the consent of both spouses is required for the transfer, the assumption of responsibility for, the leasing or the establishment of other personal rights of possession over individually owned or common property, and the transfer, assumption of responsibility for or renting of a business or industrial establishment that is individually or jointly owned (art. 1639, Civil Code).

474. In the case of arrangements regarding the family home, the consent of the spouses is needed, regardless of the property regime governing it, to transfer, assume responsibility for, lease or establish other rights of possession over the home; it is also essential to have the consent of both when a person renting all or part of the house makes final arrangements for, terminates or does not renew the lease (art. 1639, Civil Code).

475. The spouses do not need each other's consent to accept gifts, inheritances or legacies. However, the refusal to accept an inheritance or a legacy requires the consent of the other spouse unless the separation-of-property regime is in force (art. 1640, Civil Code).

476. Specific conjugal consent is needed for all required legal transactions, but may be waived by the courts if one of the spouses unjustly refuses to give it or is unable to give it for whatever reason (art. 1641, Civil Code).

477. Persons at least 18 years of age who have attained full legal capacity in the exercise of their rights and are in a position to manage and freely dispose of their persons and property, may enter into marriage (art. 139, Civil Code).

478. Marriage is prohibited in the case of a minor under 16 years of age, this being deemed an absolute impediment to marriage (arts. 142, 1564 and 1592, Civil Code).

479. Thus, as interpreted in civil legislation, persons between the ages of 16 and 18 may attain full rights. However, the parents or guardians of engaged minors may express opposition to the marriage. If that is done, the marriage may be celebrated only if the competent court does not consider that opposition justified (art. 1572, Civil Code).

480. In Cape Verde, marriages can be either civil or religious (art. 1572, Civil Code). A marriage becomes official once the engaged couple make an explicit and personal statement of consent before a competent official of the civil register repository or of a religious denomination recognized by the State. In the case of religious marriages celebrated in accordance with the legal requirements, the marriage certificate must be sent to the relevant civil register repository for immediate transcription in the appropriate register (arts. 1561, 1562, 1582 and 1583, Civil Code).

481. Whether civil or religious, a marriage must be declared either by direct registration or by transcription, in accordance with the civil registration laws (art. 1610, Civil Code).

482. Marriage, registration of which is compulsory, may not be invoked either by the spouses, their heirs or a third party until it has been effectively registered, untrammelled by legal impediments. Once the certificate has been issued, even in

the event of its loss, the marriage takes effect in the eyes of the law from the date of its celebration (art. 1623, Civil Code).

Previous regime

483. One of the general and fundamental tenets of the Family Code, which entered into force in 1981, was the effective equality of the rights and duties of men and women, beyond promoting the protection of maternity.

484. Thus, during the period 1981-1987, marriage, filiation and adoption issues were governed by that Family Code.

485. In this regard, during the period in which the Family Code was in force, marriage was perceived as a voluntary union, and the spouses were presumed, in legal terms, to be equal and free in the choice and exercise of their tasks and social activities (art. 17). Both spouses had the duty to contribute to the upkeep of the home according to their means (art. 18, para. 1) and administered joint property together (art. 24, para. 1). For that purpose, upkeep of the home connoted household chores and involvement in their children's education (art. 18, para. 2). Furthermore, had one of the spouses been unable to perform any of these tasks in accordance with article 18, paragraph 3, the other spouse could claim a part of the income of the former through the courts.

486. The Family Code also recognized the rights of either spouse to use the surname of the other until such time as a divorce was granted or, should one of them be widowed, until a subsequent marriage was contracted (art. 16, Family Code).

487. Hence, the regime in force between 1981 and 1997 was based on the fundamental principle of the equality of both spouses (art. 4, Family Code).

488. Marriage of minors under 18 years of age was not permitted (art. 5, para. 1, Family Code). However, the marriage of a minor under 18 and over 16 years of age could be authorized by special dispensation on the basis of a fully justified, court-approved application by the persons concerned or their parents (art. 5, para. 2, Family Code).

489. Article 7 of the Family Code stipulated that a woman whose marriage had been dissolved or annulled could not remarry until 300 days had elapsed from the date of the dissolution or annulment of the previous marriage and then only upon submission of a medical certificate from the Medical Council to the effect that she was not pregnant. That regulation was intended to safeguard minors' interests regarding paternity and the rights deriving therefrom.

490. As early as 1981, the Family Code provided for cohabitation of a man and a woman, once they had met the legal requirements, which included living together for at least three years (art. 12, para. 1). Once a court petition had been filed and accepted, the same rules as for marriage applied from the date of the cohabitation (art. 12, para. 2).

491. In addition, if the couple ceased to cohabit and in accordance with the provisions of article 14 of the Family Code, during the year following the cessation either party could file for alimony or enforcement of the laws governing property in the event of divorce.

492. During that period, the only property-related provisions contained in the Family Code pertained to joint property (art. 19).

493. The following were considered to be joint conjugal property: salaries, family allowances, pensions and any other type of income received for services rendered or under the social welfare system; assets acquired for valuable consideration at the expense of their joint assets; leases, profits, interest or normal yields from joint property or the separate property of each spouse (art. 20, subparagraphs). Separate property was previously considered to be property acquired by each of the partners prior to the marriage; property acquired by them by succession or adoption after the marriage; property acquired throughout the existence of the marriage, under the previous property laws or the laws governing guardianship of property, except where prohibited by the law; objects for exclusive personal use; assets disposed of from separate property and those acquired with the spouse's own money; assets obtained through the sale of separate property; compensation for damage caused by acts against the spouse in question or for damage to separate property (art. 22, subparagraphs).

494. Property was administered by both spouses (art. 24, Family Code). Thus, neither partner could dispose of either joint or separate property, in the form of a payment or gift, without the consent of the other (art. 26, para. 1); however, the law on separate property made no provision for consent (art. 26, para. 22).

495. On the subject of children, both parents were jointly responsible for the education and support of minors or other children still in their care and had the same rights and duties (art. 60). The Code provided that children could bear the surname of both or either of their parents (art. 48).

496. Under the previous regime, maternal filiation stemmed from the act of giving birth and was established by the inclusion of the mother's name on the birth certificate; a child born during the marriage and up to 300 days after it had been dissolved was presumed to be the offspring of the male cohabitant (or husband) while the paternity of children born out of wedlock depended on the father's voluntary recognition or a court ruling (arts. 49 and 50, and subparagraphs, of the Family Code).

497. A divorce could only be sought by the spouses (art. 33, subparagraphs). However, the husband could not file for divorce if the wife was pregnant or before one year had elapsed since she had given birth, except in cases in which the wife had had an extramarital affair or attempted to murder her husband (art. 35, Family Code).

498. The courts could still award a spouse with minor or disabled children in his or her charge ownership of domestic goods deemed necessary for their education and upbringing, awarding justified compensation from the joint property or from the separate property of the other spouse, if such property existed (art. 40.1, Family Code).

499. Parents' custody of their children could be terminated or suspended in certain specified circumstances. In that event, the courts appointed a foster parent for minors (art. 64, subparagraphs).

500. The Family Code contained no discriminatory provisions regarding the ability to adopt (arts. 68-75).

501. Act No. 4/V/96 authorized abrogation of Book IV of the Civil Code, and Legislative Decree No. 12-C/97 of 30 June 1997 introduced family-related amendments. Hence, the Family Code was revoked in 1997 and was replaced by a new Civil Code based on the provisions discussed above.

Annex I

Legislation cited (in force)

1. 1992 Constitution of the Republic of Cape Verde with the constitutional amendments introduced by Constitutional Act No. 1/IV/92 of 25 September 1992 and by Constitutional Amendment Act No. 1/IV/95 of 13 November 1995.
2. Government Programme for the Sixth Legislature 2001-2005, Official Gazette No. 6, Series 1, of 13 March 2001.
3. Civil Code, Act No. 4/V/96 of 2 July, Official Gazette No. 20, Series 1, supplement, authorizing the abrogation of Book IV of the Civil Code, and Legislative Decree No. C/97 of 30 June 1997, Official Gazette No. 25, Series 1, supplement amending the Family Code.
4. Penal Code of Cape Verde (2003).
5. Electoral Code.
6. Decree-Law No. 62/87 of 30 June 1987, Official Gazette No. 29, Series 1, establishing the general legal regime governing labour relations.
7. Decree No. 114/90 of 8 December 1990, Official Gazette No. 49, governing the award of Cape Verdean nationality.
8. Act No. 80/III/90 of 29 June 1990, Official Gazette No. 25, Series 1, second supplement, amended by Act No. 41/IV/92 of 6 April 1992, Official Gazette No. 14, Series 1, supplement, defining the conditions for the award, acquisition and loss of Cape Verdean nationality.
9. Framework Act on Education, Act No. 103/III/90 of 29 December 1990, Official Gazette No. 52, Series 1, third supplement.
10. Decree-Law No. 17/96 of 3 June 1996, Official Gazette No. 17, Series 1, establishing the status of private education and regulating the activities of educational establishments.
11. Decree-Law No. 25/2001 of 5 November 2001, Official Gazette No. 36, Series 1, Organic Act of the Ministry of Education, Culture and Sports.
12. Decree-Law No. 17/97 of 21 April 1997, Official Gazette No. 15, Series 1, governing the regime of school fees and charges applying to pupils attending public secondary schools.
13. Act No. 9/III/96 of 31 December 1996, Official Gazette No. 52, second supplement, establishing penalties for the termination of pregnancy and stipulating certain cases in which pregnancies may be terminated.
14. Decree No. 7/87 of 14 February 1987, Official Gazette No. 7, regulating the law on voluntary termination of pregnancy.
15. Order No. 50/2001, Official Gazette No. 23, July 2001, Series 1, creating the Coordination Committee to Combat AIDS.
16. Decree-Law No. 1/94 of 10 January 1994, Official Gazette No. 2, Series 1, creating the Institute on the Status of Women.

17. Decree-Law No. 38/2004, of 11 October 2004, Official Gazette No. 30, Series 1, creating the National Commission for Human Rights and Citizenship.
18. Ministerial Decision No. 5177 of 23 February 1957, governing working conditions for pregnant women.
19. Act No. 74/III/90 of 29 June 1990, Official Gazette No. 25, Series 1, on the legal regime governing political associations.
20. Decree-Law No. 7/96 of 26 February 1996, Official Gazette No. 4, Series 1, establishing the statute governing career diplomats.
21. Decree-Law No. 57/98 of 14 December 1998, Official Gazette No. 46, Series 1, approving the statute governing career diplomats.
22. Act No. 41/IV/92 of 6 April 1992, amending Act No. 80/III/90 of 29 June 1990, establishing the rules governing the acquisition of nationality.
23. Act No. 113/V/99 of 18 October 1999, Official Gazette No. 38, Series 1, amending the Framework Act on Education.
24. Act No. 44/V/98 of 9 March 1998, Official Gazette No. 9, Series 1, establishing the fundamental principles of the labour regime for civil servants.
25. Decree-Law No. 57/93 of 13 September 1993, Official Gazette No. 34, Series 1, defining scholarships as a set of financial measures available to nationals wishing to continue their studies, take up a specialization or undertake professional training or upgrading.
26. Legislative Decree No. 3/93 of 5 April 1993, Official Gazette No. 11, Series 1, regulating the legal regime for holidays, absences and leave of civil servants and introducing innovative measures.
27. Act No. 102/IV/93 of 31 December 1993, Official Gazette No. 49, Series 1, third supplement, defining the legal regime for the establishment, modification and termination of the legal relationship of employment in the civil service.
28. Decree-Law No. 122/92 of 16 November 1992, Official Gazette No. 11, Series 1, awarding an old-age pension to persons over 60 who have worked at least 10 years in the FAIMO labour-intensive infrastructural programme.
29. Decree-Law No. 2/95 of 31 January 1995, Official Gazette No. 2, Series 1, creating a Minimum Social Welfare regime.
30. Act No. 61/III/89 of 30 December 1989, Official Gazette No. 53, statute governing retirees and survivors' pension.
31. Decree-Law No. 62/87 of 30 June 1987, Official Gazette No. 36, Series 1, supplement, determining the legal regime for labour relations.
32. Act No. 101/IV/93 of 31 December 1993, Official Gazette No. 49, Series 1, third supplement, reviewing the legal regime for labour relations.
33. Decree-Law No. 170/91 of 27 November 1991, Official Gazette No. 47, Series 1, supplement, regulating the exercise of the right of workers to belong to a trade union and participate in related activities.
34. Decree-Law No. 84/78 of 22 September 1978, Official Gazette No. 37, supplement, creating compulsory workplace insurance.

35. Decree No. 135/91 of 2 October 1991, Official Gazette No. 39, Series 1, supplement, creating the National Institute for Social Welfare.
36. Decree-Law No. 120/82 of 24 December 1982, Official Gazette No. 51, supplement, regulating the implementation of the social welfare system created by Decree-Law No. 114/82 of 24 December 1982, Official Gazette No. 51, supplement, and creating new models for the social welfare system; rewording article 101, paragraph 1 and article 103, by Decree No. 8/87 of 14 February 1987, Official Gazette No. 7.
37. Ministerial Decision No. 77/92 of 30 December 1992, Official Gazette No. 25, Series 1, fifth supplement, establishing the monthly amounts allocated under some social welfare system schemes, created by Decree-Law No. 120/82 of 24 December 1982.
38. Decree-Law No. 50/94 of 22 August 1994, Official Gazette No. 30, Series 1, creating the National Employment and Occupational Training Council.
39. Decree-Law No. 51/94 of 22 August 1994, Official Gazette No. 30, Series 1, creating the Employment and Occupational Training Institute.
40. Decree-Law No. 52/94 of 22 August 1994, Official Gazette No. 30, Series 1, creating a fund for the promotion of employment and training.
41. Act No. 103/III/90 of 29 December 1990, Official Gazette No. 52, Series 1, third supplement, establishing the framework of the education system.
42. Act No. 35/III/88 of 18 June 1988, Official Gazette No. 25, regulating access to justice.
43. Regulatory Decree No. 10/2004 of 2 November 2004, Official Gazette No. 33, Series 1, regulating the legal aid regime in the form of a partial or total waiver of legal fees, or payment in instalments.
44. Resolution No. 23/2003 of 6 October 2003, Official Gazette No. 33, Series 1, creating the Poverty Alleviation Commission.
45. Decree No. 83/81 of 18 June 1981, Official Gazette No. 29, establishing the regulations for scholarships abroad.
46. Decree No. 19/2001 of 24 September 2001, Official Gazette No. 31, Series 1, creating the National Human Rights Committee.

Legislation cited (revoked)

1. Act on the Political Organization of the State, People's National Assembly, 5 July 1975, Official Gazette No. 1.
2. Constitution of the Republic of Cape Verde, 1980, with constitutional amendments introduced by Act No. 2781 of 14 February 1981, Constitutional Act No. 1/III/88 of 17 December 1988 and Constitutional Act No. 2/III/90 of 29 September 1990.
3. Family Code (1981-1997), Decree-Law No. 58/81 of 20 June 1981, Official Gazette No. 25.
4. Penal Code (1886).

5. Act No. 80/V/98 of 7 December 1998, Series 1. Official Gazette No. 45, amending some articles of the Penal Code (1886).
6. Decree-Law No. 78/79 of 25 August 1979, Official Gazette No. 34, introducing amendments to the Penal Code (1886) concerning the crime of rape.
7. Decree-Law No. 102/76 of 20 November 1976, Official Gazette No. 87, approving the regulation on nationality.
8. Legislative Decree No. 4/97 of 28 April 1997, Official Gazette No. 16, Series 1, defining some types of crime, including the overworking of minors and disabled children, dependants or of one spouse by the other.
9. Decree No. 58 of 5 June, Official Gazette No. 23, regulating the setting of deadlines, school fees or school-fee exemption stamps in the country's educational establishments.
10. Act No. 62/III/89 of 30 April 1989, Official Gazette No. 53, supplement, Series 1, approving the Framework Act on the Health System.
11. Resolution 40-B/98 of 27 August 1998, Official Gazette No. 31, Series 1, creating the coordination unit for the National Poverty Alleviation Programme (UCP-PNLPL).
12. Decree-Law No. 119/85 of 24 October 1985, Official Gazette No. 42, supplement, governing the conditions of access to the diplomatic corps and defining the diplomatic service in general terms.

Annex II

International treaties cited

1. Convention on the Elimination of All Forms of Discrimination against Women, ratified on 5 December 1980.
 2. International Covenant on Civil and Political Rights, adopted in New York on 16 December 1966, ratified by Act No. 75/IV/92 of 15 March 1993.
 3. International Covenant on Economic, Social and Cultural Rights, adopted in New York on 16 December 1966, ratified by Act No. 75/IV/92 of 15 March 1993.
 4. African Charter on Human and Peoples' Rights, Nairobi, entered into force on 21 October 1986, ratified by Act No. 12/III/86 of 31 December 1986.
 5. Convention on the Rights of the Child, entered into force in September 1990, ratified on 4 June 1992.
 6. Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, ILO Convention No. 100, adopted in Geneva on 29 June 1951.
 7. Convention concerning Discrimination in Respect of Employment and Occupation, ILO Convention No. 111, adopted in Geneva on 25 June 1958.
 8. Convention concerning Labour Inspection in Industry and Commerce, ILO Convention No. 81, ratified on 16 October 1979.
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