

UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

UNIVERSAL PERIODIC REVIEW, 3RD SESSION
CAPE VERDE (FINAL)
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Overview

The delegation of Cape Verde was headed by Ms Marisa Helena Morais, Minister for Justice. The review of Cape Verde was unique in that the State presented its national report orally, rather than in written form as has been the practice thus far.¹ Given the absence of information submitted by the State prior to the session, the States conducting the review drew mostly from the compilation of United Nations (UN) information and that of information submitted by other stakeholders. Ms Morais responded to the majority of questions posed through the course of the review and reflected on the human rights situation in Cape Verde in a forthright manner, accepting the problems it faces but outlining recent initiatives introduced to address them. Ms Morais accepted the problems of exploitation of children and the prevalence of domestic violence in the State, but underscored the importance of poverty alleviation as a necessary precursor to the effectiveness of specific national strategies. The delegation appeared receptive to recommendations put forward by the reviewing States, particularly with respect to ratifying international instruments. A relatively small number of States participated in the review and it ended an hour earlier than scheduled.

General information on Cape Verde

- Cape Verde is not a member of the Human Rights Council.
- The members of the troika for the examination of Cape Verde were Angola, Bolivia and Saudi Arabia.²
- It is not clear from the information submitted to the Working Group whether any national consultations took place in the preparation of the national report.

Information submitted to the Working Group

Cape Verde did not submit a written **national report** but Ms Morais issued a comprehensive statement addressing the human rights situation in Cape Verde at the beginning of the review. The statement was honest

¹ Most statements made at the UPR Working Group, including the opening presentation, are available at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

² Cape Verde requested that a member of its regional group be among the troika. There were no objections by Cape Verde or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at www.ishr.ch.

in respect of resource constraints but was nonetheless optimistic, addressing a number of initiatives introduced under various national action plans tailored to improve the implementation of human rights in a number of respects. The statement contained practical, realistic plans for the advancement of each right, in most cases as part of a broader policy to alleviate poverty as a fundamental precursor to human rights.

The **compilation of UN information**³ prepared by the Office of the High Commissioner of Human Rights (OHCHR) focuses on: the need to address traditional gender-based stereotyping manifest in systemic discrimination; the prevalence of corporal punishment; the incidence of trafficking in persons, particularly women and girls; the need to better protect children's rights; the need to promote gender equality; and the growing incidence of sexually transmitted diseases, including HIV/AIDS.

Two individual NGOs submitted information to the **summary of stakeholders' information**.⁴ The Global Initiative to End All Corporal Punishment of Children focuses on the lack of express legal prohibition on corporal punishment. The Rede das Mulheres de Cabo Verde (Network of Women Economists of Cape Verde, REDEMEC) expresses its concern that the slow administration of justice has led to full prisons as well as a lack of juvenile courts. REDEMEC also highlights that poor inhabitants occupying State land in vulnerable settlements are often in conflict with the authorities, whom they accuse of discrimination in the land distribution process. Further concern is expressed by REDEMEC at the proliferation of arms among the citizenry and Cape Verde's failure to ratify the *Convention on Small Arms and Light Weapons, Their Ammunition, and Other Related Materials*.

Interactive dialogue⁵

Presentation by the State

Ms Morais delivered a well-structured national report outlining positive developments Cape Verde has made in recent years in raising literacy levels and reducing the child mortality rate. Ms Morais discussed specific national strategies to address labour rights, child and adolescent rights, the rights of women and the right of access to health and education. These initiatives are part of a broader plan to alleviate poverty and reduce social inequality. Of particular note, Ms Morais presented the recent establishment of the National Commission for Human Rights and Citizenship.

Themes and issues

During the review, States congratulated Cape Verde on the **progress** it has made in recent years with respect to the promotion and protection of human rights. Many States⁶ welcomed the social and economic development accomplished in recent years by Cape Verde and commended the national plan to alleviate poverty as a matter of foremost priority. The Working Group welcomed the establishment of the National Commission for Human Rights and Citizenship in line with the *Paris Principles*.⁷ States congratulated Cape Verde for recent legislative action; specifically, the adoption of a new Labour Code reflecting international standards and raising the minimum working age to 15, and a new Penal Code in 2004 incorporating international crimes into domestic law and criminalising domestic violence. A number of States⁸ suggested Cape Verde extend a standing invitation to Special Procedures mandate-holders to review this relatively new human rights framework.

³ A/HRC/WG.6/3/CPV/2, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CCVSession3.aspx.

⁴ A/HRC/WG.6/3/CPV/3, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CCVSession3.aspx.

⁵ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

⁶ Chile, Canada, Senegal, China, Slovenia.

⁷ France, Netherlands, Mexico, Brazil.

⁸ Maldives, Senegal, Latvia, Brazil.

Reports of **child labour and child prostitution** were a principal concern raised by many States.⁹ Ms Morais accepted that this is a serious problem brought about by poverty and exacerbated by sex tourism. She affirmed that addressing the issue is a national priority. Cape Verde drew attention to the work of the Cape Verdean Child and Adolescent Institute as well as civil society actors¹⁰ in ensuring the protection of children's rights whilst providing a necessary support system. Cape Verde drew an important link between child abuse and poverty and stressed that the National Programme for the Fight Against Poverty will provide the most sustainable solution to the problem. In addition, a few States¹¹ called for legislative action to forbid corporal punishment, but Cape Verde did not respond to the issue at review.

A number of States¹² expressed concern about **prison overcrowding and the conditions of detention facilities**. Some States¹³ called for reform of the judicial system to minimise the pre-trial detention period in compliance with international standards. Cape Verde declared that it has recently made investments to establish new detention facilities to double current capacity levels. It further explained that the new facilities will permit distinction between adult and juvenile detainees. Furthermore, Sweden drew attention to reports of **police brutality and torture in detention**, recommending that Cape Verde ratify the Optional Protocol to the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT), and ensure perpetrators are punished and victims receive support. In this regard, Cape Verde denied allegations of systematic torture and insisted references to such conduct refer only to isolated incidents. Cape Verde assured the Working Group that there are laws against such behaviour and all offenders are prosecuted. Additionally, Cape Verde expressed its readiness to ratify OPCAT .

A number of States¹⁴ raised the need to eliminate the high incidence of **domestic violence and discrimination against women** entrenched in traditional values, questioning Cape Verde on the measures it had adopted to address both issues. Cape Verde admitted that while the State has progressed in this regard, there is still much to do. Cape Verde outlined the role of the Cape Verdean Institute for Equality and Fairness of Gender in co-ordinating civil society groups to support victims of domestic violence and raise awareness of the issue. Cape Verde also reported that it would soon be in a position to ratify the Optional Protocol to the *Convention on the Elimination of All Forms of Discrimination against Women*.

States also engaged Cape Verde on the following themes: trafficking;¹⁵ the de-criminalisation of homosexual activity;¹⁶ the recent deployment of military police in urban areas;¹⁷ ratification of the *Rome Statute of the International Criminal Court*;¹⁸ anti-corruption and anti-money-laundering laws;¹⁹ discrimination against the disabled;²⁰ Cape Verde's routine failure to submit human rights reports to the treaty bodies;²¹ and treatment facilities for HIV victims.²²

⁹ Chile, France, Germany, Italy, Netherlands, Luxembourg, Mexico, Portugal, United Kingdom, Angola.

¹⁰ The Infant Emergency Centre in Praia and 'Disc Denuncia', a call centre for children. Both of these initiatives were described in the opening statement delivered by Ms Morais.

¹¹ Chile, Germany.

¹² France, Italy.

¹³ Chile, Netherlands, Canada.

¹⁴ Algeria, France, Argentina, Germany, Luxembourg, Canada, Portugal, United Kingdom, Slovenia, Brazil.

¹⁵ Chile, Germany.

¹⁶ Sweden.

¹⁷ Netherlands.

¹⁸ Portugal, Brazil.

¹⁹ Netherlands.

²⁰ Netherlands, Mexico.

²¹ United Kingdom, Cameroon.

²² Brazil.

Adoption of the report

The Working Group adopted its draft report on Cape Verde with no objections on 15 December 2008. At the adoption, the troika thanked Cape Verde for the work that had taken place, commenting on the positive and constructive spirit of the meeting. The delegation of Cape Verde expressed its gratitude to all delegations that took part, particularly the troika, and emphasised its need for support from the international community. The delegation stated that the recommendations will be responded to in due course.

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