



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Concluding observations on the initial report of Cabo Verde\*

1. The Committee considered the initial report of Cabo Verde (E/C.12/CPV/1) at its 45th and 46th meetings (see E/C.12/2018/SR.45 and 46) held on 4 October 2018, and adopted the present concluding observations at its 58th meeting, held on 12 October 2018.

#### A. Introduction

2. The Committee welcomes the initial report of Cabo Verde, despite the long delay in submission. The Committee expresses its appreciation for the open and constructive dialogue with the State party's high-level delegation and welcomes the fact that the initial report benefited from consultations with civil society organizations.

#### B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to ensure protection of economic, social and cultural rights in the State party, notably the introduction of a national minimum wage by Decree-Law No. 6/2014 and the adoption of the National Programme for the Fight against Poverty, the Strategic Plan for Sustainable Development and the National Plan on Gender Equality.

#### C. Principal subjects of concern and recommendations

##### National human rights institution

4. The Committee is concerned that the National Commission for Human Rights and Citizenship does not enjoy sufficient independence or autonomy, nor does it have the resources necessary for its work (art. 2 (1)).

5. **The Committee recommends that the State party expedite the approval of the statute proposal submitted by the National Commission for Human Rights and Citizenship, which should bring it into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee also recommends that the State party allocate sufficient resources to the Commission to allow it to function in an independent and effective manner.**

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\* Adopted by the Committee at its sixty-fourth session (24 September–12 October 2018).



### **Domestic application of the Covenant**

6. The Committee is concerned that the Covenant has not been invoked in any court rulings in the State party, despite the provisions in article 12 of its Constitution, which stipulate that ratified international treaties are part of domestic law.

7. **The Committee recommends that the State party raise awareness among judges, lawyers and public officials of the justiciability of the rights enshrined in the Covenant, including through training programmes, to encourage the direct invocation of those rights in the courts of the State party. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.**

### **Climate change and disaster risk reduction**

8. The Committee is concerned at the impact that natural disasters and the cyclical droughts in the State party have on the most vulnerable people and the enjoyment of their economic, social and cultural rights, which could be compounded by the effect of climate change.

9. **The Committee recommends that the State party: (a) strengthen its public policies and strategies aimed at mitigating the impact of natural disasters and climate change on the population and reducing the vulnerability of communities, including for those whose livelihood is dependent on climatic conditions, such as farmers; (b) improve the structural safety of houses and infrastructure; and (c) regularly update its contingency and relocation plans, in consultation with the communities concerned.**

### **Inequality**

10. The Committee remains concerned at persistent inequalities in the State party and at the disparity between islands, despite some progress achieved (art. 2 (1)).

11. **The Committee recommends that the State party ensure that economic, social and fiscal policies, including the Strategic Plan for Sustainable Development, seek to end the unequal enjoyment of the rights enshrined in the Covenant. In particular, the Committee recommends that the State party: (a) ensure that indicators in the social database programme designed to map households living in poverty are effective for monitoring inequalities; and (b) develop its basic infrastructure programmes in order to improve access to basic services, including for those living on less developed islands.**

### **Maximum available resources**

12. Taking into account the decision made by the State party to control the budgetary deficit to enhance the competitiveness of its national economy, the Committee is concerned by the adverse impact that austerity measures can have on disadvantaged and marginalized persons. The Committee notes that the financial support obtained through international cooperation has diminished since the State party became a middle-income country (art. 2 (1)).

13. **The Committee recommends that the State party:**

(a) **Ensure adequate budget allocations for social spending in favour of the most disadvantaged groups when making budgetary adjustments;**

(b) **Strengthen budget planning and execution to avoid underutilization of resources;**

(c) **Ensure that public policies guarantee enjoyment of the minimum core content of rights at all times;**

(d) **Review its fiscal policy in order to improve its capacity to mobilize the domestic resources necessary to replace the reduced amount of international aid;**

(e) **Continue to seek assistance from relevant international organizations and development agencies.**

### Corruption

14. The Committee is concerned at the persistence of corrupt practices, in spite of several measure taken by the State party.

15. **The Committee recommends that the State party address the root causes of corruption and continue its efforts to combat the practice by pursuing ongoing initiatives and reforms related to taxation, procurement, oversight and money-laundering, and ensuring the effective implementation of the integrated plan to combat corruption. Moreover, the Committee recommends that the State party ensure a safe and favourable environment for anti-corruption activists and protect them from violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action they may face as a consequence of their anti-corruption activities.**

### Non-discrimination

16. The Committee notes the existence of legal provisions prohibiting discrimination in certain areas, although it remains concerned at the lack of comprehensive anti-discrimination legislation in the State party (art. 2 (2)).

17. **The Committee recommends that the State party consider adopting a comprehensive anti-discrimination law prohibiting all forms of discrimination, including indirect discrimination, based on the grounds listed in article 2 (2) of the Covenant. The Committee also recommends that the State party increase its efforts to enforce the existing legislative provisions related to discrimination, and to ensure that perpetrators of discriminatory acts are held accountable and that victims have access to effective remedies. Moreover, the Committee recommends that the State party conduct awareness-raising campaigns to combat stereotypes affecting persons and groups at risk of discrimination, such as persons living with HIV/AIDS. The Committee draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

### Rights of persons with disabilities

18. While acknowledging the efforts made by the State party to promote and protect the rights of persons with disabilities, the Committee remains concerned that these persons still face barriers hindering their full integration into society and contributing to their social isolation. In particular, the Committee is concerned that:

(a) Many facilities and services open to or provided for the public do not meet the accessibility requirements established by the law;

(b) The employment rate of persons with disabilities is low, partially due to the fact that regulations concerning their recruitment are not sufficiently disseminated and job advertisements are not usually accessible to persons with a visual impairment;

(c) Workplaces fail to provide reasonable accommodation to facilitate the employment of persons with disabilities;

(d) Negative stereotypes and prejudices against persons with intellectual or psychosocial disabilities are prevalent (arts. 2 (2), 6 and 7).

19. **The Committee recommends that the State party:**

(a) **Step up its efforts to enforce the legislation relating to the accessibility of facilities and services open to or provided for the public, and conduct an assessment of the relevant legislation and take corrective measures;**

(b) **Disseminate the existing regulations on the employment of persons with disabilities and assess their effectiveness;**

(c) **Ensure that job advertisements for persons with a visual impairment are accessible, and promote the provision of reasonable accommodation in the workplace;**

(d) **Raise awareness of the capabilities of and contributions made by persons with disabilities.**

### **Rights of same-sex couples**

20. The Committee notes with concern that same-sex couples cannot legally formalize their union in the State party (art. 2 (2)).

21. **The Committee recommends that the State party take steps towards the legal formalization of same-sex unions, with a view to offering same-sex couples the same rights and protection as heterosexual couples.**

### **Equality between men and women**

22. The Committee is concerned that, despite the adoption of the National Plan on Gender Equality, there is still widespread gender inequality in the State party. The Committee is concerned that women are underrepresented in the judiciary, the National Assembly and the civil service. The Committee is also concerned that the strong gender stereotypes in the State party are hindering the full and equal participation of women in political and public life (art. 3).

23. **The Committee recommends that, in its implementation of the National Plan on Gender Equality, the State party:**

- (a) **Expedite the adoption of gender equality legislation;**
- (b) **Promote the sharing of domestic and care responsibilities between men and women, including through the introduction of paternity leave;**
- (c) **Develop campaigns targeting lawmakers, political parties, the judicial system and the public to combat gender stereotypes and raise awareness of the benefits of gender equality;**
- (d) **Offer training and incentives to women to encourage their participation in the public and political spheres.**

### **Youth unemployment**

24. The Committee is concerned at the extremely high level of unemployment among young people, particularly young women. It notes with concern that the curricula of formal education training programmes are not adapted to the needs of the labour market, which makes it difficult for young people to secure a first job (arts. 3, 6 and 12).

25. **The Committee recommends that the State party increase measures to reduce unemployment among young graduates, especially young women, in both urban and rural areas, including by:**

- (a) **Developing curricula and training programmes that enable them to acquire skills that are needed in the labour market;**
- (b) **Expanding the coverage of its national professional internship programme and vocational training programmes;**
- (c) **Assessing the effectiveness of tax incentives in place for hiring young people;**
- (d) **Ensuring that these measures are also tailored to the needs of young women seeking employment.**

### **Employment of women**

26. The Committee is concerned at the low level of participation of women in the labour market (10 per cent lower than the level of participation of men) and at the high level of unemployment among women. The Committee is also concerned at the wide and persistent wage gap between men and women, the vertical and horizontal segregation in the labour market and the high proportion of women in precarious employment situations. Moreover, it notes that women are predominantly involved in the informal economy and, as a consequence, they are less likely to be covered by contributory social security schemes and more likely to receive non-contributory social pensions, which currently cover only 20 per cent of the

subsistence minimum. Women therefore have lower incomes and lower pensions, making them particularly vulnerable to poverty, especially in old age (arts. 6, 7 and 10).

**27. The Committee recommends that the State party take measures to encourage and facilitate the participation of women in the labour market and to address barriers hindering their participation, particularly by:**

- (a) **Tackling the root causes of the low level of participation of women in the labour market, including stereotypes and traditional gender roles;**
- (b) **Combating discrimination against women in recruitment processes;**
- (c) **Adopting measures to support working women in taking up full-time employment in the formal economy, including by developing affordable day-care solutions for children and other measures to help men and women reconcile their professional and family lives;**
- (d) **Extending the duration of maternity leave to a minimum of 14 weeks, as recommended by the International Labour Organization (ILO);**
- (e) **Supporting women's career development to allow them to reach high-level positions and positions in sectors where they are underrepresented, with a view to addressing the vertical and horizontal gender segregation in the labour market;**
- (f) **Enforcing the legal provisions on equal pay for work of equal value for men and women;**
- (g) **Ensuring that social benefits effectively alleviate the effect of career interruptions and other disadvantages women face throughout their professional lives that prevent their enjoyment of the right to an adequate standard of living, including in old age.**

#### **Minimum wage**

28. The Committee is concerned that many employers, especially in the agricultural and domestic service sectors, do not comply with the legal obligation to pay the minimum wage. Moreover, the Committee is concerned that the current minimum wage does not provide a decent living for workers and their families (art. 7).

**29. The Committee recommends that the State party strengthen its enforcement of the minimum wage, including through inspections in sectors such as agriculture and domestic service. The Committee also recommends that the State party ensure that the minimum wage is providing a decent living for workers and their families, including by periodically reviewing its amount and indexing it to at least the cost of living.**

#### **Just and favourable conditions of work**

30. The Committee is concerned that without adequate safeguards, the labour reforms undertaken in 2015 to make the country more attractive to investors and the liberalization of the labour market will increase job insecurity and disproportionately affect the most vulnerable workers (art. 7).

**31. While acknowledging the need to strike a balance between the security of employment and the flexibility of the economy, the Committee recommends that the State party safeguard the rights of workers, especially the most vulnerable. The Committee draws the State party's attention to its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

#### **Domestic workers**

32. The Committee is concerned that domestic workers in the State party do not enjoy just and favourable conditions of work.

**33. The Committee recommends that the State party take effective measures to disseminate and better enforce the legal provisions related to the labour and social security rights of domestic workers, and to ensure that domestic workers enjoy their**

**rights. Moreover, it encourages the State party to ratify the ILO Domestic Workers Convention, 2011 (No. 189).**

#### **Informal economy**

34. The Committee is concerned at the high proportion of the population of the State party employed in the informal economy, without access to social security or labour rights protection (arts. 7 and 9).

**35. The Committee recommends that the State party intensify its efforts to bring more workers into the formal economy, to promote the formalization of informal businesses and to increase the proportion of workers covered by labour legislation and the contributory social security system.**

#### **Trade union rights**

36. While noting that the freedom of trade union membership and the right to strike are guaranteed by the Constitution of the State party, the Committee is concerned that trade unions have reported infringements of the right to strike (art. 8).

**37. While acknowledging the need to maintain minimum essential services, the Committee recommends that the State party ensure that the right to strike is protected and that restrictions on the right to strike for certain sectors of work are interpreted in the strict sense, in line with the ILO principles concerning the right to strike.**

#### **Right to social security**

38. The Committee is concerned that the basic social pension, currently set at 5,000 escudos per month, does not guarantee an adequate standard of living for pensioners. Moreover, the Committee is concerned that in practice, many employers do not enrol domestic workers in the social security system or they fail to pay their share of compulsory contributions. The Committee also notes that the financial sustainability of the social security system in the State party is under pressure (art. 9).

**39. The Committee recommends that the State party ensure: (a) that allowances are adequate, including by indexing revisions of the basic social pension to the cost of living; (b) effective control of the enrolment of workers in the social security system and of the payment of compulsory contributions, in particular for domestic workers; and (c) effective administration and supervision of the social security system so as to safeguard its financial sustainability. The Committee draws the State party's attention to its general comment No. 19 (2007) on the right to social security.**

40. While noting that the State party has concluded social security agreements with several countries hosting Cabo Verdean migrant workers, the Committee is concerned that not all migrants from the State party have access to social protection (art. 9).

**41. The Committee recommends that the State party pursue its efforts to reach out to host countries and Cabo Verdean migrants, with a view to guaranteeing their right to social security.**

#### **Child protection**

42. The Committee is concerned by the high proportion of children living in poverty, notably those living in single-headed households (arts. 10 and 11).

**43. The Committee recommends that the State party allocate adequate resources and set clear indicators for the implementation of the National Programme for the Fight against Poverty and the Strategic Plan for Sustainable Development, and pursue targeted measures to bring children and households out of poverty in urban and rural areas.**

44. The Committee is concerned at the persistence of child exploitation and violence against children, including sexual violence, in the State party. It is also concerned that, despite its prohibition, child labour remains prevalent in the State party, notably due to poverty (arts. 7 and 10).

45. **The Committee recommends that the State party pursue its efforts to protect children against abuse, violence and exploitation, including through the effective implementation of the national plan to tackle child abuse and exploitation, awareness-raising campaigns and targeted awareness programmes for teachers and medical personnel working with children. It also recommends that the State party continue to take effective measures to prevent and eradicate child labour, such as extending its support to disadvantaged families and households and providing them with incentives to keep children in school.**

#### **Birth registration**

46. The Committee welcomes the efforts made by the State party to increase the number of registered births, notably by stipulating that parents register their newborn child at the hospital. However, it is concerned that children who are not born in hospitals are not being registered (art. 10).

47. **The Committee recommends that the State party continue to raise awareness among the population of the need for birth registration and of the adverse effects that non-registration can have on children's enjoyment of their economic, social and cultural rights. Moreover, the Committee urges the State party to address the obstacles to birth registration, particularly in rural areas.**

#### **Sexual and gender-based violence**

48. The Committee is concerned at the prevalence of gender-based violence in the State party, the limited enforcement of Law No. 84/VII/2011 on Gender-based Violence, and the lack of resources allocated to adequate responses. It notes with concern the lack of training for law enforcement agents, judicial officers and medical personnel on handling cases of gender-based violence and the lack of referral services for victims. It also notes with concern that the fear of stigmatization and discrimination often deters survivors of gender-based violence from reporting offences, which contributes to the impunity of perpetrators (art. 10).

49. **The Committee recommends that the State party allocate the necessary human and financial resources for the full enforcement of Law No. 84/VII/2011 on Gender-based Violence and take appropriate measures to prevent gender-based violence, to improve the judicial response to cases of gender-based violence and to provide coordinated support services to victims. In particular, it recommends that the State party: (a) ensure that shelters and safe houses are available; (b) provide law enforcement agents, judicial officers and medical personnel with training on how to address cases of gender-based violence and how to support survivors; and (c) conduct campaigns aiming to raise awareness of the relevant legislation on gender-based violence and existing services for victims, and to reduce the stigmatization of and prejudice towards survivors.**

#### **Right to housing**

50. The Committee is concerned at the difficulties faced by vulnerable individuals and families in accessing adequate housing and at the growth of informal settlements. It is also concerned at the poor and unhealthy living conditions in informal settlements, which have led to a high level of violence and crime (art. 11).

51. **The Committee recommends that the State party pursue its efforts to reduce the number of persons living in unhealthy and unsafe conditions, including by upgrading informal settlements and providing access to affordable basic services, including water, sanitation and electricity. The Committee also recommends that the State party ensure access to affordable and adequate housing for the most vulnerable individuals and groups, particularly through the development of the housing programme "Home for All" (*Casa para Todos*) and through providing assistance tailored to the needs of persons and families with a low income.**

### **Right to water**

52. The Committee notes with concern that many people living in rural areas have no access to the public water supply. Consequently, they resort to other sources of water that are not always safe for drinking and are significantly more expensive (art. 11).

**53. The Committee recommends that the State party pursue its efforts to ensure safe and affordable drinking water for all by increasing desalination capacity, expanding the distribution network and increasing the number of households connected to the public water supply throughout the country, including in isolated and rural areas.**

### **Right to health**

54. The Committee is concerned at the lack of training for medical personnel on attending to persons living with HIV/AIDS, who continue to face stigmatization in the health-care system. It is also concerned at the lack of confidentiality relating to their status (arts. 2 (2) and 12).

**55. The Committee recommends that the State party take steps to ensure that persons living with HIV/AIDS enjoy their right to the highest attainable standard of health without discrimination, including by establishing adequate training programmes for medical personnel at different levels in order to combat stereotyping and stigmatization, and provide them with the knowledge and tools necessary to offer adequate care to persons living with HIV/AIDS, including the protection of their privacy.**

56. The Committee is concerned at the lack of medical personnel qualified to provide services to persons with disabilities, particularly in the field of sexual and reproductive health. The Committee is also concerned that the medical equipment in health-care facilities is often not adapted to persons with disabilities (arts. 2 (2) and 12).

**57. The Committee recommends that the State party take steps to ensure that persons with disabilities enjoy their right to the highest attainable standard of health without discrimination. In particular, it recommends that the State party:**

(a) **Provide training for medical personnel at different levels, with a view to combating stereotypes and stigmatization and providing adequate services to persons with disabilities, including sexual and reproductive health care;**

(b) **Monitor public and private health facilities for accessibility on a regular basis and adapt them to the needs of persons with disabilities, and ensure that information is made accessible to persons with a visual impairment.**

58. While welcoming the increase in the number of medical doctors and nurses employed in the State party in recent years, the Committee is concerned at the lack of specialists on some islands of Cabo Verde. It is also concerned at the lack of adequate transportation to evacuate patients in critical situations to islands where hospitals are located (art. 11).

**59. The Committee recommends that the State party strengthen the medical evacuation and referral system to hospitals in order to ensure the smooth and fast handling of patients, and allocate an adequate budget for the human, material and financial resources necessary for evacuations, including transportation and maintenance costs. It also recommends that the State party recruit more specialized physicians, including on the less populated islands.**

60. The Committee is concerned at the lack of adequate services for persons with mental health conditions and that many of these persons are left on the street without care or locked in their homes by relatives (art. 11).

**61. The Committee recommends that the State party develop a community-based mental health-care system with an adequate resource allocation, including for the recruitment of qualified personnel. Furthermore, it recommends that the State party conduct activities to raise awareness of mental health issues and disorders among the public and to reduce the stigma attached to them.**

### **Right to education**

62. While noting that children are entitled to free schooling up to the seventh grade, and that the State party is planning to extend that entitlement to the eighth grade, the Committee is concerned at the difficulties faced by disadvantaged households with regard to indirect costs, such as transportation and meals. The Committee notes with concern that despite efforts to improve accessibility, children with disabilities still have limited access to the educational system (art. 13).

**63. The Committee recommends that the State party allocate the resources necessary for the implementation of the Strategic Plan for Education. It urges the State party to address barriers to equal access to and enjoyment of the right to education, including by (a) extending its support to disadvantaged households, particularly by covering tuition fees after the seventh grade and providing school transportation and hot meals; and (b) integrating children with disabilities into mainstream schools and improving the accessibility of school buildings and learning materials.**

64. While welcoming the recent legislative changes abolishing the exclusion of pregnant girls from school and the arrangements made for them to continue to attend school, the Committee is concerned at the increasing number of children and young people, in particular girls, who are out of school (art. 13).

**65. The Committee recommends that the State party conduct research on the causes of school dropouts and adopt measures to keep boys and girls in school, such as developing awareness-raising campaigns among the population on the importance of educational achievement; and providing incentives for vulnerable families to keep their children in school and to encourage them to complete their education before they start working.**

66. While welcoming the revision of the school curricula and the introduction of new topics, the Committee remains concerned that not all teachers are adequately trained to implement these new curricula (art. 13).

**67. The Committee recommends that the State party continue to update school curricula to include topics such as civic education, sexual and reproductive health, human rights and gender equality. It also recommends that the State party recruit teachers with a view to ensuring quality education, and provide them with regular training on the new curricula.**

### **Cultural rights**

68. The Committee is concerned that Cabo Verdean Creole is not valued sufficiently in public and cultural life or in the media, despite the efforts made by the State party (art. 15).

**69. The Committee recommends that the State party pursue its efforts to promote the use of Cabo Verdean Creole as the national language of Cabo Verde.**

## **D. Other recommendations**

**70. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.**

**71. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the**

population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).

72. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national, provincial and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the National Commission for Human Rights and Citizenship, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

73. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 5 (national human rights institution), 17 (non-discrimination) and 25 (youth unemployment) above.

74. The Committee requests the State party to submit its second periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 October 2023. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, chap. I).

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