



Convention on the Elimination of All Forms of Discrimination against Women

25 August 2006

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**Committee on the Elimination of Discrimination
against Women**
Thirty-sixth session
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Concluding comments of the Committee on the Elimination of Discrimination against Women: Cape Verde

1. The Committee considered the combined initial, second, third, fourth, fifth and sixth periodic report of Cape Verde (CEDAW/C/CPV/1-6) at its 753rd and 754th meetings, on 18 August 2006 (see CEDAW/C/SR.753 and 754). The Committee's list of issues and questions is contained in CEDAW/C/CPV/Q/6 and the responses of Cape Verde are contained in CEDAW/C/CPV/Q/6/Add.1.

Introduction

2. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial, second, third, fourth, fifth and sixth periodic report, which followed the Committee's guidelines for the preparation of reports, but which was long overdue and lacked reference to the Committee's general recommendations. The Committee expresses its appreciation to the State party for the oral presentation, the written replies to the list of issues and questions raised by its pre-session working group, and the further clarifications to the questions orally posed by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Minister of the Presidency of the Council of Ministers, State Reform and National Defence, and which included the Permanent Representative of Cape Verde to the United Nations and representatives of different government departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.



5. The Committee notes with satisfaction that the report includes reference to the State party's efforts to accomplish the strategic objectives of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women.

Positive aspects

6. The Committee commends the State party for addressing gender equality and the advancement of women through a human rights framework and for taking into consideration international human rights instruments in the development of the National Gender Equality and Equity Plan for the period 2005-2009, and the National Poverty Alleviation Programme.

7. The Committee welcomes the declared commitment and political will of the State party to implement fully the provisions of the Convention and to work towards a speedy ratification of the Optional Protocol to the Convention.

8. The Committee congratulates the State party on its recent legislative reforms aimed at achieving compliance with its obligations under the Convention. In particular, it welcomes the entry into force of the new Criminal Code (2004), the new Code of Criminal Procedure (2005), Regulatory Decree No. 10/2004 of 8 November 2004 relating to legal aid, Regulatory Decree No. 8/2005 of 10 October 2005 regulating the creation of arbitration centres, and Decree No. 30/2005 of 9 May 2005 creating mediation centres, as well as the promulgation of Decree No. 62/2005 of 10 October 2005 creating law centres to promote access to justice and the law.

9. The Committee commends the State party for the establishment, in 1994, of the Institute on the Status of Women, subsequently renamed the Institute of Gender Equality and Equity, and in 2004, of the National Commission on Human Rights and Citizenship. It also commends the State party for the adoption of the National Poverty Alleviation Programme, the Plan of Action for Human Rights and Citizenship and the National Gender Equality and Equity Plan for the period 2005-2009.

10. The Committee expresses its appreciation to the State party for its regular cooperation and partnership with non-governmental organizations in efforts aimed at implementing the Convention, in particular with regard to the provision of technical vocational training programmes targeting the most disadvantaged groups of women, the promotion of income-generating activities for women, the implementation of awareness-raising initiatives and campaigns on domestic violence and women's rights, and assistance in the planning and implementation of various programmes and projects on gender issues.

Principal areas of concern and recommendations

11. While noting that international instruments may be invoked before the courts by any individual, the Committee is concerned that the provisions of the Convention, including the general recommendations of the Committee that interpret the Convention, are not widely known in the country and are not utilized in bringing cases related to gender-based discrimination before the courts.

12. The Committee calls upon the State party to widely disseminate the Convention and the Committee's general recommendations to all stakeholders, including government ministries, parliamentarians, the judiciary, political

parties, non-governmental organizations, the private sector and the general public. The Committee also encourages the State party to develop awareness-raising programmes and training on the provisions of the Convention, including initiatives that aim to sensitize judges, lawyers and prosecutors at all levels.

13. The Committee notes that, although its Constitution refers to the principle of equality, the State party tends to use both the terms “equity” and “equality” in its plans and programmes. The Committee is concerned that the use of the term “equity” may be ambiguous in regard to the achievement of substantive equality between women and men, as required by the Convention.

14. The Committee urges the State party to take note that the terms “equity” and “equality” convey different messages and that it is necessary to avoid conceptual confusion. The Convention is aimed at eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party use the term “equality” in all its efforts aimed at the practical realization of the principle of equality of women and men, as required under article 2 of the Convention.

15. While welcoming that the human and financial resources for the national machinery for the advancement of women have increased over the years, the Committee is concerned that, since the main sources of funding for the activities of the national machinery are provided by international organizations, the national machinery may suffer from a lack of resources in the future. The Committee is also concerned about the limited implementation of the gender mainstreaming strategy by all public institutions and the lack of a strong mechanism to coordinate and assess the implementation of the gender mainstreaming strategy and the results achieved.

16. The Committee recommends that the State party ensure the provision and sustainability of human and financial resources for the national machinery for the advancement of women in the State budget also through bilateral and international cooperation, in order to fully enable the national machinery to continue implementing programmes and projects on gender equality and the advancement of women. The Committee calls on the State party to enhance the use of the gender mainstreaming strategy in all policies and programmes by strengthening the capacity of the national machinery to act as a coordinating mechanism. This should also include strengthening the capacity of all ministries and other government bodies to effectively use the gender mainstreaming strategy, in particular through training and capacity-building measures on gender issues for public officials.

17. The Committee is concerned about the persistence of deep-rooted traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in society at large.

18. The Committee urges the State party to disseminate information on the content of the Convention in the educational system, and review school textbooks, human rights education and gender equality training, with a view to changing existing stereotypical views on and attitudes towards women’s and men’s roles. It recommends that awareness-raising campaigns be addressed to

both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.

19. While welcoming the measures taken by the State party to address violence against women, including the criminalization of domestic violence under the Criminal Code that entered into force in 2004, the Committee expresses its concern that violence against women, including domestic violence, continues to prevail in the country. The Committee is also concerned that insufficient information was provided in the report on the question of sexual harassment.

20. The Committee calls upon the State party to implement a comprehensive and coherent approach to addressing violence against women, which should include prevention efforts, training measures aimed at judicial officers in order to enhance their capacity to deal with violence against women in a gender-sensitive manner and measures to provide support for victims. It also requests the State party to ensure that perpetrators are speedily brought to justice. Moreover, the Committee recommends that the State party closely monitor the impact of its policies and programmes with regard to the prevention of, and redress for victims of, all forms of violence against women, including sexual harassment.

21. While welcoming measures taken to combat human trafficking, including the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the signing of bilateral agreements in both civil and criminal matters with a number of other countries, the Committee is concerned that Cape Verde remains a country of transit for trafficked women and girls. The Committee is also concerned about the exploitation of women and girls who resort to prostitution as a survival strategy, and about the potential negative impact that increased tourism could have on the incidence of prostitution.

22. The Committee calls on the State party to adopt further measures against the trafficking in women and girls and the exploitation of prostitution, as well as to intensify international, regional and bilateral cooperation with countries of origin, transit and destination for trafficked women and girls in order to further curb the phenomenon. The Committee requests the State party to implement measures aimed at improving women's social and economic situation and thus prevent prostitution, to closely monitor the impact of increased tourism on prostitution and to enhance related prevention measures, and to put in place services for the rehabilitation and reintegration of women and girls involved in prostitution.

23. While welcoming the increasing participation of women in some appointed bodies, including the judiciary, where women constitute 46.9 per cent of the total number, the Committee is concerned that women's participation in elected bodies remains low. The Committee is concerned that although the electoral code provides for mechanisms to promote the participation of women in political and public life, there is no regulation on the implementation of such mechanisms.

24. The Committee urges the State party to accelerate and increase the representation of women in elected and appointed bodies, including through the preparation of necessary regulations to put in place the mechanism envisaged

by the electoral code, and to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendations 25, on temporary special measures, and 23, on women and public life. The Committee requests the State party to conduct awareness-raising activities regarding the importance of women's participation in public and political life and at decision-making levels as a democratic requirement. It also requests the State party to encourage men to undertake their fair share of domestic responsibilities so that women can devote time to public and political life.

25. While commending the efforts made by the State party to ensure that women have access to all levels of education, and noting that there is a similar percentage of girls and boys at different levels of the education system, the Committee remains concerned about the high illiteracy rate for women in the country (32.8 per cent), especially in rural areas (44 per cent). The Committee is also concerned that girls and women continue to choose study areas traditionally seen as "female areas" and that they are underrepresented in the technical stream. The Committee is further concerned that a significant number of pregnant girls who leave school as a result of the measure of "temporary suspension of pregnant girls from school" do not resume their studies after giving birth.

26. **The Committee recommends that the State party continue and intensify its efforts to improve the literacy level of girls and women, particularly rural women, through the adoption and implementation of comprehensive programmes, in collaboration with civil society, at the formal and non-formal levels and through adult education and training. The Committee calls on the State party to encourage the diversification of the educational choices of boys and girls in order to attract more women to the fields of science and technology. The Committee requests the State party to continue assessing the measure of "temporary suspension of pregnant girls from school" to ensure that it achieves its intended goal of giving pregnant students an opportunity to resume their studies after giving birth rather than resulting in the abandonment of their studies. The Committee recommends that the State party implement further measures to support pregnant girls and enhance its measures to raise awareness in secondary schools about teenage pregnancy prevention. The Committee encourages the State party to monitor and regularly assess the impact of such policies and programmes in relation to the full implementation of article 10 of the Convention.**

27. While welcoming the adoption of legislative measures to ensure equal rights of men and women at work, the Committee expresses its concern about the de facto discrimination faced by women in employment, as reflected in the hiring process, the wage gap and occupational segregation. It is concerned about the different legal provisions governing the public and private sectors, especially on the issue of maternity benefits, which put women working in the private sector at a disadvantage. The Committee is also concerned that employment in newly established sectors, such as tourism and light industry, may have a negative impact on women if their labour rights are not sufficiently guaranteed.

28. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and to harmonize legal provisions for the public and private**

sectors, especially in relation to the provision of maternity benefits. The Committee requests the State party to pay particular attention to the impact on women of employment in the tourism and light industry sectors. It also calls on the State party to provide in its next report detailed information about the measures taken and their impact on realizing equal opportunities for women.

29. While welcoming the significant progress made in improving women's access to reproductive health care and services, the Committee expresses its concern that the maternal mortality rate remains high, including deaths resulting from unsafe abortions, and which may be an indication that the existing sex education programmes are not sufficient and may not give enough attention to all aspects of prevention, including prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. While noting the work of civil society organizations in the provision of reproductive health services, the Committee is concerned about whether regulations are in place to monitor the quality of services and the observance of ethical standards. The Committee is further concerned that the intended introduction of user fees for the provision of health services may restrict the access of women, particularly of the most vulnerable groups, to those services.

30. **The Committee calls upon the State party to further improve the availability of sexual and reproductive health services, particularly in rural areas, including family planning information and services, and antenatal, post-natal and obstetric services, and to set targets and benchmarks to achieve the Millennium Development Goal of reducing maternal mortality. It also recommends that the State party enhance its measures to increase knowledge of and access to a wide range of contraceptive methods, so that women and men can make informed choices about the number and spacing of children, and women do not have to resort to unsafe abortions, which may result in death, thus increasing the maternal mortality rates. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention paid to the prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. The Committee also recommends that the provision of reproductive health services by civil society organizations be regularly monitored, in terms of both quality of care and the observance of ethical standards. The Committee further recommends that the State party ensure that the introduction of user fees is monitored with a view to eliminating any negative impact they may have, particularly on women of the most vulnerable groups.**

31. The Committee notes with concern that women are the main victims of poverty, in particular women heads of households, unemployed women and women with low levels of education, especially in rural areas.

32. **The Committee urges the State party to pay special attention to the needs of women living in poverty, especially in rural areas. It urges the State party to ensure that those women have access to education, land, technology and income-generating projects. The Committee also recommends that the State party collect data on the situation of rural women, to be included in its next report.**

33. The Committee notes with concern that, although legislation guarantees women equal rights with men in matters relating to marriage and family relations, women still face de facto discrimination in those areas, such as de facto polygamy.

The Committee is also concerned that the legal age of marriage, although established at 18 years for boys and girls, may be lowered to 16 years for boys and girls and while acknowledging the very low percentage of such marriages, the Committee remains concerned that this could encourage early marriages.

34. The Committee requests the State party to implement awareness-raising measures aimed at achieving gender equality in marriage and family relations, as called for in the Committee's general recommendation 21, on equality in marriage and family relations, including measures aimed at eliminating polygamy and at fully implementing the minimum age for marriage at 18 years for both boys and girls.

35. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

36. The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.

37. The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

38. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

39. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

40. The Committee commends the State party for having ratified the seven major international human rights instruments.¹ It notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

41. The Committee requests the wide dissemination in Cape Verde of the present concluding comments in order to make the people, including

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

42. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, which is due in September 2010, in a combined report in September 2010.
