

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review

CAPE VERDE

I. BACKGROUND INFORMATION

Cape Verde has not signed the *1951 Convention relating to the Status of Refugees*, but it did accede to the *Convention's 1967 Protocol* in July 1987 with the following reservation: "In all cases where the *1951 Convention relating to the Status of Refugees* grants to refugees the most favourable treatment accorded to nationals of a foreign country, this provision shall not be interpreted as involving the regime accorded to nationals of countries with which Cape Verde has concluded regional customs, economic or political agreements."

Cape Verde has been party to the regional *Convention Governing the Specific Aspects of Refugee Problems in Africa* (1969 OAU Convention) since 1989.

Cape Verde is not a State party to the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*. Neither has it signed or acceded to the *2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (Kampala Convention).

In 2011 and 2012, only two asylum-seekers who were brought to the attention of UNHCR, and their cases were assessed by UNHCR under its mandate. One individual was recognized and the other was rejected. Both have since departed from Cape Verde and there are at present no registered refugees or asylum-seekers in Cape Verde.

II. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Lack of National Legal and Institutional Framework for Asylum

While Cape Verde acceded to the *1967 Protocol* two decades ago, thereby adhering to the principles of the *1951 Convention*, it has yet to establish national legislation to implement the provisions of the *Convention*. With no national legislation and no institutional body within the Government taking responsibility for asylum-seekers and refugees, Cape Verde is not fully meeting its international obligations in the field of refugee protection.

While very few asylum applications are registered each year, the actual number of asylum-seekers arriving on the territory is unknown, because there is no procedure in place to ensure systematic registration and processing of asylum claims. There is also no information available on the treatment of persons in need of international protection and on effective safeguards against *refoulement* at the border or from within the territory.

Since UNHCR does not have an established presence in the territory, the ad hoc practice to date for the few asylum-seekers who request protection and assistance is referral by the International Organization of Migration (IOM) in Cape Verde to UNHCR's Regional Representation for West Africa in Dakar, Senegal. The cases are evaluated under UNHCR's mandate. Those who are recognized as refugees then need to be resettled to a third country, since no status is available to them in Cape Verde.

Recommendation: UNHCR recommends that the Government of Cape Verde establishes the requisite national asylum legislation and refugee status determination procedure, with the assistance of UNHCR, in order to uphold its international obligations more fully.

Issue 2: Accession to the International Statelessness Conventions

Stateless persons who satisfy the refugee definition contained in article 1A(2) of the *1951 Convention* are afforded the necessary international protection associated with that status. However, the international refugee protection regime does not specifically address the rights of non-refugee stateless persons in need of international protection. Thus, accession to the Statelessness Conventions would establish a framework to prevent and reduce statelessness, in order to avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons, providing them with stability and security, and ensuring the protection of their basic rights. Stateless persons are often discriminated against in their enjoyment of economic, social and cultural rights. An increase in the number of States parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and to ensuring full enjoyment of important rights.

The *1954 Convention relating to the Status of Stateless Persons* ensures minimum standards of treatment for stateless persons in respect to a number of economic, social and cultural rights. These include, but are not limited to, the right to education, employment, housing and public relief. Importantly, the *1954 Convention* also guarantees stateless persons a right to identity and travel documents and to administrative assistance.

Furthermore, the *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life.

Recommendations: UNHCR recommends that the Government of Cape Verde accede to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness*.¹

¹ This recommendation was also made by the Committee on the Rights of the Child, see CRC/C/15/Add.168, Committee on the Rights of the Child, 28th Session, 7 November 2001, paragraph 56

In this context, UNHCR further supports the recommendation by the Committee on the Rights of the Child to “*continue and strengthen its ongoing efforts to raise birth registration levels including through facilitating the birth registration process, raising awareness among parents, increasing resources available to registering authorities and establishing birth registration facilities in hospitals with maternity clinics*” and to “*give particular attention to isolated communities, including those on less populated islands.*”²

Issue 3: Accession to 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa

Despite the momentum in West Africa to sign, ratify and accede to the Kampala Convention on IDPs, Cape Verde is yet to accede to this important regional legal instrument.

Recommendation: UNHCR recommends that the Government of Cape Verde accede to the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*.

Issue 4: Increased State measures to combat human trafficking

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 UNHCR is concerned that Cape Verde remains a country of transit for trafficked women and girls. The UNHCR 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, as noted by the Committee on the Elimination of all Discrimination against Women.

Recommendations: UNHCR welcomes the recommendation by the Committee on the Elimination of Discrimination Against Women (CEDAW) to Cape Verde 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.*” And, further, “*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.*”³

**Human Rights Liaison Unit
Division of International Protection
UNHCR
September 2012**

² CRC/C/15/Add.168, Committee on the Rights of the Child, 28th Session, 7 November 2001

³ CEDAW/C/CPV/CO/6, Committee on the Elimination of Discrimination Against Women, 36th Session, 25 August 2006

ANNEX

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies

- Universal Periodic Review:

CAPE VERDE

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Cape Verde.

CEDAW/C/CPV/CO/6

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 36th session

25 August 2006

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.**

CERD/C/63/CO/3

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, 63rd session 10 December 2003

14. The Committee is concerned about the occurrence of trafficking in persons, affecting in particular foreigners and people of different race or ethnic origin, in the State party which, according to the information received, is used as a transit point by smugglers.

The Committee recommends that the State party monitor closely the phenomenon of trafficking in persons and provide additional and more specific information on the relevant provisions contained in the new Penal Code and their implementation.

Birth registration and the right to identity

33. While welcoming the significant progress made by the State party in increasing rates of birth registration, the Committee remains concerned that a large proportion of children are still not registered at birth.

34. The Committee recommends that the State party:

(a) **Continue and strengthen its ongoing efforts to raise birth registration levels including through facilitating the birth registration process, raising awareness among parents, increasing resources available to registering authorities and establishing birth registration facilities in hospitals with maternity clinics;**

(b) **Give particular attention to isolated communities, including those on less populated islands.**

Refugees

55. The Committee notes the relatively unimpeded access of refugees to the State party, but remains concerned that the State party has not yet ratified international instruments with regard to the protection of stateless persons.

56. The Committee recommends that the State party:

(a) **Continue efforts to ensure full respect for the rights of refugee children;**

(b) **Ratify the 1954 Convention relating to the Status of Stateless Persons;**

(c) **Ratify the 1961 Convention on the Reduction of Statelessness.**

Sexual exploitation and trafficking

59. The Committee is concerned at practices of sexual violence and exploitation of children, including child prostitution, primarily affecting girls but also including boys, such as on the island of Sal. The Committee is concerned that, with increasing tourism, sexual exploitation of children may increase and that there may be incidents of trafficking in children.

60. The Committee recommends that the State party:

(a) **Conduct a study to assess the extent of the sexual exploitation and prostitution of and potential trafficking in children;**

(b) **Strengthen its efforts to address sexual violence and exploitation of children, including prostitution, inter alia through the judicial system, the media and through information campaigns, while also ensuring the protection of children's right to privacy and other relevant concerns;**

(c) **Take action to prevent the trafficking of children and to identify and implement solutions;**

(d) **Develop a National Plan of Action to address sexual exploitation, taking into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996;**

(e) **Seek technical assistance from UNICEF.**