



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION**

**Twelfth periodic report of States parties due in 2002**

**Addendum**

**CAPE VERDE\***

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\* The present report constitutes the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth periodic reports of the Republic of Cape Verde, submitted in one document, due on 2 November 1984, 1986, 1988, 1990, 1992, 1994, 1996, 1998, 2000 and 2002, respectively. For the second periodic report of the Republic of Cape Verde and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/86/Add.4 and CERD/C/SR.662-663.

The annexes supplied by the Republic of Cape Verde may be consulted in the secretariat's files.

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## **Introduction**

1. Cape Verde ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 3 October 1979. According to article 9 of the Convention, one year after entry Cape Verde was to submit its initial report on the legislative, judicial, administrative and other measures adopted to give effect to the provisions of the Convention, which was to be followed by periodic reports every two years. Cape Verde's initial report was submitted only in 1981, however, and its only periodic report in 1984.
2. The present report covers the period from 1984 to the present. It will therefore review the past and attempt to highlight the significant changes which have occurred in the political, economic and social fields in Cape Verde, in order to facilitate an understanding of the causes and effects underlying the present situation with regard to human rights in general.
3. As far as the elimination of racial discrimination in particular is concerned, after a look at the background, a breakdown is given of the population residing in Cape Verde. This is followed by an analysis of the implementation of international treaties for the protection and promotion of human rights in general, which in turn is followed by an assessment of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.
4. This report is still not as it should be. Despite the efforts made by the Ministry of Justice and the National Human Rights Committee, it was not possible to obtain replies to the questions put by CERD following the presentation of the earlier reports. But despite this limitation and the little time available, it was thought worth making the effort to submit this report, with the certainty and the commitment that following reports will be more detailed and more exhaustive.

## **I. LAND AND PEOPLE**

### **A. Physical and geographical aspects**

5. Covering a surface area of 4,033 km<sup>2</sup>, the Republic of Cape Verde is an archipelago made up of 10 islands, of which 9 are inhabited, and 10 rocky outcrops. It is situated 650 km away from the coast of Senegal and 1,400 km from the Canary Islands. Owing to its location at the western extremity of the Sahel, the climate is of the dry tropical kind, characterized by conditions of aridity and semi-aridity, heavily influenced by the north-eastern trade winds, the harmatan wind and the South Atlantic monsoons.
6. Rainfall is low and the drought years are cyclical (between 1718 and 1983, the country experienced 97 years of droughts of varying severity). As a result, water is a scarce resource, and its scarcity affects both agricultural production and water supplies for the population.
7. The islands are of volcanic origin. The soils have little evolved and are poor in organic matter, as a result of climatic effects, erosion and the agricultural methods used, aggravated by the fact that only about 40,000 hectares (10 per cent of the total) are arable. As a result of these factors, there is considerable population pressure on the sparse soil resources, on water resources and on land and marine biodiversity.

8. The flora of Cape Verde consist of 224 species, of which 85 are considered endemic. Most of the species are concentrated on the islands of São Antão, São Nicolau, São Tiago and Fogo, at higher altitudes in the socio-economically, ecologically and scientifically more important areas.<sup>1</sup>

9. With a maritime shelf estimated at 4,000 km<sup>2</sup>, a coastline stretching over 1,020 km and an exclusive economic zone of nearly 800,000 km<sup>2</sup>, Cape Verde's marine resource potential is essentially made up of tuna (25,000/30,000 T), pelagic fish (4,500/6,500 T), demersal fish (3,000/5,000 T) and lobster (90/115 T).<sup>2</sup>

10. According to the National Meteorological Service, there is "excellent availability of solar and wind resources, sufficient to ensure self-sufficiency in energy, provided that they are properly exploited".<sup>3</sup> In fact, average wind velocity is 7.5 m/s, while average solar radiation is of the order of 5 Kwh/m<sup>2</sup>/day.

### **B. Emergence and consolidation of Cape Verdean society**

11. Cape Verdean society emerged from a historic background of settlement by men and women of different races and cultures, of land occupation based on slavery, of colonization and of political and administrative domination of the territory.

12. The Cape Verdean people, contained within an exiguous physical space and characterized by insularity and a Sahelian climate and geographical situation, is the result of a merger between civilizations, a product of time, the fertilization of confrontations, interpenetrations and reinterpenetrations, which, in the course of time, in the configuration of a new social space, has built itself into a complete society with its own values and concepts, its ideas, its standards, its models, its symbols, its dominant cultural characteristics, constituting a coherent, united and rich conglomerate reflecting a markedly cross-bred diversity.

13. The Cape Verdeans, who share the same feeling of belonging and being, the same pride, strength, convictions, sensitivities, approach to the world and ambitions, carry their own identity and personality, which at the same time differentiates them and encompasses them in the universal dimension of culture. As a people, they were able to resist structural and circumstantial adversity, while formulating and appropriating their expression and aspiration towards national independence, which was finally proclaimed on 5 July 1975.

14. These factors of collective consciousness and will have played a decisive role in building the foundations of a process of sustainable development and progress, which the Cape Verdeans undertook after independence, despite the persistence of constraints of a structural nature, which constituted their main obstacle.

#### **1. Population settlement**

15. The settlement of the land, which was uninhabited and therefore devoid of any form of civic organization, began with the discovery of the islands in 1460, in the reign of King Alfonso V of Portugal, with the arrival of Europeans (Portuguese, Genoese and Spanish) and slaves (Mandingas, Wolofs and others) brought over from the African continent.

16. The settlement and occupation of the islands was a slow process, essentially conducted by merchants, who were granted privileges in exchange for developing mercantile activities. The purpose of farming, for instance, was essentially to supply visiting ships, while slaves became a currency of exchange for the import of goods. Owing to the difficulties involved in the settlement of the islands (due to the distance from Portugal, the adverse climate and the limited productive infrastructure) and in developing trade, the occupation of the islands was chiefly agricultural, based on slavery, onto which was grafted a system of “*morgadios*”<sup>4</sup> and “*capelas*”<sup>5</sup> (chapels), while large- and medium-sized landholdings operated according to a system of leases and partnerships, or land grants (*sesmarias*),<sup>6</sup> all these systems giving rise to a large number of small family-held estates.

17. To sum up, the settlement of Cape Verde occurred over two major periods, the first of which went from the discovery of the archipelago to the abolition of slavery in 1838, during which time the territory was used as a store of slaves for the slave trade, while the ruling structures were based on the grants of islands and the output of large plantations; and a second period, during which trade declined and, following the Berlin Conference, the Portuguese colonial administration was reorganized, making Cape Verde into a service colony, supposedly supporting the development of *assimilados*, or assimilated citizens, which lasted until 1975.

## 2. The Cape Verdean language

18. As the peoples and cultures met, so languages confronted, interpenetrated and reinterpenetrated each other, giving rise to the *crioula*<sup>7</sup> (Creole) language, which, with its own terminology and syntax, its own phonetics and its own semantics, represents a form of philosophical thought and logic, embodying the history and the ethnography of the Cape Verdean family.<sup>8</sup>

19. Although it is still not a written language in current use, on a par with other languages, it has been granted the constitutional dignity of being deemed a national language. Several linguists have produced studies about it; writers use it in their literary output; it is used as the means of communication in many official public deeds and in social programmes, and there is a movement and a political will in favour of gradually introducing it into the school curriculum and eventually establishing it as an official language.

20. Portuguese is currently the official language, both for spoken and written purposes, without its use giving rise to any manifestations of rejection or discrimination.

## 3. Religion

21. The spirit of tolerance which permeates the religious spirit of Cape Verde does not give rise, at any rate for the present, to the sort of situations which would require, for instance, investigating the quantitative and qualitative penetration of the various denominations.

22. Ever since the territory was first occupied, the Catholic religion played a leading role in the process of colonization, in particular through the conversion of slaves to Christianity, through the concessions granted in papal bulls and, subsequently, through its establishment as official State religion. This catholicization extended to the training of the clergy and to the field of education, as reflected primarily in the foundation of day schools and seminaries,<sup>9</sup> and already in

the nineteenth century, the seminary Liceu de São Nicolau (1866-1940), which was attended by many writers of the *Claridoso* generation. More specifically, the Christian conversion of Cape Verde occurred in two stages: (a) the missionary stage, from 1460 to 1533, the year the Diocese was created; and (b) the establishment of the Church, from 1533 onwards.<sup>10</sup>

23. Other denominations began to settle in Cape Verde already in the colonial period, especially the Nazarene Church and in recent decades other Christian denominations, so that it may be said that Cape Verdean society is essentially Christian. More recently, the Muslim religion has appeared, especially within the communities originating in Senegal and Guinea-Bissau.

24. From 1975, Cape Verde became a lay State, ensuring de jure and de facto the right to freedom of thought, conscience and religion. According to article 48, paragraph 3, of the Cape Verde Constitution: “churches and other religious communities are separate from the State and are independent and free with regard to their organization and the exercise of their own activities, being looked upon as partners in promoting the social and spiritual development of the Cape Verdean people”.

25. Generally speaking, the religious denominations conduct social activities whose importance is recognized in terms of their civic and educational value, especially the Catholic Church and the Protestant Church, through various NGOs (Cape Verde Caritas and the Nazarene League) which are attached to them and which enjoy a status recognized by law.

### **C. Socio-economic characteristics of Cape Verde**

#### **1. Population dynamic**

26. Structural factors such as territorial fragmentation, limited natural resources, the scarcity of arable land and cyclical droughts, since the beginning determined the economic development of the country and, combined with the indifference of the colonial authorities, severely handicapped the Cape Verdean population in the past, especially in the islands devoted to agriculture.

27. A major feature of the country's demography has always been the considerable mobility of the population, from the point of view both of emigration from the sixteenth and seventeenth centuries onwards, and internal migration, in the form of a rural exodus on the part of young people on a very large scale towards the main urban centres.

28. The migratory flows began in the seventeenth century and, according to the Emigrant Support Institute, by 1998 the diaspora was estimated to have affected 518,180 Cape Verdeans, with 45,000 heading for Angola, 1,000 for Mozambique, 20,000 for Sao Tome and Principe, 2,000 for Guinea-Bissau, 25,000 for Senegal, 200 for Gabon, 264,900 for the United States of America, 5,200 for Argentina, 3,000 for Brazil, 300 for Canada, 80,000 for Portugal, 12,000 for Spain, 25,000 for France, 16,580 for Holland, 3,000 for Luxembourg, 300 for Norway, 10,000 for Italy, 2,400 for Switzerland, 800 for Belgium, 700 for Sweden and 800 for Germany.

With a natural growth rate of the population of 3 per cent per annum, these migratory flows reduced net population growth to 0.9 per cent in 1980 and 1.5 per cent in the 1990s. From 1980 onwards, the migratory flows were considerably reduced, to no more than 2.4 per cent by the year 2000, owing to the restrictions imposed by countries traditionally hosting Cape Verdean workers.

29. From 58,431 inhabitants in 1807, the population grew to 94,935 in 1863, 67,357 in 1867, 147,424 in 1900, 135,190 in 1906, 156,140 in 1915, 149,562 in 1916, 159,675 in 1920, 148,300 in 1927, 153,738 in 1929, 146,299 in 1930, 181,740 in 1940, 158,043 in 1943, 168,789 in 1946, 148,331 in 1950,<sup>11</sup> 199,902 in 1960, 272,571 in 1970, 296,093 in 1980, and 341,491 in 1990.<sup>12</sup> In 2000, the population of Cape Verde was 434,812 inhabitants, of whom 51.9 per cent were female.

30. The average population density is 109.1 inh./km<sup>2</sup>, unevenly distributed over the territory. It may be noted that the urban population (53.7 per cent) is concentrated chiefly in the islands of São Tiago and São Vicente, with greater density in the towns of Praia and Mindelo, the country's main urban centres, while the rural population tends to congregate in the islands oriented towards farming (São Tiago, São Antão and Fogo).

31. At the current rate of 2.4 per cent, population growth is posing serious problems, especially in terms of deteriorating living conditions for the population (through urban concentration, degradation of the environment, and inadequate infrastructures and basic services, such as education, health, housing, sanitation, etc.).

## **2. At the macroeconomic level**

32. Although Cape Verde is listed among the least developed countries (LDCs), it has a per capita GDP of US\$ 1,330; its life expectancy is 69.0 years, its literacy rate 74.8 per cent, and its school attendance rate 96.0 per cent, as a result of which in the year 2000 it occupied the ninety-first position in the world with a human development index of 0.708, which would rank it third in sub-Saharan Africa.

33. In the past 10 years, the country has achieved significant economic results: average growth rate was of the order of 7 per cent; public investment declined from 12.5 per cent of GDP in 1996 to 5.5 per cent in 2000, while private investment increased from 8.4 to 13.8 per cent in the same period; per capita GDP is above the threshold for LDCs; inflation settled down at an acceptable level (4.3 per cent in 1999 and 2.4 per cent in 2000); and the burden of public administration on GDP shrank from 48 per cent in 1995 to 35 per cent in 1998.

34. Despite these results, the production structure of Cape Verde is weak. In effect, the tertiary sector accounted for 68.9 per cent of GDP in 2000, the secondary sector for 19.4 per cent and the primary sector for 11.7 per cent. Moreover, in 2000 exports accounted for on average 5.6 per cent of imports, compared with 4.8 per cent in 1999; current reserves fell from 2.4 months of imports in 1996 to 1.3 in 2000; and in 1998, the public debt amounted to 78.6 per cent of GDP, with an excessive emphasis on domestic debt.

35. It may further be pointed out that, according to UNCTAD, the vulnerability index for Cape Verde is 57.0, which means that it is situated among the most vulnerable developing countries, taking into account criteria which include, among others, the recurring droughts, the lack of infrastructure for retaining water, the fragility of agricultural systems and the high percentage of families engaged in farming.

### 3. On the social level

36. It is worth drawing attention to strong regional asymmetries, some arising from the structural weaknesses referred to above, others resulting from circumstances which always favoured investments in the islands of São Tiago, São Vicente and latterly the island of Sal, which have given rise to migratory flows towards the main urban centres and to serious problems in terms of housing, sanitation, lack of hygiene, etc.

37. *Unemployment and poverty.* Economic unemployment fell from 25/26 per cent in 1998 to 21 per cent in 2000, with variations from one island to another (e.g. São Tiago 19.9 per cent, São Vicente 22.5 per cent, Sal 12.6 per cent and Fogo 32.2 per cent), affecting mainly women (between 10 and 40 per cent in 1997) and young people in the 15-24 age group (around 32.8 per cent). Long-term unemployment rose from 46.3 per cent in 1998 to 53 per cent in 2000.

38. This is one of the most serious problems the country has to face, the main underlying factors being low agricultural productivity, a poor industrial base, a limited internal market and a lack of qualified human resources.

39. Social indicators reveal an alarming situation as far as poverty is concerned: 30 per cent of the population is poor and 14 per cent very poor;<sup>13 14</sup> in 2000 only 25 per cent had access to drinking water (urban: 38 per cent, rural: 7 per cent) and 45 per cent to well water (urban: 38 per cent, rural: 54 per cent); only 9 per cent had access to sewage systems and 15 per cent to septic tanks; 55 per cent of the population has neither a bathroom nor a toilet; 15 per cent of families did not have access to housing; and in 2000, 21 per cent of the working population was still unemployed, especially in the 15-24 age group (43 per cent).<sup>15</sup>

40. *Education.* There has been some progress in this area: basic education was increased from four to six years of compulsory schooling; the number of registered schoolchildren rose to 91,636 in 1999/2000, compared with 69,823 in 1991; 49 per cent of schoolchildren are girls; the net rate of school attendance was as high as 96 per cent; in secondary education, the annual growth rate until 2000 was 18.2 per cent, of which girls accounted for 51 per cent; and the illiteracy rate fell to 25 per cent in 2000, 32.5 per cent among women and 16.5 per cent among men.

41. It has to be admitted that there are still inadequacies as regards the quality and effectiveness of education. This is reflected in a poor mastery of knowledge, inconsistencies in technical training owing to the lack of a coherent model, insufficient qualifications among teaching staff and insufficient and inadequate teaching material.



42. *Health.* In 2000, the general and infant mortality rates fell to 5.6/1,000 and to 28.2/1,000 respectively, while the synthetic fecundity index is four children/woman and the prevalence of contraception 37.1 per cent.

43. *Equity and Gender.* The country's plans and programmes for the promotion of women are incorporated in the national development plans; among schoolchildren, girls account for 49 per cent in primary education and 51 per cent in secondary education; the fecundity rate fell from 6.4 children/woman in 1988 to 4.0 in 2000; women are present to some extent in governing bodies, as well as in local government. Nevertheless, Cape Verdean women still have to face negative stereotypes and are insufficiently represented at the top political level, in the labour market and in cultural affairs.

#### **4. Political background**

44. In the course of its social development, Cape Verde did not acquire any endogenous, operational forms of organization and management, with the attributes of power.

45. In the light of the connections between the colonial public administration and other sectors of activity, especially education, the conclusion emerges that the earlier colonial and fascist regime tried to create a society which was shut in and oriented exclusively towards the metropolis, so that relations with the population were established according to completely rigid rules and principles, which were totally unconnected with the reality and the development interests of Cape Verde.

46. In other words, the colonial administration was dominated by a centralized system and direct administration from the mother country. As a result, there was no emergence of an administrative culture in the service of citizens and the country's development; there was no experience of organized participation by the population, or of decentralization aimed at encouraging the local management by citizens of their own interests and specific problems, nor was there any deconcentration or decentralization of powers in favour of the Government of the province, with the effect that the public administration was subordinated to the logic of policies determined by the colonial Government, which was not only absent, but also far away from Cape Verde.

47. After the events of 25 April 1974 in Portugal, in December of that same year, under the terms of the agreements signed by the Government of Portugal and the African Party of Independence of Guinea and Cape Verde (PAIGC), by Act No. 13/74 of 17 December 1974, the Portuguese Council of State approved the Organic Statute of the State of Cape Verde. A Transition Government was set up to conduct political and administrative affairs, leading up to the proclamation of national independence on 5 July 1975. An effort was made at the time to maintain existing organizational and human resources and to take advantage of the very limited management resources and techniques available in the country, in order to avoid gaps appearing in decision-making and administrative action.<sup>16</sup>

48. When national independence was proclaimed in 1975, the People's National Assembly passed an Act governing the political organization of the State, which enshrined the principle of the unity of Guinea and Cape Verde. That Act remained in force until 1981, when the country

adopted its first Constitution. This no longer contained a reference to unity with Guinea-Bissau, but confirmed the single-party regime (art. 4). Then in 1990, with signs that the system had exhausted its possibilities, article 4 was repealed and political pluralism was recognized.

49. When the first multiparty elections were held in 1991, Cape Verde became a democratic State under the rule of law, with a multiparty regime ensuring political alternation. Presidential and legislative elections are held every five years (1991, followed by 1996 and 2001), and municipal elections (for the Municipal Chamber and Municipal Assembly) every four years (1992, 1996 and 2000), all on the basis of universal, direct and secret suffrage.

50. Indicators of the vitality and soundness of democracy in Cape Verde that are worth mentioning include: the exemplary way in which the country converted in 1990/1991 to a multiparty regime, which was recognized and praised by the international community, and beyond political parties, the active participation of groups of citizens in campaigns for local self-governing bodies.

51. In 1992, the country adopted a new Constitution as it introduced a system of rationalized parliamentary government, enshrining the universal principles of dignity and human freedom, guaranteeing fundamental human rights, the separation and interdependence of the legislative power (Parliament), the executive power (Government) and the judicial power (the courts of law), and pursuing a policy of decentralization allowing local government (vested in bodies elected by the population) administrative and financial independence and significant powers in the area of development.

52. Apart from television, which is State-run, the media are diversified, both the written press and radio, their independence being ensured by the Social Communication Act (Decree-Law No. 172/91), and by the Social Communication Council, which operates as an independent monitoring and supervisory body, safeguarding the right to information, freedom of the press and the independence of the media in relation to the political powers.

53. Cape Verde is made up of 17 districts (known as *concelhos*), corresponding to self-governing municipalities, and by 31 parishes (*freguesias*). The country's capital is Praia, which is situated on the island of São Tiago and in the *concelho* of the same name.

## II. ELIMINATION OF RACIAL DISCRIMINATION

### A. Background

54. The Republic of Cape Verde rejects and strongly condemns any act of discrimination based on race or ethnic origin, so that any acts which are not in conformity with this principle and standard are deemed illegal.

55. The Constitution of the Republic of 1992 and the ordinary legislation contain provisions and institutional mechanisms to protect fundamental rights and freedoms, and there is general agreement regarding the absence of any violation of civil and political rights in Cape Verde involving the responsibility or direct complicity of the State such as might give rise to concern.

56. Cape Verde has already ratified the main international legal instruments concerning human rights (universal instruments for the protection and promotion of human rights, universal instruments on human rights concerning specific matters, universal instruments on human rights concerning specific groups, regional instruments for the protection of human rights). There are already a number of provisions and institutional mechanisms for the protection of fundamental rights and freedoms (political, economic and social rights), regardless of sex, race, religion or economic circumstances, and Cape Verde has been chosen as one of the pilot countries for the human rights reinforcement programme.

57. However, Cape Verde has still not submitted initial or periodic reports on the implementation of most of these instruments.<sup>17</sup> In 2001, it did submit its report on the Convention on the Rights of the Child, while its first report on the Convention on the Elimination of All Forms of Discrimination against Women is now ready for submission.

58. As a result of the reiterated aspiration on the part of civil society and the political will of the Government, the National Human Rights Committee was set up by Decree-Law No. 19/2001. The Committee consists of representatives of the public sector and of civil society (see annex 1). It is responsible for promoting human rights (including promoting and protecting the human rights of children and young persons; combating violence against women, disseminating and protecting the human rights of the elderly; disseminating and protecting the human rights of the disabled; disseminating and protecting the rights of foreign citizens; and promoting civic education) and for promoting and disseminating international humanitarian law, investigating allegations of human rights violations, preparing and developing a national plan of action for the promotion and protection of human rights and also for assisting and advising the Government in all matters relating to human rights.

## **B. State of implementation of the International Convention on the Elimination of All Forms of Racial Discrimination**

### **1. Composition of the resident population**

59. The spatial and historical circumstances from which Cape Verdean society emerged and was formed produced a homogenous population, in which there are no minorities based on considerations of race or religion, economic or social origin.

60. It is worth mentioning the active participation of Cape Verdean communities abroad, which are considered an integral part with full rights of the nation, in the elections for National Assembly deputies and in presidential elections.

61. Social security conventions and agreements have been promoted and implemented with host countries, covering acquired social rights and extending to relatives residing in Cape Verde.

62. In dealing with the situation of individuals who are being expelled for reasons of illegal residence or for offences, the Government of Cape Verde has made every effort politically and diplomatically to ensure that the individuals concerned are granted humane treatment, and that due account is taken either of the specific situation of Cape Verde or of the desirability of family reunions.

63. According to the General Population and Housing Census 2000, there were about 5,000 foreigners residing in the country at the time. Moreover, the Emigration and Frontiers Department reports that 1,962 foreigners held residence permits in 2002, while 1,048 applications had been made for permits, of which 396 concern Portuguese citizens providing services as part of economic and technical cooperation arrangements with Portugal, and 260 mostly originating in Guinea-Bissau, especially individuals who left that country during the conflicts of 1998. The discrepancy between the two sets of figures (amounting to some 1,990) is most probably due to the significant increase in the movement of citizens within the Economic Community of West African States (ECOWAS) (Senegalese, Guineans and Nigerians), who are chiefly involved in street trading. Owing to the nomadic nature of this activity, many of those earning a living in this way are not particularly concerned with having a fixed abode, since the free movement of persons and goods is allowed within ECOWAS.

64. The community of citizens who have come from ECOWAS countries has been able to integrate reasonably harmoniously, although concerns have arisen, connected to a degree of discrimination, on account of the involvement of some members of that community in anti-social practices, such as drug trafficking and prostitution.

65. Some Cape Verdeans, regardless of any numeric or social connotation, tend to refer to foreigners coming from Africa by the term *Mandjaco*. For many people this term is pejorative, although for others it is just a way of distinguishing continentals from other people.

66. There has been, however, a gradual and harmonious integration of that community in Cape Verdean society, as reflected in the establishment of certain service units, marriages with Cape Verdean citizens and Muslim worship.

67. Although there are no statistics available, there is admittedly a growing presence of Asian people (Chinese), who are chiefly involved in the trade of manufactured products. There are no known cases of marginalization in this area, except some occasional, mild reactions to this new form of competition on the part of local operators, especially small- and medium-sized traders.

68. It should be noted that, subject to certain exceptions inherent in the country's sovereignty, the Cape Verdean Constitution (art. 23) confers political and general rights on aliens and stateless persons. These are allowed active and passive voting rights for the election of representatives of local government under the National Electoral Act. This means that foreign citizens who have resided for at least three years consecutively in Cape Verde are entitled to vote, while those who have resided for at least five years may stand for election, and this constitutional provision is not subject to any reciprocity on the part of the countries of origin.

69. The National Human Rights Committee has called for the following measures to be taken:

(a) The National Statistics Institute and the Frontiers and Aliens Department should establish databanks in order to make available regularly updated information concerning foreigners residing in Cape Verde, with a breakdown according to their countries of origin, the area of residence in Cape Verde, and their age, sex and occupation;

(b) In view of the more intense movement of foreigners in Cape Verde, the public authorities should in due course adopt legislative and other measures, which at least might ensure the prevention of potential discriminatory situations arising from possible conflicts of interests or social customs.

## **2. International treaties for the protection and promotion of human rights**

70. The United Nations and the Organization of African Unity having adopted treaties and conventions for the protection and promotion of human rights. Article 11 of the 1992 Constitution provides that “all treaties and conventions which have been validly approved or ratified shall take effect in the Cape Verdean legal system following their official publication and their entry into force in the international legal system and so long as the State of Cape Verde is internationally bound by them” and that: “the norms and principles contained in them shall take precedence, once they have taken effect in the international and domestic legal order, over internal legislative and normative provisions ranking below the Constitution itself”.

71. Since national independence, Cape Verde has ratified the main international treaties on the protection and promotion of human rights, such as:

- International instruments for the protection and promotion of human rights (economic, social and cultural rights; civil and political rights); the Optional Protocol to the International Covenant on Civil and Political Rights and the second Optional Protocol on the abolition of the death penalty<sup>18</sup> have not yet been ratified but are in the course of ratification;
- International human rights instruments on specific matters (elimination of racial discrimination, suppression and punishment of apartheid, equal remuneration for men and women workers, discrimination in employment and occupation), to which the International Convention on the Elimination of All Forms of Racial Discrimination, the subject of this report, belongs;
- International human rights instruments on specific groups (women, children and families; migrant workers and members of their families; freedom of association and protection of the right to organize; right to organize and collective bargaining; aliens, refugees and stateless persons; combatants, prisoners and civilians);
- Regional instruments for the protection and promotion of human rights (African Charter on Human and Peoples’ Rights - 1986; African Charter on the Rights and Welfare of the Child - 1993; Organization of African Unity Convention governing the specific aspects of refugee problems in Africa).

## **3. Efforts to implement the International Convention on the Elimination of All Forms of Racial Discrimination**

72. Generally speaking, the Constitution and other laws of the Republic recognize and protect individual and collective fundamental freedoms unequivocally.

**(a) Principles, rights and freedoms (arts. 1-7)**

**Fundamental rights**

73. The Constitution of the Republic of Cape Verde guarantees respect for the dignity of the human person and recognizes the inviolability and inalienability of human rights, recognizes the equality of all citizens before the law, without distinction based on social origin or economic situation, race, sex, religion, political or ideological convictions and social condition, and ensures the full exercise of fundamental freedoms for all citizens (art. 1). It also guarantees for aliens either permanently or temporarily resident in Cape Verde, or transiting through the national territory, treatment compatible with international human rights standards, as well as the exercise of rights, so long as these are not constitutionally or legally reserved for Cape Verdean citizens (art. 7, para. 1).

**International relations and international law**

74. The State of Cape Verde defends the right of peoples to self-determination and independence and supports the struggle waged by peoples against colonialism or any form of political or military domination or oppression (article 2 of the Constitution); and advocates the eradication of all forms of domination, oppression and aggression, disarmament and the peaceful settlement of conflicts, as well as the establishment of a fair institutional order such as to ensure peace and friendship among peoples (article 3 of the Constitution).

**Rights and duties of citizens**

**(Recognition of the inviolability of rights, freedoms and guarantees)**

75. The State recognizes the inviolability of the rights and freedoms enshrined in the Constitution and guarantees their protection (article 14 of the Constitution).

**(Responsibility of public bodies)**

76. The State and other public bodies are civilly responsible for acts or omissions by their agents perpetrated in the course of their public functions or on account thereof, and which, in any way, violate the rights, freedoms and guarantees to the detriment of the holder thereof or third parties (article 15 of the Constitution).

**(Scope and meaning of rights, freedoms and guarantees)**

77. International laws and conventions may recognize rights, freedoms and guarantees which are not provided for in the Constitution; all constitutional and legal norms concerning fundamental rights must be interpreted and integrated in conformity with the Universal Declaration of Human Rights (article 16 of the Constitution).

**(Access to courts and tribunals)**

78. All individuals are ensured the right to apply to the courts for the protection of their rights or legitimate interests, as well as the right to defence, the right to judicial assistance and access to information and legal advice (article 20 of the Constitution).

79. In the administration of justice, the courts are responsible for settling conflicts between public and private interests, and for ensuring the defence of the legally protected rights and interests of citizens (article 221 of the Constitution), and any norms contrary to the Constitution or to the principles enshrined therein shall be considered invalid (article 225 of the Constitution).

80. Jurisdictional power may also be exercised by tribunals instituted under conventions of supranational organizations to which Cape Verde is a party, in conformity with the rules of competence and procedure established therein (article 223 of the Constitution).

**(Principle of universality)**

81. All Cape Verdean citizens who reside or find themselves abroad enjoy the rights, freedoms and guarantees and are subject to the obligations which are enshrined in the Constitution, so long as they are not incompatible with their absence from the national territory (art. 21).

**(Principle of equality)**

82. All citizens have equal social dignity and are equal before the law; no one may be privileged, gratified or suffer impairment, or be deprived of any right or relieved of any obligation on grounds of race, sex, descendance, language, origin, religion, social or economic conditions or political or ideological beliefs (article 22 of the Constitution).

**(Aliens and stateless persons)**

83. With the exception of political rights and any rights and duties constitutionally or legally reserved for national citizens, foreigners and stateless persons residing or present on the national territory enjoy the same rights, freedoms and guarantees and are subject to the same obligations as Cape Verdean citizens; aliens and stateless persons residing on the national territory may by law be allowed active or passive electoral status to take part in local government elections (article 23 of the Constitution).

**Individual rights, freedoms and guarantees**

**(Right to life and to physical and moral integrity)**

84. Torture is prohibited, as well as cruel, inhuman or degrading treatment or punishment, and in no event may the death penalty be applied (article 26 of the Constitution).

**(Right to freedom)**

85. Freedom of thought and expression, association, religion, worship, intellectual, artistic and cultural creativity, as well as the right to demonstrate and other freedoms enshrined in the Constitution, or in the law or in general or non-conventional international law incorporated within the internal legal system are guaranteed (article 27 of the Convention).

**(Extradition and expulsion)**

86. No Cape Verdean citizen may be extradited or expelled from the country; no alien or stateless person may be extradited for political or religious reasons or for an offence related to opinion; and extradition is not permitted for crimes which, under the law of the applicant State, incur the death penalty or life imprisonment, or if for good reason it is deemed that the person to be extradited may be subjected to torture or to cruel, inhuman or degrading treatment (article 35 of the Constitution).

**(Marriage and filiation)**

87. Everyone has the right to enter into marriage, whether civil or religious; spouses have equal rights and equal civil and political obligations, and children born out of wedlock may not be discriminated against, nor may any discriminatory designation be used in relation to filiation (article 44 of the Constitution).

**(Freedom of expression and information)**

88. Everyone has the right to freedom of expression and the right to propagate his ideas in words, in images or by any other means; no one may be molested on account of his political, philosophical, religious or other opinions. Everyone has the right to inform and to be informed, to seek, receive and impart information and ideas in any form, without limitation, discrimination or impediment (article 45 of the Constitution).

**(Freedom of conscience, religion and worship)**

89. The right to freedom of conscience, religion and worship is inviolable; everyone has the right, individually or collectively, to profess a religion or not, to hold a religious belief of his choice, to take part in acts of worship and freely to express his faith and to manifest his doctrine or belief, provided that he does not impair the rights of others or the common good (article 48 of the Constitution). No person may be discriminated against, persecuted, harmed, deprived of rights, benefited or exempted from duties on account of his religious faith, beliefs or practice (ibid.).

**(Freedom to learn and to educate and teach)**

90. Everyone has the right to learn, to educate and to teach, to attend establishments of teaching and education, freely to choose a branch of learning or course, and to set up schools and educational establishments. Public education shall not be denominational (article 49 of the Constitution).

**(Freedom of movement and emigration)**

91. Every citizen has the right to leave the national territory and enter it freely, and to emigrate (article 50 of the Constitution). Only by court order may any restrictions be imposed on these rights, and then only on a provisional basis (ibid.).



**(Freedom of association)**

92. Associations may be freely constituted, without requiring any administrative authorization (article 51 of the Constitution). Associations for the purpose of promoting violence, racism, xenophobia or dictatorship, or pursuing ends contrary to the criminal law are prohibited (ibid.).

**(Freedom of assembly and demonstration)**

93. All citizens are free to assemble or demonstrate peacefully without carrying arms, even in places open to the public, without the need for any authorization (article 52 of the Constitution).

**(Freedom of intellectual, artistic and cultural creativity)**

94. Intellectual, cultural and scientific creativity is free, as well as the dissemination of literary, artistic and scientific works. Copyright is protected by law (article 53 of the Constitution).

**Rights, freedoms and guarantees of political participation**

**(Participation in public life)**

95. All citizens have the right to participate in political life directly or through freely elected representatives; all citizens over the age of 18 are entitled to vote, a right which may not be restricted except in the case of incapacities established by law (article 54 of the Constitution).

96. All citizens have the right, freely and equally, to accede to public positions and to elected office, in conformity with the law; no one may be disadvantaged in his position, career, job or public or private activity, or in the social benefits to which he is entitled, because he performs public duties or exercises his political rights (article 55 of the Constitution), since impartiality and independence in the exercise of public responsibilities are guaranteed and the necessary disqualifications established to that effect (National Electoral Act).

**Workers' rights, freedoms and guarantees**

**(Right to work, to social security, to vacations and to material assistance)**

97. Work is a right to which every citizen is entitled, and it is the State's responsibility to create the necessary conditions for its effective implementation (article 58 of the Constitution).

98. Gradually, in accordance with the pace of the country's economic development, all workers will become entitled to adequate social security cover in the event of sickness, accident at work, old age or involuntary unemployment, to regular, paid vacations, and to rest, leisure and material assistance (ibid.).

**(Right to remuneration and security in employment)**

99. Everyone is entitled to remuneration in proportion to the quantity and quality of work performed and to security of employment. Dismissals on political or religious grounds are

prohibited; dismissals without a legitimate reason established by law are considered illegal. For equal work, men and women must receive equal remuneration; the law establishes special protection for the work of children, the disabled and women during pregnancy and after delivery, and guarantees working conditions for women that enable them to perform their family and maternal duties (article 59 of the Constitution).

**(Freedom of occupational and trade union association)**

100. All workers are free to form trade unions or occupational associations for the purpose of defending their collective or individual interests and rights (article 61 of the Constitution).

**(Right to strike and prohibition of lock-outs)**

101. The right to strike is guaranteed and it is left to the workers to decide when they deem it appropriate to exercise that right and what interests they wish to defend in that way. Lock-outs are prohibited (article 64 of the Constitution).

**Economic, social and cultural rights and duties**

**(Private enterprise)**

102. Everyone has the right to engage freely in private enterprise, as well as the right to set up businesses or cooperatives, in conformity with the law (article 65 of the Constitution).

**(Right to private property)**

103. Everyone has the right to own private property and the right to transmit that property during his lifetime or after death, as well as the right to inherit (article 66 of the Constitution).

**(Right to social security)**

104. Everyone will gradually, in accordance with the pace of national development, be guaranteed the right to social security, in order to obtain protection when affected by unemployment, sickness, invalidity, old age, orphanhood, and in all situations where the means of subsistence or capacity for work are lacking or diminished (article 67 of the Constitution).

**(Health)**

105. Everyone is entitled to good health and has the duty to defend and promote it, independently of his economic condition. The right to health is ensured through a suitable network of health services and by the gradual introduction of the necessary economic, social and cultural conditions for ensuring the quality of life of the population (article 68 of the Constitution).

## **Social rights**

### **(Education)**

106. Everyone is entitled to education. The State is responsible for providing universal, compulsory and free basic education, the duration of which shall be established by law (article 73 of the Constitution).

### **(Education and culture)**

107. Everyone has the right to education and culture. Education must stimulate creativity, promote the democratic participation of all in national life, tolerance and solidarity, and must contribute to social progress and to a sense of civic and moral responsibility (article 77 of the Constitution).

## **Duties**

### **(General duties)**

108. Everyone incurs duties with respect to his family, society and the State, as well as to other legally recognized institutions. Everyone has the duty to respect the rights and freedoms of others, public morality and the common good (article 80 of the Constitution).

### **(Duties towards others)**

109. Everyone has the duty to respect and give consideration to his fellow human beings without discrimination of any kind, and to maintain relations with them such as to promote, safeguard and strengthen mutual respect and tolerance (article 81 of the Constitution).

## **Family**

### **(Protection by society and the State)**

110. The family is the fundamental unit and basis of all society (article 84 of the Constitution). The family must be protected by society and by the State in order to ensure appropriate conditions for the fulfilment of its social function and for the personal fulfilment of its members (ibid.); everyone has the right to constitute a family (ibid.).

111. Regarding the right of access to any place or service intended for use by the general public, there is no restriction or impediment whatever.

### **(b) National human rights institutions**

112. The National Human Rights Committee (CNDH) was set up in 2001. It consists of 26 members, representing the public sector, political parties and, broadly speaking, different sectors of civil society. Owing to its composition, CNDH creates a strong link between the policies pursued by the public authorities and the actions conducted by civil society, especially from the point of view of formulating and endorsing development policies and programmes.

113. One immediate concern of CNDH is the fact that, despite the Constitution's recognition of the equality of all citizens before the law, no specific rules have been adopted as yet to punish acts of racial discrimination. To make up for this, the Committee has been calling for the adoption by the National Assembly of the draft new Penal Code, containing penalties for: incitement to hatred, war and genocide against a people or an ethnic group; and for the organization of activities that provoke or promote discrimination, hatred or racial violence, racial segregation and slavery.

114. In the near future, CNDH will need to consider the need for the education system to pay more attention to training for the promotion of human rights, or better still, for teaching methods and methodologies to try to inculcate in citizens the universal values of respect for human dignity, tolerance and peace, even though at present school textbooks do expressly mention equality between people, tolerance and respect for other cultures, peoples and ethnic groups.

115. The social media, apart from being attentive to occasional manifestations of prejudice with racial overtones, give considerable coverage to events which either in one form or another promote the elimination of racial discrimination, or which reveal clear signs of racial segregation.

116. The country's NGOs in particular have been organizing meetings, seminars and conferences dealing with a number of issues related to human rights, with the intention of educating and informing the public. There are also a number of cultural societies, which spontaneously put across messages condemning racial segregation, through music, the theatre and other forms of artistic expression.

### **III. CONCLUSION**

117. Cape Verde, which has been independent since 1975 and has been a democratic State under the rule of law since 1991, has always made efforts to ensure the well-being of all those living within its borders, especially through the promotion of human rights and its opposition to all forms of racial discrimination.

118. Underlying the historical make-up of Cape Verdean society, and its struggle for national independence and for the consolidation of democracy, is the collective memory of the people, with its fund of learning about all forms of human discrimination, including the struggle against racial discrimination.

Generally speaking, Cape Verde has already ratified the international human rights treaties and conventions, in particular the International Convention on the Elimination of All Forms of Racial Discrimination.

119. With the adoption of the 1992 Constitution and the establishment of a democratic State under the rule of law, the implementation of the recommendations contained in those conventions was strengthened and further developed, so that it may be confirmed that there are no signs of violations involving the responsibility of government institutions.

120. Generally speaking, the Constitution and other laws of the Republic of Cape Verde recognize and protect individual and collective fundamental freedoms unequivocally. The following rights in particular are safeguarded under the law:

- *The right of participation*: enjoyed by citizens in elections guaranteeing free exercise of the right to vote and to express their preference, in conformity with the Electoral Act; mechanisms allowing the participation and consultation of workers through trade union organizations (National Cape Verdean Workers' Union and Cape Verdean Confederation of Free Trade Unions) and employers' organizations (chambers of commerce), for the purpose of dealing with matters of labour policies, the elaboration and monitoring of employment policy, wages, and management of the social security system, with representations, amongst others, on the Social Coordination Council, National Employment and Training Council and Advisory Youth Council;
- *Civil rights*: related to movement and emigration; nationality; marriage and choice of spouse; the right to individual and collective property; the right to inherit; freedom of thought, conscience and religion;
- *Economic, social and cultural rights*, including: the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment and to fair remuneration; to form and join trade unions; to equality among citizens (women and men) in all spheres of political, economic, social and cultural life, as well as respect for gender equality in the sphere of parental authority and the mutual liberty of each of the spouses to choose an occupation or social activity; to the elimination of situations involving discrimination, physical ill-treatment or the abandonment of children and young persons (Children's Code); to housing, to health, medical treatment and social security; to education and vocational training; and to participation in cultural activities;
- The right of access to any place or service intended for public use (means of transport, hotels and similar facilities, theatres, etc.).

121. The almost complete lack of racially inclined social conflict is due mainly to the fact that Cape Verde has a population of essentially mixed races, where problems related to skin colour or ethnic origin are practically non-existent.

122. In any case, civil society is watchful for any forms of behaviour or passive manifestations with any connotation of discrimination on grounds of race, religious creed, or social or economic origin, and runs organizations of its own engaged in civic activities aimed at informing and creating awareness among the public.

123. The legal system is amply dedicated to defending and protecting rights and duties against racial discrimination, being open to constant improvement and development. Furthermore, considerable efforts are made to strengthen the role of public institutions and civil society with regard to education and awareness-raising among citizens, whether national or foreign, in order to ensure that the progress already made is consolidated and perpetuated, within the framework of a gradual, integrated and harmonious process of development.

124. On the other hand, CNDH intends to implement its plan of action, with the usual keen support of civil society and the associations concerned, and relying on the effective commitment of the Government, which will undoubtedly be anxious to give more visibility to and consolidate the struggle against all forms of racial discrimination. CNDH is also relying on the assistance of the Committee on the Elimination of Racial Discrimination in its efforts to implement its plan of action, and in particular for the preparation of the forthcoming periodic reports.

### Notes

<sup>1</sup> See *White Book on the state of the environment in Cape Verde, 2000*.

<sup>2</sup> Ibid.

<sup>3</sup> See Mission Report on the Thematic Study “Renewal Energy and the Environment”, final report, May 2001, UNDP, p. 8.

<sup>4</sup> *Morgadio*: A system whereby property is inseparably linked to one family, in inalienable ownership, passing to the first-born child, to the exclusion of all siblings, who are entitled only to part of the returns obtained on the property.

<sup>5</sup> *Capela*: Property vested in real estate (land) in support of a charity, in exchange for acts of worship, such as masses.

<sup>6</sup> *Sesmaria*: A system whereby the colonizers, who received grants of land, were allowed a period of five years to make them profitable.

<sup>7</sup> According to Frederico Cerrone, in his *História da Igreja de Cabo Verde* (History of the Church in Cape Verde), 90 years after the islands were discovered, the creole language was already used as a means of communication between whites and blacks.

<sup>8</sup> See Baltazar Lopes da Silva, *O dialecto crioulo de Cabo Verde*, Lisbon, Imprensa Nacional/Casa da Moeda, 2nd edition, 1984.

<sup>9</sup> See Frederico Cerrone, *Historia da Igreja de Cabo Verde (subsídios)*.

<sup>10</sup> Ibid.

<sup>11</sup> See António Carreira, *Demografia Caboverdiana - Subsídios para o seu estudo* (1807/1983, ICL, 1st edition, 1985), p. 42.

<sup>12</sup> See RGPH Census 2000 - Preliminary results.

<sup>13</sup> UNDP, *Cooperation for Development - Cape Verde, 1998 report*, p. 18.

<sup>14</sup> The data date back to 1988 and are therefore obsolete.

<sup>15</sup> Information bulletin of the Bank of Cape Verde, 2000.

<sup>16</sup> See report on the changing structure of the Cape Verdean public administration, MJAPT/SEAP, August 1991, pp. 3-4.

<sup>17</sup> See report of the mission to assess the human rights situation in Cape Verde, New York, December 1999.

<sup>18</sup> Article 26 of the Constitution establishes that in no case shall the death penalty be applied.

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