



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-third session
4-22 August 2003

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

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

CAPE VERDE

1. The Committee considered the third to twelfth periodic reports of Cape Verde, submitted in a single document (CERD/C/426/Add.1), at its 1586th and 1587th meetings (CERD/C/SR.1586 and 1587) held on 5 and 6 August 2003. At its 1602nd meeting (CERD/C/SR.1602), held on 15 August 2003, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the third to twelfth periodic reports as well as the additional information provided by the State party's delegation during its oral presentation, and expresses its appreciation for the opportunity to resume its dialogue with the State party after a lapse of 20 years. It notes that during this period, Cape Verde's political situation evolved in such a way that it is now a fully working multiparty democracy, dedicated to upholding the rule of law and human rights. The Committee hopes that the State party will hereafter ensure the timely submission of its periodic reports, as required by article 9 of the Convention.

3. The Committee expresses its appreciation for the report and the frank and constructive responses to the questions raised, even though the report does not conform fully to the Committee's reporting guidelines. In this connection, the Committee suggests that the Government of Cape Verde avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the High Commissioner for Human

Rights, with the aim of preparing and submitting its next periodic report in accordance with the reporting guidelines.

4. While generally rejecting affirmations of homogeneity, the Committee understands the State party's assertion that its population is homogeneous to mean that, having no autochthonous people, the Cape Verdeans are the product of an intermingling of people from many nations and regions.

B. Factors and difficulties impeding implementation of the Convention

5. The Committee takes note that Cape Verde is a developing country that became independent rather recently and suffers from a poor natural resource base, including serious water shortages exacerbated by cycles of long-term drought. The Committee also notes the State party's geographic spread over several islands which, combined with other difficulties, poses problems in the provision of services.

C. Positive aspects

6. The Committee notes with appreciation the commitment to human rights manifested by Cape Verde through the ratification of a large number of international instruments as well as the establishment of relevant institutions and the implementation of pertinent programmes in the field of human rights. The Committee also welcomes the fact that the international human rights instruments ratified by Cape Verde are directly applicable before the domestic courts.

7. The Committee welcomes the creation of the National Human Rights Committee (NHRC) in 2001, entrusted with the promotion and dissemination of human rights and international humanitarian law awareness, and commends its elaboration of the "Cape Verdean Plan of Action for Human Rights and Citizenship", the text of which will be conveyed to the Committee as soon as it is translated. The Committee invites the State party to provide additional information on the degree of independence of NHRC, its funding, methods of work, activities and further achievements.

8. Likewise, the Committee commends the establishment of the office of the Ombudsman (Provedor da Justiça) and the adoption of a new Penal Code. The Committee notes, however, that the new Penal Code will only enter into force in 2004 and that the Ombudsman has not yet been appointed owing to financial constraints.

9. The Committee welcomes the information provided on the project aiming at the introduction of human rights education as part of the school curriculum, in conformity with article 7 of the Convention.

10. The Committee notes with appreciation the steps taken to give adequate recognition to the Creole language, without prejudice to the use of Portuguese as the main official language in the country.

11. The Committee welcomes the establishment of a joint committee by the Ministry of Justice and the Interior and the Ministry of Foreign Affairs, Cooperation and Communities to address problems encountered by immigrants in Cape Verde.

D. Concerns and recommendations

12. With respect to article 4 (a) of the Convention, the Committee is concerned about the lack of legal provisions to implement the State party's obligations, notably the absence of legislative measures punishing acts of racial discrimination and violence.

Noting the oral information provided by the delegation that a new Penal Code containing provisions on this issue will enter into force at the beginning of 2004, the Committee recommends that the State party fully comply with the obligations under article 4 (a) and invites the State party to provide additional and more specific information on this subject in its next report.

13. The Committee notes with concern that immigrants from the Economic Community of Western African States (ECOWAS) are often referred to as "Mandjaco", a term which may have negative connotations. It also notes instances of discrimination against members of communities coming from ECOWAS countries on account of the involvement of some of them in antisocial practices such as drug-trafficking and prostitution.

The Committee recommends that the State party take appropriate measures to combat stereotyping of certain groups of immigrants and that it provide additional information in its next periodic report on the steps taken in this regard.

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.

15. While the Committee welcomes the efforts made by the State party to ensure the implementation of the Convention with respect to women and the existence of civil society organizations working in the field of promotion and protection of women's rights, it is concerned about the stereotyping of women in particular those of foreign origin in Cape Verde, as well as the insufficient representation of women at high political level in the labour market and in cultural affairs.

The Committee recommends that the State party take all appropriate measures to guarantee the equal enjoyment by women, free from racial discrimination, of the rights under the Convention and draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination.

16. The Committee notes the lack of information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention and recommends that the State party include in its next periodic report statistical information on prosecutions launched and penalties imposed in cases of offences which relate to racial discrimination. The Committee further requests the State party to ensure that appropriate provisions are available in national legislation and to inform the public about all legal remedies in the field of racial discrimination.

17. The Committee notes that the State party has not yet made the optional declaration provided for in article 14 of the Convention, and hopes that the assurance given by the delegation of Cape Verde that it will do so as soon as possible will be promptly implemented.

18. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meetings of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

19. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

20. The Committee encourages the State party to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic reports.

21. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

22. The Committee recommends that the State party submit its thirteenth periodic report jointly with its fourteenth periodic report, due on 2 November 2006, as an updated report and that it address all points raised in the present concluding observations.
