



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the second periodic report of Cabo Verde\*

#### I. Introduction

1. The Committee considered the second periodic report of Cabo Verde (CRC/C/CPV/2) at its 2386th and 2387th meetings (see CRC/C/SR.2386 and 2387), held on 22 and 23 May 2019, and adopted the present concluding observations at its 2400th meeting, held on 31 May 2019.

2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/CPV/Q/2/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, the Optional Protocol on the involvement of children in armed conflict and the ratification of the Convention on the Rights of Persons with Disabilities. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention on the Rights of the Child, in particular the adoption of the Statute of the Child and Adolescent in 2013 and the creation of the National Commission for Human Rights and Citizenship in 2004. Furthermore, it welcomes the significant progress in reducing child mortality and the fact that it has nearly achieved universal primary education.

#### III. Main areas of concern and recommendations

4. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of**

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\* Adopted by the Committee at its eighty-first session (13–31 May 2019).



policies and programmes aimed at achieving the 17 Sustainable Development Goals as far as they concern children.

## A. General measures of implementation (arts. 4, 42 and 44 (6))

### Legislation

5. The Committee welcomes the adoption in 2013 of the Statute of the Child and Adolescent (Law No. 50/VIII/2013). It is concerned, however, about provisions, such as those regarding health and work, that provide different protection to children depending on their age and the delay in adopting the regulatory framework for the Statute.

6. **The Committee recommends that the State party review the Statute of the Child and Adolescent, in particular article 43 on access to health and article 61 regarding work, to guarantee the same rights and protection to all children under 18 years of age. It also recommends that the State party promptly adopt a regulatory framework for the Statute to allow for its effective implementation and ensure that adequate and sufficient human, technical and financial resources are available.**

### Comprehensive policy and strategy

7. The Committee notes the efforts by the Cabo Verdean Institute for Children and Adolescents to develop a comprehensive policy and strategy for the implementation of the rights of the child but is concerned about the delay in the adoption of those instruments.

8. **The Committee recommends that the State party take the necessary measures to adopt the draft policy for the protection of children and adolescents and its national action plan for 2019–2020, and ensure that sufficient human, technical and financial resources are provided for its implementation.**

### Coordination

9. The Committee notes that the Cabo Verdean Institute for Children and Adolescents, under the Ministry of Family and Social Inclusion, is the government entity responsible for the implementation of the Convention, but it is concerned about a possible overlap and confusion between the roles and responsibilities of the Institute and the National Commission for Human Rights and Citizenship, under the Ministry of Justice, regarding children's rights.

10. **The Committee recommends that the State party clearly define the role, responsibilities and mandate of the Cabo Verdean Institute for Children and Adolescents so that it has sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels. The State party should ensure that the Institute is provided with the necessary human, technical and financial resources for its effective operation.**

### Allocation of resources

11. The Committee notes with appreciation that the implementation of children's rights is funded by the State budget and welcomes the resources allocated to health and education, which have contributed to significant progress in children's rights. The Committee is, however, concerned about the absence of a child-rights approach in the elaboration of the State budget.

12. **Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party use a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget, and carry out impact assessments using the tracking system to assess how investments in a particular sector may serve the best interests of the child, ensuring that the different impact of such investment on girls and boys is measured.**

### Data collection

13. The Committee welcomes the studies conducted, including on sexual abuse and exploitation, child labour, child participation and the child protection system. While noting that the Child and Adolescent Observatory within the National Commission for Human Rights and Citizenship is in its implementation phase, the Committee remains concerned about the absence of the systematic and comprehensive collection of disaggregated data on the rights of the child.

14. **Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Expedite the creation of the Child and Adolescent Observatory and a data-collection system covering all areas of the Convention that allows for data to be disaggregated by age, sex, disability, geographic location, national and/or ethnic origin and socioeconomic background to facilitate analysis on the situation of all children, particularly those in situations of vulnerability;**

(b) **Ensure that data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.**

### Independent monitoring

15. The Committee notes the information provided by the State party that the National Commission for Human Rights and Citizenship has been designated as the independent mechanism to monitor the implementation of the Convention. However, it is concerned:

(a) That the Commission is under the Ministry of Justice and Labour, and that it is not in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) At the lack of information about the Ombudsperson's mandate and responsibilities for children's rights;

(c) At the lack of information about child-sensitive complaint mechanisms.

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

(a) **Adopt a law establishing the National Commission for Human Rights and Citizenship as an independent mechanism for monitoring human rights, including child rights, guaranteeing its independence with regard to its funding, mandate and immunities, and ensuring its full compliance with the Paris Principles;**

(b) **Clearly define the responsibilities of the Ombudsperson's Office regarding children's rights;**

(c) **Ensure that the National Commission for Human Rights and Citizenship is able to receive, investigate and address complaints by children in a child-sensitive manner to ensure the privacy and protection of child victims and to undertake monitoring, follow-up and verification activities.**

### Dissemination, awareness-raising and training

17. The Committee welcomes the measures taken by the State party to disseminate the Convention but remains concerned that knowledge about children's rights is limited.

18. **The Committee recommends that the State party strengthen its efforts to disseminate information about children's rights, including on the Convention and its Optional Protocols, through systematic and continuous awareness-raising programmes and campaigns specifically targeting children, parents and professionals who work with and for children, and by promoting the active involvement of children in public outreach activities and by reinforcing child-friendly media engagement, including for social media.**

### Cooperation with civil society

19. The Committee appreciates the relationship the State party has established with civil society organizations in the areas of awareness-raising, participation, advocacy and reporting, including through the signing of protocols and cooperation agreements. However, it is concerned about the insufficient coordination of such efforts.

20. **The Committee recommends that the State party strengthen the institutional framework with civil society organizations working on the rights of the child, by establishing a multisector coordination framework between public institutions and non-governmental organizations, with a view to maximizing resources and results.**

### Children's rights and the business sector

21. The Committee is concerned about the lack of information on measures to protect children from violations of their rights arising from tourism activities, including sexual exploitation and abuse, and to address the social and environmental responsibility of business corporations and extractive industries.

22. **Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party:**

(a) **Establish and implement regulations to ensure that the business sector, in particular the tourism and extractive industries, complies with international human rights and environmental standards, particularly with regard to children's rights;**

(b) **Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism and widely disseminate the World Tourism Organization Global Code of Ethics for Tourism among travel agents and in the tourism industry.**

## B. Definition of the child (art. 1)

23. The Committee is concerned that children aged 16 and 17 may marry with the consent of their parents.

24. **In the light of the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party amend its legislation to remove all exceptions that allow marriage under the age of 18 years.**

## C. General principles (arts. 2, 3, 6 and 12)

### Non-discrimination

25. The Committee welcomes the adoption of the Special Law on Gender-Based Violence in 2011 and the training and awareness-raising activities conducted. It is concerned, however, about the prevalence of discrimination against girls rooted in patriarchal attitudes and stereotypes concerning the roles of women and men.

26. **Taking note of target 10.3 of the Sustainable Development Goals, the Committee urges the State party to strengthen its measures to promote equality among girls and boys, and to cooperate in this regard with the widest range of stakeholders, including children, parents, communities, education and health staff, and law enforcement officials.**

**Best interests of the child**

27. The Committee notes with appreciation that the Statute of the Child and Adolescent recognizes the right of the child to have his or her best interests taken as a primary consideration but is concerned about its effective implementation in practice.

28. **Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

**Respect for the views of the child**

29. The Committee is concerned that the Statute of the Child and Adolescent does not ensure the respect for the views of children in all matters concerning them. The Committee welcomes the six sittings of the Child and Youth Parliament created in 1999 to foster child participation in public affairs but is concerned about how the conclusions and recommendations put forward by children were taken into consideration by public authorities.

30. **Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Review the Statute of the Child and Adolescent to ensure that children's views are given due consideration in all matters concerning them, including administrative and judicial procedures;**

(b) **Promote meaningful participation of children and include them in decision-making in all matters related to them, including environmental matters, with particular attention to girls and children in vulnerable situations.**

**D. Civil rights and freedoms (arts. 7, 8 and 13–17)****Birth registration and nationality**

31. The Committee welcomes the State party's efforts resulting in almost universal birth registration but is concerned about children not yet registered and the difference in the registration rate between rural and urban areas. The Committee is also concerned about stateless children in the State party.

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

(a) **Strengthen its efforts to register all children, paying particular attention to rural areas;**

(b) **Provide information about stateless children in its next report, and consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

**Right to identity**

33. While welcoming the measures taken by the State party to identify the fathers of children, the Committee is concerned about the persistent high number of child paternity investigations pending with the Public Prosecution Service due to the absence of the father's name on birth certificates.

34. **The Committee recommends that the State party strengthen its efforts to ensure children's right to identity and allocate the resources necessary to continue promoting responsible parenthood.**

**Right to privacy**

35. The Committee is concerned that children's right to privacy is not included in the Statute of the Child and Adolescent.

36. **The Committee recommends that the State party revise the Statute of the Child and Adolescent to recognize children's right to privacy and to take measures, including in cooperation with the media, to eliminate practices that violate that right.**

#### **Access to appropriate information**

37. The Committee appreciates that access to appropriate information is guaranteed in the Statute of the Child and Adolescent but is concerned about the application of the right in practice, including in relation to the Internet.

38. **The Committee recommends that the State party ensure children's access to appropriate information from a diversity of sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health, and strengthen awareness programmes for children, as well as parents and teachers, on safety on the Internet.**

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Torture and other cruel or degrading treatment or punishment**

39. The Committee is concerned about complaints of police brutality against children, particularly children in street situations, as a form of extrajudicial punishment, and the absence of measures to duly record and investigate such complaints, prosecute and sanction perpetrators and provide redress to child victims.

40. **Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Provide police with special training on child-friendly techniques for dealing with children, including children in street situations, and introduce guidelines and protocols specific to children as victims and witnesses and in situations of conflict with the law;**

(b) **Investigate and prosecute all allegations of torture and ill-treatment of children by the police and ensure that perpetrators are duly sanctioned and that child victims receive remedies;**

(c) **Strengthen independent monitoring by human rights organizations and the National Commission for Human Rights and Citizenship in police stations.**

#### **Corporal punishment**

41. The Committee is seriously concerned that, despite the prohibition of corporal punishment in the family environment, beating remains a prevalent disciplinary measure for children and corporal punishment of children is not explicitly prohibited in all settings and circumstances.

42. **Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Review article 128 of the Civil Code, article 133 of the Penal Code and article 31 of the Statute of the Child and Adolescent to explicitly prohibit corporal punishment in all settings, including the home, schools, childcare institutions, alternative care settings and in the administration of justice, and in all circumstances, including for disciplinary purposes;**

(b) **Raise the awareness of parents, professionals working with children and the public in general of the harm caused by corporal punishment and promote positive, non-violent and participatory forms of child-rearing and discipline;**

(c) **Collect information on the extent of the practice of corporal punishment, with a view to changing social attitudes and practices that justify and accept it;**

(d) **Record cases of corporal punishment of children, take adequate measures against perpetrators and ensure that child victims receive appropriate support.**

#### **Abuse and neglect**

43. The Committee welcomes the creation of a protection system for child victims of violence, including the recording of cases through the Child Emergency Programme, and the provision of support through childcare facilities and services. However, the Committee is seriously concerned about the high prevalence of abuse and neglect and the lack of information regarding accountability of perpetrators and redress for child victims for the 5,554 cases recorded between 2006 and 2015.

44. **Recalling its general comment No. 13 (2011) and taking note of target 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Strengthen awareness-raising and education programmes, with the involvement of children, to formulate a comprehensive strategy for preventing and combating child abuse and neglect, paying particular attention to parents and caretakers;**

(b) **Take measures to ensure the accountability of perpetrators of abuse and neglect of children, through judicial or other adequate measures;**

(c) **Undertake a comprehensive assessment of the extent, causes and nature of child abuse and neglect, paying particular attention to the gender dimension of violence, and take measures to address the root causes of violence, abuse and neglect of children;**

(d) **Ensure that the Cabo Verdean Institute for Children and Adolescents and the municipal child protection committees have the human, technical and financial resources necessary to provide psychological counselling, rehabilitation and reintegration services to child victims.**

#### **Sexual exploitation and abuse**

45. The Committee welcomes the adoption of the National Plan to Combat Sexual Violence against Children and Adolescents but is seriously concerned about:

(a) The extent of child sexual abuse, which was the most reported sexual crime during the 2016/17 judicial year, and the fact that offenders are usually family members or known to the family and that child sexual abuse also takes place in schools;

(b) The lack of a prohibition of the use of children between the ages of 16 and 18 for prostitution or pornographic purposes;

(c) The insufficient social, psychological, medical and justice services to provide specialized support to child victims of sexual exploitation and abuse;

(d) Child sexual exploitation and abuse in the context of tourism, particularly affecting girls.

46. **The Committee urges the State party to:**

(a) **Prohibit and criminalize the use, procurement or offer of children between 16 and 18 years old for prostitution or pornographic purposes, to the same extent as when committed against children under 16 years;**

(b) **Adopt a multisectoral approach to ensure that child victims of sexual exploitation and abuse have access to child-friendly and evidence-based interventions, conduct forensic interviews and medical examinations and provide appropriate social, psychological and medical support;**

(c) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual exploitation and abuse, and ensure that all cases are promptly investigated and prosecuted and that perpetrators are duly punished;**

(d) **Conduct awareness-raising activities, with the participation of children, to prevent child sexual exploitation and abuse and to combat the stigmatization of child victims of sexual abuse, including incest, particularly targeting children, families, communities and schools;**

(e) **Strengthen its engagement with the tourism industry on the prevention and reporting of cases of child sexual exploitation and abuse in the context of tourism.**

#### **Gender-based violence**

47. The Committee is concerned about gender-based violence against girls and women, including in the domestic sphere, and the negative impact that this form of violence has on children's well-being and development.

48. **The Committee draws the State party's attention to target 5.2 of the Sustainable Development Goals and recommends that it ensure that allegations of crimes related to gender-based violence are independently and thoroughly investigated and that perpetrators are brought to justice.**

#### **Harmful practices**

49. The Committee is concerned about the practice of child marriage and that, in 2017, 1.8 per cent of girls were married before they were 18 years old, of which 3 per cent were under 15 years of age. It is also concerned about girls under 18 that are in de facto unions.

50. **Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014) and taking note of target 5.3 of the Sustainable Development Goals, the Committee recommends that the State party strengthen its efforts to end child marriage, including through awareness-raising campaigns and programmes on the harmful effects of child marriage and civil unions on the physical and mental health and well-being of girls, targeting children, parents, communities, local authorities, religious leaders, judges and prosecutors.**

#### **Helplines**

51. **The Committee welcomes the creation by the Cabo Verdean Institute for Children and Adolescents in 2004 of the toll-free, 24-hour telephone service SOS Children, and recommends that the State party ensure that the helpline is available for all children at the national level and that its personnel receive regular training on children's rights and on child-sensitive and child-friendly assistance and procedures.**

### **F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

#### **Family environment**

52. The Committee welcomes the awareness-raising campaigns on responsible parenting carried out by the State party but is concerned that the mother remains the main caregiver in 80 per cent of families, and that most single-parent families that are headed by women are particularly affected by poverty.

53. **The Committee recommends that the State party strengthen its efforts to:**

(a) **Promote the equal parental responsibilities of fathers and mothers in a continuous and sustained manner;**

(b) **Provide support to single-parent families, particularly those headed by women, to ensure basic living conditions for children.**

#### **Children deprived of a family environment**

54. The Committee appreciates the information provided about the number of children in institutions and host families (foster care) but is concerned about the limited information



available on the situation of children in alternative care, both in centres and foster care, the procedure for placement and reintegration into the family environment, the accreditation and monitoring of service providers and the mechanism available to children to make confidential complaints.

**55. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:**

(a) **Support and facilitate family-based care for children wherever possible, and establish a system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;**

(b) **Ensure adequate safeguards and clear criteria, based on the best interests of the child, for determining whether a child should be placed in alternative care and reintegrated into the family;**

(c) **Ensure periodic review of the placement of children in alternative care, monitor the quality of care therein and provide accessible channels for reporting, monitoring and remedying maltreatment of children.**

### **Adoption**

56. The Committee notes the measures taken by the State party to regulate and facilitate national adoption, as well as the creation of the Commission for International Adoption in 2015, but is concerned that adoption remains an underutilized option for children who could benefit from it.

**57. The Committee recommends that the State party strengthen its efforts to promote domestic adoption, including timely assessment of adoption applications, and ensure that national policies and practices on intercountry adoptions comply with international standards.**

## **G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

### **Children with disabilities**

58. The Committee welcomes the measures taken by the State party to promote the rights of children with disabilities, including the establishment of the Centre for Special Education and Educational Inclusion within the Ministry of Education and the integration of children with disabilities through sports. The Committee is, however, concerned about the lack of information on the measures specific to children with disabilities in the National Action Plan for the Rights of Persons with Disabilities or undertaken by the National Council on the Rights of Persons with Disabilities and the Paralympic Committee of Cabo Verde.

**59. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

(a) **Organize the collection of data on children with disabilities and develop an efficient system for the early identification of disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities within the child rights policies and plans of action, as well as within the framework of the National Action Plan for the Rights of Persons with Disabilities, the National Council on the Rights of Persons with Disabilities and the Paralympic Committee of Cabo Verde;**

(b) **Ensure that children with disabilities have access to health care, including early detection and intervention programmes;**

(c) **Continue training specialized teachers and professionals and assigning them to integrated classes to provide individual services and support to children with specific learning requirements;**

(d) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and to promote a positive image of such children.**

#### **Health and health-care services**

60. The Committee welcomes the allocation of public resources to the health sector and the significant reduction in the child and maternal mortality rates. However, the Committee is concerned about health issues affecting young children, such as perinatal infections, acute respiratory infections, tuberculosis, diarrhoeal diseases, goitre and poliomyelitis.

61. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of targets 3.1 and 3.2 of the Sustainable Development Goals, the Committee recommends that the State party maintain continued and sustained efforts to address the main health issues affecting young children, such as perinatal infections, acute respiratory infection, tuberculosis, diarrhoeal diseases, goitre and poliomyelitis, and provide quality care to mothers and newborns, paying attention to all islands.**

#### **Mental health**

62. The Committee is concerned about the lack of information on children's mental health and insufficient attention to the incidence of suicide among children during adolescence.

63. **Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party establish a mental health programme dedicated to children, and conduct a study to identify the root causes of suicide and suicidal thoughts among children, and provide information in that regard in its next periodic report.**

#### **Adolescent health**

64. The Committee welcomes the integration of adolescent health in the National Health Policy, and the creation of sexual and reproductive health services for adolescents in 2008. The Committee is, however, concerned about the high number of pregnancies among girls and the discrepancy in access to sexual and reproductive health services between urban and rural areas. The Committee notes the training, education and awareness-raising activities to prevent the use of harmful drugs by children but remains concerned about their use by adolescents, with some starting to use drugs before the age of 15.

65. **Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of target 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Adopt a comprehensive, evidence-based sexual and reproductive health policy for adolescents and improve the quality and accessibility of sexual and reproductive health services, paying attention to rural areas;**

(b) **Ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted at adolescent girls and boys, paying special attention to preventing early pregnancy and sexually transmitted infections and promoting responsible parenthood and sexual behaviour, in particular focusing on boys;**

(c) **Strengthen its efforts to prevent and address the harmful use of drugs by children.**

#### **HIV/AIDS**

66. The Committee welcomes the decrease in the vertical transmission of HIV but is concerned that it still affects a number of children.

67. **Recalling its general comment No. 3 (2003) on HIV/AIDS and the rights of the child and taking note of target 3.3 of the Sustainable Development Goals, the Committee recommends that the State party strengthen its efforts to prevent mother-to-child transmission of HIV/AIDS and continue the follow-up treatment for HIV/AIDS-infected mothers and their infants.**

#### **Nutrition**

68. The Committee welcomes the significant reduction in the rates of underweight, wasted and stunted children but is concerned about the high prevalence of anaemia among very young children and pregnant women.

69. **The Committee recommends that the State party ensure that the home food fortification initiative, involving multiple micronutrient powders to reduce iron-deficiency anaemia for children under 5 years old, has the necessary resources for its effective implementation.**

#### **Breastfeeding**

70. The Committee is concerned about the absence of recent data on breastfeeding practices, the scope of the Baby-friendly Hospital Initiative and the absence of a mechanism to monitor compliance with the International Code of Marketing of Breast-milk Substitutes.

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

(a) **Establish a data-collection system on breastfeeding practices in accordance with World Health Organization indicators;**

(b) **Monitor the implementation of the International Code of Marketing of Breast-milk Substitutes;**

(c) **Implement the Baby-friendly Hospital Initiative throughout the country;**

(d) **Consider ratifying International Labour Organization Maternity Protection Convention, 2000 (No. 183).**

#### **Impact of climate change on the rights of the child**

72. The Committee is concerned about the lack of information on the impact of climate change on the rights of the child, given that the State party is already experiencing a shortage of freshwater, an increase in sea level, changes in rainfall patterns, desertification and an increase in temperatures.

73. **The Committee draws attention to target 13.b of the Sustainable Development Goals and recommends that the State party:**

(a) **Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management;**

(b) **Collect disaggregated data identifying the types of risk faced by children to the occurrence of a variety of disasters to formulate responses accordingly;**

(c) **Increase children's awareness and preparedness for climate change and natural disasters by incorporating the subject into the school curriculum and teachers' training programmes.**

#### **Standard of living**

74. While welcoming progress in reducing poverty and the measures taken to promote an adequate standard of living, including better public water supplies and access to sanitary facilities and housing, the Committee is seriously concerned about the number of children still living in poverty, with almost half of the families in rural areas and one third in urban areas living below the absolute poverty line.

75. The Committee draws attention to target 1.3 of the Sustainable Development Goals and urges the State party to strengthen its efforts to eliminate child poverty and to prioritize the provision of drinking water, environmental sanitation and access to and the availability and affordability of food.

## H. Education, leisure and cultural activities (arts. 28–31)

### Education, including vocational training and guidance

76. The Committee commends the State party for achieving almost universal free primary education, adopting eight years of compulsory schooling and allocating significant budgetary resources to education. The Committee is, however, concerned about:

- (a) The quality and relevance of education;
- (b) The high repetition and dropout rates in secondary education, including among pregnant teenagers and adolescent mothers;
- (c) The significant number of children not attending preschool;
- (d) The regional differences in access to education.

77. Taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Strengthen its efforts to improve the quality and relevance of education, including by adapting the curricula to students' learning needs, reinforcing the pedagogical management of the education system, investing in the professionalization of education staff and improving school facilities;
- (b) Strengthen its efforts to prevent repetition and dropout, particularly in secondary education, and ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;
- (c) Develop and promote quality vocational training to enhance the skills of adolescents, especially those who drop out of school;
- (d) Strengthen its efforts to develop and expand early childhood education;
- (e) Promote equal access to education throughout the archipelago, with emphasis on rural areas and remote islands.

### Aims of education

78. The Committee welcomes the integration of “education for citizenship” and “artistic education” in the school curriculum but is concerned that the measures are insufficient to address the persistence of deep-rooted negative stereotypes against girls and women, and that education relating to the environment has not been sufficiently developed.

79. Taking note of target 4.7 of the Sustainable Development Goals, the Committee recommends that the State party strengthen its efforts to ensure a non-stereotyped educational curricula to help address the structural causes of gender discrimination and to ensure that curricula include rights-based environmental education, and encourage direct participation of children in environmental protection as a component of their learning process.

### Human rights education

80. The Committee recommends that the State party develop a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education.

### **Rest, leisure, recreation and cultural and artistic activities**

81. The Committee takes note of the measures taken by the State party to promote cultural and recreational activities but is concerned about children's access to rest, leisure and recreation activities on a regular basis.

82. **Recalling its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party take measures to provide children with safe, accessible, inclusive and smoke-free spaces for play and socialization at the community level.**

## **I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

### **Children in situations of migration**

83. The Committee is concerned about the situation of children from migrant communities, mainly from West African countries, regarding birth registration, access to nationality, education and health, and vulnerability to exploitation and maltreatment, particularly for unaccompanied children and those whose parents are in an irregular migrant situation.

84. **Recalling joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party take the necessary measures to identify and provide support to children in situations of migration, ensuring their access to adequate services, with particular attention to the islands of Santiago, Sal and Boa Vista.**

### **Economic exploitation, including child labour**

85. The Committee welcomes the increase in the minimum age for work to 15 years and the adoption in 2014 of the Action Plan for the Prevention and Elimination of Child Labour. However, the Committee is seriously concerned about:

(a) The high number of children working and the fact that most of them are engaged in hazardous activities, such as agriculture, fisheries and domestic work, particularly in the rural areas;

(b) The lack of information on monitoring and law enforcement activities to combat child labour and measures to assist child victims, and the lack of updated data.

86. **Taking note of target 8.7 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Strengthen its efforts to eliminate child labour for children under the age of 15 and the worst forms of child labour for children under the age of 18, paying attention to the employment of children in agriculture, fisheries and domestic work, particularly in rural areas;**

(b) **Ensure that monitoring and enforcement activities are carried out by labour authorities, paying attention to the informal sector;**

(c) **Collect data on the incidence of child labour on a regular basis and use that information to adjust policies and actions accordingly;**

(d) **Ensure that child victims of forced labour receive the necessary support and services for their recuperation and rehabilitation.**

### Children in street situations

87. The Committee welcomes the support provided to children in street situations but is concerned about children remaining in such situations, and their vulnerability to exploitation, violence and drug use.

88. **Recalling its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party strengthen its efforts to provide adequate support to children in street situations, with full respect for the child's best interests and giving due weight to their autonomous views in accordance with their age and maturity, particularly in the main urban centres of Praia and Mindelo and the touristic island of Sal.**

### Sale, trafficking and abduction

89. The Committee welcomes the criminalization of trafficking in persons in 2015 and the adoption of the National Plan against Trafficking in Persons (2018–2021). It remains concerned, however, about the lack of information on procedures for the identification and referral of child victims, the investigation and prosecution of trafficking offenses, and sanctioning of perpetrators.

90. **Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Establish a mechanism for the early identification of child victims of trafficking and strengthen the capacity of police officers, border guards and social workers to identify and protect child victims and ensure they are provided with adequate support services;**

(b) **Reinforce the capacities of law enforcement personnel to ensure that all cases of child trafficking are promptly investigated and prosecuted and that perpetrators are duly punished;**

(c) **Ensure that the actions to implement the National Plan against Trafficking in Persons integrate a child-rights perspective;**

(d) **Strengthen its cooperation with international law enforcement mechanisms to combat and sanction the sale, trafficking and abduction of children.**

### Administration of juvenile justice

91. The Committee notes the increase in the minimum age of criminal responsibility to 16 years but is concerned about the introduction of socio-educational measures for children between 12 and 16 years, the protection of children between 16 and 18 years, the limited use of non-custodial measures and that children are not always separated from adults, provided with legal assistance or have access to complaint mechanisms.

92. **Recalling its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends that the State party:**

(a) **Ensure that children aged between 16 and 18 years are treated as children and not adults in judicial proceedings;**

(b) **Increase the age for the application of socio-educational measures;**

(c) **Promote non-judicial measures such as diversion, mediation and counselling and, wherever possible, the use of non-custodial sentences such as probation or community service;**

(d) **Ensure the provision of legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(e) **Ensure children's access to confidential and child-friendly complaint mechanisms;**

(f) **Ensure that detention is used as a measure of last resort, for the shortest possible period of time and that it is reviewed on a regular basis with a view to its**

withdrawal and, in cases where detention is unavoidable, ensure that children are separated from adults at all times and that they have access to education and health services.

#### **Child victims and witnesses of crime**

93. The Committee recommends that the State party ensure that laws and practices take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

### **J. Ratification of the Optional Protocol on a communications procedure**

94. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.

### **K. Ratification of international human rights instruments**

95. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, as the related reports have been overdue since 10 June 2004.

### **L. Cooperation with regional bodies**

96. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

97. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National Mechanism for Reporting and Follow-up**

98. The Committee recommends that the State party ensure that the interministerial commission for the drafting of human rights reports has the resources adequate to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms.

### **C. Next report**

99. The Committee invites the State party to submit its combined third to seventh periodic reports by 3 July 2024 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January

**2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

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