



**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

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1587th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 6 August 2003, at 10 a.m.

Chairman: Mr. DIACONU

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY
STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Third to twelfth periodic reports of Cape Verde (continued)

* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1587/Add.1.

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Third to twelfth periodic reports of Cape Verde (continued) (CERD/C/426/Add.1)

1. Mr. BARBOSA (Cape Verde) said that slavery had been abolished in Cape Verde in 1838 at the same time as it had been abolished by the colonial power, Portugal. The official language of Cape Verde would continue to be Portuguese but efforts were under way to have Creole recognized as a de facto second language, although it had no approved written form. While almost 90 per cent of the population of Cape Verde was Catholic, the remainder being mainly either Christian or Muslim, it was a secular State with complete separation of church and State. That in itself was a guarantee of religious tolerance.
2. The Governments and parties of Cape Verde had always been in favour of maintaining the political, social, economic and cultural ties of Cape Verdean emigrants and the current Prime Minister had been quoted as describing the Cape Verdean diaspora as simply other islands disseminated across the various continents. Emigrants retained full electoral rights in legislative and presidential elections, though not in local elections, which were subject to a residence requirement. The number of immigrants to Cape Verde was growing and he hoped that the National Statistics Institute (INE) report would be able to provide data in that regard before long.
3. While he agreed with the Country Rapporteur's comments regarding the promotion of women, he felt that the current situation had to be interpreted in relation to the point of departure. Cape Verde had one of the best performances in Africa in the field of human development and even though, for example, almost 55 per cent of the population still lacked adequate sanitary facilities, that was much better than the situation at the time of independence, since virtually everything in Cape Verde had had to be built from scratch.
4. His delegation had not meant to imply in the report that there was no racial discrimination in Cape Verde but rather to suggest that there was very little racial discrimination. His Government fully recognized that racism existed in all countries and that the international community must work together to eliminate that phenomenon. It was a fact, however, that there were no ethnic groups, tribes or indigenous peoples in Cape Verde, since the islands had been uninhabited at the time of their discovery by the Portuguese; the only minorities were made up of recent immigrants.
5. Referring to the term of "Mandjaco", he said it had originally described members of an African tribe from Guinea-Bissau but had come to be used to describe all African immigrants to Cape Verde. The report had mentioned that minority in an effort to be transparent and, while he was prepared to accept criticism, he felt sure that problems of discrimination were much worse elsewhere in the world. Cape Verdean society was aware of the need to act to eliminate both discriminatory attitudes towards the Mandjacos and pejorative use of the term. Such efforts would be in keeping with his Government's commitment to implement the Durban decisions. As for foreign residents, he noted that Cape Verde had accorded Portuguese-speaking citizens virtually the same rights as Cape Verdean nationals; that was the case for example of the more than 300 citizens of Guinea-Bissau who were living in Cape Verde.

6. He confirmed that the Convention could be directly invoked before the courts. His Government would soon make the declaration relating to article 14 and he would personally recommend prompt ratification of the amended article 8 of the Convention. Although the establishment of the position of Ombudsman (Provedor) had been approved, none would be appointed until the end of 2003 or the beginning of 2004, when funds became available.
7. The first phase of Cape Verde's efforts to eliminate racial discrimination had been the establishment in 2001 of the National Human Rights Committee, which had developed a national plan of action for human rights and citizenship. The second phase would be creation of an independent Commission on Human Rights to monitor implementation of the Convention. Funding would be provided from the Government budget and other sources, in particular the international community.
8. Efforts were continuing to eliminate discrimination against women in the educational, labour and political spheres in cooperation with the Institute on the Condition of Women, the Association of Women Jurists and the Association of Women Entrepreneurs, as well as non-governmental organizations and the media, with the general aim of improving the status of women in civil society. Human rights education was being provided in schools as part of the national plan of action on human rights and citizenship.
9. Foreigners could be expelled from Cape Verde only if they were found guilty of a serious offence involving a sentence of imprisonment. Illegal residents, found guilty of offences could also be expelled. Extradition was not allowed in cases where the person extradited might be liable to life imprisonment, since the maximum term of imprisonment under the Cape Verde Constitution was 33 years. The country already had legislation concerning child trafficking and provisions relating to human trafficking and smuggling had been included in the new Penal Code, which would enter into force in 2004.
10. He had taken note of criticism to the effect that some parts of Cape Verde's report were overly juridical, as well as the comment that a lack of court cases involving discrimination complaints did not necessarily mean that discrimination did not exist. He would convey to his Government the Committee's recommendations concerning technical assistance for the preparation of reports and the need to ratify other international human rights instruments.
11. He hoped that he had responded to the Committee's questions. He had instructed his head of mission to contact the secretariat with a view to providing answers in writing to any outstanding questions as soon possible. As it was difficult for a small mission to deal adequately with many different matters, his Government had decided to upgrade its permanent mission in Geneva. Unfortunately, bureaucratic constraints and changes of Government in 1991 and 2000 had delayed preparation of the current report.
12. Mr. ABOUL-NASR congratulated the delegation on its frank dialogue with the Committee. The entry into force in 2004 of legislation dealing with the problem of human trafficking would be a welcome development. Although Portugal had in theory outlawed slavery in the nineteenth century, discriminatory practices and exploitation of its colonies had continued for long afterwards. Clearly racial discrimination existed everywhere, which was why the work

of the Committee to ensure implementation of the Convention was so important. He was, however, proud as an African to see peoples of varying ethnic backgrounds living alongside each other in harmony in Cape Verde.

13. Mr. de GOUTTES, returning to the problem of trafficking in human beings, including children, and smuggling, said that Cape Verde was unfortunately a transit country for such activities and he therefore welcomed the entry into force in the near future of legislation to combat those practices. More information would be welcome regarding operational aspects of efforts to combat trafficking, such as cooperation with neighbouring countries, embassies and European Union countries, as well as details of any specific programmes introduced to combat trafficking.

14. Mr. THORNBERRY welcomed the delegation's acknowledgment of the existence of low-intensity discrimination and its assurances that the Government of Cape Verde would make the declaration under article 14 before long. He also approved of the strengthening of the Creole language without displacing Portuguese. Recognizing a local language would help forge national identity, while maintaining the colonial language would facilitate contact with the rest of the world.

15. With regard to the term "Mandjaco", he cautioned about the use of language which could be perceived as pejorative to describe immigrants from Africa. It was important to consult the members of that group in order to ascertain whether they wished to formally identify themselves as such. That would be in keeping, for instance, with the Committee's general recommendation XXVII on discrimination against the Roma.

16. Mr. THIAM pointed out that the Mandjacos had originally been descendants of a Malian general who had governed territory in the Gambia/Senegal/Cazamance border area. They had first been brought to Cape Verde as slaves, which was why the term had originally been pejorative. Mandjacos were, however, increasingly proud of their ruling-class origins and he approved of the State party's efforts to eliminate the pejorative connotation of the term.

17. Mr. BARBOSA (Cape Verde), replying to the Committee's questions and comments, said he wished to correct an earlier statement he had made concerning human trafficking. While legislation to combat that practice had been passed, it was not due to enter into force until early in 2004. He also wished to clarify the erroneous impression he might have conveyed that, as a predominantly Catholic country itself, Cape Verde condoned the atrocities that had been committed by the Serbs against the people of Bosnia and Herzegovina. In fact, the opposite was true.

18. Since its discovery in the fifteenth century, Cape Verde had become home to peoples of all races and colours. Those immigrants had now fused into one nation in which people were not treated on the basis of their colour and where the country's resources were shared by all of its inhabitants.

19. Ms. DUARTE (Cape Verde) said that the process of peopling the islands that comprised Cape Verde had stretched over several centuries. Some islands had been peopled after the abolition of slavery and that institution had therefore had little impact on the culture and identity

of those populations. While it could not be claimed that Cape Verde was completely free of racism, the Country Rapporteur himself had been moved to tears at the example of racial harmony that he had found in Cape Verde during a recent visit. She challenged the Committee to explore ways of promoting heroes of races other than the white race as part of a wider educational effort to change racial stereotypes and images, especially among children and young people.

20. Mr. ABOUL-NASR said that he had proposed in the past that the Committee should invite Mr. Nelson Mandela to one of its meetings and he wished to take the opportunity to reiterate that proposal.

21. The CHAIRMAN said that efforts had in fact been made to invite Mr. Mandela, though without success.

22. Mr. YUTZIS said that it was particularly interesting to hear the female perspective on the question of racism and racial discrimination and he was confident that the Committee would rise to the challenge that had been thrown out. He in turn wished to challenge the delegation of Cape Verde to document that country's successful experience in promoting racial harmony by identifying the historical, social, cultural and other reasons that might have contributed to its success. Accomplishment of that task would be a significant intellectual contribution to the global search for racial equality.

23. Mr. AMIR drew attention to the argument of a well-known expert that the evolution of races was driven not by biological but by cultural factors. It was therefore important for Africans to take responsibility for their own identities and to create their own image of themselves rather than accept the image that was projected of them by outsiders.

24. Mr. BARBOSA (Cape Verde) said that he particularly welcomed the comments of Mr. Yutzis, from whose country, Argentina, immigrants had come to Cape Verde since the nineteenth century. He recognized that language was often a factor that magnified differences. That was why Cape Verde promoted bilingualism and the equality of the country's two main languages. The history of Cape Verde was the story of the confidence of a people in themselves and the support they had always received from the international community.

25. Mr. LINDGREN ALVES (Country Rapporteur), summarizing the discussion, said that his own country, Brazil, which often claimed to be a "racial democracy", had not progressed as far along the road to racial harmony as Cape Verde. That country was a completely mixed and homogenous society in which there were no pure blacks or pure whites and where the upper class was not entirely white or the lower class entirely black.

26. He welcomed the delegation's combined report and its replies to the questions that had been posed and hoped that, notwithstanding the very real economic and other constraints with which the country was faced, every effort would be made to ensure that future reports were

submitted in a timely manner. To that end, the secretariat of the Committee should also ensure that the Committee's concluding observations and recommendations were transmitted in goodtime to reporting States, including those that did not have permanent missions in Geneva. He noted with satisfaction the pledge by the head of the delegation that he would lobby at home to ensure that Cape Verde ratified the amendment to article 8 of the Convention. Indeed, the secretariat should remind all States that had not yet done so of the need to ratify that amendment.

27. Mr. BARBOSA (Cape Verde) pledged that his delegation would serve as a bridge between the Committee and Cape Verde.

28. The delegation of Cape Verde withdrew.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.