



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the combined seventh and eighth periodic reports of Cape Verde\*

1. The Committee considered the seventh periodic report of Cape Verde (CEDAW/C/CPV/7-8) at its 1140th and 1141st meetings, on 16 July 2013 (see CEDAW/C/SR.1140 and 1141). The Committee's list of issues and questions is contained in CEDAW/C/CPV/Q/7-8 and the written replies of the State party are contained in CEDAW/C/CPV/Q/7-8/Add.1.

#### A. Introduction

2. The Committee welcomes the State party's submission of its seventh and eighth periodic report. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the Committee's pre-session working group, updated information provided in the introductory statement, and the clarifications provided in response to the questions posed orally by the Committee.

3. The Committee commends the State party's high-level delegation, headed by H.E. Mrs. Maria Cristina Fontes Lima, Deputy Prime Minister and Minister of Health, which also included representatives from the Instituto Cabo Verdiano para a Igualdade e Equidade de Genero (ICIEG) and other relevant government agencies with expertise in the areas covered by the Convention. The Committee appreciates the open and constructive dialogue that took place between the delegation and the members of the Committee.

#### B. Positive aspects

4. The Committee welcomes the adoption of the Special Law on Gender Based Violence (Law 84/VII/11) and the National Plan to Combat Gender Based Violence (2007 – 2011).

5. The Committee welcomes the adoption, since the consideration of the State party's sixth periodic report in 2006 (CEDAW/C/CPV/6), of the following legislative and policy measures:

- a. The National Health Policy (2007);

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\* Adopted by the Committee at its fifty-fifth (8-26 July 2013).

- b. The Labour Code (2008), containing a separate chapter on women's rights;
  - c. The Social Security System (2009), extending coverage to women and men working in the informal sector and establishing equal treatment in respect of maternity leave of women working in the private and public sectors;
  - d. Decree-Law No.47/2009, establishing a minimum value for the contributory basis;
  - e. Decree-Law No.48/2009, making the social protection system compulsory for all independent workers;
  - f. Decree-Law No.50/2009, providing protection for domestic workers, the majority of whom are women.
6. The Committee welcomes the ratification by the State party of the:
- a. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2011;
  - b. International Convention on the Rights of Persons with Disabilities, in 2011.

### **C. Principal areas of concern and recommendations**

#### **Parliament**

7. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and to this end welcomes the active role of the National Parliament of Cabo Verde in promoting the application of the Convention, including in its legislative and oversight role. The Committee invites the State party to continue to encourage the Parliament, in line with its procedures, to take the necessary steps with regard to the implementation of the present concluding observations between now and the Government's next reporting process under the Convention.**

#### **Visibility of the Convention, the Optional Protocol and the Committee's General Recommendations**

8. While noting the State party's substantial efforts to disseminate the Convention, and the Committee's previous Concluding Observations, the Committee is concerned that the Convention is not invoked in the Courts by judges and lawyers. It is particularly concerned that women especially those in rural and remote areas, are not aware of their rights under the Convention, and lack the necessary information and means to claim their rights.

9. **The Committee calls on the State party to:**

**(a) Take the necessary steps to further disseminate the Convention, the Optional Protocol, the Committee's General Recommendations and Views under the Optional Protocol among relevant stakeholders, including the Government, Ministries, Parliamentarians, and community leaders and ensure adequate training to the judiciary and law enforcement officers so as to establish, firmly in the country, a legal culture supportive of non-discrimination and equality for women on the same basis as men; and**

**(b) Take all appropriate measures to enhance women's awareness of their rights and the means to enforce them, in particular, in rural and remote areas, including through providing women with information on the Convention and the Optional Protocol, in cooperation with civil society and the media.**

### **National human rights institution**

10. While noting that the draft law on the establishment of the national human rights institution in the State party was prepared in consultation with the Office of the High Commissioner for Human Rights and is currently under discussion, the Committee is concerned that the National Commission for Human Rights and Citizenship is not compliant with the Paris Principles.

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

(a) **Ensure the independence of the National Human Rights Institution, I compliance with the Paris Principles, and provide it with sufficient human and financial resources and a broad mandate covering women's rights and gender equality; and**

(b) **Ensure that its composition is gender-balanced and its activities gender-sensitive.**

### **National machinery for the advancement of women**

12. While noting the adoption of the Program of Action for Gender Equality Promotion and subsequent strategies developed by the Institute for Gender Equality and Equity (ICIEG), based on gender mainstreaming, and their implementation through the close cooperation between the Institute and civil society and through the extensive use of networks, as well as the proposal by the Network of Women Parliamentarians to change the legal framework to include a gender perspective in the preparation of the budget, the Committee remains concerned with the capacity of the Institute to coordinate across all of government, including at the local level. The Committee is also concerned that the main source of funding for the function of the Institute is provided by international donors and that the close collaboration between the Institute and civil society, is not inclusive of all civil society organizations working to promote the advancement of women, such as women with disabilities and that available funding is likewise restricted.

13. **The Committee encourages the State party to take all necessary measures to strengthen the Institute for Gender Equality and Equity (ICIEG), by establishing gender focal points in all Ministries, providing it with adequate human, financial and technical resources to effectively coordinate and promote gender mainstreaming at all levels of government and extend its cooperation and the provision of funding to all relevant civil society organizations, including organizations working on women with disabilities.**

### **Temporary special measures**

14. Although noting the proposed introduction of temporary special measures for persons with disabilities in the civil service, and the proposed policy on parity regarding women's participation in political and public life, the Committee is concerned at the limited information provided on the application of temporary special measures in accordance with Article 4, paragraph a) and General Recommendation 25, in all sectors to accelerate women's substantive equality with men.

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

(a) **Take steps to raise awareness among the general public and provide systematic training for relevant stakeholders, including Parliamentarians, government officials and employers, to better understand the need for and application of temporary special measures; and**

(b) **Implement temporary special measures in various forms, such as outreach and support programmes, quotas and other pro-active and result-oriented measures aimed at achieving substantive equality of women with men in all areas**

covered by the Convention, encourage their use both in the public and private sectors and ensure adoption of measures already proposed.

#### **Stereotypes and harmful practices**

16. The Committee expresses its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning the roles and responsibilities of women and men in the family and society. It is concerned that, as acknowledged by the State party, a large proportion of women live under a “behavioural code anchored in the recognition and acceptance of male dominance” in the State party. It notes that such discriminatory attitudes and stereotypes constitute serious obstacles to women’s enjoyment of their rights. It also expresses its serious concern about the persistence of entrenched harmful practices, such as de-facto polygamy and the practice of female genital mutilation in the new migrant communities.

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

**(a) Put in place a comprehensive strategy to eliminate stereotypes and harmful practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention and General Recommendation 3, 14, 19 and 20. Such a strategy should include concerted efforts, with a clear timeframe, and in collaboration with civil society organizations, to educate and raise public awareness about such stereotypes and practices, targeting women and men at all levels of society, with special attention to the migrant communities where female genital mutilation and other harmful practices are undertaken;**

**(b) Adopt innovative measures that use the education system and the media in order to promote understanding of equality of women with men to enhance a positive and non-stereotypical portrayal of women; and**

**(c) Monitor and review the measures taken in order to assess the impact of such measures and to provide information in its next report on the progress achieved.**

#### **Violence against women**

18. While welcoming the adoption in 2010 of the Special Law on Gender-Based Violence (Law No. 84/VII/11), the Committee remains concerned about the persistence of violence against women in the State party, including domestic violence, as well as sexual abuse at school and harassment in the workplace. The Committee is also concerned about the difference in the number and nature of reported cases of gender-based violence and on prosecution and conviction rates amongst the different islands of the State party. The Committee notes the existence of an inter-institutional network for victim support and protection (SOL Network) for emergency cases. However, it is concerned at the lack of shelters and centres providing services to female victims of gender-based violence.

19. **Recalling its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party, in collaboration with the United Nations agencies and development partners, to:**

**(a) Effectively implement the existing legislation and action plans for the prevention and elimination of all forms of violence against women as well as victim protection programmes;**

**(b) Conduct awareness-raising campaigns to encourage reporting of domestic and sexual violence against women and girls and ensure that such reports are effectively investigated, and that perpetrators are prosecuted and adequately punished;**

(c) Provide systematic training on women's rights and on combating gender-based violence, including domestic and sexual violence, for judges, prosecutors, lawyers and police officers as well as for health professionals;

(d) Ensure an adequate number of shelters, which provide assistance and protection to victims, in particular psychosocial rehabilitation at the central and island levels; and

(e) Collect comprehensive statistical data on all forms of violence against women, disaggregated by sex, age and relationship between the victim and perpetrators.

#### **Trafficking and exploitation of prostitution**

20. The Committee regrets the lack of information about the extent of trafficking of women and children and is concerned about continued reports of the trafficking of juveniles and that the State party is a transit point for trafficking of women and girls. The Committee is also concerned about the lack of a specific law on trafficking in persons and that trafficking and exploitation of prostitution of women and children is not included in the National Plan to Combat Gender Based Violence. It is further concerned that the exploitation of prostitution continues to thrive in the State party and regrets the lack of programs to provide rehabilitation and support for the social reintegration of women and girls wanting to leave prostitution.

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

(a) Collect data on the scope, extent and root causes of trafficking, including internal trafficking and the exploitation of prostitution of women and girls;

(b) Strengthen the legal framework to combat trafficking in human beings especially the trafficking of women and girls and ensure that it fully complies with Article 6 of the Convention and is in accordance with General Recommendation 19, and strengthen mechanisms for the prevention of trafficking as well as identification and protection of trafficking victims, and the prosecution and punishment of traffickers;

(c) Increase international, regional and bilateral cooperation with countries of origin and destination to prevent trafficking through information exchange, and harmonize legal procedures aimed at the prosecution and punishment of traffickers; and

(d) Take measures to raise awareness about the exploitation of prostitution and provide women and girls with alternative means to earn an income through rehabilitation and reintegration programmes.

#### **Participation in political and public life**

22. While welcoming the increase of the number of women in ministerial positions (47.1%), the number of women in leadership positions, in the civil service (35%), and the discussion underway with political parties, members of the National Parliament and civil society on a parity policy for elected office, the Committee remains concerned at the low participation of women in Parliament (20.8%), municipal assemblies (23.5%), and local municipalities (21.2%).

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

(a) Take specific measures to increase the participation of women in political and public life, in particular in elected office and decision-making positions, including through the adoption of temporary special measures, such as electoral quotas not only for candidatures but also for the seats to be apportioned, in

accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 25 (2004); and

(b) **Implement awareness-raising activities targeting political parties, politicians and policy makers, especially men, as well as the general public on the importance of women's participation in political and public life and decision-making as a whole.**

### **Education**

24. While noting that the literacy rate among women in the State party has increased from 56.5% in 2000 to 68.1% in 2010, the Committee remains concerned that it is still low, in particular among rural women. It is also concerned at instances of sexual abuse in schools and the lack of information on the number of reported cases of such abuse, investigations, prosecutions and the number of victims rehabilitated. It is further concerned at the drop out rate of pregnant girls from schools and the lack of support to enable them to return to school after childbirth. The Committee is concerned that women and girls continue to choose traditionally female-dominated fields of education, in non-technical areas. It is also concerned about the lack of information on the access of women and girls with disabilities to education, including mainstream education.

25. **The Committee urges the State party to raise awareness about the importance of women and girls education as a human right and as the basis for their empowerment. To that end, it urges the State party to:**

(a) **Strengthen adult literacy programmes, especially for women in rural areas;**

(b) **Adopt measures to prevent, punish and eradicate all forms of violence against women and girls in educational institutions;**

(c) **Ensure that the policy allowing pregnant girls to continue and return to school during and after pregnancy is implemented across the board and includes a monitoring mechanism and raises awareness among pregnant students and their families about the importance of education;**

(d) **Include for adolescent girls and boys age appropriate education on sexual and reproductive health and rights in school curricula, including in vocational schools, such as on gender relations and responsible sexual behaviour with the aim of prevention of early pregnancies;**

(e) **Ensure that technical and vocational training enables girls to acquire professional skills in all areas, by also orienting them towards traditionally male dominated careers; and**

(f) **Ensure adequate educational opportunities for women and girls with disabilities, including by integrating them into mainstream education.**

### **Employment**

26. The Committee acknowledges various measures taken by the State party in the area of employment, including the adoption of the Labour Code (2008) with a specific chapter on women's rights, recognition of domestic work as a professional category and the extension of a compulsory social protection for all workers. However, the Committee remains concerned that the Labour Code (2008) does not fully incorporate the principle of equal pay for work of equal value. It is also concerned at the persistent gender wage gap and at occupational segregation and the lack of measures to address this situation.

27. **The Committee recommends that the State party ensure equal opportunities for women in the labour market and urges it to:**

**(a) Ensure that the Labour Code adequately includes the principle of equal pay for work of equal value in all areas of employment and reduce the gender wage gap, in accordance with ILO Convention 100 (1951) on Equal Remuneration; and**

**(b) Adopt effective measures, including temporary special measures, to eliminate occupational segregation.**

### **Health**

28. While noting that reproductive health services have in general been free of charge, the Committee is concerned that the fees introduced in 2009 may limit women's access to those services. It also notes the State party's cooperation with local NGOs which offers services in family planning, HIV/AIDS tests, ultrasound, etc. However, it remains concerned about the lack of information about State funding for and monitoring of the quality of such services, including observance of ethical standards. The Committee is also concerned at the lack of information about access to reproductive health services for women with disabilities, and at reported cases of forced abortion and sterilization of women with disabilities. The Committee is further concerned at the lack of information regarding women with HIV/AIDS, especially measures to address discrimination or stigma suffered by them.

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

**(a) Ensure women's free access to reproductive health services, in line with the Committee's General Recommendation No. 24 (1999) on women and health;**

**(b) Adequately fund and monitor the provision of reproductive health services by civil society organizations, both in terms of quality of care and observance of ethical standards and ensure dissemination of information on reproductive health rights and services;**

**(c) Ensure that women with disabilities have access to reproductive health information and services and that abortions and sterilizations performed on women with disabilities are conducted with their free, prior and informed consent, and that those responsible for performing this without such consent are prosecuted, and punished if convicted, and ensure that redress and financial compensation is provided to women victims of forced abortions or sterilizations; and**

**(d) Provide in its next report information on women with HIV/AIDS, including measures to counter discrimination and stigma against them.**

### **Rural women**

30. While noting that the State party carried out various programmes targeted at rural women's economic empowerment, the Committee is concerned that rural women still face many difficulties with regard to poverty, access to justice, education, health and housing, clean water and sanitation services as well as their participation in decision-making processes in community development associations. The Committee is particularly concerned that the absence of a land registration system prevents rural women from using ownership of land as a guarantee to access financial credit.

31. **The Committee calls upon the State party to:**

**(a) Within the framework of the Programme to Combat Rural Poverty, implement specific measures to combat rural women's poverty and ensure their access to justice, health-care services, education, housing, clean water and sanitation, fertile land and income-generating projects;**

**(b) Ensure rural women's participation in decision-making processes at the community level; and**

(c) **Take measures to address the root causes, including irregularities in the registration of land, which prevent rural women from accessing land, property and credit.**

#### **Disadvantaged groups of women**

32. The Committee is concerned about the situation of women who face multiple forms of discrimination, in particular women with disabilities, older women, female headed households and migrant women. It is also concerned about the limited information and statistical data available on disadvantaged groups of women with regard to their access to education, employment, health care, protection from violence and access to justice, as well as about the lack of information on the use of temporary special measures to improve their situation.

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

(a) **Adopt measures, including temporary special measures, to empower women who face multiple forms of discrimination, including women with disabilities, older women, female headed households and migrant women so as to ensure full enjoyment of their rights on an equal basis with men;**

(b) **Ensure protection of these women from violence, abuse and exploitation;**  
**and**

(c) **Provide, in its next report, comprehensive statistical data, disaggregated by sex and geographic location, age and ethnicity, on the situation of disadvantaged groups of women, in all areas covered by the Convention and the impact of measures undertaken, including the housing and employment policy.**

#### **Marriage and family relations**

34. It is also deeply concerned that whilst the Civil Code does not allow polygamy, the de-facto polygamy persists in the State party. The Committee is further concerned about stigmatization and the lack of legal protection in relation to family matters for single women heads of households.

35. The Committee calls upon the State party to ensure equality of women with men in marriage and family relations by:

(a) Taking measures to abolish de-facto polygamy, in line with the Committee's General Recommendation No. 21 (1994) on equality in marriage and family relations and ensure that the economic rights of women who are already in polygamous unions are adequately protected in accordance with General Recommendation 29; and

(b) Adopting measures to counter stigmatization of single women heads of households and ensure that single parent families headed by women have equal access to services and support as two-parent families and those headed by men.

#### **Data collection**

36. Although the Committee welcomes the creation of a Gender Observatory, it is concerned at the general lack of available updated data, disaggregated by sex. It notes that data disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background as well as inclusion of data for persons with disabilities, is necessary for an accurate assessment of the situation of all women, and for the development of informed and targeted policymaking, and for the systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality with regard to all areas covered by the Convention.

37. **The Committee calls upon the State party to enhance the collection, analysis and dissemination of comprehensive data disaggregated by sex, age, race, ethnicity,**

location and socio-economic background, as well as for persons of disabilities and the use of measurable indicators to assess trends in the situation of women and progress towards the realization of women's substantive equality in all areas covered by the Convention. In this regard, it draws the State party's attention to the Committee's general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to develop gender-sensitive indicators which could be used in the formulation, implementation, monitoring, evaluation and, when necessary, review of women's and gender equality policies.

#### **Beijing Declaration and Platform for Action**

38. The Committee calls upon the State party, to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

#### **Dissemination and implementation**

39. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. It urges the State party to give priority attention to the implementation of the present Concluding Observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and all women's organizations, universities and research institutions, media, etc. It further recommends that its Concluding Observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the CEDAW Convention, its Optional Protocol and the Committee's General Recommendations to all stakeholders.

#### **Ratification of other treaties**

40. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, i.e. the International Convention for the Protection of All Persons from Enforced Disappearance.

#### **Follow-up to concluding observations**

41. The Committee requests the state party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 23 and 29(c) above.

<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention of the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

42. **The Committee invites the State party to submit its ninth periodic report in July 2017.**

43. **The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”.**

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