



Report of the National Commission for Human Rights and Citizenship (CNDHC) of Cabo Verde to the Committee on Economic, Social and Cultural Rights

Introduction

On submission of the Initial Report of the State of Cabo Verde on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), held on November 9, 2017, the National Commission for Human Rights and Citizenship (CNDHC) is pleased to submit this contribution to the UN Committee on Economic, Social and Cultural Rights, containing its perspective on the implementation of ESCR in Cabo Verde.

Equal Rights of Men and Women

1. With regard to equality between men and women, the country has considerable gains in the legal, institutional and public policy framework. The approval, in 2011, of Special Law No. 84 / VII / 2011, of January 10, which regulates the measures for the implementation of the principle of gender equality, known as the GBV Act and its regulation in 2014, through of Decree-Law No. 8/2014, of January 27, constitute the most important legal measures adopted in this matter. In terms of public policies, a number of gender equality plans were adopted in 2005, 2011 and 2015, aimed at providing the country with policies, programs and actions that contribute to the promotion of equal rights, duties and opportunities for men and women. In view of the remaining challenges, it is advisable for Parliament to



approve a Parity Law with a view to providing equal participation in both the political life and the economic, social and cultural development of the country.

2. There is a need to strengthen the monitoring of the implementation of GBV Act and the regulation to this law, taking into account the non-compliance with the provisions of these two instruments and which lead to a prevalence of a high rate of 11% of GBV victims, with a focus on women. It should be noted that there is now a change in the types of GBV crimes, with serious cases of homicides followed by suicides or homicides followed by the aggressor's flight, which demands attention from government authorities in drawing up public policies on this matter.

Work conditions

3. The State of Cabo Verde has introduced some adjustments in labour legislation, but there are still some amendments that are required, in particular, in the part concerning maternity leave. In this sense, it is necessary to increase the leave period from 2 to 4 months and inclusion of the paternity leave in the first days of the birth of the child.
4. Domestic workers constitute a professional class which have a set of rights enshrined in the Cabo Verdean legal system that is yet to be implemented, namely the poor enrollment in the national social security system with the consequences thereof or the precariousness of the contractual relationship. The ratification of ILO Convention 189 on decent work for domestic workers is fundamental. It is also necessary to regulate domestic work, and there is already a draft law in this regard.
5. In the defense of the rights of domestic workers, civil society has mobilized and was created in 2017 in the capital of the country the Union of Services, Domestic and Informal Workers, a structure that has become affiliated to the one of the



largest federations union, the National Union of Cabo Verdean Workers - Central Union (UNTC-CS).

6. In the case of persons with disabilities, it is essential the State of Cabo Verde ratifies the Optional Protocol to the Convention 159 of the International Labour Organization on the Vocational Rehabilitation and Employment (Disabled Persons) and regulates access to the labour market for people with a visual impairment contributing to the greater dignity of the workforce.
7. Amendment to Decree-Law No. 84/78, of September 22, which establishes compulsory insurance against accidents at work and occupational diseases, is also a necessity.
8. Cabo Verde has experienced high rates of unemployment, particularly youth unemployment, which presents major challenges in combating poverty reduction and social cohesion.
9. It is fundamental that the State adopts unfreezing measures for admission, progressions and promotions in the Public Administration, since, year after year, the main demands of civil servants have focused on these dimensions. On the other hand, there is an urgent need to review the civil servants salaries and the per diem rates for both domestic and foreign travel, which have hindered the full professional development of workers.
10. Every year, the CNDHC receives complaints related to the realization of the right to work, but they are not in the top of complaints in the institution.

Social Protection

11. Whereas the country has experienced epidemiological changes with the appearance of new diseases which require new responses, it is imperative to



update the list of benefits of the National Institute of Social Security in the field of health so as to be adequate to the specificity of each disease.

12. In order to guarantee a better response in terms of social protection, it is urgent the State regulates the Basic Law on Social Protection of the Non-Contributory System, so that people in situations of vulnerability, namely the elderly in need and the persons with disabilities can enjoy the rights already enshrined. On the other hand, simplification of the procedures for access to the Social Pension of the Non-Contributory System, mainly for the elderly in bed and / or with limited mobility and for person with disabilities, as well as the strengthening of the benefit and logistical support to the organizations that deal with the persons with disabilities is of an urgent nature.
13. Some NGOs and individuals have raised complaints and concerns about coverage of physiotherapy sessions and the amount of disability allowance. Ordinance No. 29/2006, of November 13, establishes that insured persons, pensioners and their family members are entitled to 50 sessions of physical therapy per year, which is clearly insufficient, especially for patients who need permanent or continuous rehabilitation treatments. Ideally for these organizations and individuals it is expected 20 to 30 sessions per month for patients who clinically prove to have this need. In the same line, Decree No. 51/2010, of December 13, establishes in its article 3 the amounts of disability allowance. NGOs working with persons with disabilities and family members have consistently demanded an adjustment in the amount since this is totally out of the reality.

Living conditions

14. The Government of Cabo Verde has undertaken efforts to reduce social asymmetries and guarantee subsistence living conditions through the creation of programs such as the Single Social Registry (still under implementation), Social Inclusion Income and National Care System, as well as the approval of the



minimum wage increase. Despite these efforts, much remains to be done in this area, notably through the consolidation of these government initiatives.

15. In view of the climate change and because Cabo Verde is a country located in the Sahel and therefore highly susceptible to cyclical droughts, which poses risks to food and nutrition security, it is imperative to review production methods for agrarian and livestock farming and the reinforcement of technology and technical knowledge in this area. The drought of 2017 put many farmers and livestock farmers in difficulties, forcing the Government to take some additional measures to deal with this situation. One of the measures is the granting of a check voucher to contribute for the purchase of food for livestock, under the Emergency Program for Mitigation of Drought and Bad Agricultural Year (PEMSMAA), a measure that has been object of criticism on the part of the livestock farmers, claiming its inefficacy. Despite the measures taken by the Government, these have not been sufficient.
16. With regard to access to water, inequalities persist between populations that have access through public water supply and those who do not have. For people who do not have access through the public network, the water consumed is not of the required quality and the supply happens during normal working hours, making access to a significant percentage of people difficult. On the other hand, the price of water for people who do not have access to the public network, is around three times higher than the normal price. In this sense, it is urgent to improve the quality and availability, at an appropriate price, of access to water by the most vulnerable and under-resourced population.
17. In terms of electricity, many households have had difficulties accessing electricity because of the high rates applied. In this sense, the tax exemptions to low-income families is recommended, in order to confer more quality of life and dignity to low-income families.



18. With a view to reducing inequalities in access to water and energy and promoting greater social equity, the Government, through Decree-Law No. 37/2018 and 41/2018, of June 20, approved social tariff system for the provision of electricity and water supply to final consumer who are economically vulnerable and are registered in the single social registry.
19. In recent years, Cabo Verde has had some policy measures to combat the existing housing deficit. Both the Central and Local Government, there has been a reinforcement of policies of rehabilitation of the dwellings, trying to guarantee better housing conditions to the populations. In spite of these efforts, challenges remain, mainly related to informal housing. The country has a very significant register of neighborhoods where clandestine buildings predominate, in places of risk, and without housing conditions, accessibility and safety recommended, which, in case of any emergency intervention, seriously hinders the work of the authorities. People living in these neighborhoods have difficult access to public transport, basic services, information and the Internet. It is an urgent matter to adopt measures to deal with this housing precariousness situation.
20. In 2011, Decree-Law No. 20/2011, of February 28, was approved on the elimination of urban and architectural barriers, in order to ensure that persons with disabilities have equal access to other services and equipment. However, physical and architectural barriers remain in the country in central and local services, public transport services and public roads, which greatly limits the mobility, autonomy and effective participation of persons with disabilities in social life.
21. Whereas the country does not have a National Evacuation Plan for emergencies and natural disasters, it is urgent to adopt one, for general cases and specific one, for some vulnerable groups, namely persons with disabilities.

Health



22. The country has had many gains in health sector, in particular the opening of new health facilities and hiring new professionals. However, concerns remain about the evacuation of patients, both internally and externally.
23. There have been many complaints about the lack of inter-island transportation for patients and delays in the decision-making process for the evacuation of patients both internally and externally. Recently there have been some deaths due to complications related to the internal evacuation process.
24. There have been recurrent complaints regarding delays in the appointment for doctors, and for some specialties the waiting time is quite considerable. On some islands consulting with a medical specialist can take months, due to the lack of specialists in some areas.
25. It is essential and urgent to provide hospital, in the islands where there are additional difficulties in air / maritime connection, of specialized medical consultations, through teleconsultations with specialists and essential equipment in order to reduce evacuations.
26. In several municipalities of the country there have been reports of people with mental illness circulating on the streets without any intervention by the authorities. Although there are health facilities that provide care in cases of urgency and need, Cabo Verde needs, urgently, more facilities for the reception and treatment of people with mental illness. In the prisons, there are cases of prisoners with evidence of mental illness and continuing to serve time with other prisoners.
27. It is therefore urgent to give special attention to mental health through the creation of conditions in the current health care facilities so that the patient can benefit from appropriate treatment and awareness-raising with families and the community on this matter. As part of its investigative role, the CNDHC has



received a number of complaints from family members that, in the absence of adequate alternatives or health facilities, keep their family members with a psychic disturbance closed at home, or more extreme cases tied up, otherwise they would mutilate themselves.

28. The change in the medical co-payment table in public health care facilities, exempting pregnant and parturient women from user fee in order to avoid the regression of childbirth indicators in health facilities and the creation of conditions for babies up to 2 years of being accompanied by one of the parents in case of hospitalization constitute urgent and necessary measures to be taken in order to encourage the demand for health services.

Education

29. Some measures have been taken by the Government to make education more inclusive. The new organic of the Ministry of Education, approved by Decree-Law No. 40/2018, of June 20, provides the implementation of the Educational Inclusion and Promotion of Citizenship Service, which operates across all teaching subsystems, with the exception to higher education. This structure includes within its framework the Unit for Educational Inclusion and Citizenship (UIEC) whose mission is to implement the national policy of special and inclusive education for socio-educational inclusion. However, there is a need for teacher qualification as there is a lack of teachers with specific training in this field.
30. Another measure adopted by the Government, through Ordinance No. 27/2018, was the approval of the Regulation that defines the process for granting free enrollment and attendance in public and private schools of pre-school, secondary education, teaching vocational training for persons with disabilities.
31. The 2nd National Action Plan for Human Rights and Citizenship of Cabo Verde (2017-2022), approved by Resolution 127/2017, of November 17, places special



emphasis on human rights education, as a tool for promotion of social peace, both at informal and formal levels. The Plan foresees a set of actions that aim to promote the education for the rights in the several levels of education, the civil servants and the different professional classes.

Right to Union Membership

32. There have been no major problems with exercise of the right to freedom of association in Cabo Verde. However, there has been a discussion on the legality on exercising of the right to strike by national police officers. In recent years, the police union has already called some strikes, a fact that has not been welcomed by political power. In this regard, it is recommended scrupulous respect for the right to freedom of association enshrined in existing laws and in the International Covenant on Economic, Social and Cultural Rights with regard to freedom of association, non-discrimination and non-intimidation of trade union officials.

Family Protection

33. Cabo Verde presents a good legal framework for family protection, especially the Constitution of the Republic and the Civil Code.

34. Despite the existence of a favorable legal framework, there are many challenges in practice in this area. In terms of protecting the child as a family member, due to its vulnerability, it always requires a lot of attention from the family and also from the authorities, in order to adopt adequate and effective public policies. There have been reported cases of children of the street and in the street, begging on the main streets of the major urban centers, namely Praia and Mindelo, which may be an indicator, or lack of cohesion and family stability or poverty and vulnerability of many families in Cabo Verde.



35. Another dimension that has greatly affected children and, consequently, Cabo Verdean families has to do with sexual abuse of children. Given the magnitude of this problem, various plans and policies have been adopted to address this issue.
36. The CNDHC has received a number of complaints related to children's rights, including child support, parental responsibility, recognition of paternity and begging, which demonstrate the need to strengthen measures to protect the family.
37. In 2013, the CNDHC launched a national campaign to make Cabo Verdean society more sensitive about the need to take on the responsible fatherhood, taking into account that, according to statistics, most families are headed by women and, in most of them, there is no paternal presence.
38. The high unemployment rate in the country, coupled with the situation of the poor agricultural year which has occurred in recent years, has greatly affected the standard of living of families, constituting one of the major obstacles to the normal development and sustainability of the Cabo Verdean family.