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**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав,
включая право на развитие**

Посещение Кабо-Верде

Доклад Специального докладчика по вопросу о праве на развитие* **

Резюме

Специальный докладчик по вопросу о праве на развитие Саад Альфарарги посетил Кабо-Верде 12–21 ноября 2018 года. Главная цель этой поездки заключалась в оценке реализации права на развитие в Кабо-Верде и выявлении остающихся проблем с целью формулирования рекомендаций для правительства и других заинтересованных сторон, работающих над достижением Целей в области устойчивого развития.

В этой связи в настоящем докладе содержатся замечания Специального докладчика в отношении правовых, стратегических и институциональных рамок; права на развитие в контексте отдельных областей развития; и вопросов, вызывающих озабоченность в отношении интеграции и участия. В нем также содержатся рекомендации, сформулированные Специальным докладчиком в отношении этих вопросов.

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Annex

Report of the Special Rapporteur on the right to development on his visit to Cabo Verde

I. Introduction

1. The Special Rapporteur on the right to development, Saad Alfarargi, visited Cabo Verde from 12 to 21 November 2018, at the invitation of the Government. The main objective of the visit was to assess the advancement of the realization of the right to development in Cabo Verde and to identify remaining challenges, with a view to formulating recommendations to the Government and other stakeholders who are working towards implementing the Sustainable Development Goals.

2. During his 10-day visit, the Special Rapporteur visited the islands of Santiago and São Vicente and was able to meet with a large number of government representatives, civil society organizations and academics, as well as with United Nations officials. He also met with representatives of the National Commission for Human Rights and Citizenship and the Ombudsperson.

3. The Special Rapporteur expresses his gratitude to the Government for its excellent cooperation and to the civil society organizations, academics and other stakeholders for their valuable input. He would also like to thank the United Nations country team and the Resident Coordinator for the assistance extended prior to, during and after the visit.

4. The visit to Cabo Verde was the first country visit conducted by the Special Rapporteur since the creation of the mandate in 2016 and his appointment in 2017. The Special Rapporteur chose Cabo Verde for the first country visit under the mandate because he believes it is a country that has achieved impressive progress, despite the numerous challenges it has been facing.

5. The mandate given to the Special Rapporteur by the Human Rights Council is extremely broad. As the time frame of a country visit is short, it was necessary to limit the scope of the visit, focusing on the implementation of the right to development in only a few areas of human development. The Special Rapporteur regrets that time constraints did not permit him to assess the full spectrum of the promotion, protection and fulfilment of the right to development in the context of the implementation of the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction 2015–2030, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Paris Agreement. Nevertheless, the Special Rapporteur believes that fruitful lessons can be drawn from the areas that he was able to look into and that his conclusions and recommendations will serve to assist the Government and other stakeholders with improving their work in implementing the Sustainable Development Goals and the rest of the post-2015 framework, as set out in the above-mentioned policy documents, in a manner compliant with human rights, including, in particular, the right to development. The Special Rapporteur paid special attention to the gender dimension, considering the developmental challenges that women and girls face. He also focused on the situation of the most disadvantaged parts of the society and, mindful of article 1 of the Declaration on the Right to Development, paid particular attention to the problems that persons with disabilities are facing in participating in and enjoying economic, social, cultural and political development in Cabo Verde.

II. General context

6. Cabo Verde is an archipelago located 455 km off the Western African coast. Its territory extends 4,033 square kilometres in total. The archipelago comprises 10 islands and 8 islets, divided into two major groups: the Barlavento Islands and the Sotavento Islands. The Cabo Verde islands were uninhabited when they were first reached by the Portuguese in the 1450s. The Portuguese colonized the islands in the fifteenth century. In the 1950s, Cabo

Verdeans joined in the war for the liberation of Guinea. In 1956, Amílcar Cabral founded the African Party for the Independence of Guinea and Cabo Verde. After more than two decades of struggle, on 5 July 1975 Cabo Verde achieved its independence.

7. Most of the inhabitants of Cabo Verde are descended from the first inhabitants of the islands, a majority of whom were people brought from West Africa as a result of the slave trade, and a small proportion of whom were Portuguese colonists and other Europeans. Cabo Verdeans are predominantly Roman Catholic; there also are Christians from other denominations and small Muslim and Baha'í minorities. Over 70 per cent are Creole, 28 per cent are African and about 1 per cent are European. Over the centuries, the country's population has fluctuated, as a result of periods of famine, epidemics and emigration. Labour migration is historically extremely pronounced and has resulted in a situation wherein more Cabo Verdeans live abroad than live on the archipelago; remittances provide a key source of income for those who remain. In recent decades, emigration has declined due to the adoption of more restrictive migration policies in destination countries. Lower rates of emigration, together with a large population of young people, decreased mortality rates and an increased life expectancy, resulted in population growth, stretching further the limited domestic resources. In addition, Cabo Verde has attracted growing numbers of immigrants, mostly from West Africa, Portuguese-speaking African countries and Portugal.

8. Due to its geographical location, an extension of the Sahel belt, the climate of Cabo Verde ranges from arid to semi-arid, with scarce rainfall and an average annual temperature of 25°C. The country is affected by recurrent droughts, with significant impact on agriculture, on food supply and on access to water, exacerbating poverty. Desalinization of water is a major issue. Cabo Verde is vulnerable to the impacts of climate change: insularity and climate characteristics can have serious impacts on already sensitive ecosystems and can reverse progress made in development and poverty reduction.

9. Cabo Verde is a small island developing State, and graduated from the least developed country category in 2007. Being a graduate is an achievement, but during his visit the Special Rapporteur learned that the "graduation", and the global economic crisis of 2008, resulted in a drastic decrease in funding for the country, thus leading to stagnation in development and delays in introducing many much-needed reforms. Achieving graduation is a long process, and signifies that the country has reached a number of development indicators.¹ However, new graduates from the least developed country category do not benefit from any additional special benefits. They thus face new hurdles, since they are no longer competitive on the basis of low costs and cheap labour, but they have not yet developed sufficiently technologically to achieve upper-middle-income status.

10. The Special Rapporteur was heartened to learn that, despite the challenges and unfavourable world economic environment, poverty in Cabo Verde has declined in recent years. According to national estimates, however, 35 per cent of the population still lives below the poverty line.² Furthermore, about 39 per cent of the population living in households headed by women are poor, as compared to 31 per cent of those living in households headed by men.³ In rural areas, 51 per cent of the households headed by women are poor. Women make up the majority of heads of poor households (60.5 per cent); their average age is 48.6 years old, most have had no training. While more than half of those women are literate, they have 3.8 years of study on average, as compared to an average of 7.7 years of study among women who are not poor.⁴ According to some reports, the situation of persons with disabilities is even more precarious.

¹ See www.un.org/development/desa/dpad/least-developed-country-category/ldc-criteria.html. Since the graduation of Cabo Verde, additional measures were put in place to ensure a smoother transition for newly graduating countries (see www.un.org/development/desa/dpad/least-developed-country-category/preparing-for-ldc-graduation-and-smooth-transition.html).

² A/HRC/WG.6/30/CPV/1, para. 39.

³ *SDG Cabo Verde: Voluntary National Report on the Implementation of the 2030 Agenda for Sustainable Development*, p. 19. Available at https://sustainabledevelopment.un.org/content/documents/19580Cabo_Verde_VNR_SDG_Cabo_Verde_2018_ING_final_NU_280618.pdf.

⁴ Ibid.

11. The country is lacking in natural resources. Its economy is small, undiversified and vulnerable to external shocks, and is dependent on development aid, foreign investment, remittances and tourism. The majority of the workforce is employed in the services sector, with commerce, transport, government and tourism accounting for the most employment. Tourism is the main industry producing economic growth, but the benefits do not appear to extend to the entire territory, with the poorest rural islands left behind. Employment in the tourism sector is concentrated in the islands of Sal and Boa Vista, and 60 per cent of workers have precarious contracts. Tourism depends highly on conditions in the euro-area countries.

12. About 36 per cent of the population lives in rural areas and about 40 per cent of women and 20 per cent of men are employed in the agricultural sector.⁵ However, the soil on several of the islands is poor for growing food, requiring the country to import most of the food its population consumes. The fishing potential, mostly catching lobster and tuna, is not fully exploited. Owing to the geography, most transportation between islands is by air, which is costly and poses numerous challenges, including with regard to enjoyment of rights. For example, the two main referral hospitals are located in the cities of Praia and Mindelo, which makes access for patients from other islands time-consuming and costly, even though the health authorities report having made arrangements with the air carriers for emergency cases.

13. Unemployment was estimated at 15 per cent in 2016 and at 12 per cent in 2017.⁶ However, for people between the ages of 15 and 24 the percentage was much higher, at 41 per cent. In addition, the labour market is gender segregated, and unemployment among women rose from 11.2 per cent in 2015 to 17.4 per cent in 2016, while among men it fell from 15 to 12.9 per cent during that time period.⁷ The informal sector, in which an estimated 18 per cent of the population was employed in 2009, remains the largest source of new jobs. Since the economy is highly dependent on foreign income from tourism and investments, the global crisis in 2009 had a significant impact, leaving many low-income workers in the tourism and construction sectors unemployed. In the past few years, foreign direct investment in tourism and manufacturing has been increasing; however, most of it is channelled to tourism-related real estate.⁸

14. During his visit the Special Rapporteur learned about the efforts of the Government to develop and diversify the economy, in particular the “blue economy”.⁹ Its location, between the West African coast and the Americas, gives the country the potential to play a part in developing maritime tourism and transport. The “blue economy” should be developed in a manner that would contribute to inclusive economic growth and reduced inequalities, optimizing the conditions for the construction of economic, social and environmental resilience. Such development could constitute a good practice with regard to the application of integrated policy for achieving the Sustainable Development Goals, if conducted in a participatory manner with the involvement and ownership of the local communities. The Special Rapporteur will continue to follow the implementation of the Government’s plans in that regard with great interest.

III. Legal, policy and institutional frameworks

15. The principal law of Cabo Verde is the Constitution (adopted in 1992 and revised in 1995, 1999 and 2010). The Constitution refers to the Universal Declaration of Human Rights in its article 17 and covers a wide range of human rights, including the rights to housing,

⁵ Cabo Verde, African Development Bank Group and UN-Women, *Cabo Verde: Country Gender Profile* (2018), p. iii. Available at www.unwomen.org/en/digital-library/publications/2018/1/country-gender-profile-cabo-verde.

⁶ *SDG Cabo Verde*, pp. 8 and 15.

⁷ Cabo Verde, African Development Bank Group and UN-Women, *Cabo Verde: Country Gender Profile*, pp. 12–13.

⁸ For more information on foreign direct investment in Cabo Verde, please see <https://tradingeconomics.com/cape-verde/foreign-direct-investment>.

⁹ According to the World Bank, the “blue economy” refers to sustainable use of ocean resources for economic growth, improved livelihoods and jobs, that preserves the health of ocean ecosystems. See www.worldbank.org/en/news/infographic/2017/06/06/blue-economy.

health, social security and access to justice, as well as the principles of equality and universality. Articles 41, 75 and 82 refer to the right to develop one's personality.

16. Cabo Verde is a parliamentary republic. Its executive branch is led by the Council of Ministers appointed by the President on the recommendation of the Prime Minister. The President is elected by popular vote for a five-year term; the Prime Minister is nominated by the National Assembly and appointed by the President. The legislative branch consists of the National Assembly, which has 72 seats and whose members are elected by popular vote for a five-year term. The judicial system consists of the Supreme Court of Justice, courts of first instance, the court of audit, and military, fiscal and customs courts. Legislation provides the possibility to establish judicial courts of second instance and administrative courts. In terms of political participation, there is gender parity in the executive branch, but in the legislative branch and at the municipal level women hold only one fifth of all eligible positions.

17. The country is divided into 22 municipalities. Municipal administrations consist of an assembly, elected by the voters residing in the territorial area of the local administration in accordance with the system of proportionate representation. Mayors are elected through direct universal suffrage. In accordance with the Constitution, municipalities are separate legal entities with administrative autonomy. According to the legislation on municipalities (Law 134/IV of 1995), municipal responsibilities include functions that are close to the population, such as municipal planning, sanitation, health care, housing, education, road transportation, culture, sports, tourism, municipal policing and rural development.¹⁰ The local administration may constitute associations and federations for the pursuit of common interests. There are, however, overlaps in and conflict between the competences of the central and local governments. According to some reports, improvements in legislation regulating local finances and territorial planning and on decentralization are needed.¹¹

18. At the time of the visit, the Special Rapporteur was informed about draft legislation, pending approval in the parliament, that would decentralize certain functions from the State to the municipal level; the exact distribution of powers had not yet been determined. From the standpoint of the right to development, the decentralization of responsibilities may be a positive step, if it is implemented in a way that brings decision-making closer to the communities that are affected by the respective decisions. If proper consultative mechanisms are built into and budgeted for in the revised distribution of powers, the above initiative would constitute a good practice, with the potential to address the governance and development challenges that the geography of Cabo Verde presents.

19. A national human rights committee was established in 2001; in 2004 it was replaced by the National Commission for Human Rights and Citizenship (Decree-Law No. 38/2004 of 11 October 2004). The Commission's President, however, has to date been nominated by the Minister of Justice and its budget forms part of the budget of the Ministry of Justice. Therefore, the Commission does not fully comply with the independence requirements set out in the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Recommendations to reform the Commission have been made by treaty bodies¹² and, notably, by States during the universal periodic review.¹³ The Commission has a network of representatives throughout the territory of Cabo Verde (focal points in all 22 municipalities on all nine of the country's inhabited islands), but their capacity could be strengthened. It also participates in consultations with the Government to define national legislation in the framework of human rights protection. At the time of the visit the discussion on the reform of Commission was ongoing.

20. The office of the Ombudsperson (Provedor de Justiça) was created, through a 1999 Constitutional amendment, as an independent institution and with powers to receive complaints regarding acts or omissions of public officials, and to make recommendations to the competent organs; the Ombudsperson is elected by the National Assembly (arts. 21 and 253 of the Constitution). The current Ombudsperson, António do Espírito Santo Fonseca, took office in December 2013. The revised statute of the Ombudsperson's Office was adopted

¹⁰ See www.oecd.org/regional/regional-policy/profile-Cape-Verde.pdf.

¹¹ Ibid.

¹² See, for example, E/C.12/CPV/CO/1, para. 5.

¹³ See A/HRC/39/5.

in February 2014 (Decree-Law No. 10/2014), and the Office currently employs 12 staff. The mandate of the Ombudsperson, as set out in the Constitution, includes: serving as a member of the Council of the Republic (art. 253); requesting the Constitutional Court to review the constitutionality and legality of regulations or resolutions (art. 280); and making his or her recommendations public (art. 21). The statute of the office also provides the Ombudsperson with a mandate to: promote the rights and freedoms of citizens; make recommendations to the competent bodies for the amendment of administrative acts and improvement of administrative services; make recommendations for the interpretation, amendment or repeal of legislative provisions, and propose new legislation; intervene in accordance with applicable law for the protection of collective rights and interests; and issue an opinion, upon a request of the National Assembly, on any matter related to the activity of the Assembly. The Ombudsperson may visit, with or without notice, any government institution or public company, examine documents, interview officials and request information. The Ombudsperson's Office, however, has limited human resources and, accordingly, limited opportunity to reach rural and remote communities, especially taking into consideration the geographic challenges of Cabo Verde.

21. From the standpoint of the right to development, domestic human rights institutions have a dual role. They can provide an avenue for accountability, if they have a mandate to take up individual or collective complaints related to the fulfilment of economic and social rights or issues related to access to information or discrimination in the context of development programmes or projects. They can also use their monitoring functions to assess participation and inclusiveness mechanisms put in place by the State authorities and bring to the attention of the legislature and the executive recommendations to adopt measures to ensure that every person is entitled to participate in, contribute to, and enjoy economic, social, cultural and political development. In the opinion of the Special Rapporteur, both the Ombudsperson's Office and the National Commission for Human Rights and Citizenship are well placed to perform such functions in Cabo Verde and thus to contribute to the implementation of the right to development and to the sustainable development process in the country.

IV. Selected areas of development and the right to development

A. International cooperation

22. The Special Rapporteur learned that, in June 2015, the Government of Cabo Verde, in partnership with the United Nations, had convened an international conference entitled: "Sustainable Development Goals in Middle-Income and Small Island Developing States (SIDS)". The event contributed to the global discussions on the specific needs of small island developing States in the context of the Sustainable Development Goals and the 2030 Agenda. The Special Rapporteur welcomes the initiatives of the Government to promote South-South cooperation. He commends in particular its efforts to formalize and enhance the actions of the small African island States within the African Union and in other regional and international forums.

23. During the visit, the Special Rapporteur was informed that the Government was organizing an international conference, entitled "Building New Partnerships for Sustainable Development in Cabo Verde". The Conference, held in Paris on 11 and 12 December 2018, was aimed at presenting to the international community the Government's plans for development and investment opportunities to encourage foreign investment and development assistance. During the Conference the African Development Bank's Director General for the West Africa Regional Development and Business Delivery Office announced the Bank's intention to triple its support to Cabo Verde by allocating an estimated €175 million for the 2018–2021 period, to be complemented by an additional €200 million, exclusively targeting private sector investments.

B. Process of implementing the Sustainable Development Goals

24. In the context of the implementation of the Sustainable Development Goals, the Government sought support from the United Nations to develop a road map to place the Goals at the centre of its national development planning process. With United Nations support, a rapid integrated assessment of the country's third growth and poverty reduction strategy, covering the period 2012 to 2016, was conducted, measuring the strategy against 116 of the targets of the Sustainable Development Goals. The assessment outcome and a more detailed analysis of sectoral and subnational plans were utilized to further identify gaps in and priorities for the implementation of the Goals and to prepare the next national development plan. The country's civil society platform, Plataforma de ONGs, invited government and United Nations representatives to discuss the platform's role in implementing the Goals and ways to strengthen its capacity to engage effectively to shape the national development agenda.¹⁴

25. The plans for the country's national development are outlined in the National Strategic Plan for Sustainable Development. The Plan covers the period 2017 to 2021 and is based on four objectives: (a) to make Cabo Verde a circular economy; (b) to ensure economic and environmental sustainability; (c) to ensure social inclusion and reduce inequalities and asymmetries; and (d) to strengthen sovereignty, creating value in democracy and orienting diplomacy to the challenges of the country's development. To achieve the four objectives, the programmes under the Plan form three pillars. The programmes in pillar 1 – economy – are aimed at supporting a new model of economic and environmental growth; those forming pillar 2 – social status – are aimed at ensuring human capital and quality of life and combating inequalities and asymmetries; those forming pillar 3 – sovereignty – are aimed at seeking a new State model to strengthen sovereignty, create value in democracy and orient diplomacy to the challenges of the country's development.¹⁵

26. All relevant United Nations agencies were involved in the preparation of the National Strategic Plan and the programmes thereunder. For example, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) provided support to mainstream gender in the national plan. The agencies mobilized multiple funding sources, including regular resources from the United Nations Development Programme, the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and UN-Women, funding pooled through the One United Nations fund in Cabo Verde (including from the Delivering Results Together fund and from the innovation fund under the United Nations Development Assistance Framework) and bilateral contributions. The Government has since further requested the United Nations to strengthen monitoring and reporting on the Goals and develop a platform for financing for development and innovative models of aid effectiveness and partnerships.

27. The country's United Nations Development Assistance Framework for the period 2018 to 2022 was developed in close collaboration with the Government, but also with the involvement of civil society organizations, the private sector and international development partners represented in the country. The Framework is aligned with the Government's programme for the ninth legislative term and the country's National Strategic Plan for Sustainable Development.¹⁶ The Special Rapporteur finds that efforts the United Nations country team made to ensure a broad participatory process when working on the Framework, as well as when providing support to the Government in determining priorities and preparing the Plan, are good examples of efforts to promote the right to development.

28. In 2018, Cabo Verde reported to the high-level political forum on sustainable development.¹⁷ The voluntary national report was coordinated by the Ministry of Finance. The National Planning Directorate of the Ministry of Finance, which is the focal point for the

¹⁴ See <https://undg.org/cabo-verde-initiating-the-sdg-implementation-in-a-small-island-developing-state/>.

¹⁵ *SDG Cabo Verde*, p. 18.

¹⁶ See http://www.un.cv/files/UNDAF_FINAL_En.pdf, pp. 6 and 8.

¹⁷ Information in this paragraph is based primarily on *SDG Cabo Verde: Voluntary National Report on the Implementation of the 2030 Agenda for Sustainable Development*.

Sustainable Development Goals and mandated to coordinate the implementation of the Goals, was supported by an inter-agency working group composed of representatives from key ministries, public institutes, United Nations agencies, the private sector and civil society. The report was prepared in two phases: activities during the first were focused on the collection of information on the implementation of the 17 Goals, and those during the second were focused on, among other things, the systematization of data and the validation of the report. The first phase began with the preparation of the work plan for the preparation and dissemination of the report and the report's annotated structure. A preparatory meeting was held with all stakeholders (representatives of central and local government, civil society and the private sector, development partners and parliamentarians) to, among other things, present the scope of the report and its preparation process, and present, discuss and approve its structure. In addition, the meeting served as a forum for sharing information on the contribution of each sector. At the meeting a drafting group was elected, to be coordinated by the National Planning Directorate and composed of representatives of the Ministry of Finance, sectors relevant to the process, the National Statistics Institute, representatives of local governments, United Nations agencies, the private sector and civil society. The drafting group prepared the draft report, which was presented at a socialization and validation workshop on 13 June 2018. Comments, amendments and recommendations were incorporated into the document and the final version was submitted to the Government and approved. The Special Rapporteur considers the above process a good example of inclusiveness and participation, in line with the objective to integrate the right to development in the process of implementing the Sustainable Development Goals.

29. Cabo Verde has also been participating in the Inter-Agency and Expert Group on Sustainable Development Goal Indicators and by providing support to the Praia Group on Governance Statistics, tasked with the methodological development of Goal 16 (on peace, justice and strong institutions).¹⁸

C. Health

30. Health care was one of the sectors that the Special Rapporteur looked at during his country visit, since it is a sector that, in every country, reflects the benefits and challenges of development. He was informed that the basic health indicators of Cabo Verde have been steadily improving. The infant mortality rate (infants under 1 year old) was 15 per 1,000 live births (13.5 for girls and 16.4 for boys) in 2017, significantly down from the rate of 21.9 per 1,000 live births (24.3 for boys and 17.9 for girls) recorded in 2008.¹⁹ In 2015, the maternal mortality rate per 100,000 births was 42.²⁰ Immunization coverage up to 2012 was in the 90 per cent range. The national vaccination plan currently includes 10 vaccines free of charge (available in all health facilities in the country).²¹

31. Hospital bed density, defined as the number of hospital beds per 1,000 people, was 2.1 in 2010. Since then, health centres aimed at primary and extended care were created in Praia and on São Vicente, the most populous city and island, respectively. The basic package of essential health services, provided free of charge, at the national level (in both urban and rural areas) includes: reproductive health services for both women and men; care for infectious/transmissible diseases (HIV/AIDS, sexually transmitted infections and tuberculosis, among others), including antiretroviral treatment, which is now available in all municipalities of the country; and integrated management of childhood illness. All pregnant women have free access to sexual and reproductive health services, which includes a prenatal HIV test and antenatal and postnatal care. The basic package also includes free screening for breast, cervical and prostate cancer.

32. The Special Rapporteur considers it encouraging that the above-mentioned key indicators for the country have improved. However, in Cabo Verde in 2015 there were

¹⁸ See <https://undg.org/cabo-verde-initiating-the-sdg-implementation-in-a-small-island-developing-state/>.

¹⁹ See <https://data.worldbank.org/indicator/SP.DYN.IMRT.IN?view=chart>.

²⁰ See www.who.int/gho/maternal_health/countries/cpv.pdf?ua=1.

²¹ CRC/C/CPV/2, para. 97.

0.79 physicians per 1,000 people. The World Health Organization (WHO) estimates that fewer than 2.3 health workers (physicians, nurses and midwives) per 1,000 people would be insufficient to achieve coverage of primary health-care needs. In addition, the Special Rapporteur received reports that there is a lack of qualified medical specialists in some areas, which further jeopardizes access to necessary health care. The total expenditure on health as a percentage of the gross domestic product is about 4.8 per cent,²² and the Special Rapporteur notes with concern that this figure is also below that recommended by WHO.

33. The Special Rapporteur was also informed that there was a solid legislative basis for regulating health care, but that there were issues with regard to implementation and that readjustment was necessary in order to reflect the domestic reality. Concerns were raised with regard to tertiary health care for the inhabitants of most islands, since there were only two referral hospitals in the country. The Special Rapporteur hopes that the upcoming decentralization process will be instrumental in restructuring the health-care system and will allow the system to better answer the needs of the communities, in particular in remote and rural areas. He noted concerns raised about the lack of training of medical personnel with regard to attending to persons living with HIV/AIDS, who continue to face stigmatization in the health-care system and a lack of confidentiality relating to their status. Other health-related concerns are noted in the sections of the present report on the situations of women and persons with disabilities.

D. Education

34. In the Special Rapporteur's view, equal access to quality education is both a right in itself and a precondition for the fulfilment of the right to development. The net enrolment rate in primary school was 95.88 per cent in 2017 (92.53 for girls and 99.16 for boys).²³ About 52 per cent of the pupils in secondary education in 2017 were girls. The literacy rate for young people aged 15 to 24 years was 98 per cent in 2013, and there is parity among young women and men.²⁴ However, general literacy rates in the country are estimated at 92.5 per cent among men and 82.5 per cent among women.²⁵

35. The extension of preschool to cover all children from 4 to 6 years of age is in process, aimed at reducing economic and social disparities in education, including for children with special education needs. Although 86 per cent of children, on equal terms for boys and girls, already attend preschool, children from poor households are twice as likely not to have access to preschool education. When they attend, they are more likely to have access to preschools of low quality.²⁶ The Special Rapporteur is further concerned that families living under or close to the poverty line cannot bear the costs for school supplies and transportation to an educational establishment, nor cover the tuition fees for secondary education; therefore, the right to development of children from such families is not ensured.

36. All stakeholders with whom the Special Rapporteur met during his visit agree on the extreme importance of education for the development of the country, and this view is reflected in all of the country's strategic planning instruments. The Special Rapporteur notes positively that budgetary appropriations for education during the period 2010 to 2015 were between 13.2 and 16.4 per cent of the State budget and that the literacy rates have been increasing every year. He notes that the State recognizes its responsibility to guarantee free, compulsory and universal education, and that it provides such education up to the eighth grade. At the time of the visit the possibility of extending tuition-free education to secondary school (ninth to twelfth grade) was under discussion. Household expenses for the schooling of children include uniforms, school materials and examination fees. Schoolbooks are subsidized and purchased by families at a low price. The Special Rapporteur was informed that a programme entitled "Access to Education" was established to help ensure access to

²² See www.who.int/countries/cpv/en/.

²³ See <https://data.worldbank.org/indicator/SE.PRM.ENRR?end=2017&locations=CV&start=1971&view=chart>.

²⁴ CRC/C/CPV/2, para. 127.

²⁵ *SDG Cabo Verde*, p. 8.

²⁶ A/HRC/WG.6/30/CPV/1, para. 37.

education services for people living in situations of poverty and social vulnerability, especially children and adolescents, whose families do not have the means to support education costs. He welcomes the possibility of extending tuition-free education up to the twelfth grade.

37. In 2017 the Cabinet of Ministers approved Decree-Law No. 47/2017, which provides measures for social and educational support to students during pregnancy, after childbirth and while they are breastfeeding. These measures are aimed at ensuring continued access to education for pregnant girls at all educational levels (basic, secondary, professional training and higher education).²⁷ The Special Rapporteur welcomes the measures, noting that they can contribute to ensuring that pregnant girls under the age of 18 in educational facilities are not encouraged to interrupt their studies or to leave school.

E. Social protection system

38. One of the indicators for combating poverty and reducing inequality under the Sustainable Development Goals is the percentage of the eligible population covered by national social protection programmes. The Special Rapporteur considers social protection systems to be of particular importance in ensuring the implementation of the right to development, in accordance with article 2 (3) of the Declaration on the Right to Development, under which States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals.

39. In Cabo Verde there are several initiatives relevant to ensuring social protection. The Special Rapporteur was informed of the creation of the single social registry, which is intended to serve as a permanent instrument for mapping vulnerable families and for monitoring the situation of families, and as the only reference for, among other things, social transfers, the social pension, the social inclusion income, social rates for water and energy, and health services. The Special Rapporteur welcomes the establishment of the registry and believes that once registration is completed, the registry will be an extremely useful tool in providing social protection to the ones left furthest behind in the society.

40. The Special Rapporteur also learned of the creation of the access to income programme, comprising the social inclusion income and the social pension. The social inclusion income is a direct monetary transfer to people and is aimed at families with children under the age of 15 living in extreme poverty, where the heads of household belong to the active population but are not engaged in an income-generating economic activity.

41. The social security system in Cabo Verde covers more than 227,000 people; about 206,000 of those are covered through the contributory subsystem, and about 21,000 through the non-contributory subsystem (social pension, intended for people aged 60 or over with an annual income below the poverty threshold, who do not benefit from any other social security plans). The contributory system covers close to 40 per cent of the population.²⁸

42. A major development in social security is the introduction of unemployment benefits, (Decree-Law No. 15/2015). Unemployment benefits started as of 1 May 2017 and are funded through workers' contributions (an increase of 0.5 per cent in their contribution rate to the national institute for social security), employers' contributions (whose rates of contribution increased by 1.5 per cent) and a contribution from the national institute for social security itself (1.5 per cent).²⁹

43. The Special Rapporteur was impressed by the significant work carried out by the authorities to increase the social protection coverage of the population, through contributory and non-contributory schemes. The coverage rate is one of the highest in the region and is considered by the International Labour Organization to be a successful experience of

²⁷ Ibid., para. 38.

²⁸ Ibid., para. 108.

²⁹ Ibid., para. 110.

expansion of social protection.³⁰ The Special Rapporteur also considers as a positive development that issues related to social protection are discussed in a social consultation council, which includes numerous stakeholders.

44. The Special Rapporteur has also learned about the challenges faced by migrants, who have come to seek a better life in Cabo Verde, particularly on islands where the economy is oriented towards servicing the tourist industry. Many migrants end up living in slums, in conditions of extreme poverty and vulnerability, in a country with already high unemployment and struggling education and health-care systems. The Special Rapporteur considers it a good practice that the social protection scheme is extended to immigrants who have resided legally in the country for over three years.

V. Issues of concern: inclusion and participation

A. Civil society

45. The Special Rapporteur strongly believes that the role of civil society organizations and their cooperation with the authorities and other relevant stakeholders is fundamental to the advancement of the right to development and of human rights more broadly. He was pleased to learn from civil society organizations that they have been included in the discussions leading to the formulation of domestic development policies and legislation. The Special Rapporteur encourages the Government to institutionalize consultation processes when working on development policies and legislation, in particular where decisions will affect the economic and social rights of the population.

46. Some of the representatives of organizations with whom the Special Rapporteur met raised concerns about differing levels of inclusion among the urban and rural populations and the populations on the smaller islands, and about the low levels of outreach and participation opportunities at the municipal level, particularly in rural areas. He also learned about the shrinking of civic space, as both the international community and the Government had reduced funding for civil society organizations following the country's "graduation" from least developed country status, which has led those organizations to compete against each other for fewer resources. This important gap needs to be addressed both through a mobilization of national resources and through international cooperation.

B. Equality and the right to development

47. The concepts of non-discrimination, equality and the equitable distribution of the benefits of development are enshrined in the Declaration on the Right to Development: its preamble declares that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations. Article 2 (3) reaffirms that States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom. Article 5 refers to a duty of States to take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by a number of situations, including racism and racial discrimination. Article 8 states that economic and social reforms should be carried out with a view to eradicating all social injustices and that States are to ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. The right to equality and the principle of non-discrimination are recognized in all international human rights instruments and in regional instruments, for example in articles 2 and 3 of the African Charter on Human and Peoples' Rights. In the present report, the Special Rapporteur examines the implementation of those principles in the context of equal participation in economic, social and political development, in particular equal participation of women and persons with disabilities, as

³⁰ See www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=50638.

those segments of the population in Cabo Verde face the most serious challenges in fulfilling their right to development.

C. Women and the right to development

48. During the visit, the Special Rapporteur met with several civil society organizations working on gender issues and learned about the numerous problems women face in their daily lives. He was taken aback by the high percentage of families headed by women: 48 per cent of all families and 56 per cent of poor families, according to information provided by representatives of UN-Women. This situation jeopardizes the development opportunities of both the women and their children. In 2012, the national institute for gender equality and equity, together with the National Institute of Statistics, conducted a time-use survey, which illustrated that women were assigned almost exclusive responsibility for domestic work, education of children and family care, most of which was unpaid work. The survey showed that, on average, women spent about 62 hours per week on unpaid work and men, 38 hours, a difference of about 24 hours per week.³¹ According to information provided by representatives from UN-Women, among poor women, the unpaid workload was even higher – up to 10 hours more per week on average among women with a low level of education. At the same time, women represented 52.5 per cent of informal workers and received salaries half those of men. In addition, the rate of teenage pregnancies was high: the percentage of pregnant women under 19 years of age in 2009 was 22.5 per cent; in 2010 it was 30.5 per cent.³²

49. Civil society organizations working on women's economic empowerment in Cabo Verde offer training courses on microfinance, support for the establishment of production cooperatives, market placement of products and other support. Two national-level NGOs, MORABI (an association in support of women's self-promotion in development) and the Organização das Mulheres de Cabo Verde (a women's organization), implemented projects covering several islands during the review period. Between 2012 and 2016, they provided microcredit to 10,000 beneficiaries, 83 per cent of whom were women. The Special Rapporteur was informed, however, that financial support for such work was rapidly dwindling.

50. Despite the existence of some microcredit opportunities and various vocational training projects provided by civil society and at the municipal level, a lot remains to be done to ensure women's economic empowerment. The legislative and policy context for the promotion of the private sector needs to be developed to better address gender issues, and institutional gender awareness and capacities need to increase. The Special Rapporteur is also concerned that Cabo Verde does not have in place a comprehensive anti-discrimination law.

51. One of the ways to come closer to ensuring effective gender equality is to increase women's role in decision-making. The Special Rapporteur learned that women's representation in elected positions remained modest; for example, only 23 per cent of the members of the parliament were women. The situation in the private sphere was even worse. The Special Rapporteur was informed of the draft parity bill, which had been initiated by women members of the parliament in consultation with civil society. At the time of the visit the bill was awaiting consideration by the parliament.

52. The Special Rapporteur learned that the national gender equality plan for the period 2015 to 2018 (Council of Ministers resolution No. 40/2016) was structured around eight strategic pillars: health; sexual and reproductive rights; gender-based violence; education and professional training; productive economy; reproductive economy; political participation, decision-making and communication; and institutional strengthening towards improved gender mainstreaming in public policies. The Ministry of Family and Social Inclusion was established in 2016 as the governmental department responsible for the areas of children,

³¹ Cabo Verde, African Development Bank Group and UN-Women, *Cabo Verde: Country Gender Profile* (2018), p. 15.

³² See www.who.int/profiles_information/index.php/Cape_Verde:Teenage_pregnancy (in Portuguese).

elderly persons, and persons with disabilities, the fight against poverty and the promotion of gender equality. Since 2018, the country has included gender markers in the Integrated Budget and Financial Management System to enable the Government to measure the impact of funds in the budget allocated to promoting gender equality. The Government is planning to introduce, over the next few years, a series of budgetary maps that reflect gender classification.

53. The Special Rapporteur was pleased to hear about the processes employed in developing the second national gender action plan, covering the period 2015 to 2018, which involved open and transparent consultations with all stakeholders. He recommends that the Government continue the inclusive process throughout the implementation and evaluation of the plan in order to achieve progress in the areas of gender equality and empowering women in the Cabo Verdean society. The Special Rapporteur was encouraged to learn that the plan was being implemented. He was also encouraged to learn that both the Government programme for development covering the period 2016 to 2021 and the National Strategic Plan for Sustainable Development contained acknowledgements of the importance of the participation of women in all spheres of life, and provisions for considerable efforts to internalize at the country level the sustainable development goals and targets related to reducing inequalities.

54. The Special Rapporteur was further encouraged to learn about the adoption, in 2011, of the law on gender-based violence, and the adoption of the second national plan for fighting gender-based violence, covering the period 2015 to 2018.

D. Persons with disabilities

55. Cabo Verde ratified the Convention on the Rights of Persons with Disabilities in 2011. In 2013 it adopted Law No. 40/VIII/2013, which was aimed at providing an integrated and cross-cutting vision for the rehabilitation and participation of persons with disabilities.

56. Decree-Law No. 38/2015, which establishes procedures for recruitment and selection in public administration, sets out a 5 per cent quota for persons with disabilities. The Special Rapporteur was informed that the tax benefits code includes some fiscal incentives for the creation of employment for persons with disabilities. In social sponsorship situations, for tax purposes, activities that are considered as expenses include those aimed at the provision of assistance to persons with disabilities or mental health conditions and other vulnerable persons, the creation of work opportunities and the social reintegration of persons, families or groups facing social exclusion, and the provision of support for the establishment and operation of associations of persons with disabilities or mental health conditions, thus stimulating donations for such initiatives. The code also provides for exemptions of customs duties for imports of wheelchairs and cars adapted to be wheelchair accessible. As of the academic year 2017/18, the legislation regulating the State budget provides for the free enrolment of persons with disabilities in public educational establishments (preschool, basic and secondary education and vocational training) and, under some conditions, in private schools. During the visit the Special Rapporteur also learned of the existence of a draft bill on the rights of persons with disabilities currently under consideration by the Government and that organizations of persons with disabilities had been consulted on its content.

57. During his visit, however, the Special Rapporteur met with several organizations of persons with disabilities and was informed that they were facing exclusion and poverty. Negative stereotypes and prejudices against persons with intellectual or psychosocial disabilities are prevalent. It appears that no recent and reliable data exist on the rates and types of disability prevalent in the country. In terms of access to health care, the Special Rapporteur received reports regarding the numerous obstacles persons with disabilities are confronted with, ranging from inaccessible buildings, the absence of accessible public transportation, a lack of information provided in formats accessible for persons with various disabilities, the lack of personnel adequately qualified to address their specific needs, in particular in the field of sexual and reproductive health and rights, and the lack of equipment adapted to persons with disabilities. Women with disabilities face additional hurdles when trying to access reproductive health-care services.

58. Adding to these issues, unemployment among persons with disabilities exceeds 90 per cent, according to some sources. That may be partially due to the fact that regulations concerning the recruitment of persons with disabilities are not sufficiently disseminated and job advertisements are not usually accessible to persons with a visual impairment. Furthermore, employers do not provide reasonable accommodation to facilitate the employment of persons with disabilities. Even schools are not physically adapted, and they lack qualified teachers to include children with disabilities, hampering further the development prospects of such children. The Special Rapporteur was informed that in the strategic plan for education, covering the period 2017 to 2021, the Government envisioned the addition of access ramps and the implementation of other mobility solutions in all educational facilities and considered children with special education needs as a target group for school social action programmes. That aspect of the plan is yet to be implemented.

VI. Conclusions and recommendations

A. International cooperation and resource mobilization

59. The Special Rapporteur strongly encourages the international community to further engage with the Government in line with the commitments made in the 2030 Agenda for Sustainable Development, in particular Goal 17, and with article 3 of the Declaration on the Right to Development, following the “Building New Partnerships for Sustainable Development in Cabo Verde” conference in Paris. He encourages the Government to use the funds generated during the conference to fulfil its commitment to reach first the furthest left behind. The Special Rapporteur encourages the international community to consider taking additional measures to help Cabo Verde overcome the specific challenges it has faced following its graduation from the least developed country category and the negative impact of the 2008 global financial crisis.

60. In 2016, Cabo Verde hosted the first Conference of the African Small Island Developing States and Madagascar, which culminated with the adoption of the Praia Declaration. The Special Rapporteur encourages the Government to continue its efforts to enhance international cooperation for this group of States, which face serious and particular challenges, and calls on the African Union and the international community in general to continue supporting those efforts.

61. The tourist industry, which is the main engine of the country’s economy, includes many subsectors and needs a sound infrastructure. The Special Rapporteur encourages the Government in its efforts to make tourism more diverse and to not only rely on sun and sea, but also develop ecotourism. He calls on the international community to provide the technical assistance and funding necessary to ensure the diversity and sustainability of this sector, with the informed participation of the local communities in all development programmes and projects affecting their livelihoods and well-being.

62. The Special Rapporteur recognizes the challenges that graduation from the least developing country category, the country’s foreign debt and the global economic crisis pose for resource mobilization by the domestic authorities. He encourages the Government to review its fiscal policy in order to increase the domestic resources necessary to replace the reduced amount of international aid and to continue seeking assistance from relevant international organizations and development agencies. He encourages the international community to further develop the transitional measures taken to ensure a smoother transition for graduating countries, and to prevent regression in their development.

B. Domestic institutions

63. In relation to the decentralization process ongoing in the country, the Special Rapporteur recommends a comprehensive approach to strengthen municipalities, comprising: a new law clearly outlining the powers and responsibilities of, and the public investment division between, municipalities and the central Government; an

increase in municipal financial resources; and the enforcement, in municipal administrations, of local democracy, citizen participation and social control mechanisms, ensuring in particular that women and inhabitants of remote and rural communities are integrated effectively in the decision-making processes and municipal budget planning.

64. The Special Rapporteur encourages the Government to finalize the reform of the National Commission for Human Rights and Citizenship in order to bring it into full compliance with the Paris Principles. He encourages the Commission to continue looking into issues and reviewing complaints regarding issues related to the practical implementation of the right to development, to use its powers to promote participatory decision-making related to the promotion and fulfilment of economic and social rights and to development policies and projects throughout the territory of Cabo Verde.

65. The Special Rapporteur encourages the Ombudsperson to continue looking into issues and receiving complaints regarding issues regarding the practical implementation of the right to development and to use the powers under the mandate to promote participatory decision-making related to the promotion and fulfilment of economic and social rights and to development policies and projects. He recommends that the State allocate sufficient resources to the National Commission for Human Rights and Citizenship and the Ombudsperson to allow them to function in an independent and effective manner.

66. The Special Rapporteur welcomes the inclusive approaches taken in assessing the national development priorities and in preparing the country's voluntary national report on the implementation of the 2030 Agenda. He calls on the Government and civil society to continue to cooperate in efforts to implement and evaluate the implementation of the national development plans, and to work together on monitoring and evaluating progress, with a view to reaching the furthest behind first.

C. Access to rights, and equality

67. In relation to equal access to health care, the Special Rapporteur calls on the Government to increase health-care expenditure as share of gross domestic product, in line with the level recommended by WHO. He calls on the authorities to continue the dialogue with organizations of persons with disabilities, with civil society and patients' organizations and with medical practitioners to bring about the necessary reforms in the health-care system. The Special Rapporteur calls on the ministry responsible for health to address the gaps in the training of medical personnel with regard to attending to persons with disabilities, including through training sessions.

68. The Special Rapporteur calls on the Government to make particular efforts to guarantee access to education for children with disabilities on an equal basis with others. Additional efforts should be made to include children with disabilities in mainstream education, by increasing the accessibility of schools and providing teachers with adequate training on supporting children with physical and intellectual disabilities in the education system.

69. The Special Rapporteur calls on the Government and the legislature to accelerate the adoption of the draft bill on the rights of persons with disabilities. He also calls on the Government and the legislature to take a comprehensive approach with respect to the rights of persons with disabilities, including by investing in gathering adequate disaggregated data on the different types of disability and on the particular needs of persons with disabilities and ensuring adequate funding for the implementation of the adopted bill and other legislative provisions, in consultation with persons with disabilities, so that persons with disabilities in Cabo Verde can progress towards leading a more dignified life and do not remain among those left behind. He recommends that the executive branch broaden the dialogue with organizations of persons with disabilities, and disseminate among those organizations and the wider public the existing regulations on the employment of persons with disabilities and assess the effectiveness of those regulations. Action to provide the public with information is also

needed to dispel negative stereotypes and raise awareness of the capabilities of and contributions made by persons with disabilities.

70. The Special Rapporteur calls on the Government to increase education on sexual and reproductive health in the education system, including age-appropriate education for adolescent girls and boys regarding sexual and reproductive health and rights, which will contribute to reducing the number of pregnancies among minors and the high number of single mothers in the country.

71. The Special Rapporteur encourages the Government to invest, with appropriate technical and financial assistance from the international community, in further developing vocational training opportunities, to provide young people with better chances to find jobs, and also to start addressing the high unemployment rates among young people. Vocational training in particular should enable girls to acquire professional skills in all areas, including by orienting them towards traditionally male-dominated sectors of the economy. Furthermore, the Special Rapporteur calls on the authorities to continue working to achieve parity in literacy between genders at all ages, ensuring in particular that older women are not left behind.

72. The Special Rapporteur recommends further developing the Access to Education programme to ensure that children whose families do not have the means to cover education costs receive support.

73. The Special Rapporteur encourages the Government and the parliament to review and adopt as soon as feasible the draft parity bill in order to provide a solid legislative basis for women's participation in both the political process and the economic and social development of the country. He also encourages the Government to consider taking temporary special measures to increase the participation of women in political and public life, particularly in elected office and decision-making positions. He recommends the adoption of a comprehensive anti-discrimination law prohibiting all forms of discrimination, including gender-based and indirect discrimination.

74. The Special Rapporteur encourages the Government to continue to work on gender equality and women's economic empowerment issues, together with civil society, to continue to include the national institute for gender equality and equity in policy discussions and the preparation of the State budget, and to ensure adequate funding for the work of the Institute. The Special Rapporteur also calls on the Government to continue to work towards allocating an adequate budget for the implementation of the law on gender-based violence and of the second national plan for fighting gender-based violence.

75. The Special Rapporteur encourages the social consultation council and the national institute for social security to increase their efforts to foster dialogue with communities and to work on expanding the contributory schemes to the informal economy sectors. He encourages the Ministry of Labour to continue strengthening the capacity of the labour administration and inspectorates in order to ensure full implementation of the existing labour and social protection laws and regulations. The Special Rapporteur encourages Cabo Verde to ratify the following conventions of the International Labour Organization: the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Employment Policy Convention, 1964 (No. 122).
