



GLOBAL HUMAN RIGHTS DEFENCE – MAY 2021

COUNTRY REPORT – REPUBLIC OF CABO VERDE

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INTRODUCTION: THE REPUBLIC OF CABO VERDE

The Republic of Cabo Verde is an African insular country located in the Central Atlantic Ocean, where the official language is Portuguese. The capital city is Praia, and the population is estimated in 505,000. In the northwestern coast of Africa and with a great standard of living thanks to the stability of the economic and political system, the island is also highly known and qualified as a great tourist destination (Francisco, 2021).

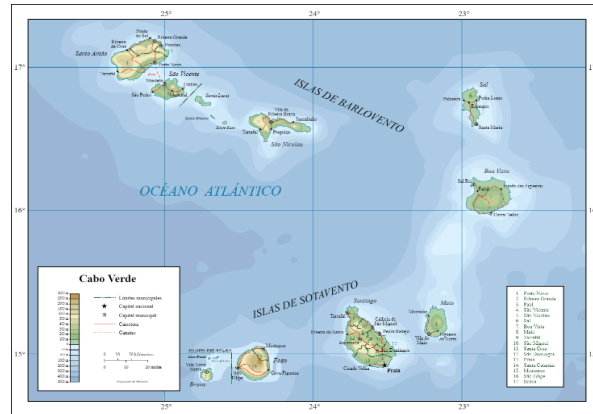
The nation is formed by ten volcanic islands and was colonized by Portugal, obtaining its independence in 1975 after centuries of intense exploitation that extinguished the original vegetation. This colonization process caused a lot of issues to the current Cabo Verde, which needs to import 85% of its food and depends on external economic and financial help to survive (Francisco, 2021).

The Secretary-General of the United Nations, Mr. Antonio Guterres, praised Cabo Verde for its “strong democratic culture”, especially because of the pacific and harmonic electoral processes. This year, the party called “Movimento para Democracia” re-elected its prime minister for the second term: Ulisses Correia e Silva. As in any place in the world, promises of campaign fulfil elections, and it was not different in Cabo Verde: Mr. Ulisses gave some big speeches about how he sees the country’s future, besides the economic recapture after the COVID-19 crisis (Almeida, 2021; A Nação, 2021).

THE LGBTQ+ COMMUNITY IN SOCIETIES

Social roles associated with masculinity and femininity surround societies, running through the behavior, feelings and actions related to each biological sex¹ a perspective that is pretty connected with the gender expression sphere. Besides that, even considering the anthropological and cultural variations around all the civilizations, the violence and the discrimination are frequently oriented against the manifestations that deny the binarism and the biological determinism, which builds the structures of homophobia and transphobia against LGBTQ+² people (Grossi, 1998 and Jesus, 2012).

LGBTQ+ persons face discriminatory situations that cisgender and/or straight people do not. It happens because of the social constructs evolving around gender and sexuality issues, especially in the western societies, where social roles which are connected to masculinity and femininity are rigid. Happily, this situation has been changing around the world because of LGBTQ+ advocacy's efforts and the actions of International Organizations and NGOs that are responsible for highlighting these discriminatory situations and pointing to strategies to change it.



(Wikimedia Commons, 2021)

¹ One of the first labels applied on individuals as soon as they are born is about the biological sex, because of the “boy” or “girl” characterization on the newborn, which comes with a lot of social processes that comes along with the creation of some expectations accordingly to their genitalia and their sexual characteristics.

² Acronym that corresponds to the Lesbian, Gay, Bisexual, Transgender and Queer community.



(Wikimedia Commons, 2021).

CABO VERDE AND THE HUMAN RIGHTS

Following that, the right to non-discrimination always needs to include sexual orientation and gender identity aspects in their governance and application. This fact underlines the importance of the understanding that the protection against all types of discrimination should always include Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) questions and LGBTQ+ individuals (Human Rights Committee, 2018).

The African Charter on Human and People's Rights, which was established on the scope of the Organization of African Unity does not specify the Humans Rights based on SOGIESC issues, but affirms that the rights mentioned need to be ensured without any preconception or discrimination. Unfortunately, it is possible to say that the LGBTQ+ community suffers in a lot of ways based on their sexual orientation and/or gender identity in the African continent (including Cabo Verde), and this threatens the effectiveness of the charter and its universality (African Charter on Human and People's Rights, 1981).

LGBTQ+ RIGHTS AND LGBTQ+ PERSONS IN CABO VERDE

Beyond tourism, the island is also famous within the African LGBTQ+ community because of the classification of the ranking of tolerance with these people. The African continent is known for its conservative laws against the LGBTQ+ community, where the members of this gender and sexual minorities can be arrested or even killed in some countries like Mauritania (Equaldex, 2021; Lobo and Miguel, 2015; Martinez, 2021).

Although this is a difficult and generalized situation, many people find security and legal support in Cabo Verde, where LGBTQ+ persons are able to freely be who they are without suffering discrimination. The homosexual relationships and gender recognition are legalized in Cape Verde, and discrimination against this group is punishable by law. But LGBTQ+ activists will not stop claiming for new requirements and more protection to the community, especially because of the Human Rights violations against these persons that occur in bordering countries (Equaldex, 2021; Lobo and Miguel, 2015; Martinez, 2021).

According to the Afrobarometer research network, Cabo Verde is ranked as the most safe and tolerant country on the continent regarding concerns about LGBTQ+ people and gender and sexual minorities' issues. Transgender people, for example, are not afraid of being who they are, and gay men are not afraid of loving who they love because they know that will never be arrested or killed like in another African states (Martinez, 2021). Additionally, according to research done at the same institute, 74% of the Cape Verdeans would welcome or would not be bothered by having a homosexual neighbor (Stewart, 2016).

As an example, in April 2021, the capital city of Praia hosted a capacitation event on Citizenship and LGBTQ+ Rights after good feedback from São Vicente. The initiative was promoted by the Human Rights and Citizenship National Commission (CNDHC) with a partnership with the United States Embassy in Cabo Verde, and themes such as health and social movements were addressed. The main objective is to contribute to the debate and ensure the LGBTQ+ Rights on the island (Lima, 2021).

Male and female same-sex consensual acts are legal in Cabo Verde, and since 2008, employment discrimination based on SOGIESC³ has been banned. However, there are no legal recognition for same-sex unions or marriages, and this contributes towards the discrimination and stigma against the love between persons of the same gender (LGBT rights in Cape Verde, 2021). In 2017, the recently re-elected and popular prime minister Mr. Correia, said that same-sex marriages and unions are not on the government agenda or politics because it is classified as an individual opinion. Thus, it has been seen since the start of the debates about LGBTQ+ issues that politicians and decision-makers in Cabo Verde agree on that topic, being conservative and justifying their opinions against LGBTQ+ rights by using religion and the right of free-expression (Agência Lusa, 2017).

It is important to underline and highlight the importance of the existing antidiscrimination laws that protect LGBTQ+ individuals. However, it is also necessary to improve these rules and penalties, trying not just to criminalize but also educate the society on the way of tolerance and respect. Nowadays, LGBTQ+ rights activists are still fighting to legalize the marriage and the civil union between same-sex persons, but they also celebrate Cabo Verde for being this so called “oasis” for LGBTQ+ people on the African continent. (Martinez, 2021).

Additionally, the historic and cultural aspects have an important role with the LGBTQ+ freedom on the island. The carnival is a popular party that includes people from all of the backgrounds, and transgender activists says that this point associated with the Cape Verdean community’s size are fundamental issues to ensure the acceptance and tolerance.



³ Sexual Orient

(Wikipedia, 2021).

CONCLUSION

Therefore, it's noticed that Cabo Verde is a great place to live as a LGBTQ+ person in Africa, but this affirmation has some limitations according to other countries' realities and experiences, especially in Europe and North America. The LGBTQ+ community in Cabo Verde needs to still fight for their rights in their territory, while they should try to organize an international advocacy strategy to develop the entire continent on this topic - which would be a great space for Cabo Verde to exercise their regional leadership. Thus, it is important to remind that the country still needs to develop some issues on their own reality, principally on the field of equal marriage for all, including same-sex couples.

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