

**Decree-Law No. 13/2008, of April 7**

Ever since national independence, successive Cape Verdean governments have adopted measures aimed at fostering the creativity of authors, performers and other Cape Verdean artists and intellectuals, as well as contributing to the effective exercise of the freedom of literary, artistic, scientific and cultural creation, as enshrined in the Constitution.

These measures are proof of the high regard in which artists and intellectuals, the driving force behind Cape Verdean identity are held by the Government and its institutions, and play a vital role in encouraging cultural creativity. The measures were designed as major components in the gradual construction of cultural policies aimed at providing ever more sustained support for cultural projects and initiatives, ensuring their continuity, stability, coherence and longevity.

There has always been a need to increase the sustainability of such policies, through the exploration of the full potential of existing initiatives and the launching of new programs which have already proved their worth elsewhere.

The cultural creation grant is one such new initiative, the essential aim of which is to foster artistic and cultural creativity and the production of high-quality literary, artistic, aesthetic and/or scientific works of cultural merit.

Thus, the approach adopted consists of the further development of a policy of cultural promotion, within the context of more general needs, shortcomings and requirements, which will have a positive influence, along with competitions for the award of cultural creativity grants adapted to the potential, needs and demands of the cultural environment in Cape Verde.

In addition, the priorities of the Government’s cultural policies program have also been taken into account.

By way of the power afforded by Article 203 (2) (a) of the Constitution, the Government decrees the following:

Article 1

**Subject**

The present Decree establishes the cultural creation grant and approves the respective Regulations published in the Annex.

Article 2

**Purposes**

The purpose of the cultural creation grant, henceforth referred to as the grant, shall be to foster the production of high quality, artistic, aesthetic or scientific works of merit in the various creative artistic and intellectual fields.

### Article 3

#### **Modalities**

1. The grant may be awarded for experimental cultural performances and research in the fields of literature, music, the three-dimensional and performing arts and in other artistic and intellectual fields expressly determined by the Ministry of Culture for the occasion of the opening of the respective annual competitions.
2. In accordance with the needs and priorities in terms of the fostering of culture, and taking into account the current relevance of one or more cultural fields with regard to the preservation and development of Cape Verdean culture, the Ministry of Culture shall determine the cultural field in which the grant shall be awarded.

### Article 4

#### **Beneficiaries**

Cape Verdean citizens resident in the islands or belonging to the Cape Verdean diaspora may apply for the grant.

### Article 5

#### **Amount of the grant**

1. The annual amount of the cultural creation grant shall be one million Cape Verdean escudos.
2. The amount provided for in the preceding paragraph may be altered by a Joint Order of the Ministers of Finance and Culture.

### Article 6

#### **Annual competition**

1. The grant shall be awarded through an annual competition.
2. The deadline for entries shall be March 31 of each year and notices announcing the competition shall be published in at least two major newspapers. The competition may also be publicized through radio, television, online newspapers and other media.

3. The notices referred to in the preceding paragraph must mention the procedure or procedures for cultural creation covered by the competition, the location and deadline for the submission of applications and any other relevant provisions included in the present Decree.

#### Article 7

#### **Selection**

The winning candidate shall be selected by a jury. Following approval by the Minister of Culture, the decision of the jury shall be announced in a solemn act, to be carried out on the occasion of the National Day of Culture, held on October 18 of each year.

#### Article 8

#### **Award of the grant**

1. The grant shall be awarded through the payment of a monthly subsidy to the grant holder for a maximum of 12 months, payment, exceptionally, being made in three installments following a substantiated request by the grant holder.
2. Payments shall begin in January of the year immediately following the award of the grant.

#### Article 9

#### **Entry into force**

The present decree shall enter into force on the day following its publication

Seen and approved in the Council of Ministers

*José Maria Pereira Neves - Cristina Duarte – Manuel Monteiro da Veiga*

Promulgated on May 28, 2008

Let it be published.

The President of the Republic, PEDRO VERONA RODRIGUES PIRES

Signed on April 2, 2008.

The Prime Minister, *José Maria Pereira Neves*

## **REGULATIONS GOVERNING THE AWARD OF THE CULTURAL CREATION GRANT**

### **Article 1**

#### **Requirements for admission to the competition**

1. Individuals wishing to enter the competition for the award of the grant must provide proof of their status as artistic or intellectual creators.
2. The proof referred to in the preceding paragraph shall be provided through the submission of documentation attesting to the existence of cultural works of which the candidate is the author, and, where applicable, of press extracts concerning the public reaction to those same works.
3. In cases in which the candidate has not had any works published, displayed, broadcast through audiovisual media, at public events or made public in any form, proof of the candidate's status as an artistic or cultural creator shall be provided through presentation of one or more unpublished works in the cultural field covered by the competition, substantiated by a body of texts, magnetic, audiovisual, computer or other media.
4. Individuals wishing to enter the competition for the award of the grant shall also:
  - (a) send an application to the Minister of Culture, including complete details of the candidate;
  - (b) provide a work plan or working draft clearly establishing the guidelines for the creation of a new and original work.
5. The other conditions set out in the competition notice must also be fulfilled in order to enter the competition for the award of the grant, in particular:
  - (a) the presentation of a detailed curriculum vitae by the candidate;
  - (b) a description of the employment situation of the candidate and a statement signed by the candidate attesting to the time, more specifically the number of hours per day or per week, that can be dedicated to turning the work plan or working draft into a concrete reality;
  - (c) a statement declaring the existence of any other subsidies or type of support obtained or requested by the candidate from other institutions, be they public or private, national or foreign, to carry out the same work.
6. The candidate may also submit any other elements that he considers relevant to improve the examination of his application.
7. The Minister for Culture may, in exceptional and duly substantiated cases, waive the submission of some of the documents referred to in paragraph 3.

### **Article 2**

#### **Immediate rejection of applications**

1. Applications shall be rejected immediately under the following circumstances:

- (a) failure by the candidate to prove Cape Verdean nationality and artistic or intellectual creator status;
  - (b) failure to fulfill the requirements of Article 1(4) and to submit the work plan or working draft referred to therein;
  - (c) submission of applications after the expiry of the time period determined in the respective notice.
2. Failure to submit the documents referred to in Article 1(3) and (4), when their submission has not been waived by the Minister for Culture, shall lead to the exclusion from the competition of the candidates at fault.

### Article 3

#### **Competition jury**

Selection of the winner of the grant shall be within the competence of a jury made up of a minimum of three and a maximum of five individuals, appointed by order of the Minister for Culture from among a body of individuals recognized for their achievements in the cultural field(s) covered by the competition.

### Article 4

#### **Deliberations of the jury**

1. The deliberations of the jury shall always be preceded by a detailed assessment of the merit of each and every one of the applications.
2. When formulating its decision, the competition jury must be guided by the following considerations:
  - (a) the intrinsic literary, artistic, scientific and/or intellectual merit of the work that is the intended result of the work plan or working draft – 50 per cent;
  - (b) the intended social and cultural relevance and utility of the completed work plan or working draft, and, in particular, the relevance thereof with regard to the knowledge and dissemination of Cape Verdean outlooks and cultural expressions originating from the islands and the diaspora – 40 per cent;
  - (c) quality of the work plan or working draft submitted, experience accumulated by its author and related consequences and expectations concerning the execution of the work plan or working draft with a view to creating a new and original work of great cultural merit – 10 per cent.
3. The examination of applications, explanations of vote, final decision of the jury and the respective grounds must be included in a document signed by all of the members of the jury.
4. Following due approval by the Minister for Culture, the final decision of the jury regarding the award of the grant, and, therefore, the identity of the

- winning candidate, shall be announced in a solemn act to be carried out on the occasion of the National Day of Culture, held on October 18 of each year.
5. The Minister for Culture must make public the document referred to in paragraph 3, through publication in two major newspapers.
  6. The deliberations of the jury, as well as the results of the competition, shall be communicated to the candidates by registered post, with acknowledgement of receipt.

## Article 5

### **Terms of liability**

1. The grant shall be awarded on the condition that the beneficiary signs a statement of liability in which he undertakes to meet the obligations contained in the present Regulations and the competition notice.
2. Should the winning candidate renounce the grant, or should circumstances arise which prevent him from beginning or continuing to develop the approved work plan or working draft, and thus from benefitting from the cultural creation grant, the runner-up candidate shall be called upon, should the jury have established a list of candidates in order of preference, or a new competition for the award of the cultural creation grant shall be organized.
3. Any candidate renouncing the grant shall be obliged to return any amounts of the cultural creation grant he may have received.
4. Should the runner-up candidate be called upon, or should a new competition be organized owing to the circumstances referred to in paragraph 2 of the present Article, the new beneficiary shall be subject to the provisions referring to the overall amount and the method of allocation of the cultural creation grant.

## Article 6

### **Inalterability of the work plan or working draft**

1. Grant holders are prohibited from altering the work plan or working draft which they prepared and which was approved during the respective competition, such action leading to the cancellation of the grant.
2. The Minister for Culture may, exceptionally, authorize the alteration of the work plan or working draft, on the condition that the alteration does not constitute a radical change to the elements that provided the basis for the work plan/working draft's approval during the competition, and on the condition that the alteration is proven to be the result of circumstances related to the cultural creation and that it will not prejudice the public interest served by the award of the grant.

## Article 7

### **Method of allocation of the grant**

1. The amount of the grant shall be allocated through the payment to the grant holder of a monthly subsidy for the period of 12 consecutive months, beginning in January of the year following the award of the grant.
2. Duly substantiated requests by grant holders to receive the amount in three installments may, exceptionally, be agreed to, with the installments being paid in the following manner:
  - (a) 40 per cent following the signature of a statement of liability;
  - (b) 30 per cent following a positive evaluation by the Office of the Minister for Culture of a report prepared by the beneficiary concerning the first four months of the execution of the work plan or working draft;
  - (c) 30 per cent following a positive evaluation by the Office of the Minister for Culture of a report prepared by the beneficiary concerning the first seven months of the execution of the work plan or working draft and the prospects for completion of the work within the time period established.

#### Article 8

##### **Periodic evaluation of progress made with regard to the work plan or working draft**

1. Once the award of the grant has been discussed and approved, continuation of grant payments shall depend on the positive results of quarterly evaluations carried out by the Office of the Minister for Culture.
2. The quarterly evaluations referred to in the preceding paragraph shall focus on the development and progressive realization of the work plan or working draft submitted and approved during the competition.
3. The positive evaluation referred to in paragraph 1 shall be carried out through the analysis and approval of reports submitted by the beneficiary of the grant, which shall focus on the work carried out during the respective quarterly period.
4. The Office of the Minister for Culture may, with a view to ensuring objective and transparent evaluation, request the grant holder to provide additional evidence of the development and realization of the work plan or working draft, as well as of the circumstances of the act of cultural creation itself which may have had a positive or negative effect on any progress or developments.
5. When necessary, evaluations of the Minister for Culture may be accompanied by the opinions of appropriate persons.

#### Article 9

##### **Final submission of the new work produced**

At the end of the period for which the cultural creation grant has been awarded, the grant holder must provide proof of the results achieved using that grant. The grant holder shall submit three copies of the work produced to the Office of the Minister for Culture, either in the form of texts, CD/DVDs or in another format appropriate to the nature of the work produced.

#### Article 10

##### **Early submission of the work**

Early submission of the work or early achievement of the results provided for with the allocation of the grant shall not, in any case, imply the cancellation of the cultural creation grant, the reduction of its overall amount or, in any form, cause financial or non material damage to the beneficiary of the grant.

#### Article 11

##### **Delayed submission of the work**

1. Should the development of the working draft and the final submission of the work be delayed for reasons beyond the control of the grant holder, the Minister for Culture may, at the request of the grant holder, decide to suspend allocation of the grant for the period considered necessary for the removal of the obstacles or the resolution of the issues causing the delay.
2. Once the obstacles have been removed and the issues resolved, the grant shall continue to be allocated for the time that remains.
3. In exceptional and duly substantiated cases the period of completion of works may be extended by the time period judged necessary by order of the Minister of Culture, but never for a period of more than one year.
4. Extensions granted under the terms of the preceding paragraph shall not have financial implications.

#### Article 12

##### **Copyright**

The exclusive ownership of copyright, moral rights and equity claims relating to the work produced shall lie with the grant holder.

#### Article 13

##### **Support for dissemination of works to the public**

The Ministry of Culture may provide support, under conditions to be defined and through the competent departments and institutions or public-private partnerships, for the



dissemination of works to the public, especially those which are of exceptional cultural merit.

#### Article 14

##### **Restrictions**

Holders of a cultural creation grant shall be prevented from participating in a new competition in the two years following the award of their grant.

#### Article 15

##### **Prohibition of accumulation of grants**

During the period of duration of the cultural creation grant, the holder shall not be permitted to benefit from other grants with an identical aim, whether they be the same or different in nature.

#### Article 16

##### **Cancellation of the grant owing to false declarations**

Without prejudice to any criminal liability arising from the case, the falsification of documentation, information or statements made in order to obtain or extend fraudulently the grant shall lead to the immediate cancellation of the grant, the return of all the amounts received, as well as loss of the right to participate in future competitions for the award of the cultural creation grant.

#### Article 17

##### **Return of the grant**

Failure to submit the work on the date previously determined in the announcement of the annual competition or agreed on, lack of grounds for the failure to submit the work or the ruling of the grounds presented by the grant holder for said failure as unacceptable, shall lead to the return, partial or total, of the amounts of the cultural creation grant received.

#### Article 18

##### **Examination of the case for cancellation of the grant**

1. When there are strong grounds to believe that, for reasons attributable to the grant holder, it has become impossible to submit the work within the time period previously stipulated, or that the grant holder has acted in such a way as to justify the total or partial cancellation of the grant or the cancellation or

revocation of the act approving its award, the grant holder shall be made aware of the facts or of the fault committed, as well as of the contents of the reports or opinions concerning the case, the principle of *audi alteram partem* applying, ensuring the defense of the grant holder.

2. Once the case has been examined, it shall be submitted for final decision by the Minister for Culture, this decision being open to appeal under the general terms of the law.

The Prime Minister, *José Maria Pereira Neves*