

CABO VERDE 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Cabo Verde is a parliamentary representative democratic republic largely modeled on the Portuguese system. Constitutional powers are shared between the head of state, President Jose Maria Neves, and the head of government, Prime Minister Ulisses Correia e Silva. The National Elections Commission and international observers declared the 2021 nationwide legislative and presidential elections generally free and fair.

The National Police, under the Ministry of Internal Affairs, is responsible for law enforcement. The Judiciary Police, under the Ministry of Justice, is responsible for major investigations. Civilian authorities maintained effective control over security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of cruel, inhuman, and degrading treatment by military personnel against other military personnel.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment

The constitution and law prohibit such practices, but there were reports of hazing involving sexual abuse and cruel, inhuman, and degrading treatment by military personnel against other military personnel. Military authorities detained six individuals alleged to have been involved, expelled them from the armed forces following disciplinary proceedings, and referred the case to the Attorney General's Office for criminal investigation.

As of August, the National Commission for Human Rights and Citizenship reported six complaints of police abuse during the year and 10 for all of 2020. Authorities investigated 20 reports of violence by National Police agents through September and 19 such reports for all of 2020, many of which resulted in dismissal, suspension, or other disciplinary action against officers involved. The cases included hitting detainees, excessive force with a baton, and discharging a weapon. The Attorney General's Office reported 141 cases of alleged crimes by law enforcement agents between August 2020 and July, 83 percent by National Police, 8 percent by Judicial Police, and 7 percent by prison guards. During the same period, authorities resolved 106 such cases.

Prison and Detention Center Conditions

Although the government took steps to improve prison conditions in some areas during the year, they remained deficient due to overcrowding and inadequate health and sanitary conditions.

Physical Conditions: Of the five prisons in the country, three, in Praia, Sao Vicente, and Fogo, had populations that substantially exceeded capacity. Prisons in Praia, Sao Vicente, and Sal separated inmates by trial status, sex, and age. In Fogo officials established isolation cells that separated youths from adults. In Santo Antao inmates were separated according to trial status and crime but not age. Conditions in general were inadequate for inmates with mental disabilities or substance addictions. Women were not incarcerated in regional prisons because of the lack of separate space for them. In the Praia and Sao Vicente prisons, women generally had more space per person and better sanitary conditions than male prisoners. The Ministry of Justice reported eight deaths in prisons during the year,

including three due to prolonged illness, one due to COVID-19, one homicide, and one suicide.

At least 15 inmates at the Sao Vicente prison took part in a hunger strike in April to protest allegedly abusive disciplinary measures, measures to limit spread of the COVID-19 virus such as suspension of visits and deliveries of food and hygiene products from family members, and the alleged denial of medical treatment to an inmate who subsequently died from COVID-19. The National Commission for Human Rights and Citizenship visited the prison, met with striking inmates, and submitted 22 recommendations to improve conditions, but stated that nearly all remained to be implemented. Prison authorities reported that all inmates subsequently received COVID-19 vaccinations and visits resumed from visitors with proof of vaccination. Corrections authorities continued to use solitary confinement as a disciplinary measure for prisoners.

Administration: There were no prison ombudsmen to respond to complaints; however, the semi-independent National Commission for Human Rights received prisoners' complaints through regular prison visits, written communication, social media postings, and telephone calls from prisoners or their relatives. The commission received 11 complaints from detainees through August and 17 for all of 2020 of inadequate provisions for health and hygiene, inadequate food, mistreatment by prison guards, poor security, inadequate access to lawyers, limitations on visits, extended periods of preventive detention, and substandard prison facilities. In addition, semi-independent "Provider of Justice" teams made unannounced visits to prisons to assess conditions. Corrections officials stated the complaints had been investigated. Prison visits were restricted to prevent the spread of the COVID-19 virus. Meetings with legal counsel took place under controlled conditions to mitigate spread of the disease. All prisons suspended activities, including religious assistance, due to the COVID-19 pandemic. Prisons resumed such assistance in December.

Independent Monitoring: The government permitted formal visits by international human rights monitors to the prisons and individual prisoners. Local nongovernmental organizations (NGOs) made visits to prisons to record conditions.

Improvements: During the year, prison authorities recruited more doctors. The Ministry of Justice reported completion of remodeling improvements at Fogo and other prisons that was expected to make it possible to separate prisoners and accommodate female prisoners where this was not previously the case. Under the government's *National Plan for Social Rehabilitation*, the ministry continued inmate vocational training programs.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The National Police may not make arrests without a warrant from the Attorney General's Office unless police apprehend the suspect in the act of committing a crime. Neither the National Police nor Judiciary Police have the authority to conduct investigations unless mandated by the Attorney General's Office. The law stipulates a suspect must be brought before a judge within 48 hours of arrest. The law provides a detainee the right to prompt judicial determination of the legality of the detention, and authorities respected this right. Attorneys inform detainees of the charges against them. There is a functioning bail system. Authorities allow detainees prompt access to a lawyer of the detainee's choice. If a detainee is unable to afford a lawyer, the Cabo Verdean Bar Association appoints one.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. Cases nevertheless moved through the judicial system slowly because it lacked sufficient staffing and was inefficient.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Criminal defendants enjoy the

right to a presumption of innocence. They have the right to be informed promptly and in detail of charges and receive free interpretation as necessary, from the moment charged through all appeals. The law provides for the right to a fair and public nonjury trial without undue delay, but cases often continue for years. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. Free counsel is provided for the indigent in all types of cases. Defendants have adequate time and facilities to prepare a defense. Defendants have the right to confront or question witnesses against them and to present witnesses and evidence in their defense, the right not to be compelled to testify or confess guilt, and the right to appeal regional court decisions to the Supreme Court of Justice.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights abuses. Courts handle civil matters including lawsuits seeking damages for, or injunctions ordering the cessation of, human rights abuses. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Both administrative and judicial remedies are available, although administrative remedies were rare.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Censorship or Content Restrictions: Journalists practiced limited self-censorship, partly due to family and social connections that made investigative journalism difficult.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government has ratified but not implemented the 1951 UN Protocol on the Status of Refugees, and no central authority manages the extremely few cases of refugees and asylum seekers. The government has no policy for handling refugees or asylum seekers, and there was no coordination among different agencies on requests for refugee or asylum status. The country coordinates repatriation with the International Organization for Migration (IOM) when foreign citizens request such assistance.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The country has not established legislation or an institutional body for granting asylum or refugee status. Asylum applications are rare and there were no reports during the year of any applications. The actual number of asylum seekers is unknown since there is no systematic procedure in place to register and process asylum claims. Because the Office of the UN High Commissioner for Refugees (UNHCR) does not have an established presence in the country, the IOM refers asylum seekers who request protection and assistance to UNHCR's regional representation for West Africa in Dakar, Senegal, which conducts refugee status determinations. Temporary protection mechanisms and access to basic services are in place for asylum seekers while they await a decision. Authorities permitted foreign victims of crime to remain in the country legally.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the April 18 legislative elections, individuals and parties were free to declare their candidacies and candidates for a total of 72 seats. The ruling party, Movement for Democracy, won 38 seats in the National Assembly with 49 percent of the vote. The main opposition party, the African Party for the Independence of Cabo Verde (PAICV), won 30 seats with 38 percent, and the Union for a Democratic and Independent Cabo Verde won the remaining four seats with 8 percent of the vote.

The most recent presidential election took place in October. Jose Maria Neves won the election with the support of the PAICV and nearly 52 percent of the vote.

Election observers from the Economic Community of West African States (ECOWAS) characterized the legislative elections as free, transparent, and credible while observers from ECOWAS and the African Union assessed the presidential election as transparent, peaceful, and free of significant irregularities.

Participation of Women and Members of Minority Groups: No law limits the participation of women or members of minority groups in the political process, and they did participate. The National Elections Commission did not allow some persons with mental disabilities to vote (see section 6, Persons with Disabilities). Women remained underrepresented in positions within the central government and the Supreme Court of Justice, especially in prosecutorial positions. Women held 26 of the 72 National Assembly seats (36 percent), an increase from 17 in the previous National Assembly, and occupied five of the 18 cabinet-level positions in government ministries. Women filled two of the seven seats on the Supreme Court.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: Authorities opened a criminal investigation of a Judicial Police inspector accused of narco trafficking, money laundering, corruption, and extortion.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: The National Commission for Human Rights worked on all nine inhabited islands to protect, promote, and reinforce human rights, rights of citizenship, and international humanitarian law in the country. Although independent, the commission remained inadequately staffed and funded.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Conviction for rape of women and men is punishable by eight to 16 years' imprisonment, and conviction for domestic violence is punishable by one to five years' imprisonment. Spousal rape is implicitly covered by the law; penalties for conviction range from one to five years' imprisonment. The law focuses on increasing protection of victims, strengthening penalties for convicted offenders, and raising awareness regarding gender-based violence. The law calls for establishing several care centers with financial and management autonomy, but implementation lagged due to inadequate staffing. Violence and discrimination against women remained significant problems. The *National Police Annual Report for 2020* reported 1,667 cases of gender-based violence, a figure that represented 24 percent of all reported crimes against persons for that year. The Attorney General's Office reported 1,832 cases of gender-based violence between August 2020 and July.

The National Police regularly accompanied victims of sexual violence and other forms of gender-based violence to the hospital and escorted them to their homes to collect their belongings. Police officers helped victims go to a location where they believed they would be safe. The Cabo Verdean Institute for Gender Equality and Equity ran five shelters on four islands, two on Santiago and one each on Fogo, Sao Vicente, and Boa Vista.

The government did not always enforce the law against rape and domestic violence effectively. NGO sources noted the lack of social and psychological care for perpetrators and victims alike.

Sexual Harassment: The penal code criminalizes sexual harassment. Penalties for conviction include up to one year in prison and a substantial monetary fine. Although authorities generally enforced the law, sexual harassment was common.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Survivors of sexual violence had access to contraception and sexual and reproductive health services, including emergency contraception.

Discrimination: The law, including that related to family, religious, personal status and nationality, labor, property, inheritance, employment, access to credit, and owning or managing business or property, provides for the same legal status and rights for women as for men, and the government enforced the law somewhat effectively.

Women suffered discrimination in equal pay for equal work (see also section 7.d.). Women often worked in informal jobs and lacked access to social security. When girls became pregnant while still in school, they nearly always dropped out and did not resume their education.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provides protections against racial discrimination and upholding the rights of immigrants and foreigners. In addition, the law prohibits discrimination in employment and criminalizes activities that incite racial discrimination, hatred, or violence.

There were no reports of governmental or societal violence or discrimination against members of racial, ethnic, or national minorities.

Children

Birth Registration: Citizenship is derived from one's parents or grandparents or by birth within the country if the parents have been legal residents for five years. When those conditions are not met, and if the child does not receive citizenship from the country of at least one of its parents, the parents must obtain a lawyer to petition for an exception. Birth registration was not denied or provided on a discriminatory basis. Failure to register births did not result in denial of public services.

Child Abuse: Laws prohibit physical, psychological, and moral violence against children, including sexual violence, but these remained problems. The Institute for Children and Adolescents received 116 reports of sexual abuse through July and 172 for 2020. Through August, the National Commission for Human Rights and Citizenship reported 17 cases of violations of children's rights, 12 of which were related to sexual abuse, compared to 12 cases of violations of children's rights in 2020, seven of which were related to sexual abuse. Government efforts to combat child abuse employed a national network that included the child welfare government body Institute for Children and Adolescents, various police forces, the Attorney General's Office, hospitals, local civil society organizations, and health centers. During the year, the government renewed a national action plan to prevent and combat sexual abuse and violence against children and adolescents for the years 2021 to 2023. The Institute for Children and Adolescents maintained a presence on all inhabited islands.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18.

Sexual Exploitation of Children: The law punishes those who foment, promote, or facilitate commercial sexual exploitation or sexual exploitation of children younger than age 17. The law punishes those who induce, transport, or provide housing or create the conditions for sexual exploitation and commercial sexual exploitation of children younger than age 17 in a foreign country. The law prohibits the exploitation of children younger than age 18 in pornography. The

minimum legal age for consensual sex is 16. Sexual relations with a child younger than age 14 are considered a public crime and invoke mandatory reporting from anyone who becomes aware of the crime. By law at ages 14 and 15, sexual relations are a semipublic crime and may be reported by any involved party (the minor or the minor's parents or guardians).

Authorities generally enforced laws against sexual exploitation of children. The government continued efforts to prevent the sexual exploitation of children through a national coordinating committee. The government also continued to enforce the Ethics Code of Conduct for Tourism, which includes provisions countering child sex tourism. The Observatory for Monitoring and Rapid Identification of Trafficking in Persons, which assembles numerous government agencies and partners, continued to hold meetings to advance priorities related to human trafficking and child sexual exploitation.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and provides for access to services in the areas of employment, training, health, housing, transportation, mobility, culture, sports, and leisure. The government generally enforced these provisions and made information available in accessible formats,

although problems remained in areas such as physical accessibility, means of communication, and public transport accessible for persons with disabilities.

Persons with intellectual or mental disabilities, as determined by the Ministry of Health, are not allowed to vote, according to the National Elections Commission, if they are deemed not to have the mental capacity to exercise that right.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Antidiscrimination laws exist, and state employers may not discriminate based on sexual orientation, family situation, habits and dress, health status, or membership or nonmembership in any organization. Laws prohibit discrimination in the provision of a good or service, engaging in normal economic activities, and employment. The government generally enforced these laws. The investigation into an October 2020 attack against a member of the Cabo Verdean Gay Association on the island of Sao Vicente remained ongoing as of December.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form or join unions of their choice, to engage in collective bargaining, and to conduct legal strikes. The labor code provides for protection against antiunion discrimination and for the reinstatement of workers.

The code designates certain jobs essential and limits workers' ability to strike in associated industries. Services provided by telecommunications, justice, meteorology entities, health, firefighting, postal service, funeral services, water and sanitation services, transportation, ports and airports, private security, and the banking and credit sectors are considered indispensable. The law states the government may force the end of a strike when there is an emergency or "to ensure the smooth operation of businesses or essential services of public interest." The law and custom allow unions to carry out their activities without interference.

The government respected workers' right of freedom of association and the right to collective bargaining and effectively enforced applicable laws in the formal sector outside of the essential jobs list. Penalties for violations were commensurate with those for other laws involving denials of civil rights. Worker organizations were independent of the government and political parties.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children, and the government effectively enforced applicable laws in the formal sector. The labor code prohibits forced labor, and the penal code outlaws slavery, with penalties if convicted in line with those for comparable serious crimes. The government continued efforts to reduce vulnerability to exploitation of migrants from West Africa employed in the construction and hospitality sectors and increase their integration into society. Nonetheless, migrants from China, Guinea-Bissau, Senegal, Nigeria, and Guinea may receive wages below minimum wage and work without contracts, creating vulnerabilities to forced labor in the construction sector.

As of August, the case of two Chinese nationals and one citizen charged with labor trafficking in 2019 was still pending trial. The charges were filed following the escape of four Chinese nationals from forced labor on the island of Sal in 2018.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibited all of the worst forms of child labor. The legal minimum age for work is 15. The labor code does not allow children ages 15 to 18 to work more than 38 hours a week or more than seven hours a day but does allow children ages 16 to 18 to work overtime in an emergency, albeit for no more than two overtime hours per day, and these extra hours may not exceed 30 hours per year. The civil code includes a list of light work activities that children aged 14 are allowed to perform, but the law does not prescribe the number of hours per week permissible for light work or specify the conditions under which light work may be performed.

Legal penalties for child labor convictions were commensurate with those for comparable serious crimes, but the government did not always effectively or consistently enforce the law, including in the informal sector, estimated to represent 30 percent of the economy. Children continued to work to support their families, especially in small remote communities, in some cases under dangerous conditions.

Children engaged in street work, including water and food sales, car washing, and begging. Some children worked in domestic service, agriculture, animal husbandry, trash picking, garbage and human waste transport, and, to a lesser extent, drug trafficking. The Institute for Children and Adolescents received reports of 17 cases of child labor through July and 24 cases of child labor in 2020.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The labor law prohibits discrimination in employment and occupation based on race, color, sex, gender, disability, language, sexual orientation, gender identity, political opinion, ethnic origin, age, HIV-positive status or having other communicable diseases, or social status. The law does not, however, explicitly prohibit discrimination based on national origin. The government somewhat effectively enforced the law, and penalties for violation were commensurate to those for similar laws.

Gender-based discrimination in employment and occupation occurred (see section 6). Women generally had lower economic status and experienced inequality in economic participation. In some sectors of the formal economy, women received lower salaries than men for equal work. Women were also more likely than men to work in the informal economy, where remuneration was generally lower and labor protections not enforced.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law stipulates a monthly minimum wage greater than the official estimate of the poverty income level. The law stipulates a maximum of

eight hours of work per day and 44 hours per week and requires rest periods, the length of which depends on the work sector. The Directorate General for Labor and Inspectorate General for Labor are responsible for enforcement of wage and hour laws. There were adequate numbers of inspectors to enforce compliance. Inspectors had the authority to make unannounced inspections and initiate sanctions. Although companies tended to respect laws on working hours, many employees, such as domestic workers, health-care professionals, farmers, fishers, and commercial workers, commonly worked for longer periods of time than the law allows. It was common for companies not to honor foreign workers' rights regarding contracts, especially concerning deductions for social security.

Occupational Safety and Health: The law sets minimum occupational and safety standards and gives workers the right to decline work if conditions pose serious risks to health or physical integrity. In specific high-risk sectors, such as fishing or construction, the government may and often does provide, in consultation with unions and employers, occupational safety and health rules. The employer must also develop a training program for workers. The government did not effectively enforce these laws, but the National Commission for Human Rights noted companies generally chose to follow these rules. Penalties for violations were commensurate with those for similar crimes.

The Directorate General for Labor and Inspectorate General for Labor are charged with implementing labor laws. The government imposed no penalties for violations that included fines or imprisonment during the year. Labor agencies had sufficient personnel to enforce the law. The government effectively enforced occupational safety and health laws during the year, continuing inspections to ensure workers were protected during the COVID-19 pandemic.

According to the Inspectorate General for Labor 2020 report, most irregularities detected during labor inspections related to nonsubscription to the National Institute for Social Protection, nonsubscription to mandatory insurance for job injury, and some irregularities in complying with health and safety standards. Inspections revealed the most common work violations concerned the right to vacation time and the right to rest periods between work periods.

Many work-related accidents reported during the year occurred in the construction sector. In 2020 the Inspectorate General for Labor registered 782 work-related accidents (compared with 238 in 2019), including nine deaths.

Informal Sector: According to 2020 data from the National Institute of Statistics, 52 percent of workers were in the informal economy, including domestic workers and those self-employed in tourism, trade, agriculture, livestock, and fishing activities, especially in rural areas. The government sets a minimum wage for all workers, including domestic workers. Most employed in the informal sector received no benefits from national social protection services and no paid leave, including sick leave.