

# **CABO VERDE 2019 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 Jorge Carlos Fonseca, and the head of government, Prime Minister Ulisses Correia e Silva. The Supreme Court, the National Electoral Commission, and international observers declared the 2016 nationwide legislative, presidential, and municipal elections generally free and fair.

The National Police, under the control of the Ministry of Internal Affairs, is responsible for law enforcement. The Judiciary Police, under the Ministry of Justice, is responsible for major investigations. The armed forces, under the Ministry of Defense, are responsible for protecting the national territory and sovereignty of the country.

Civilian authorities generally maintained effective control over security forces.

Significant human rights issues included: violence against women and girls; and government failure to protect children from violence and work in precarious conditions.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses. Impunity occurred in a few cases. There were no reports, however, of impunity involving security forces during the year.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

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

There was one report the government or its agents committed an arbitrary or unlawful killing. On April 17, Odair Ribeiro, a detainee at a police station in the capital, was shot and killed by Nuno Sequeira, a police officer. Sequeira committed suicide later that day. The National Police opened an investigation the same day. The investigation found the gun should not have been accessible during the scuffle that resulted in its firing.

#### **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. Media, however, reported instances of physical violence. The most common types of abuses were excessive force and aggression against persons arrested and detained by police and against prisoners by prison guards. In most cases the National Police Council took action against abusers. The National Commission for Human Rights and Citizenship (CNDHC) followed up with the National Police when it received information regarding abuses perpetrated by police agents. Between January and early November, 21 cases of abuse were registered.

In October a woman publicly accused three police officers in Santa Catarina de Santiago of rape and cruelty when she was detained by police. One of the officers was detained, one released on probation, and one released on his own recognizance. The National Police opened an investigation to determine the need for internal consequences or criminal charges for the officers.

Prisoners complained of cruel, inhuman, or degrading treatment or punishment. In late 2018 the minister of justice changed prison policy to not put all newcomers in isolation, noting it was an abuse of certain basic rights. Isolation cells, however, continued to be used as a disciplinary measure for prisoners. Inmates in isolation had limited access to visitors and prison activities. The isolation cells were small, dark, not well ventilated, unfurnished, and crowded. Additionally, prisoners complained of dehumanizing conditions resulting from poor infrastructure, in particular lack of sanitation.

In April the Council of Ministers, National Assembly, and president approved a law granting a pension to victims of torture from two events perpetrated by the government on Santo Antao and Sao Vicente Islands in 1977 and 1981. The pension--75,000 escudos (\$757) per month per victim--was expected to be paid to those who were victims or to their descendants.

### **Prison and Detention Center Conditions**

Prison conditions were deficient due to gross overcrowding, inadequate housing, and health and sanitation conditions.

Physical Conditions: There were five prisons in the country; three of the five had populations that substantially exceeded capacity (indicated in parentheses). Data from the 2018 Prison Census shows the Central Prison of Praia (CCP) had 1,112 inmates (880), the Central Prison of Sao Vicente 250 (180), and the regional prisons of Santo Antao 25 (50), Sal 116 (250), and Fogo 64 (50). The Orlando Pantera Center held juvenile detainees who were under age 16 at time of sentencing. The regional prison on Fogo did not have external walls, although the Directorate General for Prison Systems began a large-scale infrastructure project on the Fogo Regional Prison to include such walls. External walls were added to the prison on Sal during the year. Several of the prisons did not have reliable electricity. The regional prison on Sal had no access to the electrical grid or piped water; it ran a generator at night, and water was brought in trucks. During the year the kitchen at the prison was completed, and prisoners prepared their own food. Isolation cells in the older prisons, specifically those on Fogo and Santo Antao, were cramped, crowded, unfurnished, lacked sanitary facilities (toilets, sinks, and showers, and adequate drainage) and had no natural light because their windows were blocked with bricks.

There were no reports of deaths in the prisons during the reporting period.

Prisoners also complained of inadequate sanitation, ventilation, lighting, and heating. Not all prisoners had mattresses and beds; some slept on thin blankets on concrete floors. Shower and toilet facilities were inadequate and unsanitary; however, prison directors provided personal hygiene kits and prioritized improvements to the showers and toilets. There was standing water in the toilet and shower areas. Conditions in general were inadequate for inmates with mental disabilities or substance addictions. Conditions were markedly better for female prisoners, who generally had significantly more space per person and better sanitary conditions than male prisoners.

At the CCP, the central prison on Sao Vicente, and the regional prison on Sal, inmates were separated by trial status, sex, and age, but in regional prisons lack of facilities prevented authorities from separating inmates by age and trial status. Women were not incarcerated in the regional prisons, because of the lack of facilities to provide separate space for them. In the Fogo Regional Prison, officials established isolation cells that separated youths and adults. In the Santo Antao Regional Prison, inmates were separated according to trial status and crime.

Prisoners received adequate food and clean water three times per day.

Administration: There were no prison ombudsmen to respond to complaints; however, the CNDHC received prisoners' complaints via regular prison visits by the CNDHC representatives and written communication, social media postings, and telephone calls from prisoners to the CNDHC. Prisoners' relatives also reported complaints to the CNDHC; corrections officials stated all had been investigated and either disproven or addressed. Through August the CNDHC received three complaints. Prison officers were insufficient in number and did not receive appropriate support to do their jobs. Some complained of a need for psychological support because of the emotional and physical stress of their jobs.

Prison directors stated religious activities were permitted for all religious groups. The CCP director stated that during the year regular religious visits for Muslims were scheduled. In the Sao Vicente Regional Prison, the director stated Muslim religious services sometimes fall outside of regular prison working hours for much of the staff, complicating the prison's ability to accommodate them. In the Sal Regional Prison, Muslim services were canceled, reportedly due to lack of interest from inmates.

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

Improvements: Prison officials on Sal finished the prison's kitchen facilities, established a garden, and built workshops for carpentry and auto mechanic work. A large wall surrounding the prison and improved visitation facilities were constructed. Prison guards, based on their training, created "key boards" to improve their control of keys, radios, and other prison management tools. In February prison agents received training abroad in correctional facility management--with a focus on balancing security with human rights--and in October on detecting threats and collecting intelligence within the prisons.

The Directorate General of Prisons and Social Reinsertion also purchased safety equipment and vehicles.

In 2018 the government budgeted 78.8 million escudos (\$789,550) to rehabilitate the Fogo prison. The funding allowed the prison to increase its inmate population from 45 to 104, add a women's section, and build a perimeter wall that was

expected to allow more freedom of movement and more recreational and income-generating activities during the year.

#### **d. Arbitrary Arrest or Detention**

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

#### **Arrest Procedures and Treatment of Detainees**

The National Police may not make arrests without a warrant issued by 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. Even if there is incriminating evidence, suspected criminals are not arrested until a decision is made by the Attorney General's Office. The law stipulates a suspect must be brought before a judge within 48 hours of arrest. In some cases, however, detainees waited longer. The CNDHC reported detainees remanded to preventive detention on islands without prisons waited in police holding cells until they could be transferred to islands with prisons. 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 allowed detainees prompt access to family members and to a lawyer of the detainee's choice if the detainee could afford it. For a detainee or family unable to afford a lawyer, the Cabo Verdean Bar Association appoints a lawyer.

The judicial system was overburdened and understaffed, and criminal cases frequently ended when charges were dropped before a determination of guilt or innocence was made.

Pretrial Detention: The director of the CCP noted if detainees remained 14 months in prison without any judicial progress in their cases, they would be released according to law. As of September 2018, there were 491 persons in preventive detention.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. The judicial system, however, was slow because it was overwhelmed by the number of cases, lacked sufficient staffing, and was inefficient.

There is a military court, which by law may not try civilians. The military court provides the same protections as civil criminal courts but may hand down longer sentences.

### **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 the charges, with 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 continued 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 (SCJ). The law extends the above rights to all citizens.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Courts are impartial and independent and handle civil matters including lawsuits seeking damages for, or an injunction ordering the cessation of, a human rights violation. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Both administrative and judicial remedies are available, although administrative remedies are 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, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, 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 the press.

Censorship or Content Restriction: Journalists practiced limited self-censorship, apparently largely due to their desire to eventually work for public sector media and because of family and social connections that make investigative journalism difficult.

On February 15, the Cabo Verde Television and Radio (RTC) board of directors published a Code of Ethics and Conduct the Media Regulatory Authority (ARC) and the Cabo Verdean Association of Journalists (AJOC) considered an abuse of freedoms of the press and expression. Both ARC and the Community of Portuguese-Speaking Countries (CPLP) Federation of Journalists condemned the code and stated it undermines individual freedoms of journalists in their public lives, particularly on social media, and it violates constitutionally protected rights to expression and information. AJOC stated the code contains censorship measures and called for its suspension. The RTC board stated it did not recognize the competence of ARC to form an opinion regarding its internal policies. ARC and AJOC rejected the RTC board's dismissal of ARC's regulatory authority, warning a state media company must respect regulatory structures, or it threatens rule of law. AJOC filed a formal complaint with ARC but lacked the funds to contract legal services. The parties were engaged in mediation to settle out of court. Prime Minister Correia e Silva, whose government promoted media disinformation awareness, sponsored legislation to require the RTC board to be named by an independent body rather than by the government.

### **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/religiousfreedomreport/>.

### **d. Freedom of Movement**

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. The government ratified but never 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 (see section 2.f.). The country has an agreement to coordinate repatriation with the International Organization for Migration (IOM) when foreign citizens request such assistance.

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

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. Very few asylum applications were registered (UNHCR reported only two cases in 2011 and 2012 and none since). The actual number of asylum seekers was unknown since there is no systematic procedure in place to register and process asylum claims. Because UNHCR does not have an established presence in the country, asylum seekers who request protection and assistance are referred by the IOM 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.

### **g. Stateless Persons**

In June the director general of immigration flagged the issue of statelessness within the ECOWAS zone. She stated children born in the country should automatically acquire local citizenship, regardless of their parents' citizenship or other status.

## **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.

Any foreigners residing in the country for more than three years may vote in municipal elections. Any residents from a member country of the CPLP--which includes Angola, Brazil, Equatorial Guinea, Guinea-Bissau, Mozambique, Portugal, and Timor-Leste--may vote in municipal elections regardless of how long they have resided in Cabo Verde. Only citizens, including those living outside the country, may vote in legislative and presidential elections.

## **Elections and Political Participation**

Recent Elections: In the 2016 legislative elections, individuals and parties were free to declare their candidacies and candidates for a total of 72 seats. The main opposition party, Movement for Democracy (MpD), won 40 seats in the National Assembly with approximately one-half of the vote, returning the party to power for the first time in 15 years. The former governing party, African Party for the Independence of Cabo Verde (PAICV), won 29 seats with 37 percent, and the Union for a Democratic and Independent Cabo Verde won the remaining three

seats with 6 percent of the vote. International observers characterized these elections as generally free and fair.

The most recent presidential election took place in 2016. Jorge Carlos Fonseca, the MpD candidate, who had the support of the PAICV, won the election with approximately three-quarters of the vote.

Election observers from the African Union and the Economic Community of West African States (ECOWAS) characterized these elections as free, transparent, and credible. Observers noted some irregularities, however, including voters being pressured near polling stations to vote for certain candidates and allegations of vote buying.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities, and they did participate. Women's participation fell in positions within the central government and remained at less than half of positions on the SCJ, and especially in prosecutorial positions. At the local level, in community associations and on city councils, women had less representation than men. Women held 17 of the 72 National Assembly seats and occupied three of the 11 cabinet-level positions in government ministries. Women filled three of the eight seats on the SCJ, including the presidency.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides penalties of up to 15 years' imprisonment for conviction of corruption by officials, and the government implemented the law effectively. Officials sometimes engaged in corrupt practices with impunity, especially at the municipal level, although there were no reports of government corruption during the year.

Corruption: In late 2018 a management turnover at Aguas de Santiago (ADS), a state-owned utility, revealed irregularities in bookkeeping by the previous chief executive officer. In March the Office of the Prosecutor General of the Republic charged the previous management team, the former president of ADS, and the former mayor of Santa Catarina de Santiago with embezzlement and abuse of power.

Financial Disclosure: The law sets parameters for public officials to submit declarations of ownership interest, income, and family wealth, and regulates public discussion of this information. These declarations should include any asset worth

more than 500,000 escudos (\$5,010). By law failure to submit a declaration is punishable by removal from office. The SCJ must approve public disclosure of the declarations. When involved in criminal cases of alleged corruption, public officials must declare or prove the source of their income or wealth. The SCJ is in charge of monitoring the law and enforcing compliance, but enforcement was poor.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The CNDHC worked to protect, promote, and reinforce human rights, rights of citizenship, and international humanitarian law in the country. It worked on all nine inhabited islands with a network of varied organizations. The CNDHC, although independent, was inadequately staffed and funded.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: Conviction of rape of women and men is punishable by eight to 16 years' imprisonment, and conviction of domestic violence is punishable by one to five years' imprisonment. Spousal rape is implicitly covered by the gender-based violence 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 and financial resources. Violence and discrimination against women remained significant problems.

The National Police accompanied victims of sexual and 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 (often a family member's home; there were only two official shelters, in Praia and Tarrafal de Santiago). Victims' rights organizations stated police officers were

sometimes not fully supportive or sensitive to the problems victims faced. Very often victims returned to their abusers due to economic and social pressures. As of September the Cabo Verdean Institute for Equality and Equity of Gender (ICIEG) received information on 325 cases of gender-based violence.

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

According to official data from the National Statistics Institute from 2017, 89 percent of victims of gender-based violence in the country were girls or women. Victims aged 22 to 30 represented 34.7 percent of the total and from 31 to 45 years represented 31 percent of the total. Most perpetrators of gender-based violence were men (89.5 percent) and aged 31 to 45 years (38.6 percent) and 22 to 30 years (32.3 percent).

Sexual Harassment: The penal code criminalizes sexual harassment. Penalties for conviction include up to one year in prison and a fine equal to up to two years of the perpetrator's salary. Although authorities generally enforced the law, sexual harassment was common and widely accepted in the culture.

In April an appeals court reduced by one half the sentences of Rui and Flavio Alves, brothers convicted of committing cybercrimes involving the coercion of girls and young women into having sexual relations with them. Rui's original sentence of 33 years' imprisonment was very heavy by Cabo Verdean standards and was reduced to 18 years; Flavio's original sentence of 14 years' imprisonment was reduced to seven years. The court did not apply its trafficking in persons law in this case.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men, and the government somewhat enforced the law. Cultural norms and traditions, however, imposed gender roles that hindered the eradication of gender-based discrimination.

A proposed law on gender parity stalled in the National Assembly when political parties could not agree that 50 percent of the names on candidate lists be composed of female candidates. Despite protests from ICIEG, the first lady, and others, the

law received no further attention during the legislative year. Women held 23.6 percent of seats in the National Assembly; they held no mayoral seats.

Women suffered discrimination in equal pay for equal work. Women often worked in informal jobs and lacked access to social security. Women, especially the working poor, struggled to maintain their professional independence when they had children. Fathers were often not present in the nuclear family. Additionally, when girls became pregnant while still in school, they nearly always dropped out and did not resume their education.

Rural school district supervisors and local government officials spoke of “absent men,” lamenting the burden placed on women and noting the damage to existing and future generations of children growing up without male role models or with negative ones. According to the National Statistics Institute, 40 percent of children lived with only their mother.

## **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 would need to get 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. For additional information, see Appendix C.

In June the director general of immigration flagged the issue of statelessness within the ECOWAS zone. She stated children born in the country should automatically acquire local citizenship, regardless of their parents’ citizenship or other status.

Education: The government provided tuition-free and universal education for all children through the eighth grade. Education is compulsory until age 15. Secondary education was tuition-free to children whose families’ annual income was below 147,000 escudos (\$1,473). School is tuition-free from preschool through higher education for children with disabilities in both public and private schools. The government subsidizes kindergarten fees through municipal governments. As part of his government’s campaign for inclusivity, the prime minister called for the expansion of tuition-free and compulsory education through the 12th grade by 2021 to all children. The National Statistics Institute estimated

6.3 percent of children were not in school, the majority of whom were between ages 15 and 17.

Child Abuse: Laws prohibit physical, psychological, and moral violence against children, including sexual violence, but these remained problems. Penalties for child abuse include two to eight years in prison for sexual abuse of a child under age 14, increasing from five to 12 years' imprisonment if the abuse included penetration. Those found guilty of engaging in transactional sex with a minor under age 18 faced two to eight years in prison, four to 12 years' imprisonment if the sex involved penetration. The government tried to combat it through a national network that included the Cabo Verdean Institute of Childhood and Adolescence (ICCA), various police forces, the Attorney General's Office, hospitals, local civil society organizations, and health centers. The government attempted to reduce sexual abuse and violence against children through several programs such as Dial a Complaint, the Children's Emergency Program, Project Our House, Welcome Centers for Street Children, Project Safe Space, and the Project Substitute Family. ICCA services, however, were not permanently present on every island, and ICCA employees struggled to meet the needs of the local populations.

In July, Roque Estrela, from Boa Vista Island, received a five-year suspended sentence and a 200,000-escudo (\$2,018) fine after a conviction for sexual abuse of a seven-year-old child.

For children and adolescents, as of July the ICCA registered 116 cases of sexual abuse, 148 cases of cruel treatment, 17 cases of child labor, and 243 cases of parental negligence.

In March the Ministry of Family and Social Inclusion, ICCA, and UNICEF hosted a public discussion on the preparation of a broad child protection law. Participants included members of the National Assembly from all three parties, diplomatic and international organization missions, NGOs, and semigovernmental and civil society organizations. The discussion covered concerns, ideas, and structures and provided information for the drafting of a robust child protection law. The draft law included penalties for conviction of crimes committed in cyberspace against children.

Legislation passed in 2015 enabling anyone who became aware of sexual violence against a child under age 14 to report the crime began to take root, and complaints continued to increase, most notably on the tourist island of Sal, although the majority of cases did not involve tourists. A string of highly public cases in which

alleged perpetrators were released on bail, often to return to the home they shared with their victims, provoked increasingly sharp criticism from the public. After neighborhood protests on Sal, mostly led by women, the judge on Sal increasingly recommended preventive detention for alleged perpetrators of child sex abuse. The ICCA provided care for the child victims, but perpetrators and alleged perpetrators received minimal interventions or care while awaiting trial or while in prison. Child abuse cases may linger for years in the judicial process, often leaving child victims vulnerable to continued abuse.

In July the City of Praia and ICCA hosted the inaugural meeting of the Municipal Committee for the Defense of Children and Adolescents. The committee was replicated in nearly all of the country's 22 municipalities and was designed to make child protection services more accessible.

Early and Forced Marriage: The legal minimum age of marriage is 18. For additional information, see Appendix C.

Sexual Exploitation of Children: The law punishes those that foment, promote, or facilitate "prostitution" or sexual exploitation of children age 16 and under with a penalty if convicted of four to 10 years' imprisonment. If the victim is age 17 or 18, the penalty is two to six years' imprisonment, which is commensurate with penalties prescribed for other serious crimes such as kidnapping. The law punishes those who induce, transport, or provide housing or create the conditions for sexual exploitation and commercial sexual exploitation of children age 16 and under in a foreign country with a penalty if convicted of five to 12 years' imprisonment. If the victim is age 17 or 18, the penalty for conviction is two to eight years' imprisonment. The law prohibits the exploitation of children under age 18 in pornography, with penalties for conviction of up to three years' imprisonment. The minimum legal age for consensual sex is 16. Sexual relations with a child under 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). Sexual abuse was widely reported throughout the country. Alleged perpetrators often were released from detention pending trial. There were numerous unconfirmed reports of tourists engaging in transactional sex with minors and of minors engaging in prostitution for money or drugs.

The minister of education, family, and social inclusion called for special attention to the subject of sexual assault in the schools. She noted schools needed to

improve and increase their messaging regarding appropriate behavior and to better protect children.

The government also continued efforts to prevent the sexual exploitation of children through a national coordinating committee and the development of a code of ethics for the tourism industry. The Observatory for Monitoring and Rapid Identification of Trafficking in Persons, which includes numerous government agencies, held three meetings and developed internal procedures and a list of priorities related to human trafficking and child sexual exploitation.

Displaced Children: Approximately 50 children lived in the streets of Mindelo, the country's second-largest city. An undetermined number likely lived in Praia as well. The ICCA and other organizations took steps to provide shelter to the children, ranging from day centers to 24-hour shelters. Officials worked with children, families, and communities to resolve intrafamily problems and return the children to the safety of their families. To reduce vulnerability to trafficking in persons and other crimes, the Ferry Authority launched a campaign prohibiting unaccompanied children from traveling between islands.

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 the government generally enforced these provisions, with problems remaining in a number of areas. For example, physical accessibility, communication means, and

public transport appropriate for persons with disabilities often were lacking. The government worked with civil society organizations to implement programs to provide access for wheelchair users, including ramps to enhance access to transportation and buildings.

According to the Ministry of Family and Social Inclusion, the ministry enrolled and subsidized children and youths with special educational needs in primary, secondary, and higher education. Persons with intellectual or mental disabilities, as determined by the Ministry of Health, are not allowed to vote, according to the National Commission for Elections, if they are deemed not to have the mental capacity to exercise that right. Crimes against persons with disabilities were investigated and processed when they were reported.

Many child victims of sexual abuse were persons with mental disabilities. Police investigated their cases with the same care they used on other cases, and the ICCA provided support to child victims.

The government has a quota system for granting scholarships and tax benefits to companies that employ individuals with disabilities. NGOs recognized these measures as partially effective in better integrating these citizens into society but also noted nonenforcement and inadequate regulations were obstacles.

The RTC, through a partnership with the CNDHC, Handicap International, and the Cabo Verdean Federation of Associations of People with Disabilities, included in its nightly news program a sign language interpreter for deaf persons able to sign.

The law stipulates a quota of 5 percent of educational scholarships be allocated to persons with disabilities, but this quota was not reached.

In June, Praia's public bus company, Sol Atlantico, purchased five buses accessible to persons with disabilities for regular use in the city.

### **Acts of Violence, Discrimination, 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, exercising normal economic activities, and employment. The government generally enforced these laws; penalties if

convicted were up to two years in prison or a fine equal to 100-300 days' salary. Laws do not prohibit consensual same-sex sexual conduct among adults.

Persistent social discrimination existed as the norm for the lesbian, gay, bisexual, transgender, and intersex community and generally took the form of public mockery and appearance-based discrimination. A same-sex marriage was performed on Boa Vista and considered by many social media users as an important social and cultural advance for the country.

## **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. Although government enforcement generally was effective, some cases continued for years, with further delay for appeals. The Directorate General for Labor (DGT) has a conciliation mechanism to promote dialogue between workers and employers on conditions of work.

The labor code designates certain jobs essential and limits workers' ability to strike in those 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. Worker organizations were independent of the government and political parties. Penalties were adequate to deter violations of freedom of association.

Labor unions complained the government sporadically restricted the right to strike for certain critical job categories. Other observers stated the government cooperated with the unions and did not discriminate against certain job categories. According to the local press, few companies adopted collective bargaining, but the

International Labor Organization (ILO) worked with local unions and government bodies to provide guidance on conducting a dialogue among 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 sufficiently stringent to deter violations.

Nevertheless, there were reports such practices occurred during the year. 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. There were incidents of child labor in the domestic services and agriculture sectors, with children often working long hours in dangerous conditions and at times experiencing physical and sexual abuse, indicators of forced labor (see also section 7.c.).

On January 10, the president promulgated Resolution 3/2019 that established the *Second National Plan of Action on Immigration (2018-20)*. Migrants from West Africa came to work in the construction and hospitality sectors, and the government sought to reduce their vulnerability to exploitation and increase their integration.

In October 2018 four Chinese nationals escaped from a situation of forced labor on Sal. The government identified them as victims of labor trafficking and, with support from the IOM, repatriated them to China. In May the traffickers--two Chinese nationals and one Cabo Verdean--were sentenced.

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 2016 National List of Dangerous Work for Children expanded, codified, and prohibited types of work in which children may not engage. The law defines the worst forms of child labor as any work done by children under age 16, and dangerous work performed by children between ages 16 and 18. The National Assembly ratified ILO Convention 138 in 2011, and 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. The labor code provides that underage children may work only on small household tasks, in apprenticeship or training programs, or to help support the family. Children ages 16 to 18 are allowed to work overtime in an emergency but may not work more than two overtime hours a day, and these extra hours may not exceed 30 hours per year. The law permits children to perform agricultural work for the family provided that work does not compromise the child's mental and physical development. Children under age 16 are banned from performing any street work. The ILO called on the government to raise the minimum age for hazardous work from 16 to 18, in line with international standards.

Several laws prohibit child labor, and the penalties they impose were adequate, but enforcement was neither consistent nor effective. Barriers, many cultural, remained to the effective implementation of these laws. For example, not all citizens considered children working to help support their families, especially in small remote communities, as negative, even when the work by law was deemed dangerous. The government had minimal ability to monitor and enforce laws in the informal sector, estimated to represent 30 percent of the economy.

Children engaged in street work, including water and food sales, car washing, and begging, and were vulnerable to trafficking. The risk to children depended largely on where they were located; there was considerably more child labor on some islands than others. The worst forms of child labor included street work, domestic service, agriculture, animal husbandry, trash picking, garbage and human waste transport, and at times passing drugs. A psychologist working for the international NGO SOS Children's Village warned that a child could make above the monthly minimum wage from begging.

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.

Gender-based discrimination in employment and occupation, however, occurred (see section 6). Women generally had lower economic status and less access to

management positions in public- and private-sector organizations. Women experienced inequality in political and economic participation. For instance, being a homemaker is not officially recognized as employment, and national statistics report homemakers as inactive members of the labor force. In some sectors of the formal economy, women received lower salaries than men for equal work.

African immigrants worked mainly in retail, services, and construction. Immigrants generally were poorly educated and had few professional qualifications and little work experience; consequently, their wages tended to be lower. Many of these immigrants did not have a legal contract with their employers, and thus they did not enjoy many legal protections and often worked in unacceptable conditions. The ECOWAS charter permits labor mobility for citizens of member states. The country was criticized by its neighbors for failing to implement its charter responsibilities fully by not protecting legal ECOWAS migrants.

#### **e. Acceptable Conditions of Work**

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. The law requires rest periods, the length of which depends on the work sector.

There were reports workers employed in the ubiquitous Chinese stores often received less than the minimum wage. These workers did not file formal complaints due to fear of losing their jobs and because they anticipated authorities would not take corrective action.

The law sets minimum occupational and safety standards and gives workers the right to decline to work if working 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 CNDHC noted companies generally chose to follow these rules, but that the government has insufficient resources through the Inspectorate General of Labor (IGT) to address violations.

The DGT and IGT are charged with implementing labor laws. Certain formal-sector benefits, such as social security accounts for informal workers, were enforced in the informal sector, although no penalties for violations that included fines or imprisonment were imposed during the year. The informal sector

remained largely unregulated by government actors. The government made efforts to reduce work accidents and illness at work by carrying out more inspections and awareness campaigns to promote a culture of prevention and safety at work. The DGT and IGT, however, did not employ a sufficient number of inspectors to adequately enforce the law. 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. Penalties for labor violations were generally insufficient to deter violations.

According to the IGT's 2018 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.

Although there were no official studies available, some sources speculated foreign workers were more likely to be exploited than others. In 2018 between 17,000 and 22,000 immigrants, mostly from ECOWAS countries, worked in the country. Most immigrants were men (60.3 percent) older than 25 years of age, with the highest percentage between ages 25 and 44 (51.7 percent). Generally foreigners worked in civil construction, security services, hospitality, domestic services, and tourism. It was common for companies not to honor foreign workers' rights regarding contracts, especially concerning deductions for social security.

The majority of work-related accidents reported during the year occurred in food services, the steel industry, and construction sectors. In 2018 the IGT registered 395 work-related accidents and six deaths resulting from labor accidents.