

# **CABO VERDE 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The government 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 Prime Minister Jose Maria Neves, who were elected to five-year terms in 2011. For the first time in the history of Cabo Verde, the prime minister and the president were supported by opposing political parties. President Fonseca was serving his first term, while Prime Minister Neves was serving a third. The Supreme Court and the National Electoral Commission declared the 2011 nationwide legislative and presidential elections generally free and fair. Authorities at times did not maintain effective control over the security forces.

The most serious human rights problems occurred in the following areas: police violence toward prisoners and detainees, delayed trials, and violence and discrimination against women.

Other human rights problems included child abuse, some instances of child sexual exploitation, and child labor. Additionally, domestic violence and societal discrimination against women were common.

Although the government took steps to prosecute and punish public officials who committed human rights abuses, the process is lengthy. The National Police took disciplinary action against officials who acted outside the law, but lack of a single authority to monitor or oversee cases or complaints made it difficult to track cases. Government and other state institutions sometimes downplayed or disregarded police abuses.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices. The media, however, continued to cite instances of physical violence. The most common types of abuses were excessive force and aggression against persons arrested and detained by police. In most cases the National Police Council took action against abusers.

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

Prison and detention center conditions generally met international standards.

Physical Conditions: There were no reported cases of food or potable water shortages or of inadequate temperature control, lighting, or medical care in prisons and detention centers. Some prisoners, however, complained about inadequate sanitation and ventilation. Conditions in general were inadequate for inmates with mental illness or substance addictions. The number of corrections officers to deal with the growing number of such prisoners was insufficient.

During the year there were three deaths reported in prisons, all linked to health issues. There are five prisons in the country, and all exceeded their maximum inmate capacity (indicated in parentheses). The Central Prison of Sao Vicente had 323 inmates (180), the regional prison of Santo Antao 60 (50), the prison on Sal Island 30 (16), Fogo had 99 inmates (50), and the Central Prison of Praia (CCP) held 922 (880).

There were 57 female prisoners and 1,371 male prisoners as of July. There were 274 persons (270 men and four women) in preventive detention awaiting trial. The prison system continued to struggle with overcrowding, especially in older prisons. The government sent some prisoners to the Central Prison of Praia to separate inmates based on trial status, gender, and age, but there were cases of youths sharing cells with adults.

Authorities at the CCP separated prisoners by gender, age, and type of crime committed, with distinction made between convicted prisoners and pretrial detainees. There were 18 disciplinary cells and two rooms for spousal visits. The facility had spaces for guards, lawyers, and educational and social reintegration trainers. There was a classroom equipped with television, a DVD player, and

computers, a space for adult education, medical facilities, canteens for guards and prisoners, a library, and a space for professional training on social reintegration.

Administration: The Ministry of Justice, Ministry of Internal Affairs, the Cabo Verdean Institute for Gender Equality and Equity (ICIEG)--a government agency--and the National Statistics Institute (INE) worked together to establish uniform standards for data collection and recordkeeping.

The law allows for the suspension of prison sentences that do not exceed two years in nonviolent cases. If a judge agrees to a suspension, the prisoner enters a program for reintegration into society, and the offender completes work “beneficial to the community.”

There were no prison ombudsmen.

Authorities allowed prisoners and detainees access to visitors and permitted freedom of religious practice. There were no reports of impediments to the direct submission of complaints to judicial authorities concerning prison abuses. Prisoners’ relatives reported some complaints. Corrections officials claimed all had been investigated and disproven.

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.

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

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The National Police, under the control of the Ministry of Internal Administration, 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 (maritime and terrestrial) and sovereignty of the country. Logistical constraints, including a lack of vehicles, limited communications equipment, and poor forensic capacity, continued to limit police effectiveness.

Civilian authorities maintained effective control over the armed forces and police (including the Coast Guard, National Guard, National Police, and Judiciary Police), and the government has somewhat effective mechanisms to investigate and punish abuse and corruption.

There were no reports of impunity involving the security forces during the year.

Authorities investigated abuses by police, and most investigations resulted in legal action against those responsible. During the year the National Police Council received 27 reports of police violence; most cases concerned physical abuse. After the National Police Disciplinary Board reviewed the cases, the National Police dismissed four police officers.

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

The National Police may not make arrests without a warrant issued by the Attorney General's Office, unless the person is caught in the act of committing a felony. Neither the National Police nor Judiciary Police have the authority to conduct investigations unless they are mandated by the Attorney General's Office. Despite incriminating evidence, 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 most cases, however, detainees waited more than 48 hours for their hearing. 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 they could afford it. If the detainee or family were unable to pay, a lawyer was appointed by the Cabo Verdean Bar Association.

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: Prolonged pretrial detention remained a problem. Judicial inefficiencies and lengthy legal procedures were the main factors.

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

The law provides for an independent judiciary, and the government generally respected judicial independence. The judicial system, however, lacked sufficient staffing and was inefficient.

There is a military court, which cannot try civilians. The military court provides the same protections as civil criminal courts.

### **Trial Procedures**

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. They have the right to be informed promptly and in detail of the charges, with free interpretation as necessary. 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 and to consult with an attorney in a timely manner. Free counsel is provided in all types of cases, but only for those who lack sufficient funds for a lawyer. Defendants have adequate time and facilities to prepare a defense. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right to confront or question witnesses against them and to present witnesses and evidence in their defense. Defendants have the right not to be compelled to testify or confess guilt. Defendants can 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. Both administrative and judicial remedies are available.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

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

### **Section 2. Respect for Civil Liberties, Including:**

**a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

**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.

According to the Cabo Verdean National Communications Authority, 45.5 percent of the population used the internet in 2014.

**Academic Freedom and Cultural Events**

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

**b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of 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 [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

**d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide 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 assisting refugees and asylum seekers.

## **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 national legislation or an institutional body for granting asylum or refugee status. While very few asylum applications were registered (the UNHCR reported only two cases total in 2011 and 2012), the actual number of asylum seekers was unknown, since there is no systematic procedure in place to register and process asylum claims. Because the UNHCR does not have an established presence in the country, asylum seekers who request protection and assistance are referred by the International Organization for Migration to the 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.

## **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides the ability of citizens to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

### **Elections and Political Participation**

Recent Elections: In the 2011 legislative elections, individuals and parties were free to declare their candidacies and candidates for a total of 72 seats. The ruling African Party for the Independence of Cabo Verde (PAICV) won 38 seats in the National Assembly with approximately 52 percent of the vote. The main opposition party, the Movement for Democracy (MpD), won 32 seats with 42 percent, and the Union for a Democratic and Independent Cabo Verde won the remaining two seats with 4 percent. International observers characterized these elections as generally free and fair.

The presidential election also took place in 2011. Jorge Carlos Fonseca, the candidate supported by the MpD, won the election with approximately 54 percent of the vote, while Manuel Inocencio Sousa, the candidate supported by the PAICV, received 46 percent.

Election observers from the Economic Community of West African States and African Union characterized these elections as free, transparent, and credible. The observers noted some irregularities, including cases of voters being pressured near polling stations and also of vote buying.

Participation of Women and Minorities: Women held 19 of the 72 National Assembly seats and occupied 11 of 20 cabinet-level positions in government ministries. Women filled three of eight seats on the SCJ, and there was one female mayor in the country, elected in the 2012 municipal elections.

Male dominance in positions of power continued despite efforts to promote women's advancement. Women's participation was particularly high in positions within government, on the SCJ, and as prosecutors. At the local level, however, in community associations and on city councils, women had less representation.

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

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

Corruption: The central authority responsible for investigating and combating corruption is the Attorney General's Office (PGR), which is an independent body of government. The PGR oversees the entire judicial process and other legal matters, and gives directives to the Judiciary Police for conducting investigations related to corruption. The PGR operated effectively and independently to combat corruption, but it did not have a specialized corruption department or specific funds for this purpose.

Financial Disclosure: The law sets parameters for public officials to submit declarations of interest, income, and family wealth, and it regulates public discussion of this information. When involved in criminal cases of alleged corruption, public officials must declare or prove the source of their income or wealth. The law defines the legal framework for public disclosure and monitoring of the wealth of civil employees. The SCJ is in charge of monitoring the law and enforcing compliance, but enforcement was poor.

By law public officials must submit a statement of interest, income, and inheritance within 30 days of taking office. These declarations shall include any

asset worth more than 500,000 escudos (\$5,680). Failure to submit a declaration may prohibit public officials from holding office for a period of one to five years. The SCJ must approve public disclosure of the declarations.

Public Access to Information: The law provides for public access to government information without restriction, provided that privacy rights are respected. The government frequently granted access.

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

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

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

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status. The constitution stipulates the government should create conditions for the gradual removal of all obstacles to the full exercise of human rights and equality before the law.

The law also prohibits racism, xenophobia, and other forms of discrimination, but violence and discrimination against women and children remained significant problems. The law does not prohibit discrimination based on sexual orientation or gender identity.

The government enforced the above prohibitions somewhat effectively.

### **Women**

Rape and Domestic Violence: Rape is a crime punishable by eight to 16 years in prison, and domestic violence is punishable by one to five years in prison. A “Special Law Project on Gender-Based Violence” (GBV) became law in 2011. This law was prepared by the ICIEG with the support of female parliamentarians and diplomatic representatives. The GBV law focuses on increasing protection of victims, strengthening penalties for offenders, and raising awareness about 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.

Rede Sol (a network that connects civil society organizations, the National Police, health centers, hospitals, and community law centers) covered 56 percent of the national territory and had representation on seven islands and in 12 of the 22 municipalities. The Ministry of Justice created Casas do Direito (Civil Rights Houses), which serve as public spaces that provide citizens with access to justice and promote civic participation. In 2013 the Casas do Direito received reports of 213 cases of GBV nationwide. In 2014 (as of September) 231 cases of GBV were reported to the Casas do Direito. During the year the government inaugurated centers to provide support to victims of GVB in five of the 22 Casas do Direito. These five centers were located on the islands of Santiago (2), Boa Vista (1), Fogo (1), and Sao Nicolau (1).

According to data from the INE, the total number of GBV cases registered by the National Police during the 2011-12 judicial year was 4,028. Of those, 1,138 were resolved and 2,890 were pending.

The government enforced the law against rape and domestic violence effectively.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the “Torture Convention”), which outlaws such practices for religious, health, or other reasons.

Law 64/VII/2014 on religious freedom also strictly prohibits religious practices involving human sacrifices, neutering, excisions, and the impeding of medical treatment for minors or other dependents.

Sexual Harassment: The criminal code and the GBV law criminalize sexual harassment. Penalties include up to one year in prison and a fine equal to up to two years’ salary. Although authorities generally enforced the GBV law, statistics on prosecutions, convictions, and punishments for sexual harassment were not available. There was no official data on the number of cases of sexual harassment during the reporting period. Sexual harassment was common and widely accepted in the country’s culture.

Reproductive Rights: The civil code grants all citizens the freedom to make decisions regarding the number, spacing, and timing of their children; and the right

to attain the highest standard of reproductive health without discrimination, coercion, or violence. All citizens had access to contraception. Family planning centers throughout the country distributed some contraceptives freely to the public. These centers provided skilled assistance and counseling, both before and after childbirth and in cases of sexually transmitted infections, including HIV. Prenatal services included ultrasound screening, tetanus vaccines, and blood tests, including HIV screening. Postnatal services included family planning and free oral/injectable contraceptives. There are no government policies that adversely affect emergency health care, including complications arising from abortion.

Discrimination: The law provides equal rights to men and women under family, labor, property, and inheritance laws. Cultural norms, traditions, and society, however, imposed gender roles that hindered the eradication of gender-based discrimination. Women had less representation in local politics, community associations, and in parliament. In the private sector, women held fewer management and leadership positions, and often received lower salaries than men for equal work (see section 7.d.). Indicators showed educational achievement, life expectancy, and access to sexual and reproductive health services were higher among women.

## **Children**

Birth Registration: Citizenship can be derived by birth within the country or from one's parents. The government has a network of services, such as notary and civil identification records offices in all municipalities, and the Birth Registration Project, located in hospitals and health centers. Failure to register births did not result in denial of public services. The government attributed the nonregistration of births to uncertainty as to the identity of fathers, parental neglect, and a lack of information on registration in the poorest communities.

Education: The government provided tuition-free and universal education for all children between the ages of six and 12. Education remained compulsory until the age of 11. Secondary education was free only to children whose families had an annual income below 147,000 escudos (\$1,670).

Child Abuse: Violence against children remained a problem. 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 Office of the Attorney General, hospitals, 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, Project Substitute Family, and the creation during the year of five ICCA offices.

Data from the Children's Emergency and the Local Social Service programs indicated that in 2013 there were 281 reported cases of violence and aggression and 113 reported cases of sexual abuse of children. According to this same source, from January to September, there were 157 reported cases of violence and aggression, and 54 reported cases of sexual abuse of children. Actual prevalence was higher, since not every case was reported because perpetrators were often relatives of the child.

Early and Forced Marriage: The legal minimum age of marriage is 18 years. According to a 2005 Demographic Health Survey, 18 percent of women ages 18-24 reported being married or in a union before age 18. According to data from a 2012 study conducted by the INE and sponsored by United Nations Women, the average age of marriage for women was 34, while the average age for men was 38.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Torture Convention"), which outlaws such practice for religious, health, or other reasons.

Law 64/VII/2014 on religious freedom strictly prohibits religious practices involving human sacrifices, neutering and excisions, and the impeding of medical treatment for minors or dependents.

Sexual Exploitation of Children: The law punishes those that foment, promote, or facilitate prostitution or sexual exploitation of children under the age of 14 with a penalty of two to eight years in prison. If the victim is under the age of 16, the penalty is one to five years in prison. The law punishes those that induce, transport, or provide housing or create the conditions for sexual exploitation and prostitution of children under 16 in a foreign country with a penalty of two to eight years in prison. The law prohibits the use of children under 14 in pornography, with penalties of up to three years in prison. The minimum age for consensual sex is 14. The law also prohibits pedophilia. During the year there were no reported cases of child pornography, but there were cases of child prostitution. Sexual exploitation was more common in the poorest neighborhoods. For example, there were reported cases pending investigation of sexual exploitation of children in the Vila Nova and Calabaceira neighborhoods in Praia. Sex tourism, at times

involving prostituted children, was a problem. In April 2013 a court convicted a German journalist and two Cabo Verdeans of sexually abusing six children in 2010 and 2011. Penalties ranged between four years and six months to five years in prison, in addition to monetary compensation; the sentences of the two Cabo Verdeans were being appealed.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There is no Jewish community in the country, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services. The law does not prohibit discrimination in air travel or other transportation services. The government generally enforced these provisions, with problems remaining in a number of areas. For example, persons with disabilities faced daily obstacles that hindered their integration. 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 wheelchairs including building ramps to enhance access to transportation and buildings. The government also introduced sign language in its national television news broadcasts.

According to the Ministry of Education and Sports, the ministry had enrolled 1,200 children and youth with special educational needs in primary, secondary, and higher education. There was no information available regarding abuse of persons with intellectual disabilities or mental disabilities in prisons or psychiatric hospitals. Persons with physical disabilities continued to experience difficulties in accessing prison facilities such as bathrooms and other services. Inmates with

mental disabilities did not have access to psychiatric care or specific therapy. The government did not legally restrict the right of persons with physical disabilities to vote or otherwise participate in civic affairs and public life, unless the person did not have the mental capacity to exercise that right. According to the Electoral Code, blind persons or those with other physical disabilities that prevent them from voting on their own can be escorted by a citizen of their choice to cast their vote. Persons with intellectual or mental disabilities, however, are not allowed to vote, according to the National Commission for Elections, which claimed such persons do not have the ability to make decisions on their own.

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 continued to be obstacles (see section 7.d.).

Several NGOs worked to protect the interests of persons with disabilities. In 2012 the government adopted a Law on Mobility that set technical standards for accessibility for persons with disabilities for a variety of public facilities and services.

The Ministry of Employment, Human Resources, and Youth is the government organization responsible for protecting the rights of persons with disabilities. The National Council on the Status of Disabled Persons works in partnership with the ministry as a consultative body responsible for proposing, coordinating, and monitoring the implementation of a national policy.

In 2013 the public television station, through a partnership with the National Commission for Human Rights and Citizenship, Handicap International, and the Cabo Verdean Federation of Associations of People with Disabilities, introduced in its nightly news a sign language interpreter to facilitate access to the news for deaf people who sign.

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

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Antidiscrimination laws exist, but none apply to lesbian, gay, bisexual, and transgender (LGBT) persons. There was no information available on official or private discrimination against LGBT individuals in employment, occupation, housing, statelessness, or access to education or health care. There were no reported incidents of violence against LGBT persons during the year. Intimidation was not believed to be a factor in preventing incidents of abuse from being reported.

In June the Cabo Verdean Association of Gays Against Discrimination organized the country's second Cabo Verdean Gay Week, "Mindelo Pride." The event occurred in the city of Mindelo, on Sao Vicente Island, to promote equality and respect for sexual diversity.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the rights of workers to form or join unions of their choice without previous authorization or excessive requirements, to engage in collective bargaining, and to conduct legal strikes. According to the labor code, there are essential needs of society that must be provided by businesses or companies during strikes. Services provided by telecommunications, justice, meteorology, 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.

A "Civil Need" law states the government can 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 allows unions to carry out their activities without interference. The labor code provides for protection against antiunion discrimination and for the reinstatement of workers. Although government enforcement generally was effective, cases can continue for years and can be appealed with the passage of more years before resolution. The Directorate General for Labor (DGT) has a conciliation mechanism to promote dialogue.

Freedom of association and the right to collective bargaining were respected. The government protected the right to carry out union activities without interference. Worker organizations were independent of the government and political parties. There were no reports of violence, threats, or other abuses during the year by the government against union members or leaders. There was no reported evidence of

antiunion discrimination. Nonetheless, public projects were contracted to private companies who hired workers directly. Workers who do not have a labor contract with public or private companies have no legal protection.

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. There were no reported violations related to collective bargaining. According to the local press, few companies had adopted collective bargaining, but the International Labor Organization worked with local unions and government bodies to provide guidance on conducting a dialogue between parties.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including by children. According to the Inspectorate General of Labor (IGT) 2014 First Semester Report, the IGT carried out 1,701 inspections and did not identify any forced labor violations.

Nevertheless, there were reports such practices occurred during the year. Migrants from Guinea-Bissau, Senegal, Nigeria, and Guinea may receive low wages and work without contracts, creating vulnerabilities to forced labor in the construction sector. Cabo Verdean children labored in domestic service, often working long hours and at times experiencing physical and sexual abuse, indicators of forced labor (see also section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The legal minimum age for work is 15 years. 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 constitution provides that underage children can work only on small household tasks, in apprenticeship or training programs, or to help support the family. Children 16 to 18 are allowed to work overtime in an emergency. In these cases, however, children cannot work more than two overtime hours a day, and these extra hours cannot exceed 30 hours a year. The law defines work to be abolished or the worst form of child labor as work engaged in by children under

the age of 15 and/or dangerous work performed by children between the ages of 15 and 17.

Several laws prohibit child labor, but enforcement was neither consistent nor effective. Barriers, mostly cultural, remained to the effective implementation of these laws. For example, not all citizens considered children working to help support their families as a negative thing, especially in small, remote communities.

The ICCA, DGT, and IGT worked on matters pertaining to child labor. The ICCA works on the promotion and defense of the rights of children and adolescents. The DGT creates labor market policy and drafts labor legislation to ensure the promotion of social dialogue and reconciliation between social partners. The IGT has the responsibility to monitor and enforce labor laws and enforces rules relating to labor relations. The agencies stated they had adequate resources. During the year the government (through the three agencies) continued to carry out training activities for local staff and awareness campaigns to combat child labor, particularly in its worst forms, and consulted with local businesses. The IGT did not identify any child labor violations in the first half of the year.

The first survey conducted by INE on child labor in the country, published in 2013, revealed that 7.1 per cent of the child population was engaged in the worst forms of child labor (the study was conducted between October and December 2012). The worst forms of child labor were more common in rural areas (91.3 percent) than urban areas (84 percent). Child labor was also higher for boys (8.8 percent) than girls (5.3 percent).

Incidence of child labor in Fogo and Santiago was higher than the national average at 10.3 and 9.2 percent, respectively. Children engaged in street work, including in water and food sales, car washing, and begging. The worst forms of child labor included street work, domestic service, agriculture, fishing, animal husbandry, trash picking, garbage and human waste transport, and peddling drugs for adults.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The labor law prohibits discrimination in employment and occupation based on race, sex, gender, disability, language, sexual orientation, gender identity, HIV-

positive status or other communicable diseases, or social status, and the government, in general, effectively enforced the law.

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 areas such as politics and the economy. For instance, housework is not officially recognized since national statistics consider housewives inactive members of the labor force. Reportedly, in some sectors of the formal economy, women received lower salaries than men for equal work.

According to the study on the Socio-Demographic Profile of Immigrants in Cabo Verde conducted by the INE in 2010, more than eight in 10 immigrants were active in the local economy, with a rate of 91 percent among Africans. African immigrants worked mainly in retail, services, and construction. Immigrants generally had low education and professional qualifications and little work experience, and as a consequence their wages tended to be lower. Most of these immigrants did not have a legal contract with the employer, and thus they did not enjoy many legal protections and often worked under unacceptable working conditions.

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

The law stipulates a minimum wage of 11,000 escudos (\$125). The government defines the poverty income level as 105 escudos (\$1.19) a day. The law stipulates a maximum of eight hours of work per day and 44 hours per week. The law requires rest periods, the length depending on the work sector. The minimum rest period is 12 hours between workdays. The law also provides for daily and annual overtime hours granted in exceptional circumstances. The law states a worker is entitled to 22 business days of paid vacation. Overtime must be compensated with at least time and a half pay. The worker, however, can replace up to half of his/her holidays through an agreement with the employer.

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 can and often does provide, in consultation with unions and employers, specific occupational safety and health rules. In general it is the employer's responsibility to ensure the workplace is secure, healthy, and hygienic. The employer must also develop a training program for workers. Workers can

remove themselves from situations that endangered health or safety without jeopardy to their employment. Authorities effectively protected employees in these situations.

During the year, through the IGT 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 are charged with implementing labor laws. Seven technicians worked for the DGT and 14 worked for the IGT, covering three islands (Santiago, Sao Vicente, and Sal). Both agencies agreed with trade unions these numbers were inadequate, and there remained a need for tighter enforcement of labor standards, especially on the more sparsely populated islands where monitoring was more difficult. Even though companies tended to respect laws on working hours, many employees, such as domestic workers, health professionals, farmers, fishermen, and commercial workers, commonly worked for longer periods of time than the law allows.

According to the IGT 2014 First Semester Report, most irregularities detected during labor inspections related to nonsubscription to Social Security, 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. Specific data, however, on wages and hours of work was not available. Nonetheless, the report indicated the IGT made 1,701 inspections, and inspectors identified 763 irregularities across the nine islands in all sectors, 546 of which required intervention. Although there were no official studies available, some sources speculated foreign migrant workers were more likely to be exploited than others.

Between 17,000 and 22,000 immigrants, mostly from the Economic Community of West African States, were working in the country. Most were men, but the number of immigrant women recently increased. There was no official data, but most immigrants were between the ages of 20 and 40 and lacked higher job qualifications but played important roles in the economy. Generally they worked in civil construction, security services, hospitality, and tourism. It was common for companies not to honor workers' rights regarding contracts, especially concerning deductions for social security.

According to the IGT, during 2013 there were 194 work-related accidents, compared to 288 in 2012. No official data was available on the number of

workplace deaths. The restaurant business/food services, steel industry, and the construction sector had the most work accidents reported during the year.