



Cape Verde

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Cape Verde, with a population of approximately 460,000, is a multiparty parliamentary democracy in which constitutional powers are shared among the elected head of state, President Pedro Verona Rodrigues Pires, and Prime Minister Jose Maria Neves. Pires was reelected for a second five-year term in February 2006 in generally free and fair elections. Nationwide legislative elections held in January 2006 were likewise declared generally free and fair by the Supreme Court of Justice and by the National Electoral Commission. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the police forces acted independently of government authority.

The government generally respected the human rights of its citizens; however, problems were reported in some areas: police abuse of detainees, poor prison conditions, lengthy pretrial detention, excessive trial delays, violence and discrimination against women, child abuse, and child labor.

RESPECT FOR HUMAN RIGHTS

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; however, there were credible reports that in some instances police beat persons in custody and in detention. Generally, the authorities took action against the abusers. However, there are credible reports that some of the abuses that occurred within the police stations were not reported by police officials.

Prison and Detention Center Conditions

Prison conditions were poor, and facilities were severely overcrowded. Sanitation and medical assistance were poor; however, doctors and nurses were available, and prisoners were taken to public hospitals for serious medical problems. Psychological problems among prisoners were common.

On December 6, a convicted drug trafficker who was collaborating with authorities was murdered in prison by another inmate, alleged to be a professional hit man hired by drug traffickers. The case was under investigation at year's end.

The 2005 prisoner riot case at the Sao Martinho Prison was still awaiting trial at year's end. One prisoner was killed in the riot and three persons were injured, including a guard. The prison director and a number of prison guards were accused of having committed abuses.

Juveniles were held together with adults, and pretrial detainees were held together with convicted prisoners.

The government permitted formal visits by international human rights monitors to prisons and visits to individual prisoners; however, there were no such visits during the year. Local nongovernmental organizations (NGOs) and media representatives frequently visited the prisons and reported on prison 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 police force is organized nationally under the Ministry of Internal Administration and is made up of the public order police, who are responsible for law enforcement, and the judicial police, who are responsible for investigations. Logistical constraints, including lack of vehicles, limited communications equipment, and poor forensic capacity limited police effectiveness. Corruption was not a significant problem.

Police abuses were investigated internally, and these investigations resulted occasionally in legal action against the perpetrators. During the year the government provided training to increase police effectiveness, which was a problem due to lack of legal training and lack of preparation to handle cases of domestic violence. Impunity was a problem.

Arrest and Detention

Police may not make arrests without a warrant issued by an authorized official, unless a person is caught in the act of committing a felony. The law stipulates that a suspect must be brought before a judge within 48 hours of arrest. The law provides a detainee with the right to a prompt judicial determination of the legality of the detention, and the authorities respected this right in practice. Attorneys inform detainees of the charges against them. There was a functioning bail system. Detainees were allowed prompt access to family members and to a lawyer of their choice and, if indigent, to one provided by the government.

Lengthy pretrial detention was a serious problem; detainees often remained in jail without charge for more than a year. The judicial system was overburdened and understaffed, and the dropping of charges without a court judgment was a frequent means for terminating criminal cases.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the judiciary was understaffed and inefficient.

The judicial system is composed of the Supreme Court of Justice (SCJ) and the regional courts. Of the five Supreme Court judges, one is appointed by the president, one by the National Assembly, and three by the Superior Judiciary Council. Judges are independent and may not belong to a political party. Regional courts adjudicate minor disputes on the local level in rural areas. The civilian courts have jurisdiction over state security cases. There are penal courts to handle criminal cases, including violations of the electoral laws, civil courts to handle civil and commercial suits, and a military court. The SCJ is the highest appellate court and also handles administrative cases. The military court cannot try civilians.

Trial Procedures

The law provides for the right to a fair and public nonjury trial. Defendants have the right to be present and to consult with an attorney in a timely manner; free counsel is provided for the indigent. Defendants have the right to confront or question witnesses against them and to present witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants are presumed to be innocent until proven guilty. They can appeal regional court decisions to the 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

The ordinary courts handle civil matters, including lawsuits seeking damages for, or cessation of, a human rights violation.

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

The constitution and law prohibit such actions, and the government generally respected 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 of the press, and the government generally respected these rights. The independent press was active and expressed a variety of views without direct restriction.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail. According to a 2005 study, only 5.2 percent of Cape Verdeans were Internet users; citizens in the cities had access to the Internet at cyber cafes.

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 freedom of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right.

Societal Abuses and Discrimination

There was no known Jewish community, and no reports of acts of anti-Semitism or discrimination against members of any religious group. The Supreme Court of Justice had not yet issued a decision at year's end in the 2006 case against four Seventh-day Adventists accused of desecrating a Catholic church.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

The constitution and laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The constitution and law prohibit forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, and provided it to approximately 37 persons during the year.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In the January 2006 legislative elections individuals and parties were free to declare their candidacies. The ruling African Party for the Independence of Cape Verde won 41 seats in the National Assembly with 52 percent of the vote; the main opposition party, Movement for Democracy (MPD), won 29 seats, and the Union for a Democratic and Independent Cape Verde won the remaining two seats. International observers characterized the elections as generally free and fair, despite some irregularities. The MPD unsuccessfully contested the results by alleging fraud and filing with the SCJ for annulment of the elections.

Presidential elections were held in February 2006, and individuals and parties were free to declare their candidacies. International observers were present and characterized the conduct of the election as free and fair. The incumbent President Pires received a second term with 51 percent of the vote; MPD candidate Carlos Veiga obtained 49 percent of the vote. Veiga then petitioned the SCJ to annul the presidential election results, stating that the elections were not free or transparent. The SCJ ruled there were no legal grounds for annulment and confirmed President Pires as the winner.

Although the National Electoral Commission (CNE) and the SCJ declared the legislative and presidential elections generally free and fair, they also recognized that there were some irregularities in both elections. The CNE noted that the electoral code needed to be amended to provide greater security and transparency. It also cited a need for stricter, more consistent voter identification and registration processes, and for the adoption of indelible ink on ballots.

There were 11 women in the 72-seat National Assembly. There were seven women in the 21-member cabinet, and one woman on the SCJ.

There were no members of minorities in the government.

Government Corruption and Transparency

Criminal penalties for official corruption may reach 15 years' imprisonment. There were no reports of government corruption during the year, but according to the World Bank's Worldwide Governance Indicators, government corruption was a problem.

The law provides for freedom of access to governmental information without restriction, provided that privacy rights are respected; however, there were no requests for such information during the year.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction and investigated and published their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

There were three private human rights groups: the National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association.

In January Amnesty International (AI) visited the country; however, AI did not release a report on the visit during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these provisions effectively, and violence and discrimination against women and abuse of children were serious problems.

Women

Rape, including spousal rape, is a criminal offense, but the government generally did not effectively enforce the law. The

penalties for rape were eight to 16 years' imprisonment. Penalties are higher if the victim is under the age of 16, or if the offender takes advantage of job responsibilities in prisons, hospitals, schools, or rehabilitation centers, or with persons under his or her responsibility. NGOs such as The Association in Support of Women's Self-Promotion in Development and The Cape Verdean Women's Organization conducted campaigns against rape.

Domestic violence against women, including wife beating, was widespread. The government and civil society encouraged women to report criminal offenses such as spousal abuse, which is punishable by two to 13 years' imprisonment; however, longstanding social and cultural values inhibited victims from doing so.

While there were mechanisms such as legal counseling, psychological care, specific police attention, and family courts to deal with spousal abuse, these mechanisms neither effectively prevented violence nor ensured the punishment of those responsible. Women claimed that police often ignored the legal complaints they filed against their husbands. Nevertheless, reports to police of domestic violence continued to increase during the year. There were police and judicial delays in acting on abuse cases. Violence against women was the subject of extensive public service media coverage.

Women's organizations, such as the Women Jurists' Association, continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, there was no such legislation by year's end.

Only prostitution of minors is prohibited by law, but the government generally did not enforce it. Sex tourism was a growing problem, and there are no laws to address it.

Sexual harassment was common and not culturally perceived as a crime. It is prohibited by law with a penalty of one year in prison, but the government did not effectively enforce this law.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. Despite legal prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. The government's "Instituto Caboverdiano para a Igualdade e Equidade de Genero" worked for the protection of legal rights of women. The Women Jurists' Association provided free legal assistance to women throughout the country suffering from discrimination, violence, and spousal abuse.

Children

The government was committed to children's rights and welfare.

The government provided free and universal education for all children aged six to 12. Education was compulsory until age 11; however, secondary education was free only for children whose families had an annual income below approximately \$1,950 (147,000 escudos). There was a 94 percent basic education enrollment rate for all children; the enrollment rate in secondary school for all children was 70 percent.

The government provided free primary health care for children, and boys and girls had equal access.

Child abuse and sexual violence against children were serious problems, regularly reported by the media. Child labor was also a problem (see 6.d). Government efforts to address these problems were inadequate.

Trafficking in Persons

The law prohibits trafficking in minors, but not adults, and there were reports that persons were trafficked to and from the country. Police reports alleged that the country was a transit point for trafficking in persons from West African countries to the Canary Islands and to Europe. However, there was no concrete data to support this information.

Sentences for trafficking in children range from 12 to 16 years' imprisonment. There were no prosecutions during the year. The Ministry of Justice and the Ministry of Internal Administration are responsible for combating trafficking. The government did not extradite citizens who were accused of trafficking in other countries.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. There are no laws or programs to ensure access to buildings for persons with disabilities. Several NGOs, including an association for the blind, were active.

Other Societal Abuses and Discrimination

There were no reports of discrimination based on sexual orientation or against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and to join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. There are no restrictions except for employees of diplomatic missions. Approximately 22 percent of workers were unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of workers to bargain collectively; however, there was very little collective bargaining. There were no collective bargaining agreements and no collective labor contracts completed during the year. Workers and management in the small private sector, as well as in the public sector, normally reached an agreement through negotiations either individually or collectively.

The law provides union members with the right to strike, but the government may invoke a "civil request" in an emergency or if coverage of basic needs is threatened. Under a civil request the government has the power to require the striking union to continue to provide specified minimum services.

There are no special laws or exemptions from regular labor laws in the one export processing zone, which encompasses the whole country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, but the government did not effectively implement them in practice. A new labor code was approved during the year, lowering the legal minimum age for employment from 16 to 15 years. The law prohibits children under the age of 15 from working at night, more than seven hours per day, or in establishments where toxic products were produced; however, the government rarely enforced the law.

The most recent statistics available (2000 census) indicated that 8,000 children were working as street vendors and car washers in urban centers, and in agriculture, livestock raising, and fishing in the countryside. In June the Institute of Children and Adolescents, a government organization, concluded a study analyzing the child labor situation in the country. The goal of the study was to raise public awareness, to create an action plan to prevent children from entering exploitive work situations, and to withdraw children engaged in such labor.

The ministries of justice and labor were responsible for enforcing child labor laws; however, such laws were seldom enforced. There were no government programs to address child labor.

e. Acceptable Conditions of Work

As the country's largest employer, the government continued to play the dominant role in setting wages. It did not fix wages for the private sector, but salary levels for civil servants provided the basis for wage negotiations in the private sector. For an entry-level worker, this wage was approximately \$163 (12,000 escudos) per month. The majority of jobs paid wages that did not provide a worker and family with a decent standard of living; most workers relied on second jobs and extended family support.

The law provides for a maximum workweek for adults of 44 hours, prohibits excessive compulsory overtime, and requires that a premium be paid for hours beyond the standard workweek. There is a required rest period of 12 consecutive hours per week. While large employers generally respected these regulations, many domestic servants and agricultural laborers worked longer hours.

The director general of labor conducted sporadic inspections to enforce the labor code and imposed fines on private

enterprises that were not in conformity with the law; however, the government did not enforce labor laws systematically, and much of the labor force did not enjoy legal protection.

The government has not set occupational health and safety standards; however, there is a general provision in the law that requires employers to provide a healthy and safe work environment. Few industries employed heavy or dangerous equipment. The law does provide workers with the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment.

