



U.S. DEPARTMENT of STATE

Cape Verde

Country Reports on Human Rights Practices - [2006](#)

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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 on February 12 in generally free and fair elections. Nationwide legislative elections held on January 22 also were declared generally free and fair. Civilian authorities generally maintained effective control of the security forces.

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

Persons under the age of 16, who are not legally accountable, committed murder and other serious crimes which violated other persons' human rights.

The government approved a project to improve prison conditions.

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 police continued to beat persons in custody and in detention.

In October 2005 Corporal Sandro Santos was struck 25 times with a baton as punishment ordered by his company commander, Domingos Lima Rocha. Rocha was not reprimanded or prosecuted during the year. Santos' family filed a criminal suit against the army, and the case was still pending at year's end.

Prison and Detention Center Conditions

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

Unlike in the previous year, there were no reports that prisoners were killed.

In December 2005 one prisoner was killed and three persons injured, including one guard, in a riot at the Sao Martinho Prison. Prisoners attacked the police during the riot, and the police reportedly shot one prisoner. There were allegations of abuse by prison guards following the riot, and after a judiciary police investigation, the case was awaiting trial at year's end.

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.

Impunity was a problem. Police action was in many instances curtailed by the Penal Proceedings Code. Police abuses were investigated internally; these investigations resulted occasionally in legal action against the perpetrators. During the year the government trained police to address more effectively issues related to illegal immigration, drug trafficking, and terrorism.

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, and 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 cannot 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 one military court. The SCJ is the highest appellate court, and also handles administrative cases. The military court can not 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 and 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 and 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 in practice.

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 in practice; however, there continued to be reports of media self-censorship.

There were three independent newspapers and one state-owned newspaper; six independent radio stations and one state-owned radio station; and one state-owned television station and two foreign-owned stations. Foreign broadcasts were permitted. The independent media were active and expressed a wide variety of views without restriction. Journalists were independent of government control and were not required to reveal their sources.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however, there were no reports that licenses were denied or revoked or that the government refused to authorize broadcasts during the year.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including electronic mail.

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 in practice.

c. Freedom of Religion

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

The Catholic majority enjoyed a privileged status in national life. For example, the government provided the Catholic Church with free television broadcast time for religious services and observed its holy days as official holidays.

To be recognized as legal entities by the government, religious groups must register with the Ministry of Justice; however, failure to do so did not result in any restriction on religious practice.

Societal Abuses and Discrimination

The case before the SCJ of four Seventh-day Adventists who were accused of desecrating a Catholic church on Boa Vista Island was pending at year's end.

There was no Jewish community. There were no reports of discrimination against member of religious groups of acts of anti-Semitism.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and law provide for these rights, and the government generally respected them in practice.

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 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 455 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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 22 legislative elections individuals and parties were free to declare their candidacies. The ruling African Party for the Independence of Cape Verde (PAICV) won with 52 percent of the vote and 41 seats in the National Assembly. The main opposition party, Movement for Democracy (MPD), won 44 percent and 29 seats. The Union for a Democratic and Independent Cape Verde (UCID) won 2 percent and the remaining two seats. The MPD contested the results with allegations of fraud and filed for an annulment of the elections with the SCJ. On February 24, the SCJ rejected the annulment request.

The country received representatives from a joint delegation of the International Foundation for Election Systems (IFES), the Nigerian National Electoral Commission (INEC), the West African Civil Society Organization Forum (FOSFAO), and Global Rights. IFES and INEC were satisfied with the elections, which they deemed free and fair. FOSFAO praised the population for its maturity and civic education, but highlighted some negative aspects such as the location of polling stations and delays in the opening of polling stations.

The presidential elections were held on February 12, and individuals and parties were free to declare their candidacies. International observers were present and satisfied with the election. The incumbent President Pires of the PAICV received a second term with 51 percent of the vote. The MPD presidential candidate, Carlos Veiga, won 49 percent of the vote. On February 21, Veiga petitioned the SCJ to annul the presidential election results; he stated the elections were not free or transparent. On March 11, 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 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

There were no reports of government corruption during the year.

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.

The powers of the independent ombudsman, who would serve a five-year term, were defined in 2003; however, no ombudsman had been elected by year's end.

In January Amnesty International (AI) visited the country; 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

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 2 to 13 years' imprisonment; however, longstanding social and cultural values inhibited victims from doing so. The law protects certain rights of the victims of sexual, mental, and verbal abuse; however, it does not ensure compensation.

While there were mechanisms to deal with spousal abuse, these mechanisms neither ensured the punishment of those responsible nor effectively prevented future violence. 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 in both government- and opposition-controlled media.

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.

Rape, including spousal rape, is a criminal offense, but the government generally did not effectively enforce the law. The law protects certain rights of rape victims; however, it does not ensure compensation. The penalties for rape were 8 to 16 years' imprisonment. NGOs such as The Association in Support of Women's Self-Promotion in Development and The Cape Verdean Women's Organization held campaigns against rape.

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

Sexual harassment was very common, but 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.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system.

Women were frequently neglected by the police when they filed legal complaints against their husbands.

Despite legal prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often were paid less than men for comparable work, women were making inroads in various professions, especially in the private sector.

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 6 to 12. Education was compulsory until age 11; however, secondary education was free only for children whose families had an annual income below approximately \$1,951 (160,000 escudos). There was a 100 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 mistreatment and sexual violence against children were serious problems. The media reported cases of sexual abuse against children and adolescents. Government efforts to address these problems were inadequate.

Child labor was a problem (see Section 6.d.).

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.

Unlike in the previous year, there were no reports of trafficking in children. 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.

In 2005 the government assisted the Spanish government with international investigation of eight female citizens involved in trafficking 179 adolescents from the country to Europe. In February the case was tried in Spain, and the women were sentenced to eight years' imprisonment for illegal emigration.

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. The government did not effectively implement laws and programs to ensure access to buildings for persons with disabilities. Several NGOs, including an association for the blind, were active.

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. 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, and no collective bargaining agreements during the year. Workers and management in the small private sector, as well as in the public sector, normally reached an agreement through negotiations. Although there were no collective labor contracts, workers succeeded in negotiating important issues such as salary increases; however, 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.

The law provides union members with the right to strike, but the government at times limited this right. When workers attempted to strike, the government invoked a "civil request" under which it had the power, in an emergency or if a strike threatened coverage of basic needs, to list minimum services that a union must continue to provide during any strike.

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 (see section 6.d.).

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. The law prohibits children under the age of 16 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.

Child labor was a problem. Child labor was identified mostly in the cities, where children work independently washing cars on the streets, and in the countryside, within low income families where children do domestic work. The legal minimum age for employment was 16 years, which was inconsistent with the age for completing educational requirements (see section 5).

The ministries of justice and labor were responsible for enforcing child labor laws; however, such laws were seldom enforced.

e. Acceptable Conditions of Work

There were no established minimum wage rates in the private sector. Large urban private employers linked their minimum wages to those paid to civil servants. For an entry-level worker, this wage was approximately \$146 (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 endangered health or safety without jeopardizing their continued employment.