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Cape Verde

Country Reports on Human Rights Practices - [2005](#)

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Cape Verde, with a population of approximately 460 thousand, 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 elected in 2001 in generally free and fair elections. Nationwide municipal elections held in March also were considered to be 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 following human rights problems were reported:

- police abuse of detainees and military officer abuse of subordinates
- poor prison conditions
- lengthy pretrial detention
- excessive trial delays
- media self-censorship
- violence and discrimination against women
- abuse of children
- child prostitution
- 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 law prohibits such practices; however, there were credible reports that police continued to beat persons in custody and in detention and that military officers abused military personnel. For example, on October 23, a corporal was struck 25 times with a baton as punishment ordered by his company commander. His family filed a criminal suit against the army. The case was 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 a nurse were available, and prisoners were taken to the public hospitals for serious medical problems. Psychological problems among prisoners were common.

On December 25, a riot broke out at the Sao Martinho prison, the main prison on the island of Santiago. One prisoner was killed and three other persons, including one guard, were injured. The cause of the riot was reported to be the fact the prisoners were upset with a change in the Christmas visit schedule. The Judiciary Police was investigating the case.

Juveniles were not held separately from adults, and pretrial detainees were not held separately from convicted prisoners.

The government permitted both 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 law prohibits 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 Justice and is made up of the public order police who are responsible for law enforcement and the judicial police who are responsible for investigations. Corruption was not a significant problem. Impunity was a problem. Police abuses are investigated internally; however, these investigations did not result in any legal action against the perpetrators. Logistical constraints, including lack of vehicles, limited communications equipment, and poor forensic capacity, limited police effectiveness. During the year the government trained police to address more effectively issues related to illegal emigration and immigration, drug trafficking, and terrorism.

Arrest and Detention

Police may not make arrests without a warrant issued by a duly 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 person in detention with the right to a prompt judicial determination of the legality of the detention, and the authorities respected this right in practice. The detainee's attorney informed him of the charges. There was a functioning bail system, and it was used in practice. Detainees were allowed prompt access to a lawyer of their choice and, if indigent, to one provided by the government. Detainees were also allowed prompt access to family members.

There were no reports of political detainees.

Lengthy pretrial detention was a serious problem, and detainees often remained in jail without charge for more than a year. 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 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 were independent and could not belong to a political party. Regional courts adjudicate minor disputes on the local level in rural areas. The civilian courts had 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 Supreme Court 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 and can appeal regional court decisions to the Supreme Court.

The judiciary generally provided due process; however, the right to an expeditious trial was constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely led to trial delays of six months or more; more than 12,055 cases were pending at the end of 2003.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits 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 law provides for freedom of speech and of the press, and the government generally respected these rights in practice. 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. Journalists were independent of government control and were not required to reveal their sources; however, journalists, particularly those associated with the government-controlled media practiced self-censorship.

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.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides 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

There were no reports of anti-Semitic acts during the year. There is no known Jewish community in the country.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

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

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

The law prohibits 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.

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 law provides 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

The National Electoral Commission and the international media judged the 2000 legislative elections, the 2001 presidential elections, and the March nationwide municipal elections to be free and fair.

There were 11 women in the 72-seat National Assembly and 4 women in the 17-member cabinet.

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, investigating and publishing 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 serves a five-year term, were defined in 2003; however, no ombudsman had been elected by year's end.

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 and rape, which is punishable by 2 to 13 years' imprisonment; however, longstanding social and cultural values inhibited victims from doing so. While there were mechanisms to deal with spousal abuse, in practice, these mechanisms neither ensured the punishment of all those responsible nor effectively prevented future violence. Nevertheless, reporting of such crimes to police continued to increase during the year, and violence against women was the subject of extensive public service media coverage in both government- and opposition-controlled media.

Women's organizations, like 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. The law protects certain rights of the victims of sexual, mental, and verbal abuse; however, it did not ensure compensation.

Rape, including spousal rape, is a criminal offense, and the government generally did not effectively enforce the law. The penalties for rape were 2 to 13 years' imprisonment.

Prostitution is legal.

Sexual harassment is illegal, but the government did not effectively enforce the law. Sexual harassment was very common, but culturally not perceived as a crime.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system; however, women often were reluctant to seek redress of domestic disputes in the courts, and there was discriminatory treatment in inheritance matters. For example, some women were pressured to sign judicial agreements detrimental to their statutory inheritance rights.

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 Cape Verdean escudos). According to UNICEF, primary school attendance from 1996 to 2003 was approximately 98 percent. Attendance rates by boys and girls differed by less than 1 percent.

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

Child abuse and mistreatment, sexual violence against children, and child prostitution were serious problems. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to address the problem.

Trafficking in children occurred (see section 5, Trafficking).

Trafficking in Persons

The law prohibits trafficking in minors, but not adults; however, there were reports that persons were trafficked to and from the country. Sentences for trafficking in children ranged from 2 to 13 years' imprisonment. There were no prosecutions during the year. The Police of Public Order are responsible for combating trafficking. The government did assist the Spanish government with international investigation of the case described below. The government did not extradite citizens accused who were accused of trafficking in other countries.

In January Spanish authorities arrested eight Cape Verdean women who were being investigated at year's end for their involvement in an apparent trafficking ring involving 179 children; all 179 children were returned to the country. According to Spanish authorities, the victims were destined for "prostitution, illegal adoptions, or cheap labor." There were allegations of malfeasance and involvement in this case by government officials in the country's embassy in Senegal. The case was under investigation at year's end.

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 require access for persons with disabilities to public buildings. 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 has been very little collective bargaining, and there were no signed 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 name a list of minimum services that a union must continue to provide during any strike. The government continued to request workers to curtail strikes and to interpret essential services in the broadest terms. The government took measures during the year to amend its legislation so that if parties disagreed on the minimum services to be provided during strikes, an independent body could resolve the dispute; however, the government had not created an independent body to resolve such differences by year's end.

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 5).

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, and child labor was a problem. 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 Cape Verdean 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 work above 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 their 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.

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