



2008 Human Rights Report: Cape Verde

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Cape Verde, with a population of approximately 500,000, 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 elected for a second five-year term in 2006 in generally free and fair elections. Nationwide legislative elections in 2006 and municipal elections in May 2008 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 instances in which elements of the police forces used excessive force and stole evidence from police lockups.

The government generally respected the human rights of its citizens; however, problems were reported in some areas: police abuse of detainees, poor prison conditions and juveniles held together with adults, lengthy pretrial detention and excessive trial delays, violence and discrimination against women, child abuse, reports of trafficking in persons, and some forms of 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. Generally, the authorities took action against the abusers. However, there were credible reports that some abuses that occurred within 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.

There were no developments in the investigation of the December 2007 murder in prison of a convicted drug

trafficker who was collaborating with authorities. The killer was believed to be another inmate, who was alleged to be a professional hit man hired by drug traffickers.

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

The government permitted independent monitoring of prison conditions by international human rights monitors 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 the Ministry of Justice and is made up of the National Police, responsible for law enforcement, and the Judicial Police, responsible for investigations. Logistical constraints, including lack of vehicles, limited communications equipment, and poor forensic capacity limited police effectiveness. Corruption was an increasing problem.

In June three Judicial Police officials were arrested for diverting for commercial use over 135 kilograms of cocaine seized in a drug investigation; a full investigation was conducted, and the police officers were charged with the crime.

Police abuses were investigated internally, and these investigations resulted occasionally in legal action against the perpetrators. Impunity was a problem. With an inefficient judicial system, citizens have little expectation of timely and strict law enforcement or accountability for those who commit offenses.

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 or, 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 judicial independence in practice; however, a report by the president of the Supreme Court of Justice (SCJ) on the state of the justice system recognized that the judiciary was understaffed, inefficient, and in urgent need of reform.

The judicial system is composed of the Supreme Court of Justice and the regional courts. Judges are independent and may not belong to a political party. Penal and civil regional courts adjudicate minor disputes; the penal courts handle criminal cases, including violations of the electoral laws; and the civil courts handle civil and commercial

suits. Civilian courts have jurisdiction over state security cases. There is also a military court, which cannot try civilians. The SCJ is the highest appellate court.

Trial Procedures

The law provides for the right to a fair and public nonjury trial. Defendants are presumed to be innocent until proven guilty. 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 and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. 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 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. The independent press was active and expressed a variety of views without 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. Unofficial reports estimate that 10 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 in practice. More than 85 percent of the population is nominally Roman Catholic, according to an informal poll taken by local churches. The government imposed no registration requirements that discriminate against any religious groups.

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.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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 the expulsion or return of refugees to countries where their lives or freedom would be threatened. 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 or the 1967 protocol, but there were no reported cases 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 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 72-seat National Assembly; 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 also held in 2006, and individuals and parties were free to declare their candidacies. International observers characterized the conduct of the election as generally 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.

Municipal elections were held in May, and the opposition won in 12 of the 22 municipalities--including the most important. These elections were organized under a new electoral code, with a new electoral census for voters in and outside the country, and greater oversight powers to the National Electoral Commission. The National Electoral Commission and the SCJ declared the legislative and presidential elections generally free and fair.

There were 11 women in the National Assembly. Out of 16 ministers appointed in June following a cabinet reshuffle, eight were women. There was one woman on the SCJ.

There is no majority ethnic group in the country, and the government is multiethnic at all levels.

Government Corruption and Transparency

The law provides criminal penalties of up to 15 years' imprisonment for official corruption. There was one report of government corruption during the year. According to the World Bank's Governance Indicators, government corruption was a problem.

The law provides for public access to government information without restriction, provided that privacy rights are respected; There were no reports that the government denied requests for such information.

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. Leading human rights groups included the National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association. Government officials generally were cooperative and responsive to their views.

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 number of prosecutions during the year was small. The penalty for rape is eight to 16 years' imprisonment, and may be higher if the victim is under the age of 16, or if the offender takes advantage of job responsibilities in a prison, hospital, school, or rehabilitation center, 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. The number of prosecutions was small.

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's organizations claimed that police lacked adequate skills to handle cases of abuse and often ignored the legal complaints they filed against their husbands. Nevertheless, reports to police of domestic violence increased 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, but the media protected alleged perpetrators' identities.

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.

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. While no statistics are available, prostitution was most prevalent in tourist areas of the islands of Sal, Boa Vista, and Sao Vicente.

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. However, despite legal prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. The Cape Verdean Institute for Gender Equality and Equity 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.

Child abuse and sexual violence against children were serious problems, regularly reported by the media. Child labor was also a problem. 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 indicated that the country was also a transit point for trafficking in persons from West African countries to the Canary Islands and to Europe.

Sentences for trafficking in children range up to 16 years' imprisonment, but there were no prosecutions during the year. The Ministry of Justice and the Ministry of Internal Administration are responsible for combating trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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.

Other Societal Abuses and Discrimination

There were no reports of discrimination based on sexual orientation.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join independent 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. The law allows unions to conduct their activities without interference, and the government protected this right in practice. 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.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law; 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 agreement through negotiations either individually or collectively. There were no reports of antiunion discrimination.

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. Children commonly work as car washers, fishers, street vendors, and in small-scale family agriculture.

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 in 2007, prohibiting children under the age of 15 from working. The law also increased restrictions on children between 15 and 18 years of age, prohibiting them 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 in urban centers as street vendors and car washers, and in the countryside in agriculture, livestock raising, and fishing. There were reports that children were being used in the sale of illicit substances. In June the Institute of Children and Adolescents, a government organization, concluded a study analyzing the child labor situation in the country; by year's end the study had not resulted in any concrete action by the government.

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 12,000 escudos (approximately \$150) 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 provides workers with the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment.