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U.S. Department of State


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CAPE VERDE

Cape Verde is a parliamentary democracy in which constitutional powers are shared between President Antonio Mascarenhas Monteiro, an independent, and Prime Minister Carlos Wahnon Veiga, and his party, the Movement for Democracy (MPD). The MPD dominates the National Assembly, in which three of the five official political parties are represented.

The Government controls the police, which have primary responsibility for maintenance of law and order. There were no reported human rights abuses committed by the police.

Cape Verde has a market-based economy but little industry and few exploitable natural resources. The country has a long history of economically driven emigration, primarily to Western Europe and the United States, and receipts from Cape Verdeans abroad remain an important source of income. Even in years of optimum rainfall, the country can produce food for only 25 percent of the population, resulting in heavy reliance on international food aid.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. Domestic violence, discrimination against women and mistreatment of children continued to be serious problems. Although the Government supported legislation to ameliorate these problems, it failed to adopt, implement, and enforce policies designed to address the most critical challenges. There were instances of media self-censorship.
RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices, and there were no reports that officials employed them. Severe overcrowding of prisons is a problem. The Government permits both formal visits by human rights monitors to prisons and routine visits to individual prisoners.

d. Arbitrary Arrest, Detention, or Exile

The law stipulates that authorities bring charges before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. In exceptional cases, and with the concurrence of a court official, authorities may detain persons without charge for up to 5 days. These laws are observed in practice.

The Ministry of Justice has 40 days to prepare for trial in state security cases, and may detain persons until trial or for a period not to exceed 1 year. There is a functioning system of bail.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the right to a fair trial. A judiciary independent of the executive branch generally provides due process rights, but there are serious delays owing to understaffing.

The judicial system is composed of the Supreme Court and the regional courts. There are five Supreme Court judges, including one appointed by the President, one appointed by the National Assembly, and three appointed by the High Council of Magistrates. Judges are independent and may not belong to a political party.

Defendants are presumed to be innocent; have the right to public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel is provided for the indigent. Regional courts adjudicate minor disputes on the local level in rural areas. The Ministry of Justice and Labor appoints local judges, who are usually prominent local citizens. Defendants may appeal regional court decisions to the Supreme Court.

The right to an expeditious trial is constrained by a seriously overburdened judicial system. A backlog of cases routinely leads to trial delays of 6 months.
There were no reports of political prisoners.

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

The Constitution prohibits such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom to express ideas by words, images, or any other means, and for freedom of the press without censorship. The Government generally respected these freedoms in practice. Nevertheless, there was increased criticism by independent political figures of the performance of the state-controlled television, radio, and print media for their failure to exercise vigorously their monitoring role in a multiparty system.

Journalists are independent of government control, and are not required to reveal their sources. However, self-censorship within government-controlled media, including the national television and radio networks as well as the state-owned newspaper Novo Jornal, influences media criticism of the Government.

Government authorization is not needed to establish newspapers, other printed publications, or electronic media. Independent media outlets experienced no direct pressure in their daily operations or business activities. The national radio station broadcasts live National Assembly sessions, and while independent media routinely criticize government policies and officials, state-controlled media have been criticized for failing to exercise their monitoring role vigorously in a democratic political system.

The Constitution provides for academic freedom, and the right is respected in practice.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly and association without authorization and without harassment by the authorities. Throughout the year, labor organizations, opposition political parties, civic action groups, and numerous others exercised this right without government interference or objection.

c. Freedom of Religion

The Constitution provides for the freedom of religion and the separation of church and state. It also prohibits the State from imposing religious beliefs and practices. The Government respects these rights in practice.

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

The law provides citizens with the right to travel and establish residence without government restrictions. The
Constitution provides for repatriation, and the Government respects this in practice.

The Constitution provides for the right of asylum by refugees, and no violations have been reported. According to credible media reports and the Human Rights Commission, Nigerian citizens suspected of involvement in criminal activity have encountered discrimination by immigration authorities and mistreatment by police.

The Government has not formulated specific policies regarding refugees or first asylum, and the issue of first asylum has never arisen.

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

The citizens have the right to change their government and did so with legislative elections in December 1995, municipal elections in January, and presidential elections in February. The elections were judged free and fair by international observers.

The Constitution provides for separation of powers. Cabinet ministers are not required to be members of the National Assembly, but they are individually subject to confirmation by the President of the Republic. Collectively, they must retain the support of a parliamentary majority. The President may dismiss the Government with the approval of the Council of the Republic, which is composed of the president of the National Assembly, the Prime Minister, the president of the Supreme Court, the Attorney General, the president of the Regional Affairs Council, and four private members. Referendums may be held under specified circumstances but may not challenge individual political rights and liberties or the right of opposition parties to exist and function freely.

There are no restrictions in law or practice regarding the rights of women or members of minorities to vote or to participate in the political process. Women comprise 11 percent of the deputies elected to the National Assembly. There is one female cabinet minister.

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

There is one private human rights groups in Cape Verde--the National Commission of the Rights of Man. No major human rights organizations conducted investigations during the year.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. However, the Government does not effectively enforce all its provisions, resulting in ongoing discrimination, particularly against women and children.

Women

Domestic violence against women, including wife beating, remains common. Victims rarely report crimes such as rape and spousal abuse to the police. Women's organizations are seeking legislation to establish a special family court to address crimes of domestic violence and abuse.

Women continue to face discrimination in several ways. Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination continues. Women experience difficulties in obtaining certain types of employment. Although they are
often paid less than men, they are making modest inroads in the professions.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters. However, largely because of illiteracy, most women are unaware of their rights. Women are often reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleges disparate treatment in inheritance matters despite laws calling for equal rights.

Children

The Government has prepared studies of social policy priorities and legal rights for children and adolescents, and the Cape Verdean Institute for Children is being restructured in accordance with norms established in the Convention on the Rights of the Child. In education, the Government's priorities include extending mandatory education to 6 years for all children. In health, the Government seeks to reduce infant mortality and disease, combat drug and alcohol abuse, and discourage teenage pregnancy.

Child abuse and mistreatment are continuing problems, exacerbated by chronic poverty, large unplanned families, and traditional high levels of emigration of adult men. Mass media, including government-controlled media, continue to highlight children's problems, including sexual violence against children, juvenile prostitution, and drug abuse as well as health and education problems.

People with Disabilities

The Government does not mandate access to public buildings or services for the disabled. Job discrimination against the physically disabled is prohibited. There are no official schools or trained teachers for the disabled, although several nongovernmental groups, including an association for the blind, are active.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that workers are legally free to form and to join unions without government authorization or restriction. There are two umbrella union associations: The Council of Free Labor Unions, composed of 11 unions with about 14,000 members, and the National Union of Cape Verde Workers, formed by the former ruling party but operating independently, composed of 14 unions with about 16,000 members. The Government does not interfere with the activities of these organizations, but both suffer from a shortage of funds.

The Constitution provides union members with the right to strike, and the Government respects this right. By law, an employer must reinstate a worker fired unjustly.

Unions are free to affiliate internationally and have ties with African and international trade union organizations.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and operate without hindrance and to sign collective work contracts. Workers and management in the small private sector, as well as in the public sector, reach agreement through collective bargaining. As the country's largest employer, the Government continues to play the dominant role by setting wages in the civil service. It does not fix wages for the
private sector, but salary levels for civil servants provide the basis for wage negotiations in the private sector.

A 1991 legislative decree bans antiunion discrimination by employers, with fines for offenders. There were no reported cases of such discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is forbidden by law and is not practiced.

d. Minimum Age for Employment of Children

The legal minimum age for employment is 14 years. The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products are produced; but the Government rarely enforces the law. In practice the Ministry of Justice and Labor enforces minimum age laws with limited success, and then only in the urban, formal sectors of the economy.

e. Acceptable Conditions of Work

There are no established minimum wage rates in the private sector. Large urban private employers link their minimum wages to those paid to civil servants which, for an entry level worker, is $120 (10,000 escudos) per month. The majority of jobs pay wages insufficient to provide a worker and family a decent standard of living; therefore, most workers also rely on second jobs, extended family help, and subsistence agriculture.

The maximum legal workweek for adults is 44 hours. While large employers generally respect these regulations, many domestic servants and rural workers work longer hours.

The Director General of Labor conducts periodic inspections to enforce proper labor practices and imposes fines on private enterprises which are not in conformity with the law. However, the Government does not systematically enforce labor laws, and much of the labor force does not enjoy their protection. There are few industries that employ heavy or dangerous equipment, and work-related accidents are rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardy to continued employment.

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