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U.S. Department of State

Cape Verde Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

CAPE VERDE

Cape Verde is a multiparty parliamentary democracy in which constitutional powers are shared between the elected Head of State, President Antonio Mascarenhas Monteiro, an independent and the Head of Government, Prime Minister Carlos Wahnnon Veiga, and his party, the Movement for Democracy (MPD). The MPD has an absolute majority in the National Assembly. The principal opposition party, the African Party for the Independence of Cape Verde (PAICV) held power in a one-party state from independence in 1975 until 1991. The judiciary is independent.

The Government controls the police, which have primary responsibility for maintenance of law and order. Some members of the police committed a few human rights abuses.

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. There were isolated cases of police abuse, including beatings, of citizens detained on suspicion of criminal activity. 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, and the authorities sometimes prosecuted for criminal libel journalists and editors who published material critical of government officials.

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, but there were isolated cases of police mistreatment, including beatings, of citizens detained on suspicion of criminal activity. 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 a judiciary independent of the executive branch, and the Government respects this provision in practice.

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.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they 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 judiciary generally provides due process rights. However, there are serious delays owing to understaffing, and 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, and there is a substantial independent press. Nevertheless, there was continued 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. Under broadly interpreted criminal libel laws, the authorities frequently prosecuted and often convicted and fined opposition newspaper editors and journalists who published articles critical of government officials.

Government authorization is not needed to establish newspapers, other printed publications, or electronic media. Despite the broadly interpreted criminal libel laws, independent media outlets experienced no direct pressure in their daily operations or business activities. The national radio station broadcasts live National Assembly sessions.

The Constitution provides for academic freedom, and this 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 the Human Rights Commission, credible media reports, and government officials, Nigerian citizens have been subject to discrimination by immigration authorities.

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

Citizens have the right to change their government. Power was transferred peacefully by the PAICV to the MPD following free and fair elections in 1991; a second general election in 1995 and municipal and presidential elections in 1996 also 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 they 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 certa