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U.S. Department of State


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, the Head of Government, Prime Minister Carlos Wahnon 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, but there were accusations that courts manipulate trial schedules for political reasons.

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

Cape Verde has a market-based economy but little industry and few exploitable natural resources. Based on 1996 data, the per capita income is $1,087. 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. However, while in principle the law and the judiciary provide means to deal with isolated instances of abuse, in practice the Government has not held accountable police officers who were credibly accused of human rights abuses. There were
several credible cases of police abuse, including beatings, of citizens detained on suspicion of criminal activity. The judicial system is overburdened, and lengthy delays in trials are common. 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. The Government denied licenses to two new independent radio stations. Violence and 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.

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 a number of credible reports that police mistreat citizens in custody, including beating citizens detained on suspicion of criminal activity. While mechanisms for investigating citizen complaints of police brutality exist in theory, in practice these mechanisms are not effective.

Severe overcrowding of prisons is a problem, and they do not meet minimum international standards.

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 a suspect must be charged 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 a person without charge for up to 5 days. These laws generally are observed in practice.

In February police briefly detained two union leaders had organized a demonstration to protest the reorganization of the state news services. The unionists later were absolved following a court decision that upheld their constitutional right of free assembly.

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. However, in July a group of jurists, in an open letter to the Minister of Justice, accused the courts of "selectively" delaying or accelerating trial dates for "non-judicial," that is, political reasons. Four citizens associated with the opposition PAICV, who were arrested for church desecration in 1996 and later ordered released for lack of evidence pending trial, still have not had a trial scheduled despite their repeated pleas that their case either be heard or that charges against them be dropped.

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 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 the 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 the 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 or other printed publications. Despite the broadly interpreted criminal libel laws, there are no reports of independent media outlets having experienced direct pressure in their daily operations or business activities. The national radio station provides live broadcasts of National Assembly sessions.
Government authorization is required to establish broadcast media. The Government denied ministerial authorization to two new independent radio stations, Radio Morabeza, owned by the opposition-controlled municipality of Sao Vicente, and Radio Commercial, owned by private investors, some of whom are associated with the opposition PAICV, and ordered them to cease broadcasting. (Another independent station, the Roman Catholic Church-owned Radio Nova, continues to broadcast with ministerial authorization.) The National Assembly passed legislation that established a formal licensing mechanism for communications.

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 freedom of religion and the separation of church and state. It also prohibits the state from imposing religious beliefs and practices. The Government respected 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 respected this in practice.

The Constitution provides for the right of asylum by refugees, and no violations were 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 the 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. 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 constitute 11 percent of the deputies elected to the National Assembly. There are two female cabinet ministers and three secretaries of state (junior ministers).

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

There are two private human rights groups, the National Commission of the Rights of Man and the Associacao ze Moniz. 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 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.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women 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 often are 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 prepared studies of social policy priorities and legal rights for children and adolescents, and the Cape Verdean Institute for Children was restructured in accordance with norms established in the Convention on the Rights of the Child to implement its obligations under the Convention. In education the Government's priorities include extending mandatory education to 6 years for all children, and there has been substantial progress toward this objective. In health the Government seeks to reduce infant mortality and disease, combat drug and alcohol abuse, and discourage teenage pregnancy.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution are continuing problems, exacerbated by chronic poverty, large unplanned families, and traditional high levels of emigration of adult men. In July the newspaper A Semana reported several cases of sexual abuse against children and adolescents. The newspaper observed that violations often occur in the victims' families and often are known by neighbors and relatives who prefer to keep silent. The inefficiencies of the
judicial system make it difficult for the mass media and government institutions to address the problem.

People with Disabilities

Although the Constitution mandates "special protection" for the aged and disabled, the Government does not mandate access to public buildings or services for the disabled. 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. However, there are no known instances of the law being tested.

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, to 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. However, as the country's largest employer, the Government continues to play the dominant role in setting wages. 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.

The Government prohibits forced and bonded labor by children, and such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

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.

The Government prohibits forced and bonded child labor and such practices are not known to occur (see
Section 6.c.).

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. For an entry level worker, this wage is
approximately $110 (10,418 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 agricultural laborers work longer hours.

The Director General of Labor conducts periodic inspections to enforce proper labor practices and
imposes fines on private enterprises that 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.
Few industries 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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