

# **Cabo Verde 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Cabo Verde during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and law prohibited such practices, and there were no credible reports government officials employed them.

From January 1 to July 31, according to data compiled by National Police on allegations of police abuse, four cases were filed; one case resulted in a fine, and three cases were under investigation.

### **Prison and Detention Center Conditions**

Prison conditions were deficient due to overcrowding and inadequate health and sanitary conditions.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment. The National Commission for Human Rights made regular prison visits and received prisoners' complaints of inadequate provisions for health and hygiene, inadequate food, mistreatment by prison guards, poor security, inadequate access to lawyers, limitations on visits, extensive periods of preventive detention, and substandard prison facilities.

**Independent Monitoring:** The government permitted formal visits by international human rights monitors to the prisons and individual prisoners. Nongovernmental organizations were permitted to visit prisons to record conditions.

## **d. Arbitrary Arrest or Detention**

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

The National Police could not make arrests without a warrant from the Attorney General's Office unless police apprehended the suspect in the act of committing a crime. Neither the National Police nor Judicial Police had authority to conduct investigations unless mandated by the Attorney General's Office. The law stipulated a suspect needed to be brought before a judge within 48 hours of arrest. The law provided a detainee the right to prompt judicial determination of the legality of the detention, and authorities respected this right. There was a functioning bail system. Authorities allowed detainees prompt access to a lawyer of the detainee's choice. If a detainee was unable to afford a lawyer, the Cabo Verdean Bar Association appointed one.

## **e. Denial of Fair Public Trial**

The constitution and law provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

## **Trial Procedures**

The constitution and law provided for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law also provided for a public nonjury trial without undue delay, but cases often continued for years.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibited such actions, and there were no reports the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **d. Freedom of Movement and the Right to Leave the Country**

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

## **e. Protection of Refugees**

The government ratified but did not implement the 1951 UN Protocol on the Status of Refugees. The country established neither legislation nor an institutional body for granting asylum or refugee status. Because the Office of the UN High Commissioner for Refugees (UNHCR) had no established presence in the country, the International Organization for Migration (IOM) referred asylum seekers requesting protection and assistance to the UNHCR regional representation for West Africa in Dakar, Senegal, which conducted refugee status determinations with IOM collaboration.

**Access to Asylum:** The law did not provide for the granting of asylum or refugee status, and the government did not establish a formal system for providing protection to refugees. Asylum applications were rare, and there was no systematic procedure in place to register and process asylum claims. There were no reports during the year of any applications. Temporary protection mechanisms and access to basic services were in place for asylum seekers while they awaited a decision.

## **Section 3. Freedom to Participate in the Political Process**

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be fair and free of abuses and irregularities.

**Participation of Women and Members of Marginalized or Vulnerable Groups:** The National Elections Commission did not allow some persons with mental disabilities to vote (see section 6, Persons with Disabilities).

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption during the year.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups generally operated without government restriction and were able to monitor or investigate human rights conditions or cases and publish their findings. Government officials were often cooperative and responsive to the views of these groups.

**Government Human Rights Bodies:** The National Commission for Human Rights worked on all nine inhabited islands to protect, promote, and reinforce human rights, rights of citizenship, and international humanitarian law, and it raised the profile of human rights topics in public media and discussion.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Conviction for rape of women and men was punishable by eight to 16 years' imprisonment, and conviction for domestic violence was punishable by one to five years' imprisonment. The law implicitly covered spousal rape; penalties for conviction ranged from one to five years' imprisonment. The law called for increasing protection of



victims, raising awareness of gender-based violence, and establishing several care centers with financial and management autonomy, but implementation lagged due to inadequate staffing. The government did not always enforce laws against rape and domestic violence effectively. Gender-based violence and discrimination against women were significant problems.

The National Police regularly accompanied survivors of sexual violence and other forms of gender-based violence to the hospital and escorted them to their homes to collect their belongings. Police officers helped survivors go to a safe location. During the year, the government created a fund to help survivors with psychological and legal assistance, as well as to provide food and clothing when needed. The Cabo Verdean Institute for Gender Equality and Equity ran five shelters on four islands, two on Santiago and one each on Fogo, Sao Vicente, and Boa Vista.

**Other Forms of Gender-based Violence or Harassment:** The law criminalized sexual harassment, although it did not refer to online harassment. Authorities generally enforced the law, but sexual harassment was common.

**Discrimination:** The law, including that related to family, religious, personal status and nationality, labor, property, inheritance, employment, access to credit, and owning or managing business or property, provided for the same

legal status and rights for women as for men, and the government enforced the law somewhat effectively.

Gender-based discrimination in employment occurred. According to the National Institute of Statistics, men received on average 15 percent more in wages than women. In some sectors of the formal economy, women received lower salaries than men for equal work. Women were also more likely than men to work in the informal economy, where remuneration was generally lower and labor protections not enforced.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Health care facilities provided emergency care, including postabortion care. Emergency contraception was available at family planning centers throughout the country. The centers also provided skilled assistance and counseling before and after childbirth and sexual and reproductive health services, including for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape. Postnatal services included family planning and free oral and injectable contraceptives. When girls became pregnant while still in school, they generally dropped out and did not resume their education, although there was no requirement that they drop out.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution provided protections against racial discrimination and upheld the rights of immigrants and foreigners. In addition, the law prohibited discrimination in employment and criminalized activities that incited racial discrimination, hatred, or violence. The government enforced these laws effectively. In March, the government's High Authority for Migration launched an information campaign aimed primarily at schools to combat discrimination against immigrants.

The law prohibited discrimination in employment and occupation based on race, religion, color, sex, disability, language, sexual orientation, gender identity, political opinion, ethnic origin, age, HIV-positive status or having other communicable diseases, or social status. The law did not, however, explicitly prohibit discrimination based on national origin, although the government took actions to ensure rights of immigrants and foreigners were protected. The government somewhat effectively enforced the law, and penalties for violation were commensurate to those related to civil rights. Penalties were rarely applied against violators.

## **Children**

**Child Abuse:** Laws prohibited physical, psychological, and moral violence against children, including sexual violence. The government employed a national network to combat child abuse that included the child welfare

government body Institute for Children and Adolescents, various police forces, the Attorney General's Office, hospitals, local civil society organizations, and health centers. The government carried out a national action plan to prevent and combat sexual abuse and violence against children and adolescents for the years 2022 to 2024. The Institute for Children and Adolescents maintained a presence on all inhabited islands.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage was 18, and the government enforced the law.

**Sexual Exploitation of Children:** The law punished those who fomented, promoted, or facilitated commercial sexual exploitation or sexual exploitation of children younger than age 17. The law punished those who induced, transported, or provided housing or created the conditions for sexual exploitation and commercial sexual exploitation of children younger than 17 in a foreign country. The law prohibited the exploitation of children younger than 18 in pornography. The minimum legal age for consensual sex was 16. Sexual relations with a child younger than 14 were considered a public crime and invoked mandatory reporting from anyone aware of the crime. By law, sexual relations with children ages 14 and 15 was a crime and could be reported by any involved party (the child or the child's parents or guardians).

Authorities generally enforced laws against sexual exploitation of children. The government continued efforts to prevent the sexual exploitation of

children through a national coordinating committee. The government also enforced the Ethics Code of Conduct for Tourism, which included provisions countering child sex tourism. The Observatory for Monitoring and Rapid Identification of Trafficking in Persons, which assembled numerous government agencies and partners, held meetings to advance priorities related to human trafficking, including child sex trafficking.

## **Antisemitism**

The Jewish community was very small, and there were no reports of antisemitic incidents.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** There were no laws criminalizing consensual same-sex conduct between adults or so-called cross-dressing or debauchery. There were no reports of facially neutral laws, such as immorality or loitering,

being disproportionately applied to lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

**Violence and Harassment:** There were no reports of police or other government agents inciting, perpetrating, condoning, or tolerating violence against LGBTQI+ individuals or those reporting such violence. There were no reported instances of state or nonstate actor violence targeting LGBTQI+ persons during the year.

**Discrimination:** Antidiscrimination laws existed, and state and nonstate employers were prohibited from discriminating on the basis of sexual orientation; the law did not explicitly prohibit discrimination based on gender identity or expression, or sex characteristics. Laws prohibited discrimination in the provision of a good or service, engaging in normal economic activities, and employment. The government generally enforced these laws.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available.

**Involuntary or Coercive Medical or Psychological Practices:** There were no reports of forced or involuntary so-called conversion therapy practices nor of efforts to condemn or limit them.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no laws or other restrictions on individuals speaking or media

reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.

## **Persons with Disabilities**

Persons with disabilities could access education and health care on an equal basis with others, although there were some problems with equal access to public buildings, communications, and transportation. The government generally enforced such access effectively and made information available in accessible formats.

The law prohibited discrimination against persons with disabilities and provided for access to services in the areas of employment, training, health, housing, transportation, mobility, culture, sports, and leisure. According to the National Elections Commission, persons with intellectual or mental disabilities, as determined by the Ministry of Health, were not allowed to vote if they were deemed not to have the mental capacity to exercise that right.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the rights of workers to form or join unions of their choice, to engage in collective bargaining, and to conduct legal strikes. The labor code provided for protection against antiunion discrimination and for the reinstatement of workers who were unfairly dismissed.

The law designated certain jobs essential and limited workers' ability to strike in associated industries. Services provided by telecommunications, justice, meteorology entities, health, firefighting, postal service, funeral services, water and sanitation services, transportation, ports and airports, private security, and the banking and credit sectors were considered indispensable. The law stated the government could force the end of a strike when there was an emergency or to ensure the smooth operation of businesses or essential services of public interest. The law and custom allowed unions to carry out their activities without interference.

The government respected workers' right of freedom of association and the right to collective bargaining and effectively enforced applicable laws in the formal sector outside of the essential jobs list. Penalties for violations were commensurate with those for other laws involving denial of civil rights and were regularly applied against violators.



## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law stipulated a monthly minimum wage greater than the official estimate of the poverty income level. The law stipulated a maximum of eight hours of work per day and 44 hours per week, including mandatory rest periods, the length of which depended on the work sector. Although companies tended to respect laws on working hours, many employees, such as domestic workers, health-care professionals, farmers, fishers, and commercial workers, commonly worked for longer periods of time than the law allowed.

**Occupational Safety and Health:** The law set minimum occupational safety and health (OSH) standards and gave workers the right to decline work if

conditions posed serious risks to health or physical integrity. In specific high-risk sectors, such as fishing and construction, the government could and often did provide, in consultation with unions and employers, OSH rules. The Inspectorate General for Labor inspections detected irregularities in compliance with health and safety standards, including violations concerning the right to vacation time and the right to rest between work periods.

Workers could terminate the employment relationship in the event of a serious threat to their health or physical integrity, but the law did not protect the employment of workers who withdrew from a work situation that endangered health or safety. Many work-related accidents occurred in the construction sector.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced minimum wage, overtime, and OSH laws. The penalties for violations were commensurate with those for similar crimes, such as fraud or negligence, and penalties were regularly applied against violators. The Inspectorate General for Labor and the Directorate General for Labor were the main agencies responsible for enforcing wage, hour, and OSH laws. The number of labor inspectors was sufficient to enforce compliance. Labor inspectors had the authority to make unannounced inspections and initiate sanctions. They carried out inspections of workplaces throughout the country to check for and deter violations.

According to the National Institute of Statistics, approximately 52 percent of jobs were in the informal economy, including domestic work and self-employment in tourism, trade, agriculture, livestock-raising, and fishing. Informal sector workers were not covered by wage, hour, OSH, or other labor laws and inspections.