

CABO VERDE 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The government of Cabo Verde is a parliamentary representative democratic republic, largely modeled on the Portuguese system. Constitutional powers are shared between the head of state, President Jorge Carlos Fonseca, and head of government, Prime Minister Ulisses Correia e Silva. The Supreme Court, the National Electoral Commission, and international observers declared the 2016 nationwide legislative, presidential, and municipal elections generally free and fair.

Civilian authorities at times did not maintain effective control over security forces.

The most significant human rights issues included arbitrary deprivation of life; police use of excessive force and aggression against persons arrested and detained; cruel, inhuman, or degrading treatment or punishment; abusive prison conditions; government infringement of freedom of the press; corruption ; trafficking in persons; failure to protect children from violence and work in precarious conditions; and failure to fully protect legal migrant workers.

The government at times took steps to investigate and prosecute officials who committed human rights abuses. Impunity occurred in other cases.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

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

There was one report the government or its agents committed an arbitrary or unlawful killing. On February 26, Helder Delgado was declared dead on arrival at Praia General Hospital, 10 hours after being detained by an off-duty police officer during what the officer described as a break-in. Delgado's body showed signs of blunt trauma, and the cause of death was determined to be blunt force trauma and hypoglycemic shock. The attorney general opened a case to investigate the death as an aggravated homicide. The accused officer was suspended from his duties and spent nearly six months in prison in preventive detention. In late September he was released and was awaiting trial at year's end.

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

The constitution and law prohibit such practices. Media, however, cited instances of physical violence. The most common types of abuses were excessive force and aggression against persons arrested and detained by police. In most cases the National Police Council took action against abusers. In the first quarter, 23 cases of abuse were registered, a significant increase over the first eight months of 2016.

Prisoners complained of cruel, inhuman, or degrading treatment or punishment. In all prisons authorities isolated newcomers in small, cramped cells for up to 30 days. This isolation was intended to allow new inmates time to adjust and to determine if they had communicable diseases. Inmates in isolation had limited access to visitors and prison activities. The isolation cells were small, dark, not well-ventilated, unfurnished, and crowded. Similar cells were used for punishment.

Prison and Detention Center Conditions

Prison conditions were harsh and potentially life threatening due to gross overcrowding and inadequate housing and sanitation.

Physical Conditions: There were five prisons in the country; the two largest had populations that substantially exceeded capacity (indicated in parentheses). The Central Prison of Praia (CCP) had 1,091 inmates (880), the Central Prison of Sao Vicente 248 (180), and the regional prisons of Santo Antao 47 (50), Sal 89 (250), and Fogo 67 (50). The Orlando Pantera Center housed juvenile detainees who were under age 16 at the time of sentencing. The regional prisons on Fogo and Sal did not have sufficient external walls. Several of the prisons did not have reliable electricity. The regional prison on Sal had no access to an electric grid or piped water; it ran a generator at night, and water was brought in trucks. There was no kitchen at the prison, and food for inmates was prepared and delivered by the armed forces.

As of August 31, there were three deaths reported in prison.

Prisoners also complained of inadequate sanitation, ventilation, lighting, and heating. Not all prisoners had mattresses and beds; some slept on thin blankets on

concrete floors. Shower and toilet facilities were inadequate and unsanitary; however, prison directors ensured distribution of personal hygiene kits and prioritized improvements to the showers and toilets. There was standing water in the toilet and shower areas. Conditions in general were inadequate for inmates with mental disabilities or substance addictions. There were too few corrections officers to deal with the growing number of such prisoners. Conditions were markedly better for female prisoners, who generally had significantly more space and better sanitary conditions than male prisoners.

At the CCP and the central prison on Sao Vicente, inmates were separated by categories of trial status, sex, and age, but in regional prisons a lack of facilities prevented authorities from separating inmates. In the Fogo regional prison, all 11 cells and the isolation cells housed youth and adults together. In the Santo Antao regional prison, inmates were separated according to status and crime.

Most prisoners received adequate food and clean water three times per day.

Administration: There were no prison ombudsmen to respond to complaints. Prisoners' relatives reported complaints, but corrections officials claimed all had been investigated and disproven.

Prison directors at Fogo and CCP reported religious activities were permitted for all religious groups. The CCP director stated religious visits for Muslims had not yet been scheduled. He noted, however, that religious activities during Ramadan had been organized and supported by the administration. In the regional prison on Sao Vicente, the director stated that Muslim religious services sometimes fall outside of regular prison working hours, complicating the prison's ability to accommodate them.

Independent Monitoring: The government permitted formal visits by international human rights monitors to the prisons and individual prisoners. Local nongovernmental organizations (NGOs) and members of the press made frequent visits to prisons to record conditions.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The National Police, under the control of the Ministry of Internal Affairs, is responsible for law enforcement. The Judiciary Police, under the Ministry of Justice, is responsible for major investigations. The armed forces, under the Ministry of Defense, are responsible for protecting the national territory and sovereignty of the country. Logistical constraints, including a shortage of vehicles and communications equipment, and poor forensic capacity limited police effectiveness.

Civilian authorities maintained effective control over the armed forces and police (including the Coast Guard, National Guard, National Police, and Judiciary Police), and the government had somewhat effective mechanisms to investigate and punish abuse and corruption.

There were no reports of impunity involving the security forces during the year.

Authorities investigated abuses by police, and most investigations resulted in legal action against those responsible. During the first quarter of the year, the National Police Council received 23 reports of police violence; most cases concerned physical abuse. The National Police Disciplinary Board reviewed the cases.

Arrest Procedures and Treatment of Detainees

The National Police may not make arrests without a warrant issued by the Attorney General's Office, unless police apprehend the person in the act of committing a felony. Neither the National Police nor Judiciary Police have the authority to conduct investigations unless mandated by the Attorney General's Office. Even if there is incriminating evidence, suspected criminals are not arrested until a decision is made by the Attorney General's Office. The law stipulates a suspect must be brought before a judge within 48 hours of arrest. In most cases, however, detainees waited more than 48 hours. The law provides a detainee the right to prompt judicial determination of the legality of the detention, and authorities respected this right. Attorneys inform detainees of the charges against them. There is a functioning bail system. Authorities allowed detainees prompt access to family members and to a lawyer of the detainee's choice if the detainee could afford it. For a detainee or family unable to pay, the Cabo Verdean Bar Association appoints a lawyer.

The judicial system was overburdened and understaffed, and criminal cases frequently ended when charges were dropped before a determination of guilt or innocence was made.

Pretrial Detention: The director of the CCP noted that if detainees remained six months in prison without any judicial progress, they would be released according to the law. As of August 31, there were 359 persons in preventive detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. The judicial system, however, was overwhelmed by the number of cases, lacked sufficient staffing, and was inefficient.

There is a military court, which by law may not try civilians. The military court provides the same protections as civil criminal courts.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Criminal defendants enjoy the right to a presumption of innocence. They have the right to be informed promptly and in detail of the charges, with free interpretation as necessary, from the moment charged through all appeals. The law provides for the right to a fair and public nonjury trial without undue delay, but cases often continued for years. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. Free counsel is provided for the indigent in all types of cases. Defendants have adequate time and facilities to prepare a defense. Defendants have the right to confront or question witnesses against them and to present witnesses and evidence in their defense, the right not to be compelled to testify or confess guilt, and the right to appeal regional court decisions to the Supreme Court of Justice (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

Courts are impartial and independent and handle civil matters including lawsuits seeking damages for, or an injunction ordering the cessation of, a human rights violation. Individuals and organizations may appeal adverse domestic decisions to regional human right bodies. Both administrative and judicial remedies are available.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected these rights. The independent press, effective judiciary, and functioning democratic political system combined to promote freedom of expression, including for the press.

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction. In March the minister of culture provoked an outcry from media professionals when he called on “old” journalists to step aside. At the same time, he spoke on the need to streamline government-run media and stated that innovation is the future. He appeared in the control room during a broadcast on the state-run television channel. Journalists sued, labeling his activities a form of intimidation, and the president of the journalists’ union called for his resignation. While neither side backed down, the standoff eventually faded with no major changes in policy.

Censorship or Content Restriction: Journalists and other media professionals practiced limited self-censorship, apparently largely due to their desire to retain their jobs. Journalists showed their ability and interest in playing a watchdog role.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

According to the Cabo Verdean National Communications Authority's *2016 Second Quarter Report*, 70 percent of the population used the internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide 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/.

d. Freedom of Movement

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The country has not established legislation or an institutional body for granting asylum or refugee status. While very few asylum applications were registered (UNHCR reported only two cases in 2011 and 2012 and none since), the

actual number of asylum seekers was unknown, since there is no systematic procedure in place to register and process asylum claims. Because UNHCR does not have an established presence in the country, asylum seekers who request protection and assistance are referred by the International Organization for Migration to UNHCR's regional representation for West Africa in Dakar, Senegal, which conducts refugee status determinations. Temporary protection mechanisms and access to basic services are in place for asylum seekers while they await a decision.

Section 3. Freedom to Participate in the Political Process

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

Any foreigners residing in the country for more than three years may vote in municipal elections. Any residents from a member country of the Community of Countries of Portuguese Language--which includes Angola, Brazil, Equatorial Guinea, Guinea-Bissau, Mozambique, Portugal, and Timor-Leste--may vote in municipal elections regardless of how long they have resided in Cabo Verde. Only citizens, including those living outside the country, may vote in legislative and presidential elections.

Elections and Political Participation

Recent Elections: In the 2016 legislative elections, individuals and parties were free to declare their candidacies and candidates for a total of 72 seats. The main opposition party, Movement for Democracy (MpD), won 40 seats in the National Assembly with approximately 53 percent of the vote, returning the party to power for the first time in 15 years. The former governing party, African Party for the Independence of Cabo Verde (PAICV), won 29 seats with 37 percent, and the Union for a Democratic and Independent Cabo Verde won the remaining three seats with 6 percent. International observers characterized these elections as generally free and fair.

The most recent presidential election took place in October 2016. Jorge Carlos Fonseca, the MpD candidate, who had gained the support of the PAICV, won the election with approximately 74 percent of the vote.

Election observers from the African Union and the Economic Community of West African States (ECOWAS) characterized these elections as free, transparent, and credible. Observers noted some irregularities, however, including voters being pressured near polling stations to vote for certain candidates and allegations of vote buying.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities, and they did participate. Women's participation fell in positions within the central government but remained somewhat high on the SCJ, and especially in prosecutorial positions. At the local level, in community associations and on city councils, women had less representation.

Women held 17 of the 72 National Assembly seats and occupied three of the 11 cabinet-level positions in government ministries. Women filled three of the eight seats on the SCJ, including the presidency.

Section 4. Corruption and Lack of Transparency in Government

The law provides penalties of up to 15 years' imprisonment for conviction of corruption by officials, and the government implemented the law effectively. Officials sometimes engaged in corrupt practices with impunity, especially at the municipal level, although there were no new reports of government corruption during the year.

Corruption: Polling released by Transparency International, with data from Afrobarometer, in 2015 indicated somewhat less than 25 percent of respondents believed most or all officials were corrupt. On the other hand, 61 percent responded the government was doing badly in the fight against corruption. Only 2 percent of public services users said they had paid a bribe in the 12 months preceding the survey, and none of them said they had bribed a member of the National Police.

Financial Disclosure: The law sets parameters for public officials to submit declarations of interest, income, and family wealth, and regulates public discussion of this information. These declarations should include any asset worth more than 500,000 escudos (\$5,043). Failure to submit a declaration may lead to a prohibition on public officials holding office for a period of one to five years. The SCJ must approve public disclosure of the declarations. When involved in criminal cases of alleged corruption, public officials must declare or prove the

source of their income or wealth. The SCJ is in charge of monitoring the law and enforcing compliance, but enforcement was poor.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The National Commission on Human Rights in Cabo Verde worked to protect, promote, and reinforce human rights, citizenship, and international humanitarian law in the country. It worked on all nine inhabited islands with a network of varied organizations. It was inadequately staffed and funded but was independent.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape of men and women is a crime punishable if convicted by eight to 16 years' imprisonment, and domestic violence is punishable by one to five years' imprisonment. Spousal rape is implicitly covered by the gender-based violence law; penalties for conviction range from one to five years' imprisonment. This 2001 law focuses on increasing protection of victims, strengthening penalties for convicted offenders, and raising awareness regarding gender-based violence. The law calls for establishing several care centers, with financial and management autonomy, but implementation lagged due to inadequate staffing and financial resources. Violence and discrimination against women remained significant problems.

The National Police accompanied victims of sexual and gender based violence to the hospital and escorted them to their homes to collect their belongings. Police officers helped victims go to a location where they believed they would be safe (often a family member; there was no official shelter on Fogo). Very often, however, victims returned to their abusers due to economic and social pressures.

The government enforced the law against rape and domestic violence somewhat effectively. Nongovernmental sources lamented the lack of social and psychological care for perpetrators and survivors alike.

Sexual Harassment: The criminal code and the law criminalize sexual harassment. Penalties for conviction include up to one year in prison and a fine equal to up to two years of the perpetrator's salary. Although authorities generally enforced the law, sexual harassment was common and widely accepted in the culture.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women as for men. Cultural norms and traditions, however, imposed gender roles that hindered the eradication of gender-based discrimination. The government enforced the law in providing for the same legal status and rights for women as for men.

Children

Birth Registration: Citizenship is derived by birth within the country or from one's parents. Birth registration was not denied or provided on a discriminatory basis. Failure to register births did not result in denial of public services. For additional information, see Appendix C.

Education: The government provided tuition-free and universal education for all children between ages six and 14. Education is compulsory until age 15. Secondary education was free only to children whose families had an annual income below 147,000 escudos (\$1,482).

Child Abuse: Violence against children, including sexual violence, remained a problem. The government tried to combat it through a national network that included the Cabo Verdean Institute of Childhood and Adolescence (ICCA), various police forces, the Attorney General's Office, hospitals, local civil society organizations, and health centers. The government attempted to reduce sexual abuse and violence against children through several programs such as Dial a Complaint, the Children's Emergency Program, Project Our House, Welcome

Centers for Street Children, Project Safe Space, Project Substitute Family, and the creation during 2014 of five ICCA offices. ICCA services, however, were not permanently present on every island, and ICCA employees struggled to meet the needs of the local populations.

Early and Forced Marriage: The legal minimum age of marriage is 18. For additional information, see Appendix C.

Sexual Exploitation of Children: The law punishes those that foment, promote, or facilitate prostitution or sexual exploitation of children age 16 and under with a penalty if convicted of four to 10 years' imprisonment. If the victim is age 17 or 18, the penalty is two to six years' imprisonment, which is inconsistent with international law on trafficking in persons. The law punishes those that induce, transport, or provide housing or create the conditions for sexual exploitation and prostitution of children age 16 and under in a foreign country with a penalty if convicted of five to 12 years' imprisonment. If the victim is age 17 or 18, the penalty for conviction is two to eight years' imprisonment. The law prohibits the use of children under age 18 in pornography, with penalties for conviction of up to three years' imprisonment. The minimum legal age for consensual sex is 16. Sexual relations with a child under age 14 are considered a public crime and invoke mandatory reporting from anyone who becomes aware of the crime. Between ages 14 and 16, sexual relations are a semipublic crime and may be reported by any involved party (the minor or the minor's parents or guardians). Sexual abuse was widely reported around the country, and alleged perpetrators often were released from detention pending trial. There were limited reports of commercial sex, often involving tourists, but no confirmed cases involving minors.

The government also continued efforts to prevent the sexual exploitation of children through the creation of a national coordinating committee in 2016 and the development of a code of ethics for the tourism industry.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There is a very small Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and the government generally enforced these provisions, with problems remaining in a number of areas. For example, physical accessibility, communication means, and public transport appropriate for persons with disabilities often were lacking. The government worked with civil society organizations to implement programs to provide access for wheelchair users, including building ramps to enhance access to transportation and buildings.

According to the Ministry of Education, Family, Equality, and Inclusion, the ministry had enrolled an estimated 1,200 children and youths with special educational needs in primary, secondary, and higher education through the years. Persons with intellectual or mental disabilities, as determined by the Ministry of Health, are not allowed to vote, according to the National Commission for Elections, if the person was deemed not to have the mental capacity to exercise that right.

The government has a quota system for granting scholarships and tax benefits to companies that employ individuals with disabilities. NGOs recognized these measures as partially effective in better integrating these citizens into society but also noted nonenforcement and inadequate regulations were obstacles.

Public television station Cabo Verde Television (TCV), through a partnership with the National Commission for Human Rights and Citizenship, Handicap International, and the Cabo Verdean Federation of Associations of People with Disabilities, included in its nightly news a sign language interpreter for deaf persons able to sign.

The law stipulates a quota of 5 percent of educational scholarships be allocated to persons with disabilities, but this percentage had not been reached.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Antidiscrimination laws exist, and state employers may not discriminate based on sexual orientation. Laws do not prohibit consensual sexual conduct between persons of the same sex.

In 2015 the United Nations launched in the country the “Free and Equal” campaign to promote educational programs to shape public attitudes concerning lesbian, gay, bisexual, transgender, and intersex persons’ equality and increase awareness of homophobic violence and discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form or join unions of their choice without previous authorization or excessive requirements, to engage in collective bargaining, and to conduct legal strikes. The labor code provides for protection against antiunion discrimination and for the reinstatement of workers. Although government enforcement generally was effective, cases could continue for years, with further delay for appeals. The Directorate General for Labor (DGT) has a conciliation mechanism to promote dialogue.

The labor code designates certain jobs essential and limits workers’ ability to strike in those industries. Services provided by telecommunications, justice, meteorology, health, firefighting, postal service, funeral services, water and sanitation services, transportation, ports and airports, private security, and the banking and credit sectors are considered indispensable. The Civil Need Law states the government may force the end of a strike when there is an emergency or “to ensure the smooth operation of businesses or essential services of public interest.” The law and custom allow unions to carry out their activities without interference.

Freedom of association and the right to collective bargaining were respected, and the government effectively enforced applicable laws in the formal sector. The government protected the right to carry out union activities without interference. Worker organizations were independent of the government and political parties. There were no reports of violence, threats, or other abuses during the year by the government against union members or leaders. Penalties were adequate to deter violations of freedom of association. There was no reported evidence of antiunion discrimination. Nonetheless, public projects were contracted to private companies

who hired workers directly. Workers who do not have a labor contract have no legal protection.

Labor unions complained the government sporadically restricted the right to strike for certain critical job categories. Other observers stated the government cooperated with the unions and did not discriminate against certain job categories. There were no reported violations related to collective bargaining. According to the local press, few companies had adopted collective bargaining, but the International Labor Organization worked with local unions and government bodies to provide guidance on conducting a dialogue between parties.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children, and the government effectively enforced applicable laws in the formal sector. According to the Inspectorate General of Labor (IGT) 2015 report, the IGT carried out 904 inspections and did not identify any forced labor violations. Article 14 of the labor code prohibits forced labor, and Article 271 of the penal code outlaws slavery, both of which prescribe penalties for conviction of six to 12 years' imprisonment, which was usually sufficiently stringent to deter violations.

Nevertheless, there were reports such practices occurred during the year. Migrants from China, Guinea-Bissau, Senegal, Nigeria, and Guinea may receive low wages and work without contracts, creating vulnerabilities to forced labor in the construction sector. There were incidents of child labor in domestic service and in family agricultural efforts, often working long hours in dangerous conditions, and at times experiencing physical and sexual abuse, indicators of forced labor (see also section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

Although the National Assembly ratified the International Labor Organization's Convention 138 in 2011, the legal minimum age for work is 15. The labor code does not allow children ages 15 to 18 to work more than 38 hours a week or more than seven hours a day. The constitution provides that underage children may work only on small household tasks, in apprenticeship or training programs, or to help support the family. Children ages 16 to 18 are allowed to work overtime in an

emergency but may not work more than two overtime hours a day, and these extra hours may not exceed 30 hours per year. The 2013 Statute on Children and Adolescents permits children to perform agricultural work for the family provided that work does not compromise the child's mental and physical development. Children under age 15 are banned absolutely from performing any street work. The 2016 National List of Dangerous Work for Children expanded and codified types of work in which children may not engage. The law defines the worst forms of child labor as work engaged in by children under age 15, dangerous work performed by children between ages 15 and 17, or both.

Several laws prohibit child labor, and the penalties they impose were adequate, but enforcement was neither consistent nor effective. Barriers, many cultural, remained to the effective implementation of these laws. For example, not all citizens considered children working to help support their families as a negative thing, especially in small remote communities, even when the work is deemed dangerous under national law. The government had minimal ability to monitor and enforce laws in the informal sector, estimated to represent approximately 12 percent of the economy.

The ICCA, DGT, and IGT work on matters pertaining to child labor. The ICCA works on the promotion and defense of the rights of children and adolescents. The DGT creates labor market policy and drafts labor legislation that provides for promotion of social dialogue and reconciliation among social partners. The IGT has the responsibility to monitor and enforce labor laws and enforces rules relating to labor relations. The agencies stated they had insufficient resources. During the year the government (through the three agencies) continued to carry out training activities for local staff and awareness campaigns to combat child labor, particularly in its worst forms, and consulted with local businesses. The IGT did not identify any child labor violations in the formal sector.

The first survey conducted by the National Statistics Institute on child labor in the country, published in 2013, revealed that 7.1 percent of children were engaged in the worst forms of child labor (the study was conducted between October and December 2012). The worst forms of child labor were more common in rural areas (91 percent) than urban areas (84 percent). Child labor prevalence was also higher for boys (8.8 percent) than girls (5.3 percent).

Children engaged in street work, including water and food sales, car washing, and begging, and were vulnerable to trafficking. The risk to children depended largely on where they were; there was considerably more child labor on some islands than

others. The worst forms of child labor included street work, domestic service, agriculture, animal husbandry, trash picking, garbage and human waste transport, and at times passing drugs for adults.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The labor law prohibits discrimination in employment and occupation based on race, color, sex, gender, disability, language, sexual orientation, gender identity, political opinion, ethnic origin, age, HIV-positive status or having other communicable diseases, or social status. The government generally enforced the law effectively.

Gender-based discrimination in employment and occupation, however, occurred (see section 6). Women generally had lower economic status and less access to management positions in public- and private-sector organizations. Women experienced inequality in areas such as politics and the economy. For instance, housework is not officially recognized, and national statistics consider homemakers inactive members of the labor force. Reportedly, in some sectors of the formal economy, women received lower salaries than men for equal work.

According to a study conducted by the National Statistics Institute in 2010, more than eight in 10 immigrants were active in the local economy, with a rate of 91 percent among Africans. African immigrants worked mainly in retail, services, and construction. Immigrants generally had low education and professional qualifications and little work experience; consequently their wages tended to be lower. Most of these immigrants did not have a legal contract with their employer, and thus they did not enjoy many legal protections and often worked in unacceptable conditions. The Economic Community of West African States (ECOWAS) charter permits full labor mobility for citizens of member states. The country was criticized by its neighbors for failing to fully implement its charter responsibilities by failing to protect legal ECOWAS migrants.

e. Acceptable Conditions of Work

The law stipulates a monthly minimum wage of 11,000 escudos (\$99.75). The government defines the poverty income level as 105 escudos (\$1.05) a day, making the minimum wage greater than the official estimate of the poverty income level.

The law stipulates a maximum of eight hours of work per day and 44 hours per week. The law requires rest periods, the length depending on the work sector. The minimum rest period is 12 hours between workdays. The law also provides for daily and annual overtime hours granted in exceptional circumstances. The law states a worker is entitled to 22 business days of paid vacation. Overtime must be compensated with at least time and a half pay. The worker, however, may replace up to half of his/her holidays through an agreement with the employer.

The law sets minimum occupational and safety standards and gives workers the right to decline to work if working conditions pose serious risks to health or physical integrity. In specific high-risk sectors, such as fishing or construction, the government may and often does provide, in consultation with unions and employers, specific current and appropriate occupational safety and health rules. In general it is the employer's responsibility to provide for a secure, healthy, and hygienic workplace. The employer must also develop a training program for workers. Workers may remove themselves from situations that endangered health or safety without jeopardy to their employment. Authorities effectively protected employees in these situations.

Certain formal sector benefits, such as social security accounts for informal workers, were enforced in the informal sector, although no penalties for violations that included fines or imprisonment were imposed during the year. The informal sector remains largely unpoliced by official government actors. The government made efforts to reduce work accidents and illness at work by carrying out more inspections and awareness campaigns to promote a culture of prevention and safety at work. The DGT and IGT are charged with implementing labor laws. Seven technicians worked for the DGT and 14 worked for the IGT, covering three islands (Santiago, Sao Vicente, and Sal). Both agencies agreed with trade unions these numbers were inadequate, and there remained a need for tighter enforcement of labor standards, especially on the more sparsely populated islands where monitoring was more difficult. Although companies tended to respect laws on working hours, many employees, such as domestic workers, health professionals, farmers, fishers, and commercial workers, commonly worked for longer periods of time than the law allows. Penalties for labor violations depend on the number of workers employed; the minimum fine is 10,000 escudos (\$100) going up to 180,000 escudos (\$1,800). According to the IGT, there were no penalties for violations during the year.

According to the IGT's 2015 report, most irregularities detected during labor inspections related to nonsubscription to Social Security, nonsubscription to

Mandatory Insurance for Job Injury, and some irregularities in complying with health and safety standards. Inspections revealed the most common work violations concerned the right to vacation time and the right to rest periods between work periods. Specific data on wages and hours of work was not available. Nonetheless, the report indicated the IGT made 904 inspections, including unannounced inspections, and inspectors identified 1,622 irregularities across the nine islands in all sectors, of which 358 required intervention. Although there were no official studies available, some sources speculated foreign migrant workers were more likely to be exploited than others.

Between 17,000 and 22,000 immigrants, mostly from ECOWAS countries, were working in the country. Most were men, but the number of immigrant women increased during the year. No official data existed, but most immigrants were between ages 20 and 40 and lacked higher job qualifications; however, they played important roles in the economy. Generally they worked in civil construction, security services, hospitality, and tourism. It was common for companies not to honor migrant workers' rights regarding contracts, especially concerning deductions for social security.

No official data were available on the number of work-related accidents and workplace deaths during the reporting period. The restaurant business/food services, steel industry, and the construction sector had the most work-related accidents reported during the year.