

CABO VERDE 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic 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 generally maintained effective control over security forces.

Human rights issues included harsh and potentially life-threatening prison conditions; and failure to protect children from violence and work in precarious conditions.

The government took steps to investigate and prosecute officials who committed human rights abuses. Impunity occurred in a few 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 were no reports that the government or its agents committed arbitrary or unlawful 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

The constitution and law prohibit such practices. Media, however, reported instances of physical violence. The most common types of abuses were excessive force and aggression against persons arrested and detained by police and against prisoners by prison agents. In most cases the National Police Council took action against abusers. The National Commission for Human Rights and Citizenship

(CNDHC) followed up with the National Police when it received information about abuses perpetrated by police agents. In the first quarter of 2017, 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. Additionally, prisoners complained of dehumanizing conditions resulting from poor infrastructure, in particular lack of sanitation.

Prison and Detention Center Conditions

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

Physical Conditions: There were five prisons in the country; three of the five had populations that substantially exceeded capacity (indicated in parentheses). The Central Prison of Praia (CCP) had 1,054 inmates (880), the Central Prison of Sao Vicente 263 (180), and the regional prisons of Santo Antao 26 (50), Sal 143 (250), and Fogo 63 (50). The Orlando Pantera Center housed juvenile detainees who were under age 16 at time of sentencing. The regional prison on Fogo did not have external walls, although the Directorate General for Prison Systems began a large-scale infrastructure project on the Fogo prison to include external walls. External walls were added to the prison on Sal during the year. 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. The kitchen at the prison was completed during the year, but the armed forces continued to prepare and deliver food for prisoners. Isolation cells in the older prisons, specifically those on Fogo and Santo Antao, were cramped, crowded, unfurnished, lacked sanitary facilities (toilets, sinks, and showers, and adequate drainage) and had no natural light because their windows were blocked with bricks. In September the minister of justice and labor suspended the practice of putting all new arrivals at the prisons into solitary cells for a 30-day adjustment period because the practice was not consistent with the law's assumption of innocence until proven guilty.

From January through August 2017, 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 provided 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 trial status, sex, and age, but in regional prisons lack of facilities prevented authorities from separating inmates. In the Fogo regional prison, all 11 cells and the isolation cells housed youths 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, although prisoners in the CCP complained that the new director restricted food from outside that had been brought in to supplement prison food.

Administration: There were no prison ombudsmen to respond to complaints, but prisoners' complaints did reach the CNDHC via regular visits by the CNDHC to the prisons, written communication from the prisoners, social media, and phone calls from prisoners to the CNDHC. Prisoners' relatives also reported complaints to the CNDHC, and corrections officials stated all had been investigated and either disproven or corrected. To date, the CNDHC has received three complaints. Prison agents were insufficient in number and did not receive appropriate support to do their jobs. Some complained of a need for psychological support because of the emotional and physical stress of their jobs.

Prison directors at Fogo and CCP stated religious activities were permitted for all religious groups. The CCP director stated that during the year regular religious visits for Muslims were scheduled. In the regional prison on Sao Vicente, the director stated Muslim religious services sometimes fall outside of regular prison working hours for much of the staff, 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 and members of the press made frequent visits to prisons to record conditions.

Improvements: Access to education within the prison system improved, resulting in a 100 percent graduation rate from elementary school (equivalent) in the prison of Praia and strong results in other prisons. Prison services promoted this social integration policy in conjunction with the Ministry of Education.

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 his or her 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 or in the case being dismissed. In the first quarter of 2017, 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 longer. The CNDHC reported that detainees remanded to preventive detention on islands without prisons waited in police holding cells until they could be transferred to islands with prisons. In at least one case, a detainee in preventive detention waited four months in a holding cell on Boa Vista for transportation (ticket and escort availability). 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 September 30, there were 491 persons in preventive detention.

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 slow because it 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, although administrative remedies are rare.

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 this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Censorship or Content Restriction: Journalists practiced limited self-censorship, apparently largely due to their desire to eventually work for public sector media.

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 International Telecommunication Union, 57 percent of the population used the internet in 2017.

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. The government ratified but never implemented the 1951 UN Protocol on the Status of Refugees, and no central authority manages the extremely few cases of refugees and asylum seekers. The government does not have a policy for handling refugees or asylum seekers, and there is no coordination among different agencies to share information on

whether support has been requested. The country works with the International Organization for Migration (IOM) when foreign citizens request repatriation.

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 IOM 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 Portuguese Speaking Countries (CPLP)--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 of the vote. International observers characterized these elections as generally free and fair.

The most recent presidential election took place in 2016. Jorge Carlos Fonseca, the MpD candidate, who had 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 than men. 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 in 2015, with data from Afrobarometer, indicated 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 responded they paid a bribe in the 12 months preceding the survey, and none responded that they 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 (\$5,380). By law failure to submit a declaration is punishable by removal from office. 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.

News sources reported at the beginning of the year that a large number of public figures constitutionally obliged to file disclosure information had not done so. While the laws on submission of this information are clear, implementation and consequences for failure to file may not be sufficient.

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 CNDHC 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. The CNDHC, although independent, was inadequately staffed and funded.

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

Women

Rape and Domestic Violence: Rape of men and women is a crime punishable 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. The 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.

During the year several reports of femicide rocked the country, including an August case in Santo Antao in which a 34-year-old man killed his 19-year-old girlfriend. The couple had a four-year-old child, indicating the relationship began before she attained the age of consent of 16.

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's home; there were only two official shelters, in Praia and Tarrafal de Santiago). Victims' rights organizations stated police officers were sometimes not fully supportive or sensitive to the problems victims faced. Very often victims returned to their abusers due to economic and social pressures. In February a 31-year-old man killed his 21-year-old girlfriend and then himself on Fogo; there were at least three reports of similar homicide-suicides on Fogo during the year.

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. The Cabo Verdean Institute for Equality and Equity of Gender (ICIEG) coordinated with the Attorney General's Office in an effort to provide for all cases of sexual and domestic violence to be heard within 180 days of the filing of charges and reduce the number of perpetrators remaining with their victims while awaiting trial.

Sexual Harassment: The penal code criminalizes 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 or involuntary sterilization.

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

Women suffered discrimination in equal pay for equal work. Women often worked in informal jobs and lacked access to social security. The ICIEG launched

a campaign with domestic workers to push for inclusion in the country's social security system. Women, especially the working poor, struggled to maintain their professional independence when they had children. Fathers were often not present in the nuclear family. Additionally, when girls got pregnant while still in school, they nearly always dropped out and did not finish their education.

Children

Birth Registration: Citizenship is derived from one's parents or grandparents or by birth within the country if the parents have been legal residents for five years. When those conditions are not met, and if the child does not receive citizenship from the country of at least one of its parents, the parents would need to get a lawyer to petition for an exception. 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 through the eighth grade. Education is compulsory until age 15. Secondary education was tuition-free only to children whose families' annual income was below 147,000 escudos (\$1,580). School is tuition-free from preschool through higher education for children with disabilities in both public and private schools. The government subsidizes kindergarten fees through municipal governments.

Child Abuse: Laws prohibit physical, psychological, and moral violence against children, including sexual violence, but these remained problems. Penalties for child abuse include two to eight years in prison for sexual abuse of a child under age 14, increasing from five to 12 years if the abuse included penetration. Those found guilty of engaging in transactional sex with a minor under age 18 faced two to eight years in prison, four to 12 years if the sex involved penetration. 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, and the Project Substitute Family. ICCA services, however, were not permanently present on every island, and ICCA employees struggled to meet the needs of the local populations.

Legislation passed in 2015 enabling anyone who became aware of sexual violence against a child under age 14 to report the crime began to take root, and complaints increased during the year, most notably on the tourist island of Sal, although the majority of cases did not involve tourists. A string of highly public cases in which alleged perpetrators were released on bail provoked increasingly sharp criticism from the public. The ICCA provided care for the child victims, but perpetrators and alleged perpetrators received no interventions or care while awaiting trial or while in prison. Child abuse cases can linger for years in the judicial process, often leaving child victims in the same homes as their abusers.

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 who induce, transport, or provide housing or create the conditions for sexual exploitation and commercial sexual exploitation 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. Alleged perpetrators often were released from detention pending trial. There were numerous unconfirmed reports of tourists engaging in transactional sex with minors and of minors engaging in prostitution for money or drugs.

The government also continued efforts to prevent the sexual exploitation of children through a national coordinating committee and the development of a code of ethics for the tourism industry. In July the Ministry of Justice and Labor swore in members of its Observatory for Monitoring and Rapid Identification of Trafficking in Persons, which includes numerous government agencies and had a key role in coordinating responses to child sex exploitation.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The Jewish community was very small, 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 Family and Social Inclusion, the ministry enrolled and subsidized children and youths with special educational needs in primary, secondary, and higher education. 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 they are deemed not to have the mental capacity to exercise that right. Crimes against persons with disabilities were investigated and processed when they were reported.

Many child victims of sexual abuse were persons with mental disabilities. Police investigated their cases with the same care they used on other cases.

The government has a quota system for granting scholarships and tax benefits to companies that employ individuals with disabilities. Nongovernmental organizations 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, through a partnership with the CNDHC, Handicap International, and the Cabo Verdean Federation of Associations of People with Disabilities, included in its nightly news program 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 quota was not 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, family situation, habits and dress, health status, or membership or nonmembership in any organization. Laws prohibit discrimination in the provision of a good or service, exercising normal economic activities, and employment. The government generally enforced these laws; penalties for discriminating were up to two years in prison or a fine equal to 100-300 days' salary. Laws do not prohibit consensual same-sex sexual conduct among adults. Persistent discrimination existed as the norm for the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community and generally took the form of public mockery and appearance-based discrimination.

During the year the country joined the Equal Rights Coalition (ERC). The ICIEG director attended the ERC ministerial meeting in Vancouver and agreed the country might be able to use its platform within the CPLP to advance LGBTI human rights.

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, 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 can continue for years, with further delay for appeals. The Directorate General for

Labor (DGT) has a conciliation mechanism to promote dialogue between workers and employers on conditions of work.

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 law states that 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.

During the year the National Police threatened a six-day strike in midsummer regarding allegations of unfair penalties against officers who protested working conditions in late 2017. The National Police falls into a sector with limited rights to strike, but it prepared a defense of its decision to do so in advance, garnering support from several other unions. The government negotiated an agreement with the union before the strike began.

The government respected workers' right of freedom of association and the right to collective bargaining and effectively enforced applicable laws in the formal sector. Worker organizations were independent of the government and political parties. Penalties were adequate to deter violations of freedom of association.

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. According to the local press, few companies adopted collective bargaining, but the International Labor Organization (ILO) 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) 2017 report, the IGT carried out 770 inspections in response to 920 requests for intervention and did not identify any forced labor violations. The labor code prohibits forced labor, and 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, with children 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

The 2016 National List of Dangerous Work for Children expanded, codified, and prohibited 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. The National Assembly ratified ILO Convention 138 in 2011, and 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 law 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.

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, especially in small remote communities, as negative, even when the work by law was deemed dangerous. The government had minimal ability to monitor and enforce laws in the informal sector, estimated to represent 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 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) carried out training activities for local staff and awareness campaigns to combat child labor, particularly in its worst forms, and consulted with local businesses.

The first survey conducted by the National Statistics Institute on child labor in the country, conducted in 2012 and published in 2013, revealed that 7 percent of children were engaged in the worst forms of child labor. 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 (9 percent) than girls (5 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 located; 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. There have been no known challenges to the law.

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 political and economic participation. For instance, being a homemaker is not officially recognized as employment, and national statistics

report homemakers as inactive members of the labor force. In some sectors of the formal economy, women received lower salaries than men for equal work.

The ICIEG launched a campaign to recognize housework as work and register domestic workers--overwhelmingly women--with the National Institute for Social Protection (INPS). Many domestic workers resisted formalizing because they preferred payment in cash rather than the ability to eventually access deferred benefits.

According to the 2010 census conducted by the National Statistics Institute, 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 employers, and thus they did not enjoy many legal protections and often worked in unacceptable conditions. The ECOWAS charter permits labor mobility for citizens of member states. The country was criticized by its neighbors for failing to implement its charter responsibilities fully by not protecting legal ECOWAS migrants.

e. Acceptable Conditions of Work

The law stipulates a monthly minimum wage of 13,000 escudos (\$140). The government defines the poverty income level as 105 escudos (\$1.12) 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 of which depends on the work sector.

On May 1, a Senegalese man protested on Sal, claiming he and many other West African migrant workers were employed in the large resorts but did not receive regular days off. He protested alone in front of the offices of a major tourist operator.

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, 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. The CNDHC noted companies generally chose to follow these rules and that the government has insufficient resources through the IGT to enforce them.

The DGT and IGT are charged with implementing labor laws. 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 remained largely unregulated 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. Six technicians worked for the DGT and 15 worked for the IGT, covering three islands (Santiago, Sao Vicente, and Sal). The IGT launched a hiring campaign to recruit five more IGT inspectors during the year. 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 (\$107) going up to 180,000 escudos (\$1,935).

According to the IGT's 2017 report, most irregularities detected during labor inspections related to nonsubscription to the INPS, 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. The report indicated the IGT made 770 inspections, including unannounced inspections, and inspectors responded to 723 requests for intervention, conducting 414 inspection visits from January to September.

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. Generally immigrants 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.

The most work-related accidents reported during the year were in the restaurant business and food services, steel industry, and the construction sectors. In September a worker with years of experience at the Frescomar fish processing plant fell into a freezing machine and sustained severe injuries to his leg. He was rushed to the hospital and received appropriate treatment. Both the IGT and the employer conducted inspections and investigations of the event.