



International Covenant on Civil and Political Rights

Distr.: General
29 November 2011

Original: English

Human Rights Committee

103rd session

17 October – 4 November 2011

List of issues prepared in the absence of the initial report of Cape Verde due in 1994

Constitutional and domestic legal framework within which the Covenant is implemented (art. 2)

1. What is the status of the Covenant under domestic law? Can provisions of the Covenant be directly invoked before domestic courts in the Cape Verde? If so, please provide details on all cases in which this was done and with what results.
2. Please provide information on the availability of remedies for individuals claiming a violation of the rights contained in the Constitution and the Covenant. Please also provide information as to whether any person has filed with the Supreme Court of Justice an application for amparo, as provided for in article 19, paragraph 1, of the Constitution.
3. Please provide information on the steps taken, if any, to ensure that the National Commission for Human Rights and Citizenship is in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

Public emergencies (art. 4), counter-terrorism measures and respect for Covenant guarantees

4. According to article 4, paragraph 2, of the Covenant, even in times of public emergency no derogation may be made from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15 and 18 of the Covenant. Please explain the lack of reference in article 297 of the Constitution to the rights guaranteed in articles 8 (paragraphs 1 and 2), and 11 of the Covenant. Please indicate whether any emergency powers have been exercised since the entry into force of the Covenant and, if so, under what conditions.
5. Please provide information on existing or proposed counter-terrorism laws and their compatibility with the Covenant, including the definition of terrorism contained therein.

Non-discrimination, participation in public affairs and equality between men and women (arts. 2, 3, 25 and 26)

6. Please indicate the legislative and administrative measures, including recent court decisions, if any, relating to protection against discrimination in all fields on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, sexual orientation, gender identity or other status.

7. Please provide information on the measures taken to ensure effective implementation of the National Gender Equality and Equity Plan (2005-2009). Please also provide detailed information, including up-to-date disaggregated statistical data, on the differences in the employment rate of men and women, and the discrepancy between men and women with regard to wages. How does the State party plan to overcome the obstacles to women's full participation and advancement in the workplace? Please specify what measures are in place to promote an equal representation of women in decision-making positions, both in public affairs and the private sector.

Violence against women (arts. 3 and 7)

8. Please provide detailed information on the extent of the problem of violence against women in Cape Verde, in particular domestic violence; on the number of safe shelters; and on the resources allocated to the assistance of victims. Please specify what measures are being taken to ensure that such acts are effectively investigated, and that perpetrators are prosecuted and sanctioned. Please also indicate whether other steps have been taken to combat violence against women, such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies. What steps are being taken to overcome patriarchal attitudes and stereotypes which continue to inhibit women from reporting criminal offenses such as domestic violence and marital rape?

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)

9. Please comment on reports according to which there have been instances of police brutality and ill-treatment of detainees, particularly during police custody. Please also provide detailed statistical data, disaggregated by crime committed, ethnicity, age and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials and on related investigations, prosecutions and penal or disciplinary sanctions. Please include information on the measures taken for the rehabilitation and compensation offered to victims. Specify what measures are being taken to prevent and punish such practices and whether and to what effect legislation or any other measures have been adopted to ensure the prevention or punishment of torture. Please also provide detailed information on the mechanisms in place to investigate and prosecute complaints of torture and ill-treatment in police custody, detention facilities and prisons during all stages of deprivation of liberty, including information on their independence.

10. According to the information before the Committee, corporal punishment is still lawful in the home and out-of-home placements. Please comment and provide information on the steps taken by the State party to prohibit corporal punishment by law and enforce the prohibition in all institutions, including detention centres and schools.

Elimination of slavery and servitude (art. 8)

11. According to some reports, the State party is a country of transit for trafficked women and children. Please provide information as to what extent trafficking in human beings occurs in the territory of the State party and on the legislation aimed at preventing, combating and punishing such acts, if any. Please include information on investigations and prosecutions and on judgements handed down by the courts against the perpetrators of trafficking in human beings. Please also provide information on the provision of training to judges, prosecutors and police officers on the identification, investigation and prosecution of trafficking cases. Please provide information on how the victims' rights and needs are taken account of.

Right to liberty and security of the person and treatment of persons deprived of their liberty (arts. 9 and 10)

12. Please provide information on permissible grounds of deprivation of liberty and on redress mechanisms in place to address instances of unlawful arrest or detention. In particular, please indicate whether the law and practice of the State party permit a person who is arrested or detained to institute legal proceedings so that a court may decide without delay on the lawfulness of the detention and order his or her release if the detention is unlawful, in accordance with article 9 of the Covenant. Please also elaborate on the rights of persons while in police custody, for example access to a counsel, to undergo a medical examination, to be informed immediately of their rights in a language that they understand and the maximum period of detention before an individual is brought before a judge.

13. Please provide information on the legislative provisions for placing persons in police custody and pretrial detention, including the maximum length of custody and pretrial detention. Furthermore, please indicate the measures the State party has taken to guarantee that persons awaiting trial are separated from those serving sentence, and that juvenile offenders are held separately from adults, and males from females. Please also provide information on the steps taken to improve detention conditions, including those aimed at nutrition, sanitation, health facilities and overcrowding. Please include updated information on the occupancy rate of all places of detention.

14. The Committee notes reports of poor conditions in the prisons throughout the country. Please provide detailed information in this regard.

Right to a fair trial and equality before the law (arts. 14 and 26)

15. Please explain the procedures for granting legal aid under the Regulatory Decree No. 10/2004 of 8 November 2004.

16. Please provide information on specific measures taken to guarantee the independence and impartiality of the judiciary, for example through the Constitution or laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them, including in cases of corruption. If Cape Verde appoints foreign judges, please provide information on how their independence and impartiality is assured.

Right to recognition as a person before the law (art. 16)

17. Please provide information on laws and policies in place to ensure that the human rights of persons with disabilities are protected.

Freedom of opinion and expression (art. 19)

18. In the light of the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, please comment on how freedom of expression is ensured in Cape Verde, in particular how a free media is encouraged.

Rights of the child (art. 24)

19. Please provide information on the legislative and practical measures adopted to combat child abuse and to eradicate labour and sexual exploitation of children, including child prostitution.

Participation in public affairs, elections (art. 25)

20. Please indicate the steps taken to implement the National Electoral Commission's recommendation that the State party should amend the provisions of its Electoral Code with a view to ensuring greater security and transparency. Has the State party reviewed the voter identification and registration processes and considered the adoption of indelible ink on ballots, as recommended by the National Election Commission after the presidential and legislative elections in 2006?

Rights of persons belonging to minorities (art. 27)

21. Please provide information on the existence and size of ethnic, religious and linguistic minorities in Cape Verde, and describe how their rights under article 27 of the Covenant are guaranteed.

22. Please describe the measures taken to provide adequate protection to West African immigrants, in particular in the light of the demonstrations of March 2005 when nationals from Guinea-Bissau, Sierra Leone, Senegal, Ghana and Nigeria clashed with the police and the military following the murder of an immigrant from Guinea-Bissau, the tenth continental West African killed in the period 2002-05.

Dissemination of information relating to the Covenant

23. Please indicate the steps taken to increase awareness and understanding of the Covenant among the general public and State employees, especially law enforcement officials, judges and teachers.

Other issues

24. The Committee invites the State party to submit its core document in accordance with the requirements concerning the common core document contained in the harmonized guidelines on reporting, adopted by the international human rights treaty bodies and contained in document HRI/GEN/2/Rev.6 (chap. I).
