



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Cabo Verde*

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

1. With reference to articles 12 and 17 (1) of the Constitution and to the State party's report (CCPR/C/CPV/1, para. 5), please clarify the status of the Covenant in the domestic legal system. Please explain whether the Covenant provisions can be invoked directly before the courts and include examples in which those provisions have been referred to by domestic courts. In the light of the Committee's previous concluding observations (CCPR/C/CPV/CO/1, para. 6), please specify the measures taken to ensure that information on the Covenant and on its Optional Protocol is disseminated among judges, lawyers, prosecutors, law enforcement officials and the public.

2. In view of the Committee's previous concluding observations (para. 5) and the State party's common core document (HRI/CORE/CPV/2017, para. 186), please report on the progress made in order to ensure the full compliance of the National Commission for Human Rights and Citizenship with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular with regard to its independence, including the selection process of commissioners and the provision of the human and financial resources necessary to effectively fulfil its mandate. With regard to the Office of the Ombudsman, please provide updated information on: (a) its mandate; (b) measures to ensure the effective fulfilment of its mandate, in particular with regard to the provision of staff and resources; and (c) the complaints received and the number of complaints relating to the provisions of the Covenant.

Non-discrimination (arts. 2, 3, 13, 24 and 26)

3. With reference to article 24 of the Constitution, please provide information on the legal framework for combating discrimination and clarify in particular whether the State party has adopted comprehensive anti-discrimination legislation providing a precise definition of direct, indirect and multiple discrimination, whether occurring in public or in private, and criminalizing all forms of discrimination. In the light of the State party's report (para. 14), please report on: (a) specific legal frameworks aimed at protecting women, children, young persons, persons with disabilities, the elderly and the most disadvantaged persons, including persons living with HIV/AIDS, rural women and migrants, from discrimination; and (b) the measures taken to ensure that those frameworks are effective in practice. In the light of the decriminalization of same-sex conduct in 2004, please report on the measures taken to ensure the elimination of discrimination based on sexual orientation and gender identity in practice and in all areas. With reference to the State party's report

* Adopted by the Committee at its 125th session (4–29 March 2019).



(para. 17), please provide information on the number of discrimination cases reported and on their outcome.

Equality between men and women, and violence against women (arts. 2, 3, 6, 7 and 26)

4. In the light of the State party's report (para. 25), please provide information on: (a) the content and outcomes of the third National Gender Equality Plan (2015–2018); (b) future policy measures envisaged, particularly to encourage the eradication of deep-rooted patriarchal attitudes and gender stereotypes regarding the roles of women and men in society and the increased representation of women in decision-making positions, both in the public and private sectors; (c) the mandate of the Institute for Gender Equality and Equity and measures taken to ensure its full effectiveness; and (d) efforts to ensure coordinated, multifaceted and multi-year measures and commitments engaging all sectors of Cabo Verdean society to achieve full equality between men and women.

5. In view of the Committee's previous concluding observations (para. 9) and the State party's report (paras. 30–33), please provide information on the measures aimed at: (a) ensuring the effective implementation of the current legal and policy frameworks on gender-based violence; (b) identifying possible shortcomings in the 2011 Law on Gender-based Violence and its regulatory framework (Decree-Law 8/2015); and (c) reporting the main results of the second National Plan to Combat Gender-based Violence with a view to ensuring that these legal and policy frameworks are more effective in the future. Please also provide information on: (a) whether a third national plan is under preparation and provide details on its content; (b) the number and location of functioning shelters and support centres for victims of domestic violence; and (c) whether spousal rape is explicitly criminalized in national legislation. In addition to the information in the State party's report (para. 33), please provide information on the identification, prosecution and sanctioning of perpetrators of harmful practices, such as female genital mutilation, that occur particularly in new migrant communities.

Sexual and reproductive rights (arts. 2, 3, 6, 7, 17 and 26)

6. With regard to the State party's report (para. 57), please provide information on the current legal framework authorizing the voluntary termination of pregnancy, and describe in particular all the conditions required for authorization. Please indicate whether the State party intends to compile statistics on termination of pregnancy, including on clandestine abortions. Please provide detailed information on the number of complaints relating to reported obstructions to the voluntary termination of pregnancy for some women with disabilities and the rationale behind those obstructions. With regard to the State party's report (para. 56), please provide further information on the measures taken to ensure countrywide access to adequate and quality sexual and reproductive health education and services, including for the most vulnerable persons.

Right to life and climate change (arts. 6 and 25)

7. In view of the Committee's general comment No. 36 (2018) on the right to life (para. 62) and of the specific geographical characteristics and location of Cabo Verde, please provide information on measures aimed at: (a) protecting persons in the State party, including the most vulnerable persons, from the negative impact of climate change and natural disasters on the enjoyment of their rights; and (b) ensuring the meaningful and informed participation of the whole population in projects that may affect sustainable development and resilience to climate change.

Conduct of law enforcement officials (arts. 6, 7 and 14)

8. With regard to the Committee's previous concluding observations (para. 11) and the State party's report (para. 65), please respond to allegations of excessive use of force by law enforcement officials and provide an updated number of related complaints received by the National Commission for Human Rights and Citizenship, the Office of the Ombudsman and the National Police Council for the current reporting cycle and the outcome of such complaints. Please report on the measures taken to: (a) prevent and sanction the use of

excessive force by law enforcement officials, as a form of extrajudicial punishment, against juveniles; and (b) change the media and public discourse justifying such behaviour.

Ill-treatment and conditions of detention (arts. 6, 7 and 10)

9. In view of the Committee's previous concluding observations (para. 14) and the State party's report (paras. 105 and 113), please indicate any additional measures taken to tackle overcrowding in prisons. Please indicate in particular whether the State party intends to use alternative methods to incarceration, such as suspended sentences for first offenders or for certain minor offences, as recommended by the Committee against Torture in its most recent concluding observations (CAT/C/CPV/CO/1, para. 25), or bail or release on parole. With reference to the State party's report (para. 116), please provide information on the measures aimed at assessing the effectiveness in practice of measures facilitating the social reinsertion of offenders, particularly juvenile offenders. In that regard, please provide: (a) information on the number of prisoners who have benefited from such measures; and (b) data disaggregated by age group on the number of prisoners incarcerated for first, second, third or subsequent offences. With regard to the State party's report (para. 110), please provide information on the measures taken to separate juveniles and adults in all prison facilities countrywide.

10 Please respond to allegations of three reported deaths in prisons in 2017 and provide information on the investigation and the outcome of those cases. Please indicate the annual budget allocated to prison administration in the past five years and respond to allegations of cruel, inhuman or degrading treatment or punishment of prisoners, including: (a) isolation of new inmates for up to 30 days in cramped cells; (b) inadequate sanitation, ventilation, lighting, heating and beds; and (c) inadequate conditions of detention for prisoners with a mental health condition. With regard to the State party's report (para. 121), please provide detailed information on the number and frequency of inspecting visits to prison facilities undertaken by the relevant bodies under the General Directorate of Prison and Social Reintegration Services, the Public Prosecution Service and the National Commission for Human Rights and Citizenship, in the past five years. Please provide further information on the three complaints referred to the Public Prosecution Service mentioned in the State party's report (para. 120) and on their outcome.

Liberty and security of person (arts. 2, 7, 9, 14 and 24)

11. Please provide information on measures taken to reduce insecurity countrywide and in particular: (a) updated data on the annual rate of violent crimes in the State party for the past five years; (b) information on measures aimed at combating insecurity; and (c) information on measures aimed at addressing the root causes of youth gangs and juvenile delinquency. Please also provide the annual budget allocated to the national police in the past five years and respond to allegations of limited police equipment and forensic capacity in the justice system.

12. With regard to the State party's report (para. 87), please provide information on the measures taken to ensure that arrested persons are brought before a judge within a period not exceeding 48 hours as provided for in the law. Please provide updated information on the number of pretrial inmates in 2017 and 2018 and indicate the average length of time served in pretrial detention. In view of the State party's report (para. 93), please provide: (a) further details on the deadlines at each stage of criminal proceedings that cannot be exceeded, mentioned with regard to pretrial detention; (b) updated information on the number of pretrial detainees who have been released after the maximum duration of pretrial detention has been reached and who have received compensation; and (c) details on the other personal cautionary measures that judges may apply when the maximum duration of pretrial detention has been reached.

Trafficking in persons, elimination of slavery and servitude, and domestic workers (arts. 6, 7, 8 and 24)

13. Please indicate whether the State party intends to strengthen the legal framework aimed at combating trafficking in persons and if so, provide an estimated timeline and elaborate on the areas intended for improvement. In addition, provide information on the

status of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In view of article 271 of the Penal Code, please provide information on the number of complaints received of trafficking in persons, investigations conducted and convictions handed down to perpetrators. Please provide information on measures aimed at improving: (a) training on combating trafficking in persons for law enforcement officers, judges and prosecutors; (b) the adequacy of the human and financial resources allocated annually to anti-trafficking measures countrywide; (c) processes to ensure that victims are identified, protected and referred to appropriate services; and (d) the collection of updated data and statistics on investigations, prosecutions and the profile of identified victims.

14. Please elaborate on the measures taken to address the exploitation and abuse of migrants, and respond to allegations of migrants receiving low wages and working without a legal contract. Please provide detailed information on the number of domestic workers countrywide, on the relevant legal frameworks for their protection and on measures to ensure the implementation of those frameworks in practice. Please elaborate on measures aimed at eliminating and preventing child exploitation, particularly for sexual purposes and for street begging, and child labour, particularly in the agricultural and domestic work sectors. Please provide information on: (a) the measures taken to ensure that self-employed children or children not bound by a contractual relationship also benefit from the legal frameworks to protect children; and (b) the concept of “light work” in section 65 (1) of the Children and Young Persons Act of 2013 that allows children below the age of 15 to perform domestic, agricultural or livestock work within their household.

Treatment of aliens, including refugees and asylum seekers (arts. 9, 10 and 13)

15. In the light of the National Immigration Strategy (2012), please provide information on the measures aimed at improving data collection on aliens, refugees and asylum seekers in the country. In view of the State party’s report (para. 140), please provide an estimated timeline for the adoption of the regulation of Law 99/V/99 on the legal regime for asylum and refugee status. Please respond to allegations of: (a) inappropriate behaviour of some border police officers towards foreigners seeking to enter the territory; and (b) persons being prevented from entering the territory, detained and then repatriated without an adequate explanation. Please provide further information on the regulations for immigrants in irregular situations, particularly regarding the imposition of fines, expulsions and the judicial review process for expulsion orders.

Administration of justice (art. 14)

16. In the light of the strategic plans for justice reform adopted by the Ministry of Justice, and the State party’s report (para. 151), please provide information on: (a) the annual budget allocated to the judicial system for the past five years; (b) measures aimed at strengthening the capacities of the judicial system, in particular at addressing the backlog of court cases and lengthy court proceedings; and (c) measures aimed at increasing the number of judicial personnel and strengthening the training of judges, prosecutors, court staff and lawyers.

Forced evictions (arts. 12 and 17)

17. In view of the growth of informal and unplanned settlements, please respond to allegations of houses being demolished without due process of law or the provision of alternative accommodation. Please provide information on measures aimed at: (a) collecting data at the local and national levels on demolitions and forced evictions in informal settlements; (b) ensuring adequate safeguards and the effective participation of the population in order to avoid forced evictions and the demolition of homes; and (c) ensuring the provision of adequate compensation and alternative accommodation for persons who have been evicted or whose home has been demolished.

Freedom of expression and assembly (arts. 2, 19 and 21)

18. Please provide information on the application in practice of article 166 of the Penal Code, under which the penalty for defamation is potentially deprivation of liberty for 18 months, and on the number of cases in which that provision has been applied in the past five years and the outcome of those cases. Please respond to allegations of self-censorship practised by journalists and provide information on measures to ensure that journalists are fully able to carry out their profession without constraints.

19. Please respond to allegations of the use of civil requisition, aimed at ensuring minimum services in some sectors, in order to prevent members of trade unions and workers from exercising their rights to freedom of association and to strike, in violation of section 123 of the Labour Code, under which minimum services must be determined by an independent commission made up of a worker, an employer and a government representative.

Rights of the child (arts. 7, 24 and 26)

20. In the light of the Committee's previous concluding observations (para. 10), please provide information on the measures aimed at combating child abuse and sexual violence against children, and updated data on investigations carried out, prosecutions pursued and sanctions secured against perpetrators. Please also provide information on recent developments in the legislative or policy framework with regard to children in conflict with the law, including in the juvenile justice system. In the light of the Committee's previous concluding observations (para. 12) and the State party's report (para. 71), please provide information on the concrete steps taken to put an end to corporal punishment in all settings, particularly with regard to the legislative measures mentioned in the State party's report.

Participation in public affairs (arts. 2, 19, 25 and 26)

21. Please provide information on measures aimed at: (a) preventing and eliminating alleged and reported acts of nepotism and bribery, particularly at the municipal level; (b) ensuring that the code of ethics and conduct for public officials adopted in 2015 applies to all public authorities, including elected officials; and (c) enhancing the transparency of public administration, including in the context of bidding in public contracts and infrastructure projects involving the private sector, particularly regarding access to and the publication of information held by public entities.

22. Please provide information on the new decentralization efforts proposed by the government programme and in particular on the expected results of those efforts in terms of: (a) an increase in public participation in local decision-making; and (b) reduction of the de facto regional disparities, notably in terms of access to services and infrastructure.

Dissemination of information relating to the Covenant (art. 2)

23. Please indicate what measures have been taken to disseminate information on the Covenant, the initial report of the State party and its forthcoming examination by the Committee. Please provide detailed information on the involvement of representatives of civil society in the preparation of the report.
