



**International Covenant on
Civil and Political Rights**

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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

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

Addendum

Replies of Cabo Verde to the list of issues^{*}, ^{}**

[Date received: 21 October 2019]

* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.

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

Reply to paragraph 1 of the list of issues (CCPR/C/CPV/Q/1/Add.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.

1. Statistical data are not compiled in a way that allows us to provide in detail the court decisions in which the Covenant was invoked. However, there is a known case in which the pact was invoked, the details of which were shared in the State Party Report, paragraph 51.

Reply to paragraph 2 of the list of issues

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.

2. A proposal for a new Statute for the National Commission for Human Rights and Citizenship (CNDHC) has been prepared to comply with the Paris Principles, notably in terms of its independence and autonomy. The proposal is currently under review by the government and awaits scheduling and discussion.

3. The proposal foresees a permanent Coordinating Council composed of three commissioners, appointed by the Civil Society, Cape Verde Red Cross and the Ministry of Justice. The process of choosing them goes through the hearing of the Specialized Commission on Human Rights of the National Assembly that will have a fundamental role in the process. Another planned body is the assembly of commissioners, the CNDHC advisory body, made up of representatives from all sectors of society. CNDHC's staffing is also expected to increase to improve and respond to its various tasks.

4. The Government of Cape Verde has allocated to CNDHC the necessary resources to fulfill its mandate within the country's possibilities.

5. It should be noted that according to the Report of the Visit to Cape Verde by the Special Rapporteur on the Right to Development, he acknowledges in his report that the independent ombudsman and the National Commission on Human Rights and Citizenship are well placed to carry out the tasks in Cape Verde and thus contribute to the implementation of the law and development of the country, but warn of the need to reform the CNDHC statutes in accordance with the "Paris principles". In this regard, it should be stressed that there is already a proposal to amend the CNDHC statutes, which is currently being agreed upon as soon as possible to be approved (A/HRC/42/38/Add.1*)

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.

6. The Ombudsman is an independent state body whose task is to defend and promote the rights, freedoms, guarantees and legitimate interests of citizens, in order to ensure through informal means the justice, legality and regularity of the exercise of public powers. Everyone may lodge complaints, for actions or omissions by the public authorities, to the Ombudsman, who shall consider them without decision-making power, making appropriate recommendations to the competent bodies to prevent and remedy illegalities or injustices.

7. The Ombudsman:

- Is elected by the National Assembly by a two-thirds majority of the Deputies present, provided it exceeds the absolute majority of the Deputies in office;
- Takes office before the President of the National Assembly for a term of five years, renewable once;
- With the election and swearing in, the sole ombudsman body has a parliamentary nature, and should participate in the work of the competent parliamentary committees of the National Assembly whenever requested and annually accountable to the parliament for its activities.

8. The profile and costumes of the Constitution and the Law are those of an independent and non-removable body, the functions of which may not cease before the end of the period provided, except in cases specifically provided for by the Law, and are subject to the same incompatibilities as judges in effect. of functions.

9. The Ombudsman enjoys immunity and inviolability. He may not be persecuted, investigated, arrested, detained or tried in particular because of the recommendations made in connection with his duties, his arrest in the event of a crime, except in the particular situations provided for by law, shall only take place with the permission of the National Assembly.

10. Tasks of the Ombudsman:

- Defense and promotion of the rights, freedoms, guarantees and legitimate interests of citizens, ensuring through informal means the fairness, legality and regularity of the exercise of public powers;
- Fall within the scope of the Ombudsman's activities, the activities of the services of the Central and Local Public Administration, the Armed Forces, the public institutes, the public companies or the majority public capital or the concessionaires of public services or the exploitation of public domain goods. public;
- The Ombudsman may also intervene in relations between individuals where there is a special relationship of dominance and protection of rights, freedoms and guarantees.

11. The Ombudsman has no competence to annul, revoke or modify acts of public authorities.

12. When his recommendations are not heeded, the Ombudsman appeals to the competent hierarchical superior, or, in the case of the executive of a local authority, he/she goes to the respective Deliberative Assembly. Ultimately, in the case of administration, you may address the National Assembly.

13. The Ombudsman's interventions that may give rise to recommendations or other positions are based on the lodging of a complaint. But they may also derive from their own initiative, for example from facts which otherwise come to their knowledge.

14. Provider Powers:

- Inspection and investigation regarding the different sectors of Central and Local Government. The Ombudsman can thus contribute to the improvement of public

services by reporting irregularities and recommending the most appropriate amendments;

- In their activities, the cooperation of citizens and public authorities with the Ombudsman is a duty. Failure to attend a hearing or refusal of testimony requested by the Ombudsman constitutes a crime of disobedience if not properly justified; the same is true in the event of obstruction of access to information verified in the light of any action or initiative taken by the Ombudsman.

15. The Constitution of the Republic confers directly on the Ombudsman:

- Seat in the Council of the Republic of which he is a member;
- Legitimacy to request the Constitutional Court to review the constitutionality and legality of norms or resolutions of normative or individual and concrete material content.

16. Other Ombudsman's powers and powers:

- Promote the dissemination of the fundamental rights, freedoms and guarantees of citizens, their content and meaning, as well as the purpose of the Ombudsman, his means of action and how to use his services;
- Make recommendations to the competent bodies with a view to remedying illegal or unjust administrative acts and improving administration services;
- Propose to the competent bodies the solutions that it deems most appropriate for the defense of the legitimate interests of the citizens and the improvement of the administrative action, in collaboration with the competent organs;
- Point out deficiencies in legislative acts, making recommendations for their better interpretation, amendment or even repeal, indicating suggestions for the drafting of new legislation, if desired;
- Intervene, under applicable law, in the protection of collective or diffuse interests, whenever public entities are concerned;
- Issue an opinion, upon request of the National Assembly, on any matter related to its activity;
- Conduct, with or without prior notice, visits to any sector of activity of central or local government, as well as public corporations, examining documents, listening to government agencies and agents or requesting information that they deem appropriate;
- Undertake any investigations it deems necessary or appropriate and may take reasonable steps in the production of evidence, provided that they do not conflict with the legitimate rights and interests of citizens.

17. The Ombudsman has administrative and financial autonomy, and the financial resources to fulfill its mandate are entered directly in the state budget.

Annual budget

Table 1

Budgets of the Ombudsman between 2014 and 2018

<i>Year</i>	<i>Budget Amount</i>	<i>Execution Level</i>	<i>Budget reinforcement</i>	<i>Boost Execution Level</i>
2014	15 000 000.00			
2015	20 402 025.00			
2016	30 544 101.00	89.84%		
2017	29 016 896.00	99.98%	1 996 314.00	93.94%
2018	32 120 452.00	100%		
Total	127 083 474.00		1 996 314.00	

The budget for 2019

18. The Ombudsman's budget forecast for 2019 amounted to 52,959,120.80ECV (fifty-two million, nine hundred and fifty-nine thousand, one hundred and twenty escudos and eighty cents), of which 52,833,088.80ECV (fifty-two million, eight hundred and thirty-three thousand and eighty-eight escudos and eighty cents) correspond to the budget allocation and one hundred and twenty-six thousand and thirty-two escudos (126,032.00 ECV) corresponding to the entry for the management balance of the year 2017 (less than 0.38% of this last budget), in accordance with Article 20 (b) of Decree-Law no. 24/2018 of 14 May.

Staff: Ombudsman staff, as required by organic law

	<i>Vacancies provided</i>		<i>Occupied vacancies</i>	<i>Free Vacancies</i>
Ombudsman	1	1		-
Deputy Ombudsman	2	1		1
ombudsman Office Staff				
Office Director	1	0		1
Advisors	3	1		2
Secretaries	2	0		2
Driver	1	1		-
Managing Staff				
Technical Staff	1	1		-
Technical Staff				
Technical Staff			4 Jurists	
			1 Accountant	
			Communication, Public	
			2 Relations and Internationals	
			1 Informático	
			Jurist requested and on	
	10	1*	commission	1
Technical Support and Operational Support Staff operational				
Technical Staff			Technical and Support	
assistant's	5	1	Assistant Staff	4
Total	26	15*	Lawyer required	11

19. It provides for a total of 26 posts, including the Ombudsman and his deputies. There are currently a total of 14 posts that are distributed as illustrated in the same table.

Number of Complaints received between 2014 and 2019

<i>year</i>		<i>Complaints</i>	<i>Total</i>
2014	1st Semester	34	
	2nd semester	77	111
2015	1st Semester	56	
	2nd semester	104	160
2016	1° semester	81	
	2° semester	78	159
2017	1° semestrer	62	
	2° semester	163	225

<i>year</i>		<i>Complaints</i>	<i>Total</i>
2018	1° semester	126	
	2° semester	110	236
2019	1° semester	134	
	2° semester	N.A.	134
Total			1 025

Complaint Handling – Summary

Preliminary analysis

(a) Once entered in the Ombudsman, the communication is subject to a preliminary analysis in order to assess its admissibility as a complaint, that is, to verify:

- Meets the requirements of Article 2 (scope) in conjunction with Article 29 (1) (having the complainant’s signature and residence permit) all of Law No. 29/VI/2003 of August 4;
- If the complainant’s claim does not exceed the limits of the Ombudsman’s performance and powers, as set out in Articles 25 and 26 of Law 29/VI/2003 of 4 August.

(b) Once admitted by the Ombudsman, the complaint is distributed to a lawyer and proceedings are opened and investigated;

(c) If not accepted, the complaint is filed;

(d) Another possible preliminary decision, besides the previous ones, is the referral of the complaint to an authority with competence in the matter.

20. Any of the previous decisions taken at the preliminary stage are communicated to the complainant and there is an obligation to state reasons in case of non-admission.

The subject of complaints

21. Preteens such as reclassifications, promotions and career advancements, retirement pensions, retroactive payment and miscellaneous pay, services such as water and electricity supply, form the bulk of the matters dealt with in complaints. The rights to name (registration of children) and nationality, urbanistic issues (building lots, movement and general mobility among others) are also matters of many citizens’ complaints.

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

Reply to paragraph 3 of the list of issues

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.

22. The Constitution provides for a prohibition of discrimination, establishing “as grounds for discriminatory treatment those based on race, sex, descent, language, origin, religion, social and economic conditions or political or ideological beliefs.”

23. The Constitutional Court has interpreted this prohibition as unlimited, although the committee understands that the scope of protection offered by this provision is, however, narrower than required by international best practice standards.

24. In addition to the Constitution, other laws – such as Law No. 40/VIII/2013 on the rights of persons with disabilities and Special Law No. 84/VII/2011, January 10, combating gender-based violence – provides protection for GBV victims.

25. Also the Cape Verde Penal Code, as highlighted by the State Party in its Initial Report, prohibits discrimination with imprisonment for up to two years or a fine of 100 to 300 days.

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

1. Approval of Law No. 40/VIII/2013 of 17 September (establishing an integrated and cross-sectional view on prevention, habilitation, rehabilitation and participation of persons with disabilities, in line with its Convention, ratified by Cape Verde in 2011).

2. Approval of Decree-Law No. 38/2015 of 29 July, which establishes the procedures for recruitment and selection in the Public Administration, provides for a 5% quota for people with disabilities.

3. Tax benefits for companies that create jobs for people with disabilities (Law No. 26/VIII/2013 of 21 January, which approves the Tax Benefits Code (as amended by Law No. 102/VIII January 2016 and the State Budget for 2017).

4. Beneficiaries of scholarships for vocational training, awarded by the Ministry of Family and Social Inclusion (MFIS), persons belonging to a low income household and persons with disabilities (Ordinance No. 7/2017, of 6 March).

5. Enrollment and free attendance at public schools for people with disabilities (pre-school, primary and secondary school, university or professional training) The State Budget 2019 (Law 44/IX/2018 of 31 December) under the terms regulated by Ordinance No. 27/2018, of 8 August. This measure has been adopted since 2017 and is proposed in the State Budget 2020/2021.

6. Approval of the Teleworking Law (legislative authorization passed).

7. The Strategic Plan for the Rights of Persons with Disabilities (for 2020) is in the final stages of preparation. Strategic measures: Accessibility, Education, Health, Poverty Reduction and Labor Inclusion, Sport, Culture and Leisure, Institutional Coordination, Management, Monitoring and Evaluation.

26. It integrates a gender approach, identifies the multiple discriminations affecting women with disabilities and their families, and has gender as a cross-cutting theme, while pointing out specific interventions. The Plan highlights the employment situation of women with disabilities: more than half of people with disabilities are inactive (50.9%, 55.2% for women and 44.8% for men), with women also most affected by unemployment, which globally affects 63% of people with disabilities. Barriers to employment include difficulties in accessing education, employers’ attitudes and low self-esteem for people with disabilities. advance with its completion? And the regulatory framework? “

Updated information:

27. Thus, Decree-Law 21/19 of 24 May was published, which develops the general bases of the legal regime for the prevention, habilitation, rehabilitation and participation of people with disabilities, which develops the following subjects: (a) Employment and professional qualification; (b) investment in rehabilitation entities; (c) Health; (d) housing

and urbanism; (e) Transport and mobility; (f) Culture, sport, leisure and science; (g) Participation of the disabled person.

Regarding the National Plan for the Inclusion of Persons with Disabilities

28. This includes, in a first phase to be completed later this year 2019, the elaboration of the diagnosis on the situation of people with disabilities in the country (demographic, socio-cultural and economic), allowing updated data for the planning process. The document will serve as the basis for the elaboration of the above Plan (for the 2020–2023 horizon).

29. For the elaboration of the National Plan, it was necessary to proceed with the regulation of the Basic Law for the rehabilitation of people with disabilities, a legal instrument that allows the creation of the institutional framework for the implementation of the proposed measures.

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

Reply to paragraph 4 of the list of issues

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)

30. PNIG 2015–2018, as a Strategic Plan for gender policy operationalization, is aligned with the national strategic development agenda. At the country's option, it proposes measures for the gender mainstreaming in strategic and sectoral planning, and its institutionalization at various levels, in order to achieve qualitative changes in behavior and attitudes towards the role of women and men in Cape Verdean society. The 2015-2018 PNIG is in line with the previous instruments of materialization of the country's gender policy, which in general have provided public institutions, civil society and partners with a coherent and systematic intervention framework in the field of gender equality. These documents have been able to mobilize funds from different development partners and their assessments have contributed to the reorientation of planning.

31. Annex I PNIG 2015–2018, available in Portuguese only.

(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

32. Measures taken, and results, to eliminate harmful practices and stereotypes that discriminate against women:

- The II Plan of Action on Immigration and Social Inclusion of Immigrants (2018–2020), coordinated by the Immigration Directorate General – DGI, was approved by Resolution No. 3/2019 of 10 January and provides for a study on cultural practices and gender relations. within immigrant communities in partnership with ICIEG, National Institute of Statistics and academia. It is also planned to continue training sessions for community and association leaders (men and women) on promoting gender equality, human rights and combating GBV, where FGM issues and early marriage are addressed.
- In 2018, the DGI carried out IEC actions with immigrant women living in the islands of Santiago, Sal, Boa Vista, São Vicente and Santo Antão. Training sessions on Gender, Human Rights Citizenship and combating gender-based violence were carried out in partnership with CIGEF/CV University and Praia City Council. In total, 118 immigrants were covered by these actions, 93 women and 25 men. Likewise, the Plan of Action continues the mobilization and incentive actions for the participation of women in the associative movement, with a view to increasing the percentage of immigrant associations with women in the social bodies of

associations to defend their rights and duties in the Cape Verdean society. In addition, DGI is defining measures for the Assistance and Protection of At-Risk Immigrants that respond to the specific needs of at-risk immigrants (victims of trafficking, readmission of third-country nationals, discrimination, applicants for voluntary return, combating harmful practices, early marriages, genital mutilation, child marriage).

33. Measures taken to prevent harmful marriage practices of girls, involving or cohabiting or unmarried partners. The issue of early marriage is part of the issues addressed in awareness-raising actions with immigrant communities, and can be reinforced with communities in general through awareness actions by CSOs, Institute of children and youth, and grassroots services such as health. Census data indicate that in 2010, 238 girls aged 12 to 14 were cohabiting or are in a situation of unmarried. The Civil Code does not recognize cohabiting or married partners in children under 19 (as a union can be recognized after 3 years of cohabitation).

- It is also possible to point out as a measure and increase the representation of women in society the proposed Parity Law presented in the Cape Verdean Parliament.
- This bill follows on from the Rui Vaz Declaration, a joint RMPCV manifesto from ICIEG, women's political party associations and non-governmental organizations dealing with gender equality and women's rights in parents. The National Assembly has taken up the cause of gender parity and thus has become one of the main allies of its internal structure, which is the Cape Verdean Women's Parliamentary Network, in implementing the Gender Parity Advocacy Action Plan, whose memorandum of understanding for its practical operationalization was signed in March 2018 by the RMPCV, ICIEG and UN Women.

34. The main objective of the Parity Law is to prevent and combat discriminatory conduct based on sex and to promote active gender equality policies in order to make the principles of human dignity effective, justice and equality, enshrined in our Constitution and also contribute to the consolidation of democracy.

35. Annex II Parity Law proposal, available only in Portuguese.

36. In the context of the fight for effective equality between men and women, the parity law is an important milestone within the framework of policy measures to combat gender discrimination. In this sense, all public authorities are bound to adopt measures to effectively promote equality between men and women, as well as measures to combat all forms of discrimination.

(c) The mandate of the Institute for Gender Equality and Equity and measures taken to ensure its full effectiveness

37. ICIEG is a public institution of collective personality with administrative, financial and patrimonial autonomy.

38. Created on 10 January 1994 as the Institute for Women's Status (ICF), it was renamed the Cape Verdean Institute for Gender Equality and Equity (ICIEG) on 10 July 2006, published in the Official Bulletin, I Series, No. 20.

39. The Cape Verdean Institute for Gender Equality and Equity (ICIEG) acts as a space for the integration and horizontal articulation of governmental sectoral measures on gender equality and women's capacity building, coordinating public policies and contributing to for the definition of government strategies and the competence to coordinate gender equality promotion activities. It works closely with other public sectors, NGOs and municipalities. In fulfilling its mandate, it prepares the National Plans for the Promotion of Gender Equality. Monitors the development of the situation and manages the Gender Observatory on a day to day basis.

Reply to paragraph 5 of the list of issues

In view of the Committee's previous concluding observations (para. 9) and the State party' 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

1. Information production, awareness and information
 - Conducting national campaigns to combat and prevent GBV;
 - Inclusion of issues related to genital mutilation;
 - Production of handbook and guide for students and teachers on gender equality and GBV;
 - Introduction of the Gender Equality module in vocational training curricula;
 - Introduction of the Gender Equality Module in the initial formation of the National Police;
 - Conducting a study on Homicide against woman in Cape Verde;
 - Teacher and student training in GBV and gender equality;
 - Production and Television Program “Different and Equal”;
 - Launch of the contest “Tales on Gender Equality” in secondary schools. 2nd edition.
2. GBV Victim Care and Protection
 - Implementation of Victim Support Centers in the 22 municipalities of the country;
 - Offices to assist victims in the 9 police station of the country;
 - Redesign of “Rede Sol” Program and training of new and old members;
 - Implementation of shelters and support centers to install GBV victims and dependents;
 - Production and socialization of procedures manuals for key actors in the care of victims of GBV (National Police, Health; victims’ care technicians);
 - Allocation of prosecutors only for GBV cases.

(b) Identifying possible shortcomings in the 2011 Law on Gender- based Violence and its regulatory framework (Decree-Law 8/2015)

40. In a training conducted with Magistrates came some recommendations regarding the improvement of the GBV Law:
 - (i) The possibility of GBV crimes following summary proceedings, Article 35 (2) of the law may be constrained by the need for instruction. Indeed, it is proposed that cases of detention in the act of crime be excepted so that they may be tried in summary proceedings, without the need for instruction;
 - (ii) Amendment of article 26 to allow the suspension of the sentence even in the case of 3 years penalty;
 - (iii) Revision of article 23 (paragraph 3, regarding sexual crimes) paragraphs 2 and 3 of the article violates the principle of determinability (with differences of disagreement among those present), article 24, the existence of a minor child ends up automatically aggravating the penalty, which makes no sense, should be explicit cases, especially if they were present at the time of the crime was committed and suffered consequences.

(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

41. PNIG 2015–2018 Key Findings:
 - Fewer cases of homicide against woman in the country compared to previous years, as a result of outlined policies and articulations on the ground, with structures set up to combat the phenomenon. Today we are breathing relief when we see a drastic decrease, until October this year, there was only one case, this result comes from

outlined policies, namely the risk assessment system, presented to the national police, with positive results. In 2018 there were 8 cases.

- The country has been experiencing a “considerable decrease” of GBV cases, which shows the fluency in data production, and an improvement in its articulation with the Public Ministry, National Police and other instances. This decline is anchored in the intense work being done on the ground, alongside traditional partners, indicating that last year alone ICIEG trained over 400 community leaders, teachers and students in order to increasingly impact.
- A set of sustainable, pedagogical and transformative actions were implemented. In addition, a strong focus was placed on education, the formation of development engines that enable the change of attitudes, values and practices harmful to society as a whole.
- Work at local and national level would have no impact if we did not have the support of partners aligned with our values, who believe in an egalitarian society free from violence against girls and women.
- There was also a strong focus on communication, as in order to reach society it is necessary to look for different ways of communicating, favoring the change of mindset needed to achieve gender equality. Thus were realized:
 - National training of 436 community leaders on Gender Equality and GBV;
 - National training of 127 Teachers and 308 Students in Gender Equality and GBV;
 - Actions such as Rede Sol Restructuring;
 - Reinforcement of GBV Information, Awareness and Communication Activities;
 - Support material reproduction for CAV;
 - Technical Assistance for the Preparation of a Handbook for Equality for Teachers and a Guide for Equality for High School Students;
 - Protection and assistance activities for GBV victims.

Please also provide information on:

(a) Whether a third national plan is under preparation and provide details on its content

42. The National Plan for Gender Equality (PNIG) 2019–2023 succeeds the PNIG 2015–2018. The document, funded by UNDP, UNFPA and UN WOMEN, is in line with the 2017–2021 Strategic Plan for Sustainable Development (PEDS), as well as the main international agendas for gender equality and development and the commitments made by them. State of Cape Verde.

43. The PNIG 2019–2023 presents itself as a document that outlines a strategic vision, the goals and approaches to making efforts to “think together” for gender equality and “empower women and girls”.

44. Specifically, PNIG 2019–2021 aims to:

- Create an enabling environment for gender equality and women’s empowerment by addressing the factors contributing to gender inequalities in Cape Verde;
- Strengthen national capacities for the implementation, coordination, monitoring, evaluation and accountability of initiatives to promote gender equality and empower women and girls;
- Strengthen and promote the mainstreaming of the gender approach in national planning, policy formulation, legislation and its implementation processes.

45. The results of these actions are not, as you might imagine immediately, but will certainly impact the generation of our children.

46. The document is still in the socialization phase with the various national and international partners, a final version of the document is not available.

(b) The number and location of functioning shelters and support centres for victims of domestic violence

47. At the moment there are 4 functioning shelters, in the mode of “passage”, ie of temporary stay, 2 on the island of Santiago (one in Praia and Ribeirão Chiqueiro), one in Fogo island and one in São Vicente.

(c) Whether spousal rape is explicitly criminalized in national legislation

48. The GBV Act defines in Article 3 (c) (iii) “Gender-based violence” as all manifestations of physical or psychological violence, whether they result in offenses to physical integrity, sexual freedom, or coercion threat, deprivation of liberty or harassment, based on the construction of unequal power relations, namely by the economic, social, cultural or any other ancestor of the aggressor in relation to the offended person, considering:

49. Sexual violence: any conduct practiced for the release or satisfaction of the sexual instinct, involving threat, intimidation, coercion, fraud, deliberate placing of the victim in unconsciousness or inability to resist, physical assault, blackmail, including not only the sexual act of penetration but also any other forms of sexual contact, limiting or nullifying the exercise of their sexual and reproductive rights.

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.

50. FGM is a recent phenomenon linked to migration. No cases of FGM have been identified by actors working in the field with immigrant communities, be they DGI, CIGEF or health facilities.

51. Data from the police and prosecutors in Cape Verde do not reveal complaints about the practice of FGM carried out in the country. FGM is considered a crime of GBV, punished by the GBV Law as a serious offense to physical integrity (article 23, paragraph 2), and it is even possible to punish agents even when the fact did not occur in Cape Verde, but these here meet. Training sessions on GBV and GBV Law refer to FGM as a harmful practice and GBV crime. Training directed at health professionals focuses on the obligation to report cases they come to know, as well as refer the victim and parents to support services; Also, the need to include this theme in their actions information and awareness. Under the Immigrant Social Integration Project (PISI) information and awareness raising sessions on fundamental rights are being held with the immigrant community, including gender equality and the prohibition of early marriage; sexual and reproductive health (SRH) and women’s autonomy; and GBV, which includes FGM. Actions were taken for immigrant women on the islands with the highest concentration (Boa Vista, São Vicente and Santiago). Awareness-raising actions for immigrant men and young people with the same themes are foreseen through a partnership with Rede Laço Branco Association.

52. A questionnaire from the Demographic and Reproductive Health Survey (IDSR III 2018) has recently been completed and has included questions about FGM and data on this will be available when the definitive data from this survey are released.

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

Reply to paragraph 6 of the list of issues

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

53. Voluntary termination of pregnancy was legalized with the approval of Law No. 9/III/86 of 31 December, and regulated by Decree No. 7/87 of 14 February.

54. It is authorized in the first weeks of pregnancy, up to 12 weeks, in a duly accredited hospital and under medical care (article 2 of Law No. 9/III/86).

55. After 12 weeks of gestation, the law also allows termination of pregnancy for reasons of preservation of the physical and mental health of women and the fetus, including serious injury, risk of death, possibility of contagion of disease and serious physical or mental defects (Article 3 of Law No. 9/III/86).

Indicate whether the State Party intends to compile statistics on termination of pregnancy, including clandestine abortions

56. Yes. Since these data corroborate the data on number of pregnant estimates/number of births, and allow better planning in the fight against clandestine abortion.

Provide detailed information on the number of obstruction-related complaints reported at voluntary termination of pregnancy for some women with disabilities and the rationale behind these obstructions

57. There are no complaints or complaints filed at the Ministry of Health and Social Security/National Reproductive Health Program related to obstruction of voluntary termination of pregnancy, however, if identified a victim is established to report and referral.

With respect to the State Party report (paragraph 56), provide further information on measures taken to ensure access throughout the country to quality and adequate sexual and reproductive health services and education, including for the most vulnerable people

- Training of technicians to ensure the effective access of all women to sexual and reproductive health care without prejudice.
- Dissemination of information on sexual and reproductive health rights to health workers and the general population.
- Promotion of sexual and reproductive health through television spots including sign language; editing briefing papers on SSR in Braille.
- Physical adequacy of structures to facilitate access for persons with disabilities.
- Adaptation and extension of the opening hours of some health centers.
- Organization of mobile teams to travel to hard-to-reach locations for SRH care.
- Specific spaces were created to serve adolescents in health centers in the country, facilitating access to SSR services with more privacy and confidentiality.
- Right to life and climate change (arts. 6 and 25).

Reply to paragraph 7 of the list of issues

In view of the Committee's general comment No. 36 (2018) on the right to life (par. 62) and the specific geographical characteristics and location of Cape Verde, please provide information on measures to:

(a) Protect persons in the State Party, including the most vulnerable, from the negative impact of climate change and natural disasters on the enjoyment of their rights; and

58. Cape Verde has been a party to the United Nations Framework Convention on Climate Change since 1995 and has fulfilled its obligations under this Convention,

including the presentation of National Communications. Along these lines, it has drafted its National Climate Change Adaptation Action Program, the National Strategy for Resilient and Low Carbon Development, the National Strategy for Disaster Risk Reduction and other important documents to protect people, their communities and their economies in the face of the damaging effects of climate change.

59. Cape Verde, under the Paris Agreement, has prepared its Intended Nationally Determined Contribution-INDC. In this document Cape Verde has set ambitious targets both for mitigating greenhouse gas emissions and for adapting to the effects of climate change.

60. Mitigation measures include actions on renewable energy, energy efficiency, transportation, forests, waste and sanitation.

61. These measures, although mitigating, will have a positive influence on improving people's quality of life and health.

62. The public policy guidelines are clear in this regard and are included in the Cape Verde Sustainable Development Strategic Plan 2017–2021 (PEDS 2017–2021). As such, the country is implementing air quality and climate change policies that will achieve the values of the WHO ambient air quality guideline and policies and actions for the continuous and increasing introduction of renewable energy into the energy matrix, energy efficiency and mobility, with a view to significantly reducing the impact of emissions from the energy and road transport sectors.

63. However, we recognize that we still need policy improvements on climate change that are more inclusive (related to people with disabilities) and more gender sensitive.

(b) Ensure meaningful and informed participation by the entire population in projects that may affect sustainable development and resilience to climate change.

64. The action needed to mitigate and adapt to climate change will necessarily have a transformative impact on all societies and communities in a number of ways, notably through important implications for job creation and income opportunities.

65. A fair transition to sustainable development is to ensure that the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in a way that maximizes decent work opportunities for all, reduces inequality, promotes social justice and supports negatively impacted industries, workers and communities.

66. Thus, considering that the PEDS has a strong focus on social inclusion and assumes, as a commitment “the fight against social inequalities, focusing on a policy that will privilege social insertion and that will promote the dignity of the human person and his autonomy, with a country employment, income and education, so as to boost the social rise of the most disadvantaged on the basis of access to work and the constant improvement of their income and quality of life”; whereas, furthermore, PEDS considers the green economy and the blue economy as economic models to be developed in the country and the existence of ongoing projects for both the promotion and implementation of the green economy and the blue economy focusing on the agriculture and fisheries we believe that the conditions of fair, equitable and informed participation of local populations in the projects to be developed are met.

67. We can give concrete examples of projects related to co-management in the fisheries sectors, projects related to the resilience of the agrarian sector such as drip massification, the use of crops adapted to the current conditions of the country, reforestation with endemic species and others. native animals, the establishment of animals (mainly goats), among others.

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

Reply to paragraph 8 of the list of issues

With respect to the Committee's previous concluding observations (paragraph 11) and the State Party report (paragraph 65), respond to allegations of excessive use of force by law enforcement officials and provide an up-to-date number of related complaints received by the National Commission of Human Rights and Citizenship, the Office of the Ombudsman and the National Police Council for the current cycle of complaints and the outcome of these complaints. Please report on measures taken to: (a) prevent and sanction the use of excessive force by law enforcement officials as a form of extrajudicial punishment against youth; and (b) change the media and public discourse justifying this behavior.

68. From 2010 to 2018, the CNDHC received a total of 72 reports of abuse of authority and police aggression, corresponding to 14% of the total number of reports received.

69. In 2019, until October 4, the CNDHC reviewed 13 allegations of abuse of authority and police aggression.

70. When the CNDHC receives such complaints or becomes aware through the media, the complaints mechanism team analyzes the occurrence and requests due clarification from the institutions involved in both the inquiry process and the resolution process. In the case of the National Police, clarification of what happened and information on the outcome of the internal inquiries is requested, always recommending that situations be investigated, that responses be prompt, that results be disclosed and in cases where the violation is confirmed, human rights, compensation for the damage caused is recommended. At the level of the criminal process, the CNDHC monitors, with the collaboration of the victims of civil society until the outcome of the cases. In response to an inquiry requested from the National Police, it replied that:

- Most reports of police violence occur in public spaces;
- That the complaints filed are subject to the respective investigation and/or disciplinary proceedings and after the conclusion of the existence of criminal matters, are forwarded to the Public Prosecution Service;
- Knowledge of the attempt or consummation of the practice of police violence is known by reporting the complainant's victims;
- The National Police always elaborate investigation processes in order to verify the truthfulness of the accusations, in case of acts of torture, cruel, inhuman or degrading treatment, referred to in the media or denounced anonymously;
- In some situations the preventive suspension of the accused agent (s) may be determined, but the National Police has not specified the situations in which the suspension is decreed or the number of suspended defendants in relation to the allegations made;
- The disciplinary penalties applied range from fine in less severe cases to Suspension and inactivity in severe and proven cases. In the most serious cases, the suspension of the agent and the case, pending the court decision that may result in dismissal of the defendants;
- There are even cases of agents of the National Police, who after being presented to the Court for interrogation, were applied to the measure of coercion of pre-trial detention while awaiting trial;
- National Police ensures that there has almost always been a complaint or contentious appeal against the decision in disciplinary proceedings by the indicted agents;
- The National Police has a database on total offenses by type of crime and the data are published on the PN website where the latest data on the most frequent types of crime entering the police station are available. it can be consulted on the online site <https://www.policianacional.cv/>.

71. According to the PN, police abuses were all investigated and the perpetrators held legally responsible, with no records of impunity involving the security forces.

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

Reply to paragraph 9 of the list of issues

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.

Praia city Central Prison

72. The CCP has been redistributing prisoners in cells without neglecting the separation criteria provided by law, so it has organized a single prison wing for inward-facing Open Regime (RAVI) (75) and another for open-facing Prisoners. to the Outside – RAVE (20), thus clearing the prison complex No. 2 which is the most pressured.

São Vicente Island Central Prison

73. To combat overcrowding, four halls/cells have been set up for young inmates, to accommodate the Open Regime prisoners, and Closed Regime Prisoners, also to accommodate elderly prisoners and ill-health prisoners. Each hall/cells has about 20 inmates.

São Antão Island Regional Prison

74. In order to combat overcrowding in the Santo Antão Regional Prison, the distribution of prisoners in the cells, both, convicted and preventive, is kept balanced. There are no registration of complaint regarding ventilation of the cells and prison in general. When needed prisoners are transferred to the São Vicente Central Prison.

Fogo Island Regional Prison

75. One of the measures taken to combat overcrowding in prisons is the enforcement of the penalty of up to 8 years imprisonment in the regional jails. In view of this situation, it is already scheduled for October 10th of this year, the start of the expansion/requalification works of the Fogo Island Prison, which will double its capacity.

Sal Island Regional Prison

76. The only prison that has no overcrowding problems.

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.

77. In this item we can state that the country not only intends to take advantage of alternative measures to imprisonment but has been stimulating and enhancing the use of these measures, firstly through the approval of legislative measures aimed at broadening the range of situations in which courts can use of these alternative measures.

78. Among the main innovations brought by the 2015 criminal reform, the introduction of in-house imprisoning (house arrest or electronic monitoring), as a substitution penalty, the extension of the concrete measure of the penalty from 3 to 5 years as a formal presupposition for the suspension of the execution of the prison sentence, as well as, in terms of the rendering of work in favor of the community, having been increased from 1 to three years, the concrete penalties in which this type of sanction is likely to be applied.

79. These legislative measures also have the effect of widening the range of situations captured by the application of alternative measures to imprisonment. In addition, the abstract criminal framework provided for summary judgment has been extended from 3 to 5 years, which also enhances the application of substitutionary penalties. Thus in the courts the appeal to suspend the execution of the prison sentence has been increased, considering that previously, even in cases where the accused was primary, if a prison sentence of more than 3 years were applied to him, It would not be legally possible to have the sentence suspended, in which case the judge was required to apply the prison sentence.

80. In the case of house arrest, its application needs to be stimulated through the purchase of electronic bracelets, which has been impeding its use.

1. (a) – Further details of the time limits for each stage of criminal proceedings and cases in which they cannot be exceeded in relation to pre-trial detention.

81. Article 279 of the CPP establishes the terms of pre-trial detention, depending on each phase of the criminal process, which, once exhausted, dictate the release of the accused by extinction of the measure and if the accused is not released constitutes grounds for habeas corpus, pursuant to the provisions of article 18, al. d) CPP. We now transcribe article 279 of the CPP:

Article 279

82. Maximum duration of personal duress measures

1. Temporary custody shall be extinguished when, from the outset, the following have elapsed:

- (a) Four months without charge being filed;
- (b) Eight months without, having taken place at the preliminary contradictory hearing, an order of pronouncement was issued;
- (c) Fourteen months without conviction at first instance;
- (d) Twenty months without a second instance conviction;
- (e) Twenty-six months, without a final conviction.

2. The periods referred to in the preceding paragraph may be increased, respectively, up to six, twelve, eighteen, twenty four and thirty months when the object of the process is punishable by imprisonment with a maximum limit of more than eight years and reveals particularly complex because of the number of defendants or offenders or the highly organized nature of the crime.

3. The increase in the time limits provided for in the preceding paragraph shall be decided by the judge, at the request of the Public Prosecution Service or of its own motion, depending on the stage of proceedings concerned, and the request and the decision shall always be particularly motivated.

4. Without prejudice to the following paragraph, the time limits referred to in paragraphs 1 (c) and (d) and those correspondingly referred to in paragraph 2 shall be added six months if there has been an appeal to the Constitutional Court or the criminal proceedings have been suspended for a separate preliminary ruling.

5. Temporary custody shall in no case exceed thirty-six months from the date of detention.

6. The measures of periodic presentation to the authority and suspension of the exercise of his function, profession or rights shall be extinguished when, from the beginning of its execution, the time limits referred to in paragraph 1 of this article have elapsed. one third.

7. The provisions of paragraphs 1 to 4 of this Article shall accordingly apply to prohibition of removal from the country and prohibition and obligation to stay.

4. (b) Up-to-date information on the number of pre-trial detainees detained and released after the maximum length of pre-trial detention has been reached and whether or not they have received compensation.

83. We regret not having the information requested in al. b) of paragraph 4, however, we are looking forward to requesting this information from the Courts and providing it to the Ministry of Justice and Labor.

4. (c) Other precautionary measures applicable by judges when the maximum length of custody is reached.

- (a) Term of identity and residence;
- (b) Security deposit;
- (c) Periodic presentation to the authority;
- (d) Suspension of the exercise of function, profession or rights;
- (e) Prohibition of leaving the country;
- (f) Prohibition and obligation to stay;
- (g) Obligation to stay in housing and yet.

84. Asset Guarantee Measures:

- (a) economic security;
- (b) Preventive foreclosure.

Provide information on measures to assess the effectiveness in practice of measures facilitating the social reintegration of offenders, particularly young offenders. In this regard, provide:

(a) Information on the number of prisoners who have benefited from such measures; and

85. Below is a list of the measures and programs of social reintegration adopted in the different prisons and numbers of prisoners who benefited from the programs:

86. Praia city Central Prison:

- Reflective groups – 75 beneficiaries
- Group dynamics – 2,500 beneficiaries

87. São Vicente Island Central Prison:

- 44 prisoners convicted of GBV crime benefited from reflective groups
- 11 prisoners granted Labor Freedom claims
- 95 prisoners benefited from probation

88. Note: There is no record of recidivism by these inmates

89. Sal Island Regional Prison:

- They are on probation – 20 Inmates
- They are on Precarious Leave – 17 Inmates
- Are in Labor Freedom – 01 Recluse

90. Santo Antão Island Regional Prison

- Apart from the easing measures of punishment (probation and probation) that support the gradual integration into society, there is also the Reflective Group for GBV defendants and the Psychosocial Support Space (EAPS) for inmates with alcohol and other drugs, that prepare the prisoner not to recur and fit him into society. But none of them have measures for evaluation, specifically we have nothing to know the impact of this work, except the little recurrence in Santo Antão.

(b) Age-disaggregated data on the number of prisoners imprisoned for the first, second, third or subsequent offenses.

91. São Vicente Island Central Prison
- 93 prisoners were repeated for theft crimes and,
 - Repeat Crime:
 - 68 for theft crime from the age of 22 to 35.
 - 05 homicides (age group: 35, 45, 50 and 55 years old). Being 55 years old, repeat offender 3 times.
 - 04 GBV (40, 45, 54 and 55 years old).
 - 07 Sexual Rape/Abuse (age group: 38, 40, 50, 53, 54, 55 and 62 years old).
 - 05 Drug trafficking (age group: 30, 32, 36, 39.54 years old).
92. Sal Island Regional Prison
- Sexual Assault – 01 Inmate (Primary)
 - Physical Assault – 02 Prisoners (Primary)
93. Santo Antão Island Regional Prison
- Those who were followed on Parole, Reflective Group and Psychosocial Support Group have not yet recurred, ie we have no cases of repeat offenders for aggression.
 - With respect to the State Party report (paragraph 110), provide information on measures taken to separate youth and adults in all prisons throughout the country.

Praia city Central Prison:

- Following the law on the separation of young people, the directory of the Praia city Central Prison, in partnership with the Ministry of Justice and Labor, reorganized the cells of the 16–21 year-old inmates, providing better housing conditions for the cells through the works carried out by the Ministry of Justice and Labor and finalized in the last quarter of last year, which mainly enabled young people to actually be in a single prison sector.

São Vicente Island Central Prison:

94. Prison cells with bunk beds has been set up for young people aged 16–21.

Sal Island Regional Prison:

95. Because the establishment does not have a youth-only sector, they are in the same sector as adults, but in a separate ward and cells.

Fogo Island Regional Prison:

96. Young people aged 16 to 21 must live in separate cells.

São Antão Island Regional Prison:

97. In this prison establishment they are not separated because the number of prisoners with different age range and number of existing cells does not justify this separation.

Reply to paragraph 10 of the list of issues

Please respond to the allegations of three deaths reported in prisons in 2017 and provide information on the investigation and outcome of these cases.

98. Praia Central Prison was registered in 2017, two deaths, both duly reported to the competent bodies provided for by law. These are the cases of Inmate Alex Sandro Mendes Teixeira (heart disease) and Artur Nobre Tavares who suffered a stroke.

Indicate the annual budget allocated to the prison administration over the past five years

Orçamento Anual Alocado à Administração dos Estabelecimentos Prisionais							
O_NAT	COD_SERVICO	SERVICO	2015	2016	2017	2018	2019
FUN	40.10.15.08.01	Funcionamento - DG de Gestão Prisional e Reinserção Social	21 003 276	32 578 572	58 091 727	59 686 260	43 582 319
	40.10.15.08.02	Cadeia Da Praia	76 642 281	86 003 284	99 673 491	126 271 567	129 473 939
	40.10.15.08.03	Cadeia De S.Vicente	46 471 053	50 051 676	50 051 676	62 387 748	67 868 232
	40.10.15.08.04	Cadeia Do Fogo	7 829 493	8 346 006	8 346 006	10 462 134	13 466 268
	40.10.15.08.05	Cadeia Do Sal	3 810 984	6 247 680	6 247 680	10 574 560	19 000 356
	40.10.15.08.06	Cadeia De Ponta Do Sol	6 307 641	5 497 308	5 497 308	9 239 628	13 451 700
	40.10.15.20.07	Cofre DGSPRS	3 102 846	3 102 846	3 102 846	3 049 806	6 546 974
	40.10.15.20.11	Cofre - Csof	2 491 264	2 491 264	2 491 264	2 451 508	10 053 285
	40.10.15.20.15	Cofre - Cadeias	74 012 233	74 012 233	15 942 503	15 086 610	17 542 094
FUNCIONAMENTO Total			241 671 071	268 330 869	249 444 501	299 209 821	320 985 167
	50.03.01.02.03	Construção da Cadeia Regional Do Sal	0	0	92 000 000	35 629 042	20 068 728
INV	50.03.01.02.09	Obras de Requalificação Cadeia Central da Praia	4 000 000	7 000 000	0	44 547 198	0
	50.03.01.02.10	Formação de guardas prisionais	3 500 000	3 500 000	0	5 083 471	5 183 471
	50.03.01.02.16	Sustentabilidade das Cadeias	7 500 000	7 500 000	0	3 400 000	5 400 000
	50.03.01.02.17	Centro Internamento de Menores em Conflito com a lei	3 250 000	3 250 000	4 750 000	4 750 000	95 536 259
	50.03.01.02.20	Obras Requalificação Da Cadeia Do Fogo	0	0	0	0	68 089 765
	50.03.01.02.21	Obras De Requalificação Da Cadeia De São Vicente	1 000 000	0	0	0	14 547 198
	50.03.01.02.19	Apoio Institucional Direção Geral Dos Serviços Prisionais E Reinserção Social	0	0	0	7 500 000	0
	50.05.01.03.22	Desenvolver Sistema de Assessoria aos Tribunais de Execução de Penas	1 400 000	1 500 000	1 500 000	1 700 000	1 700 000
	50.05.01.03.25	Reintegração dos jovens em conflito com a lei	3 000 000	3 000 000	5 500 000	5 500 000	5 500 000
	50.05.01.03.58	Reinserção Social Dos Reclusos	8 377 636	4 877 636	8 500 000	8 500 000	8 500 000
	50.05.01.03.59	Sistema Prisional Seguro	6 500 000	7 000 000	0	9 181 568	19 931 568
	50.05.01.03.67	Implementação Do Plano De Reinserção Social	0	0	0	0	23 309 847
INVESTIMENTO Total			38 527 636	37 627 636	112 250 000	125 791 279	267 766 836
Total Geral			280 198 707	305 958 505	361 694 501	425 001 100	588 752 003
Varição Geral %				9%	18%	18%	39%
Fonte:							
https://www.mf.gov.cv/							
https://kiosk.incv.cv/							
DGPOG/MJT							

and respond to allegations of cruel, inhuman or degrading treatment or punishment of prisoners, including:

(a) Isolation of new prisoners for up to 30 days in tight cells

99. The newly approved and enforced new Code of Enforcement of Conventional Criminal Penalties has banned the isolation of convicted prisoners under the age of 18 and its prohibition on detainees or detainees with mental disabilities and women with children.

100. After the entry into force of the New Code of Execution of Sentencing Criminal Sentences, all the isolation cells existing in all prisons in the country were extinguished. Currently there are reception cells, where the prisoner remains for a maximum of 5 days, to the same knowledge., identification and medical evaluation.

101. In this regard, we have been vigilant to nullify such occurrences, directing the staff of the CAP to abide by the current legislation and above all to prohibit any measures or practices that undermine the dignity of the prisoner.

102. In São Vicente's central prison a hall was created to house the newly arrived inmates. They spend a maximum of 15 days in the large space (5 by 5). It is a period of adaptation, so that they can be known by the body of Prison Agent, go through the ward service, social work and psychology when there is an urgent need considering that we do not have a psychologist in the service, also goes through the care of the direction and security service so that they can learn about the rules of operation, rights and duties of prisoners. Also as a way to prevent suicide the prisoner is never alone in the cell.

103. All prisons in the country have a reception cell, not a isolation cell, which also serves as a preventive cell, according to the number of detainees.

(b) Inadequate sanitation, ventilation, lighting, heating and beds; and (c) inadequate detention conditions for prisoners with mental health problems. With respect to the State Party report (paragraph 121),

Praia city Central Prison:

104. Certainly in the older complex there are architectural and physical limitations arising from the non-existence in several cells (youth sector) of brick and iron bunk beds, the latter

being suppressed after the 2005 riots, so we will be available to evaluate and propose superiorly the adoption of measures to resolve such constraints.

São Vicente Island Central Prison:

105. The São Vicente Central prison does not present lacks of ventilation, lighting or heating. The reception hall of newly entered inmates do not have beds, but mattresses that are placed on the floor. Each sector has a shared bathroom, as well as the respective halls. The establishment does not have adequate space for inmates with mental problems, but these are always placed in sector 3 which is a calm and safe space in case of decompensation. Nor are they ever placed alone. In case of decompensation, they are always attended by the nurse who can medicate them according to medical prescription or are sent to the Emergency Bank and after their return Regional Sal Island Prison.

106. The lighting and ventilation conditions are not recorded any complaints or complaints in this regard, and the conditions of detention in this prison establishment within the minimum required standards.

Fogo Island Regional Prison:

107. New equipment and bedding and mattresses have recently been purchased for the Regional Prison, significantly improving the detention conditions of prisoners.

Santo Antão Island Regional Prison

108. With the latest works, it has improved sanitation, ventilation and lighting conditions; Prisoners with mild mental health problems are being held at this prison, however, they are always in cells with other normal colleagues for better security.

Provide detailed information on the number and frequency of inspection visits to prison facilities by the relevant bodies under the Directorate General for Prison Services and Social Reintegration, the Public Prosecution Service and the National Commission on Human Rights and Citizenship over the past five years. Provide more information about the three complaints to the Public Prosecution Service mentioned in the State Party report (paragraph 120) and their results.

Praia City Central Prison

109. According to our records, there have been frequent visits in the last 03 years mainly by the CNDHC (more than 03 per year), the Public Prosecution Service (03 in the last 3 years) and very recently by the Ombudsman and the Subcommittee on the Prevention of Torture in the past October 3rd of the current year.

São Vicente Island Central Prison

110. In terms of inspection we have received visits:

- Frequent visit by the Directorate General of Prison Services in the person of successive Directors General
- DG From Directorate General for Budget and Management, in order to know and make needs assessment
- Nacional National Commission on Human Rights (last was 2017)
- Prosecutors (at least once a year we receive the district attorney, but contact by phone is frequent)
- Visit of the Minister of Justice and Labor
- Visit of the President of the Republic in 2014, where he visited the entire prison and reportedly met with the prisoners

Fogo Island Regional Prison

111. During the last 2 years were received:

- 2 Public Prosecution Service visits
- 1 CNDHC visit
- 1 visit of Directorate General of Prison Services and Social Reintegration

Santo Antão Island Regional Prison

112. From 2017 to this date were made by these bodies two visits, and took good impressions of this establishment.

Sal Island Regional Prison

113. During the last 5 years have been received:

- 6 Public Prosecution Service visits
- 1 CNDHC visit
- 1 visit of Judgment Crime

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

Reply to paragraph 11 of the list of issues

Provide information on measures taken to reduce insecurity throughout the country, and in particular: (a) updated data on the annual rate of violent crime in the State Party over the past five years; (b) information on measures to combat insecurity; and (c) information on measures to address the root causes of youth gangs and juvenile delinquency. Also provide the annual budget allocated to the national police over the past five years and respond to allegations of limited police equipment and forensic capacity in the judiciary.

Emergency measures in the field of internal security

114. In November 2017, the Security and Citizenship Plan (PNSIC), published in the B.O. No. 74, I SERIES, of 6 December.

PNSIC Objectives

115. Looking at violence and crime as broad, multidimensional and complex phenomena that, as such, require a multi-sectoral approach that can act in a supported manner on the factors that tend to motivate their emergence, the PNSIC embodies a public policy. Security, Development and Citizenship, fundamental dimensions of the Government's national strategy for local promotion of Citizen move.

116. Thus, the PNSIC is concretized in a new dynamic of intervention in the confrontation of violence and crime, with a privileged preventive and socio-educational scope, whose logic is primarily supported by three principles:

1. Proximity intervention: aims at strengthening the social and not merely physical exercise of authority as a result of the implementation of local prevention mechanisms that favor a humanized urban environment and full identification between citizens and authorities;

2. intolerance to disability: oriented towards the timely identification and correction of antisocial behaviors and/or behaviors that most favor the outbreak of violence or that simply damage the values of community life or compromise good social coexistence and well-being;

3. Crime prevention and reaction: Aware of the limitations that the responses produced by traditional models have had in the effective reduction of violence and crime, we intend to stimulate a broad and deep institutional reform that materializes in the real qualification of police action and, consequently, of the criminal reaction with a view to a

faster and more effective identification and accountability of the perpetrators of criminal conduct, as well as a more efficient and effective reintegration of them in society.

Reply to paragraph 12 of the list of issues

With respect to the State Party report (paragraph 87), provide information on measures taken to ensure that detainees are brought to a judge within a period of not more than 48 hours as provided by law.

117. This legal provision has been fully complied with. All detainees in police stations have been detained for the shortest possible time, and within 48 hours fully complied with, there are no complaints regarding non-compliance with this legal imposition and fact recognized by the Subcommittee on Torture that recently visited Cape Verde. implementation of the optional protocol against torture, cruel, inhuman and degrading treatment.

Provide up-to-date information on the number of prisoners in custody in 2017 and 2018 and indicate the average length of time in custody. In view of the State Party report (paragraph 93), provide: (a) more details of the time limits at each step of the criminal proceedings that cannot be exceeded, mentioned in relation to pre-trial detention; (b) up-to-date information on the number of pre-trial detainees released after the maximum length of pre-trial detention has been reached and receiving compensation; and (c) details of other personal precautionary measures that judges may apply when the maximum length of custody is reached.

Praia city Central Prison

118. From the compiled data, it is noted that 20% of the general prison population of the CCP in each period (around 220) is included in the database as preventive. We believe that the average time is 06 months, safeguarding very few cases in which the detention of the prisoner is extended.

São Vicente Island Central Prison

In the year 2017 – Preventive Prisoners

<i>Month</i>	<i>Man</i>	<i>Woman</i>	<i>Total</i>
January	8	2	10
February	7	2	9
March	15	2	17
April	17	2	19
May	8	2	10
June	7	2	9
July	13	1	14
August	16	1	17
September	22	1	23
October	22	1	23
November	24	0	24
December	28	0	28
Total			203

In 2018 – Preventive Prisoners

<i>Month</i>	<i>Man</i>	<i>Woman</i>	<i>Total</i>
January	30	0	30
February	34	0	34
March	35	0	35
April	35	0	35
May	34	0	34
June	31	0	31
July	32	0	32
August	39	0	39
September	41	0	41
October	40	0	40
November	43	0	43
December	35	0	35
Total			429

Santo Antão Island Regional Prison

119. In 2017 we had an average of 10 to 19 preventive measures throughout the year; in 2018 between 7 and 20 preventives. The average period of custody is from five to six months.

<i>Month</i>	<i>2017</i>	<i>2018</i>
January	17	23
February	16	24
March	20	24
April	19	22
May	18	21
June	21	22
July	19	19
August	20	13
September	20	13
October	19	14
November	20	17
December	20	21
Average	19	19

Sal Island Regional Prison

120. Preventive Prison

- 2017 – 43 inmates
- 2018 – 98 prisoners

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

Reply to paragraph 13 of the list of issues

State whether the State Party intends to strengthen the legal framework to combat trafficking in persons and, if so, provide an estimated timeline and elaborate areas for improvement. In addition, provide information on the status of implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, complementing 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 for trafficking in persons, investigations conducted and convictions given to perpetrators. Provide information on measures to improve: (a) training in combating trafficking in persons for law enforcement officials, judges, and prosecutors; (b) the adequacy of human and financial resources allocated annually to counter-trafficking measures throughout the country; (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 the identified victims.

121. The 2018 National Plan against Trafficking in Persons (PNCTP) was approved in 2018 (May 9) to contribute to the development and implementation of comprehensive and effective responses to the fight against trafficking in persons, with a view to human rights. and the adoption of a holistic approach to the problem, with emphasis on prevention, victim protection and repression of the respective crime.

122. In this sequence, the Observatory for Rapid Monitoring and Identification of Trafficking Situations was created, consisting of elements from various government structures, NGOs and members of civil society, as follows: Ministry of Justice and Labor, Ministry of Family and Social Inclusion, the National Police, the Judicial Police, the Superior Councils of the Judiciary and the Public Prosecution Service, ICIEG, ICCA, the COSPE Association based in São Felipe Fogo, Kreditá na Bo, with its headquarters in São Vicente, ACCIDENTS.

123. The Cape Verdean government, through the Ministry of Justice and Labor in partnership with international organizations, has conducted two training sessions involving various actors, namely judicial magistrates and the Public Prosecutor, Judicial and National Police, General Labor Inspectorate, ICCA, ICIEG, Kreditá na Bo and Cospe (see attached table).

124. The General Directorate of Justice Policy, the body responsible for the execution of the plan and as president of the Observatory, has been carrying out various activities with regard to raising awareness and awareness of the existence of the phenomenon, and has also participated in large-scale events for sharing. and exchange of experiences, as shown in the table below.

Developed activities

2017

125. June 2017: Participation of the Minister and the Director General of Justice Policy in the meeting of the Ministers of Justice of the Portuguese-Speaking Countries-CMJCPLP/UNODC's Blue Heart Campaign. Raising society's awareness of the issue of combating trafficking in human beings and its impact on the world and on Cape Verdean society in particular.

126. July 31, 2017 For the first time, a symbolic act was held to mark World Day for the Fight against Trafficking in Human Beings, through a meeting in the courtyard of the Ministry of Justice and Labor with the participation of various national and international bodies. international. Demonstrate MJT's adherence to UNODC's Blue Heart Campaign.

127. August 2017 Confection of “Polo Blue” jerseys of the campaign, intended for all employees of the Ministry of Justice and Labor headquarters, worn every Friday (still being used on this date) signaling the day every week. Support symbol for combating trafficking in human beings.

128. September 2017 Preparation of book separators on the issue of Trafficking in Persons Society’s awareness of the problem of trafficking in human beings.

129. September 2017 Participation of the Director General of Justice Policy at the International Seminar on Tackling Trafficking in Persons and Smuggling of Migrants in Rio de Janeiro Brazil. Experience sharing and information exchange.

2018

130. (11–15 June) 1st Phase of the Trafficking in Persons Training, on the theme “Investigation and Prosecution of Trafficking in Persons” The first phase of the training aimed to train the technicians regarding the crime of trafficking in persons, understanding its concept, the national legal framework and the procedures to be followed in the investigation and prosecution of this type of crime.

131. The training was held against the background of an opening ceremony attended by Government entities and non-governmental organizations. The same session was chaired by the Minister of Justice and Labor Dr. Janine Tatiana Santos Lélis, by the senior coordinator of UNODC, Ana Cristina Andrade, the Ambassador of the United States of America, Dr. Donald L. Heflin, and the Director General of Justice Policy, Dr. Benvindo do Rosário Figueiredo Oliveira.

132. (24–26 July) Phase 2 of Trafficking in Persons training on “Victim Protection and Assistance” The aim of Phase 2 of the training was to contribute to strengthening the capacities of national public and civil society in identifying and assisting victims of IPT within the framework of existing legislation and taking into account the services available in Cape Verde. The training was attended by a simple opening ceremony attended by UNDP, Dr. Ana Cristina Andrade, from DGPJ, Dr. José Lopes Graça, Director of Service and from the United States Embassy to Adida, Mrs. Molly.

133. (July 30) Public presentation of the PNCTP and Possession of the Members of the Observatory against Trafficking in Persons. It should be noted that our plan has been the subject of a bilingual brochure – Portuguese and English and the translation into French has been completed and should be included in the 2nd edition of the book. The purpose of the act was to make the public aware of the existence of the First Plan against Trafficking in Persons in Cape Verde and to alert civil society to the existence of the phenomenon. The media (Radio and Television) took advantage of this act, the data collected to pass this information to the population. Both formations and the act of public presentation were the subject of a journalistic work published in the Expresso das Ilhas newspaper. The date chosen was July 30, which is the day that marks the international day against trafficking in persons.

134. Several entities were present at the public presentation, and the event was marked by two moments, the first one being the public presentation of the plan, followed by the opening ceremony by the Minister of Justice and Labor Dr. Janine Lélis, by UNODC senior coordinator, Dr. Cristina Andrade and the United States Embassy represented by Ms. Molly.

135. The second moment was marked by the presentation made by IOM representative in Cape Verde, Dr. Quélita Gonçalves, who presented Trafico de Internacional in the world and IOM’s experience in assisting the victims.

136. The compilation of the I National Plan against Trafficking in Persons aims to provide a better consultation by researchers and national and international partners that help us in dealing with trafficking. The English language version is intended for United Nations organs, the United States Embassy, and representatives of the Anglophone countries of our subregion. The French version is intended for ECOWAS countries, knowing that the largest of them are Francophone.

137. (To date) Wearing the Blue Heart Polo shirt “Blue” campaign every Friday by MJT officials. This is intended to make people aware of the fight against TIP, encouraging them to accept that Trafficking is a phenomenon that concerns all countries and encourages them to fight against it in order to show their solidarity with the victims of this scourge, using the blue heart as a symbol.

138. (October 19) 1st Meeting of Members of the Observatory against Trafficking in Persons The meeting had the following agenda:

1. Presentation of the draft rules of procedure of the Center;
2. Discussion of work methodology for the future;
3. Guidelines for the proposed plan of activities planned for this year/pursuant to Resolution of the Council of Ministers no. 40/2018 of 9 May

139. (November 22) 2nd Meeting of Members of the Observatory against Trafficking in Persons Agenda items:

1. Approval of the rules of procedure of the Center;
2. Request by the US Embassy for information on the TIP 2018 report;
3. Others.

140. (26–28 November) Participation of the Observatory Executive Secretary – Dr Iroine Izeneila Barros de Sena – at the annual technical meeting of the Member States focal points on the fight against trafficking in persons in ECOWAS held in Abuja – Nigeria. The purpose of the meeting was to develop the operational knowledge of Member State officials on current trends and the topic of trafficking in persons at both national and cross-border level and to enable the development of multi-country operational coordination, in particular in the context of mixed migration flows from West Africa to the Gulf and Central Africa, as well as assessing the current state of implementation of action to combat trafficking in persons in the Member States and determining future priorities in accordance with the new ECOWAS Action Plan.

141. (July 15–26) Director-General participated in the “International Visitor Leadership Program in the USA” – in addition to the DGPJ, representatives of MP, ICCA, ICIEG, ACRIDES, CNDHC, a United Nations consultant Nations and a National Deputy. It was an activity organized by the United States Department of State and aimed to make participants aware of the American reality regarding IPT and sexual violence against women and children.

142. (November 24–December 2) DGPJ participated in the conference on tackling trafficking in persons within the framework of the CPLP Presidency and complying with the 2013 and DILI 2016 Lisbon recommendations on the TIP held in Brasilia- Brazil The conference had two phases: the first focused on the presentation of the Brazilian experience in dealing with trafficking in persons, developed by public entities and various NGOs working in the area, and the second phase coincided with the 4th Meeting of the Working Committee on Trafficking in Persons under the CMJPLOP which consisted of surveying the recommendations of the 2013 lisbon meeting and of DILI 2016 and knowing which recommendations are complied with, complied with and not fully complied with.

2019

143. (January 3) DGPJ meeting with IOM Regional Coordinator – Richard DANZIGER and IOM representative in Cape Verde – Quélita Gonçalves. It aimed to share reciprocal experiences with regard to trafficking in persons and, above all, to talk about the current situation in Cape Verde and the role of IOM regarding victim assistance.

144. (21–23 January) DGPJ participated in the workshop “Typologies of money laundering and terrorist financing arising from trafficking in human beings and migrant smuggling in West Africa” that took place in Saly – Senegal. The conference aimed to present the work being done by national experts on the preparation of the National Reports on “The typologies of money laundering and terrorist financing arising from trafficking in human beings and illegal smuggling of migrants in Africa. Western”. The representative of

Cape Verde presented the concrete situation of the country in relation to trafficking through the presentation of the I Plan and gave his contribution to the elaboration of the report that is being made by an expert from Senegal.

145. (January so far) Support for TIP victims resulting from the request of the Sal Island Prosecutor's Office in compliance with the United Nations Convention against Organized Crime and its Additional Protocols obliging the State of Cape Verde to assume all responsibilities regarding the resulting logistics, support for victims (food, lodging, communication and others). This measure aims to ensure the safety of the victims, thus creating the conditions for the process to proceed normally until its final outcome. It aims to ensure that victims are able to live with some dignity regardless of their situation.

146. (February 08) 3rd Meeting of Members of the Observatory against Trafficking in Persons. The meeting had the following agenda:

1. Presentation and analysis of the current situation and;
2. Presentation, discussion and approval of the Internal Regulations of the Monitoring and Rapid Identification Observatory on Trafficking in Persons.

147. (July 30) 4th Meeting of Observatory Members The purpose of the meeting was to mark July 30, the international day against trafficking in persons. Observatory members were present at the meeting and UNODC senior coordinator Dr. Cristina Andrade and IOM office coordinator Dr. Quelita Gonçalves were all invited to present the balance of what was the phenomenon of the UNODC office. I traffic this past year.

148. For this purpose, a set of communication materials was prepared to inform people and society about the phenomenon, namely, Billboards placed on all the islands of Cape Verde, making stickers with the number denounces, posters, advertising spots broadcast on the Radios, Television and social networks.

149. Confection of Notebooks alluding to the date, indicating the number 132- number denounces.

150. In 2019 an amount of 4,000,000 ECV was budgeted to make some commitments to the phenomenon of trafficking.

Reply to paragraph 14 of the list of issues

Please elaborate on measures taken to deal with the exploitation and abuse of migrants and respond to allegations that migrants receive low wages and work without a legal contract.

151. The Constitution of the Republic of Cape Verde, in its art. 25th, with the exceptions made guarantees to foreigners and stateless persons residing or residing in the national territory the same rights, freedoms and guarantees and are subject to the same duties as national citizens.

152. Therefore, the law that sets the minimum wage regulated by Decree-Law No. 6/2014 and amended by Decree-Law No. 15/2018, sets the minimum guaranteed compensation at \$ 13,000, is applicable to all. It is the responsibility of the General Labor Inspectorate to oversee compliance with this legal provision by making routine visits or through requests for intervention or complaints.

153. Law No. 66/VIII/2014 of July 17, as amended by Law No. 19/IX/2017 of July 13, establishes the legal regime for the entry, stay and departure of foreigners from Cape Verde, which provides for provisions regarding the exploitation of migrants. The present provides for imprisonment for offenders in this area, also establishing punishment for attempting to commit this crime.

154. Cumulatively there is a special regime of temporary residence permit for victims of labor exploitation.

Provide detailed information on the number of domestic workers nationwide, the legal frameworks relevant to their protection, and measures to ensure the implementation of these frameworks in practice.

155. The Cape Verdean labor code recognizes domestic work as a legal modality of work, with specific guarantees, as well as guarantees for domestic workers for all other workers.

156. The Social Protection system also expanded its compulsory coverage to domestic employment, being class law and duty of the employer or employer to enroll in the INPS, in addition to the compulsory registration in the Compulsory Occupational Accident Insurance (SOAT), with the insurers nationals. The Labor Inspectorate has staff and mechanisms to address possible violations of the rights of domestic workers, including through an Intervention Request or through a face-to-face complaint or by calling toll free 8002727, accessible from any telephone. It was created in 2018, the Cape Verdean Domestic Workers Association and in 2019, the National Trade, Domestic and Service Workers Union, published in the BO of September 9, 2019. Domestic workers in Cape Verde represent 6% of workers 11,800 workers, representing 26% of active women.

Please report on measures to eliminate and prevent child exploitation, particularly for sexual and street begging, and child labor, particularly in the agricultural and domestic work sectors.

157. The approval of Law No. 113/VIII/2016 of 10 March, which created the National Table of Child Hazardous Work, is an important instrument for penalization, but also for prevention, given that Each type of hazardous work corresponds to its harmful consequences for children, which in turn impacts the awareness of parents, guardians and even society.

158. With regard specifically to child exploitation for sexual purposes, the amendments to the Cape Verdean Penal Code are noted, under observations, made by Legislative Decree No. 4/2015 of 11 November, essentially increasing the penal framework and granting greater protection to minors under the age of 18, specifically with respect to the crimes of pimping provided for in article 148, on the crime of enticing children to commit sexual acts abroad provided for in article 149, the crime of exploitation of minors for pornographic purposes, Article 150 and the addition under Article 145-A concerning the use of child prostitution.

159. In the same vein, the Government of Cape Verde, in its unremitting fight against sexual abuse of minors, through ICCA and in turn in partnership with the Specialized Committee on Constitutional Affairs, Human Rights, Security and State Reform of the Assembly National have triggered a legislative process with a view to producing a specific law on sexual abuse and exploitation against children and adolescents.

160. Alongside the legislation, several other activities have been carried out to prevent and combat child labor.

161. In close consultation, the General Labor Inspectorate and the Cape Verdean Child and Adolescent Institute (ICCA) have been conducting awareness-raising activities in various schools, workplaces, rural communities, with approaches to teachers, parents, carers and their own children.

162. With a focus on the sex crimes that constitute the worst child labor, Labor Inspectors, along with ICCA technicians, have been conducting information campaigns, raising awareness on the streets of Sal Island, as it is a tourist island and soon more likely to the practice of the alluded crimes.

163. In the context of June 12, World Day against Child Labor, following the themes launched by the ILO in partnership with the CPLP, lectures have been held in school auditoriums, with greater emphasis on the interior regions of the islands.

164. With the theme of the year 2019, “Children do not work in the fields, but in dreams”, actions were carried out in the rural areas of the Cape Verde Islands, as well as a television spot that is being presented on Cape Verde Television.

165. The theme was also addressed in the television program “Minority”.

166. Regarding the complaints platform, the General Labor Inspectorate and the Cape Verdean Institute for Children and Adolescents (ICCA) have their own numbers to file complaints, 8002727 and 8001020 respectively. Complaints can also be made in person with a guarantee of anonymity of the complainant. In order to investigate the complaints, the respective institutions have the support of the Cape Verdean Police.

167. The General Labor Inspection (IGT), in the context of Inspective visits, is always concerned with checking for children in the workplace.

168. The general labor inspectorate has also strengthened the inspection of apprentice workplaces to ensure that children under the age of 15 are not working, which is the minimum age allowed, as well as to assure minimum safety conditions for those legally entitled to work. exercise the activity.

169. It is also important to list crucial plans that are being implemented in Cape Verde: National Care Plan and Income Policy and Inclusion Income Plan and National Plan to Combat Sexual Violence against Children and Adolescents 2017–2019.

170. The National Care Plan will enable the professionalization of child carers and labor integration at the same time as the inclusion income will aim to sponsor income allocation projects for project development. When it comes to caregivers, they are caregivers, so this plan is meant to empower families so that there is no child abandonment and also to release children to school because this is the place of children. And thus begging is begging.

171. It is also worth mentioning the extension of compulsory and free education until the 8th grade.

Provide information on:

(a) Measures taken to ensure that independent children or children not linked to a contractual relationship also benefit from the legal frameworks to protect children;

(b) The concept of “light work” in section 65 (1) of the Children and Youth Act 2013 which allows children under 15 to perform household, agricultural or livestock work in their families.

172. The performance of the domestic tasks provided for in Article 65 (1) of the Child and Adolescent Statute (ECCA) approved by Law No. 113/VII/2016 must not jeopardize physical and mental development, nor may it affect school attendance, the hours of study required, children’s leisure as well as family and community life.

173. If there is any situation that goes against the provisions of the aforementioned diploma and other child protection legislations such as the National List of Dangerous Child Labor, approved by Law No. 113/VII/2016, the situation should be communicated to the competent authorities through anonymous reports or upon submission of a report of the occurrence. The competent authorities have anonymous reporting lines such as IGT-8002727, ICCA 801020, which are free to access from any telephone.

174. In addition to the denunciations, labor inspectors also pay special attention to this theme during the inspection activities.

Administration of Justice (art. 14)

Reply to paragraph 16 of the list of issues

In light of the strategic plans for justice reform adopted by the Ministry of Justice and the State Party report (paragraph 151), provide information on:

(a) The annual budget allocated to the judiciary over the past five years;

Orçamento Anual Alocado ao Sector de Justiça Cabo Verde					
Descrição	2015	2016	2017	2018	2019
TRIBUNAL CONSTITUCIONAL		55 912 559	60 978 542	60 978 542	61 008 542
PGR - Procuradoria Geral Da República	57 304 639	58 733 442	58 526 050	67 738 970	88 372 288
STJ - Supremo Tribunal De Justiça	55 141 890	61 184 566	60 898 097	60 898 097	63 228 097
CSMJ - Conselho Superior Da Magistratura Judicial	336 443 377	361 666 583	436 960 069	475 809 278	485 514 283
CSMP - Conselho Superior Do Ministerio Publico	216 982 309	223 926 983	315 768 021	353 667 409	370 997 490
MJ mais Fundos e Serviços Autónomos	1 080 591 506	1 207 680 038	1 174 680 038	1 225 999 990	1 375 671 892
MJ - Ministério Da Justiça	397 355 152	496 337 344	620 414 454	650 704 930	681 773 748
PJ - Polícia Judiciária	245 537 690	273 644 030	321 152 609	346 497 549	416 998 115
CCGJ - Cofre Geral de Justiça	420 000 000	420 000 000	215 379 495	207 979 438	230 847 083
CCCD - Comissão De Coordenação E Combate À Droga	17 698 664	17 698 664			0
CNDHC - Comissão Nacional para Direitos Humanos e Cidadania			17 733 480	20 818 073	23 026 473
UIF - Unidade de Informação Financeira					23 026 473
TOTAL FUNCIONAMENTO SECTOR JUSTIÇA	1 746 463 721	1 969 104 171	2 107 810 817	2 245 092 286	2 444 792 592
Variação %		12,7%	7,0%	6,5%	8,9%
Variação absoluta		222 640 450	138 706 646	137 281 469	199 700 306
Ministério da Justiça PI	248 170 240	803 233 004	432 980 069	669 598 878	962 386 093
Variação %		224%	-46%	55%	44%
TOTAL SECTOR JUSTIÇA	1 994 633 961	2 772 337 175	2 540 790 886	2 914 691 164	3 407 178 685
Variação Geral %	2%	39%	-8%	15%	17%
Fonte:					
https://www.mf.gov.cv/					
https://kiosk.incv.cv/					
DGPOG/MIT					

(b) Measures to strengthen the capacity of the judicial system, in particular to address the backlog of court proceedings and lengthy court proceedings;

175. To answer the problem of the length of justice, the Government presented a draft Law on chronological processing, which regulates the basis of its implementation, stating that, in the cases to which it applies, the acts of the magistrates and the registry are practiced by the order chronological condition in which previous acts legally condition them.

176. The chronological procedure should be applied to most civil, administrative and tax cases and to all courts of those jurisdictions, regardless of their hierarchy.

177. On the one hand, the criminal court proceedings are excluded, due to their accusatory structure (art. 35° of the Constitution); and, on the other hand, certain special situations – urgent cases; of judgments or orders which, by their nature or simplicity, must be immediately delivered; cases whose judgment has been annulled on appeal and for which no further action is required and should therefore be given priority in the new judgment or judgment; and other cases expressly provided for by law (art. 4).

178. In order to ensure control of the effective application of the principle of chronological procedure, the proposal (Article 5) requires: (1) the obligation to assign a general and sequential number according to the date and chronological priority of its submission in court, to all court proceedings in each court covered by this draft law and to all roles intended to be dispatched or decided in such proceedings, regardless of the type in which they are included and their number within the species; (2) the obligation to date and number sequentially all acts of magistrates and the court secretariat included in the scope of this draft law, in chronological order of practice; (3) the obligation to sequentially record, in chronological order of practice, all acts of magistrates and the registry, in secure computerized records or in paper-based records, either accessible to the public; and (4) the requirement for each court to display in a prominent place its publicly available premises and up to 5 of each month, the updated list with reference to the last day of the previous month, of its pending cases, in sequential order. of entry, indicating the act on which its progress depends, according to a model to be established by the Superior Council of the Judiciary or, alternatively, by order of the Minister of Justice. Responsibility for numbering, dating, registration and advertising is assigned in each court to the head of the judicial office, under the supervision of its chairman.

179. It is strongly believed that, in Cape Verde, the application of this principle under the terms of this law may contribute to greater productivity, effectiveness and efficiency, due to the speed, fairness and transparency in the proceedings, and the consequent credibility of the institutions. and to combat the chronic length of justice.

180. We share below the content of the Strategic Plan of the Superior Council of the Judiciary:

1. What measures were aimed at strengthening the capacities of the judicial system, in particular to remedy the length of court proceedings.

181. The problem of procrastination of judicial processes has been diagnosed for some time as one of the main obstacles to the functioning of the courts, which has contributed to the formation of a negative representation around the system, although there is still a considerable majority of Cape Verdeans who place their trust in the Courts as a credible organic complex for resolving their disputes.

182. Aware of this problem, the Superior Council of the Judiciary has devised a Strategic Plan for the 2019-2021 triennium, framed in the general plan for the improvement of the justice sector of the country, and more specifically in the modernization plan of the CSMJ, constitutional body itself, which are assigned the powers of management and discipline of judges and bailiffs, autonomous administration of the human, financial and material resources of the courts, as well as their own.

183. The objectives of the CSMJ Strategic Plan (2019–2021) are essentially to have a reference and guiding document in the institution and the justice sector in general.

184. The CSMJ aims to promote the social recognition of the institution as a promoter of an independent, credible, efficient justice that meets the expectations of citizens. It fully undertakes its task of administering justice in an efficient and independent manner to ensure the realization of citizens' rights and to contribute to the consolidation of the rule of democratic law.

185. From the constitutional design, the CSMJ must be guided by the values of defense of access to justice (article 21 CRCV), universality (article 22), equality (article 23), defense of life and physical integrity (article 27), guarantee of freedom (Article 28), non-transferability of criminal proceedings (Article 31), presumption of innocence (Article 34), reasoning of decisions (Article 210), independence and publicity of hearings (Article 210). In addition, the basic values are the rendering of accounts regarding the efficient use of public resources and the pursuit of excellence in service to the community.

186. Taking into account the starting point, internal and external constraints and challenges and the expectations of the general population, internal employees and other stakeholders in the justice sector, the CSMJ sets as its strategic objectives for the next 03 years:

- (1) Goal 1 – Reduce court cases.
- (2) Objective 2 – Reduce procedural delays.
- (3) Objective 3 – Improve the management and organization of the courts and the CSMJ.

187. In this line, the Strategic Plan for the 2019–2021 timeframe aims to achieve the following specific goals:

Objective Goals by the end of the judicial year 2020–2021 Starting point

(1) Reduce judicial backlogs

1.1. Number of pending cases below the 9,700 line No. of pending = 11,975 in the 2017–2018 court year.

1.2. Indicator of effectiveness (judged cases/previous year's proceedings + cases entered) is expected to reach 68% Ratio between judged cases and cases passed + entered in the judicial year 2017–2018 was 50%.

(2) Reduce procedural delays

2.1. Number of cases pending more than 03 years reduced to 5% of total cases pending at the end of the period Out of total cases pending at the end of the judicial year 2017-2018, 34% are over 3 years old.

(3) Improve the management and organization of the Courts and the CSMJ

3.1. Number of Magistrates in office effective to 68 staff (+ 16%) 57 magistrates at the end of the judicial year 2017-2018.

3.2. Number of Bailiffs increased to 222 (+ 17%) 184 Bailiffs in 2018.

3.3. At least 55% of the vacancies foreseen in the CSMJ organic Only 17 of the 42 predicted vacancies (40%) are actually foreseen.

3.4. Justice Information System 100% installed and operational System still incomplete and not operational.

What initiatives?

188. To achieve the strategic objectives defined above and based on the identified priorities, the CSMJ Strategic Development Plan includes the following initiatives to be implemented.

Demand side

The following projects and corresponding actions should be implemented:

189. Project 1: Promotion of legal literacy (in partnership with MJT, MAI, OACV) – this project aims to promote more and better knowledge of the Laws, rights, duties and obligations by the general population, with the expectation of thereby reduce litigation and the consequent demand to the courts. The implementation of this project is expected to: (i) have a more informed, more aware and more confident population in the justice institutions; (ii) achieve lower levels of litigation, especially those derived from ignorance of the Law; and consequently (iii) have a smaller number of cases filed annually in the Courts.

190. Project 2: Promotion of recidivism reduction (in partnership with MJT, DGSPRS, MAI) – aims to reduce the levels of recidivism and, consequently, to reduce the pressure on the courts of cases involving ex-prisoners. With project implementation, it is expected (i) to achieve lower recurrence rates; and consequently (ii) have a smaller number of cases filed annually in the courts.

191. Project 3: Promotion/massification of alternative conflict resolution mechanisms (in partnership with CC, OACV, MJ) – aims to stimulate the use of alternative means of conflict resolution, thereby reducing the demand for Courts The project implementation is expected to (i) have alternative means of conflict resolution (other than courts) duly known and popularized; (ii) see increased number of disputes resolved through these mechanisms; and consequently (iii) have a smaller number of cases filed annually in the Courts.

Regulatory Framework

192. Project 4: Promoting Improvement of Legislative Regulation – which aims to improve the legal/regulatory framework to make the performance of the Courts more efficient and speedy. With the implementation of the project, it is expected (i) to have an efficient legal framework that is appropriate to the reality and challenges of the country in the area of justice; (ii) see all gaps in the regulation of Laws relevant to the execution of Justice, duly remedied; (iii) have an ever faster and more objective Justice performed; (iv) More expeditious, efficient and objective criminal proceedings.

193. Project 5: Promoting legislative review/adequacy in critical areas – aims to improve the legal/regulatory framework to make the performance of the Courts more efficient and speedy. With the project implementation, it is expected (1) to design a faster, more efficient and objective criminal prosecution framework; and consequently, (ii) register faster courts and less pending.

Organic, processes and procedures

194. Institutional (CSMJ) and sectoral (justice) development implies an organic and procedural architecture that fits the current paradigms and objectives of the justice sector in Cape Verde. Indicators linked to the efficiency of organic units, productivity and

communication (internal and external) are now present at the center of planning, implementation and evaluation of sector policies.

195. Project 7: Improvement/Adequacy of Critical Procedures – Aims to make the functioning of the CSMJ and the Justice sector as a whole more efficient and speedy through the adequacy of critical procedures. With project implementation, it is expected (i) to achieve faster, more efficient and safer processes; and, consequently, (ii) see the productivity of the Courts (expressed in number of cases resolved annually), increased.

People

196. At the center of any public policy must be people, and in the justice sector it could not be any different. Thus, sector projects will be implemented by people (human resources) and for people (justice service users), in order to properly manage the sector's human resources, with a view to aligning resources with a focus on better performance. sectoral.

197. Project 8: Task Force to Reduce Current Pending Courts – which aims to objectively reduce the number of pending court cases. With the implementation of the project, it is essentially expected to have a lower level of pending court cases.

198. Project 9: Review/Adequacy of Personnel Management Instruments at CSMJ – aims to make CSMJ faster and more efficient through more appropriate personnel management instruments. With the implementation of the project it is expected (i) to have more efficient Courts and Courts with adequate HR management systems in place; and (ii) have more productive Courts in terms of number of cases resolved annually.

199. Project 10: Strengthening the Human Resources Framework and Skills in the CSMJ – aims to make the CSMJ faster and more efficient through a staff (Magistrates, Bailiffs and Central Staff) with the profile, skills and the knowledge necessary to fulfill their responsibilities. With the implementation of the project it is expected (i) to provide the Courts and Judicial Secretariats with adequate staffing (in quantitative terms, profile and competencies); (ii) have more productive Courts in terms of number of cases resolved annually.

Infrastructure, equipment and technology

200. The intended transformation and the announced reforms for the sector, as well as parameters related to the demand for justice, organic services, processes and procedures, and people, contemplates, as it should be, technical, logistical and technological improvements, aiming primarily at: improve the physical condition of the courts and the proper management of the logistics park and equipment under the responsibility of the CSMJ, serving the objectives related to reducing delays and pending proceedings.

201. Project 11: Adequacy of Infrastructures under CSMJ management – aims to remove/minimize constraints on infrastructure conditions, weighing on the operational performance of the Courts and Judicial Offices. With the implementation of the project, it is expected (i) to have Courts and Judicial Offices without relevant infrastructure constraints to fulfill its mission; (ii) have more productive Courts in terms of number of cases resolved annually; (iii) to have Courts and Judicial Offices without material constraints, in order to fulfill their mission; and (iv) have more productive Courts in terms of number of cases resolved annually.

202. Project 12: Improvement of Equipment Management – aims to remove/minimize constraints on the availability, operation and safety of equipment that limits the officiating performance of the Courts. With the implementation of the project it is expected (i) to have Courts and Judicial Secretariats without relevant equipment constraints to fulfill their mission; and (ii) have more productive Courts in terms of number of cases resolved annually.

203. Project 13: Completion of the Operationalization of the Justice Information System – its central objective is to make the Justice system more rapid, efficient, secure and transparent through the full operationalization of the Justice Information System. The project implementation is expected to (i) have the Justice Information System fully

implemented and fully functioning in all counties; have more productive courts in terms of number of cases resolved annually.

Management Information System

204. Sustainable governance of the justice sector, as well as any other sector, imposes as a prime need the structuring and implementation of an information management system that ensures timeliness and transparency in the management of human, financial, technical and logistical resources, always with a view to improving institutional and sectoral efficiency. Thus, the following projects should be implemented:

- Project 14: Improving Production and Impact Information Systems – aims to make the management of the Judiciary sector more efficient and effective through a robust, accurate, up-to-date, transparent and rapid information system. The project implementation is expected to have the CSMJ with a more efficient, transparent and evidence-based management of the Courts and Judicial Offices.
- Project 15: Improvement of the Financial Resource Management Information System – aims to make the management of the Judiciary sector more efficient and effective through a robust system of planning, execution and budgetary control. Project implementation is expected to (i) have the CSMJ endowed with more efficient financial resource management procedures.

Procedural Objectives for Courts or Judgments for the 2019/2020 judicial year

205. The Constitution of the Republic provides in its Article 22 and Article 245 (e) a set of guarantees that embody the principles of access to the courts and effective judicial protection. This principle entails, as an ineliminable dimension, obtaining the decision within a reasonable time, understood in its temporal sense.

206. Nonetheless, it has been commonly held that procedural slowness is one of the main problems affecting the Cape Verdean judiciary, highlighting the inefficiency of the public authorities in promoting the fundamental guarantee of a reasonable length of proceedings due to the delay the proceedings, as well as the delivery of decisions and the enforcement of judgments.

207. Such a finding is not insignificant, as it is certain that the delay in settling disputes, besides harming the parties involved, creates social animosities coupled with a negative representation of the functioning of the courts, which often legitimates the affirmation that “late justice amounts to a denial of justice”.

208. Thus, several measures have been proposed to address this situation, with emphasis, inter alia, on increasing the productivity of magistrates by setting procedural objectives for judicial courts.

209. Thus, in the exercise of the powers conferred upon it by Article 223 (1) and (2) (a) of the CRCV, in conjunction with Article 30 (a) of Law No. 90/VII/2011, of February 14, at the ordinary meeting of September 28, the CSMJ, decided in Plenary, together with the strategic objectives outlined, to define as the procedural objective to be achieved in each Court or Judgment, in the judicial year 2019/2020, as follows:

1. Each Court or Court shall decide on a number of cases that at least exceed the number of cases entered in order to achieve the goals outlined in the strategic plan in accordance with the table below.

2. In courts of first instance where there is more than one judge by court, the comparison between the number of cases entered and decided shall be based on the number of cases effectively distributed and decided by each judge.

3. In higher courts the dialectic between incoming and decided cases is measured between the cases distributed to each judge and those reported by him.

4. The pursuit of the objective thus established shall be monitored by the CSMJ, and the clerk of each Court or Court shall submit to the CSMJ, on a quarterly basis, a statistical map certifying the movement of the proceedings entered and decided.

5. For the purposes of the preceding paragraph, the first quarter runs until December 31st, the second quarter from January 1st to March 31st and the last quarter runs from April 1st to July 31st.

6. The statistical map, containing the number of cases filed and the number of cases decided, shall be sent to the CSMJ, respectively, by January 10, April 10 and August 10, the latter coinciding with the Final Report.

(c) Measures to increase the number of court clerks and strengthen the training of judges, prosecutors, court clerks and lawyers.

210. In both the Judiciary and the Public Prosecution Service, the recruitment and reinforcement of personnel has been gradually done in recent years. Data from the latest status report indicate that five (5) Prosecutors were appointed and appointed in July 2019 to take office in September 2019, the new judicial year.

211. Two more Assistant Prosecutors of the Republic will have to complete another six months of internship, after this period and after being inspected and deemed fit.

212. At the ordinary session of July 2019, the Superior Council of the Judiciary of the Public Prosecution Service approved the jury's report and the final classification of the public recruitment contest of seven (7) Assistant Prosecutors.

213. In June 2018, 26 (twenty-six) diligence officers were definitively appointed after completing a probationary probation for a period of one year (already in previous report).

214. In December 2018, three (3) senior technicians were appointed, one for finance and accounting, one for administrative and asset management and one for human resource management.

215. At the end of the judicial year, the staff that assisted the magistrates was made up of 195 (one hundred and ninety-five) employees, being 174 (one hundred and seventy-four) bailiffs and 21 (twenty-one) staff. common.

<i>Public Prosecutor Staff</i>	<i>In Funtion</i>	
	<i>2017/2018</i>	<i>2018/2019</i>
Deputy Attorneys General	4	3
Attorneys of the Republic of Circle	3	2
Prosecutors of the Republic	62	59
Total	69	65

216. There have also been several training actions carried out in recent years, given the impossibility of highlighting them all in this document. We report below some made by the Public Prosecution Service Magistrates and bailiffs in the 2018/2019 judicial year:

- In September 2018, the biannual plan for the implementation of the cooperation protocol was signed in Lisbon between the Cape Verdean and Portuguese RMPs, indicating the priority areas for cooperation actions over the next two judicial years.

217. Under the aforementioned cooperation protocol, magistrates placed in the central departments of criminal action and cooperation and comparative law participated in training and comparative study visits and learned about the organization, operation and exercise of functions of the similar departments of Portugal. It also allowed magistrates and prosecutors of the Portuguese Public Prosecution Service to travel to Cape Verde to conduct training and exchange of experiences on matters that are part of the Public Prosecution Service.

218. PGR and the CSMP, promoted during the judicial year 2018/2019, in accordance with the approved training plan, the following training actions, in which Public Prosecution Service magistrates were invited and authorized to participate:

- Twenty-five magistrates attended the International Conference on Fighting Cybercrime – CPLP Public Prosecutors in the Global Context, which took place in Praia on April 11–12, 2019;
- Thirty-one magistrates participated in training on Gender-Based Violence: Strengthening the Technical Capacity of Judicial Operators, held in Praia on May 15 and 16, 2019;
- Thirty-nine magistrates attended the International Conference – The Formation of Magistrates: Trend of the Future, which took place in Praia on July 19, 2019.

219. Still:

- Fifty-two magistrates participated in the III Public Prosecutor Retreat, which took place in the city of Assomada, Santiago Island, on April 13, 2019;
- Four magistrates participated in the Working Visit to the Central Department of Investigation and Penal Action – DCIAP of the Attorney General of the Republic of Portugal, in Lisbon, from March 25 to April 5, 2019;
- Two magistrates participated in the Comparative Study Visit of the Central Department of Comparative Cooperation and Law – DCCDC – to the Attorney General of the Republic of Portugal in Lisbon from 18 to 22 March 2019;
- In addition to these trainings, some effective prosecutors also had the opportunity to participate in short-term training activities, namely congresses, seminars and workshops at home and abroad, organized by national and/or foreign entities. and to carry out work visits to similar institutions.

220. In the Judiciary, several training actions were also carried out, as well as recruitment of judicial offices. In the judicial year 2018/2019 there was a reinforcement of 16 Judges and 36 more diligence offices to reinforce the existing framework.

221. Measures to increase the number of court clerks and strengthen the training of judges and bailiffs.

222. As part of the action plan, the CSMJ has a strategy to counteract pending issues, which includes strengthening the number of judges and bailiffs, which we consider to be one of the measures that will have the most impact on the tangibility of the goals outlined in the Strategic Plan.

223. Thus, we have completed the recruitment process of 16 judges who are in their probationary stages and will be able to be definitively provided by the judiciary in October next year, thus reinforcing the courts' responsiveness through the establishment of small claims courts, reinforcement of judicial inspection, strengthening of the Courts of Appeal and creation of a Task Force whose mission is to settle disputes, with an emphasis on older cases.

224. To this end, the CSMJ has already completed the tendering procedure for the hiring of 50 bailiffs, of which 36 are already placed in the various Courts of the country and we expect to place the remainder by June next year.

225. We have also designed a training plan for both judges and bailiffs, and an on-the-job training course is being carried out by 3 experienced court clerks who are running through all the court clerks in the country for their organization. and standardization of procedures.

226. The recruitment of another 24 bailiffs is also planned for the 2020 State budget.

Forced evictions (arts. 12 and 17)

Reply to paragraph 17 of the list of issues

In view of the growth of informal and unplanned settlements, respond to allegations of demolition of homes without due process or provision of alternative accommodation. Provide information on measures to: (a) collect data at local and national levels on

demolitions and forced evictions in informal settlements; (b) ensure adequate safeguards and effective participation of the population in order to prevent forced evictions and house demolition; and (c) ensure the provision of adequate compensation and alternative accommodation to persons who have been evicted or demolished.

227. In the municipality of Praia, there has been growth of spontaneous areas and subdivisions (with a high deficit of adequate infrastructure and equipment), in most cases in areas of risk of flooding and difficult accessibility (areas of steep slopes, valley bottoms), fragile areas in terms of geotechnical safety, etc.), beyond any urban planning and rules, and vulnerable to natural or man-made risks. And the tendency is for informal settlements to intensify, becoming an increasingly complex issue for the authorities.

228. Therefore, the strategy of the City Council of Praia, is to stop this phenomenon, by inspecting the informal settlements that are emerging, regularizing what is possible to regularize and re-urbanizing what already exists.

229. Obviously, however, that, for obvious and various reasons, not all informal settlements are subject to regularization. Therefore, in these cases, by means of a previous administrative offense and/or restoration of the violated urban legality (that assures the broad right of defense and hearing of the interested parties) and the technical opinion of the Urbanism Department, the buildings are demolished. clandestine.

230. There is no demolition that is done without the existence of a process of breach and/or replacement of violated urban legality.

231. It should also be noted that the Directorate of Social Action monitors the most delicate cases, so when the situation justifies this, the Praia City Council ensures alternative but temporary accommodation (between 3 and 6 months), especially for the families whose house was demolished.

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

Reply to paragraph 18 of the list of issues

Provide information on the practical application of Article 166 of the Criminal Code, according to which the defamation penalty is potentially deprived of liberty for 18 months and the number of cases in which this provision has been enforced over the past five years and the results of these cases. Please respond to self-censorship allegations made by journalists and provide information on measures to ensure that journalists are fully able to exercise their profession without restriction.

232. Cape Verde has set the media sector as an absolute priority to ensure independence, objectivity and pluralism in the media sector, so that it can act as a reference for good practices in freedom of the press, information and expression and to guarantee a public service of information to society of excellent quality.

233. The goal is to position Cape Verde in the concert of nations as an increasingly consolidated and advanced democracy, with strong, credible and perennial institutions, with strong technological investments and training, based on citizens' right to information.

234. One of the measures to ensure journalists are fully able to practice their profession without restrictions is the approval of the new statutes of RTC, the largest media company in the country, which employs most media professionals.

235. This new statute entails a change in the management of RTV, where the State abdicates its power to appoint the board of directors, with the creation of an independent board, supervisory body and internal supervision of the fulfillment of public service. radio and television and responsible for selecting the members of RTC's board of directors.

236. The new bylaws provide for, even if members of the board of directors nominated for a period of five years, will be heard by the first committee of the National Assembly, involving the elected people of all parties with parliamentary seat.

237. In addition, the Government has been focusing on training professionals, either directly or through partnerships, so that journalists are always up to date with international best practices and enable them to be fully capable of exercising their profession without restrictions.

238. In 2019 Cape Verde improved its position in the Press Freedom Ranking organized by the NGO Reporters Without Borders (RSF), from 29th position in 2018 to 25th in 2019. journalists and a great freedom of the press.

Reply to paragraph 19 of the list of issues

Please respond to allegations of use of civil requisition designed to ensure minimum services in some sectors in order to prevent trade union members and workers from exercising their rights to freedom of association and strike by violating section 123 of Labor Code, according to which minimum services must be determined by an independent commission composed of a worker, an employer and a government representative.

239. First, it should be noted that the civil requisition is an exceptional Governmental measure, used to ensure that, in the absence of minimum services, ensure that activities or services inherent to meeting unmet needs of the community are ensured.

240. In the Cape Verdean legal system the theme of civil requisition has its consecration under the terms of article 127 of the Cape Verdean labor code.

241. As a strike has been announced, the Directorate General for Labor (DGT), while the Mediation/Conciliation Institution, promotes a negotiating process between the parties, representatives of the employer and representatives of the trade union organization, seeking rapprochements and agreement on existing disputes. between them aiming at the non-execution of the announced strike.

242. In the absence of agreement and given that this is a vital sector, workers are obliged, during the strike, to provide minimum services that are indispensable to ensure and ensure the fulfillment of these essential needs, in accordance with the provisions of Article 122 of the Code. labor, Cape Verdean.

243. That is why, in the aforementioned situations, the same parties must and depart, in accordance with Article 123, from the Cape Verdean Labor Code for the purposes of determining the minimum indispensable services.

244. However, it is succeeding, in its practical implementation, that in determining the minimum indispensable services, the representative (s) of the employer concerned and the representative (s) of the trade union organization concerned, representing the workers , their associates, are not in agreement either with regard to the aforementioned claim points, or with respect to the aforementioned determination of the minimum indispensable services, since, in most situations of this type, the representative (s) of the employer More than the minimum number of workers required to provide these minimum services are required and, in turn, the representative (s) of the trade union organization concerned, representing the workers, their associates, demand that they be fulfilled and respected, only the minimum indispensable services on the part of the workers.

245. In fact, with sectors whose minimum services are indispensable.

246. Through the Independent Tripartite Commission, consisting of: a workers' representative; an employer representative; a representative of the Government and; two other members of the Independent Tripartite Commission, chosen and accepted, by mutual agreement of the representatives mentioned: workers; employers and the Government, the work or steps taken to materialize the determination of the minimum indispensable services to be provided by the workers, so as to safeguard and ensure continued satisfaction of unavoidable social needs, as established, Article 123 (2) of the Cape Verdean Labor Code.

247. However, in the event that there is a lack of agreement between the parties, i, as regards the determination of the indispensable minimum services to be provided by the

workers in order to safeguard and ensure the continued satisfaction of the unavoidable social needs, exceptionally and by way of In the event of an emergency, the Government may use the known legal mechanism for civil requisition as a set of necessary and/or indispensable measures to be used.

248. With regard to the issue surrounding the use of civil requisition, “(...) in order to prevent members of trade unions and workers from exercising their rights to freedom of association and to strike section 123 of the Labor Code, according to which the services minimums shall be determined by an independent commission composed of a worker, an employer and a government representative (...)”.

249. However, as a rebuttal of the allegations, firstly stated, it is to be informed and answered that, both formally and practically, in our country (Cape Verde), all workers are guaranteed the freedom to create trade unions or associations, professionals for the defense of their rights, legally safeguarded or protected, namely, their rights to freedom of assembly and demonstration, pursuant to articles 64 and 53, all, of the Constitution of the Republic of Cape Verde (CRCV).

250. In the same vein, workers ‘organizations are granted independence and autonomy in the exercise of their trade union activities with strict compliance only with the law, not allowing interference or subordination of any entities, such as employers’ organizations, the Government or other entities. any act of interference by them in the organization and management of such activities, pursuant to Article 72 (1) of the Cape Verdean Labor Code combined with Article 52 (2) of the CRCV, is prohibited.

251. In this way the satisfaction of such unavoidable social needs is safeguarded and guaranteed, even verifying any lack of agreement and/or non-compliance between the parties, as the determination of minimum indispensable services.

252. Indeed, before all, the exposed and enlightened, supported by the grounds, facts and law, under which, the Government, very exceptionally can help, the known mechanism/legal instrument of civil requisition.

253. All of these are actually being implemented in practical terms in the workers’ legal and professional sphere, as the right to strike is a legally established labor-law institute of Articles 112 to 125 of the Cape Verdean Labor Code. , with particular regard to the defense and protection of their rights, to strike, either per se or via their trade union organizations, as members of such organizations (Articles 112, 114, 116, 117, 118, 119, 120, 123 2 and 124) of the Cape Verdean Labor Code.

254. Secondly, in practical terms, concrete cases of strike warnings, which required the determination of the indispensable minimum services to be provided by the workers to safeguard and ensure continued fulfillment of unavoidable social needs, most of them were fulfilled.

255. It should also be noted that, regarding the composition and functioning of the independent tripartite commission, which is responsible for determining the minimum/indispensable minimum services, in the event of a strike, no consensus has been established as to its composition and operation.

256. However, both the relationship to this issue of the independent tripartite commission, as well as to other labor matters, which go through a revision of the Cape Verdean labor code, the social partners (Trade Unions and Employers Associations and the Government) agreed that , this process will only be preceded by a study of the impact assessment of the current labor code, to be promoted by the Government and, therefore, will proceed to the concrete revision of the labor code, if the aforementioned study, once completed, necessary to proceed with its disclosed revision.

Children's rights (arts. 7, 24 and 26)

Reply to paragraph 20 of the list of issues

In the light of the Committee's previous concluding remarks (paragraph 10), provide information on measures to combat child abuse and sexual violence against children, and provide updated information on investigations, prosecutions, and sanctions against perpetrators. Also provide information on recent developments in the legislative or policy framework regarding children in conflict with the law, including the juvenile justice system. In light of the Committee's previous concluding remarks (paragraph 12) and the State Party report (paragraph 71), provide information on the concrete steps taken to end corporal punishment in all contexts, particularly with regard to legislation. measures mentioned in the State Party report.

1 – Measures to combat child abuse and sexual violence

257. Laws prohibit physical, psychological, moral and sexual violence against children.
258. Anyone who is aware of sexual violence against a child under 14 years old can report the crime.
- (a) Implementation of the national plan to combat sexual violence against children and adolescents 2017/2019.
 - (b) Report through a free, anonymous telephone line that people report by dialing 8001020.
 - (c) Immediate and emergency reception of victims of sexual violence, when it is necessary to separate them from the aggressor.
 - (d) Host families.
 - (e) Elaboration of a Cape Verde Protection Policy for Children and Adolescents.
 - (f) Preparation of the action plan for the Policy for the Protection of Children and Adolescents 2019–2021.
 - (g) Punctual revision of the Child and Adolescent Statute and its regulation (in the process of being finalized).
 - (h) Training of Public Prosecution Service Magistrates and Judicial Magistrates and other professionals of the Child Protection System, in terms of furthering the Child and Adolescent Statute – ECA and other legal instruments of Child Protection.
 - (i) Drafting of the draft laws on the abuse and sexual exploitation of children and adolescents.
 - (j) Strengthening the capacity of social workers in forensic psychology to prevent and respond to cases of violence against children.

2 – Updated data on investigations carried out, prosecutions pursued and sanctions against perpetrators

- In 2018, ICCA reported 188 cases of sexual abuse of children and adolescents. ICCA is not the only gateway for whistleblowing.
 - Until June 2019, ICCA reported 116 cases of sexual abuse of children and adolescents.
259. All cases of child sexual abuse reported in ICCA followed the legal process and the victims had the necessary psychological counseling and protection, so as not to live with the alleged perpetrator, if necessary.
- We have information of cases where the perpetrators are in jail serving sentences for sexual abuse and physical aggression of children and adolescents, but at this time we do not have the exact number.

- The judicial police are investigating the five cases of missing children and one adult. From one of them were found the bones, here in Praia.

3 – Concrete measures to end corporal punishment in all contexts

260. The Child and Adolescent Statute (ECA), in its article 31, paragraph 2, clearly states that it prohibits corporal punishment.

261. Still in the same statute, Article 51 (4) prohibits physical or humiliating sanctions on children and adolescents, and this should come in the school disciplinary regulation.

262. In schools, teachers who apply corporal punishment are punished according to the teacher's statute.

263. ICCA has been conducting awareness campaigns in schools, communities, families on municipal child rights committees to promote ECA in all its activities.

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

Reply to paragraph 21 of the list of issues

Provide information on measures to:

(b) Ensure that the code of ethics and conduct for civil servants adopted in 2015 applies to all public authorities, including elected officials;

264. Through the supervision of the procedures we ascertain the facts, and through training actions, endow the actors of the National Public Procurement System with skills and sensitize them in order to apply the rules, procedures and principles of public procurement, in line with the Code of System Conduct.

(c) Increase transparency of public administration, including in the context of public procurement and infrastructure projects involving the private sector, particularly with regard to access and publication of information held by public entities.

265. Through the audit of the procedures we verify their legality and compliance, finding evidence on the formation of contracts from the planning to the conclusion of the contract. Another measure taken in this regard is the action of ARAP through the Conflict Resolution Commission that appreciates and resolves conflicts, issuing deliberations and pedagogically guides the interveners. A collection of all resolutions issued from 2012 to 2018 has been produced this year. Attached are the 2019 data to date.

266. Annex III and IV share the ARAP Activity Reports for the 1st Semester of 2019 and 2018 with the data on the indicated actions, available only in Portuguese, which we regret.

Disclosure of Covenant-related information (art. 2)

Reply to paragraph 23 of the list of issues

Indicate what steps have been taken to disseminate information about the Covenant, the initial State Party report, and its forthcoming review by the Committee. Provide detailed information on the involvement of civil society representatives in the preparation of the report.

267. At the level of dissemination of information in the Covenant, the National Commission on Human Rights (CNDHC) has been working on the dissemination of all Human Rights Conventions, thereby promoting better knowledge of human rights and fostering better exercise of citizenship. Through the DH series, the CNDHC published in 2014 the International Covenant on Civil and Political Rights and its two additional Protocols, namely: Optional Protocol on Civil and Political Rights and Second Additional

Protocol to the International Covenant on Civil Rights, and politicians with a view to abolishing the death penalty.

268. This publication, besides being available on the CNDHC website, has been freely distributed in universities and in activities carried out by CNDHC, namely in communities, schools, and training for prisoners, the National Police and youth associations.

269. The CNDHC regularly conducts training activities at its focal points in all municipalities and at human rights activists, where the contents of the Covenant are addressed. With these actions, it is intended that the Covenant and its additional protocols be as widely known as possible and the appropriation of its contents ensured.
