

## **Status of Human Rights in Cabo Verde for the 44<sup>th</sup> Session of the Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding the human rights violations in the Republic of Cabo Verde (Cabo Verde) for the 44<sup>th</sup> Session of the Universal Periodic Review (UPR).

### **Background**

2. Cabo Verde is a West African “group of Islands in the North Atlantic Ocean, west of Senegal” with a population of approximately 604,000 people.<sup>1</sup> The population is predominately Christian with 77.3% of the population identifying as Roman Catholic, 4.6% as Protestant, 3.4% as other Christian, 1.8% as Muslim, 1.3% as other, 10.8% as none, and 0.7% as unspecified.<sup>2</sup>

3. Cabo Verde’s previous UPR was held on May 8, 2018.<sup>3</sup> As a result of the review, Cabo Verde received 159 recommendations, 144 of which Cabo Verde supported.<sup>4</sup> One of the recommendations made by Italy, and supported by Cabo Verde, was that the government should “[a]dopt further measures to prevent and combat episodes of human trafficking and child sexual exploitation.”<sup>5</sup> It was further recommended by Chile, and supported by Cabo Verde, that the government should “[i]ntensify efforts to comply with national plans to combat sexual exploitation and child labour, upholding the right of all children and adolescents to rehabilitation and access to justice.”<sup>6</sup> Additionally, it was recommended by Canada, and supported by Cabo Verde, that the government “[u]ndertake the necessary awareness and education efforts to stop the practice of early marriage and early pregnancy.”<sup>7</sup> There were no recommendations made regarding religious freedom.

### **Legal Framework**

#### *Human Trafficking and Child Labor*

4. Article 87 of the Constitution of Cabo Verde states that “[t]he family, society, and the State must guarantee the protection of children against any form of discrimination or oppression, as well as abusive authority from family, public or private institutions to whom they are entrusted, and also against exploitation through child labor. Child labor shall be prohibited during the years of compulsory schooling.”<sup>8</sup>

5. Moreover, Article 271 of the Cabo Verde Penal Code states that “[a] penalty of six to 12 years’ imprisonment shall be imposed as punishment upon anyone who reduces another person to the state or condition of a slave, or who sells, transfers or buys another person, or who possesses another person with the intent of keeping that person in a state of slavery.”<sup>9</sup>

6. Cabo Verde is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations

Convention against Transnational Organized Crime.<sup>10</sup> Under Article 9 section 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

- (a) To prevent and combat trafficking in persons; and
- (b) To protect victims of trafficking in persons, especially women and children, from revictimization.<sup>11</sup>

7. Moreover, Cabo Verde is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>12</sup> Under Article 8 of the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”<sup>13</sup>

8. Additionally, Cabo Verde is a party to the Convention on the rights of the Child (CRC).<sup>14</sup> Under Article 32 of the CRC, “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”<sup>15</sup> Further, under Article 34 of the CRC:

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.<sup>16</sup>

9. Additionally, Cabo Verde is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>17</sup> Under Article 6 of the CEDAW, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”<sup>18</sup>

### *Child Marriage*

10. Article 133 of Cabo Verde’s Civil Code establishes eighteen as the minimum age for marriage for both boys and girls.<sup>19</sup> However, under Article 1575, a legal guardian may authorize the marriage of a minor as young as sixteen.<sup>20</sup> Additionally, “the Civil Code recognizes de facto unions of persons older than 19 years of age who have lived together for at least three years.”<sup>21</sup>

11. Child marriage violates international treaties such as the CRC and the CEDAW. Article 9 of the CRC defines a child as “every human being below the age of eighteen years,”<sup>22</sup> and Article 16 of the CEDAW prohibits child marriages.<sup>23</sup>

## **Human Trafficking and Child Labor**

12. Cabo Verde serves as “mainly a country of origin for children exploited for sex trafficking and a destination country for West African women forced into prostitution.”<sup>24</sup> In particular, children “are subject to sexual exploitation on a number of islands within the archipelago, occasionally in exchange for drugs.”<sup>25</sup> In addition, “[t]he tourism industry presents the most evident risk of human trafficking and commercial sexual exploitation of children, with the Sal and Boa Vista Islands registering the highest instances of child sexual exploitation.”<sup>26</sup>

13. Sex trafficking in Cabo Verde is further exacerbated by the fact that there are no laws criminalizing prostitution or for buying of sex.<sup>27</sup> While there are no statistics showing how many women are trapped in prostitution, Kreditá na bo, a day center helping women who have been trapped in sexual exploitation, reported working “with more than 125 women at any given time.”<sup>28</sup> Most of the women they have helped range from sixteen to forty-years-old.<sup>29</sup>

14. Child labor is also of great concern in Cabo Verde.<sup>30</sup> According to a 2022 report, “[t]he government’s Institute for Children and Adolescents (ICCA) identified and provided assistance to approximately 200 vulnerable children per year during the reporting period, including potential trafficking victims.”<sup>31</sup> In 2020, the ICCA reported twenty-four cases of child labor.<sup>32</sup> These cases were related to “domestic service, agriculture, garbage collection, and drug trafficking, among others.”<sup>33</sup>

15. The full scale of human trafficking in Cabo Verde is hard to measure because “Cabo Verde’s Observatory for Monitoring and Rapid Identification of Situations of Trafficking in Persons fail[s] to coordinate successful anti-trafficking activities. Additionally, data sharing and coordination in Cabo Verde remain[s] weak.”<sup>34</sup>

16. In June 2021, with the help of the United States, Cabo Verde launched a project titled Strengthening the Cabo Verde’s Capacity to Combat Trafficking in Persons (OBSERVE-CV).<sup>35</sup> The purpose of this project is as follows:

- To create a solid framework for collaboration and information sharing among the anti-trafficking stakeholders.
- To empower the National Observatory and its members to properly monitor and identify instances of exploitation.
- To support the national authorities and civil society organizations alike to rescue more and better protect victims.
- To ensure that all islands have operatives to monitor and report suspected cases of exploitation.
- To update the knowledge about the current context of trafficking and use it to inform policies and other anti-exploitation measures.
- To ensure that all relevant stakeholders are well trained to identify trafficking cases, protect its victims, and prosecute the perpetrators.<sup>36</sup>

17. In September 2020, Cabo Verde created its first standard operating procedures manual to combat human trafficking.<sup>37</sup> This manual “provides guidance on comprehensive assistance with a focus on child trafficking and taking into account the traumas victims face.”<sup>38</sup> This manual is critical and will serve as a “vital tool as Cabo Verde continues to make great strides in eliminating trafficking in all its forms.”<sup>39</sup>

18. In 2019, the government increased the number of labor inspectors by 50% as well as “implemented a Child Protection Information and Case Management System, which aims to identify and track victims of the worst forms of child labor, including child victims of commercial sexual exploitation.”<sup>40</sup> However, according to reports, the inspectors lack the necessary resources to perform inspections in areas in which child labor is known to be prevalent.<sup>41</sup> Further, reports from 2019 have indicated that the Judicial Police and the National Police lack the necessary financial and human resources to follow up on investigations.<sup>42</sup>

19. However, despite these efforts, in 2019 the government only “investigated just eight sex trafficking cases, prosecuted four suspects, and convicted two traffickers.”<sup>43</sup> It is highly doubtful that these numbers reflect the scale of human trafficking in the country, and it is clear that these efforts are not adequate to address human trafficking in the country.<sup>44</sup>

20. In November 2019, an individual was detained “in connection to a case of commercial sexual exploitation involving a 14 year old girl.”<sup>45</sup> The girl “was prevented from attending school, and forced to travel between islands to be exploited in commercial sex.”<sup>46</sup>

21. In late 2018, Cabo Verde successfully prosecuted its “first official case of human trafficking where the government prosecuted defendants for human trafficking crimes.”<sup>47</sup> This case involved four victims who were forced to work in a retail shop.<sup>48</sup>

### **Child Marriage**

22. In Cabo Verde, 18% of girls are married before they turn eighteen, and 3% are married before they turn fifteen.<sup>49</sup> These rates exist because of gaps in the law. While current legislation stipulates eighteen as the minimum age for marriage, it permits children as young as sixteen to be married with the consent of a legal guardian or parent.<sup>50</sup> Furthermore, the civil code permits *de facto* unions for individuals older than nineteen who have lived together for more than three years.

23. In 2019, the Committee on the Elimination of Discrimination against Women expressed its concern regard the marriage laws in Cabo Verde.<sup>51</sup> The Committee stated that it was “concerned that efforts to change social attitudes and practices remain insufficient and that girls under 18 years of age sometimes live in *de facto* unions, which is similar to child marriage.”<sup>52</sup>

24. Child marriage is a harmful practice that can result in lasting consequences for girls:

Child marriage robs girls of their childhood and threatens their lives and health. Girls who marry before 18 are more likely to experience domestic violence and less likely to remain in school. They have worse economic and health outcomes than their unmarried peers, which are eventually passed down to their own children, further straining a country’s capacity to provide quality health and education services.

Child brides often become pregnant during adolescence, when the risk of complications during pregnancy and childbirth increases – for themselves and their infants. The practice can also isolate girls from family and friends and exclude them from participating in their communities, taking a heavy toll on their physical and psychological well-being.

Because child marriage impacts a girl’s health, future and family, it imposes substantial economic costs at the national level, too, with major implications for development and prosperity.<sup>53</sup>

25. Despite these dangers and inherent risks, Cabo Verde has yet to reform its laws to ensure that no one under the age of eighteen is married.

## Recommendations

26. Since Cabo Verde’s last UPR, it has taken steps to combat human trafficking and child sexual exploitation and labor in the country. However, it is clear that more work still needs to be done. Cabo Verde must allocate more resources for law enforcement to investigate cases of human trafficking and exploitation and protect the victims as well as prosecute the traffickers. Further, in order to protect girls and women from sexual exploitation, Cabo Verde must reform its laws regarding prostitution and criminalize the purchasing of sex.

27. Additionally, Cabo Verde must reform its law to establish eighteen as the minimum age for marriage and eliminate all provisions that allow for minors to be married or live in *de facto* unions. Furthermore, because this practice is engrained in the culture, the government must conduct awareness and education campaigns to bring to light the harm that child marriages cause.

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<sup>1</sup> Cabo Verde, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/cabo-verde/> (Mar. 7, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Universal Periodic Review – Cabo Verde*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/cv-index> (last visited Mar. 10, 2023).

<sup>4</sup> *Cabo Verde Infographic 30th*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/CV/CABO\\_VERDE\\_Infographic\\_30th.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/CV/CABO_VERDE_Infographic_30th.pdf) (last visited Mar. 10, 2023).

<sup>5</sup> OHCHR, UPR of Cabo Verde (3rd Cycle – 30th Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/CV/MatriceRecommendationsCaboVerde.docx> (last visited Mar. 10, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> CONSTITUTION OF THE REPUBLIC OF CAPE VERDE 1980, art. 87, [https://www.constituteproject.org/constitution/Cape\\_Verde\\_1992.pdf?lang=en](https://www.constituteproject.org/constitution/Cape_Verde_1992.pdf?lang=en).

<sup>9</sup> CÓDIGO PENAL [PENAL CODE] art. 217 (Cabo Verde), <https://www.legal-tools.org/doc/e824f0/pdf/>.

<sup>10</sup> *A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, [https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtdsg\\_no=XVIII-12-a&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtdsg_no=XVIII-12-a&chapter=18&clang=en) (Mar. 10, 2023, 10:15 AM).

<sup>11</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Trafficking Organized Crime art. 9, § 1, *adopted* Nov. 15, 2000, 2237 U.N.T.S. 319,

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[https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch\\_xviii\\_12\\_ap.pdf](https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch_xviii_12_ap.pdf).

<sup>12</sup> *Ratification Status for Cabo Verde*, OHCHR,

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=32&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=32&Lang=en) (last visited Mar. 10, 2023).

<sup>13</sup> International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>14</sup> *Ratification Status for Cabo Verde*, *supra* note 12.

<sup>15</sup> Convention on the Rights of the Child art. 32, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> [hereinafter CRC].

<sup>16</sup> *Id.* art. 34.

<sup>17</sup> *Ratification Status for Cabo Verde*, *supra* note 12.

<sup>18</sup> Convention on the Elimination of All Forms of Discrimination Against Women art. 6, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

<sup>19</sup> *Cape Verde*, GIRLS NOT BRIDES, <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/cape-verde/> (last visited Mar. 13, 2023).

<sup>20</sup> *Id.*

<sup>21</sup> CEDAW, Concluding Observations of the Ninth Periodic Report of Cabo Verde, U.N. Doc. CEDAW/C/CPV/CO/9 (July 30, 2019),

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsoVqDbaslinb8oXgzpEhivgUP55IlnMJSMFQqlWW9v3ibuRB5ZOCTdtBoI13RwzywxHXFVtYBk0BfKGjJjebe7HLXpjoHHxhYi7grMUWBzuJ>.

<sup>22</sup> CRC art. 9, *supra* note 15.

<sup>23</sup> CEDAW art. 16, *supra* note 18.

<sup>24</sup> GLOBAL INITIATIVE AGAINST TRANSNATIONAL ORGANIZED CRIME, ORGANISED CRIME INDEX: CABO VERDE 2021 at 3 (2021), [https://africa.ocindex.net/assets/downloads/2021/ocindex\\_summary\\_cabo\\_verde.pdf](https://africa.ocindex.net/assets/downloads/2021/ocindex_summary_cabo_verde.pdf).

<sup>25</sup> *Id.*

<sup>26</sup> VERITÉ, TRAFFICKING RISK IN SUB-SAHARAN AFRICAN SUPPLY CHAINS: CABO VERDE 8, [https://verite.org/wp-content/uploads/2022/07/Verite-Trafficking-Risk-in-Sub-Saharan-Africa\\_Cabo-Verde\\_2022.pdf](https://verite.org/wp-content/uploads/2022/07/Verite-Trafficking-Risk-in-Sub-Saharan-Africa_Cabo-Verde_2022.pdf) (last visited Mar. 14, 2023).

<sup>27</sup> *Cape Verde*, GLOBAL NETWORK FOR SEX PROJECTS, <https://www.nswp.org/country/cape-verde> (last visited Mar. 13, 2023).

<sup>28</sup> *Adorers Help Vulnerable Women Take Back Their Dignity in Cape Verde*, GLOBAL SISTERS REPORT (Jan. 6, 2020), <https://www.globalsistersreport.org/news/ministry/news/adorers-help-vulnerable-women-take-back-their-dignity-cape-verde>.

<sup>29</sup> *Id.*

<sup>30</sup> VERITÉ, *supra* note 26.

<sup>31</sup> GOVERNMENT OF CABO VERDE & IOM OFFICE IN CABO VERDE, CABO VERDE VOLUNTARY REVIEW REPORT ON THE IMPLEMENTATION OF THE GLOBAL COMPACT ON MIGRATION 11 (2022), <https://www.un.org/sites/un2.un.org/files/imrf-cabo-verde.pdf>.

<sup>32</sup> VERITÉ, *supra* note 26.

<sup>33</sup> *Id.*

<sup>34</sup> Jacqueline Zembek, *Human Trafficking in Cabo Verde*, BORGEM MAGAZINE (Oct. 7, 2021), <https://www.borgenmagazine.com/human-trafficking-in-cabo-verde/>.

<sup>35</sup> *Strengthening the Cabo Verde's Capacity to Combat Trafficking in Persons (OBSERVE-CV)*, INTERNATIONAL CENTRE FOR MIGRATION POLICY DEVELOPMENT, <https://www.icmpd.org/our-work/projects/strengthening-the-cabo-verde-s-capacity-to-combat-trafficking-in-persons-observe-cv> (last visited Mar. 13, 2023).

<sup>36</sup> *Id.*

<sup>37</sup> *Cabo Verde Launches Country's First-Ever Standard Operating Procedures to Combat Human Trafficking*, IOM (Sep. 17, 2021), <https://rodakar.iom.int/news/cabo-verde-launches-countrys-first-ever-standard-operating-procedures-combat-human-trafficking>.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Cabo Verde*, DOL, [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/Cabo-Verde.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Cabo-Verde.pdf) (last visited Mar. 13, 2023).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Individual Case (CAS) – Discussion: 2019, Publication: 108<sup>th</sup> ILC Session (2019)*, INTERNATIONAL LABOUR ORGANIZATION (2019),

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:4000038](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:4000038).

<sup>44</sup> *Id.*

<sup>45</sup> *Cabo Verde*, *supra* note 40.

<sup>46</sup> *Id.*

<sup>47</sup> *Ary Varela and Natalino Correia*, TIP HEROES, <http://www.tipheroes.org/ary-varela-and-natalino-correia/> (last visited Mar. 13, 2023).

<sup>48</sup> *Id.*

<sup>49</sup> *Cape Verde*, *supra* note 19.

<sup>50</sup> *Id.*

<sup>51</sup> CEDAW, *supra* note 21.

<sup>52</sup> *Id.*

<sup>53</sup> *Child Marriage*, UNICEF (June 2022).