



HIGH REPRESENTATIVE  
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## JOINT STAFF WORKING DOCUMENT

**The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Cabo Verde covering the period 2018 - 2019**

*Accompanying the document*

**Joint Report to the European Parliament and the Council**

**Report on the Generalised Scheme of Preferences covering the period 2018 - 2019**

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# Cabo Verde

## 1. Summary Assessment

The country maintains a strong record in the implementation of its international commitments covered by GSP+ arrangement of EU's Generalised Scheme of Preferences. Solid democratic institutions have made Cabo Verde a positive example in the region for civil, political, economic, social and cultural rights. The country also ranks high in terms of tolerance with regard to LGBTQI issues. The country has strong labour laws, though the occurrence of child labour, (especially in hazardous forms, remains a concern. Another priority area under labour issues is the establishment of a Tripartite Commission, whose configuration is currently under discussion. Implementation of the environmental and drugs conventions remains a challenge, not least due to the limited capacity of its public administration and geographical location, which makes it a natural hub in international drug trafficking routes. The limited staffing and technical capacity of the country's public administration also hinders its reporting efforts to the United Nations (UN) and International Labour Organization (ILO) reporting bodies.

### Priorities

During the reporting period 2018-2019, monitoring focused on several priority areas: sexual and gender-based violence; rights of the child, sexual exploitation, and sex trafficking of minors; prison conditions; child labour; freedom of association and the right to organize; and illicit traffic in narcotic drugs.

### Human Rights

Cabo Verde has a good record on the implementation of the core human rights conventions. The country's main challenges are related to its limited administrative capacity, leading to delays in reporting under international Conventions. While significant initiatives and efforts have been made during the reporting period, further actions are required to ensure full respect for and observance of the human rights of women, children and detainees, and prevention, protection, and prosecution of all forms of violence and discrimination against women.

Sexual and gender based violence remain a concern. National authorities have carried out a number of outreach and awareness raising activities, as well as creating support and protection measures for survivors. Authorities recognise that improvements still have to be made with regard to the **rights of the child**, especially on sexual exploitation and sex trafficking. The Government is trying to prevent and fight all forms of abuse and violence against children through several programmes, as well as a National Plan Against Sexual Abuse of Minors, with a wide array of measures over the reporting period.

### Labour Rights

A positive development has been the amended legislation to criminalise the use and facilitation of minors under 18 years for purpose of prostitution and sexual exploitation and to hold offenders accountable. It will be important to ensure that these new provisions are duly implemented in practice and offenders duly prosecuted, tried, and punished by means of effective, proportionate and dissuasive sanctions.

Nonetheless, there are still some outstanding challenges with regard to the minimum age for work, in particular hazardous work. Cabo Verde needs to ensure that no children under 18

years of age, other than in the exceptional cases allowed by the international Conventions on child labour, shall be authorised to engage in hazardous work. In addition, the list of hazardous occupations should be revised regularly.

The creation of a Tripartite Commission on labour issues is ongoing. The social partners have been debating whether it should be formed on a permanent or ad hoc basis. Due to the logistical difficulties to access some islands, in particular during a strike, the authorities seem to favour an ad hoc formation, while international standards preference is with a permanent arrangement.

## **Environment**

Cabo Verde faces challenges in adopting legislation for the implementation of several environmental and climate change agreements and conventions and the related reporting. Cabo Verde needs to adopt legislation for the implementation of CITES. Concrete measures to implement the Biological Diversity Convention should be strengthened. Cabo Verde also needs to update the national implementation plan (NIP) for the Stockholm Convention. Regarding the Cartagena Protocol, the focus should be on enacting and implementing the draft biosafety framework, which has been pending for many years now.

## **Good Governance**

In October 2018, Cabo Verde adopted a new National Integrated Programme (NIP) (2018-2023) for the fight against the use of drugs and drug related crimes. Cabo Verde is making efforts to disrupt drug trafficking in its maritime zone and has a good record of drug seizures in the region. However, Cabo Verde does not have the capacities and means to effectively patrol its Exclusive Economic Zone.

The Inter-Governmental Action Group against Money Laundering (GIABA) identified important shortcomings both in the legal framework and in the effectiveness of the anti money laundering and terrorist financing regime in Cabo Verde. With regard to the money laundering and also terrorist financing (TF) risk, the relevant supervisors are yet to have the necessary mechanisms to develop activities in order to combat these on a risk-sensitive basis.

## **Status of ratification and reporting**

Cabo Verde has maintained the ratification of all GSP+ related conventions. Since 2017, the country has made significant efforts to improve reporting, despite the country's relatively small public administration and insufficient administrative resources. It is currently compliant with all human and labour rights reporting.

However, Cabo Verde has several outstanding reports under environmental protection conventions, including CITES, the Cartagena Protocol, the Basel Convention, and the Stockholm Convention. Under the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Cabo Verde is not compliant with the obligation to submit information for the years 2009-2013.

The EU, UN, and ILO have been providing technical and financial support to the Cabo Verdean authorities to increase its reporting capacity. In June 2017, the Government set up a permanent interministerial commission composed of representatives of six different ministries, with the goal to significantly improve the country's reporting capacity on the human rights conventions. The conventions on environmental protection, labour rights, drugs and corruption, however, are not dealt with by this commission.

## 2. Recent Developments

Cabo Verde is the third smallest in Africa in terms of population, with fewer than 500,000 inhabitants. It is also a young country – both with regard to its status as an independent country, having obtained independence from Portugal in 1975, as well as its median population age (25.8 years). Since the country first held multiparty elections in 1991, it has established itself as one of the most politically stable countries in Africa; as of 2018, it ranked 26th in the world and second in the region in the Democracy Index.

Despite the challenges that face a small, geographically isolated developing country, Cabo Verde's progress and development in recent years is good. The country generally has stable political institutions, a well functioning multiparty parliamentary democracy and an independent judiciary. National, local and presidential elections, all last held in 2016, were judged both free and fair. Cabo Verde ranks third among all African countries in the 2016 Ibrahim Index of African Governance, and second in the Index's subcategory Participation & Human Rights. To date, the country is one of only five to have graduated out of Least Developed Country (LDC) status, leaving the group in 2007.

The country faces serious climate adaptation challenges associated with water resource availability, food and energy security, and desertification. Only 10% of its territory is classified as arable land. Considerable efforts to enhance water mobilisation have yielded results and will continue.

### **EU- Cabo Verde International Cooperation and Development**

Relations between the European Union and Cabo Verde are framed by a Special Partnership since 2007. This partnership is based on six pillars: (1) good governance; (2) security and stability, including increased cooperation in fighting illegal migration, drug-trafficking and organised crime; (3) regional integration; (4) sustainable development and fight against poverty; (5) information and knowledge-based society and culture; (6) normative and technical convergence. Its implementation has already yielded important results in fields such as mobility/migration, governance and fight against poverty. Progress has been slower in regional integration.

On the occasion of the 10<sup>th</sup> anniversary of the Special Partnership 2 years ago, additional areas for cooperation were added: (7) Investment, jobs and growth; (8) Ocean governance and Blue Economy; and (9) Reform of the Administration.

Cabo Verde benefits from a national envelope under the 11<sup>th</sup> European Development Fund (2014-2020) of € 79 million implemented mainly through budget support (94%). The focal sector is 'Good Governance and Development Contract' with special focus on Gender. This amount includes two emergency supports to tackle floods and drought.

The EU is also supporting Cabo Verde in the monitoring of the 27 international conventions that are covered by GSP+ through the European Instrument for Democracy and Human Rights. Several projects are supporting this endeavour.

### 3. EU- Cabo Verde trade and GSP

Cabo Verde is a rapidly transforming island economy. The EU is its main trading partner, representing 96% of total exports in 2018 and 72% of imports. The majority of Cabo Verde's export products to the EU are fishery products, but the country is also very interested in trade in services, as illustrated by their commitments upon joining the World Trade Organisation (WTO) in July 2008.

Negotiations on the regional European Partnership Agreement (EPA) with West Africa were closed at Chief Negotiator level on 6 February 2014. The EPA was initialled on 30 June 2014 and definitively endorsed by the ECOWAS Heads of State on 10 July 2014 at their summit in Accra. Once all signatures from the parties are gathered, the ratification process will start.

Figures 1-3 below describe Cabo Verde's utilisation of GSP+ in the context of the EU's overall imports from Cabo Verde<sup>1</sup>.

More than 79% of total Cabo Verdean exports to the EU benefit from the preferential GSP+ duties, with utilisation rates also being above 90%. However, the figures show room for improvement when it comes to diversification; about 85% of Cabo Verde's preferential GSP+ exports to the EU are fishery products, followed by textiles and clothing (8%) and footwear (5%).

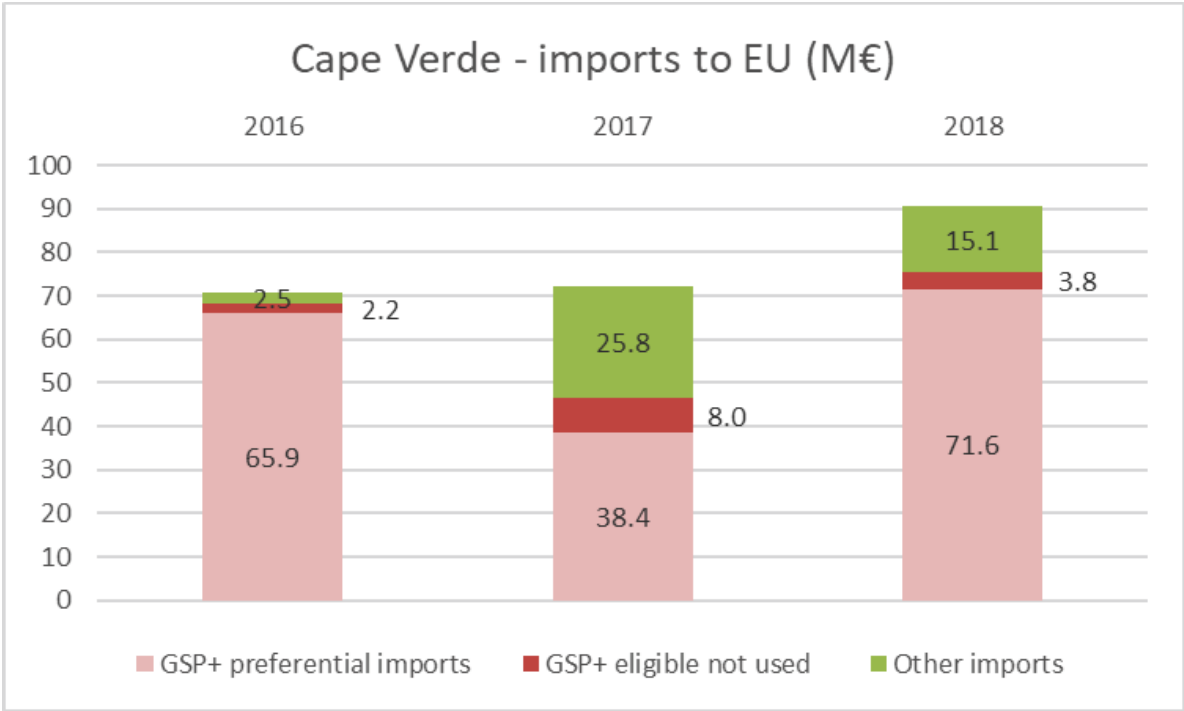
**Figure 1: Imports to the EU 2016-2018 – GSP+ utilization rate**

Cape Verde - imports to the EU 2016-2018 (M€)				
	2016	2017	2018	trend 2016-2018
<b>Total imports</b>	70.6	72.3	90.5	28.1%
<b>GSP+ eligible</b>	68.1	46.5	75.4	10.7%
<b>GSP+ preferential</b>	65.9	38.4	71.6	8.6%
<b>Utilisation rate</b>	96.8%	82.7%	95.0%	-1.9%

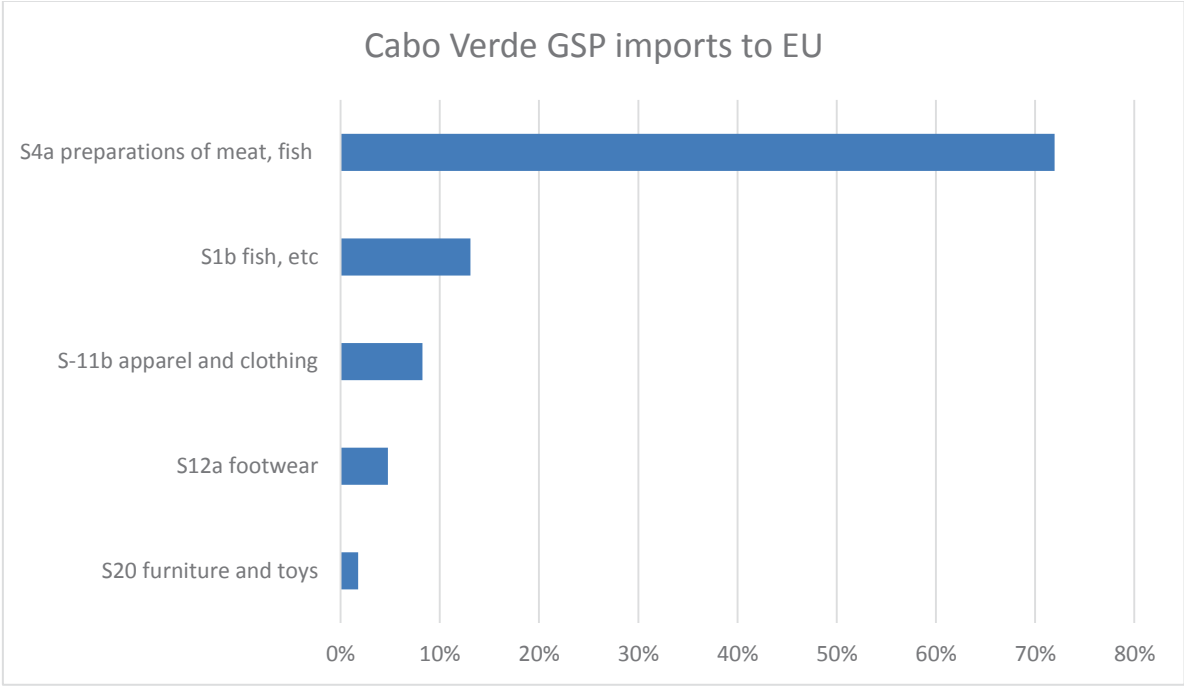
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<sup>1</sup> GSP-statistics only cover goods imported in the EU market, i.e. goods released for free circulation in the EU. The GSP statistics do not cover other EU-imports, like goods imported for the customs inward processing procedure or re-imports after the customs outward processing procedure

**Figure 2: Imports to the EU 2016-2018 by regime**



**Figure 3: Product Diversification of GSP+ Preferential Imports, 2018**



## 4. Compliance with GSP+ Obligations

### 4.1 UN Human Rights Conventions

Despite shortcomings regarding its reporting obligations, Cabo Verde has a good record on the implementation of the core conventions. The main human rights organisations' reports on the country confirm the positive trend. The outcome of Cabo Verde's 3<sup>rd</sup> Universal Periodic Review (UPR) in May 2018 also confirmed that the situation in terms of respect for and observance of human rights and fundamental freedoms remains encouraging.

As identified by the Cabo Verdean institutions, international institutions (EU and UN), international civil society actors and human rights defenders, Cabo Verde's main shortcomings are related to its limited administrative capacity, leading to severe delays in reporting. While significant initiatives and efforts have been made during the reporting period, further actions are required to ensure full respect for and observance of the human rights of women, children and detainees, and prevention, protection, and prosecution of all forms of violence and discrimination against women. More generally, Cabo Verde's economic situation as a lower middle income country has had an impact on the full enjoyment of economic, social and cultural rights.

An EU funded project **Promoting human and labour rights through GSP+** implemented by Democracy Reporting International, contributed to reinforcing the role of the National Commission on Human Rights and Citizenship (CNDHC). The project was aimed at enhancing citizens' understanding and awareness of human rights, strengthening civil society organisations' skills in preparing shadow reports on GSP+ relevant UN human rights conventions, and systematising CNDHC's expertise in collecting data and reporting on the implementation of these human rights conventions.

Another project **Improving the monitoring and effective implementation of core international conventions in GSP+**, likewise financed by the EU and implemented by Democracy Reporting International, has been supporting and empowering civil society and social partners to properly monitor the implementation of the core Conventions and advocate, when necessary, for improved implementation.

The country is generally committed to implement UN resolutions regarding human rights issues and has been vocal in its support to the International Criminal Court (ICC), including within the African Union. Its position on human rights in international fora is consistent with its domestic legal framework.

While discrimination based on sexual orientation and gender identity continues to occur, LGBTI persons generally openly express their sexuality or identity. According to Afrobarometer 2015, Cabo Verde is the most tolerant African country regarding LGBTI issues: asked if they would like or tolerate living with homosexuals in their communities, 74% of Cabo Verdeans responded affirmatively. In 2015, Cabo Verde subscribed to the UN Free and Equal campaign, being the first African country to join in. In 2018, Cabo Verde joined the LGBTI rights network Equal Rights Coalition.

The existing legislative and regulatory framework states the country's obligations and duties to respect, protect and fulfil human rights, in compliance with international human rights law. Specific human rights institutions are currently in place to monitor the effective implementation of international human rights norms at the national level. Such institutions include the National Commission on Human Rights and Citizenship (CNDHC), which



adopted a Second National Plan for Human Rights and Citizenship (2018-2023) in 2018. The CNDHC's priorities for the new four-year plan include the improvement of the juvenile penitentiary system, with a particular focus on the development of alternative non-custodial measures and enhancement of the social reintegration system of juvenile detainees. However, the appointment of the CNDHC President by the Minister of Justice and the financing of this institution under the Ministry's budget are in contradiction with the UN Paris Principles which provide the international benchmarks against which national human rights institutions (NHRIs) can be accredited by the Global Alliance of National Human Rights Institutions (GANHRI). Recommendations to reform the Commission were made during the previous Universal Periodic Review (UPR) and a revised draft statute that would guarantee the CNDHC's full independence, ensure its own adequate financial resources, and increase its staff, has been prepared but not yet adopted. The CNDHC has focal points in all 22 municipalities on all of the country's nine inhabited islands, but their mandate and competences, including in terms of adequate powers of investigation, should be strengthened. It also advises and assists the Government to define national legislation on the protection of human rights.

#### *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

The Constitution and laws of Cabo Verde prohibit any discrimination based on race, gender, religion, disability, language or social status. The law also prohibits racism, xenophobia and other forms of intolerance.

The implementation and enforcement of the legal framework in this area is generally effective. Over the last years, the country has made significant progress in migration management in all its aspects, both immigration and emigration, and in improving respect for and protection of the human rights of migrants. Discrimination against migrants from West Africa, however, continues to be a concern.

#### *International Covenant on Civil and Political Rights (ICCPR)*

The Constitution and laws of Cabo Verde rule the protection, promotion, and fulfillment of civil and political rights. The Government generally respects and observes these rights, including freedom of expression, assembly and association, and press.

The Constitutional system is based on democratic values and the principle of separation of powers through a series of constitutional safeguards. The State institutions are stable and overall functioning, albeit encountering regular delays and administrative capacity limitations.

However, as identified in the 2017 Report, the justice system lacks sufficient staffing and experiences inefficiencies and delays. There is a critical backlog of pending cases. Considerable reform efforts including in terms of information and communication technology (ICT) are underway.

#### *International Covenant on Economic, Social and Cultural Rights (CESCR)*

The Cabo Verdean Constitution recognises economic, social, and cultural rights. Chapter III refers to labour rights, while Articles 69, 70 and 71 protect social security, health and housing rights.

Cabo Verde had achieved most of its Millennium Development Goals by 2015, with significant progress made in particular relating to poverty, mortality of mothers at birth and of children under five. The country is moving towards the Sustainable Development Goals, indicators for which are mostly pointing upwards or stable except for SDG 17 Peace, Justice,



and Strong Institutions. Solid economic growth in the 2000s and again since 2016 has translated into **improved social conditions**: poverty in Cabo Verde has dropped significantly. Progress in the **education** and health sectors has also been substantial (for example, the literacy rate of 15-24 year-olds is around 98%) with a number of specific targeted programmes being carried out, such as the school vaccination programme. In terms of rights to quality education, Cabo Verde ranks 7<sup>th</sup> in the 2018 Ibrahim Index.

Access to **drinking water and sanitation** keeps improving despite the general scarcity of potable water sources and severely limited rainfall across the islands. A comprehensive National Strategic Plan for Access to Water and Sanitation (PLENAS) is in place. Access to sanitation is foreseen by PLENAS to reach up to 70% in cities by 2030.

Access to **health** is improved on all nine inhabited islands, with health centres available in all municipalities at no more than 30 minutes walking distance for all inhabitants. Medical staff visit the most remote areas by boat on a monthly basis. However, there is a shortage of specialised medical staff.

### *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*

Despite legal prohibitions of gender-based discrimination and the existence of legal provisions for equal rights for men and women under family, labour, property and inheritance laws, **violence and discrimination against women** in the public and private sphere still exists, due to deep-rooted gender-based stereotypes.

The Cabo Verdean Institute of Equity and Gender (ICIEG, a Government agency) has been working on the protection of the human rights of women. A draft **Parity Law** was submitted to Parliament in May 2019. Its debate and adoption foreseen were postponed. The draft prescribes parity for all electoral lists (gender alternating) and, in a more declaratory form, for state-owned enterprises.

**Sexual and Gender-based violence** (S/GBV) remains an issue of concern. In 2011, a law to criminalise S/GBV came into force, focusing on three main objectives: improving the protection of survivors, holding offenders accountable for their actions, and raising awareness. With the adoption of the Plan to Combat Gender-Based Violence (2015-2018), the government aimed to take action to prevent and eradicate S/GBV. During the reporting period, the authorities have carried out a number of activities and campaigns to raise awareness, especially in schools and among community leaders. 353 convicted S/GBV offenders participated in a rehabilitation/social reinsertion programme. Protection measures such as survivors' support centres in 18 out of 22 municipalities were created. However, not all of these centres provide legal and psychological support. Legal aid in court is not available on all islands. S/GBV was introduced in the police school curriculum, and S/GBV survivors' support units were set up in many but not yet all police squadrons. The S/GBV survivors' telephone hotline was abolished. The authorities have created a network connecting NGOs, national police, health centres and community law centres, which is considered to be effective. The caseload of S/GBV-related complaints has decreased. Nonetheless, the length of judicial proceedings remains a problem.

The Third National Plan for Equality (2015-2018) focused on measures and results in the following areas: sexual and reproductive health and rights, health care, sexual and gender-based violence, education and vocational training, reproductive economy, political participation in decision-making and communication spheres, and institutional strengthening. In October 2018 Cabo Verde created an Interministerial Commission for Gender

Mainstreaming to ensure the integration of a gender-sensitive approach in national policy-making.

#### *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*

The Constitution and law prohibit torture and other cruel, inhuman or degrading treatment or punishment. The excessive use of force by police is the most common form of abuse. There are no reported cases on the use of torture. In most cases of abuse, the National Police Council has taken action against those responsible.

The National Commission on Human Rights and Citizenship (CNDHC) visits all prisons on an annual basis. The conditions in prisons and detention centres in general meet international standards, but in the main prison of S. Martins, on Santiago island, conditions are below standard, mostly due to overcrowding. The government has given assurances that separation of prisoners based on trial status is now always observed, which was not the case previously due to space limitations. The length of pre-trial detention remains a problem.

Significant efforts are undertaken to improve social reintegration and re-education of offenders.

#### *Convention on the Rights of the Child (CRC)*

Cabo Verde provides wide and equal opportunities of education to all children for the first eight years (ages 6 to 14) through a free and universal education system. The healthcare system is well-developed and provides good basic health services for children. Maternal and child mortality rates have decreased dramatically, but pre-natal mortality remains a concern. The main difficulty concerns access to medical services for children from rural communities and more remote islands. The country is compliant with birth registration.

As regards sexual exploitation and abuse of children, the law prohibits and heavily punishes those that promote or facilitate child prostitution. **Sex tourism involving children** is believed to have increased with the rising number of tourists. A 'Zero Tolerance' campaign and a National Action Plan against Child Abuse, which has been promoted widely, aim to address the issue. There is rising awareness and public outrage against this former taboo. Sex tourism is particularly prevalent on the main tourism islands, where a Code of Ethical Conduct was agreed with hotel representatives. However, sex tourism involving minors is also described as 'traditional behaviour' of at least one of the emigrant communities during their annual return to the country (island of Fogo).

The Cabo Verdean Institute for the Child and Adolescents (ICCA) is a national network that works in cooperation with local authorities, police forces, the attorney general, hospitals and health centres to combat the abuse of and sexual violence against children. In 2017, the National Commission on Human Rights and Citizenship (CNDHC), in close cooperation with ICCA and the Institute of Equity and Gender (ICIEG), also contributed to the elaboration of the National Plan Against Sexual Abuse of Minors, envisaging a wide array of measures to be carried out over the reporting period. The CNDHC has elaborated a prevention programme for persons convicted of child abuse in order to prevent recidivism.

The authorities recognise that improvements still have to be made with regard to the rights of the child. There are several programmes on abuse and violence against children in place, including the Children's Emergency Programme and Dial a Complaint, as well as centres and integration programmes. The latter include initiatives to promote schooling for street children, whose numbers have been increasing due to rapid urbanisation.

Regarding detention conditions, juvenile offenders aged between 12 and 15 are sent to a special centre. The only special centre in the country (the Orlando Pantera Centre) is based in Praia and is funded by the EU in the framework of a project carried out by UNODC and the Ministry of Justice. Offenders aged between 16 and 21 are kept in regular prisons, but are held separately from the adult prison population. A new penitentiary code was adopted in 2018.

## **Conclusions and priorities**

*Cabo Verde continues to stand out within its region as an example of tolerance and respect for human rights and fundamental freedoms. Cabo Verde implements and enforces all main international human rights conventions in a generally effective manner. The existence of an independent and impartial justice system guarantees equal and effective access to justice, which, however, is often very slow. The process of necessary administrative and judiciary reforms is underway.*

*Concerns remain as regards the rights of the child as well as sexual and gender-based violence and discrimination, where continued enforcement, awareness raising, and cultural-social change is required.*

*However, the authorities are clearly committed to continue improving respect for and observance of human rights and fundamental freedoms. Special attention is needed in the areas of women's and children's human rights, combatting all forms of violence including domestic violence, the situation of detainees, and the strengthening of the capacities of the justice system. In particular, Cabo Verde will continue to pursue its policy on non-discrimination of women and combating S/GBV through the implementation of the two major plans.*

## **4.2 ILO Labour Rights Conventions**

Overall, Cabo Verde has taken steps to ensure compliance with the fundamental ILO Conventions. Progress to promote freedom of association and collective bargaining has been slow though the reactivation of the National Committee for the Promotion of Collective Bargaining is underway. In 2018, the first National Action Plan to Combat Trafficking in Persons was adopted. There are policy and legal frameworks in place to fight child labour. Cabo Verde has made advances in criminalising sexual exploitation of minors. However, this also needs to be properly implemented. While the legislative framework on non-discrimination is broadly adequate, some important gaps remain, particularly to give full expression to the principle of equal remuneration for work of equal value. Efforts to ensure effective application of international standards are encouraged.

### *Freedom of Association and Collective Bargaining (Conventions 87 and 98)*

Cabo Verde continues to be committed to promote freedom of association and collective bargaining and compliance with the fundamental ILO Conventions 87 and 98, though progress has been slow.

The reactivation of the National Committee for the Promotion of **Collective Bargaining** is underway. This would be an important step in advancing on effective implementation and

promotion of collective agreements. In 2019, the ILO took note of the new collective agreement of the postal service, which is pending approval.

In previous years, the ILO raised some challenges related to the exercise of the **right to strike** and recalled in its 2018 report that it is desirable to limit powers of requisitioning to cases in which the right to strike may be limited or even prohibited.

The 2016 Labour Code stipulates the creation of a **Tripartite Commission**. The social partners have been debating whether it should be formed on a permanent or ad-hoc basis. Due to the logistical difficulties to access some islands, in particular during a strike, the authorities seem to favour an ad-hoc formation, while international standards preference is with a permanent arrangement.

#### *Abolition of Forced Labour (Conventions 29 and 105)*

In 2019, the ILO encouraged Cabo Verde to continue taking steps to raise awareness of, prevent, and combat human trafficking and exploitation. Cabo Verde has indicated plans to adopt **specific law on trafficking in persons**, which would establish measures to raise public awareness, target at-risk categories, ensure trainings for relevant stakeholders, and ensure victim protection and prosecution of perpetrators. In May 2018, the first National Action Plan to Combat Trafficking in Persons for the period 2018-2021 was adopted.

#### *Minimum Age for Work and Worst Forms of Child Labour (Conventions 138 and 182)*

Overall, Cabo Verde has policy and legal framework in place in the area of eliminating child labour.

Cabo Verde was discussed as the country case at the International Labour Conference in June 2019 for advances in amending legislation to criminalise and punish by imprisonment the use and facilitation thereof of minors under 18 years for purpose of prostitution and sexual exploitation. It is important to ensure that these new provisions are duly implemented in practice and offenders duly prosecuted and punished with dissuasive sanctions.

The 2018-2021 National Action Plan to Combat Trafficking in Persons was adopted in May 2018. It takes into consideration the needs of minors as one of the vulnerable groups when it comes to assistance to victims. There is also a National Action Plan for the Prevention and Elimination of Child Labour (PANPETI) in place, but is yet to include updated statistical analysis, legislative revision and institutional restructuring, among others. In 2019, the ILO referred to the Government's information that there have been no cases of child labour reported to the labour inspectorate, and no court decisions have been handed down.

Nonetheless, there are still some outstanding challenges with regards to the **minimum age for work**. Cabo Verde adopted the national list of hazardous occupations in 2016, which defines **hazardous types of work** prohibited for children in different sectors (agriculture, fishery, mining, manufacturing and construction), including work with dangerous substances. However, the ILO noted with regret that the list only applies to children under 16 years. The ILO convention 138 states that the minimum age for admission to any type of employment or work, which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety, or moral of young persons, shall not be less than 18. While authorisation to undertake hazardous work from the age of 16 years can exist, it is a limited exception to the

general rule on the prohibition of young persons under 18 years performing hazardous work. The list of hazardous occupations needs to be revised regularly.

### *Elimination of Discrimination (Conventions 100 and 111)*

Legislative framework on non-discrimination in Cabo Verde is broadly adequate and in line with international labour standards, though some important gaps remain.

In previous years, the ILO has been recalling the need to amend the legislation to give full expression to the principle of **equal remuneration** for work of equal value. The 2016 labour law reform failed to address these issues. Therefore, current legislation is still insufficient to be fully in line with the principles of the ILO Conventions and does not encompass the concept of 'equal value' and may hinder progress in eliminating gender-based pay discrimination.

**INSPIRED+ Cabo Verde**, an EU funded project, implemented by European Partnership for Democracy, was implemented during the reporting period. Through policy dialogue on socioeconomic rights of **domestic workers** the project brought labour rights of (mostly female) domestic workers to the public and political agenda and promoted key legal and political changes in this area. A campaign and action plan focusing on the formalisation and regulation of domestic work were developed. In July 2018, the project supported directly the creation of **the first Domestic Workers Association in the country**.

### **Conclusions and priorities**

*Cabo Verde has taken some steps to ensure the legislative alignment with the fundamental ILO Conventions. However, further efforts are needed to ensure full compliance.*

*Progress was made to eliminate child labour, sexual exploitation of children and prohibition of minors in hazardous work. However, this needs to remain a priority area.*

*Further efforts are needed for effective implementation of the existing legal framework regarding non-discrimination and to address the remaining gaps with the ILO Conventions on elimination of discrimination. Cabo Verde should continue its efforts to maintain reporting obligations both to the ILO and in the context of the GSP+ monitoring. Notwithstanding some progress, further efforts should also be pursued to promote collective bargaining.*

*Among cross-cutting issues representing challenges for further progress are the limited capacity of the labour inspectorate, the need for capacity building on core labour standards by authorities and other stakeholders and to strengthen data collection and reporting. Cabo Verde's cooperation with the ILO to address these shortcomings is welcome. The ILO, with EU financial support, has been implementing a technical assistance programme aimed at increasing Cabo Verde's reporting capacities on labour issues.*

*During and following the ongoing EU-funded ILO project, it will be crucial to ensure that a sustainable and reliable arrangement is put in place. Cabo Verde must ensure the sustainability of this process, now that the project has been successfully concluded, to comply with reporting obligations in the future.*



### **4.3 UN Conventions on Environmental Protection and Climate Change**

#### *Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)*

Cabo Verde's national legislation is ranked as category 3<sup>2</sup> under the Convention, as it does not meet the requirements for implementation. There is a legislative plan in place, but progress has been slow.

The CITES secretariat has noted Cabo Verde's need for drafting assistance. In February 2017, Authorities attended a workshop on strengthening national legal frameworks for the effective implementation of CITES and for combatting illegal trade in wildlife, organised by CITES Secretariat and UNEP.

#### *Basel Convention*

The Implementation and Compliance Committee under the Basel Convention, in its decision from September 2018, welcomed the transmission of its national reports for 2015, 2016 and 2017, and the completion of the activities of Cabo Verde's approved compliance action plan.

Legislation under the Basel Convention is in place but does not cover all residual hazardous waste. New legislation has been prepared and revised by the Secretariat, but needs further work. A new voluntary implementation plan is now being implemented.

#### *Convention on Biological Diversity (CBD)*

Cabo Verde received technical assistance in capacity-building to improve its compliance with the reporting obligations under CBD. The 5<sup>th</sup> National Implementation Report (NIP) was submitted in 2015, the 6<sup>th</sup> NIP was due in 2018. Preparation for the ratification of Nagoya Protocol is still ongoing since the last reporting period 2016-2017. A National Strategic Biodiversity Plan 2014-2030, as well as a revised National Biodiversity Strategy and Action Plan (NBSAP) since 2016 are in place.

There were no salient shortcomings identified in Cabo Verde as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not been halted and concrete measures to implement the Convention should be strengthened. Efforts are focused on sharks, turtles, and birds.

#### *Stockholm Convention on Persistent Organic Pollutants*

Cabo Verde ratified the convention in 2006 and submitted its National Implementation Plan (NIP), which was due in 2008, in 2013. The Government has recognised that this NIP has not been fully implemented. In addition, Cabo Verde has not submitted any of the three subsequently required updates of the NIP. Cabo Verde stated that the revision of the NIP is still on-going.

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<sup>2</sup> Category 3: legislation that is believed generally not to meet the requirements for the implementation of CITES. Source: [https://cites.org/eng/legislation/National\\_Legislation\\_Project](https://cites.org/eng/legislation/National_Legislation_Project)

### *Cartagena Protocol on Biosafety*

Since 2011, drafts of a biosafety law and a National Biosafety Framework are awaiting finalisation. The draft National Biosafety Framework also proposes a risk assessment mechanism for living modified organisms (LMOs).

### *Conventions on Climate Change*

Cabo Verde ratified the Paris Agreement on 21 September 2017. The agreement entered into force on 20 December 2017.

The consumption of hydrochlorofluorocarbon (HCFC-22) has been fairly stable in Cabo Verde since 2009. An import licensing and quota system is operational and will enable consumption reductions in line with the Montreal Protocol's phase-out schedule. Cabo Verde is considering integrating HCFC issues into the training curricula for national customs officers by strengthening collaboration with the refrigeration vocational training school and large servicing workshops. This will enable continuous training of technicians and control of ozone-depleting substances, which will ensure the long-term sustainability of the activities under its HCFC phase-out management plan.

On 30 September 2015, Cabo Verde submitted its Intended Nationally Determined Contribution (INDC), which contains targets of 30% renewables, 10% energy savings (conditional 100% renewables, 20% energy savings) for the period 2015-2025. Installed capacity of renewables currently represents 25%.

## **Conclusions and monitoring priorities**

*Cabo Verde faces challenges in reporting and legislation for the implementation of several environmental and climate change conventions. Cabo Verde needs to adopt legislation for the implementation of CITES. Concrete measures to implement the Biological Diversity Convention should be strengthened. Cabo Verde also needs to update the national implementation plan (NIP) for the Stockholm Convention. Regarding the Cartagena Protocol, the focus should be on enacting and implementing the draft biosafety framework which has been pending for many years now.*

## **2.4 UN Conventions on Good Governance**

### *International Drug Control Conventions*

Cabo Verde's strategic location in the Atlantic Ocean and its extensive, mostly unmonitored territorial waters and borders make it an important transit hub for South American cocaine moving to Europe. Cannabis and cocaine (crack) are the most commonly used drugs and often linked to urban crime.

In October 2018, Cabo Verde adopted a new National Integrated Programme (NIP) (2018-2023) for the fight against drugs and related crimes, which replaces the earlier National Integrated Programme 2012-2016. Both NIPs were developed with the UN Office on Drugs and Crime (UNODC). The NIP (2018-2023) addresses the combined threats of drug demand and offer, and related criminal justice challenges. The NIP anchors its intervention strategy around five strategic axes, namely: (i) Prevention and Research; (ii) Care, Treatment, and Social Reintegration; (iii) Risk Reduction and Minimization of Damages; (iv) Combatting Illicit Trafficking, Organized Crime and Terrorism and; (v) Integrity and Criminal Justice System Reinforcement. The programme, beyond its health and drug demand reduction



integrated focus, aims to reduce drug trafficking and related crimes, with a view to limit drug supply in the national market and transnational drug transshipment. The program has a foreseen budget of USD 7 million.

On 10 July 2019, Cabo Verde presented the NIP to international partners with a request for financial support. Cabo Verde requested UNODC to assist with the revision of its drug legislation and has drafted a **new drug law**, which shifts the focus from criminalising drug users to a more health-oriented approach. This draft law remains to be adopted. A new Government commission for the coordination of drug prevention is being set up.

Cabo Verde is making substantial efforts to disrupt drug trafficking in its maritime zone and has a good record of drug seizures in the region. However, Cabo Verde does not have the capacities and means to effectively patrol its Exclusive Economic Zone (EEZ) of nearly 800,000 sq km in an area prone to the presence of drug traffickers and illegal fishing vessels. Among other things, Cabo Verde lacks manpower and equipment, including ships and air assets. Cabo Verde is, therefore, very reliant on its cooperation with international partners, including Portugal, Spain, the UK, and the US, to strengthen its capacity to monitor the country's international waters and combat drug trafficking.

### *UN Convention against Corruption (UNCAC)*

Cabo Verde was reviewed under UNCAC in 2016 and 2017. According to UNODC, the country has no major compliance problems. The Implementation Review Group issued a number of recommendations to further strengthen existing anti-corruption measures, including a recommendation to adopt a **national strategy** to ensure that the various anti-corruption policies are effective and coordinated. Cabo Verde does not yet have a **single and independent anti-corruption authority**. There is a national Office for Asset Recovery, as well as a Public Procurement Code of Conduct in place.

Legislation against money laundering is in place, which covers Politically Exposed Persons and active and passive corruption by foreign nationals. All commercial banks in the country are participating in a system of obligatory declaration of suspicious financial movements. Amounts of USD 10,000 or more must be declared upon entry. The country expects to further strengthen resilience through its new central recruiting system for the public administration. Cabo Verde has carried out a National Risk Assessment regarding money laundering and financing of terrorism.

Yet, the Inter-Governmental Action Group against Money Laundering (GIABA) identified important shortcomings both in the legal framework and in the effectiveness of the anti-money laundering and terrorist financing regime in Cabo Verde<sup>3</sup>. For instance, the intensive use of cash in the economy, the absence of limits to cash transactions, and the enormous size of the informal economy in the country aggravate the money laundering risk. Furthermore, the underlying preventive measures (e.g. customer due diligence), as well as their effective implementation by both financial institutions and designated non-financial businesses and professions (DNFBPs), are inadequate in consideration of the country's money laundering (ML) risk profile. With regard to the ML and also terrorist financing (TF) risk, the relevant supervisors are yet to have the necessary mechanisms to develop activities in order to combat ML/TF on a risk-sensitive basis. Particularly, the supervisory activity in sectors that have been identified with a higher risk (e.g. the real estate, Non-Profit Organisations, or gambling

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<sup>3</sup> [https://www.giaba.org/media/f/1081\\_ENG%20-%20Final%20MER%20of%20Cabo%20Verde%20May%202019%20rev7519.pdf](https://www.giaba.org/media/f/1081_ENG%20-%20Final%20MER%20of%20Cabo%20Verde%20May%202019%20rev7519.pdf)

sector) is either limited or non-existent. Another weakness in relation to the prevention of ML and TF is that the identification of beneficial owners (BO) is a major challenge for all DNFBPs. Although, there is a solid legal framework for the identification of BOs in place, the implementation remains weak. Finally, both financial institutions and DNFBPs either only have limited or no knowledge of the UN Sanctions Lists at all for the implementation of targeted financial sanctions.

Cabo Verde was ranked number 45 out of 180 countries in the 2018 Transparency International Corruption Perception Index, with a perceived level of public sector corruption score of 57 out of 100 (whereby zero means 'highly corrupt'). Previous scores were: 2016 (59), 2015 (55) and 2014 (57).

## **Conclusions**

*Cabo Verde is an important transit hub for South American cocaine smuggling to Europe. Consumption of illegal drugs is increasing in Cabo Verde. Its location in the Atlantic Ocean and lack of resources and means make it difficult to control its extensive, mostly unmonitored territorial waters and borders. Cooperation with international partners is essential to strengthen the capacity of Cabo Verde to combat illicit trafficking of drugs, particularly at sea. Cabo Verde has, however, adopted a National Integrated Programme, and should focus on ensuring full implementation of the plan.*

*Cabo Verde should make further efforts in order to reinforce its regime for fighting money laundering and terrorist financing. Cabo Verde has been benefitting from assistance and cooperation programmes supported by UNODC, the EU and other international partners. It will be hosting Zone G of the ECOWAS Integrated Maritime Strategy (EIMS). Cabo Verde is performing well with regards to its compliance to the UN Convention against Corruption and should sustain its efforts to maintain this. There remain some serious deficiencies in relation to the prevention of money laundering and terrorist financing in Cabo Verde.*

# ANNEX

## Cabo Verde – Treaty Ratification and Reporting

Convention	Status of ratification / reservations <sup>4</sup>	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ongoing	<b>No reporting obligations</b>
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 03.10.1979  No reservations	<b>Lack of compliance with reporting obligations</b>  Last report submitted on 05.08.2002. Last concluding observations from 23.10.2003. Latest report was due on 02.11.2006.
3. International Covenant on Civil and Political Rights	Ratified: 06.08.1993  No reservations	<b>Compliant with reporting obligations</b>  Last report submitted on 09.02.2018. Last concluding observations from 23.04.2012.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 06.08.1993  No reservations	<b>Compliant with reporting obligations</b>  Last report submitted on 27.12.2017. Last concluding observations from 12.10.2018. Next follow-up state party report due on 12.10.2020. Next report due on 31.10.2023.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 05.12.1980  No reservations	<b>Compliant with reporting obligations</b>  Last report submitted on 09.02.2018. Last concluding observations from 30.07.2019.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 04.06.1992  No reservations	<b>Compliant with reporting obligations</b>  Last report published on 26.01.2017. Last concluding observations from 07.12.2016. Last follow-up state party report was due 07.12.2017. Next report due on 07.12.2020.
7. Convention on the Rights of the Child	Ratified: 04.06.1992  No reservations	<b>Compliant with reporting obligations</b>  Last report submitted on 12.10.2017. Last concluding observations from 31.05.2019.
8. Convention concerning Forced or	Ratification:	<b>Compliant with reporting obligations</b>

<sup>4</sup> Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

Compulsory Labour, No. 29	1979	Latest CEACR comments: Direct Request 2018. Next regular report due in 2020.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1999	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2017. Last report received in 2019.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1979	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2017. Last report received in 2019.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1979	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2016; Direct Request 2016. Last report following comments received 10.09.2018. Next regular report due in 2021.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1979	<b>Compliant with reporting obligations</b> Last report received in 2015 (out of cycle). Next regular report due in 2020.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1979	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2016. Last report following comments received 10.09.2018. Next regular report due in 2021.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2011 Minimum age specified: 15 years	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2018, Direct Request 2018. Last report received in 2018 (out of cycle). Next regular report due 2020.
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2018, Direct Request 2018. Next regular report due 2020.
16. CITES	Accession: 10.08.2005	<b>Lack of compliance with reporting obligations</b> Latest (2016) Annual report submitted 29.03.2017. Next (2018) Annual Report due 31.10.2019 Annual report for 2017 was due 31.10.2018. Biennial Reports for 2003-04, 2005-06, 2007-08, 2009-10, 2011-12, 2013-14, and implementation report 2015-17 due <sup>5</sup> .

<sup>5</sup> Reporting mandatory, but not subject to compliance procedure.

		Annual Illegal Trade report due for 2017. <sup>6</sup>
17. Montreal Protocol	Accession: 31.07.2001  No reservations	<b>Compliant with reporting obligations</b>  Most recent data for 2016 was submitted.  No more recent reporting data is available.
18. Basel Convention	Accession: 02.07.1999  No reservations	<b>Compliant with reporting obligations</b>  Last (2017) National Report submitted on 27.12.2018.  Next (2018) Annual National Report due in 2019.
19. Convention on Biological Diversity	Ratification: 29.03.1995  No reservations	<b>Lack of compliance with reporting obligations</b>  Last (Fifth) National Report was submitted on 25.11.2015.  Latest (Sixth) National Report was due on 31.12.2018.  Revised National Biodiversity Strategy and Action Plan (NBSAP) submitted on 19.08.2016.
20. UN Framework Convention on Climate Change	Ratification: 29.03.1995  No reservations	<b>Lack of compliance with reporting obligations</b>  Last (Third) National Communication submitted on 05.10.2018.  Biennial Update Reports for 2014, 2016, and 2018 are due.
21. Cartagena Protocol on Biosafety	Ratification: 01.11.2005  No reservations	<b>Lack of compliance with reporting obligations</b>  Last (Second) National Report submitted on 28.09.2011.  Next (Fourth) National report due on 01.09.2019.  Interim National Report (2005), First (2007) and Third (2015) National Report are due.
22. Stockholm Convention	Accession: 01.03.2006  No reservations	<b>Lack of compliance with reporting obligations</b>  First (2006), Second (2010), Third (2014), and Fourth (2018) National Reports due.  National Implementation Plan submitted 06.08.2018.
23. Kyoto Protocol	Accession: 10.02.2006  No reservations	<b>No reporting obligations.</b>
24. UN Single Convention on Narcotic Drugs	Accession: 24.05.1990  No reservations	<b>Reviewing is fulfilled by the International Narcotics Control Board (INCB).</b>  See report of the INCB for 2018.
25. UN Convention on Psychotropic Substances	Accession: 24.05.1990  No reservations	Not compliant with the obligation to submit information for 2009-2013.
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 08.05.1993  No reservations	
27. UN Convention against Corruption	Ratification: 23.04.2008	
		<b>Reviewing is fulfilled by the UN Office on Drugs and Crime (UNODC).</b>  Cabo Verde was reviewed in 2016 – 2017. The executive summary is available.

<sup>6</sup> As above.

	No reservations	
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