



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Combined initial to third periodic reports
submitted by Cabo Verde under article 73
of the Convention pursuant to the simplified
reporting procedure, due in 2016^{*}, ^{**}**

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* The present document is being issued without formal editing.
** The annexes may be consulted in the files of the secretariat.

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Acronyms and abbreviations

CL	Labour Code
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CNDHC	National Commission on Human Rights and Citizenship
CNI	National Immigration Council
CPLP	Community of the Portuguese-Speaking Countries
CRCV	Constitution of the Republic of Cabo Verde
CCD	Common Core Document
CSO	Civil Society Organization
CVE	Cabo Verdean Escudos
DEF	Foreign and Borders Directorate
DGI	Directorate General for Immigration
DGT	Directorate General for Labour
ECA	Statute of the Child and Adolescent
ECOWAS	Economic Community of West African States
ENED	National Emigration and Development Strategy
ENI	National Immigration Strategy
GBV	Gender Based Violence
GDP	Gross Domestic Product
ICCA	Cabo Verdean Institute of the Child and Adolescent
ICIEG	Cabo Verdean Institute for Gender Equality and Equity
IEC	Information, Education and Communication
IEFP	Institute of Employment and Vocational Training
IGT	General Labour Inspectorate
ILO	International Labour Organization
IMC	Continuous Multi-purpose Survey
INE	National Institute of Statistics
IOM	International Migration Organization
MAI	Ministry of Internal Affairs
MFIS	Ministry of Family and Social Inclusion
MNEC	Ministry of Foreign Affairs and Communities
NGO	Non-Governmental Organization
PEDS	Strategic Plan for Sustainable Development
PISI	Project for the Social Integration of Immigrants
PJ	Judicial Police
RJE	Law on the entry, stay, exit and removal of foreign nationals from Cabo Verde
TIP	Trafficking in Persons

UE	European Union
UCI	Coordination Unit for Immigration
USA	United States of America

Introduction

1. The present report corresponds to the combined Initial to Third Report of the Republic of Cabo Verde to the Committee on Migrant Workers (CMW). It consists of two parts, submitted in separate documents: a Common Core Document (CCD), prepared based on the respective harmonized guidelines (HRI/GEN/2/Rev.6) and submitted on February 6, 2018, and the present specific document, prepared based on the CMW guidelines for periodic reports (CMW/C/2008/1).

2. The specific report was prepared under the coordination of the Office of the Prime Minister, responsible for the coordination of the Inter-Ministry Commission for the Elaboration of National Reports due under ratified Human Rights Conventions, created through Resolution No. 55/2017, of June 15. The report preliminary version was shared with the Inter-Ministry Commission and all stakeholders, including civil society organizations, in a final workshop held on July 23, 2018, with all inputs reflected in the present document.

A. Information of a general nature

Constitutional, legislative and judicial framework for the implementation of the Convention

3. The legal and institutional framework for the protection and promotion of human rights in Cabo Verde is firmly established, as outlined in the CCD. In Cabo Verde ratified Conventions come into force after their publication in the Official Bulletin, even if they contain rights, freedom and guarantees that are broader than the Constitution (CRCV) and may be invoked before the courts and authorities of the country (CCD, paragraph 165). Article 24 of the CRCV establishes that all citizens have equal social dignity and are equal before the law and cannot be discriminated against on the grounds of race, sex, descent, language, origin, religion, social and economic conditions or political or ideological convictions (CCD, paragraph 221). Article 23 of the CRCV on the universality of rights and article 25 on the status of foreign and stateless persons were also referred to in the CCD (paragraph 223).

4. In terms of the legal framework, the approval of the Law on the entry, stay, exit and removal of foreign national from the Cabo Verde (RJE), which repealed Decree-Law No. 6/97, of May 5, is a substantial development strengthening national legislation on migration. The REJ entered into force end of 2014 (Law No. 66/VIII/2014, of July 17, as amended by Law No. 80/VIII/2015, of January 7, by law No. 19/IX/2017, of December 13 and regulated by Decree-Law No. 2/2015, of January 6) and applies to foreign and stateless persons, while not applying to foreign national that are in the national territory as refugees, under the provisions regulating asylum (Article 3).

5. With regards to the Diaspora, the RJE includes provisions to foster bonds with Cabo Verde, such as: the possibility of entry without a visa for natives of Cabo Verde who have acquired foreign nationality, as well as their spouses and descendants, upon presentation of a passport, birth certificate, marriage certificate or other document demonstrating they were born in Cabo Verde, are married or are born of a father or mother born in Cabo Verde (Article 9 (e)); these, with the exception of those born in Cabo Verde, should obtain a temporary or residence visa or a residence permit from the Foreign and Borders Directorate (DEF) if they intend to stay in the country for more than 90 days (Article 9 (4)). Natives of Cabo Verde who demonstrate that they have renounced Cabo Verdean citizenship, under foreign law, to defend their rights in the country of immigration (Article 41) are exempted from residence permits. In addition, in situations of non-fulfilment of the visa waiver requirements, foreign natives of Cabo Verde may be included in the exceptional scheme to obtain or renew temporary residence permit (Article 61 (d)). The issuance of a permanent residence permit may be granted to foreign natives of Cabo Verde who have a temporary residence permit for three years (five years for foreigners non-native), or who have retired

(Article 62 (a)). Fees for visas and residence permits are reduced by half in the case of natives of Cabo Verde (Article 117).

6. With regards to the rights, guarantees and duties of foreign nationals, the RJE foresees that foreign nationals in Cabo Verde, legally domiciled or in Cabo Verde, enjoy the same rights and guarantees as Cabo Verdean citizens and are subject to the same duties, except for rights and duties expressly reserved by law to cape-verdean citizen, as is the case of some rights pertaining to political activity and public functions (Article 64). Article 60 (i) provides that foreign nationals who, at the date of entry into force of the RJE, were in an irregular situation in Cabo Verde, would not require a residence visa as a condition for granting a residence permit, provided they had entered the national territory prior to three years. As referred in the CCD (paragraph 257), following the entry into force of the RJE, a process of extraordinary regularization of irregular citizens in the national territory was conducted in 2015, during which 1.058 citizens were regularized (888 males and 170 females).

7. Various provisions relating to trafficking in migrants have been incorporated into the RJE, thus aligning the national legal framework with some of the main provisions of the Protocol on Migrants Trafficking. The RJE defines civil liability and criminal penalties applicable to crimes of assistance to illegal immigration (Article 92); association for this purpose (Article 93); production, falsification, alteration or counterfeiting of fraudulent documents; marriage of convenience (Article 95); attraction of illegal labor (Article 96); and employment of foreign workers in an irregular situation (Article 97). With a view to identifying possible organized criminal groups, in the case of certain offenses (defined in Articles 92, 93 and 94), the RJE provides for the possibility of mitigation of sentences by the court to whom denounces authors of such crimes or substantially collaborates in uncovering these groups.

8. The RJE foresees measures to combat, prevent and repress trafficking in persons (TIP) and authorizing the temporary residence of foreign nationals who have been victims of criminal offenses linked to TIP, thereby contributing to the punishment of such crimes (considering victims are key witnesses). It establishes that survival and urgent medical treatment must be ensured for victims who lack economic means, and special guarantees in the event of repatriation, especially for pregnant women and victims of torture, sexual assault or other severe forms of psychological, physical or sexual violence, among others. CNDHC is responsible for monitoring the respect of human rights standards in the implementation of repatriation procedures.

9. With regard to the entry or exit of unaccompanied foreign minors, the RJE provides that it is duly documented and, in situations where unaccompanied minors are awaiting a decision on their admission to the national territory or on their repatriation, full material support must be granted and the necessary assistance to satisfy their basic needs for food, hygiene, housing and medical care; it also states that unaccompanied minors may be repatriated only to their country of origin or to a third country that is willing to accept them if there is a guarantee that adequate reception and care will be provided on arrival (Article 12).

10. The revision of the Penal Code in 2015 (Legislative Decree No. 4/2015, of November 11) is another substantial development that reinforced national legislation on issues relevant to migration. It criminalizes TIP, punishing those who offer, gives, entice, transports, houses or shelters a person for purposes of sexual exploitation, exploitation of labor or extraction of organs (Article 271A). It provides guarantees to victims by establishing that the victim of TIP will not be criminally responsible for having entered illegally into national territory or for having participated, in any way, in illegal activities, insofar as they are a direct consequence of their situation as a victim. In addition, it criminalizes the practice of forced prostitution (268A and 268B), recourse to child prostitution (Article 145A), while maintaining the crime of grooming a minor for sexual intercourse abroad (Article 149), slavery (Article 271) while article 148 criminalizes the support or facilitation of the prostitution of children under 16 years. Articles 148 and 149 have been revised to criminalize the facilitation of, or benefit from, the prostitution of children aged 16 to 18.

11. The right of asylum and refugee status is recognized by the CRCV to foreign nationals or stateless persons persecuted for political reasons or seriously threatened with persecution because of their activity in favor of national liberation, democracy or respect for human rights (Article 39). The legal framework for asylum and refugee status is laid down by Law No. 99/V/99, of April 19, and the respective regulatory framework is under preparation. The Law also considers to be grounds for asylum the fear of persecution on the grounds of race, religion, nationality, political opinion or integration in a certain social group (Article 3 (2)). It guarantees the possibility of family reunification by declaring the effects of asylum to the spouse and minor children, or parents and minor siblings when the applicant is under 18 years of age. Until the final decision on the application, minimum conditions of social dignity are ensured for applicants through social support (Articles 15–17 and 20). The procedures for granting the application are free of charge and are of an urgent nature (Article 21). In situation that do not fall under the provisions of Article 3, if the applicant is prevented or unable to return to the country of his or her nationality or habitual residence due to serious insecurity due to armed conflict or systematic violation of human rights, authorization may be granted for humanitarian reasons (Article 10). Although the law is in the process of being regulated, applications for asylum have been analyzed (a request was received in 2016) and the stay of the concerned person ensured through mechanisms other than the granting of asylum.

12. The CCD (section C, paragraphs 155–162) presents the human rights instruments ratified by Cabo Verde.

13. There are no records of migrant children detained in the country and there are no practices of detention of children due to irregular immigration. Where children have committed acts comparable to a crime, minors under 12 years are unenforceable and, for minors between 12 and 16 years of age, the law provides for the possibility of socio-educational tutelary measures, such as re-education measures, establishing as the *ultima ratio* the internment in a Social-educational Center (Decree-Legislative No. 2/2006, of November 27). In the case of detention of young people between the ages of 16 and 21 on grounds of committing a crime, the law provides for differential treatment, including separation between them and adults. Although Law No. 106/V/99, of August 2, foresees the establishment of Temporary Installation Centers for foreign nationals, the establishment of such facilities has not been necessary considering that Cabo Verde does not implement institutional practices towards the detention of persons in irregular migration: alternative measures to detention have been preferred, such as the notification for regularization or voluntary abandonment of the national territory within 10 to 20 days, period which may be extended in cases of children attending school, the presence of other family members and social ties (Article 79 of the RJE). In situation were foreign nationals or stateless persons require installation, usually during the period in which the return to the country of origin is expected due to the prohibition of entry into the country, especially when there is a pregnant woman or child, the installation is carried out in hotel unit or, depending on the number of persons, through the provision of another decent facility.

14. In terms of policy, the Strategic Plan for Sustainable Development (PEDS 2017–2021) considers the Diaspora as a strategic resource for the political, economic, social and cultural development of the country, in line with the country's previous strategic development documents. It foresees policy measures to give prominence to cape-verdean emigrant communities, in their relations with host States, with a view to providing them and their descendants with decent treatment, integration and empowerment. Emphasis is placed on the negotiation of deportation issues, from the perspective of prevention and inclusion, as well as on the enhancement and preservation of cultural manifestations in the Diaspora and the diffusion of cape-verdean culture in those countries and countries with which Cabo Verde maintains historical bonds of friendship. With regards to tourism, it foresees the promotion of history and culture routes and ethnic tourism, oriented among others to the cape-verdean communities living abroad. It foresees measures to promote the investment of emigrants in business initiatives and the approval of the Emigrant Investor Statute. The PEDS also foresees the incorporation of Diaspora in the development of National Sports. It takes into account the country's exposure to new security threats, including illegal immigration and TIP. It presents, on the other hand, the country's engagement with social inclusion and fight against social inequalities, and the outlined

social inclusion policy explicitly considers the integration of immigrant families, recognizing their potential vulnerability of their situation. In addition to dealing with these two aspects of migration — both emigration and immigration — the PEDS focuses on issues of internal migrations, associated in particular with migratory flows to the tourist islands of Sal and Boavista, in search of employment: it focuses on the need for balanced regional development in the country, capable of reversing migratory dynamics and correcting their undesirable effects, in particular for the planning of policies in areas of employment, health, education, housing, water, energy, sanitation and urban planning.

15. Since 2013 the country has a National Emigration and Development Strategy (ENED), aimed at increasing the scope and impact of Diaspora engagement and contribution to Cabo Verde's development process. It is structured around eight strategic pillars, namely: (i) Facilitate and prepare departures, with a view to a legal, informed, regulated and organized mobility; (ii) Support the integration of communities in destination countries; (iii) Knowledge on the Diaspora and the dynamics of migration; (iv) Strengthen ties and promote dialogue and information exchange between Cabo Verde and the Diaspora; (v) Facilitate and attract remittances and foster solidarity; (vi) Encourage investment in Cabo Verde, international trade and traditional goods market in the Diaspora; (vii) Mobilize Diaspora competencies to transfer knowledge and experience of the most qualified and skilled human resources in the Diaspora to key sectors of Cabo Verde's development; (viii) Support the return and integration/reintegration of the Diaspora.

16. Since 2012, the country has a National Immigration Strategy (ENI), as referred in the CCD (paragraphs 264–265), whose main objectives are to: Respect, protect and promote the human rights of immigrants; Strengthen the responsibilities of key authorities in the management of migration/migration flows (return/readmission, combating irregular migration, combating TIP); Establish long-term conditions to ensure macroeconomic stability; Strengthen synergies and communication between key authorities, international and regional partners. The ENI 2013–2016 Action Plan was approved on March 20, 2013, at the 1st Ordinary Meeting of the National Immigration Council (CNI). The implementation of the ENI Action Plan was evaluated in 2015, as referred in paragraph 265 of the CCD and, based on the lessons learned from the implementation of this first Plan, and aligned with ENI, a 2nd Immigration and Social Inclusion Action Plan (2018–2020) was prepared, organized around 3 strategic pillars: (i) Management of migratory flows (entry, reception, residence, investments, work, etc.); (ii) Integration (training, acquisition of nationality, housing, health, etc.); (iii) Institutional development. The pillars address the main challenges identified, namely the need for institutional strengthening for effective regulation of migration flows, access to regularization, labor market regulation and monitoring, production and sharing of migration data, facilitation of access to training qualification and the fight against discrimination.

17. Cabo Verde has for the first time a National Plan to combat TIP 2018–2021 (Resolution No. 40/2018, of May 9). It is organized around 5 strategic pillars, with 6 expected results: (i) Strengthening of legal and institutional legal mechanisms, recognizing that there is still a weak capacity of the judicial and police authorities to detect, investigate and prosecute cases; (ii) Creation and implementation of prevention mechanisms, including the creation of an Observatory for the monitoring and rapid identification of TIP situations, awareness-raising actions and training of local and regional authorities, NGOs, among others; (iii) Implementation of institutional mechanisms for the protection and support of victims, including legal, medical and psychosocial support and creation of shelters and assistance to victims; (iv) Creation and implementation of institutional capacity for repression, accountability and social reintegration of the authors of TIP; (v) Design and implementation of an IEC strategy; (vi) Definition and implementation of the institutional framework and partnership mechanisms on TIP issues. A training workshop was held in June 2018 on the investigation, prosecution and trial of TIP situations. A second workshop is already scheduled, on the protection and support to victims, psychosocial and reintegration support and social inclusion, targeting magistrates, judicial and national police, NGOs and other staff.

18. The country also has a 2nd National Action Plan for Human Rights and Citizenship 2017–2021 (Resolution No. 127/2017, of November 17), which includes measures aimed at

migration and implementation of the CMW. It foresees the dissemination of fundamental rights among emigrants and information for Cape-Verdeans who wish to emigrate, in relation to the legal framework, practices and customs in the host country; Support for the provision to the emigrant in the event of a criminal proceeding or the application of an expulsion measure; Continued dissemination of the CMW and training in human rights and fundamental rights for civil servants, professionals of the judicial system and of the public security system, as well as making knowledge in Human Rights a requirement for the entrance in those careers; Promote training for civil society and media professionals; Implementation of a national policy on human rights education targeting all levels of education; Adoption of a new legal regime on asylum; Accession to the 1951 Geneva Convention; Campaigns against racism, xenophobia and stereotypes towards foreign nationals; Approval of an anti-discrimination law that protects immigrants; and the Promotion of training for the integration of immigrants.

19. In institutional terms, several institutions are involved on migration issues. The Ministry of Foreign Affairs and Communities (MNEC) has among other responsibilities: (1) to ensure diplomatic or consular representation in other States and their operation, as well as the management of the establishment and operation of foreign diplomatic and consular representations in Cabo Verde; (2) to conduct international negotiations that bind the State and ensure domestication in the domestic legal order of treaties and agreements; (3) coordinate external actions that have to do with migration; and (4) participate and coordinate the preparation of measures, actions or programs aimed at Cabo Verdean communities established abroad. The Council of Communities is an advisory body with the formal participation of emigrants elected to represent their communities and the National Committee for Emigration and Development (CONED), is a consultative body that supports the development of the lines of action on emigration and development. The General Directorate of Communities, Consular Affairs and Migration (DGCACM) is, at the MNEC, the central service responsible for defining and ensuring policies related to Cabo Verdean communities abroad and issues related to social and economic integration and preservation of relations with the country. The DGCACM is organized into 5 services: (i) Community Affairs Management Service (SGAC), which is responsible for formulating and monitoring the strategy and policies for Cabo Verdean communities in the Diaspora; (ii) Promotion and Mobilization of Emigrants Investment Mobilization Service (SPMIE), responsible for promoting, mobilizing and guiding the investment of migrants in Cabo Verde, as well as coordinating the policy on cross-cutting issues related to the improvement of migrants' business environment in Cabo Verde; (iii) Consular Affairs Management Service, responsible for proposing and implementing policy to ensure consistency and efficiency in the management of consular affairs and to conduct administrative procedures related to consular services; (iv) Migration Services, which is responsible for promoting participation in events, conducting studies, promoting political dialogue with countries and organizations, ensuring international and regional cooperation on illegal migration and TIP, ensuring the monitoring of the external dimension of issues related to the entry and stay of foreign citizens in Cabo Verde; and (v) Migration Observatory.

20. In terms of diplomatic and consular posts, protecting national citizens abroad and ensuring liaison with the Diaspora, there are currently 14 Embassies and 16 Consulates, which strengthen Cabo Verde's ties with the accrediting State and the communities living abroad. They provide to Cabo Verdean nationals administrative, notarial, judicial and civil registry services. They also grant visas for entry in the national territory to foreign nationals. They encourage and support associative movements in the community and direct assistance from consular services to emigrants is complemented by partnerships with Diaspora associations that work to facilitate the integration of migrants in destination countries. The Citizen's House (*Casa do Cidadão*) provides a wide range of public administrative services to citizens and the diaspora, through its offices and remotely, through its on-line platform (*Porton di Nos Ilha*). It has offices in some Diaspora countries and established partnerships with key Diaspora associations; its website has specific sections with relevant information for the Diaspora (Portuguese and English version); personalized services can be accessed online, via email and telephone.

21. Regarding the institutional framework for coordinating the implementation of the national immigration policy and training of public institutions with responsibilities in this

field, the CCD (paragraph 264) describes its evolution over time. The UCI, which was operational until 2016, was composed of a technical secretariat, the CNI, an advisory body composed of 28 representatives from relevant public and civil society entities for the area of immigration, and the Permanent Monitoring Group (GPA), a mechanism to support, advise and monitor the activities of the executive secretariat. Six working groups were established within the CNI, each one responsible for the development of a specific area of immigration policy. In 2014, in the context of the approval of a new structure of Government, the UCI evolved into the Directorate General of Immigration (DGI), through Decree-Law No. 57/2014, of October 24. This DGI maintains the same nature, as the central mechanism for coordinating, integrating, monitoring, regulating and evaluating immigration policies and other public policies that have implications for the entry, stay and exit of foreign nationals in Cabo Verde. The CNI continues to exist as an advisory body to support the Government in matters of immigration, but with an independent status, directly under the Minister of Family and Social Inclusion (MFIS). The DGI now incorporates two Services: (i) Support and Dialogue with Immigrant Communities Service, underlining the importance of building and maintaining a dialogue with the immigrant population and reinforcing their privileged interlocutor role; (ii) Research and Information Service, reinforcing the importance of information for the management of the immigration phenomenon. The MFIS is the governmental department responsible for promoting “support and social development policies, poverty and social exclusion combat, promote, protect and support family, children and adolescents, the elderly, persons with disabilities and effectively contribute to gender equality, as well as designing and implementing policies for the integration of the immigrant population”, thus encompassing the DGI.

22. Other institutions involved in migration issues are the Foreign and Borders Directorate (DEF) of the National Police, under the supervision of the Ministry of Internal Affairs, the DEF being the central office responsible for controlling the entry and exit of persons at border posts, residence and stay of foreign nationals in the national territory (issuance and extension of residence visa and residence permit, supervision of illegal stay, undocumented persons and falsifying and counterfeiting documents and administrative expulsion proceedings); the Coast Guard, under the Ministry of Defense, with responsibilities in the protection of borders, patrolling of Cabo Verde’s national waters, interception of vessels and rescue operations at sea, prevention and combat of drug and TIP at sea and in the extensive coastal zone; the Ministry of Justice and Labour, in particular the General Directorate of Labour, in matters of work permits for foreign workers and compliance with labour legislation, as well as the General Labour Inspection; the General Directorate of Notary and Identification Registries, responsible for naturalization and nationality issues, receives applications for nationality and guarantees access to registration of births or deaths, and registration of associations; the National Social Security Institute and the National Pension Centre for the provision of social rights to migrants; the local Municipalities, with responsibilities in the provision of public services provided to emigrants and foreign nationals; the Cabo Verdean Institute of the Child and Adolescent (ICCA), for the protection of children, including victims of trafficking: it is responsible for the care and shelter of minors at risk, in charge of the child emergency centers that guarantee care in situations of children victims of sexual abuse and exploitation; the Public Prosecutor’s Office has the power to prosecute, direct the criminal investigation and oversee the criminal proceedings of the criminal police, in particular for crimes of TIP and aid to illegal immigration; the Judicial Police (PJ) investigates crime in its various aspects, including those related to migration.

23. The CCD presents the existing human rights institutions in the country, specifically the CNDHC and the Ombudsman (paragraphs 169–174 and 182–189), as well as other specific institutions (paragraph 182). The CNDHC is mandated to protect and promote human rights of all. One of its missions is to monitor the implementation of the human rights treaties to which Cabo Verde is a party, including the CMW, counting among its commissioners with a permanent representative of the Platform of African Communities in Cabo Verde, representing foreign communities living in Cabo Verde. As referred in the CCD (paragraph 189), the CNDHC statutes are under review for better compliance with the Paris Principles, in terms of its independence and autonomy. There is a revised statute proposal and consensus on necessary amendments, which should be finalized by the

Ministry of Justice, to be approved by the Government. The funding for the operation of the CNDHC has been positive: the budget provided by the State Budget was 15,226,282 CVE in 2014, increasing progressively to 20,817,072 CVE in 2018. The CNDHC implements several projects with international organizations support, in particular the United Nations.

Characteristics and nature of the migration flows

24. The CCD provides some data on Cabo Verde's population and migratory flows (paragraphs 9, 13 and 259–260). Cabo Verde is historically a country marked by emigration and all estimates point to the existence of more people living abroad than in the country: the Diaspora is usually referred to as the 11th island of Cabo Verde. Considering Cabo Verdean nationals and descendants, MNEC estimates a 1 million people Diaspora and, according to the United Nations,¹ Cabo Verde is among the 15 countries in the world with the highest percentage of emigrants. The emigration had several phases: the first, between 1900 and 1926, mainly towards the United States; the second, from 1927 to 1945, with a diversification of destinations, with a focus on Latin American countries (mainly Brazil and Argentina), Africa (especially Senegal, Guinea Bissau, São Tome and Príncipe and Angola) and the growing importance of Portugal; the third phase, from 1946 to the present, marked by a shift to Europe (the Netherlands, France, Luxembourg, Italy, Spain and the reinforcement of the quota in Portugal). The 1998 data from the Institute of Support to the Emigrant (now extinct) pointed to 518,800 emigrants spread over more than twenty countries, with the USA as the main host country (264,900, 52.6% of the total), followed by Portugal (80,000, 15.9%) and Angola (45,000, 8.9%). The available consular records, partially updated in June 2018, indicate 301,975 Cabo Verdeans registered in diplomatic missions, highly concentrated in some countries of destination: Portugal (146,150, 48.4% of the total), France (37,400, 12.4%) and USA (31,995, 10.6%). The communities in the Netherlands (20,232), Angola (17,985), Italy (11,687), São Tome and Príncipe (8,749), Senegal (8,715), Luxembourg (6,042) and Spain (5,801) are also relevant. Thus, it can be said that there is a high concentration of emigrants in Europe (almost 8 out of 10 Cabo Verdean emigrants live in this continent, mainly in Portugal, but also in France, the Netherlands, Italy, Luxembourg and Spain), followed by North America and other African countries (to where about 1 in 10 Cabo Verdean emigrants go, respectively) (table I of annex). In 2012/2013 registered emigrants totalled 289,172, that is 12,803 more were registered by 2018 compared to 2013.²

25. Emigration flows globally have declined in recent decades: between 1971 and 1980 the annual average corresponds to 4,800 emigrants, while in 2009–2014 it corresponds to 2,700, a reduction justified on the one hand by improved living conditions in the country and, on the other hand, by the restrictive immigration policies of several countries, particularly from EU member states. Between 2005 and 2010 (2010 Census data), 4,308 people left Cabo Verde seeking work overseas, with a peak of emigration for employment-related reasons in 2009 (table 2 of annex). In the period 2009–2014 estimates indicate 16,420 people emigrated, 41% men and 59% women (IMC 2014), but only 2 out of 10 migrants left the archipelago to seek work abroad (20.6%), a proportion higher among men (26.2% versus 16.8% for women). The most frequent reasons for migration are studies (36%), followed by family reunification (23%). In this period, the main destination country for emigration was Portugal, representing 35% of total of people leaving the country for employment, followed by France (24%) and the United States (10%). Angola appears as the fourth country of destination, being the most relevant in the African region (9%).

26. In terms of labour integration, Cabo Verdean living in the Organisation for Economic Co-operation and Development (OECD) countries work mainly in the construction and domestic service sectors, as well as in industry, services, hotels and restaurants. On the other hand, according to international estimates, Cabo Verde is one of the countries in the world that has more qualified nationals abroad than in the country of origin. Many Cabo Verdean that have studied abroad do not return, at least straight after finishing their studies, and the Cabo Verdean labour market has difficulty absorbing all this

¹ Human Development Report (2013), based on data from 2010.

² Migratory Profile 2017, p 37.

human capital. In fact, the unemployment rate is particularly high among young people with higher education, and emigration is a way out of unemployment. The most recent figures indicate an unemployment rate of 12.2% (11.8% for men, 12.8% for women) and 32.4% for 15–24 years old, which increases to 54.9% among young people with higher education (IMC, 2017).

27. The Diaspora's contributions to the country's development are of extreme importance in several forms: through remittances, investing in the country, establishing commercial and business networks or participating in the transfer of Diaspora competencies to key sectors of the economy in Cabo Verde. Remittances weigh heavily on the country's financial stability and have an important impact on its economy: the World Bank ranking (2016) presents Cabo Verde in 21st place of countries where remittances are most important in GDP (12% of GDP in 2015). Remittances allow households to increase their income, accounting for around 6% of total household income (INE, 2004) and helping to minimize the effects of poverty. Families use remittances mainly for financing consumption, debt payment, construction or acquisition of own house and agricultural properties and for tourism related work activities.

28. Regarding immigration, Cabo Verde has also become a destination country, essentially since the 1990s, a phenomenon also explained by the positive performance of the economy, particularly the tourism sector which began its strong expansion in that period, the existence of international agreements facilitating the entry and movement of people in the country, in particular from ECOWAS, and the current worldwide paradigm in which the mobility of people between countries is facilitated.

29. The CCD presents some data on immigration (paragraphs 259–260). It should be noted that a considerable proportion of foreign nationals in Cabo Verde are in the country in the context of working in international bodies and organizations, as diplomats or for study purposes.

30. Overall, the data show a trend towards increased immigration, with the number of immigrants doubling in the country between 1991 and 2014. Regarding employment, precarious employment relationship affects both nationals and foreign nationals: in the case of foreign nationals, 68% (61.9% men and 89.7% women)³ work without a written contract. Women are more affected because they work more in self-employment activities. Regarding the work regime, 91.6% of foreign nationals are working permanently and on a full-time basis (table 3 in annex), mostly engaged in activities related to personal services, security and sales (about 34%) (table 4 in annex): commerce (22%), administration/security (15.5%), construction (13.6%), housing and catering (10%) (table 5). Most work in private companies (47.3%), with significant differences between men (58.3%) and women (16.7%) (table 6). The rate of illiteracy among immigrants is 10.7 (5.7% men and 18.2% women). Most of non-illiterates have basic education/literacy level (42.8%), while 36.9% have secondary school level and 20.3% the technical/higher education level.⁴

31. The high presence of immigrants in Cabo Verde's labour market indicate they contribute to the economic development of the country. However, as nationals, most labour in the informal market, which can minimize their contributions to the country's development, and may also indicate a greater vulnerability to exploitation situations and the absence of social protection.

Bilateral/multilateral migration agreements and cooperation concerning migrant workers

32. In the context of the ECOWAS Treaty, Cabo Verde signed in 1979, and ratified in 1982, the Protocol on Free Movement of Persons and the Right of Residence and Establishment (A/P.1/5/79), to be implemented in phases. In this context Cabo Verde has abolished the entry visa for 90-day stays for citizens from the subregion who, if they decide to stay in the country, should apply for a residence permit. Cabo Verde has not ratified Supplementary Protocol A/SP.1/7/86 on the second phase (Right of Residence and to seek

³ Migratory Profile 2017, p 29.

⁴ Idem, p 18.

and perform paid work), and residence permits for ECOWAS nationals are processed as for nationals from other countries.

33. Cabo Verde has concluded bilateral labour agreements with three of the main destination countries of its emigrants in Europe, namely Portugal, France and Spain:

- In 1997, the Protocol on Temporary Emigration of Cabo Verdean Workers to Work in Portugal (updated in 2013);
- In 2007, the Cooperation Agreement on Immigration between Spain and Cabo Verde;
- In 2008, the Agreement between France and Cabo Verde on the Concerted Management of Migration Flows and Development.

34. International agreements on free movement have been concluded with Senegal (Convention on Free Movement and the Establishment of People and Goods, 1999), and abolition of entry visas with Cuba (1982), Russia (1995), Hong Kong (1998) and Angola (signed in 1997 but not yet in force). Free movement agreements were also signed in relation to the CPLP countries (Angola, Brazil, Guinea Bissau, Guiné Equatorial, Mozambique, Timor Leste, Portugal and São Tome and Principe). An agreement was also signed with South Africa for 30 days' permanence, depending on the type of passport.

35. The European Union and Cabo Verde signed the Special Partnership and Mobility Partnership in 2008, based on reciprocity, with the aim of facilitating the movement of persons between the territories of the signatories, as well as legal migration, by developing genuine cooperation on migration and development matters; and prevention and combat clandestine migration and TIP. It includes the promotion of an effective return and readmission policy, ensuring compliance with human rights, taking into account the situation of migrants and in accordance with the socio-economic development of the signatory countries. In 2012 Cabo Verde signed a visa facilitation agreement with the EU that came into force in 2014 after signing the Readmission Agreement, through which facilities in visa granting are conditions to Cabo Verde's obligation for readmission of irregular migrants in Europe.

36. Regarding border management and, more specifically, cooperation with countries of destination of irregular migrants transiting through Cabo Verde and its territorial waters, cooperation agreements have been concluded with FRONTEX, Portugal, Spain and the USA. Mention should also be made of the SEA HORSE project, which includes Spain, Mauritania, Morocco and Senegal, aimed at strengthening border management through operational cooperation, training of staff and sharing of best practices. The training of border guards is also organized in cooperation with Portugal, Spain and France.

37. Cabo Verde participates in three migration dialogues: (i) Migration Dialogue for West Africa (MIDWA) to discuss common migration-related issues in the regional context and to accelerate ECOWAS regional integration; (ii) Euro-African Process on Migration and Development (RABAT), established in 2006 to bring together the migration route West Africa, which covers Central Africa to northern Europe; (iii) Partnership on Migration, Mobility and Employment (MME), which promoted cooperation between African States and EU Member States between 2007 and 2013. It also participates in the Dialogue on Mediterranean Transit-Migration (MTM), beginning in 2002 and the Global Forum on Migration and Development (GFMD).

38. International cooperation has also been extensive with respect to migrant workers, with the partnership of various international cooperation agencies in multiple domains, including technical assistance. Projects have been developed with the European Union, especially under the Special Partnership and the Partnership for Mobility; with IOM; ILO; ICMPD; with the ECOWAS/Spain Fund on Migration and Development; European Commission; United Nations Conference on Migration and Development; Luxembourg, French, Spanish and Dutch Cooperation; Governments of Portugal, France, The Netherlands, Italy, Switzerland and Luxembourg, among many others. Cabo Verde looks forward to continuing this good relationship with its cooperation partners to continue implementing the CMW.

Dissemination and promotion of the Convention and cooperation with civil society

39. The CCD presents actions for the dissemination and awareness-raising of human rights internally (paragraphs 192 and following). An edition of 3.000 copies of the CMW was produced and distributed throughout presentation sessions across municipalities, in partnership with key institutions and NGO. The DGI regularly takes this publication to the fairs and information sessions it promotes with communities and training sessions directed to key institutions.

40. Regarding the Diaspora, the Infor-Diaspora Project was implemented, with the objective of disseminating information of interest to Diaspora and Diaspora associations have a key role in providing information to emigrants.

41. The DGI produced and distributed the *Immigrant Guide* and 4 types of informative leaflets in 3 languages: Portuguese, English and French, containing information on immigrant rights and duties, regularization and nationality, economic activity, as well as practical information on how to access various rights: work, education and health. The *Chinese Immigrant's Guide* is being drafted, to be edited in Portuguese and Mandarin. An Immigrant Green Line (8002008) was available between 2015 and 2016, in partnership with the Citizen's House, providing information to foreign nationals about regularization, work, economic activity, social security, birth records and nationality. This telephone line is due to be reactivated this year. Between 2015 and 2017 the DGI website was functional in the 3 languages, with information on rights and duties and how to claim them. These contents will be available in the MFIS website, under preparation. The DGI currently has Facebook page. In the context of the Project for the Social Integration of Immigrants (PISI), it promoted with the CSO partnership, 11 dissemination activities on the CMW, regularization, social security, gender equality, health, access to education, etc. From 2012 to 2016, the DGI and the General Directorate of Communities carried out 5 editions of the Migration Fair, which brought together different public services of interest to immigrants, providing information about their services.

42. In terms of flexible assistance mechanisms, an Immigrant Support Office (GAI) was established on Sal Island, managed by the MAI with the DGI support; DGI has an in-person and telephone answering service, operated at its facilities in Praia, the capital; DEF run, until 2015, a free information number dedicated to the regularization process, in addition to its face-to-face services out at its premises and through the police station network.

43. The DGI has developed a close relationship of dialogue with immigrant associations, which has resulted in the creation of an environment of institutional dialogue and cooperation, strengthening of associative structures, integration of immigrants with more vulnerable trajectories, and the identification of ways of making public administration more inclusive for this population. The CCD describes several projects and actions implemented in this regard (paragraphs 267 and 268). Also, within the framework of the PISI Project, which has as one of its objectives cooperation with civil society, through the strengthening of the technical and financial capacities of NGOs and immigrant associations, the DGI supported the creation of the House of African Immigrant Communities (referred in paragraph 267 of the CCD), which brings together 15 immigrant associations. The space has been used to hold different meetings and sessions, including the dissemination and follow-up of projects, implementation of projects of various associations and services. As also referred in the CCD, in terms of capacity building of CSO, between 2013 to 2017 the DGI promoted training actions for community leaders (paragraph 267). The partnership with CSO also includes project funding to associations and NGO, through about 29 projects with approximately 1.000 direct beneficiaries in literacy, small business management, handicrafts, language courses, vocational training, etc. The General Directorate of Social Inclusion also funds projects that promote the social inclusion of immigrants and their families.

44. Between 2013 and 2017 the DGI carried out a total of 307 visits to immigrant citizens in Sal Island, related to regularization issues, labour issues, acquisition of cape-verdean nationality and social support to return to the country of origin. Most requests came from men from Guinea Bissau, São Tome and Principe and Senegal.

B. Information on each of the articles of the Convention

General principles of the Convention

Articles 1 (1), 7

45. The CCD (paragraphs 221 and 223), as well as paragraph 3 of the present document indicate the articles of the CRCV which enshrine equal social dignity and equality before the law for all citizens, the principles of universality of rights and prohibition of restriction of rights, and the equal treatment of the statute of foreigner and the stateless person to that of national citizen. The CRCV also enshrines the right of all to work, fair remuneration, maximum hours of work, weekly rest, social security, rest and leisure, and dignity, health, safety and health at work (Articles 61 to 63), which are not based on the principle of reciprocity.

46. The Labour Code (CL) prohibits discrimination in access to work, in the determination of working conditions, in remuneration, in the suspension or termination of employment, or in any other labour law situation on grounds of sex, skin color, social origin, religious, political or ideological convictions, trade union membership or any other discriminatory grounds (Article 15). Article 48 prohibits racial discrimination. On the other hand, media professionals have the duty to combat intolerance and racism through their professional practice, as well as to refrain from discriminatory references on the basis of race, religion, sex, sexual orientation, disability, political and religious convictions and social conditions, and statements that incite hatred are susceptible to criminal sanctions (Law No. 70/VII/2010, Law No. 71/VII/2010, Law No.73/VII/2010, published on August 16 and Law No. 90/VIII/2015, of June 4).

47. The practice of discrimination is criminalized in Cabo Verde, with an established penalty of 2 years imprisonment or fine for those who: (i) refuse or condition the supply of a good or service; (ii) prevent or condition the normal exercise of an economic activity; (iii) punish, dismiss or refuse a contract or employment to a person on the basis of the distinction made by reason of origin, sex, family status, health status, habits and customs, political opinions, civic activity, belonging or not belonging (true or supposed) to an ethnic group, nation, race or religion, whether or not he/she is a member of an organization (Article 161 of Penal Code). Organization for the development of activities to incite discrimination, hatred or racial violence is also criminalized (Article 270 of Penal Code).

48. Although the prohibition of discrimination on grounds of nationality is not explicit in the legal texts, any discrimination on these grounds can be legally framed by law, both in accordance with the provisions of the CRCV on discrimination based on descent and origin, as on the basis of Article 7 of the CMW, which is in force in the cape-verdean legal system.

49. The evaluation of the ENI 1st Action Plan has identified as one of the main challenges the fight against discrimination, and its 2nd Action Plan has a strategic axis for the Integration of Immigrants, aiming also at the promotion of tolerance and cultural diversity, including combating discrimination and xenophobia. The 2nd National Action Plan for Human Rights and Citizenship 2017–2022 (referred to in paragraph 18 of this document) foresees measures against discrimination, including the provision of compulsory training for civil servants, awareness-raising campaigns and the implementation of a national education at all levels of education.

50. A diagnostic study to identify the needs of immigrants in the process of social integration was carried out in 2014. Although the vast majority of respondents did not refer to situations of discrimination: 79% of immigrants feel satisfied or very satisfied in Cabo Verde and 89% feel very good, well or reasonably integrated. Still, 35% of immigrants reported having experienced discrimination, especially those from the African continent.⁵ Considering the feeling of discrimination revealed by the Study, in June 2017 the Information and Awareness Campaign Cabo Verde For All was launched, as a strategy to promote respect for differences in a migrant context and to prevent discriminatory practices,

⁵ Furtado Clementina and Barros Crisanto: Diagnostic Study on the Needs of Immigrants in the Social Integration Process in Cabo Verde, 2014, p. 53.

and to foster respect for the rules and regulations of the host country within the immigrant community. In addition to media and social media spots and informative materials (in various languages), the campaign develops extracurricular activities, lectures and conferences in secondary schools and universities, as well as with immigrant communities on the rules and procedures of the host country. The campaign is part of the project to promote multiculturalism, aimed at informing and raising awareness among the Cabo Verdean society for mutual respect between immigrants and host society. The Project also develops training seminars for key public services (since 2013, 12 seminars have been held, covering 210 technicians from 6 municipalities). A training workshop is ongoing, through a partnership between DGI and DEF, for border agents on the implementation of the RJE, human rights and assistance to foreign nationals.

Article 83

51. The CRCV guarantees to all, including migrant workers and members of their families: access to justice, protection of their rights within a reasonable time, right to defense, legal information and representation (Articles 22 and 25). To act against violation of fundamental rights, freedoms and guarantees, it is guaranteed to any national or foreign citizen, the right to resort to judicial or administrative procedures, and use can be made of specific remedies, even against the performance of public powers. The RJE establishes that foreign nationals enjoy all the constitutional and legal guarantees recognized to national citizens, including access to courts against acts that violate the rights recognized by the CRCV and the Law (Article 71). The Labour Procedure Code (Ordinance No. 87/70, of 16 May, and Decree-Law No. 191/91, of December 30) makes no distinction between nationals and foreign nationals to bring actions relating to labour relations.

52. Access to legal information and legal assistance abroad has been provided in some countries by the Cabo Verdean Associations, such as the Cabo Verdean Association of Lisbon, which implemented the Legal Support Center and the Cabo Verdean Association of Rotterdam, which implemented the Center for Reception and Orientation of Rotterdam.

53. Legal information and representation are guaranteed to all without distinction, irrespective of their economic condition (paragraphs 101–104 of the CCD). Since February 2017 agreements have been established between the Ministry of Justice and all 22 City Halls of the country, to provide legal information, which allow for a lawyer to perform these functions locally and as close as possible of all citizens for free. This is in addition to other sources of legal information, such as services provided by the Bar Association (OACV). The provision of legal representation is explained in paragraphs 94–100 of the CCD and is provided by the OACV to persons without economic conditions, regardless of nationality and the status of entry documentation in the country, only requiring a copy of an identification document and proof of the economic insufficiency. Legal Houses registered an increase in the number of services provided to foreign nationals between 2010 and 2014, from 6 to 62, having provided both legal information, representation and labour mediation.

54. In addition to these mechanisms, other complaint mechanisms are also available to Migrant Workers and their families, such as: the CNDHC and the Ombudsman, as specified in paragraphs 169–174 of the CCD and the General Directorate of Labour (DGT) and General Labour Inspection (IGT). The use of these mechanisms is free and can be accessed by any person, regardless of his/her legal situation in the country. The CNDHC provided information on rights and guarantees to 13 migrant workers and received 13 complaints in 2016 and 2017, the most frequent reasons being abuse of authority, access to state compensation, requests for voluntary return, asylum applications, labour rights, social support and administrative law: CNDHC made the necessary referrals, following the cases until their outcome. The Ombudsman received 37 complaints from foreign nationals and 6 complaints from Cape Verdeans from the Diaspora. DGT only has records of complaints filed by migrant workers in Sal Island, having received between 2016 and March 2018, 117 complaints regarding dismissal without just cause, expiration of contracts and termination of contract: legal information was provided, as well as conciliation and mediation services. In 2017 IGT received 79 requests for intervention from foreign nationals linked to labour issues (39 from Guinea Bissau, 8 Senegalese, 1 Portuguese and 31 other nationalities).

55. The Citizens' House, the Platform of African Communities and some immigrant associations, trade unions, as well as the extinct Legal Houses, also received complaints from migrant workers, providing information and/or referral to other competent entities. In May, one trade union (UNTC-CS) promoted a training cycle for union leaders on labour legislation, with the participation of trade union leaders who deal directly with emigration and immigration issues, human rights and informality, preparing them to receive complaints.

Article 84

56. In terms of statistical data, actions are being taken to improve the characterization of migratory flows: (i) progressive incorporation of the nationality variable in statistical surveys; (ii) inclusion of a migration module in an INE survey in 2013, which allowed a sociodemographic characterization of emigrant and immigrant population; (iii) elaboration and dissemination of a series of studies, with particular emphasis on the Diagnosis of the immigrants needs in the social integration process in Cabo Verde (2014) and the Cabo Verde Migratory Profile Studies, in order to evaluate the extent to which public policies are adequate for the purposes of immigrant community integration in Cabo Verde. Several studies in the academic context were also carried out, equally fundamental for the understanding of the immigration phenomenon in Cabo Verde. The Research and Training Centre in Gender and Family (CIGEF — University of Cabo Verde) has a research line and publications on gender and migration. Still, the evaluation of the 1st ENI Plan identified as one of the main challenges the production and sharing of migratory data.

57. In 2014, the Migration Observatory was created (Resolution No. 22/2014, of March 14 with a view to streamlining the collection, treatment and publication of periodic data on migration, promoting in-depth studies on various dimensions of migration and raising awareness among the society to factors related to migration.

58. There is also a National Network of Local Focal Points for Emigration in Cabo Verde, which revitalized the immigrant support offices that existed in the municipalities, to help, assist and guide emigrants in terms of social support, study support, labour market integration, legal and administrative support. The evaluation of the 1st ENI Action Plan highlighted the still fragmented nature of the immigrant support system, and the need to restructure specific services. Thus, since 2017 Immigrant Assistance Offices were created in 17 of the 22 existing City Halls and a capacity building initiative was initiated, though the Reinforcement project for the immigration management and social integration of the immigrant at Municipal level. The Project includes the creation of structures in the Municipalities to work with immigrants and the Offices, the production of procedures manuals for the Offices and the elaboration of Municipal Social Integration Plans in the municipalities of Boa Vista, Praia, Sal and São Vicente.

59. From 2012 to 2017 the DGI promoted several training initiatives for public officials and other entities on Immigration management in the country and on ENI, to improve support services to migrant workers, namely City Halls, Legal Houses, Social Development Centres and Citizen's House. A total of 22 actions were carried out (seminars, trainings and workshops), with the participation of 389 service providers. In 2015 it organized a Training Workshop on Migration for 25 journalists, media technicians and press officers, in partnership with the Ministry of Communities and the Journalists Association of Cabo Verde (AJOC). In 2015 and 2017 40 representatives of local authorities, DGT, DEF, representatives of institutions of the CNI and NGOs participated in the workshops on immigration management and social integration of immigrants.

Part III of the Convention: Human rights of all migrant workers and members of their families

Article 8

60. The CRCV broadly recognizes freedom of movement and emigration (Article 51). The RJE provides for rules on the entry of nationals into the country, facilitating the maintenance of bond with Cabo Verde, as referred to in paragraph 5 of this report. The passport issuance and renewal service has been simplified and improved, both nationally

and abroad, and the documentation to be scanned, including photography and signature (Decree-Law No. 21/2014 of March 17 and Decree-Law No. 69/2014 of December 22.).

61. The CRCV guarantees cabo-verdean citizens are entitled not to be expelled from the country (Article 37) and the right not to be extradited for crimes to which, according to the law of the requesting State, corresponds to penalties and security measures that deprive or restrict freedom in perpetuity or for an unlimited or indefinite period, except when the State offers guarantees that such penalty or security measure will not be enforced and except the circumstances determined in article 38. If not being extradited, the extradited person responds to the Cabo Verdean courts for crimes committed abroad. Such provisions shall not preclude the exercise of the International Criminal Court jurisdiction. Extradition may only be ordered by judicial decision, under the terms of the law (Article 38).

62. The CRCV establishes that only by judicial decision can restrictions be imposed on the right to leave the country freely, both for nationals and for foreign nationals, as well as for emigration, and always on a temporary basis (Article 51 (2)). This is the case of personal coercion measures in criminal proceedings, such as the prohibition to leave the country and obligation to remain in the home, always observing the principle of proportionality (Articles 272 (1); 288–289 of the Code of Criminal Procedure).

63. The Statute of the Child and Adolescent (ECA) establishes the protection of children and adolescents against unauthorized and unlawful movement in national territory or on departure abroad (Article 22 (3)); authorization to leave the country for unaccompanied children is required, as well as for foreign children, as referred to in paragraph 9 of this report (Article 12 (5) RJE).

64. Entry of foreign nationals is subject to the conditions of entry laid down in the RJE, depending on the purpose and with a visa. Entry of foreign nationals is subject to the conditions of entry laid down in the RJE, depending on the purpose and with a visa. However there are situations of visa waiver, but in which the person concerned has the obligation to pre-register through the online platform, as follows; (ii) are citizens of countries that are exempt from transit, official, diplomatic, courtesy or tourism visas, by Resolution of the Council of Ministers, for a short stay period, up to 30 days, without prejudice to compliance with other requirements provided for in Article 6 of the RJE; (iii) the person concerned enjoyed visa waiver in accordance with international agreements; (iv) present an identity card as an official or foreign mission agent or international organization issued by the Government department responsible for foreign affairs; (v) hold refugee travel title; or (vi) documents referred to in international laws and conventions or determined by the competent authorities (Article 7 (2)); (vii) nationals of countries which do not impose the same requirement to Cabo Verdeans (Article 9 (6)). Visas may be granted abroad by embassies or consular posts and in the national territory by DEF. In the air and maritime borders and posts, DEF has the power to grant official, diplomatic or courtesy visa, with the express authorization of the Government department responsible for foreign affairs (Article 27 of RJE). The entry is prohibited for 5 years to the foreign citizen subject to a decision of administrative expulsion, or for 2 years if they voluntarily leave the national territory. Entry of minors under 16 years of age can be refused when unaccompanied by parental authority or legal guardian, or travel without the written authorization of the parental authority, with signature authenticated by a Notary or the consular services of Cabo Verde (Article 12 of the RJE).

65. There has been improvement in the administrative procedure for entry, stay and exit of foreign nationals, making it more efficient, transparent and accessible to users, in particular because the RJE has introduced administrative deadlines for issuing visas and residence permits. The evaluation of the 1st ENI Action Plan highlights measures taken to improve the control and management of immigration, including the progressive computerization of the DEF and the development of a continuous training plan for its agents, sometimes in cooperation with national partners and international organizations.

66. In the period from 2015 to 2017, 839 people were refused entry due to lack of means of subsistence (598), lack of proof of travel purpose (122), lack of passport (33), falsified passport (23), lack of visa (13), lack of hotel reservation (13), expired document (12), provenance of countries with evidence of Ebola (7), residence card with evidence of

forgery (4), lack of return travel ticket (1), doubtful trajectory (4), prohibition on entry (3), lack of travel authorization of minor (1), lack of vaccination card (1), passport with less than 6 months of validity (1).

Articles 9 and 10

67. The right to life and to physical and moral integrity is guaranteed by the CRCV, which prohibits torture, cruel, inhuman or degrading treatment or punishment or the death penalty (Article 28). The Penal Code prohibits the death penalty, deprivation of liberty or a security measure perpetually or for an unlimited duration (Article 45 (1)). Homicide, even if performed at the request of the victim or negligent, as well as the instigation or aid to suicide are also typified in articles 125 to 127. Life is further protected through the criminalization of conduct that puts the person in a life-threatening situation, in a state of not being able to protect himself, that exposes the person to serious disease by sexual act (Articles 153 to 156); through the criminalization of the obstruction for providing assistance, omission of aid, refusal of assistance by a doctor or nurse, and illegal practice of the profession (Articles 157 to 160). Crimes against genocide (Article 268A), crimes against humanity (Article 268B), war crimes against persons (Article 268C) are also associated with the protection of life and are defined in the Penal Code.

68. Torture and cruel, inhuman or degrading treatment or punishment are prohibited, no one can be submitted to torture or cruel, inhuman or degrading treatment or punishment (Article 45 of Penal Code), considered crime. Punishment is not only of the person conducting the act, but also the immediate superior responsible who authorize, consent or denounce the practice of such acts by his subordinate (Article 164 of Penal Code).

69. To strengthen the combat and possible violations of obligations by Prison Guard officers to be investigated and punished, the Staff Statute for Prison Security and its Disciplinary Statute were revised in 2014 (Decree-Law No. 61/2014 and No. 60/2014, of November 5). The National Police Training School has introduced a Human Rights module in the initial training of police officers, which includes in its contents the Convention against Torture and the CMW. In addition, CNDHC, between 2008 and 2014 and in partnership with the General Directorate of Prison Services and Social Reintegration, trained Prison Guard officers of all prisons, torture being one of the contents addressed. Inspection visits to prisons are carried out by the Public Prosecutor's Office to ensure that detainees or prisoners are not subjected to torture or ill-treatment. The CNDHC has also made periodic visits to prisons to assess the conditions of persons deprived of their liberty.

Article 11

70. Slavery and forced labour are prohibited in Cabo Verde, regardless of nationality or legal status in the country, in line with the principle of the dignity of the human person guaranteed in Article 1 of the CRCV, as well as the exploitation of child labour (Article 74, 3 and 4). The Penal Code typifies the slavery of labour and sexual slavery (Articles 271, 271A, 272, 268A and B). The prohibition of forced labour is guaranteed in the CL (Article 14). The ECA guarantees the adolescent the right to be protected against economic exploitation or against the obligation to perform any work that may affect his/her education or that is dangerous to his/her health and his integral development (Article 67 (1)).

71. The National Action Plan for the Prevention and Eradication of Child Labour (Resolution No. 43/2014, of June 2) was prepared for the protection of the child regarding exploitation at work. A National Committee for Prevention and Combat of Work Child was established. In 2016, the List of Dangerous Work for Children and Adolescents (Law No. 113/VIII/2016, of March 10) entered into force, prohibiting them from performing certain activities, as well as presenting mechanisms of supervision and punishment. The Educational Guide *Identifying, Preventing and Combating Child Labour* and the comics *Manel e Pala in STOP Child Labour* were prepared, together with the strengthening of ICCA's technical capacities in this area, dissemination of the list at national level and lectures, plays in schools and other activities under the Year of the CPLP against Child Labour (2016).

Articles 12, 13 and 26

72. The CRCV grants freedom of expression and opinion to all, national or foreign, prohibiting the restriction of the exercise of this freedom by any form of censorship (Article 48), and also guarantees freedom of the press (Article 60). However, in view of the wide scope of this right and the need to consider other fundamental rights and relevant public interests, it also presents limits and rights in relation to: the right to honor, consideration of persons, right to good name, image, privacy of personal and family life, the obligation to protect children and youth, prohibition of apology to violence, paedophilia, racism, xenophobia and any form of discrimination (Article 48 (4)). In cases of improper use of these rights in their most serious form, the Criminal Code stipulates slander and libel/defamation (Articles 165–167). Infra-constitutional legislation regulating the media sector also guarantees freedom of expression and opinion, limiting this right in the same terms of the CRCV.

73. Freedom of conscience, religion and worship are also guaranteed in the CRCV as inviolable rights to all, national or foreign. No one may be discriminated against, persecuted, harmed, deprived of rights, granted or exempted from duties because of his or her religious beliefs or practices. There is also the freedom of churches and other religious communities, freedom of religious education and the right to conscientious objection (Article 49). Such protection is further safeguarded by the Law of Religious Freedom and Worship (Law No. 64/VIII/2014, of May 16), clarifying that freedom of religion and worship does not authorize committing crimes or acts incompatible with life, physical integrity, dignity of the human person or morality, nor the violation of fundamental values, principles, rights and duties enshrined in the CRCV and the law, nor any damage to the common good. The Penal Code protects the freedom of religion and worship, punishing those who practice acts that aim to prevent or disturb, through violence or threat (Article 287).

74. Nonetheless, immigrant associations have referred that obtaining the administrative authorization to implement spaces for religious practice can prove difficult.

75. In Articles 65 and 66, the CRCV establish the right to a professional and trade union association, guaranteeing the non-compulsory registration or permanence or payment of contributions to trade unions or associations in which they are not registered. The creation of trade union and professional associations is free of charge to workers and does not require administrative authorization. They enjoy organizational autonomy, functional and internal regulation and are independent of the state, patronage, political parties and religious confessions. The same rights are reproduced in the CL (Articles 19–21). Article 69 of the RJE recognizes the right to freedom of affiliation in trade union and professional organizations to foreign workers legally resident in the country.

Articles 14 and 15

76. The CRCV guarantees for all the right to good name, honor and reputation, to the image and reservation of the intimacy of their personal and family life, inviolability of the home, correspondence and telecommunications (Articles 41, 43 and 44), and there may be legal restrictions duly justified due to internal security and criminal investigation purposes. The Civil Code also guarantees such rights (Article 64 and the following articles) and the Penal Code punishes conduct that violates them (Articles 165, 166, 173, 180, 181, 183 184, 186–193). The CL establishes that the conclusion or execution of a work contract does not involve any diminution of rights relating to the personality, without prejudice to the limitations voluntarily consented and freely revocable, under the terms of the civil law, except for the violations of the principles of public order and of the good customs, which are null and void (Article 44). The information requested from an employment candidate can only be used to assess his or her capacity to occupy the position or the assessment of professional aptitudes, being prohibited the request of data concerning: philosophical or political conviction, party or trade union affiliation, religious belief, private life, racial or ethnic origin, health, sexual life and genetic data, without prejudice to the provisions on personal data protection legislation (Article 45). The use of remote surveillance means in the workplace is prohibited, and it is lawful only when it has the protection and security of persons and property purposes, and the worker must be informed of the existence of such

means (Article 46). The CL also guarantees privacy (Article 47). In addition, the protection of personal data is guaranteed by the Law on Database Protection (Law No. 122/V/2001, dated January 22, amended by Law No. 41/VIII/2013, dated September 13) and the National Data Protection Commission (CNPD) was created by Law No. 42/VIII/2013, of September 17.

77. The right to private property is guaranteed to all, including the right to transmission in life or death, and the right to inheritance (Article 69 of CRCV). The requisition or expropriation for public utility can only be carried out based on the law and always with the payment of fair compensation (Legislative Decree No. 2/2007, of July 19). Article 71 of the RJE guarantees to the foreigner the exercise and enjoyment of their economic rights in a peaceful manner and not suffer any arbitrary or discriminatory measures against them. In the event of expulsion, extradition, presumed or definitive absence or death of the foreigner, any personal, property, economic or social interests recognized by law and which are not an instrument, product, result, or effect of criminal offenses shall be assured to him or his next of kin or heirs (Article 71, 2 RJE).

Articles 16 (1–4) and 17

78. The right to personal liberty and security is a right enshrined in the CRCV (Article 30). No one may be totally or partially deprived of his or her liberty, except as a consequence of a judicial sentence condemning him or her for the practice of acts punishable by law with imprisonment or the application of a security measure, with the exception of deprivation of liberty for time and under certain conditions in the law (Article 30). Subject always to the observation of the proportional gravity of the crime, necessity, purpose and adequacy of the sentence (Article 262 of the Code of Criminal Procedure).

79. Foreign nationals also have the right to not be arrested or to suffer any penalty without charge and in the cases and forms provided for by law (Article 71 of the RJE). Unlawful entry and stay in the country does not constitute a crime, but an administrative offense considered to be unlawful and subject to a fine (Article 101 and followings of the RJE). The RJE allows the detention of the foreigner who has entered or remains irregularly in the country and must be presented to the court within 48 hours to determine his or her placement in a temporary shelter or similar area or, in the case of committing crime for the application of the coercive measure provided for in criminal law (Article 78 of the RJE). As an alternative to detention, the foreigner can be notified by the DEF to voluntarily leave the country within the period established for him/her, from 10 to 20 days (Article 79 of the RJE).

80. Between 2003 and 2008, 852 foreign individuals were expelled from the national territory, an average of 146 per year, with a decrease in 2013, with only 16 foreign nationals being expelled.⁶ The reason for the expulsions is mostly by judicial decision (63%), which is usually preceded by detention on the same terms as nationals, and only 37% administrative because of irregular residence and visa falsification. DEF privileges notification for regularization of the situation or voluntary abandonment of the country, as opposed to detention for administrative expulsion.

81. In 2006 and 2009, 668 immigrants were detained in clandestine vessels and 21 in 2014, and there were no records of type. In these situations, the arrests were not carried out in prisons, and a decent provisional shelter was provided pending the repatriation process.

82. In respect to the reference to violent clashes between Cabo Verdean authorities and West African migrants between 2002 and 2005, which led to the deaths of 12 people, it is reported that there is no record of the type by the authorities. There are two records of deaths of migrants from West Africa, but they had nothing to do with discrimination. In one case, it was a drug addict who killed his drug supplier and the other one was killed following a white-collar assault. In the first case, due to the distortion of the news, the immigrants from Guinea-Bissau appeared in front of the Government Palace and, due to lack of communication to the competent authorities of the time, day and place of the

⁶ Migratory Profile 2017, p. 53.

demonstration, effectively the intervention of the Police of Public Order, in order to restore the order, dispersing the demonstrators.

83. The Penal Code, in addition to prohibiting and punishing torture, as referred to in paragraphs 68–69 of this report, criminalizes any offense to physical or mental integrity (Article 128 and the followings), threats and intimidation (Article 136 and followings), illegal use of public force (Article 371) and abuse of power (Article 372A), is practiced by employees or individuals, groups or institutions; against nationals or foreign nationals, regardless of their condition in the country. The fight against such violence in relation to civil servants and police officers has been reinforced, as referred to in paragraph 69.

84. The Law of Implementation of Private Measures of Freedom and the Praia Central Jail Regulation (Portaria 14/2016, of March 23) govern the treatment of persons deprived of their liberty throughout the country, including the visitation regime, which prohibits cruel, degrading and inhuman treatment or punishment, as provided in the CRCV (Article 28). Separation of convicted and convicted prisoners, women and men, youth and adults, and differential treatment of juveniles and adults in prisons and jails in the country are also determined. Cabo Verde's legal system considers as an objective of the prison sentence not only the protection of the legal property violated, but also the reintegration of the agent into community life (Article 47 of Penal Code). It is the responsibility of DGSPRS to provide social services to prisoners, including psychosocial, educational and vocational training for their reintegration (Decree-Law No. 47/2016, of 27 September), which has been promoted for all inmates of regardless of their nationality. As referenced in paragraph 69 of this report Prison inspections are carried out regularly. Currently, there are 101 foreign nationals (94 women and 7 men) serving a prison sentence for committing a crime in the country's prisons, with 21 different nationalities, most of them from Nigeria, Guinea-Bissau and São Tome and Principe.

Article 24

85. The CRCV recognizes everyone's right to legal personality (Article 41). The Civil Code establishes that legal personality is acquired at birth with life (Article 64) and ceases with death (Article 66), guaranteeing everyone the generic ability to acquire rights and contract obligations or duties. Article 14 of the Civil Code, as well as the CRCV, guarantees foreign nationals and stateless persons the same rights, freedoms and guarantees as nationals, with the exceptions referenced in the paragraph 6 of this report. The Article 25 determines that the status of individuals, the capacity of persons, family relations and successions by death are regulated by the personal law of the respective subjects (of nationality or place of habitual residence, being stateless), save the restrictions established by law. Foreign nationals or stateless persons do not, however, enjoy any form of legal protection that is not recognized in Cabo Verdean law (Article 27). Conflicts between foreign and national rules are also regulated in a specific chapter.

Articles 16 (5–9), 18 and 19.

86. Both the CRCV (Article 30) and the Code of Criminal Procedure (CPP) (Article 7) provides that any detained or imprisoned person shall be informed immediately, in a clear and understandable manner, of the reasons for his arrest or detention and of his constitutional and legal rights, and authorized to contact the lawyer directly or through his family or trusted individual. It establishes that the detention or imprisonment of any person and the precise location shall be immediately communicated to the detainee's family or the person indicated by him or her, with a brief description of the reasons for the detention. If the detainee does not express himself in Portuguese or Cabo Verdean, he has the right to the judicial authority, on his request or on his own initiative, appoint him an interpreter (Article 6 of CPP). With the arrest the defendant must be presented to the judge within a maximum period of 48 hours or released (Article 244 of CPP). The Code of Criminal Procedure establishes that the person suspected of committing a crime shall be a defendant, and that such a condition formalized through oral or written communication, by delivery wherever possible in the act itself, a document containing the identification of the case and of the defender, if he has already been appointed, the summary description of the facts against him (Article 76) and the enumeration of his rights and procedural obligations in accordance

with Article 77 (Procedural Statute of the defendant). This communication is available only in Portuguese.

87. Migrant workers and their family members have the same rights before the courts as nationals, including their case being settled equitably and publicly by a competent, independent and impartial court. The Code of Criminal Procedure (CPP) establishes that all defendants are presumed innocent until a final judgment is passed, requiring proof of their guilt to be made by the accused and by the court, in compliance with the rules established in the Code (Article 1). If there is reasonable doubt about any facts concerning the infraction, it will be resolved in favor of the accused (Article 1 of CPP). Article 1 of the Penal Code establishes that no act, consisting of an act or omission, may be considered a crime without a prior law qualifying it as such. Where the criminal provisions in force at the time of practice are different from those laid down in later laws, the most favorable regime for the offender is always applied (Article 2 of Penal Code).

88. Pre-trial detention pending judgment is ultimately applicable and only when there is strong evidence of an intentional crime punishable by imprisonment for a maximum limit of more than three years and if it considers that other coercive measures are insufficient (Articles 272 and 279 of CPP). Any person has the right to lodge habeas corpus in case of illegal detention or imprisonment and the right to compensation for unlawful deprivation of liberty (Articles 13–24 of CPP).

Article 20

89. There is no provision in Cabo Verdean legislation for imprisonment on the ground of failure to fulfil a contractual obligation, nor it indicates the possibility of deprivation of liberty by judicial order on the ground of failure to fulfil a contractual obligation (Articles 798–873 Civil Code). There is no interference with contractual obligations for the granting of authorization of residence and/or work permit and expulsion, unless this obligation is related to the employment contract and constitutes a condition for its continuity and granting of such authorizations (Articles 29 and 30 of Regulation of RJE).

Articles 21 to 23

90. The retention or misuse of a registration or document is classified as a crime under Article 186 of the Penal Code.

91. The collective expulsion of foreign, with a global focus on national, racial, ethnic or religious groups, is prohibited (Article 74 RJE). The expulsion or extradition may only be carried out in the cases provided by law and by decision of the competent authorities (Articles 71, 1 (d) and 72 and followings of RJE) (paragraph 112 of this report), communicated in writing to the foreigner, being explained in a language which he can understand, containing the legal and factual grounds (Articles 84 and 85 RJE). The decision is communicated to the CNDHC to monitor and ensure respect for the fundamental rights of the expelled person (Articles 83 (7) and 86 (5) of RJE). In no case shall the expulsion be carried out to a country where the foreigner may be persecuted for political, religious, racial, philosophical or political reasons, or may be subjected to the death penalty or imprisonment or other measures of imprisonment or others measures perpetually or for an unlimited duration, or may be subjected to torture, inhuman or degrading treatment (Article 75 of RJE).

92. The expelled person is responsible for the payment of expulsion expenses (Article 89 RJE). The decision can be appealed to the administrative or judicial authorities, and the judicial appeal has no suspensive effect (Article 80 of RJE). The expulsion does not affect the acquired right, however, if the expulsion is judicial can be determined restrictions to these rights in accordance with the law (Article 71, 2 of RJE). The right to receive wages and other labour benefits is guaranteed, even if the contract is declared null in the case of foreign in an irregular situation (Articles 281 and 34 CL). As referenced in paragraph 53 of this report, is guaranteed to the foreign person the legal assistance and representation.

93. National citizens abroad are protected and assisted by consular and diplomatic authorities, as referenced in paragraph 52 of this report. Migrant workers are free to contact the consular or diplomatic authorities of their State of origin or of the State representing the

interests of that State. In the case of expulsion, the decision shall be communicated via diplomatic channel to the competent authorities of the destination country (Article 88 of RJE).

Articles 25, 27 and 28

94. The CRCV guarantees the right to equal remuneration for men and women for work of equal value (Article 62). The national minimum wage was established (Decree-Law No. 6/2014, of January 29, modified by Decree-Law No.15/2018, of March 19). The CL confers on the foreign worker or stateless person that he or she is authorized to exercise a subordinate professional activity in the national territory or is under the Cabo Verdean labour legislation, the same rights and duties of the worker with Cabo Verdean nationality (Article 15 (2)). Although the legal provision refers only to those who are authorized to engage in a work activity, the rights are effectively guaranteed even to those who are not authorized but engage in a work activity (Articles 281 (1) and 34 CL). The Articles 15 and 48 prohibit any discriminatory practice, as referred to in paragraph 46 of this report. In the event of an accident at work, workers, family members or dependents shall enjoy equal treatment on the same terms as nationals, regardless residence authorization (Article 18 CL).

95. However, there are reports of wage discrimination with respect to foreign workers, especially from the West African coast, with salaries lower than what is paid to a national worker performing the same work; as well as reports of non-compliance with labour legislation in general and work in undignified conditions, especially referred to by construction workers. The evaluation of the 1st ENI Action Plan identified as one of its main challenges the regulation and supervision of the labour market. The General Inspectorate of Labour has carried out actions to supervise the employers, especially through inspections and notifications to companies, as well as informational meetings where they also receive complaints. IGT has a toll-free complaint line for labour rights violations (8002727).

96. Although the RJE states that a foreign holding a residence authorization is entitled, without the need for special authorization and under the same conditions as nationals, to education, the exercise of economic activity and access to health; those who is legally resident have freedom of movement and residence, freedom of assembly and demonstration, union membership, strike and registration in professional orders, maintaining the same provisions of Decree Law No. 6/97, of May 5, it is verified that, except for the registration of professional orders, in practice everyone is guaranteed the right to health and education.

97. Emergency medical care is guaranteed to all without distinction. The National Essential Health Care Package, which is provided free of charge at national level, includes reproductive health services for both women and men, care for infectious/communicable diseases (HIV/AIDS, STIs, Tuberculosis, among others, including antiretroviral treatment), integrated care for childhood diseases (AIDI), among other services/care. All pregnant women have free access to SRH services, which includes HIV prenatal testing, pre- and post-natal care. The Package also includes free breast, cervical and prostate cancer screening services. The National Vaccination Plan includes 10 free vaccines. There is no difference of treatment between foreign nationals and nationals.

98. The reform relating to Decree-Law No. 84/78, of September 22, regarding compensation for work accidents is underway, and there is already a draft law that will soon be socialized.

99. The right to social security is guaranteed to all (Article 70 of CRCV). The RJE states that the provisions guaranteeing equal treatment for foreign nationals are also guaranteed in the regard to social security (Article 65 (2)). Cabo Verde has signed social security agreements with countries with significant presence of migrants: Spain, France, the Netherlands, Italy, Luxembourg, Portugal, Sweden and Senegal, the latter is not yet in force due to lack of signature of the administrative agreement. The Cabo Verdeans returned, when enrolled in the social security systems of both countries, are entitled to the following benefits under the same conditions as those insured/pensioners in Cabo Verde: sickness and maternity benefits; old age pension; disability pension; survivor's pension and family benefits and allowances. These conventions allow for the maintenance in Cabo Verde of

rights acquired in the host countries. Cabo Verde does not belong to the Inter-African Social Security Convention (CIPRES Convention), however, it has signed a Multilateral Social Security Convention of the CPLP, together with Brazil, Mozambique, Portugal and Sao Tome and Principe. This Convention applies to benefits in respect of invalidity, old age and death.

100. The country provides economic support to Cabo Verdean migrants in vulnerable situations in other countries through the Community Solidarity Fund, created in 2014 to promote the granting of pensions, as well as to fund Associations for the implementation of projects to support Cabo Verdeans in vulnerability situation in the diaspora. Currently the Fund has only making the payment of pensions.

101. A foreign national or stateless person who has been legally resident in the country for at least 10 years, or when there is a social security agreement regarding social assistance or reciprocity between their country of origin and Cabo Verde, can apply for social pension (Law No. 38/VIII/2013, of August 7, Article 23, b)). Cabo Verde has not signed a social security agreement with other countries and has not yet registered cases of applications for social pension by foreign nationals. In addition, a Program to Support Immigrants at Risk was formulated and the regulation of the definition of risk situations is in progress. The Children and Social Protection Emergency Centres of the ICCA have hosted foreign children in situations of vulnerability and risk, and between 2001 and 2013 they received 6 children from Guinea, Nigeria, Sao Tome and Senegal.

102. Information actions on labour rights are carried out by various institutions. In 2013, a specific migrant workers' session on work and safety at work was conducted by IGT. In 2016 the CNDHC has taught a module on Immigrant Rights in the Immigrant Literacy Course organized by the Guinean Resident Students and Researchers Association in Cabo Verde. From 2015 to 2017 the DGI financed two projects to the Guinean Residents Association in Cabo Verde on the theme "labour integration", with the aim of raising awareness among migrant workers on Cabo Verdean labour legislation and raising awareness of their rights and duties at work. Approximately 73 migrant workers in Santiago Island have already benefited from the project (Praia, Assomada) Sal e Boavista. As referred to in paragraph 41 of this report, one of the leaflets prepared by DGI is specific to labor law. In 2017, IEC sessions on immigrant rights, labour rights, gender-based violence and sexual and reproductive health in the islands of São Vicente, Sal, Boa Vista, Santo Antão, Praia and Assomada. IGT also carried out several informative actions for the dissemination of labour legislation, including the rights and duties of migrant workers.

Articles 29 to 31

103. The CRCV determines as fundamental tasks of the State to support the Cabo Verdean community spread throughout the world and promote within the community the preservation and development of Cabo Verdean culture (Article 7). In accordance with the right to freedom and the principle of equality laid down in the CRCV, respect for the cultural identity of immigrants and their families is guaranteed.

104. The ECA guarantees every child and adolescent the right to an identity, including having a name and a nationality (Article 28, 1 and 2). It states that no child shall leave the hospital where he or she was born without birth registration (Article 28, 7), which includes children daughters of foreign nationals. The Civil Registry Code also determines that births occurring at the hospital must be registered before discharge and those occurring outside within 15 days. Health professionals and the registry may intervene of their own accord if the parents do not register the child, giving them a name, the parents having 30 days to make the change (Article 76 of the Law No. 75/VIII/2014, of December 9). Original nationality at birth is granted to children: (i) born in Cabo Verde to Cabo Verdean father or mother; (ii) born abroad to Cabo Verdean father or mother who is in the service of the State of Cabo Verde; (iii) born in Cabo Verdean territory when he or she has no other nationality; and (iv) born in Cabo Verde of a stateless father or mother or of unknown nationality residing in Cabo Verde (Article 7 of the Law No. 80/III/90, of June 29, as amended by Law No. 41/IV/92, of April 6). A child born abroad to Cabo Verdean father or mother can choose the Cabo Verdean original nationality at birth and those who born in Cabo Verde to foreign parents if they have been habitually resident in Cabo Verde for at least 5 years and

none of them is in the service of its Member State (Article 8 of the same Law). Cabo Verde admits double and multiple nationalities.

105. The right to education for all is guaranteed by the CRCV (Article 78). Basic education is universal, compulsory and free of charge for 8 years, and the State promotes the creation of conditions to extend compulsory education up to the 12th grade of schooling (Legislative Decree No. 2/2010, of May 7). Free education is already implemented universally until the 7th grade and should be progressively implemented for the remaining grade until the 2020/2021 school year. The costs of families with the schooling of students relate to the costs of uniforms, school materials and a small cost for exams, which is supported through various social action programs. In secondary education (9th to 12th grade) families pay a school fee, differentiated according to their socioeconomic conditions and number of children enrolled in the education system. These rights are guaranteed to everyone, regardless of their nationality or legal status in the country.

106. Of the students enrolled in Basic Education, in the 2014/2015 school year, 643 declared foreign nationality. In the 2016/2017 school year this number increased to 954 (457 girls and 497 boys) declared that they did not have Cabo Verdean nationality, representing 1.5% of the total number of students. Most of them are of Portuguese origin (33.3%), followed by American (15.4%), Italian (6%), Sao Tome (5.4%) and Brazilian (5.1%) being the others of other nationalities, and there can be Cabo Verdeans with those nationalities. In Secondary Education, in the school year 2014/2015, 56 students, and in the school year 2016/2017, 668 students (360 girls and 308 boys) of foreign nationality were registered, representing a total of 1.3% of enrolled students. Countries naturally follow basic education.

Article 32

107. On the return of the emigrant residing abroad for more than 4 years is granted the Non-Resident Regimen Definitely Returned (NRRD) to Cabo Verde, benefiting them from exemption from customs duties and consumption tax on own car for transportation of persons, goods and household items and to the exercise of their profession (Decree-Law No. 139/91, of October 5 (amended by Law No. 26/V/97 of June 23), Decree No. 27/92 of February 22, Article 51 of Law No. 26/VIII/2013, of January 21 (as amended by Law No. 20/IX/2017, of December 30). Cabo Verdean banks offer special accounts exclusively for migrants (savings accounts, foreign currency accounts and accounts in Cabo Verdean escudos). The Government introduced a special account for emigrants, with remuneration above the market (subsidised interest rates), which allows the transfer of remittances with interest rates of 5%. Tax incentives are granted on the emigrant deposit accounts (Decree-Law No. 53/95, of September 26, amended by Decree-Law No. 45/2003, of November 10), with exemption from taxes on income generated by them. Some banks have branches for specific services to emigrants in Cabo Verde and in the main countries of the emigrants, through partnerships with other banks, to facilitate access to integrated banking services (transfers, information, etc.).

108. Regarding the transfer of earnings and savings to the State of origin, the banking institutions in the country allow interbank transactions to be carried out for their clients, besides the country having other money transfer services that also offer migrant workers this possibility. However, all these institutions must comply with the rules contained in the Law on Money Laundering, Property, Rights and Values (Law No. 38/VII/2009, of April 20, as amended by Law No. 120/VIII/2016, of March 24). Furniture, clothes and other objects of domestic use of individuals who come to live in the national territory are exempt from customs duty, provided that they present a probationary certificate issued by the consul of Cabo Verde at the place of residence of which the goods constitute household items or residence abroad for more than 6 months (Article 200 of the Decree Law No. 23/2014, of April 2, 2014). Retired foreign nationals who obtain residence authorization or holders of the Green Card are exempt from customs duties on the importation of car for their own use and duty-free for the import of personal and household items, including household furniture (Law No. 26/VIII/2013, of January 21 (amended by Law No. 20/IX/2017, of December 30).

Part IV of the Convention: Other rights of migrant workers and members of their families who are in a regular situation

Article 37

109. From 2009 to 2011, a pilot program to support migrants was implemented: the Migrant Support Center in the Country of Origin (CAMPO), with the aim of facilitating the correspondence between the skills of potential migrants and job openings and making available information for use of legal migratory channels (focused only in Portugal), and to provide the returned emigrants with reintegration assistance. It has been particularly active in preparing and informing students about the general conditions and chance of studying abroad. Currently deactivated, but its future under discussion.

110. To provide specific information for those who intend to migrate to the United States, the Guide: Living in the USA has been developed and published. The “Migrate with Open Eyes” Project was also implemented to familiarize future Cabo Verdean migrants with family reunification with the social, linguistic and other realities of life in Luxembourg.

Articles 38 and 39

111. The interested party may be absent from the country for six consecutive months, holding a residence authorization or for 4 years, holding a permanent residence authorization for 24 months (Article 63 (2) of the RJE). Absence beyond these limits may be authorized by DEF if a justification is presented before departure or, in exceptional cases, after departure (Article 63 (3) of the RJE). The residence is not cancelled if it proves that during the absence they were in the country of origin and there they developed professional or business activity of cultural or social nature (Article 63 (4) RJE). The decision to cancel the residence authorization is subject to judicial appeal with non-suspensory effect (Article 63 (7) of the RJE).

112. Free movement and choice of residence depends on the situation of entry and stay and is guaranteed to legally resident persons, subject only to the individual limitations laid down by law and determined by the competent authorities on grounds of security and public order (Article 67 (2) RJE). These may be removed from the national territory by administrative expulsion (if they are not legally authorized to reside in Cabo Verde or are in an irregular situation), determined by administrative authority; or by judicial expulsion, determined by judicial authority as an accessory penalty of a criminal conviction or, in the case of foreign with legal permanence, as an autonomous measure (Article 72 of the RJE). Foreign nationals who have been born in Cabo Verdean territory and who reside here legally or who are in charge of minor children of Cabo Verdean nationality or foreign living in the country, on whom exercise parental responsibilities, may not be expelled from the national territory. and who provide food (Article 82 of the RJE).

113. The CCD (paragraph 261) shows the number of residence authorization issued by the DEF in the period 2000–2015, also highlighting the problem faced by immigrants regarding the regularization of their stay in the country.

Articles 40 to 42

114. As referred to in paragraph 75 of this report the right to form and participate in associations and trade unions.

115. The right to participate in political life directly and through freely elected representatives and equal access to the public service is enshrined in the rights of nationals living in Cabo Verde and abroad. All Cabo Verdean citizens over 18 years of age and registered are voters (Article 55 of the CRCV). The census is done all the time, both abroad and on national territory (Articles 48 and 78 of the Electoral Code). The CCD in paragraphs 113 to 120 presents information on the Cabo Verdean electoral system.

116. In the election of the President of the Republic and in the legislative elections, national voters and registered citizens resident in the country and abroad have the right to active suffrage. As for the right to passive suffrage in the presidential elections, there are the Cabo Verdeans of origin, who have no other nationality, over 35 years and who have

permanent residence in the national territory in the three years prior to the candidature (Articles 109 and 110 of the CRCV). The right to a passive suffrage in legislative elections is guaranteed to nationals residing in the national territory and abroad without distinction (Article 117 CRCV).

117. The participation of nationals residing abroad in political life is also guaranteed by representation in the National Assembly, with six members elected by emigration constituencies (America, Africa, Europe and the rest of the world), with a total of 72 MPs (Articles 402 and 408 of the CE), as well as in the composition of the Council of the Republic, as a consultation body of the President of the Republic, one of its members being a citizen chosen in the Cabo Verdean communities abroad (Article 253 CRCV).

118. Foreign nationals and stateless persons are recognized as having active electoral capacity for local elections, provided they are over 18 years of age, legally resident in Cabo Verde for more than three years, and registered (Article 418 (2) of the Electoral Code). Passive electoral capacity is granted for local elections as long as individuals have been resident for more than 5 years (art. 419 (1) of the Electoral Code).

119. Census and voting are regulated by the Electoral Code, and supervision for compliance with legal provisions and technical support are provided by the National Electoral Commission (CNE) and its delegates. However, several entities intervene in the process beyond the CNE: party delegates and Election Support Service. Before the elections, awareness-raising campaigns are carried out to register and verify registration through the media, Embassies and Consulates and on the internet, both in the Diaspora and internally. Campaigns are also held for voting.

120. In the 2016 parliamentary elections, the participation rate in Diaspora constituencies was 53.9% for Africa, 51% for America and 28.2% for Europe and the rest of the world, being registered the total of 44,680 people (5,919 in Africa Constituency, 9,929 America and 28,832 Europe and rest of the world). Electing 2 MPs for each Constituency. In the election of the President of the Republic also in 2016, the participation rate was 27% for Africa, 15% America and 12% Europe and the rest of the world, with a total of 47,134 people registered (6,424 in the Africa Constituency, 10,290 in America and 30,423 in Europe and the rest of the world). In the period from October 3, 2016 to May 31, 2017, 47,135 people are registered abroad, as well as 314,677 internally and 2,375 foreign nationals.

Articles 43 and 53–55

121. It is the duty of the State to promote the participation of emigrants in the cultural life of the country and the diffusion and appreciation of the national culture within the emigrant Cabo Verdean communities (Article 79, 3, (e)).

122. As referred to in paragraphs 45–46 and 94–96 of this report migrant workers are guaranteed equal treatment with nationals, including the right to health, the right to housing and the right to culture (Articles 71, 72 and 79 of CRCV). Family members who hold a residence authorization may also freely choose a remunerated activity and have the same rights as all persons with a residence authorization. The change of employer by the worker does not imply loss of residence authorization. Inspection and training were referenced in paragraph 69 of this report.

123. In 2018, the IEFP started the Project on Strengthening Professional Mobility in West Africa: Triangular cooperation for employment services in Cabo Verde, Ghana, Mauritania, Senegal and Togo, funded by the European Union, with the aim of supporting institutions projects in the organization of regular and international professional migration in the region. The aim is to support in the organization of an Offer of Legal and International Professional Mobility Service between countries and to promote information exchange and networking.

124. The freedom of form contracts with foreign nationals provided for in Article 282 of the CL has no intention of harming them, but of promoting equality with nationals, since the law guarantees to nationals the freedom of form, unless it is expressed the necessity of formalization (Article 28 of CL). The law foresees the proof of the employment contract by all means permitted by law, namely confession of the parties, witnesses and documents,

presumed the existence of the contract with the continuous and regular presence of the worker in the workplace, contact with clients, knowledge of facts or circumstances that they would not know if there was no employment relationship, etc. (Article 33 of CL).

Articles 44 and 50

125. The CRCV recognizes that the family is the basis of society (Article 82). The RJE grants to foreign nationals with a valid residence authorization the right to family reunification with family members living with or dependent on him in another country, regardless of whether family ties are prior or subsequent to entry into the national territory (Article 54 and following). As referenced in the paragraph 85 of this report, the family relations and the successions due death are regulated by the personal law of the foreign nationals, being assured to the heirs in case of death the patrimonial interests of the deceased (paragraph 77 of this report). The dissolution of the marriage or death of the resident with whom the family reunification is carried out does not constitute grounds for cancellation of the residence authorization (Article 57).

Article 45

126. Access to education, health and cultural life has been reported in paragraphs 108–112, 100–107 and 127–130 of this report.

127. Migrant workers have the right to access to vocational guidance and training institutions and services on the same terms as nationals. Between 2017 and 2018, 38 immigrants participated in professional training promoted by the IEFP, 7 males and 31 females from Nigeria, Guinea, Portugal, Angola, Sao Tome, Brazil, Russia, Venezuela and Senegal.

Articles 46 to 48

128. The exemptions are referred to in paragraphs 107–108 of this report.

129. With a view to eliminating double taxation, Cabo Verde has entered into agreements with several countries, including: Portugal, Mauritius; Macau, Guinea-Bissau. Legal procedures are in progress with Luxembourg, Spain, Senegal and Morocco. It is in an advanced stage of negotiation with Angola, Singapore, Brazil, Italy and Hungary.

Articles 51 and 52

130. Migrant workers holding a residence authorization are guaranteed the right to an economic or professional activity, as worker or self-employed, with certain restrictions laid down by law. They may not exercise public functions or that imply the exercise of power and authority, except those that have predominantly technical nature or activity of teaching or of scientific investigation, except international convention (Articles 66 of the RJE and 280 of the CL). The residence authorization for the purpose of subordinate professional activity may, by decision of the Government, be dependent on the existence of job opportunities that cannot be filled by Cabo Verdean nationals or legal foreign national residents (Article 49 RJE).

131. The Labor Code stipulates that employment contracts concluded with foreign nationals only become effective upon the DGT approval (Article 283 of CL). The execution of the employment contract whose approval has been refused correspond to lack of authorization to work in national territory and constitutes an offense punishable by a fine (Articles 284 and 405 of CL). Between 2016 and 2018, there were 1,284 applications for approval, of which 719 were approved and 565 were rejected for lack of compliance with legal requirements.

132. The holder of a residence authorization to exercise a subordinate professional activity may be self-employed and vice versa, by replacing the residence authorization (Article 49 (3) of the RJE). Some conditions are imposed for the self-employed such as the existence of a company or service contract (with specification of the service, technical or professional quality of the applicant, location of performance, duration of contract and remuneration), qualification to practice the profession and declaration of the professional

order when required (Article 50 of the RJE). Also for teaching or research activity in an institution of higher education or highly qualified (Article 51 of the RJE).

Articles 49 and 56

133. Temporary residence authorization are valid for 2 years, renewable for successive periods of 2 years and permanent residence authorization, renewable every 5 years. It is not grounds for cancellation of the residence authorization the term of the contract before the term of the residence authorization, it remains valid until the end of its term.

134. The conditions of expulsion are referenced in paragraphs 111–112 of this report.

Part V of the Convention: Provisions applicable to particular categories of migrant workers and members of their families

135. In respect to the articles of this section of the CMW, no specific measures were adopted.

Part VI of the Convention: Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families

Article 65

136. Cabo Verde has been particularly sensitive and active with regard to Diaspora, having developed several initiatives for the implementation of ENED, among them: (i) the implementation of a capacity-building project of the then Ministry of Communities, for a more effective migration management and communication with the Diaspora, including carrying out researches, the constitution of a bibliographic collection and an Audiovisual Center for the dissemination of content for emigrants and the issuance of a Global Web TV program to inform the Diaspora and maintain ties between communities and Cabo Verde; (ii) a project to train public administration institutions with responsibilities for the creation and maintenance of ties with the Diaspora, and created a Strategic Communication Plan with the Cabo Verdean Diaspora, with a focus on mobilizing the savings of emigrants for productive activities ; (iii) implementation of the Cabo Verde DIAS Project, from 2008 to 2010, promoting the role of Diaspora in the development of Cabo Verde by identifying qualified professionals to provide short-term training to public institutions in the country, with 28 training actions; (iv) and the DIASPORA-Contributo Project, from 2009 to 2012, for attracting emigrants skills, carrying out 54 training actions, covering a certain number of 1.080 trainees from 157 institutions nationwide; (v) the Temporary Return of Qualified Nationals Professionals Project, from 2013 to 2015, with similar objectives, and 28 training actions were carried out for approximately 2,500 professionals from 12 national institutions; (vi) the Cabo Verde Multimedia Project to strengthen links between the Cabo Verdean Diaspora in Italy, largely from the São Nicolau Island and the young communities of this island; (vii) the Solidarity Development Program from 2010 to 2015, mobilizing associations of migrants or singular emigrants in France to finance projects and channel their remittances to productive investments in Cabo Verde; (viii) the Solidarity Savings Project, from 2012 to 2015, which launched a solidarity-based savings product to make the savings of emigrants in Luxembourg productive by financing microcredit institutions and supporting projects to improve economic and health conditions in Cabo Verde.

137. In addition, the Change to Compete Program, which focuses on improving the performance of public administration in support of Cabo Verde's competitiveness, includes a component of promoting the accessibility of migrants and businesses to public administration, integrating all of them into technological operating platforms, the logic of de-bureaucratization and speed of response, including the Single Window of Foreign Trade and Single Investment Window services, for approval of application for investor certificate and approval of projects.

138. With regard to immigration, existing services were referred to in paragraphs 21 to 23 of this report. The main challenges to be overcome in terms of institutional coordination have been identified and include better clarification of institutional responsibilities,

continuity of training and training of technicians, and institutional memory. Measures implemented in this regard include two training in 2012 for leaders and coordinators of the CNI Working Groups, replicated in the 5 municipalities where there are Local Working Groups; the strengthening of training in 2014 and 2016 for new members nominated to CNI and a re-training session in 2015 with the coordinators of the local working groups. A training on leadership and teamwork is planned for CNI members in 2018.

Article 66

139. In Cabo Verde there are no authorized operations and bodies for the recruitment of workers for employment in another State.

Article 67

140. Agreements with the USA and EU have been established to manage the return to Cabo Verde.

141. The Cabo Verde Migratory Profile Study conducted in 2017 presents data collected from the former Ministry of Communities (MDC) and Directorate of Foreigners Citizens and Borders (DEF).⁷ It reports that from 1992 to 2009 there were 986 cases of deported Cabo Verdeans, with the majority from the USA (about 50%) and Portugal (around 35%) and between 2010 and 2015, 576 cases were recorded, the majority coming from Portugal (68%) and USA and male (more than 90%). Among the reasons is the lack of documents (44%), drug trafficking (27%) and irregular situation (11%), besides robbery and other crimes. In 2002, the first National Census of Repatriatedes was carried out by INE, and 460 repatriated nationals were identified, mostly male (98%). In the period from 2010 to 2015, the data from the DEF recorded 576 cases from most of Portugal, USA, France, Spain and the Netherlands, evidencing the increase in the number of cases.

142. Measures to support the return of emigrants have been implemented, especially regarding the provision of information, business opportunities and inclusion in the labour market. Within the framework of the CAMPO Project (referenced in paragraph 109 of this report) a financial line was launched for start-up companies of Cabo Verdean emigrants residing in Portugal who wanted to set up a business in Cabo Verde and provided information on training, employment and investment opportunities in Cabo Verde, social security, customs and others. Also the Project “Strengthening Cabo Verde’s Capabilities in Migration Management”, implemented from 2011 to 2014, had a positive impact on the return and reintegration of Cabo Verdean migrants in the EU, benefiting them from financial and technical support to the establishment of business in Cabo Verde for those who intend to return or have returned in the last 5 years, from France, the Netherlands and Portugal. In order to present the main institutions that can be contacted when the emigrant has an interest in the monitoring and guidance for the realization of their investment, the Business Opportunity Magazine in Cabo Verde has been edited by ADEI and a campaign entitled “invest in our homeland” has been carried out. Information materials were published and made available to the Diaspora with sections for investment and the labour market: Emigrant Handbook; Return to Cabo Verde with Success Guide; and Manual for Support to the Socioprofessional Return and Reintegration of Cabo Verdeans Abroad.

143. Expatriate foreign nationals and qualified Cabo Verdeans from the Diaspora, hired or to be hired in management, direction, quality control and training functions and who acquire the status of residents for the first time in 5 years are granted tax benefits (exemption of IUR) (Article 17 of the Law No. 26/VIII/2013, of January 21).

144. There has also been Government initiatives to facilitate reintegration in the event of forced return. In 2002, the National Program for Prevention and Follow-up of Deportation (PNPAD) was created, but for lack of resources failed to achieve a good implementation. The same situation for other initiatives of a specific nature by governmental and local institutions, such as the creation of the Offices in the Islands of Sal, Fogo and Brava, having been able to finance microprojects for income generating activities. The Ministry of Family

⁷ There is no database for the registration of Cabo Verdeans deported from abroad. For this reason, the data may be lower than the reality.

Work and Social Solidarity (MTFSS), the Cabo Verdean Solidarity Foundation (FCS) and the City Hall of Praia also had occasional initiatives to support repatriatedes. In 2003, the Repatriation Integration Project (PIR) was created, with the aim of promoting reception at the arrival, implementation of personal assistance offices (GAP), learning the Portuguese language, vocational training, occupation of leisure time, support in facilities and inclusion in the labour market. The evaluation of the Program made in 2012 points to several weaknesses, among them the sources of funding and the definition of the Ministry under whose control should be the domain of reintegration of repatriatedes. Currently the MFIS is working on the definition of an intervention policy in the field of social reintegration of readmitted/returnees.

145. OIM has supported the voluntary return of migrants and immigrants through the Voluntary Return Program. Most of the cases are immigrants and emigrants in a situation of vulnerability and the work has been done in conjunction with the DGI and DEF. From 2015 to 2017, 8 Cabo Verdean emigrants from Portugal (1 woman and 3 men) and from Switzerland (2 men and 2 women) and 17 immigrants were supported: 4 from Nigeria, all women and 2 of them victims of TIP, referenced in paragraph 153 of this report; 1 from Guinea Bissau (woman); 1 from Liberia (man); 11 from Sao Tome and Principe (7 women and 4 men).

Article 68

146. The paragraph 7 of this report sets out the legal provisions aimed at penalizing and contributing to the detection of illegal or clandestine movements of migrant workers and their families. The information provided by the of the General Attorney Office presents two cases of investigation in 2016 concerning the crime of aid to illegal immigration in Cabo Verde, with 12 victims, 10 females and two males, from Guinea Bissau (8), Sierra Leone (2), South Africa (1) and the Gambia (1). Six people are being investigated, all males, from Guinea-Bissau (5) and Nigeria (5).

147. The protection of workers against exploitation and violence in the context of an employment relationship is provided for in the CL (Legislative Decree No. 5/2007, of October 16, as amended by Decree-Law No. 1/2016, of February 4), This also applies to foreign nationals or stateless persons who have an employment relationship in the national territory, regardless of their situation in the country (Article 15 (2)). Several guarantees against exploitation are presented, including maximum working hours; right to retribution, weekly rest, vacation, holidays, payment of overtime, no discount on the salary of justified absences, among others. Sexual and moral harassment in the workplace is considered to be an administrative offense and punished with a fine (Articles 410 and 411). Domestic work is dealt with in a specific chapter, although it still lacks regulation. A proposal for regulation is being prepared by ICIEG with the close participation of government sectors and institutions involved in the field and civil society, aiming at an improvement of the guarantees. The migrant workers' legal framework has been strengthened by the revision of the Penal Code and provides guarantees to victims (paragraph 8). It is the Government's intention to adopt specific legislation on TIP, so that crime is dealt with in a holistic manner. The RJE determines that the subsistence and urgent medical treatment for the victims of TIP should be ensured, as referenced in paragraph 7 of this report.

148. The Special Law against Gender-Based Violence (Law No. 84/VII/2011, of January 10), establishes the crime of Harassment in its Article 25 and recognizes that all rights contained in the law are also guaranteed to foreign nationals, regardless of the situation they are in (Article 4, (e)). Its regulation (Decree-Law n 8/2015, of January 27) presents a specific chapter to regulate the procedures for foreign victims who are in an irregular situation in the country, guaranteeing them security not to be subject to arrest and administrative expulsion and making possible the granting of temporary residence authorization while the proceedings are under way, by facilitating the documentation to be presented, exemption for some documents (certificate of criminal record or others), exemption from fees in health services for issuance of health certificate, certificate of international vaccine and others) and exemption from the payment of fines, provided that proven economic insufficiency. Attention and support to victims of GBV, including foreign women, are provided by the Victim Support Centers, initially implemented in the Legal

Houses, as referred to in paragraph 177 of the CCD. Nowadays, these multidisciplinary services, with legal, psychological and social assistance, are in charge of the City Halls in the whole country, as result of the Partnership Agreements signed by the ICIEG within the country's decentralization policy.

149. Primarily for the fight against exploitation and violence against women, ENED (referred to in paragraph 15 of this report), within the framework of its first strategic pillar (a), one of its priorities is to avoid the recruitment of domestic workers from developing countries to work in developed countries and organized marriages between women from developing and foreign countries by guaranteeing a pre-selected orientation courses for pre-selected candidates to receive visas, alerting them to issues affecting men and women, including the greater vulnerability of women to abuse, discrimination and exploitation. Added to this measure, within the framework of the strategy of protection, assistance and empowerment of emigrants, the need to provide psychological support to victims of abuse.

150. The ENI (referred to in paragraph 16 of this report), among other objectives, outlines specific guidelines for combating the TIP and protecting its victims. Its Action Plan foresees the improvement in the management of irregular migration and TIP, promoting studies and improving data collection and analysis on TIP, addressing female genital mutilation issues, early marriage and gender equality, through information and education, improving the capacities of national authorities in identifying and prosecuting trafficking cases, adopting an anti-trafficking law and an Action Plan. 2nd PNVBG 2015, finalized at the end of 2014, presents measures to combat trafficking and the sexual exploitation of women.

151. In July 2017 the Ministry of Justice launched the Blue Heart Campaign against TIP, involving different departments and personalities, including police, defense, justice, education, human rights, childhood and gender CSOs, the media and international partners.

152. As referenced in paragraph 17 of this report, the National Plan Against TIP, recently approved plans to implement protection mechanism and support to victims. At the moment, the Centers for Victims of GBV are also able to provide their services to women victims of TIP. With regard to reception, although the GBV Law provides the implementation of House-shelter, these have not yet been implemented and this is recognized as a fragility regarding support to the victims of GBV, especially at risk. The State has made efforts in this direction, providing a space for emergency accommodation in the City of Praia, which has not yet been put into operation due to the lack of resources for its maintenance. Currently temporary shelter can only be guaranteed by paying for temporary housing.

153. Since the entry into force of the Penal Code with the definition of TIP crime until the end of 2016, 2 cases were tried. The Attorney General's Office registered, in addition to these two cases filed in 2016, 3 more cases for TIP committed until February 2017 and under investigation. The OIM supported 2 victims of trafficking of Nigerian nationality with cost of urgent needs of hygiene, food and with the return to the country of origin. In the case of minors, until 2016 there were no cases of trafficking or kidnapping of minors. However, there is a recommendation in the National Plan to Combat Sexual Violence against Children and Adolescents to establish a list of missing children and adolescents in Cabo Verde in the PN or PJ databases, in order to facilitate the investigation of the possible relationship of its disappearance with international networks of TIP. The support and welcome to the minors of any violence or violation of their rights is promoted by ICCA (paragraph 23 of this report).

154. In 2012, the country, through the Association of Children with Disadvantages (ACRIDES), Western Africa Network for the Protection of Children (NGOs network for the protection of children in ECOWAS countries), which has as its main objective the reintegration of children, adolescents and young people in mobility and victims of trafficking, exploitation and sexual abuse in the ECOWAS subregion. To this end, ACRIDES has partnered with NGOs, local authorities and civil society from the islands of Sal and Boa Vista, identifying priority actions to strengthen mechanisms for network collaboration in this area.

Article 69

155. As referred to in paragraphs 13 and 80 of this report, the practice is to promote the notification of the foreign nationals concerned in an irregular situation to regularize the situation, by paying a fine for irregular stay, in the amount between 10,000.00 and 50,000,00, plus the amounts for regularization. In case of voluntary payment of the fine within the established period, this amount is reduced by half of the minimum charged.

156. In the RJE, a positive measure was introduced with regard to regularization. It is established that, exceptionally, on the initiative of the member of the Government responsible for the internal affairs area, residence authorizations may be granted for the exercise of subordinate professional activity, with exemption from a residence visa, provided that the foreign nationals has an employment contract or a duly proven employment relationship; legally entered into national territory and has legally stayed there and who has his or her social security situation regularized (Article 49 (2)). Also in cases of self-employed activity, the same initiative is valid, provided that legal entry and stay in the national territory (Article 50 (2)).

157. The paragraph 6 of this report makes reference to the process of extraordinary regularization of foreign citizens occurred in 2015 and the CCD also presents the process of regularization in 2010 for citizens originated from Guinea Bissau (paragraph 257). The evaluation of ENI's 1st Action Plan shows that, despite the efforts, extraordinary regularizations fell short of expectations and it was necessary to review the strategy to combat irregular immigration.

Article 70

158. Cabo Verdean legislation does not differentiate between nationals and foreign nationals with regard to health, safety and hygiene. The working conditions are regulated by the CL, by the Labour Conventions, in accordance with the ILO Conventions ratified by the country. The legal provisions in this regard apply to all workers, national or foreign, in a regular or irregular situation, without any discrimination. It is the right of the worker to enjoy adequate hygiene and safety at work (Article 36 (e)) of the CL), as well as the obligation to comply with the health and safety standards at work (Article 128, i) of the CL). The employer must ensure adequate working conditions, especially in the areas of hygiene and safety (Articles 134 (c) and 136 of the CL). IGT continuously exercises control and enforcement of health and safety standards at work. Companies that do not comply with the rules will be penalized in accordance with the law.

Article 71

159. Repatriation may take place provided that it is in possession of all necessary documentation required for the transit of bodies both in the country of origin and destination. In the event of the death of the employee the employment relationship is extinguished (Article 214 of CL), the heirs having the right to receive the compensation due under the law (Article 71 (2) of the RJE).
