



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

List of issues in relation to the combined initial to third periodic reports of Cabo Verde*

I. General information

1. Please provide information on the measures taken to harmonize the State party's legislation with the Convention, in particular Law No. 106/V/99 of 2 August and Law No. 66/VIII/2014 of 17 July, to end the detention of migrant workers in an irregular situation in the State party and to allow for a judicial review of expulsion decisions.
2. Please provide information on the countries of origin of migrants in an irregular situation in the State party, in particular from States members of the Economic Community of West African States (ECOWAS).
3. With reference to paragraphs 14, 15 and 16 of the report of the State party (CMW/C/CPV/1-3) on the Strategic Plan for Sustainable Development (2017–2021), the National Emigration Development Strategy (in place since 2013) and the second Immigration and Social Inclusion Action Plan (2018–2020), please provide information on specific time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of all migrant workers and members of their families, and on resources allocated for their implementation and the results obtained.
4. Please inform the Committee about the measures taken to disseminate the Convention and whether migrant workers, in particular those in the informal sector, have access to information in a language they understand.
5. Please provide information on the measures taken to strengthen the mandate and operational capacity of the National Commission for Human Rights and Citizenship in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide information also on the human, technical and financial resources made available to the Commission to carry out activities relating to the implementation of the Convention, and on the complaints received by the Commission from migrant workers and members of their families, how they were processed and their outcome.
6. Taking note of the information provided on migration flows in paragraphs 24 to 26 of the report of the State party, please provide additional information on the measures taken to establish a system to collect, analyse and report data, disaggregated by sex, age, nationality, ethnic origin, disability and migratory status, on labour migration flows, including on voluntary returns and deportations of Cabo Verdeans. Please provide

* Adopted by the Committee at its thirtieth session (1–12 April 2019).



information also on measures taken to collect qualitative and statistical data on nationals of the State party working abroad in an irregular situation.

7. Please inform the Committee whether the State party envisages making a declaration, pursuant to article 76 of the Convention, in which it recognizes the competence of the Committee to receive and consider State-to-State communications, and a declaration, pursuant to article 77 of the Convention, in which it recognizes the competence of the Committee to receive and consider individual communications.

8. Please indicate whether the State party intends to ratify the International Labour Organization (ILO) Migration for Employment Convention (revised), 1949 (No. 97), the ILO Migrant Workers (Supplemental Provisions) Convention, 1975 (No. 143) and the ILO Domestic Workers Convention, 2011 (No. 189).

II. Information relating to the articles of the Convention

A. General principles

9. Please indicate whether the Convention has been directly applied by officials in the administration and/or the courts, and if so, please give examples. Please provide information on judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including migrant workers in an irregular situation, and measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights. Please indicate the number of complaints submitted by migrant workers and members of their families, before both administrative and judicial bodies, and the results thereof.

10. Please provide information on measures taken to establish a cooperation mechanism with the Special Rapporteur on Refugees, Asylum-Seekers, Migrants and Internally Displaced Persons in Africa of the African Commission on Human and Peoples' Rights.

B. Part II of the Convention

Article 7

11. Please inform the Committee about measures, in addition to the education, awareness-raising and sensitization initiatives described in paragraph 50 of the report, taken to address instances of discrimination, particularly against migrant workers and members of their families from States members of ECOWAS, as identified in the diagnostic study to identify the needs of immigrants in the process of social integration in Cabo Verde, conducted in 2014 by the Directorate General for Immigration. Please include information on investigations carried out and sanctions applied. Please provide information also on the root causes of discrimination and measures taken to eliminate all discrimination based on nationality or ethnic origin.

C. Part III of the Convention

Articles 8–15

12. Please provide information on measures taken to protect migrant workers, including women migrant workers, and especially those in an irregular situation and in the tourism sector, from forced or compulsory labour.

13. Please elaborate on the measures taken to ensure that the basic rights of migrant workers, particularly those employed in the domestic private security, civil construction and domestic work sectors, namely to have access to the national minimum wage, social protection and social security services, including a pension, are guaranteed in practice, including through workplace inspections.

Articles 16–22

14. Please provide information, including nationality, on migrant workers in detention in the State party and migrant workers who are nationals of the State party and have been detained abroad in countries of employment or transit, and whether such detention was related to their migration status. Please provide information also on cases of migrant workers detained at border posts and repatriated, and whether they were able to appeal against the repatriation decision, and whether they received consular assistance from their State of origin.

Article 23

15. Please provide information on the role played by the State party's embassies, consulates and labour attachés in assisting and protecting Cape Verdean nationals working abroad, including those in an irregular situation, and particularly in cases of abuse, arrest, detention or expulsion. Please provide detailed disaggregated data on the number of nationals working abroad or in transit through third countries, including those who have been arrested, detained or expelled, and indicate whether legal assistance services were provided.

Articles 25–27

16. Further to the information provided in paragraph 95 of the report, please inform the Committee about the mechanism used by the General Inspectorate of Labour to monitor the employment conditions of migrant workers in either a regular or irregular situation, the number of labour inspections carried out, the notifications issued to employers and the status of complaints received.

17. Please provide information on measures taken to promote access to social security and assistance and on the registration of migrant workers, particularly women, in the National Institute of Social Welfare.

Articles 28–31

18. Please provide information on measures taken to promote birth registration and on recognition of the nationality of origin and access to education of children of Cape Verdean nationals working abroad and of migrant workers in the State party whose parents are in an irregular situation.

Articles 32–33

19. Please inform the Committee about measures taken to inform Cape Verdean nationals intending to work in destination countries other than States members of the European Union, such as Angola, Senegal and the United States of America, and about their rights and obligations in the country of employment. Please provide information also on predeparture orientation sessions for family members and persons migrating for family reunification purposes.

20. Please provide information on measures taken to evaluate the impact of emigration on the State party's economy, and the contribution of the diaspora to gross national product. Please provide information also on the Cape Verdean network of associations abroad and its involvement in international development, cooperation and solidarity, and on measures taken by the State party to support it.

21. Please inform the Committee whether immigrants, including migrant workers and members of their families, in the State party may also benefit from the support measures available to the diaspora upon their return.

D. Part IV of the Convention

Articles 36–56

22. Please inform the Committee whether migrant workers in a regular situation may join or form associations and trade unions for the protection of their interests. Please provide information also on whether they can freely practice their religion.

23. Please provide information on measures taken to facilitate the flow of remittances from migrant workers and members of their families, including the transfer of earnings and savings, and to reduce the cost of these transactions.

E. Part V of the Convention

Articles 57–63

24. Please provide information on particular categories of migrant workers, including seasonal, itinerant, project-tied, specified-employment and self-employed workers, and on their number, nationality and employment activity.

F. Part VI of the Convention

Articles 64–69

25. With reference to paragraph 141 of the report on State party nationals who have been repatriated, please provide information on the procedure and mechanism for the repatriation of migrant workers to the State party and the support provided. Please include information on migrant workers in a regular and an irregular situation.

26. Taking note of the adoption of the first anti-trafficking national action plan (2018–2021) and the investigation and prosecution of alleged traffickers, please inform the Committee about measures taken to establish a formal mechanism to identify, provide support for and refer trafficking victims to protection and care. Please provide information on measures taken to protect children from trafficking in human beings, in particular in the context of tourism, domestic service, agriculture and street situations.

27. Please provide statistical data and qualitative information, disaggregated by sex, age, nationality and purpose of trafficking, on reported cases of trafficking in and smuggling of migrant workers, and on investigations and prosecutions carried out and criminal sentences imposed on perpetrators. Please provide information also on measures taken to provide age-appropriate and gender-sensitive shelters, medical care and psychosocial support to assist victims of human trafficking.

28. Please provide information on measures taken to promote the regularization of the employment situation of migrant workers, in particular women migrant workers, such as encouraging the use and monitoring the existence of written contracts.
