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The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Cabo Verde covering the period 2016 - 2017

Accompanying the document

Report from the Commission to the European Parliament and the Council

Report on the Generalised Scheme of Preferences during the period 2016 - 2017

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Cabo Verde GSP+ Assessment

1. Country Overview

Cabo Verde's overall human rights record is positive. The country has stable political institutions, a well-functioning multiparty parliamentary democracy and an independent judiciary. National, local and presidential elections, all last held in 2016, were judged both free and fair. Cabo Verde ranks third among all African countries in the 2016 Ibrahim Index of African Governance, and first in the Index's subcategory Participation & Human Rights. Despite the lack of natural resources and its structural vulnerabilities as a small state of 10 scattered islands with important inter-connectivity and transportation problems between the islands, the country succeeded in evolving to a middle-income country in 2007. The country faces severe climate adaptation challenges associated with water resource availability, food and energy security, and desertification. Only 10% of its territory is classified as arable land. Considerable efforts to enhance water mobilisation have yielded results and will continue.

2. Compliance with GSP+ Obligations

2.1. UN Human Rights Conventions (Conventions 1-7)

Status of ratification and reporting

Cabo Verde has maintained the ratification of all GSP+ related UN human rights conventions.

Cabo Verde did not fulfill its reporting obligations for most of the seven human rights conventions, namely CAT, CRC, CCPR, CERD and CESC. When reports were submitted, this was usually with significant delays. This is largely due to the structural challenge of the country's small public administration and insufficient administrative resources. Due to these limitations, Cabo Verde did not reply to the 2016 Scorecard in the context of the GSP+ monitoring process either. This issue together with other salient issues were discussed during the EU GSP+ monitoring mission that took place in Cabo Verde from 18 to 20 July 2017.

However, since the EU GSP+ monitoring mission, the country has made significant efforts to submit the reports on time, notably regarding the implementation of CEDAW, resulting in Cabo Verde having submitted all required past reports under that Convention. The report for 2017 is under preparation. Overdue reports under CCPR, CESC and CRC have been drafted in 2017 and were to be submitted at the time of writing. The country's first report under CAT is currently under preparation and will cover the entire period 1994–2017.

The EU, UN and ILO have been providing technical and financial support to the Cabo Verdean authorities to increase its reporting capacity. During the EU GSP+ mission to Cabo Verde in July 2017, the Government informed the EU that it intended to significantly improve the country's reporting capacity on the human rights conventions by setting up a permanent interministerial commission composed of representatives of six different ministries, which would report directly to the Prime Minister (PM) and draw on the PM office as its secretariat. A Government decree on this Interministerial Commission was published in the Official Journal on 15 June 2017. The conventions on environmental protection, labour rights, drugs and corruption will however not be dealt with by this commission.

Status of implementation of the conventions

Despite shortcomings regarding its reporting obligations, Cabo Verde has a good record on the implementation of the main conventions. This is recognised in the EU Human Rights Country Strategy for Cabo Verde, and by the main human rights organisations' reports on the country. The outcome of Cabo Verde's Universal Periodic Review (UPR) in April 2013 also confirmed that there are no major concerns as regards human rights and fundamental freedoms. The next UPR is scheduled for 2018.

However, concrete concerns remain in the following areas: violence and discrimination against women, violation of the rights of the child, prison conditions and weaknesses (especially long delays) in the judiciary system. More generally, a still fragile economic situation tends to impact in particular economic, social and cultural rights. However, efforts are being made. For example, the Government is currently preparing a law on the Right to Food.

The country generally supports UN resolutions regarding human rights issues and has been very vocal in its support of the International Criminal Court (ICC), including within the African Union. Its international position on human rights is consistent with its domestic situation. The Constitution protects against any form of discrimination. While social discrimination based on sexual orientation and gender identity continues to occur, LGBTI identities can generally be shown openly in public. In terms of rights to education, Cabo Verde ranks 7th in the 2016 Ibrahim Index. Over the last five years, the country has made significant progress in migration management, both immigration and emigration, and in improving migrants' rights. However, discrimination against migrants mainly coming from West Africa occurs.

A legal framework and specific human rights institutions are in place to proactively deal with the protection of human rights. Such institutions include the National Commission on Human Rights and Citizenship (CNDHC), whose president has so far been nominated by the Minister of Justice and which so far is financed under the Ministry's budget. This is in contradiction with the UN rules relating to national human rights institutions. Recommendations to reform the Commission were made during the UPR and a revised draft statute that would give the CNDHC full independence, its own budget, and increase its staff, is expected to be adopted by the end of 2017. The CNDHC has focal points in all 22 municipalities on all of the country's nine inhabited islands, but their capacity could be strengthened. It also participates in consultations with the Government to define national legislation in the framework of human rights protection.

A Second National Plan (2018-2023) for Human Rights and Citizenship is being drafted and expected to be finalised and approved by the end of 2017, but no further details were known yet at the time of writing. The CNDHC's priorities for the new plan include the juvenile penitentiary system, with a particular focus on the development of alternative non-custodial measures and enhancement of the social reintegration system of juvenile detainees.

The Cabo Verdean Institute of Equity and Gender (ICIEG, a Government agency) has been working on the protection of the legal rights of women. The Cabo Verdean Institute for the Child and Adolescents (ICCA) is a national network that aims to combat the abuse of and sexual violence against children, in cooperation with local authorities, police forces, the attorney general, hospitals and health centres. In 2017, the CNDHC also contributed to the elaboration of the National Plan Against Sexual Abuse of Minors in close cooperation with ICCA and ICIEG. In 2017, this topic was officially addressed by the Government in the framework of the public campaign called 'Zero Tolerance'.

As identified by the Cabo Verdean institutions, international institutions (EU and UN), international civil society actors and human rights defenders, Cabo Verde's main shortcomings are related to its limited administrative capacity (leading to severe delays in reporting) and a weak implementation of its legal framework related to the rights of women, children and detainees. These issues, together with gender based violence, correspond to the country-specific priorities outlined for Cabo Verde in the EU Human Rights and Democratic Country Strategy (2016).

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

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

The implementation and enforcement of the legal framework in this area is generally effective. Discrimination against migrants from West Africa is however a concern.

International Covenant on Civil and Political Rights (CCPR)

The protection of civil and political rights including fundamental freedoms is ensured by the Constitution and by legislation. The Government generally respects these rights, including freedom of expression, association and press.

The legal system, based on the Constitution, promotes democratic values and guarantees the separation of powers. The State institutions are overall functioning well, albeit not without delays and administrative capacity limitations. The law provides for the right of all citizens to a fair trial and an independent judiciary, a provision which the Government respects in practice. Defendants have the right to be present and to consult with an attorney in a timely manner and free legal counsel is provided to the poor.

However, as identified in the 2016 GSP Report, the judicial system lacks sufficient staffing, efficiency and speed. There is a considerable backlog of pending cases. A new study to address this problem is underway.

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

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

Good progress was made in terms of fulfilling its remaining Millennium Development Goals (related to poverty, mortality of mothers at birth and of children under five). Economic growth over the last years has been translated into improved social conditions: poverty in Cabo Verde has dropped significantly. Progress in the education and health sectors has also been substantial (for example, the literacy rate of 15-24 year-olds is around 98%) with a number of specific targeted programmes being carried out, such as the school vaccination programme.

Access to water keeps improving despite the general scarcity of potable water sources and severely limited rainfall across the islands. A comprehensive National Strategic Plan for Access to Water and Sanitation (PLENAS) is in place. This plan aims to increase the access rate to the public water distribution system to 90% by 2030, up from the current 65%. Today, access to water in many areas is provided by truck, cistern or water points, which ensures access to water for 95% of the population. Access to sanitation is foreseen by PLENAS to

reach up to 70% in cities by 2030 (the rate in the capital, Praia, for instance, is currently 28%).

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

In 2015, the UN Special Rapporteur on Adequate Housing visited Cabo Verde for the first time and made recommendations. The Cabo Verdean authorities did not provide information regarding the implementation of these recommendations.

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

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

Based on data provided by the National Institute of Statistics (INE, 2015) 44.6% of households are headed by women and 93% of mothers are single mothers, a factor which is having a strong impact on poverty particularly in rural areas but also in the most vulnerable urban neighbourhoods.

Gender-based violence (GBV) remains an issue of concern. In 2011, a law came into force to criminalise GBV, focusing on three main objectives: improving the protection of victims, strengthening sanctions against offenders and raising awareness.

Civil society organisations have been requesting more effective law enforcement in terms of implementing further actions involving legal counselling, psychological care and family courts to deal with domestic violence. However, women – especially in rural and remote areas – often lack the information and means necessary to claim their rights. Awareness-raising activities in remote areas are therefore also needed.

The authorities have created a network connecting NGOs, national police, health centres and community law centres, which is considered to be effective. The caseload of GBV-related complaints has decreased. Nonetheless, violence and discrimination against women remain significant problems and the number of complaints has actually increased, reflecting an increased general awareness of GBV.

Cabo Verde is pursuing its policy for non-discrimination of women and combating GBV through the implementation of two main plans. One is the Third National Plan for Equality (2015-2018), which focuses on measures and results in the following areas: sexual and reproductive rights, health, gender-based violence, education and vocational training, reproductive economy, political participation in decision-making and communication spheres, and institutional strengthening. The second plan is the Plan II to Combat Gender-Based Violence (2015-2018), aiming to contribute to the eradication of GBV and the effectiveness of the principle of gender equality. The following activities are particularly noteworthy: the creation of call centres for victims on all islands, the implementation of a national reintegration programme for GBV offenders and training and support in schools as well as the media, justice, health, police and military sectors.

No statistical data is available as regards prostitution, but it is well-known that prostitution is relatively widespread and socially tolerated.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

The Constitution and law prohibit torture and other cruel, inhuman or degrading treatment or punishment. The most common type of abuse concerns excessive use of force by police. There are no reported cases on the use of torture. In most cases of abuse, the National Police Council has taken action against those responsible. The number of complaints has decreased during the reporting period. New staff regulations of prison security as well as a disciplinary statute for prison security entered into force in 2014. A new training programme for prison guards started in August 2017. All new police recruits receive a 20-hour training on human rights.

The CNDHC visits all prisons on an annual basis. The conditions in prisons and detention centres in general meet international standards but in the main prison of S. Martins (on Santiago island) conditions are below standard, mostly due to overcrowding. Separation of prisoners based on trial status has not always been possible due to space limitations. The recent construction of a new prison on Sal island is expected to bring relief.

The Cabo Verdean law provides a detainee with the right to prompt judicial determination of the legality of the detention and the authorities have been respecting this right. Attorneys inform detainees of the charges against them and there is a functional bail system. Nonetheless, the length of pre-trial detention is a problem.

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

Convention on the Rights of the Child (CRC)

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

The legal framework prohibits early or forced marriage. The legal minimum age of marriage is 18 years. Female genital mutilation is prohibited by law and no cases are known, although it is suspected that some immigrants from Western Africa might take their children back to their countries of origin to submit them to such practices there. A targeted awareness-raising campaign for this community has been running since 2014.

However, violence against children remains a problem in Cabo Verde. The number of complaints has been increasing in recent years, which is believed to reflect greater awareness and trust in the institutions and not necessarily an increase in absolute numbers.

As regards sexual exploitation of children, the law prohibits and heavily punishes those that promote or facilitate child prostitution. Several cases of child prostitution have occurred. A number of cases of nude pictures of adolescents circulating on the internet with or without the victims' consent have been reported recently. There has been one legal case of sexual child exploitation by a teacher, whose appeal against his suspension was rejected by the court.

Sex tourism involving children is believed to have increased with the rising number of tourists and is addressed by a 'Zero Tolerance' campaign and a new National Action Plan against Child Abuse, which is now being implemented. New awareness and public outrage against this former taboo has recently emerged. Sex tourism is particularly prevalent on the main tourism islands, where a Code of Ethical Conduct has recently been agreed with hotel

representatives. However, sex tourism involving minors is also described as 'traditional behaviour' of at least one of the emigrant communities during their annual return to the country (island of Fogo).

The CNDHC is working on a prevention programme for persons convicted of child abuse in order to prevent recidivism.

The authorities recognise that improvements still have to be made with regard to the rights of the child. The Government is trying to fight abuse and violence against children through several programmes, including the Children's Emergency Programme and Dial a Complaint, and by creating centres and integration programmes. The latter include initiatives to promote schooling for street children, whose numbers have been increasing due to rapid urbanisation. A national network was established to address this problem in a more comprehensive manner and involves the Institute of the Child and Adolescence (ICCA), police forces, the attorney general and hospitals. The legal framework has also been further reinforced and improved, notably through the criminalisation of child prostitution and human trafficking.

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

Future actions and priorities

Cabo Verde is clearly committed to continue improving the respect of human rights. It is paying special attention to the areas needing more progress, notably women's and children's rights, combating domestic violence, the situation of detainees, and the strengthening of the capacities of the judicial system. These priorities correspond with the priorities and actions outlined by the EU Human Rights and Democracy Country Strategy. In particular, Cabo Verde will continue to pursue its policy for non-discrimination of women and combating GBV through the implementation of the two major plans.

Conclusions

Cabo Verde stands out within its region as an example of tolerance and respect of human rights and fundamental freedoms. Cabo Verde has maintained the ratification of all main international human rights conventions and ensures their implementation and enforcement in a generally effective manner. The existence of an independent judiciary system guarantees access to justice, which however is often very slow.

Concerns remain as regards the rights of the child as well as gender-based violence and discrimination, where strengthened and improved enforcement is required.

Due to a substantial lack of human and administrative resources, reporting obligations under the main international conventions are not being respected, with the exception of CEDAW. The new interministerial commission, once established, should make a considerable contribution to improve this situation.

However, the authorities are showing consistent commitment to respecting and implementing human rights and addressing shortcomings by setting clear priorities, establishing new and improved national policies and by strengthening the legal framework and its implementation.

2.2. ILO Labour Rights Conventions (Conventions 8-15)

Status of ratification and reporting

Over the reporting period, Cabo Verde has maintained the ratification of all eight ILO fundamental conventions relevant for GSP+.

Cabo Verde faced difficulties in fulfilling its reporting obligations to the ILO and in the context of the GSP+ monitoring, but has made efforts to remedy this. An EU-funded project managed by the ILO is assisting the country with the drafting of due reports and encouraging the different ministries to put in place a more systematic way of reporting. The project focuses on the areas of forced labour, child labour, and equal remuneration between men and women. It also aims at improving compliance with the eight ILO fundamental conventions. Particular attention is given to inter-institutional coordination, capacity building and technical assistance for fulfilling reporting obligations and facilitating dialogue between stakeholders (trade unions, employers' organisations and the Government). Six reports due in 2017, including those overdue from 2016, were to be submitted to the ILO by end of 2017. At the time of writing, all but one report (on Convention 138) had been submitted to the ILO.

In the framework of the EU-funded ILO project, the ILO organised a workshop, at which participants made a series of recommendations aimed at improving the implementation of the ILO Conventions 87 and 98. These recommendations were transmitted to the Minister of Justice and Labour.

Status of implementation of the conventions

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

Following the requests made by the CEACR in 2012 and 2014 and with the intention to facilitate job creation, the new Government, elected in 2016, quickly introduced a new Labour Code in October 2016. This particularly changed the conditions regarding the determination of the scope of minimum services to be provided during a strike and the conditions regarding civil requisitioning (back-to-work orders) during a strike. The latter have since been used twice, which led to complaints to the ILO by several trade unions. The CEACR has requested that Cabo Verde takes the necessary measures to restrict the use of civil requisitioning. The new Labour Code also stipulates the creation of a Tripartite Commission. The social partners are currently debating whether it should be formed on a permanent or ad-hoc basis. Due to the logistical difficulties to access some islands, in particular during a strike, the authorities seem to favour an ad-hoc formation.

Regarding collective bargaining, the national legislation seems to be broadly in line with ILO Convention 98. Nevertheless, as regards its implementation in practice, the CEACR repeatedly expressed concerns about the low number of existing collective agreements. The ILO provided technical assistance on the negotiation of collective agreements in the hotel and banking sectors. Currently, there are collective bargaining agreements in several sectors: electricity and water utility, telecoms, aviation safety authority and aviation. Collective agreements in the large tourism sector as well as banking and taxi services are currently under preparation. A National Committee for the Promotion of Collective Bargaining exists, but has

so far not been very effective in the promotion of collective agreements. A revision of the committee's functioning is underway.

In July 2017, the Government and the two main trade union federations (the Cabo Verdean Confederation of Free Trade Unions (CCSL) and the National Union of Workers of Cabo Verde (UNTC-CS)) signed a strategic mid- to long-term consultative agreement to promote social peace, which also sets out an increase in the national minimum wage from EUR 108 to approximately EUR 135 by 2020. The Government is also trying to promote greater job stability in sectors, which so far are dominated by short-term employment (for instance in the tourism sector).

Abolition of Forced Labour (Conventions 29 and 105)

Cabo Verde's national legislation is broadly in line with the ILO fundamental conventions on forced labour. However, there are shortcomings in the application. Following repeated requests by the CEACR in 2011 and 2015, a revision was made to the Penal Code in 2015, which criminalises trafficking in persons. Since then, a small number of allegations of human trafficking have been received and pursued by the authorities, but no charges were brought due to lack of evidence.

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

According to a 2013 ILO-IPEC¹ study, the incidence of child labour in Cabo Verde was 7.1%. The national legislation seems to be partly in line with ILO Conventions. The Labour Code sets the minimum age for admission to work at 15 years and the minimum age for hazardous work at 18 years. Child labour is a problem in the agricultural sector, where work carried out by children is often not perceived as child labour. Therefore, awareness-raising is all the more needed.

Following the CEACR requests in 2011 and 2015, the Penal Code was reformed in 2015 to include the criminalisation of prostitution of minors aged 14-18 years with prison terms of 2 to 8 years, bringing the legislation in line with the ILO Convention 182. Article 145 deals with children under 14. Penalties are envisaged for those who engage children in illicit activities, such as the production and trafficking of drugs. The Cabo Verdean Institute for the Child and Adolescents (ICCA) has started to tackle the issue of sex tourism and is searching for partner organisations to implement a prevention plan. In addition, ICCA flagged the need for a study to establish the scale of sex tourism. A National Plan to Fight Sexual Violence Against Children and Adolescents (2017-2019) was adopted in December 2016.

In 2014, Cabo Verde published a National Plan against Child Labour, which focuses on communication, awareness, prevention, protection, rehabilitation, partnerships, international cooperation, legislative reform and oversight and inspection. The Labour Code does not apply to children under the age of 18 who are engaged in hazardous work outside the employment relationship. The list of types of hazardous work was approved in 2016 (by Law No.113 /Viii /2016) in compliance with ILO Convention 182. It has helped national authorities to strengthen and protect children's rights, supervise child labour and fulfil the requirements under both ILO child labour conventions. The ILO is helping to raise further awareness of the list of hazardous work. In addition, the aforementioned law foresees the compiling and monitoring of statistical data on child labor with indications disaggregated by

¹ IPEC: International Programme on the Elimination of Child Labour

sex, age group, occupation, sector economic activity, employment status and geographical location.

As regards implementation in practice, the CEACR noted the efforts made so far to reduce the number of street children, including through the implementation of a project aiming to reintegrate children into their families and into the education system. It also took note of the information about the operation of emergency centres and reception centres for children.

There is a need to align the national legislation with ILO Convention 138 on minimum age for work. Minimum age provisions do not apply to children working outside an employment relationship, meaning those self-employed or working in the informal economy. Moreover, the Labour Code does not set a minimum age for performing light work activities (set at 13 in ILO Convention 138). The National Plan against Child Labour outlined concrete steps to be taken in order to align the national legislation with the ILO Conventions 138 and 182, but some implementation gaps remain, in spite of the progress achieved so far.

Elimination of Discrimination (Conventions 100 and 111)

The principle of equal remuneration for equal work for men and women is guaranteed in the Constitution. While the authorities report that the principle is also confirmed in the Labour Code, the CEACR recalled its request to amend the existing legislation to give full expression to the principle of equal remuneration for men and women for work of equal value. The CEACR reiterated that the provisions in the Constitution and the Labour Code are insufficient to ensure the full application of the principle of the ILO Conventions, as they do not encompass the concept of 'equal value' and may therefore hinder progress in eliminating gender-based pay discrimination. The authorities do not consider taking immediate legislative actions in this matter. However, in August 2017, the ICIEG created a technical working group to identify gaps in legislation concerning gender equality in employment. The ILO is participating in this working group.

In 2013, the CEACR noted the intention of Cabo Verde to adopt specific legislation for rural workers and labour-intensive activities, as these are not explicitly covered by the Labour Code. Further information was also requested on how the non-discrimination of workers of a different national origin is ensured and whether and how workers are protected against indirect discrimination. Cabo Verde was further requested to take steps to ensure that workers are protected against sexual harassment at the workplace. Although sexual harassment in the workplace is a crime punished by the law on gender based violence, further actions in this regard would be required to ensure such protection in practice.

In order to improve the situation of discriminated or more vulnerable groups on the labour market, such as women, young people or people with disabilities, the authorities have taken several measures, such as support for establishing enterprises and awareness-raising campaigns, including for social partners.

The CEACR noted that there was no comprehensive statistical labour market data available in the country and recommended provisions for training of labour inspectors on the principles of the ILO conventions. The Government has requested ILO technical assistance in this respect. The National Institute of Statistics reported on a number of labour market indicators and requested to receive a complete list of the indicators required by the ILO.

Future actions and priorities

Cabo Verde is committed to promote social dialogue and collective bargaining and to sustain the efforts to prevent and eliminate child labour, notably through the implementation of its

National Plan against Child Labour. Cabo Verde will also continue its efforts in maintaining its reporting obligation to the ILO with the support of the EU-funded technical assistance project that is managed by the ILO.

Conclusions

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

Labour legislation should be aligned with the outstanding comments by the CEACR and proper functioning of the tripartite commission should be ensured. Notwithstanding some progress, further efforts should also be pursued to promote collective bargaining. There has been some progress made in addressing child labour. Further efforts are needed for effective implementation of the existing legal framework regarding non-discrimination and to address the remaining gaps with the ILO Conventions on elimination of discrimination.

Regarding implementation, there are shortcomings which are partly related to insufficient administrative capacity (lack of human and financial resources). Cabo Verde's cooperation with the ILO to address these shortcomings is welcome. The ILO, with EU financial support, is currently implementing a technical assistance programme aimed at increasing Cabo Verde's reporting capacities on labour issues.

During and following the ongoing EU-funded ILO project, it will be crucial to ensure that a sustainable and reliable arrangement is put in place to comply with reporting obligations in the future.

2.3. UN Conventions on Environmental Protection and Climate Change (Conventions 16-23)

Status of ratification and reporting

Cabo Verde is party to all GSP+ relevant conventions on environmental protection and climate change.

However, Cabo Verde is not compliant with all of its reporting obligations. On CITES, biennial reports are due for 2003-2004, 2005-2006, 2007-2008, 2009-2010, and 2011-2012. The 3rd National Report on the Cartagena Protocol is due too. Cabo Verde is also having difficulties meeting its reporting obligations under the Basel Convention. Updates to the National Implementation Plan (NIP) under the Stockholm Convention are overdue as well.

However, Cabo Verde is compliant with its reporting obligations under the three UN conventions on climate change as well as the Montreal Protocol. The 5th National Report on the Convention on Biological Diversity was submitted in 2015.

Status of implementation of the conventions

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

Cabo Verde's national legislation is ranked as category 3² under the Convention, as it does not meet the requirements for implementation. Cabo Verde is currently preparing new legislation to implement CITES and to prepare an inventory of species (for example turtles, sharks, birds). The new legislation would also foresee the nomination of scientific and supervisory agencies.

The CITES Secretariat reported in November 2015³ that Cabo Verde had failed to submit its annual reports for three consecutive years and, pursuant to CITES Resolution Conf. 11.17 (Rev. CoP16), invited the CITES Standing Committee to consider the adoption of a recommendation for the suspension of all trade in CITES products from and to Cabo Verde at its 66th meeting in January 2016. Such a suspension is the most severe compliance measure under CITES. Following this, Cabo Verde submitted all annual reports that were (over)due. However, the biennial reports are still missing.

Basel Convention

Cabo Verde is not compliant with its reporting obligations under the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal as the 2015 annual report has not been submitted. Legislation is in place but does not cover all residual hazardous waste. New legislation has been prepared and revised by the Secretariat, but needs further work. A new voluntary implementation plan is now being implemented.

Convention on Biological Diversity (CBD)

Cabo Verde received technical assistance in capacity-building to improve its compliance with the reporting obligations. The 5th National Implementation Report (NIP) was submitted in 2015, the 6th NIP is due in 2018. Cabo Verde has not yet ratified the Nagoya Protocol, but recognises its importance and is preparing for ratification. A National Strategic Biodiversity Plan 2014-2030 is in place.

There were no salient shortcomings identified in Cabo Verde as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not been halted and concrete measures to implement the Convention should be strengthened. Current efforts are focussing on sharks, turtles and birds. Cabo Verde has a revised National Biodiversity Strategy and Action Plan (NBSAP) in place since 2014.

Stockholm Convention on Persistent Organic Pollutants

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

² Category 3: legislation that is believed generally not to meet the requirements for the implementation of CITES. Source: https://cites.org/eng/legislation/National_Legislation_Project

³ <https://cites.org/sites/default/files/eng/com/sc/66/E-SC66-30-01.pdf>

Cartagena Protocol on Biosafety

Cabo Verde is currently preparing its 3rd National Report, which was due in 2015 and expected to be finalised by December 2017 at the time of writing.

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

Conventions on Climate Change

Cabo Verde has maintained the ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer. It ratified the UN Framework Convention on Climate Change (UNFCCC) in 1995, and the Kyoto Protocol to the UNFCCC in 2006, and maintains ratification of both. It has also ratified the Paris Agreement on 21 September 2017. At the time of writing, the entry into force was expected on 20 December 2017.

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

As for reporting, Cabo Verde is preparing its 3rd National Communication and expected at the time of writing to submit it by December 2017. On 30 September 2015, Cabo Verde submitted its Intended Nationally Determined Contribution (INDC), which contains targets of 30% renewables, 10% energy savings (conditional 100% renewables, 20% energy savings) for the period 2015-2025. Cabo Verde is currently updating its INDC. Installed capacity of renewables currently represents 25%.

Climate change is also addressed by the country's Second National Environment Programme of Action (PANA II) for the 2004-2014 period, which aims to provide an overall strategic guidance for a balanced use of natural resources and sustainable management of economic activities. Revised in 2012, PANA II is technically still in force.

Conclusions

Cabo Verde fails to comply with its reporting obligations under CITES, the Basel Convention, the Stockholm Convention and the Cartagena Protocol. Cabo Verde needs to adopt legislation for the implementation of CITES. Concrete measures to implement the Biological Diversity Convention should be strengthened. Cabo Verde also needs to update the national implementation plan (NIP) for the Stockholm Convention. Regarding the Cartagena Protocol, the focus should be on enacting and implementing the draft biosafety framework which has been pending for many years now.

2.4. UN Conventions on Good Governance (Conventions 24-27)

Status of ratification and reporting

Cabo Verde has maintained the ratification of both the UN Convention on Narcotics Drugs and the UN Convention on Psychotropic Substances. It also maintained the ratification of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

According to the 2014 INCB report on precursors and chemicals frequently used in the illicit manufacturing of narcotic drugs and psychotropic substances, Cabo Verde is not compliant with the obligation to submit information pursuant to Article 12 of the 1988 convention for the years 2009-2013.

Cabo Verde has maintained the ratification of the UN Convention against Corruption.

Status of implementation of the conventions

UN Conventions Fighting Illegal Drugs

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

In 2012, Cabo Verde adopted a National Integrated Programme in the fight against drugs and crime, for the period 2012-2016. The National Integrated Programme was developed with the UN Office on Drugs and Crime (UNODC) and focused on four areas: prevention and research; improvement of the health, treatment and reintegration of drug addicts; combating illicit trafficking, organised crime and terrorism; and justice and integrity. Cabo Verde has requested UNODC to assist with the revision of its drug legislation and has drafted a new drug law, which *inter alia* shifts the focus from criminalising drug users to a more health-oriented approach. A new Government commission for the coordination of drug prevention is being set up.

Since 2012, Cabo Verde is using the PEN Online System, which allows competent national authorities to inform each other about international trade of precursor chemicals. This helps to confirm the legitimacy of a given trade and limits diversion.

While urban crime remains a problem, earlier high-visibility attacks by organised or drug-related criminals on relatives of public representatives have not continued, thanks to effective action by the police and judiciary.

Cabo Verde is making substantial efforts to disrupt drug trafficking in its maritime zone and has a good record of drug seizures in the region. However, Cabo Verde does not have the capacities and means to effectively patrol its Exclusive Economic Zone (EEZ) of nearly 800,000 sq km in an area prone to the presence of drug traffickers and illegal fishing vessels. Among other things, Cabo Verde lacks manpower and equipment, including ships and air assets. Cabo Verde is therefore very reliant on its cooperation with other international partners, including Portugal, Spain, the UK and the US, to strengthen its capacity to monitor the country's international waters and combat drug trafficking. The Spanish Marine Corps have trained members of the Special Operations Unit of the Cabo Verdean National Guard. Brazil established a Naval Mission in Cabo Verde in November 2013 and has since been helping Cabo Verde modernise the Cabo Verdean Coast Guard.

UN Convention against Corruption (UNCAC)

Cabo Verde was reviewed in 2016 and 2017. According to UNODC, the country has no major compliance problems. The Implementation Review Group issued a number of recommendations to further strengthen existing anti-corruption measures, including a recommendation to adopt a national strategy to ensure that the various anti-corruption policies are effective and coordinated. Cabo Verde does not yet have a single and independent anti-corruption authority. Its Financial Intelligence Unit (UIF) has been supported by an EU project and became a member of the Egmont Group in February 2017. A national Office for Asset Recovery has recently been established.

A new Public Procurement Code of Conduct was adopted in 2015 and a special commission was set up that receives complaints. A risk assessment has been carried out recently. Awareness-raising actions are being undertaken by the UIF. Legislation against money laundering is in place, which now covers Politically Exposed Persons and active and passive corruption by foreign nationals. All commercial banks in the country are participating in a system of obligatory declaration of suspicious financial movements. Amounts of USD 10,000 or more must be declared upon entry. Cabo Verde is finalising a National Risk Assessment regarding money laundering and financing of terrorism. The country also expects to further strengthen resilience through its new central recruiting system for the public administration.

Cabo Verde was ranked number 38 out of 176 countries in the 2016 Transparency International Corruption Perception Index, with a perceived level of public sector corruption score of 59 out of 100 (whereby zero means 'highly corrupt'). This marks an improvement compared to scores in 2015 (55) and 2014 (57).

Conclusions

Cabo Verde is an important transit hub for South American cocaine smuggling to Europe. Consumption of illegal drugs is increasing in Cabo Verde. Its location in the Atlantic Ocean and lack of resources and means make it difficult to control its extensive, mostly unmonitored territorial waters and borders. Cooperation with international partners is essential to strengthen the capacity of Cabo Verde to combat illicit trafficking of drugs, particularly at sea. Cabo Verde has, however, adopted a National Integrated Programme, and should focus on ensuring full implementation of the plan. It is undertaking significant efforts to combat money laundering and drug trafficking and is cooperating with international and regional partners in this area, including in the Gulf of Guinea. Cabo Verde has been benefitting from assistance and cooperation programmes supported by UNODC, the EU and other international partners. It will be hosting Zone G of the ECOWAS Integrated Maritime Strategy (EIMS). Cabo Verde is performing well with regards to its compliance to the UN Convention against Corruption and should sustain its efforts to maintain this.

3. Trade and Economy

3.1. Trade Picture

Cabo Verde is a small country among the African, Caribbean and Pacific states (ACP), but also a rapidly transforming island economy. The EU is its main trading partner, representing 97% of total exports in 2016 and 75% of imports.

The majority of Cabo Verde's export products to the EU are fishery products, but the country is also very interested in trade in services, as illustrated by their impressive commitments upon joining the World Trade Organisation (WTO) in July 2008.

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

3.2. GSP+ Statistics

Figure 1 to Figure 3 below describe Cabo Verde's utilisation of GSP+ in the context of its overall imports to the EU. More than 90% of total Cabo Verdean exports to the EU benefit from the preferential GSP+ duties. However, the figures show room for improvement when it comes to diversification; about 85% of Cabo Verde's preferential GSP+ exports to the EU are fishery products, followed by textiles and clothing (9%) and footwear (5%).

Source for all statistics: Eurostat data as of September 2017.

Figure 1

Cabo Verde - Imports to the EU, 2014-2017					
<i>Figures in thousand EUR</i>	2014	2015	2016	2017 (Q1-2)	Trend 2014- 2016
Total imports to EU	96,849	63,283	70,595	26,496	-27.1%
GSP+ eligible imports	55,897	53,279	68,077	17,749	21.8%
GSP+ preferential imports	54,716	51,519	65,690	11,623	20.1%
GSP+ utilisation rate	97.9%	96.7%	96.5%	65.5%	-1.4%

Figure 2

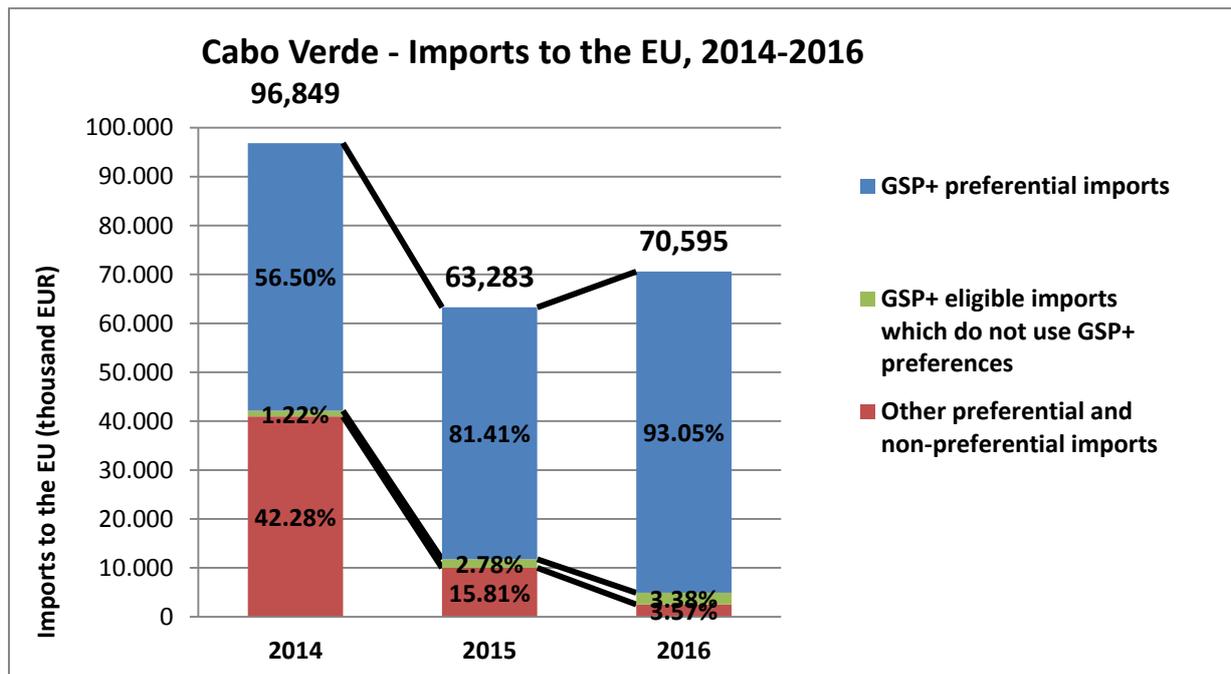
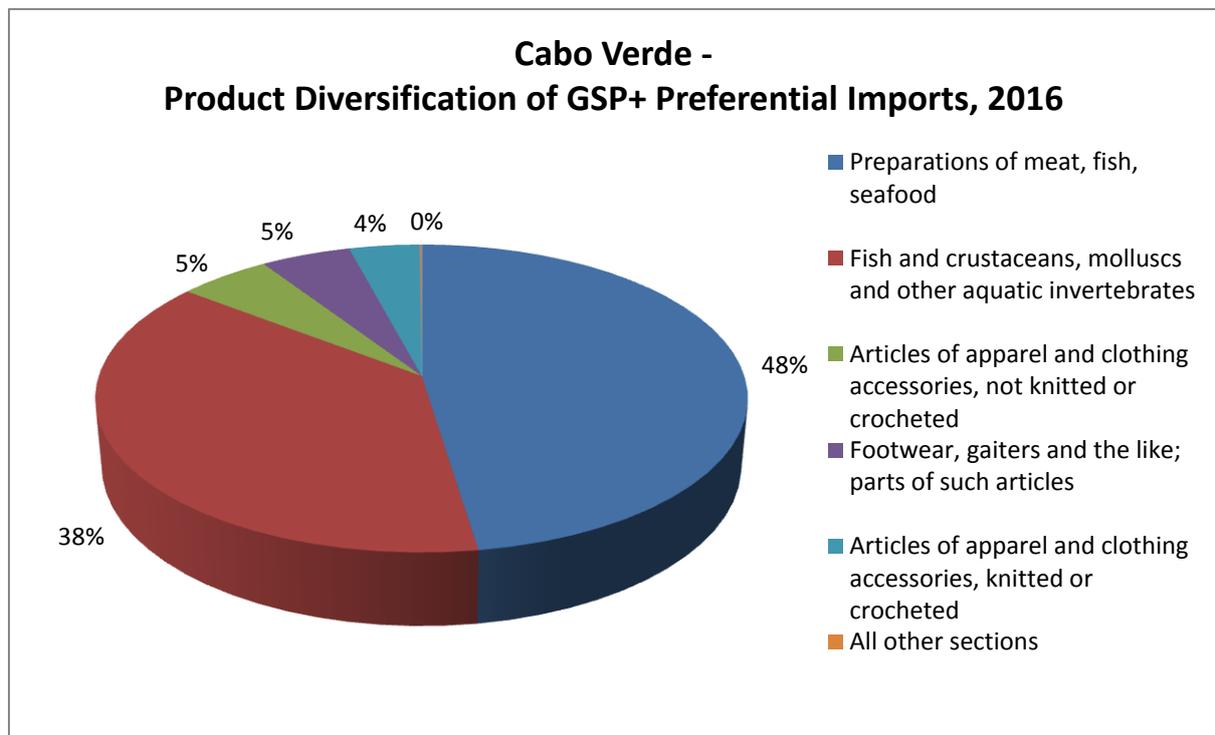


Figure 3



ANNEX

Cabo Verde – Treaty Ratification and Reporting

Convention	Status of ratification / reservations ⁴	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ongoing	No reporting obligations
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 03.10.1979 No reservations	Lack of compliance with reporting obligations Last report submitted on 05.08.2002. Latest report was due on 02.11.2006.
3. International Covenant on Civil and Political Rights	Ratified: 06.08.1993 No reservations	Lack of compliance with reporting obligations Initial report and subsequent reports not submitted.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 06.08.1993 No reservations	Lack of compliance with reporting obligations Initial report was not submitted.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 05.12.1980 No reservations	Lack of compliance with reporting obligations Last report was due on 01.07.2017.
6. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 04.06.1992 No reservations	Lack of compliance with reporting obligations Initial report and subsequent reports not submitted.
7. Convention on the Rights of the Child	Ratified: 04.06.1992 No reservations	Lack of compliance with reporting obligations Latest report was due on 03.07.1999.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1979	Compliant with reporting obligations Latest report submitted out of sequence: report due in 2014 submitted in 2015. Latest CEACR (ILO Committee of Experts on the Application of Contentions and Recommendations) comments: Direct Request 2015.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1999	Compliant with reporting obligations Latest CEACR comments: Direct Request 2016.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1979	Compliant with reporting obligations Latest CEACR comments: Direct Request 2016.

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

11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1979	Compliant with reporting obligations Latest CEACR comments: Observation 2016; Direct Request 2016.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1979	Compliant with reporting obligations Latest report submitted out of sequence: report due in 2014 submitted in 2015.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1979	Compliant with reporting obligations Latest CEACR comments: Direct Request 2016.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2011 Minimum age specified: 15 years	Lack of compliance with reporting obligations Latest CEACR comments: Direct Request 2015.
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	Compliant with reporting obligations Latest CEACR comments: Direct Request 2015.
16. CITES	Accession: 10.08.2005	Lack of compliance with reporting obligations Annual Reports for 2011, 2012, 2013, 2014, 2015 and 2016 have been submitted. Biennial Reports due for 2003-04, 2005-06, 2007-08, 2009-10, 2011-12, 2013-14, and 2015-16.
17. Montreal Protocol	Accession: 31.07.2001 No reservations	Compliant with reporting obligations Most recent data for 2016 was submitted.
18. Basel Convention	Accession: 02.07.1999 No reservations	Lack of compliance with reporting obligations Last report submitted on 31.12.2015 (2014 National Report).
19. Convention on Biological Diversity	Ratification: 29.03.1995 No reservations	Compliant with reporting obligations Fifth National Report due in 2014 was submitted on 25.11.2015. Revised National Biodiversity Strategy and Action Plan (NBSAP) submitted on 19.08.2016. The Sixth National Report is due on 31.12.2018.
20. UN Framework Convention on Climate Change	Ratification: 29.03.1995 No reservations	Compliant with reporting obligations First National Communication submitted on 13.11.2000. Second National Communication submitted on 21.10.2011.
21. Cartagena Protocol on Biosafety	Ratification: 01.11.2005 No reservations	Lack of compliance with reporting obligations Latest report submitted on 28.09.2011 (Second National Report). Third National Report was due on 01.11.2015. Interim National Report (2005) and First National Report (2007) are also overdue.

22. Stockholm Convention	Accession: 01.03.2006 No reservations	Lack of compliance with reporting obligations No reports submitted. First Round (2006), Second Round (2010), and Third Round (2014) National Reports due.
23. Kyoto Protocol	Accession: 10.02.2006 No reservations	No reporting obligations
24. UN Single Convention on Narcotic Drugs	Accession: 24.05.1990 No reservations	Reviewing is fulfilled by the International Narcotics Control Board (INCB).
25. UN Convention on Psychotropic Substances	Accession: 24.05.1990 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 08.05.1993 No reservations	
27. UN Convention against Corruption	Ratification: 23.04.2008 No reservations	Reviewing is fulfilled by the UN Office on Drugs and Crime (UNODC). Cabo Verde was reviewed in 2016 – 2017. The executive summary is available.