

# **CABO VERDE 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Republic of Cabo Verde is a parliamentary representative democratic republic largely modeled on the Portuguese system. Constitutional powers are shared between the head of state, President Jorge Carlos Fonseca, and the head of government, Prime Minister Ulisses Correia e Silva. The Supreme Court of Justice, the National Electoral Commission, and international observers declared the 2016 nationwide legislative and presidential elections generally free and fair.

The National Police, under the Ministry of Internal Affairs, is responsible for law enforcement. The Judiciary Police, under the Ministry of Justice, is responsible for major investigations. The armed forces, under the Ministry of Defense, are responsible for protecting the national territory and sovereignty of the country. Civilian authorities maintained effective control over security forces. Members of the security forces committed some abuses.

Significant human rights issues included a reported case of cruel, inhuman, or degrading treatment or punishment by police officers.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings. In the event of such a killing, the Ministry of Internal Affairs would investigate the National Police, the Ministry of Justice investigates the Judicial Police, and the Ministry of Defense--specifically the Military Judicial Police--investigates the armed forces. The Attorney General's Office plays an

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investigative and prosecutorial role in cases involving civilian police, while a military court tries members of the armed forces.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, but there were reports of violence and sexual abuse by police against detainees and violence by prison guards against prisoners. As of August the National Commission for Human Rights and Citizenship reported eight complaints of police abuse during the year and 14 for all of 2019.

According to media reports, a woman who in 2019 had accused three police officers in Santa Catarina on the island of Santiago of rape and cruelty during detention withdrew her complaint upon receiving an 800,000-escudo (\$8,200) payment from one of the accused. One officer remained in detention and faced charges of prevarication and abuse of power, while another faced charges of torture and cruel and degrading treatment. In March the National Police announced that its internal investigation had found incongruences that placed the victim's version of events in question, absolved the accused, and warranted a full determination of the facts to initiate a criminal process against the complainant for making a false accusation. In April, however, a review by the Ministry of Internal Affairs recommended that the two officers stand trial. The Ministry found insufficient evidence for charges against the third officer. An expert report by the Portuguese Judicial Police compiled in June at the request of the country's authorities concluded on the basis of DNA tests that the rape had occurred. A court issued a three-year suspended sentence to one of the officers in November.

Impunity was not a significant problem in the security forces. The National Commission for Human Rights and Citizenship follows up with the National Police when it receives information regarding abuses. In January prison officers

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received training abroad in correctional facility management with a focus on balancing security with human rights.

### **Prison and Detention Center Conditions**

Although the government took steps to improve prison conditions in some areas during the year, they remained deficient due to overcrowding and inadequate health and sanitary conditions.

**Physical Conditions:** Of the five prisons in the country, three--in Praia, Sao Vicente, and Fogo--had populations that substantially exceeded capacity. Prisons in Praia, Sao Vicente, and Sal separated inmates by trial status, sex, and age. In Fogo officials established isolation cells that separated youths from adults. In Santo Antao inmates were separated according to trial status and crime but not age. Conditions in general were inadequate for inmates with mental disabilities or substance addictions. Women were not incarcerated in regional prisons because of the lack of separate space for them. In the Praia and Sao Vicente prisons, women generally had more space per person and better sanitary conditions than male prisoners. The Ministry of Justice reported four deaths in prisons during the year and two in 2019, all at the Praia facility.

Inmates at the prison in Sal announced plans in October to stage a hunger strike to protest inadequate medical care and the poor quality of food. Corrections authorities continued to use solitary confinement as a disciplinary measure for prisoners. Inmates in isolation had limited access to visitors and prison activities.

**Administration:** There were no prison ombudsmen to respond to complaints; however, the semi-independent National Commission for Human Rights received prisoners' complaints through regular prison visits, written communication, social media postings, and telephone calls from prisoners or their relatives. During 2019 and through August, the commission received complaints of inadequate provisions for health and hygiene, physical abuse by prison guards, inadequate access to lawyers, and substandard prison facilities. In addition, semi-independent "Provider of Justice" teams made unannounced visits to prisons to assess conditions. Corrections officials stated the complaints had been investigated. Prison visits were restricted to prevent the spread of the COVID-19 virus. Meetings with legal

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counsel took place under controlled conditions to mitigate spread of the disease. Prison directors stated religious activities were permitted for all religious groups.

**Independent Monitoring:** The government permitted formal visits by international human rights monitors to the prisons and individual prisoners. Local nongovernmental organizations (NGOs) made visits to prisons to record conditions.

**Improvements:** The Ministry of Justice reported completing infrastructure improvements at all five prisons, including to sanitary facilities, sewage systems, water systems, cells, walls, and visiting rooms. Under the government's *National Plan for Social Rehabilitation*, the Ministry continued inmate vocational training programs in tailoring, sewing, and house painting.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

The National Police may not make arrests without a warrant from the Attorney General's Office unless police apprehend the suspect in the act of committing a crime. Neither the National Police nor Judiciary Police have the authority to conduct investigations unless mandated by the Attorney General's Office. The law stipulates a suspect must be brought before a judge within 48 hours of arrest. The National Commission for Human Rights reported detainees remanded to preventive detention on islands without prisons waited in police holding cells until they could be transferred to islands with prisons. The law provides a detainee the right to prompt judicial determination of the legality of the detention, and authorities respected this right. Attorneys inform detainees of the charges against them. There is a functioning bail system. Authorities allow detainees prompt access to a lawyer of the detainee's choice. If a detainee is unable to afford a lawyer, the Cabo Verdean Bar Association appoints one.

### **e. Denial of Fair Public Trial**

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The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. Cases nevertheless moved through the judicial system slowly because it lacked sufficient staffing and was inefficient. In 2019 a court issued a two-year suspended prison sentence to a foreign pilot for failure to render assistance in response to a request for a medical air evacuation notwithstanding the pilot's compliance with national and international aeronautical regulations and expert testimony that air travel would likely have endangered the patient's life.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Criminal defendants enjoy the right to a presumption of innocence. They have the right to be informed promptly and in detail of charges and receive free interpretation as necessary, from the moment charged through all appeals. The law provides for the right to a fair and public nonjury trial without undue delay, but cases often continue for years. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. Free counsel is provided for the indigent in all types of cases. Defendants have adequate time and facilities to prepare a defense. Defendants have the right to confront or question witnesses against them and to present witnesses and evidence in their defense, the right not to be compelled to testify or confess guilt, and the right to appeal regional court decisions to the Supreme Court of Justice.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil remedies for human rights abuses. Courts handle civil matters including lawsuits seeking damages for, or injunctions ordering the cessation of, human rights abuses. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Both administrative and judicial remedies are available, although administrative remedies are rare.

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### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

**Censorship or Content Restriction:** Journalists practiced limited self-censorship, partly due to their desire eventually to work for public sector media and because of family and social connections that make investigative journalism difficult.

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

#### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

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### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. The government has ratified but never implemented the 1951 UN Protocol on the Status of Refugees, and no central authority manages the extremely few cases of refugees and asylum seekers. The government has no policy for handling refugees or asylum seekers, and there was no coordination among different agencies on requests for refugee or asylum status. The country coordinates repatriation with the International Organization for Migration (IOM) when foreign citizens request such assistance.

**Access to Asylum:** The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The country has not established legislation or an institutional body for granting asylum or refugee status. Asylum applications were rare. There was one unconfirmed report of an asylum application during the year, but the actual number of asylum seekers was unknown since there is no systematic procedure in place to register and process asylum claims. Because UNHCR does not have an established presence in the country, the IOM refers asylum seekers who request protection and assistance to UNHCR's regional representation for West Africa in Dakar, Senegal, which conducts refugee status determinations. Temporary protection mechanisms and access to basic services are in place for asylum seekers while they await a decision. Authorities permitted foreign victims of crime to remain in the country legally.

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### Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### Elections and Political Participation

**Recent Elections:** In the 2016 legislative elections, individuals and parties were free to declare their candidacies and candidates for a total of 72 seats. The main opposition party, Movement for Democracy (MpD), won 40 seats in the National Assembly with approximately one-half of the vote, returning the party to power for the first time since 2001. The former governing party, the African Party for the Independence of Cabo Verde (PAICV), won 29 seats with 37 percent, and the Union for a Democratic and Independent Cabo Verde won the remaining three seats with 6 percent of the vote.

The most recent presidential election took place in 2016. Jorge Carlos Fonseca, the MpD candidate, who had the support of the PAICV, won the election with approximately three-quarters of the vote.

Election observers from the African Union and the Economic Community of West African States characterized these elections as free, transparent, and credible. Observers noted some irregularities, however, including voters being pressured near polling stations to vote for certain candidates and allegations of vote buying.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups, and they did participate. Women remained underrepresented in positions within the central government and the Supreme Court of Justice, especially in prosecutorial positions. Women held 17 of the 72 National Assembly seats (24 percent) and occupied three of the 11 cabinet-level positions in government ministries. Women filled three of the eight seats on the Supreme Court, including the presidency. In community associations and on city councils, there were fewer women than men and no female mayors. For the 22 municipal elections in October, there were three declared female mayoral candidates and 23 female candidates for municipal assembly president. A



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commission to monitor compliance with a 2019 gender parity law found that more than 21 percent of candidate lists did not have enough female candidates to meet the law's requirement that such lists be at least 40 percent male and 40 percent female. The Cabo Verde Institute for Equality and Equity of Gender urged the Constitutional Court to take action to uphold the law.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides penalties of up to 15 years' imprisonment for conviction of corruption by officials, and the government generally implemented the law effectively.

**Corruption:** There were no reports of significant government corruption during the year.

**Financial Disclosure:** The law sets parameters for public officials to submit declarations of ownership interest, income, and family wealth, and it regulates public discussion of this information. These declarations should include any asset worth more than 500,000 escudos (\$5,130). By law failure to submit a declaration is punishable by removal from office. The Supreme Court of Justice must approve public disclosure of financial declarations. When involved in criminal cases of alleged corruption, public officials must declare and prove the source of their income or wealth. The Supreme Court of Justice has responsibility for monitoring compliance with the law.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

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**Government Human Rights Bodies:** The National Commission for Human Rights worked on all nine inhabited islands to protect, promote, and reinforce human rights, rights of citizenship, and international humanitarian law in the country. Although independent, the commission remained inadequately staffed and funded.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

**Rape and Domestic Violence:** Conviction for rape of women and men is punishable by eight to 16 years' imprisonment, and conviction for domestic violence is punishable by one to five years' imprisonment. Spousal rape is implicitly covered by the law; penalties for conviction range from one to five years' imprisonment. The law focuses on increasing protection of victims, strengthening penalties for convicted offenders, and raising awareness regarding gender-based violence (GBV). The law calls for establishing several care centers, with financial and management autonomy, but implementation lagged due to inadequate staffing. Violence and discrimination against women remained significant problems. The *National Police Annual Report for 2019* reported 1,636 cases of GBV, a figure that represented 23 percent of all reported crimes against persons for that year.

The National Police regularly accompanied victims of sexual violence and GBV to the hospital and escorted them to their homes to collect their belongings. Police officers helped victims go to a location where they believed they would be safe. The Cabo Verdean Institute for Equality and Equity of Gender ran five shelters on four islands--two on Santiago and one each on Fogo, Sao Vicente, and Boa Vista--and planned to launch two more shelters on Sal and in Tarrafal (Santiago).

The government did not always enforce the law against rape and domestic violence effectively. NGO sources lamented the lack of social and psychological care for perpetrators and victims alike.

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National Police officers in Santa Catarina faced charges of abuse of power, torture, and cruel and degrading treatment of a female detainee (see section 1.c.).

**Sexual Harassment:** The penal code criminalizes sexual harassment. Penalties for conviction include up to one year in prison and a fine equal to up to two years of the perpetrator's salary. Although authorities generally enforced the law, sexual harassment was common. In one case an alleged perpetrator fatally stabbed a 17-year-old girl in Santa Cruz on the island of Santiago after stalking her and creating a fake Facebook profile presenting her as his girlfriend. Less than three weeks earlier, the victim had withdrawn a complaint she had filed with prosecutors accusing the man of threatening her.

**Reproductive Rights:** The civil code provides that all citizens have the freedom to decide the number, spacing, and timing of their children; the right to manage their reproductive health; and access to the information and means to do so free from discrimination, coercion, or violence. All citizens had access to contraception, including from family planning centers throughout the country. These centers also provided skilled assistance and counseling, both before and after childbirth, and sexual and reproductive health services, including for survivors of sexual violence. According to the UN Population Fund (UNFPA), 92 percent of births were attended by skilled health personnel. Postnatal services included family planning and free oral and injectable contraceptives. According to the UNFPA, modern methods satisfied their need for family planning of 79 percent of women of reproductive age (15 to 49).

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** The law, including that related to labor, property, inheritance, employment, access to credit, and owning or managing business or property, provides for the same legal status and rights for women as for men, and the government enforced the law somewhat effectively. Cultural norms and traditions, however, imposed gender roles that hindered the eradication of gender-based discrimination.

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A 2019 law prohibits discrimination based on sex and promotes gender-equality policies.

Women suffered discrimination in equal pay for equal work. A 2019 International Labor Organization survey cited a factor-weighted average wage gap of 14 percent across professions and both formal and informal sectors. Women often worked in informal jobs and lacked access to social security. Women, especially the working poor, struggled to maintain their professional independence when they had children. Fathers were often not present in the nuclear family. Additionally, when girls became pregnant while still in school, they nearly always dropped out and did not resume their education.

Rural school district supervisors and local government officials spoke of “absent men,” lamenting the burden placed on women and noting the damage to existing and future generations from children growing up without male role models or with negative ones.

### Children

**Birth Registration:** Citizenship is derived from one’s parents or grandparents or by birth within the country if the parents have been legal residents for five years. When those conditions are not met, and if the child does not receive citizenship from the country of at least one of its parents, the parents must obtain a lawyer to petition for an exception. Birth registration was not denied or provided on a discriminatory basis. Failure to register births did not result in denial of public services.

**Education:** During the year the government extended tuition-free, compulsory, universal education through the 12th grade.

**Child Abuse:** Laws prohibit physical, psychological, and moral violence against children, including sexual violence, but these remained problems. Penalties for child abuse include two to eight years in prison for sexual abuse of a child younger than age 14, increasing to five to 12 years’ imprisonment if the abuse included penetration. Those found guilty of engaging in transactional sex with a minor younger than age 18 face two to eight years in prison, four to 12 years’ imprisonment if the sex involved penetration. Government efforts to combat child

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abuse employed a national network that included the child welfare government body Institute for Children and Adolescents, various police forces, the Attorney General's Office, hospitals, local civil society organizations, and health centers. The government attempted to reduce sexual abuse and violence against children through several programs. The Institute for Children and Adolescents maintained a presence on all inhabited islands.

From January through July, the Institute for Children and Adolescents registered 1,428 cases of violence against and mistreatment of minors, including 107 of sexual abuse, 146 of maltreatment, 28 of parental abandonment, 19 of child labor, and 161 of parental negligence. In 2019 the institute registered an increase in reported cases during the year in each of these categories compared with 2018.

Demonstrators on Sao Vicente, Santo Antao, and other islands called for more intervention from the government and law enforcement authorities in response to child sexual abuse cases. In one of many cases during the year, the Judicial Police detained eight individuals from different parts of the island of Santiago for sexually abusing a 13-year-old adolescent. Medical personnel contacted authorities when the girl sought help at a hospital after aborting a pregnancy in secret.

The Institute for Children and Adolescents provided care for child victims, but perpetrators and alleged perpetrators received minimal interventions or care while awaiting trial or while in prison. Child abuse cases may linger for years in the judicial process, often leaving child victims vulnerable to continued abuse.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18.

**Sexual Exploitation of Children:** The law punishes those who foment, promote, or facilitate "prostitution" or sexual exploitation of children younger than age 17 with a penalty if convicted of four to 10 years' imprisonment. If the victim is age 17 or 18, the penalty is two to six years' imprisonment, which is commensurate with penalties prescribed for other serious crimes such as kidnapping. The law punishes those who induce, transport, or provide housing or create the conditions for sexual exploitation and commercial sexual exploitation of children younger than age 17 in a foreign country with a penalty if convicted of five to 12 years'

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imprisonment. If the victim is age 17 or 18, the penalty for conviction is two to eight years' imprisonment. The law prohibits the exploitation of children younger than age 18 in pornography, with penalties for conviction of up to three years' imprisonment. The minimum legal age for consensual sex is 16. Sexual relations with a child younger than age 14 are considered a public crime and invoke mandatory reporting from anyone who becomes aware of the crime. By law at ages 14 and 15, sexual relations are a semipublic crime and may be reported by any involved party (the minor or the minor's parents or guardians). Sexual abuse was widely reported throughout the country.

The government continued efforts to prevent the sexual exploitation of children through a national coordinating committee. The government also continued to enforce the Ethics Code of Conduct for Tourism, which includes provisions countering child sex tourism. The Observatory for Monitoring and Rapid Identification of Trafficking in Persons, which assembles numerous government agencies and partners, continued to hold meetings to advance priorities related to human trafficking and child sexual exploitation.

**Displaced Children:** The Institute for Children and Adolescents and other organizations provided shelter to children living in the street, ranging from day centers to 24-hour shelters. Officials worked with children, families, and communities to resolve intrafamily problems and return children to the safety of their families. A 2016 effort by local authorities and a partner NGO succeeded in reducing the number of minors living on the street in the city of Mindelo from 44 to the 12 that remained in the organization's shelter during the year.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

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### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, and the government generally enforced these provisions, although problems remained in areas such as physical accessibility, means of communication, and public transport appropriate for persons with disabilities.

Persons with intellectual or mental disabilities, as determined by the Ministry of Health, are not allowed to vote, according to the National Commission for Elections, if they are deemed not to have the mental capacity to exercise that right.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Antidiscrimination laws exist, and state employers may not discriminate based on sexual orientation, family situation, habits and dress, health status, or membership or nonmembership in any organization. Laws prohibit discrimination in the provision of a good or service, engaging in normal economic activities, and employment. The government generally enforced these laws; penalties if convicted were up to two years in prison or a substantial monetary fine. Laws do not prohibit consensual same-sex sexual conduct among adults.

Persistent social discrimination existed as the norm for the lesbian, gay, bisexual, transgender, and intersex community and generally took the form of public mockery and appearance-based discrimination.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of workers to form or join unions of their choice, to engage in collective bargaining, and to conduct legal strikes. The labor code

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provides for protection against antiunion discrimination and for the reinstatement of workers.

The code designates certain jobs essential and limits workers' ability to strike in associated industries. Services provided by telecommunications, justice, meteorology entities, health, firefighting, postal service, funeral services, water and sanitation services, transportation, ports and airports, private security, and the banking and credit sectors are considered indispensable. The law states the government may force the end of a strike when there is an emergency or "to ensure the smooth operation of businesses or essential services of public interest." The law and custom allow unions to carry out their activities without interference.

The government respected workers' right of freedom of association and the right to collective bargaining and effectively enforced applicable laws in the formal sector outside of the essential jobs list. Penalties for violations were commensurate with those for other laws involving denials of civil rights. Worker organizations were independent of the government and political parties.

The International Labor Organization worked with local unions and government bodies to provide guidance on conducting a dialogue among parties.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including by children, and the government effectively enforced applicable laws in the formal sector. The labor code prohibits forced labor, and the penal code outlaws slavery, with penalties if convicted in line with those for comparable serious crimes. The government continued efforts to reduce vulnerability to exploitation of migrants from West Africa employed in the construction and hospitality sectors and increase their integration into society.

Nonetheless, migrants from China, Guinea-Bissau, Senegal, Nigeria, and Guinea may receive wages below minimum wage and work without contracts, creating vulnerabilities to forced labor in the construction sector. There were incidents of child labor in the domestic services and agriculture sectors, with children often working long hours in dangerous conditions and at times experiencing abuse (see also section 7.c.).



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As of October the case of two Chinese nationals and one citizen charged with labor trafficking in 2019 was still pending trial. The charges were filed following the escape of four Chinese nationals from forced labor on the island of Sal in 2018.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibited all of the worst forms of child labor. The legal minimum age for work is 15. The labor code does not allow children ages 15 to 18 to work more than 38 hours a week or more than seven hours a day but does allow children ages 16 to 18 to work overtime in an emergency, albeit for no more than two overtime hours a day, and these extra hours may not exceed 30 hours per year. The civil code includes a list of light work activities that children age 14 are allowed to perform, but the law does not prescribe the number of hours per week permissible for light work or specify the conditions under which light work may be performed.

Legal penalties for child labor convictions were commensurate with those for comparable serious crimes, but the government did not always effectively or consistently enforce the law, including in the informal sector, estimated to represent 30 percent of the economy. Barriers, many cultural, remained to the effective implementation of these laws. Children continued to work to support their families, especially in small remote communities, in some cases under dangerous conditions.

Children engaged in street work, including water and food sales, car washing, and begging. Some children worked in domestic service, agriculture, animal husbandry, trash picking, garbage and human waste transport, and, to a lesser extent, drug trafficking. In 2019 the Institute for Children and Adolescents reported 33 cases of child labor in the country (up from 24 in 2018), 20 of which involved children between ages seven and 12.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

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The labor law prohibits discrimination in employment and occupation based on race, color, sex, gender, disability, language, sexual orientation, gender identity, political opinion, ethnic origin, age, HIV-positive status or having other communicable diseases, or social status. The law does not, however, explicitly prohibit discrimination based on national origin. The government did not effectively enforce the law and penalties for violation were commensurate to those for similar laws.

Gender-based discrimination in employment and occupation occurred (see section 6). Women generally had lower economic status and experienced inequality in political and economic participation. In some sectors of the formal economy, women received lower salaries than men for equal work. Women were also more likely than men to work in the informal economy, where remuneration was generally lower and labor protections not enforced. The International Labor Organization reported that constitutional and labor law protections against gender-based employment discrimination were insufficient and called on the government to pass stronger legal protections and to raise awareness of practices that contravene the principle of these laws.

### **e. Acceptable Conditions of Work**

The law stipulates a monthly minimum wage greater than the official estimate of the poverty income level. The law stipulates a maximum of eight hours of work per day and 44 hours per week and requires rest periods, the length of which depends on the work sector.

The law sets minimum occupational and safety standards and gives workers the right to decline work if conditions pose serious risks to health or physical integrity. In specific high-risk sectors, such as fishing or construction, the government may and often does provide, in consultation with unions and employers, occupational safety and health rules. The employer must also develop a training program for workers. The government did not effectively enforce these laws, but the National Commission for Human Rights noted companies generally chose to follow these rules. Penalties for violations were commensurate with those for similar crimes.

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The Directorate General for Labor and Inspectorate General for Labor are charged with implementing labor laws. Certain benefits, such as social security accounts for workers, existed in the informal sector, but the government imposed no penalties for violations that included fines or imprisonment during the year. Labor agencies hired additional inspectors during the year and had sufficient personnel to enforce the law. The government effectively enforced occupational safety and health laws during the year, stepping up inspections to ensure workers were protected during the COVID-19 pandemic. Inspectors had the authority to make unannounced inspections, and initiate sanctions. Although companies tended to respect laws on working hours, many employees, such as domestic workers, health-care professionals, farmers, fishers, and commercial workers, commonly worked for longer periods of time than the law allows. It continued to be common for companies not to honor foreign workers' rights regarding contracts, especially concerning deductions for social security.

According to the Inspectorate General for Labor 2019 report, most irregularities detected during labor inspections related to nonsubscription to the National Institute for Social Protection, nonsubscription to mandatory insurance for job injury, and some irregularities in complying with health and safety standards. Inspections revealed the most common work violations concerned the right to vacation time and the right to rest periods between work periods.

The majority of work-related accidents reported during the year occurred in food services, the steel industry, and construction sectors. In 2019 the Inspectorate General for Labor registered 238 work-related accidents (compared with 395 in 2018), including five deaths.