



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

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirty-fourth session

Summary record of the 481st meeting

Held at the Palais Wilson, Geneva, on Friday, 1 April 2022, at 11 a.m.

Chair: Mr. Corzo Sosa

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The meeting was called to order at 11.05 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention
(continued)

Combined initial to third periodic reports of Cabo Verde (continued)
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1. *At the invitation of the Chair, the delegation of Cabo Verde joined the meeting.*
2. **Mr. Moreno** (Cabo Verde), speaking via video link and resuming his delegation's replies to the questions raised at the previous meeting, said that irregular migrant workers could face administrative or judicial expulsion. Administrative expulsion procedures were conducted by the Immigration and Borders Directorate of the National Police, while judicial expulsion was applied only in the case of persons convicted of committing an offence, when the courts could rule that they should be deported. In all cases, the National Commission for Human Rights and Citizenship was kept informed and could intervene. Deportations were never carried out arbitrarily and migrants in an irregular situation enjoyed a number of rights, including the right to legal assistance and to challenge any ruling against them.
3. Foreigners seeking to enter Cabo Verde were required to fulfil certain conditions, including that of demonstrating that they had sufficient economic resources. If they were unable to fulfil those conditions they could be denied entry, in which case the airline with which they arrived would be required to take them back to their airport of origin. Unaccompanied minors and minors accompanied by persons other than their parents could also be denied entry to the country. Persons were not held in detention at airports. Foreigners who became legally resident in Cabo Verde could, within 30 days, submit an application for family reunion. Family members of resident foreigners received a residency permit valid for two years.
4. **Ms. Monteiro** (Cabo Verde), speaking via video link, said that Cabo Verde had embassies and consulates in countries that hosted large numbers of Cabo Verdean migrants. The Government had entered into bilateral agreements with those countries covering such matters as social security, health care and reciprocal investment. In countries where it did not have diplomatic representation, Cabo Verde had consular protection agreements with other States. Children born abroad to Cabo Verdean parents had the right to Cabo Verdean nationality, if they wished. Applications for nationality had to be made through the local embassy or consulate, which then forwarded the request to the national authorities. The embassies and consulates also maintained an electoral register, which enabled Cabo Verdeans abroad to vote in presidential and legislative elections.
5. **Mr. Ramos** (Cabo Verde), speaking via video link, said that financial remittances constituted an important and stable source of income for the national economy. Special financial products, favourable interest rates and fiscal advantages were offered to Cabo Verdean migrants working abroad who wished to invest in Cabo Verde. Such investment had led to improved living conditions and had contributed to development in areas such as education and health care.
6. **Ms. Rosário** (Cabo Verde), speaking via video link, said that no case of child abduction had been recorded in the current year. There had been some cases of child sexual abuse but they had not been related to sex tourism. The Government had rolled out policies and plans to protect children against violence, including awareness-raising campaigns that were being run in coordination with the courts, schools and the media. Day centres had been opened for children in street situations, offering educational and leisure activities alongside psychosocial support and health-care services. Shelters where victims of gender-based violence could receive psychological support and medical assistance were run in cooperation with municipalities and with the Institute for Gender Equality and Equity.
7. **Ms. Barros** (Cabo Verde), speaking via video link, said that efforts had been made to resolve the impasse that some migrants had previously faced in which, in order to find a job, they needed to regularize their situation but, in order to regularize their situation, they required a job. A procedure had been introduced whereby the General Directorate of Labour could recognize that irregular migrant workers had applied to regularize their status, thus enabling them to obtain a visa while awaiting definitive regularization. A national

commission to consider issues related to the regularization of irregular migrants had been created. It included representatives not only of the High Authority on Immigration and ministries and other official bodies but also of migrants' associations. Consideration was being given to extending the mandate of the national commission for a further three months after June 2022.

8. Information sessions had been held across the country to help migrants understand the regularization process and to apprise them of the documentation they need to submit in order to apply for or renew a residency permit. Embassies and consulates of migrants' countries of origin had also been informed about the documents they needed to issue to their citizens. Social security did not depend upon a person's regular or irregular migratory status and was available to all workers, including the self-employed. The National Institute of Social Welfare was running information campaigns to raise awareness among migrant workers about the importance of participating in the social security system.

9. **Mr. Babacar** (Country Rapporteur) said that he remained concerned about the independence of the National Commission for Human Rights and Citizenship, particularly as it seemed to operate as part of the office of the Ombudsman. In fact, the Commission and the Ombudsman had entirely separate functions. The latter played an administrative role, while the job of the Commission was to receive and follow up on human rights-related complaints from across the country. He was also concerned by reports that the Commission apparently received complaints mainly from immigrants from African countries.

10. He wished to know whether immigration officials, labour inspectors, law enforcement officers, social workers, judges and other persons whose functions brought them into contact with migrants received mandatory and systematic training, as envisaged under the Convention. He would welcome more detailed information about the legal status of labour inspectors and about how that status facilitated the impartial discharge of their duties. Could the delegation inform the Committee about the number of labour inspectors and about how they were distributed across the national territory?

11. He was looking forward to hearing about the practical steps that the Government intended to take to ratify certain instruments of the International Labour Organization (ILO), notably the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the ILO Domestic Workers Convention, 2011 (No. 189). He would be interested to learn about any pre-departure training programmes or guidance that the Government had organized to make prospective migrant workers and members of their families aware of their rights and duties before entering Cabo Verde.

12. **Ms. Poussi** (Country Rapporteur) said that she wished to know what would happen if a person denied entry to Cabo Verde did not have a return ticket. How were the costs of the return journey met? Was the airline required to repatriate the person at its own expense? She would be interested to know about any steps that the authorities took to inform airline companies of entry requirements and thus avoid such situations from arising. What procedures were applied in the case of persons denied entry who had arrived in Cabo Verde by sea?

13. Any efforts to disseminate the Convention should also include references to the Committee's general comments. Stressing the importance of data to fully assess implementation of the Convention, she wished to know how the State party intended to remedy the lack of statistics on migratory flows; whether it could provide quantitative and qualitative information on children who migrated and those who stayed behind when their parents migrated; what the profile of women who left Cabo Verde was; how many highly skilled people left the country; and what the root causes of emigration were.

14. It would be helpful to know how the State party ensured the lawfulness of procedures involving Cabo Verdean migrant workers in countries of transit and destination, particularly when it did not have a bilateral agreement with them; whether it was in a position to ensure that whenever its nationals were detained abroad they were held in decent conditions; whether it provided such detainees with free legal aid; and why so few Cabo Verdeans living abroad were registered with the consular authorities.

15. Lastly, she would welcome information on the measures taken to ensure that migrant children, including those in an irregular situation, had access to good quality education and details of the State party's plans to make primary education compulsory for all children in its territory.

16. **Mr. Ceriani Cernadas**, referring to the State party's replies to the list of issues which had been submitted the previous day but not yet formally published, said that he would appreciate further details about the radio programme "Inform to Integrate" and other initiatives to promote integration and prevent xenophobia. More details would also be welcome regarding the reform of procedures for obtaining Cabo Verdean nationality, specifically what happened to individuals who fell outside the scope of the reform and how the State party guarded against statelessness. How did the State party overcome cultural and linguistic barriers to the integration of children in education?

17. **Mr. Oumaria** asked whether migrant workers from member States of the Economic Community of West African States (ECOWAS) were required to obtain a residence permit, and how many Cabo Verdeans who had acquired skills and experience while abroad, especially as teachers and doctors, had returned to the country.

18. **The Chair** asked whether a person who was denied entry into the country could claim asylum before being returned and how far the financial responsibility of airlines extended in cases where persons had to remain in the country for several days before the next available flight back to their country of origin. He also asked which three of its practices in the area of the protection of migrant workers' rights the State party considered to be best practices.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

19. **Mr. Elísio Freire** (Cabo Verde), speaking via video link, said that integrating the National Commission for Human Rights and Citizenship into the office of the Ombudsman would strengthen its independence and improve its effectiveness, owing to how appointments to the latter body were made. All migrant children had a right to enrol in school. Primary and secondary education was free for all students, as were transportation and canteen meals. One example of a best practice was the anti-discrimination bill that had been proposed by the National Commission.

20. **Mr. Fortes** (Cabo Verde), speaking via video link, said that the General Labour Inspectorate and its staff enjoyed technical autonomy and independence in their functions and had the necessary authority to conduct visits and apply penalties for non-compliance. The Inspectorate was headquartered in Santiago and had delegations to cover the other islands. Pay rises had come into effect in 2018, a recruitment drive in 2019 had increased the number of inspectors to 20, including 13 women, and major reforms had been undertaken in 2020 to facilitate the work of inspectors.

21. **Mr. Moreno** (Cabo Verde) said that all costs associated with the stay in Cabo Verde of persons who had been denied entry but could not return promptly to their country of origin, including food, accommodation and health care, were the responsibility of the airline. The same applied to shipping companies in the case of arrivals by sea. Failure to cover those costs carried a fine. Despite the freedom of movement agreement, nationals of ECOWAS countries were required to show certain documentation, such as proof of economic self-sufficiency, in order to be authorized to enter and remain in Cabo Verde. In 2021, only 87 foreign nationals, out of the more than half a million people who had arrived in the country, had been denied entry. It was possible to apply for asylum at the airport, although there was no fixed procedure to do so. Any requests would be transmitted to the Ministry of Foreign Affairs, which would take the decision on refugee status.

22. **Ms. Barros** (Cabo Verde) said that efforts were being made to collect data on the Cabo Verdean diaspora disaggregated by country of residence and occupation, including through the establishment of a migration observatory. Emigration was a long-standing phenomenon, chiefly linked to economic conditions, that had persisted even after the country's independence. The limited registration of members of the diaspora with the consular authorities was partly due to the fact that many Cabo Verdeans had been established in their State of employment for generations and were citizens of those countries. Nevertheless, they tended to maintain strong cultural and family ties with Cabo Verde. Not

being registered did not preclude them from seeking consular protection when necessary, and they could contact the relevant authorities through, inter alia, associations and churches. Cabo Verde had signed a number of international agreements to protect its citizens and migrant workers, and assistance mechanisms were activated whenever the authorities were made aware of a case. Although there were few instances of detention in States of transit or destination, visits could be made by Cabo Verdean consular staff or, where agreements existed, by an official of the relevant country.

The meeting rose at 12.55 p.m.