

Women in Prison: Cabo Verde

Analysis from the National Preventive Mechanism

| June 2024



Cabo Verde



UNCAT Ratification 4 June 1992	OPCAT Ratification 1 April 2016
National Preventive Mechanism (NPM) <u>National Commission for Human Rights and Citizenship (CNDHC)</u>	
NPM legal framework Resolution 98/2018 of 24 September	NPM operationalisation From 2018
NPM structure CNDHC designated as NPM	NPM composition Team of 7 members (4 women): 2 CNDHC experts, the Chairperson, 3 Commissioners and a Medical Board representative

I. Facts and figures¹

Prison population	Women in prison - Characteristics	Prison staff	Prisons for women
Total prison population 2,165	Women with children in prison 1	Total prison staff ² 262	Women-only prisons 3
Women in prison (total)) 38 1.75%	Foreign women 4	Women prison staff 74 (28.24%)	Mixed prisons with special unit for women ³ 3
Women in pre-trial detention 9	Pregnant women 0		
Sentenced women 29	Women with disabilities 0		

¹ Data from January 2024: To help produce this document, the CNDHC requested data from the government department responsible for prison management and visited the women’s wing of Praia Central Prison, the largest prison in the country, interviewing the prison management team and women inmates to gather information for the report.

² This is based on staff referred to as Criminal Enforcement professionals according to the SISDEPEN prison data collection tool classification.

³ There are three central prisons with units exclusively for women, and men and women are separated. There are two regional prisons that have not been taking in women, but should this need arise, these prisons are able to respond accordingly to meet it.

II. Recommendations

Training prison staff

- + Implement ongoing training on human rights for prison security officers, managers and staff, with an emphasis on preventing torture and cruel, inhumane or degrading treatment.

Use of means of restraint

- + Prohibit the use of Tight handcuffs.

Contact with the outside world

- + In order to sustain social and emotional bonds, it is recommended to enable women deprived of liberty to receive visits from their children on days when they are not at school, namely Sundays and bank holidays.

Foreign women

- + With regard to foreign women whose children are not on Cape Verdean territory, it is recommended to enable them to be in contact via video call.

III. Detention issues

Separation

There are no prisons exclusively for women in Cabo Verde. However, there is a women's wing in all of the country's central prisons to ensure they are separated. There have been no instances of women being deprived of their liberty in the regional prisons. Although there are no prisons specifically for women, the Code for the Execution of Enforceable Criminal Penalties (CESPC)⁴ ensures and guarantees the separation of men and women in the prison environment.

Body searches

Body searches are carried out in accordance with Article 270 of the Code for the Execution of Enforceable Criminal Penalties. Both women inmates and visitors are searched by women prison officers, out of sight of men. Although the law lays down the conditions under which these searches should take place, women detainees have expressed their discomfort with the procedure, claiming that it is invasive.

Alternative search methods may be used, such as fixed metal detectors or portable instruments. The law also provides for the use of kinotechnical means in the situations described in Article 274 of the CESPC. The law stipulates that all body searches must be recorded in a written document, indicating the date, time and identity of the personnel involved, as well as the outcome. However, in practice, a search report will only be drawn up if a prohibited substance is detected during the search.

Intimate searches or strip searches are prohibited, except in exceptional circumstances, such as when there is reason to suspect that a visitor is carrying objects whose possession is considered illegal, or that they intend to smuggle illegal objects into the prison or pass them on to the woman detainee who they are visiting (art. 343, no. 3). An intimate search may only be performed if the visitor has given their consent (art. 343, no. 4).

⁴ Code for the Execution of Enforceable Criminal Penalties (CESPC), approved by Legislative Decree no. 6/2018 of 26 December, art. 201.

Solitary confinement, isolation

Article 261 of the CESPC sets out the circumstances and procedures regarding solitary confinement. This practice should only be used in exceptional circumstances, as a last resort, and may not exceed 22 hours per day, nor may it exceed 15 consecutive days.

The same law also stipulates that a prisoner in solitary confinement must be visited frequently by the prison's medical staff. Persons with disabilities and women with their children in prison may not be placed in isolation.

Solitary confinement has been used in situations where inmates first enter prison: before being placed in their respective wing and cell, they are held in isolation to allow them to adapt to the prison.

There are no known instances of discrimination when it comes to placing women in solitary confinement. The isolation cells are in need of maintenance work, as the women's wing is located in an old building and requires upgrading.

The date and time of the person's entry and exit from the isolation cell is recorded.

Access to mental healthcare

The CESPC stipulates in article 186 that on entering prison, a person must undergo a medical examination and receive healthcare immediately, when necessary, and that a record must also be made of any visible injuries or complaints of previous assaults, signs of psychological stress, use of drugs and medication or alcohol, infectious diseases or other diseases that may affect the detainee's activities.

In practice, on entering prison, women undergo an initial multidisciplinary assessment, carried out by a nurse, a general practitioner and a psychiatrist, all of whom are assigned to the prison. The nurse performs the triage and if mental healthcare needs are identified, women are referred for medical attention by a general practitioner and a psychiatrist. The prison where the sample was taken currently employs a resident psychiatrist, who attends to and supports women detainees three times a week. There have been reports of delays when women have requested appointments with mental health professionals outside the prison.

In more serious cases, or in cases where there is reason to suspect that women could pose a danger to themselves or others, they are referred to the hospital's mental health service.

The mental health of women deprived of liberty is a priority for both the government health department and the prison management. To this end, awareness-raising activities are carried out, including talks and training for women detainees, security officers and other prison staff.

The issues of gender and humane treatment in prisons have been addressed as part of the training courses delivered to prison staff. There are also organisations and associations that raise awareness of these issues in relation to women detainees.

Use of means of restraint

Article 280 of the CESPC states that handcuffs may only be used when other measures are inadequate. The same law stipulates that the clinical services team must be called to carry out an assessment and ensure that measures deemed appropriate for the prisoner's medical condition are taken no later than one hour after the handcuffs have been placed, and if there is a need to keep the prisoner handcuffed.

The law does not clearly stipulate how handcuffs should be placed. However, while being transported, women inmates have claimed that handcuffs are placed on their hands behind their back. This prevents them from resting their hands on some form of structure in order to protect themselves in the event of sudden braking, which could potentially cause physical damage and jeopardise their safety.

In situations where injuries or bruises occur as a result of handcuffing, security cameras are checked and the incident is recorded.

Contact with the outside world

Article 336 of the CESPC states that children under the age of 16 may not visit a prisoner unless they are children or siblings of the prisoner and are accompanied by an adult.

However, some women inmates have reported difficulties in having contact with their children and family members, as visits take place during school hours. They have also said that the prison management does not allow video calls, either.

IV. Other relevant information from the NPM on women in prison

- + CNDHC, NPM Activities Report 2021
- + CNDHC, NPM Activities Report 2019
- + CNDHC, Report on the follow-up visit to Sal Central Prison, 2021
- + CNDHC, Report on the follow-up visit to São Vicente Central Prison, 2021

This report is part of the Global NPM report on Women in Prison.

Access the full report here: www.apr.ch/global-report/