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Convention against Corruption**

Executive Summary

Note by the Secretariat

Addendum

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II. Executive Summary

Cabo Verde

1. Introduction: Overview of the legal and institutional framework of Cabo Verde in the context of implementation of the United Nations Convention against Corruption.

The Republic of Cabo Verde signed the United Nations Convention against Corruption on 9 December 2003 and ratified it on 23 April 2008.

Under article 11 of the Constitution, treaties duly ratified or approved, once published, take precedence over domestic laws. Under articles 11 and 12 of the Constitution, Cabo Verde applies the principle of automatic incorporation of international law into domestic law. National laws implementing the Convention include, in particular: Decree-Law No. 4/2003 approving the Criminal Code; Decree-Law No. 2/2005 approving the Code of Criminal Procedure; Act 18/VIII/2012 on asset recovery; Act 6/VIII/2011 on judicial cooperation in criminal matters; Act 38/VII/2009 on money-laundering; Act 81/V/2005 on the protection of witnesses; and Act 139/IV/95 on public oversight of the wealth of holders of political office. Acts 93/VIII/2015 and 94/VII/2015 authorized the Government to proceed with the revision of the Criminal Code and the Code of Criminal Procedure, including with respect to the areas covered by the Convention.

In addition to the independent judiciary, the most important institutions for preventing and combating corruption and related activities are the Ministry of Justice, the Office of the Attorney General, the criminal investigation police and the Financial Intelligence Unit. A new non-judicial institution, the Office of the Ombudsman (*Provedor de Justiça*), has also been established. However, this institution is not yet active in the fight against corruption.

2. Chapter III: Criminalization and law enforcement

A lack of statistical data and readily accessible information on how certain domestic legal provisions are applied in practice has been an obstacle in reviewing their implementation, although some relevant cases were shared with the experts during the country visit.

Article 362 of the Criminal Code provides a comprehensive definition of “public official”. However, that definition does not seem to include persons holding a legislative post.

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Active bribery is an offence under article 364 of the Criminal Code, which establishes the concepts of the offer or promise of money or any other gift, but not explicitly that of “giving”, as required by article 15 of the Convention. Although both “acting” and “refraining to act” are offences under the Criminal Code, in practice an act contrary to official duties is punished more severely than performing or failing to perform, in violation of the law, a lawful act. However, the Convention refers only to a public official who “act[s] or refrain[s] from acting in the exercise

of his or her official duties”. This essentially corresponds to the offence established under article 364 (2) of the Criminal Code [and the] observations made on the proportionality of sanctions in accordance with article 30 (1) of the Convention.

Article 363, paragraph 2, of the Criminal Code covers passive bribery in equivalent terms. The applicable sanctions are also equivalent.

At the time of the country visit, the bribery of foreign public officials or officials of public international organizations had not yet been criminalized in Cabo Verde. A legislative text was, however, in the process of being adopted in accordance with the provisions of Act 94/VIII/2015 authorizing the Government to amend the Criminal Code and to criminalize such acts.

Article 365 of the Criminal Code establishes the offence of trading in influence, which partially covers the elements set forth in article 18 of the Convention. In particular, the concept of benefits solicited from a public entity appears to be narrower than that of an “undue advantage” obtained from “an administration or public authority”. The act of “giving” is not covered fully by the provision on trading in influence in article 365.

Neither active nor passive bribery in the private sector has been established as a criminal offence. During the country visit, the participants indicated that the possibility of criminalizing those acts was being considered.

Money-laundering, concealment (arts. 23 and 24)

Article 24 of Act 38/VII/2009 covers the elements of the offence of money-laundering adequately. The Act defines “proceeds of crime”, in its article 2 (b), as property of any kind, rights or assets derived from any form of involvement in a criminal act punishable by a custodial sentence of a maximum duration of at least three years. The provision therefore may not apply to all predicate offences. It does, however, cover corruption offences.

Concealment is established as an offence under articles 230 (receipt), 336 (concealment) and 337 (concealment aggravated by the abuse or violation of duties inherent to public service) of the Criminal Code.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Misappropriation and related offences are defined in articles 366, 367, 368, 369 and 370 of the Criminal Code.

At the time of the country visit, abuse of power was also partly covered by article 368 of the Criminal Code, which establishes as an offence the seeking or obtaining by a national public official, in abuse of his or her functions or position, of an undue payment or a gift in the form of a contribution, tax, fee or right. This provision is more restrictive than article 19 of the Convention. However, in implementation of Act 94/VIII/2015, a legislative text was already in the process of being adopted to supplement the provisions on abuse of power and introduce the offence of misappropriation committed by a foreign public official (article 372 A of the Criminal Code).

In Cabo Verde, illicit enrichment is not an offence as established by the provisions of article 20 of the Convention. However, it was mentioned during the country visit

that the criminalization of illicit enrichment was envisaged. In addition, Act 139/IV/95 establishes the obligation for politicians to declare their interests, assets and incomes (arts. 2 and 3). Their declarations are received by the Supreme Court of Justice and refusal to declare or the submission of a false declaration are penalized (art. 7). Some shortcomings were detected in the practical implementation of these legal provisions. The list of persons required to submit declarations of assets and interests is to be expanded. Furthermore, as part of proceedings in connection with money-laundering, objects or assets of illicit origin may be confiscated and illicit origin may be presumed where there is a lack of proportionality between the assets and the income of the accused or where it is not possible to establish the legality of their origin (article 33, Act 38/VII/2009).

Embezzlement of property in the private sector is addressed partially in the Criminal Code: in article 203 on breach of trust, article 210 on fraud and article 220 on civil disobedience.

Obstruction of justice (art. 25)

Offences concerning the obstruction of justice are covered in the Criminal Code by article 340 on the obstruction of court proceedings, article 346 on bribery to commit a forgery offence and interference in the giving of testimony, article 348 on obstructing the administration of justice and article 350 on civil disobedience.

Liability of legal persons (art. 26)

Cabo Verde has established the criminal liability of legal persons (article 9 of the Criminal Code and article 27 of Act 38/VII/2009). There are, however, no examples of corruption offences committed by registered legal persons. Civil liability for offences defined in the Convention is established in articles 169 and 483 of the Civil Code and in article 100 of the Criminal Code, which provides that questions of compensation are governed by civil law. At the time of the country visit, Cabo Verde had not yet established the administrative liability of legal persons for offences established by the Convention.

Participation and attempt (art. 27)

The forms of participation in the commission of offences set forth in the Convention are punishable under articles 28 and 29 of the Criminal Code. According to articles 21 and 22 of the Criminal Code, attempt is also punishable in the case of offences subject to a penalty of more than three years of imprisonment, which applies to all the offences established in accordance with the Convention.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

Judges have discretionary power. They pass sentences within the limits of the law, taking into account any aggravating or mitigating circumstances as provided for in articles 83 to 88 of the Criminal Code. The sanctions for offences established in accordance with the Convention are similar. However, certain offences do not reach the threshold established for money-laundering or attempt.

Although some public officials holding high-level political positions, such as parliamentarians and ministers, enjoy procedural privileges and immunities in

criminal proceedings, they do not have absolute immunity from prosecution for corruption offences in Cabo Verde.

In accordance with the Disciplinary Statutes for Public Administration Officials (Decree-Law No. 8/97), disciplinary measures may be taken against public officials who have committed corruption offences. If a criminal offence is discovered, the details must be communicated to the Attorney General's Office so that an independent and parallel investigation can be conducted. Depending on the gravity of the offence, possible disciplinary sanctions include fines, suspension, dismissal or termination of service. Reassignment is also provided for but is never used as a disciplinary sanction.

The Ministry of Justice has a social reintegration programme, including psychological and social assistance, for persons convicted of offences.

Cabo Verde provides for the possibility of mitigating the punishment of an accused person who provides substantial cooperation in the investigation or prosecution of money-laundering offences (article 29 of Act 38/VII/2009). For other offences, article 84 (1) of the Criminal Code contains a general clause on mitigating penalties. At the time of the country visit, the legal system did not yet allow immunity to be granted to persons who cooperate substantially in investigations.

Protection of witnesses and reporting persons (arts. 32 and 33)

In Act 81/VI/2005, on the basis of article 189 (4) of the Code of Criminal Procedure, Cabo Verde established measures for the protection of witnesses and other participants in criminal proceedings, such as concealing the identity of witnesses, hearings conducted by videoconference and other specific measures (such as police protection that can be extended to family members and other persons close to the witness or other participant) and special security programmes (including the possibility of issuing of new identity documents or effecting other changes to make it more difficult to trace a person).

Although specific protection for whistle-blowers does not exist in Cabo Verde, a helpline has been set up so that misconduct by customs officials can be reported anonymously. The Office of the Ombudsman (*Provedor de Justiça*), recently established, has also been identified as a potentially useful channel for informal reporting.

Freezing, seizure and confiscation; bank secrecy (arts. 31 and 40)

The Criminal Code contains provisions on the seizure and confiscation of property and assets which are the proceeds of crime (art. 243). Act 38/VII/2009 contains additional provisions, relating in particular to freezing, that specifically concern money-laundering (arts. 30 to 34.) Under Act 38/VII/2009, property, equipment or other instrumentalities used in or destined for use in criminal activities are included among the items which may be frozen and confiscated. However, the Code of Criminal Procedure provides only for the confiscation of property or assets used in the commission of offences. Measures allowing the identification, tracing and seizure of proceeds and instrumentalities have been established for money-laundering offences. In accordance with article 33 (2) of Act 38/VII/2009, property, deposits or assets are presumed to be of illicit origin where it is impossible to determine their licit origin or where the person accused provides false

information to the judicial authorities on his or her economic and financial situation. The rights of bona fide third parties are protected by article 32 of Act 38/VII/2009 on money-laundering.

An asset management office was established by Act 18/VIII/2012. Its role is to manage seized property and frozen assets until the court reaches a final decision on confiscation. Their disposal must be carried out in accordance with the Act. Only the Asset Recovery Office, established by the same Act, is actually in operation. The two Offices have yet to receive budgetary support to be able to carry out fully their functions as provided for by the Act. In the meantime, in accordance with article 249 of the Code of Criminal Procedure, seized property is managed judicially and it is possible for a judicial decision to be made by a depositary.

Bank secrecy is provided for under article 32 of Act 61/VIII/2014 on the financial system. However, article 19 of Act 38/VII/2009 establishes a requirement for financial entities to provide information in criminal proceedings relating to money-laundering, thus explicitly removing the requirement to protect bank secrecy. Article 23 of the same Act stipulates that the provision of information or collaboration in this context, where justified and in good faith, does not constitute a breach of bank secrecy and excludes the criminal, civil or administrative liability of institutions that are normally bound by that requirement.

Statute of limitations; criminal record (arts. 29 and 41)

Limitation periods are defined in article 108 of the Criminal Code. Paragraph 4 states that the maximum period (of 15 years) applies to articles 363 to 370 of the Criminal Code, which establish liability for several offences covered by the Convention, including active and passive bribery, trading in influence and misappropriation by national public officials. In the case of articles 340 and 348, which partially cover obstruction of justice as defined in the Convention, the limitation period is five years from the day the offence was committed. Similarly, article 41 of Act 38/VII/2009 establishes a limitation period of five years for money-laundering offences. Act 94/VIII/2015 authorized the Government to amend the Criminal Code to increase the minimum limitation period and establish grounds for suspending it. However, the Act does not provide for these periods to be suspended where the offender has evaded the administration of justice.

Article 87 of the Criminal Code on recidivism provides that sentences imposed by foreign courts for acts that constitute offences in Cabo Verde are taken into account when determining whether or not the offender is a recidivist and deciding on the criminal penalties to be applied (article 87 (3) of the Criminal Code).

Jurisdiction (art. 42)

Article 3 of the Criminal Code establishes jurisdiction over acts committed in the territory of Cabo Verde or on board a vessel or aircraft registered in, or flying the flag of, the country. Article 4 (1) (c) and (d) of the Criminal Code establish the conditions for application of the principles of passive personality (where the accused has his or her habitual residence in Cabo Verde and is present there) and active personality (where the accused is present in Cabo Verde, the acts committed are also punishable under the law of the place where they were committed and constitute a criminal offence for which extradition would ordinarily be permitted but

cannot be granted in the case in question) for acts committed outside the territory of Cabo Verde.

Furthermore, article 4 (1) (e) of the Criminal Code states that Cabo Verde has jurisdiction over the crimes for which it is obliged to initiate legal proceedings under an international convention.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Cabo Verde has adopted measures regarding the cancellation or termination of contracts and the withdrawal of concessions in accordance with the relevant provisions of its Decree-Laws 54/2010 and 1/2009 on public procurement and of its Civil Code.

Victims of corruption have the right to initiate legal proceedings through separate or additional civil action against those responsible for the damage caused in order to obtain compensation (article 100 of the Criminal Code and article 493 of the Civil Code referred to above with respect to the liability of legal persons apply also to natural persons).

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The criminal investigation police has jurisdiction to investigate corruption-related offences under the supervision of the Attorney General's Office, which is the competent authority for the investigation and prosecution of corruption offences. The Anti-Corruption Agency, a specialized office for combating corruption, formed part of the Prime Minister's Office until December 2001, but was abolished to avoid duplication with the Attorney General's Office. Currently there is no specialized anti-corruption unit within the police or prosecution authorities, although the Attorney General's Office recently established small units to combat financial crime in some locations. Activities to address corruption offences are coordinated on an ad hoc basis, due to the low number of cases currently under investigation or prosecution. Limited specialized training and resources call into question the country's ability to detect and prosecute perpetrators. Information is shared between law enforcement agencies (for example, the criminal investigation police and customs authorities), prosecution agencies and the Financial Intelligence Unit, which also shares information with the Central Bank where appropriate. Other competent institutions which cooperate in this regard are the Court of Audit (*Tribunal de Contas*) and the General Inspectorate of Finance (*Inspeção Geral da Fazenda*).

The Financial Intelligence Unit of Cabo Verde is an autonomous unit and was made part of the Ministry of Justice by Decree No. 9/2012 (prior to that date, the unit was part of the Central Bank). It receives and analyses financial and non-financial information and transmits reports on suspicious transactions to the Attorney General's Office in accordance with Act 38/VII/2009.

With regard to cooperation with the private sector, initiatives to encourage the reporting of corruption cases were mentioned.

2.2. Successes and good practices

In accordance with article 24, paragraph 4, of Act 38/VII/2009, money-laundering is punishable even if the predicate offence was committed abroad, as long as it is also punishable under the laws of the place where it was committed.

In addition to the constitutional provision according to which international law is an integral part of the country's legal system, Cabo Verde has broadly established its jurisdiction on the basis of article 4 (1) (e) of the Criminal Code. Moreover, under article 4 (3) of the Criminal Code, Cabo Verde may apply the criminal law of the country where the offence was committed if such application is more favourable to the accused, even in situations where national law would also have applied.

2.3. Challenges in implementation

The following steps could further strengthen existing anti-corruption measures:

- Adapt data collection systems to enable the submission of data on investigations, prosecutions and convictions for offences established in accordance with the Convention;
- Amend legislation to ensure that holders of a legislative office are included in the definition of “public official” (art. 2 (a));
- Amend legislation to include the act of “giving” in the definition of active bribery (art. 15);
- Adopt the bill, currently being prepared, criminalizing the active bribery of foreign public officials and officials of public international organizations, and consider criminalizing the passive bribery of such officials (art. 16);
- Consider amending legislation to fully criminalize trading in influence, in line with the requirements of the Convention (art. 18);
- Consider adopting the current bill to criminalize fully the abuse of functions, in conformity with the requirements of the Convention (art. 19);
- Consider adopting the current bill to criminalize illicit enrichment, consider extending the list of officials who are obliged to declare their assets and interests as set forth in Act 138/IV/95 and improve the procedure for the verification of declarations by a unit specializing in preventing and combating corruption (art. 20);
- Continue to consider amending legislation to criminalize both active and passive bribery in the private sector (art. 21);
- Consider amending legislation to criminalize fully the misappropriation of property in the private sector (art. 22);
- Amend the scope of the offence of money-laundering to ensure that all the offences established in accordance with the Convention are deemed predicate offences, or modify the penalties for the offences concerned, making them punishable by a sentence of at least three years of imprisonment (art. 23);
- Amend the legislation to ensure that the promise, offering or giving of an undue advantage to obstruct the submission of evidence is also subject to sanctions in accordance with the Convention (art. 25);

- Amend the legislation so that the necessary measures regarding the identification, tracing, freezing or seizure for the purpose of confiscation of any of the property referred to in article 31 (1) apply to all offences under the Convention, not only to money-laundering, and ensure that the judicial authorities can seize or freeze and confiscate property and assets that are destined for use in offences established in accordance with the Convention (art. 31);
- Amend the legislation to ensure that the rights of bona fide third parties are guaranteed with respect to all offences established in accordance with the Convention rather than only in relation to money-laundering offences (art. 31);
- Consider adopting measures to protect persons who report information relating to corruption in the administrative, penal and professional spheres (art. 33);
- Ensure the existence of a sufficiently and adequately independent body or bodies or persons specialized in combating corruption, and review the relationship and coordination of these specialized authorities with the Attorney General's Office (art. 36);
- Consider adopting the current bill to establish additional measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with the Convention to supply information useful to competent authorities for investigative and evidentiary purposes (art. 37);
- Adopt such measures as may be necessary to encourage cooperation between the investigating and prosecuting authorities and private-sector entities relating to matters involving the commission of offences established in accordance with the Convention, and continue to consider new measures encouraging nationals and other persons with a habitual residence in Cabo Verde to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with the Convention (art. 39).

2.4. Technical assistance needs identified to improve implementation of the Convention

Cabo Verde has identified the following assistance needs to strengthen the general implementation of the Convention:

- Capacity-building programmes on data collection for statistical purposes;
- The training of investigators, prosecutors, judges, officers of the national and criminal investigation police, financial inspectors and officials of the Ministry of Justice; and
- The assistance of a qualified expert in the country.

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Act 6/VIII/2011 of 29 August 2011 on international judicial cooperation in criminal matters regulates extradition, the transfer of criminal proceedings, the transfer of sentenced persons, mutual legal assistance, the enforcement of criminal sentences and supervision of persons on probation.

Cabo Verde chiefly provides international cooperation based on treaties. In the absence of a treaty or adequate provisions, cooperation is based on Act 6/VIII/2011 or, subsidiarily, the provisions of the Code of Criminal Procedure (art. 4 of Act 6/VIII/2011).

Cabo Verde has concluded bilateral extradition treaties with Portugal, Senegal, Spain and the Netherlands. With regard to multilateral agreements, the country provides for cooperation in extradition matters with the Community of Portuguese-speaking Countries (CPLP) and the Economic Community of West African States (ECOWAS). The Convention is not used as a basis for extradition.

Extradition requires dual criminality and may take place only with respect to offences carrying a custodial sentence of more than one year. All mandatory offences established by the Convention that have been criminalized meet this requirement. Nationals are not normally extradited. The only exception to this rule is in cases of terrorism and international organized crime and where nationality of the offender has been acquired after the perpetration of offence. This is in order to avoid providing protection to offenders who, having committed such offences abroad, subsequently apply for Cabo Verdean nationality in order to avoid extradition. In cases where a national has not been extradited for an offence committed abroad, criminal proceedings must be brought against him or her (art. 38 (4) of the Constitution), in line with the principle of *aut dedere aut judicare*. In addition, article 4 (1) (e) of the Criminal Code provides that Cabo Verde is required to establish its jurisdiction over offences that must be investigated, prosecuted and judged under international treaties.

Extradition is possible in cases involving multiple offences if at least one of the offences is covered by the Convention. Persons extradited to Cabo Verde are afforded the same judicial guarantees as nationals. The Attorney General may order the temporary detention of a person sought for extradition pending other extradition procedures.

The country does not extradite an individual where the request appears to have been made on the basis of race, religion, nationality, the political opinions of the individual sought, or where the person risks facing the death penalty. Extradition may not be refused on the sole ground that it is for a fiscal offence. A court may issue a provisional arrest warrant where the person whose extradition is requested is present in or passing through its territory (article 10 of Act 6/VIII/2011).

Articles 110-121 of Act 6/VIII/2011 regulate the transfer of sentenced persons and apply whenever a sentenced person requests or consents to his or her transfer from or to Cabo Verde.

The transfer of criminal proceedings to or from Cabo Verde is governed by articles 75 to 90 of Act 6/VIII/2011. Cabo Verde may decide to take over a criminal prosecution transferred from abroad or it may delegate the proceedings to a foreign State that agrees to continue those proceedings. The country has entered into a bilateral agreement on the transfer of criminal proceedings with Spain and is also part of a multilateral agreement between CPLP States.

Mutual legal assistance (art. 46)

Act 6/VIII/2011 provides for mutual legal assistance on a reciprocal basis. In the absence of reciprocity, assistance may still be afforded if it ensures fairer treatment for an accused person, if the offence constitutes a serious form of crime or if such assistance facilitates the accused person's social reintegration or clarifies the alleged actions of a citizen of Cabo Verde (art. 3 of Act 6/VIII/2011).

Article 4 of Act 6/VIII/2011 gives precedence to international treaties. In the absence of a treaty, that Act, or subsidiarily the Code of Criminal Procedure, applies. The Convention could therefore theoretically be used as a basis for mutual judicial assistance. However, that has not yet been the case in practice.

The central authority for mutual judicial assistance is the Attorney General's Office, but it is the Ministry of Justice which is responsible for deciding whether or not a request is admissible. Requests should be made in Portuguese and addressed to the central authority. Requests to the central authority may also be submitted through diplomatic channels.

Cabo Verde rejects any request for assistance that violates the obligations established by the human rights instruments by which the country is bound (article 6 of Act 6/VIII/2011). The offences described in the Convention are not considered political offences under Act 6/VIII/2011 (art. 7 (2) (e)).

According to the Act, the ordinary costs of mutual legal assistance are borne by Cabo Verde (article 26 (1) of Act 6/VIII/2011). In case of extraordinary costs, the central authority consults the central authority of the requesting State concerning the terms and conditions under which the request may be executed.

Consultations may be held with the requesting State before assistance is refused. Article 138 (6) of Act 6/VIII/2011 provides that if there is insufficient information to approve a request for mutual legal assistance, additional information must be requested and a deadline for submission may be indicated.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Cabo Verde has cooperated with foreign law enforcement agencies in cases of money-laundering involving drug offences. Cooperation has been provided in the form of information exchange, the identification of persons and the tracing and confiscation of proceeds and instrumentalities of crime (article 158 of Act 6/VIII/2011). No specific experience was reported with regard to offences criminalized in accordance with the Convention.

The Financial Intelligence Unit provides and receives assistance from the Intergovernmental Action Group against Money Laundering in West Africa (GIABA) in money-laundering cases. Cabo Verde indicated that it is in the process

of joining the Egmont Group of Financial Intelligence Units. The Financial Intelligence Unit has growing experience of exchanging information with counterparts in Asia. It may exchange information with other financial intelligence units without a formal agreement. However, memorandums of understanding have been signed with the financial intelligence units of several other countries. These agreements facilitate such exchange.

The Central Bank has entered into cooperation agreements with similar authorities such as the central banks of Portugal, Brazil and Angola. These agreements allow central banks to exchange information directly related to their role of monitoring financial institutions and financial markets. The judicial authorities may cooperate directly with each other to adopt interim emergency measures (art. 29 of Act 6/VIII/2011). The criminal investigation police of Cabo Verde also exchanges information with other police forces in the region and coordinates extensively with the International Criminal Police Organization (INTERPOL) on interim emergency measures.

Act 6/VIII/2011 provides for the use of special investigative techniques such as controlled delivery, interception of communications and undercover operations (arts. 160-161 of the Act). The procedure for safe conduct is provided for by article 155 of the same Act.

Joint investigations with foreign agencies are governed by articles 142 to 147 of Act 6/VIII/2011. No specific instances of such investigations were reported with respect to the offences covered by the Convention.

3.2. Successes and good practices

Article 7 (2) (e) of Act 6/VIII/2011 expressly prohibits offences of a political nature or those regarded as such, in accordance with binding international treaties.

3.3. Challenges in implementation

- Ensure that bank secrecy is not an obstacle to mutual legal assistance, with respect to the offences established by the Convention (art. 46 (8));
- Consider using the Convention as a legal basis for extradition and thus cooperate at the global level with various States Parties with regard to corruption offences. Otherwise, enter into extradition agreements with other States Parties (art. 44 (6));
- Ensure that all new offences that are criminalized in accordance with the provisions of the Convention are also extraditable offences;
- Consider using the Convention more actively as a legal basis for mutual legal assistance in order to broaden cooperation at the global level with various States Parties with regard to offences established by the Convention (art. 46);
- Consider maintaining statistics on cases of extradition and mutual legal assistance concerning offences established under the Convention;
- Take measures to strengthen the implementation of the framework for international cooperation by the competent authorities, including internal strengthening of local capacity.

3.4. Technical assistance needs identified to improve implementation of the Convention

Cabo Verde has identified the following assistance needs to strengthen the general implementation of the Convention:

- Assistance in legislative drafting aimed at incorporating the provisions of the Convention in national legislation;
 - Technical and capacity-building assistance relating to data collection for statistical purposes;
 - Specialized training for investigators, prosecutors and judicial authorities;
 - Capacity-building for prosecutors, officers of the national and criminal investigation police, finance inspectors and Ministry of Justice officials in the area of international cooperation based on the Convention;
 - Capacity-building for judges with respect to different forms of international cooperation, including the application of the Convention for those purposes;
 - Support to strengthen the operational work of the Cooperation Unit of the Attorney General's Office;
 - The assistance of a qualified expert in the country;
 - Strengthening of measures to prevent and combat corruption at all levels through risk management.
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