

# SAO TOME AND PRINCIPE 2016 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. In a second round of presidential elections held on August 7, voters elected President Evaristo do Espirito Santo Carvalho as head of state. The Independent Democratic Action (ADI) party of Prime Minister Patrice Emery Trovoada won 33 of 55 National Assembly seats in legislative elections held in 2014. International observers deemed both the presidential and legislative elections free and fair.

Civilian authorities maintained effective control over the security forces.

Key human rights problems included difficult prison conditions, official corruption, and domestic violence.

Societal discrimination against women was also a problem.

While the government took some steps to investigate and prosecute officials who committed abuses, authorities rarely punished those officials, and impunity was a problem.

### **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 the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

## **Prison and Detention Center Conditions**

Prison conditions were harsh but not life threatening.

Physical Conditions: There was one prison and no separate jails or detention centers. Authorities held adult and juvenile prisoners together, as well as pretrial and convicted prisoners. Needs of prisoners with disabilities went unmet. Police stations had a small room or space to incarcerate detainees for brief periods.

As of October there were 178 prison inmates; 28 were pretrial detainees and nine were women. There were no reported prisoner deaths.

Medical care was poor, and the prison lacked basic medicines. Prison authorities allowed inmates to see a doctor once a week and took prisoners with medical emergencies to the national hospital. Food and sanitation often were inadequate. High temperatures within the facility were typical, and ventilation was insufficient.

Administration: Little information was available on prison recordkeeping. Prisoners and detainees may submit complaints to judicial authorities without censorship and request investigation of allegations of inhuman conditions, although there was no prison ombudsman. No investigations occurred during the year. The Ministry of Justice and Human Rights monitored prison conditions.

Legal representatives from the prosecutor's staff and court personnel were available to address prisoner grievances. Penal and judicial authorities did not use alternatives to incarceration for nonviolent offenders.

Independent Monitoring: The government permitted human rights monitors to visit the prison, but neither domestic nor international entities requested such visits during the year. Domestic charitable groups, particularly churches, were allowed to visit the prison to offer food, soap, and other necessities to prisoners.

Improvements: In February construction of an extension to the prison was completed, and some prisoners were transferred to the new section during the year.

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

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

## **Role of the Police and Security Apparatus**

The Ministry of Defense and Internal Administration has responsibility for the military and coast guard. The Ministry of Internal Affairs is responsible for the national police, immigration service, and customs police. The Ministry of Justice and Human Rights has responsibility for the Criminal Investigation Police. Despite an increase in the number of police officers and increased professional training offered throughout the year, many citizens continued to view police as ineffective and corrupt.

Civilian authorities generally maintained effective control over national police, customs and immigration authorities, and the military and coast guard. While the government has mechanisms to investigate and punish abuse and corruption, impunity was a problem.

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

The law requires police to have arrest warrants issued by a judge to apprehend suspects, unless the suspect is caught committing a crime. The law also requires a determination within 48 hours of the legality of a detention, and authorities generally respected this right. Authorities informed detainees promptly of charges against them and allowed them access to family members. Authorities allowed detainees prompt access to a lawyer and, if they could not afford one, the state provided one. There was a functioning bail system.

Pretrial Detention: According to the director of the prison, approximately 16 percent of inmates were pretrial detainees, an increase of 12 percent from the previous year. Lengthy pretrial detention continued to be a problem in some criminal cases.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained.

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

Although the constitution and law provide for an independent judiciary, at times the judicial system was subject to political influence or manipulation. Although

judicial salaries were higher than those of most civil servants, judges reportedly accepted bribes.

### **Trial Procedures**

Under a judicial system based on the Portuguese model, a judge rather than a jury tries the accused. The constitution provides for the right of appeal, the right to legal representation, and, if a person is indigent, the right to an attorney provided by the state. The law presumes defendants to be innocent. They have the right to be present at their trial, confront their accusers, confront witnesses, access government evidence, and present evidence and witnesses on their own behalf. Defendants reportedly received adequate time and facilities to prepare a defense. They were not compelled to testify or confess guilt. Authorities must inform defendants in detail of the charges against them within 48 hours of arrest and provide them with free interpretation as necessary from the moment charged through all appeals.

The law extends these rights to all citizens, and authorities generally respected these rights.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

The same court considers both criminal and civil cases but uses different procedures depending on the type of case. Plaintiffs may bring lawsuits seeking damages for human rights violations; there are also administrative remedies for alleged wrongs. There is no regional body, however, to which individuals and organizations can appeal adverse court rulings.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

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

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press. The law grants all opposition parties access to the state-run media, including a minimum of three minutes for each party per month on television.

Press and Media Freedoms: Independent media were active and generally expressed a wide variety of views without restriction. Privately owned, as well as government-owned radio and television stations broadcast throughout the country.

Censorship or Content Restrictions: Journalists claimed to have occasionally practiced self-censorship, particularly at the government-owned media entities, which were the country's most significant sources of news. Critics claimed government-owned media intentionally interrupted the broadcast of critical speeches by opposition members of parliament.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no reports the government monitored private online communications without appropriate legal oversight. Internet access was widely available through computer centers and chat rooms in most urban areas, including Sao Tome city, Trindade, Neves, Santana, and Angolares. It was not available in rural and remote areas. According to the International Telecommunication Union, 25 percent of individuals in the country used the internet during 2015.

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

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

### **b. Freedom 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 [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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

#### **Protection of Refugees**

Access to Asylum: The law does not specifically provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. During the year there were no known requests for refugee or asylum status.

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

The constitution and law provide 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 July 17 first round of voting in the presidential election, initial results indicated that ADI candidate Evaristo do Espirito Santo Carvalho won the presidency with slightly more than 50 percent of the vote, defeating incumbent president Manuel Pinto da Costa, who received approximately 25 percent of the vote. A subsequent recount reduced Carvalho's vote tally to 49.8 percent, necessitating a second round of voting on August 7. Pinto da Costa boycotted the second round, claiming the first round was fraudulent--a claim disputed by international observers--and clearing the way for the unopposed election of President Carvalho. International observers deemed the elections generally free and fair.

The country held legislative elections in October 2014. The ADI party increased its representation from 26 to 33 of the 55 seats in the National Assembly, and its leader, Patrice Emery Trovoada, became the prime minister. The Liberation Movement of Sao Tome and Principe/Social Democratic Party won 16 seats, the Democratic Convergence Party won five, and the Democratic Union for

Development won one seat. International observers deemed the elections generally free and fair.

Participation of Women and Minorities: There are no laws limiting the participation of women and members of minorities in the political process, and women and minorities participated. Cultural factors, however, limited women's political participation.

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

The law provides criminal penalties for official corruption, but the government reportedly did not implement the law effectively, and many citizens believed some officials were corrupt. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a problem. Many citizens viewed police as ineffective and corrupt.

Financial Disclosure: The law does not require public officials to disclose their assets or income, but it permits such disclosures. Public disclosure of these financial statements, however, rarely occurred.

Public Access to Information: While laws do not provide for public access to government information, there were no reports the government restricted the access of citizens or noncitizens, including foreign media, to such information.

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

A small number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, but these groups were largely inactive during the year. Government officials were cooperative and responsive to the views of domestic human rights groups.

Government Human Rights Bodies: The Human Rights Committee, under the Ministry of Justice and Human Rights, was independent, adequately resourced, and considered effective. Nevertheless, the committee had not completed its report, begun in 2015, on the country's human rights situation by year's end.

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

##### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by two to 12 years' imprisonment. The prosecution of rape occurred most often in cases in which there was evidence of violent assault or the victim was a minor. Government prosecutors won convictions, and judges imposed sentences of up to 25 years' imprisonment for rape if the victim died, but the full extent of the problem was undocumented. A government family planning clinic and nongovernmental organizations (NGOs) sought to combat rape by raising awareness of the problem.

Widespread reports of domestic violence continued. Although women have the right to legal recourse in cases of domestic violence, including against spouses, many were reluctant to bring legal action because of the cost and a general lack of faith in the legal system to address their concerns effectively. Women often were uninformed of their legal rights. Some observers stated tradition and custom inhibited women from taking domestic disputes outside the family. The law prescribes penalties ranging from imprisonment for three to eight years in cases of domestic violence resulting in harm to the health of the victim to incarceration for eight to 16 years when such violence leads to loss of life. The law was enforced, but there was no data on the number of prosecutions or convictions for domestic violence.

The Office of Women's Affairs and the UN Children's Fund (UNICEF) maintained a counseling center and small shelter with a hotline for domestic violence. The hotline did not receive many calls, but the counseling center and shelter received numerous walk-ins. The Gender Equality Institute within the Office of Women's Affairs under the Prime Minister's Office also provided numerous awareness workshops and seminars during the year to educate women on their rights. It also trained police on how to recognize and respond to cases of domestic abuse.

Sexual Harassment: The penal code prohibits sexual harassment. Sexual harassment reportedly occurred, but no data were available on its extent. In cases of sexual harassment that involved violence or threats, the law prescribes penalties of between one and eight years in prison. The maximum penalty for other cases of sexual harassment is imprisonment for three years. The government enforced penal code provisions during the year.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely the number, spacing, and timing of their children,



manage their reproductive health, and have access to the information and means to do so, free from discrimination, coercion, or violence. Health clinics and local NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to contraceptives. NGOs and the Ministry of Health, however, had insufficient supplies of contraceptives. According to estimates by the UN Population Division, 40 percent of women of reproductive age used a modern method of contraception. The government provided free childbirth services, but the lack of doctors obliged many women, especially in rural areas, to rely on nurses or midwives during childbirth. One government clinic provided prenatal and postnatal care, and the national hospital offered medical assistance when the mother or child suffered serious health complications. According to the most recent UN estimates, there were 74 maternal deaths per 100,000 live births in 2014. Emergency services for the management of complications arising from abortion were available, although the country's health system was generally limited in ability to respond. Upgrades to the emergency room at the national hospital were completed during the year.

Discrimination: The constitution stipulates and law provides for the same legal status and rights for women as for men, but they do not specifically recognize these rights as they pertain to the family, child custody, labor, employment, owning or managing businesses or property, nationality, or inheritance. Economic discrimination (see section 7.d.) did not generally occur in the areas of credit or housing.

While many women had access to opportunities in education, business, and government, women--particularly older women--generally encountered significant societal discrimination. Traditional beliefs left women with most child-rearing responsibilities. Younger women had increasing access to educational and professional opportunities compared with the older generation, although a high teenage pregnancy rate reduced economic opportunities for some. The Gender Equality Institute within the Office of Women's Affairs under the Prime Minister's Office held some seminars and workshops to raise awareness of discrimination against women.

## **Children**

Birth Registration: Children acquire citizenship either through parents or by being born within the country. Either parent, if a citizen, can confer citizenship on a child born outside the country. The law requires registration for all children born in the country at the hospital where they are born. If not born in a hospital, the

child must be registered at the nearest precinct office. Parents who fail to register a birth may be fined. According to UNICEF approximately 94 percent of children under five years old had their births registered since 2010.

Child Abuse: Mistreatment of children was not widespread; however, there were few protections for orphans and abandoned children.

Early and Forced Marriage: The legal minimum age of marriage without parental consent is 18 years. The most recent available data (UNICEF, 2010) indicated that 5 percent of women then between the ages of 20 and 24 years old had been married or were in union before age 15, and 34 percent had married or were in a union before age 18.

Sexual Exploitation of Children: There were no reports of children engaged in prostitution. The penal code prohibits statutory rape and child pornography. The government also uses proscription of kidnapping or unlawful forced labor to enforce the law against sexual exploitation of children. The penalty for commercial sexual exploitation of minors under age 14 is two to 10 years in prison, and the penalty for commercial sexual exploitation of minors between 14 and 17 years old is up to three years in prison. The minimum age of consensual sex is 18 years old.

Displaced Children: The Ministry of Labor and Social Affairs operated a social services program that placed street children in three centers where they attended classes and received vocational training. Conditions at the centers were generally good. Overcrowding at the centers remained a problem, but diminished 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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

There is no known Jewish community, and there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

There were no confirmed reports during the year that the country was a source, destination, or transit country for victims of human trafficking.

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities generally, without specifically listing physical, sensory, mental, and intellectual disabilities. The law, however, does not mandate access to most buildings, transportation, or other services for persons with disabilities. A law passed in 2014 mandates access to school buildings for persons with disabilities, and a few schools were undertaking building upgrades to provide access. There is a special school for children with visual and auditory disabilities, but most children with disabilities attended the same schools as children without disabilities.

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

The law does not criminalize consensual same-sex sexual activity, but there were occasional reports of societal discrimination, primarily rejection by family and friends, based on sexual orientation. Antidiscrimination laws do not explicitly reference lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. While there were no official impediments, LGBTI organizations did not exist.

### **HIV and AIDS Social Stigma**

Communities and families often rejected and shunned persons with HIV/AIDS, although there were no reports of official discrimination due to HIV/AIDS status.

## **Section 7. Worker Rights**

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

The law provides for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. While the law recognizes the right to collective bargaining, there are no provisions governing this right. Additionally, the law provides that workers in the public sector do not have collective bargaining rights. The law does not prohibit antiunion discrimination or acts of interference committed by employers against trade unions. While the law provides for the right to strike, including by government employees and other essential workers, this right is strictly regulated. The provisions regulating strikes require a majority of

workers to call a strike, and replacement workers can be hired without consultation with the trade unions to perform essential services in the event the enterprise is threatened by a strike. Under the provision concerning “minimum services,” in the event of disagreement in determining such services, the employer and the workers’ union arrive at a decision through negotiation (instead of through an independent body). The law does not provide a list of specific minimum or essential services. The general provision is a matter for discussion and debate between employers and unions on a case-by-case basis. The law also requires compulsory arbitration for services, including postal, banking, and loan services. The law does not prohibit retaliation against strikers.

The government effectively enforced the laws. Both the government and employers generally respected freedom of association and the right to collective bargaining. Worker organizations were restricted in some sectors but generally were independent of government and political parties.

Workers’ collective bargaining rights remained relatively weak due to the government’s role as the principal employer in the formal wage sector and key interlocutor for organized labor on all matters, including wages. The two labor unions--the General Union of Workers of Sao Tome and Principe and the National Organization of Workers of Sao Tome and Principe--negotiated with the government on behalf of their members as needed. There were no reported attempts by unions or workers to negotiate collective agreements during the year.

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

The law prohibits all forms of forced or compulsory labor, including by children. The government did not have sufficient capacity to undertake a normal caseload of inspections and enforcement operations. There were no reports of forced or compulsory labor, or evidence that such practices occurred.

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

There are laws to protect children from exploitation in the formal sector. The law sets the minimum age for nonhazardous work at 14 years old and for hazardous work at 18 years old, but it does not define hazardous work, inhibiting effective enforcement. The law also prohibits minors from working more than seven hours a day and 35 hours a week. The law allows minors between 14 and 17 years old to work up to 35 hours per week, provided employers permit them to attend school.

The Ministry of Labor and Social Affairs and the Ministry of Justice and Human Rights are responsible for enforcing child labor laws. The government effectively enforced the laws. Penalties for violations of child labor laws include fines and the loss of operating licenses, and these penalties were sufficient to deter violations.

A media campaign aimed at preventing child labor continued but was less extensive than in previous years. The Ministry of Education mandates compulsory school attendance through the sixth grade, and the government granted some assistance to several low-income families to keep their children in school. The Department of Labor (within the Ministry of Labor and Social Affairs) used teams of labor inspectors to inspect work sites, although inspectors had very limited resources.

Employers in the formal wage sector generally respected the legally mandated minimum employment age. The minimum employment age is 18 years old for full-time work. Children worked in informal commerce, including street work. Children also reportedly performed light work in agriculture and domestic service helping their parents.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

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

The labor law prohibits discrimination in employment and occupation based on race, sex, and religious belief. Additionally, the constitution prohibits all forms of discrimination based on political affiliation, social origin, and philosophical conviction. The law, however, does not prohibit discrimination in employment and occupation based on color, age, disability, language, sexual orientation, gender identity, and HIV-positive status or having other communicable diseases. The government, in general, effectively enforced the law.

There were no reports of gender-based discrimination in employment and occupation (see section 6). The law allows women to request permission to retire at age 57 or older and men at age 62 but does not oblige them to do so. During the year there were no reports the government subjected women to discriminatory early termination from employment.

The law does not distinguish between migrant workers and citizens in terms of protections, wages, and working conditions.

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

In January the government established a national minimum wage of 1.1 million dobras (\$50) per month. The legal minimum wage for civil servants was also 1.1 million dobras (\$50) per month. The legal workweek is 40 hours, with 48 consecutive hours per week mandated for rest. Shopkeepers who wish to keep their stores open longer may ask for an exception, which if granted requires them to pay their workers overtime or have them work in shifts. The law provides for compensation for overtime work and prescribes basic occupational health and safety standards. The labor law specifies occupations in which civil servants may work if they pursue a second job.

Working two or more jobs was common. Working conditions on many of the largely family-owned cocoa farms--the largest informal economic sector--were unregulated and harsh, with long hours for workers and limited protection from the sun.

The Ministry of Justice and Human Rights and the Ministry of Labor and Social Affairs are responsible for enforcement of occupational health and safety standards. The Ministry of Labor and Social Affairs employed 15 labor inspectors, but this was insufficient to address its normal caseload. They reportedly did not monitor labor conditions sufficiently, and enforcement of the standards seldom occurred. The Department of Labor Inspection lacked the necessary financial and human resources, as well as basic equipment, to conduct regular inspections. Reliable data on workplace fatalities or accidents was not available. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities had limited inspection capacity to ensure this right was respected. As the government is the largest employer, it sets the standards on hours of work and effectively enforced health and safety in the public sector.

Working conditions in the agricultural sector were sometimes hazardous because the sector lacked investment and all work was manual. Salaries were low, although workers also received payment in kind. Most farms were family-owned, consisting of small parcels distributed by the government. Less hazardous working conditions existed for those who worked in domestic households.