

# **SAO TOME AND PRINCIPE 2019 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. In 2016 voters elected President Evaristo do Espirito Santo Carvalho as head of state. The legislative elections in October 2018 produced a peaceful transfer of power from the Independent Democratic Action (ADI) to a coalition of other parties. International observers deemed the presidential and legislative elections generally free and fair.

The national police and judicial police maintain internal security. The army and coast guard are responsible for external security. Both national police and the military report to the Ministry of Defense and Internal Affairs. The Ministry of Justice and Human Rights has responsibility for the judicial police. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included lengthy pretrial detention; official corruption; and widespread domestic violence against women and girls, where government lack of action for prosecution and accountability contributed to an atmosphere of impunity.

The government took some steps to identify, investigate, prosecute, and punish officials who committed abuses; however, 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**

Unlike in 2018 there were no reports the government or its agents committed arbitrary or unlawful killings. In October 2018 a man arrested by police was beaten to death by a security agent for government officials at the police station in Trindade. The security agent involved was arrested and charged with homicide but later released. As of October the accused agent was suspended from work with salary pending trial.

#### **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. In previous years there were reports of police using physical force, including beatings, against persons who resisted arrest.

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

Although not life threatening, prison conditions were harsh due to overcrowding, inadequate medical care, and failing infrastructure.

Physical Conditions: There was one prison in the capital city, and no separate jails or detention centers elsewhere in the country. Authorities held pretrial and convicted prisoners together. Minors were held together with adults. Female prisoners were held in a separate part of the prison. The needs of prisoners with disabilities went unmet. Police stations had a small room or space to incarcerate detainees for periods under 48 hours. There were no reported prisoner deaths. The prison was originally built for 200 inmates but continued to be moderately overcrowded.

Medical care was poor, and the prison lacked basic medicines. A doctor visited once a week, and there was one full-time and two part-time nurses. Prisoners with medical emergencies requiring a doctor were taken to the national hospital. Food and sanitation often were inadequate. Some rooms were so decrepit they were unusable. High temperatures were typical, and ventilation was insufficient.

Administration: Legal representatives from the prosecutor's staff and court personnel were available to address prisoner grievances. Prisoners and detainees may submit complaints without censorship and request investigation of allegations of inhuman conditions. None was submitted.

Independent Monitoring: The government permitted human rights monitors to visit the prison as well as family members and church and charitable organization representatives, who often provided food, soap, and other necessities to prisoners.

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

The constitution and law prohibit arbitrary arrest and detention. They provide for

the right of any person to challenge the lawfulness of his or her arrest or detention in court and obtain prompt release and compensation if unlawfully detained, and the government generally observed these requirements.

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

The law requires arrest warrants issued by a judge to apprehend suspects, unless the suspect is caught in the act of committing a crime. The law also requires the government to bring charges within 48 hours of detention, and authorities generally respected this requirement. 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. During the year a nongovernmental organization (NGO) reported authorities asked detainees whether they paid taxes, and if they answered no, denied them access to a lawyer. The Human Rights Committee denied there were any restrictions on a detainee's right to a state-provided lawyer if unable to afford one. The bar association provided services, and the government paid lawyers a nominal fee. There is a functioning bail system.

Pretrial Detention: Lengthy pretrial detention continued to be a problem in some criminal cases. Approximately one-fourth of inmates were pretrial detainees. An understaffed and inefficient judicial system added to the delay. Due to space limitations, the prison held pretrial detainees together with convicted criminals.

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

Although the constitution and law provide for an independent judiciary, the judicial system in some cases appeared subject to political influence or manipulation. In August the Superior Council of Magistrates recommended dismissal of three judges on the Constitutional Court following their latest decision in the brewery investment dispute. In 2018 the National Assembly dismissed three members of the Supreme Court over the brewery case.

Authorities respected and enforced court orders.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial. 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, and present evidence and witnesses on their own behalf. Defendants 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**

Criminal and civil cases are not tried in separate courts; however, courts use different procedures for criminal and civil cases. Plaintiffs may file 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 may appeal adverse court rulings.

### **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 these rights. A somewhat independent press and a functioning democratic political system combined to promote freedom of expression, although the press sometimes was susceptible to political influence and manipulation. The law grants all opposition parties access to state-run media, including a minimum of three minutes for each party per month

on television. Some opposition leaders claimed newscasters did not always respect the minimum time, or the government edited content during that time.

Press and Media, Including Online Media: Independent media remained underdeveloped and subject to pressure and manipulation. Privately owned as well as government-owned radio and television stations broadcast throughout the country.

Censorship or Content Restrictions: Journalists claimed to have practiced self-censorship, particularly at government-owned media entities, which were the country's most significant sources of news. Private news sources have also censored their own reporting.

### **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 smart phones and internet cafes 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.

### **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/>.

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

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

**e. Internally Displaced Persons**

Not applicable.

**f. 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.

**g. Stateless Persons**

Not applicable.

**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. Unlike in prior years, opposition members did not fear retribution for expressing their opinions or criticizing the government.

**Elections and Political Participation**

Recent Elections: The country held legislative elections in October 2018, which were followed by a peaceful transfer of power to a coalition composed of four parties. On December 3, former opposition leader Bom Jesus became prime minister and his coalition cabinet was sworn in. International observers deemed the legislative elections transparent and well organized. The election was generally free and fair. In 2016 voters elected President Evaristo do Espirito Santo Carvalho as head of state. Because Carvalho received fewer than 50 percent of the votes in the first round (49.8 percent), a second round of voting was required. The incumbent, Manuel Pinto de Costa (who received 24.8 percent of the first-round vote), boycotted the second round, leaving Carvalho to run unopposed. International observers deemed the presidential election 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 generally did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. At year's end the government of Prime Minister Bom Jesus was conducting several investigations of corruption allegations against former high-ranking officials.

Corruption: The prime minister stated fighting corruption would be a priority of his administration. The coalition government initiated investigations into two former ministers and the former head of the state-owned water and electricity enterprise. The World Bank's most recent *Worldwide Governance Indicators* indicated corruption remained 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.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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. Government officials were somewhat 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 moderately effective.

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

##### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and conviction is 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 conviction of rape if the victim died. The government did not enforce rape and domestic violence laws effectively, but international efforts focused attention on this issue during the year. According to the National Institute for Equality and Gender Equality, there were cases of assaults and rape committed by youth using drugs, although the Institute did not have statistics to determine the extent of the problem.

There were widespread reports of domestic violence. Although women have the right to legal recourse in cases of domestic violence, including against spouses, many were reluctant to take legal action because of the cost, a general lack of confidence in the legal system to address their concerns effectively, and fear of retaliation. Women often were uninformed of their legal rights. The law prescribes penalties ranging from imprisonment for three to eight years for conviction 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. There were no data on the number of prosecutions or convictions for domestic violence.

The Office of Women's Affairs, under the Prime Minister's Office, and UNICEF maintained a counseling center and small shelter with a hotline for domestic violence. The Gender Equality Institute within the Office of Women's Affairs also conducted awareness workshops and seminars during the year to educate women on their rights. The institute also trained police, medical professionals, court officials, and lawyers on how to recognize and respond to cases of domestic abuse.

Sexual Harassment: While the law prohibits sexual harassment, it was endemic. In cases of sexual harassment that involved violence or threats, the law prescribes penalties for conviction of one to eight years' imprisonment. The maximum penalty for conviction in other cases of sexual harassment is three years' imprisonment. During the year the government sometimes enforced the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: The constitution and law provide 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 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 and those living in rural areas--generally encountered significant societal discrimination. Traditional beliefs left women with most child-rearing responsibilities. Nevertheless, younger women increasingly had access to educational and professional opportunities compared with the older generation, but a high teenage pregnancy rate reduced economic opportunities for many. Government regulations prohibiting pregnant teenagers from attending high school with their peers increased the likelihood teenage mothers would not finish secondary education.

## **Children**

Birth Registration: Children acquire citizenship either through parents or by being born within the country. Either parent, if a citizen, may confer citizenship on a child born outside the country. By law children born in a hospital are registered on site. 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 since 2010 approximately 94 percent of children younger than five have had their births registered. For additional information, see Appendix C.

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. With parental consent, girls could marry at age 14 and boys at age 16. For additional information, see Appendix C.

Sexual Exploitation of Children: There were reports of children engaged in prostitution. The law 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 conviction of commercial sexual exploitation of minors younger than age 14 is two to 10 years' imprisonment, and the penalty for conviction of commercial sexual exploitation of minors between ages 14 and 18 is up to three years' imprisonment. The minimum age of consensual sex is 18, although societal norms only consider sex under age 14 to raise concerns of consent.

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.

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**

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 the country was a source, destination, or transit country for victims of human trafficking.

### **Persons with Disabilities**

The law generally prohibits discrimination against persons with 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. During the year UNICEF, a foreign embassy, and the government built two classrooms for students with auditory and visual disabilities. 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. Antidiscrimination laws do not explicitly extend protections to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons based on their sexual orientation, gender identity, or sex characteristics. There were occasional reports of societal discrimination, primarily rejection by family and friends, based on an individual's LGBTI status. 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. NGOs held awareness-raising campaigns and interventions with employers to address discrimination against employees with HIV/AIDS.

## **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 regulations governing this right. 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 agreement by a majority of workers before a strike may be called, and replacement workers may be hired without consultation with trade unions to perform essential services if an enterprise is threatened by a strike. The law does not provide a list of specific minimum or essential services. In the event of disagreement in determining what constitutes a “minimum service,” the employer and the workers’ union arrive at a decision on a case-by-case basis through negotiation (instead of through an independent body). The law also requires compulsory arbitration for services, including postal, banking, and loan services. The law does not prohibit retaliation against strikers.

The government did not effectively enforce the law, and there were no collective bargaining agreements in the country. 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. The penalties were sufficient to deter violations in some areas, but the penalties for acts of antiunion discrimination or acts of interference against trade union organizations were insufficient.

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. Penalties were sufficient to deter violations. The government did not effectively enforce the law. 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**

The law prohibits all of the worst forms of child labor. The law protects children from exploitation in the formal sector. The minimum employment age is 18 for full-time work. The law sets the minimum age for nonhazardous work at 14. In April a labor law was adopted that includes a list of hazardous work prohibited for children. The law allows minors between ages 15 and 17 to work up to 40 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. Penalties for violations of child labor law include fines and the loss of operating licenses, and these penalties were sufficient to deter violations.

The government conducted a media campaign aimed at preventing child labor. The Ministry of Education mandates compulsory school attendance through the ninth grade, according to a new education law adopted in 2018, and the government granted some assistance to several thousand low-income families to keep their children in school.

Employers in the formal wage sector generally respected the legally mandated minimum employment age. Exceptions included apprentice-type work such as car repair and carpentry; some employers abused this status. Children worked in informal commerce, including street work. Children also commonly performed agricultural and domestic activities such as washing clothes or childcare to help their parents, which is not prohibited under the law.

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**

The 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. There were anecdotal instances of discrimination against HIV-positive employees. Advocacy groups conducted awareness campaigns to address discrimination.

There were no reports of gender-based discrimination in employment and occupation (see section 6, Women). 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**

The minimum wage for public employees is above the poverty line. There is no minimum wage in the private sector. The legal workweek is 40 hours, with 48 consecutive hours per week mandated for rest. According to law workers earn 22 days of annual leave per year. 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 safety and health (OSH) standards. The law specifies occupations in which civil servants may work second jobs.

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 appropriate OSH standards. The government did not effectively enforce the law. The Ministry of Labor and Social Affairs' labor inspectors were insufficient in number to enforce the law. They did not monitor labor conditions sufficiently, and enforcement of the standards seldom

occurred. Department of Labor inspectors 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 may 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. Since the government is the largest employer, it sets the standards on hours of work and effectively enforced OSH standards in the public sector. Approximately one-third of the labor force worked in the informal sector, where laws were not strictly enforced.

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.