

# SAO TOME AND PRINCIPE 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. In August 2016 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 elections free and fair. The government delayed local elections scheduled for 2017 until 2018 due to lack of funds.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included harsh prison conditions; police beating of arrestees; threats to freedom of expression, including for the press; official corruption; and child labor.

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 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. There were reports, however, that police often beat persons who resisted arrest.

## **Prison and Detention Center Conditions**

Prison conditions were harsh due to overcrowding, inadequate medical care, failing infrastructure, and lack of sufficient kitchen space, but were not life threatening.

Physical Conditions: There was one prison and no separate jails or detention centers. Authorities held pretrial and convicted prisoners together. There were no juvenile prisoners as of October, although in the past they have been held together with adults. Women were held separately. 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 251 prison inmates; 84 were pretrial detainees and 11 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. Some rooms had become unusable due to disrepair. High temperatures within the facility were typical and ventilation was insufficient.

Administration: Prisoners and detainees may submit complaints to judicial authorities without censorship and request investigation of allegations of inhuman conditions. One investigation 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.

Independent Monitoring: The government permitted human rights monitors to visit the prison; at least two international entities requested such visits during the year. Prison authorities allowed domestic charitable groups, including churches, to visit the prison to offer 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/her arrest or detention in court and obtain prompt release and compensation if unlawfully detained, and the government generally observed these requirements.

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

The Ministry of Defense and Internal Administration has responsibility for the military, which is composed of the army 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. 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. While the government has mechanisms to investigate and punish abuse and corruption, impunity was a problem. There were reports of police mistreatment of persons upon arrest, although no reliable statistics were available.

## **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 legal determination 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 that authorities asked detainees if 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 he/she was unable to afford one. There was a functioning bail system.

Pretrial Detention: According to the director of the prison, approximately 33 percent of inmates were pretrial detainees, three times the number in 2016. Lengthy pretrial detention continued to be a problem in some criminal cases. Due to overcrowding 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 was subject to political influence or manipulation. Prosecutors

appeared not to pursue cases against politically well-connected individuals.

### **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 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 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 that 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 remained susceptible to political influence. 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.

Freedom of Expression: Political and human rights groups expressed concern over individuals' reduced ability to criticize the government openly. In August participants in a supposed military training exercise hassled opposition party members who attempted to gather for a meeting at the National Assembly.

Press and Media Freedom: Independent media remained underdeveloped and subject to pressure and manipulation to avoid criticizing the government. 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 government-owned media entities, which were the country's most significant sources of news. Private news sources have also censored their own reporting. Critics claimed government-owned media intentionally interrupted the broadcast of speeches by opposition members in 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. In June one online news source was inaccessible for approximately three weeks; it remained unclear why. 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, 28 percent of individuals in the country used the internet during 2016.

### **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, although the government did not always respect these rights.

#### **Freedom of Peaceful Assembly**

As part of a purported training exercise in August, security forces searched and monitored opposition members of the National Assembly (MPs) and opposition party members attempting to meet at the National Assembly building during parliamentary recess.

### **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**

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.

Members of opposition parties feared retribution for expressing their opinions and criticism of the government openly.

## **Elections and Political Participation**

Recent Elections: In the July 2016 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 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. 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, although the government generally did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity.

Corruption: The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a problem. Many citizens viewed police as ineffective and corrupt. The court reportedly refused to consider a complaint against a government official alleging misuse of funds.

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. The committee considered at least one complaint of poor prison conditions and proposed an interministerial Human Rights Institute to address concerns fully.

### **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 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. 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. There was 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



provided 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 law prohibits sexual harassment. Sexual harassment 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 sometimes enforced the law during the year.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

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 many. Government regulations prohibiting pregnant teens from attending high school with their peers increased the likelihood that 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. 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 age five had their births registered since 2010. 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 years. 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 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 ages 14 and 17 is up to three years in prison. 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 [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 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 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, 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. 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 provisions 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 a majority of workers to call a strike, and replacement workers may be hired without consultation with trade unions to perform essential services in the event the 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 effectively enforced the law. 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**

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, but the types of hazardous work prohibited for children are not comprehensive, inhibiting effective enforcement. The law allows minors between ages 14 and 17 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, but the government had limited capacity to enforce them. Penalties for violations of child labor law 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. The Ministry of Education mandates compulsory school attendance through the sixth grade, 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 include apprentice-type work in car repair or carpentry; some employers reportedly 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 [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 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, and 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**

In January 2016 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. 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 health and safety standards. The 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 appropriate occupational health and safety standards. The Ministry of Labor and Social Affairs' labor inspectors were insufficient in number to address its normal caseload. They reportedly did not monitor labor conditions sufficiently, and enforcement of the standards seldom occurred. The 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 health and safety in the public sector. Approximately one-third of the labor force worked in the informal sector, where laws were not strictly enforced due to limited resources.

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.