

SAO TOME AND PRINCIPE 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. On September 5, voters elected President Carlos Manuel Vila Nova as head of state. The legislative elections in 2018 produced a peaceful transfer of power from the Independent Democratic Action to a coalition of other parties. International observers deemed the presidential and legislative elections generally free and fair.

The public security police and judicial police maintain internal security. The army and coast guard are responsible for external security. Both the public security police and the military report to the Ministry of Defense and Internal Affairs. The Judicial Police report to the Ministry of Justice, Public Administration, and Human Rights. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; the existence of criminal libel laws; serious government corruption; and a lack of investigation of and accountability for gender-based violence and violence against children.

The government took some steps to identify, investigate, prosecute, and punish officials who committed abuses, including corruption; however, impunity continued to be a problem.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was one report that agents of the government committed an arbitrary and unlawful killing. In March, Nelson Rita das Neves, a 23-year-old male, died at the hospital after being beaten in a cell while in the custody of the Judicial Police.

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, and there were no reports that government officials employed them during the year, except for the case cited in section 1.a. In previous years there were reports of police using physical force, including beatings, against persons who resisted arrest.

Prison and Detention Center Conditions

Prison conditions were harsh due to overcrowding and failing infrastructure.

Physical Conditions: There was one prison in the capital city, and a separate detention center in Campo Grande, an agricultural neighborhood of Monte Cafe. 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 lasting less than 72 hours. There were no other reported prisoner deaths in the central prison or detention center. During the year the prison was 25 percent over capacity.

Although there was a lack of basic medicines, the prison had three full-time nurses and two doctors who visited patients during the week. There were also two psychologists and one sociologist on staff. Prisoners with medical emergencies were taken to the national hospital.

Some rooms in the prison were so decrepit they were unusable. High temperatures were typical, and ventilation was insufficient. Sanitation and kitchen conditions also needed improvement.

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. No allegations were submitted during the year.

Due to the COVID-19 pandemic, the government limited visits to the prison, including family visits. To mitigate the impact of the restrictions, two phones were made available to the prisoners to call their families and relatives, although prison psychologists and guards monitored the calls.

Independent Monitoring: The government permitted independent nongovernmental and international 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. 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 file 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. There is a functioning bail system. Authorities allowed detainees prompt access to a lawyer and the state provided indigent defendants with legal representation at no cost.

Pretrial Detention: Lengthy pretrial detention continued to be a problem in some criminal cases. More than one-fifth 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.

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 bar association provided lawyers who were paid a nominal fee by the government. The law presumes defendants to be innocent. They have the right to be present at their trial, 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.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

By law individuals and organizations may seek civil remedies for human rights abuses through the criminal and civil courts system. 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

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press, and the government generally respected this right. A somewhat independent press and a functioning democratic political system combined to promote freedom of expression, although the press was occasionally 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 presented during that time.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media remained underdeveloped and subject to pressure and manipulation. Private and government-owned radio and television stations broadcast throughout the country.

Censorship or Content Restrictions: Journalists claimed to need to practice self-censorship, particularly at government-owned media entities, which were the country's most significant news sources. Private news sources also reported self-censoring their work.

Libel/Slander Laws: Libel, slander, and blasphemy are treated as criminal offenses. There were no cases of persons being arrested for or charged with libel or slander during the year. While blasphemy cases were alleged during past years, they were dismissed due to insufficient evidence.

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 authority. Internet access was widely available through smartphones and internet cafes in most urban areas and was slowly becoming more 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 and the Right to Leave the Country

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law does not 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 reports of refugee or asylum status requests.

Section 3. Freedom to Participate in the Political Process

The law provides 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: On September 5, voters elected Carlos Manuel Vila Nova as president in the second round of voting. Despite alleged bribes of voters and errors

in first-round election reporting by the national electoral commission in July that led to the second round, there were no incidents or allegations of fraud. The country held legislative elections in 2018, which were followed by a peaceful transfer of power to a coalition composed of four parties. International observers deemed both elections transparent, adequately organized, and generally free and fair.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. There were 14 women elected to the 55-member parliament, an increase of four over the previous legislative period. Cultural and social factors, however, limited women's political participation.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of official corruption, but the government generally did not implement the law effectively. There were numerous reports of government corruption during the year.

Corruption: Officials sometimes engaged in corrupt practices with impunity. The government continued several investigations of corruption allegations against former high-ranking officials, although none were tried during the year. Many citizens viewed police as ineffective and corrupt and feared retaliation if they reported corrupt police.

Section 5. Governmental Posture Towards 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 their views.

Government Human Rights Bodies: The Human Rights Committee, under the

Ministry of Justice and Human Rights, was moderately effective. This committee reported no human rights abuses during the year.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, including spousal rape, of men and women 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 survivor was a minor. 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.

There were widespread reports of domestic violence. According to a report by the Saotomean National Institute of Statistics, the Ministry of Health, and Inner City Fund Macro, approximately one-third of women experienced intimate-partner physical abuse, sexual violence, or both at least once in their lifetime. 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 25 years when such violence leads to loss of life. Although the number of reports was steadily increasing, 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. In prior years the Gender Equality Institute within the Office of Women's Affairs conducted awareness workshops and seminars to educate women on their rights, but lockdowns due to the COVID-19 pandemic precluded these efforts during the year. There was an increase in police reports of gender-based violence against both women and girls during the COVID-19 lockdowns. 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. During the year the director of National Radio was suspended for alleged sexual harassment committed against a female staff member at the workplace. Besides suspending the director, a note from the secretary of state for Social Communication announced the opening of an inquiry into the veracity of the accusations made by the staff.

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. The government sometimes enforced the law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The country has no law, regulation, or government policy that interferes with couples' or individuals' right to decide the number, spacing, and timing of their children.

The government encouraged the use of contraception and family planning, but sociocultural barriers affected the use of family planning. There were reports that some men prevented their partners from using contraceptives, sometimes through intimidation.

The country had seven healthcare centers, two of which were equipped to provide emergency obstetrical and neonatal care. These two centers served about 35 percent of the population. The UNFPA reinforced the capacity of 37 of the country's 38 health facilities to provide at least four modern contraceptive methods, as well as voluntary counseling and testing. The UNFPA supplied maternity wards with medicines and strengthened the capacity of 19 health centers to provide emergency obstetrical and neonatal care. The quality of health-care services improved, and logistics management information systems for health care also improved.

According to a UNFPA report, several indicators related to child and maternal health improved. For example, 93 percent of births were attended by a health professional and 97 percent of health facilities provided maternal and child health services and family planning. Many family-planning needs, however, remained unmet and early pregnancy remained high at 27 percent.

There were no special health services for survivors of sexual violence; the central hospital and health center was able to provide these services. On March 27, the government repealed regulations prohibiting pregnant teenagers from attending high school with their peers.

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, 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.

Systemic Racial or Ethnic Violence and Discrimination

The country's constitution under Article 15 provides that all citizens are equal before the law, enjoy the same rights and are subject to the same duties, regardless of social origin, race, sex, political tendency, religious beliefs, or philosophical conviction. There were no reports of the government failing to enforce the law effectively.

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.

Education: In March the government repealed regulations prohibiting pregnant teenagers from attending high school with their peers (see Reproductive Rights, above).

Child Abuse: Mistreatment of children was not reported to be widespread; however, there were few protections for orphans and abandoned children. There were reports of child sexual abuse.

Child, Early, and Forced Marriage: The legal minimum age of marriage without parental consent is 18. With parental consent, girls may marry at age 14 and boys at age 16. According to UNICEF, 35 percent of girls are married before age 18 and 8 percent married before age 15.

Sexual Exploitation of Children: 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. In past years there were reports of children subjected to commercial sexual exploitation.

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. Additionally, a World Bank program designed to keep street children in school disbursed money to their families for food and school supplies.

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 that Sao Tome and Principe was a source, destination, or transit country for victims of human trafficking.

Persons with Disabilities

The law generally prohibits discrimination against persons with disabilities; however, it does not mandate access to most buildings, transportation, or other services for persons with disabilities. By law school buildings must be accessible to persons with disabilities, and renovations to bring schools into compliance were in progress during the year. Most children with disabilities attended the same schools as children without disabilities.

HIV and AIDS Social Stigma

Communities and families stigmatized and shunned persons with HIV or AIDS. Nongovernmental organizations held awareness-raising campaigns and interventions with employers to address discrimination against employees with HIV or AIDS.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law does not criminalize consensual same-sex sexual conduct. Antidiscrimination laws do not explicitly extend protections to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) 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 LGBTQI+ status. While there were no official impediments, LGBTQI+ organizations did not exist.

Other Societal Violence or Discrimination

In 2020 the Order of Doctors called on the government to investigate the beatings of doctors and nurses at health centers, including a nurse named Cristiano Pedroso, in front of the central Sao Tome hospital, Ayres de Menezes. In September 2020 Pedroso died of cardiac arrest after being beaten by the relative of a patient. The government has not released any reports or confirmation of the investigation.

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, bargain collectively, and conduct legal strikes. 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 provides 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 direct negotiations. If agreement is not reached through negotiation, the decision is made by an arbitration tribunal appointed by the Minister of Labor. The law also requires compulsory arbitration before striking for certain services, including postal, banking, and loan services. The law prohibits retaliation against strikers and requires reinstatement of workers fired for legal union activity.

The government did not effectively enforce the law. There were no collective bargaining agreements in the country and no reported attempts by unions or workers to negotiate collective agreements during the year. Both the government

and employers generally respected freedom of association. Worker organizations were restricted in some sectors, namely the military and police forces, but generally were independent of government and political parties. The penalties were commensurate with those for other similar violations. The lack of penalties for acts of antiunion discrimination or acts of interference against trade union organizations reportedly contributed to discrimination.

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 work-related matters, including union rights and restrictions. 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children. The government did not effectively enforce the law. Criminal penalties were commensurate with other serious crimes. However, inspection was insufficient to enforce compliance, especially in the large informal sector. There were no reports of forced or compulsory labor.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all 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 and 14 for nonhazardous work. The law includes a list of hazardous work prohibited for children, encompassing 11 occupational categories, such as fishing, carpentry, construction, and street vending. Some minors younger than 14 performed hazardous agricultural work on family-owned farms, where they worked alongside their family members. Many children up to 18 worked in family-owned businesses.

The Ministry of Labor and Social Affairs and the Ministry of Justice, Public Administration, and Human Rights are responsible for enforcing child labor laws. The government did not effectively enforce the law in all sectors. Child labor is

punishable by three to 10 years' imprisonment. This is commensurate with penalties for other serious crimes. Protections against child labor did not apply in the informal sector. Inspection was insufficient to enforce compliance.

The Ministry of Education mandates compulsory school attendance through the ninth 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 included apprentice-type work such as car repair and carpentry; some employers abused this status. Children worked in informal commerce, including street hawking. 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. In past years, there were reports of children subjected to commercial sexual exploitation (see section 6).

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 government did not effectively enforce the law, and societal discrimination against women affected their wages and employment prospects, although the situation improved recently. Employment discrimination occurred with respect to sexual orientation, disability, and gender identity despite being prohibited by law. Penalties were not commensurate with those for similar violations, and inspection was insufficient to enforce compliance, especially in the large informal sector.

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

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage for public employees was above the poverty line. There is a minimum wage in the private sector that varies by sector and was above the poverty line. The legal workweek is 40 hours, with 48 consecutive hours per week mandated for rest. According to the law, workers earn 22 days of annual leave per year. Shopkeepers who wish to keep their stores open more than 40 hours a week 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 appropriate occupational safety and health (OSH) standards that apply to all sectors. The law specifies occupations in which civil servants may work second jobs, which was a common practice in several sectors.

Occupational Safety and Health: The Ministry of Justice, Public Administration, and Human Rights, and the Ministry of Labor and Social Affairs are responsible for enforcement of appropriate OSH standards and for identifying unsafe situations. The government did not effectively enforce the law. Ministry of Labor inspectors have the authority to conduct unannounced inspections and initiate sanctions but were insufficient in number and training to enforce compliance. Penalties were not commensurate with those for similar violations. Inspectors lacked the necessary financial and human resources, as well as basic equipment, to conduct regular inspections.

By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities had limited capacity to enforce this right. As the largest employer, the government set the standards on hours of work, and it effectively enforced OSH standards in the public sector. Laws do not cover the informal sector. Working conditions on many of the largely family-owned cocoa farms were unregulated and harsh, with long hours for workers and exposure to the elements and hazardous conditions. Salaries depend heavily on the international price of cocoa. Cooperatives supported farmers during times of low international cocoa prices.

In construction, few workers were outfitted with appropriate personal protective equipment (boots, helmet, or gloves). In the fishing sector, many workers did not

have life vests, compasses, or safe boats. There were government programs to sell some of this equipment at greatly reduced costs or to provide it for free.

Informal Sector: Although little data was available, by subtracting the number of formal employees of working age in the social security system, researchers estimate that 90 percent of workers are in the informal sector. The informal sector includes jobs in agriculture; fishing; tourism and hospitality; trade such as market vendors; manufacturing, including food production, shoes, cosmetics, and small household goods; services such as beauty salons and money changers; and transportation such as taxi drivers and motorbike taxis. Although informal workers are covered by minimum wage laws and the self-employed can voluntarily join some social protection programs by paying contributions, most do not, and there is no enforcement of minimum wage or monitoring of working conditions. Some informal workers have organized into trade unions, including fish sellers, informal traders, motorbike taxis, and port and dock workers. Informal worker unions advocate member interests in discussions on government fees and licenses, sometimes provide access to credit or protective equipment at lower cost and help negotiate with local authorities.