

SAO TOME AND PRINCIPE

EXECUTIVE SUMMARY

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. The head of state is President Manuel Pinto da Costa, who was elected on August 7. The head of government is Prime Minister Patrice Emery Trovoada, whose party won the most seats in legislative elections held in August 2010. International observers deemed both elections free and fair. Security forces reported to civilian authorities.

Human rights abuses included difficult prison conditions, official corruption, and violence and discrimination against women.

While the government took some steps to punish officials who committed abuses, impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Prison and Detention Center Conditions

Prison conditions were difficult, but not life threatening. Medical care was poor, and food often was inadequate. Extremely high temperatures were frequent and ventilation was insufficient.

Pretrial prisoners were held with convicted prisoners. There was one prison and no jails or detention centers. Police stations had a small room or space to incarcerate offenders for brief periods.

There were a total of 185 prison inmates, of whom 65 were pretrial detainees and three women. As a result of closure of half the facility due to building deterioration, there was some overcrowding in the prison, which was built for 260 prisoners. There were no reports of prison deaths.

Prisoners and detainees had reasonable access to potable water and visitors on a weekly basis. They were permitted religious observances. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions, although there was no prison ombudsman. Legal representatives from the prosecutor's staff and court personnel were available to address prisoner grievances. There was no provision for authorities to use alternatives to sentencing for nonviolent offenders. Little information was available on prison recordkeeping.

The Ministry of Justice, Government Reform, and Public Administration investigated and monitored prison and detention center conditions.

The government permits human rights monitors to visit the prison, but there were no such visits during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

In August 2010 the national police and immigration service were put under the control of the Ministry of Defense and Public Security. The ministry continues to supervise and control the military. Despite increased personnel and training offered throughout the year, police were widely viewed as ineffective and corrupt.

Civilian authorities maintained effective control over the security forces. While the government has effective mechanisms to investigate and punish abuse and corruption, impunity was a problem, and efforts to reform the Criminal

Investigation Police, a separate agency under the Ministry of Justice, Government Reform, and Public Administration, were hampered by inadequate resources.

Arrest Procedures and Treatment While in Detention

The law requires arrest warrants issued by an authorized official to apprehend suspects, unless the suspect is caught committing a crime. It requires a determination within 48 hours of the legality of a detention, and authorities generally respected this right. Detainees are informed promptly of charges against them and are allowed prompt access to family members. Detainees are allowed prompt access to a lawyer and, if indigent, to one provided by the state. There was a functioning bail system.

Pretrial Detention: Lengthy pretrial detention greatly hindered investigations in criminal cases. Inadequate facilities and a shortage of trained judges and lawyers were additional factors leading to lengthy pretrial detention.

According to the director of the Sao Tome prison, 35 percent of the country's prisoners were awaiting trial during the year, and approximately 58 pretrial detainees had been held for more than a year. The majority of prisoners were 18 to 35 years old.

Amnesty: Two amnesties were granted to prisoners charged with nonviolent crimes, once at the end of 2010 and again in August at the end of former president Menezes' final term in office.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, at times the judicial system was subject to political influence or manipulation. Judicial salaries remained low, and judges reportedly accepted bribes.

Trial Procedures

The constitution provides for the right to a fair public trial by a judge (juries are not used), the right of appeal, the right to legal representation, and, if a person is indigent, the right to an attorney provided by the state. Defendants are presumed innocent, have the right to confront their accusers, confront witnesses, access government evidence, and present evidence and witnesses on their own behalf.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The same courts consider both criminal and civil cases, but different procedures are used in civil cases. Plaintiffs may bring lawsuits seeking damages for, or cessation of, a human rights violation; there are also administrative remedies for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech including for members of the press, and the government generally respected these rights in practice. The law grants all opposition parties access to the state-run media, including a minimum of three minutes per month on television.

Freedom of Speech: Individuals could privately or publicly criticize the government, including specific officials, without fear of reprisal. There were no reports of the government impeding criticism.

Freedom of Press: Two government-run and seven independent newspapers and newsletters were published sporadically, usually on a monthly or biweekly basis, when resources permitted. The independent media were active and expressed a wide variety of views without restriction.

International media operated freely. The government operated television and radio stations. Several foreign broadcasters also were rebroadcast locally.

Censorship or Content Restrictions: Journalists occasionally practiced self-censorship.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of peaceful assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

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

Protection of Refugees

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. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year there were no known requests for refugee or asylum status.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Presidential elections were held on July 17 with a runoff election August 7. Citizens elected former President Manuel Pinto da Costa with 52.88 percent of the vote. International observers deemed the election generally free and fair.

The August 2010 legislative elections gave a plurality of seats in the National Assembly to the Independent Democratic Action (ADI) party. The ADI subsequently formed a government headed by Prime Minister Trovoada. International observers deemed the election generally free and fair.

Participation of Women and Minorities: Women held 10 seats in the 55-seat National Assembly, one of 13 cabinet positions, one seat on the five-member Supreme Court, and six of the 12 judgeships on the circuit courts.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and some officials were widely viewed as corrupt. The World Bank's 2010 Worldwide Governance Indicators reflected that corruption was a problem. The police were viewed as ineffective and corrupt.

While no laws provide for public access to government information, there were no reports that the government restricted access to information by citizens or noncitizens, including foreign media.

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

In the past a small number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Because of the general respect for human rights, such groups

generally remained inactive. Government officials were cooperative and responsive to their views.

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

The constitution provides for the equality of all citizens regardless of gender, race, social origin or status, political views, creed, philosophical convictions, disability, or language; nevertheless, women faced societal discrimination.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by two to 12 years' imprisonment. Rape occurred, with prosecution most likely in cases where there was evidence of violent assault as well as rape or the victim was a minor. However, no statistics on prosecutions were available. A government family planning clinic and nongovernmental organizations (NGOs) sought to combat rape by raising awareness of the problem.

Widespread reports of domestic violence continued.

Although women have the right to legal recourse, 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 ignorant of their legal rights. Tradition inhibited women from taking domestic disputes outside the family. The law specifically addresses domestic violence cases. If the victim misses fewer than 10 days of work, the penalty for assault is six months in prison. If the victim misses 10 to 20 workdays, the penalty is one year, and so forth. The law was strictly enforced, but there was no data on the number of prosecutions or convictions for domestic violence.

The Office of Women's Affairs and UNICEF maintained a counseling center with a hotline. The hotline did not receive many calls, but the counseling center received numerous walk-ins.

Sexual Harassment: The law does not prohibit sexual harassment, and it was a problem. No data were available on its extent.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local NGOs were permitted to operate freely in

disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on the right to access contraceptives, but they were not widely used. NGOs and the Ministry of Health had insufficient supplies of contraceptives, leading to a decrease in availability and use. The government provided free childbirth services, but the lack of doctors obliged many women, especially in rural areas, to rely on nurses or midwives during childbirth, unless the mother or child suffered more serious health complications. Pre- and post-natal care outside the family was provided only in the government clinic. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, but women were more likely than men to seek treatment and refer their partners. No information was available on incidence of maternal mortality.

Discrimination: The constitution stipulates that women and men have equal political, economic, and social rights. Women did not experience economic discrimination. While many women had access to opportunities in education, business, and government, women in general continued to encounter significant societal discrimination. Traditional beliefs left women with most child-rearing responsibilities and with less access to education or opportunity to enter a profession. A high teenage pregnancy rate further reduced economic opportunities for women. The Gender Equality Institute within the Office of Women's Affairs held numerous seminars and workshops to raise awareness of discrimination against women.

Children

Birth Registration: Citizenship is acquired either through parents or by being born within the country. Either parent, if a citizen, can confer citizenship on a child born outside the country. The law requires all children born in the country to be registered in the hospital where they are born. If not born in a hospital, the child must be registered at the nearest precinct office. Failure to register a birth can be penalized by a fine.

Education: By law education is universal, compulsory through sixth grade, and tuition-free to the age of 15 or sixth grade.

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

Sexual Exploitation of Children: There were no reports of children engaged in prostitution. There is no statutory rape law or specific legislation to prohibit child pornography. However, the government uses other laws such as kidnapping or unlawful forced labor, as well as its existing rape-related laws, to address instances of sexual exploitation of children.

Displaced Children: The Ministry of Health and Social Affairs operated a social services program that collected street children in three centers where they attended classes and received training. Conditions at the centers were good; however, because of overcrowding, some children were returned to their families to sleep at night, and a few of these children ran away.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

In 2011 there were no confirmed reports that persons were trafficked to, from, or within Sao Tome and Principe.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, mental, or intellectual disabilities. Nevertheless, there were no reports of discrimination against such persons. The law does not mandate access to buildings, transportation, or services for persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

No law criminalizes consensual same-sex sexual activity, but there were occasional reports of societal discrimination based on sexual orientation.

Other Societal Violence or Discrimination

Persons with HIV/AIDS often were rejected by their communities and shunned by their families. However, there were no reports of discrimination due to HIV/AIDS status. There were a number of government-sponsored workshops and awareness campaigns to reduce such discrimination. The government provided free HIV/AIDS testing and distributed antiretroviral drugs to all recognized patients.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law allow workers to form and join unions of their choice without previous authorization or excessive requirements. The law does not prohibit antiunion discrimination. The constitution provides for the freedom to strike, including by government employees and other essential workers; however, the laws do not prohibit retaliation against strikers. The provisions regulating strikes require that a majority is needed to call a strike, and replacement workers can be hired without consultation with the trade unions to perform essential services in the event the enterprise is threatened by a strike. Under the provision concerning “minimum services,” in the event of disagreement in determining such services, the matter will be determined by the employer (instead of an independent body). The law also requires compulsory arbitration for services, including postal, banking, and loan services. The constitution and law state that workers may organize and bargain collectively. No particular groups of workers were excluded from the aforementioned legal protections.

The government effectively enforced the laws and workers generally exercised these rights in practice. For example, there were no reports that antiunion discrimination occurred. Although the law provides for the right to strike, no strikes occurred during the year.

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. There were no attempts by unions or workers to negotiate collective agreements during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports or evidence that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the formal sector workplace. The law sets the minimum age for normal work at 14 years and the minimum age for hazardous work at 18 years. The law prohibits minors from working more than seven hours a day and 35 hours a week, and the government effectively enforced the law. Employers in the formal wage sector generally respected the legally mandated minimum employment age of 18. Children worked in informal commerce, including street work and begging. Children also reportedly performed light work in agriculture and domestic service. The law states that employers of underage workers can be fined. The Ministry of Health and Social Affairs is responsible for enforcing child labor laws.

A media campaign aimed at preventing child labor continued during the year. The Ministry of Education mandated compulsory school attendance through the sixth grade, and the government granted some assistance to several low-income families to keep their children in school. The Ministry of Labor utilized teams of labor inspectors to inspect work sites.

d. Acceptable Conditions of Work

There is no national minimum wage. The legal minimum wage for civil servants was 750,000 dobras (\$40) per month. The legal workweek is 40 hours, with 48 consecutive hours mandated for rest. However, shopkeepers could work 48 hours a week with eight hours of overtime or in shifts. The law provides for compensation for overtime work. The law prescribes basic occupational health and safety standards. Working two or more jobs was common. The labor law specifies occupations in which civil servants may work if they pursue a second job. Civil servants in “strategic sectors,” such as the court system, the ministries of finance, customs, and education, the Criminal Investigation Police, and the military, earned up to 400 percent more than other public sector employees.

Working conditions on many of the largely family-owned cocoa farms--the largest informal wage sector--were unregulated and harsh. The low purchasing power of average salaries for agricultural workers was further eroded by inflation.

The Ministry of Justice, Government Reform, and Public Administration and the Ministry of Health and Social Affairs, which covers labor issues, did not monitor labor conditions sufficiently, and enforcement of these standards seldom occurred. Reliable data on workplace fatalities or accidents was not available. Employees

have the right to leave unsafe working conditions, but none sought to do so, and enforcement of the right was very limited. Government is the largest employer, and the standards on hours of work and health and safety were effectively enforced in that sector.