

# SAO TOME AND PRINCIPE 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

*Note: This report was updated 3/14/14; see Appendix H: Errata for more information.*

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. Voters elected President Manuel Pinto da Costa as head of state in 2011. In December 2012 the president appointed Gabriel Arcanjo Ferreira da Costa as prime minister to replace Patrice Emery Trovoada, who was removed from office following a November 2012 censure motion approved by a minority coalition in the National Assembly acting while Trovoada's party was absent. Trovoada and his party, which won the most parliamentary seats in 2010 legislative elections, subsequently contested the censure motion and described his removal as "illegal." International observers deemed both the 2011 presidential and the 2010 legislative elections free and fair. Authorities maintained effective control over security forces. Security forces did not commit human rights abuses.

Key human rights concerns included difficult prison conditions, official corruption, societal violence, and discrimination against women.

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

Physical Conditions: There was one prison and there were no separate jails or detention centers. Authorities held pretrial and convicted prisoners together. Police stations had a small room or space to incarcerate offenders for brief periods.

As of September 30, there were 194 prison inmates; 25 were pretrial detainees and eight were women. As a result of the closure of half the prison facility due to building deterioration, there was some overcrowding in the prison, which was built to hold 260 prisoners.

Medical care was poor, and food often was inadequate. Extremely high temperatures were frequent, and ventilation was insufficient. Prisoners and detainees had reasonable access to potable water.

There were no reports of prison deaths.

Administration: Little information was available on prison recordkeeping. Prisoners had access to visitors on a weekly basis and could observe their religious practices. 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.

Independent Monitoring: The Ministry of Justice, Government Reform, and Public Administration investigated and monitored prison conditions.

The government permits human rights monitors to visit the prison, but no monitors, domestic or international, made requests for 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**

The Ministry of Defense and Internal Affairs control the national police and the immigration service. The ministry also supervises and controls the military. Despite increased personnel and training offered throughout the year, many citizens viewed police as ineffective and corrupt.

Civilian authorities maintained effective control over the security forces. While the government has mechanisms to investigate and punish abuse and corruption, impunity was a problem. Inadequate resources hampered efforts to reform the Criminal Investigation Police, a separate agency under the Ministry of Justice, Government Reform, and Public Administration.

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

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

Pretrial Detention: Lengthy pretrial detention greatly hindered investigations in criminal cases since delays often made it hard to uncover the facts and evidence of a case. Inadequate court facilities and a shortage of trained judges and lawyers contributed to lengthy pretrial detention.

According to the director of the Sao Tome Prison, 13 percent of prisoners awaited trial during the year. Authorities held approximately 15 pretrial detainees for more than a year.

### **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. The law presumes defendants to be innocent. They have the right to confront their accusers, confront witnesses, access government evidence, and present evidence and witnesses on their own behalf. Defendants reportedly received adequate time and facilities to prepare a defense. They were not compelled to testify or confess guilt. Authorities must inform defendants of the charges against them within 48 hours of arrest in detail and with interpretation if the defendant does not speak Portuguese. Authorities generally respected these rights, and the law extends these rights to all citizens.

## **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 use different procedures in civil cases. Plaintiffs may bring lawsuits seeking damages for human rights violations; 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**

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

Press Freedoms: Two government-run and seven independent newspapers and newsletters published sporadically, usually on a monthly or biweekly basis, when resources permitted. There were also seven online news outlets updated daily. 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 rebroadcast locally.

Censorship or Content Restrictions: Journalists occasionally practiced self-censorship, particularly at the government-owned media outlets, which are the country's most significant sources of news.

### **Internet Freedom**

There were no government restrictions on access to the internet or reports that the government monitored e-mail or internet chat rooms without judicial oversight. According to the International Telecommunication Union, 22 percent of individuals in the country used the internet during 2012.

### **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.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://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 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. 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 through periodic and generally free and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: The country held presidential elections in July 2011 with a runoff election in August the same year. Citizens elected Manuel Pinto da Costa as president with 52.88 percent of the vote. International observers deemed the elections generally free and fair.

The Independent Democratic Action (ADI) party won 26 of the 55 seats in the National Assembly in the 2010 legislative elections. International observers deemed the election generally free and fair. The ADI subsequently formed a government headed by Prime Minister Trovoada. In December 2012 President Pinto da Costa appointed Gabriel da Costa prime minister following a parliamentary motion of censure against the Trovoada government. Trovoada claimed the parliamentary action violated procedural rules and was “illegal.”

Participation of Women and Minorities: Women held eight seats in the 55-seat National Assembly, two of 11 cabinet positions, one seat on the five-member Supreme Court, and six of the 12 judgeships on the circuit courts.

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

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

Corruption: The state prosecutor's office and the court system had responsibility for handling corruption cases. No high-profile case occurred during the year.

Whistleblower Protection: There was no whistleblower protection law.

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

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

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

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

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

The constitution prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status. The government did not effectively enforce the law.

#### **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 where there was evidence of violent assault or the victim was a minor. 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 in cases of domestic violence, including against spouses, many were reluctant to bring legal action because of the cost and a general lack of faith in the legal system to address their concerns effectively. Women often were

uninformed of their legal rights. Some observers claimed that tradition and custom inhibited women from taking domestic disputes outside the family. The law prescribes penalties for domestic violence, ranging from imprisonment for three to eight years for domestic violence when it results in harm to the health of the victim to a sentence of eight to 16 years when it leads to loss of life. The law was enforced, but there was no data on the number of prosecutions or convictions for domestic violence.

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

Sexual Harassment: The new penal code, effective since August 2012, prohibits sexual harassment. Sexual harassment reportedly occurred, but no data were available on its extent. In cases of sexual harassment that involved violence or threats, the law prescribed penalties of between one to eight years in prison. In other cases the maximum penalty was imprisonment for three years. The government enforced the penal code provisions during the year.

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 operated freely in disseminating information on family planning under the guidance of the Ministry of Health and Social Affairs. There were no restrictions on the right to access contraceptives, but they were not widely used. NGOs and the Ministry of Health and Social Affairs had insufficient supplies of contraceptives. The UN Population Fund estimated that 37 percent of women and girls between 15 and 49 used a modern method of contraception in 2012. 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. Only the government clinic provided prenatal and postnatal care outside the family. 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.

Discrimination: The constitution stipulates that women and men have equal political, economic, and social rights. Women, however, experienced some economic discrimination but generally not in the areas of credit, pay, or housing. The government was the largest employer, and there were reports that in 2011 the government forced some women to retire at age 57. A 1997 law allowed women

to request permission to retire at age 57 or older and men at age 62, but did not oblige them to do so. Despite this law, in 2011 authorities reportedly terminated many women without warning from government employment on their 57th birthday. Some women protested, and the government later recalled them to work. During the year, however, there were no reports that the problem of discriminatory early termination from employment occurred.

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: Children acquire citizenship either through parents or by being born within the country. Either parent, if a citizen, can confer citizenship on a child born outside the country. The law requires registration for all children born in the country 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. According to UNICEF approximately 75 percent of children less than five years old had their births registered during a survey conducted between 2000 and 2010. Failure to register does not result in denial of public services.

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

Forced and Early Marriage: The legal minimum age of marriage without parental consent is 18. According to UNICEF, approximately 5 percent of women between 20 and 24 years old were married before age 15, and 34 percent of women between the ages 20 and 24 were married before age 18. The government did not focus its efforts on combating early marriage, largely because it perceived high pregnancy and school dropout rates among teenagers as more widespread problems and higher priorities.

Sexual Exploitation of Children: There were no reports of children engaged in prostitution. The penal code prohibits statutory rape and child pornography. In conjunction with the penal code, the government uses laws such as kidnapping or unlawful forced labor to address instances of sexual exploitation of children. The penalty for commercial sexual exploitation of minors under 14 is two to 10 years in prison, and the penalty for commercial sexual exploitation of minors between 14 and 17 is up to three years in prison. The minimum age of consensual sex is 18.

Displaced Children: The Ministry of Health and Social Affairs operated a social services program that placed street children in three centers where they attended classes and received training. Conditions at the centers were generally good; however, because of overcrowding, authorities returned some children 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**

During the year there were no confirmed reports that persons were trafficked to, from, or within the country.

### **Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, mental, or intellectual disabilities. The law does not mandate access to buildings, transportation, or services for persons with disabilities. Children with disabilities attended school.

### **Societal Abuses, Discrimination, and Acts of Violence 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. While there were no official impediments,

lesbian, gay, bisexual, and transgender organizations did not exist. There were no reports that social stigma or intimidation were factors in preventing the reporting of incidents of abuse.

### **Other Societal Violence or Discrimination**

Communities and families often rejected and shunned persons with HIV/AIDS, although there were no reports of official discrimination due to HIV/AIDS status. There were a number of government-sponsored workshops and awareness campaigns to reduce societal 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 law protects the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law does not prohibit antiunion discrimination. While the law provides for the freedom to strike, including by government employees and other essential workers, the law strictly regulates this right. The provisions regulating strikes require a majority of workers to call a strike, and replacement workers can be hired without consultation with the trade unions to perform essential services in the event the enterprise is threatened by a strike. Under the provision concerning “minimum services,” in the event of disagreement in determining such services, the employer determines the matter (instead of an independent body). The law does not provide a list of specific minimum or essential services. The general provision is a matter for discussion and debate between employers and unions on a case-by-case basis. The law also requires compulsory arbitration for services, including postal, banking, and loan services. The law does not prohibit retaliation against strikers.

The government effectively enforced the laws. It generally respected the freedom of association and the right to collective bargaining. One teachers’ strike occurred during the year. Worker organizations were generally 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 (Uniao Geral dos

Trabalhadores de STP – UGT) and the National Organization of Workers of Sao Tome and Principe (Organizacao Nacional dos Trabalhadores de Sao Tome and Principe – ONSTP), traditionally negotiate with the government on behalf of their members as needed. There were no reported attempts by unions or workers, however, to negotiate collective agreements during the year. There were no known incidents of government interference in the functioning of workers' organizations, of violations of collective bargaining rights, or of antiunion discrimination.

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

The law prohibits all forms of forced or compulsory labor, including by children. 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. The law sets the minimum age for nonhazardous work at 14 years and for hazardous work at 18 years, but does not define hazardous work. The law prohibits minors from working more than seven hours a day and 35 hours a week. 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. The government effectively enforced the 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 Department of Labor (within the Ministry of Health and Social Affairs) utilized teams of labor inspectors to inspect work sites.

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 helping their parents.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

### **d. Acceptable Conditions of Work**

There is no national minimum wage. The legal minimum wage for civil servants was 750,000 dobras (\$42) per month. The legal workweek is 40 hours, with 48 consecutive hours mandated for rest. Shopkeepers who wish to keep their stores open longer may ask for an exception, which if granted requires them to pay their workers overtime or have them work in shifts. The law provides for compensation for overtime work and prescribes basic occupational health and safety standards. The labor law specifies occupations in which civil servants may work if they pursue a second job.

Working two or more jobs was common. Working conditions on many of the largely family-owned cocoa farms – the largest informal wage sector – were unregulated and harsh. Inflation further eroded the low purchasing power of average salaries for agricultural workers.

The Ministry of Justice, Government Reform, and Public Administration and the Ministry of Health and Social Affairs are responsible for enforcement of these standards. They reportedly did not monitor labor conditions sufficiently, however, and enforcement of these standards seldom occurred. The Department of Labor Inspection lacked the necessary financial and human resources, as well as basic equipment, to conduct regular inspections. Reliable data on workplace fatalities or accidents was not available. Employees have the right to leave unsafe working conditions, but none sought to do so, and enforcement of the right was limited. *As the government is the largest employer, it set the standards on hours of work and effectively enforced health and safety in the public sector.* 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 in the agricultural sector were harsh and sometimes hazardous because the sector lacked investment and all the work was manual. Salaries were low, although workers also received salary 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. Salaries for those in the domestic worker category usually were at government minimum wages or occasionally were somewhat higher.