

# **SAO TOME AND PRINCIPE 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Democratic Republic of Sao Tome and Principe is a multi-party constitutional democracy. The Independent Democratic Action (ADI) party of Patrice Emery Trovoada won 33 of 55 National Assembly seats in legislative elections held in October. Voters elected President Manuel Pinto da Costa as head of state in 2011. International observers deemed both the 2014 legislative and 2011 presidential elections free and fair. Authorities maintained effective control over security forces.

Key human rights problems included difficult prison conditions, official corruption, and domestic violence.

Some societal discrimination against women was a problem.

While the government took some steps to investigate and prosecute officials who committed abuses, they were rarely punished and 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 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 no separate jails or detention centers. Authorities held adult and juvenile as well as pretrial and convicted prisoners together. They separated men and women. Police stations had a small room or space to incarcerate detainees for brief periods.

As of October 8, there were 201 prison inmates; 22 of these were pretrial detainees and three were women. During the year prison authorities renovated and reopened some parts of the prison previously closed due to deterioration. This partially alleviated overcrowding in the prison, which was built to hold 260 prisoners.

Medical care was poor, and the prison was not well supplied with medicine. Food often was inadequate, but during the year a new prison director implemented a program that allowed nonviolent offenders to grow some of their own food to improve the quality and variety of their diet. During the year prisoners produced more than 10 tons of tomatoes and other vegetables. Prison administrators were able to use proceeds from the sale of excess produce to meet prisoners' other personal needs. High temperatures were typical, and ventilation was insufficient. Prisoners and detainees had reasonable access to potable water and acceptable sanitary conditions.

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 to request investigation of credible allegations of inhumane conditions, although there was no prison ombudsman. The Ministry of Justice, Government Reform, and Public Administration investigated and monitored prison conditions.

Legal representatives from the prosecutor's staff and court personnel were available to address prisoner grievances. Penal and judicial authorities did not use alternatives to incarceration for nonviolent offenders.

Independent Monitoring: The government permitted human rights monitors to visit the prison, but neither domestic nor international entities requested such visits during the year. Domestic charitable groups, particularly churches, requested to visit the prison to offer food, soap, and other necessities to prisoners, and they encountered no difficulties in gaining access.

#### **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 controls 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 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 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 prison, 11 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 even though they were higher than those of most civil

servants, 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 in detail of the charges against them within 48 hours of arrest and with interpretation if the defendant does not speak Portuguese.

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 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. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press. 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: Three 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.

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 claimed to have occasionally practiced self-censorship, particularly at the government-owned media outlets, which are the country's most significant sources of news.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no reports the government monitored private online communications without appropriate legal oversight. Internet access was widely available through 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, 23 percent of individuals in the country used the internet during 2013.

### **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 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 [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **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 ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

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

Recent Elections: The country held legislative elections in October. 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 (MLSTP/PSD) won 16 seats, the Democratic Convergence Party (PCD) won five seats, and the Democratic Union for Development (UDD) for the first time was able to win one seat. In 2011 citizens elected Manuel Pinto da Costa as president with more than 52 percent of the vote in the second of two rounds of voting. International observers deemed both the 2014 legislative and the 2011 presidential elections generally free and fair.

Participation of Women and Minorities: After the October elections, women held 10 seats in National Assembly and one of 13 cabinet positions. Women held one seat on the five-member Supreme Court and six of the 12 judgeships on 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 was opened during the year.

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.

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 such 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, but these groups were largely inactive during the year. Government officials were cooperative and responsive to the views of domestic human rights groups.

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

The constitution prohibits discrimination based on race, gender, disability, language, 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 in which there was evidence of violent assault or the victim was a minor. Law enforcement authorities won convictions and judges imposed meaningful sentences when the offense was reported, but the full extent of the problem was undocumented. As part of an ongoing program, 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 tradition and custom inhibited women from taking domestic disputes outside the family. 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. 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. The Gender Equality Institute within the Office of Women's Affairs also provided numerous awareness workshops and seminars during the year to educate and inform women of their rights.

Female Genital Mutilation/Cutting (FGM/C): There is no law against FGM/C. FGM/C is not customary in the country, and there were no known cases of it.

Sexual Harassment: The penal code 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 and eight years in prison. The maximum penalty for other cases of sexual harassment 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; to have the information and means to do so; and to attain the highest standard of reproductive health free from discrimination, coercion, and violence. 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 access to contraceptives, but they were not widely used. NGOs and the Ministry of Health and Social Affairs had insufficient supplies of contraceptives. According to estimates by the UN Population Division,



35 percent of women of reproductive age used a modern method of contraception. 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. One government clinic provided institutional prenatal and postnatal care, and the national hospital offered medical assistance when the mother or child suffered serious health complications. According to the most recent UN estimates, there were 210 maternal deaths per 100,000 live births in 2013. Emergency services for the management of complications arising from abortion were available, although the country's health system was generally limited. During the year the emergency room at the national hospital was upgraded but continued to lack some equipment.

Discrimination: The constitution stipulates women and men have equal political, economic, and social rights. Economic opportunities for older women were limited because they had less access to education in their youth. Economic discrimination (see section 7.d.) did not generally occur in the areas of credit, pay, or housing.

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. 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 some. 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 at 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 under age five had their births registered between 2000 and 2010. Nonregistration was rare. 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.

Early and Forced Marriage: The legal minimum age of marriage without parental consent is 18 years. The government effectively enforced this law.

Female Genital Mutilation/Cutting (FGM/C): There is no law against FGM/C. FGM/C is not customary in the country, and there were no known cases of it.

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 these provisions, the government 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 14 and 17 years of age is up to three years in prison. The minimum age of consensual sex is 18 years.

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. Overcrowding remained a problem, although the level of overcrowding at the centers decreased during the year.

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities generally, without specifically listing physical, sensory, mental, and intellectual disabilities.

The law, however, does not mandate access to most buildings, transportation, or services for persons with disabilities. During the year the government amended a law mandating access to school buildings for persons with disabilities, and at least one school undertook new construction to provide this access. Children with disabilities attended school.

### **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. While there were no official impediments, lesbian, gay, bisexual, and transgender organizations did not exist. There were no reports social stigma or intimidation was a factor in preventing the reporting of incidents of abuse.

### **HIV and AIDS Social Stigma**

Communities and families often rejected and shunned persons with HIV/AIDS, although there were no reports of official discrimination due to HIV/AIDS status.

## **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. Additionally, the law provides that workers in the public sector do not have collective bargaining rights. 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, 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 and the workers’ union determine the matter through negotiation (instead of through 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 it does not define hazardous work. During the year an ad hoc team drafted a list of hazardous work activities, but the government had not formally adopted this list. The law also prohibits minors from working more than seven hours a day and 35 hours a week. The law allows minors between the ages of 14 and 17 to work up to 35 hours per week, provided employers permit them to attend school.

The Ministry of Health and Social Affairs is responsible for enforcing child labor laws. The government effectively enforced the laws. Penalties for violations of child labor laws 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 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. The minimum employment age is 18 for full-time work. Children worked in informal commerce, including street work. 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/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The labor law prohibits discrimination in employment and occupation based on race, sex, gender, and religious belief. The constitution prohibits all forms of discrimination based on these categories or on social status. The law, however, does not prohibit discrimination in employment and occupation based on disability, language, sexual orientation, gender identity, and HIV-positive status or having other communicable diseases. The government, in general, effectively enforced the law.

Unlike in the past, there were no reports of gender-based discrimination in employment and occupation (see section 6). 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**

There is no national minimum wage. The legal minimum wage for civil servants was 975,000 dobras (\$50) 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.

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 the standards seldom occurred. The Department of Labor Inspections 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 sets 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 and Education, Criminal Investigation Police, and 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 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. Salaries for those in the domestic worker category usually were at government minimum wages or occasionally were somewhat higher.

By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.