

SAO TOME AND PRINCIPE 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. In 2016 voters elected President Evaristo do Espirito Santo Carvalho 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. Members of the security forces did not commit abuses.

Significant human rights issues included serious acts of corruption, and a lack of investigation of and accountability for violence against women.

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

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

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

There were no reports the government or its agents committed arbitrary or unlawful killings. The trial was pending of a government security agent charged with homicide for killing a man in police custody in 2018. He remained under house arrest on full salary.

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. In previous years there were reports of police using physical force, including beatings, against persons who resisted arrest.

Prison and Detention Center Conditions

Although not life threatening, prison conditions were harsh due to overcrowding, inadequate medical care, and failing infrastructure.

Physical Conditions: There was one prison in the capital city, and no separate jails or detention centers elsewhere in the country. 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 under 72 hours. There were no reported prisoner deaths. The prison was originally built for 200 inmates but continued to be moderately overcrowded.

Medical care was poor, and the prison lacked basic medicines. It had two doctors on staff, as well as one full-time nurse and two assistant nurses. Prisoners with medical emergencies were taken to the national hospital. Food and sanitation often were inadequate. Some rooms were so decrepit they were unusable. High temperatures were typical, and ventilation was insufficient.

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. None was submitted during the year.

Independent Monitoring: The government permitted 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 one at no cost.

Pretrial Detention: Lengthy pretrial detention continued to be a problem in some criminal cases. Approximately one-fifth of inmates (52) 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. The former finance minister Americo Ramos and the former director of water and electricity enterprise Mario Sousa, both members of the opposition party, stood accused of political corruption. Ramos was arrested in April and released from pretrial detention in July. Sousa was arrested in May but was not held in pretrial detention. They both continued to await trial at year's end.

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, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected 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 during that time.

Freedom of Press and 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 self-censored

their reporting.

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 the year, 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. It was not 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

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: 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 the legislative elections transparent, well organized, and generally free and fair. In 2016 voters elected President Evaristo do Espirito Santo Carvalho as head of state. International observers deemed the presidential election 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 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.

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

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

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

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

Women

Rape and Domestic Violence: Rape, including spousal rape, of both 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 victim was a minor. Government prosecutors won convictions, and 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 ICF 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 16 years when such violence leads to loss of life. There were 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. 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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, but a high teenage pregnancy rate reduced economic opportunities for many. The government repealed regulations prohibiting pregnant teenagers from attending high school with their peers.

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.

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

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 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. There were reports of children engaged in prostitution.

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.

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

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

HIV and AIDS Social Stigma

Communities and families often rejected and shunned persons with HIV/AIDS. NGOs held awareness-raising campaigns and interventions with employers to address discrimination against employees with HIV/AIDS.

Other Societal Violence or Discrimination

In September the Order of Doctors called on the government to investigate the beatings of doctors and nurses at health centers, including of Cristiano Pedrosa, in front of the central Sao Tome hospital, Ayres de Menezes. On September 12, Pedrosa died of cardiac arrest after being beaten by the relative of a patient.

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 of 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 does not include a list of hazardous work prohibited for children. 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 child care to help their parents, which is not prohibited under the law. There were reports of children engaged in prostitution (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 other 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

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 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.

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 sets the standards on hours of work, and it effectively enforced OSH standards in the public sector. Approximately one-third of the labor force worked in the informal sector, which laws do not cover.

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), and in fishing 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.