

SAO TOME AND PRINCIPE 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. The Independent Democratic Action (ADI) party of Prime Minister Patrice Emery Trovoada won 33 of 55 National Assembly seats in legislative elections held in October 2014. 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. Civilian authorities maintained effective control over the security forces.

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

Societal discrimination against women was a problem.

While the government took some steps to investigate and prosecute officials who committed abuses, those officials 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 harsh 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. The needs of prisoners with disabilities suffered, as did those of the general prison population, from lack of resources. Police stations had a small room or space to incarcerate detainees for brief periods.

As of September 15, there were 178 prison inmates; four of whom were pretrial detainees, and six were women. Most detainees were between the ages of 25 and 35.

Medical care was poor, and the prison lacked basic medicines. Prison authorities allowed prisoners to see a doctor once a week and took prisoners with medical emergencies to the national hospital. Food often was inadequate, but during the year the prison director continued to implement a program that allowed nonviolent offenders to grow some 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 used proceeds from the sale of excess produce to purchase personal hygiene products for the prisoners. High temperatures within the facility were typical, and ventilation was insufficient.

Administration: Little information was available on prison recordkeeping. Prisoners and detainees are permitted to submit complaints to judicial authorities without censorship and to request investigation of allegations of inhumane conditions, although there was no prison ombudsman and no investigations occurred during the reporting year. The Ministry of Justice and Human Rights 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.

Improvements: During the year prison authorities renovated and reopened some

parts of the prison previously closed due to deterioration, alleviating previous problems with overcrowding. Authorities also began to build a new extension to the prison to improve overall prison conditions.

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 Sea has responsibility in law and practice for the military and coast guard. The Ministry of Internal Affairs has responsibility in law and practice for the national police and the immigration service. Despite an increase in the number of police officers, many citizens continued to view police as ineffective and corrupt notwithstanding increased professional training offered throughout the year.

Civilian authorities generally maintained effective control over the national police, customs and immigration authorities, and the military and coast guard. 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 and Human Rights.

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 could not afford one, the state provided one. There was a functioning bail system.

In September 2014, the army chief of staff was filmed detaining and beating a man suspected of stealing money and a firearm from a soldier. Once the government was made aware of the video, the chief of staff was fired.

Pretrial Detention: According to the director of the prison, more than 2 percent of

prisoners were incarcerated while awaiting trial during the year, a reduction of 9 percent from the previous reporting period. Lengthy pretrial detention continued to be a problem in some criminal cases.

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. Even though judicial salaries were higher than those of most civil servants, judges reportedly accepted bribes.

Trial Procedures

Under a judicial system based on the Portuguese model, the accused are tried in front of a judge rather than by a jury. 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 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 depending on the type of case. 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 and Media Freedoms: Independent media were active and expressed a wide variety of views without restriction. The government operated television and radio stations.

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. There were claims that government-owned media intentionally cut the broadcast of critical speeches by opposition parliament members.

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/.

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. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government through free and fair periodic elections based on universal and equal suffrage, and citizens exercised this right.

Elections and Political Participation

Recent Elections: The country held legislative elections in October 2014. 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 won 16 seats, the Democratic Convergence Party won five seats, and the Democratic Union for Development 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 2011 presidential elections generally free and fair.

Participation of Women and Minorities: No laws or cultural practices prevent women or members of minorities from voting, running for office, or serving as

election monitors.

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.

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. The government created a human rights committee at the Ministry of Justice and Human Rights, which was drafting its own report on the country's human rights situation.

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

The constitution guarantees equality before the law for all citizens, and explicitly prohibits discrimination based on social origin, race, sex, political affiliation, religious belief, or philosophical conviction. The government did not effectively guarantee these rights. Noncitizens are guaranteed the same rights as citizens, except for political participation and holding office.

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 sentences of up to 25 years' imprisonment for the offense, but the full extent of the problem was undocumented. 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 and small shelter with a hotline for domestic violence. The hotline did not receive many calls, but the counseling center and shelter received numerous walk-ins. The Gender Equality Institute within the Office of Women's Affairs under the Prime Minister's Office also provided numerous awareness workshops and seminars during the year to educate and inform women of their rights. It also trained police on how to recognize and respond to cases of domestic abuse

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 prescribes penalties of between one and eight years in prison. The maximum penalty for other cases of sexual harassment is 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, manage their reproductive health and have access to the information and means to do so, free from discrimination, coercion, or violence. Health clinics and local NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to contraceptives. NGOs and the Ministry of Health, however, had insufficient supplies of contraceptives. According to estimates by the UN Population Division, 40 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 74 maternal deaths per 100,000 live births in 2014. Emergency services for the management of complications arising from abortion were available, although the country's health system was generally limited. Upgrades to the emergency room at the national hospital begun in 2014 were completed during the year.

Discrimination: The constitution stipulates and law provides 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, labor, property, nationality, or inheritance. Economic discrimination (see section 7.d.) did not generally occur in the areas of credit 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 under the Prime Minister's Office held some 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. The law makes no distinction between male and female children in matters of birth registration law, policies, and procedures. According to UNICEF approximately 94 percent of children under age five had their births registered since 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 most recent available data (UNICEF, 2010) indicated that 5 percent of women then 20-24 years old had been married or were in union before age 15, and 34 percent had married or were in union before age 18.

Sexual Exploitation of Children: There were no reports of children engaged in prostitution. The penal code 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 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 Labor and Social Affairs operated a social services program that placed street children in three centers where they attended classes and received vocational training. Conditions at the centers were generally good. Overcrowding at the centers remained a problem, but diminished 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 other services for persons with disabilities. A law passed in 2014 mandating access to school buildings for persons with disabilities was slowly being implemented, with a few schools undertaking new construction to provide access. Some but not all children with disabilities attended school. There is a special school for blind children, but otherwise children with disabilities attended the same schools as children without disabilities.

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. Antidiscrimination laws do not explicitly reference lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. While there were no official impediments, LGBTI organizations did not exist. There were no reports that social stigma or intimidation were factors 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. Worker organizations were restricted in some sectors but 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), 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children. The government did not have sufficient capacity to undertake a normal caseload of inspections and enforcement operations. There were no reports of forced or compulsory labor, 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, inhibiting effective enforcement. 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 Labor and Social Affairs and the Ministry of Justice are 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 but was less extensive than in previous years. The Ministry of Education mandates 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 Labor and Social Affairs) utilized teams of labor inspectors to inspect work sites, although inspectors had very limited resources.

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/.

d. Discrimination with Respect to Employment or Occupation

The labor 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 law, however, does not prohibit discrimination in employment and occupation based on color, age, disability, language, sexual orientation, gender identity, and HIV-positive status or having other communicable diseases. The government, in general, effectively enforced the law.

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, but the government announced that it would institute for the first time a national minimum wage of 1.1 million dobras (\$50) per month beginning in January 2016. The legal minimum wage for civil servants was 975,000 dobras (\$44) per month. The legal workweek is 40 hours, with 48 consecutive hours per week 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, with long hours for workers and limited protection from the sun.

The Ministry of Justice and Human Rights and the Ministry of Labor and Social Affairs are responsible for enforcement of occupational health and safety standards. The Ministry of Labor and Social Affairs employed 15 labor inspectors, but this was insufficient to address its normal caseload. They reportedly did not monitor labor conditions sufficiently, 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. By law, workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities had limited inspection capacity to ensure this right was respected. 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.

Working conditions in the agricultural sector were 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.