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High Commissioner for Human Rights in accordance with
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resolution 5/1 and paragraph 5 of the annex to Council
resolution 16/21**

Sao Tome and Principe

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.



I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified/not accepted</i> |
|---|-------------------------------------|----------------------------|----------------------------------|
| Ratification, accession or succession | ICERD (signature, 2000) | | ICERD (signature, 2000) |
| | ICESCR (signature, 1995) | | ICESCR (signature, 1995) |
| | ICCPR (signature, 1995) | | ICCPR (signature, 1995) |
| | ICCPR-OP 2 (signature, 2000) | | ICCPR-OP 2 (signature, 2000) |
| | CEDAW (2003) | | CAT (signature, 2000) |
| | CAT (signature, 2000) | | OP-CAT |
| | CRC (1991) | | OP-CRC-AC |
| | ICRMW (signature, 2000) | | OP-CRC-SC |
| Complaints procedures, inquiries and urgent action ³ | ICERD (signature, 2000) | | ICERD (signature, 2000) |
| | ICCPR (signature, 1995) | | OP-ICESCR |
| | ICCPR-OP 1 (signature, 2000) | | ICCPR (signature, 1995) |
| | OP-CEDAW (signature, 2000) | | ICCPR-OP 1 (signature, 2000) |
| | CAT (signature, 2000) | | OP-CEDAW (signature, 2000) |
| | ICRMW (signature, 2000) | | CAT (signature, 2000) |
| | | | OP-CRC-IC |
| | | | ICRMW (signature, 2000) |
| | | | OP-CRPD |
| | | | ICPPED |

Other main relevant international instruments

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified</i> |
|---------------------------------------|--|----------------------------|--|
| Ratification, accession or succession | Palermo Protocol | | Convention on the Prevention and Punishment of the Crime of Genocide |
| | Conventions on refugees and stateless persons ⁴ | | Rome Statute of the International Criminal Court |
| | Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵ | | Convention against Discrimination in Education |
| | ILO fundamental conventions ⁶ | | |

1. In 2013, the Committee on the Rights of the Child recommended that Sao Tome and Principe ratify OP-CRC-SC, OP-CRC-AC and OP-CRC-IC. It also encouraged the State to ratify ICERD, ICESCR, ICCPR, CAT, ICRMW, CRPD and ICPPED.⁷

2. The Committee urged Sao Tome and Principe to ratify International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).⁸

B. Constitutional and legislative framework

3. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reports that article 31 of the 1975 Constitution of Sao Tome and Principe, as amended in 1990 and 2003, recognizes the right to education and the freedom to teach. Under article 26, parents have a duty to ensure the education of their children. Article 55 of the Constitution is dedicated to education and provides that the State must eradicate illiteracy and promote life-long learning through the national education system. The State must guarantee free and compulsory basic education and progressively ensure equal opportunities to access other levels of education. Article 15 recognizes the principle of equality among all citizens, and between men and women.⁹

4. UNESCO invited Sao Tome and Principe to pay particular attention to the legal provisions and regulatory frameworks ensuring that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 recommendations in relation to (a) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; and (b) participation of scientific researchers in defining the aims and objectives of the programmes in which they are engaged, and to the determination of the methods to be adopted, which should be compatible with respect for universal human rights and fundamental freedoms.¹⁰

C. Institutional and human rights infrastructure and policy measures

5. The Committee on the Rights of the Child was deeply concerned that Sao Tome and Principe did not have a national human rights institution or an independent mechanism to monitor children's rights, established in compliance with CRC and the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It recommended that Sao Tome and Principe take measures to expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights.¹¹

6. The Committee recommended and urged Sao Tome and Principe to develop a comprehensive strategy and national plan of action for the implementation of CRC, as recommended in its previous concluding observations.¹²

7. The Committee was deeply concerned that, in spite of its previous recommendation on the importance of allocating sufficient resources to the National Child Rights Committee, that body had ceased to operate in November 2012, due to inadequate resources. The Committee on the Rights of the Child urged the State to reinstate the National Child Rights Committee or establish an appropriate body at a high interministerial level.¹³

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

Reporting status

| <i>Treaty body</i> | <i>Concluding observations included in previous review</i> | <i>Latest report submitted since previous review</i> | <i>Latest concluding observations</i> | <i>Reporting status</i> |
|--|--|--|---------------------------------------|--|
| Committee on the Elimination of Discrimination against Women | - | - | - | Initial, second and third reports overdue since 2004, 2008 and 2012 respectively |
| Committee on the Rights of the Child | June 2004 | 2010 (initially due in 2008) | October 2013 | Combined fifth to sixth reports due in 2018 |

B. Cooperation with special procedures¹⁴

| | <i>Status during previous cycle</i> | <i>Current status</i> |
|---|--|-----------------------|
| Standing invitation | Yes | Yes |
| Visits undertaken | | |
| Visits agreed to in principle | | |
| Visits requested | | |
| Responses to letters of allegation and urgent appeals | No communication was sent to the Government during the period under review | |

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

8. The Committee urged Sao Tome and Principe to revise all legislation in order to fully guarantee the application of the principle of non-discrimination in domestic laws, and adopt a proactive and comprehensive strategy to eliminate discrimination on all grounds and against all vulnerable groups, in particular children living in poverty and children with disabilities, as recommended in its previous concluding observations.¹⁵

9. The Committee welcomed the improvement in the birth registration rate. It remained concerned that a significant number of children remained without birth certificates. It urged Sao Tome and Principe to ensure that all children are registered immediately after birth and that birth registration and the issuance of birth certificates are provided free of charge and issued to people up to 18 years of age.¹⁶

B. Right to life, liberty and security of person

10. The Committee welcomed the establishment of the Counselling Centre against Domestic Violence. It was concerned that domestic violence remained prevalent. The Committee recommended that Sao Tome and Principe, inter alia, ensure the allocation of adequate resources to the Counselling Centre against Domestic Violence to enable it to implement long-term programmes for addressing the root causes of violence and abuse.¹⁷

11. The Committee was concerned about harmful traditional practices, such as *pisar barriga e dar vumbada*, *boló Mindjan*, *curar angina*, *arrancar barriga* and *queimar agua*. It was also concerned that the widespread belief in witchcraft had resulted in delayed medical treatment for children and the unnecessary exacerbation of treatable ailments. The Committee recommended that Sao Tome and Principe take concrete measures to strengthen its legislation and address harmful practices.¹⁸

12. The Committee recommended that Sao Tome and Principe develop a comprehensive national strategy to prevent and address all forms of violence against children, that it adopt a national coordinating framework to address all forms of violence against children and that it address the gender dimension of violence.¹⁹

13. The Committee welcomed the revision by Sao Tome and Principe of its Penal Code in 2012 to explicitly include provisions on sexual abuse, exploitation of minors and child trafficking. It regretted that child victims of sexual exploitation and abuse were subject to stigmatization. The Committee recommended that the State, inter alia, ensure mandatory reporting of cases of child sexual abuse and exploitation, and develop programmes and policies for the prevention, recovery and social reintegration of child victims.²⁰

14. The Committee urged Sao Tome and Principe to amend current legislation to explicitly prohibit corporal punishment, define what constitutes ill-treatment and prohibit such practices in all settings. It also urged the State to promote positive, non-violent forms of discipline, as recommended in its previous concluding observations.²¹

15. The Committee was concerned at the increasing number of children in street situations in Sao Tome and Principe who faced high levels of vulnerability to crime, abuse and exploitation. It recommended that Sao Tome and Principe take measures to provide protection and rehabilitation for children in street situations.²²

C. Administration of justice, including impunity, and the rule of law

16. The Committee urged Sao Tome and Principe to promote alternative measures to detention and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it. In cases where detention is unavoidable, the State should ensure that children are not detained together with adults and that detention conditions comply with international standards.²³

17. The Committee noted as positive the adoption of the Law on the Judiciary System (No. 7/2010), which provided for the creation of a juvenile court. It was concerned that it had not yet been implemented. The Committee urged Sao Tome and Principe to bring its juvenile justice system fully into line with relevant standards, establish adequately resourced specialized juvenile court facilities and procedures, designate specialized judges for children, and provide qualified and impartial legal aid to children in conflict with the law.²⁴

D. Right to privacy, marriage and family life

18. The Committee recommended that Sao Tome and Principe review the rules regarding the exceptions for concluding a marriage involving persons below the minimum age of 18 years, with a view to increasing the minimum age for marriage to 18 years for both boys and girls. It should accompany this with other measures to prevent early marriages, as recommended in the Committee's previous concluding observations.²⁵

19. The Committee remained concerned that, despite the measures taken, many children lived with single mothers or in an unstable family environment and that there was a high rate of child abandonment. It recommended that the State, inter alia, ensure that children born out of wedlock be registered and enjoy the same protection and services as children born in wedlock.²⁶

20. The Committee was concerned at the lack of preventive measures, safeguards and procedures for ensuring that children are only placed in alternative care as a measure of last resort. It recommended that Sao Tome and Principe facilitate family-based care for children, ensure periodic review of the placement of children in foster care and institutions, and allocate adequate resources to alternative care centres and relevant child protection services.²⁷

21. The Committee noted that Sao Tome and Principe was in the process of establishing a legal framework for intercountry adoptions. It was deeply concerned that child trafficking occurred through unregulated intercountry adoptions and recommended that the State accede to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and prevent trafficking in children.²⁸

22. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government of Sao Tome and Principe ensure that all children are registered immediately after birth, and ensure that the national legislation regulating birth registration is in line with CRC.²⁹

E. Right to work and to just and favourable conditions of work

23. The Committee remained concerned that enforcement of the prohibition of child labour in the informal, agricultural and domestic work sectors remained inadequate, particularly on the island of Principe. It urged the State to ensure that its labour and employment situation is in full compliance with international standards, in particular with regard to informal and/or unregulated employment, and ensure that the involvement of children over the age of 16 in labour is based on genuine free choice and subject to adequate safeguards.³⁰

F. Right to social security and to an adequate standard of living

24. While noting as positive the adoption of the Poverty Reduction Strategy Plan 2012-2016, the Committee was concerned at its inadequate focus on child poverty. It recommended that Sao Tome and Principe strengthen the strategies and measures for fulfilling children's rights in the Poverty Reduction Strategy Plan.³¹

25. The Committee welcomed the recent increases in the State's budgetary allocations for health and education. It was concerned that the resources allocated to social protection remained inadequate and recommended that the State increase the

resources allocated for social protection measures, particularly for families in vulnerable situations.³²

26. While noting the recent progress in access to safe drinking water, the Committee remained concerned that only 60 per cent of the population in rural areas had safe drinking water and only 35 per cent had adequate sanitation. It recommended that the State improve access to safe drinking water and sanitation, develop a national plan of action to promote water, sanitation and health, and decentralize the management of water and sanitation facilities.³³

G. Right to health

27. The Committee noted as positive that the primary health-care services provided free consultations and medication for children under 5 years of age, pregnant women, chronically ill persons and children under the national school health programme. It also noted the significant progress made in reducing infant and under-5 mortality rates. It was concerned that the maternal mortality rate remained high and recommended that the State, inter alia, allocate adequate resources to improve the quality of health care.³⁴

28. The Committee also noted as positive the decrease in mother-to-child transmission of HIV. It recommended that Sao Tome and Principe improve follow-up treatment for HIV-infected mothers and their infants, improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services, and improve access and coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant women.³⁵

29. The Committee was deeply concerned about the high rate of adolescent pregnancies, especially on the island of Principe. It recommended that Sao Tome and Principe, inter alia, adopt a comprehensive sexual and reproductive health policy for adolescents.³⁶

30. The Committee welcomed Law No. 3/2012, which prohibits minors from entering establishments selling alcoholic beverages.³⁷ It was concerned at the increasing rate of drug use among adolescents and recommended that Sao Tome and Principe address the incidence of drug use by children and adolescents.³⁸

H. Right to education

31. The Committee recommended that Sao Tome and Principe support pregnant teenagers and adolescent mothers in continuing their education in mainstream schools,³⁹ and develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children, and combat discrimination against them.⁴⁰

32. The Committee noted as positive the recent increase in primary school enrolment. It recommended that Sao Tome and Principe ensure successful transition from the first cycle of primary school to the second cycle and to high school, with particular attention to girls, children living in rural areas and children living in situations of poverty.⁴¹

33. The Committee was concerned that almost half of the resources allocated to education was for tertiary education⁴² and that the quality of education was inadequate. It recommended that the State improve the accessibility and quality of education.⁴³

34. The Committee was concerned that vocational training for adolescents was inadequate. It recommended that Sao Tome and Principe develop and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school.⁴⁴

35. The Committee was also concerned that preschool and other early childhood education was inadequate, particularly for children in rural areas. It recommended that the State allocate sufficient resources for the development and expansion of early childhood education.⁴⁵

I. Persons with disabilities

36. The Committee welcomed the implementation of the National Education Plan 2002-2013, which provides for a special education programme integrating children with special education needs. The Committee noted as positive the adoption of the Education and Training Strategy 2007-2017, which provides for inclusive education schemes. It was concerned that there was no national policy to address the rights of persons with disabilities and recommended that Sao Tome and Principe provide for their inclusion in the mainstream education system to the greatest extent possible.⁴⁶

J. Migrants, refugees and asylum seekers

37. Despite the ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, Sao Tome and Principe does not possess any national legislation relating to persons in need of international protection. Although UNHCR acknowledges that Sao Tome and Principe is geographically isolated, incorporation of the 1951 Convention and its 1967 Protocol into its national legislation would strengthen the protection framework for persons of concern to UNHCR, in case they are identified. Moreover, being situated in a region that has been characterized by internal unrest generating outflows of persons in need of protection, accession to the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, which is the regional complement to the 1951 Convention, would facilitate provision of adequate protection and assistance.⁴⁷

38. UNHCR recommended that Sao Tome and Principe accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness,⁴⁸ and assess the situation of statelessness in the country to identify potential groups that may be in need of protection.⁴⁹

K. Internally displaced persons

39. UNHCR recommended that Sao Tome and Principe accede to the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).⁵⁰

L. Right to development and environmental issues

40. The Committee noted as positive the mandate of the Public Information and Records Office to facilitate public participation and oversight of the State's extractive industries. The Committee remained concerned that the measures for ensuring oil exploration and production in a socially and environmentally responsible manner remained inadequate. The Committee recommended that Sao Tome and Principe require companies to carry out assessments, consultations and full public disclosure of

the environmental, health-related and human rights impacts of their business activities, and their plans to address these.⁵¹

41. UNHCR recommended that Sao Tome and Principe actively participate in regional and international initiatives and forums that may contribute to averting or mitigating the negative impact of climate change, including climate-induced displacement.⁵²

Notes

- ¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Sao Tomé and Príncipe from the previous cycle (A/HRC/WG.6/10/STP/2).
- ² The following abbreviations have been used in the present document:
- | | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance |
- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.
- ⁶ International Labour Organization Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).
- ⁷ See CRC/C/STP/CO/2-4, para. 63.
- ⁸ Ibid., para. 57.
- ⁹ See UNESCO submission for the universal periodic review of Sao Tome and Principe.
- ¹⁰ Ibid.

- ¹¹ See CRC/C/STP/CO/2-4, paras. 17-18.
- ¹² Ibid., para. 7.
- ¹³ Ibid., paras. 10-12.
- ¹⁴ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ¹⁵ See CRC/C/STP/CO/2-4, para. 7.
- ¹⁶ Ibid., paras. 29-30.
- ¹⁷ Ibid., paras. 31-32.
- ¹⁸ Ibid., paras. 35-36.
- ¹⁹ Ibid., para. 37.
- ²⁰ Ibid., paras. 33-34.
- ²¹ Ibid., para. 7.
- ²² Ibid., paras. 58-59.
- ²³ Ibid., para. 61.
- ²⁴ Ibid., paras. 60-61.
- ²⁵ Ibid., para. 7.
- ²⁶ Ibid., paras. 38-39.
- ²⁷ Ibid., paras. 40-41.
- ²⁸ Ibid., paras. 42-43.
- ²⁹ See UNESCO submission for the universal periodic review of Sao Tome and Principe.
- ³⁰ See CRC/C/STP/CO/2-4, paras. 56-57.
- ³¹ Ibid., paras. 52-53.
- ³² Ibid., paras. 13-14.
- ³³ Ibid., paras. 52-53.
- ³⁴ Ibid., paras. 46-47.
- ³⁵ Ibid., paras. 50-51.
- ³⁶ Ibid., paras. 48-49.
- ³⁷ Ibid., para. 3.
- ³⁸ Ibid., paras. 48-49.
- ³⁹ Ibid., para. 55.
- ⁴⁰ Ibid., para. 49.
- ⁴¹ Ibid., paras. 54-55.
- ⁴² Ibid., para. 13.
- ⁴³ Ibid., paras. 54-55.
- ⁴⁴ Ibid.
- ⁴⁵ Ibid.
- ⁴⁶ Ibid., paras. 44-45.
- ⁴⁷ See UNHCR submission for the universal periodic review of Sao Tome and Principe.
- ⁴⁸ Accession to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness was also recommended (by Ghana) during the first cycle of the universal periodic review of Sao Tome and Principe (see A/HRC/17/13, para. 65.9).
- ⁴⁹ See UNHCR submission.
- ⁵⁰ Ibid.
- ⁵¹ See CRC/C/STP/CO/2-4, paras. 23-24.
- ⁵² See UNHCR submission.