



General Assembly

Distr.: General
18 December 2020
English
Original: French

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-seventh session
18–29 January 2021

**National report submitted in accordance with paragraph 5 of
the annex to Human Rights Council resolution 16/21***

Sao Tome and Principe

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I. Introduction

1. The Democratic Republic of Sao Tome and Principe underwent its first universal periodic review in January 2011 and its second in November 2015. Following the second review, Sao Tome and Principe accepted 144 and took note of 2 of the 146 recommendations made by member States.
2. After obtaining independence in July 1975, Sao Tome and Principe made a commitment, before the eyes of the world, to build a free and cohesive society on a foundation of fundamental rights in order to ensure a decent life for its citizens.
3. According to the third national report on the Millennium Development Goals, Sao Tome and Principe has achieved at least three of the eight Goals:
 - Universal primary education, with a net enrolment rate of 98 per cent in 2015, compared to 80 per cent in 1990
 - Reduction in child mortality from 89 per 1,000 live births in 1990 to 38 per 1,000 in 2015
 - Reduction in maternal mortality from 151.3 per 100,000 live births in 2005 to 76 per 100,000 in 2015
4. Sao Tome and Principe has made some progress in the ratification of the main international and regional human rights instruments.
5. While the Government recognizes that much more remains to be done, it is nevertheless continuing its efforts to build a free and egalitarian society to ensure good relations between all those – men, women and children – who live and work in Sao Tome and Principe.

II. Methodology

6. The Human Rights Office of the Ministry of Justice organized the recommendations from the second universal periodic review into the following thematic groups and subgroups:
 - (a) Civil and political rights:
 - Ratification of the main international human rights instruments
 - Administration of justice
 - Fundamental freedoms
 - Participation in public and political life
 - (b) Economic and social rights:
 - Economic rights
 - Right to an adequate standard of living
 - Right to health
 - Right to education
 - (c) Rights of specific persons or groups:
 - Rights of the child
 - Rights of women
 - Rights of persons with disabilities
 - (d) Equality and non-discrimination
 - (e) Environmental concerns
 - (f) Conclusion

7. A working group was set up to coordinate work on the preparation of the third universal periodic review. The group is composed of representatives of the Ministry of Justice and Human Rights, the Ministry of Education and Higher Education, the Ministry of Health, the Ministry of Work, Families, Cohesion and Vocational Training, the Ministry of Foreign Affairs, Cooperation and Communities, the Ministry of Youth, Sport and Entrepreneurship, the Ministry of Planning, Finance and the Blue Economy and the Federation of Non-Governmental Organizations.

III. Implementation of recommendations

8. On 11 November 2015, member States made 146 recommendations, 2 of which were noted and 144 accepted by the delegation of Sao Tome and Principe. As mentioned above, the recommendations were organized into five thematic groups.

A. Civil and political rights

9. This thematic group has been subdivided into the groups set out below.

1. Ratification of the main international human rights instruments (recommendations 107.1–107.40, 108.1)

10. According to the recommendations, there are 16 human rights conventions that Sao Tome and Principe has not yet ratified.

11. In 2015, the country ratified the Convention on the Rights of Persons with Disabilities. In 2017, it ratified: the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It has also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, which are not referred to in the recommendations.

12. At the regional level, Sao Tome and Principe ratified the following treaties in 2019: the African Charter on the Rights and Welfare of the Child; the African Charter on Democracy, Elections and Governance; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; the African Youth Charter; and the African Union Convention on Preventing and Combating Corruption.

2. Administration of justice

13. The recommendations under this sub-theme have been divided into three groups: implementation of legislative reforms to combat all forms of discrimination; strengthening the functioning of the Counselling Centre against Domestic Violence; and strengthening the functioning of the judicial system. The first of these three groups is subdivided into parts (a) and (b), as set out below.

(a) *Implementation of legislative reforms to harmonize national human rights legislation with international human rights instruments*

(i) Implementation of legislative reforms to combat all forms of discrimination (recommendations 108.28–108.34)

14. Sao Tome and Principe is a democratic State founded on fundamental human rights and on the premise that all citizens are equal before the law, enjoy the same rights and are

subject to the same duties, without distinction on the basis of social origin, race, sex, political opinion, religious belief or philosophical conviction. Women are equal to men in rights and duties and are guaranteed full participation in political, economic, social and cultural life, in accordance with the provisions set out in articles 6 and 15 of the Constitution. Consequently, all forms of discrimination are prohibited in Sao Tome and Principe.

15. With regard to equality among children, referred to in recommendation 108.33, article 26 (3–5) of the Constitution guarantees the following: “(3) Spouses have equal rights and duties in the civil and political spheres and in the upbringing and education of children. (4) Discrimination against children born outside marriage is therefore not permitted. (5) Parents have the right and the duty to raise and educate their children.”

16. In order to enforce this constitutional measure, a number of laws and decrees have been introduced containing legal provisions prohibiting all forms of discrimination against and ill-treatment of children. They include:

- Act No. 11/2008 on Domestic and Family Violence, which provides for the establishment of mechanisms to prevent and punish domestic and family violence
- Act No. 6/2016, the Criminal Code, which includes new provisions intended to protect women and children and prohibit all forms of discrimination and violence against them
- Act No. 19/2018, the Family Code, which regulates, inter alia, the system of equality between spouses, leadership and representation of the family, the duties of spouses, addresses of family homes, the duty of care between spouses and children and the duty to contribute to family life
- Act No. 20/2018, the Organizational Code on the Protection of Minors, which contains a set of standards for the general promotion and protection of the rights of children and young persons as a means of ensuring their well-being and full development
- Decree No. 4/2016, containing the National Child Protection Policy and the corresponding action plan, which set out structured and coordinated initiatives to prevent all forms of violence against children, in line with international conventions
- Decree No. 06/2018, establishing a national coordinating commission to implement the Child Protection Policy

(ii) *Implementation of legislative reforms to abolish corporal punishment of children (recommendations 108.41–108.43, 108.46–108.49, 108.52, 108.54, 107.61, 107.63 and 107.67)*

17. The legal system in Sao Tome and Principe contains no provisions legalizing the use of corporal punishment to discipline children. However, in this regard, the following clarifications should be noted.

18. Act No. 11/2008 on Domestic and Family Violence provides for the establishment of specific mechanisms for the prevention of domestic and family violence and, in article 7, lists various forms of violence, including physical, psychological and sexual violence and emotional and financial abuse.

19. With specific reference to bodily harm and physical violence, article 7 (a) defines physical violence as follows: “Physical violence is understood as any behaviour that damages bodily integrity or health, such as slapping, pulling, pushing, hitting, pinching, biting, scratching, kicking and assaulting with weapons or objects”. Article 19 of the Act provides for penalties for offences of causing bodily harm, in the following terms: “Any person who, by committing abuse in a domestic or family setting, harms the body or health of another person, shall be punished by imprisonment for a term of from 3 to 8 years”. The penalties for aggravated offences of causing bodily harm are set out in article 20 of the Act.

20. Act No. 6/2012, the Criminal Code, also provides for the punishment of offences of bodily harm in general, in articles 141 to 151, and against minors in particular, in article 152.

It cannot therefore be said that any legislation exists in Sao Tome and Principe that permits bodily harm against children or any other persons.

21. Where the legislation says that parents “may reprimand and correct their children in moderation and in an appropriate manner”, this should not be understood as authorizing corporal punishment against children.

22. Article 304 of Act No. 19/2018, the Family Code, states that parents “may reprimand their children for their mistakes in moderation and in an appropriate manner”. This does not give parents the right to inflict physical punishment on their children. If they do, they will be punished in accordance with the legislation in force, as specified above.

23. The Code on the Guardianship of Minors contains a set of standards to promote and protect the rights of children and young persons in order to ensure their well-being and comprehensive development, with the best interests of children and young persons as guiding principles.

24. In Sao Tome and Principe, there are no legal provisions expressly authorizing corporal punishment as a method of disciplining children. On the contrary, there are legislative measures against the practice.

(b) *Strengthening the functioning of the Counselling Centre against Domestic Violence (recommendations 107.59 and 107.60)*

25. The Counselling Centre against Domestic Violence has improved certain aspects of its internal conditions and acquired computer equipment to enable its offices to communicate with District Commands and the National Police Department in the Principe Autonomous Region. It has also set up a shelter for victims, produced behaviour change communication materials, conducted local outreach campaigns and a participatory baseline study on domestic violence, and evaluated the implementation of the Gender-based Violence Strategy and its respective update for the period 2019–2023.

26. However, it should be noted that the Centre still faces many difficulties in ensuring its proper functioning.

(c) *Strengthening the functioning of the judicial system (recommendations 107.68 and 107.70)*

27. In a sense, there is a convergence of objectives; thus, the promotion and development of a culture of peace, rights and justice is one of the fundamental goals of the Government of Sao Tome and Principe, to which end it has undertaken and continues to undertake a range of actions to strengthen the capacity of the judicial system, including the following:

- Ratification of the majority of international and regional human rights conventions, as described in section 1
- Implementation of legislative reforms in order to harmonize national laws with international human rights instruments, adopting new laws and revising others, as described in section 2.1
- Establishment of the Constitutional Court
- Restructuring and rebranding of the criminal investigation police
- Separation of the physical structure of the Supreme Court and the judicial courts
- Construction of a new prison wing to separate male and female inmates and improvements to conditions in punishment cells
- Renovation of Lembá District Court

28. Also in the context of capacity-building for the judicial system, a process to modernize the entire justice system has been launched in partnership with the United Nations Development Programme (UNDP). The aim of the process is to modernize the system’s organization, management, human resources and physical and information technology infrastructure, as well as the provision of equipment and materials. To this end, a series of actions are planned, including:

- The establishment of specialized courts for, inter alia, family matters, juvenile justice, labour, administration, trade and seafarers in order to improve access to justice for citizens
 - The creation of a multipurpose training and professional development centre for judges and other judicial officials
 - The promotion and implementation of tools for the ongoing evaluation of individual judges and prosecutors in order to increase the quality of their work and their productivity
 - The promotion of child protection activities and policies
 - The establishment of a directorate general for crime prevention dedicated to tackling domestic violence and drug dependency
 - The drafting of an action plan to help courts better manage their workload
 - The conversion of petty offences and misdemeanours into administrative offences
29. With regard to the fight against corruption and impunity, there are plans to:
- Prepare an anti-corruption bill and review the legislation on immunities and conflicts of interest
 - Accede to all international instruments on the prosecution of transnational crime
 - Combat organized crime and other forms of crime affecting State security, personal safety and public and private property
 - Encourage partnerships with non-governmental organizations (NGOs) and the media to promote educational and awareness-raising campaigns on the harmful effects of the sale and use of illicit drugs
30. With regard to social reintegration policy, there are plans to:
- Define an appropriate organizational model for the management, promotion and development of projects to provide vocational training in prisons and improve prisoners' employability and productivity
 - Design actions aimed at replacing imprisonment with community service and encouraging the effective participation of society as a whole in the social reintegration process for young persons sentenced to precautionary measures, rehabilitation or imprisonment
 - Build a new prison
 - Build a new prison unit or renovate the former prison in the Principe Autonomous Region
31. With a view to resolving disputes more quickly and simply, there are plans to set up arbitration centres.
32. Regarding registration and notaries, the aims are to improve the birth registration process, simplify administrative procedures, registration and notarial practices, decentralize services and review the current fees.

3. Fundamental freedoms and participation in public and political life

33. This sub-theme covers the set of recommendations concerning the establishment of a national human rights institution, the reactivation of the National Child Rights Committee and the creation of a mechanism to monitor the implementation of recommendations and prepare reports on human rights.

(a) *Establishment of a national human rights institution (recommendations 107.45, 108.3–108.11 and 108.16–108.24)*

34. The establishment of a national human rights institution has been an issue of concern to the State since 2014 because of its importance in relation to the consolidation of democracy

and the protection of human rights. On 12 January 2020, at the fifty-third session of the Council of Ministers, the creation of such an institution was approved, to take effect from 2021. Efforts are under way to implement the decision.

(b) *Reactivation of the National Child Rights Committee (recommendations 107.41–107.49)*

35. In Decree No. 4/2016, published in Official Gazette No. 71, the Government adopted the National Child Protection Policy, a set of coordinated and concerted initiatives with multiple attributes and purposes, which is aimed at implementing the international commitments made by Sao Tome and Principe when it ratified the Convention on the Rights of the Child and other international conventions.

36. Under Decree No. 06/2018, a national commission has been set up to coordinate the implementation of the Policy. The commission is composed of representatives of the government departments responsible for social affairs, justice, internal security, health, education and the media, as well as representatives of NGOs working in the field of protection of children's rights. It is important to note that, for organizational reasons, the commission is not yet operational.

(c) *Establishment of a mechanism to monitor the implementation of recommendations and prepare reports on human rights (recommendations 107.50–107.56)*

37. Work is under way to establish an intersectoral body to respond to recommendation 107.50. The establishment of this body, once completed, will address the concerns expressed in recommendations 107.52 to 107.56 that the existing Intersectoral Commission on Human Rights has been concerned exclusively with preparations for the universal periodic review.

B. Economic, social and cultural rights

1. Economic rights (recommendations 107.71–107.75)

(a) *Measures to combat poverty*

38. In the recent poverty assessment report of the World Bank, it is estimated that, using the national poverty line, the incidence of poverty in Sao Tome and Principe was 66.7 per cent in 2017. In addition, 34.5 per cent of the country's population lives on less than US\$ 1.9 per day, adjusted for purchasing power parity. In 2017, income concentration, as measured by the Gini index, was 56.3 and the unemployment rate was 9.1 per cent.¹

39. To improve quality of life, especially for the most vulnerable sectors of society, successive Governments, together with development partners, have designed measures to combat poverty and provide a better standard of living for the most vulnerable groups in particular and for the population as a whole, in line with recommendations 107.71, 107.73, 107.74 and 107.75.

40. In September 2015, the Government adopted the National Social Protection Strategy, with the aim of contributing to the eradication of extreme poverty over the next 10 years. In all, five strategic objectives were defined:

(a) Eradicate extreme poverty through a coordinated system of measures by the social protection system;

(b) Develop and expand the sustainable social protection system, a compulsory contributory scheme that effectively covers the risks associated with disability, old age and death for all participating families;

(c) Promote employability and access to safe and decent work, especially among groups who do not participate in the labour market, such as young persons, women and persons with disabilities, and eliminate child labour;

(d) Manage procedures efficiently;

(e) Set up the institutional coordination mechanisms needed to ensure the efficient use of available resources and the pursuit of the relevant objectives.

41. In order to achieve these objectives, the following three programmes have been identified:

(a) A support programme launched in November 2019 for vulnerable families, covering 2,624 households identified as living in extreme poverty, each of which receives 1,200 dobras (Db) every two months;

(b) A parent education programme, a programme covering the critical first 1,000 days of childhood and a suite of income-generating activities for households receiving remittances;

(c) A social pension programme providing quarterly cash transfers of Db 480 to 3,045 beneficiaries, including persons with disabilities, older persons, persons with chronic illnesses and orphans;

(d) A community public works programme that aims to provide temporary support to unemployed households in communities in extreme poverty; there is still no funding for its implementation.

42. The following initiatives, aimed at combating poverty, should also be noted:

- Zero Hunger, a 2017 strategic plan designed to eradicate hunger; funded by the World Food Programme (WFP), its aim is to combat hunger and the structural causes thereof, which lead to social exclusion, and to ensure food security
- Priasa II, a five-year project for the period 2016–2020 intended to renovate food security infrastructure, promote food security and reduce poverty in rural areas;² funded by the African Development Bank, the Least Developed Countries Fund of the Global Environment Facility and the Treasury of Sao Tome and Principe, the project was launched in 2011 and is designed to improve the quality and availability of agricultural and fisheries products in the local market through institutional capacity-building and the modernization of agricultural and fisheries infrastructure
- The 2018–2022 project funded by the Food and Agriculture Organization of the United Nations (FAO) with the aim of ensuring sustainable natural resource management, improving production and developing value chains in agriculture, livestock, forestry and fisheries and reducing hunger and malnutrition
- The Zero Hunger³ Strategic Review: Horizon 2030, the objective of which is to assess the food security and nutrition situation, including, inter alia, strategies, policies, programmes, coordination mechanisms and institutional capacities, in order to accelerate progress towards the objectives set out in Sustainable Development Goal 2
- The energy sector upgrading initiative, which is aimed at renovating and expanding the hydroelectric power generation system throughout the country
- The Social Entrepreneurship Project,⁴ December 2019; 15 projects will benefit from this initiative, which is funded by UNDP and is aimed at encouraging young persons to become social entrepreneurs
- The COMPRAN Project⁵ to support the sale of produce, agricultural productivity and nutrition; the project is funded by the International Fund for Agricultural Development (IFAD), in partnership with the French Development Agency and the International Labour Organization (ILO), and is intended to combat poverty and food and nutrition insecurity in Sao Tome and Principe and to generate additional income by diversifying production

43. With reference to recommendation 107.72, in the area of foreign policy, Sao Tome and Principe has redoubled its economic diplomacy in order to mobilize external funds for its social and economic development, from partners including China, Angola, Portugal, Morocco, Equatorial Guinea, the International Monetary Fund (IMF), the World Bank, the African Development Bank, the European Union, IFAD, UNDP, FAO, the United Nations Children's Fund (UNICEF), WFP, the United Nations Population Fund (UNFPA) and ILO.

(b) *Right to an adequate standard of living (recommendations 107.76 and 107.77)*

44. According to the indicators and targets set out in the logical framework of the National Sustainable Development Programme, 47 per cent of the population was connected to the public water supply network in 2016. This figure is expected to rise to 50 per cent by 2020, demonstrating that progress is being made.

45. The data provided by the Water and Electricity Company confirm a gradual increase in the percentage of the population connected to the water supply, as shown in the table below.

Table 1
Coverage of treated water (percentage)

<i>Coverage of treated water (percentage)</i>					
<i>2000</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
60%	74%	75%		77%	80%

Source: Water and Electricity Company (Water and Sanitation Sector Reform Monitoring Report, 2018).

46. This result has been achieved through the construction and upgrading, in recent years, of water supply and treatment systems,⁶ as follows:

- Strengthening of drinking water supply capacity in Ribeira Afonso and the surrounding area
- Strengthening of water supply capacity in the Mé-Zóchi district
- Strengthening of drinking water supply capacity in Neves and the surrounding area
- Strengthening of water supply capacity at the mosque and in Maiança and the surrounding area
- A project to supply water to the Cantagalo district (Santana, Água Izé and the surrounding area) is under way

2. **Right to health (recommendations 108.55, 108.56, 107.78 and 107.79)**

47. With regard to recommendation 108.55, the Ministry of Health has taken a number of steps to prevent curable diseases. Between 2017 and 2019, efforts in this area included:

- Improvements to the malaria data management system (registration, georeferenced data, routine collection, processing and reporting, data auditing and feedback) at all levels
- Improvements in the proactive search for and investigation and classification of residual foci in order to map them and guide the response
- Improvements to the system for the prevention and early detection of and response to epidemics at the central and district levels and in the Principe Autonomous Region
- Development of research capacity to address programme challenges in a timely manner
- Improvements in the capacity of public and private sector health professionals to diagnose and treat malaria
- Involvement of community health workers in the use of rapid diagnostic tests and in information and outreach activities on malaria prevention measures
- Application of preventive measures, in particular the use of long-lasting insecticide-treated nets and indoor spraying
- Strengthening of vector control to reduce the potential for the spread of malaria, using all complementary means including physical and biological

- Raising of awareness among the population of the Principe Autonomous Region about the risks of malaria and means of prevention such as mosquito nets and chemoprophylactic repellent to avoid the reintroduction of the disease
- Stepping up of elimination efforts and social mobilization
- Improvements to overall financial management for better programme performance and cost-effectiveness in the implementation of national policies and strategies

48. With regard to the implementation of a sexual and reproductive health programme for adolescents as referred to in recommendation 108.56, youth-friendly services have been established and are available in all health facilities. However, only the Água Grande Reproductive Health Centre provides services specifically for adolescents. To remedy this situation, a strategy has been implemented with the aim of:

- Reducing the teenage pregnancy rate from 27 per cent in 2014 to 15 per cent in 2021
- Rolling out in-service training for providers on how to ensure services are suitable for adolescents
- Defining and reviewing the adolescent health services package, including the schools-based element
- Reorganizing facilities and schedules to ensure that they are suitable for the provision of services to adolescents
- Providing schools and health facilities with suitable educational materials on adolescent health
- Providing adolescent-friendly health services, including in schools

49. The Comprehensive Sex Education Programme for 2017–2021 is being implemented to raise awareness among educators in the public school network on issues relating to gender inequality and sexual diversity and to prepare education professionals to deal with these issues in a cross-cutting manner in their day-to-day work in schools. As part of the Programme, the following instruments have been developed: the Operational Plan for the Comprehensive Sex Education Programme; a pedagogical manual for teachers and educators; a guide to participatory methodologies for the Programme; a picture box for the Programme; a health communication manual; classes for husbands and involved fathers (guide on fatherhood and parenting); a picture box for involved fathers; and a family planning communications plan.

50. Awareness-raising campaigns have been conducted in schools and communities on teenage pregnancy, family planning and the use of condoms.

51. The 2018–2021 Action Plan for Accelerated Family Planning has been adopted, and services and free contraception are more readily available at all health posts and centres. The 2012–2016 National Health Policy has been revised and updated, resulting in the 2017–2021 National Health Plan.

52. The National Health Plan is aimed at improving health in Sao Tome and Principe. Equitable national coverage is the gold standard to be achieved in the Gulf of Guinea subregion by 2030. To this end, the following objectives have been set:

- Improve the availability and training of human resources
- Improve the availability of high-quality medicines, vaccines and consumables
- Expand geographical coverage and improve accessibility of health services
- Improve the financial viability of health services
- Improve the quality of and demand for services in the field of disease control
- Improve national reference, research and treatment hospitals
- Computerize the entire health system for better monitoring and information management

3. Right to education (recommendations 108.57, 108.58 and 107.80–107.84)

53. The right to education is a universal right for all. It is guaranteed by the Constitution and the provisions of articles 2 and 12 of Act No. 04/2018, the Basic Act on the Education System, which establishes universal, compulsory and free education up to the ninth year of schooling. Regarding recommendation 108.57, on the establishment of a national plan for universal access to education, Sao Tome and Principe has an Education Policy Charter for 2012–2022. One of the objectives set out in the Charter is to ensure, by 2022, progressive and sustainable access to 12 years of high-quality, universal and free education for all young persons.

54. With regard to recommendation 108.58, in the annex to the Basic Act on the Education System, the school age in Sao Tome and Principe is set at 4 to 18 years. For more details, please refer to the organizational chart in table 2 in annex III.

Improve accessibility and quality of education

55. Recommendations 107.81, 107.82 and 107.83 point to additional measures to improve the accessibility and quality of education. As mentioned above, Sao Tome and Principe has an Education Policy Charter for 2012–2022 that includes the objective of ensuring, by 2022, progressive and sustainable access to 12 years of high-quality, universal and free education for all young persons. Steps have been taken to achieve these objectives, as reflected in the following data:

- Between 2012 and 2017, the gross enrolment rate at the preschool level increased from 50 to 71 per cent
- In primary education, the rate was estimated at 115 per cent in 2017, slightly less than the 118 per cent set out in the sectoral plan
- At the lower secondary level, the rate increased from 97 to 114 per cent
- The most significant progress has been made at the upper secondary level, where the gross enrolment rate now stands at about 73 per cent, higher than the 63 per cent expected

56. Table 3 in annex III shows the changes in coverage indicators in the education system between 2006 and 2017.

Considerable improvements in course offerings

57. As far as course offerings are concerned, there has been a gradual increase over time. For more information, please refer to charts 3 and 4 in annex III.

58. With regard to improvements in the education system, the main indicators for 2014 to 2018 are set out in table 4 in annex III.

59. Recommendation 107.84 refers to guaranteeing the right to education for pregnant teenagers. Under article 36 of the Disciplinary Regulations for Upper Secondary Education, pregnant teenage girls and the teenage boys involved have at times been banned from attending classes.

60. However, in order to adhere to the conceptual framework established under the “Burden on Girls and Quality Education for All” project, this provision was repealed by article 1 of Ordinance No. 18/GMEES/2020 of 27 March, thus ensuring that pregnant teenagers can continue their studies.

C. Rights of specific persons or groups

1. Rights of the child

(a) *Right to a name and a nationality (recommendations 108.12–108.14 and 108.25–108.26)*

61. The right to a name and the right to a nationality are encompassed by the right to personal identity, which is enshrined in the Constitution and the Convention on the Rights of

the Child, and they are acquired by children as soon as their birth is registered. These rights are inviolable, under article 24 of the Constitution, and the personal information in question must be registered, as provided in articles 1 and 2 of Decree-Law No. 47678/1967, the Civil Status Code.

62. In order to give effect to these rights, the Government has taken a series of policy, legislative and institutional measures to ensure that children can be registered immediately after birth, free of charge, throughout the country, in accordance with the requirements set out in article 7 of the Convention on the Rights of the Child. These measures include the following:

- The adoption of the National Permanent Birth Registration Strategy, through Decree No. 45/2009; the strategy comprises a set of measures that include the registration or confirmation of births in all maternity hospitals and wards (in Ayres de Menezes Hospital and in Guadalupe, Neves and São João dos Angolares on the island of Sao Tome and in Manuel Quaresma Dias da Graça Hospital on the island of Principe) and in local register offices.
- The issuance of Joint Order No. 04/2017, which establishes that a birth may be registered and the mother's identity or the child's characteristics recorded free of charge, provided that the registration takes place within one year of the birth.
- The holding of free health and birth registration fairs for all children in all districts of the country on a regular basis by the Directorate General of Registers and Notaries, in collaboration with UNICEF.
- The creation of a birth registration unit in the maternity ward of Ayres de Menezes Hospital; the unit is open every day, including on weekends and public holidays.
- The introduction of a computerized management system that allows for electronic birth registration at the regional register office and local register offices throughout the country. The proportion of births that are registered is now around 95 per cent, according to the multiple indicator cluster survey conducted by the National Statistics Office in 2014.⁷

(b) *Protection against discrimination, ill-treatment and other degrading treatment (recommendations 108.27–108.29, 108.40, 108.45, 108.50, 108.51, 108.53 and 107.61)*

63. It cannot be said that children are completely safe from discrimination, ill-treatment, violence, abuse and sexual exploitation in Sao Tome and Principe. In the face of these social scourges, and in order to prevent all types of act that may contribute to them, the Government has taken the legislative, institutional and policy measures that it deems necessary to address recommendations 108.27, 108.40, 108.45, 108.51 and 107.61, with the aim of protecting not only children but all the most vulnerable sectors of society from situations of this kind.

64. With this in mind, Sao Tome and Principe has ratified the principal international and regional human rights conventions, as mentioned above in paragraphs 29 and 31 under section A.1, as well as the ILO Minimum Age Convention, 1973 (No. 138), the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the ILO Forced Labour Convention, 1930 (No. 29), as referred to in subsection 2.1.a of section A.1.

65. On the same subject, it is worth noting that in addition to the legislative measures mentioned above, various policies and strategies have been adopted with a view to eliminating all forms of discrimination and exploitation faced by children and other vulnerable social groups. These include:

- The National Social Protection Policy and Strategy, adopted in September 2015
- The National Child Protection Policy and the corresponding action plan, adopted through Decree No. 04/2016
- The National Action Plan against Child Labour, adopted in August 2013

66. The primary goal of the National Social Protection Policy and Strategy is to protect all members of the population, especially the poorest and the most vulnerable, such as

children, and to eradicate extreme poverty in the country within the next 10 years. To that end, five strategic objectives have been set, namely:

(a) Eliminate extreme poverty through conditional cash transfers to families in extreme poverty and through measures to facilitate the growth of human capital and access to basic services, with priority given to families in extreme poverty whose members include persons with disabilities, orphans or single parents, under a coordinated system of measures within the broader social protection system;

(b) Develop and expand the sustainable social protection system, a compulsory contributory scheme that effectively covers the risks associated with disability, old age and death for all participating families;

(c) Promote employability and access to safe and decent work, especially among groups who do not participate in the labour market, such as young persons, women and persons with disabilities, and eliminate child labour;

(d) Institute effective procedures for managing the implementation of the National Social Protection Policy and Strategy and the relevant programmes, including procedures for identification (targeting), registration of recipients, payments, complaints, monitoring and evaluation;

(e) Set up the institutional coordination mechanisms needed to ensure the efficient use of available resources and the pursuit of the relevant objectives.

67. The overall aim of the National Child Protection Policy is the development of structured and coordinated initiatives to prevent all forms of violence against children and to considerably reduce the incidence of such violence, which takes various forms. To this end, four areas of action have been identified, namely:

(a) Prevention:

- Improving the position of children in society
- Strengthening parental care
- Teaching children self-protection skills
- Preventing institutional violence

(b) Assistance:

- Improving detection and reporting mechanisms
- Providing multidisciplinary support to child victims
- Making alternative care arrangements for children without parental care

(c) Judicial protection:

- Strengthening judicial protection:
 - Ensuring that laws prohibiting offences against children are applied consistently

(d) Effectiveness of the national protection system:

- Modernizing and updating the legislative framework:
 - Defining the institutional framework for child protection

68. Pursuant to Decree No. 06/2018, a national coordinating commission has been set up to translate the Policy into action, but it is not yet operational.

69. The National Action Plan against Child Labour is an essential document that underpins the efforts being made to eliminate the worst forms of child labour by 2018 and to eradicate all child labour in Sao Tome and Principe by 2020.

70. In addition, the Government, in partnership with United Nations agencies and NGOs, has conducted national awareness-raising campaigns, both on the ground and via the media, for the promotion and protection of child rights.

(c) Survival and development (recommendations 108.15 and 108.38)

71. In order to reinforce the strategies and measures being taken under the National Poverty Reduction Strategy for the realization of the rights of the child, a United Nations Development Assistance Framework for the period 2017–2021⁸ has been drawn up, with the support of the United Nations, to help Sao Tome and Principe to achieve the development aspirations described in its vision for 2030 and beyond and to fulfil its human rights commitments.

72. The Framework sets out three national strategic priorities, namely:

(a) Increasing social cohesion by ensuring access to quality basic social services, in order to reduce disparities and inequalities between individuals and communities;

(b) Strengthening the country's credibility, both internally and externally;

(c) Promoting inclusive sustainable growth and resilience, taking into account issues relating to gender and young persons, with a view to achieving sustainable and inclusive development and to reaching the Sustainable Development Goals adopted by the 193 States Members of the United Nations, including Sao Tome and Principe, in line with recommendation 108.15.

73. As regards recommendation 108.38 on combating harmful cultural practices that impede the full development of children, aside from the legislative measures provided for in the Criminal Code, the Code on the Guardianship of Minors, the Labour Code, the Family Code and other national laws, the Government of Sao Tome and Principe, with the support of various United Nations agencies (including UNFPA, UNICEF, the World Health Organization (WHO) and UNDP) and NGOs, has taken policy measures and conducted national awareness-raising campaigns, both on the ground and via the media (the national radio station RNSTP and the television channel TVS), for the promotion and protection of child rights.

74. As regards the reference made in recommendation 108.38 to raising the minimum age for marriage, it should be noted that this matter is expressly addressed in article 22 (d) of the current Family Code, which reads: "The following circumstances also constitute a direct impediment to marriage: ... (d) The person concerned is under 18 years of age."

(d) Recovery and reintegration (recommendations 108.44, 107.62 and 107.65)

75. The recovery and social reintegration of children will be addressed, in line with recommendations 108.44, 107.62 and 107.65, in the context of the National Child Protection Policy and the related action plan, which are intended to provide a framework for structured and coordinated initiatives to prevent all forms of violence against children and to reduce the incidence of such violence, which takes various forms.

76. The National Child Protection Policy establishes guidelines for preventing, handling and punishing all forms of violence against and abuse and exploitation of children and sets out the division of responsibilities among the relevant public authorities in the fields of justice, health, social affairs, education, public safety and crime prevention.

(e) Child labour (recommendations 107.64 and 107.66)

77. According to the indicators and objectives set out in the logical framework of the National Health Plan, in Sao Tome and Principe in 2014, 50 per cent of children aged 5 to 17 years old were working. Faced with this state of affairs, the Government has taken various legislative and policy measures to reverse the trend. The adoption of the National Child Protection Policy and the corresponding action plan has helped, to a certain extent, to rectify the situation. Moreover, the new Labour Code contains normative provisions prohibiting activities that hinder the harmonious development of children, while annex IV of the Code contains a list of hazardous work, as required by recommendation 107.64 on that subject.

78. As regards recommendation 107.66, it should be noted that, in Sao Tome and Principe, there are rules prohibiting children from carrying out hazardous work. Article 152 (1) (b) of the Criminal Code stipulates the following: "1. The father, mother or guardian of any person under 16 years of age, or anyone who takes care of or has custody of such a person or is

responsible for the supervision or upbringing of such a person, shall be liable to a penalty of up to 4 years' imprisonment if, out of malice or selfishness, he or she: ... (b) employs the person to undertake hazardous, prohibited or inhuman activities, or overburdens the person physically or intellectually with excessive or unsuitable work in such a way as to harm his or her health or intellectual development, or exposes the person to serious danger." Likewise, article 273 (2) of the Labour Code reads as follows: "Minors are prohibited from performing work that, by its nature or on account of the conditions in which it is carried out, is harmful to their physical, mental and moral development."

79. It is also worth adding that, aside from these legal instruments, Sao Tome and Principe has ratified the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child and has adopted a policy, strategy and plan to promote and protect the rights of the child.

80. However, it must be acknowledged that, despite these achievements, the country is finding it difficult, mainly for material and financial reasons, to fully implement the measures set out in these documents.

2. Rights of women (recommendations 108.36, 108.37, 108.39 and 107.57)

81. Recommendations 108.36, 108.37 and 108.39 essentially call for measures to counter all forms of discrimination and violence against women. Sao Tome and Principe has adopted a series of legislative and other measures to combat this evil, which is taking root in society:

- Social Security Act No. 1/90 establishes the right to maternity leave. Women are entitled to 60 days of paid maternity leave, or 75 days in the event of a multiple birth. The Act sets the retirement age for both men and women at 62 years.
- Articles 23 and 27 of Social Security Act No. 7/2004 establish the right of self-employed workers to join a social security scheme, thus filling a gap left by Act No. 1/90 and giving a large percentage of women workers in this category (self-employed, informal and domestic workers) the opportunity to join an integrated social protection scheme that provides them with a pension, among other things.
- Act No. 11/2008 on Domestic and Family Violence provides for the creation of mechanisms for the prevention and punishment of domestic and family violence, in line with the commitments made under the Convention on the Elimination of All Forms of Discrimination against Women, and for the establishment of courts specializing in cases of domestic violence and other forms of gender-based violence. It also provides for measures to assist and protect victims of domestic violence. It defines the concept of domestic violence as "any act or omission occurring within the family or household that causes death, injury, physical, sexual or psychological suffering and material or non-material damage or deprivation of liberty in the following situations". The Act also identifies and defines six forms of domestic and family violence, namely, physical, psychological and sexual violence and financial and emotional abuse. The penalties for offences that fall within these categories of violence are established in articles 13, 15, 17, 18 and 19 of the Act.
- Act No. 12/2008 on Strengthening Legal Protection Mechanisms for Victims of Domestic and Family Violence Offences raises national awareness of violence of this kind, which constitutes a flagrant violation of women's rights, and helps women themselves to break the silence on the subject and to draw attention to the problem by reporting cases of domestic and family violence, which was previously not considered an offence.
- Act No. 6/2012, the Criminal Code, was adopted in order to protect against and prohibit all forms of discrimination and violence against women, ill-treatment and exploitation of minors and subordinates, domestic violence and so on. Articles 129 to 256 of the Code establish penalties for these offences.
- Article 242 (2) of Act No. 2/2018, the Civil Service Act and Regulations, establishes the right to maternity leave of 98 days, which may be combined with annual leave and may begin 30 days before the baby is due.

- Articles 15 to 22 of Act No. 62/2019, the Labour Code, stipulate that pregnant workers, workers who have recently given birth and breastfeeding workers are prohibited from performing certain activities and establish the principles of gender equality and non-discrimination in the field of employment by defining and expressly prohibiting gender discrimination, among other kinds of discrimination.
- Act No. 19/2018, the Family Code, covers all the legal situations that affect families and are addressed in constitutional principles, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.
- Article 4 of Presidential Decree No. 3/2004, ratifying an ILO convention, stipulates that women are entitled to 14 weeks' maternity leave, from 8 weeks before the birth to 6 weeks after the birth, and that this leave may be combined with annual leave.
- It should be noted that, in addition to passing these laws, the Government, with the support of its development partners, has organized training and capacity-building activities for the officials responsible for their application and for members of civil society organizations, in order to raise awareness of their content.

82. As mentioned above, in line with recommendation 107.57, access to education in Sao Tome and Principe is universal and free of charge up to the ninth year of schooling, and there is no discrimination as regards the right to education or the right to employment.

3. Persons with disabilities (recommendation 108.59)

83. As mentioned above, Sao Tome and Principe has adopted the National Social Protection Policy and Strategy, strategic objectives 1 and 3 of which relate to the protection of the rights of persons with disabilities:

- Objective 1 – Eliminate extreme poverty in Sao Tome and Principe through conditional cash transfers to families in extreme poverty and through measures to facilitate the growth of human capital and access to basic services, with priority given to families in extreme poverty whose members include persons with disabilities, orphans or single parents, under a coordinated system of measures within the broader social protection system.
- Objective 3 – Promote employability and access to safe and decent work, especially among groups who are at risk of exclusion from the labour market, such as young persons, women and persons with disabilities, and eliminate child labour.

D. Equality and non-discrimination (recommendation 108.30)

84. Recommendation 108.30 will be addressed through the implementation of the National Social Protection Policy and Strategy. The measures taken under strategic objectives 1 and 2 of the National Social Protection Policy and Strategy, mentioned above, will go some way towards eliminating the discrimination experienced by the most vulnerable social groups.

E. Environmental concerns (recommendation 107.85)

85. As regards environmental issues, Sao Tome and Principe has committed, subject to the support of the international community, to reducing emissions by 24 per cent compared to the business-as-usual scenario by 2030. Its mitigation actions are focused on increasing the share of renewable energy in national electricity generation to 47 per cent, comprising 37 per cent hydropower and 13 per cent solar power.

86. Sao Tome and Principe prepared its intended nationally determined contributions in 2015 and ratified the Paris Agreement on 2 November 2016. After the Agreement was ratified, the intended nationally determined contributions became nationally determined contributions and the country began the process of implementing them by drawing up a

comprehensive and ambitious plan to move forward with its mitigation and adaptation actions.

87. Sao Tome and Principe also joined the Nationally Determined Contributions Partnership in November 2016, whose support enabled it to prepare a national plan for achieving its contributions. The plan is based on existing national processes and combines mitigation and adaptation actions with cross-cutting and structural measures in order to facilitate the transition to a resilient, low-carbon development model.

88. Another development relating to the environment has been the launch of two major projects intended to minimize the impacts of climate change, namely the Coastal Areas Climate Change Adaptation Project⁹ and the West Africa Coastal Areas Resilience Investment Project.¹⁰

89. The Coastal Areas Climate Change Adaptation Project was launched in 2012 by the Directorate General for the Environment, in partnership with the World Bank, the NGO Mar, Ambiente e Pesca Artesanal (Sea, Environment and Small-Scale Fishing) (MARAPA), the National Disaster Preparedness and Response Council, the coastguard and the port authority. It was aimed at the country's most vulnerable coastal communities, namely, Ribeira Afonso, Santa Catarina, Malanza and Praia das Burras. The project was described in the national adaptation programme of action and had two main components.

- Part 1: Setting up an early warning system to inform fishers in coastal areas of the weather forecast and thus reduce the number of accidents and the risk of fatalities caused by storms, fog and strong winds. The activities carried out included the following: providing training and distributing protective equipment to fishers; institutional capacity-building; preparing a national strategy on maritime safety; testing the maximum coverage of the Companhia Santomense de Telecomunicações (CST) mobile telephone network on the high seas; awareness-raising and experience-sharing among fishing communities; strengthening the port authority's monitoring capacity and establishing a partnership with the National Disaster Preparedness and Response Council.
- Part 2: Providing coastal protection structures to vulnerable communities in order to protect them from the combined threats of river flooding, high tide and strong waves, which cause significant damage to the social infrastructure and livelihoods of these communities. The following activities have been developed: using plant species that are adaptable to coastal areas to provide natural coastal protection, and preparing plans for urban development and engineering works to protect against river flooding, rain and the sea.

90. The West Africa Coastal Areas Resilience Investment Project,¹¹ which covers the period 2018–2023, has a projected cost of Db 15 million and is being funded by the International Development Association of the World Bank, the Global Environment Facility and the Government of Sao Tome and Principe. Its aim is to strengthen community resilience in specific coastal areas of West Africa and to foster adaptability to climate-related extreme events, which are becoming increasingly frequent and severe. It has four main components:

- 1. Strengthening regional integration: supporting international dialogue in the region, harmonizing legislation and exchanging policy and technical experiences, in order to strengthen the shared vision of coastal zone management in West Africa
- 2. Strengthening national policies, institutions and systems: technical and legal assistance, studies and workshops to support policy reforms that promote a more sustainable and adaptive approach to coastal area management
- 3. Physical and social investments to ensure the resilience of vulnerable coastal communities: physical and social adaptation activities and investments aimed at coastal protection
- 4. Project management: assistance with project management, including the associated operating costs, and with tendering, financial management, administration, auditing and the provision of social and environmental safeguards

91. In Sao Tome and Principe, the West African Coastal Resilience Investment Project will be focused on around 12 coastal communities that are considered particularly vulnerable. The progress made in four communities (Ribeira Afonso, Santa Catarina, Malanza and Praia das Burras) during the first phase will be consolidated and the project will be rolled out to eight new communities (Ió Grande, Praia Melão, Pantufo, Praia Lochinga, Praia Gamboa, Praia Cruz and Micoló on the island of Sao Tome and Praia Abade on the island of Principe).

F. Conclusion

92. As mentioned above, Sao Tome and Principe is highly vulnerable from an economic point of view. It is dependent on official development assistance for 90 per cent of its investment expenditure and 97.3 per cent of the State budget. Despite these circumstances, the country's successive Governments have endeavoured, as far as possible, to build a free, just and united society in which all residents of the country are eager to live.

93. Despite the economic and financial constraints that it faces, Sao Tome and Principe has made significant progress in areas such as health, education, social policy, legislative reform and the ratification of conventions.

94. Although the country's achievements fall well short of its expectations, this is understandable given that the realization of human rights depends largely on the availability of economic, financial and human resources, which are determining factors in this regard. With that in mind, Sao Tome and Principe would like to take this opportunity to call once again for the collaboration of all so that, together, we are able to build a better world for all, in which respect and protection for human rights are considered a priority.

Notes

- ¹ Mémorandum économique pour le pays de la Banque mondiale, page 40, <http://documents1.worldbank.org/curated/en/656351570563734606/pdf/Turning-Smallness-into-Uniqueness-Six-Key-Challenges-to-Unlock-Sao-Tome-and-Principe-Growth-s-Potential-Summary-Report.pdf>
- ² Voir la page web du projet de réhabilitation des infrastructures d'appui à la sécurité alimentaire (Priasa II) <http://priasa.org/projecto.html>
- ³ Rapport final de l'examen stratégique "Faim Zéro" – Horizon 2030 en avril 2018.
- ⁴ https://www.st.undp.org/content/saotome_and_principe/pt/home/presscenter/articles/2019/empreende-dorissocial.html
- ⁵ <http://www.stp-press.st/2019/10/03/governo-oficializa-o-novo-programa-agricola-estimado-em-25-milhoes-de-dolares/>
- ⁶ (Water and Sanitation Sector Reform Monitoring Report, 2018)
- ⁷ Source: DGRN.
- ⁸ Plan-cadre des Nations unies pour l'aide au développement pour un développement équitable, inclusif et durable dans les PTS – UNDAF 2017–2021 – http://ms.gov.st/wp-content/uploads/2018/08/UNDAF-STP_2017-2021_final-version-PT.pdf.
- ⁹ Rapport sur le bilan du PAMCZC 2012–2016.
- ¹⁰ Rapport du 1er trimestre 2020, Direction générale de l'environnement.
- ¹¹ Rapport du 1er trimestre 2020, Direction générale de l'environnement.