

Sao Tome and Principe 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Sao Tome and Principe during the year.

Significant human rights issues included credible reports of: serious problems with the independence of the judiciary; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, child marriage, and other forms of such violence; and the existence of the worst forms of child labor.

The government took steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

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

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

Seven members of the armed forces charged in the extrajudicial killing of four civilians who attacked an army barracks in November 2022 were

awaiting trial at year's end after a civil judge referred their cases to a military tribunal in September. The Public Prosecutor's Office appealed this decision on the grounds that a trial in military court would likely not result in an impartial verdict. The outcome of the appeal was pending at year's end.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibited such practices, and there were no credible reports government officials employed them.

Prison and Detention Center Conditions

Prison conditions were harsh due to gross overcrowding and failing infrastructure.

Abusive Physical Conditions: The country's single prison had capacity for 90 prisoners but held more than 300. The government did not increase the prison's budget for food since 2011. Some rooms in the prison were so decrepit they were unusable. High temperatures were typical, and ventilation was insufficient. Pretrial prison cells often did not have adequate

beds. Sanitation and kitchen conditions were rudimentary. Prisoners with medical emergencies were taken to the national hospital, but those with disabilities did not receive adequate treatment. Prison guards reported paying for medication out of their own salary to keep the infirmary stocked.

Administration: Legal representatives from the prosecutor's staff and court personnel were available to address prisoner grievances. Prisoners and detainees could submit complaints without censorship and request investigation of allegations of inhuman conditions, but no allegations were submitted during the year.

Independent Monitoring: The government permitted independent nongovernmental organization (NGO) and international human rights group monitors to visit the prison.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law required arrest warrants issued by a judge to apprehend suspects, unless the suspect was caught in the act of committing a crime. The law also

required the government to file charges within 48 hours of detention, and authorities generally respected this requirement. Authorities informed detainees promptly of charges against them and allowed them access to family members. There was a functioning bail system for nonviolent crimes. Authorities allowed detainees prompt access to a lawyer.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary, and the government generally respected judicial independence and impartiality in criminal matters. Judges were appointed directly by the National Assembly, leaving them potentially vulnerable to ruling party influence in civil matters. In June, the National Assembly dismissed four judges from the constitutional court and replaced them with four justices who acted on matters observers characterized as beneficial to the governing party. In one of its first official acts, the new court returned control of the Rosema brewery to two members of the governing coalition, reversing a court decision made during the previous government. Authorities generally respected and enforced court orders.

Trial Procedures

The constitution and law provided for the right to a fair and public trial, and the judiciary generally enforced this right. The government teamed with the bar association to provide indigent defendants with legal representation at

no cost, although lawyers and the Ministry of Justice reported government funding was often insufficient to cover lawyer fees.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provided for freedom of expression, including for members of the press, and the government generally respected this right. A somewhat independent media and a functioning democratic political system combined to promote freedom of expression, although the press was occasionally susceptible to political influence and manipulation. The law mandated all public entities be neutral during political campaigns, but some opposition leaders claimed state-run media edited content presented by opposition parties and otherwise provided coverage that boosted the ruling coalition.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Journalists claimed to practice self-censorship, particularly at government-owned media entities, which were the country's most significant news sources. Journalists indicated top editors and producers at government-owned media outlets were typically linked to the ruling political party, which influenced reporting on politically sensitive topics. Independent journalists stated obtaining access to official sources, mainly legal documents, was a problem due to a lack of

government transparency on sensitive topics, particularly the November 2022 military barracks attack.

Libel/Slander Laws: Libel, slander, and blasphemy were treated as criminal offenses. There were no cases of persons being arrested for or charged with libel, slander, or blasphemy during the year.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights. The government restricted protest gatherings for 15 days surrounding the Community of Portuguese Language Countries Summit held in the country from August 21-27, stating the measure was intended to maintain security during the event. The restriction impeded a planned protest by the family and supporters of the sole civilian charged with crimes associated with the November 2022 military barracks attack.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

There were no reports of refugee or asylum requests.

Access to Asylum: The constitution provided for the granting of asylum, but the government did not establish a system for providing protection to asylum seekers or refugees.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections, last conducted in 2022, were widely reported, including by international observers, to be fair and free of abuses and irregularities.

Participation of Women and Members of Marginalized or Vulnerable Groups: Cultural and social factors limited women's political participation.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government generally did not implement the law effectively. Local NGOs stated government corruption was pervasive, and there were numerous reports of government corruption.

Corruption: Some officials reportedly engaged in corrupt practices with impunity. A study by the country's NGO federation highlighted ineffective prosecution and lack of convictions as major drivers of impunity. The government continued to investigate corruption allegations against several former high-ranking officials, but none were tried. At year's end, the attorney general was investigating approximately 40 criminal cases involving public corruption. Many citizens reportedly viewed police as ineffective and corrupt, and feared retaliation if they reported corrupt police officers. Ministry of Justice and police officials acknowledged this public perception

and held training during the year to improve police interaction with the public.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A small number of domestic human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The governmental Human Rights Directorate, under the Ministry of Justice and Human Rights, advocated for changes to laws and policies in support of human rights and published reports on children's and women's matters. Human rights groups regarded the directorate as independent and moderately effective. The National Assembly also maintained a committee that reported on human rights topics.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of men and women, including spousal rape, was illegal and punishable by three to 10 years' imprisonment.

Prosecution was most common when there was evidence of violent assault or the survivor was a child.

The law prescribed penalties ranging from imprisonment for one to five years for domestic violence resulting in harm to the health of the victim, to incarceration for two to eight years when such violence led to loss of life.

The government did not enforce rape and domestic violence laws effectively. The Public Prosecutor's Office reported a 20 percent increase in domestic violence cases since 2018. Police and prosecutor attributed this increase in part to broader public awareness concerning the rights of domestic violence survivors.

Many women were reluctant to take legal action because of the cost, a general lack of confidence in the legal system to address their concerns effectively, fear of retaliation, and, in many cases, ignorance of their legal rights. Authorities reported some medical professionals refused to treat victims of rape and domestic violence due to fear they would be called to testify on their findings and then suffer possible retribution by the abuser.

The Office of Women's Affairs, under the Prime Minister's Office, and

UNICEF maintained a counseling center and small shelter with a domestic violence hotline but reported their limited capacity did not meet the needs of the population.

Other Forms of Gender-based Violence or Harassment: While the law prohibited sexual harassment, the government did not always enforce the law and sexual harassment was widespread.

Discrimination: The constitution and law provided the same legal status and rights for women and men, but the criminal code did not specifically address gender-based discrimination, nor did family laws specifically recognize legal equality in family, child custody, business and property ownership or management, nationality, or inheritance matters.

While many women had access to opportunities in education, business, and government, women – particularly older women and those living in rural areas – generally encountered significant societal discrimination. Traditional beliefs left women with most child-care responsibilities. Younger women had increasing access to educational and professional opportunities compared with their elders. Societal discrimination against women affected their wages and employment prospects. Discrimination did not generally occur in access to credit or housing.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The country had no law, regulation, or government policy that interfered with couples'

or individuals' right to decide the number, spacing, and timing of their children.

The government encouraged the use of contraception and family planning, but sociocultural barriers affected the use of family planning. There were reports some men prevented their partners from using contraceptives, sometimes through intimidation.

The country had several health-care centers, two of which were equipped to provide emergency obstetrical and neonatal care. These two centers served approximately 35 percent of the population. The UN Population Fund (UNFPA) supported health facilities in providing contraceptive methods, as well as voluntary counseling and testing.

In September, the central hospital inaugurated a wing to treat survivors of sexual violence, domestic violence, and rape, including the use of emergency contraception and postexposure prophylaxis as part of the clinical management of rape. The facility provided evidence to criminal prosecutions of perpetrators. Emergency contraception was also available free of charge from various government agencies and NGOs.

According to a UNFPA report, health professionals attended 93 percent of births and 97 percent of health facilities provided maternal and child health services and family planning. Many family-planning needs, however, were unmet, and early pregnancy was high at 27 percent.

There were no reports of legal, social, or cultural barriers, including harmful practices, related to menstruation and access to menstruation hygiene that impacted women and girls' ability to participate equally in society, including any limits on a girl's access to education. There were no legal, social, or cultural barriers that impeded an adolescent girl's access to education due to pregnancy or motherhood status.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provided that all citizens were equal before the law regardless of race or ethnicity. There were no reports of the government failing to enforce the law effectively. The law did not distinguish between migrant workers and citizens in terms of protections, wages, and working conditions.

Children

Birth Registration: By law children born in a hospital were registered on site. Parents who failed to register a nonhospital birth could be fined, and failure to register a birth could hinder access to education because having a personal identification record was required to enroll in school.

Child Abuse: The law prohibited child abuse, but it was not enforced effectively. The UN reported 84 percent of children experienced violent discipline, and 14 percent experienced severe physical punishment.

Orphans and abandoned children were particularly vulnerable to abuse. The

government partnered with UNICEF to open a center during the year for abused children where they could register instances of abuse and receive psychological counseling.

Child, Early, and Forced Marriage: The legal minimum age of marriage without parental consent was 18. The government did not enforce the law effectively. The government reported some religious groups celebrated marriages earlier than the age established by law but such marriages were not legally recognized until the couple applied at the civil registry after they had both turned 18.

Sexual Exploitation of Children: The law prohibited the use of children for commercial sexual exploitation, statutory rape, and child pornography. The penalty for conviction of commercial sexual exploitation of children younger than age 18 was two to six years' imprisonment. In cases of kidnapping with the intention of forcing children younger than age 16 into commercial sex, the penalty was five to 10 years' imprisonment. The minimum age for consensual sex was 16. Authorities enforced the law. Prison officials reported approximately 30 percent of prisoners were being held for child sexual abuse crimes.

Antisemitism

There was no known Jewish community, and there were no known reports of antisemitic incidents.

Trafficking in Persons

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in the country or that traffickers exploited victims from abroad.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law did not criminalize consensual same-sex sexual conduct between adults, so-called cross-dressing, nor other sexual or gender characteristic-related behaviors. There were no reports of facially neutral laws being enforced to disproportionate effect against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

Violence and Harassment: There were no reports of state or nonstate violence targeting LGBTQI+ persons.

Discrimination: The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. The law did not explicitly recognize LGBTQI+ couples or their families nor grant them rights equal to the rights of other persons. There were occasional reports of societal discrimination, primarily rejection by family and friends, against LGBTQI+ persons. There were occasional reports

of employment discrimination based on LGBTQI+ status but were difficult to verify.

Availability of Legal Gender Recognition: Legal gender recognition was not available.

Involuntary or Coercive Medical or Psychological Practices: There were no known reports of forced or involuntary so-called conversion therapy practices.

There were no known reports that medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: While there were no official impediments, few LGBTQI+ organizations existed, and societal norms were often not accepting of LGBTQI+ persons. Revealing one’s LGBTQI+ status was widely considered taboo.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, or transportation on an equal basis with others. The law generally prohibited discrimination against persons with disabilities; however, it did not mandate access to most buildings, transportation, or other services for persons with disabilities. By law, school buildings were required to be accessible to persons with disabilities, and renovations to bring schools into

compliance were underway as of year's end. The government did not provide information and communication on disability concerns in accessible formats.

Persons with disabilities experienced discrimination in employment and occupation. Most children with disabilities attended the same schools as children without disabilities, but many did not attend school due to lack of family resources and lack of teachers specializing in inclusive education. During elections, some polling stations were accessible to persons with disabilities while others were not.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. While the law recognized the right to collective bargaining, there were no regulations governing this right. The law did not prohibit antiunion discrimination or

acts of interference committed by employers against trade unions. While the law provided for the right to strike, including by government employees and other essential workers, this right was strictly regulated.

The provisions regulating strikes required agreement by a majority of workers before a strike could be called, and replacement workers could be hired without consultation with trade unions to perform essential services if an enterprise was threatened by a strike. The law provided a list of specific minimum or essential services. An arbitration tribunal appointed by the minister of labor mediated any disagreement regarding what constituted “minimum service” between an employer and a union. The law also required compulsory arbitration before striking for certain services, including postal, banking, and loan services. Worker organizations were restricted in the military and police forces, but generally were independent of government and political parties.

While the law prohibited retaliation against strikers and required reinstatement of workers fired for legal union activity, the government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers. The penalties for such abuses were commensurate with those for other similar violations but were never applied against violators. The lack of prosecutions for acts of antiunion discrimination or acts of interference against trade union organizations reportedly contributed to discrimination.

Some informal workers organized trade unions, including fish sellers, informal traders, motorbike taxi drivers, and port and dock workers. Informal worker unions advocated member interests in discussions on government fees and licenses and sometimes provided union members access to credit.

Workers' collective bargaining rights were relatively weak and little used due to the government's role as the principal employer in the formal wage sector and as key interlocutor for organized labor on all work-related matters, including union rights and restrictions. The two labor unions, the General Union of Workers of Sao Tome and Principe and the National Organization of Workers of Sao Tome and Principe, negotiated with the government on behalf of their members on an irregular basis. Union leaders reported to have met with the government only once during the year to discuss labor matters for public-sector employees despite repeated attempts at engagement.

b. Prohibition of Forced or Compulsory Labor

The law prohibited all forms of forced or compulsory labor, including by children. The government did not effectively enforce the law. Inspections were insufficient to enforce compliance, especially in the large informal sector. There were no official reports of forced or compulsory labor.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage for public employees was above the poverty line. The minimum wage in the private sector varied by sector and was above the poverty line in all cases. The legal workweek was 40 hours. Shopkeepers who wished to keep their stores open more than 40 hours a week could ask for an exception, which, if granted, required them to pay their workers overtime or have them work in shifts. The law provided for compensation for overtime work. The law specified occupations in which civil servants could work second jobs, which was a common practice. Private-sector security guards often worked longer than the legal maximum, with some reports of 24-hour shifts according to labor leaders.

Occupational Safety and Health: The law prescribed appropriate occupational safety and health (OSH) standards for all sectors. By law workers could remove themselves from situations endangering health or safety without jeopardy to their employment, but authorities had limited

capacity to enforce this right. As the largest employer, the government effectively enforced OSH standards in the public sector. Working conditions on many of the largely family-owned cocoa farms were unregulated and harsh, with long hours for workers and exposure to the elements and hazardous conditions.

In construction, few workers were outfitted with appropriate personal protective equipment (boots, helmet, or gloves) and accidents were rarely reported to the government or labor unions. In the fishing sector, many workers did not have life vests, compasses, or life rafts. There were government programs to sell some of this equipment at greatly reduced costs or to provide it for free. Informal worker unions sometimes provided protective equipment to members at reduced cost.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws. The Ministry of Justice, Public Administration, and Human Rights and the Ministry of Labor and Social Affairs were responsible for enforcement of appropriate OSH standards and for identifying unsafe situations. Ministry of Labor inspectors had the authority to conduct unannounced inspections and initiate sanctions but were insufficient in number and training to enforce compliance. Inspectors lacked the necessary financial and human resources, as well as basic equipment, to conduct regular inspections. Penalties were not commensurate with those for similar violations and were never applied against violators. Union leaders identified only one case of a labor (wage)

violation pending in civil court during the year, and reported judges were less versed in the country's labor law compared to the criminal code.

Although little data was available, UN researchers estimated up to 68 percent of workers were in the informal sector. There was no enforcement of minimum wage or monitoring of working conditions in the informal sector.