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## **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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## Introduction

1. As a Member of the United Nations, the Democratic Republic of Sao Tome and Principe presented its first report in February 2011, during the tenth session of the universal periodic review. This resulted in a range of recommendations being made by the States participating in the interactive dialogue.

2. In order to demonstrate the progress made, challenges encountered and good practices used during the reference period of 2011 to 2015, this report has been drafted on the basis of those recommendations accepted by the State that aim to evaluate the extent to which commitments to promoting and protecting human rights have been fulfilled.

3. In order to draft this report, the Ministry for Justice and Human Rights, the government body responsible for its coordination and drafting, created an interministerial commission<sup>1</sup> and requested input from other government institutions and from civil society with the aim of promoting even greater inclusion and participation for all.

4. To improve the drafting procedure, a public workshop to present and discuss the report was also held with the following State bodies: the Presidency of the Republic, the National Assembly, the Ministers of Foreign Affairs and Communities, Justice and Human Rights, Defence and Maritime Affairs, Finance and Public Administration, Education, Culture and Science, Youth and Sport, the Prosecutor-General's Office, the National Institute for the Promotion of Gender Equality, the National Institute for Youth, the Criminal Police, the Prison and Social Integration Services and the Directorate of Social Protection. Civil society, in particular, the National Youth Council, the Association of Women Lawyers, the Human Rights Platform, the Bar Association, the Public Integrity Centre of Sao Tome and Principe, the Child and Youth Foundation, and the Association for the Reintegration of Abandoned Children and Children at Risk, was also invited to the workshop.

5. As indicated above, the States that took part in the interactive dialogue identified a number of issues to be improved, in the form of 82 recommendations.

6. However, several recommendations (for example resolutions 64.15, 64.55 and 64.58) were already addressed in the first report and a significant number of recommendations pertain to the same subject. Therefore, in order to avoid repetition, this report is organized into six thematic groups:

- (a) Ratification and implementation of international human rights instruments;
- (b) Reform of the judicial system and incorporation of international and regional human rights treaties;
- (c) Strengthening of the national human rights system;
- (d) Promotion and protection of the civil, political, economic, social and cultural rights of citizens;
- (e) Promotion of the rights of women and gender equality;
- (f) Promotion and protection of the rights of children, elderly persons and persons with disabilities.

## **I. Ratification and implementation of international human rights instruments**

7. Of the international instruments, Sao Tome and Principe has ratified the Convention on the Rights of the Child (14 May 1991), the Convention on the Elimination of All Forms of Discrimination against Women (3 June 2003) and the Convention on the Rights of Persons with Disabilities (6 October 2014).

8. At the regional level, Sao Tome and Principe has ratified the African Charter on Human and Peoples' Rights (23 May 1986).

9. Although it has not yet ratified the other conventions, the State has adopted legal, institutional and administrative measures aimed at ensuring that all individuals living within its territorial jurisdiction have a free and dignified life, in accordance with the principles of international and regional human rights instruments.

10. In respect of acceptance of international law, the 2003 revision of the Constitution introduced article 13, paragraph 1, on the standards and principles of general or ordinary international law, which form an integral part of the law of Sao Tome and Principe, and paragraph 2, which provides that the standards resulting from international conventions, treaties and agreements which have been properly approved and ratified by the relevant competent bodies, enter into force in the legal order of Sao Tome and Principe following their official publication.

## **II. Reform of the judicial system and incorporation of international and regional human rights treaties**

11. In the context of the judicial reform, the Government has implemented measures intended to improve the quality of the judicial system by fighting corruption, speeding up the procedural system, creating the conditions to restore public confidence in the system and integrating international human rights standards into its legal order.

12. To this end, a number of steps have been taken, the most important of which have been the approval of the basic law on the legal system, the institutionalization of pretrial proceedings as a single procedural phase and the role of the examining judge, the drafting and approval of criminal and criminal procedural legislation, the introduction of a judge responsible for the execution of sentences, the approval of the law on legal aid and legal counsel, the approval of the Domestic Violence Act, the creation of a one-stop shop for businesses and a number of improvements to registry and notarial services, including their computerization.

13. Finally, a number of bills have also been drawn up to bring domestic laws more in line with international standards: on the protection of children and young people at risk; on institutional care; on foster families; on adoption; on the guardianship of minors; the new draft labour code, which includes the list of the worst forms of child labour; and the bill on the family. In addition, it is planned to revise other legislation, especially the Criminal Code, the Civil Code and the Code of Civil Procedure.

14. We are aware that organization of the justice system must be considered from the point of view of the users, prioritizing specialized courts in order to facilitate the access of citizens and/or users to an improved justice system. It is also necessary to implement rules which facilitate more regular assessments of the way in which the system is performing, to improve its efficiency and swiftness.

15. The Government programme aims to reorganize the judicial system and to reform procedural law at the same time, mainly by revising the civil procedure system,

in both the declaratory and the executory phases. This will take the form, for example, of reducing the different procedural forms, by simplifying the system and making it both more efficient and quicker. At the same time, emphasis will be placed on reducing procedural formalities and on holding oral proceedings to ensure that the procedure is more efficient and can be understood by all parties. Amendments will also be made in order to create and improve alternative methods of conflict resolution.

16. Concerning the definition of inhuman or degrading treatment and ill-treatment in national legislation, paragraphs 3 and 4 of article 215 of the Criminal Code currently in force define torture and other cruel, degrading and inhuman treatment as: “an act which consists of inflicting acute physical or psychological suffering, serious physical or psychological fatigue or the use of chemical products, drugs or other natural or artificial methods with the intention of disrupting the victim’s capacity to determine or freely manifest his or her will. The provisions of the preceding paragraph shall not include suffering inherent to enforcement of the sanctions mentioned in paragraph 1, nor legal custodial measures or measures to restrict liberty.”

17. Regarding the sanctions applicable to breaches of the freedom of association, Act No. 5/92 of 28 May (Trade Union Act) and Act No. 6/92 of 11 June (legal framework for individual employment agreements), currently in force, do not provide for sanctions for employers who commit such a breach. Nonetheless, the new draft labour code, which is under public discussion, has already introduced improvements to protect this right. The draft introduces the concept of individual freedom of association (art. 350) and general freedom of association (arts. 412 et seq.), and provides for progressive sanctions (art. 350, para. 5/9).

## **Prison system**

18. The Directorate-General of Penitentiary and Social Reintegration Services is the State body responsible for enforcing criminal sanctions and monitoring the social reintegration of prisoners. One of its responsibilities is to promote dignity and humane living conditions in penal institutions. In the internal regulations of the services, article 60 on rights states that: “The detainee shall continue to enjoy his or her fundamental human rights ...”. Paragraph 2 of article 61, on the right to physical integrity, states: “The detainee has the right to serve his or her sentence in dignified physical and humane conditions, in particular with regard to diet, hygiene, health and accommodation ...”.<sup>2</sup>

19. There is a penal institution with the capacity to accommodate approximately 200 people. It was built in the mid-twentieth century and suffers from a lack of maintenance and renovation work. The building is divided into two sections, with barracks-type accommodation, but it does not have observation or isolation rooms. There is a health clinic but it cannot accommodate detainees who are ill. The internal conditions in this facility mean it is not possible to physically separate the detainees, in line with the conventions.

20. However, work to extend and adapt the prison building is at an advanced stage and is expected to be finished this year. The building will have a new section, with individual and group cells.

21. On the same subject of improvements to prisons, in May of this year, the Government announced the construction of a brand new maximum security prison to meet all of the requirements in terms of the safety and dignity of the prisoners.

22. Although the Directorate-General has financial problems, it does provide all detainees with three varied, hot meals on a daily basis. It should be pointed out that families may also provide meals.

23. All detainees have access to drinking water for personal hygiene and washing, as well as to medical services and medication.
24. For consultations with specialists and in emergencies, detainees are transferred to the public health-care system.
25. There are still certain challenges regarding social reintegration as there is not yet any coherent policy linking the work being done.

### **III. Strengthening of the national human rights system**

26. The Government and its partners, especially the United Nations Development Programme (UNDP) and the United Nations Centre for Human Rights and Democracy in Central Africa, are involved in creating a national human rights institution, in accordance with the Paris Principles.
27. In April 2014, a seminar was held in Sao Tome for government institutions, civil society and United Nations agencies to consider different models for such an institution which could be adapted to suit the national context.
28. Taking into consideration the characteristics of the State, the Council of Ministers met during a regular session on 22 and 23 August 2015 to debate the creation of the position of Ombudsperson. The legislation to introduce this role is currently being drafted.
29. Although no special procedures mandate-holders were invited, events were organized in partnership with the United Nations Centre for Human Rights and Democracy in Central Africa and UNDP in June 2011, October 2012, April 2014, July 2014 and October 2015 to focus on training in the field of international human rights treaties and work on setting up the national human rights institution, monitoring recommendations and producing reports targeting legal professionals and civil society.
30. In respect of strengthening the national human rights systems, it should be noted that, for the first time, a Government department, the Ministry of Justice and Human Rights, has been set up, within the executive branch, to oversee human rights policy.

### **IV. Promotion and protection of the civil, political, economic, social and cultural rights of citizens**

#### **Civil and political rights**

31. Pursuant to our Constitution, political power lies with the people, who exercise this power by universal, equal and direct suffrage by secret vote. All citizens have the right to take part in political life and in managing issues in the country, either directly or through a freely chosen representative. Elections are free and transparent.
32. Direct participation by citizens in drawing up the general State budget is the most recent example of the participation of citizens in creating public policy and promoting transparency and good governance.
33. State bodies must comply with the principle of separation and interdependence of powers, as established in the Constitution. The State supports and protects the social organizations recognized in law which provide a framework for and promote the civic participation of citizens in the areas of their specific interests. Any citizen may set up or participate in political or other organizations recognized by the law which provide a framework for the free and non-discriminatory participation of citizens in

public life. The special law regulates the formation of political parties and civil society organizations.

## **Education**

34. According to the provisions of article 55 of the Constitution, education is a fundamental right and the State is responsible for working to eliminate illiteracy and to support lifelong learning. Basic education is mandatory and free of charge. Specific institutions may provide education.

35. In 2003, Act No. 2/2003, the basic law on the education system, was approved with the aim of establishing the general and organizational principles of the education system.

36. The country's education policy is implemented with the support of bilateral and multilateral partners and uses the following as reference points: the World Conference on Education for All (Jomtien, 1990), the Millennium Declaration (New York, 2000), the World Education Forum (Dakar, 2000), the World Conference on Special Needs Education, and the National Report on Education and the Education Forum in Sao Tome and Principe (2012).

37. As described in the Report on the Evaluation of the National Strategy 2000-2015, the different parts of the education system have achieved different levels of performance, real progress having been made in certain sectors while others still need stimulation in order to develop. Progress has been made in basic education and education for young people and adults, while preschool, secondary and tertiary education and technical and vocational education fall into the second group.

38. It should be pointed out that preschool education is undergoing a thorough reform with support from the Pontifical Catholic University of Rio de Janeiro in designing the curriculum, and from the University of Minho in drafting the framework law on preschool education. Studies were carried out to evaluate children's skills when completing nursery school, that is, in the first year of basic education. In summary, the education system as a whole has made significant progress but there are still concerns about inefficiency.

39. In addition to improving the effectiveness of the education system and increasing the number of educational facilities, the authorities plan to extend the universal, free-of-charge access to high-quality secondary education until the final year (year 12), by 2022.

40. There are facilities equipped for providing technical and vocational training in traditional and newer subjects. A project was carried out with support from Brazil. Nonetheless there are still certain challenges in relation to tailoring training to the needs of the market.

41. There are three institutions of higher education in the country, with a total of 1,500 students registered. However, the costs of higher education are very high and amount to over 40 per cent of the running costs of the Ministry for Education, Culture and Training. It is normally conducted abroad through the scholarship policy funded by partner countries and supported by the Government. Given the lack of employment opportunities in appropriate professional positions, a large number of those who complete training abroad do not return to the country afterwards.

## **Health**

42. The protection of health is one of the fundamental rights guaranteed by the Constitution, and the State is responsible for developing policies to promote public health with the aim of guaranteeing the physical and mental well-being of the population, in accordance with article 50 of the Constitution.

43. In 1996, Decree-Law No. 90/96 abolished health-care costs for pregnant women and for childbirth. The same applies for children up to the age of 5 years, the most disadvantaged persons, as identified by the relevant public body, persons suffering from kidney failure, blind persons and persons with diabetes, haemophilia, tuberculosis, hypertension, ankylosing spondylitis, multiple sclerosis or Hansen's disease when they are treated for these conditions, as well as voluntary blood donors and those suffering from chronic mental illness.

44. The health system is divided into three levels: hospitals, health centres and health posts. The health centres, located in the district capitals, provide a continuous service, and offer medical care and clinical consultations, while health posts are base units which only have a nurse, and are limited to providing nursing services, complete services for women and children and periodic general clinical consultations.

45. The UNDP reports highlight the fact that the majority of health indicators are above the levels of many other countries in sub-Saharan Africa although some of them, such as primary health care and mortality, did decline at the end of the 1990s. The main causes identified are inefficiency in the management of the health system, due to the lack of qualified human resources, the shortage and inadequate management of equipment, material and medicines, the deterioration of the infrastructure, the sudden population increase, the decrease in financial resources provided by the general State budget and interruptions in the implementation of projects. The other fact influencing the poor health conditions in the country is that a significant proportion of the population does not have access to drinking water.

46. The statistical data provided by the National Institute of Statistics shows that infant mortality and infant and child mortality fell by 50 per cent between 2000 and 2014 and the percentage of children affected by malaria dropped from 61 per cent to only 1.5 per cent over the same period.

47. In respect of HIV/AIDS, according to the World Health Organization, the prevalence is relatively low in Sao Tome and Principe, with a rate of 1.5 per cent. This figure has been stable since 2005 and there have been very few deaths.

48. To conclude on the subject of health, it should be noted that, after having received a positive evaluation from the World Health Organization, Sao Tome and Principe was recognized by the United Nations as one of the few countries in the world to have successfully reduced malaria, which had been responsible for around 60 per cent of mortality. In the Roll Back Malaria report published this month, Sao Tome and Principe is one of a group of 11 African countries that have managed to reduce deaths caused by malaria by more than 50 per cent.

## **Poverty reduction**

49. Sao Tome and Principe continues to address the challenge of reducing poverty. It remains enormous, even though a significant reduction in poverty was one of the objectives set in the last two development strategies.

50. According to the data from the survey on household consumption carried out in 2010, the poverty ratio in relation to the total population, estimated on the basis of average income, decreased from 53.8 per cent in 2020 to 49.6 per cent in 2010.

51. According to the same data, 62 per cent of the population lives in two districts: Mé-Zóchi and Água Grande. Although relative poverty has decreased in Mé-Zóchi district, from 59 per cent to 38 per cent, this is not the case for Água Grande, where poverty has increased from 39.4 per cent to 52 per cent. However, the highest poverty rates, of 84.5 per cent and 73.7 per cent, respectively, were recorded in Caué and Lembá districts.

52. The survey produces a poverty profile in São Tomé and Príncipe showing a higher incidence of poverty in households headed by women, with a rate of 71.3 per cent, against 63.4 per cent for those headed by men. The poverty rate is also relatively high among unemployed persons.

53. In its programme, the Government has recognized that sustainable economic growth which creates jobs is the only way to combat poverty efficiently. This approach is supported by all the strategic direction documents developed for the 2015-2030 period: National Consultation Report for the Post-2015 Development Agenda (2015); General Points of the Country's Development Agenda 2030 (2015); São Tomé and Príncipe 2030 Strategy (2010); and São Tomé and Príncipe 2030, the country we want (2015).

54. In 2012, the Government developed the Second National Poverty Reduction Strategy, which identifies the priority areas for action over a period of five years (2012-2016).

55. In 2013, the Priority Action Plan was drawn up. It defined the most important concrete actions to be carried out for the three years between 2013 and 2016, based on the policy guidelines in the Poverty Reduction Strategy, in line with the Millennium Development Goals, the commitments made by the State at the international level and other sectoral policy instruments.

56. During the reference period, the following sectoral policy documents were drafted and adopted by the Government: the National Employment Policy (July 2015); the Development Strategy for the National Private Sector (2015); the National Social Protection Policy and Strategy (February 2014); the Participative Strategy for Water and Sanitation in São Tomé and Príncipe 2030 (December 2012); the National Plan to Combat Child Labour and the List of the Worst Forms of Child Labour (2012); the Cultural Policy of São Tomé and Príncipe (2012); the Strategy for the Development of Information and Communication Technologies (2012); the National Strategy to Combat Malaria 2012-2016 (October 2012); the Management Plans for the Natural Park of São Tomé and Príncipe (2010); the Strategy to Promote School Health (2010); the National Plan for the Integrated Management of Solid Urban Waste — São Tomé and Príncipe 2010-2015 (August 2010); the Strategy for Education and Training 2007-2017 (2006); and Education for All — the National Education Plan 2002-2015.

## **Water and sanitation**

57. In December 2012, the Government published the Participative Strategy for Water and Sanitation in São Tomé and Príncipe 2030, making sanitation and the provision of drinking water to the population one of the priorities in the strategies to combat poverty and to promote sustainable development.

58. During the reference period, projects carried out brought about an increase in the capacity and coverage of the water and sanitation network, through investment

targeting the development of infrastructure for the collection and distribution of water, as well as by strengthening the institutional capacity of the sector to manage the resource in a sustainable manner.

59. The following projects are ongoing: 2012-2015/Project to supply water from the Rio de Ouro river/financed by a bilateral source; 2013-2016/Integrated water resource management project for the Provaz river basin, African Development Bank (AfDB)-Global Environment Facility (GEF); Project to supply water and sanitation to rural areas/AfDB. The three-year project to extend and renovate the water supply systems in peri-urban and rural areas, which began in 2015, is also ongoing. With financial support from the European Development Fund (EDF), a significant financial contribution is planned to the action plans for the water and sanitation strategy.

60. According to the General Population and Housing Census carried out in 2012, there has been a decrease in the proportion of families who do not have access to drinking water, from 26 per cent in 2001 to 16 per cent in 2012.

61. The proportion of families who do not have sanitary facilities in their accommodation has decreased, from 75 per cent in 2001 to 57 per cent in 2012, while the proportion of families with sanitary facilities increased from 25 per cent to 43 per cent over the same period.

62. Concerning waste treatment, in 2012, only 19.3 per cent of families in Sao Tome and Principe were covered by the municipal waste collection system, 63.4 per cent disposed of their household waste on wasteland, and 12.4 per cent burned or buried their waste. In 2001, this public service was practically nonexistent.

## **Food security**

63. During the thirty-ninth session of the Conference of the Food and Agriculture Organization of the United Nations, held in Rome from 6 to 13 June 2015, Sao Tome and Principe was recognized by the World Food Summit for its efficient coordination of actions in the field of food security, which made it possible for the country to achieve sooner than expected the first Millennium Development Goal and the objective of halving the number of people suffering from hunger by 2015.

64. In the field of food security, the reference framework in terms of policies is set by the Policy Paper on Agricultural Policy, adopted in 1999. In 2012, the National Programme for Food and Nutritional Security was developed and, two years later, the National Programme for Agricultural Investment in Food and Nutritional Security 2016-2020 set out a framework for action to boost agricultural production, improve market access conditions, improve the nutritional situation of the population and strengthen food chains, including the processing of agricultural products.

65. In 2012, Act No. 4/2012, the basic law for the National Programme on Food and School Health, was published, defining the regulatory framework that governs the Programme.

66. In 2015, the National Food Security Council was set up to strengthen the coordination and monitoring of policies and programmes which are significant in terms of food and nutritional security.

67. The Second National Poverty Reduction Policy provides four programmes which help to promote food security. The actions undertaken in the context of these programmes will be analysed below, based on follow-up strategy reports.

### **Programme to encourage production and the productivity of export crops**

68. This programme aims to increase and diversify the production of export crops.

69. The final cycle of the Participatory Smallholder Agriculture and Artisanal Fisheries Development Programme (PAPAFPA), which was co-financed by the International Fund for Agricultural Development (IFAD) and targets smallholder farmers, livestock farmers, fishermen and women who make their livelihood from small-scale fish sales, was carried out between 2010 and 2015. In that stage, the project contributed to supporting the production of agricultural crops destined for niche markets in high-income agricultural sectors.

70. In addition to the actions aimed at encouraging production, the Programme also supported the professionalization of organizations in the agricultural sector, by creating export cooperatives and certifying products as fair trade and organic.

### **Programme to increase and improve the quality of livestock production**

71. This programme aims to improve livestock production and productivity and to improve the access for local people to animal protein.

72. In this context, the Livestock Development Support Project was implemented between 2006 and 2013. The Pig Development Project (2012-2017) is ongoing, as is the Participatory Smallholder Agriculture and Artisanal Fisheries Development Programme PAPAFPA (2013-2015), through the food crops diversification sector.

73. Between 2006 and 2013, under the Livestock Development Support Project, co-financed by AfDB, work was done on the genetic improvement of local breeds, in particular by creating an artificial insemination unit, providing technical training in this field and by importing animals from improved breeds. Under this project, research has also been conducted into the production of feed for animals, based on local products, and on vaccination campaigns as well as veterinary health promotion.

74. For this purpose, actions were carried out in the context of the food crops diversification sector of the PAPAFPA project. The project provided support by constructing infrastructure to promote pig and poultry production.

75. Under the Pig Development Project (2012-2017), financed by a bilateral source, actions were also carried out to improve the genetic performance of breeds of pigs, through technical training, the development of infrastructure and the importation of Landrace and Large White individuals.

### **Programme to improve the quality of fish production**

76. This programme aims to increase catch levels, to modernize the artisanal and industrial fleet and to improve the preservation of fish.

77. To achieve this objective, the Government has focused its efforts on the following projects: Infrastructure Rehabilitation for Food Security Support Project (PRIASA), Capacity-Strengthening for Fishermen and Women Fish Vendors (Palaiès) Project, Fisheries Programme Support Project, Agricultural and Fisheries Sector Support Project, Project on Safety at Sea for Small Artisanal Fishing Boats (PSMPEPA) and PAPAFPA.

78. PRIASA was carried out between 2011 and 2015, financed by AfDB, in order to strengthen human resources capacities and to invest in the renovation of agricultural, rural and fisheries infrastructure (irrigation systems, rural roads and food preservation infrastructure). In the artisanal fisheries sector, the project contributed to increasing security at sea and to the professionalization of fishermen and women fish vendors.

79. Another ongoing project, the Capacity Strengthening for Fishermen and Women Fish Vendors (Palaiês) Project (2012-2015), co-financed by Japan, has supported fishermen and women who make their livelihood from the artisanal fisheries trade, in catching and preserving fish, under partnerships with the Association of Fishermen of Santa Catarina (2012-2013) and the Association of Fishermen of Porto Alegre (2014-2015).

80. The Fisheries Programme Support Project (2012-2013), co-financed by Spain, has supported fishermen in obtaining fishing equipment, laboratory equipment, safety and training equipment and in renovating the equipment in the Neves trawler centre; and the Agricultural and Fisheries Sector Support Project was created with the objective of providing infrastructure to preserve fish.

81. Under PSMPEPA, which is part of the larger Project to Adapt to Climate Change in Coastal Areas (2012-2016), training activities for fishermen were carried out and marine navigation and security equipment was distributed.

82. For the fresh fish packed in ice sector, PAPAFPA, a project carried out by the NGO MARAPA, provided capacity-strengthening for the participants and led to the construction of safer and more durable fishing boats. The project helped 460 fishermen and 234 women who make their livelihoods from trade in artisanal fisheries, in 16 fishing communities.

83. Under the Project to Strengthen Civil Society for the Socio-Economic Development of the Fisheries Sector (PROFOPESCA), which ran from 2013 to 2015, with financing from the European Union, work was done to increase the participation of fishermen and women who sell fish in the sectoral development strategies and in decision-making procedures, to strengthen their professional skills in the maritime and trawler fields, to increase the economic production of fishing operators, to promote access to food produced by artisanal fisheries, and to improve health security and nutritional quality.

## **Programme to guarantee food security**

84. This programme aims to guarantee food security for the population.

85. In 2009-2011, the Decentralized Food Security Project (PDSA) was carried out by the NGO ADAPPA, in cooperation with the Instituto Marquês de Valle Flôr, the Portuguese cooperation agency. The project helped promote food security, by strengthening the capacity for producing, processing and promoting agricultural products.

86. During this period, the project distributed equipment, agricultural supplies and horticultural seeds and also provided infrastructure to support production, in particular irrigation canals, water collection structures and drying and storage infrastructure, as well as contributing to the renovation of processing units and the construction of a cassava processing factory.

87. The duration of the Project was extended for the period 2013-2015 and during this second phase (PDSA II), it contributed to creating markets for local production and, simultaneously, to guaranteeing that children in crèches and primary schools received appropriate food, integrated into the National Programme on Food and

School Health. Around 600 producers/processors benefited directly from the project, while it is estimated that around 40,200 children were able to benefit as the final recipients.

88. Regarding the results obtained under PRIASA during the period studied, it should be noted that irrigation systems for smallholder farmers were constructed and installed, rural roads were renovated and the shelters were installed for food crop breeding facilities.

89. Another project in this area, the Food Crop Development Project, was initiated in 2012 and is planned to last for five years, up to 2017; it is financed by a bilateral source. This project focuses on five food production sectors — maize, cassava, sweet potato, taro and soybean. To do so, the project invests in improving the production conditions and maintaining the quality of products, in particular by providing equipment, supplies and training for smallholder farmers.

90. The contribution made in 2015 by the project to promote production initiatives in the agro-food sector (PIPAGA), financed by the European Union and carried out by the NGO ALISEI, in partnership with the NGOs ADAPPA and QUA TELÀ, should also be noted.

91. This project supported three food crop production chains — bananas, taro and breadfruit — which helped strengthen and professionalize the agro-industrial sector, to guarantee a sufficient quantity of local production of foods to supply local markets and to enable the excess to be processed, thus reducing dependence on imported products.

92. The project included a range of studies which were used to define an integrated action strategy to support the development of these production chains, in terms of production, organization, processing and disposal, with the aim of supplying the school canteens involved in the National Programme on Food and School Health.

93. For the next five years, a set of far-ranging actions are planned, translating the Government's efforts in essential maintenance and investment in the agricultural sector, to guarantee food security and to reduce poverty in rural areas, as indicated below.

94. The financing agreement for PRIASA was renewed in July 2015 by the Government and AfDB for the 2015-2020 period, tripling investment in the modernization of production infrastructure, support for developing value chains and improved skills for agricultural technicians, with a new emphasis on gender and nutrition.

95. The six-year Project to Support Small-scale Commercial Farming (PAPAC), co-financed by IFAD and the French Development Agency, which began in 2015, will have the overall objective of reducing rural poverty and food insecurity. Its specific objective will be to provide the most vulnerable rural families with sustainable opportunities to access income, by promoting their vegetable and animal products on the niche export market and the internal market.

96. The Non-Wood Forest Products Project, financed by AfDB and implemented by FAO between 2015 and 2017, aims to strengthen the contribution of non-wood forest products — the land snail (*Archachatina marginata*), palm wine (sap of *Elaeis guineensis*), jackfruit (fruit of the *Artocarpus heterophyllus*), breadfruit (fruit of the *Artocarpus altilis*), the chayote (*Sechium edule*) and black nightshade (*Solanum nigrum*) — to food security and the sustainable management of forest resources.

97. The project to promote agro-silvo-pastoral integration for agro-pastoral small and micro-farms, financed by FAO for a period of 24 months, aims to increase and

diversify agricultural and livestock production, promote the conservation and rational management of natural resources, provide institutional training and improve the well-being of the rural population. The funding agreement was signed in February 2015 and the launch is expected to take place in July 2015.

98. The four-year project to strengthen rural capacity to adapt and to develop climate change-resilient livelihood options in Sao Tome and Principe, launched in June 2015, co-financed by UNDP and GEF, aims to mitigate the effects of climate change on agriculture, fisheries and the agricultural economy, to guarantee food security and to increase the resilience of the most vulnerable communities to the effects of climate change.

99. The urban and peri-urban horticulture project, with a duration of three years (2015-2017), co-financed by FAO, aims to stimulate horticultural production in the peri-urban areas of two pilot zones, the Lobata area in Sao Tome and the autonomous region of Principe.

### **Transparency in the mining sector**

100. In May 2012, the Government renewed the country's application to the Extractive Industries Transparency Initiative (EITI), having been admitted as a candidate country in October. To manage the process, an EITI National Committee, made up of civil society partners, mining companies and the Government and supported by a permanent Secretariat, was set up in 2012.

101. In November 2014, the country published its first EITI report, which independently reconciles the payments declared by the operators, the Government and the governmental agencies for the period between 1 January 2003 and 31 December 2013.

102. The second EITI report is being drafted, covering activities carried out in 2014 in the exclusive economic zone of Sao Tome and Principe.

103. In August 2015, the EITI National Committee began to implement actions set out in its communication strategy, approved in July 2015, to disseminate the first EITI report to the local population, along with information about the oil sector in the country, under the slogan *Kuá Povo, Povo Tocá Sebê* ("what belongs to everyone should be everyone's business!").

### **Mechanism for financing and coordinating aid**

104. Improving the management of public finances was one of the main concerns that led, in 2005, to the formulation of a strategy to reform and modernize public finances, through human resources training, a reform of the legal framework and the implementation of a new conceptual model which combines budgetary, financial and asset management, supported by a new electronic platform called SAFE-e.

105. To the same end, in 2007, a legal framework was established through Act No. 3/2007 of 12 February, which creates and regulates the State Financial Management System (SAFE), Decree 4/2007 of 17 January on the new budget classification for public revenue and expenditure and Decree No. 21/2007 of 4 July regulating the new State accounting system and the chart of accounts.

106. In accordance with the commitment to increase transparency and responsibility in the management of public finances, since 2012, the State budget has been implemented through SAFE-e, the new financial management system.

107. The Government has made significant efforts to reduce the country's stock of public debt. It was estimated to be US\$ 360 million in 2006, before the country qualified for debt reduction under the Heavily Indebted Poor Countries Initiative. The debt has been reduced since then and, at the end of June 2013, it was estimated to be US\$ 222.4 million.

108. With support from the World Bank and Debt Relief International, new legislation on management of the public debt was drafted and approved in 2012, regulating the policy on public indebtedness and the management of the public debt.

109. In 2014, the National Public Debt Strategy (2012-2020) was adopted, enabling the Government to reduce the costs and risks of public indebtedness, through risk assessment and management, and coordination of fiscal and monetary policy so that the maximum and prudential level of indebtedness is sustainable with the fiscal policy.

110. To strengthen expenditure control, transparency and accountability, the general accounting reports of the State from 2010 and 2011 were submitted by the Government to the supervisory body of the Court of Audit.

111. In order to improve the planning of expenditure and the allocation of State resources, the sectoral medium-term expenditure framework for the infrastructure, health, education, agriculture, water and sanitation sectors was drawn up; training was also provided to human resources in the fields of accounting, budget and financial planning.

112. In order to improve the effectiveness and efficiency of revenue collection, the procedures and regulations for the tax collection services have been strengthened and improved, helping to increase revenue significantly.

113. The reform of direct taxation, launched in 2008, can be considered to have been a success as, between 2007 and 2011, the income tax collected increased by 152 per cent in nominal terms, representing 30 per cent of current revenue, in comparison to approximately 25 per cent in 2007/08. The strategy of the authorities in this field has included expanding the tax base and tax revenue and combatting tax evasion, through a more progressive structure for personal income tax, simplifying corporation tax, withholding at the source tax owed by service providers and strengthening tax administration.

114. The coordination mechanisms are being strengthened with assistance from UNDP: a technical coordination entity, the aid coordination unit, is being reformed and an information system to monitor aid is being developed.

115. In August 2013, new legislation on preventing and combatting money laundering and the financing of terrorism was approved; in October it was recognized by the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), which decided to remove Sao Tome and Principe from the blacklist of countries at risk in terms of money laundering and the financing of terrorism.

116. On 14 and 15 October 2015, the Government held its first international conference for investors and partners in London (STEP IN 2015) to mobilize resources to finance the general points of the country's 2030 transformation agenda.

## **V. Promotion of the rights of women and gender equality**

117. Concerning the promotion of the rights of women and gender equality, the Government has ratified the main international instrument on this subject, the Convention on the Elimination of all Forms of Discrimination Against Women. Furthermore, the Government is taking legislative and institutional measures,

demonstrating its firm commitment to eliminate all forms of discrimination against women and to promote gender equality.

118. With this objective in mind, article 15, paragraph 1, of the Constitution states that “All citizens are equal before the law, enjoy the same rights and are subject to the same duties, without distinction as to social or racial origin, sex, political views, religious or philosophical beliefs”; and the following paragraph provides that “Women are equal to men in rights and obligations. Women are entitled to fully participate in political, economic, social and cultural life”.

119. In addition to this article, there are numerous other articles which promote equality between men and women in family life, choice of profession, the right to work, education, the right to vote, access to political posts, and the right to petition, political participation and duties in terms of national defence.

120. The Government has also adopted numerous legislative provisions in the national legal order:

- Act No. 2/77 on the family: article 1 provides legal regulation of family institutions, marriage, de facto unions, divorce, relations between parents and children, maintenance obligations, adoption and guardianship;
- Act No. 1/90 on social security: article 1 guarantees that social protection for the population is provided by the State, through social security and social welfare contributory plans; article 140 guarantees that social welfare provision is developed for the benefit of the people in order to provide them with the means to achieve dignified living conditions and enhanced capacities;
- Act No. 6/92 providing a legal framework for individual employment agreements: article 137 guarantees that women are equal to men in terms of opportunities and treatment in accessing employment and in work, without any discrimination based on sex, directly or indirectly, in particular with regard to civil status or family situation, and provides women with access to all employment, professions or jobs that do not entail real or possible risks to their genetic function. In the subsequent articles, there are provisions that guarantee non-discrimination and the protection of women in terms of maternity, pregnancy, night-time working, opportunities, etc.;
- Act No. 11/2008 on domestic and family violence: article 2 stipulates that all women, men and children, regardless of class, ethnicity, sexual orientation, profession, culture, education level, age or religion, shall enjoy the fundamental rights inherent to human beings, and shall be guaranteed the opportunities and freedom to live without violence, to preserve their physical and mental health and their moral, intellectual and social integrity;
- Act No. 12/2008 on strengthening the legal protection mechanisms for victims of crimes and domestic and family violence;
- Act No. 8/2010, the National Defence Act: article 6/1 provides that defending the country is a fundamental obligation of all citizens (men or women); article 7/2 stipulates that all citizens must complete military service, in accordance with the law;
- Act No. 6/2012, which approves the new Criminal Code, defines certain crimes against women and children, in order to accelerate proceedings in respect of them;
- Decree-Law No. 18/2007,<sup>3</sup> created the National Institute for the Promotion of Gender Equality and Equity (INPG), which is responsible for promoting and

implementing the Government's policy on the advancement of women, and gender equality and equity in São Tomé and Príncipe (arts. 1 and 3);

- Decree No. 14/2007,<sup>4</sup> adopting the National Strategy for the Promotion of Gender Equality and Equity, tasks INPG with promoting and implementing the Government's policy on the advancement of women and gender equality and equity in the country, by coordinating the implementation of the Strategy and monitoring the cross-cutting integration of gender in all national development programmes and policies, in accordance with article 1, paragraph 4 of the above-mentioned Decree. The Strategy was updated in 2012.

121. In respect of the participation of women in public life, in 2009, the National Assembly adopted a resolution on parity which establishes a quota of 30 per cent for female representation in the Parliament (R74/08/2009).

122. Also in the context of measures to protect women and children, in February and March of 2013, the Government, in partnership with the country's Association of Women Jurists and with financing from the embassy of the United States of America, carried out a large-scale campaign to prevent human trafficking in rural areas. Its objectives were to disseminate information on the phenomenon of human trafficking, to encourage more active citizenship and to strengthen the capacity of citizens and institutions in ways of taking action in the context of human trafficking.

123. Another noteworthy measure is the implementation of article 4 (on maternity leave) of the Maternity Protection Convention through Presidential Decree No. 3/2004 of 4 February, published in Official Gazette No. 3 on 6 April 2004, which provides that: "A woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks, on production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth." This measure represents an additional achievement in advancing the rights of women and children.

124. In addition to the measures mentioned above, it should be noted that the Government, in its various public policy programmes, has introduced actions to promote gender equality, and to eliminate all forms of discrimination against women.

## **VI. Promotion and protection of the rights of children, elderly persons and persons with disabilities**

125. The protection of children, persons with disabilities and elderly persons is enshrined in the Constitution and other laws.

### **Children**

126. In accordance with article 52 of the Constitution, children have the right to respect and the protection of society, towards their full development.

127. Article 19 of the Criminal Code sets the age of criminal responsibility at 16. Persons aged between 16 and 21 are subject to the rules set out in the special legislation (art. 9, special provisions for young persons).

128. However, the country does not yet have a court system specific to minors. Act No. 7/2010, the basic law on the legal system, in its article 57, paragraph (b), provides for the creation of specialized courts and/or sections with specialized competence, including the Family and Minors' Court. Articles 60, 61 and 62 of the Act define the competences of the court. Financial issues are hampering the implementation of this

measure. However, to address this problem, cases relating to minors are heard by civil judges.

## National Children's Rights Commission

129. The National Children's Rights Commission is still not in operation due to a range of problems encountered. Nonetheless, considering the importance of the Commission in protecting and defending children, the Government is following the issue closely, and will endeavour to do everything possible to improve the situation.

## Legal mechanisms

130. Sao Tome has ratified the main international instruments on the rights of children and adolescents, including:

- (a) The United Nations Convention on the Rights of the Child;
- (b) The International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138);
- (c) The ILO Worst Forms of Child Labour Convention, 1999 (No. 182);
- (d) The ILO Labour Inspection Convention, 1947 (No. 81);
- (e) The ILO Forced Labour Convention, 1930 (No. 29);
- (f) The ILO Convention concerning the Abolition of Forced Labour, 1957 (No. 105).

131. As a State party to these conventions, Sao Tome and Principe has taken measures to safeguard these rights, set out in the basic law, in ordinary legislation and in public policies which aim to combat discrimination, exploitation, sexual violence, trafficking and ill-treatment of children, with the objective of protecting the full development of children, in accordance with the principles established in the Convention on the Rights of the Child, in order to support the promotion and protection of the rights of children.

132. To that end, the State has enacted legislation in the national legal order, the provisions of which demonstrate its firm commitment to guaranteeing the full development of children:

- The Constitution which, in its article 52, provides that “Children have the right to respect and the protection of society, towards their full development”;
- Act No. 2/77 of 24 December on the family, which governs legal relations within the family and aims to strengthen family solidarity and to protect children;
- Act No. 1/90 of 13 March, on social security, which guarantees the economic and social protection of persons who, given their precarious situation, are not able to fully meet their own basic economic, health and social needs (arts. 140 to 149);
- Act No. 13/2008, the Organizational Act on the Public Prosecution Service, which, among others, gives the Service special responsibility for representing the State, minors, disabled persons and other persons experiencing problems, in accordance with its provisions (art. 3);
- Act No. 6/92 of 11 May on the legal framework for individual employment agreements, which sets the minimum age to take up employment (art. 128, 14 years);

- Act No. 2/2003 of 2 June, the basic law on the education system, which stipulates, inter alia, that basic education is mandatory and free of charge for 6 years;
- Act No. 11/2008 of 29 October on domestic and family violence, which provides for mechanisms to prevent and punish domestic and family violence and measures to assist and protect victims of domestic violence;
- Act No. 12/2008 of 29 October, which strengthens the mechanisms that provide legal protection for victims of domestic and family violence.

133. It should be highlighted that these legal measures have been consolidated in the new Criminal Code, which has numerous articles aimed at protecting the rights of children, as set out in international standards, in particular the following:

- (a) Article 135 on infanticide;
- (b) Article 136 on abandonment ;
- (c) Article 152 on ill-treatment, abuse of minors and domestic violence;
- (d) Article 160 on trafficking of persons for labour exploitation;
- (e) Article 161 on the sale of persons;
- (f) Article 162 on kidnapping;
- (g) Article 163 on taking hostages;
- (h) Article 164 on kidnapping minors;
- (i) Article 168 on sexual abuse of a person unable to resist;
- (j) Article 169 on sexual abuse of a hospitalized person;
- (k) Article 172 on trafficking persons for prostitution;
- (l) Article 173 on the procurement of prostitution;
- (m) Article 175 on sexual abuse of children;
- (n) Article 176 on sexual abuse of adolescents;
- (o) Article 177 on sexual acts with adolescents;
- (p) Article 178 on homosexual acts with adolescents;
- (q) Article 179 on prostitution of minors;
- (r) Article 180 on child pornography;
- (s) Article 181 on procurement of prostitution and the trafficking of minors;
- (t) Article 182 on aggravation and the responsibility of legal persons and those legally equivalent persons.

134. The Government has also demonstrated, with help from bilateral and multilateral social and development partners, that it is strongly committed to protecting children through: the drafting, approval and adoption of the National Policy and Strategy for Social Protection; directives and guidelines concerning children in alternative forms of care; the Programme for the first 1,000, most critical, days of a child's life; the parental education programme; national advertisements promoting and disseminating information on the rights of children; and the drafting and approval of the first National Policy on the Protection of Children in Sao Tome and Principe, which provides guidelines for the initiation of actions to prevent and punish those responsible for all forms of violence against and abuse or exploitation of children.

This policy is a crucial instrument in the system to protect children in Sao Tome and Principe.

135. And finally, it is important to add that, in order to guarantee a healthy life for children and to prevent their involvement in certain illicit activities, Act No. 3/2012 was adopted, prohibiting minors accessing public spaces and places where alcoholic beverages and tobacco are sold or magnetic storage and recording devices, which mainly aims to regulate the access of minors to public places where recreational and entertainment activities are carried out from 9 p.m.; the purchase and consumption of alcoholic beverages; the display, sale, rental or projection of audiovisual content forbidden to persons under 18 years of age.

### **Institutional mechanisms**

136. In the context of protecting, promoting and defending the rights and interests of the child, the State, through its bodies, such as the Presidency of the Republic, the National Assembly, the Government, the courts and the Public Prosecution Service, together with other organizations, including the Bar Association, the Association of Women Jurists and the National Institute for the Promotion of Gender Equality, does everything possible to ensure that children are able to enjoy their rights as provided for in the Convention on the Rights of the Child, the Constitution and the other laws of the State. In addition, the Government receives support from United Nations agencies (the United Nations Children's Fund, the United Nations Fund for Population Activities and the World Food Programme) and other civil society NGOs which collaborate with the State to effectively promote and protect the rights and development of children. In terms of civil society organizations, the following are the most important: the Foundation for Children and Youth, the Association for the Reintegration of Abandoned Children and Children at Risk, AISEC, the Mothers of Sao Tome Foundation, STEP UP, religious orders, churches, the New Future Foundation, the Santa Casa de Misericórdia, the Federation of NGOs of Sao Tome and Principe, Caritas, etc.

### **Awareness-raising on exploitation and sexual violence against children**

137. The exploitation, sexual violence and prostitution of children are social phenomena which are becoming increasingly important globally and Sao Tome is not exempt. Internal measures have thus been implemented to prevent and combat the development of these phenomena. The measures involve numerous public and private organizations, such as INPG, the Support Centre for Domestic Violence, education centres, social communication and the Association of Women Jurists, in national awareness-raising campaigns to prevent and combat exploitation, sexual violence and child prostitution.

### **Persons with disabilities and elderly persons**

138. The protection of the rights of this group of persons also appear in other infra-constitutional laws, namely: Act No. 1/90 on social security (arts. 140 to 149, etc.); Act No. 6/92 on the legal framework for individual employment agreements (arts. 128 to 131, 142/1 and 143/1); and Decree-Law No. 25/2014 on the regulation of social protection (arts. 70 to 76).

139. In the case of persons with disabilities, it should be pointed out that Act No. 7/2012 was approved on 4 March 2010 and published on 12 September 2012 in Official Gazette No. 110. The State has finally ratified the Convention on the Rights of Persons with Disabilities, approved by Resolution No. 103/IX/2014 of the National Assembly on 31 December 2014, thus consolidating the guarantee of the fundamental rights of persons with disabilities.

## **Conclusions**

140. Although some of the recommendations made to Sao Tome and Principe have not yet been implemented, many have and are being progressively introduced, as is the case with the protection of the civil, political, economic and social rights of citizens.

141. Regarding conventions that have not yet been ratified, many of them have been signed recently. The current Government, aware of the importance of these instruments in consolidating democracy, will submit all the conventions and treaties to the National Assembly for approval and ratification this month.

142. Although it has not ratified some of them, Sao Tome and Principe has complied with the provisions of the international human rights instruments and has progressively introduced reforms into its legal system in order to harmonize internal legislation.

143. Based on this principle, we can state that the Constitution has, in general, incorporated the provisions of all the Conventions. The other clear proof of this commitment is the framework provided for several institutes in the new Criminal Code and Code of Criminal Procedure, with the aim of strengthening the protection of constitutional views, thus providing citizens with a more dignified and peaceful life, the fundamental conditions necessary to promote and protect their rights.

144. In this regard, these Codes provide for the establishment of new legislation founded on international conventions, such as the Convention on the Prevention and Punishment of the Crime of Genocide (Criminal Code, arts. 207 on inciting war, 208 on solicitation of the armed forces, 209 on recruitment of mercenaries, 210 on genocide and 211 on war crimes against civilians, injured persons, ill persons and prisoners of war); the International Convention on the Elimination of All Forms of Racial Discrimination (Criminal Code, art. 214 on ethnic or religious discrimination); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Criminal Code, arts. 152 on ill-treatment or excessive workload of minors and of subordinates and domestic violence, 215 and 216 on torture and other cruel, degrading or inhuman treatment and 217 on omission in reporting; and Code of Criminal Procedure, art. 199); the International Convention for the Protection of All Persons from Enforced Disappearance (Criminal Code, arts. 158 on abductions, 159 on slavery, 160 on trafficking of persons for labour exploitation, 161 on sale of persons, 162 on kidnapping, 163 on hostage-taking, 164 on abduction of minors, 172 on trafficking in persons for purposes of prostitution, 173 on procurement of prostitution and 181 on procurement of prostitution and trafficking of minors); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

145. Sao Tome recognizes that there is still much to be done in the future, however, even with all its limitations, since independence, the country has endeavoured to construct a democratic society where justice and legality are safeguarded and the fundamental human rights of people are respected.

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<sup>1</sup> La commission interministérielle pour les Droits de l'homme est composée de représentants des ministères suivants: des Affaires étrangères et des communautés, de la Défense et de la Mer, des Finances et l'Administration publique, de l'Éducation, la Culture et les Sciences, de la Santé et d'un représentant de la Région Autonome de Principe, conformément à la décision n°28/2015, ministère de la Justice et des Droits de l'homme, du 15 mai 2015.

<sup>2</sup> Voir JO N°.73, du 27 novembre, 2008.

<sup>3</sup> Publié au Journal Officiel n°38, du 8 août 2007.

<sup>4</sup> Publié au Journal Officiel n°25, du 3 juillet 2007.

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