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

## **Summary of Stakeholders' submissions on Sao Tome and Principe\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 2 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>2</sup> and cooperation with international human rights mechanisms and bodies<sup>3</sup>**

2. The African Commission on Human and Peoples' Rights reported that, at the invitation of the Government of Sao Tome and Principe, and in accordance with article 45 (1) of the African Charter on Human and Peoples' Rights, a delegation of the Commission carried out, from 1 to 4 October 2019, its first mission to promote human rights in Sao Tome and Principe since that country's ratification of the Charter on 23 May 1986.<sup>4</sup>

3. The African Commission on Human and Peoples' Rights further reported that its delegation had noted that, as part of the progress made by Sao Tome and Principe, the Government had ratified several international and regional instruments since 2018, under the lead of international partners such as the African Union and the United Nations Development Programme, and that it had finalized its second periodic report to the Committee on the Rights of the Child.<sup>5</sup>

4. Just Atonement Inc recommended that Sao Tome and Principe ratify pending international instruments, such as the Optional Protocol of the Convention against Torture. Just Atonement Inc further recommended that Sao Tome and Principe accede to the

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\* The present document was not edited before being sent to United Nations translation services.



optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.<sup>6</sup>

5. Just Atonement Inc noted with concern that one important challenge related to the realization of human rights in Sao Tome and Principe was their lack of reporting to international and regional human rights mechanisms and related general recordkeeping. It stated that this situation made it very difficult to assess the extent of human rights violations and its consequences. According to Just Atonement Inc, one of the most affected areas of human rights by this lack of information was the area of child rights. In addition, Just Atonement Inc recommended that Sao Tome and Principe improve its reporting records, be more active and submit its reports to regional and international human rights mechanisms, when they are due.<sup>7</sup>

## **B. National human rights framework**

6. Just Atonement Inc noted with concern that Sao Tome and Principe had not established an independent body to investigate human rights abuses in the country, which could ensure compliance with the international human rights instruments to which Sao Tome and Principe is a party. Just Atonement Inc recommended that Sao Tome and Principe increase resources allocated to its monitoring bodies to adequately address human rights violations. It also recommended that, where necessary, domestic bodies be created or expanded to ensure that any human rights violations were recorded and remedy was provided.<sup>8</sup>

7. Just Atonement Inc also recommended to allocate resources to the governmental bodies, in order for them to ensure that attention is duly paid to children's rights. In Just Atonement Inc's opinion, adequate funding should be particularly ensured to the National Committee on the Rights of the Child and restore the Committee's functions and responsibilities that had been shifted.<sup>9</sup>

8. Just Atonement Inc regretted the lack of data in Sao Tome and Principe, which highly affected the ability to remedy situations of child abuse. It noted, in particular, that data related to birth records, incidents of violence against children, and child neglect was sparse.<sup>10</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Cross-cutting issues**

#### *Equality and non-discrimination*<sup>11</sup>

9. Just Atonement Inc recommended that all births be registered; all children be provided with birth certificates; and all instances of neglect and abuse of children be investigated and addressed.<sup>12</sup>

#### *Development, the environment, and business and human rights*<sup>13</sup>

10. According to Just Atonement Inc as an island nation, Sao Tome and Principe was particularly vulnerable to the effects of climate change and regretted that most of the work in this area was done by NGOs. It further indicated that coastal areas were vulnerable to flooding, mudslides, and severe storms; any combination of the three could result in destruction of coastal communities; and climate change could increase the frequency of flooding, mudslides, and severe storms. Just Atonement Inc was concerned at water shortages and other consequences of climate change that could have a negative effect on the agriculture industry in Sao Tome and Principe.<sup>14</sup>

11. Just Atonement Inc recommended that the Government of Sao Tome and Principe increase its involvement on environmental issues and take adequate measures to mitigate effects of climate change. It also recommended that the country take effective action to adapt to the effects of climate change, including regarding farming practices; deploy efforts to prevent flooding, including by creating flood detention basins; and establish a

programme for relocating climate refugees. Just Atonement also recommended that measures include planting trees that prevent erosion, and establish irrigation systems.<sup>15</sup>

## 2. Civil and political rights

### *Right to life, liberty and security of person*

12. The African Commission on Human and Peoples' Rights noted, as a step forward, the holistic efforts of Sao Tome and Principe to combat gender-based domestic violence and child abuse. The Commission noted in particular the introduction of appropriate legislation and the establishment of entities and institutions to that effect, including the Counselling Centre against Domestic and Spousal Violence. The Commission also appreciated the awareness-raising campaigns, including the "green ribbon" campaign against child abuse, domestic violence, early pregnancy, drug use and related gender-based crimes, among other violations of women's and children's rights.<sup>16</sup>

13. Despite notable advances, the African Commission on Human and Peoples' Rights remained concerned about the high prevalence of child abuse, domestic violence, early pregnancy, drug use and related gender-based crimes.<sup>17</sup>

14. Just Atonement Inc noted with concern that children and adolescents were, in particular, vulnerable to being victims of harmful practices of witchcraft. It regretted that those human rights violations were due to deeply rooted cultural patterns and the reluctance of people to rely on formal medicine. Just Atonement Inc recommended to adopt and implement an educational programme to prevent harmful practices of witchcraft.<sup>18</sup>

15. Just Atonement Inc recommended that Sao Tome and Principe revise their penal code and all other legislation affecting children, in order to make sure that it meets the standards of the Convention of the Rights of the Child. This would involve enacting stricter laws regarding corporal punishment and child abuse. In Just Atonement Inc's view, laws explicitly prohibiting child prostitution and sexual exploitation should also be promulgated.<sup>19</sup>

### *Administration of justice, including impunity, and the rule of law*

16. The African Commission on Human and Peoples' Rights referred with concern to the fragility of the judicial system in Sao Tome and Principe, which had institutional and regulatory shortcomings and was not making any progress in the reform process aimed at its improvement. The Commission was concerned about the lack of socioeconomic infrastructure enabling people to fully enjoy their human rights, such as the right to justice. It was especially concerned about the situation of the most vulnerable people, who all too often lived far from any such infrastructure and therefore had difficulty in gaining access to it.<sup>20</sup>

### *Fundamental freedoms and the right to participate in public and political life*

17. The African Commission on Human and Peoples' Rights commended the Government of Sao Tome and Principe for its clear political resolve and commitment to the effective enjoyment of human rights. In the Commission's view, this resolve was reflected in the calm tone and robust action taken by the country's highest authorities to establish a climate of social harmony and democratic principles in national discourse and in daily life in Sao Tome and Principe.<sup>21</sup>

### *Prohibition of all forms of slavery*

18. Just Atonement Inc was concerned at cases of child pornography, sexual exploitation, and child prostitution in Sao Tome and Principe, and regretted that no law existed criminalizing sexual exploitation or prostitution. It also regretted that Sao Tome and Principe had not ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.<sup>22</sup>

### 3. Economic, social and cultural rights

#### *Right to an adequate standard of living*<sup>23</sup>

19. The African Commission on Human and Peoples' Rights remained concerned about the fact that, despite a number of positive steps taken to improve the standard of living of its people, many challenges remained in Sao Tome and Principe, including the unavailability, insufficiency or scarcity of financial resources for economic, social and development policy in all sectors of the country and the lives of people in Sao Tome and Principe. According to the Commission, this situation was paralysing human rights initiatives, projects and programmes.<sup>24</sup>

20. According to Just Atonement Inc, access to clean water could be an important challenge faced by Sao Tome and Principe in the future, due to climate change. It also noted with concern that climate change could result in a negative impact on the agricultural sector which would affect food security and food independence.<sup>25</sup>

#### *Right to health*<sup>26</sup>

21. The African Commission on Human and Peoples' Rights noted, as a positive development, the efforts of Sao Tome and Principe in the area of health, including HIV/AIDS, with a relatively low and declining prevalence rate, and access to antiretroviral drugs free of charge. However, the Commission expressed concern about the lack of socioeconomic infrastructure enabling people to fully enjoy their right to health, especially the most vulnerable, who all too often lived far from such infrastructure and therefore had difficulty in gaining access to it.<sup>27</sup>

#### *Right to education*<sup>28</sup>

22. The African Commission on Human and Peoples' Rights recognized the efforts of Sao Tome and Principe in the field of education, resulting in a high rate of school enrolment that continued to rise.<sup>29</sup>

### 4. Rights of specific persons or groups

#### *Women*<sup>30</sup>

23. Just Atonement Inc noted that HIV/Aids transmissions from mother to child have decreased in Sao Tome and Principe thanks to sex education and testing practices in the country. Just Atonement Inc recommended, however, to continue taking measures to ensure that women and children with HIV/Aids receive adequate medical care.<sup>31</sup>

#### *Children*<sup>32</sup>

24. Just Atonement Inc noted with concern that practices against children, such as child marriages and corporal punishment were still common in Sao Tome and Principe, despite educational efforts.<sup>33</sup>

25. Just Atonement Inc stated that, while Sao Tome and Principe had ratified the Convention on the Rights of the Child, it had not fully harmonized its domestic legislation with the Convention's provisions. Just Atonement Inc recommended to revise the Children's Code to fully harmonize it with international law and raise awareness about child rights among the general public and persons who work with children.<sup>34</sup>

26. Just Atonement Inc regretted that the National Child Rights Committee (NCRC), which was the state agency responsible for protecting children's rights, did not have adequate resources and had even gone through periods of inaction due to lack of funds.<sup>35</sup>

27. Just Atonement Inc also recommended to address the issue of child neglect or abandonment in Sao Tome and Principe, and meanwhile to develop a programme to ensure protection for those children.<sup>36</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society**Individual submissions:*

Just Atonement Inc New York, NY, United States of America.

*Regional intergovernmental organization(s):*

AHRC African Human Rights Commission.

<sup>2</sup> The following abbreviations are used in UPR documents:

|            |  |
|------------|--|
| ICERD      | International Convention on the Elimination of All Forms of Racial Discrimination;                             |
| ICESCR     | International Covenant on Economic, Social and Cultural Rights;  |
| OP-ICESCR  | Optional Protocol to ICESCR;   |
| ICCPR      | International Covenant on Civil and Political Rights;  |
| ICCPR-OP 1 | Optional Protocol to ICCPR;  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women;                                    |
| OP-CEDAW   | Optional Protocol to CEDAW;  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;                      |
| OP-CAT     | Optional Protocol to CAT;  |
| CRC        | Convention on the Rights of the Child;   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in armed conflict;                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography;                    |
| OP-CRC-IC  | Optional Protocol to CRC on a communications procedure;  |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; |
| CRPD       | Convention on the Rights of Persons with Disabilities;   |
| OP-CRPD    | Optional Protocol to CRPD;   |
| ICPPED     | International Convention for the Protection of All Persons from Enforced Disappearance.                        |

<sup>3</sup> For the relevant recommendations, see A/HRC/31/17 paras. 107.1–107.39, 107.50–107.55, and 108.1.

<sup>4</sup> La Commission africaine des droits de l'homme et des peuples, page 1.

<sup>5</sup> La Commission africaine des droits de l'homme et des peuples, page 1.

<sup>6</sup> Just Atonement Inc, page 1.

<sup>7</sup> Just Atonement Inc, page 1.

<sup>8</sup> Just Atonement Inc, page 2.

<sup>9</sup> Just Atonement Inc, page 2.

<sup>10</sup> Just Atonement Inc, page 1.

<sup>11</sup> For the relevant recommendations, see A/HRC/31/17, paras. 108.28–35, and 109.1.

<sup>12</sup> Just Atonement Inc, page 1.

<sup>13</sup> For the relevant recommendations, see A/HRC/31/17, paras. 108.4–108.24, 108.41–108.49.

<sup>14</sup> Just Atonement Inc, page 1.

<sup>15</sup> Just Atonement Inc, page 1.

<sup>16</sup> La Commission africaine des droits de l'homme et des peuples, page 2.

<sup>17</sup> La Commission africaine des droits de l'homme et des peuples, page 2.

<sup>18</sup> Just Atonement Inc, page 1.

<sup>19</sup> Just Atonement Inc, page 2.

<sup>20</sup> La Commission africaine des droits de l'homme et des peuples, page 1.

<sup>21</sup> La Commission africaine des droits de l'homme et des peuples, page 1.

<sup>22</sup> Just Atonement Inc, page 1.

<sup>23</sup> For relevant recommendations see A/HRC/31/17 paras. 107.20–107.21, 107.74, 107.76, 107.77.

<sup>24</sup> La Commission africaine des droits de l'homme et des peuples, page 1.

<sup>25</sup> Just Atonement Inc, page 1.

<sup>26</sup> For relevant recommendations see A/HRC/31/17, paras. 107.78, 107.79.

<sup>27</sup> La Commission africaine des droits de l'homme et des peuples, page 1.

<sup>28</sup> For relevant recommendations see A/HRC/31/17, paras. 107.81–107.84, 108.57, 108.58.

<sup>29</sup> La Commission africaine des droits de l’homme et des peuples, page 1.

<sup>30</sup> For relevant recommendations see A/HRC/31/17, paras. 107.56, 107.57, 107.59, 107.60, 107.77, 108.38, 108.39.

<sup>31</sup> Just Atonement Inc, page 1.

<sup>32</sup> For relevant recommendations see A/HRC/31/17, paras. 107.29, 107.43, 107.49, 107.52, 108.48, 108.49, 108.53, 108.62, 108.65, 108.64, 108.65, 109.2.

<sup>33</sup> Just Atonement Inc, page 2.

<sup>34</sup> Just Atonement Inc, page 1.

<sup>35</sup> Just Atonement Inc, page 3.

<sup>36</sup> Just Atonement Inc, page 3.

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