

SAO TOME AND PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy with a population of approximately 200,000. The head of state is President Fradique Bandeira Melo De Menezes, who was reelected in 2006. The head of government is Prime Minister Patrice Emery Trovoada, whose party won the most seats in legislative elections held August 1. International observers deemed both the 2006 presidential and August 1 legislative elections free and fair. Security forces reported to civilian authorities.

Human rights abuses included difficult prison conditions; prolonged pretrial detention; official impunity; official corruption; violence and discrimination against women; child labor; and harsh forced labor conditions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Prison and Detention Center Conditions

Prison conditions were difficult, but not life threatening. Medical care was poor, and food was often inadequate. Extreme high temperature often occurred and ventilation was often insufficient.

Pretrial prisoners were held with convicted prisoners, and juveniles were held with adults. There is one prison and no jails or detention centers. Police stations have a small room or space to incarcerate an offender for brief periods.

There were a total of 218 prison inmates and 87 pretrial detainees. The number of inmates included 8 women and 25 juveniles. There were no reports of prison deaths.

Prisoners and detainees had reasonable access to visitors on a weekly basis and were permitted religious observances. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Legal representatives are available to address prisoner grievances.

The government investigated and monitored prison and detention center conditions through the Ministry of Justice.

The government permits human rights monitors to visit the prison; however, there were no such visits during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

In August, with the formation of the 14th constitutional government in the country's history, the national police and immigration service again were put under the control of the Ministry of Defense and Public Security. The Ministry of Defense and Public Security continues to supervise and control the military. Despite increased personnel and trainings offered throughout the year, the police remained ineffective and were widely viewed as corrupt. Impunity was a problem, and efforts to reform the Criminal Investigation Police, a separate agency under the Ministry of Justice, were unsuccessful, primarily due to inadequate resources.

Arrest Procedures and Treatment While in Detention

The law requires arrest warrants issued by an authorized official to apprehend suspects, unless the suspect is caught during the commission of a crime. The law requires a determination within 48 hours of the legality of a detention, and

authorities generally respected this right. Detainees are informed promptly of charges against them and are allowed prompt access to family members. Detainees are allowed prompt access to a lawyer and, if indigent, to one provided by the state. There was a functioning bail system.

However, severe budgetary constraints continued to result in lengthy pretrial detention and greatly hindered investigations in criminal cases. Inadequate facilities and a shortage of trained judges and lawyers were additional factors leading to lengthy pretrial detention.

According to the director of the Sao Tome prison, 30 percent of the country's prisoners were awaiting trial during the year, and approximately 24 pretrial detainees had been held for more than a year. The majority of prisoners were young adults 18 to 30 years old.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, at times the judicial system was subject to political influence or manipulation. Judicial salaries remained low, and judges reportedly accepted bribes.

Trial Procedures

The constitution provides for the right to a fair public trial by a judge (juries are not used), the right of appeal, the right to legal representation, and, if a person is indigent, the right to an attorney provided by the state. Defendants are presumed innocent, have the right to confront their accusers, confront witnesses, access government evidence, and present evidence and witnesses on their own behalf.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The same courts consider both criminal and civil cases, but different procedures are used in civil cases. Plaintiffs may bring lawsuits seeking damages for, or cessation of, a human rights violation; there are also administrative and judicial remedies for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights; however, journalists practiced self-censorship. The law grants all opposition parties access to the state-run media, including a minimum of three minutes per month on television.

Individuals could privately or publicly criticize the government, including specific officials, without fear of reprisal. There were no reports of the government impeding criticism. Two government-run and seven independent newspapers and newsletters were published sporadically, usually on a monthly or biweekly basis; resource constraints determined publishing frequency. The independent media were active and expressed a wide variety of views without restriction. International media operated freely. The government operated television and radio stations. Several foreign broadcasters also were rebroadcasted locally.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. International Telecommunication Union Statistics for 2009 indicate that 16.4 percent of inhabitants used the Internet. Severe lack of infrastructure, including inadequate electricity and communications networks, limited public access to the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The law does not prohibit forced exile; however, there were no reports that the government used it practice.

Protection of Refugees

The law does not specifically provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government has not established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year there were no known requests for refugee or asylum status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections based on universal suffrage.

Elections and Political Participation

The August legislative elections gave a plurality of seats in the National Assembly to the Independent Democratic Action (ADI) party. The ADI subsequently formed a government headed by Prime Minister Patrice Trovoada, who took office on August 14. International observers deemed the election generally free and fair.

Local and regional elections were held on July 25. The ADI won control of two of six districts in these elections; the principal opposition party, the Movement for the Liberation of Sao Tome and Principe, won four districts, and a new party, Union for Change and Progress of Principe, won the presidency of the regional government in Principe.

Political parties operated without restriction or government interference.

Women held positions throughout the government, including 11 seats in the 55-seat National Assembly, one of 13 cabinet positions, one seat on the three-member Supreme Court, and two of the 12 judgeships in the circuit courts.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The police remained ineffective and were widely viewed as corrupt.

The World Bank's 2009 Worldwide Governance Indicators reflected that corruption was a serious problem. Public officials were not subject to financial disclosure laws.

There are no laws that provide for public access to government information; however, there were no reports that the government restricted access to information by citizens or noncitizens, including foreign media.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the past a small number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Because of the general respect for human rights, such groups generally remained inactive. Government officials generally were cooperative and responsive to their views.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for the equality of all citizens regardless of gender, race, social origin or status, political views, creed, philosophical convictions, disability, or language; nevertheless, women faced discrimination.

Women

Rape, including spousal rape, is illegal and punishable by two to 12 years' imprisonment. Rape occurred occasionally, with prosecution most likely in cases where there was evidence of violent assault as well as rape or if the victim was a minor. However, no statistics on prosecutions were available. Government family planning clinics and nongovernmental organizations (NGOs) sought to combat rape by raising awareness of the problem.

Widespread reports of domestic violence, including rape, against women continued. Although women have the right to legal recourse, including against spouses, many were reluctant to bring legal action because of the cost and a general lack of faith in the legal system to effectively address their concerns. Women were often ignorant of their rights under the law. Tradition inhibited women from taking domestic disputes outside the family. The law specifically addresses domestic violence cases. If the victim misses fewer than 10 days of work, the penalty for assault is six months in prison. If the victim misses 10 to 20 workdays, the penalty is one year, and so forth. The law was strictly enforced, but there was no data on the number of prosecutions or convictions for domestic violence.

The Office of Women's Affairs and the UN Children's Fund maintained a counseling center with a hotline. While the hotline did not receive many calls due to unreliable telephone service, the counseling center received numerous walk-ins.

The law does not prohibit sexual harassment, and it was a problem. No data was available on its extent.

The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on the right to access contraceptives, but they were not widely used. Due to a lack of funds, NGOs and the Ministry of Health had insufficient supplies of contraceptives, leading to a decrease in availability and use. The government provided free childbirth services, but the lack of sufficient doctors obliged many women, especially in rural areas, to rely on nurses or midwives during childbirth, unless the mother or child suffered more serious health complications. Pre- and post-natal care outside of the family is rare. Men and women received equal access

to diagnosis and treatment for sexually transmitted infections, including HIV, but women were more likely than men to seek treatment and refer their partners.

The constitution stipulates that women and men have equal political, economic, and social rights. Women did not experience economic discrimination. While many women have access to opportunities in education, business, and government, women in general continued to encounter significant societal discrimination. Traditional beliefs left women with most child-rearing responsibilities and with less access to education or entry into professions. A high teenage pregnancy rate further reduced economic opportunities for women. The Gender Equality Institute within the Office of Women's Affairs held numerous seminars and workshops to raise awareness of discrimination against women.

Children

Citizenship is acquired either through parents or by being born within the country. Either parent, if a citizen, can confer citizenship to a child born outside the country. The law requires all children born in the country to be registered in the hospital where they are born. If not born in a hospital, the child must be registered at the nearest precinct. Failure to register a birth can lead to a fine.

By law education is universal, compulsory through sixth grade, and tuition-free to the age of 15 or sixth grade. In practice many rural students stopped attending school after the fourth grade. A number of government and donor-funded programs operated to improve conditions for children, notably an ongoing malaria control project and a program for acquisition of school and medical equipment. Mistreatment of children was not widespread; however, there were few protections for orphans and abandoned children.

There were reports of children engaged in prostitution. There is no statutory rape law or specific legislation to prohibit child pornography. However, the government uses other laws such as kidnapping or unlawful forced labor, as well as its existing rape-related laws, to address instances of sexual exploitation of children.

The Ministry of Labor and Solidarity operated a social services program that collected street children in three centers where they attended classes and received training. Conditions at the centers were good; however, because of overcrowding, some children were returned to their families to sleep at night, and a few of these children ran away.

Anti-Semitism

There was no known Jewish community and no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical or mental disabilities; however, there were no reports of discrimination against such persons. The law does not mandate access to buildings, transportation, or services for persons with disabilities. Local NGOs that criticized the government in the past for not implementing accessibility programs for such persons were not active during the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There is no law criminalizing sexual orientation; however, there was societal discrimination based on sexual orientation.

Other Societal Violence and Discrimination

Persons with HIV/AIDS were often rejected by their communities and shunned by their families. However, there were no reports that workers were discriminated against due to their HIV/AIDS status. As in the previous year, there were a number of government-sponsored workshops and awareness campaigns to reduce such discrimination. The government also provided free AIDS testing and distributed antiretroviral drugs to all recognized patients.

Section 7 Worker Rights

a. The Right of Association

The constitution and law allow workers to form and join unions of their choice without previous authorization or excessive requirements, and workers generally exercised this right in practice. There were no reliable statistics regarding the disposition of the country's workforce.

Only two unions existed in the very small formal wage sector: the General Union of Workers and the National Organization of Workers of Sao Tome and Principe. Both represented government workers, who constituted the majority of formal sector wage earners, and members of farmers' cooperatives. The law does not prohibit antiunion discrimination.

The constitution provides for the freedom to strike, including by government employees and other essential workers; however, the laws do not prohibit retaliation against strikers. No strikes occurred during the year. The provisions regulating strikes require that a majority is needed to call a strike, and replacement workers can be hired without consultation with the trade unions to perform essential services in the event the enterprise is threatened by a strike. The law also requires compulsory arbitration for services, including postal, banking, and loan services.

b. The Right to Organize and Bargain Collectively

The constitution and law state that workers may organize and bargain collectively; however, workers' collective bargaining rights remain relatively weak due to the government's role as the principal employer in the formal wage sector and key interlocutor for organized labor on all matters, including wages.

There were no laws prohibiting antiunion discrimination; however, there were no reports such discrimination occurred.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred. There is no evidence or statistics of such forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the formal sector workplace, but they are utilized only rarely and on a case-by-case basis.

Employers in the formal wage sector generally respected the legally mandated minimum employment age of 18. The law prohibits minors from working more than seven hours a day and 35 hours a week. Children worked in subsistence

agriculture on farms, informal commerce, and domestic work. Children in low income families were sometimes sent to work on local farms and boarded away from home. No cases of child labor abuses were prosecuted, although the law states that employers of underage workers can be fined. The Ministry of Health and Social Affairs is responsible for enforcing child labor laws.

Unlike the previous year, there were no government initiatives taken to prevent child labor; however, a media campaign against it continued. The Ministry of Education mandated compulsory school attendance from the fourth to the sixth grade, and the government granted some assistance to several low-income families to keep their children in school. The Ministry of Labor utilized teams of labor inspectors to increase inspections at work sites.

e. Acceptable Conditions of Work

There is no national minimum wage. The legal minimum wage for civil servants of 750,000 dobras (\$42) per month was not sufficient to provide a decent standard of living for a worker and family. Working two or more jobs was common. The labor law specifies occupations in which civil servants may work if they pursue a second job. Civil servants in "strategic sectors," such as the court system, the ministries of finance, customs, and education, the Criminal Investigation Police, and the military, earned up to 400 percent more than other public sector employees.

Working conditions on many of the cocoa farms – the largest informal wage sector – were unregulated and extremely harsh. The average salary for agricultural workers did not provide a decent standard of living for a worker and family, and the purchasing power of their pay was further eroded by inflation.

The legal workweek is 40 hours, with 48 consecutive hours mandated for rest. However, shopkeepers could work 48 hours a week with eight hours of overtime or in shifts. The law provides for compensation for overtime work.

The law prescribes basic occupational health and safety standards; however, due to resource constraints, the Ministry of Justice and the Ministry of Health and Social Affairs, which covers labor issues, did not monitor labor conditions sufficiently, and enforcement of these standards seldom occurred. Employees have the right to leave unsafe working conditions, but none sought to do so, and enforcement of the right was very limited.