



# General Assembly

Distr.: General  
25 January 2011

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Tenth session**  
Geneva, 24 January – 4 February 2011

**National report submitted in accordance with paragraph  
15 (a) of the annex to Human Rights Council resolution 5/1**

**Sao Tome and Principe\***

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## Acronyms and Abbreviations

<b>ACE</b>	Financial Cooperation Agreement
<b>ADI</b>	Independent Democratic Action Party
<b>AISEC</b>	Associação de Instituto Socioeducativo das Crianças
<b>ARCAR</b>	Associação de Reinserção das Crianças Abandonadas and em Situações de Risco
<b>CATAP</b>	Centro de Aperfeiçoamento Técnico AgroPecuária
<b>CEN</b>	National Electoral Commission
<b>CWIQ</b>	Core Welfare Indicators Questionnaire
<b>ECPI</b>	Education and Care for Early Infancy
<b>EFEFE</b>	Observatório de Emprego and Fundo Profissional
<b>EPT</b>	Education for All
<b>GDP</b>	Gross Domestic Product
<b>GDP</b>	Office for Public Debt
<b>GIME</b>	Grupo de Interesse de Manutenção da Estrada
<b>HIPC</b>	Highly Indebted Poor Countries
<b>IAET</b>	Iniciativa Acelerada de Educação para todos
<b>IDF</b>	Instituto Diocesano de Formação
<b>IMF</b>	International Monetary Fund
<b>INE</b>	National Statistics Institute
<b>INPG</b>	National Institute for the Promotion of Gender Equality and Equity
<b>ISP</b>	Instituto Superior Politécnico
<b>IUCAI</b>	Instituto Universitário de Contabilidade Administração e informática
<b>MDFM/PL</b>	Force for Change Democratic Movement/Liberal Party
<b>MDG</b>	Millennium Development Goal
<b>MECF</b>	Ministry for Education, Culture and Training
<b>MICS</b>	Multiple Indicator Cluster Survey (UNICEF)
<b>MLSTP-PSD</b>	Movement for the Liberation of São Tomé and Príncipe-Social Democratic Party
<b>NGO</b>	Non-governmental Organization
<b>ORP</b>	Observatório de Redução da Pobreza
<b>PADRUHU</b>	Programa de Apoio ao Desenvolvimento de Recursos Humanos
<b>PAPAFPA</b>	Programa de Apoio Financiado para os Pequenos Agricultores
<b>PCD</b>	Democratic Convergence Party
<b>PNLS</b>	National Programme for Combating AIDS
<b>PRECASP</b>	Programme for Capacity-Building and Human Resources for Public Institutions
<b>PRSP</b>	Poverty Reduction Strategy Paper
<b>PTV</b>	Prevention of Vertical Transmission
<b>UN</b>	United Nations Organization
<b>UNDP</b>	United Nations Development Programme
<b>WFP</b>	World Food Programme

## I. Introduction

1. As defined by the United Nations, human rights are:

“...rights inherent to all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. All are equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.”<sup>1</sup>
2. After declaring independence on 12 July 1975, the Democratic Republic of São Tomé and Príncipe chose the path of democracy and defence of human rights, principles that are consecrated in the Constitution and other domestic laws. That testifies to the strong willingness to promote awareness of the Government of São Tomé in promoting the democratic rule of law based on fundamental human rights, protecting justice and the rule of law as fundamental values of society, as well as its clear commitment to assume its obligations under conventions and international treaties it has signed up to. Successive governments have promoted legislative and institutional reforms as a practical response to fulfilling of those obligations, integrating international norms into its legal framework.

## II. Methodology

3. In preparing the Universal Periodical Review (UPR) of the Democratic Republic of São Tomé and Príncipe, the Government, through the Ministry for Justice and Government Reform, created an inter-ministerial team with members appointed by each participating ministry. The Ministry for Justice and Government Reform held a working meeting to discuss the methodology to be used for that report and to distribute the topics to be developed by each team member. The work was carried out on the basis of fulfilment of the international obligations assumed by the Government concerning activities to be carried out for promoting respect for and protection of human rights.
4. The team took the following steps to achieve the goals mentioned above:
  - Review of the bibliography;
  - Gathering of statistical data from the central services of the Ministry;
  - Interviews with officials and the directors of the ministries;
  - Meetings with the directors of the services and other entities participating in the process;
  - Review of national and international legislation;
  - Consultation of several Web sites.

### **III. Brief Description of São Tomé and Príncipe**

#### **A. General background**

Official name: Democratic Republic of São Tomé and Príncipe

Capital: São Tomé

Form of Government: Multi-party democracy

Head of State: President of the Republic, Fradique de Menezes

Head of Government: Prime Minister, Patrice Emery Trovoada

Location: In the Gulf of Guinea, off the western equatorial coast of Africa, 250 kilometres (150 miles) from Gabon.

Area: 1001 square kilometres (386 square miles)

Climate: Tropical. The average temperature is 26° C (78° F) on the coast and lower in the mountainous inland. There is a dry season (*gravana*) from June to August and short periods of tropical rain during the rest of the year.

Population: 160,000 (2010 estimates)

Religion: Christian, predominantly Catholic, along with Evangelic Protestants and Seventh-Day Adventists

Official language: Portuguese (the creole languages are Sãotomense, Angolar and Lung'íye)

Growth of GDP: 4.5 per cent

Currency: dobra (STD)

Economic activity: Cacao, coffee, fishing and tourism

Time zone: Greenwich Mean Time (GMT)

#### **B. Geography**

5. São Tomé and Príncipe is an island country of volcanic origin. It composed of two islands: the Island of São Tomé and the Island of Príncipe and several small islands located in the Gulf of Guinea off the western coast of Africa, at a distance of approximately 250 kilometres. Its total area is approximately 1,000 square kilometres. Its total population is estimated to be approximately 160,000 inhabitants.

#### **C. Social-political situation**

6. São Tomé and Príncipe has a semi-presidential democratic representative regime, in which the President of the Republic is the head of state and the Prime Minister is the head of government and has had a multi-party political system since 1990. There is a separation of power between the various government bodies, namely the President of the Republic, the National Assembly, the Government and the Courts. The President of the Republic is the head of state and Supreme Commander of the armed forces and represents São Tomé and Príncipe. The President of the Republic is elected by direct universal suffrage and secret ballot for five years and may be re-elected only once.<sup>2</sup>

7. The National Assembly is composed of 55 deputies elected in accordance with the law for a four-year term of office.<sup>3</sup> The Government is the executive and administrative branch of government with the responsibility for governing the country.<sup>4</sup> The Government is led by a prime minister and is composed of ministries and State secretariats. The prime minister is appointed by the President of the Republic in consultation with the political parties represented in the National Assembly and taking into account election results.<sup>5</sup> The courts are independent and subject to established laws.<sup>6</sup> Their decisions are mandatory for all public and private entities and take precedence over any other authority.<sup>7</sup>

8. São Tomé and Príncipe began a multi-party democracy with the holding of a referendum on the system of government on 22 August 1990. After that referendum, the National Assembly voted a series of laws aimed at implementing multi-party democracy. Those laws include the law on electoral rights and electoral registration (Law 2/90), the law on nationality (Law 6/90), the law on political parties (Law 8/90), the electoral law (Law 11/90), the law on the electoral commissions (Law 12/90) and the statute governing holders of political office (Law 5/91).

9. According to Law 12/90, the Electoral Commission is an independent body that functions together with the National Assembly and administers all acts of registration and elections for government bodies and local administration (article 2). The Electoral Commission is composed of an attorney or a qualified citizen appointed by the National Assembly who acts as president, a citizen of reputable professional and moral status appointed by the National Assembly upon proposals of each legally existing party and an expert appointed by the National Assembly who acts as secretary for each of the governmental departments responsible for foreign trade, local administration and social communication.

10. Law 2/98 of 28 March 1998 created the Technical Electoral Office, which functions under the administrative supervision of the National Assembly and assumed the technical functions previously exercised by the Electoral Commission, so that the Electoral Commission is limited to simply monitoring and supervising elections. The Electoral Commission has existed for 20 years, and during those 20 years of existence the following elections have taken place:

- Constitutional referendum of 22 August 1990;
- Presidential elections of 3 March 1991, 30 June 1996, 29 July 2001 and 30 July 2006;
- Parliamentary elections of 20 January 1991, 8 October 1994, 8 November 1998, 3 March 2002, 26 March 2006 and 1 August 2010;
- Local elections of 6 December 1992, 27 August 2006 and 25 July 2010;
- Regional elections of 26 March 1995, 27 August 2006 and 25 July 2010.

11. In 2010, legislative, local and regional elections were held with a large voter turnout. and, contrary to previous trends of a significant increase in the number of abstentions from one election to another, there was a reversal of that trend. This was evident in particular in the most recent legislative elections of 1 August 2010, as there was a large voter turnout and the total number of abstentions was only 10.99 per cent compared to 35.96 per cent recorded in the 2006 legislative elections. There was also a significant increase in the number of female voters and candidates.

12. According to the report of 10 August 2010 by the Election Results Board of the Constitutional Court, the results of the legislative elections held on 1 August 2010 were the following: ADI (29,588), MLSTP/PSD (22,510), PCD (9,540) and MDFM/PL (4,986), which expressed as a percentage was respectively 42.19 per cent, 32.09 per cent, 13.60 per

cent and 7.11 per cent. Out of a total of 78,796 registered voters, 89.01 per cent voted, 10.99 per cent abstained, and there were 0.72 per cent blank ballots and 1.46 per cent invalid ballots.<sup>8</sup>

## **IV. Social and Economic Situation<sup>9</sup>**

### **A. Performance and macroeconomic development**

13. Economic growth in 2008, like in previous years, was approximately 6 per cent according to the estimates of the National Statistics Institute (INE) and the IMF, but actual results at the end of 2008 were 6.5 per cent. That growth was due primarily to direct foreign investment, which has been stimulating the economy. In 2009, economic growth was 4 per cent, and in 2010 economic growth was 4.5 per cent (corrected change in GDP)

14. Inflation was high in 2008, having reached an adjusted rate of 24.8 per cent at the end of that year, 2.8 percentage points less than that recorded during the previous year. In 2009, inflation was 16.1 per cent, and the accumulated rate of inflation for 2010 is estimated to be 10 per cent. This significant improvement and decrease of inflation in 2010 is primarily the result of the financial cooperation agreement (ACE), which established a fixed parity with the euro.

### **B. Public debt**

15. According to the data provided by the Office for Public Debt (Gabinete da Dívida Pública), the total debt of São Tomé and Príncipe at the end of 2006 was **US\$ 359 million**, US\$ 210.5 of which was multilateral and US\$ 149 of which was bilateral. The cost of debt servicing was US\$ 10.09 million.

16. In June 2007, São Tomé and Príncipe qualified for participation in the HIPC Programme and now benefits from a reduction of approximately 42 per cent of its external debt compared to 2006. Despite that, the external debt in 2007 was approximately US\$ 146.7 million, which is almost 1.3 times the GDP of 2006. The debt ratio per inhabitant, which until 2004 was one of the highest in the world (approximately US\$ 2,488 per inhabitant), dropped sharply, decreasing to US\$ 947 per inhabitant, a reduction of approximately 60 per cent. In 2008, the external debt was US\$ 110 million, and in 2009 it was 149 million dobras.

### **C. Poverty reduction**

17. Poverty in São Tomé and Príncipe is a scourge that affects a large portion of local inhabitants, seriously reducing social stability and the stability required for implementation of the Government's development policies. A poverty survey was prepared in 2001. It found that **53.8 per cent** of the population was living in poverty, which led the Government to designate combating poverty as one of the basic pillars of its programme.

18. That study showed that poverty affected 53.8 per cent of the local population. At the same time, 37.8 per cent of the population was living below the poverty threshold and 15.1 per cent in extreme poverty. It also indicated that poverty was a rural phenomenon, with 65 per cent of the rural population living below the poverty line and 22 per cent in extreme poverty. Studies that had been made in 1990 revealed an incidence of poverty of around 41 per cent.

19. The poverty that affects 53.8 per cent of the local population is greater in families headed by women, where the percentage reaches 55.7 per cent. Women were twice as likely to be unemployed as men. Unemployment affects about 14.8 per cent of the population at the national level, namely 13 per cent men and 15 per cent women. Out of the total active population, 47 per cent are women and 53 per cent are men.

20. The data reveal that women have less access to the job market than men and that for every 184 men employed there are only 100 women employed. Almost twice as many men are employed as women. This clearly shows under-employment of women, if we take into account that they are the majority of the total population, according to the most recent general population and housing survey carried out in 2001.

21. For greater efficiency and effectiveness of the activities required to combat poverty, the Government, through the Observatory to Combat Poverty, prepared a Poverty Reduction Strategy Paper through a broad participatory process, which was publicly validated and adopted in 2002.

#### **D. Poverty reduction strategy**

22. A Poverty Reduction Strategy Paper lays out the Strategic Plan for reducing poverty by 2015 through activities spread over five main focuses aimed at achieving the following overall goals:

- Achieving a growth rate of GDP of 5 per cent beginning in 2003;
- Reduction by half by 2010 of the percentage of the local population living in poverty and to less than one third by 2015;
- Provision by 2015 of access for the entire population to basic social services and promotion of improvement of their living standard;
- Considerable reduction of the social and gender differences between districts, between districts and the Autonomous Region of Principe and between the urban and rural populations;
- Promotion of institutional capacity-building and good governance.

23. In order to overcome the main challenges defined in the Poverty Reduction Strategy Paper, the Government has focused on implementing various programmes and activities at the level of the social sectors aimed at improving living standards, specifically for the most vulnerable groups, for example the handicapped, elderly, children, poor adolescents and female heads of poor households.

24. In 2008, the Government financed public investment of close to 137.6 million dobras (the equivalent of US\$ 9,396) for projects in education, health, labour, solidarity and agriculture aimed at reducing poverty.

25. The Government provided approximately 508.8 million dobras for the poor in the general government budget for 2009, and for 2010 the Government has allocated 899.2 million dobras. As of June 2010, close to 207.8 million dobras had already been disbursed.

#### **E. Agriculture**

26. In agriculture, the Government implemented the 12-year PAPAFA Programme to increase and diversify agricultural production, which is of great importance in rural areas, in three-year cycles (2003–2014). The overall goals of the PAPAFA are to improve yields and the living standards of target groups, made up of approximately 58,000 poor rural

inhabitants (small farmers, small-scale fishermen and women) by improving food security and increasing yields. In the PAPAFA Programme for 2003–2008, emphasis has been on literacy (400 illiterate persons annually in rural areas, of which 300 must be women) and training and activities that increase earnings, including women in rural areas.

27. That programme also involved construction of housing for the poor that significantly improved housing in rural areas, increasing home ownership from 55 per cent to 65 per cent. Rural families previously lived in multi-generation houses without basic conditions and with considerable promiscuity.

## **F. Infrastructure**

28. Creation of the Group de Interesse de Manutenção de Estrada (GIME) in 2008 provided jobs for 1,598 persons, of which 50 per cent are women.

## **G. Housing**

29. The Government, through the Housing Institute, has implemented several public somewhat high cost housing projects (between US\$ 30,000 and US\$ 45,000). In 2011, the Government intends to implement a pilot project for the construction of 100 subsidized houses in the poorest areas to be sold for a minimum of US\$ 8,000 to US\$ 12,000 per unit to house 100 families. In 2010, the Government intends to support the first housing for young couples with financing by Angola (a loan) for 5,800 million dobras.

## **H. Water and sanitation**

30. The Government has placed much stress on this issue having adopted the goal of reducing the proportion of the population without sustainable access to drinking water and basic sanitation by half by 2015.

31. São Tomé and Príncipe has a great potential in water resources that is still poorly known and little used. It is estimated that only 0.4 per cent of the existing total volume of water is used. Rainfall varies between 1000 and 5000 mm per square per year. The total volume of water is estimated to be 2,000 million cubic metres per year, of which only 800 million are directly exploitable. These resources are distributed unequally, exposing certain regions to a lack of water.

## **I. Access to water**

32. According to the 2005 Core Welfare Indicators Questionnaire (CWIQ), 96.8 per cent of the population has access to water and 88.7 per cent have access to **running water**. Access to **drinking water** is still very low. Coverage in 2001 was 19 per cent, rising to 38 per cent in 2006. There are differences between rural and urban areas. In rural and semi-urban areas, the rate of access to drinking water grew from 6.4 per cent to 12.6 between 2001 and 2006, while in urban areas coverage varied between an average of 29 per cent in 2001 and 57.2 per cent in 2006.

## **J. Sanitation**

33. The situation regarding sanitation is also bad. The rate of national coverage of sanitation infrastructure was 16 per cent in 2001, growing to 30 per cent in 2006, varying

between urban and rural areas. In 2006, merely 19.2 per cent of the population in rural areas had access to a system of sanitation compared to 10.2 per cent in 2001. In urban areas, 20.8 per cent of inhabitants had access in 2001 to a system of sanitation, which increased to 39.1 in 2006. Only the city of São Tomé benefits from a rudimentary system of solid waste collection but without treatment. Treatment of rain water is still just beginning. In 2001, 1 per cent of rain water was treated, rising to 1.1 per cent in 2006.

34. There are no statistics that would allow estimating the proportion of the urban population living in slums.

35. The Government is working with non-governmental organizations and civil society. The current rate of access to treated water is 38 per cent compared to 19 per cent in 2001.

## **K. Social protection**

36. The Government is working to create **support programmes for integration of the most needy groups** with subsidies for families, cash transfers (Bolsa Família) and food assistance (Prato Quente), among others, in order to provide needy families with financial resources, basic medication, basic food for mothers, underprivileged children and needy elderly who are outside the system of social security. The Government provided 4,000 million dobras in 2008 and the same amount in 2009. For 2010, it is providing approximately 5,000 million dobras, 20 per cent more than in the previous year. The Social Security System is currently providing assistance to approximately 9,000 beneficiaries, including about 5,000 underprivileged who are outside the Social Security System through support of the Office for Social Protection. There are currently approximately 32,000 persons at the national level registered with the Institute of Social Security waiting to receive assistance.

## **L. Institutions**

37. Currently, there are programmes that support the development of human resources co-financed by the Government and the African Development Bank, such as PADRUHU, the employment office and the Professional Fund (EFEFE) (PRECASP from 2003 to 2005) to prepare human resources for the public administration, particularly female heads of households and youth.

## **M. Justice**

38. Programmes have been implemented to support the Bar Association, support for access of the poor to justice, support for counselling centres on domestic violence and the feeding of prisoners, whose cost was approximately 3,000 million dobras in 2010, compared to 280 million dobras in 2009 and 105 million dobras in 2008.

## **N. Education and health**

39. In 2008, the Government invested approximately 150,800 million dobras in education, approximately 330,000 million in 2009 and approximately the same in 2010 as in 2009. As for health, investment by the Government in 2008 was 114,800 million, in 2009 approximately 171,100 million and for 2010 approximately 250,000 million dobras. This level of investment ensures satisfactory results for education and health for all, including the most needy. Despite the lack of data and the effort that has been made by the

Government, there is still much to be done to reduce poverty in rural areas from 65 per cent to 21.6 by 2015, consequently improving the living standard of local inhabitants.

## **V. Human Rights (Norms and Institutions)**

40. As already stated, since the declaration of its national independence on 12 July 1975, São Tomé and Príncipe has embarked on the path of democracy and defence of and respect for human rights. These principles are consecrated in articles 1, 6 and 18 of the Constitution, which state:

“Article 1: The Republic of São Tomé and Príncipe is a sovereign and independent State, endeavouring to build a free, fair and united society, defend human rights and promote solidarity among all persons and all groups..., article 6: democratic rule of law based on fundamental human rights..., article 18: the rights contained in this Constitution do not exclude any that are provided for in the laws and norms of international rights and principles concerning fundamental rights are interpreted and integrated in harmony with the Universal Declaration of Human Rights.”<sup>10</sup>

41. There are other articles in the Constitution concerning fundamental human rights based on international norms, namely concerning nationality, political regime, freedom of conscience and religion, respect for international norms concerning human rights, right to equal treatment, right to justice, right to education and the right to health protection, among others, that figure in articles 3, 6, 8, 12,13, 15, 18, 20, 26, 27, 31, 32, 42, 44, 50, 53, 55, 56, 58 and 60.<sup>11</sup>

### **A. Human rights and justice**

42. The judicial system has not met the expectations of the citizens because there is insufficient capacity to provide effective, efficient and rapid justice to meet demand. The Government has been improving the judicial system, namely the courts, the public prosecutor's office and support services for the administration of justice. There has been a harmonization of legislation with principles and constitutional provisions and modernization in the areas of criminal, penal and civil procedure and revision of legislation concerning the status and management of judges, reinforcing independence and autonomy.

43. During the first decade of the twenty-first century, reforms were implemented aimed at meeting social demands and fulfilling the Government's obligations towards international organizations concerning respect for and promotion of human rights. Various norms were created or revised, namely laws on detention and measures for coordinating and guaranteeing property (Law No. 5/2002), a constitutional revision (Law No. 1/2003), the basic law governing the educational system (Law No. 2/2003), the law on sentencing and incarceration measures (Law No. 3/2003), the law on community service (Law No. 5/2003), the statutes of the Bar Association (Law No. 1/2007), the law on exercise of the right to petition (Law No. 10/2006), the statutes governing the public prosecutor's office (Law No. 13/2008), the statutes governing judges (Law No. 1/2008), the organic law governing the criminal investigative police (Law No. 2/2008), the law on domestic violence (Law No. 11/2008), a law reinforcing protection mechanisms for victims of domestic violence (Law No. 12/2008), adoption of the internal regulations of prisons (Order No. 13/2008), the statute of the armed and security forces (Decree-Law No. 28/2009), the statute on the administration of the Príncipe Autonomous Region (Law No. 4/2010), the Code of Criminal Procedure, which will soon enter into force (Law No. 5/2010) and the law governing the judiciary system (Law No. 7/2010).<sup>12</sup> With the same goal, the Counselling Centre for Combating Domestic Violence in November 2006 and the National Institute for

the Promotion of Gender Equality and Equity (Decree-Law No. 18/2007) were created. Through presidential decree No. 17/2009, the President of the Republic provided for commutation and pardoning of sentences of prisoners, which resulted in the release of approximately 37 per cent of all prisoners, contributing to a reduction of the prison population.<sup>13</sup>

44. The Government, through the Ministry for Justice, in cooperation with UNDP, held a National Meeting on Justice on the topic “Correcting errors in order to create and guarantee justice for all”, held from 24 to 26 November 2009 to discuss the status of justice in São Tomé and Príncipe and producing the Proposed Reform of the Judiciary, proposing several institutional and legislative reforms.<sup>14, 15</sup>

## **B. Access to justice and guarantee of civil rights**

45. During the First Republic (1975 to 1990), access to courts were included in the law on judicial assistance (Law No. 7/70 of 9 June) and corresponding regulations (Decree No. 562/70 of 18 November). For criminal cases, the Code of Criminal Procedure/1929 was adopted and is still in force and permits the appointment of unofficial defenders when an accused does not assume his own defence (article 22, paragraphs 1–3 and articles 23–28 of the Code).<sup>16</sup>

46. After 1990, article 19 of the new Constitution provided for the following: “All citizens have the right to have recourse to the courts against acts that violate their rights recognized by the Constitution and by law and cannot be denied justice because of insufficient economic means.” That text remains unaltered in the constitutional reform of 2003 (Law No. 1/2003 of 29 January) and is now included in article 20. The right to access to justice and guarantee of civil rights was always defended by the Government. The new Code of Criminal Procedure provides for mechanisms that protect and guarantee better protection of the human rights of prisoners.<sup>17</sup>

## **C. Administration of justice**

47. There are several bodies that participate in the administration of justice, namely the Presidency of the Republic, whose role is defined in paragraphs a, e and i of article 80 of the Constitution and the National Assembly, whose role is defined in article 92, paragraph b of article 94, paragraphs b, c, d, p and r of article 97, paragraphs a–e and k of article 98 and paragraph 1 of article 99. The Government establishes general policy in accordance with article 108 of the Constitution and through the Ministry for Justice, whose role is to establish, carry out and evaluate the policy defined by the National Assembly and the Government concerning justice. The courts administer justice and defend civil rights and legally protected interests in the name of the people. Their decisions are mandatory for all public and private entities and prevail over those of all other authorities. Hearings are public, except when a court decides otherwise, and are documented in order to ensure the dignity of persons and public morals. In the exercise of their functions, courts cannot apply norms that contravene the provisions of the Constitution or the principles contained therein, which are stipulated in articles 120, 122, 123 and 129 of the Constitution. The public prosecutor's office monitors the rule of law, represents the public and social interests in courts and exercises penal functions, as provided for in article 130.<sup>18</sup>

48. In addition to the roles defined in the Constitution, the courts and ministries are governed by their own norms established in specific statutes, namely the statute governing judges and the statutes governing the public prosecutor's office, in function of the organic law of the judiciary system.<sup>19</sup>

49. In addition to these bodies, there are other institutions of the central administration that play a role in deciding questions concerning the administration of justice, namely the justice support services, the criminal investigative police, the national police and the prison and social reinsertion services. Each institution plays an important role in the justice system.

## **D. Justice support services**

### **1. Criminal investigative police**

50. This police was created by Decree-Law No. 69/93 and Law No. 2/2008 under the Ministry for Justice and supported by the public prosecutor's office. It has the role of investigating and preventing crime, functions that are exercised in defence of democratic legality and fully respecting civil rights.<sup>20</sup> It is clear that this police has been functioning imperfectly because of a lack of means, namely highly qualified human resources, material, technical-scientific material, infrastructure and vehicles, which affects the regular functioning of this service. For example, one of the difficulties of that policy is the lack of infrastructure, which leads to the holding of prisoners under the Code of Criminal Procedure over night in the Central Prison, which is a clear violation of their human rights.

### **2. National police**

51. The national police was created by Decree-Law No. 20/91 under the Ministry for Public Security for the purposes of ensuring public order and peace, respect for democratic legality and civil rights in pursuit of the goals defined by law and government policy. The conditions under which this police works are not the best, and they differ in little or nothing from the conditions under which the criminal investigative police works. The national police often violates democratic legality, because of a lack of material means, vehicles, infrastructure, computer technology, modern technology and training.

### **3. Prison and social reinsertion services**

52. Prison and social reinsertion services operate under the Ministry for Justice and are responsible for implementing sentences and incarceration. They also are responsible for the social reinsertion of prisoners. Those services function without specific legislation, but orient their activities on the basis of international and domestic norms, namely Law No. 3/2003 and the internal regulations of the prisons.

53. Implementation of sentences occurs primarily in accordance with the principles of the fundamental human rights stipulated in the Constitution and the law on sentencing and incarceration measures (Law No. 3/2003) and defined in the prison regulations published in the *Diário da República* No. 73.<sup>21</sup> Implementation of prison sentences must provide living conditions in prison as close as possible to those of the general circumstances of normal life.<sup>22 23</sup>

54. It should be stressed that the administration of justice does not depend entirely on those institutions, because in addition to those bodies the Constitution allows for public participation in the administration of justice. Articles 35 and 124 allow the creation of associations as long as they do not contravene the Criminal Code or jeopardise the Constitution and national independence. There are various non-governmental organizations that also participate in the administration of justice, including the Bar Association<sup>24</sup>, the Organização São-Tomense dos Direitos Humanos, the trade unions, the Associação das Mulheres Juristas, the Associação de Reinserção das Crianças Abandonadas e em Situações de Risco (ARCAR), the Organização das Mulheres São-tomense, youth organizations and the Associação de Instituto Socioeducativo das Crianças (AISC).

## **E. Human rights and gender equality**

55. São Tomé and Príncipe has adopted several laws aimed at protecting the rights and promoting freedom for men and women. For example, both the Constitution and other norms establish provisions that confirm the Government's intention to promote and protect the principle of equality of the civil rights of men and women.

56. This general principle is included in the Constitution in several articles and in particular in article 15 on the principle of equality, article 26/3 on the family, marriage and paternity, article 32 on freedom of the choice of a profession, article 42/3 on the right to work, article 55 on the right to education, article 57 on participation in public affairs and article 64/2 on the duty to defend the country. Several laws aimed at guaranteeing the defence and promotion of gender equality have been adopted, and there are other legal provisions and other norms, such as the law on the family (Law No. 2/77), the law on social security (Law No. 1/92); the law governing labour conditions (Law No. 6/92), the law on national defence (Law No. 2/94), the law creating the National Institute for the Promotion of Gender Equality and Equity (INPG) (Law No. 18/2007), the law on domestic violence (Law No. 11/2008) and the law on reinforcing legal protection mechanisms covering victims of crimes of domestic violence (Law No. 12/2008).

57. The National Institute for the Promotion of Gender Equality and Equity was created by Law 11/2008 and has prepared the National Strategy for Gender Equality and Equity, which seeks “to build by 2015 a society in which social justice, solidarity, equality, equity and respect for all citizens are real values deeply shared by all.”<sup>25</sup>

58. The Government has created the Counselling Centre for Combating Domestic Violence in order to protect victims and counsel couples. In addition to these public institutions, the Government receives the cooperation of several NGOs, such as the Fórum das Mulheres, the Mutendê Institute, the Associação para Progresso da Mulher, the Cooperativa Josina Machel, the Associação de Apoio das Mulheres e Crianças Vítimas de Violência, the São Tomé Family Planning Association, the Association of Businesswomen and Professionals of São Tomé and Príncipe, the Association Vicentina Feminina and the Association of Female Attorneys. Despite that improvement, there is occasional discrimination and gaps in legislation. However, there has been improvement.

## **VI. Human Rights and Education<sup>26</sup>**

59. The Constitution establishes education as a right recognized for all citizens. The Government must promote the elimination of illiteracy and provide continuing education and free and mandatory education.<sup>27</sup>

60. The World Declaration on Education for All states that “Every person—child, youth and adult—shall be able to benefit from educational opportunities designed to meet their basic learning needs” (Conference of Jontien, Thailand, 1990). The commitment of São Tomé and Príncipe to the recommendations of that Conference endorses and reinforces the process already enshrined in the Constitution and confirmed in the organic law of the education system.<sup>28</sup>

61. This new legislation seeks to make a clean break with the system of traditional education inherited from the Portuguese colonial regime, promoting a new dimension of education as the means for transforming structures, social relations and achieving a change of mentality. Rights and duties in the field of education were created, free access to education was expanded to all citizens and new education policy goals were established in accordance with the guidelines of the national development strategy.

## A. Organization, structure and management

62. The general organization of the educational system is governed by Law No. 2/2003, covering pre-school, school and after-school education.<sup>29</sup>

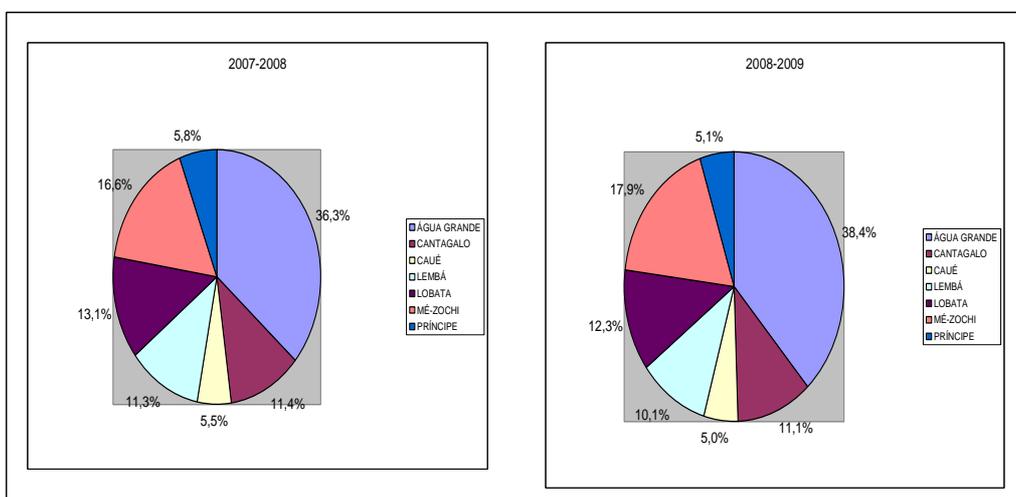
## B. Pre-school education

63. São Tomé and Príncipe has been fulfilling its obligations concerning The World Declaration on Education for All and the Dakar Framework for Action, which stress the importance of this fundamental period in the life of each child and promote education and care of early infancy (ECPI) as the first of six main goals. São Tomé and Príncipe has been carrying out activities, especially in the public sector, in order to guarantee that all young children have access to basic care and learning opportunities. However, the rate of pre-school coverage is still 33 per cent.

64. Pre-school education is the first level of the education system and is optional. However, the importance of this level of education is recognized for the development of early infancy and in the preparation for school education. It is characterized by a network of daycare centres in rural areas for children up to the age of six and kindergartens in urban areas for children between the ages of three and five. In addition to public kindergartens and daycare centres, there is also an already considerable number of private and community kindergartens belonging to NGOs and associations.

65. During the past ten years, the Government has not considered pre-school education to be a priority sector because of its optional nature established in the organic law of the education system.

**Figure 1: Percentage of children enrolled in relation to the total number of children in São Tomé and Príncipe by district and school year.<sup>30</sup>**



## C. Primary education

66. Primary education is universal, compulsory, free and for six years. No charges are made for remunerations, charges and payments linked to registration, attendance and certification. This education has been expanded to basic six-year primary education. Reform of the first cycle (first to fourth years) has been completed, and reform of the second cycle (fifth to sixth years) is now in its final phase.

67. Extending primary education to the sixth year by 2015 is one of the challenges confronting the country.

68. During the 2006–2007 school year, there were a total of 74 primary schools, five of which provided basic integrated education in Vila Fernanda, Porto Alegre, Santa Catarina, Água Izé and Almas.

69. In the 2007–2008 school year, 15 primary schools (20.2 per cent) out of a total of 74 operated in three shifts (*regime triplo*). Pupils in the first and second cycles of primary education benefit from WFP school support in the form of a warm meal for all pupils at this level of education.

#### **D. Private education**

70. Private and cooperative education are considered private educational institutions created by private persons that provide education to more than 10 pupils in which education and training are carried out regularly. According to article 7 of that law, the Government must support pupils with scholarships.

71. In primary education, 44 pupils are enrolled in private schools, all in the Escola Portuguesa, of which 27 are girls and 17 are boys. Most of them are between the ages of seven and eight. The public sector continues to be the main source of education at this level.

72. In the second cycle, there are two schools, namely the IDF and the Madalena de Canossa School which have a total of 118 pupils. In this branch of education, there are 162 pupils in private schools, compared to 34,768 pupils in public education, showing the imbalance that exists between the two sectors at this level of education, which absorbs only 0.5 per cent of all pupils.

#### **E. Secondary education**

73. Secondary education is organized into two cycles: the first cycle of the secondary which goes from seventh to ninth years, and the second cycle of the secondary which goes from the tenth to twelfth years.

74. Education at the secondary level is very limited in São Tomé and Príncipe, especially at the level of the second cycle (ninth to twelfth years). Only in the main district cities is it possible to attend the second cycle of secondary education. Of the eight existing schools, only two offer eleventh and twelve years: the Liceu Nacional in the city of São Tomé and the Príncipe Secondary School in the city of São António. Lembá and Caué provide classes only until the eighth year. In the school year 2004–2005, Santana established the ninth year followed by Mé-Zochi in the following school year. In this school year, with the cooperation of the Projecto Escola+, begun in 2007 with the support programme for secondary education of Portuguese Technical Assistance, began offering vocational training (art and design, civil construction and information technology) at the Liceu Nacional. Two new courses (animal husbandry and agriculture) were also established in the district of Mé-zochi, more specifically in the CATAP. With these new vocational courses, the Government seeks to permit all students to leave the system with a degree. This is one of the Millennium Development Goals (MDGs) and a goal in combating poverty.

75. Out of all students in secondary education (8 to 12 years), 4,123 (51.5 per cent) were girls. There is a majority of girls in secondary education with 52.1 per cent, but at the pre-university level the positions were inverted.

76. In 2007, 9,687 students were enrolled in secondary education of which 9,336 (96.4 per cent) were in the public sector and 351 (3.6 per cent) were in the private sector.

77. In 2007–2008, 85.8 per cent of the students were enrolled in secondary schools and only 14.2 per cent in the second cycle pre-university secondary because of limited possibilities and school leavers. The increase in students in basic secondary education (from 6,677 to 7,100) was due to the significant increase in the number of students in the eighth year in all districts and implementation of the ninth year in the two secondary schools of Mé-Zochi. The seventh and tenth classes recorded negative growth. In 2008, the participation of girls was less than that of boys only in the eleventh year.

78. Students will have to choose in their tenth year one of the areas available, for example areas A, B and C. Each area provides education for students for continuing studies or entry in the labour market.

#### **F. Teacher training (primary and secondary) 2008–2009<sup>31</sup>**

79. In the 2007–2008 and 2008–2009 school years, there were a total of 630 teachers, but only 298 (47 per cent) had training, 51 (8 per cent) had specialized training and 281 (45 per cent) had no training.

80. In 2007–2008 and 2008–2009, the Liceu Nacional and the Principe Secondary School were the only schools that offered tenth and eleventh years and the schools in Santana and Guadalupe offered classes only up to the ninth year.

#### **G. Professional technical training**

81. Professional training is also part of secondary education. The courses offered in this Centre are civil engineering, electricity, mechanical assembly, maintenance of mechanical and automatic systems and automotive mechanics. In 2007–2008, 70 students took those courses (10 girls and 60 boys).

#### **H. Special educational needs**

82. In São Tomé and Príncipe, efforts are being made to develop universality of education and training, and provide direct and indirect support to children with special educational needs in various forms in order to facilitate their social integration, socialization and education.

#### **I. Financing education<sup>32</sup>**

83. In 2009, the education budget was the equivalent of 11 per cent of GDP, representing a considerable effort by the country to meet education needs.

84. The internal structure of public expenditure for education shows that operational expenditures were more than double of those of investment, reaching 70.3 per cent in 2009 compared to 29.7 per cent (initial budget). That is explained by the high proportion of salaries in education expenditure and by the fact that education is very dependent on domestic resources.

85. Salaries made up 90 per cent of total expenditures in 2009, while expenditures for goods and services and transfers made up the remaining 10 per cent, and those for investment were 20.3 per cent. Scholarships are important in the overall budget.

**J. Participation of the family in financing education<sup>33</sup>**

86. Families have been an important partner in education, contributing the modest amount of 5,000 dobras per child per month for warm meals in schools. In addition, families contribute 22,000 dobras per month for school transportation. Families also pay for their children's lunch expenses, school uniforms and health care, which proves that families are aware of the importance that education has in the development of São Tomé and Príncipe.

**K. Gender parity (2007–2008 and 2008–2009)**

87. There has been an evolution at the national level of the participation of female students in the educational system as follows: in 2007–2008 49.56 per cent while in 2008–2009 48.91 per cent.

**L. Literacy programme<sup>34</sup>**

88. The Ministry for Education, Culture and Training has supported literacy through implementation of a literacy programme in cooperation with the Brazilian Agency for Cooperation (ABC). Approximately 2,500 persons have already been enrolled in this programme, and approximately 10 per cent, 250 persons, are in the post-literacy phase.

89. In 2009, 2,560 students from all districts of the country participated in the literacy programme; from the district of Lobata, which has the highest number of illiterates, 405 (17.6 per cent), followed by Príncipe with 392 students, 15.3 per cent of illiterates. Statistics confirm the effectiveness of this programme, which has a graduation rate of 80 per cent.

**M. Higher education<sup>35</sup>**

90. There is one public institution of higher education in São Tomé and Príncipe, the Instituto Superior Politécnico (ISP), and two private higher education institutions, the Universidade Lusíada of São Tomé and Príncipe and the IUCAI.

91. During the 2008–2009 school year, 596 students studied in the ISP in several areas. The most popular courses were management (31.4 per cent) and a degree in the Portuguese language (18.6 per cent), in which 50 per cent of all students registered. There is a very balanced gender distribution (50.2 per cent of male participation against 49.8 per cent female participation), with a majority concentrated in the first and second years. Most of the students of the ISP (approximately 79 per cent) are between the ages of 20 and 29. The courses offered in the Universidade Lusíada are law, management and information technology, while the courses offered in the IUCAI are telecommunications, law, public law and administration.

**VII. Human Rights and Health in São Tomé and Príncipe**

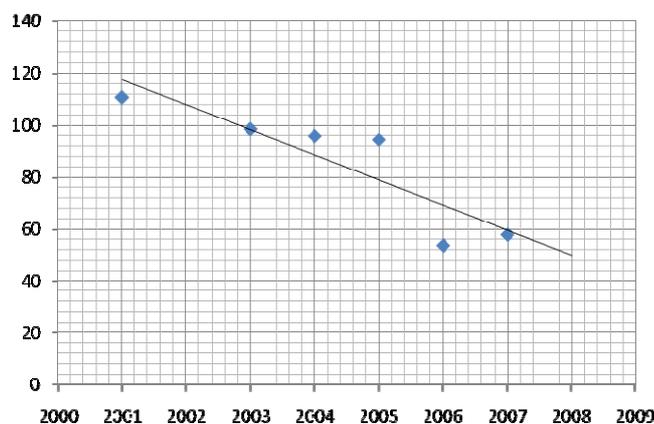
92. The Constitution states that all have a right to health protection and the Government has a duty to defend that right and promote public health.<sup>36</sup> The Government guarantees all citizens free access to services and health by hospitals, health posts and centres in all districts of São Tomé and Príncipe. The Government focuses its activities on improving health based on four goals:

- Improving the capacity, organization and functioning of the health sector;
  - Promotion of the protection of health and combating disease;
  - Improvement of the provision of health care;
  - Improvement of sanitation infrastructure.
93. Reform of the health sector seeks to achieve the following main goals:
- Promotion of the equity of health and health care, restructuring coverage with a minimum package of health services in accordance with the country's concrete conditions;
  - Improvement of the management of health resources, reinforcement of decentralization and management capacity of the district health teams and restructuring existing district health services for better provision of services and solution of the more important problems;
  - Improvement of the functioning of the health system and the quality of health care;
  - Improvement of access, humanization and satisfaction of contacts of citizens with the health system and expanding the communication and cooperation among various healthcare providers.
94. The National Health Policy recognizes the social nature of health services as a factor of development, social justice and for combating poverty and defends universal coverage at all levels of service, equity of access and use of healthcare without prejudice or privileges of any kind and full service in the form of a package of coordinated activities and preventive and curative, individual and collective services for all cases at all levels of the system.

#### **A. Reproductive health<sup>37</sup>**

95. The sexual and reproductive health policy aims to contribute to national development with the full participation of women under equal conditions in the process of decision taking and the commitment of men in sharing responsibility for all aspects concerning the family, sexual and reproductive behaviour and the practice of family planning.
96. The directives for reproductive health seek to guarantee women's and infantile health, stressing full care for children at all levels, providing a package of care, including vaccination, the monitoring of growth and development, nutritional advice, triage of health problems and their treatment whenever possible.
97. As for infant-child mortality, the goal fixed for the country for 2015 is 73 per thousand. Statistics on implementation of the Poverty Reduction Strategy Paper show that infant-child mortality decreased significantly between 2001 and 2007, decreasing from 111 per thousand (MICS 2001) to 58 per thousand (ORP 2008). This trend is reflected in the graph below, which indicates that the MDG was reached in 2006 and now must be consolidated.

## B. Evolution of infant-child mortality (one per thousand)<sup>38</sup>



## C. Adolescent health

98. The adolescent health action programme seeks to promote and protect health for this age group, with particular attention on the protection and promotion of the rights of adolescents concerning information and services in sexual and reproductive health and permanent and full access to these services.

## D. Health of the elderly

99. The specific problems that affect the population older than 65 years of age require a programme that combines curative and rehabilitation aspects with prophylactic and social care for integral attention of this target group.

## E. HIV/AIDS<sup>39</sup>

100. Begun in 2001, the mother-baby Prevention of Vertical Transmission Project (PTV) began with voluntary testing and preventive treatment in the Central Hospital of São Tomé in June 2005, followed by decentralization of triage in all district health centres. The systematic testing for HIV in pregnant women began in the districts in January 2006. The rate of rejection of this testing by women is very low and the results of the serological testing for HIV of almost all of them is known. At the end of 2007, 27 of the 29 health posts were providing voluntary testing of pregnant women. Coverage increased from 55 per cent in 2006 to 89 per cent in 2007.

101. HIV-positive pregnant women have been monitored by the National Programme for Combating AIDS (PNLS) since 2007, an activity carried out with the support of WFP in the form of food and the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, which finances the distribution of infant formulas. Difficulties arise because of the refusal of the male partners of these women to allow diagnosis and support for them. The heavy stigma attached has led many women to reject taking advantage of nutritional support and monitoring of their babies at home, depriving them of the advantages of nursing with infant formula.

## **F. Tuberculosis<sup>40</sup>**

102. Taking into account the worldwide increase in tuberculosis and the lack of accurate information about the situation in São Tomé and Príncipe, the following specific activities are being organized:

- Creation of human and material conditions for the care, diagnosis and treatment in the districts, establishment of a system of reference for the central level that creates confidence and encourages patients to seek regular treatment as a guarantee of success;
- Systematic and priority detection of existing cases for immediate treatment; research on the epidemiological levels of tuberculosis and programming of control, diagnosis and early treatment measures and maintenance of acceptable epidemiological levels.

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## Notes

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- <sup>2</sup> Article 78 of the Constitution of São Tomé and Príncipe.
- <sup>3</sup> Article 102 of the Constitution of São Tomé and Príncipe.
- <sup>4</sup> Article 108 of the Constitution of São Tomé and Príncipe.
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- <sup>10</sup> Constitution of São Tomé and Príncipe.
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- <sup>13</sup> Data provided by the SPRS.
- <sup>14</sup> National Meeting on Justice, November 2009.
- <sup>15</sup> See the document National Meeting on Justice, November 2009.
- <sup>16</sup> Based on the National Meeting on Justice, November 2009 concerning legislation and current practices.
- <sup>17</sup> See articles 37–45, 149–157, 187, 212 and others of the new Code of Criminal Procedure.
- <sup>18</sup> See the articles cited of the Constitution of São Tomé and Príncipe.
- <sup>19</sup> See Laws Nos. 13/2008, 14/2008 and 7/2010.
- <sup>20</sup> See article 1 of Law No. 2/2008, the Organic Law of the Criminal Investigative Police.
- <sup>21</sup> See articles 22, 23, 27, 38 of the Constitution of São Tomé and Príncipe.
- <sup>22</sup> See articles 60, 61, 63, 67, 68 of the internal regulations of prisons.
- <sup>23</sup> See articles 1–11 and 21 of Law No. 3/2003, the law on sentencing and incarceration measures.
- <sup>24</sup> See article No. 3 of the statutes of the Bar Association.
- <sup>25</sup> National Strategy for Gender Equality in São Tomé and Príncipe.
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- <sup>27</sup> Article 55 of the Constitution of São Tomé and Príncipe.
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- <sup>29</sup> See article 8 of the Organic Law of the Educational System.
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- <sup>31</sup> Statistical Bulletin of the Ministry for Education, Culture and Training, 2009.
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- <sup>34</sup> Statistical Bulletin 2009.
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- <sup>38</sup> MICS 2006, Poverty Reduction Strategy Paper 2008.
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