



# Convention on the Rights of the Child

Distr.: General  
8 February 2021  
English  
Original: French  
English, French and Spanish only

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Committee on the Rights of the Child

## **Combined fifth and sixth periodic reports submitted by Sao Tome and Principe under article 44 of the Convention, due in 2018\***

[Date received: 13 June 2019]

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\* The present document is being issued without formal editing.



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## Introduction

1. The Democratic Republic of Sao Tome and Principe is a signatory to one of the main international instruments for promoting and protecting children's rights, the Convention on the Rights of the Child. While significant gaps remain, its national policy and legal framework in this area has been sufficiently strengthened to allow for rapid progress to be made in the promotion and protection of children's rights.
2. The subject of children's rights is broad and diverse in scope; children's rights must therefore be realized gradually and care must be taken to ensure that no right is sacrificed for the benefit of another. One of the fundamental responsibilities of the State, and of society in general, is to strike the right balance in that regard.
3. Since ratifying the Convention in 1991, Sao Tome and Principe has made significant progress in promoting and protecting children's rights in key areas, including the policy and legal framework, health, education, child protection and other areas directly or indirectly affecting children. The practical implementation of children's rights in Sao Tome and Principe is still fraught with considerable challenges, however. Despite the progress made, there are some concerns about the slow rate of progress towards the realization of the rights of the estimated 74,619 children under the age of 14 in Sao Tome and Principe.
4. The present document constitutes the combined fifth and sixth periodic reports of Sao Tome and Principe on the implementation of the Convention on the Rights of the Child. It presents an analysis of the progress made and the challenges faced in the area of children's rights between 2013 and 2018, based on the recommendations made by the Committee on the Rights of the Child in 2013 following its consideration of the previous periodic report of Sao Tome and Principe.
5. The main aim of this report is to present the State's efforts to ensure the effective realization of children's rights through the development and implementation of legislation, policies, programmes and initiatives.
6. The combined fifth and sixth periodic reports were prepared with the support of the office of the United Nations Children's Fund (UNICEF) in Sao Tome and Principe and with the participation of national bodies and non-governmental organizations (NGOs) working in the area of children's rights.

## I. General context

7. The Democratic Republic of Sao Tome and Principe is a small island State. It is a low-income, democratic, pluralist, parliamentary republic with a high poverty rate. Its two main islands are Sao Tome and Principe; the former is divided into six districts and the latter is an autonomous region.
8. In 2015, the National Institute of Statistics (INE) projected, on the basis of the 2012 general population and housing survey, that the national population would reach 201,785 by 2018. According to that survey, the population of Sao Tome and Principe in 2012 was 178,739, including 74,619 children under the age of 14, representing roughly 42 per cent of the population.
9. Between 2013 and 2018, elections that were considered to be free and fair were held throughout the country. In the legislative, municipal and regional elections of 2014, Acção Democrática Independente (Independent Democratic Action) won 33 of the 55 seats in the National Assembly and won control of the local governments of five of the six districts. The União para Mudança e Progresso do Príncipe (Union for Change and Progress in Principe) won control of the local government of the Principe Autonomous Region. In 2016, Evaristo Espirito Santo De Carvalho was elected seventh President of the Republic. The results of these elections were peacefully accepted by the rival parties.
10. It is important to note that the economic and social context in which children's rights are being implemented in Sao Tome and Principe is one of a low- to middle-income country with a high poverty rate. In 2014, gross domestic product (GDP) per capita was \$1,811.

Nearly one third of the population lives on less than \$1.90 a day in purchasing power parity and more than two thirds of the population live under the poverty line of \$3.10 a day in purchasing power parity. The unemployment rate in 2012 was 13.2 per cent.

11. Despite these challenges, the economic performance of Sao Tome and Principe is above average for sub-Saharan Africa according to the United Nations human development index. Between 2001 and 2014, GDP growth averaged 5 per cent, higher than that of sub-Saharan Africa as a whole (4.8 per cent), other small States in sub-Saharan Africa (4.3 per cent) and other small States in general (3.5 per cent). Table 1 below shows the country's main economic indicators for the period 2013–2016.

12. Sao Tome and Principe has achieved important milestones in terms of its social indicators: it boasts nearly universal primary school enrolment and a life expectancy of over 66 years and has a declining infant mortality rate among children under 5 years of age. These achievements are a testament to the efforts of the authorities to improve social conditions.

13. Despite these successes, however, Sao Tome and Principe still faces many critical challenges. It has limited resources and an export base that consists almost exclusively of a single product – cocoa – and a burgeoning tourism industry. It is highly dependent on external aid: almost 80 per cent of its budget is funded by development partners.

14. In this context of limited economic and financial resources and critical challenges, particularly social challenges, respect for human rights has been undermined, including by frequent and systematic violations, whether deliberate or by omission, of children's rights and other social difficulties that have arisen over the past five years.

**Table 1 – Main economic indicators for the period 2013–2016**

	2013	2014	2015	2016
GDP (in billions of dobras)	5 588.96	6 434.87	7 018.11	7 761.43
GDP growth (%)	4.3	4.13	3.96	4
GDP per capita (in dobras)	28 959 397.11	32 518 706.32	34 609 324.22	37 372 055.51
Inflation (IPC*)	8.11	6.99	5.26	5.43
General revenue (% of GDP)	33.45	25.15	28.01	28.05
General expenditure (% of GDP)	31.55	30.46	34.27	30.89
Budget balance (% of GDP)	1.9	-5.31	-6.26	-2.84
Primary balance (% of GDP)	2.4	-4.64	-5.5	-2.4
Debt stock (% of GDP)	71.14	66.18	82.24	92.78

\* Consumer price index.

Source: Collaborative Africa Budget Reform Initiative,<sup>1</sup> 2018.

## II. The report

### A. General implementation measures

#### Convention on the Rights of the Child and national legislation

15. The State has undertaken national legislative reforms to ensure compliance with the Convention on the Rights of the Child, harmoniously integrating the provisions of the Convention into national legislation.

16. The Constitution of Sao Tome and Principe (Act No. 01/2003) protects fundamental human rights and is founded on the universal principles of the Universal Declaration of Human Rights.

<sup>1</sup> <https://www.cabri-sbo.org/en/countries/sao-tome-and-principe> (accessed in April 2018).

17. The Constitution establishes a legal framework that is conducive to the realization of children's rights, especially article 12 (2), under which Sao Tome and Principe "proclaims its adherence to the Universal Declaration of Human Rights and its principles and to the objectives of the African Union and the United Nations" and the chapter on fundamental social rights, particularly article 26 on the family, marriage and filiation, paragraph 4 of which prohibits discrimination between children born in or out of wedlock; article 52 on children; and article 55 on education, which provides for free and compulsory primary school education.

18. The Statute on Legal Assistance for Overseas Minors (Decree No. 417/1971 of 29 September) regulates the provision of legal assistance to minors in conflict with the law through crime prevention measures and the defence of their rights and interests through the pursuit of civil proceedings by the Agency for the Guardianship of Minors.

19. Act No. 6/1992 on the Legal Regime on Individual Labour Conditions defines child labour.

20. The Family Act (No. 2/1977 of 28 December), which governs matters related to family relations, repealed the concept of majority at 21 years and did away with the distinction between children born in or out of wedlock. The Family Act ended discrimination between children born in or out of wedlock. The Act has been updated but will remain in force until the new law takes legal effect. Immediately after Sao Tome and Principe gained independence, the first Constitution of the Republic established the principle of equality among all citizens.

21. The new Family Act upholds the fundamental principles of the Convention on the Rights of the Child. For example, it sets the legal age of marriage at 18 years for both women and men and thus puts an end to the practice of child marriage. It also provides that children should be heard in all matters concerning them in proceedings affecting them, with due consideration given to their best interests.

22. The Criminal Code (Act No. 6/2012) established new criminal offences involving crimes against children and strengthened certain protections for minors against crimes of a sexual nature. Different classifications and sexual offences apply depending on the age of the child, however.

23. Domestic violence is now a publicly actionable offence pursuant to Act No. 11/2008. This law establishes guidelines intended to protect every member of the family – children and adults – from all forms of neglect, discrimination, exploitation, violence, cruelty and oppression.

24. In keeping with the above-mentioned law, Act No. 12/2008 on Strengthening Legal Protection Mechanisms for Victims of Domestic and Family Violence was enacted.

25. The Criminal Code, the Code of Criminal Procedure and the Domestic Violence Act are currently being revised. A special law is currently being drafted that will be applicable to young persons between the ages of 16 and 21 who commit acts punishable by criminal sanctions or community service.

26. Pursuant to Act No. 2/2003, the Basic Law on the Education System, primary school is now compulsory and free of charge until the sixth grade. In accordance with the new education policy set out in the Basic Education Act of 2018, access to high-quality, free, compulsory education and learning will be progressively and sustainably guaranteed for all children and young people for a period of 11 years, including 2 years of preschool education and 9 years of basic school.

27. Social Security Act No. 7/2014 on the Social Protection Framework supersedes Act No. 1/90 and provides for the implementation of non-contributory and contributory social protection schemes.

28. Act No. 3/2012 regulates the entry and presence of minors in places where alcohol is sold and audiovisual material is projected.

29. The recent Labour Code includes a chapter on the regulation of child labour and a list of the worst forms of child labour as an annex.

30. Between 2013 and 2018, various laws were amended or updated to ensure compliance with the principles established in the Convention.

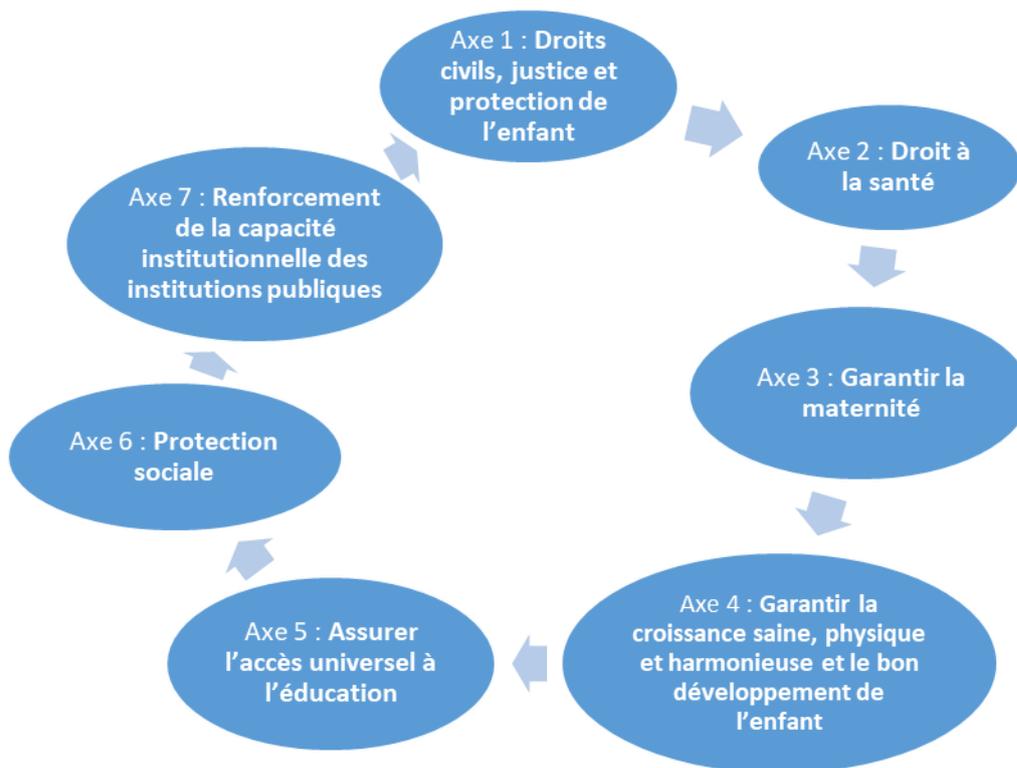
31. Several topics were addressed in the legislative reform of 2018.

### Convention on the Rights of the Child and national policies

32. One of the policies that has a direct impact on children is the National Strategy for the Implementation of the Convention on the Rights of the Child. This Strategy is intended to help orient and coordinate the efforts of governmental, non-governmental and civil society bodies to promote the general welfare of children, particularly in terms of their civil, political, economic, social, cultural and special protection rights.

33. The Strategy is based on the following overarching goals: establishing a juvenile justice system, developing family-focused public policies, ensuring that the best interest of the child is at the heart of adoption procedures and developing and/or redesigning institutional care programmes. With these goals in mind, six strategic lines of action have been identified (see the diagram below) and an action plan has been adopted the implementation of which should expedite the implementation of the Convention.

**Diagram 1** – Strategic lines of action of the National Strategy for the Implementation of the Convention on the Rights of the Child



The National Strategy identifies a number of areas as fundamental for the protection, survival and development of children in Sao Tome and Principe in the context of the realization of their rights. These areas include: legal protection; nutrition; mother and child health; HIV/AIDS; water and sanitation; basic education and child development; social welfare (the family environment, alternative care and social security); recreation, culture and sports; and protection measures.

34. The action plan for the National Strategy sets out objectives, actions and activities to be developed by government institutions, NGOs and other entities working to promote the well-being of children. These objectives, actions and activities, structured around the aforementioned strategic lines of action, are aimed at guaranteeing civil rights, protection and security; access to health care; the physical health and harmonious development of children; safe motherhood; access to safe drinking water; access to basic sanitation; access to education;

and capacity-building for public institutions, in line with the recommendations made by the Committee in 2013.

35. On 27 May, the Council of Ministers issued Decree No. 4/2016 – published in Official Gazette No. 71/2016 – setting out the National Child Protection Policy and the corresponding action plan. The Policy is aimed at defining a framework for structured and coordinated initiatives to prevent and reduce the prevalence of all forms of violence against children. The establishment of a national commission to coordinate the implementation of the Policy and the action plan has been proposed.

36. Over the past five years, various policies, strategies and projects with an impact on the special rights of children have been implemented (see table 4 below).

**Table 2 – Summary of the policies, plans and projects carried out during the period 2013–2018**

1. Programme of the sixteenth Government, component II, “Commitment to social cohesion and the external credibility of Sao Tome and Principe”, chapter II, “Supporting young people, strengthening the family and taking measures to protect children”
2. National Action Plan against Child Labour (2013–2020)
3. Action Plan for the Implementation of the National Child Protection Policy 2016–2017, which addresses the special protection rights of children
4. Education Policy Charter of Sao Tome and Principe: Vision 2022 (2012–2022)
5. National Poverty Reduction Strategy 2012–2016, component IV of which provides for measures to combat child labour, sexual abuse and sexual exploitation of minors and domestic violence
6. Social Sector Support Project 2004–2012, which was aimed at widening access to basic education and health services
7. National Social Protection Policy and Strategy, February 2014
8. Action Plan for the Implementation of the National Child Protection Policy 2016–2017
9. Health Charter (2012)
10. National Health Policy (2012)
11. National Health Development Plan (2012)
12. National Policy to Combat AIDS (2003)
13. National Policy to Combat Malaria (2003)
14. National Reproductive Health Plan (2012–2016)
15. Road Map to Expedite the Reduction of Maternal and Neonatal Mortality (2008–2015)
16. Nutrition and Food Policy (2014–2020)
17. National Poverty Reduction Strategy II 2012–2016
18. Situation analysis of children and women in Sao Tome and Principe, 2015
19. National Action Plan on Child Labour 2013–2018
20. Study on drug consumption in secondary schools, March 2016
21. Programme for the Reporting of Disabilities and Developmental Risks among Children (study report, 2015)
22. Situation analysis of children and women in Sao Tome and Principe, 2016

23. Study on Expectations: Problems among Adolescents and Young People, 2017
24. Life Skills Curriculum, 2018
25. Study on children's rights, 2015
26. Study on the situation of out-of-school children, 2017–2018
27. School Health and Nutrition Programme
28. Accelerating School Performance, 2015–2018
29. Study on the assessment of children's skills upon entry to primary school, 2015
30. National Food and Nutrition Policy 2013–2024 (2014)
31. National Social Protection Policy and Strategy (2014)
32. National Agricultural Investment and Food Security Programme 2016
33. 2020, (2014)

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### Coordination

37. A joint initiative of the Ministry of Justice and the Ministry of Health was launched in 2010 with the support of UNICEF and the United Nations Population Fund (UNFPA) to introduce free electronic civil registry services in maternity wards. It has proven to be very effective.

38. In that connection, the Ministry of Justice and the Ministry of Finance issued joint decree No. 4/2017, authorizing free birth registration services for children under the age of 1 year.

39. In view of the large number of children who had not been registered at birth, however, the Ministry of Justice and the Ministry of Finance issued another joint decree in 2018, decree No. 31/GM-MJDH/2018, exceptionally authorizing the free registration of children up to the age of 14 years during birth registration campaigns and activities.

40. Additional activities have been carried out by the Government and the parliament, in accordance with their respective mandates:

(a) The National Assembly established a special commission on the human and social rights of children, with the power to propose new legislation, to monitor policy implementation and to issue opinions and recommendations on matters concerning children. It also established the Children's Parliament, in collaboration with the Ministry of Education, the Ministry of Youth and UNICEF;

(b) The Ministry of Justice, Public Administration and Human Rights is responsible for implementing policies related to justice, including juvenile justice and human rights. The Ministry oversees, inter alia, the Directorate General of Registers and Notaries and the Directorate of Prison and Social Rehabilitation Services. It is the first-ever ministry to be assigned responsibility for human rights issues and is therefore uniquely placed to ensure a more effective application of the Convention in Sao Tome and Principe;

(c) The Ministry of Employment and Social Affairs is responsible for labour and social policy. It oversees the Directorate for Social Protection and Solidarity, whose general mission is to implement the Government's policies in the field of social welfare and solidarity, including by designing and implementing programmes for the protection and reintegration of children and adolescents at risk.<sup>2</sup> The Directorate for Social Protection and Solidarity has also developed programmes in the judicial, education and health sectors. A national council for social welfare has also been established;

(d) The Ministry of Education, Culture, Science and Communication is responsible for carrying out education policies with the aim of guaranteeing high-quality

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<sup>2</sup> Social Protection Framework Act (No. 7/2004).

education for all, starting with universally accessible compulsory education until the third grade,<sup>3</sup> in accordance with the Basic Education Act of 2018;

(e) The Ministry of Health is responsible for establishing the necessary conditions for the promotion, protection and restoration of the health of the population and the implementation of health measures, including measures to reduce the prevalence of disease, control endemic and parasitic diseases and improve health monitoring systems, with the aim of ensuring a better quality of life for every citizen. The Ministry is tasked with guaranteeing the enjoyment of the right to health and providing the necessary conditions for the enjoyment of the right to health through the decentralization and certification of services.

41. The Office of Human Rights and International Policy, a technical support body responsible for handling human rights issues, was established under the Ministry of Justice in January 2017, pursuant to Decree-Law No. 04/2016 of 4 June.

42. The National Committee for Monitoring the Implementation and Tracking of the Convention on the Rights of the Child, established under a cooperation programme between Sao Tome and Principe and UNICEF for the period 2011–2016, was reinstated in 2017.

43. The National Commission on the Rights of the Child is an independent body responsible for managing the implementation, monitoring and evaluation of the National Strategy for the Implementation of the Convention on the Rights of the Child. Its work is supported by (i) a national council; (ii) a technical and operational coordination team; (iii) an observatory for children's affairs; and (iv) sectoral, district or regional focal points.

#### **Resources for the rights of the child – responsibility of States**

44. In the light of the State's commitments to poverty reduction, the investment priorities defined in the major planning options over the reporting period, which are reflected in the general State budget, are aligned with the economic and financial assistance programmes agreed with the International Monetary Fund, in particular the fiscal consolidation measures.

45. In view of the precarity of the economy of Sao Tome and Principe and the decline in external funding for investments over the last five years, public investment policy options have been focused on areas where the country requires urgent intervention, with the objective of creating more job and income opportunities for families and improving access to basic social services. Consequently, the main investment sectors prioritized by the Government in the general State budget during the reporting period were housing and transport infrastructure; the public water and energy supply; health and social affairs; trade, industry and tourism; agriculture and food security; and youth and sports. Given the importance of ensuring justice, there is a special focus on judicial bodies with a view to consolidating democracy and the rule of law and restoring the confidence of citizens and economic actors in State institutions.

46. The various measures provided for under the public investment policies adopted by the State during the reporting period have been guided by the Second National Poverty Reduction Strategy 2012–2016, government programmes, the 2030 Transformation Agenda, sectoral policy documents, the Millennium Development Goals and the Sustainable Development Goals of 2015.

47. However, the current context of improved political and constitutional stability in the country provides a unique opportunity to implement reforms and redirect government action to promote the rights and protection of children. Table 5 below shows the portion of the general State budget allocated to the social sectors over the last five years in relation to GDP.

<sup>3</sup> Framework Act No. 2/2003.

**Table 3 – Public investment in the social sectors during the period 2013–2018 (in millions of dobras)**

Sector	2013		2014		2015		2016		2017	
	Budget	% of GDP	Budget	% of GDP	Budget	% of GDP	Budget	% of GDP	Budget	% of GDP
Education	108 437	1.93	114 322	1.8	386 653	5.50	175 858	2.27	491 749	5.96
Health	172 295	3.07	154 183	2.4	314 803	4.48	362 886	4.68	423 123	5.13
Social security/assistance	22 599	0.40	17 497	0.3	31 686	0.45	27 453	0.35	46 400	0.56
Community housing/services	267 924	4.77	182 897	2.8	54 111	0.77	95 491	1.23	76 272	0.92
Culture/sport	68 326	1.22	29 682	0.5	32 379	0.46	35 943	0.46	57 468	0.69
<b>Total</b>	<b>639 581</b>	<b>11.39</b>	<b>498 580</b>	<b>7.6</b>	<b>819 632</b>	<b>11.66</b>	<b>697 631</b>	<b>8.99</b>	<b>1 095 012</b>	<b>13.26</b>

Source: Ministry of Finance, Planning and the Blue Economy, 2018.

### Statistics and data collection

48. The 2014 multiple indicator cluster survey, developed and supported by UNICEF and carried out by INE, provided disaggregated data on a range of factors affecting the survival, development, rights and life expectancy of children. The next multiple indicator cluster survey is being prepared and is expected to be issued in 2019. It will gather disaggregated data on child abuse, neglect and children living in vulnerable families.

49. In recent years, INE has improved the quality of the statistical data sourced from surveys and censuses.

50. In 2015, INE issued forecasts predicting demographic changes in Sao Tome and Principe until the year 2035. The forecasts contain updated population projections prepared using data from the fourth general population and housing survey, conducted in 2012, and other sources of information on health, education and the economy.

51. The 2014 multiple indicator cluster survey gathered disaggregated data on infant mortality, nutrition, child health, water and sanitation, reproductive health, child development, literacy and education, child protection, HIV/AIDS and sexual behaviour, access to social media and use of information and communications technology, subjective well-being, and tobacco and alcohol consumption. Not all indicators are measured for all age groups but most are disaggregated by gender, region, rural/urban area and quintile.

52. In February 2018, the authorities of Sao Tome and Principe approved the National Strategic Plan for Statistical Development 2018–2021, which is intended to reflect the international perspectives of the United Nations agendas for Africa. The implementation of the Strategic Plan is being supported technically and financially by the Partnership in Statistics for Development in the 21st Century (PARIS21), which has brought about improvements in the services of INE.

53. In April 2018, the Government, through the Ministry of Justice, launched a project to develop an integrated system for crime statistics with the support of United Nations agencies, in particular the United Nations Development Programme (UNDP), UNICEF and UNFPA. The purpose of the project is to centralize all the information used to generate statistics in a single databank. This databank will enable law enforcement agencies, the Public Prosecution Service and the Counselling Centre against Domestic Violence to establish their own registers, produce statistical data on crime and process complaints electronically.

54. The electronic management of these data will allow the Government to develop policies to prevent an increase in crime against or by children in the archipelago. In this connection, UNDP has recently provided information technology equipment, including computers, to the criminal investigation police, the national police, the Office of the Attorney General of the Republic and the Counselling Centre against Domestic Violence to support efforts by these institutions to register crime statistics.

55. INE presented information on the pensions and social benefits that each household receives in the latest publication on the general population and housing survey (No. 51). However, this information also included household incomes and did not distinguish between contributory and non-contributory social protection schemes, making the interpretation of the data somewhat complicated.

56. With regard to the effective sharing of data, focal points have been established within the existing technical cooperation framework between UNICEF and the various public authorities, to ensure coordination among the different institutions involved in implementing child protection measures. There is a reliable flow of data and information.

57. An online database, STPInfo.DevInfo, is accessible to all ministries and the general public at [www.devinfo.org](http://www.devinfo.org).

58. In 2017, the Ministry of Justice, Public Administration and Human Rights established an online, electronic platform – the Electronic Journal of the Republic – for sharing legislation, ministerial decrees, National Assembly resolutions and acts of the One-Stop Service for Businesses, the registration offices and the Supreme Council of the Judiciary.

59. The Ministry of Justice, Public Administration and Human Rights, through the Directorate General of Registers and Notaries, has established an electronic integrated birth certificate management system.

### **Independent monitoring**

60. On 4 June 2016, the Office of Human Rights and International Policy was established and an independent technical support unit for handling human rights issues was set up under the Ministry of Justice, Public Administration and Human Rights.

61. There are various civil society organizations in Sao Tome and Principe, including the Federation of Non-Governmental Organizations, the Platform for Human Rights and Gender Equality, the Association of Women Lawyers of Sao Tome and Principe, the Association of Persons with Disabilities of Sao Tome and Principe, the Association of Persons with Visual Impairments of Sao Tome and Principe, the Sao Tome and Principe Family Planning Association and the National Institute for the Promotion of Equality and Gender Equity.

62. The National Strategy for the Implementation of the Convention on the Rights of the Child provides for a follow-up and evaluation system and for skills development in the areas of planning, monitoring and evaluation. Two types of monitoring will be carried out:

(a) The collection and processing of data on the practical and financial implementation of sectoral programmes, with a particular focus on output and outcome indicators in sectors directly related to children;

(b) Follow up on progress towards objectives, to be carried out through the focal points at the sectoral, district and regional levels.

### **Education and outreach**

63. Several institutional reports on the implementation of the Convention, in particular those published by UNICEF, refer to the various initiatives carried out during the reporting period to raise awareness of the Convention among the population and improve knowledge of children's rights among the general population, including children. The impact of these initiatives are evident in children who demonstrate clear knowledge of their rights, especially primary and secondary school students.

64. These students demonstrate clear knowledge of their rights as a result of the information and awareness-raising campaigns that UNICEF has carried out with the Ministry of Education, for which child-friendly guides on the Convention were produced.

65. The Ministry of Education, with the support of UNICEF and the Government of New Zealand, published the book "*Turma da Nina e do Mano*", which promotes children's rights. The book is currently in its third edition.

66. In addition, the Government, in partnership with the Federation of Non-Governmental Organizations and UNICEF, has produced infomercials aimed at raising awareness of

children's rights through the media, including national and regional radio, national television and the Internet, and has put up billboards throughout the country. These infomercials include a set of videos on children's rights and principles covering such subjects as equality, the right to a name and to a nationality, education, the best interests of the child, the right to be heard and to give one's opinion, health, play, child labour and protection from abuse and neglect.

67. A campaign was organized in 2017 to raise awareness among parents and guardians of the importance of schooling and the benefits of preschool education.

### **Training**

68. The general level of awareness and knowledge about the Convention is improving among professionals working with and for children.

69. The International Course on the Judicial Protection of Children's Rights for the Portuguese-speaking African Countries, held in Luanda in 2015 and 2016, was completed by two judges, a prosecutor from the Public Prosecution Service, a criminal investigation police officer and two public administration experts.

70. In August 2016, training on children's rights in Sao Tome and Principe was organized as part of the "Promoting Children's Rights and Committing to the Development of Better Public Policies" project, with the participation of judges, law enforcement officials, social workers and staff from childcare institutions.

71. In 2017, national police officers completed training on the judicial procedures to be followed in cases involving children and adolescents.

72. In May 2017, a public prosecutor and a judge successfully completed the third short postgraduate course on school supervision in Coimbra, Portugal.

73. In 2017, a brief training course and discussion on school supervision was organized for lawyers, social workers, staff from childcare institutions and justice officials.

74. In 2017, training was organized for school directors on violence against children and adolescents in schools.

75. In February 2018, training on gender-based and domestic violence was organized for professionals who are in direct contact with victims of domestic and gender-based violence.

76. Training on parenting education was organized for journalists, early childhood educators and community health workers.

77. In 2014 and 2018, training on human trafficking was organized for all law enforcement authorities, judges and prosecutors and experts from the Office of Human Rights and International Policy.

78. A training course on gender equality and prevention of gender-based violence took place from 3 June to 7 July 2017. The topics covered included international and domestic instruments dealing specifically with gender-based violence and approaches relating to the Domestic Violence Act and the Act on the Mechanism for the Protection of Victims of Domestic Violence. The course was aimed at municipal government officials.

79. On 24 June 2017, a conference was held on Act No. 3/2012 on the Prohibition of Minors in Premises Selling Alcoholic and Tobacco and Projecting Audiovisual Material for children from the Associação para Reinserção das Crianças Abandonadas e em Situação de Risco (association for the reintegration of abandoned children at risk).

80. On 22 June 2017, a solemn march took place with the slogan "The family: A Place of Peace". Various messages were displayed, such as "say no to drugs and alcohol abuse", "stop child sexual abuse", "stop domestic violence", and "stop abuse against older persons and persons with disabilities".

81. The radio programmes "Family Welfare" and "Federation of Non-Governmental Organizations News" were broadcast in 2015, 2016, 2017 and 2018 to raise awareness and knowledge of the Convention, the role of the family and crimes against children.

82. On 21 September 2017, the Association of Women Lawyers of Sao Tome and Principe, acting in accordance with its mandate, organized a free legal advice and support clinic for mothers.

83. Training on the implementation of the Convention on the Rights of Persons with Disabilities was organized on 17, 18 and 19 October 2017.

84. A training course on gender equality and the prevention of gender-based violence took place from 17 to 20 October 2017.

85. On 2 December 2017, in Porto Alegre, a door-to-door campaign was carried out to raise awareness, share information and clarify misconceptions with regard to domestic violence.

## **B. General principles**

### **Best interests of the child**

86. The legal system of Sao Tome and Principe is based on the recognition of rights. Principles could be described as rights that allow for the exercise of other rights and the resolution of conflicts between equally recognized rights.

87. The Public Prosecution Service, under the powers conferred on it under article 3 of Act No. 13/2008 and article 15 of the Code of Civil Procedure, may take formal action when parents neglect to fulfil their parental responsibilities, to represent the best interests of the child.

88. Although this principle is rarely applied in the national legal system, judicial officials and other professionals may directly apply provisions of international instruments ratified by Sao Tome and Principe, including the Convention on the Rights of the Child, that refer to the best interests of the child, on the basis of article 13 of the Constitution, which provides that international law forms an integral part of the law of Sao Tome and Principe.

89. However, it is difficult to find examples of cases in which the courts, when making decisions on criminal matters concerning adults, take into account the effects of these decisions on children.

90. Prosecutors, judges and judicial officials are tentatively beginning to apply this principle in judicial proceedings on guardianship, regulation of the exercise of parental authority, adoption and the application of educational measures in respect of child victims of ill-treatment, neglect and sexual abuse, when the children need to be placed in care.

91. Such interventions must take into account the child's upbringing, when there is a conflict with the law, by meeting certain requirements related to the purpose of the interventions and providing the necessary safeguards for the child's comprehensive development, including emotional, psychosocial and social aspects.

92. Changes are required at the legislative level to ensure that the concept of the best interests of the child does not rely only on article 89 of Act No. 2/1977, in which it is indicated that the court, in regulating the exercise of parental authority, should be guided by the "sole interest of the minors". Above all, there is a great need for basic and continuous training for those who work with and for children and for the resources needed to realize the rights enshrined in the Convention and thus make progress in the protection of children's best interests.

93. The country needs guidance criteria for persons with sufficient authority to determine the best interests of the child in all areas. In addition, awareness-raising on the best interests of the child is needed among the general public, community and religious leaders, public and private social institutions, courts, administrative authorities and legislative bodies.

94. In this regard, there is a clear need to embed the concept of the best interests of the child not only in public institutions but within families. If the principle is well understood by families, it can be considered a very important factor for society in general.

### **Respect for the views of the child and freedom of thought**

95. The Convention provides that children have the right to express their views in matters affecting them. Children therefore must be provided the opportunity to be heard in judicial and administrative proceedings affecting them. It is also necessary to create opportunities for children to discuss and make decisions on subjects concerning them in appropriate forums.

96. This principle is based on the idea that children have the right to be heard and that their views must be given due weight, including in judicial or administrative proceedings affecting them. The Convention does not specify a minimum age from which the child must be heard but only states that this must be provided for “in accordance with the age and maturity of the child”.

97. In the legal system of Sao Tome and Principe, a prior hearing of the child is provided for under Act No. 2/1977, the Family Act, in which it is stipulated that the minimum age is 7 years. Article 107 of the Act provides for minors, in particular those over the age of 7, to be heard in adoption proceedings, proceedings on the regulation of parental authority and the guardianship of minors and in cases involving the divorce or separation of the parents.

98. Regarding children’s right to express views, public prosecutors assigned to the civil or family and juvenile divisions may hear children when provisionally setting child maintenance levels, in accordance with article 1 (5) of Decree-Law No. 25/80 of 29 July 1980, published in Official Gazette No. 35, in conjunction with articles 1 and 101 of Decree No. 417/71 on the status of legal aid for minors.

99. The same practice is applied in the family and juvenile court and in civil judgments at the Água Grande Judicial Court, where children are heard for the purpose of judicial decisions (this is recorded in the decisions and judgments handed down).

100. For regulation of the exercise of parental authority, adoption and the guardianship of minors, children are invited to express their views in various ways and are informed of decisions affecting them.

101. On 16 June 2016, a session of the Children’s and Youth Parliament was held on the topic of equality of opportunity for all children, during which recommendations for implementation by the executive and legislative authorities were put forward. On 16 June 2017, a session of the Children’s and Youth Parliament took place, with the participation of boys and girls and including children with disabilities. Another session of the Children’s and Youth Parliament was held on 16 June 2018 to mark the International Day of the African Child.

102. The target audience for these initiatives is children from the second and third cycles of education (upper primary and lower secondary), disadvantaged young persons who do not attend regular school and children with disabilities between the ages of 10 and 17.

103. On 19 June 2017, the Children’s and Youth Parliament was officially established by resolution No. 72/X/2017, and the responsibility for set-up and follow-up was assigned to the Commission for Education, Science, Culture, Health, Employment, Social Affairs, Youth and Sport of the National Assembly, in cooperation with the Directorate for Parliamentary Support and Documentation Services and the Office of Public and International Relations of the National Assembly.

104. The method of election for the members of the children’s parliaments was chosen by children in a process that was comprehensive as regards the national territory and the inclusion of children.

105. This was achieved through the efforts of the Ministry of Education, Science and Culture, the Federation of Non-Governmental Organizations, UNICEF and the National Assembly. In the past five years, national television and national and regional radio stations have broadcast several children’s programmes, presented by children for children.

## C. Civil rights and freedoms

### Right to a name and nationality

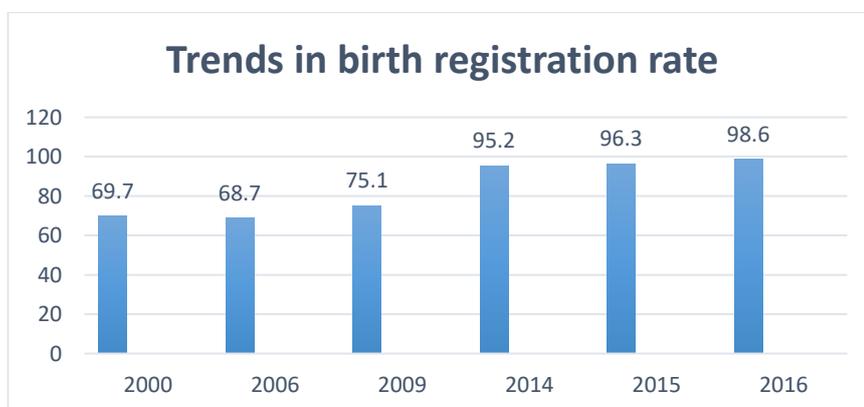
106. By protecting children’s right to a name and nationality, the Government seeks to ensure that children will not be deprived of an identity or of government assistance, and thus to guarantee their well-being. The right to an identity and to a name is a constitutional right established in the national legal order. Article 24 of the Constitution provides that “personal identity and the confidentiality of private and family life are inviolable”. Article 119 of the Civil Status Code refers to registration procedures. Article 65 ff. of Act No. 2/1977 and article 120 ff. of Decree No. 417/71 refer to the procedure for the ex officio investigation of paternity and maternity. Birth registration is thus acknowledged as a vital means of safeguarding these rights.

107. In the new Family Act, the procedure for ascertaining motherhood has been added, so that the law now covers the situations of babies and children abandoned by both parents and who were never registered and cases in which the mother’s name is missing from the child’s birth certificate.

108. The Government adopted a national strategy to overcome challenges in the permanent registration of births. The data of the fourth population and housing survey (INE, 2012) confirm that there is a positive correlation between attended births and birth registration.

109. In 2014, 95.2 per cent of children under the age of 1 year had been registered<sup>4</sup> (multiple indicator cluster survey 2014<sup>5</sup>), which is approaching universality to a degree unusual in West and Central Africa (47 per cent). More than 96 per cent of babies were registered at birth (Directorate General of Registers and Notaries, 2015), as shown in figure 1. However, there were some deficiencies: 4.8 per cent of children overall and 12.5 per cent of children from the poorest families had not yet been registered.<sup>6</sup>

**Figure 1 – Trends in birth registration rate, 2000–2014/2015 (percentage)**



*Source:* Produced by the author using data from INE (2016) and from civil registries (2016).

110. Importantly, 12.5 per cent of children from the most vulnerable families are not registered in their first year of life. These children are located in the subdistricts with very low rates of registration (Conde, Santa Catarina, Almas, Ribeira Afonso and Malanza), which, with the exception of Conde, are also the subdistricts with the lowest rates of attended childbirth.

111. The increase in the number of registrations in maternity facilities is due to the fact that they are free of charge and well accepted by parents. However, a large proportion of registrations carried out at maternity facilities include only the mother’s first and/or family name.

<sup>4</sup> Multiple indicator cluster survey, Sao Tome and Principe, 2014 (INE, 2015).

<sup>5</sup> Multiple indicator cluster survey, Sao Tome and Principe, 2014 (INE, 2015).

<sup>6</sup> Situation analysis of children and women in Sao Tome and Principe, 2015 (UNICEF, 2016).

112. Challenges remain, particularly with respect to women who do not give birth in maternity facilities and those who live in the remotest and least populated areas, who are more difficult to reach with public policies.<sup>7</sup>

113. The Government has therefore responded urgently to resolve cases of unregistered children. The Government, with support from UNICEF, has carried out several awareness-raising campaigns on the importance of records and the need to register the birth of a child, especially in areas where the number of births outside hospital and the number of children without names are highest.

## **D. Violence against children**

### **Abuse and neglect**

114. Domestic violence against children is a violation of their right to protection from all forms of violence, which is the cornerstone of child protection. Violence committed by a child's mother or father has a serious negative impact on his or her psychological, social and even physical development, at a time when he or she is at a crucial stage of human development and personality formation.

115. Data from the 2014 multiple indicator cluster survey (INE, 2015) show that adults use various disciplinary methods, with only 9.7 per cent opting for non-violent methods, while 79.6 per cent use psychological violence (shouts or insults) or physical violence and 10.7 per cent use harsh physical punishments. Boys are punished more violently than girls.

116. Children of 3 and 4 years old are more vulnerable to physical violence (75.4 per cent are subjected to it). Harsh physical punishment is more common for children aged 5 to 9 years. The level of psychological violence increases along with the age of the child: 69.8 per cent of children aged 10 to 14 years suffer from this type of violence compared to 40.1 per cent of children aged 1 to 2 years.<sup>8</sup>

117. The Counselling Centre against Domestic Violence was established in 2006 and provides assistance and referrals for cases of violence, particularly domestic violence. It is a national authority on handling the reporting of incidents and providing support. To help the centre act more effectively, it has been integrated into the Ministry of Justice, Public Administration and Human Rights and official partnerships with other institutions such as the national police, the criminal investigation police, the Public Prosecution Service, the Ministry of Health, local administrations and NGOs, have been established.

118. To address the increase in the number of cases reported, the Counselling Centre developed a comprehensive strategy covering the period from 2013 to 2017. It dispatched mobile units to areas where domestic violence is common to raise public awareness on the negative effects of domestic violence and inform people that it is a crime.

119. All domestic violence offences are public offences and anyone may lodge a complaint to initiate criminal proceedings.

120. Over the past five years, the Centre has carried out awareness-raising and education campaigns on dating violence, violence and sexual abuse against minors in primary and secondary schools and on domestic violence and child abuse in communities. It is also involved in the assistance, support and referral system for cases of violence, especially domestic violence, and door-to-door awareness-raising activities throughout the country.

121. The Centre offers annual training and qualification sessions for its specialists, particularly on topics related to prevention and assistance. Since 2012, specialists from the Centre have received training on the law and issues related to gender equality.

122. The Centre is working to decentralize its services. To achieve this, it has established an assistance and advice office in every municipality and municipal police station. The

<sup>7</sup> Situation analysis of children and women in Sao Tome and Principe (UNICEF, 2016).

<sup>8</sup> INE, 2016.

criminal investigation police has a unit responsible for handling cases of violence against women and children, abuse, neglect and rape.

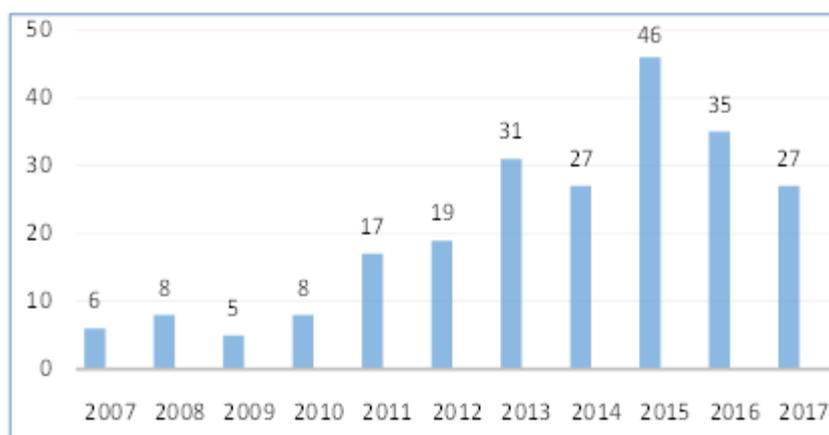
123. With respect to domestic violence against women, the data show that assaults against women are most commonly perpetrated by a spouse or partner (56.1 per cent), followed by an ex-spouse or ex-partner (17.8 per cent), stepmother (17.3 per cent) and father or stepfather (10.7 per cent) (INE, 2009).<sup>9</sup>

124. The first-ever system for registering crimes, including domestic violence, is currently being put in place and will make it possible to obtain data on violence against women and children starting from 2018.

### Exploitation and sexual abuse

125. The sexual abuse of children is an ongoing issue in the society of Sao Tome and Principe. Figure 2 below provides information on the situation with respect to the sexual abuse of children, only including the cases recorded by the national police:

**Figure 2 – Trends in offences against sexual liberty and self-determination, 2007–2017 (percentage)**



Source: National Police Command (2018).

126. According to a study carried out in 2010 by the Ministry of Labour, Solidarity and the Family, with support from UNICEF, in 18.5 per cent of households, the adults know of at least one case of sexual abuse. The perpetrators are mostly indicated to be neighbours or persons from outside the household, in more than 62 per cent of the cases analysed, with a psychological profile of someone who appears to be “normal, a good person, calm and respected” in 35.1 per cent of cases.

127. This study also showed that:

- Girls account for 97.2 per cent of victims of sexual violence.
- One in five (19 per cent) assaulted children risks being assaulted again.
- Half (47.1 per cent) of sexual violence cases are not reported.
- Practices of early cohabitation for girls under the age of 18 years may lead to sexual abuse.
- A 10-year age gap is present between 23 per cent of sexual partners.
- The police and judicial authorities provide support in 77.1 per cent of reported cases.
- The proportion of assaulted children currently living with the perpetrators who assaulted them is 4.2 per cent.

<sup>9</sup> Situation analysis of children and women in Sao Tome and Principe. UNICEF, 2016.

- Adolescents between 13 and 18 years old are more vulnerable to abuse. This is the age when 60 per cent of assaults take place.

128. Moreover, a troubling picture was revealed regarding those cases originating in the family and school environment, as described below (UNICEF, 2016):

- The existence of this type of abuse is fully acknowledged, in the form of the “*catorzinhas/papoite*” phenomenon.<sup>10</sup>
- It is a growing problem in secondary schools (National Lyceum, Margarida Manuel and the John Paul II Diocesan Training Institute).
- It is perpetrated by adults from both outside the schools and internally in exchange for better grades (needed to obtain scholarships abroad). It could be related to the issue of early pregnancy among secondary school students.
- This type of abuse does not elicit the same feelings of social indignation as other types of abuse, such as rape.
- In Sao Tome and Principe, sexual abuse is viewed as being limited only to rape.
- As in other countries affected by this problem, respondents condemn the silence and even complicity shown by some mothers.
- There is even a tendency to reprimand victims because it is a type of abuse involving their “consent”.

129. In 2015, the Government adopted the National Child Protection Policy with the primary objective of preventing and reducing all forms of violence against children through an intersectoral action framework for child protection. This framework resulted in a national child protection system. The system has three pillars:

- (a) Prevention of violence against children with the aim of improving children’s position in society by building the capacity of families to protect children and the capacity of children to protect themselves and by better preventing violence against children at school;
- (b) Improvement of assistance for victims;
- (c) Reinforcement of judicial protection for children with the aim of significantly reducing girls’ vulnerability to sexual abuse.

130. Under this policy, the execution phase of intersectoral operational plans must include specific initiatives to manage, prevent and reduce the problem of transactional sexual abuse.

131. In addition, chapter V of the Criminal Code includes provisions on offences against sexual liberty and self-determination. Such offences fall into three categories:

- Sexual intercourse with children under the age of 14 years (Criminal Code, art. 175)
- Sexual intercourse with children aged between 14 and 18 years involving adults responsible for their education or assistance (Criminal Code, art. 176 (a) and (b))
- Sexual intercourse with children aged between 14 and 16 years (Criminal Code, art. 177)

132. Although criminal law provides some clarifications, the fact that the Criminal Code provides for age-based distinctions among children for this type of offence is a major shortcoming. In addition, offences against the sexual liberty of minors are semi-public, which allows the victim or his or her representatives to withdraw a complaint as long as the violence has not led to the suicide or otherwise caused the death of the victim, in accordance with article 183 of the Criminal Code. Sexual violence in the family is a public offence and so its prosecution does not depend on a complaint by the minor or his or her representative.

133. Articles 179 to 182 of the Criminal Code include a reference to “adults who have sexual intercourse, oral sex or anal sex with a minor under the age of 18 years”, thereby

<sup>10</sup> “*Catorzinhas*” (literally: 14-year-old girls) means girls who are victims of transactional sexual abuse. The term “*papoite*” refers to the adult men who commit such abuse.

demonstrating that minors under the age of 18 years are necessarily considered victims under the law.

134. The project to develop an integrated system for crime statistics, which will involve setting up an electronic complaints procedure, will result in more efficient proceedings. Justice officials and police officers will also be given continuous training on child-sensitive approaches.

135. However, to ensure compatibility with article 3 of the Convention, lawmakers should introduce “statements for future use” to avoid the need for different courts to repeatedly question minors about incidents of domestic violence, especially sexual violence, which causes them great discomfort.

136. The ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography has recently been considered and approved by the National Assembly.

### **Harmful practices**

137. Despite the region and continent where Sao Tome and Principe is located, the country is not dominated by traditional practices harmful to the health and well-being of children and adolescents in comparison to neighbouring countries.

138. Since the establishment of the Association of Traditional Doctors, the trust placed in traditional medicine by patients has significantly increased.

139. Sao Tome and Principe is an archipelago rich in medicinal plants, whose healing power has been scientifically proven. Traditional doctors work in partnership with the Egas Moniz Higher Institute of Health Science of Portugal to gather and research plants with great healing properties. The empirical knowledge of the country’s traditional doctors is therefore substantiated by mounting evidence and facts.

140. However, some traditional practices harmful to children’s health and well-being are found in Sao Tome and Principe.

141. In all maternal and child health centres, information and awareness-raising campaigns have been organized to provide information on the harmful effects of such practices. Despite these campaigns, harmful practices persist, although reportedly to a slightly lesser extent than previously.

142. UNICEF and civil society organizations have worked with community leaders and organizations to promote awareness-raising (dramatization, direct contact with target groups, etc.) on the harmful effects of such practices.

143. Given the high public trust placed in traditional medicine, the Association of Traditional Doctors and the Ministry of Health have discussed establishing a partnership to make available both traditional and conventional medicine services in health centres, in order to prevent delays in access to hospital services for mothers and children.

## **E. Family environment and alternative care**

### **Family environment**

144. The new Family Act provides protection for the family unit. For example, the term “parental authority” has been replaced with “parental responsibilities”. The changes made in relation to the exercise of parental responsibilities include the elimination of the traditional conception of parental authority, with both parents accorded equal decision-making authority with respect to their child. In this way, the idea of equality has been established and any explicit references to parental authority that clearly identify a predominant gender have been abolished.

145. Under the new system, the rule is that parental responsibilities are exercised jointly or, if the parents are incapacitated, by other family members or persons close to the child.

146. Given the existence in society of single mothers, the Family Act contains some provisions to protect their rights.

147. In addition to the criminal provision, in the section on offences against the family, articles 260 to 262 criminalize the failure to provide material assistance to one's family, regardless of marital status, and neglect within the family.

148. Between 2016 and 2018, the number of proceedings for the formalization of parental authority before Água Grande Court of First Instance increased significantly, with an average of 437 proceedings in 2017. This shows that single mothers are aware of fathers' rights and obligations to pay child support. A small proportion of fathers are beginning to claim their visit rights.

149. Currently, parents who leave for neighbouring countries or further afield apply to the Public Prosecution Service or to the courts for orders regarding custody, access arrangements and child maintenance payments.

150. The court makes the most appropriate and timely decision possible, representing the best balance of interests and ensuring that the child can maintain his or her emotional connection with the relative in question. The fact that parents are charged with a sense of responsibility for their children's well-being means that they must be reasonable and balanced, and must respect the agreement reached or decision handed down in the interests of their children.

151. Under the National Child Protection Strategy, the Directorate of Social Protection and Solidarity, together with UNICEF, carried out a parent education programme with families from the Cantagalo, Caué and Lembá districts and the Príncipe Autonomous Region, to promote social protection, in particular for families in situations of poverty and extreme precarity, by facilitating the formation of human capital. The pilot programme was launched in 2016, during which approximately 37 families were trained; a further 142 families were trained in 2017 and 2018.

152. The social integration programme for disadvantaged mothers (vulnerable family assistance programme) put in place by the Directorate consists in the payment of a monthly allowance to help mothers and heads of family in situations of poverty and social vulnerability. This programme benefits 1,224 families. In April 2016, the amount of the allowance was increased and coverage was expanded. The amount of the allowance may be further increased with World Bank funding. However, delays in payments to disadvantaged mothers occur regularly.

153. On 22 June 2017, a march was organized around the theme of "awareness for change", to promote family harmony and to involve families, educators and society in the prevention and resolution of violence and alcohol consumption. Organizers of the march sought to publicize the right to be protected inside and outside the home, in the community and in society in general; to provide information on different forms of domestic violence and the penalties provided for by law; to explain to minors how to protect themselves from sexual abuse; to provide information on how to prevent the ill-treatment of children, older persons and persons with disabilities; and inform the public of the impact of violence on the family and the country.

154. On 12 June 2017, a meeting was held in Santana parish hall to raise awareness among the most vulnerable mothers about caring for their children and to draw their attention to parental responsibilities.

155. Awareness-raising marches involving primary schoolchildren were held throughout the country.

156. As regards international agreements for securing the recovery of maintenance when the parents are abroad, in accordance with article 27 (4) of the Convention, the country has signed bilateral judicial cooperation instruments with Portugal, such as:

(a) Judicial agreement between Portugal and Sao Tome and Principe (Lisbon, 23 March 1976);

(b) Agreement on the collection of maintenance between Portugal and Sao Tome and Principe (Lisbon, 7 May 1984);

(c) Protocol additional to the Judicial Agreement between Portugal and Sao Tome and Principe (Luanda, 8 July 1997);

(d) Protocol for police cooperation between the criminal investigation police of Sao Tome and Principe and the criminal investigation police of Portugal (Lisbon, 18 December 2006).

### **Children deprived of a family environment**

157. The State recognizes the family as the main foundation of society as regards the upbringing of its members, promoting their education and well-being and working to protect their health and in all other aspects of their development. The State considers that parents are the first line of defence for children. Article 26 (5) of the Constitution states that “parents have the right and the duty to rear and support their children”. Article 51 (2) affirms that “the State cooperates with parents in the upbringing of their children”.

158. Regarding the State’s cooperation with and support of families, article 159 of Act No. 7/2014 on Social Security provides for family support grants<sup>11</sup> for persons in need owing to increased social risk, family breakdown or, after verification, any other catastrophic event. Child abandonment therefore cannot be the primary justification for placing a child in an institution. The Directorate of Social Protection and Solidarity and UNICEF have produced a handbook of directives and guidelines for alternative care for children.

159. The recent Code of Organization of Guardianship for Minors has a section on foster families and care facilities.

160. Under the new paradigm, the family has been designated the basic unit for social action and children are no longer viewed in isolation from their family environment. The introduction of institutional care programmes requires changes to be made to the funding mechanism for care institutions; such changes include eliminating sources that encourage the unnecessary retention of children in institutions and setting aside resources for reintegration in families of origin, focusing on the prevention of abandonment and the strengthening of family skills, while recognizing the autonomy of families and their capacity to look after and bring up their children.

161. Institutional care services, working in close coordination with the social services network, should be guided by the following objectives:

- Prevent relationship breakdown, by working with families in situations of social vulnerability or with fragile relationships
- Strengthen relationships, support and guidance for the families of children placed in institutions to end the practice of rape and rebuild families
- Support families with children in the family reintegration process during the adaptation period
- Ensure continuous coordination between the institutional care services, the Public Prosecution Service and the courts for appropriate follow-up of each case and avoiding unnecessary extensions of children’s stay in institutions
- Carry out qualified interventions for the gradual introduction and prior preparation of children and their adoptive parents and follow-up during the adaptation period

162. There are civil society organizations, including national and international NGOs, that deal with at-risk children.

163. The civil society organizations in this area include:

<sup>11</sup> The Ministry of Employment and Social Affairs runs a programme for disadvantaged mothers aimed at providing support to children whose parents are in financial difficulty. However, the programme allowance is not provided on a monthly basis and is very meagre in any case – not enough to feed a family of five persons for two days, or equivalent to one dollar per person.

(a) Casa dos Pequeninos (the house of little children) was established in mid-2017 and began functioning as a residential care centre on 21 December 2017. It has the capacity to house 40 children under the age of 8 years, of both genders. It replaced Caritas;

(b) Caritas was in operation until the end of 2017 as a residential care centre for boys under the age of 6 and girls under the age of 18 and helped children with housing, hygiene, food, education and health;

(c) Associação para Reinserção das Crianças Abandonadas e em Situação de Risco has a care centre consisting of two buildings and can accommodate 30 children. It also has a multipurpose centre and a socioeducational centre to help the families of the child beneficiaries. It offers activities with more than 210 other children and teenagers of both genders, aged between 4 and 17 years, and provides school support, food, vocational training and play, leisure and sporting activities;

(d) Fundação da Criança e Juventude (children and youth foundation) conducts activities related to the defence and protection of excluded and marginalized children, focused on education, social action, environment, culture, citizenship and health;

(e) Associação do Instituto Socio-Educativo da Criança (children's socioeducational institute association) helps children to improve poor school results and encourages the integration or reintegration of children who are not in the school system;

(f) Fundação Novo Futuro (new future foundation) has a residential and daytime care centre. It primarily supports children and young persons deprived of a stable family environment, offering them care that supports their health and well-being, affection and education, with a view to ensuring their autonomy and full inclusion in society. The foundation has expanded its work on the island of Principe to facilitate wider access to education.<sup>12</sup>

### Adoption

164. Act No. 2/1977 of 28 December and Decree No. 417/1971 of 29 September remain applicable to the adoption process pending the entry into force of new laws on adoption.

165. The recent laws on the family and the organization of guardianship for minors include chapters on adoption, providing for full adoption only and not restricted adoption, which does not guarantee the best interests of the child. A comprehensive adoption procedure is laid down. Both laws make clear which children may be adopted and that poverty is not a reason for children to be placed on the adoption list.

166. An international adoption mechanism is not yet fully in force in Sao Tome and Principe, owing to the lack of a specific law and international agreements on the subject and of the necessary follow-up framework. Notwithstanding the above remarks, the Government is in the process of ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (No. 33, 1993) and is putting in place legislation and procedures for its full implementation.

167. Children from Sao Tome and Principe who are resident in Portuguese territory, whether through the regulation of parental authority, guardianship or adoption, are monitored and supported by the Social Security Institute of Portugal, at the request of the court of Sao Tome and Principe.

168. In accordance with the Convention and national law, the placement of a child in a foster family, through the transfer of parental authority to a third party, guardianship or adoption, is a protective measure intended to uphold children's fundamental right to family life.

169. Court-ordered adoption is focused on the interests of the child and not based on the idea that the children of poor parents should be adopted. For an adoption to be approved, it must be shown to be in the interests of the child's development and education, and there must be real advantages based on legitimate grounds and reason to believe that a connection

<sup>12</sup> *Vozes de Nós – Bissau, Sao Tome, Huambo, Associação para a Cooperação Entre os Povos.*

equivalent to the parent-child relationship will be formed between the adoptive parents and the adopted child.

170. Adoption constitutes an alternative life plan for a minor who is at risk or whose situation or condition is inadequate, inconsistent or unbalanced with respect to his or her future and expectations; it is intended to contribute towards the goal of the harmonious and comprehensive development of the child, irrespective of blood relations.

171. In the legal year 2017, 15 adoption procedures were completed, some of them having been initiated in 2014, 2015 and 2016.

## F. Disability, basic health and welfare

### Children with disabilities

172. The social exclusion of persons with disabilities or special needs continues to be a problem in Sao Tome and Principe, despite the inclusion of disability issues in the Government's agenda since the 1990s and the adoption of United Nations standards on equal opportunities for persons with disabilities.

173. The Ministry of Education developed and adopted the Education and Training Strategy 2007–2017, which provides for inclusive education programmes.

174. Since 2014 (and as of the 2017/18 school year), a class for children with physical disabilities has been available on a pilot basis to systematically facilitate their inclusion in general education schools so that they do not have to deal with routine discrimination. There are also two classrooms for children with disabilities: one in the Água Grande district and one in the Mé-Zóchi district. A further two special education classrooms, which will be equipped for children with visual and hearing impairments, were under construction as of 2018, with the support of UNICEF.

175. According to data from the fourth general population and housing survey,<sup>13</sup> in 2012, there were 6,274 persons with disabilities, accounting for 3.5 per cent of the total population.<sup>14</sup>

176. By age group, 14.1 per cent of persons with disabilities were children under 10 years of age and about 17 per cent were 10 to 19 years of age. Above the age of 20, the percentage of persons with disabilities belonging to each age group diminishes gradually, with the 50–59 group accounting for almost 10 per cent of the total. Persons aged 60 years and above accounted for 26.6 per cent of persons with disabilities.

177. Some gender differences were observed within each age bracket, particularly among those aged 19 and under:

- Persons with disabilities in the 10–19 age group accounted for a high share of the total: 19.1 per cent of males with disabilities and 15 per cent of females with disabilities.
- Boys under 10 years of age accounted for 16.8 per cent of males with disabilities, and girls of the same age accounted for 11.8 per cent of females with disabilities.<sup>15</sup>

178. Analysis by age group shows that, up to the age of 39 years, the proportion of persons with disabilities is less than 3 per cent – below the national average. However, the proportion of persons with disabilities is higher in older cohorts. Thus, the disability rate rises from 2.5 per cent of persons of both sexes aged 20–29 years to 6.6 per cent of persons aged 50–59 years, about 11 per cent of persons aged 60–69 years, and 25.1 per cent of persons aged 70 and older.<sup>16</sup>

<sup>13</sup> Census data are valid for 10 years.

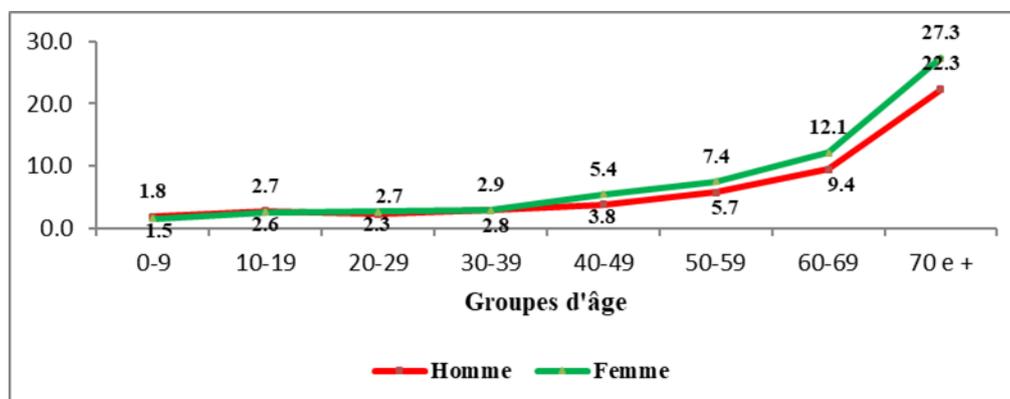
<sup>14</sup> INE, *IV Recenseamento Geral da População e Habitação – 2012. População Portadora de Deficiência*.

<sup>15</sup> *Ibid.*, p. 48.

<sup>16</sup> *Ibid.*, p. 40.

179. This trend is clearly illustrated, and differentiated by gender, in figure 3. Women are more affected by disability than men, especially from the age of 40. Women with disabilities account for 5.4 per cent of the female population in the 40–49 category, a figure that rises to 27.3 per cent in the 70-plus age group.

**Figure 3 – Incidence of disability, by age group (percentage)**



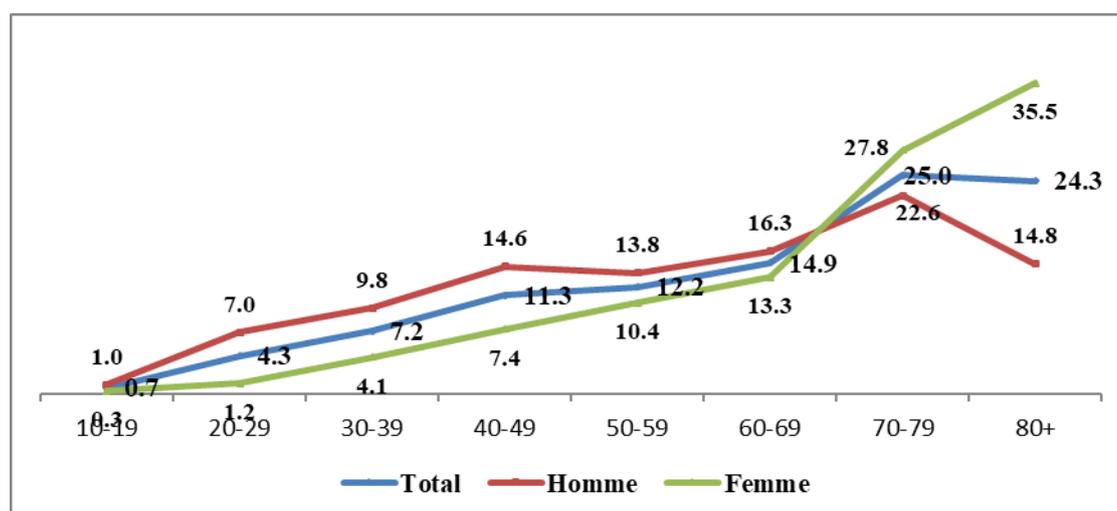
Source: INE, 2013.

180. The data also show that 31.3 per cent of persons with disabilities aged 3 years and older have never attended school.<sup>17</sup> Women and girls with disabilities are the most disadvantaged, as about 38 per cent of them have never attended school, compared with 23.4 per cent of men and boys with disabilities. About 20 per cent of persons with disabilities aged 3 years and older are in school, while 48.9 per cent have attended school in the past.

181. The percentage of persons with disabilities who are currently attending school or who have done so in the past is significantly higher among men and boys.

182. Less than 1 per cent of persons with disabilities aged 10–19 years live alone.<sup>18</sup> Although statistically insignificant, the figure is nonetheless troubling, since it concerns children who are in a particularly difficult situation and who still need the protection of parents, guardians or other persons, as well as health care and education. The proportion of persons with disabilities living alone tends to increase with age, reaching 25 per cent in the 70–79 age group and 24.3 per cent of those aged 80 and older.

**Figure 4 – Persons with disabilities living alone, by age group and sex (percentage)**



Source: INE, 2013.

<sup>17</sup> Ibid., p. 51.

<sup>18</sup> Ibid., p. 83.

183. In this regard, the age groups present certain gender differences:

- In the 10–19 age group, a slightly higher proportion of boys with disabilities are living alone (1.01 per cent, compared with 0.3 per cent of girls with disabilities).

184. A slight decrease may be noted in the percentage of children with disabilities in the 10–19 age group, which may be the result of several child vaccination campaigns.

185. The population aged 0–17 years includes 1,779 persons with at least one disability, or about 2 per cent of this age group: 948 are boys (53 per cent) and 831 are girls (47 per cent). About 83 per cent are under 15 years old, 33 per cent are between 10 and 14 years old, 26 per cent are between 5 and 9 years old and almost 8 per cent are less than 1 year old. The incidence of children with disabilities is highest in the district of Lobata, where they account for 4 per cent of the total.<sup>19</sup>

186. In this scenario, there is an urgent need for a change in approach and tangible actions to address disability issues, notwithstanding the activities that the Government, in partnership with NGOs, has carried out on behalf of persons with disabilities. This change must be effected at the political, institutional and sociocultural levels and should be accompanied by a greater mobilization of financial and material resources to implement actions and policies aimed at effectively integrating these persons into society.

187. Sao Tome and Principe has adopted legislative and policy measures in accordance with the principle of equal opportunities for persons with disabilities and in recognition of their rights (see table 6).

**Table 4 – Legislative and policy measures relating to persons with disabilities**

Act No. 7/2012, the Basic Act for Persons with Disabilities	Strategy for inclusive education (2010)	Child Protection Policy (2013)
Convention on the Rights of Persons with Disabilities (ratified in 2014)	Studies, identification and introduction of the Sao Tome and Principe Sign Language alphabet (2014)	Training plan for special educational needs teachers (2016–2017);
Improvements in access to four schools (2016–2017)	Training of trainers in sign language for specialists from the Ministry of Education, Culture, Science and Communication (2014)	Creation of a Sao Tome and Principe Sign Language dictionary (2014)
Programme for the referral of children with disabilities or developmental risks (2013–2014)	Purchase of specialized teaching equipment for children with visual and hearing impairments (2017)	Situation analysis of children and women in Sao Tome and Principe (2016).

**Children’s health and health services**

188. The health situation of children has improved over the past five years, with high immunization rates and the eradication of diseases such as neonatal tetanus. Better communication in respect of the reproductive health services provided by municipal and regional health units has driven an improvement in several maternal and child health indicators.

189. Data from the 2014 multiple indicator cluster survey revealed that, between 2006 and 2014, the infant mortality rate decreased from 45 to 32 deaths per 1,000 live births, while the child mortality rate fell from 66 to 43 deaths per 1,000 live births.

<sup>19</sup> Fourth general population and housing survey – 2012, and 2014 multiple indicator cluster survey (INE, 2016).

190. Between 2009 and 2014, the maternal mortality ratio was more than halved, from 150 to 74 deaths per 100,000 live births.

191. The number of infants with low birthweight has also been halved.

192. The proportion of births attended by a skilled health professional is 92.5 per cent, while antenatal care coverage (at least one visit) is at 98 per cent.<sup>20</sup> Almost 89 per cent of existing health facilities provide maternal and child health and family planning services, although few provide emergency obstetric care.

193. Antenatal care coverage (at least four visits) is satisfactory at 83.6 per cent. However, 13.7 per cent of women and children still do not receive this basic care.

194. The 2014 multiple indicator cluster survey does not provide sufficient information to allow for an assessment of the quality of antenatal care.

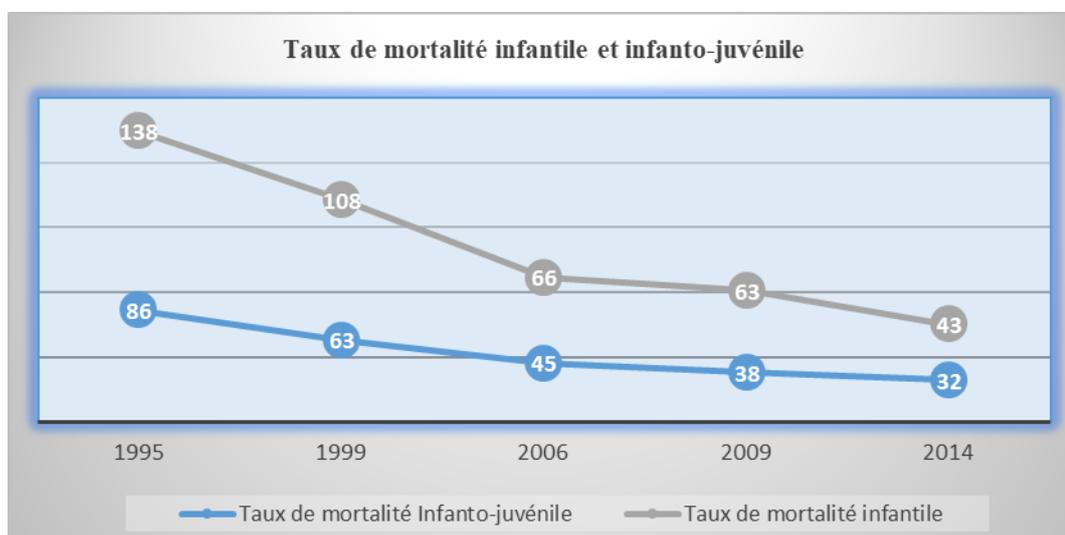
195. The use of family planning methods remains low owing to sociocultural barriers. Nevertheless, family planning is available for young people and adults throughout the country under the National Reproductive Health Programme.

196. In 2018, the Ministry of Health reported that, on average, health centres received 20 visits per month – or approximately 240 visits per year – from pregnant women and girls aged 14 to 19 years. Early sexual activity and teenage pregnancy have reached alarming levels.<sup>21</sup> The problem has taken on devastating proportions in the Príncipe Autonomous Region, requiring effective measures to tackle it. Príncipe recorded 30 teenage pregnancies in the first quarter of 2017.

197. It should be emphasized that the entire population has access to contraceptive methods.

198. The available data on the infant<sup>22</sup> and child<sup>23</sup> mortality rates point to a steady decline since 1995, as shown in figure 5.

**Figure 5 – Infant and child mortality rates, 1995–2015 (deaths per thousand live births)**



Source: Situation analysis of children and women in Sao Tome and Principe in 2015 (UNICEF, 2016).

199. Despite the fall in child mortality, some children under 5 are still dying because of a lack of access to health care adapted to their needs. The country's vaccination coverage for

<sup>20</sup> Multiple indicator cluster survey 2014, p. 13 (INE, 2015).

<sup>21</sup> A survey on early pregnancy conducted in March 2010 gathered information on the extent of the problem and its causes, in respect of 412 girls aged between 12 and 17 years who were pregnant for the first time.

<sup>22</sup> Probability of dying between birth and 1 year of age.

<sup>23</sup> Probability of dying between birth and 5 years of age.

all antigens recommended by the World Health Organization and UNICEF, with the exception of the tetanus vaccine, is over 90 per cent (Expanded Programme on Immunization, 2018). Coverage of the diphtheria, tetanus, pertussis, hepatitis B and Haemophilus influenzae type B pentavalent vaccine should be taken as the benchmark. A reduction in the incidence of malaria has also helped cut the number of child deaths.

200. In terms of nutrition, 38.3 per cent of new mothers start breastfeeding within one hour of giving birth; 73.8 per cent of women practise exclusive breastfeeding until the age of 6 months; and 85.1 per cent practise breastfeeding after 6 months (INE, 2016).

201. According to the same source, the rate of chronic malnutrition (low height for age) is 17.2 per cent, the rate of acute malnutrition (low weight for height) is 4 per cent and the rate of underweight is 8.8 per cent. These figures represent a significant improvement over a five-year period, if the data are compared with the findings of the 2009 Demographic and Health Survey. However, a sharp increase has been observed in cases of overweight children (2.4 per cent).

202. Children under 5 years of age and pregnant women are considered to have anaemia when the haemoglobin concentration in their blood is less than 10.9 g/dL. In Sao Tome and Principe, 67.5 per cent of children under 5 and 47 per cent of women of childbearing age (15–49 years) are anaemic. To reduce the prevalence of anaemia, a micronutrient powder supplementation programme has been established as part of the National School Feeding and Health Programme, with the support of UNICEF.

203. Currently, 8.4 per cent of newborns have low birthweight (under 2,500 grams) (INE, 2016).

204. According to the most recent data, 88.1 per cent of households consume iodized salt (INE, 2016).

205. The Government has worked with UNICEF to implement a vitamin supplementation strategy to combat vitamin A deficiency in children under 5 years of age and post-partum women.

206. Health services have been decentralized and the number of health units in the country has increased. A new health centre has opened at Madre Deus in the district of Água Grande, while two others are under construction at Boa Morte and Almas.

207. The country has not yet conducted any reliable surveys or studies to ascertain the causes of maternal deaths. However, the Government's key partners, UNICEF and the World Health Organization, could assist it in conducting these surveys.

### Adolescent health

208. To continue activities against illicit substance use, the previous drug enforcement agency has become the Institute on Drugs and Drug Addiction.

209. According to the Institute, the psychoactive substance most commonly used by adolescents and young people of both sexes is alcohol (wine, beer, brandy, eau de vie, *cacharamba* (sugarcane spirit), palm wine and other beverages). The use of tobacco and illicit substances, especially *liamba* (cannabis), is increasing among girls. In addition, there are more and more places where alcoholic beverages are sold near schools. To counter this trend, the Institute has carried out the following activities:

- Implemented an awareness programme in schools
- Installed signs prohibiting the sale of alcoholic beverages to minors in all commercial establishments in the country
- Conducted a national awareness campaign to combat early pregnancy among upper primary and secondary education students
- Conducted a campaign to promote human rights in secondary schools in all districts of Sao Tome

210. With the support of UNICEF, the Institute is currently developing a national strategy to curb drug use, particularly among youth and adolescents.

211. Sao Tome and Principe is not immune to the problem of child marriage. Early unions and child marriages mainly concern girls born into the poorest families (39.6 per cent) and those whose mothers have either not been to school or have completed only primary education (44.2 per cent) (INE, 2016).

212. The expansion of secondary education and the development in 2013 of a social protection policy will certainly have a positive impact in reducing such practices, which are rooted in poverty and a lack of opportunity. The draft Family Code prohibits marriage with and between persons under 18 years of age.

213. According to the results of the 2014 multiple indicator cluster survey (INE, 2016), socioeconomic vulnerability has a significant bearing on the risk of girls becoming teenage mothers. The fourth general population and housing survey found that 502 girls between the ages of 12 and 17 fell pregnant in 2012. Most cases of early pregnancy are related to situations of “concubinage” or early unions with older partners (INE, 2016), while 85.7 per cent of teenage mothers aged between 12 and 17 have dropped out of school.

214. According to the results of the 2014 multiple indicator cluster survey (INE, 2016), the use of contraceptives was lower among adolescent girls (30 per cent) than among women aged 15–49 who were married or in a union (40.6 per cent).

215. The multiple indicator cluster survey found that 5 per cent of young women aged 15 to 19 had given birth before the age of 15 years; that 3.16 per cent had given birth to at least one child; and that 5 per cent were pregnant with their first child.

216. Although the survey did not detect any pattern in relation to geographical distribution, it did show that early pregnancies are concentrated in the poorest and least educated population segments. A recent UNICEF study on sexual and reproductive health behaviours, attitudes and practices among young people aged 14–24 years found that the most common causes of early motherhood and early fatherhood are a lack of dialogue and of role models within the family and the influence of highly sexualized television shows.

217. The HIV rate has increased. The proportion of young women who have had at least one HIV test is 30.4 per cent, compared with only 12.0 per cent of young men. In 2014, the highest HIV rate, of 1.5 per cent, was recorded among young women who had engaged in sexual activity before the age of 16.

218. School abandonment is another scourge affecting young adolescents, with a dropout rate of 27 per cent among girls (UNICEF, 2017).

219. To address the problem, in 2018 the Government developed the Life Skills training curriculum, which covers personal and interpersonal skills that are non-technical but which are crucial for the development of human beings and communities.

220. It has also developed a national youth policy strategy and an action plan for the prevention of early pregnancy, both of which will cover the period 2018–2022.

221. According to the 2014 multiple indicator cluster survey, 16 per cent of women aged 15 to 19 had given birth, 5 per cent were pregnant with their first child and almost 1 per cent had given birth before the age of 15.

222. The national authorities and the competent public institutions are aware of the problem. In cooperation with UNICEF and various civil society organizations, they have carried out several initiatives, including the preparation of a study and a plan of action and the issuance of recommendations with a view to reducing the number of early pregnancies.

223. Other activities include campaigns to raise awareness of and improve access to contraceptives. Although these efforts may have had a positive effect, the 2018 study found no evidence of the expected behavioural changes, particularly among certain population groups who remained partially indifferent to the campaigns.

224. Nevertheless, it was clear that most young women had sufficient information to avoid unwanted pregnancies.

## HIV/AIDS

225. During the period under review, the Ministry of Health, UNICEF and other national partners stepped up information and awareness campaigns in the area of maternal and child health, which helped reduce and eliminate mother-to-child transmission of HIV/AIDS.

226. The introduction of mass HIV screening for pregnant women after their first antenatal consultation and the delivery of antiretroviral drugs also contributed to this outcome. There have been no cases of vertical transmission since 2011.

227. According to the 2015 situation analysis of children and women in Sao Tome and Principe, which cites the National Programme for Combating AIDS, the infection rate among pregnant women had been falling steadily since 2005. In 2014, it reached zero, indicating that the country had achieved the goal set for 2015. On the other hand, the prevalence rate among persons aged 15–49 years increased from 1 per cent in 2001 to 1.5 per cent in 2010.<sup>24</sup>

228. The Government therefore continues to focus on policies aimed at strengthening the prevention of infection and eradicating the vertical transmission of HIV/AIDS.

229. Concerning the equitable survival of children, pregnant women, newborns and young children, especially those most vulnerable, benefit from neonatal and child health services, HIV treatment, nutrition and sanitation services and emergency care. All of these services are underpinned by equity-focused laws, policies and strategic plans.

## Quality of life and sanitation

230. Lack of access to safe drinking water and sanitation is a serious public health problem. According to the 2015 situation analysis of children and women in Sao Tome and Principe, carried out by UNICEF, lack of access to sanitation is one of the two main deprivations experienced by children. However, 93.9 per cent of the population has access to improved water sources.<sup>25</sup> More than half of households (52.9 per cent) are supplied by public taps, and 22.9 per cent of household members spend more than half an hour each day fetching water (INE, 2016).

231. The percentage of households using improved sanitation facilities that are not shared with other households is 40.9 (INE, 2016). About 60 per cent of the population practises open defecation, one of the highest rates in sub-Saharan Africa. To tackle this problem, the authorities enlisted the support of UNICEF in setting up a pilot project, in May and June 2018, under the Community Approaches to Total Sanitation initiative.

232. As regards personal hygiene, 40.3 per cent of households have a specific place to wash their hands with water and soap or other hygiene products.

233. Income level is a major factor and a cause of serious disparities in access to improved sanitation facilities. In the wealthiest quintile, 93.6 per cent of the population has access to improved facilities, compared with 11.7 per cent in the poorest quintile.<sup>26</sup>

234. The safe disposal of household waste is also fundamental for children's health. Only one family in five has access to an adequate waste disposal system (collection by public or private services). Most families (80.4 per cent) dispose of waste improperly; 63.4 per cent resort to open dumps.

235. To address this situation, the Government set several goals under the second National Poverty Reduction Strategy 2012–2016, including: (i) increase the population's access to collective water supply systems through private connections and taps; (ii) improve water quality, particularly that supplied by the Empresa de Água e Electricidade; (iii) develop infrastructure and apply measures for environmental sanitation, especially the management

<sup>24</sup> Biomarker results of the 2014 multiple indicator cluster survey of Sao Tome and Principe (INE, 2015).

<sup>25</sup> Improved water sources include piped water into dwellings or yard/plots, public taps or standpipes, boreholes or tube wells, protected dug wells, protected springs, rainwater collection and bottled water. It is worth noting that water from improved sources is not always safe to drink (Situation analysis of children and women in Sao Tome and Principe, 2015, UNICEF, 2016).

<sup>26</sup> Situation analysis of children and women in Sao Tome and Principe, 2015 (UNICEF, 2016).

of stagnant water, which contributes to the transmission of waterborne diseases such as malaria; (iv) expand existing urban drinking water supply systems; (v) build capacity for the protection of water sources and for water quality monitoring; (vi) draw up a policy for the maintenance of water supply systems involving the Empresa de Água e Electricidade, districts and communities; (vii) develop infrastructure for the disposal of solid waste and polluted water in the main urban settlements; and (viii) improve on-site sanitation facilities (latrines) and hygiene measures in rural areas.

236. In 2017, the Government launched an extensive rural water supply and sanitation programme with the support of the African Development Bank.

237. During the period under review, the Government and its development partners have implemented drinking water supply projects, in accordance with the National Poverty Reduction Strategy, the Sao Tome and Principe Transformation Agenda 2030 and the Government's programme, in the following localities:

- (a) Rio do Ouro (Government)
- (b) Neves (Arab Bank for Economic Development in Africa)
- (c) Ribeira Afonso and Alto Douro (Arab Bank for Economic Development in Africa)
- (d) Milagrosa (Government – in progress)
- (e) Santana and Água Izé (Arab Bank for Economic Development in Africa)

238. The National Assembly recently adopted a framework act on water resources as a management tool that aims to ensure rational and economically and environmentally sustainable water use.

239. The Participative Strategy for Water and Sanitation in Sao Tome and Principe 2030, developed in 2009 and adopted in 2012, is the reference policy document for the sector. It established the goals of providing access to safe drinking water for 80.5 per cent of the population and access to sanitation for 76.7 per cent of the population.

240. In addition, the Public Health Code is being revised to set new parameters for water quality and quantity and hygiene and to establish the powers of the Ministry of Health in this area.

241. Sao Tome and Principe currently has 15 water collection systems, producing on average 45,000 m<sup>3</sup>/day. They provide an irregular supply of good-quality treated water to 47 per cent of the population, mainly in urban and peri-urban areas.

242. Between June 2015 and September 2017, three new water collection, storage, treatment and supply systems were built or renovated in different regions of Sao Tome, with an estimated production capacity of 480 m<sup>3</sup>/h, or about 11,500 m<sup>3</sup>/day – equivalent to 11 per cent of supply needs. In the south of the island, the new water supply system at Ribeira Afonso is operational. In the centre, a system is under construction at Cangá-Obolongo and another, at Santana-Água Izé, is at the study phase.

243. The quality of the public water supply has improved, with coverage of treated water advancing from 60 per cent in 2000 to 75 per cent in 2015. This progress is largely due to the commissioning of new water treatment plants, the number of which increased from 13 in 2014 to 15 in 2016.

## **G. Education, leisure and cultural activities**

### **Education, including vocational training and guidance**

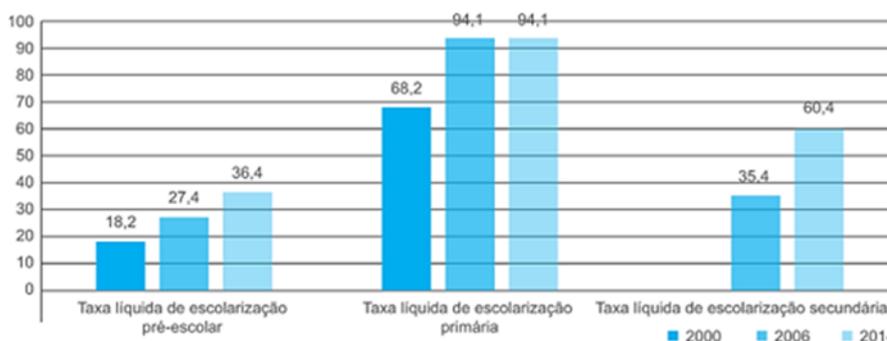
244. UNICEF is working with the Government to reform the preschool education system and make it more gender-sensitive. This will involve improving the quality of teaching and learning outcomes in preschool and primary education and helping parents and educators to provide better care and stimulation during early childhood.

245. The enrolment rate has risen considerably for both sexes, from 56 per cent in 2008 to 96 per cent in 2014.

246. Between 2001 and 2014, major progress was made in the realization of children’s right to education. For all levels of schooling, the number of children enrolled increased substantially. The number of children in preschool virtually doubled, rising from 4,699 in 2001/02 to 7,989 in 2013/14. By the end of the same period, almost all children of primary school age were enrolled in school (from 27,806 in 2001/02 to 34,353 in 2013/14), and the number of children in secondary school had more than doubled (from 7,347 to 17,772) (Ministry of Education, Culture, Science and Communication, 2012 and 2015). These figures bear out the efforts made within the education system to be more inclusive and also demonstrate the effectiveness of the cost-cutting policies put in place to enrol and keep children in school (UNICEF, 2016).

247. A positive trend was observed at all three levels of schooling over the period 2000–2014. The net enrolment rate nearly doubled for children of preschool and secondary school ages (see figure 6).

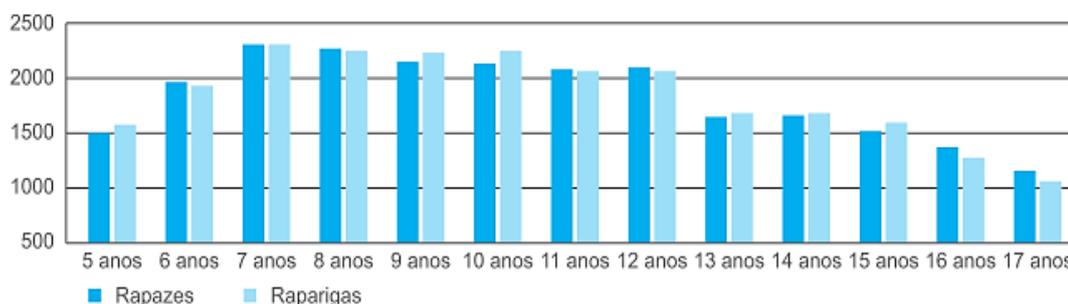
**Figure 6 – Trends in net enrolment rate, 2000–2014 (preschool, primary and secondary)**



Source: UNICEF, 2016.

248. The gender parity index is 1 in primary education and 1.18 in secondary education (INE, 2016). However, parity diminishes in the 16- and 17-year-old age group (see figure 7), owing to the limited availability of public education, which in turn forces students to leave their families to go study further afield (UNICEF, 2016).

**Figure 7 – Enrolment rate, by age and sex, 2012**



Source: UNICEF, 2016.

249. Early marriages and unions, as well as early pregnancy, are sociocultural issues that affect mainly girls. Some 78 per cent of children who enter into early marriages or unions before the age of 18 are girls (INE, 2016).

250. Regarding gender parity in education, pregnant girls are encouraged to take evening classes. Overall, 85.7 per cent of girls drop out of school (INE, 2012).

251. A ministerial decree has been issued, stating clearly that pregnant adolescents and adolescent mothers may attend classes and pursue their studies during the standard period of schooling.

252. Nevertheless, the gender parity index, or the ratio of girls to boys, is 1.00 and 1.18 in primary and secondary education, respectively.

253. The financial situation of families and other factors have an influence on education indicators. Overall, disparities have been decreasing slightly. Disparities are clearly observed in preschool and secondary education, universal access to which the State has not yet been able to ensure. Disparities are higher in preschool education, which is more expensive than secondary education. Physical access issues, combined with sheer costliness, hamper the access of children of the poorest families to preschool and secondary education.

254. A study on teaching quality, conducted in 2012 by Pôle de Dakar for inclusion in its report on the state of the education system, found relatively good learning outcomes in the Portuguese language and in mathematics. Overall, however, quality was perceived as substandard and both the repetition rate and the over-age for grade rate were found to be high (Ministry of Education, Culture, Science and Communication and Pôle de Dakar, 2012, cited by UNICEF, 2016).

255. Teaching quality is a major concern for the Ministry of Education, Culture, Science and Communication and for its main partners in education – UNICEF, the World Bank and Portuguese, Brazilian, Japanese and other development cooperation partners – carrying out various projects to improve quality standards (Leal, in UNICEF, 2016).

256. In terms of infrastructure and qualified staff, an analysis of classroom capacity, conducted in 2013 by the Ministry of Education, Culture, Science and Communication and UNICEF, showed that 20 per cent of children in preschool enjoy an adequate class size. At the lower secondary level, the lack of a public education option makes it difficult for many children, particularly girls, to continue their studies. As regards upper secondary, in 2011/12, there were just three public facilities (and one private facility), two of which (National Lyceum and the John Paul II Diocesan Training Institute) were located in the same district (Água Grande); now, however, there are seven facilities (Ministry of Education, Culture, Science and Communication, 2014, cited by UNICEF, 2016).

257. In 2016, preschool (for children 0–5 years of age) attendance was found to have risen steadily for some years, increasing from 18 per cent of all children in 2000 to 36 per cent of all children in 2014, thanks to early childhood development activities organized with the support of UNICEF. Other contributing factors include wider access to education, higher-quality teaching and the introduction of better hygiene practices for children in preschool and primary education. A total of 118 directors and supervisors (80 per cent of the total) received training on resilience and violence in schools with a view to fostering a safe, protective school environment.

258. The Education Policy (2012–2022) is aimed at increasing the number of qualified teachers and improving the geographical distribution of such teachers in the country. According to a survey conducted in 2013 (Ministry of Education, Culture, Science and Communication/UNICEF), qualified staff covered 31 per cent of needs in lower secondary education, and there were major disparities among the districts (Mé-Zóchi, 17 per cent; Água Grande, 38 per cent). At the preschool level, 39 per cent of needs were met (15.8 per cent in Mé-Zóchi and 69 per cent in Príncipe) (UNICEF, 2016).

259. The new Education Policy Charter (2018–2022) was developed as part of efforts to improve the quality of the education system. Its aim is to establish by 2030 an education system comprising all levels of schooling, from preschool to tertiary education, in which children and young people acquire skills, values and behaviours that are necessary to their full integration into society and for the sustainable development of the country.

260. The Charter sets out the following overall objectives to be achieved by 2022:

- Ensure, gradually and sustainably, universal access to free, compulsory, high-quality education and training for a period of 11 years (2 years of preschool and 9 years of basic education)

- Promote the gradual and sustainable expansion of high-quality secondary education
- Develop high-quality vocational training in coordination with secondary and tertiary education and with the national economy
- Develop high-quality education for young people and adults and ensure equal access by all
- Develop high-quality, comprehensive tertiary education that is tailored to the real needs of the labour market and to give priority to vocational training
- Institute a policy of high-level training and capacity-building for teachers and other staff of the Ministry of Education, Culture, Science and Communication in order to improve the education system in terms of quality and effectiveness
- Ensure that children with special needs are included in education, by ensuring accessibility and providing equipment and pedagogical support that is tailored to their needs
- Promote the further development of institutional mechanisms for a more efficient management of the education system
- Develop planning and follow-up mechanisms and assess education and financial indicators for the production of robust data and in order to facilitate the joint work of leaders and development partners

261. Teachers in Sao Tome and Principe have low salaries and an inferior status; their purchasing power is just one third of that of teachers in other comparable countries, such as Benin, Cameroon, the Comoros and Côte d'Ivoire (UNICEF, 2016).

262. In 2014, the Ministry of Education, Culture, Science and Communication, with the support of Brazilian development cooperation, held training for dozens of senior educators from preschools across the country. In 2016, supervisors and pedagogical advisers from primary and secondary schools received similar training.

263. Local authorities led support initiatives in primary and secondary schools, providing basic food baskets and kitchen utensils and also scholarships and school materials. Working with the Government, they also created media centres and sports facilities in order to promote information and communications technology and sports activities.

264. With the support of Portuguese development cooperation, the Directorate General of Registers and Notaries held training, from 15 to 23 August 2016, on the rights of the child, as part of the "Promoting Children's Rights and Committing to the Development of Better Public Policies" project. Nearly 20 specialists received training.

265. With the support of the Government, Brazil and UNICEF, the Directorate General of Registers and Notaries held a workshop in October 2017 with regard to a project aimed at the implementation of the Child Protection Policy and the corresponding action plan, in order to attract funding for certain initiatives.

## H. Special protection measures

### **Economic exploitation, including child labour**

266. In 1998, the Government of Sao Tome and Principe adopted the general principles of the African Charter on the Rights and Welfare of the Child. Article 15 of the Charter refers to the need to take measures in respect of child labour that are already mentioned in the Convention on the Rights of the Child.

267. Sao Tome and Principe became a member of the International Labour Organization (ILO) in 1982 and, in 2005, ratified three ILO conventions concerning the promotion of human rights and principles in the area of labour, namely, the Forced Labour Convention,

1930 (No. 29); the Minimum Age Convention, 1973 (No. 138); and the Worst Forms of Child Labour Convention, 1999 (No. 182).<sup>27</sup>

268. The country experienced a slight increase in economic development, which in turn led to child exploitation. In 2013, Sao Tome and Principe adopted a National Action Plan against Child Labour, including a mobile campaign, with a view to eliminating the worst forms of child labour by 2018 and completely eradicating child labour by 2020.

269. The draft new Labour Code includes a list of the worst forms of child labour.

270. The minimum age for admission to employment for miners is 14 years old, or 18 years old, in the case of “arduous, unsanitary or dangerous work” and “underground work” (Act No. 6/92, art. 129 (1)).

271. In Sao Tome and Principe, 26 per cent of children aged 5 to 17 work; 16 per cent of these work in hazardous conditions. Some 40 per cent of children are involved in small business operations and 80 per cent contribute to household chores. The most important determining factor is the area of residence: for instance, in the Principe Autonomous Region, 48.3 per cent of children work, whereas 21.3 per cent work in the central-eastern region (INE, 2016).

272. The economic activities that children most often participate in are hawking of various items; domestic work, assistance; work in various types of workshops; agriculture; and fishing (ILO, 2012).

273. Some 90 per cent of children aged 10 to 17 years have worked without pay to help a family member or to produce something for their family’s consumption (INE, 2012).

274. A total of 43.2 per cent of children in Principe work in hazardous conditions.<sup>28</sup>

275. On 12 June, in observation of the World Day against Child Labour, awareness-raising campaigns were carried out among children in primary schools across the country.

276. A rapid assessment of child labour was conducted in 2014.

#### **Administration of juvenile justice**

277. Article 57 (b) of Act No. 7/2010, the Basic Law on the Judicial System, provides for the possibility of establishing family courts to hear cases involving minors aged between 12 and 16 years who have committed acts that constitute any type of offence under the law.

278. Furthermore, Act No. 6/12, the Criminal Code, provides for the application of certain principles in the handling of cases that involve offences committed by minors, for improved implementation of the Convention on the Rights of the Child.

279. The specialization of the administration of juvenile justice in Sao Tome and Principe is becoming a reality. In March 2017, the Supreme Council of the Judiciary set up a Family Affairs and Labour Division within the Tribunal of First Instance in the Água Grande jurisdiction.

280. Then, in September 2017, the Supreme Council upgraded the Division to a Tribunal for Family Affairs, within the Tribunal of First Instance in the Água Grande jurisdiction.

281. The judicial magistrate of that Tribunal has received certain training in family affairs, as indicated in the “Training” section.

282. Act No. 9/2012, on legal assistance, provides for legal protection and defence services to be provided free of charge to any citizens of Sao Tome and Principe, including children in conflict with the law, if they can show proof that they do not have the financial resources to cover the costs of proceedings.

<sup>27</sup> National Action Plan against Child Labour – mobile campaign against child labour (Government of Sao Tome and Principe, 2013).

<sup>28</sup> 2014 multiple indicator cluster survey (INE, 2015).

283. The recently adopted Code on the Guardianship of Minors, in the section on educational guardianship, provides that a child in conflict with the law must automatically be provided with defence services and/or a lawyer.

284. In most cases that come before it, the Tribunal for Family Affairs, working together with the local authorities, hands down community service orders.

285. The juvenile courts are competent to order measures concerning minors under 16 years of age in certain situations, as is clearly set out in article 16 of the Statute on Legal Assistance for Overseas Minors. Under the same Statute, the criminal responsibility of young people begins between 16 and 21 years of age, as decided by the Tribunal for Family Affairs or the Criminal Tribunal, according to its specialized responsibilities.

286. Article 9 of the Criminal Code, on special measures applicable to minors, provides clearly that special legislation provisions are applicable to persons older than 16 years and younger than 21 years of age. The bill in question is currently being drafted.

287. According to the special responsibility model in place for adolescents, minors younger than 16 years of age cannot be held criminally responsible, and special criminal responsibility is determined on the basis of specific legislation.

288. This does not imply indifference on the part of the criminal justice authorities vis-à-vis unlawful acts committed by adolescents; such acts are dealt with through the application of socioeducational measures in accordance with the adolescents' level of culpability. Such measures are imposed when it is possible to determine a certain degree of subjective individual responsibility; in the absence of such responsibility, it will not be possible to establish the culpability of the person in question.

289. When necessary, the Tribunal for Family Affairs requests the cooperation of certain civil society organizations that work directly with children, including adolescents, and young people. Such organizations include Casa dos Pequenos, Caritas and the Associação para Reinserção das Crianças Abandonadas e em Situação de Risco.

## **I. Ratification of international human rights instruments and cooperation with national and international organizations**

290. The current Government of Sao Tome and Principe places great importance on human rights in general and on children's rights in particular, as evidenced by the existence of a ministry dedicated to human rights.

291. Sao Tome and Principe has ratified the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

292. Several acts established as offences under that Optional Protocol and under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict have in turn been established as such under the country's Criminal Code.

293. Sao Tome and Principe has ratified the Convention on the Rights of Persons with Disabilities.

294. It has also ratified ILO Conventions No. 29, No. 138 and No. 182.

295. The provisions of these conventions are enforced by the domestic justice system as national laws and they take precedence in the event of a conflict. They may therefore be used to ensure the judicial protection of children's rights in areas not defined by law.

296. The provisions of the Convention on the Rights of the Child relating to protection have yet to be incorporated into domestic law. The Convention is reflected in national laws and may be invoked by the courts.

297. During the period under review, Sao Tome and Principe acceded to the main international, regional and subregional legal instruments:

- Signature of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; and the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty
- Ratification of the 19 instruments on transnational organized crime
- Approval of the Lisbon Action Plan on Measures to Prevent and Combat Trafficking in Persons in the Community of Portuguese-Speaking Countries;
- Signature of the Charter on Maritime Security and Safety and Development in Africa

#### **Dissemination of documentation**

298. It is crucial for the reports and recommendations issued by the Committee to be widely disseminated in the public and private sectors, including to civil society organizations, so that all those concerned may spontaneously assume their responsibilities and act on the Committee's recommendations.

299. Follow-up and evaluation information is disseminated for broad use and application, to inform fair and timely decision-making processes.

300. In order to achieve the objectives set, it is essential to design a communications strategy that takes into consideration the needs of users.<sup>29</sup>

301. Information is shared in a structured manner, in various formats and using various means, including:

- Dissemination of all the Committee's recommendations in the languages spoken in Sao Tome and Principe<sup>30</sup>
- Conferences
- Sectoral meetings with specialists
- Radio and television broadcasts
- Distribution of pamphlets and brochures

### **III. Conclusions**

302. The information collected for the period under review and presented in this report shows that the social policies put in place and the approach adopted by the Government of Sao Tome and Principe have been partially effective in promoting and upholding the Convention on the Rights of the Child. These policies have resulted in greater use of the social services offered by the State and have thus helped to reduce socioeconomic and gender disparities.

303. It is important to highlight that the positive results achieved, especially as concerns primary school enrolment and birth registration, are due to the elimination of or a reduction in fees (services are free of charge) and the increased availability of education services and of universal school meal programmes.

304. Other clear successes achieved with the same strategy (universality and elimination of user fees) are immunization and the fight against malaria and the vertical transmission of HIV/AIDS.

<sup>29</sup> (Decision makers, technical and financial partners, the media and society as a whole.)

<sup>30</sup> Via the Internet, the general public, civil society organizations, the media, youth organizations, professional groups and children, so as to provoke discussion and raise awareness about the Convention and its Optional Protocols, as well as its implementation and follow-up.

305. These achievements have translated into high secondary school enrolment rates, high immunization rates, an increase in the coverage of maternal and child health services, a decrease in mortality rates and a significant decrease in childhood diseases such as polio, measles and whooping cough.

306. Children account for 45 per cent of the population in Sao Tome and Principe, and they have specific rights. They suffer from poverty and deprivation in patently different ways than adults do.

307. During the period 2014–2018, Sao Tome and Principe enjoyed government stability, accompanied by positive signs of economic growth and the gradual initiation of reforms in various areas of government aimed at ensuring continued socioeconomic development in the short, medium and long term.

308. Government stability has allowed for the development of a number of legal and political instruments; the review of legislation relating to children is in its final stages. During this period, Sao Tome and Principe ratified many international and regional instruments.

309. Finally, it is important to note that the context in which children's rights are being protected and promoted in Sao Tome and Principe is one of a low- to middle-income country with a high poverty rate and a total dependency on foreign aid.

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