



# International Covenant on Civil and Political Rights

Distr.: General  
22 September 2021

Original: English  
English, French and Spanish only

---

## Human Rights Committee

### List of issues prior to submission of the initial report of Sao Tome and Principe\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on the main significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since accession to the Covenant. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol and to raise awareness about the Optional Protocol, in particular among those who believe that their human rights under the Covenant may have been violated.

2. Please report on any measures taken to establish and implement policies to collect adequate statistical data to inform evidence-based policies for the protection of human rights, including in relation to birth records, incidents of violence against children, child neglect and gender equality.

#### B. Specific information on the implementation of articles 1 to 27 of the Covenant

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. With reference to article 13 of the Constitution, please include information on: (a) the extent to which provisions of the Covenant have been applied by domestic courts, including examples of cases in which the provisions of the Covenant have been invoked in domestic litigation and legislation processes; (b) measures taken to raise awareness of the Covenant among judges, lawyers and prosecutors; and (c) measures taken to ensure that all levels of government adopt laws consistent with the Covenant and that all branches of government act consistently with the Covenant.

4. Please provide information on concrete steps taken to establish an independent human rights institution with a mandate to deal with all of the rights enshrined in the Covenant, and with adequate resources, as prescribed in the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

5. Please explain how article 95 (2) of the Constitution, which provides immunity to the Deputies of the National Assembly for crimes committed outside the exercise of their office, is compatible with the Covenant. Please also provide information on cases in which such immunity was granted or refused.

---

\* Adopted by the Committee at its 131st session (1–26 March 2021).



**Anti-corruption measures (arts. 2 and 25)**

6. Please report on the legal and regulatory framework to combat corruption, including measures to effectively implement any existing anti-corruption legislation. Please also provide data on any corruption-related prosecutions and convictions, as well as information on the sanctions imposed and whether there was any recovery of the proceeds of crime. Please also describe all the measures taken to ensure the transparent management of natural resources, in line with the provisions of article 1 (2) of the Covenant.

**Non-discrimination and equality between men and women (arts. 2–3, 23 and 25–26)**

7. With reference to article 15 (1) of the Constitution, please report on the State party's anti-discrimination legal framework and clarify whether: (a) it provides a clear definition of and criminalizes direct and indirect discrimination; (b) it contains a comprehensive list of prohibited grounds of discrimination, in accordance with the Covenant, including sexual orientation, gender identity, disability and other status; and (c) it provides for effective judicial and administrative remedies for victims. Please also include statistical information on complaints of discrimination received in the past two years, along with an indication of the basis of discrimination, the nature of the investigations conducted and their outcome, and any redress provided to victims.

8. With reference to article 15 (2) of the Constitution, please report on measures taken to tackle gender inequality, including information on specific legislation in force addressing the issue. Please indicate all the measures taken to ensure in practice that women are represented in elected positions and in political and public life, especially in decision-making positions. Please indicate any additional measure aimed at increasing the participation of women in public life, including in the private sector, particularly in leadership positions.

**State of emergency and response to the coronavirus disease (COVID-19) pandemic (arts. 4, 12, 17 and 21)**

9. With reference to articles 19 and 20 of the Constitution, please provide detailed information on the extent to which existing regulations on the declaration of a state of emergency are in compliance with article 4 of the Covenant and, in particular, please indicate: (a) whether the provisions of the Covenant that are non-derogable during a state of emergency are expressly protected; and (b) whether there are effective mechanisms of redress for any violation of the Covenant, including during a state of emergency.

10. With reference to Presidential Decree 3/2020, which declared a state of emergency with regard to the COVID-19 pandemic, and subsequent decrees extending the state of emergency, please provide information on: (a) the specific measures taken in the context of the COVID-19 pandemic and their impact on the enjoyment of civil and political rights; (b) how oversight of the strict necessity and proportionality of the derogating measures was ensured; and (c) the reason for not notifying the measures taken to the Secretary-General of the United Nations, in accordance with article 4 of the International Covenant on Civil and Political Rights.

**Violence against women and children, including domestic violence (arts. 2–3, 6–7, 24 and 26)**

11. Please report on measures taken, and their impact, to effectively address the persistence of domestic violence. Please provide information on the implementation of the Law on Domestic Violence (Law No. 11/2008) and indicate whether such legislation is sufficient to tackle all forms of violence against women and children, providing access to justice, means of protection and support for victims, and punishment for perpetrators. Please indicate what measures have been taken to combat: (a) strong gender stereotypes and discrimination, which create barriers to the elimination of violence against women and girls; and (b) a reported culture of impunity for perpetrators of violence against women; and provide data on the number of investigations, prosecutions, convictions or acquittals, and punishments, in cases of violence against women.

**Harmful practices (arts. 2–3, 6–7 and 26)**

12. Please respond to allegations that widespread belief in witchcraft often results in delayed treatment for and unnecessary exacerbation of treatable illnesses, and report on any measures taken to eradicate harmful practices and beliefs associated with witchcraft.

**Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6–7)**

13. Please provide information on efforts made by the State party to promote sexual and reproductive rights, including steps taken: (a) to inform the general public about contraceptive methods and access to legal abortion services; and (b) to ensure that safe abortion methods are available and accessible. Please provide information on the impacts of policies implemented in the State party such as the Comprehensive Sexuality Education Programme (PRO-ESA-2017-2021); awareness campaigns conducted in schools and communities on teenage pregnancy, family planning and condom use; the Action Plan for Accelerated Family Planning 2018–2021; and the National Health Plan 2017–2021. Please also provide information on measures taken to reduce maternal mortality in the State party.

**Right to life (art. 6)**

14. In view of the Committee's general comment No. 36 (2018) (para. 62) and of the specific geographical characteristics and location of Sao Tome and Principe, please report on: (a) efforts to protect persons in the State party, including the most vulnerable persons, from the negative impact of climate change and natural disasters on the enjoyment of their rights, including in relation to managing the exploitation of oil resources; and (b) steps taken to ensure the meaningful and informed participation of the whole population in projects that may affect sustainable development and resilience to climate change.

15. Please provide information regarding the legal standard applied in the State party for appropriate uses of force and firearms by law enforcement officials and the source of that standard in domestic law. Please explain what steps the State party has taken to ensure that such standards are respected by law enforcement and security personnel in practice.

**Prohibition of torture and of cruel, inhuman or degrading treatment (arts. 6–7)**

16. Please provide information on the legislative framework for preventing and combating torture, including the definition of torture and the penalties stipulated in criminal legislation. What mechanisms are in place that allow for prompt, thorough and impartial investigations into allegations of torture and ill-treatment, particularly when carried out by security forces and in places of detention? What mechanisms are in place to prevent and report torture and ill-treatment, including in prisons and detention centres? Please also provide data on the number of investigations, prosecutions, convictions or acquittals, and punishments in such cases, as well as the nature of the sanctions imposed for the act of torture. Please indicate whether the State party intends to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**Treatment of persons deprived of their liberty (arts. 6–10)**

17. Please respond to reports that conditions in the State party's prison are harsh due to factors such as overcrowding and lack of adequate medical and sanitation services. In this regard, please: (a) provide information on the prison capacity of the detention centre, and the corresponding number of detainees; (b) indicate whether prisons include sections to keep minors separate from adults, women from men, and detainees in pretrial detention from convicted prisoners; and (c) indicate whether the State party uses alternative measures to incarceration, such as suspended sentences for first offenders or for certain minor offences, or bail or release on parole.

18. Please provide information on the mechanisms in place to monitor conditions of detention. Please also provide data on the number and content of complaints brought by detainees to the attention of the State party over the past two years.

19. Please indicate whether the State party's response to the COVID-19 pandemic has addressed the risks to detained populations, including the most vulnerable detainees, whether there have been any outbreaks of the virus in the prison system or other places of detention, and, if so, what the government response has been.

20. Please report on measures taken to ensure reasonable time limits for pretrial detention and provide information on: (a) the proportion of the overall detainee population represented by persons in pretrial detention; and (b) the average time spent in pretrial detention.

#### **Refugees, asylum seekers and displaced persons (arts. 7, 12–13, 16 and 26)**

21. Please provide information on measures taken to develop a legal framework relating to the protection of refugees, migrants and asylum seekers, including measures to provide adequate safeguards against refoulement. Please indicate whether the State party intends to assess the situation of statelessness in the country to identify potential groups that may be in need of protection.

#### **Administration of justice (arts. 2 and 14)**

22. Please report on the legislative framework ensuring the independence, impartiality and transparency of the judiciary – including the autonomy of the public prosecution, and effective access to the judicial system. Please comment on reports that the judicial system is understaffed and inefficient, and that vulnerable people in the State party often have difficulty gaining access to justice, including those who live far from any judicial infrastructure.

#### **Freedom of expression (arts. 19–20)**

23. With reference to articles 29 and 30 of the Constitution, please provide information on the legal and regulatory frameworks governing the right to freedom of expression. With reference to Law No. 6/2012, please indicate whether the State party is considering decriminalizing defamation and ensuring that imprisonment is not a penalty for defamation, in line with the Committee's general comment No. 34 (2011) (para. 47). Please also comment on reports that journalists have been subjected to self-censorship at government-owned media entities.

24. Please provide information on the legal frameworks in place to safeguard citizens' right of access to information held by public entities, and indicate whether the State intends to adopt a general law on access to information.

#### **Peaceful assembly and freedom of association (arts. 21–22)**

25. With reference to articles 34 and 35 of the Constitution, please provide information on efforts within the State party to protect and promote the rights of assembly and association. Please comment on reports that demonstrations were banned for a period of 72 hours after the October 2018 elections, and that during the protests against the Universal Church of the Kingdom of God in October 2019, one person was reportedly killed by police gunfire. Please indicate whether the State party intends to adopt legislation to regulate collective labour bargaining and anti-union practices by employers.

#### **Rights of the child (arts. 23–24 and 26)**

26. Please provide information on the measures taken to protect children from abuse, including corporal punishment, sexual exploitation, forced labour and the worst forms of child labour, and comment on reports that the National Child Rights Committee does not have adequate resources to carry out its mandate as the State agency responsible for protecting children's rights. Please provide information on measures taken to protect orphans and abandoned children. Please also clarify the minimum legal age of marriage for boys and girls and the applicable legislation on this matter.

#### **Participation in public affairs (arts. 25–26)**

27. Please provide information on the legislative elections carried out in 2018 and how they complied with the Covenant. With reference to article 58 of the Constitution, please

report on what incapacities are considered to warrant an exception to the right of suffrage in the State party, and how this is consistent with the Covenant. Please comment on reports that the implementation of the electoral laws and framework suffers from a lack of resources and staff, which caused delays in the autonomous regional and municipal elections of Principe in 2017. Please provide information on how political parties ensure broad representation among different groups and what measures are being taken to ensure gender parity in elected public bodies. In this regard, please provide statistics on the representation of women and members of minorities in the elected public bodies.

---