



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### Concluding observations on the initial report of Sao Tome and Principe\*

1. The Committee considered the initial report of Sao Tome and Principe at its 538th and 539th meetings, held on 30 November and 1 December 2023. At its 550th meeting, held on 8 December 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the initial report of the State party, which was prepared in response to the list of issues prior to reporting,<sup>1</sup> as well as the additional information provided during the dialogue by the delegation led by the Minister of Planning, Finance and the Blue Economy, with the technical and substantive support of the Director of the Human Rights Office, and including members of the staff of the Ministry of Foreign Affairs, the Ministry of Health, Labour and Social Affairs, the National Electoral Commission, the Directorates of Labour, Social Welfare and Customs, the Migration and Border Service and the Institute of Statistics.

3. The Committee appreciates the open and constructive dialogue held remotely with the delegation of the State party and thanks the State party's representatives for the detailed information provided and their constructive attitude, which made it possible to engage in joint analysis and reflection throughout the sessions. It also welcomes the fact that the answers to the questions raised were communicated within 24 hours of the dialogue.

4. The Committee notes that most of the countries in which migrant workers from Sao Tome and Principe are employed are not yet parties to the Convention.

5. The Committee notes that Sao Tome and Principe, as a country of origin of migrant workers, has endeavoured to protect the rights of its nationals abroad. The Committee is concerned that the State party, as a country of origin, return and destination, continues to face a number of challenges related to protecting the rights of migrant workers and members of their families.

#### B. Positive aspects

6. The Committee notes that the State party has concluded bilateral and multilateral agreements, at regional and international levels, and encourages it to continue its efforts in this regard as such agreements promote and protect the rights of migrant workers and members of their families. It notes, in particular, that the State party has ratified or acceded to the following instruments:

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\* Adopted by the Committee at its thirty-seventh session (27 November–8 December 2023).

<sup>1</sup> [CMW/C/STP/QPR/1](#).



- (a) The Optional Protocol to the International Covenant on Civil and Political Rights, on 23 March 2017;
- (b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 23 March 2017;
- (c) The Global Compact for Safe, Orderly and Regular Migration.

## **C. Principal subjects of concern and recommendations**

### **1. General measures of implementation (arts. 73 and 84)**

#### **Protection of rights in times of crisis**

7. **The Committee recommends that the State party take all necessary measures to develop and implement a framework to guarantee the continued protection of the rights of migrant workers and members of their families in times of crisis (wars, natural disasters and pandemics), including by ensuring the safe and prompt repatriation of migrant workers of Sao Tome and Principe and members of their families, if necessary, and to mitigate the negative effects of such events on the enjoyment by migrant workers and members of their families of their rights.**

#### **Legislation and application**

8. The Committee notes with concern that the regulatory framework governing migration issues remains fragmented and incomplete, and that the State party has no legislation relating to persons in need of international protection.

9. **The Committee recommends that the State party ensure that its legislation and national policies are in conformity with the provisions of the Convention and take clear and effective measures – with deadlines, indicators and monitoring and evaluation benchmarks – to implement a previously defined migration policy; provide sufficient human, technical and financial resources for its implementation; and include, in its next periodic report, information, supported by statistics, on the results achieved and difficulties encountered. The Committee also recommends that the State party adopt a legislative framework on asylum without further delay.**

#### **Articles 76 and 77**

10. The Committee notes that the State party has not made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals.

11. **The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention without delay.**

#### **Ratification of relevant instruments**

12. The Committee notes with satisfaction that Sao Tome and Principe is party to several International Labour Organization (ILO) conventions. However, the State party has not yet acceded to the following instruments: the Migration for Employment Convention (Revised), 1949 (No. 97), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Minimum Wage Fixing Convention, 1970 (No. 131), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Safety and Health in Construction Convention, 1988 (No. 167), the Private Employment Agencies Convention, 1997 (No. 181) and the Domestic Workers Convention, 2011 (No. 189).

13. **The Committee invites the State party to consider acceding without delay to the ILO Conventions to which it is not yet a party, including the Migration for Employment Convention (Revised), 1949 (No. 97), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Minimum Wage Fixing Convention, 1970 (No. 131), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Safety and Health in Construction Convention, 1988 (No. 167), the Private Employment**

**Agencies Convention, 1997 (No. 181) and the Domestic Workers Convention, 2011 (No. 189).**

**Policy and strategy**

14. The Committee notes with concern the lack of any policy or strategy on migration aimed, in particular, at implementing the Convention and allowing migrants to fully exercise their rights.

**15. The Committee recommends that the State party develop policies and strategies for the implementation of the rights of migrant workers and members of their families, in accordance with its obligations under the Convention. The Committee also recommends that the State party:**

(a) **Ensure that the strategies place emphasis on the implementation of the Convention and provide for a gender-responsive, child-sensitive and human rights-based migration policy that also addresses the rights of foreign migrant workers and members of their families;**

(b) **Take effective measures, with clear time frames, indicators and monitoring and evaluation benchmarks, to implement the strategies; provide sufficient human, technical and financial resources for its implementation; and include in its next periodic report information, supported by statistics, on the results achieved and difficulties encountered.**

**Coordination**

16. The Committee takes note of the State party's explanation that the migration and borders service is responsible for the sector. The Committee is nevertheless concerned about the lack of information about these services or the government institution responsible for coordinating the implementation of the Convention and promoting the rights of migrant workers and members of their families both in the State party and abroad.

**17. The Committee recommends that the State party establish an appropriate high-level interministerial body with a clear mandate and sufficient authority to coordinate all activities aimed at the effective implementation of the rights protected under the Convention, and provide the coordinating body with the human, technical and financial resources necessary for its effective and sustainable functioning.**

**Data collection**

18. The Committee is concerned at the lack of detailed information and statistics on many migration-related issues, in particular on the number and situation of foreign migrant workers present in the State party, as well as on the number of migrant workers who are nationals of the State party and who work abroad, and their conditions of employment, the number and situation of returnees, migrants in transit, women and unaccompanied migrant children. The Committee recalls that this type of information is essential for assessing the situation of migrant workers, evaluating the implementation of the Convention and determining the measures necessary for its implementation.

**19. The Committee also recommends that the State party:**

(a) **Establish, in accordance with target 7.18 of the Sustainable Development Goals and objective No. 1 of the Global Compact for Safe, Orderly and Regular Migration, a system to collect data on the situation of migrant workers, in particular those in an irregular situation, and members of their families in the State party covering all aspects of the Convention and provide publicly available statistics on foreign migrant workers, both in regular and irregular situations, migrant workers in transit, members of their families, nationals working abroad and their conditions of employment, returnees, children who migrate abroad, including unaccompanied children, and spouses and children of migrant workers who are left behind in the State party, to effectively promote human rights-based migration policies;**

(b) Apply a gender-sensitive, child-sensitive and human rights-based approach to data collection, ensure that the rights to privacy, personal information and data protection of migrant workers and members of their families are respected, including by setting up firewalls, and guarantee that personal information is deleted once the purpose of the data collection has been achieved, so that personal data is not used for migration control or discrimination in public and private services;

(c) Include in such a system the situation of all migrant workers and members of their families for whom Sao Tome and Principe is a country of origin, transit, destination or return, and compile data disaggregated, inter alia, by sex, age, nationality, reason for entry into and departure from the country, the type of work performed, particular categories of migrant workers, ethnic origin, migration status and disability;

(d) Ensure the coordination, integration and dissemination of such data and design indicators to measure progress and the results of policies and programmes based on such data;

(e) Submit, in its next periodic report, data based on studies or estimates where it is not possible to obtain precise information, such as information on migrant workers in an irregular situation.

#### **Independent monitoring**

20. The Committee notes with concern that the State party has not yet established a national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

21. The Committee recommends that the State party, as a matter of priority, establish an independent national human rights institution in accordance with the Paris Principles, provide it with adequate human, technical and financial resources and a strong mandate to promote and protect the rights of migrant workers and members of their families, and, to this end, consider the possibility of drawing on the technical assistance and advice of the Office of the High Commissioner for Human Rights.

#### **Training on and dissemination of information about the Convention**

22. The Committee is concerned at the lack of training on the Convention, as well as the paucity of information on the Convention and the rights it enshrines that is disseminated to all interested parties, including national, regional and local public bodies, civil society organizations, and migrant workers and members of their families.

23. The Committee recommends that the State party take all the necessary measures towards the introduction of:

(a) Education and training programmes on the rights of migrant workers and members of their families under the Convention, making these programmes available to all officials and persons working in the field of migration, in particular law enforcement and border officials, agents of the authorities, judges, prosecutors and the consular officials concerned, as well as national, regional and local officials, social workers, trade unions, labour inspectors and civil society organizations, including migrant organizations;

(b) Further steps to ensure that migrant workers have access to information and guidance on their rights under the Convention in all languages commonly used in the State party, without discrimination, in particular through pre-employment and pre-departure orientation programmes which include information on the conditions of their admission and employment and on their rights and obligations under the legislation and practice of the States of employment;

(c) Collaboration with the media and civil society organizations to disseminate information about and promote the Convention throughout the State party and in the countries of destination of nationals of Sao Tome and Principe.

## **Corruption**

24. The Committee regrets that it has not received any information on measures taken to prevent and punish corruption among public officials who have responsibilities relating to the Convention and is concerned about reports of corruption.

25. **The Committee strongly urges the State party to:**

(a) **Thoroughly investigate all instances of corruption, including all cases of collusion and complicity in smuggling, trafficking and extortion, and adopt appropriate preventive and punitive measures to put an end to them;**

(b) **Establish safe, gender-responsive spaces or mechanisms to protect complainants from reprisals;**

(c) **Conduct awareness-raising campaigns with a view to encouraging migrant workers and members of their families who claim to be victims of corruption to report it;**

(d) **Provide, in its next periodic report, information on measures taken to prevent corruption among public officials with responsibilities related to the Convention, including statistical data on investigations and sanctions imposed on offenders.**

## **2. General principles (arts. 7 and 83)**

### **Non-discrimination**

26. The Committee notes that the principle of non-discrimination is enshrined in the State party's legislation; it nevertheless regrets that it does not cover all the grounds for discrimination prohibited by articles 1 (1) and 7 of the Convention, including sex, language, national, ethnic or social origin, nationality, age, economic status, property, marital status, or birth, migration or other status. The Committee also notes with concern the lack of information on measures taken to guarantee the principle of non-discrimination in practice.

27. **The Committee also recommends that the State party:**

(a) **Strengthen its legislative and other measures to ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction, regardless of their migration status, enjoy without discrimination the rights recognized by the Convention, in accordance with articles 1 (1) and 7 thereof, and adopt a comprehensive law to combat all forms of discrimination, in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination;**

(b) **Provide information in its next periodic report on the measures taken to improve and implement its legislative framework on non-discrimination as regards the rights of migrant workers and members of their families, irrespective of their migration status.**

### **Right to an effective remedy**

28. The Committee notes with regret the lack of information on due process safeguards, including access to a lawyer and an interpreter, for migrant workers and members of their families who are subject to investigation or arrest, detention or expulsion for immigration-related offences.

29. **The Committee recommends that the State party ensure, in law and in practice, that migrant workers and members of their families, even those in an irregular situation, have opportunities equal to those of nationals of the State party to file complaints and obtain effective redress in the courts in cases where their rights under the Convention are violated, and that they are informed of other remedies available to them.**

### 3. Human rights of all migrant workers and members of their families (arts. 8–35)

#### Labour exploitation and other forms of ill-treatment

30. The Committee takes note of the information provided by the State party that no cases of exploitation of migrant workers have been recorded in the country. However, the Committee remains concerned at the extent of child labour in the informal sector, particularly in agriculture and fisheries, and at the fact that children often work in dangerous conditions and situations of vulnerability. The Committee also remains concerned about the lack of a specific policy to protect migrant workers from the risk of labour exploitation.

31. **In accordance with targets 8.7 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Increase the frequency of unannounced, spontaneous labour inspections, in particular in the informal sector of the economy, and prosecute and punish persons or groups exploiting migrant workers, in particular children, or subjecting them to forced labour, abusive practices, in particular in the informal economy, or sexual exploitation;**

(b) **Adopt a national plan to reduce child labour and eliminate the worst forms of child labour, drawing on technical assistance from ILO and the United Nations Children's Fund, and provide the necessary assistance to migrant workers, especially children, who have been victims of labour exploitation and other forms of exploitation, ensuring their protection and providing them with the necessary rehabilitation measures, including psychosocial rehabilitation;**

(c) **Compile information on the extent of child labour, including that of migrant children in the State party and child nationals of Sao Tome and Principe abroad, to check the level of compliance with its legislative framework, its policies and its obligations under the ILO Forced Labour Convention, 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105) and Worst Forms of Child Labour Convention, 1999 (No. 182).**

#### Consular assistance

32. The Committee is concerned about the lack of information on consular and diplomatic assistance and legal aid offered by the State party to migrant workers of Sao Tome and Principe, including those in an irregular situation.

33. **The Committee recommends that the State party:**

(a) **Ensure that all migrant workers and members of their families have access to consular support for the protection of the rights set out in the Convention;**

(b) **Ensure that the staff of its embassies and consulates abroad have appropriate knowledge of the laws and procedures of the countries of employment of migrant workers of Sao Tome and Principe and of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

(c) **Provide detailed and disaggregated information on the number of nationals working abroad who have been arrested, detained or expelled;**

(d) **Provide information on the legal aid provided by the State party to migrant workers and members of their families.**

#### Trade unions

34. The Committee notes that the legislative framework in the State party permits migrant workers in a regular situation to take part in trade union activities and to freely join trade unions. However, it also notes with concern reports of reprisals suffered because of the trade union activity of certain workers.

35. **The Committee recommends that the State party take all necessary measures, including legislative amendments, to guarantee all migrant workers the right to take part in trade union activities and to freely join trade unions, in accordance with**

**article 26 of the Convention and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).**

### **Social security**

36. The Committee notes the information before it that persons in vulnerable situations have the right to social security. It regrets, however, the lack of information on the conditions that migrant workers in an irregular situation must meet, in accordance with the law, in order to have access to social security on an equal footing with nationals, and the absence of information on the existence of bilateral and multilateral social security agreements signed by the State.

**37. The Committee recommends that the State party ensure that all migrant workers and members of their families, regardless of their migration status, are able to subscribe to a social security and retirement pension scheme and that they are informed of their rights in this regard.**

### **Medical care**

38. The Committee is concerned about the lack of information on access to health care for migrant workers and members of their families in general, and particularly those who are in an irregular situation.

**39. The Committee recommends that the State party ensure that all migrant workers and members of their families, including those in an irregular situation, have access to the health-care system, and that it provide information in this regard in its next periodic report.**

### **Registration of birth and nationality**

40. The Committee regrets the lack of information on the measures taken to guarantee the right of children of migrant workers abroad and in the country, including children of migrant workers who are undocumented or in an irregular situation, to be registered at birth and to have their nationality of origin recognized in law and in practice. The Committee also regrets that the State party has not acceded to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

**41. In line with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on State obligations and on general principles regarding the human rights of children in the context of international migration, and target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party ensure that all children of migrant workers of Sao Tome and Principe living abroad and children born in its territory, including the children of migrants in an irregular situation and asylum-seekers, are registered at birth, issued personal identity documents and have a nationality, and that it raise migrants' awareness of the importance of registering the births of their children. The Committee also recommends that the State party ratify or accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

### **Education**

42. While noting the increase in preschool and secondary school enrolment rates, the Committee regrets the lack of information on the education of the children of migrant workers. It remains concerned about the disparities in school enrolment rates depending on whether or not children have been registered at birth.

**43. In line with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and in accordance with target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure, in accordance with article 30 of the Convention, that all children of migrant workers, irrespective of their own or their parents' migration status and identity documents, enjoy access to preschool, primary, secondary and higher education on the basis of equality of treatment with nationals of the State party, including through the provision of certificates attesting to the successful completion of every class and level of education;**

(b) **Ensure that public education officials receive training on the laws and procedures governing the right of all children and adolescents, including the children of migrants, to be enrolled in an educational establishment, and run awareness-raising campaigns to combat prejudices and social stigma.**

**4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36-56)**

**Right to vote and to be elected in the State of origin**

44. The Committee notes that nationals of Sao Tome and Principe living abroad have the right to participate in national elections and that there are 50 polling stations abroad. It observes, however, that only nationals of Sao Tome and Principe living in countries where the State party has a permanent diplomatic or consular missions can exercise the right to vote.

45. **The Committee recommends that the State party take steps to create the conditions for all migrant workers and members of their families living abroad, especially in countries where there is no diplomatic representation, to exercise their right to vote and to be elected.**

**5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64-71)**

**Migrant children and adolescents**

46. The Committee notes the efforts made by the State party to ensure the well-being of the children of foreign migrant workers in the country and of those who have remained in their country of origin. However, the Committee is concerned about the vulnerability of children left behind in the country of origin and entrusted to other families. It also regrets the lack of clarity on the measures taken to facilitate the resettlement and reintegration of returning migrant workers of Sao Tome and Principe, including their reunion with their children left behind in the country of origin.

47. **In line with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, the Committee recommends that the State party:**

(a) **Conduct nationwide research on the children of migrant workers in the country and on those who have remained in the country of origin, to establish the demographic profile of this population in order to guide its policies and programmes;**

(b) **Adopt a comprehensive strategy to promote and protect the rights of the children and families of workers of Sao Tome and Principe, in particular through education, business creation, training and social assistance programmes, and to continue its cooperation to this end with civil society actors in the country and in the countries of origin;**

(c) **Provide, in its next periodic report, information on measures taken to facilitate the resettlement and reintegration of returning migrant workers of Sao Tome and Principe, including their reunion with their children left behind.**

**Measures to address migrant workers in an irregular situation**

48. The Committee is concerned about the lack of clarity regarding specific measures taken to ensure that the situation of migrant workers in an irregular situation and members of



their families within its territory does not persist, while noting the information provided by the State party that the status of 2,683 migrants was regularized between 2017 and 2023.

**49. The Committee recommends, in line with the Recommended Principles and Guidelines on Human Rights at International Borders of the Office of the United Nations High Commissioner for Human Rights, that the State party:**

(a) **Take measures, other than mere border protection and law enforcement measures, to establish dedicated procedures for the regularization of the status of migrant workers in an irregular situation and members of their families so as to ensure that such a situation does not persist;**

(b) **Raise awareness among migrant workers who are in an irregular situation about such procedures;**

(c) **Provide information about them in its next periodic report.**

#### **Trafficking in persons and smuggling of migrants**

50. The Committee notes with concern that the State party is a country of origin, destination and transit for trafficking in persons. It also notes with concern:

(a) The scale of human trafficking, particularly for exploitation in prostitution and agriculture;

(b) The exploitation of women and girls, who are forced to resort to prostitution as a survival strategy, and the harmful effect that increased tourism is likely to have on the scale of prostitution;

(c) The lack of information on the number of investigations, prosecutions and convictions for trafficking in persons and exploitation through prostitution, as well as on any prevention and protection mechanisms, including rehabilitation programmes, that have been set up for victims.

**51. The Committee recommends that the State party adopt and implement a law to combat human trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The law should include a broad definition of human trafficking based on evidence of exploitation rather than evidence of displacement. The Committee also recommends that the State party:**

(a) **Develop services for the protection, rehabilitation and reintegration of victims of trafficking in persons and ensure that these services are adequately resourced and that victims have access to redress;**

(b) **Provide police officers, border guards, judges, lawyers and other relevant staff with appropriate training to enable them to identify potential victims of trafficking and refer them immediately to assistance services, and ensure that victims of trafficking are never regarded as criminals;**

(c) **Ensure that trafficking in persons and the exploitation of prostitution are duly punished, and draw up and adopt a national action plan against trafficking, with measurable indicators and objectives;**

(d) **Collect data on the extent and root causes of trafficking in persons, disaggregated by age, gender and ethnic origin, and targeting trafficking flows to, from and through the territory of the State party.**

#### **6. Dissemination and follow-up**

##### **Dissemination**

52. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, including to government ministries, the

legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

#### Technical assistance

53. The Committee recommends that the State party further avail itself of international and intergovernmental assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with the specialized institutions and programmes of the United Nations. The Committee remains at the State party's disposal, particularly for follow-up to the present concluding observations and the preparation of its second periodic report.

#### Follow-up to concluding observations

54. The Committee requests the State party to provide, within two years (that is, by 2 January 2026), written information on the implementation of the recommendations contained in paragraphs 15 (policy and strategy), 21 (independent monitoring), 23 (training on and dissemination of information about the Convention) and 27 (non-discrimination) above.

#### Next periodic report

55. The Committee requests the State party to submit its second periodic report by 2 January 2029. At a session prior to that date, the Committee will adopt a list of issues prior to the submission of the report under the simplified reporting procedure unless the State party decides to submit its second periodic report under the ordinary reporting procedure. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.

56. The Committee also encourages the State party to submit a common core document, of up to 42,400 words, in line with the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 ([HRI/MC/2006/3](#)).

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