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Report of the Working Group on the Universal Periodic Review*

Sao Tome and Principe

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



1. Position of the Democratic Republic of Sao Tome and Principe on the recommendations made during the third universal periodic review of 27 January 2021.

I. Introduction

2. The Democratic Republic of Sao Tome and Principe congratulates the Human Rights Council on the establishment of the universal periodic review, which plays an important role in the monitoring of human rights and other issues and in raising awareness of the need to respect, promote and protect human rights in order to ensure a healthier coexistence between people.

3. Sao Tome and Principe reiterates that it is entirely willing to cooperate with all international, regional and national organizations that support the ideal of peace and that it will do all it can to help build the more united, just and peaceful world that we all need.

4. To that end, Sao Tome and Principe has participated regularly in the universal periodic review sessions, first in Geneva, in November 2011 and February 2015, and then from Sao Tome, on 27 January 2021, on account of the coronavirus disease (COVID-19) pandemic that is ravaging the whole world.

5. The last of these sessions was held via videoconference, which unfortunately led to some communication problems. We would like to take this opportunity to apologize sincerely for these unwelcome inconveniences.

6. We would also like to take this opportunity to thank all those who helped organize this activity, especially the universal periodic review secretariat, which provided continuous and unflagging support. Our thanks also go to the members of the troika and the distinguished delegates who were present at the event, for their advice and encouragement.

II. Division of recommendations into thematic groups

7. After the presentation of the report on the implementation of the recommendations made during the 2015 universal periodic review, some member States commended the country on its progress in the field of human rights and took the opportunity to make recommendations. A total of 161 recommendations were made.

8. These recommendations were thoroughly analysed and divided into six thematic groups: civil and political rights; economic, social and cultural rights; rights of specific persons or groups; rights to equality and non-discrimination; environmental rights; and other recommendations.

9. Of the 161 recommendations, 13 were noted (namely, recommendations 14, 18, 41, 43, 44, 45, 65, 95, 101, 102, 106, 130 and 149) and 148 were accepted, as shown in the document attached.

10. Each group was divided and subdivided into themes, as follows:

Group A – Civil and political rights:

- A.1 Ratification of international human rights treaties to which Sao Tome and Principe is not yet a party
- A.2 Promotion and protection of human rights
- A.3 Administration of justice:
 - A.3.1 Reform of the judiciary
 - A.3.2 Legislative reform to incorporate international standards into domestic law
 - A.3.3 Legislative reform to combat all forms of discrimination
 - A.3.4 Legislative and institutional reforms to combat trafficking in persons for the purposes of sexual exploitation, pornography and child labour

- A.3.5 Institutional capacity-building

Group B – Economic, social and cultural rights:

- B.1 Economic, social and cultural rights:
 - B.1.1 Right to education
 - B.1.2 Right to health

Group C – Rights of specific persons or groups:

- C.1 Vulnerable persons in general
- C.2 Children’s rights
- C.3 Women’s rights
- C.4 Rights of persons with disabilities

Group D – Equality and non-discrimination

Group E – Environmental rights

Group F – Other recommendations

III. Position of the Democratic Republic of Sao Tome and Principe on the recommendations

11. After a general analysis of all the recommendations had been carried out by a working group, the recommendations were submitted to the Government, which, at the 102nd session of the Council of Ministers, discussed and analysed them and took a position on each one, as set out below.

A. Group A – Civil and political rights

1. Subgroup A.1 – Ratification of international human rights treaties to which Sao Tome and Principe is not yet a party

12. As regards this subgroup, we note the following instruments:

- (a) Convention on the Prevention and Punishment of the Crime of Genocide;
- (b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- (c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (d) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- (e) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- (f) Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- (g) Optional Protocol to the Convention on the Rights of Persons with Disabilities;
- (h) International Convention for the Protection of All Persons from Enforced Disappearance.

13. In this context, we also note the Rome Statute of the International Criminal Court, the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

14. Sao Tome and Principe accepts all the recommendations in this first subgroup, with the exception of recommendations 14 and 18.

2. Subgroup A.2 – Promotion and protection of human rights

15. Sao Tome and Principe has no objection to the recommendations in this subgroup.

3. Subgroup A.3 – Administration of justice

16. This subgroup was divided into several further subgroups, as follows: A.3.1 – Reform of the judiciary; A.3.2 – Legislative reform to incorporate international standards into domestic law; A.3.3 – Legislative reforms to combat all forms of discrimination and ill-treatment; A.3.4 – Legislative and institutional reforms to combat trafficking in persons for the purposes of sexual exploitation, pornography and child labour; and A.3.5 – Institutional capacity-building. We accept all the recommendations in this subgroup, except for recommendations 41, 43, 44, 45, 65 and 130.

B. Group B – Economic, social and cultural rights

17. This group includes subgroup B.1, which is further divided into subgroups B.1.1 and B.1.2.

1. Subgroup B.1 – Economic, social and cultural rights

18. Sao Tome and Principe has no objection to the recommendations in this subgroup.

2. Subgroup B.1.1 – Right to education

19. The recommendations in this subgroup are all accepted, except for recommendations 95, 101, 102 and 106, which are noted.

3. Subgroup B.1.2 – Right to health

20. The recommendations in this subgroup are all accepted.

C. Group C – Rights of specific persons or groups

21. This group was divided into four subgroups, as follows: C.1 – Vulnerable persons in general; C.2 – Children’s rights; C.3 – Women’s rights; and C.4 – Rights of persons with disabilities. All the recommendations in this group are accepted, with the exception of recommendation 149.

D. Group D – Equality and non-discrimination

22. All the recommendations in this group are willingly accepted.

E. Group E – Environmental rights

23. Sao Tome and Principe has taken into account all the recommendations in this thematic group.

F. Group F – Other considerations

24. This group contains just one recommendation, to which Sao Tome and Principe has no objection.

IV. Remarks on the recommendations noted and reservations

25. As mentioned in paragraph 8 above, Sao Tome and Principe noted 13 of the 161 recommendations. In that connection, we would like to make the following remarks:

- Recommendation 14: Sao Tome and Principe signed the Rome Statute of the International Criminal Court on 28 December 2000 but has not yet ratified it because some of its provisions conflict with the Constitution. This matter needs to be addressed before the Rome Statute can be ratified.
- Recommendation 18: As this recommendation concerns a sensitive issue that relates to national culture, it needs to be put to broad public consultations, in order to gauge public opinion on it. Reaching the kind of careful decision that is required will take some time.
- Nowhere in the legal system of Sao Tome and Principe is there any law that allows for the corporal punishment of children. This was clearly explained during the third universal periodic review. At this stage, there is no justification for accepting this recommendation.
- Recommendations 41, 43, 44 and 45: As this is a culturally sensitive issue, it should not be considered in an emotional way. For that reason, Sao Tome and Principe notes these recommendations for the time being.
- Recommendations 65 and 130: Sao Tome and Principe also noted these recommendations because the acts in question are already punishable under articles 158 to 182 of the Criminal Code. There is therefore no justification for accepting the recommendations.
- Recommendation 95: The relevant provision has already been repealed, as stated in the report submitted for the third universal periodic review.
- Recommendations 101, 102 and 106: Sao Tome and Principe still does not have the economic and financial resources needed to cover the cost of implementing these recommendations but promises to do all that it can to implement them over time. For the moment, these recommendations are noted.
- As regards recommendation 149, it should be noted that, in Sao Tome and Principe, birth registration is completely free of charge for a period of one year after the birth. Moreover, free registration fairs and campaigns are organized periodically to allow parents to register their children, so the fact that some children have not yet been registered is not due to the time limit for registration. This matter will be addressed at a later stage.

V. Conclusion

26. We recognize that our achievements fall well short of our expectations; however, as you must understand, the realization of human rights is largely dependent on and determined by the availability of economic, financial and human resources. We therefore take this opportunity to call once again for the cooperation of all so that, together, we can build a better world for everyone, based on respect for and protection of human rights. With that in mind, we are attaching the recommendations for appropriate action.

27. In conclusion, we would like to thank you once again for all the support that you have given us during the review process.

28. A table showing the position of Sao Tome and Principe on each of the recommendations is attached.