



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Sao Tome and Principe and welcome the constructive engagement of your Government during the 37th session of the UPR Working Group in January 2021.

As the final outcome report on the review of Sao Tome and Principe has been recently adopted by the Human Rights Council at its 47th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Sao Tome and Principe – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 66 delegations and the presentation made and responses provided by the delegation of Sao Tome and Principe. I have also considered the actions taken by the Government of Sao Tome and Principe to implement the 144 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the fact that, further to its second UPR, Sao Tome and Principe has ratified seven main international human rights treaties and has pledged to gradually continue ratifying the outstanding treaties. I note, however, that most of its initial and periodic reports to treaty bodies are overdue and invite Sao Tome and Principe to build on the momentum and improve its reporting records by submitting its pending reports. I also welcome the measures taken by Sao Tome and Principe to ensure free and compulsory education, including the WASH project to improve school conditions at primary and secondary level, and its commitment to address the impacts of climate change through adaptation and mitigation projects.

I note with satisfaction the Government's decision to repeal, in 2020, the prohibition for pregnant adolescents from continuing their studies and appreciate that, as part of the Girls and Young Women's Empowerment Project, the Ministry of Education and Higher Education has financially supported pregnant girls to continue attending school. I note, however, that persistent human rights challenges should be addressed, including the eradication of extreme poverty and hunger, and that efforts should be increased to achieve gender equality and to eliminate violence against women. I note with regret that corporal punishment persists and is still not prohibited by law. I am, nevertheless, encouraged by the fact that Sao Tome and Principe has supported the recommendations to take legislative and other measures to eliminate this practice.

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H.E. Ms. Edite TEN JUÁ
Minister for Foreign Affairs, Cooperation and Community
Sao Tome and Principe



I encourage Sao Tome and Principe to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Sao Tome and Principe to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Sao Tome and Principe to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Sao Tome and Principe in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Ms. Ivete da Graça DOS SANTOS LIMA CORREIA
Minister of Justice, Public Administration and Human Rights
Sao Tome and Principe

Ms. Katarzyna WAWIERNIA
United Nations Resident Coordinator a.i. and UNDP Resident Representative
Sao Tome and Principe



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Continuing to ratify the international human rights treaties to which Sao Tome and Principe is not yet a party, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- Increasing efforts to develop, draft and submit Sao Tome and Principe's pending reports to treaty bodies and to strengthen the domestic monitoring bodies to adequately address human rights violations.

National human rights framework

- Taking all the necessary and adequate measures to establish a national human rights institution in accordance with the Paris Principles, including regarding the independence of the institution vis-à-vis the Executive, and allocating the necessary human and financial resources for the adequate functioning of the institution.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Taking the necessary and adequate measures, including legislative measures, to protect people from discrimination, including on the basis of sexual orientation and gender identity.

Development, the environment, and business and human rights

- Continuing implementing sustainable measures aimed at mitigating the impact of climate change on the human rights of the population, particularly the most vulnerable groups and persons.

B. Civil and political rights

Right to life, liberty and security of person

- Efficiently implementing the legislative measures taken to combat violence against women, increasing awareness raising of domestic violence against women and children as a crime, and ensuring that perpetrators are investigated and prosecuted and victims are protected, including through providing adequate resourcing to counselling centres.
- Initiating a legislative process to explicitly prohibit all forms of corporal punishment of children in all settings and carrying out related awareness raising campaigns aimed to promote non-violent forms of discipline.

Administration of justice, including impunity, and the rule of law

- Effectively implementing the justice reform, including the adequate functioning of the Constitutional Court and other justice institutions recently established, and improving the identified institutional and regulatory gaps in the judicial system.

Fundamental freedoms

- Considering to adopt an access to information law in accordance with international standards and decriminalizing defamation.

Prohibition of all forms of slavery

- Further strengthening efforts to effectively prevent and combat trafficking in persons, including the sexual exploitation of women and children; ensuring effective identification of victims, including the screening of groups in vulnerable situations; investigating all cases of trafficking promptly and thoroughly; prosecuting the perpetrators; and ensuring that victims have access to effective means of protection and assistance services and full reparation.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Continuing taking the necessary steps to implement the Labor Code and ensuring protection from discrimination in employment, including discrimination based on disability, sexual orientation, gender identity and HIV-positive status or other communicable diseases.

Right to social security

- Enhancing the social protection scheme and intensifying measures to implement the National Social Protection Strategy, with a particular focus on people in the most vulnerable situations, in order to contribute more effectively to the elimination of extreme poverty.

Right to an adequate standard of living

- Intensifying the efforts to reduce poverty, including by adopting a human rights approach and specific policies and measures to improve the living conditions of the population, in particular in rural areas.
- Ensuring the effective implementation of the Support Programme to Vulnerable Families, the Parental Education Programme, the Most Critical First Days Programme, the Strategic Plan to Eradicate Hunger and the Social Entrepreneurship Project.
- Continuing the efforts to advance in the implementation of the National Programme for Sustainable Development in order to extend the national coverage on drinking water and sanitation in all regions of the country.

Right to health

- Continuing the efforts to increase the equal coverage of the health service along the territory and making an assessment of the National Health Plan (2017-2021) in order to identify good practices or persistent challenges, and improving the financial sustainability of health services and the quality of services.
- Ensuring full and equal access to modern methods of contraception and to family planning services and undertaking adequate measures to reduce the early pregnancy rate from 15 to 10

per cent by 2023, in line with the commitment made at the Nairobi Summit on ICPD25, including by providing comprehensive sexuality education in all secondary schools and of youth-friendly sexual and reproductive health in all health centres and posts.

- Continuing the efforts to tackle HIV and ensuring that those living with HIV, especially women and children, have access to adequate health care.

Right to education

- Accelerating the efforts to fully implement the Education Policy Charter (2012-2022), including by continuing taking measures to improve the quality of education at all levels and ensuring access without any kind of discrimination; ensuring efficient and sustainable advanced training for teachers and promoting the employment of qualified teachers at primary and secondary schools; and enhancing efforts to prevent dropouts and grade repetitions, especially among girls.

D. Rights of specific persons or groups

Women

- Taking effective steps to fully implement the legislative reforms in order to advance in the protection of women rights, achieve gender equality and protect women, in law and practice, from any form of discrimination.
- Adopting specific measures, including plan and policies, to increase the representation of women in decision-making positions and advancing in the social and economic empowerment of women.

Children

- Developing policies for the protection of children from violence and abuse, sexual violence, early marriage and the worst forms of child labour and strengthening the efforts to adequately implement the National Action Plan of Action against Child Labour as well as the Programme for Vulnerable Families and the Parental Education Programme National Plan of Action against Child Labour.
- Fully harmonizing the domestic legislation with the Convention of the Rights of the Child.

Persons with disabilities

- Ensuring implementation of goals 1 and 3 of the National Social Protection Policy and its respective Plan of Action, in order to ensure protection of the rights of persons with disabilities, including with regards to employment, health care and accessibility.