



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

Distr.: General
11 December 2023

Original: English

**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families
Thirty-seventh session**

Summary record of the 538th meeting

Held at the Palais Wilson, Geneva, on Thursday, 30 November 2023, at 3 p.m.

Chair: Mr. Corzo Sosa

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Initial report of Sao Tome and Principe (CMW/C/STP/1; and CMW/C/STP/QPR/1)

1. *At the invitation of the Chair, the delegation of Sao Tome and Principe joined the meeting via video link.*
2. **Mr. da Mata** (Sao Tome and Principe), introducing his country's initial report (CMW/C/STP/1), said that Sao Tome and Principe recognized and reaffirmed the importance of the Universal Declaration of Human Rights and other international human rights instruments and took seriously its responsibility under the Charter of the United Nations to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind.
3. The plethora of challenges facing the international community, which included high poverty levels, soaring unemployment, entrenched gender inequality, natural disasters, terrorism, spiralling conflicts and ensuing humanitarian crises, and growing disparities between countries in terms of opportunities, wealth and power, posed a serious threat to the development gains made in many countries in recent decades.
4. Upon ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Sao Tome and Principe had made a commitment to respect, protect and promote the rights of migrant workers and to fulfil the obligations flowing from that international treaty, including by taking measures to eliminate discrimination against foreign nationals in its territory and to ensure that migrant workers had access to mechanisms and institutions through which they could report and seek redress for violations of their rights.
5. The Constitution, the Criminal Code and the Labour Code were key components of the legislative arsenal safeguarding the rights of migrant workers present in Sao Tome and Principe. The specific domestic law provisions that were relevant to the protection and fulfilment of the rights of migrant workers included article 16 of the Constitution, which provided that citizens of Sao Tome and Principe residing abroad enjoyed the same rights and duties as other citizens and enjoyed the care and protection of the State; article 17 of the Constitution, which stated that foreign citizens and stateless persons residing or present in Sao Tome and Principe enjoyed the same rights and duties as other citizens and enjoyed the care and protection of the State; and article 296 (2) of the Labour Code, which provided that migrant workers were entitled to the same treatment and opportunities as citizens of Sao Tome and Principe.
6. During the coronavirus disease (COVID-19) pandemic, the Government had upheld migrant workers' right to health by providing equitable access to COVID-19 vaccines for all migrants and members of their families, regardless of nationality, migration situation or any other characteristic.
7. In submitting its initial report, which had been prepared despite time constraints, linguistic barriers and a lack of disaggregated statistical data, the Government of Sao Tome and Principe was reaffirming its commitment to taking the legislative, policy and institutional measures necessary to protect and fulfil the rights enshrined in the Convention.
8. **Mr. Charef** (Country Rapporteur) said that, while the Committee welcomed the submission of the State party's initial report, it regretted that the delegation had been unable to participate in the interactive dialogue in person. The Committee was grateful to all those who had helped to overcome the linguistic and technical issues that might otherwise have prevented the dialogue from taking place and looked forward to examining the situation of migrant workers in Sao Tome and Principe and to supporting the State party in promoting safe, orderly, regular and beneficial migration to and from its national territory and in upholding the human rights of migrant workers.
9. The global governance system for international migration was under threat and could only be safeguarded through creative solutions. The rise of the political far right in many

countries only underscored the need to adopt strategies designed to change attitudes towards immigrants and immigration and to modify practices that violated their rights.

10. Regrettably, reliable statistical data on migration to and from State party had proved difficult to obtain. He understood Sao Tome and Principe to have a population of around 230,000 people and that, since it had gained its independence in 1975, immigration to the country had continued to fall and that immigrants, who hailed mostly from Cabo Verde, Angola, Gabon, Equatorial Guinea and Portugal and lived in the capital, Sao Tome, currently accounted for less than 1 per cent of the population. According to the data in his possession, some 47,000 migrants from Sao Tome and Principe were currently residing in Portugal, Angola, Cabo Verde or other countries. The delegation might confirm the accuracy of that information and provide additional information on the State party's migration policy and the structures in place to govern migration flows to and from the country.

11. **Ms. Poussi** (Country Rapporteur) said that the State party's ratification of the Convention and other human rights instruments demonstrated that the authorities were making human rights a priority. She wondered whether the State party intended to ratify further instruments that were complementary to the Convention to strengthen the legal arsenal for protecting the rights of migrant workers, including International Labour Organization (ILO) instruments such as the Migration for Employment Convention (Revised) of 1949 (No. 97) and the Domestic Workers Convention of 2011 (No. 189).

12. She would appreciate data on both migrant and non-migrant workers within the domestic labour force in Sao Tome and Principe, including figures showing the proportion that were women and children. She wondered whether Domestic and Family Violence Acts No. 11 and No.12 of 2008 contained provisions related to the protection of migrant workers and whether there had been any convictions in relation to violence against domestic workers. It would also be helpful to know whether the Convention had been invoked in the courts in Sao Tome and Principe.

13. She wished to know whether the proposed domestic violence advice centre was already operational, what its functions were, what budget it had been allocated, whether that allocation was sufficient to enable it to carry out its functions, whether migrant domestic workers could benefit from any of its services, and, if so, what those services were. She would also like to know whether the plan to establish a multifunctional centre and shelter for victims of gender-based violence that had been mentioned during the State party's review by the Committee on the Elimination of Discrimination against Women had been implemented, whether the centre was operational and whether women migrant domestic workers could benefit from its services.

14. Clarification would be appreciated regarding the figures for the number of persons that had entered and left the country provided in the report. She would particularly like to know whether those persons were migrant domestic workers, how many citizens of Sao Tome and Principe were currently residing abroad, how many foreign migrant workers were living in Sao Tome and Principe and how many residence certificates had been issued to foreign nationals.

15. **Mr. Zounmatoun** (Country Rapporteur) said that the provisions of the Constitution that protected human rights and the rights of migrant workers, as well as those contained in the Labour and Criminal Codes, constituted a strong legal basis for upholding the rights of migrant workers. However, the report stated that the country had not developed any policies specifically addressing the situation of migrant workers and that there were no human, technical or financial resources allocated for that purpose. Given that some time had passed since the report's preparation and there were significant numbers of nationals of Sao Tome and Principe working overseas and of foreign migrants working in Sao Tome and Principe, it would be helpful if the delegation could confirm whether that was still the case and whether there were any mechanisms being developed or actions being taken to address the specific situation of migrant workers.

16. He would like to understand why the Convention had not been directly invoked in the courts and why workers tended not to report violations of their rights. It was important to ascertain why that was the case as it suggested that access to justice was a problem and migrant workers did not feel able to formally raise their concerns. It would also be helpful to

know how many foreign nationals had been asked to leave the country voluntarily following unsuccessful applications to regularize their stay in Sao Tome and Principe and what happened if they did not wish to leave. Lastly, he asked whether the delegation could confirm the figures provided in the report for the number of foreign nationals who had been detained in Sao Tome and Principe, since they indicated that there had been just 27 cases involving foreign nationals in 15 years.

17. **Mr. Oumaria**, noting that Sao Tome and Principe was one of the last States to have gained independence from colonization, in 1975, and that the country had thus had only a short time to establish a legal and institutional framework for the protection of human rights, said that it was important for the international community to support the country's efforts to that end. He recommended that the authorities should establish a national human rights institution that qualified for A status accreditation under the principles relating to the status and functioning of national institutions for protection and promotion of human rights (the Paris Principles) and was consequently able to assume a key role in ensuring respect for and the promotion and protection of human rights.

18. He wished to know whether migratory trends among the State party's population could be explained to an extent by its proximity to two countries with a fairly high gross domestic product, namely Equatorial Guinea and Gabon, and whether government policy might play a role in the fact that a high number of citizens had emigrated. Given the different political persuasions of the country's President and Prime Minister, it would be interesting to learn how successfully cohabitation between the two was managed.

19. **Mr. Babacar** said that he would like to know whether the State party planned to implement and ensure adequate funding for a strategy or action plan to effectively combat child exploitation in line with the provisions of ratified international human rights instruments including the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). In the light of reports of widespread violence against women and children, especially rural women, he wondered whether the Government intended to ratify and implement the ILO Violence and Harassment Convention, 2019 (No. 190).

20. **Ms. Diallo** said that she would like to know whether, when taking decisions on the administrative expulsion of migrant workers from the country against their will, the State party assessed the likelihood that expelled individuals might be exposed to danger and human rights violations on their return to their country of origin.

21. It would be interesting to know whether the recruitment of nationals of Sao Tome and Principe by foreign employment agencies was governed by any legislation or regulations designed to ensure that the rights of migrant workers were respected in accordance with the provisions of the Convention and other relevant legal instruments. She also wondered whether there was a mechanism in place that enabled the Government to regulate the practices of agencies that recruited domestic workers, in particular migrant domestic workers, with a view to making the protections that applied in that sector available to all workers and ensuring respect for the rights of nationals and non-nationals alike.

22. She would like the delegation to expand on information provided by the Ministry of Labour which indicated that migrant workers in Sao Tome and Principe were usually provided with an employment contract signed by their employer. She wondered what steps the State party had taken in order to introduce such a guarantee of job security, which was not commonly provided for domestic workers in the informal sector in the global South.

23. **Mr. Taghi-Zada** said that he would like to know what level of support the State party provided to its nationals who had migrated, particularly in the main countries of destination. He wondered whether it operated consulates or embassies in those places. It would also be interesting to know whether nationals of Sao Tome and Principe who had migrated were able to participate remotely in the country's elections, for instance through online or postal voting.

24. He wondered whether the State party had needed to adapt in any way in the face of climate change, which was expected to have a major impact on many countries, and whether it anticipated any changes in migratory flows into and out of the country as a result of climate change.

25. **Ms. Gahar** said that she would like the delegation to share how the Government planned to protect the population, and in particular vulnerable groups, including women and children, both in anticipation of and in response to natural disasters that might affect the State party in the future due to climate change. Was any strategy in place to enable emergency interventions to be made in the event of a crisis situation?

26. She also wished to know whether the State party had considered ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

27. **Mr. Ceriani Cernadas** said that, given that article 15 of Act No. 5 of 2008 provided that child migrants were prohibited from entering the country unless they were accompanied by their parents or legal representatives, it would be interesting to know whether the State party had any protocols in place to offer protection to children who presented themselves unaccompanied at the border.

28. In the light of the recent announcement by Brazil of a regularization programme for migrants from Portuguese-speaking countries, he wondered whether the consular support provided by Sao Tome and Principe to its citizens abroad included assistance in accessing any documentation that might be requested by countries of destination in order to regularize their status.

29. **The Chair** said that it was unclear why the establishment of a national human rights institution, which the Council of Ministers had approved in 2020 and which had been due to take effect in 2021, had still not been accomplished. He would welcome information about any problems impeding the process. He also wondered why no activities had been conducted in the State party, for example in the form of information campaigns or training courses, to raise the general population's awareness of the fact that Sao Tome and Principe had ratified the Convention.

The meeting rose at 4.55 p.m.