



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

Distr.: General
13 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 539th meeting

Held at the Palais Wilson, Geneva, on Friday, 1 December 2023, at 10 a.m.

Chair: Mr. Corzo Sosa

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The meeting was called to order at 10.00 a.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)
(continued)

1. *At the invitation of the Chair, the delegation of Sao Tome and Principe joined the meeting via video link.*
2. **Ms. Rodrigues** (Sao Tome and Principe) said that the Government had established the Ad Hoc Interministerial Human Rights Commission in 2020. The remit of the Commission, which was coordinated by the Ministry of Justice through its Human Rights Office and was composed of one or two members of each ministry and representatives of civil society, was to prepare reports and follow up on the implementation of conventions. A draft law providing for the establishment of a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) had yet to be submitted to parliament, since, after lengthy discussions, it had been decided that a national human rights commission would be better suited to the national context. A draft law for the establishment of such a commission was therefore under development, but further discussions regarding its structure and budget were needed before a bill could be submitted for adoption by the Council of Ministers. Various external factors had to be taken into consideration to ensure that the commission eventually established could function effectively, but resolving the matter would be a priority in 2024.
3. In the period 2017–2023, 27 foreign nationals had been detained in the country's prison but none of them had been detained for being in an irregular migration situation. Foreign nationals who were in an irregular situation were invited either to regularize their situation or to leave the country and, as of 2023, there was no record of any person having refused to comply with such requests. In most cases, the persons concerned left the country for several months and then returned, with many of them repeating the process over and over again.
4. The Government had yet to organize any awareness-raising campaigns to inform foreign nationals living in the country, the general public and members of the judiciary about the Convention, nor had the Convention been invoked in any legal ruling or case involving migrant workers, either by lawyers or judges.
5. Disaggregated data on the number of women and children engaged in domestic labour were not available. Child labour was prohibited under national legislation. The Government acknowledged the pressing need to establish a refuge for victims of domestic violence, particularly in the light of cases in which victims had been forced to go back to live with their abuser. The matter was one of its priorities, but such a refuge was not available as yet.
6. There were no records of foreign nationals having submitted complaints of violations of their labour rights to the Ministry of Labour or the Labour Inspectorate. Most foreign nationals arriving in the country already had employment contracts and the terms of those contracts were generally respected. There had, however, been cases in which citizens of Sao Tome and Principe had complained of foreign nationals violating their labour rights.
7. There were no policies to encourage emigration. People generally left the country in search of better living conditions or because of health issues. Students sometimes received grants to study abroad from international bodies or embassies.
8. Her Government was entirely open to the ratification of relevant conventions and was in fact seeking to accelerate the ratification and implementation of conventions and additional protocols, particularly as a means of bolstering the domestic legal framework.
9. Unaccompanied minors were categorically prohibited from entering the country. Accompanying adults were required to have the necessary documentation to prove that they had the right to accompany the child into the country.

10. Trained staff were available at the diplomatic representations of Sao Tome and Principe to provide assistance to nationals living abroad. However, some migrants did not register their presence upon arriving in a foreign country and did not approach the embassy or consulate for assistance.

11. **The Chair** said that it was important for the delegation of the State party to provide detailed information in its responses so that the Committee could gain a complete picture of the situation in Sao Tome and Principe to inform its concluding observations. The Committee would welcome further information on all issues to which the State party had not yet provided a comprehensive response.

12. **Ms. Poussi** (Country Rapporteur), referring to the concluding observations recently issued to the State party by the Committee on the Rights to the Child (*CRC/C/STP/CO/5-6*), said that she urged the State party to ensure that the children of migrants were included in all birth registration measures, had access to health services and education and were not exploited for labour purposes, including domestic labour. It was also vital that the State party was able to provide the Committee with accurate and reliable data on the occasion of its next review. On the issue of trafficking in persons, particularly the trafficking of women and children, she would like to know what system the State party used to collect data, what obstacles it had encountered in the development and implementation of the system, how it planned to overcome such obstacles, and whether it had considered requesting technical assistance from United Nations agencies or other partners for that purpose.

13. Noting that the Criminal Code enacted by Act No. 6/2012 established trafficking in persons, and especially women and children, for the purposes of sexual exploitation or pornography as a criminal offence, she asked whether the Code included any provisions that applied specifically to migrant workers who were victims of trafficking. It would be useful to receive more information on the extent to which trafficking in persons, especially trafficking for the purpose of sexual exploitation and child pornography, was an issue in the country, given that tourism was a priority economic sector. Data on the number of prosecutions brought, convictions obtained and sentences handed down in cases of trafficking for the purpose of sexual exploitation, particularly cases involving migrant women and children, would also be appreciated, as well as details of any measures being taken to protect victims and aid their recovery.

14. She would appreciate clarification as to whether immigration irregularities constituted a criminal offence, as stated in the initial report (*CMW/C/STP/1*, para. 14), since such a situation would be in breach of the provisions of the Convention and the guidance set forth in the Committee's general comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention. She would be interested to hear of any cases in which foreign migrants had been deported from the country on account of being in an irregular situation. Even if there were no recorded cases, a detailed explanation of the expulsion procedure under domestic legislation, including the type of the facility in which migrants would be detained pending expulsion, would be helpful.

15. She would also appreciate confirmation as to whether nationals of Sao Tome and Principe living and working overseas and foreign migrants in Sao Tome and Principe were guaranteed access to a lawyer and an interpreter in the event that they should find themselves in conflict with the law and whether domestic legislation provided for free legal assistance to be made available if they were unable to afford legal representation themselves. If free legal assistance was available, she would like to know the eligibility requirements that must be met.

16. **Mr. Charef** (Country Rapporteur) said that he would welcome more detailed statistical information from the State party regarding the issues discussed thus far. He would like to know what measures the State party had put in place to support migrant women in Sao Tome and Principe within the framework of the National Strategy to Combat Gender-Based Violence. He would also appreciate information on the situation of migrant women – both nationals living abroad and foreign migrants in Sao Tome and Principe – in areas such as education, health and the fight against violence.

17. **Mr. Zounmatoun** (Country Rapporteur) said that it would be helpful if the delegation could explain the main challenges and difficulties the State party faced in implementing the

provisions of the Convention. He wished to know how the authorities identified families that were in need of the conditional cash transfers that the Directorate for Social Protection, Solidarity and the Family paid to households in extreme poverty and how many of the recipient families were migrants. With regard to the right to vote, he would welcome clarification as to how the State party assessed whether the diaspora in a particular location was large enough for its members to qualify for inclusion in the electoral register.

18. **Mr. Oumaria** said that he would welcome the delegation's comments on the support the State party required from the international community in order to better fulfil its reporting obligations. Noting that the State party's Ad Hoc Interministerial Human Rights Commission did not appear to operate as a national human rights institution, which should be independent from the Government, he invited the delegation to provide a fuller account of the State party's constitutional framework, which appeared to accord the same degree of power to both the President and the Prime Minister.

19. **Ms. Dzumbur** said that it would be interesting to hear about any efforts the State party had made to mobilize technical assistance from international organizations to help it to strengthen its capacities with regard to the implementation of its international obligations. She wished to know whether the State party had adopted, or planned to adopt, any anti-discrimination legislation, with a particular focus on gender-based discrimination. Details of the institutional mechanisms currently in place to protect human rights in general, and woman's rights in particular, would be welcome.

20. **Ms. Gahar** said that she would welcome the delegation's comments on how the State party might address ongoing issues affecting the rights of the children of migrant workers, such as the fees charged for birth registration, which put the service beyond the reach of some families. She would be interested to hear about any measures in place to tackle child marriage, which especially affected girls, and to ensure that girls who were pregnant were permitted to attend school. She would be grateful for any information about maternal and child health services, with a particular focus on persons living with conditions such as HIV/AIDS. It was unclear whether the children of migrant workers were covered by the Social Protection Framework Act. If they were, it would be useful to receive details of any relevant social protection mechanisms.

21. She wished to know how the State party planned to enhance the role of civil society organizations and ensure that they had the support they required, particularly with respect to their efforts to improve the situation of migrant workers in the State party and of migrant workers from the State party who were based in other countries. She would also be grateful for information about the financial resources allocated to civil society to enable the dissemination of the Convention.

The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.

22. **Ms. Rodrigues** (Sao Tome and Principe) said that all foreign nationals present in the territory of Sao Tome and Principe must obey national laws and were liable to criminal prosecution if they committed an offence. Legal advice and legal aid were available to anyone who required such services through the Justice Ministry's Information and Legal Advice Office and also through the Bar Association. There was only one detention centre in the country, and all detainees were held in the same conditions irrespective of their nationality.

23. **A representative of Sao Tome and Principe** said that consular assistance was provided to migrants living abroad. Embassies were present in various countries, and whenever citizens encountered difficulties with documents, they could contact the diplomatic representation, which would refer their case to the Directorate for Diaspora Communities of the Ministry of Foreign Affairs for resolution. Honorary consuls in other countries could also assist citizens of Sao Tome and Principe. When no representation existed in another country, the Government invited citizens to contact the Directorate of Diaspora Communities through the intermediary of a relative in Sao Tome and Principe with a view to resolving the issue, whether it was legal or administrative.

24. Since 1961, the Civil Code of Sao Tome had provided that all persons born in the country must be registered, irrespective of their nationality, including the children of migrant workers. The Civil Code did not cover determination of nationality, which was established

through other procedures. Entry procedures for foreign nationals arriving in Sao Tome and Principe were comprehensively established in national legislation and ensuring compliance with all relevant formalities was the responsibility of the Migration and Borders Service. There were no major issues in terms of how foreign nationals were received.

25. **A representative of Sao Tome and Principe** said that the Vulnerable Families Programme was the broadest Government-run social programme. Financed by the World Bank, it had been launched in 2019, initially providing assistance to around 2,500 families in the form of direct cash transfers disbursed through automated teller machines. The initial beneficiaries had been selected through a community-based scheme and in response to applications, but a centralized social register and database had since been developed to support the national social programme and was now the only point of entry. In 2022, when the Government had launched its coronavirus disease (COVID-19) response and recovery programme, the number of families benefiting from the Vulnerable Families Programme had been increased to 4,500.

26. **Ms. Rodrigues** (Sao Tome and Principe), referring to the possibility of foreign nationals travelling to Sao Tome and Principe for sex tourism purposes, said that it was not possible to ascertain from available data whether such situations had ever arisen. It was possible that isolated cases had occurred but had not been officially reported.

27. **The Chair** said that, if the delegation was unable to provide any further responses to questions during the meeting, pursuant to the Committees rules of procedure, it could submit additional replies in writing within 24 hours of the meeting.

28. **Ms. Poussi**, noting that the core mandate of the Economic Community of Central African States (ECCAS), of which the State party was a member, was to promote regional integration and freedom of movement in Central Africa and that ECCAS member States had adopted the Protocol on Freedom of Movement and Rights of Establishment of Nationals of Members States to that end, said that she wondered how the protocol was being implemented in the State party, how it was cooperating with other member States and whether it was encountering any difficulties in implementing the protocol from an administrative standpoint.

29. Noting also that the Committee had received reports of corruption at border posts, she asked whether the delegation might provide additional information on such reports. She would also like to hear about any difficulties encountered by nationals of Sao Tome and Principe in other countries of the region owing to a lack of official travel documents.

30. Since the State party was one of the fewer than 10 States to have ratified the Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment, adopted in 2018, she wondered whether it had been involved in advocacy efforts to encourage other African States to ratify the Protocol, given its importance for migration.

31. Given that the State party had signed a bilateral agreement with Ghana establishing visa exemptions for both diplomatic and ordinary passport holders, she would appreciate information on migration movements between the two countries. What had been the main rationale for the conclusion of the agreement and how was it benefiting workers in the two countries?

32. **Mr. Taghki-Zada** said that he would be interested to know in which countries the State party had embassies and in which it had consulates.

33. **Ms. Poussi** said that the Committee recognized the challenges that the State party faced and commended it for the spirit of cooperation and openness with which it was addressing its obligations under the Convention. However, without statistical data, it was impossible for the Committee to assess the extent to which it was fulfilling those obligations. She urged the State party to ensure that its next report to the Committee contained sufficient statistical data to enable it to properly assess the State party's efforts to uphold the rights of migrants workers. She also urged the State party to device and implement policies and strategies that served to strengthen those rights, and to step up efforts to increase the visibility of the Convention at both the national and regional levels, and especially in countries of destination for migrants from Sao Tome and Principe.

34. **Mr. Zounmatoun** said that he had noted, in reading the State party's initial report, that, while the State party was certainly taking action to implement the Convention, its actions had not been sufficiently coordinated and consolidated and had not been translated into communicable information that might enable the Committee to assess their efficiency. However, the State party's transparency and readiness to recognize areas of weakness was commendable. Accordingly, since the Committee's mandate included providing assistance and support, he invited the State party to indicate, when submitting its written replies to outstanding questions, any areas in which it was experiencing problems or difficulties and any in which assistance was required.

35. **Mr. Charef**, echoing Mr. Zounmatoun's comments, said that he too commended the State party's willingness to cooperate and looked forward to receiving more substantive information in its next periodic report.

36. **Ms. Rodrigues** (Sao Tome and Principe) said that the constructive dialogue had been a process of discovery and that her delegation had learned a great deal from the exercise. The Committee's observations were well noted, particularly those regarding the lack of statistical data and the need to raise awareness of the Convention. Her delegation undertook to ensure that the issues and concerns raised were addressed and that appropriate changes were made.

The meeting rose at 12.05 p.m.