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**STATUS OF HUMAN RIGHTS IN THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE
FOR THE 51ST SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Sao Tome and Principe (Sao Tome and Principe) for the 51st session of the Universal Periodic Review (UPR).

Background

2. Sao Tome and Principe is an island country located off the coast of sub-Saharan Africa and has a population of approximately 233,100 people.¹ The population is predominantly Christian, with 55.7% identifying as Roman Catholic, 4.1% as Adventist, 3.4% as Assembly of God, 2.9% as New Apostolic, 2.3% as Mana, 21.2% as nonreligious, and 10.4% as other.²

3. Sao Tome and Principe's last review was held on January 27, 2021.³ As a result of the review, Sao Tome and Principe received 161 recommendations, 148 of which it accepted.⁴ Even though no recommendations were made regarding abortion, we are concerned about Sao Tome and Principe's high rates of abortion.⁵ No recommendations were made regarding religious freedom.

Legal Framework

4. Under Article 22 of the Constitution of Sao Tome and Principe, “[h]uman life is inviolable.”⁶

5. Under Article 139 of the Penal Code of Sao Tome and Principe:

An abortion performed by a physician, or under their direction, in an officially recognized health facility and with the consent of the pregnant woman, is not punishable when she decides of her own free will to have an abortion and it is performed in the first twelve weeks of pregnancy, nor are those who assist in its execution.⁷

¹ William Gervase Clarence-Smith et al., *Sao Tome and Principe*, BRITANNICA, <https://www.britannica.com/place/Sao-Tome-and-Principe> (last updated July 4, 2025).

² *Id.*

³ *Universal Periodic Review – Sao Tome and Principe*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/st-index>.

⁴ *Infographic – Sao Tome and Principe*, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/ST/SAO-TOME-AND-PRINCIPE-Infographics.pdf>.

⁵ Laiba Immad, *25 Countries With Highest Abortion Rates*, YAHOO! FINANCE (Mar. 12, 2024), <https://finance.yahoo.com/news/25-countries-highest-abortion-rates-154002996.html>.

⁶ CONSTITUTION OF SAO TOME AND PRINCIPE art. 22, https://www.constituteproject.org/constitution/Sao_Tome_and_Principe_2003.

⁷ Penal Code of Sao Tome and Principe art. 139, <https://abortion-policies.srhr.org/documents/countries/01-Sao-Tome-and-Principe-Penal-Code-2012.pdf> (unofficial internal translation).

6. Additionally, abortion is permitted up to sixteen weeks in cases where “[t]here are sound grounds to anticipate that the unborn child will suffer from an incurable serious illness or malformation.”⁸

7. Sao Tome and Principe is a party to the International Covenant on Civil and Political Rights (ICCPR).⁹ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁰ Further, Sao Tome and Principe is responsible for upholding pro-life principles enshrined in other international instruments such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

Abortion

8. Since 2000, countries across sub-Saharan Africa have legalized and expanded access to abortion.¹¹ The increase in the legalization of abortion in the region has negatively impacted the health and lives of women. In sub-Saharan Africa, abortion is a leading cause of maternal deaths.¹² Further, sub-Saharan Africa has the highest rate of abortion-related mortality in the world.¹³ Sadly, Sao Tome and Principe has contributed to harming the lives of women, and preborn babies. Since legalizing abortion in 2012, Sao Tome and Principe now has one of the highest abortion rates in the world, ranking 23rd globally.¹⁴

9. Contributing to Sao Tome and Principe’s high rates of abortion is a lack of proper family planning, which leads to an increase in abortions.¹⁵ However, abortion should never be used as a method of family planning. This very point is noted in the 1994 Cairo Conference on Population and Development. Sao Tome and Principe has an obligation under the 1994 Cairo Conference on Population and Development to “reduce the recourse to abortion”¹⁶ and to “take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning.”¹⁷ The conference rightly noted that abortion is not family planning. Family planning entails planning the timing and number of children one wants. Once conceived, ending the life of a preborn baby is not family planning, it is murder. Numerous international instruments have also recognized the inherent dignity of human life. For example, the UDHR states that “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world,” and provides that “[e]veryone has the right to life”¹⁸ Again, Article 6 of the ICCPR

⁸ *Id.*

⁹ *Ratification Status for Sao Tome and Principe*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=151&Lang=en (last visited July 11, 2025).

¹⁰ International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹¹ Akinrinola Bankole et al., *From Unsafe to Safe Abortion in Sub-Saharan Africa: Slow but Steady Progress*, GUTTMACHER INSTITUTE (Dec. 2020), <https://www.guttmacher.org/report/from-unsafe-to-safe-abortion-in-sub-Saharan-africa>.

¹² *Id.*

¹³ Setegn Muche Fenta et al., *Pooled Prevalence of Induced Abortion and Associated Factors Among Reproductive Age Women in Sub-Saharan Africa: a Bayesian Multilevel Approach*, 83 ARCHIVES OF PUBLIC HEALTH (June 18, 2025), <https://archpublichealth.biomedcentral.com/articles/10.1186/s13690-025-01656-7>.

¹⁴ Immad, *supra* note 5.

¹⁵ *UNFPA Sao Tome and Principe*, UNFPA, <https://www.unfpa.org/data/ST> (last visited July 15, 2025).

¹⁶ Rep. of the Int’l Conf. on Population & Dev., ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev. 1 (Sept. 5-13, 1994).

¹⁷ *Id.*

¹⁸ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmbl., art. 3 (Dec. 10, 1948) (emphasis added).

likewise states that “[e]very human being has the inherent right to life. This right shall be protected by law.”¹⁹ Similarly, the preamble to the United Nations Charter states that “the peoples of the United Nations determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person”²⁰

10. In addition to allowing abortion on demand up until twelve weeks, it is also concerning that Sao Tome and Principe permits abortion up until sixteen weeks when there “are sound grounds to anticipate that the unborn child will suffer from an incurable serious illness or malformation.”²¹ Under this law, it is legal to kill a preborn baby up until sixteen weeks if prenatal tests show that the baby might have an illness or malformation. This law is inherently discriminatory against disabled individuals, because it essentially says that it is better to be killed than live with a disability, despite individuals with disabilities being able to live long and fulfilling lives. For example, individuals with Down syndrome are fully capable of living long and otherwise healthy lives.²² They do not deserve to be killed in the womb. Further, detecting illnesses relies on prenatal tests that can be faulty. Studies have found that a prenatal screening for Prader-Willi syndrome, a genetic multisystem disorder, returned an incorrect positive result 90% of the time.²³ This means that preborn babies could be killed due to incorrect prenatal screening.

11. Abortion not only results in the killing of a preborn baby, but it can also result in the mother being physically and mentally traumatized. A study conducted in two other sub-Saharan African countries, Nigeria and the Central African Republic, shows the physical harm that abortion can cause women. The study found that 19.8% of the women studied in Nigeria and 6.2% of the women studied in the Central African Republic were classified as having “severe maternal outcomes” as defined as near-miss cases and deaths.²⁴ Further, 47.1% of the women studied in Nigeria and 44.5% of the women studied in the Central African Republic faced potentially life-threatening complications.²⁵ Additionally, the most common abortion-related complications were bleeding and hemorrhaging.²⁶

12. Abortion has also resulted in mothers becoming psychologically traumatized. Studies have shown that when compared to women who have carried babies to term, those who have had an abortion were at an 81% increased risk of having mental health problems.²⁷ Additionally, they were at increased risk of drug use, suicidal behavior, and were 35% more likely to commit suicide.²⁸

¹⁹ ICCPR art. 6, *supra* note 10.

²⁰ U.N. Charter preamble.

²¹ Penal Code of Sao Tome and Principe, *supra* note 7 at art. 139.

²² *Living with Down Syndrome*, CDC (Nov. 22, 2024), <https://www.cdc.gov/birth-defects/living-with-down-syndrome/index.html>.

²³ Sarah Kliff and Aatish Bhatia, *When They Warn of Rare Disorders, These Prenatal Tests Are Usually Wrong*, THE NEW YORK TIMES (Jan. 1, 2022), <https://www.nytimes.com/2022/01/01/upshot/pregnancy-birth-genetic-testing.html>.

²⁴ Estelle Pasquier et. al, *High Severity of Abortion Complications in Fragile and Conflict-Affected Settings: A Cross-Sectional Study in Two Referral Hospitals in Sub-Saharan Africa (AMoCo Study)*, 23 BMC PREGNANCY & CHILDBIRTH 1 (Mar. 4, 2023), <https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-023-05427-6>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Abortion Harms Women*, NEBRASKA FAMILY ALLIANCE, <https://nebraskafamilyalliance.org/policy/life/abortion-harms-women/> (last visited July 15, 2025).

²⁸ *Id.*

13. Many U.N. Member States have recognized the importance of protecting the lives of preborn babies and mothers. This is why a majority of U.N. Member States have legislation that either prohibits abortion altogether or only permits in cases to save the life and health of the mother.²⁹ As demonstrated above, every time an abortion is carried out, two lives are impacted. The first life is the preborn baby who has been killed in the womb. The second life that is impacted is that of the mother who has been left physically and psychologically traumatized by abortion.

Recommendations

14. We urge Sao Tome and Principe to reform its laws to protect the lives of preborn babies and mothers. To do this, Sao Tome and Principe must prohibit abortion, except in the rare case to save the life of the mother. Because of the reasons discussed above, Sao Tome and Principe must take action to protect life, just as it had done before 2012.

²⁹ *The World's Abortion Laws*, CTR. FOR REPROD. RTS. (June 9, 2023), https://reproductiverights.org/wp-content/uploads/2023/12/WALM_2023-v3-Updated_12-20-23.pdf.