

Delegation from

Represented by

São Tomé and Príncipe

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Position Paper for the Social, Humanitarian and Cultural Committee

São Tomé and Príncipe recognizes the importance of respecting human rights of prisoners and thinks traditional harmful practices affecting women have to be stopped in order to ensure human rights. A solution to these issues need to be found.

I. The Human Rights of Prisoners

Introduction

The violation of prisoners' rights is a remarkable issue that afflicts nowadays almost every Country around the world. Prisoners' rights are often ignored or minimized because prisoners are considered undeserving of human rights and protection although the Universal Declaration of Human Rights (UNDHR) states that all human beings "are equal in dignity and rights".

It is important to solve these issues by improving prisoners' living conditions worldwide and guaranteeing their rights. The main concerns are torture and other ill treatments, like inadequate health conditions and poor living conditions due to the lack of funding and attention; therefore, all these actions violate human rights, which are one of the key focuses of SOCHUM. Prisoners with mental illnesses, foreign prisoners, women, children and homosexuals are weak subjects of the prison system suffering from the lack of measures adopted by governments and poor international protection.

In the past years national governments, international organizations and the United Nations

(UN) have all recognized the importance of prisoners' rights and agreed upon guidelines, such as the Standard Minimum Rules for Treatment of Prisoners (SMRs), which can be considered as the first international recognition of all prisoners' rights.

São Tomé and Príncipe's policy

After the independence from the Portuguese colonization São Tomé and Príncipe has become a Democratic Republic. The constitution and law of São Tomé prohibit torture and other cruel, inhuman or degrading treatments or punishments (on 6th September 2000 São Tomé and Príncipe signed the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment – CAT). Despite the government generally respects the human rights of its citizens, there are still problems in some areas. Poverty and unemployment worsen prison conditions, which are harsh, but not life threatening. There is one overcrowded prison, where inmates suffer from inadequate food, medical assistance and spaces, but we are working to solve these problems. The Ministry of Justice, Government Reform and Public Administration investigate and monitor prison conditions and the government permits human rights monitors to visit the prison, but no monitors, neither domestic nor international, made requests for such visits during the past years.

Description of the issue

In the past years, the United Nations has indeed made efforts to improve the treatment of prisoners: the First UN Congress on the Prevention of Crime and Treatment of Offenders adopted the Standard Minimum Rules for the Treatment of Prisoners (SMRs) in Geneva on 30th August 1955. SMRs are a series of guidelines for the treatment of prisoners and they address various issues including visitations, transportation, and living conditions. SMRs are split into two parts: rules of general application and rules applicable to special categories. Those are all areas where many prisons are currently lacking funding and attention. The

General Assembly suggested in 2011, through its resolution 65/230 “Twelfth United Nations Congress on Crime Prevention and Criminal Justice,” the creation of an “open-ended intergovernmental expert group” by the Commission on Crime Prevention and Criminal Justice. The aim of this group is to make recommendations to the Commission on how to proceed with the treatment of prisoners and to propose improvements for SMRs, so that “they reflect recent advances in correctional science and best practices”. They exchange information on best practices, best national legislations, and current international laws relating to prisoners’ rights to do this. The group has already met three times. However, there are still many areas that are not sufficiently covered or addressed in SMRs; recently the UN, Non-Governmental Organizations (NGOs) and international organizations have worked to address the holes in the SMRs. For instance, in order to help foreign prisoners the UN Model Agreement on the Transfer of Foreign Prisoners and Recommendation on the Treatment of Foreign Prisoners was adopted in 1985 and the Committee against Torture visits places of detention to prevent torture according to the “Torture Convention” (CAT-1984). To improve women’s conditions in prisons the Commission of the Status of Women has agreed upon the Bangkok Rules (United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders).

One of the main problems is that SMRs are not legally binding, so they are accepted as guidelines for the treatment of prisoners by many states, but several countries do not follow them.

Solutions

São Tomé and Príncipe proposes alternatives for improving prisons’ conditions, such as promoting alternative measures and sanctions, which in many instances are more proportionate and more likely to reduce re-offending. People who have been convicted for minor, non-violent offences could give a contribute to the society by attending community services. São

Tomé and Príncipe proposes to all Member States promoting international standards such as the Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) and non-custodial sentences for minor and non-violent offences. This can be achieved through cooperation with International Organizations and Non-Governmental Organizations (NGOs), such as Amnesty International and Penal Reform International.

In order to improve the harsh prison conditions, São Tomé and Príncipe proposes the start-up of a community work programme for re-educating prisoners and allowing them to earn money to be allocated to prison. For instance, convicts can grow a vegetable garden inside the prison for selling the goods and/or use them for their own subsistence.

In order to protect prisoners' mental and physical health in each prison a team of local and volunteer medical doctors and social workers could be operative. NGOs like Médecins Sans Frontières, Emergency or the International Committee of the Red Cross (ICRC) could be involved in this operation.

Our country suggests the creation of centres where mothers can grow up their children with the help of trained educators. According to the articles 65 and 66.1 of the SMRs every appropriate action shall be used to establish in convicts the will to lead law-abiding and self-supporting lives after their release. Furthermore, educational activities can include vocational training and academic education, but convicts and police officers should also be educated to the respect and the awareness of Human Rights because education is the best way of prevention of discrimination against weaker social groups. Funding for the programs could be provided through official correctional department budgets or private organizations.

The Expert Group on the SMRs has to keep working on them, in order to update them and to protect everyone's rights.

II. Social-Cultural Influences on Women's Health in the Developing World

Introduction

Nowadays in the developing world, socio-cultural influences still continue to be a problem for women's health. Traditional cultural practices are those that “reflect values and beliefs held by members of a community for periods often spanning generations” according to the Fact Sheet No. 23, Harmful Traditional Practices Affecting the Health of Women and Children, published by the UN Office of the High Commissioner for Human Rights (OHCHR) in 1995. Some of them are still prevalent, while others faded away because of the increased understanding of the consequences over time. The fact sheet includes practices such as Female Genital/Mutilation Cutting (FGM/C), son preference, force-feeding, child marriages and treatment of widows. Harmful traditional practices are prevalent in some countries in Africa and in the Middle East. It is important to note that this kind of instances can usually occur within the different ethnic groups in other countries. Immigrants who move to developed countries bring their traditional customs with them, so it is relevant also for these countries being involved in the resolution of the issue. There is an increasing amount of sensibility on harmful traditional practices affecting women in developing countries; as a result, more UN, government, and NGO activity are specifically addressing this problem.

Policy of São Tomé and Príncipe

The constitution and law of São Tomé and Príncipe provide for the equality of all citizens regardless of sex, race, racial origins, political tendency, creed, or philosophic conviction, and the government enforced these provisions (Art. 15, No.1-2). Our country has a distinctive gender profile, different from that of neighbouring African countries. Gender equality is emphasized in the Constitution and reiterated across the various laws and legislation. São

Tomé and Príncipe is a signatory of all international conventions that promote gender equality and combat discrimination, as it signed in 1995 and ratified in 2003 the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and it signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) in 2010. The Maputo Protocol was adopted by the African Union and it guarantees comprehensive rights to women including the right to take part in the political process, to social and political equality with men, to control their reproductive health, and to end female genital mutilation, which is reportedly not practiced in our country.

Description of the issue

Social and cultural influences can affect different aspects of women's health. Female Genital Mutilation/Cutting (FGM/C) is a common practice in many traditions, especially in developing countries in Africa and in the Middle East. The World Health Organization (WHO) defines it as "all the procedures involving the partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons." It is performed on female children to control their sexuality and there are life-threatening side effects to these procedures. In order to stop the procedure of FGM/C the UN General Assembly (GA) agreed to a resolution calling from all Members to ban this practice in December 2012. It was adopted by the GA without vote, but has resulted in little progress. Another harmful practice is the preference of sons throughout many cultures; it means female children are disadvantaged from birth, so abortion and female infanticide are consequences of this practice. Two other threats to girls' health are child marriages, "a formal marriage or informal union before age eighteen" (formal UN definition), and "fat-camps", where girls are sent by their families to be fattened by professional force-feeders, in order to reach the ideal a fat and large woman. There are also many harmful practices widows are subjected to in certain developing states; and throughout history, the international community occasionally overlooks them, but recently, they have

started receiving more attention.

As mentioned before, the UN Office of the High Commissioner for Human Rights (OHCHR) published Fact Sheet No.23, Harmful Traditional Practices Affecting the Health of Women and Children in 1995. It is significant because it was one of the first times that there was the official UN recognition of how traditional practices are detrimental to the health of women and children in many cultures.

There is greater international attention on specific practices and there has also been an increasing number of UN-related groups and Non-Governmental Organizations (NGOs). Such as the Inter-African Committee on Traditional Practices (IAC), an African regional NGO for the removal of harmful traditional practices. It has contributed to many regional human rights' treaties, statements, and declarations on women, including the Protocol to the African Charter on Human and People's Rights, on the Rights of Women in 2003. Tostan is another NGO that has positively affected countries in which harmful practices occur. Its goal is “to empower communities to make their own decisions about everything, including the things they have always taken for granted.” According to the UN Fund for Population Activity (UNFPA), this organization is the most successful in eliminating FGM/C in Africa, and it has achieved its aim simply through education.

Solutions

São Tomé and Príncipe believes that existing health problem facing women have to be addressed. Our government deems that all these issues could be avoided by an increase in education and knowledge of human rights and responsibilities, which are the foundations for learning. We would like to influence people's action and to create positive attitudinal change in communities through the implementation of projects by supporting NGOs such as Tostan, IAC, and Associated Country Women of the World.

One of the most important steps towards the improvement of women's health is

acknowledging any social or cultural biases that might negatively impact on the patient care. São Tomé and Príncipe suggests enhancing the health care resources in order to improve the health system and ensure proper medical care to women in difficulty. This could be achieved by implementing programs in cooperation with governments, the World Health Organization (WHO) and NGOs such as the International Committee of the Red Cross (ICRC) and Médecins Sans Frontières.

In order to solve specific issues such as FGM/C and the treatment of widows, we propose to carry on working with NGOs like African Women's Organization (AWO), Women Protection Organization (WOPO) and Women's Initiatives for Self-Actualization (WISA).

São Tomé and Príncipe recognizes the importance of change thinking, redirect funding, and motivate action by people and institutions that can secure rights and health for women and girls. Therefore, in order to spread these issues' awareness, we suggest cooperating with the International Women's Health Coalition (IWHC), which advocates with governments and the United Nations to advance policies that will promote the health and rights of women and young people, particularly adolescent girls. It brings women and young activists into the highest halls of power at the United Nations to make their voices heard. In order to discuss harmful practices affecting women's health, we, as a government, propose to organize a conference for heads of State in São Tomé and Príncipe, also in cooperation with IAC.

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