PRELIMINARY STATEMENT
São Tomé City, 27 September 2022

Peaceful and orderly election day proceedings despite framework limitations

This preliminary statement of the EU Election Observation Mission (EOM) is delivered before the completion of the entire electoral process. The EU EOM will remain in country to observe the remaining stages, including announcement of results and the adjudication of eventual complaints, which the EU EOM remains in the country to observe. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers appropriate.

Summary

- On 25 September, the voters of São Tomé e Príncipe went to the polls peacefully and patiently to elect the 55 members of the legislative body Assembleia Nacional (AN), 68 members of six Assembleias Distritais (ADs) and the nine-member Assembleia Regional (AR) in the Autonomous Region of Príncipe. This was an important test for the electoral and judicial authorities after the disputes that followed the first round of the 2021 presidential elections. The process observed to date has been carried out largely in line with international and regional principles for democratic elections.

- The legal framework provides sufficient guarantees for democratic elections. However, its practical application was not always grounded on a consistent interpretation. Some examples are the non-implementation of a mandatory voter registry update; the de facto introduction of a majoritarian system for the local elections; and the variable number of polling station staff.

- EU observers followed the 14-day electoral campaign, which was conducted intensively and peacefully and where fundamental rights were respected. Political parties were able to campaign freely. However, the absence of campaign expenditure ceilings, and the difficult enforcement of the ban on foreign funding generated significant disparity among contestants.

- The Comissão Eleitoral Nacional, (CEN) is an ad hoc body weakened by structural limitations. Its temporary and politicised nature dilutes its effectiveness, prevents a timely mobilisation of resources and the development of an institutional memory. The Gabinete Técnico Eleitoral (GTE), a technical support body, is underresourced and not enabled to execute its mandate.

- The timing of CEN appointment by the AN, and the unclear primary responsibility to carry out voter registration prevented the mandatory holding of the voter registry update. This is in breach of national law and international obligations. A significant number of potential first-time voters were consequently disenfranchised.

- The 30 per cent gender quota lacked a systematic application to place women in eligible positions at all elected levels. With the candidate registration period taking place before the promulgation of the new Law on Parity, the ambiguity of the Election Law allowed for a restrictive interpretation of the quota requirement.

- CEN conducted adequate electoral preparations throughout the country, with significant international technical support. EU EOM observers assessed the polling station staff training as effectively delivered. All polling stations material was prepared on time but some delays in delivery were observed.
The state-owned media provided free and equal airtime to all contestants, fairly balanced campaign news coverage, and organised two inclusive election debates. Social media represented an alternative platform to disseminate election-related information and was consistently used to campaign only by the two major parties and the ruling party in Príncipe.

Voting operations were evaluated by EU EOM observers as largely satisfactory, with good level of confidence in the overall transparency and integrity measures applied in the observed polling stations. The counting was orderly and transparent, and evaluated positively in all the polling stations observed, with results protocols posted outside in almost all cases.

CEN preliminary results were announced on the evening of 26 September, without polling stations or district breakdown. The results processing activities took place in a transparent manner, with the presence of political parties and observers. District tabulations have started with delays and EU EOM observers will continue to observe the process.

Preliminary findings

1. Background

On 25 September, the electorate of São Tomé e Príncipe went to the polls to elect the 55 members of the legislative body Assembleia Nacional (AN), 68 members of six Assembleias Distritais (ADs) and the nine-member Assembleia Regional (AR) in the Autonomous Region of Príncipe. Since the introduction of the multi-party system, São Tomé e Príncipe has regularly held competitive presidential and legislative elections that frequently resulted in political alternations. However, the 2021 challenges after the first round of the presidential election revealed institutional fragility and prompted allegations of politisation of the Tribunal Constitucional. The two principal parties that have taken turns in governing the country at the national and local level, the Movimento de Libertação de São Tomé e Príncipe – Partido Social Democrata (MLSTP-PSD), currently under the leadership of the outgoing Prime Minister (PM) Jorge Bom Jesus, and the Acção Democrática Independente (ADI), led by its long-time leader Patrice Trovoada, both expected a significant win. Two emerging political forces aspired to take some of the seats traditionally occupied by the two largest parties: Basta! congregated around the outgoing AN Speaker, and member of the ruling coalition; and the coalition Movimento de Cidadãos Independentes/Partido Socialista e Partido da Unidade Nacional (MCI/PS-PUN) centred around three popular former MLSTP-PSD parliamentarians. A total of 13 political entities participated in the elections.

In the Autonomous Region of Príncipe, the legislative elections were overshadowed by the battle for regional institutions’ control. The citizens’ movement União para Mudança e Progresso do Príncipe (UMPP), in control of the AR for the last 16 years, was challenged by another citizens’ movement Movimento Verde para o Desenvolvimento do Príncipe (MVDP) created by a group of former prominent UMPP members before the 2018 elections. For the first time, none of the national level parties ran in the regional election: instead, they provided support to the two regional forces in exchange for their backing in the AN election. Regional stakeholders often evoked the concept of a “double insularity” of Príncipe, i.e. their dependency on the main island, pointing to the political and fiscal abandonment by a central government that in turn suffers from isolation.

1 The current AR is composed of five UMPP and two MVDP members. MVDP refused to take up their seats leaving UMPP to govern unopposed for the past four years.
2. Campaign Environment

Peaceful and lively campaign with insufficient funding regulations was dominated by the two major parties

The Law guarantees equal treatment for all candidates. However, the campaign finance and party funding provisions do not provide for sufficient transparency and accountability, nor for a periodic and independent oversight of campaign expenditure as required by international principles for democratic elections.\(^2\) The lack of contribution ceilings for campaign expenditure and the difficult tracking of foreign contributions allow for individual campaign donations to potentially pass undocumented.

Public funding of parties is foreseen in the Law, but not implemented. Private funding to parties is limited to donations from nationals of São Tomé e Príncipe. Many party officials admitted receiving funding from abroad, impacting transparency and tilting the playing field. EU EOM observers noted a wide disparity in the financial resources available to different contenders.

The campaign lasted from 10 through 23 September and was conducted in a peaceful and cheerful manner throughout the country. All parties were able to campaign freely, and fundamental freedoms were respected. There were no reported or observed instances of election-related violence. The illegal practice of handing out small amounts of money, gifts or drinks (collectively referred to as *banho* – a bath) was expected by the electorate and was often reported to the EU EOM in all districts. However, its impact on voters’ choices is regarded by most stakeholders as diminishing. The EU EOM observed numerous instances of use of state resources for campaign purposes.\(^3\)

The lively campaigning relied on small- to mid-scale rallies, motorcades and truck parades, beach parties, and especially door-to-door canvassing. The only large events were held by ADI upon Trovoada’s return from his four-year voluntary exile, and MLSTP-PSD in the capital and ADI/UMPP on Príncipe for the closing night. There were no clear-cut campaign strategies and the dominating themes centred around the country’s basic development issues. The ruling MLSTP-PSD candidates promoted the government’s achievements emphasising the need to continue with the ongoing social and infrastructural projects; the opposition parties focused on the need to combat poverty, enduring water and power shortages and put an end to the increase of living costs. Overall, all candidates formulated their messages in a positive and forward-looking manner, and no instances of hate speech were observed. Only the two major parties used social media (Facebook) regularly, posting candidates interviews, pictures and video clips from their activities. The EOM observed a total of 52 campaign events and noted that women accounted for 43 per cent of participants and 21 per cent of speakers. Women empowerment themes were raised in seven activities. The EOM observed numerous instances of use of state resources for campaign purposes.\(^3\)

On Príncipe, the ruling party UMPP dominated the campaign, followed by the MVDP. EU EOM observers noted a heavy use of regional government vehicles by the UMPP which, having access to state fuel provisions, was the only force that could organise their motorcades and transport people throughout the period. In the last week of the campaign, the two main national parties, ADI and MLSTP rallied behind

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\(^2\) ICCPR, General Comment 25, Paragraph 19: “Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.” UN Convention Against Corruption, Article 7.3: “Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties.”

\(^3\) The use of state vehicles for campaigning was witnessed in Agua Grande, Mé-Zóchi, Lobata and Príncipe. The EU EOM was also informed that civil servants were paid their October salaries already a few days before election day.
UMPP and MVDP respectively, in exchange for potential support for the AN elections. The campaign themes were more centred on sustainable and green development and Príncipe-specific issues of insularity (higher costs of living, limited access to education and health care, and a lack of affordable connection to the main island).

3. Legal Framework

An inclusive framework often not rigorously applied

The legal framework provides for sufficient guarantees for the conduct of democratic elections, incorporating international and regional obligations and principles subscribed by São Tomé e Príncipe. All fundamental rights are protected in the Constitution. However, an Ombudsperson office for the effective protection of fundamental rights is not envisaged in the Law as recommended by the most recent United Nations Universal Periodic Review.

The electoral system for the AN is proportional, with closed multi-member proportional lists. For the ADs the councillors are elected through majoritarian single-member districts. For the Assembleia Regional in the Autonomous Region of Príncipe the system is proportional with closed multi-member party-lists.

The reform of six electoral laws enacted in 2021, despite being adopted without broad consensus, enhanced inclusiveness and cleared some ambiguities. For example, the diaspora could vote for the first time in the legislative elections, and a new procedure for reviewing blank and invalid ballots at district tabulation level was introduced.

There were several instances where the practical application of the Law diverged from its letter. For example, the case of the three-year mandates for regional and district assemblies that over time have been de facto extended to four\(^4\); the decision to skip the mandatory voter registry update in an election year; and the reintroduction of de facto single-member districts replacing the plurinominal proportional lists for the AD elections.\(^5\)

4. Election Administration

A temporary body weakened by structural limitations

The electoral management body is the Comissão Eleitoral Nacional (CEN), mandated to organise elections and referenda with the support of a technical body, the Gabinete Técnico Eleitoral (GTE). An independent ad hoc institution, the CEN was appointed by the AN only 90 days prior to election day and it is meant to remain active until one month after the announcement of final results. The amended Election Law introduced the possibility for the AN to establish the CEN 180 days prior to election day to conduct the update of the voter register, a provision that was not implemented for the 2022 elections. The GTE, a permanent structure working under the AN’s direct control, is tasked by the Law to support the CEN when the latter is functioning; however, it is understaffed and practically prevented from implementing its full mandate.

The CEN is currently composed of eight members with overwhelming representation for the outgoing ruling coalition, a circumstance that further impacted its credibility: the chair is a judge, three

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\(^4\) The explanation offered for such practice varied according to interlocutors. Most likely it was due to a concomitant set of reasons. Among the most common ones, the need to organise AD and AN elections jointly and lack of funding.

\(^5\) The CEN explained that the presence of deputies in the lists for the district elections is sufficient to meet the “plurinominal” requirement as set out in Article 80 of the Framework and Electoral Law on Local Municipalities, whilst at the same time promoting a more direct connection between the elected councillors and their territory. Further, the inclusion of deputies in the lists prevents the need to call for by-elections in case of deaths or withdrawals from winning candidates.
commissioners are appointed in representation of the political parties and coalitions from the outgoing AN, and three commissioners appointed in representation of Foreign Affairs, Media, and Territorial Administration Ministries. The CEN Secretary is normally appointed from the senior ranks of the Ministry of Finance. Despite the individual electoral experience of its members, the CEN suffers from weak institutional authority stemming from its temporary and politicised nature. Its structural dependency from the AN and the dispersion of responsibilities with the nomination of political parties’ representatives throughout its structures down to polling stations, diluted its capacity to fully manage the electoral process in an independent and transparent manner. The international technical assistance played a crucial supporting role, but it could be mobilised only very late in the process, following the start of the CEN’s activities.

CEN’s decisions are rarely made public, and they are usually not posted on CEN institutional channels, which constitutes a lack of transparency. Its sessions are in-camera and deliberations are normally communicated to parties and local electoral commissions only. For example, the decision to enlarge polling station staff to include political parties not represented among the five first original members of each polling station was not made public. Throughout the process, the CEN demonstrated sufficient capacity to coordinate with different stakeholders involved in the electoral process, such as security forces, magistrates, media, and political parties, with a commitment to maintaining a minimum level of integrity.

The Tribunal Constitutional (TC) oversees candidate registration for the legislative elections, the verification of final results and campaign expenditure. It is also the last instance body for electoral appeals. For the AN results process, the TC will convene eight days after polling in an ad hoc chamber consisting of the President, two judges, three expert mathematicians and a secretary. The TC ad hoc chamber will conduct the national tabulation revision based on the district tallying sheets and will review challenged and invalid ballots. Political entities’ representatives have the right to attend the tabulation process, and to submit complaints and appeals that may have not been lodged at the district or regional tabulations. The presence of observers is not regulated, but also not forbidden. Shortly before election day, the TC decided against the presence of EU observers at this key stage of the process. This decision disregards the provisions of the Administrative Arrangement signed by the country with the EU.

5. Election Preparations

CEN preparations were timely and adequate despite limited resources

The CEN carried out adequate arrangements for polling stations preparations and voting material production. EU EOM observers assessed positively the three-day training seminars on electoral procedures that were held for all local commissions, following a classic cascading programme, with focus on voting, counting and tabulation procedures. Given the limited financial and human resources, the international technical assistance played a critical role in enabling the CEN to achieve these results. Voter education included training events and workshops for civil society organisations, security forces, women and youth associations, journalists and magistrates: the CEN made use of its institutional communication channels to advertise these activities: however, it did not publish voter information material. CEN voter information videos were aired by the state TV ahead of elections, while most of its voter information audio messages were aired by the state radio only on the eve of elections.
6. Voter Registration

Political inertia and limited means excluded first-time voters

The voter registry used for these elections is based on the 2021 voter registry update. It included a total of 123,302 voters, of which 50.8 per cent are women. The registered diaspora voters amounted to 14,693. The CEN estimated that the number of young citizens not registered to vote is around 6,000.

Voter registration is mandatory for citizens above 18 years of age. It is an active process, and citizens are required to register in their area of residence: entries are permanent, with deletions requiring proofs of death or political rights suspension. The current legislative framework is not clear on whether the CEN or the GTE holds the primary responsibility to carry out the voter registry update, leaving room for differing interpretations. The responsibility to trigger and fund the voter registry update by appointing the CEN in a timely manner lies with the AN.

The absence of a voter registry update in 2022 is against the national Law and international and regional obligations on participation and inclusiveness. Despite the legal possibility for an earlier composition of the CEN, the AN decision to appoint it by 25 June, the latest possible date, impacted negatively on CEN´s practical ability to conduct such an update. This disenfranchised youth who acquired voting age since the last voter registry update, while the GTE was never equipped to conduct it on its own.

7. Candidate Registration

Inclusive nomination process, despite cumbersome procedures

The TC screened applications for legislative elections, while the first instance courts reviewed local and regional election applications. The absence of district courts in Caué, Cantagalo, Mê-Zochi and Lobata forced candidates to file their applications at the São Tomé district court. The process was cumbersome and time-consuming as neither an electronic tracking system nor special procedures were in place. Despite the lack of accuracy in the implementation of the law by some of the district courts and loosely applied timelines, candidates and parties managed to register with sufficient time to allow ballot design and production. Two appeals against rejections were submitted to the TC, which ruled in the plaintiffs’ favour and registered the candidates. In the Autonomous Region of Príncipe only the two movements – UMPP and MVDP – registered as citizens’ groups after collecting the required 3 per cent of voters’ signatures.

8. Media

State media provided equal free airtime and organised two inclusive electoral debates

The EU EOM conducted a qualitative and quantitative media monitoring exercise for the two state-owned media Televisão de São Tomé (TVS) and Rádio Nacional de São Tomé e Príncipe (RNSTP), the privately owned Rádio Jubilar, as well as a qualitative monitoring of five online media from 10 through 25 September.

Freedom of expression was respected. In line with the law, state-owned media provided equal free airtime access to all contestants and were fairly balanced in campaign news coverage. In a positive development, TVS organised and aired for the first time one election debate for legislative elections and one for regional elections in Príncipe, inviting all contestants. The debates were simultaneously aired by RNSTP, the primary source of information in the country. Rádio Jubilar covered the elections by inviting contestants for interviews, though major parties did not show interest in participating.

In the pre-campaign period, TVS almost exclusively covered government members in its news broadcasts, interviews and information programmes relaying information on the achievements and inaugurations of
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governmental projects; on the first day of campaign, it granted a one-hour interview to the PM. On election day, the PM breached the silence period by calling to renew the confidence in his government.

The Conselho Superior de Imprensa (CSI), the broadcast media regulatory body, remained largely inactive and received no complaints related to the current electoral coverage.

Despite limited financial and technical resources, online news media such as Rádio Somos Todos Primos (RSTP), played a positive role by organising an election debate for diaspora and live video interviews with contestants. The international media RTP África TV positively contributed to widen the information offer, through interviews with party leaders and election stakeholders.

9. Social Media and Digital Rights

Social media represented an alternative platform for information dissemination, with the two major parties campaigning consistently online.

Internet penetration is limited to 32 per cent of the population, with most citizens using smartphones to access it. Facebook is by far the most popular and only relevant online platform. The Law on Cybercrime protects personal data online, while spreading fake news online falls under defamation crimes. There were no CSOs engaged in monitoring or fact-checking initiatives. Neither the government nor the CEN sought Meta support to enhance transparency on Facebook.

Facebook positively represented an alternative platform to the small-scale media environment for producing and sharing election-related information. Nevertheless, there were instances of Facebook pages with unclear ownership and at times similar visual identity, presenting themselves as media and information pages, clearly supporting one or the other of the main competitors. ADI, MLSTP, as well as UMPP in Príncipe, were the only competitors that consistently used social media to campaign. ADI-related Facebook pages enjoyed the highest number of followers and were by far the most active on campaigning. As the campaign unfolded, other parties started posting videos of campaign events and free airtime footage, though generating limited engagement. While instances of attacks against candidates were observed, the general political discourse remained free of hateful content.

10. Citizens’ Groups and Observation

Lack of provisions for domestic observation deprives the process of an important element

Domestic observation is not envisaged in the Electoral Law, which is at odds with international principles. Civil society groups could therefore not engage properly in the elections, depriving the process of an important component. The introduction of domestic observation is a debated issue in São Tomé e Príncipe.

International observers included representatives of the Commission of the Economic Community of Central African States (ECCAS), the Community of Portuguese Speaking Countries (CPLP), the Nigerian Embassy in São Tomé and the US and UK Embassies in Luanda.

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6 The EU EOM conducted a media monitoring of TVS of the pre-campaign period, from 1 to 9 September 2022.
8 At odds with international standards, libel and defamation are criminalised and foresee prison sentences. Penal Code, Articles 185-196.
11. Political Participation of Women

The implementation of 30 per cent gender quota lacked a systematic approach to place women in eligible positions

The principle of non-discrimination and gender equality is fully recognised in the Constitution. Nonetheless, traditional gender roles remain strongly rooted in the country’s society. The Law required parties to include at least 30 per cent candidates of each gender on their lists, but defined an eligible position as being any position on the list within the number of mandates allocated for any given electoral district. This definition prompted an inconsistent application of the Law. The 2021 legal reform did not require any specific ranking order for women, which would have facilitated their election. For the legislative elections, a total of 15 women headed party lists compared to 73 men. A new parity law, including a 40% quota for all elected and appointed positions, was promulgated on 14 September after the candidate registration period.

12. Political Participation of Persons with Disabilities (PwD)

Advances in PwD political participation call for clear regulations

According to the 2012 Census, the overall number of persons with disabilities (PwD) was 6724, of which 2300 women. São Tomé e Príncipe ratified the UN Convention on the Rights of Persons with Disabilities, however, a specific law on access to public positions for PwDs has stalled in the AN for two legislatures and the overall attention to this group remains very low. For these elections, there was only one declared PwD candidate to the AN, and there was no information available on any PwD candidates for the local elections.

According to the research conducted by the Associação dos Cegos e Ambliopes de São Tomé e Príncipe (ACASTEP), the main obstacles for a higher PwD electoral participation are the absence of adequate ramps to access polling stations, lack of priority queues and special needs procedures. In a positive development, UNDP supported the CEN to train polling stations staff on PwD access facilitation to polling stations, identification and targeted voter education for the PwD community. On election day PwDs were given priority to vote in two thirds of the polling stations observed by the EU EOM.

13. Polling, Counting and Transmission of Results

Peaceful participation and voting rights respected

Election day went smoothly. Most polling stations visited by EU EOM observers opened on time, with five of the observed ones delayed by lack of materials or polling staff’s unpreparedness.

During voting hours, EU EOM observers visited 137 polling stations in all districts, including in the Autonomous Region of Príncipe, accounting for more than 50 per cent of the total number of polling stations. Voting procedures were largely respected and integrity measures applied. EU EOM observers noted that the polling station composition was fairly balanced, with 53 per cent men and 47 per cent women. Most observed polling stations were accessible to voters with reduced mobility, who were given priority in the voting queue, together with pregnant women and mothers with children.

EU EOM observers noted that in many observed locations the staff members’ party affiliation did not entirely correspond to the composition decided by the CEN. In 19 polling stations, most of the staff was unaware of their affiliation, or refused to specify it, lending some credibility to the allegations that PS staff positions had been traded between parties. Party delegates, of which 30 per cent were women, were present in all the observed polling stations. In the Autonomous Region of Príncipe, delegates from the two main regional parties were present in all observed polling stations.
The EU EOM assessed the overall conduct of voting operations as satisfactory in 124 out of 137 observed polling stations, expressing a high level of confidence in the transparency of the process and the voters’ ability to cast their ballots freely. In an isolated episode of obstruction, two polling stations in Água Grande, did not open due to a road blockade prompted by water shortages. The CEN is expected to call a reschedule of the elections for these two polling stations.

Closing and Counting

Closing and counting was observed in 16 polling stations and evaluated positively in all of them. Counting in the observed polling stations started on time and was orderly and transparent. Discrepancies between the number of ballots and the number of voters were observed in six polling stations and promptly resolved. Invalid ballots were not always identified in line with procedures, resulting in one observed formal complaint. Results protocols (editais) were posted outside 15 of the 16 observed polling stations.

Results Tabulation

EU EOM observers were present in all district tabulation centres at the start of the process, and will follow the proceedings during the next days. The process was considerably delayed by the late arrival of the judges presiding over the tabulation centres. Once started, tabulation progressed slowly, but in a transparent and methodical manner everywhere. Party delegates were present at all tabulation centres and procedures were generally followed. EU EOM observers reported one complaint over the validity of a ballot.

The CEN conducted a transparent provisional national results tabulation in its premises based on polling station tally sheets. The processing of the provisional results process took place transparently, albeit slowly, with the presence of political party representatives and international observers. The CEN announced preliminary results in the evening of 26 September without providing district and polling stations breakdown.

The European Union was invited by the Government of São Tomé e Príncipe to observe the 2022 legislative, local and regional elections. The EU EOM is led by Maria Manuel Leitão Marquez, a Member of the European Parliament from Portugal. The mission comprises a core team of eight analysts who have been in São Tome e Príncipe since 25 August, 10 Long Term Observers (LTOs) who have been present since 5 September, and 18 Short-Term Observers that joined the mission to observe polling and counting proceedings. In addition, the mission was joined by Locally Recruited Short Term Observers from the EU Member States diplomatic community accredited to São Tomé and Príncipe. Observers were drawn from 20 EU Member States and Norway. The EU EOM assesses the whole electoral process against international obligations and commitments for democratic elections as well as the laws of São Tomé e Príncipe. On Election day, observers visited 157 polling stations in 117 polling centres to observe opening, voting and counting throughout the country. This preliminary statement is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process: in particular, the tabulation of preliminary and final results, as well as the handling of possible post-election day complaints and appeals. The EU EOM remains in country and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation, endorsed at the United Nations in October 2005.

The English language version of the EU EOM preliminary statement is the only official version

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