

Equatorial Guinea

The Government of Equatorial Guinea sponsored anti-trafficking efforts, including training for law enforcement and government officials. However, significant gaps in legislation remain. Existing laws do not protect all children from hazardous work, commercial sexual exploitation or engagement in illicit activities. Children in Equatorial Guinea continue to engage in the worst forms of child labor, including street work and domestic service.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Equatorial Guinea are engaged in the worst forms of child labor,²⁰⁰¹ including street work and domestic service.²⁰⁰² Children working on the streets sell food, water and clothes, transport water and wash cars.²⁰⁰³ On the streets, children may be exposed to severe weather and criminal elements and may be involved in accidents caused by proximity to automobiles.

Children are also employed in domestic work, some under forced conditions without pay.²⁰⁰⁴ Children in the domestic sector in Equatorial Guinea may be physically and psychologically abused by their employers.²⁰⁰⁵


Some evidence suggests that children are involved in prostitution, specifically girls working in urban centers such as Malabo.²⁰⁰⁶

Children are trafficked from neighboring countries for domestic servitude and street work. Trafficked children vend in local markets and on streets in urban areas.²⁰⁰⁷ There is limited

evidence that children may also be trafficked to Equatorial Guinea for commercial sexual exploitation.²⁰⁰⁸ A limited number of children are trafficked internally, brought from rural areas to urban centers to work in domestic labor and local businesses.²⁰⁰⁹

Laws and Regulations on the Worst Forms of Child Labor

The General Labor Code sets the minimum age for employment at 14. Children younger than age 16 are prohibited from employment in conditions that may endanger their health, security or morals.²⁰¹⁰ Ministerial Order 4/2005 bans all children younger than age 17 from being on the streets after 11 p.m. and from specific forms of child labor. The decree also forbids parents and tutors from exploiting children for labor, such as street vending, car washing or work in bars and restaurants.²⁰¹¹ While the above protections exist, the laws do not cover all children younger than age 18 with regard to hazardous work. Further, the Government has not developed a list of hazardous occupations prohibited for children younger than age 18.²⁰¹²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	12
	Free Public Education	Yes

Forced or compulsory labor is forbidden by the General Labor Ordinances. The law states that the freedom of labor shall be subject to no restrictions other than “normal civic obligations and minor communal services.”²⁰¹³ The specific language of the law has been the subject of comments from the ILO Committee of Experts, since normal obligations and minor services are not distinctly enumerated in the relevant legislation.²⁰¹⁴

Law 1/2004 prohibits trafficking in persons and criminalizes parental child abuse and illegally engaging children in work. The trafficking law defines parental child abuse as “the use of boys or girls by their relatives for street trading or other jobs during school times or at night.” It also sets penalties, including prison and fines, for those who employ children illegally, regardless of whether employers are family members or not.²⁰¹⁵

Equatorial Guinean law does not address the use or procurement of children for prostitution, pornography or illicit activity.²⁰¹⁶

The minimum age for military recruitment in Equatorial Guinea is 18.²⁰¹⁷

The General Education Law of 1995 makes primary education free and compulsory for all citizens and residents. Primary education institutions serve children ages 7 to 12.²⁰¹⁸ Though education is mandatory to age 12, some rural children do not attend school.²⁰¹⁹ Girls are more likely to leave school early due to pregnancy or a need to help in the home.²⁰²⁰ Further, children ages 12 to 14 may be particularly vulnerable to the worst forms of child labor, as they are no longer required to attend school but are not legally able to work.

Institutional Mechanisms for Coordination and Enforcement

The Inter-Agency Commission for Trafficking in Persons is responsible for coordinating actions taken by various government authorities to address human trafficking.²⁰²¹ The commission is chaired by the Minister of Justice and includes representatives from the office of the Attorney General and from the Ministries of Health, Interior, National Security and Women’s Affairs.²⁰²² Although the Government of Equatorial Guinea has established a national commission to combat human trafficking, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

The Ministry of Labor is responsible for enforcing labor laws. The Department of Labor employs inspectors who visit businesses and construction sites to monitor for labor violations, including breaches of minimum age laws.²⁰²³

The Ministry of National Security is responsible for overseeing all law enforcement bodies, including those that enforce criminal laws related to child labor.²⁰²⁴ During the reporting period, Government officials and police conducted frequent patrols of markets and streets to reduce

child street work and truancy.²⁰²⁵ The Ministry of Justice is responsible for the prosecution and punishment of violators of laws related to the worst forms of child labor.²⁰²⁶

Research found no evidence that the Government tracks or publicizes information on inspections, prosecutions and convictions involving child labor.

Government Policies on the Worst Forms of Child Labor

The National Action Plan Against Human Trafficking aims to educate the public, punish offenders and provide benefits and care to victims.²⁰²⁷

In 2007, the Government of Equatorial Guinea launched a long-term development plan, *Horizonte 2020*, to address poverty and direct the country's progress toward reaching the Millennium Development Goals. Among *Horizonte 2020*'s principal goals are the strengthening of economic growth and the promotion of social policy actions and programs.²⁰²⁸ The Government also established a National Plan for Education for All (2002-2015). The policy prioritizes universal basic education, including pre-school and primary school, as well as girl's education.²⁰²⁹ The question of whether *Horizonte 2020* and the National Plan for Education for All have an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate the Worst Forms of Child Labor

In November 2010, the Government and the U.S. Embassy co-sponsored two week-long anti-trafficking training workshops, which specifically addressed issues of child protection. Attendees included law enforcement officers, the Director General of the Department of Labor, and officials from the Ministries of Justice, Social Affairs and Foreign Affairs.²⁰³⁰ There is no information on follow-up to these workshops.

The Government has committed \$100 million toward a 10-year program to improve elementary education. The long-term goals of the program, which is partially funded by private sector partners, include bolstering school attendance and graduation rates.²⁰³¹ Specific projects have included school renovations and reforming and updating curriculum materials.²⁰³² The question of whether the Government's education programs have an impact on child labor does not appear to have been addressed.

Though the Government participated in programs to combat trafficking during the reporting period, research found no evidence that it has social programs that address other worst forms of child labor, including street work, domestic service and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Equatorial Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the minimum age for all hazardous work to 18.
- Develop a list of hazardous occupations and activities prohibited for children younger than age 18.
- Amend the General Labor Ordinance to define the compulsory labor that may fall under “normal civic obligations and minor communal services.”
- Enact legislation to protect children younger than age 18 from all worst forms of child labor, including prostitution, pornography and involvement in illicit activities.
- Enact legislation to raise the age of compulsory education to equal or exceed the minimum age for employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor, including hazardous street work, domestic service and prostitution.
- Track and make publicly available information on inspections, prosecutions and convictions involving child labor.

IN THE AREA OF POLICIES:

- Assess the impact *Horizonte 2020* and the National Plan for Education for All may have on child labor.

IN THE AREA OF PROGRAMS:

- Make information available on follow-up actions taken as a result of the November anti-trafficking training workshops.
- Assess the impact that the Government’s education programs may have on child labor.
- Implement programs that target all relevant worst forms of child labor, particularly street work, domestic service and prostitution.

²⁰⁰¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁰⁰² U.S. Embassy- Malabo, *reporting, January 27, 2011*, 1.1. See also European Union Fund for Development official, Interview with USDOL consultant, May 22, 2007, 1.2. See also U.S. Department of State, “Equatorial Guinea,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154344.htm>.

²⁰⁰³ U.S. Embassy- Malabo, *reporting, January 27, 2011*, 1.1. See also European Union Fund for Development official, Interview, May 22, 2007, 1.1. See also U.S. Department of State, “Country Reports- 2010: Equatorial Guinea,” section 7d.

²⁰⁰⁴ European Union Fund for Development official, Interview, May 22, 2007, 1.2, 1.6. See also U.S. Embassy- Malabo, *reporting, January 27, 2011*, 1.1. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Equatorial Guinea (ratification: 2001) Submitted: 2010*, February 28, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25288&chapter=9&query=Guinea%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Malabo, *reporting, February 14, 2011*.

²⁰⁰⁵ European Union Fund for Development official, Interview, May 22, 2007, 1.7.

- ²⁰⁰⁶ Ibid., 1.7. See also ILO Committee of Experts, *Individual Direct Request C182: Equatorial Guinea (2010)*.
- ²⁰⁰⁷ U.S. Department of State, “Equatorial Guinea,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also U.S. Embassy- Malabo, *reporting, February 14, 2011*. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Equatorial Guinea- 6th Session*, [online] December 9, 2009 [cited February 28, 2011]; available from <http://www.crin.org/resources/infodetail.asp?ID=21860>.
- ²⁰⁰⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Equatorial Guinea.”
- ²⁰⁰⁹ U.S. Embassy- Malabo, *reporting, February 22, 2010*.
- ²⁰¹⁰ Government of Equatorial Guinea, *Ordenamiento General del Trabajo, 2/1990*, (January 4, 1990), articles 11(1), 11(4).
- ²⁰¹¹ Government of Equatorial Guinea, *Regulación Sobre la Circulación de Menores de Edad Durante Determinadas Horas Nocturnas, así como su Explotación para Actividades con Fines Lucrativos*, Orden Ministerial 4/2005, (June 20, 2005), article 1.
- ²⁰¹² ILO Committee of Experts, *Individual Direct Request C182: Equatorial Guinea (2010)*.
- ²⁰¹³ Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, article 1(3).
- ²⁰¹⁴ ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Equatorial Guinea (ratification: 2001) Submitted: 2010*, February 28, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23906&chapter=9&query=Equatorial+Guinea%40ref&highlight=&querytype=bool&context=0>.
- ²⁰¹⁵ Government of Equatorial Guinea, *Sobre el Tráfico Ilícito de Migrantes y la Trata de Personas, 1/2004*, (September 14, 2004), articles 4, 5. See also U.S. Embassy- Malabo, *reporting, February 22, 2010*.
- ²⁰¹⁶ ILO Committee of Experts, *Individual Direct Request C182: Equatorial Guinea (2010)*.
- ²⁰¹⁷ Coalition to Stop the Use of Child Soldiers, “Equatorial Guinea,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
- ²⁰¹⁸ Government of Equatorial Guinea, *Ley Sobre Educación General en Guinea Ecuatorial, 14/1995*, (January 9, 1995; Amended 2006), articles 3, 71.
- ²⁰¹⁹ U.S. Embassy- Malabo, *reporting, January 27, 2011, 2.2*.
- ²⁰²⁰ U.S. Department of State, “Country Reports- 2010: Equatorial Guinea,” section 6.
- ²⁰²¹ ILO Committee of Experts, *Individual Direct Request C182: Equatorial Guinea (2010)*.
- ²⁰²² U.S. Department of State, “Trafficking in Persons Report- 2010: Equatorial Guinea.” See also U.S. Embassy- Malabo, *reporting, February 14, 2011*.
- ²⁰²³ U.S. Embassy- Malabo, *reporting, January 27, 2011, 4.1, 4.3*.
- ²⁰²⁴ Ibid., 4.1.
- ²⁰²⁵ Ibid., 2.3. See also U.S. Department of State, “Country Reports- 2010: Equatorial Guinea,” section 7d. See also U.S. Embassy- Malabo, *reporting, February 14, 2011*.
- ²⁰²⁶ U.S. Embassy- Malabo, *reporting, January 27, 2011, 4.1*.
- ²⁰²⁷ U.S. Embassy- Malabo, *reporting, February 14, 2011*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Equatorial Guinea.”
- ²⁰²⁸ Equatorial Guinea News, “Equatorial Guinea’s 2020 Development Plan guiding Country Toward Emerging Economy,” Equatorial Guinea News, [online], September 22, 2010 [cited March 2, 2011]; available from <http://equatorialguineainfo.blogspot.com/2010/09/equatorial-guineas-2020-development.html>. See also U.S. Embassy- Malabo, *reporting, January 27, 2011, 6.5*.
- ²⁰²⁹ Integrated Regional Information Networks, “Equatorial Guinea: Basic Education Plan Ratified,” IRINnews.org, [online], September 26, 2002 [cited March 2, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=34795>. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review*.
- ²⁰³⁰ U.S. Embassy- Malabo, *reporting, January 27, 2011*. See also U.S. Embassy- Malabo, *reporting, February 14, 2011*.
- ²⁰³¹ U.S. Embassy- Malabo, *reporting, January 27, 2011*.
- ²⁰³² U.S. Department of State, “Country Reports- 2010: Equatorial Guinea,” section 6.