

Equatorial Guinea

The Government of Equatorial Guinea enacted new legislation to combat the worst forms of child labor. However, significant gaps in its monitoring and enforcement capacity remain. Worst forms of child labor still persist in domestic service and in the informal sectors of the urban economy.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Equatorial Guinea are exploited in the worst forms of child labor,¹⁶⁹² many of them in forced domestic service.¹⁶⁹³ Child domestic labor may involve long hours of work and expose children to physical and sexual exploitation by their employers. Children are also employed in street vending and vending in the local markets,¹⁶⁹⁴ where they may be exposed to a variety of hazards, including severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Equatorial Guinea is a destination for children trafficked for the purpose of forced labor and perhaps for sexual exploitation from Nigeria, Benin, Cameroon, and Benin. These children are often exploited in domestic servitude, market labor, and street vending.¹⁶⁹⁵ There is evidence that children are also brought from rural areas of the country and used for domestic labor.¹⁶⁹⁶ It is unclear how much trafficking persists, but increased border security has made the trafficking of persons more difficult and government officials believe that instances of child sexual exploitation have become nearly non-existent.

Laws and Regulations on the Worst Forms of Child Labor

The General Labor Code sets the minimum age for employment at 14.¹⁶⁹⁷ Children below the age of 16 are prohibited from employment in conditions that may result in a danger to their health, security, or morality. Ministerial Order 4/2005 bans all children under age 17 from being on the streets after 11 p.m. and from specific forms of child labor.¹⁶⁹⁸ The decree forbids parents or tutors from exploiting children for labor, such as street vending, car washing, or working in bars or restaurants.

Forced or compulsory child labor is forbidden by the General Labor Ordinances.¹⁶⁹⁹ The specific language of the law, however, has been the object of comments from the ILO Committee on Experts.¹⁷⁰⁰ The law states that the freedom of labor shall be subject to no restrictions other than “normal civic obligations and minor communal services.” These normal obligations and minor services are not distinctly enumerated in the relevant or available legislation.

Law 1/2004 prohibits trafficking in persons and punishes parental child abuse and child labor.¹⁷⁰¹ Article 4 of the law states that parental child abuse is “the use of boys or girls by their relatives for street trading or other jobs during school times or at night”; this is punishable with a 1-month to 1-year prison

sentence and fines ranging from approximately \$100 to \$1,000. Article 5 states that employing children, whether self-employed or as direct employees, is a crime punishable with a 1-year prison sentence and a fine not exceeding approximately \$500.

In 2009 the Government of Equatorial Guinea passed legislation that strengthened the procedures in the Ministry of Justice to combat child labor.¹⁷⁰² This law, The Judiciary Act No. 5/2009, strengthens both the composition and powers of juvenile courts.¹⁷⁰³ It also aims to improve coordination between organizations to identify areas of exploitation, take measures to eliminate such problems and prosecute violators.

	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	13
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

There is no single institution in Equatorial Guinea that has the responsibility for monitoring the worst forms of child labor or coordinating efforts to combat it.

The Ministry of Labor monitors legislation and the implications of children in the workforce and the Ministry of Works and Social Security monitors the streets, marketplaces, and businesses for occurrences of child labor. Within the Ministry of National Security, police, gendarmes, and border guards enforce

child labor laws. Despite the efforts of government officials and police, who patrol the streets and markets, children are still employed in market vending in the cities of Bata and Malabo. The Ministry of Justice is responsible for the prosecution and imprisonment of those who violate the law. However, the Ministry of Justice reported no cases of child labor in 2009 and there is no information on the number of labor inspectors or child labor investigations conducted.¹⁷⁰⁴

There has been an increase in training activities meant to improve the ability of ministries, agencies, and officials to recognize, gather, and treat the victims of child labor.¹⁷⁰⁵ The lack of coordination of efforts, the absence of record keeping regarding prosecution and convictions, and the lack of statistics on the instances of child labor make it difficult to verify that progress is being made.¹⁷⁰⁶

Government Policies on the Worst Forms of Child Labor

Equatorial Guinea has not established a policy framework for the elimination of the worst forms of child labor.

The Government has created a new position of Third Deputy Prime Minister in Charge of Social Affairs and Human Rights, under whose direction a plan was developed to provide training on trafficking issues to key government personnel in 2010.¹⁷⁰⁷ This action was taken in response to a 2009 visit from the International Office of Migration that identified a lack of services for trafficked persons.

Policies concerning the trafficking of children for exploitive labor were strengthened during the reporting period by the adoption of the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitive labor and hazardous child labor. Likewise, the inclusion of begging as a possible purpose of trafficking within the policy reflects the regional need to combat this growing problem.¹⁷⁰⁸ The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions (2006).

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Equatorial Guinea neither implemented any programs in 2009 specifically intended to address the worst forms of child labor nor did they specifically incorporate the issue into any poverty reduction, education, or social programs.¹⁷⁰⁹

The Ministry of Social Affairs is responsible for providing care to destitute children, including trafficking victims. They make efforts, through the use of conciliation delegates, to educate families about the dangers of child labor; although, this is not their primary responsibility, which is to assist victims of abuse.¹⁷¹⁰

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

IN THE AREA OF LAWS AND REGULATIONS:

- Enact legislation and policies to protect children exploited as domestic servants or in street work.
- Take steps to increase the dissemination and general awareness of laws pertaining to child labor, forced or compulsory labor, and trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop an integrated inter-agency approach to monitoring and enforcement of child labor and trafficking laws by designating an agency that is charged with the coordination of monitoring efforts.
- Improve record-keeping in regards to complaints and cases of child labor.

IN THE AREA OF POLICIES:

- Develop a comprehensive policy for addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Provide better training for those employed by the Ministry of Social Affairs to provide services to child laborers and their families.
- Develop and implement social programs to address the worst forms of child labor, particularly in domestic service and street work.

¹⁶⁹² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. 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.

¹⁶⁹³ European Union Fund for Development official, Interview with USDOL consultant, May 22, 2007.

¹⁶⁹⁴ U.S. Embassy- Malabo, *reporting*, February 2, 2010.

¹⁶⁹⁵ *Ibid.*

¹⁶⁹⁶ *Ibid.* See also U.S. Embassy- Malabo, *reporting*, February 22, 2010.

¹⁶⁹⁷ Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, 2/1990, (January 4, 1990).

¹⁶⁹⁸ 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. See also Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, articles 6, 4, 11.

¹⁶⁹⁹ Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, article 3.

¹⁷⁰⁰ ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Equatorial Guinea (ratification: 2001)*, [online] 2010; 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>.

¹⁷⁰¹ Government of Equatorial Guinea, *Sobre el Tráfico Ilícito de Migrantes y la Trata de Personas*, 1/2004, (September 14, 2004), article 3. See also U.S. Embassy-Malabo, reporting, February 22, 2010.

¹⁷⁰² U.S. Embassy- Malabo, reporting, February 2, 2010.

¹⁷⁰³ Child Rights Information Network, *Child Rights References in the Universal Periodic Review*, December 9, 2009; available from <http://www.crin.org/docs/Equatorial%20Guinea.pdf>.

¹⁷⁰⁴ U.S. Embassy- Malabo, reporting, February 2, 2010.

¹⁷⁰⁵ Ibid.

¹⁷⁰⁶ Ibid.

¹⁷⁰⁷ Ibid.

¹⁷⁰⁸ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

¹⁷⁰⁹ U.S. Embassy- Malabo, reporting, February 2, 2010.

¹⁷¹⁰ U.S. Department of State, "Equatorial Guinea," in *Trafficking in Persons Report - 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.