Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Equatorial Guinea - 6th Session - 2009
9th December 2009, 9am to 12pm

National Report

A. National education
20. The 1995 General Education Act contained a number of shortcomings and this led to reform in the shape of the 2006 Act. One of the major features of the new legislation was to do away with the State monopoly on education and training. This new, liberal approach has led to an exponential increase in private establishments at all levels of primary and secondary education. (a) The country’s long-term education programme is contained in the Education for All Plan, launched in 2003. One of the aims of the Plan is to improve the level of preschool education with both teaching staff and volunteers; to establish a corps of inspectors of schools; and to strengthen and promote the activities and contributions of parents’ associations. Beginning in January 2007, national educational reform has proceeded at every level (infants, primary and secondary education), on the basis of activities introduced by the new National Education Act of 2006 and other activities arising out of the national infrastructure and equipment programme. These include the decision to put human rights education on the curriculum; an educational grants programme; continuous training for teaching staff; establishment of a school for deaf and dumb children, children with disabilities and children with learning difficulties; promotion and improvement of technical schools (the Modesto Gené Roig School in Bata and the 12 October School in Malabo); repair of educational centres and construction of new ones; and adaptation of architectural design in order to provide disabled access; (b)Mention should also be made of the establishment of the African Observatory for Science, Technology and Innovation, based in Equatorial Guinea, with the Government’s support.

K. Protection of children
(a) Children have been trafficked from a number of neighbouring countries to Equatorial Guinea, principally for domestic work and for work in markets, sometimes as street vendors. The destination of most of the victims is the cities of Malabo and Bata. Equatorial Guinea has for years considered such trafficking to be a serious offence and is taking the necessary steps to eradicate it. In 2007, in cooperation with an international organization, the Government launched a series of training seminars on trafficking, attended by police officers, other security personnel and naval officers. By the end of 2007, some 160 officials had received training. In 2008, formal instructions were distributed to police, security forces and citizen protection forces on how to identify victims of trafficking and how to go about arresting traffickers. These instructions included guidelines on how to provide assistance to victims. In cooperation with UNICEF, Equatorial Guinea has continued to fund and conduct awareness-raising workshops for local officials in Malabo and Bata over the past year; (b) The National Committee for Children’s Human Rights. The responsibility of this Committee, which was established by Decree No. 100/1997, of 30 September, is to direct, coordinate and promote initiatives, both at home and abroad, for the benefit of the children of Equatorial Guinea, in implementation of the Convention on the Rights of the Child. Under the 2008-2009 budget, the Government made the sum of 190 million CFA francs available to enable the Committee to carry out its activities; (c) The new Judiciary Act No. 5/2009 is also concerned with children. It provides for and strengthens both the composition and the powers of juvenile courts, which hear cases of child and adolescent offences, and improves the system of the child detention centres that are due to be introduced.

UN Compilation

1. In 2004, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Equatorial Guinea to ratify OP-CEDAW and ICRMW.8 The Committee on the Rights of the Child (CRC) recommended the ratification of OP-CRC-AC.9 B. Constitutional and legislative framework

2. In 2007, the Working Group on Arbitrary Detention noted that the laws and regulations inherited from the colonial era were still in effect, notably the Criminal Code, the Criminal Procedure Act and the Code of Military Justice, which contained principles and
standards incompatible with the 1995 Constitution and international instruments. In 2004, CRC was concerned about the application on a subsidiary basis of a number of laws adopted before independence, and recommended repealing or amending all provisions incompatible with the Convention.

4. In 2004 CRC was concerned that newly enacted legislation did not fully reflect the Convention on the Rights of the Child or other international human rights standards. It recommended continuing efforts to draft a new Family Code; and ensuring that the new Family Code and other laws fully comply with international human rights standards. The 2008-2012 United Nations Development Assistance Framework (UNDAF) noted the insufficient application of international conventions in domestic law, in particular the Convention on the Rights of the Child.

5. A 2007 UNICEF programme document noted that a law criminalizing the exploitation of and trafficking in children was adopted in 2004.

6. CRC encouraged Equatorial Guinea in 2004 to establish an independent and effective mechanism that monitors the implementation of the Convention.


8. A 2007 UNICEF programme document noted a national plan of action was approved in 2004 combat the exploitation of and trafficking in children.


10. In 2004, CRC recommended that Equatorial Guinea establish a modern juvenile justice system.

11. The Resident Coordinator reported that a plan for the elaboration and implementation of juvenile justice standards was initiated in 2008.

12. In 2004, CRC recommended that Equatorial Guinea increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination, and adopt a proactive and comprehensive strategy to change attitudes and values and eliminate discrimination on any grounds and against all vulnerable groups, in particular girls and children from poor and rural families.

13. The Special Rapporteur on the question of torture found that women and children were not separated from male adults in prisons or in police and Gendarmería custody. The HR Committee was concerned about forced labour being imposed on inmates in detention facilities.

14. In 2003, deeply concerned about the lack of a juvenile justice system and of juvenile courts, CRC recommended ensuring the full implementation of juvenile justice standards. In 2007, the Working Group on Arbitrary Detention concurred that the possibility of establishing a modern juvenile justice system should be examined. The Resident Coordinator reported that a plan for the elaboration and implementation of a juvenile justice system was initiated in 2008.

15. CRC was concerned at the significant number of children, especially girls, working on the street and as domestic servants, and about the lack of effective implementation of the labour laws and mechanisms to control child labour. It recommended that Equatorial Guinea assess the number of children working, including as domestic servants and in the agricultural sector, in order to design and implement comprehensive strategies and policies to prevent and combat economic exploitation in these sectors; and undertake awareness-raising campaigns to prevent and combat the economic exploitation of children.

16. In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations requested that the Government ensure that no person under 14 years of age be admitted to employment or work. It asked the Government whether a tripartite consultation had been held before deciding that petrol exploitation was the only dangerous work in the country.

17. CRC made several recommendations to address the growing number of child prostitutes in the capital.

18. A 2007 UNICEF document noted that a legal framework for protecting children against trafficking was in place. However, the absence of appropriate child protection mechanisms in other areas, coupled with Equatorial Guinea being a magnet for economic activity, created conditions conducive to the exploitation of children, particularly in the informal sector.

19. In 2003, deeply concerned about the lack of a juvenile justice system and of juvenile courts, CRC recommended ensuring the full implementation of juvenile justice standards. In 2007, the Working Group on Arbitrary Detention concurred that the possibility of establishing a modern juvenile justice system should be examined. The Resident Coordinator reported that a plan for the elaboration and implementation of a juvenile justice system was initiated in 2008.

20. In the 2007 UNICEF programme document, health indicators showed that children were in a vulnerable situation due to malaria, acute respiratory infections, diarrheal diseases, malnutrition, parasitic diseases and typhoid fever, and vaccine-preventable diseases. A 2008 United Nations Statistics Division source indicated that the children under-five mortality rate per 1,000 live births had decreased from 155 in 2005 to 150 in 2007.

21. Concerned at the increasing prevalence of HIV/AIDS amongst adults (mainly women) and youth and the increasing number of children orphaned by HIV/AIDS, CRC recommended strengthening measures to prevent mother-to-child transmission; paying particular attention to children infected or affected by HIV/AIDS; strengthening or establishing campaigns and programmes to raise awareness about HIV/AIDS; and ensuring the provision of adequate financial and human resources for the effective implementation of the National Programme on HIV/AIDS. According to the 2006 Country Common Assessment (CCA) report, the Government had given priority to the fight against HIV/AIDS, with a Multi-sector Programme against HIV/AIDS and Sexually Transmittable Diseases.

22. A 2008 UNAIDS/WHO document indicated that in 2007, the estimated number of adults and children living with HIV/AIDS was 11,000. The estimated antiretroviral therapy coverage was 31 per cent, and that the percentage of HIV-positive pregnant women who received antiretroviral therapy to reduce the risk of mother-to-child transmission was 33 per cent. In 2008, the CCA report referred to the issue of malnutrition, in particular for children, and added that about 95 per cent of the population was drinking water taken directly from the
65. CRC noted with appreciation the adoption of the Education Law (1995) establishing compulsory, free and guaranteed primary school. It was concerned however that enrolment and literacy levels were still low, particularly in secondary and pre-primary education. A 2009 UNESCO document indicated that the net enrolment ratio in primary education was 89.5 per cent in 2003 and 69.4 per cent in 2007.

57. The significant disparity between the number of boys and girls attending school was also a matter of concern for CRC and CEDAW. CEDAW was concerned at the high dropout rate of girls due to pregnancy, early marriages and the low priority given to girls’ education by families. CRC also noted with concern the persistence of cultural and traditional perceptions of girls that limit their access to education, the lack of resources for the implementation of the educational programmes and the lack of trained teachers.

58. CRC and CEDAW recommended that Equatorial Guinea continue to strengthen measures aimed at increasing enrolment rates in primary and basic education, in particular for girls, and raise awareness amongst parents about the value of early childhood education. CRC recommended, inter alia, continuing efforts to reform the educational system and ensuring the provision of adequate financial and human resources for the effective implementation of the educational programmes, in particular the National Plan on Education for All.

63. CRC recommended that Equatorial Guinea seek technical assistance from United Nations entities regarding in particular the prohibition of corporal punishment, HIV/AIDS prevention, the right to education, child labour, sexual exploitation and trafficking of children, and juvenile justice. It also recommended that Equatorial Guinea seek international cooperation and assistance concerning the standard of living for children.

**Stakeholder information**

11. The Global Initiative to End all Corporal Punishment of Children (GIEACPC) noted that corporal punishment is lawful in the home, stressing that the Spanish Civil Code in force allows parents and guardians to use "reasonable and moderate" forms of "correction", although children are also protected from excessive punishment under the Code. Corporal punishment is also lawful in schools and in alternative care settings, as further noted by GIEACPC. The Education Act states that discipline in schools must respect the dignity of the child. The Ministry of Education has launched a campaign to stop the use of corporal punishment in schools, but there is no explicit prohibition of corporal punishment in law. GIEACPC further stressed that they were unable to ascertain the legal status of corporal punishment in the penal system, as a sentence for crime or as a disciplinary measure in penal institutions. Highlighting the recommendations made by the Committee on the Rights of the Child and the Human Rights Committee on these issues, GIEACPC recommended introducing legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.

38. CESR noted that, despite the constitutional guarantee of free basic education, government budget allocation to education is well below the regional average and insufficient to ensure universal access to primary education.

39. Según ADD, el actual sistema educativo, examinado a la luz de las disposiciones legales, es a grandes rasgos el mejor de los establecidos en el país desde su independencia. Sin embargo, el sector educación presenta problemas caracterizados principalmente por un bajo porcentaje de los gastos nacionales; un negativo ratio profesor/alumno en todos los niveles; y una baja tasa neta de escolarización, entre otros.

40. EGJ stated that only 33 percent of Equatoguinean children reach the last grade of primary school. It also noted that children who are malnourished and lack access to basic necessities are less likely to attend school and to complete their education. As greater governmental resources are allocated to providing for basic needs like food, health and sanitation, children will have an increased likelihood of completing their primary education instead of not enrolling or dropping out in order to meet their and their families’ basic needs. EGJ recommended the allocation of a greater portion of social spending to education.

41. According to the CESR, stark gender disparities in education raise questions about whether Equatorial Guinea is taking steps to challenge gender discrimination and ensure equal access to education for women and girls. It noted that at the secondary school level, boys were almost twice as likely to enrol in secondary school as girls, with a 57 percent ratio of female to male participation in secondary school.

**Final Report**

12. Algeria welcomed the setting up of a free education system which guarantees compulsory primary education. It noted that the government set the goal of being an emerging country by 2020 and to this end, has adopted an economic and social policy aiming at poverty reduction based on inter alia on periodic evaluation of poverty levels and the improvement of governance. It asked for more information on this policy. Algeria noted with interest that the government ensured access to the courts through free legal assistance, lowering procedural costs and establishing tribunals in the different regions. It made recommendations.

13. Turkey noted the ratification of most of the core human rights treaties and encouraged the Government to comply with the reporting obligations. Turkey praised the 2006 Act on National Education and referred to the shortcoming of girls schooling. While commending the efforts to improve the infrastructure, including access to safe drinking water, Turkey understood that more needed to be done to ameliorate the living conditions. Turkey expressed hope that Equatorial Guinea would be recognized as Extractive Industries Transparency Initiative (EITI) compliant following the validation process. Turkey made recommendations.
18. Australia welcomed steps to better protect economic and social rights, including free primary education and progress on some women’s and children’s rights. It noted with concern reports of sexual abuse, child trafficking, child prostitution, force marriages and discrimination against women and vulnerable groups. Australia was deeply concerned regarding the use of torture and welcomed legislative efforts to prevent torture and ill treatment. It asked about plans to remove reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and accede to its Optional Protocol. It was concerned regarding forced evictions and supported that Equatorial Guinea seeks technical assistance to help prioritize the promotion of good governance, access to basic services, gender equality and reform of the justice system. Australia made recommendations.

24. The Czech Republic inquired on how international obligations in the areas of freedom of expression and the rights of the child are implemented nationally. It asked also about complaint mechanisms for victims of violence against women or their families who feel their case was not handled properly by the police. It made recommendations.

25. The Netherlands welcomed the steps for protecting children against trafficking, and expressed concern about the number of children victims of trafficking and exploitation. It expressed concern on reports that political activists and others were allegedly detained without charge or trial for peacefully exercising their right to freedom of expression, assembly or association. Domestic violence against women, including rape, was insufficiently addressed. It welcomed the 2007 Act on the prevention and penalization of torture, while noting serious reports of torture and ill-treatment, especially of detainees. It noted reports of the lack of access of women and girls to adequate health care services, especially in rural areas and about the alarming rate of teenage pregnancies. It made recommendations.

31. Slovenia welcomed the measures taken to ensure the well-being of children. It asked whether Equatorial Guinea envisaged introducing legislation to prohibit corporal punishment of children in all settings, including the home. Slovenia made recommendations.

42. The Libyan Arab Jamahiriya noted with interest achievements in the right to education, in particular the 2003 national strategy for education for all, the reform of the national education system at all levels, the scholarships program, training of teachers and the importance given to schools for persons with disabilities. It noted that there are challenges with regards to the enrolment of girls in schools and considered that the building of schools in rural areas, the building of roads and the improvement of the living conditions could help alleviate these challenges. It made a recommendation.

54. Regarding efforts to solve the phenomenon of child labour, the delegation referred to the promulgation of Law N. 2/2004 from January 4th on the General Labour Laws, which regulates Child Labour and prevents people younger than 14 years from working. Was also promulgated the Law N. 1/2004 from September 14th on the illegal traffic of migrants and trafficking in persons, which sanction Child Labour and parental abuse of the child. In application of this disposition, the Interior Ministry had issued a ministerial Order prohibiting street selling by children and instructing relevant authorities to strictly implement the laws, particularly the Law on illegal trafficking of Migrants. The Government has also carried out seminars through the Ministry of Justice and Worship for all people involved in the issue so that they are aware of the legislation in force.

56. The delegation highlighted among measures adopted by the Government the following:
- In education, it reformed in 2006 the Law of 1995 on General education, a reform which aimed at ending the state monopoly in education and to develop education at all levels;
- In 2003, the educational plan was passed for the promotion and schooling of the girl child, sexual education, material education of the population and family life, thus offering equal opportunity for boys and girls to access education;

Conclusions and Recommendations

1. Consider seriously ratifying the Convention on the Rights of Persons with Disabilities (CRPD); the Optional Protocol to the Convention on the Elimination of Discrimination Against Women (OP-CEDAW) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC); (Turkey)

7. Strengthen mechanisms for ensuring awareness and implementation of international human rights obligations, including through establishment of human rights educational programmes for police, prison and judicial staff with special attention to protection of human rights of women, children, persons of minority sexual orientation and gender identity, etc. (Czech Republic);

15. Strengthen efforts to fulfil obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) (Australia);

18. Continue relevant campaigns to eliminate old customs undermining the status of girls and construct roads in rural areas connecting schools with residential centres (Turkey);

19. Devise plans and strategies, especially for the promotion of gender equality and upholding children’s rights (Egypt);

26. Consider developing a national action plan for children as recommended by CRC (South Africa);

43. In line with a previous recommendation of CRC, design and implement comprehensive strategies and policies to prevent and combat economic exploitation of children and to undertake awareness-raising campaigns in this respect (Germany);

44. Continue its efforts aimed at fighting trafficking in persons and, in particular, the trafficking and exploitation of children (Egypt);

45. Set up appropriate protection mechanisms to eradicate child exploitation and hold the perpetrators of trafficking and abuse accountable (Canada);
46. Take further measures to prevent the trafficking of children (Netherlands);
47. Intensify efforts to provide assistance for child victims of trafficking (Sudan);
73. Adopt measures and programmes to reduce the rates of maternal and infant mortality and of chronic child malnutrition (Chile);
74. Ensure that public hospitals and other health-care facilities and services are both affordable and accessible, in particular making provision for child maternal health services and for the prevention and treatment of preventable diseases; (Portugal)
80. Continue its awareness-raising measures to improve the poor rate of schooling for girls and their access to higher and technical studies (Burkina Faso);
81. Continue to face and challenge the obstacles facing the schooling of girls and make use of technical assistance provided by the United Nations, in particular UNICEF, in order to overcome such obstacles (Libyan Arab Jamahiriya);
82. Strengthen strategies for access to primary education, particularly for young girls (Angola);
83. Take concrete actions to guarantee the effective realization of free education and make sure that children finish their primary education, while addressing gender disparities in this regard (Uruguay);
84. Reinforce its efforts to meet the commitment to ensure free basic education, particularly primary education, and to address gender disparities (Portugal);