

Distr.
LIMITED

E/CN.4/1994/L.78
4 March 1994

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Costa Rica: draft resolution

Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1993/69 of 10 March 1993,

Bearing in mind that, since the appointment of Mr. Fernando Volio Jiménez as Expert in his individual capacity by the Secretary-General, pursuant to resolution 33 (XXXVI) of 11 March 1980, the Government of Equatorial Guinea has received the advisory services of the Expert and the Centre for Human Rights, but that this has led to no improvement in the human rights situation,

Taking into account that, as in the case of the 1980 Emergency Plan of Action, which has never been satisfactorily implemented, the Government has neither taken account of the new Plan of Action drawn up by the Expert in 1992, nor implemented satisfactorily the seven points in the aide-mémoire submitted by the United Nations/UNDP inter-agency mission in April 1993,

Taking note with satisfaction of the fact that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as well as the Convention on the Elimination of All Forms of Discrimination against Women,

Mindful that it is essential that all the political tendencies and political parties should play an active part in political and social life in order to ensure the effective transition to a democratic and pluralistic society,

Pointing out that the conditions under which the legislative elections of 21 November 1993 were held did not ensure their pluralistic nature or permit the political opposition to participate fully,

Concerned by the fact that the authorities persist in arbitrarily arresting and detaining political opponents, often subjecting them to torture or cruel, inhuman or degrading treatment, in some cases resulting in their deaths,

Deplores the fact that the Government of Equatorial Guinea has not fully complied with the commitments entered into with the political forces in the National Pact concluded on 18 March 1993,

Taking note with satisfaction of the fact that, on 12 October 1993, the Government took steps to grant pardon and amnesty to a number of prisoners, as suggested by the Special Rapporteur on his first visit to Equatorial Guinea,

Taking note of the report of the Special Rapporteur (E/CN.4/1994/56), in which he notes that serious and persistent violations of human rights and fundamental freedoms continue to occur in Equatorial Guinea,

Aware that it is essential to ensure full observance of human rights and fundamental freedoms in Equatorial Guinea,

1. Expresses its thanks to the Special Rapporteur, Mr. Alejandro Artucio, for his report;

2. Expresses its serious concern at the persistence of violations of human rights, such as arbitrary arrests and detentions of political opponents, often accompanied by torture or cruel, inhuman or degrading treatment;

3. Expressing further its concern at the fact that, as in the case of the 1980 Plan of Action, the Government has neither taken account of the new Plan of Action prepared by the Expert in 1992 nor satisfactorily implemented the seven points of the aide-mémoire submitted by the United Nations/UNDP inter-agency mission in April 1993;

4. Deplores the situation and legal and social status of women in Equatorial Guinea, as revealed by the report of the Special Rapporteur;

5. Calls upon the Government of Equatorial Guinea to take all necessary measures to promote the harmonious coexistence of all the ethnic groups making up the society of Equatorial Guinea;

6. Also calls upon the Government of Equatorial Guinea to implement procedures for the release of all persons detained or condemned for political reasons and to adopt, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments, with a view to furthering democracy, the rule of law and the observance of the human rights and fundamental freedoms of all inhabitants of Equatorial Guinea;

7. Encourages the Government of Equatorial Guinea to re-open the dialogue with all elements of the political opposition, with a view to reaching a consensus on the democratization of Equatorial Guinea;

8. Also encourages the Government of Equatorial Guinea to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, social and cultural affairs, thus helping to resolve the shortage of specialized personnel;

9. Urges the Government of Equatorial Guinea to invite regional and international human rights bodies to make periodic visits to prisons and civil and military detention centres, without any exceptions;

10. Requests the Secretary-General to provide the Government of Equatorial Guinea with technical assistance in those specific areas suggested by the Special Rapporteur in his report;

11. Decides to renew the mandate of the Special Rapporteur for one year;

12. Requests the Secretary-General to provide the Special Rapporteur with all assistance necessary for the discharge of his mandate;

13. Requests the Special Rapporteur to report to the Commission at its fifty-first session;

14. Decides to consider the question at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".
