

The Commission on Human Rights,

Recalling its resolution 1992/79 of 5 March 1992,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on the recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

Considering that the 1982 Plan of Action has never been satisfactorily implemented by the Government despite the assistance and the advice given by the Centre for Human Rights,

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee and that its initial reports are overdue,

Mindful that it is essential that all the political tendencies, including the opposition parties, should play an active role,

Pointing out that the reasons given by the refugees for not returning to Equatorial Guinea are the lack of an overall political solution and the fact that a broad-based government with full respect for human rights and fundamental freedoms has not been established,

Taking note of the fact that, even very recently, the authorities have successively arrested and ill-treated political opponents who had returned to their country, availing themselves of the promises given by the President of the Republic himself to facilitate the return of exiles to their country, under a plan of return prepared by the churches of Equatorial Guinea and the exiles,

Taking note of the report of the Expert (E/CN.4/1993/48), which indicates that the human rights situation in Equatorial Guinea has continued to deteriorate seriously,

Mindful that it is essential to put an end to the serious deterioration of the human rights situation in Equatorial Guinea,

1. Commends the excellent work done during the past fourteen years by Mr. Fernando Volio Jiménez for the promotion and protection of human rights in Equatorial Guinea;

2. Expresses its serious concern at the persistence of politically motivated violations of human rights, such as arbitrary arrests and the application to political prisoners of torture and other cruel, inhuman and degrading treatment or punishment, and the lack of cooperation with the Expert;

3. Expresses its concern at the fact that, despite having approved it, the Government has never implemented the Plan of Action prepared by the Expert in 1980 and has not yet approved the emergency plan of action prepared by the Expert in 1992 (E/CN.4/1992/51, para. 125);

4. Deplores the situation of women in Equatorial Guinea, as revealed by the report of the Expert;



5. Calls upon the Government of Equatorial Guinea to put an end to the use of military courts for trying ordinary law offences and to permit the establishment of an independent judiciary;
6. Also calls upon the Government of Equatorial Guinea to take all necessary measures to promote harmonious coexistence of the peoples forming the society of Equatorial Guinea;
7. Further calls upon the Government of Equatorial Guinea to free all political prisoners and to take, 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, and providing for the establishment of freedom, democracy and the rule of law, as well as the promotion and effective protection of the human rights and fundamental freedoms of all citizens of Equatorial Guinea;
8. Encourages the Government of Equatorial Guinea to endeavour to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the report of the Expert;
9. Requests its Chairman, following consultations with the Bureau, to appoint an individual of recognized international standing in the field of human rights who is entirely familiar with the situation in Equatorial Guinea as special rapporteur of the Commission, with a mandate to make a thorough study of the violations of human rights by the Government of Equatorial Guinea on the basis of all the information which he considers relevant, including information furnished by intergovernmental and non-governmental organizations and by private individuals and, in particular, any documentation provided by the Government of Equatorial Guinea;
10. Urges the Government of Equatorial Guinea to propose to the International Committee of the Red Cross the conclusion of an agreement for the purpose of enabling the Committee to make periodic visits to prisons and civil and military detention centres, including cells in which persons are held incommunicado;
11. Also urges the Government of Equatorial Guinea to continue negotiations with the opposition with a view to establishing the bases for the democratic process in Equatorial Guinea;
12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;
13. Requests the Special Rapporteur to report to the Commission at its fiftieth session;
14. Decides to consider the question at its fiftieth 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", unless there is a significant improvement in the situation of human rights and fundamental freedoms in Equatorial Guinea.

65th meeting

10 March 1993

[Adopted without a vote. See chap. XII.]