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1999/19. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1998/71 of 21 April 1998,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Considering that, since the adoption by the Economic and Social Council of its decision 1993/277 on 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has benefited from the advisory services of the Office of the United Nations High Commissioner for Human Rights and that the Special Rapporteur has visited the country nine times, as indicated in his reports (E/CN.4/1996/67 and Add.1, E/CN.4/1997/54, E/CN.4/1998/73 and Add.1 and E/CN.4/1999/41),

Noting that 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, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Welcoming the political will on the part of the Government of Equatorial Guinea to continue to make progress in the situation of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as a priority in its programme of good governance,

Noting the continuing existence of deficiencies and conditions that lead to violations and abuses of human rights,

Noting also that the Government and the opposition political parties had renewed their dialogue after the April 1997 agreements and that the participation of the latter in the national political life has to be enlarged, so that the transition process to democracy can succeed,

Noting with interest the efforts of the Government of Equatorial Guinea to establish, in cooperation with international non-governmental organizations, a centre for the promotion of human rights and democracy to strengthen the national capacity to promote human rights,

Recalling that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations, and welcoming the stated willingness of the Government of Equatorial Guinea to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights,

1. Expresses its gratitude to the Special Rapporteur and welcomes his report (E/CN.4/1999/41), as well as the understanding, assistance and cordiality which the authorities of Equatorial Guinea have extended to him in the discharge of his mandate;

2. Encourages the Government of Equatorial Guinea to ensure the independence and effectiveness of the national commission on human rights, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights, and to authorize the public registration and freedom of activity of non-governmental organizations in the fields of human rights and social affairs;

3. Recognizes that the elections held on 6 March 1999 were organized and conducted in a peaceful and calm atmosphere but takes note with concern that some flaws and irregularities were observed during the electoral process, and therefore calls upon the Government of Equatorial Guinea to continue the dialogue with all political parties and to ensure the independence and effectiveness of the national electoral commission, so as to guarantee fair, transparent and democratic conditions in the future;

4. Encourages the Government of Equatorial Guinea to strengthen its efforts to improve the conditions of prisoners and detainees, in accordance with the recommendations of the Special Rapporteur;

5. Also encourages the Government of Equatorial Guinea to pursue the efforts which it has already undertaken to integrate women effectively into the process of socio-economic, cultural and political development of the country;

6. Further encourages the Government of Equatorial Guinea to promote the necessary conditions for the full enjoyment of economic, social and cultural rights, including the rights of the child;

7. Recommends that the Government of Equatorial Guinea ratify the basic international human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

8. Encourages the Government of Equatorial Guinea to strengthen further its efforts to promote and protect human rights and fundamental freedoms as set out in its programme of priorities in the fields of democracy, human rights and governance and, in particular:

(a) To strengthen its efforts to improve both the functioning of the judiciary and the training of judges, prosecutors, lawyers, police and security forces, in order to guarantee an independent and effective administration of justice, and to limit military courts strictly to trying military offences committed by military personnel;

(b) To publish regularly laws, decrees and other governmental acts;

(c) To reiterate its instructions to the forces of law and order not to order or make arbitrary arrests and to respect the right of individuals to security, physical integrity and freedom;

(d) To take the necessary measures to avoid acts of torture and cruel, inhuman or degrading treatment or punishment;

(e) To strengthen its efforts to investigate and impose criminal and disciplinary penalties on those responsible for violations of human rights;

9. Encourages the Government of Equatorial Guinea and the Office of the United Nations High Commissioner for Human Rights, in conjunction and with the support of the United Nations Development Programme, to elaborate a comprehensive programme of technical assistance in the field of human rights, in particular with a view to enhancing the administration of justice and the capacity of the civil society, and calls upon the international community to make contributions to the relevant fund for this purpose;

10. Decides to appoint a special representative of the Commission for one year and requests him to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-sixth session, keeping in mind the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations;

11. Requests the Special Representative to include in his/her report recommendations on the implementation of the programme of technical

assistance, with particular emphasis on human rights, the administration of justice and the legislative reforms and the strengthening of the capacity of non-governmental organizations, as well as other groups of the civil society;

12. Requests the Secretary-General to give the Special Representative all necessary assistance to enable him/her to discharge the mandate fully;

13. Decides to continue its examination of the situation of human rights in Equatorial Guinea at its fifty-sixth session;

14. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

52nd meeting
23 April 1999

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