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COMMISSION ON HUMAN RIGHTS
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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Kenya (on behalf of the States members of the African Group):
draft resolution**

2001/... Situation in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 2000/19 of 18 April 2000, in which it decided to renew the mandate of the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea for one year,

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,

Recalling 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, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights,

GE.01-12730 (E)

Recalling also Economic and Social Council decision 1993/277 of 28 July 1993 and previous resolutions of the Commission on the subject,

Recalling further that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations and welcoming the will of the Government of Equatorial Guinea to cooperate with the Office of the United Nations High Commissioner for Human Rights and the appropriate United Nations agencies in this field,

Reaffirming that cooperation in the field of human rights, as one of the objectives of the Charter, should be guided by the principles of efficiency and transparency and of coordination of all activities for the promotion and protection of human rights within the United Nations system,

Recalling the recommendations made by the Special Representative in his previous report (E/CN.4/2000/40), especially concerning technical assistance to Equatorial Guinea,

Recognizing the political will repeatedly expressed by the Government of Equatorial Guinea to continue to make progress in the field of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as outlined in its national programme for good governance adopted in 2000, with the assistance of the United Nations Development Programme,

Encouraged that the Government of Equatorial Guinea, through a clemency decree issued on 30 December 2000, released fifty prisoners and considerably reduced the sentences of the remaining eighty-five prisoners held in its custody,

Noting with appreciation that the Government of Equatorial Guinea took steps to ensure the social and economic rights of its citizens through the ratification of numerous conventions of the International Labour Organization in the past year,

Noting that the Government of Equatorial Guinea held municipal elections on 28 May 2000,

Welcoming the steps taken by the Government of Equatorial Guinea to reinforce the independence of the Parliament and to strengthen the National Commission of Human Rights as an institution that has the capacity to protect and to defend human rights,

Taking note, however, that there continue to be deficiencies in technical support to Equatorial Guinea in the field of human rights ,

1. *Expresses its gratitude* to the Special Representative of the Commission on Human Rights to monitor the situation of human rights in Equatorial Guinea for his work;

2. *Encourages* the Government of Equatorial Guinea to adopt further quick and effective measures in order to comply with the recommendations made previously by the Commission and the Special Representative, such as the following:

(a) To guarantee full enjoyment of the freedoms of movement and association by introducing new laws, where appropriate, or amending existing ones, of the right to physical integrity and of the right to human dignity of detainees by ensuring adequate sanitary conditions for them and by ordering an end to any practice of detention without judicial warrant and by prosecuting those responsible for such violations;

(b) To continue its cooperation with the International Committee of the Red Cross in the visits of its prison facilities and to follow up on its recommendations to improve the conditions of the detainees;

(c) To ensure further full enjoyment of the freedom of information, the freedom of opinion and expression and the right to a free press;

(d) To adhere to 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 and to submit reports to the Human Rights Committee and to the Committee on the Rights of the Child;

(e) To safeguard the right to justice, the independence of the judiciary with respect to the executive branch and the restriction of the military jurisdiction, which should be limited strictly to military offences committed by military personnel and should not have competence with respect to civilians, and urges the Government of Equatorial Guinea to introduce its proposed legal reforms to this effect as soon as possible;

(f) To eliminate all forms of discrimination against women and to continue to promote the full enjoyment of their human rights, as proposed by the national plan to improve the status of women in Equatorial Guinea;

(g) To make further efforts to broaden the dialogue with opposition parties and groups so as to guarantee political rights, democracy and pluralism;

(h) To guarantee economic, social and cultural rights, including those of children and, especially, those that affect the population living in poverty, in order to realize the rights to education, to work and to a standard of living adequate for health and well-being, including food, clothing, housing and medical care;

(i) To promote and protect the rights of the child by implementing the Convention on the Rights of the Child;

3. *Welcomes* the willingness of the Government of Equatorial Guinea to implement a national human rights action plan as a complement to its programme of good governance submitted to the United Nations Development Programme and, for that purpose, encourages the Government to discuss and to agree on means for its early implementation, together with a comprehensive programme of technical assistance, with the Office of the United Nations High Commissioner for Human Rights;

4. *Calls upon* the specialized bodies and agencies of the United Nations, as well as donor countries and any other international institutions present in the country, to assist the Government of Equatorial Guinea in strengthening the national institutions on human rights;

5. *Welcomes* the recent invitations by the Government of Equatorial Guinea to the Special Representative and to the thematic rapporteurs of the Commission and looks forward to their early visits and their recommendations contributing to the implementation of the national plan of action on human rights;

6. *Notes with interest* the continuing financial efforts and the political will of the Government of Equatorial Guinea in the establishment of the Centre for the Promotion of Human Rights and Democracy in order to strengthen the national capacity in this field; and encourages the Government of Equatorial Guinea in its efforts to support the functioning of the Centre, to seek the cooperation of international governmental and non-governmental organizations;

7. *Calls upon* the Government of Equatorial Guinea to continue 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 continue to authorize, without any undue restriction, the public registration and freedom of activity of non-governmental organizations in the field of human rights and social affairs;

8. *Decides* to renew the mandate of the Special Representative for one year and requests him to examine the situation of human rights in Equatorial Guinea, to hold a dialogue with the Government and, in particular, to assist the Office of the United Nations High Commissioner for Human Rights and the Government of Equatorial Guinea to establish a comprehensive programme of technical assistance for Equatorial Guinea in the field of human

rights, to verify on behalf of the Commission that technical assistance provided to Equatorial Guinea supports its national plan of action on human rights and to report to the Commission at its fifty-eighth session;

9. *Requests* the Secretary-General to give the Special Representative all necessary assistance to enable him to discharge his mandate fully;

10. *Decides* to continue its examination of the question of human rights in Equatorial Guinea at its fifty-eighth session;

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

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/..., of ... April 2001, endorses the Commission’s decision to extend the mandate of the Special Representative for a further year in order to examine the situation of human rights in Equatorial Guinea, to hold a dialogue with the Government and, in particular, to assist the Office of the United Nations High Commissioner for Human Rights and the Government of Equatorial Guinea to establish a comprehensive programme of technical assistance for Equatorial Guinea in the field of human rights, to verify on behalf of the Commission that technical assistance provided to Equatorial Guinea supports its national plan of action on human rights, and to report to the Commission at its fifty-eighth session. The Council also approves the Commission’s request to the Secretary-General to provide the Special Representative with such financial assistance as he may require to discharge his mandate.”
