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COMMISSION ON HUMAN RIGHTS

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3 February - 14 March 1986  
Item 22 of the provisional agenda

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Report of the Secretary-General submitted in  
pursuance of Commission resolution 1985/26

Addendum

(The present document contains information on technical assistance to the Government of Equatorial Guinea in accordance with resolution 1985/39 of the Economic and Social Council).

1. At its first regular session of 1984 the Economic and Social Council acting upon the recommendation of the Commission on Human Rights adopted resolution 1984/36 of 24 May 1984, in which paragraph 2 requests the Secretary-General to appoint an expert to visit Equatorial Guinea in order to study, in conjunction with the Government of that country, the best way of implementing the Plan of Action proposed by the United Nations.
2. Accordingly, the Secretary-General appointed as expert Professor Fernando Volio Jimenez, the author of the Plan of Action, who had successfully carried out two previous missions to Equatorial Guinea and who visited the country again from 13 to 20 November 1984.
3. At its forty-first session the Commission on Human Rights had before it the report of the expert on his latest mission to Equatorial Guinea, 1/ in which paragraphs 76 to 91 contain his recommendations on the next steps to be taken with a view to fully implementing the Plan of Action referred to above.
4. The Commission, after having heard Professor Volio and examined his report, recommended to the Economic and Social Council the adoption of a resolution requesting the Secretary-General to appoint an expert "to hold discussions with the Government of Equatorial Guinea with a view to carrying out the expert's recommendations regarding assistance to that country, so that the Plan of Action can be fully implemented to the interests of the full and effective observance of human rights and fundamental freedoms".

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1/ E/CN.4/1985/9 and Add.1.

5. This recommendation of the Commission was endorsed by the Economic and Social Council in its resolution 1985/95 of 30 May 1985. The Secretary-General once again called on the services of Professor Volio who kindly accepted to serve as expert under this new mandate.
6. Among the recommendations contained in the report of the expert to the forty-first session of the Commission, particular importance was attached to the need to establish a permanent and efficient means of communications and co-ordination between the Government of Equatorial Guinea on one hand and the Centre for Human Rights on the other. Paragraphs 91 and 92 of this report suggested that this could be worked out and established at a joint meeting of representatives of the Government and of the Centre which could be held either at Geneva or in New York, with a view to setting up a group of United Nations specialists or co-operation experts to work on the programmes for Equatorial Guinea.
7. The Government of Equatorial Guinea having expressed its entire agreement to the proposed form of co-operation, a series of meetings took place in New York from 21 to 25 October 1985 between the expert and, on behalf of Equatorial Guinea, the President of the Republic, Colonel Teodoro Obiang Nguema Basogo, the Minister of Foreign Affairs and Co-operation, Mr. Marcelino Muguema Onguena and high officials of his Ministry.
8. In addition, the expert had the opportunity to meet with representatives of a number of countries already providing, in a bilateral or multilateral context, some forms of assistance to Equatorial Guinea. He also held discussions on the same subject with representatives of UNDP.
9. In his discussion with the representatives of Equatorial Guinea, Professor Volio examined the request which the Government of that country had addressed to the Secretary-General in April 1985 that two legal experts be sent to Malabo for the purpose of assisting in the drafting of certain basic legal texts. Professor Volio confirmed that in accordance with resolution 1985/39 of the Economic and Social Council such assistance could indeed be given within the context of the Plan of Action and the framework of the Advisory Services Programme, and suggested the names of two possible experts for this task: Professor Fernando Cruz and Professor Oscar Fernández. Both are renowned Costa Rican specialists of high academic standing who would provide valuable assistance, the first in the drafting of the penal code and the code of criminal procedure, the latter in the drafting of the civil code, commercial code and the code of civil procedure.
10. Both these legal experts accepted this mission and left late December 1985 for Equatorial Guinea where they were scheduled to remain until mid-January 1986. A report on their mission will be made available to the Commission on Human Rights in due course.
11. Other items discussed during the talks held in New York included:  
  
The Possibility of sending another two specialists to Equatorial Guinea in 1986 or 1987, in the context of the Advisory Services Programme, so as to help the Government of that country to draft other implementing provisions of the Constitution in matters pertaining to the effective protection of fundamental human rights;

The training of qualified staff for the judiciary (and, in general, for legal assistance to citizens);

The promotion of women and the training of qualified staff in different branches of government administration.

12. During the conversations in New York the expert laid particular emphasis on the need to co-ordinate the assistance planned by the Centre for Human Rights under the Advisory Services Programme with all other forms of assistance to Equatorial Guinea, multilateral and bilateral. Only thus, he felt, could a process of proper protection of all human rights (economic, social and cultural, as well as civil and political) be assured.

13. This viewpoint was shared not only by the Government of Equatorial Guinea, but also by the representatives of UNDP and, within the framework of bilateral assistance, by certain donor countries. It was in this context that a suggestion was made that Professor Volio attend the round-table meeting and the conference of donors scheduled to be held in Malabo in February and July 1986 respectively, to which the President of Equatorial Guinea made reference in his address to the General Assembly. 2/