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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Situation in Equatorial Guinea

Report by the Secretary-General

1. In accordance with Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980 and Economic and Social Council decision 1980/137, the Secretary-General appointed Mr. Fernando Volio Jiménez Expert on the situation in Equatorial Guinea. After studying the relevant aspects of the situation, Mr. Volio formulated a plan of action which was proposed by the Secretary-General to the Government of Equatorial Guinea and accepted by it. In resolution 1982/36, the Economic and Social Council took note of the plan.
2. In 1982, the authorities of Equatorial Guinea drew up a new Constitution with the assistance of two consultant jurists appointed on the Expert's recommendation. Since then, the Expert has continued to lend advisory assistance in the subsequent implementation of the plan of action. At its forty-second session, the Commission on Human Rights had before it a report on the progress achieved in that respect, including information on the work that had been carried out by another team of two consultant jurists, also appointed on the Expert's recommendation, in the context of implementing the plan of action (E/CN.4/1986/34/Add.2).
3. At its forty-third session, the Commission on Human Rights, in resolution 1987/36, requested the Secretary-General to continue his contacts with the Government of Equatorial Guinea, with the assistance and advice of the Expert. The Commission also requested the Secretary-General, bearing in mind the need for early implementation of the plan of action, to explore ways and means of giving appropriate assistance to the Government in the framework of the implementation of the plan.

4. In 1987, the Government of Equatorial Guinea communicated its observations on the consultant jurists' report. In his capacity as Expert, Mr. Volio examined the observations and made a report to the Secretary-General. In his report to the Commission at its forty-fourth session (E/CN.4/1988/6), the Secretary-General supported the Expert's recommendation that, in order to accelerate the implementation of the plan of action with a view to ensuring the protection of human rights in Equatorial Guinea through an adequate juridical system, such implementation should be entrusted to the National Codification Commission whose establishment had been announced by the Government, with the assistance of expertise that might be provided in the framework of the advisory services programme in consultation with Mr. Volio.

5. At its forty-fourth session, the Commission on Human Rights adopted resolution 1988/52, in accordance with which this report has been prepared. In the resolution, the Commission requested the Expert to submit to the Commission a report on the manner in which the Government of Equatorial Guinea intends fully to implement the plan of action and on the progress achieved to date.

6. The Secretary-General, through his note of 28 March 1988, transmitted Commission resolution 1988/52 to the Government of Equatorial Guinea and requested the Government's agreement to the Expert's conducting a mission to the country in order to have direct contact with the authorities of Equatorial Guinea, for the purpose of preparing his report to the Commission.

7. The Government of Equatorial Guinea had given its agreement in principle to the Expert's mission, which had been planned for the last week of January 1989. Unfortunately, Mr. Volio had to be hospitalized in December 1988 and was not able to carry out the mandate with which he had been entrusted by the Commission on Human Rights.

8. The Government of Equatorial Guinea for its part, addressed a letter of 24 November 1988 to the Resident Representative of the United Nations Development Programme at Malabo reiterating the country's need for the following: (a) qualified staff at all levels of the administration of justice; (b) wider publication of the legal provisions adopted in the country; (c) revision of certain provisions in force in the country that have been handed down from the colonial era, principally provisions contained in codes and observations on certain provisions in the Constitution; (d) assistance to the National Codification Commission; (e) renovation of a centre; (f) support to the Ministry of Justice for improving its services and assistance in organizing the land registry and notary services.

9. The Expert considers that any assistance Equatorial Guinea might receive in the framework of the advisory services programme would have to be closely linked to the plan of action proposed by the Secretary-General and accepted by the Government. In the expectation that the Expert will be able to carry out a mission to Equatorial Guinea during 1989, consideration is being given to the possibility of assisting the Government of Equatorial Guinea in the areas it has indicated.