

Recalling Commission on Human Rights resolution 1984/55 of 15 March 1984,<sup>29</sup> in which the Commission expressed its concern and anxiety at the continuing presence of foreign forces in Afghanistan, as well as Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Taking note of Commission on Human Rights resolution 1985/38 of 13 March 1985,<sup>30</sup> in which the Commission expressed its profound concern at the grave and massive human rights violations in Afghanistan and urged the authorities in that country to put a stop to those violations, in particular the military repression being conducted against the civilian population of Afghanistan,

Recalling Economic and Social Council decision 1985/147 of 30 May 1985, by which the Council approved the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur and to request him to report to the General Assembly at its fortieth session and to the Commission at its forty-second session on the situation of human rights in Afghanistan, including the human and material losses resulting from the bombardments of the civilian population,

Taking note of resolution 1985/35 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>181</sup> in which the Sub-Commission requested the Commission on Human Rights to ask the Special Rapporteur to look, in particular, into the fate of women and children as a consequence of the conflict in Afghanistan,

Having carefully examined the interim report of the Special Rapporteur on the question of human rights in Afghanistan,<sup>182</sup> which reveals continuing grave and massive violations of fundamental human rights in that country,

Recognizing that a situation of armed conflict continues to exist in Afghanistan, leaving large numbers of victims without protection or assistance,

Deploring the continuing refusal of the Afghan authorities to co-operate with the Special Rapporteur,

1. Commends the Special Rapporteur for his report on the question of human rights in Afghanistan;

2. Expresses its profound concern that, as revealed in the findings of the Special Rapporteur, disregard for human rights is more widespread, the conflict continues to engender human rights violations on a large scale and, as a result, not only the lives of individuals but the existence of whole groups of persons and tribes are endangered;

3. Expresses its deep concern that the Afghan authorities, with heavy support from foreign troops, are acting with great severity against their opponents and suspected opponents without any respect for the international human rights obligations which they have assumed;

4. Also expresses its deep concern at the severe consequences for the civilian population of indiscriminate bombardments and military operations aimed primarily at the villages and the agricultural structure;

5. Shares the conviction of the Special Rapporteur that the prolongation of the conflict increases the seriousness of the gross and systematic violations of human rights already existing in the country;

6. Expresses its profound distress and alarm, in particular, at the widespread violations of the right to life, liberty and security of person, including the commonplace practice of torture and summary executions of the opponents

of the régime, as well as at increasing evidence of a policy of religious intolerance;

7. Notes with great concern that such widespread violations of human rights, that have already caused millions of people to flee their homes and country, are still giving rise to large flows of refugees and displaced persons;

8. Calls upon the parties to the conflict to apply fully the principles and rules of international humanitarian law and to admit international humanitarian organizations, in particular the International Committee of the Red Cross, and to facilitate their operations for the alleviation of the suffering of the people in Afghanistan;

9. Urges the authorities in Afghanistan to co-operate with the Commission on Human Rights and its Special Rapporteur, in particular by allowing him to visit Afghanistan;

10. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

11. Decides to keep under consideration, during its forty-first session, the question of human rights and fundamental freedoms in Afghanistan, in order to examine this question anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

116th plenary meeting  
13 December 1985

#### 40/138. Assistance to student refugees in southern Africa

The General Assembly.

Recalling its resolution 39/109 of 14 December 1984, in which it, *inter alia*, requested the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia,

Having considered the report of the High Commissioner on the assistance programme to student refugees from South Africa and Namibia,<sup>183</sup>

Noting with appreciation that some of the projects recommended in the report on assistance to student refugees in southern Africa have been successfully completed,

Noting with concern that the discriminatory and repressive policies which continue to be applied in South Africa and Namibia cause a continued and increasing influx of student refugees into Botswana, Lesotho, Swaziland and Zambia,

Conscious of the burden placed on the limited financial, material and administrative resources of the host countries by the increasing number of student refugees,

Appreciating the efforts of the host countries to deal with their student refugee populations, with the assistance of the international community,

1. Takes note with satisfaction of the report of the United Nations High Commissioner for Refugees;

2. Expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for granting asylum and making educational and other facilities available to the student refugees, in spite of the pressure which the continuing influx of those refugees exerts on facilities in their countries;

<sup>181</sup> See E/CN.4/1986/5-E/CN.4/Sub.2/1985/57, chap. XX, sect. A.

<sup>182</sup> A/40/843, annex.

<sup>183</sup> A/40/590.

3. *Also expresses its appreciation* to the Governments of Botswana, Lesotho, Swaziland and Zambia for the co-operation which they have extended to the High Commissioner on matters concerning the welfare of these refugees;

4. *Notes with appreciation* the financial and material support provided for the student refugees by Member States, the Office of the United Nations High Commissioner for Refugees, other bodies of the United Nations system and intergovernmental and non-governmental organizations;

5. *Requests* the High Commissioner, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;

6. *Urges* all Member States and intergovernmental and non-governmental organizations to continue contributing generously to the assistance programme for student refugees, through financial support of the regular programmes of the High Commissioner and of the projects and programmes, including unfunded projects, which were submitted to the Second International Conference on Assistance to Refugees in Africa,<sup>172</sup> held at Geneva from 9 to 11 July 1984;

7. *Also urges* all Member States and all intergovernmental and non-governmental organizations to assist the countries of asylum materially and otherwise to enable them to continue to discharge their humanitarian obligations towards refugees;

8. *Appeals* to the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and all other competent United Nations bodies, as well as other international and non-governmental organizations, to continue providing humanitarian and development assistance so as to facilitate and expedite the settlement of student refugees from South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;

9. *Calls upon* agencies and programmes of the United Nations system to continue co-operating with the Secretary-General and the High Commissioner in the implementation of humanitarian programmes of assistance for the student refugees in southern Africa;

10. *Requests* the High Commissioner, in co-operation with the Secretary-General, to continue to keep the matter under review, to apprise the Economic and Social Council, at its second regular session of 1986, of the current status of the programmes and to report to the General Assembly at its forty-first session on the implementation of the present resolution.

*116th plenary meeting  
13 December 1985*

#### **40/139. Situation of human rights and fundamental freedoms in El Salvador**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>6</sup> the International Covenant on Civil and Political Rights<sup>7</sup> and the humanitarian rules set out in the Geneva Conventions of 12 August 1949<sup>180</sup> and Additional Protocols I and II thereto,<sup>184</sup>

*Aware* that the Governments of all Member States have an obligation to promote and protect human rights and

fundamental freedoms and to carry out the responsibilities they have undertaken under various international human rights instruments.

*Recalling* that, in its resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981, 37/185 of 17 December 1982, 38/101 of 16 December 1983 and 39/119 of 14 December 1984, it expressed deep concern at the situation of human rights in El Salvador,

*Bearing in mind* Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981,<sup>26</sup> in which the Commission decided to appoint a special representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982,<sup>27</sup> 1983/29 of 8 March 1983,<sup>28</sup> 1984/52 of 14 March 1984<sup>29</sup> and 1985/35 of 13 March 1985,<sup>30</sup> whereby the Commission extended the mandate of the Special Representative for another year and requested him to report, *inter alia*, to the General Assembly,

*Noting* that the Special Representative of the Commission on Human Rights points out in his interim report<sup>185</sup> that, in the process of the democratic normalization of the country, the question of respect for human rights is an important part of the current policy of the Republic of El Salvador, but that nevertheless a situation of generalized warlike violence continues to exist, that the number of attacks on life and the economic structure remains a cause for concern, and that the number of political prisoners and abductions has increased,

*Deeply concerned* that in El Salvador, in addition to the continuing armed conflict, the scarcely initiated dialogue between the Government and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario has been interrupted,

*Considering* that, while the armed conflict of a non-international character continues, the Government and the insurgent forces are obliged to apply the minimum standards of protection of human rights and of humanitarian treatment set out in article 3 common to the Geneva Conventions of 12 August 1949, as well as Additional Protocol II thereto, to which the Republic of El Salvador is party,

*Aware* that a political solution to the Salvadorian conflict may be thwarted if external forces, rather than assisting the resumption of the dialogue, contribute in any way to the intensification or prolongation of the war,

*Recognizing* the value of dialogue as the best way to achieve genuine national reconciliation and the importance of the fact that different sectors of the country favour an overall negotiated political solution which would put an end to the suffering of the Salvadorian people and stem the tide of refugees and internally displaced persons,

1. *Commends* the Special Representative of the Commission on Human Rights for his interim report on the situation of human rights in El Salvador;

2. *Recognizes with interest* and emphasizes that it is important that the Special Representative should have indicated in his interim report that the Government of El Salvador is continuing its policy of attempting to improve the situation of human rights;

3. *Expresses, nevertheless, its deep concern* at the fact that serious and numerous violations of human rights continue to take place in El Salvador owing above all to non-fulfilment of the humanitarian rules of war and therefore requests the Government of El Salvador and the insurgent forces to adopt measures conducive to the humanization of the conflict by observing scrupulously the Geneva Conventions of 1949 and the Additional Protocols thereto, and also recommends that the Special Representative should, for the duration of the armed conflict, continue to

<sup>184</sup> A/32/144, annexes I and II.

<sup>185</sup> A/40/818, annex.