

**41/157. Situation of human rights in El Salvador***The General Assembly,*

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>2</sup> the International Covenant on Civil and Political Rights<sup>22</sup> and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949<sup>154</sup> and Additional Protocols I and II thereto, of 1977,<sup>155</sup>

Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Reaffirming also the essential task of the United Nations to ensure the observance, promotion and strengthening of human rights among Member States,

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, 39/119 of 14 December 1984 and 40/139 of 13 December 1985, it expressed its 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> as well as Commission resolution 1986/39 of 12 March 1986,<sup>31</sup> whereby it extended the mandate of the Special Representative for another year and requested him to report to the General Assembly at its forty-first session and to the Commission at its forty-third session,

Noting with satisfaction that the Special Representative points out in his report<sup>156</sup> that the question of human rights continues to be an important element of the current policy of the Government of El Salvador which, within the process of democratic normalization, is achieving increasingly significant and commendable results,

Expressing regret, however, that the armed conflict is persisting in El Salvador and that economic, political and social rights continue to be seriously jeopardized, and noting also that the attacks against civilians not participating in combat and against the economic infrastructure continue to be a matter of great concern,

Considering that there is an armed conflict of a non-international character in El Salvador in which the Government of that country and the insurgent forces are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto, of 1977,

Bearing in mind also the praiseworthy humanitarian work carried out in El Salvador by the International Committee of the Red Cross,

Considering also, as indicated by the Special Representative, that despite the laudable and serious governmental plans and projects for the reform of the administration of justice, the capacity of the judicial system in that country continues to be patently unsatisfactory,

Taking note of the report prepared by the Special Representative,<sup>156</sup> as requested by the Commission on Human Rights in its resolution 1986/39,

Concerned about the continuing situation in which a considerable number of Salvadorian citizens are obliged to leave their homes and become displaced persons or refugees,

Recognizing that dialogue is the best way to achieve national reconciliation, and with the understanding that broad sectors of the country favour a comprehensive political negotiating process for a solution which would help to improve the situation of human rights and put an end to the suffering of the Salvadorian people,

Aware that the negotiated political solution to the Salvadorian conflict can be cut short if external forces do not support the resumption of the dialogue but, instead, seek in different ways to spur the prolongation or intensification of the war, with ensuing grave effects on the situation of human rights,

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

2. Takes into account with interest and emphasizes that it is important that the Special Representative indicated in his report that the question of human rights is an important part of the policy of the Government of El Salvador, which is achieving increasingly significant and commendable results;

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, *inter alia*, 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<sup>154</sup> and the Additional Protocols thereto, of 1977,<sup>155</sup>

4. Recommends that the Special Representative continue to observe and inform the General Assembly and the Commission on Human Rights of the extent to which the contending parties are respecting those rules, particularly as regards humanitarian treatment and respect for the civilian population, prisoners of war, those wounded in combat, health personnel and military hospitals of either party;

5. Reaffirms once again the right of the Salvadorian people freely to determine their political, economic and social system without interference from outside, through a genuine democratic process, in which all sectors of the population enjoy the guarantees necessary to enable them to participate freely and effectively;

6. Requests all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the war, to encourage the continuation of the dialogue until a just and lasting peace is achieved;

7. Expresses deep regret that the dialogue initiated in October 1984<sup>157</sup> between the Government of El Salvador and the opposing forces continues to be interrupted and recommends the early resumption of open and generous talks so that through sincere dialogue they may be able, in accordance with the joint communiqué issued at La Palma,<sup>157</sup> to reach a negotiated comprehensive political settlement which will contribute decisively to an improvement in the situation of human rights, put an end to

<sup>154</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

<sup>155</sup> A/32/144, annexes I and II.

<sup>156</sup> A/41/710, annex.

<sup>157</sup> S. 30/36, para. 1, sect. II.

the armed conflict and contribute to widening and strengthening the democratic system based on the full exercise by all Salvadorians of their civil and political rights and economic, social and cultural rights;

8. *Reiterates its appeal* to the Government of El Salvador and to the opposing forces to co-operate fully with the humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country, and to permit the International Committee of the Red Cross to continue to evacuate those wounded and maimed by war to where they can receive needed medical attention;

9. *Requests* all States to collaborate, as much as possible, in the reception of refugees and to support the autonomous organizations dealing with displaced persons within El Salvador, and requests the Government of that country to grant facilities to Salvadorians wishing to return to their homes;

10. *Deplores* the fact that the capacity of the judicial system in El Salvador to investigate, prosecute and punish violations of human rights continues to be patently unsatisfactory and therefore urges the competent authorities to deepen the process of reform of the Salvadorian judicial system, in order to punish speedily and effectively those responsible for the serious human rights violations which have been committed and are still being committed in that country;

11. *Calls upon* the competent authorities in El Salvador to make the national legislation compatible with the provisions contained in the international instruments on human rights binding on the Government of that country;

12. *Recommends* the continuation and broadening of the reforms necessary in El Salvador, including the effective implementation of agrarian reform, in order to contribute to a solution of the economic and social problems which constitute the roots of the internal conflict in that country;

13. *Renews its appeal* to the Government of El Salvador, as well as to other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights and requests the competent bodies of the United Nations system to provide any advice and assistance which the Government of El Salvador may require to achieve the highest levels in the promotion and protection of human rights and fundamental freedoms;

14. *Decides* to keep under consideration, during its forty-second session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council, in the hope that there will be improvement.

*97th plenary meeting  
4 December 1986*

#### **41/158. Question of human rights and fundamental freedoms in Afghanistan**

*The General Assembly,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>2</sup> the International Covenants on Human Rights<sup>24</sup> and the humanitarian rules set out in the Geneva Conventions of 12 August 1949,<sup>154</sup>

*Aware* of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all

and resolved to remain vigilant with regard to violations of human rights wherever they occur,

*Emphasizing* the obligation of all Governments to respect and protect human rights and to fulfil the responsibilities they have assumed under various international instruments,

*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,

*Recalling also* 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 further* 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,

*Recalling* resolution 1985/35 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>158</sup> in which the Sub-Commission requested the Commission on Human Rights to ask the Special Rapporteur to look into, in particular, the fate of women and children as a consequence of the conflict in Afghanistan,

*Recalling also* its resolution 40/137 of 13 December 1985, in which it expressed its profound concern that disregard for human rights in Afghanistan was more widespread and that the conflict continued to engender human rights violations on a large scale, endangering, as a result, not only the lives of individuals but also the existence of whole groups of persons and tribes,

*Taking note* of Commission on Human Rights resolution 1986/40 of 12 March 1986<sup>31</sup> and Economic and Social Council decision 1986/136 of 23 May 1986, by which the Council approved the Commission's decision to extend for one year the mandate of the Special Rapporteur,

*Having carefully examined* the interim report of the Special Rapporteur on the situation of human rights in Afghanistan,<sup>159</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,

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

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

2. *Expresses once again its deep concern* that the Afghan authorities, with heavy support from foreign troops, are acting with great severity against their opponents and

<sup>158</sup> See E/CN.4/1986/5-E/CN.4/Sub.2/1985/57, chap. XX, sect. A.

<sup>159</sup> A/41/778, annex.