



## General Assembly

Distr.  
LIMITEDA/C.3/41/L.49  
12 November 1986  
ENGLISH  
ORIGINAL: SPANISHForty-first Session  
THIRD COMMITTEE  
Agenda item 12

## REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Costa Rica: draft resolutionSituation of human rights and fundamental freedoms in El SalvadorThe General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights 2/ and the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto, 3/

Reaffirming that all Member States have the obligation to promote and protect human rights and fundamental freedoms and to carry out the responsibilities they have undertaken under the relevant international instruments,

Reaffirming also that it is a main task of the United Nations to foster respect, promotion and strengthening of human rights among Member States,

Recalling 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, in which it expressed deep concern at the situation of human rights in El Salvador,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

Rearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981, in which it was decided to appoint a special representative on the Situation of human rights in El Salvador, 1982/28 of 11 March 1982, 1983/29 of 8 March 1983, 1984/52 of 14 March 1984, 1985/35 of 13 March 1985 and 1986/39 of 12 March 1986, whereby the mandate of the Special Representative was extended for another year and he was requested to report, inter alia, to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session,

Taking note of the report which the Special Representative prepared pursuant to Commission on Human Rights resolution 1986/39,

Considering that the Government of El Salvador has undertaken to strengthen representative institutions and a democratic system under the rule of law and with respect for human rights,

Considering also, as the Special Representative has pointed out, that notwithstanding that the projects for the reform of the administration of justice presented by the Government of El Salvador are praiseworthy and serious, the capacity of the judicial system in the country continues to be notoriously unsatisfactory,

Considering also that there exists in El Salvador an armed conflict not of an international character in which the Government of that country and the guerrilla 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,

Concerned at the grave consequences which the methods of war employed in the conflict such as the actions of the regular forces, and in particular the systematic attacks leveled by the guerrilla forces against the infrastructure and the economy of the country, have on the present and future enjoyment of economic, social and cultural, civil and political rights by the Salvadorian people,

Noting nevertheless that the Special Representative points out in his report that, according to all the evidence, the number of violations of human rights has decreased substantially compared with previous years, doubtless consequent upon the adoption of a government policy - recommended in previous reports - and that he welcomes this policy and the clearly positive development of events,

Concerned also by reliable evidence that the warlike actions of the guerrilla forces have caused unwarranted victims among the combatants and the civil population and also that the insurgent forces have been forcibly recruiting young persons on a substantial scale,

Rearing in mind that the present Government of El Salvador has shown the political will to continue adopting measures and provisions to reduce violence and secure the wider implementation of human rights and its declared intention and initiatives to reorganise the functioning of the judicial system, to implement

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provisions for the regulation of detentions and military responsibilities in armed confrontations and to authorize facilities for the work of the humanitarian organizations,

Bearing in mind the exemplary humanitarian work undertaken in El Salvador by the International Committee of the Red Cross,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador
2. Expresses its satisfaction at the efforts of the Government of El Salvador to introduce policies, regulations and laws with a view to reducing the climate of violence and to guaranteeing respect for the human rights of its citizens;
3. Notes with satisfaction the undertaking by the Government of El Salvador to improve the judicial system and urges the competent authorities to continue and to accelerate the process of reforming the Salvadorian system for the administration of justice;
4. Reiterates its appeal that, in the Salvadorian conflict, there will continue to be full co-operation with the activities of the International Red Cross and of other international humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever they operate in the country;
5. Recognizes once again the permanent and inalienable right of the Salvadorian people to determine their political, *economic and* social future freely without interference from abroad, through a democratic process in an atmosphere free from intimidation and terror;
6. Calls upon the Government of El Salvador to continue its efforts for an open democratic dialogue which will facilitate an overall political solution which will halt the armed confrontation, reduce the number of refugees and displaced persons, and contribute to the institutionalization and strengthening of the democratic system based on the fullest exercise by all Salvadorians of their civil and political rights and their economic, social and cultural rights within the established constitutional framework;
7. Also calls upon the Government of El Salvador to continue to adopt effective measures so that its civil and military authorities and agencies will fully respect human rights and will ensure the full enjoyment of fundamental freedoms;
8. Calls upon the Government of El Salvador to broaden the investigation of violations of human rights which occurred in previous years as well as all others which may appear, with a view to establishing the corresponding responsibilities;
9. Takes note with appreciation of the manner in which the Salvadorian authorities at all levels have received different missions, in particular the Special Representative of the Commission on Human Rights, which have visited that country in order to obtain reliable information, in situ, on the situation of human rights in El Salvador, as stated in the report of the Special Representative;

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10. Takes note with satisfaction of the decision of the Government of El Salvador to continue co-operating with the Commission on Human Rights by providing full and detailed information regarding the manner in which the measures designed to protect human rights have been applied, as also its efforts to ensure the full enjoyment of fundamental freedoms in El Salvador and requests the Secretary-General to facilitate such advice and assistance as may be requested by the Government of El Salvador for that purpose;

11. Takes into account the evidence included by the Special Representative in his report that there is a positive evolution in the situation of human rights in El Salvador and requests the Commission on Human Rights during its forty-third session to consider the possibility of terminating the mandate specified in its resolution 1986/39 of 12 March 1986;

12. 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 the 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 the situation of human rights in El Salvador will continue to improve.

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