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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Argentina, Brazil, Colombia, Mexico, Panama, Peru,
Uruguay and Venezuela: draft resolution

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, 1/ the International Covenant on Civil and Political Rights 2/ and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949 3/ and Additional Protocols I and II thereto, of 1977, 4/

Reaffirming that it is the duty of the Governments of all Member States to promote and protect human rights and fundamental freedoms and to fulfil the commitments which they have assumed pursuant to the relevant international 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, 39/119 of 14 December 1984, 40/139 of 13 December 1985, 41/157 of 4 December 1986 and 42/137 of 7 December 1987, the General Assembly expressed its deep concern at the situation of human rights in El Salvador,

- 1/ Resolution 217 A (III).
- 2/ See resolution 2200 A (XXI), annex.
- 3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.
- 4/ A/32/144, annexes I and II.

Bearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981, 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, 1983/29 of 8 March 1983, 1984/52 of 14 March 1984, 1985/35 of 13 March 1985, 1986/39 of 12 March 1986, 1987/51 of 11 March 1987, as well as its resolution 1988/65 of 10 March 1988, whereby it extended the mandate of the Special Representative for another year and requested him to report to, among other organs, the General Assembly at its forty-third session and the Commission on Human Rights at its forty-fifth session,

Considering that an armed conflict of a non-international character continues to exist in El Salvador in which the parties involved 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,

Noting that the Special Representative points out in his report that the question of human rights continues to be an important element of the current policy of the Government of El Salvador,

Concerned, however, because, as the Special Representative has pointed out in his report, there has been an increase in the number of violations of human rights in El Salvador, particularly in the form of threats to human life and integrity, frequent violations of the humanitarian rules of war as well as the systematic destruction of the economic infrastructure as a consequence of the armed conflict,

Concerned further by information reported by the Special Representative regarding the activities of the so-called "death squads",

Recalling that on 7 August 1987 at Guatemala City the Central American Governments signed the agreement on the "Procedures for the establishment of a firm and lasting peace in Central America", 5/ thus manifesting the political will and good faith to fulfil its provisions in order to achieve peace and stability in the region,

Convinced that the strict fulfilment of the commitments assumed by the Government of El Salvador in the agreement signed at Guatemala City will contribute to the promotion, respect and realization of human rights and fundamental freedoms in that country,

Deeply concerned by the interruption of the dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario, the resumption of which in the context of the agreement signed at Guatemala City is one of the best ways of achieving a solution that will help to improve the situation of human rights of the Salvadorian people,

Aware that a negotiated political solution of 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 and the possibilities of economic recovery in El Salvador,

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

2. Notes with interest and emphasizes that it is important that the Special Representative indicates in his report that the Government of El Salvador continues to be committed to a policy of respect for human rights, although that policy is encountering difficulties with regard to its implementation;

3. Expresses, nevertheless, its concern at the fact that there has been an increase in the number of violations of human rights in El Salvador and that non-observance of the humanitarian rules of war continues to be a frequent occurrence;

4. Recognizes the efforts made by the Government of El Salvador, related to the investigations designed to determine the responsibility of the instigators of serious violations of human rights, and further expresses its profound concern at the fact that the capacity of the judicial system in El Salvador continues to be extremely unsatisfactory, despite the efforts of the Government, and consequently urges the competent authorities to accelerate the adoption of the reforms and measures necessary for ensuring its effectiveness;

5. Notes with satisfaction the comments of the Special Representative to the effect that new forces have been incorporated into the Salvadorian political process, in a context of pluralistic, representative and participatory democracy;

6. Notes with satisfaction that, with the consent of the Government, there have been a number of mass returns of refugees who have decided of their own free will to resettle in rural areas of conflict, and urges the competent authorities to allow and ensure that such persons are assisted in respect of their most basic health and food needs;

7. Requests, in accordance with the recommendations of the Special Representative, that the Government of El Salvador and all the authorities, courts and political forces of the country, including the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario, should adopt appropriate measures to eliminate attacks on the lives and integrity of persons, independently of, during and as a result of combat situations, as well as attacks on the economic infrastructure and, in general, all types of action constituting a violation of the fundamental rights and freedoms of the Salvadorian people;

8. Calls upon the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario, within the framework of the agreement signed at Guatemala City to make every possible effort to create conditions that would make it possible to renew a magnanimous and open dialogue,

leading to the achievement of a global political solution that will end the armed conflict and promote the implementation and strengthening of a pluralistic and participatory democratic process that will involve the promotion of social justice, respect for human rights, and the full exercise of the right of the Salvadorian people to determine freely and without external interference of any kind its economic, political and social system, as recognized in the recent "National Debate";

9. Trusts that the fulfilment of the commitments assumed in the agreement on the "Procedures for the establishment of a firm and lasting peace in Central America" will lead to improving the situation of human rights in El Salvador;

10. Renews its appeal to all States to refrain from intervening in the internal situation of El Salvador and, instead of seeking in different ways to spur the prolongation and intensification of the armed conflict, to stimulate dialogue until a just and lasting peace is attained;

11. Requests the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario, with a view to humanizing the conflict, to continue ensuring that the agreements for the evacuation of the war-wounded and war-injured for medical attention will not be made contingent on further prisoner exchanges and negotiations;

12. Requests the competent bodies of the United Nations system to provide such advice and assistance as the Government of El Salvador may request in order to enhance the promotion and protection of human rights and fundamental freedoms;

13. Requests the Commission on Human Rights at its forty-fifth session to consider the situation of human rights in El Salvador and the mandate of its Special Representative, taking into account the evolution of the situation of human rights in El Salvador and the developments linked to the fulfilment of the agreement signed at Guatemala City;

14. Decides to keep under consideration, during its forty-fourth session, the situation of human rights and fundamental freedoms in El Salvador in order to re-examine this situation in the light of the information provided by the Commission on Human Rights and the Economic and Social Council.
