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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Algeria, Costa Rica, France, Mexico, Spain, Sweden,
Venezuela and Yugoslavia: 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, the International Covenant on Civil and Political Rights and by the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto.

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, in which the Commission decided to appoint a Special Representative to investigate 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 and 1985/35 of 13 March 1985, 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 report 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 not of an international character continues, the Government and the insurgent forces are obliged to apply the minimum standards of protection of human rights and of humane 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 the political solution to the Salvadorian conflict can be cut short if external forces do not assist the resumption of the dialogue but instead 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 important 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 growing tide of refugees and internally displaced persons,

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

2. Recognizes with interest and emphasizes that it is important that the Special Rapporteur should indicate in his provisional report that the Government of El Salvador is continuing its policy of attempting to improve the condition 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 of 1977 and also recommends that the Special Representative should, for the duration of the armed conflict, continue to observe and to inform this Assembly and the Commission of the extent to which the contending parties are respecting those rules, particularly as regards respect and humanitarian treatment for the civilian population, prisoners of war, those wounded in combat, health personnel and military hospitals of either party;

4. Reaffirms once again the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside, through a genuine democratic process, in which all sectors of the population participate freely and effectively;
5. 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;
6. Deeply regrets the interruption of the dialogue initiated in October 1984 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional - Frente Democrático Revolucionario and therefore calls upon these parties to renew their talks so that by means of sincere, generous and open dialogue they achieve a negotiated comprehensive political solution which will put an end to the armed conflict and contribute to the institutionalization and strengthening of the democratic system based on the full exercise by all Salvadorians of their civil and political rights and economic, social and cultural rights;
7. Calls upon the Government and the opposition forces, as agreed in the meeting at La Palma, to establish as soon as possible appropriate mechanisms to study the plans and proposals submitted by both parties and to include all sectors of national life in the search for peace;
8. Views with concern that, as a consequence of the prolonged armed conflict, the number of refugees and internally displaced persons who are already a considerable part of the Salvadoran population, continues to increase and requests all States to receive the refugees and to support the autonomous organizations responsible for looking after internally displaced persons in El Salvador;
9. Again reiterates its appeal to the Government of El Salvador and to the opposition 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;
10. Deeply 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 continue and strengthen 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. Recommends the continuation and deepening of the reforms necessary in El Salvador, including effective application of agrarian reform, for the solution of the economic and social problems which are the basic cause of the internal conflict in that country;

12. Calls upon the competent authorities in El Salvador to introduce changes in the laws and other measures that are incompatible with the provisions contained in the international instruments binding on the Government of El Salvador in respect of human rights;

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;

14. Decides to keep under consideration, during its forty-first 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.
