

5. *Welcomes* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation and the establishment by the Administrator of the United Nations Development Programme of a separate fund, the Trust Fund for Technical Assistance to Electoral Processes, and calls upon Member States to consider contributing to the Funds;

6. *Stresses the importance* of coordination by the focal point within the United Nations system, commends the Centre for Human Rights of the Secretariat for the advisory services and technical assistance it provides and the Department of Economic and Social Development of the Secretariat and the United Nations Development Programme for the technical assistance they are providing to requesting Member States, and requests the focal point to continue to collaborate closely with the Centre for Human Rights as well as with the Department of Economic and Social Development and the United Nations Development Programme and inform them of requests presented in the area of electoral assistance;

7. *Requests* the Secretary-General to provide the Electoral Assistance Unit with adequate human and financial resources, under the regular budget of the Organization and within existing resources, to allow it to carry out its regular mandate;

8. *Also requests* the Secretary-General to reinforce the Centre for Human Rights through the redeployment of resources and personnel in order to enable it to answer, in close coordination with the Electoral Assistance Unit, the increasing number of requests from Member States for advisory services in the area of electoral assistance;

9. *Recommends* that the proposed guidelines on electoral assistance be considered as provisional, and requests the Secretary-General to evaluate the guidelines in the light of experience over the next two years;

10. *Requests* the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of resolution 46/137 and the present resolution, in particular on the status of requests from Member States for electoral assistance and verification, and on the validity of the guidelines in the light of experience;

11. *Decides* that the question of enhancing the effectiveness of the principle of periodic and genuine elections shall be biennialized as of the forty-ninth session of the General Assembly.

92nd plenary meeting
18 December 1992

47/139. Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights² and the International Covenants on Human Rights¹⁶ and other applicable human rights instruments,

Reaffirming that all Member States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1992/61 of 3 March 1992,³⁷ in which the Com-

mission recognized with deep appreciation the efforts of the then Special Representative of the Secretary-General on Cuba,

Noting the appointment of the Special Rapporteur of the Commission on Human Rights on Cuba,

Noting as well concern about ongoing reports of serious violations of human rights in Cuba, as outlined in the interim report on the situation of human rights in Cuba¹⁹⁴ presented to the General Assembly by the Special Rapporteur,

Recalling the failure of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1991/68 of 6 March 1991³⁶ by refusing to permit the Special Representative to visit Cuba, and noting its response, as cited in appendix I to the interim report of the Special Rapporteur, in which it expresses its decision not to "implement so much as a single comma of resolution 1992/61",

1. *Commends* the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba;¹⁹⁴

2. *Expresses its full support* for the work of the Special Rapporteur;

3. *Calls upon* the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access so that he may establish contact with the Government and the citizens of Cuba in order to fulfil the mandate entrusted to him;

4. *Regrets profoundly* the numerous uncontested reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Representative of the Secretary-General¹⁹⁵ and in the interim report of the Special Rapporteur;

5. *Calls upon* the Government of Cuba to adopt measures proposed by the Special Rapporteur to cease the persecution and punishment of citizens for reasons related to freedom of expression and peaceful association, to permit legalization of independent groups, to respect guarantees of due process, to permit access to the prisons by national independent groups and international humanitarian agencies, to review sentences for crimes of a political nature and to cease retaliatory measures towards those seeking permission to leave the country;

6. *Decides* to continue its consideration of this question at its forty-eighth session.

92nd plenary meeting
18 December 1992

47/140. Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights,² the International Covenant on Civil and Political Rights¹⁴⁴ and the International Covenant on Economic, Social and Cultural Rights,¹⁴⁴

Convinced that the Peace Agreement reached on 16 January 1992 at Chapultepec, Mexico,¹⁹⁶ between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional reflects the country's profound aspiration for peace and justice, and that scrupulous com-

pliance with the Agreement will not only permit an end to the armed conflict through political means but also lay the bases for major political, legal, economic and social changes, which must involve all sectors of the country in the establishment of a democratic and united society.

Bearing in mind that the Secretary-General, pursuant to Commission on Human Rights resolution 1992/62 of 3 March 1992,³⁷ appointed an independent expert to provide assistance in human rights matters to the Government of El Salvador, consider the human rights situation in the country and the effects of the implementation of the Peace Agreement on the effective enjoyment of human rights and investigate the manner in which both parties are applying the recommendations contained in the final report of the Special Representative¹⁹⁷ and those made by the United Nations Observer Mission in El Salvador and the commissions established during the negotiating process,

Taking into account the provisional report prepared by the Independent Expert,¹⁹⁸ as well as the other reports submitted by the Secretary-General and the United Nations Observer Mission in El Salvador,

Noting with satisfaction that despite the delays and difficulties that have arisen in the process of implementing the Peace Agreement, both parties have scrupulously observed the cease-fire and, through the mediation of the Secretary-General and his representatives, have adopted agreements which, if implemented within the new time-limits, will lead to the final cessation of the armed conflict on 15 December 1992,¹⁹⁹

Taking into account that after 15 December 1992 the parties will have to fulfil, on the agreed dates, a number of commitments made in the Peace Agreement which are necessary for the reunification of Salvadorian society, the stability of the country and the effective enjoyment of human rights,

Bearing in mind that the overall process of implementation of the Peace Agreement requires supervision by the United Nations Observer Mission in El Salvador in order to help ensure the scrupulous fulfilment of commitments in accordance with the agreed timetable,

Considering that the Governments of Colombia, Mexico, Spain and Venezuela, which make up the Group of Friends of the Secretary-General, as well as the Government of the United States of America, reiterated on 12 November 1992 their determination to continue to support the work of the Secretary-General until the full and comprehensive implementation of the Peace Agreement is achieved in El Salvador,

Aware that the international community must follow closely and continue to support all efforts to consolidate peace, ensure respect for human rights and undertake the reconstruction of El Salvador,

Bearing in mind that the creation of the Office of the National Counsel for the Defence of Human Rights and of the National Civil Police, as well as the reform of the judicial system, are necessary for putting in place a sound structure for the effective protection of human rights, and that these measures have not proceeded as stipulated in the Peace Agreement,

Considering that a commitment was made to implement the recommendations of the Ad Hoc Commission, the Commission on the Truth and the Human Rights Division of the United Nations Observer Mission in El Salvador,

Observing that the cessation of the armed conflict has itself eliminated an important source of violations of human dignity, but has not been sufficient to prevent the persistence of human rights violations, which, unless punished and eliminated as soon as possible, could cause a recurrence of situations of increased human rights violations since the resources available to civil society with which to combat them are still weak,

1. *Commends* the Independent Expert for his report¹⁹⁸ and the members of the Ad Hoc Commission, the Commission on the Truth and the United Nations Observer Mission in El Salvador for their work in favour of human rights and the consolidation of peace in El Salvador;

2. *Expresses its satisfaction* at the steps taken to implement the vital Peace Agreement reached on 16 January 1992 by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional and at the flexibility shown by both parties in overcoming obstacles and differences and in maintaining the close linkage between the implementation of the various commitments assumed by them, in order to ensure the full and scrupulous implementation of the Agreement;

3. *Welcomes* the fact that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, on the proposal of the Secretary-General, have agreed to implement the Peace Agreement which will permit the holding, on 15 December 1992,¹⁹⁹ of a national reconciliation ceremony, which should put a final end to the armed conflict, and to step up their commitment to fulfil the remaining agreements in order to guarantee the consolidation of peace;

4. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to fulfil scrupulously all their commitments within the agreed time-limits and, with a heightened sense of responsibility and in a spirit of *détente* and reconciliation, to ensure that as of 15 December 1992 normal living conditions prevail throughout the country, especially in the zones most affected by the armed conflict;

5. *Also urges* all sectors of Salvadorian society to show moderation and act constructively in order to dispel the animosities aroused by the armed conflict and to support the mandate which the President of El Salvador has to carry out in order to achieve the goals of peace, national reconciliation and democratization, in accordance with the Peace Agreement;

6. *Expresses its gratitude* for the effective and timely mediation of the Secretary-General and his representatives, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Agreement;

7. *Welcomes* the fact that the Governments which make up the Group of Friends of the Secretary-General and the Government of the United States of America will continue to support the work of the Secretary-General until the full and comprehensive implementation of the Peace Agreement, which reflects the determination and the desire of the Salvadorian people to live in peace, democracy and prosperity;

8. *Encourages* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to implement the recommendations of the Ad Hoc Commission, the United Nations Observer Mission in El Salvador and, in due course, the Commission on the Truth;

9. *Endorses* all the recommendations made by the Independent Expert in his report, especially those aimed at strengthening the Office of the National Counsel for the Defence of Human Rights, setting up and developing the National Civil Police in accordance with the model resulting from the Peace Agreement and carrying out the agreed reform of the judicial system;

10. *Reiterates its appeal* to all States to contribute to the consolidation of peace in El Salvador by supporting full compliance with the Peace Agreement and generously financing their implementation and the implementation of the National Reconstruction Plan;

11. *Decides* to keep the situation of human rights in El Salvador under consideration during its forty-eighth session, in the light of the course of events in the country.

92nd plenary meeting
18 December 1992

47/141. Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights,² the International Covenants on Human Rights¹⁶ and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949¹⁷⁷ and the Additional Protocols thereto, of 1977,¹⁷⁸

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,

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

Recalling 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, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its resolution 46/136 of 17 December 1991 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note in particular of Commission of Human Rights resolution 1992/68 of 4 March 1992,³⁷ in which the Commission decided to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-seventh session on the situation of human rights in Afghanistan, and of Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council approved the decision of the Commission,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established on the basis of the Peshawar Accord concluded by resistance parties on 24 April 1992,²⁰⁰

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of

armed confrontation, which is affecting mainly the civilian population, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and much remains to be done for the treatment of prisoners in conformity with the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto, of 1977,

Concerned that the prevailing uncertainty in the country over political and legal order may affect the situation of members of ethnic and religious minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights,¹⁴⁴ such as the right to life, liberty, personal security and freedom of opinion, expression and association,

Concerned that neither the International Committee of the Red Cross nor the Special Rapporteur was able to visit prisoners who were associated with the former Government,

Welcoming the fact that over one million refugees have returned to Afghanistan since April 1992, and hoping that conditions in Afghanistan will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Welcoming the declaration of general amnesty issued by the Islamic State of Afghanistan, which should be applied in a strictly non-discriminatory manner,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan²⁰¹ and of the conclusions and recommendations contained therein,

1. *Welcomes* the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan, in view of the circumstances prevailing in the country;

2. *Also welcomes* the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. *Urges* all the Afghan parties to increase their efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and fair elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and