

Country/entity El Salvador

Region Americas

Agreement name Agreement on Human Rights

Date 26 Jul 1990

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/intrastate conflict

El Salvador Civil War (1979 - 1992)

The civil war in El Salvador lasted from 1979 to 1992 between an authoritarian government and non-state opponents. Following a failed coup d'état, five leftist guerrilla movements merged to form the umbrella organisation Farabundo Marti National Liberation Front (FMLN). U.S. support for the central Salvatorean government after 1979 lasted until its collapsed in late 1980s, after which the right-wing Republican National Alliance (Arena) filled the power vacuum. In March 1990, the rebels announced a suspension of attacks on non-military entered into talks backed by the UN and Catholic Church with the government. Despite the talks violence peaked over the next two years until the Chapultepec Peace Accords were signed in Mexico City in February 1992. Another ceasefire was signed a month later, which lasted nine months and was never broken during that time. Arena won the 1994 presidential elections and maintained a significant portion of the legislature until 2009, when the FMLN attained the presidency.

Close

El Salvador Civil War (1979 - 1992)

Stage Framework/substantive - partial

Conflict nature Government

Peace process El Salvador peace process

Parties Govt of El Salvador, FMLN

Third parties	UN rep, Alvaro de Soto (signatory)
Description	<p>Agreed on respect for and guarantee of human rights, including steps to avoid any attempt on life, integrity, security or freedom of the individual and certain immediate measures to guarantee the freedom and integrity of persons arrested. Provided for determination of procedures and timetables for release of political prisoners and guarantees of right to associate freely with others; freedom of expression; and of the press and freedom of movement. Agreed to provide displaced persons and returnees with identity documents; to guarantee their freedom of movement; freedom to carry out economic activities; to exercise their political and social rights; as well as to consider guaranteeing effective enjoyment of labour rights. Also agreed on terms of reference for the UN human rights verification mission. Preliminary human rights agreement, not exhaustive, and subject to agreement of package of political arrangements laid out in General Agenda (see above)</p>

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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	<p>Groups→Racial/ethnic/national group→Substantive Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS 5. The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.</p>
Religious groups	<p>Groups→Religious groups→Substantive Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS 5. The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.</p>
Indigenous people	No specific mention.
Other groups	No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Part VII. Lands in excess of the constitutional limit of 245 hectares, as well as non-forest land owned by the state, shall be used to meet the needs of peasants and small farmers who are without land. To this end, the govt shall also purchase land offered for sale to the state. The current land-holding situation in the conflict zones shall prevail for the interim.

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS
7. Displaced persons and returnees shall be provided with the identity documents required by law and shall be guaranteed freedom of movement. They shall also be guaranteed the freedom to carry on their economic activities and to exercise their political and social rights within the framework of the country's institutions.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Article 10 agree to UN HR verification mission to work with HR orgs in El Salvador

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

5. The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.

Page 4, II. INTERNATIONAL VERIFICATION

12. A Director designated by the Secretary-General of the United Nations shall be in charge of the Mission. The Director shall work in close co-operation with existing human rights organizations and bodies in El Salvador. He shall also be assisted by expert advisers. In addition, the Mission shall include as many verification personnel as may be necessary.

Page 4, II. INTERNATIONAL VERIFICATION

14. The Mission's mandate shall include the following powers:

(b) To receive communications from any individual, group of individuals or body in El Salvador, containing reports of human rights violations;

(e) To interview freely and privately any individual, group of individuals or members of bodies or institutions;

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

**Human rights/RoL
general**

Page 2, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

... Bearing in mind that the legal system of El Salvador provides for the recognition of human rights and the duty of the State to respect and guarantee such rights;
Considering also that the State has assumed obligations of this nature under the many international conventions to which it is a party;
Bearing in mind that the Frente Farabundo Martí para la Liberación Nacional has the capacity and the will and assumes the commitment to respect the inherent attributes of the human person;
Reiterating the common purpose, expressed in the Geneva Agreement/ to guarantee unrestricted respect for human rights in El Salvador;
Further reiterating their willingness, also expressed in the Geneva Agreement, to submit in this matter to verification by the United Nations;
On the understanding that for the purposes of the present political agreement, "human rights" shall mean those rights recognized by the Salvadorian legal system, including treaties to which El Salvador is a party, and by the declarations and principles on human rights and humanitarian law adopted by the United Nations and the Organization of American States;

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

1. All necessary steps and measures shall be taken immediately to avoid any act or practice which constitutes an attempt upon the life, integrity, security or freedom of the individual. Similarly, all necessary steps and measures shall be taken to eliminate any practice involving enforced disappearances and abductions. Priority shall be given to the investigation of any cases of this kind which may arise and to the identification and punishment of the persons found guilty.

Page 4, II. INTERNATIONAL VERIFICATION

11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association. In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of human rights violations and, in such cases, to recommend appropriate measures for the elimination of the practice to the Party concerned. The foregoing shall be without prejudice to any powers granted to the Mission to consider individual cases.

Page 4, II. INTERNATIONAL VERIFICATION

12. A Director designated by the Secretary-General of the United Nations shall be in charge of the Mission. The Director shall work in close co-operation with existing human rights organizations and bodies in El Salvador. He shall also be assisted by expert advisers. In addition, the Mission shall include as many verification personnel as may be necessary.

Page 4, II. INTERNATIONAL VERIFICATION

13. The purpose of the Mission shall be to investigate the human rights situation in El Salvador as regards acts committed or situations existing as from the date of its establishment and to take any steps it deems appropriate to promote and defend such rights. Accordingly, it shall perform its functions with a view to promoting respect for human rights and their guarantee to El Salvador and helping to do away with those situations in which such respect and guarantees are not duly observed.

Page 4, II. INTERNATIONAL VERIFICATION

14. The Mission's mandate shall include the following powers:

- (a) To verify the observance of human rights in El Salvador;
- (b) To receive communications from any individual, group of individuals or body in El Salvador, containing reports of human rights violations;

Bill of rights/similar No specific mention.

**Treaty
incorporation**

Page 2, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

... Considering also that the State has assumed obligations of this nature under the many international conventions to which it is a party;

... Reiterating the common purpose, expressed in the Geneva Agreement/ to guarantee unrestricted respect for human rights in El Salvador;

Further reiterating their willingness, also expressed in the Geneva Agreement, to submit in this matter to verification by the United Nations;

On the understanding that for the purposes of the present political agreement, "human rights" shall mean those rights recognized by the Salvadorian legal system, including treaties to which El Salvador is a party, and by the declarations and principles on human rights and humanitarian law adopted by the United Nations and the Organization of American States;

Page 4, II. INTERNATIONAL VERIFICATION

10. In accordance with the provisions of the Geneva Agreement and the agenda for the negotiations which was adopted in Caracas, the Parties hereby agree to the terms of reference for the United Nations human rights verification mission (hereinafter referred to as "the Mission"), as set out below.

Page 5, II. INTERNATIONAL VERIFICATION

14. The Mission's mandate shall include the following powers:

(h) To offer its support to the judicial authorities of El Salvador in order to help improve the judicial procedures for the protection of human rights and increase respect for the rules of due process of law;

Page 6, II. INTERNATIONAL VERIFICATION

18. The fact that a case or situation has been considered by the Mission shall not preclude the application thereto of international procedures for the promotion and protection of human rights.

Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 4, II. INTERNATIONAL VERIFICATION

11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association. In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of human rights violations and, in such cases, to recommend appropriate measures for the elimination of the practice to the Party concerned. The foregoing shall be without prejudice to any powers granted to the Mission to consider individual cases.

Human rights and equality→Civil and political rights→Torture

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

2. The full guarantee of the freedom and the integrity of the person requires that certain immediate measures be taken in order to ensure the following:

(f) No one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Human rights and equality→Civil and political rights→Humane treatment in detention

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

2. The full guarantee of the freedom and the integrity of the person requires that certain immediate measures be taken in order to ensure the following:

(f) No one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Human rights and equality→Civil and political rights→Freedom of association

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

5. The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.

Page 4, II. INTERNATIONAL VERIFICATION

11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association. In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of human rights violations and, in such cases, to recommend appropriate measures for the elimination of the practice to the Party concerned. The foregoing shall be without prejudice to any powers granted to the Mission to consider individual cases.

Human rights and equality→Civil and political rights→Fair trial

Page 4, II. INTERNATIONAL VERIFICATION

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Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

6. Freedom of expression and of the press, the right of reply and the activities of the press shall be fully guaranteed.

Page 4, II. INTERNATIONAL VERIFICATION

11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association. In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of

Socio-economic rights

Human rights and equality→Socio-economic rights→Work

Page 4, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

9. The Parties recognise the necessity of guaranteeing the effective enjoyment of labour rights. This subject will be considered under the agenda item on economic and social problems.

Human rights and equality→Socio-economic rights→Other

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

7. Displaced persons and returnees shall be provided with the identity documents required by law and shall be guaranteed freedom of movement. They shall also be guaranteed the freedom to carry on their economic activities and to exercise their political and social rights within the framework of the country's institutions.

Rights related issues

Citizenship

No specific mention.

Democracy

No specific mention.

Detention procedures

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

2. The full guarantee of the freedom and the integrity of the person requires that certain immediate measures be taken in order to ensure the following:

(a) No one may be arrested for the lawful exercise of his political rights;

(b) An arrest may be made only if ordered by the competent authority in writing, and in accordance with the law, and the arrest must be carried out by officers who are properly identified as such;

(c) Anyone arrested must be informed while the arrest is being made of the reasons for the arrest and must be apprised without delay of the charge or charges against him;

(d) No one shall be placed under arrest as a means of intimidation. In particular, arrests shall not be made at night, except in the case of individuals caught in flagrante delicto;

(e) No one in custody shall be held incommunicado. Any person who has been arrested shall have the right to be assisted without delay by legal counsel of his own choosing and the right to communicate freely and privately with such counsel;

(f) No one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Media and communication

Rights related issues→Media and communication→Media roles

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

4. The fullest possible support shall be given to ensuring the effectiveness of the remedies of amparo and habeas corpus. To this end, the broadest possible publicity shall be given to this Agreement among the public at large and, in particular, among authorities or officers in charge of detention centres. Anyone who hampers the operation of these remedies or provides false information to the judicial authorities shall be punished.

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

6. Freedom of expression and of the press, the right of reply and the activities of the press shall be fully guaranteed.

Page 4, II. INTERNATIONAL VERIFICATION

14. The Mission's mandate shall include the following powers:

(b) To receive communications from any individual, group of individuals or body in El Salvador, containing reports of human rights violations;

Page 5, II. INTERNATIONAL VERIFICATION

14. The Mission's mandate shall include the following powers:

(j) To plan and carry out an educational and informational campaign on human rights and on the functions of the Mission itself;

(k) To use the media to the extent useful for the fulfillment of its mandate;

Page 6, II. INTERNATIONAL VERIFICATION

17. Should the Mission receive communications referring to acts or situations which occurred prior to its establishment, it may transmit them, if it deems it appropriate, to the competent authorities.

Mobility/access

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

7. Displaced persons and returnees shall be provided with the identity documents required by law and shall be guaranteed freedom of movement. They shall also be guaranteed the freedom to carry on their economic activities and to exercise their political and social rights within the framework of the country's institutions.

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

8. All persons shall be guaranteed freedom of movement in the areas involved in conflict, and the necessary steps shall be taken to provide the inhabitants of such areas with the identity documents required by law.

Protection measures	No specific mention.
Other	<p>Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS</p> <p>2. The full guarantee of the freedom and the integrity of the person requires that certain immediate measures be taken in order to ensure the following:</p> <p>(e) No one in custody shall be held incommunicado. Any person who has been arrested shall have the right to be assisted without delay by legal counsel of his own choosing and the right to communicate freely and privately with such counsel;</p> <p>Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS</p> <p>5. The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.</p> <p>Page 4, II. INTERNATIONAL VERIFICATION</p> <p>11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association. In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of human rights violations and, in such cases, to recommend appropriate measures for the elimination of the practice to the Party concerned. The foregoing shall be without prejudice to any powers granted to the Mission to consider individual cases.</p>

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

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(a) No one may be arrested for the lawful exercise of his political rights;

State of emergency provisions No specific mention.

Judiciary and courts	<p>Page 5, II. INTERNATIONAL VERIFICATION</p> <p>14. The Mission's mandate shall include the following powers:</p> <p>(h) To offer its support to the judicial authorities of El Salvador in order to help improve the judicial procedures for the protection of human rights and increase respect for the rules of due process of law;</p> <p>(i) To consult the Attorney-General of the Republic;</p>
Prisons and detention	<p>Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS</p> <p>4. The fullest possible support shall be given to ensuring the effectiveness of the remedies of amparo and habeas corpus. To this end, the broadest possible publicity shall be given to this Agreement among the public at large and, in particular, among authorities or officers in charge of detention centres. Anyone who hampers the operation of these remedies or provides false information to the judicial authorities shall be punished.</p>
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	No specific mention.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/nomadism rights	No specific mention.
Cultural heritage	No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees Page 2, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS
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Ceasefire No specific mention.

Police Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS
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Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS
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Armed forces No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces Page 2, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS
... Bearing in mind that the Frente Farabundo Martí para la Liberación Nacional has the capacity and the will and assumes the commitment to respect the inherent attributes of the human person;

Withdrawal of foreign forces No specific mention.

Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	Page 2, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS 1. All necessary steps and measures shall be taken immediately to avoid any act or practice which constitutes an attempt upon the life, integrity, security or freedom of the individual. Similarly, all necessary steps and measures shall be taken to eliminate any practice involving enforced disappearances and abductions. Priority shall be given to the investigation of any cases of this kind which may arise and to the identification and punishment of the persons found guilty.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	Page 3, I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS 3. In the course of the present negotiations, appropriate legal procedures and timetables shall be determined for the release of individuals who have been imprisoned for political reasons.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory Alvaro de Soto signed as Representative of UN Secretary General.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

**International
mission/force/
similar**

Page 4, II. INTERNATIONAL VERIFICATION

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Page 4, II. INTERNATIONAL VERIFICATION

13. The purpose of the Mission shall be to investigate the human rights situation in El Salvador as regards acts committed or situations existing from the date of its establishment and to take any steps it deems appropriate to promote and defend such rights. Accordingly, it shall perform its functions with a view to promoting respect for human rights and their guarantee to El Salvador and helping to do away with those situations in which such respect and guarantees are not duly observed.

Page 4, II. INTERNATIONAL VERIFICATION

14. The Mission's mandate shall include the following powers:

- (a) To verify the observance of human rights in El Salvador;
- (b) To receive communications from any individual, group of individuals or body in El Salvador, containing reports of human rights violations;
- (c) To visit any place or establishment freely and without prior notice;
- (d) To hold its meetings freely anywhere in the national territory;
- (e) To interview freely and privately any individual, group of individuals or members of bodies or institutions;
- (f) To collect by any means it deems appropriate such information as it considers relevant;

Page 5, II. INTERNATIONAL VERIFICATION

14. The Mission's mandate shall include the following powers:

- (g) To make recommendations to the Parties on the basis of any conclusions it has reached with respect to cases or situations it may have been called upon to consider;
- (h) To offer its support to the judicial authorities of El Salvador in order to help improve the judicial procedures for the protection of human rights and increase respect for the rules of due process of law;
- (i) To consult the Attorney-General of the Republic;
- (j) To plan and carry out an educational and informational campaign on human rights and on the functions of the Mission itself;
- (k) To use the media to the extent useful for the fulfillment of its mandate;

Enforcement mechanism	Article 10 agree to UN HR verification mission to work with HR orgs in El Salvador, Article 14 mission's mandate
Related cases	No specific mention.
Source	United States Institute of Peace (2001) Peace Agreements: El Salvador - Peace Agreements Digital Collection. Available at: https://www.usip.org/publications/2001/04/peace-agreements-el-salvador (Accessed 14 October 2020).
