

REPUBLIC OF SERBIA¹

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ... Yugoslavia.

¹ [Ed. Note: Formerly Yugoslavia. Effective 4 February 2003, the State of Yugoslavia changed its name to Serbia and Montenegro. Effective 6 June 2006, the state again changed its name to Republic of Serbia.]

CERD 28TH No. 18 (A/9018) (1973)

219. The initial report of Yugoslavia, submitted on 17 July 1970, was considered by the Committee at its third session and deemed satisfactory. The second periodic report, submitted on 6 June 1972, was considered at the seventh session (139th meeting).

220. Several members noted that the second periodic report of Yugoslavia took into account the views expressed during the discussion of that country's initial report, and that it provided the texts of all the articles of the Constitution and the other legislative provisions to which it made reference. It contained information relative to all the articles of part I of the Convention which showed that the reporting State fulfilled its obligations under those articles. Special note was taken of the information relating to articles 4 and 6 of the Convention, and to the rights of the nations and nationalities. Although it was submitted before the adoption by the Committee of general recommendation III, the report asserted that "Yugoslavia has supported vigorously all the activities of the United Nations in the field of elimination of racial discrimination and is giving particular support to United Nations efforts aimed at eliminating the inhuman policy of apartheid". The amendments to the Constitution, which had been adopted since the submission of the initial report, were considered particularly noteworthy.

221. A question was asked about the nature of the constitutional courts, to which the report referred, and the way in which they differed from the regular courts.

222. In her statement, the representative of Yugoslavia explained that, in accordance with chapter XIII, articles 241 to 251, of her country's Constitution, the Constitutional Court of Yugoslavia was competent to decide, inter alia, on the constitutionality of laws, the conformity of republican statutes with federal statutes, and the conformity of regulations and other acts of agencies and organizations with the Constitution of Yugoslavia, federal statutes and other federal regulations; and that the Court itself could initiate proceedings to establish constitutionality and conformity with statutes.

223. The Committee decided to consider the report satisfactory and expressed the hope that the Government of Yugoslavia would continue to co-operate with the Committee as it had done in the past.

CERD 30TH No. 18 (A/10018) (1975)

105. Much of the discussion of the third periodic report of Yugoslavia dealt with the new constitutional order described in the report, and the new division of power between the federal authorities and those of the constituent republics and autonomous provinces. It was noted that a new Constitution had been promulgated in Yugoslavia in 1974 and new constitutions had also been promulgated in the socialist republics and the socialist autonomous provinces, and that, under the new arrangements, the protection of the rights and freedoms of citizens had devolved upon the republics, which were responsible for adopting their own criminal codes. This information gave rise to several questions: Was it now necessary for the republics and provinces to adhere to the Convention anew, or was it sufficient for Yugoslavia to be a party to it? If it was necessary for the various republics and provinces to adopt their own penal codes in order to regulate the protection of citizens against discrimination, would the federal courts in the meantime retain their jurisdiction in cases relating to discrimination until such time as the republics and autonomous provinces promulgated their respective criminal codes? What guarantees were there that the various criminal codes would actually embody provisions corresponding to the requirements of the Convention? And as a State party to the Convention with the obligation to implement its provisions, did the Federation have the power to ensure that the criminal codes of its constituent republics and autonomous provinces would comply with the provisions of the Convention? It was observed that the reporting State should transmit to the Committee the relevant constitutional provisions, and the statutes which applied those provisions, in the various republics and autonomous provinces.

106. With regard to the new federal Constitution, provisions corresponding to the requirements of articles 5 and 6 of the Convention were noted. The relevant articles of the Yugoslav Criminal Code implementing article 4 of the Convention were also noted, although there was some uncertainty as to whether or not all the requirements of paragraph (b) of that article were met by the legislative provisions mentioned in the report. It was asked whether administrative or judicial procedures existed for declaring illegal an organization which promoted and incited racial discrimination.

107. It was observed that the report did not furnish any information regarding the implementation of article 7 of the Convention. And it was asked whether any court had rendered decisions on questions falling within the scope of the Convention.

108. Several members of the Committee noted with satisfaction the extensiveness of the information furnished in the report and the usefulness of additional material circulated to members, including a book entitled Nations and Nationalities of Yugoslavia, published on the occasion of a United Nations seminar on the promotion and protection of human rights of national, ethnic and other minorities, which had been held in Ohrid in 1974.

109. The representative of Yugoslavia commented on the questions pertaining to the link between the republics and the Federation, informing the Committee that the Federation was responsible for guaranteeing the fulfilment of international obligations contracted throughout the territory of Yugoslavia. There was a procedure for holding consultations before an international legal instrument was approved, she stated. With regard to the questions raised concerning the criminal

codes, she said that the criminal codes of the different republics were still in the process of being drawn up, and that, in the meantime, the existing Criminal Code would remain in force. She added that the constitutions of the republics were promulgated in the languages of the various nations and nationalities of each republic and that, as soon as the texts had been translated into the official languages of the United Nations, they would be transmitted to the Committee. Referring to the articles of the Criminal Code cited in an earlier report, she indicated that the provisions of those articles referred to both the organizers and the members of groups; the requirements of both paragraphs (a) and (b) of article 4 of the Convention were taken into account in the Yugoslav legislation. With reference to the question whether the courts had passed any sentences in connection with the struggle against racial discrimination, she stated that no such sentences had been passed and assured the Committee that, if any judgements falling within the scope of the Convention were made, the Committee would be duly informed. Lastly, she stated that all the questions that remained unanswered would be answered in the next reports.

CERD A/31/18 + CORR.1 (1976)

117. The Committee took note of the statement made by the representative of the Government of Yugoslavia, introducing his Government's fourth periodic report, that that report attempted to provide a comprehensive overview of the implementation of the provisions of the Convention through the constitutional system of Yugoslavia, and that the next report would provide information concerning the implementation of the Convention through action in the administrative, judicial and other fields. The Committee also took note of the additional information, conveyed by the representative of the reporting State, about his Government's continued participation, both at the bilateral level and in international forums, in the efforts being made to eliminate racial discrimination. Members of the Committee noted with appreciation the comprehensiveness of the information contained in the report under consideration, which covered the obligations of the reporting State under all the relevant articles of the Convention.

118. Noting that the report under consideration dealt mainly with the problems of "nationalities or nations", one member of the Committee expressed the view that the Committee was not required to concern itself with groups, their specific rights and the measures that had been taken to preserve their identity, but with racial discrimination against the individual because he belonged to a specific ethnic group, race or colour. Other members of the Committee, however, expressed the view that the approach adopted by the Government of Yugoslavia in order to ensure harmony among the different nationalities and nations in the country reflected the conditions in that country, and observed that each State party to the Convention contributed to the objectives of the Convention in the way most appropriate to its own conditions.

119. Some members observed that certain questions raised during the consideration of Yugoslavia's previous report had not been answered in the current report, and hoped that the next report would contain the answers to those questions. It was hoped also that the Committee would be informed in due course of the relevant provisions of the revised criminal codes of the various republics, which the Committee had been informed at an earlier session were in the course of preparation.

120. Members of the Committee inquired about the following: (a) whether certain Yugoslav citizens of German origin, living in the region of Vojvodina, were recognized as a nation, and why they were not mentioned in the report; (b) the situation of the gipsies, and why the report did not include information on the successful efforts to settle them; (c) the application of article 246 of the Federal Constitution, regarding the regulation of the official use of languages by statutes or by-laws of the Communes, as in the Commune of Koper; (d) the manner in which the provisions guaranteeing nationalities proportionate representation in the assemblies, councils and organs of the Communes were implemented; (e) whether there were provisions for sanctions against persons who promoted discord between nations and nationalities outside Yugoslavia similar to the provisions of article 119 of the Criminal Code which penalized such activities in Yugoslavia; (f) the meaning of the expression "severe imprisonment", which appeared in article 119 of the Criminal Code; (g) whether the provisions of article 170, paragraph 3, of the Federal Constitution empowered the authorities to declare illegal and prohibit organizations which promoted the ends described therein as unconstitutional, and thereby satisfied the requirements of article 4, paragraph (b), of the

Convention; (h) the measures adopted to safeguard not only the political rights of Yugoslav citizens but also their economic and social rights, as provided in article 5 of the Convention; (i) whether an individual who felt his rights had been infringed could in fact bring the matter before the courts, under articles 204 and 205 of the Federal Constitution; (j) whether there were non-judicial procedures, including administrative procedures, which could be followed in the event of a complaint by an individual; (k) whether the new Constitution enacted in 1974 contained provisions similar to those contained in article 67 of the previous Constitution, under which every person was entitled to equal protection of his rights in proceedings before a court of law, administrative or other State agencies and organizations; and (l) the manner in which the fact that no citizen of Yugoslavia was obliged to declare his nationality or opt for a particular nationality was applied in practice.

121. The representative of the Government of Yugoslavia assured the Committee that all the inquiries summarized in paragraph 119 and the questions enumerated in paragraph 120 would be transmitted to his Government. He offered the following answers to some of the questions mentioned in the preceding paragraph. Regarding the first question (a), citizens belonging to the German nationality of Yugoslavia enjoyed the same rights as the citizens belonging to the other nationalities; information concerning them was contained in a document distributed to members of the Committee at the eleventh session, in connection with the Committee's consideration of the third periodic report of Yugoslavia. Regarding the second question (b), the gipsies formed a nationality and enjoyed full equality of rights; the next periodic report would provide additional information on their situation. Regarding the third question, he referred to article 252 of the Constitution of the Socialist Republic of Slovenia, under this the Italian minority of the Commune of Koper had broad powers of decision in respect of the schools; since it was part of the communal system, it had had a decisive influence on the adoption of the provisions of the by-laws of the Commune regulating the use of the Italian language in all spheres of public life. Regarding the eighth question (h), the socialist society of Yugoslavia was characterized by a system of guaranteed political, social, economic and other rights; in chapter III of the Federal Constitution, 70 articles were devoted to the freedoms, rights and duties of man and citizen, and article 203 stipulated, inter alia, that the freedoms and rights guaranteed by the Constitution should enjoy judicial protection. And, regarding the last question (l), article 170 of the Constitution meant that, in everyday life, every citizen could enjoy all his rights without having to declare that he belonged to a particular nation or nationality.

CERD A/34/18 (1979)

210. The information contained in the fifth periodic report of Yugoslavia (CERD/C/20/Add.27) was considered by the Committee together with the supplementary information given by the representative of the reporting State in his introductory statement. He highlighted the information given by his Government in connection with the Committee's general recommendations III and IV and the measures which were being taken for the implementation of article 7 of the Convention.

211. The Committee commended the report of Yugoslavia which was comprehensive and detailed. It was observed, however, that whereas the report was very thorough with regard to the legislative provisions defining the rights and duties of the different nationalities in Yugoslavia, it did not quite measure up to the requirements of article 9 of the Convention in respect of judicial, administrative or other measures designed to ensure the application of the Convention in actual practice.

212. It was noted that the report lacked information in respect of the problem, previously mentioned by the Committee, of disparities existing among the republics in the field of employment, housing, etc. In that connection, one member of the Committee expressed interest in the situation of the Bulgarian minority in Yugoslavia. Information was sought on efforts undertaken to overcome these difficulties in real life. Questions were asked about the progress made in integrating the Romanies into the social and economic life of Yugoslavia, on the nature of the majority required for decisions with regard to the status of languages in the communes, and as to whether instruction was provided in German to the German-speaking minority.

213. With reference to article 4 of the Convention, it was recalled that at the previous session of the Committee, information had been requested not only on articles 134 and 154 of the new Penal Code of Yugoslavia, but also on article 254, which was not reproduced in the annex to the report. Some members wondered what role the concept of self-management, dwelt on in the report, could play in the maintenance of good relations between various nationalities inhabiting that country.

214. During the discussion of sanctions against the incitement of national hatred, a query was made as to whether aliens who committed offences against Yugoslav nationals outside Yugoslavia could be prosecuted under the Criminal Code of that country. It was observed that the phrase "human rights and freedoms recognized by the international community" in article 154 (1) of the Code seemed somewhat vague, inasmuch as a number of members of the international community did not endorse United Nations resolutions.

215. In connection with article 5 of the Convention, it was noted that according to section 5 of the report appeals by persons against decisions affecting their rights and interests might be ruled out in exceptional cases, but only if protection of rights and the rule of law were ensured "in some other way". Some members wondered what were the other ways alluded to in the report. The report stated that the public prosecutor, if he deemed that a decision had violated the law, might submit a "demand for protection of legality". Clarification was sought as to what that meant. According to the report, a party could institute proceedings to challenge the constitutionality of laws or enactments. A question was asked whether such proceedings would be conducted free of charge.

216. With regard to article 6 of the Convention, members of the Committee were interested in knowing if an aggrieved person could apply for redress in an individual capacity to safeguard his rights under the Convention. More information was sought on Yugoslavia's activities in combating discrimination in the international field, as well as on the ways in which the Yugoslav people were kept informed of these activities.

217. Replying to the questions concerning the position of minorities, the representative of Yugoslavia said that his Government had adopted special measures to further the economic and social development of the areas inhabited by minority groups about which a fuller account would be given in the next periodic report. There was no discrimination between national minorities as regards the right to the use of languages, though for some minorities that right was guaranteed at the provincial level, for others at the level of the community.

218. As far as the concept of "self-management" was concerned, under article 251 of Yugoslavia's Constitution, it was recognized as a principle of paramount importance for minorities which enjoyed considerable independence in deciding questions relating to their particular social and cultural interests.

219. Referring to article 4 of the Convention he said that the report provided evidence of the implementation in Yugoslavia of the provisions of article 4 (b) of the Convention. In addition, under article 134 of the Criminal Code, incitement to national hatred and dissension was a punishable offence.

220. With regard to articles 5 and 6 of the Convention, he pointed out that the Yugoslav legal system provided a number of ways in which a person could appeal against a decision by a State agency. One procedure was to apply to the judicial authorities for a remedy; another way was recourse to the machinery for the settlement of administrative disputes.

221. In reply to the question regarding the territorial application of Yugoslav criminal law, he said that under article 107 (2) of the Criminal Code, foreigners outside Yugoslavia who committed offences against Yugoslavia or its citizens were liable to imprisonment for a term not exceeding five years, if found in its territory or being extradited. The next periodic report would provide more details on other questions that had been raised.

CERD A/36/18 (1981)

212. The sixth periodic report of Yugoslavia (CERD/C/66/Add.26) was considered by the Committee after a brief introductory statement of the representative of the reporting State. The Committee commended the Yugoslav Government for its positive efforts to implement the Convention, in particular with regard to the situation of nationalities (minorities), and for the replies it had submitted to the questions raised during the consideration of its fifth periodic report. The hope was expressed that the Committee's guidelines for the preparation of reports would be more closely followed in the future.

213. Most of the discussion evolved around the situation of the ethnic groups and minorities in Yugoslavia. In that connection, it was asked why a distinction was made between "nations" and "nationalities"; how the authorities were endeavouring to overcome the objective difficulties and achieve equality of languages and if they could submit, in their next periodic report, an account of the progress made in that field. Information was requested on the extent to which the Bulgarian language was taught in the Bulgarian community and, in particular, why this language was taught only in two secondary schools in Serbia; on the teacher-training institute for Bulgarian teachers; and on the development of co-operation between Bulgaria and the regions of Yugoslavia in which Bulgarian nations were living, particularly in matters of education. Further information was requested on the measures provided for under the five-year plan to give effect to the provisions of article 2, paragraph 2, of the Convention, on the economic development of the republics and autonomous regions of Yugoslavia and on the disparities in economic development of the different regions.

214. With regard to article 2 of the Convention and the situation of minorities, many questions were asked concerning the self-management system in Yugoslavia. Information was requested on how this system generally worked and what mechanisms existed for harmonizing the decisions taken by the different self-management entities with a view to achieving the necessary unity at the national level; whether there were any legislative measures designed to ensure that decisions taken at the commune level did not run counter to the rights of minorities and what remedies were available to those minorities if their interests were harmed; whether ethnic minorities were adequately represented on self-management bodies; whether conflicts of interest between different ethnic groups could be resolved at the level of self-managing communities; how self-managing communities were initiated and organized in less developed regions; how the legal systems ensured non-discrimination in a community or province with a majority of one nationality and minorities of other nationalities when political decisions were taken, such as elections to political or government posts under self-management. Finally, since there was no provision in the self-management system for the right to strike, information was requested on the machinery which had been provided to secure the amicable settlement of disputes.

215. The Committee noted with satisfaction the action taken by Yugoslavia to combat the racist régimes of southern Africa and to support the peoples struggling against apartheid in the region.

216. With reference to articles 4 and 5 of the Convention, it was asked how offences were classified

in the Yugoslav penal legislation; whether, in a case where a foreigner committed an offence against a Yugoslav national outside Yugoslavia and was sentenced by the courts of the country in which the offence had been committed, Yugoslavia would again try that foreigner; whether agreements had been concluded between Yugoslavia and the Governments of countries to which Yugoslavia workers migrated in order to find employment and if so, whether, under those agreements, families were authorized to join the emigrant workers and whether there were any safeguards against arbitrary expulsion. Information was requested on the arrangements governing the right of foreigners to enter Yugoslavia, and in particular on whether the right of asylum was provided for by law and, if so, whether the Government furnished humanitarian aid to persons enjoying it. Regarding mixed marriages, it was asked whether such marriages actually occurred between Slovaks and Romanians.

217. As to articles 6 and 7 of the Convention, it was asked how the judiciary was organized and how the remedies provided for could be exercised. In connection with the National Committee for the Decade for Action to Combat Racism and Racial Discrimination, information was requested on its future activities and its programme at the national and regional levels.

218. The representative of Yugoslavia replied to most of the questions asked and assured the Committee that its observations would be fully taken into account by his Government and reflected in its next periodic report. Regarding the distinction between nations and nationalities, he said that minorities in the sense in which that term was used in international law were termed nationalities in Yugoslavia, although there were some differences. There was no discrimination against the Bulgarian minority. Co-operation and good-neighbourly relations between Yugoslavia and Bulgaria were being constantly developed, particularly in culture and education, and often took the form of joint events and assemblies for the inhabitants of border regions. With regard to the admission of aliens, his Government had concluded formal agreements with more than 80 countries with which it maintained diplomatic relations to abolish the visa requirement and the nationals of other countries could obtain visas in accordance with a simple procedure. The granting of asylum and status of refugees were provided for in the Constitution and legislation had been enacted providing for special material assistance and allowances for refugees and their families living in the country. Yugoslavia had entered into many international agreements concerning assistance for Yugoslavia migrant workers but the question of expulsion of such workers had not been covered.

219. Explaining the self-management system, he said that it applied to republics, autonomous provinces, communes, working organizations and the so-called communities of interest. Its main purpose was to ensure that all structures of society could express and pursue their interests in the common interest. Harmonization of activities at the national level was largely guaranteed by the fact that the constitutions of the self-management entities had to conform to the Federal Constitution. The right of members of ethnic minorities were not left up to the communities, but the Constitutions of republics and provinces strictly guaranteed the equality of nations and nationalities. Economically underdeveloped regions were helped through a special federal fund; in addition, nearly every republic and province had its own fund for the economic development of its own underdeveloped areas. Disparities in the development of different regions were due to the heavy heritage of past centuries which could not be eliminated in three decades. As to languages, he said that at the federal level an official gazette was published in seven languages. In reply to questions concerning the courts and administration of justice, he said that there were constitutional courts which ruled on the

conformity of enactments to the federal Constitution and laws; the republics and provinces also had their own constitutional courts to decide matters of conformity to their own Constitutions. Administrative disputes could, after the exhaustion of all available administrative remedies, be submitted to a special court which was empowered to nullify all administrative decisions, including those of federal bodies. All criminal acts were termed offences and a person who had committed an offence against a Yugoslav citizen abroad would not be prosecuted in a Yugoslav court if he had already been tried in a foreign court. Applications for the protection of legality could be filed by the competent public prosecutor in cases where a sentence constituted an infringement of the law, either for the benefit, or to the detriment of the person sentenced.

CERD A/38/18 (1983)

148. The Committee considered the seventh periodic report of Yugoslavia (CERD/C/91/Add.22) together with the introductory statement made by the representative of the reporting State, who pointed out that the report contained replies to questions asked in connection with the sixth periodic report. Data on the demographic composition of the population of Yugoslavia based on the 1981 census was provided in the report as well as an account of the work to achieve full equality for all nationalities at all levels of the Yugoslav system of self-management. During the period under review, he said, his Government had concentrated on implementing existing legislation more fully by strengthening the concept of self-management, which it considered a basic pre-condition for the promotion of individual rights and the achievement of full equality. The Federal Chamber of the Assembly had proposed to the Chamber of Republics and Provinces that it should develop specific activities to promote the achievement of equal rights for all citizens. The Federal Executive Council had been asked to devise ways of promoting and protecting constitutional rights and freedoms and to submit its proposals to the Assembly. He concluded by stressing the strict adherence of Yugoslavia to its obligations under the Convention and the efforts deployed by his Government at the international level, particularly within the United Nations, to reduce racial discrimination and support the struggle against apartheid.

149. The Committee congratulated the Government of Yugoslavia for having attempted to answer questions raised in connection with its previous report and for the comprehensive information concerning the self-management system. It also praised the perfect regularity with which Yugoslavia submitted its periodic reports and thanked the Yugoslav Government for having sent a high-ranking official to maintain the dialogue with the Committee. The Committee also commended the approach taken by the Yugoslav authorities to solve the problems arising from the multi-ethnic composition of its population. Such approach could serve as a model for other countries and for the international community.

150. Commenting on the ethnic breakdown of the Yugoslav population according to their national or nationality affiliation, members of the Committee requested clarification as to the precise meaning of the terms “nation” and “nationality” as well as to the composition of the group that termed itself “Yugoslav” and to how those citizens would fit into the self-management system, based along national lines. Concerning the Moslems, which appeared to be the third largest group, it was asked why they were classified as a national group and not a religious one and whether the approximately 100,000 Turks, classified separately, were Moslems or not. In that connection, and assuming that the national affiliations were based on the declarations of the people themselves, one member pointed out that by respecting the wishes of particular national groups Yugoslavia had shown practical political wisdom: demographic breakdown by religious denomination was often unavoidable. The question why Austrians and Germans were not classified under one single heading was also posed and more information was requested regarding the Albanians and the gypsies.

151. In respect of the implementation of the Convention, one member asked whether the Convention was incorporated into Yugoslav law and applied directly by the courts.

152. The Committee praised the consistent policy of Yugoslavia with regard to South Africa and its outstanding record in the struggle against apartheid in implementing article 3. Several members, however, pointed out that more details could have been provided in the report since the implementation of article 3 of the Convention was a continuous process.

153. The Committee observed that Yugoslavia had allocated resources and special funds to the insufficiently developed republics and autonomous provinces in order to eliminate economic and social imbalances. In that context, it was pointed out that, in order to counteract the dissidence in the Autonomous Province of Kosovo, the Yugoslav policy had been to concentrate on the economic development of that province by giving it the lion's share of the funds for insufficiently developed regions, both in terms of federal funds and supplementary resources. That had been a wise and realistic approach that would eventually strengthen national solidarity. One member felt, however, that in addition to describing the financial aspects, more information might have been provided about the actual utilization of the resources in the province of Kosovo in order to understand the development process in that province. Questions were posed as to the criteria used (economic or ethnic) in establishing a "republic" and "autonomous province"; the relationship between the autonomous provinces and the Federal Government; whether the role of the Federal Government was more important in the autonomous provinces or in the republics and whether there were any differences between the rights of the republics and those of the autonomous provinces.

154. In considering the Socialist self-management system, members pointed out that the system was of course related to the Convention in the sense that it gave due representation to various ethnic groups and prevented discrimination against them. Any information about cases of racial discrimination and alleged grievances and any action taken within the context of the self-management system should be provided. Information would also be welcomed concerning Yugoslavia's successes and failures in the execution of its policy of self-management. In respect of the way decisions were adopted, members requested whether the delegations of republics and provinces voted individually or by groups in the Federal Chamber of Republics and Provinces; how the decisions taken by self-management entities were co-ordinated at the national level; who allocated the funds needed to implement decisions and how the balance of power was maintained between the various entities and between the regions and the Federal Government. One member also wished to know how many high-level government officials were locally recruited, rather than from federal government circles.

155. More information was requested in respect of article 6 of the Convention, particularly concerning the remedies available to Yugoslav citizens at the judicial and administrative levels in the event of the provisions of the Convention not being observed.

156. The representative of Yugoslavia replied to questions raised. In so far as the ethnic composition of the Yugoslav population was concerned, he said that the term "Moslem" referred to a nation of Slavic origin and not to a religious category. He explained that Yugoslavia consisted of six nations - Montenegrins, Croats, Slovenes, Serbs, Moslems and Macedonians. All other national groups were called nationalities or "national minorities". Moslems belonged in general to the Moslem religion but were distinct from Turks. Those who had declared themselves as Turks, though they might be practising Moslems, were not considered to be part of the Moslem nation but to be

members of a separate nationality. Since Austrians and Germans had declared themselves to be members of separate nationalities, they were considered as such. Under the Constitution, most Yugoslav nations had their own republic. Bosnia-Herzegovina, however, was populated by three nations - Moslems, Serbs and Croats. The inhabitants of Montenegro also included Albanians; other Albanians lived in the Autonomous Province of Kosovo and in the Socialist Republic of Macedonia. According to the Constitution, all nations and nationalities were equal. However, given their large number, the Albanians (1.7 million) and the Hungarians (about 426,000) enjoyed some special rights with respect to language.

157. If there were some prejudices with respect to national groups, particularly against the gypsies, means were available to combat them and special action was being taken to improve their economic and social situation. Touching upon the cultural agreements between Yugoslavia and Albania, he stressed the need for all nationalities to have contact with the culture of the country of their origin. He pointed out, however, that the use of Albanian textbooks in Albanian-language schools in Yugoslavia had posed some problems, in particular in the presentation of some subjects such as history, which amounted to indoctrination. He added that the demographic structure of the various republics and provinces as well as more detailed information, in particular with respect to gypsies, would be given in the next periodic report of Yugoslavia.

158. Explaining the Yugoslav policy to overcome economic disparities in the development of regions, he stated that three republics - Bosnia-Herzegovina, Macedonia and Montenegro - and one autonomous province - Kosovo - were considered to be economically insufficiently developed. The Autonomous Province of Kosovo, one of the most underdeveloped areas of the country, had witnessed the fastest rate of growth since the Second World War. Kosovo was an autonomous community within the Republic of Serbia and formed a constituent part of the Yugoslav Federation. It had its own parliament, government, judicial system and supreme courts. According to the Serbian Constitution, only questions of joint interest, such as national defence and citizenship, were regulated by the Assembly of Serbia. He stressed that there was no discrimination against the Albanian nationality. Non-discrimination was one of the fundamental principles of the Yugoslav Constitution; tolerance of any discrimination would run counter to the very basis on which his country was founded. The incidents in Kosovo had been the result of the activities of organized groups which intended to change the constitutional system, attack the integrity of Yugoslavia and incite national hatred. Some members of those groups had been sentenced by the courts and the situation had returned to normal.

159. Referring to differences between a republic and an autonomous province, he said that the former was considered by the Constitution to be a state and the latter not. There were certain differences with respect to the number of representatives in the federal chambers, though provinces had the right to veto federal decisions, especially with respect to economic matters. As far as the criteria for the formation of provinces were concerned, he stated that Vojvodina had always been a separate entity before the formation of Yugoslavia. Kosovo had been established after the Second World War.

160. Concerning the questions raised about the Yugoslav self-management system, he assured the members of the Committee that the next report would contain more information regarding the

relationship between the management bodies and workers' councils, the socio-political communities and the organs of self-management.

161. With regard to the implementation of article 6 of the Convention, he said that that article was fully implemented under the Yugoslav legal system, since the Convention had become part of the national legislation and could be invoked directly before the courts.

CERD A/40/18 (1985)

538. The eighth periodic report of Yugoslavia (CERD/C/118/Add.23) was considered by the Committee at its 737th and 738th meetings, on 13 August 1985 (CERD/C/SR.737 and SR. 738).

539. The report was introduced by the representative of Yugoslavia who stated that there had been no substantive amendments to Yugoslav legislation related to the implementation of the Convention. The report mainly contained replies to the questions and comments raised by Committee members during the consideration of Yugoslavia's previous report.

540. The Committee commended the Yugoslav Government for its report, which, while not strictly following the Committee's guidelines (CERD/C/70/Rev.1), was of special interest, for it provided information on the Yugoslav system and experience in establishing the basis for national identity in a multinational State, and on the self-management system, which was looked upon by other countries as a possible model. The report gave a scholarly account of the complex relations between the Federal Republic, the Republics and the Autonomous Provinces with their different nations, nationalities, ethnic and religious groups. However, members requested further clarifications, in particular, regarding the competence of the Federal Chamber and the Chambers of the Republics and Provinces, as well as the most important issues regulated by them; it was asked whether the Supreme Courts of the Autonomous Provinces were courts of final instance or whether an appeal lay to a higher court and whether international agreements were internally implemented by federal legislation. An explanation was also requested on the functions of the Provincial Social Attorney of Self-Management, on the mode of participation of the Autonomous Provinces in the Presidency of the Federal Republic and the Federal Executive Council, and whether the balance between all components of the federal State was respected, or whether there was some predominance of the Republics over the Autonomous Provinces. In addition, members asked whether the Constitution of 1974 provided the basis for the constitution of new Republics and Autonomous Provinces and whether the latter could eventually become Republics.

541. Members of the Committee observed that the report indicated that the existence of the Autonomous Provinces was not a creation of the "central organs". In that context and taking into consideration the information given in the report indicating that the status of Kosovo depended on the will and decision of the people, it was asked whether there had been any formal test of public opinion to ascertain whether a majority of the population would object to the Autonomous Province of Kosovo becoming a Republic and whether such a change would be detrimental to Serbia and the Federal Republic itself. It was also asked why the population of Kosovo and Vojvodina had opted to become Provinces and not Republics, even though their combined population was seven times as great as that of Montenegro, the smallest of the Republics. Confirmation was requested of the earlier statement that the incidents in Kosovo had been the result of the activities of organized groups which intended to change the constitutional system, attack the integrity of Yugoslavia and incite national hatred, rather than a demand for greater autonomy on an equal basis. Information was requested on how the whole system, with its many races, nations and cultures, operated smoothly in actual practice, as well as more details on self-management and on some specific cases in which conflicts between different ethnic groups had been resolved by mutual agreement in self-management

communities.

542. Regarding the implementation of articles 2 and 5 of the Convention, members of the Committee were interested to know what the Government's priorities were regarding the socio-economic difficulties experienced by the more vulnerable parts of the country, particularly the Autonomous Provinces. Regarding emigrants, members wished to receive information on any bilateral agreements that existed between Yugoslavia and the host countries, and asked whether there was any machinery for the protection of Yugoslav nationals abroad. With reference to the Muslim ethnic group, it was asked whether or not the members of that group spoke the same language, and whether groups were classified on the basis of language or other socio-economic and cultural characteristics. In addition, clarification was requested on the way the State distributed its financial support to religious communities, whether religious schools were allowed in the country, and to what extent freedom of religion and the right to express one's religious ideas were allowed outside the confines of the officially recognized Churches. More information was also requested concerning the differences in educational progress between the various parts of the country and on multilingual education.

543. Turning to the policy on Gypsies, members noted that Yugoslavia was a model for the solution of the nationalities problem, including the Gypsies. Additional information was requested on their current situation.

544. In connection with the implementation of article 3 of the Convention, the Committee appreciated the fact that Yugoslavia was making an effective contribution to the campaign to eradicate all forms of racial discrimination, especially apartheid, at the international level.

545. In relation to article 4 of the Convention, the Committee noted that there were special criminal laws in some of the Republics and Autonomous Provinces. It was asked whether separate laws were needed for an act such as racial discrimination to become an offence in that particular Republic or Autonomous Province or whether federal legislation was sufficient.

546. Referring to a question raised under article 6 during consideration of the previous report of Yugoslavia concerning available remedies in the event of non-respect of the Convention under that article, members expressed some doubts about applying article 6 if it was not known which legal authority was competent to deal with it. In that connection, it was emphasized that the Convention was not entirely self-executing, and that internal legislation was necessary to make access to remedies available. Information was also sought on how grievances were dealt with in the context of the socialist self-management system and what recourse procedures were available at the federal or state level.

547. Replying to questions raised by members of the Committee, the representative of Yugoslavia stated that, in accordance with article 286 of the Yugoslav Constitution, the Chamber of Republics and Provinces was entitled, in agreement with the assemblies of those Republics and Provinces, to decide on the adoption of Yugoslavia's social and economic plan; to pass federal statutes regulating the monetary system, the issue of currency and foreign exchange; to regulate economic relations with other countries; to establish and control the use of foreign reserves; and to deal with tariff and non-

tariff protection and price control of products and services. It was also authorized to give credit for accelerated development in certain economically backward Republics and Provinces; to determine the total volume of expenditure of the federal budget each year; and to decide on the establishment of funds and the contracting of obligations by the Federation. It was competent to decide on all international treaties governing matters that were dealt with at the republican and provincial level and to enact the necessary legislation in order to implement them. Some categories of international treaties needed the consent of the respective authorities of the Republics or Provinces. Finally, it was competent to determine sources of finance and to decide on the contracting of credit and other obligations for the needs of national defence and State security, and to formulate enforcement policy for federal statutes and other regulations and enactments. The Constitution provided that in cases where a bill, draft regulation or draft enactment, or any issue concerning the general interest of the Republics and Autonomous Provinces, was on the agenda of the Federal Chamber, it would be possible, if a majority of delegates from one Republic or Autonomous Province so requested, to have resort to a special procedure whereby such a bill or draft enactment could be adopted. The aim of the Yugoslav Constitution, including its provisions on the structure of the Chambers of the Assembly was to guarantee equality among nations and nationalities and among members of the Federation.

548. He informed the Committee that the provincial court was in fact the court of final instance, and was completely independent of the republican court. Under the Constitution, there were certain serious offences subject to federal criminal law for which the federal court would be the court of final instance, but in general, the republican court would have nothing to do with cases dealt with by the provincial court. In reply to a further point raised, he said that the presidency was composed of eight members, each representing a Republic or Province, all of whom had entirely equal rights. Presidents and Vice-Presidents were elected each year in rotation. Thus all Provinces were assured full participation in the federal Government.

549. Concerning the question whether it would be detrimental to Serbia and Yugoslavia in general should a new Republic be created, he confirmed that the effects would indeed be negative should the ideas promoted by certain groups be carried out. Their aims were the dissolution of Yugoslavia and the establishment of ethnically pure States on the basis of what were clearly nationalist and racist ideas. Yugoslav legislation prohibited incitement or activities aimed at forcing such fundamental changes. The creation of new Republics or Provinces was governed by the Constitution, which required that the Republics or Provinces should give their consent to any change in their frontiers or status, a guarantee which had been introduced in the 1974 Constitution.

550. Turning to questions on priorities established in response to the economic crisis, the representative drew attention to the special fund for the development of underdeveloped Republics and Provinces, including those of Bosnia and Herzegovina, Macedonia, Montenegro and Kosovo. Some 50 per cent of the fund was attributed to Kosovo. Economic development had to be further accelerated in all those regions and a number of measures were being taken in that direction. In order to overcome problems of external debt, for example, measures of solidarity were being put into practice whereby all regions were bound to use foreign currency assets wherever possible to assist regions which had particular difficulty in repaying their external debt.

551. Turning to the question about Yugoslav immigrant workers abroad, he drew attention to the

series of bilateral agreements between Yugoslavia and Western European countries where such workers were employed, which granted special rights to such workers in areas such as social insurance, employment, culture, promotion of their language and education. Special agreements and regular contacts were also maintained between Yugoslav trade unions and trade unions in those countries in the interest of providing support to Yugoslav workers abroad. In addition, many contacts had been established with social organizations assisting workers in the countries involved. As a consequence of the economic crisis in Western Europe, many Yugoslav workers were returning to their own country and that trend was adversely affecting the already difficult employment situation in Yugoslavia. Attempts were being made, with minor success, to ensure that such workers were recognized by the countries where they had been employed as having contributed to national development and having paid contributions to social security and other funds and that such aspects be taken into consideration when workers decided to return to Yugoslavia.

552. Concerning the Muslims in Yugoslavia, he said that they were considered primarily as a nationality or ethnic group rather than a religious group in the sense that the Muslims identified as a national group lived mostly in Bosnia and Herzegovina and part of Serbia, whereas persons practising Islam in Yugoslavia might be Serbs or Albanians.

553. Concerning religious activities, the representative stated that the situation depended on the individual activity of each religious community or Church. Such activities were permitted by law and the only prohibition concerned the misuse of Churches or other religious premises for political reasons. Any official financial support provided to Churches and religious communities was granted by the authorities of the Republic or Province concerned and, to his knowledge, there was no inequality or discrimination in distribution. No federal support was provided.

554. In reply to questions posed with regard to the policy towards Gypsies, he stated that special attention had been paid to the problem in almost all the Republics and Provinces, and in particular where education, health, employment and housing were concerned. There had been some progress in the introduction of the Romany language; it was now on the curriculum of certain primary schools, and was also used by a number of broadcasting stations.

555. With respect to questions raised in connection with the provisions of article 6 of the Convention, the representative said that under the Constitution, not only judicial and administrative procedures, but also more informal solutions were provided for. Earlier reports had given full details of the machinery at the judicial and administrative level, and he therefore gave some examples of solutions at the grass-roots level. There were many other such instances, which showed that it was not always necessary to invoke formal procedures in redressing grievances of that nature.

556. The representative of Yugoslavia assured the Committee that his Government would provide more information in its next periodic report.

CERD A/45/18 (1990)

192. The ninth and tenth periodic reports of Yugoslavia (CERD/C/172/Add.9) were considered by the Committee at its 874th and 875th meetings, held on 14 August 1990 (CERD/C/SR.874 and SR.875).

193. In his introductory statement, the representative of the State party informed the Committee concerning the important changes that had taken place recently in Yugoslavia, including the introduction of a market economy and the coexistence of several different forms of ownership, the end of the single-party system and the change over to a multi-party one, the democratization of the social and political system, frequent resort to referenda on issues of public interest, etc. The Yugoslav Parliament had adopted 24 amendments to the Federal Constitution and a new constitution was in preparation. The law amending the Yugoslav Criminal Code adopted in May 1990 altered radically the definition of what had previously been called political offences and Yugoslavia's legislation was now aligned with the legislation of other European countries. Particular attention had been paid to the question of human rights in Yugoslavia and new mechanisms for the exercise of those rights had been set up. The representative also provided detailed information on the situation in the Autonomous Socialist Province of Kosovo, which had further deteriorated recently because of the aspiration of a section of the Albanian national minority to proclaim the Province a Republic and the minority a people entitled to self-determination. Referring to the question of the situation of Gypsies in Yugoslavia, he said that a parliamentary commission had examined the legal status of the Gypsies and the new constitution would take account of their petitions. Measures in the economic and cultural fields had also been taken in favour of the Gypsies.

194. Members of the Committee welcomed the changes that had taken place in Yugoslavia, in particular the announcement of a new constitution and the fact that a dialogue had been initiated between those favouring federation and those favouring confederation. They noted, however, that Yugoslavia was still experiencing serious problems and that the situation remained confused, particularly, in the provinces of Kosovo and Vojvodina. They therefore wished to know how the Yugoslav Government planned to resolve the current tensions. In that connection, they asked whether it was true that the overwhelming majority in the Kosovo Assembly had declared that Kosovo should become an independent and equal unit within the Yugoslav Federation. Further questions were asked about the cause of the demonstrations in Vojvodina in October 1988. Members asked what was the amount of the Special Fund appropriations to assist the underdeveloped regions and what amount had been distributed to the different regions, so that they could judge how much progress had been made, and whether it was true that the Serbian Parliament had recently attempted to limit the autonomy of Kosovo. They also asked whether the inhabitants of Kosovo had been compelled to leave their region because of intimidation and they pointed out that any attempt to modify the demographic composition of a country or region on ethnic grounds would be contrary to the Convention. They wished to know, however, what measures were being taken by the central authorities to rectify the situation and whether the decision to suspend Kosovo's Assembly and Executive Council was of a strictly temporary nature. They also requested information concerning the percentage of Albanians in the region, their rate of population growth, their level of participation in schooling, their access to education in their mother tongue and the

proportion of Albanians employed and unemployed. There was an inquiry about the number of persons in Macedonia of Bulgarian ethnic origin.

195. With reference to article 2 of the Convention, members of the Committee asked what were the causes of the deterioration of relations between Croats and Serbs and whether it was true that the Croatian Parliament had recently objected to the holding of a referendum on the establishment of an autonomous Serbian region in Croatia.

196. Regarding article 4 of the Convention, members of the Committee, referring to Yugoslavia's criminal law, which treated acts prohibited by the Convention as crimes, noted that it was subject to wide variation in practice. They requested information on the practical measures that had been taken to punish acts of racial discrimination, on the amendment of the Criminal Code provisions relating to political offences, and on the lack of legal guarantees for Kosovo Albanians suspected of committing political offences that was reported by Amnesty International. Did they get a fair trial with an Attorney provided at public expense? What was the role of the "Social system of Self-Management", particularly in connection with prosecutions in cases of racial discrimination?

197. With reference to article 5 of the Convention, members of the Committee wished to know whether Yugoslav citizens were equal before the law in the matter of land purchase, particularly in Kosovo and Vojvodina, whether there were in Yugoslavia any political parties established on the basis of ethnic criteria and, if so, whether the legislation provided any safeguards to prevent movements with separatist tendencies, and what were the rules governing the formation of political parties. Clarification was sought on the operation of article 133 of the Federal Criminal Code. Additional information was requested concerning the present situation with regard to freedom of the press and freedom of assembly and association, and whether it was true that the only Albanian newspaper and broadcasting station had been closed. It was also asked whether unemployed persons could travel about freely in Yugoslavia and settle in a region offering better employment prospects.

198. With regard to article 6 of the Convention, members asked whether any changes were contemplated in Yugoslavia in order to guarantee the complete independence of judges. Particulars were also sought of cases of racial discrimination that had come before the courts. In relation to article 7, it was asked what measures had been taken to sensitize the police in view of the events in Montenegro.

199. In his reply, the representative of Yugoslavia provided some additional information on the process of adaptation of the socio-political system of his country to the needs of a modern economy leading to an open market economic system. He stated that the choice between federation or confederation had to be resolved before the end of the year by all the Republics or, if they were unable to do so, by referendum. His Government opposed any attempt to restrict or abolish the rights of national minorities and was convinced of the need to protect them and to improve their status. It was not prepared, however, to tolerate abuses of such protection. The rights of numerically larger minorities did not necessarily take precedence over those of smaller groups. The position of all national minorities had to be considered and compared. They enjoyed certain rights but did not have the right to autonomy.

200. With regard to the situation in the Autonomous Province of Kosovo, the representative stated that the trend towards the formation of nationalist parties was growing. Neither the Federal Government nor the Serbian authorities welcomed the formation of political groups and parties whose objective was to promote the interests of a particular national community exclusively. The representative also provided information on the implementation of measures of economic assistance to underdeveloped regions and said that most of the credits from international funds had been channelled into the development of the underdeveloped regions. As for the Albanians who had been subjected to harassment and persecution, the representative said that it was the task of the authorities at Federal and Republic levels to ensure that such abuses did not recur and to remedy any mistakes that had been made. Street demonstrations in Kosovo had been prohibited, but there were no restrictions on freedom of movement in the Autonomous Province or in other parts of the Federal Republic. The declaration of independence of the province by the Albanian deputies had been considered an illegal act and an attack on the territorial integrity of the State. The suspension of the Assembly of Kosovo was a temporary measure and new parliamentary elections were scheduled to take place in Serbia and Kosovo in September 1990. Of the population of Kosovo, 80 per cent was of Albanian origin. The representative provided information on the participation of ethnic Albanians in the educational system of that Province, on their presence in other provinces of Yugoslavia and their representation in the conduct of public affairs.

201. With regard to a question concerning article 2 of the Convention, the representative explained that, in response to the claims of the Serbian population in Croatia for a form of cultural autonomy, the Croatian authorities had taken the view that there was no legal basis for a referendum on that question.

202. Referring to article 4 of the Convention, the representative informed the Committee that, as of 5 August 1990, many articles of the Federal Criminal Code dealing with counter-revolutionary activities and other political offences had been rescinded. Additionally, hundreds of persons accused of or sentenced for political crimes in Yugoslavia had been amnestied recently. Another article of the Federal Criminal Code dealing with incitement to national, racial or religious intolerance had also been substantially amended recently to make it less repressive.

203. With reference to article 5 of the Convention, the representative provided information on the requirement of registration for the formation of political parties and stated that only one party's application had so far been provisionally refused. He also provided information on the growing number of newspapers and other media in Yugoslavia and stated that the press was free and independent of government and party influence.

204. With regard to article 6 of the Convention, the representative acknowledged that the independence of the judiciary was a contentious issue in Yugoslavia. However, the situation was changing rapidly. Judges had previously been subjected to election and re-election; by abolishing that requirement, the independence of the judiciary would be more adequately guaranteed.

205. Since he did not have time to respond to all the questions, in conclusion, the representative of Yugoslavia stated that the important questions raised by members of the Committee, including the figures of minorities in Macedonia and newspapers published in the Albanian language, would be

addressed more fully in his Government's next periodic report.

CERD A/48/18 (1993)

Federal Republic of Yugoslavia (Serbia and Montenegro)

509. At its 984th meeting, held on 19 March 1993, the Committee expressed its grave concern over the ongoing ethnic conflict taking place in the territory of the former Yugoslavia and requested the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as other successor Governments, in accordance with article 9, paragraph 1, of the Convention, to submit further information on the implementation of the Convention, not later than 31 July 1993.

510. The report (CERD/C/248) submitted by the Federal Republic of Yugoslavia (Serbia and Montenegro) pursuant to the aforementioned decision was considered by the Committee at its 1003rd, 1004th, 1005th and 1006th meetings, held on 13 and 16 August 1993 (see CERD/C/SR.1003-1006).

511. The report was introduced by the representative of the State party, who said that disrespect for and denial of the right to self-determination to all peoples in the territory of the former Yugoslavia had led to the tragic conflict there with its resulting destruction, ethnic cleansing, mass exoduses and population displacements.

512. The representative stated that the crisis had been compounded by international interference and, in particular, the imposition of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) which had led to a collective condemnation of a people and which was contrary to the spirit of the International Convention on the Elimination of All Forms of Racial Discrimination. Those sanctions threatened not only the rights of the citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro) but also those of the more than 600,000 refugees who had fled to the country regardless of their national or religious background. The resulting political, economic and social climate had eroded public security and the rule of law and had strengthened extremist forces pressing for intolerance and prejudice.

513. With respect to national minorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), the representative stated that the legal system guaranteed minorities even greater rights than those provided for in international norms, including those agreed upon by the Conference on Security and Cooperation in Europe (CSCE). Additionally, work on the Federal Law on Minorities was in its final phase and would provide a further guarantee concerning the rights of members of minorities both as individuals and as a collectivity.

514. The issue of minority rights in the Federal Republic of Yugoslavia (Serbia and Montenegro) had been politicized and abused. In that connection, the Albanian national minority in Kosmet (Kosovo) and Metohija had clearly secessionist objectives and had tried to promote the "Kosovo Republic" idea in the Working Group on Ethnic and National Minorities of the International Conference on the Former Yugoslavia. That was being done despite the fact that constitutional provisions guaranteed Kosmet territorial and cultural autonomy, as well as the right to regulate questions in the fields of development, health, social protection and culture, including the use of the

national minority language. Unfortunately, members of the Albanian national minority had almost completely boycotted school curricula in their own language. Similarly, there had been a decrease in the number of Albanians in the judiciary, police force and health institutions, which was due not to discrimination or expulsion from work but to their refusal to recognize the legitimate authorities of the State.

515. The situation in Vojvodina and Sandzak had also been politicized as part of the pressure being applied to the Federal Republic of Yugoslavia (Serbia and Montenegro). In Vojvodina, there were about 344,000 members of the Hungarian national minority whose ethnic, cultural, linguistic and religious identity was completely guaranteed. In places where there was a greater number of Hungarians, they held a majority in all the institutions of authority, including education, the economy and social life. With respect to the Raska (Sandzak) region, it was no more than a geographic area and the problems of the rights and status of Muslims living there had been politically imposed and artificially construed.

516. Members of the Committee expressed satisfaction that the State party had submitted further information as had been requested and that a delegation had been sent from the capital to respond to the questions posed by the Committee. Members noted that although the report contained useful information on the legal framework for the protection of national and ethnic minorities, there was little information on the actual situation of the various minorities and the extent to which their rights were protected in reality. There was also little information on the tense situation prevailing in certain regions of the State where there had been serious violations of the Convention and where ethnic tensions threatened to escalate into armed conflict.

517. Members of the Committee referred to information from other sources on the situation in the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular the report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50). In that regard, members of the Committee wished to have further information on restrictions on the media in Kosovo and on problems that had arisen in the educational sector there following the reported changes in the school curricula which suppressed Albanian culture. Members also requested clarification on a number of laws listed in the report of the Special Rapporteur which were reported to be discriminatory in nature (see E/CN.4/1993/50, para. 156).

518. Members expressed their concern over the deterioration of the situation in Kosovo and wished to know why the autonomous status of that province had been revoked and the provincial courts there had been abolished. Regret was expressed over the fact that the Albanians there had chosen not to participate in social and public life. Emphasizing the need to foster a dialogue between the Government and the local minority leaders in Kosovo, members wished to know what active steps the Government was undertaking with a view to reducing tension and normalizing the situation there.

519. Members were particularly concerned over reports of police brutality, arbitrary arrests, disappearances and mass dismissals of the Albanian national minority in Kosovo and wished to know what had been done to investigate those reports and punish those responsible for such acts. Members also wished to know to what extent Albanian language newspapers, radio broadcasts and television programmes were still available in Kosovo.

520. Members expressed their concern over reports of verbal and physical threats and other acts of intimidation directed against the minorities living in Vojvodina, including the destruction of homes and cultural and religious monuments. According to those reports, the police and judiciary had not provided effective protection to the victims of such abuse. Members were particularly disturbed over reports of complacency on the part of law enforcement officials regarding the campaigns of terror and intimidation directed against minorities by paramilitary groups, and requested further clarification of the situation in that regard.

521. Members noted with concern that a similar situation prevailed in Sandzak, where there had been reports of a campaign of terror carried out by paramilitary organizations with the aim of intimidating the Muslim population into abandoning their homes. In that connection, members wished to receive further information on the steps being taken to investigate allegations of such ethnically motivated campaigns, whether there had been any punishment of the guilty in that regard and what steps had been taken to avoid recurrences.

522. Stressing the need for ongoing monitoring of ethnic tensions in the State party, members wished to know why the Government had so far declined to renew the mandate of the CSCE monitoring missions in Kosovo, Vojvodina and Sandzak.

523. Members also wished to have further information on the role of government officials in inciting the public to ethnic intolerance and violence; on discriminatory practices concerning employment, education and housing; on reported frequent harassment of gypsies by the police; and on the number of ethnic Bulgarians in the Federal Republic of Yugoslavia (Serbia and Montenegro), their participation in government and measures taken to facilitate the use of their language. Members also requested clarification on the extent to which the Federal army was linked to activities in neighbouring States where massive human rights violations and ethnic cleansing had been occurring.

524. Members wished to know whether the Federal Republic of Yugoslavia (Serbia and Montenegro) was considering making the declaration under article 14 of the Convention recognizing the competence of the Committee to receive individual complaints alleging violations of the Convention.

525. Replying to the questions, the representative of the State party stated that there was significant representation of minority groups at all levels of government and he provided detailed figures to that effect. With reference to problems concerning education in Kosovo, the representative stated that the ethnic Albanians were the only minority in the Federal Republic of Yugoslavia (Serbia and Montenegro) who refused to exercise their rights and had chosen to boycott the schools. As a result, there were 466 schools for ethnic Albanians in Kosovo that were not used. There were a large number of schools that had been provided for the use of other minorities in Kosovo as well as in Vojvodina and Sandzak and which were used.

526. With regard to the mass media, the representative stated that public information facilities were controlled by minority groups and that special resources were made available to them in order to support their operation. Specific information was given indicating that there were many newspapers and weeklies as well as radio and television programmes in minority languages throughout the

country. In particular, such facilities were provided in the Hungarian, Slovak, Albanian, Russian, Romanian, Ukrainian and Bulgarian languages.

527. With respect to the war crimes tribunal that was to be established pursuant to the decision of the Security Council, cooperation with that body would depend on decisions taken by Parliament, particularly concerning amnesty and extradition laws.

528. Concerning the CSCE monitoring missions in certain areas of the country, the Government had no objection to those missions and there had been cooperation in that regard. The agreement had not been extended beyond the original six-month mandate, however, because the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in CSCE had not been clarified. The Federal Republic of Yugoslavia (Serbia and Montenegro) sought only to participate as a member of that body and, thereby, in the decisions affecting its own future.

529. The representative stressed that the Government was open to dialogue with all minorities in the country. He stated that international criticism of the Federal Republic of Yugoslavia (Serbia and Montenegro) had not been objective and that there had been mistakes and shortcomings on all sides that had contributed to the problems which the region was currently experiencing. He declared his Government's willingness to fulfil its obligations under the Convention and to cooperate with the Committee as well as other international bodies in the search for constructive solutions.

Concluding observations

530. At its 1012th meeting, held on 20 August 1993, the Committee adopted the following concluding observations.

Introduction

531. The Committee noted that the report submitted by the State party contained information on the ethnic composition of the population, on the possibilities for minorities in the field of education and in public life and on the legal framework for the implementation of the Convention. However, the report did not reflect the actual situation of national and ethnic minorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or the current grave situation and tensions prevailing in certain parts of the State.

532. The Committee noted that its dialogue with the State party over the past several years had not been fruitful, with major discrepancies having become apparent between the provisions of the Convention and realities in the country. The Committee underlined the importance it attached to not only maintaining an open and constructive dialogue with States parties, but also to a practical follow-up of its suggestions and recommendations by the Federal Republic of Yugoslavia (Serbia and Montenegro).

Positive aspects

533. The Committee welcomed the timely submission of the requested information and the presence

of a delegation as an indication of the State party's willingness to continue the dialogue with the Committee.

534. The Committee took note of information made available to it regarding the Federal Ministry for Human and Minority Rights and of measures under consideration to provide a legal framework for the protection of the rights of members of minorities.

535. The Committee welcomed the interest shown by the delegation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in an active role for the Committee with respect to re-establishing a dialogue between the interested parties in Kosovo within the framework of the early warning measures and urgent procedures devised by the Committee in its working paper of March 1993 (annex III).

Principal subjects of concern

536. The Committee expressed deep concern over reports of serious and systematic violations of the Convention occurring in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro). In that regard, the Committee considered that by not opposing extremism and ultra-nationalism on ethnic grounds, State authorities and political leaders incurred serious responsibility.

537. The Committee also noted with great concern that links existed between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serbian militias and paramilitary groups responsible for massive, gross and systematic violations of human rights in Bosnia and Herzegovina and in Croatian territories controlled by Serbs.

538. The Committee expressed alarm over the deteriorating situation in Kosovo. A number of measures had been implemented there which were in violation of the provisions of the Convention, including the enactment of discriminatory laws, the closing of minority schools, the mass dismissal of Albanians from their jobs and the imposition of restrictions on the use of the Albanian language. Such measures had resulted in the increasing marginalization of the Albanians in Kosovo. In that regard, the Committee noted that Albanians in Kosovo did not participate in public life.

539. The Committee was deeply concerned by reports indicating that in Kosovo, as well as in Vojvodina and Sandzak, members of national minorities had been subject to a campaign of terror carried out by paramilitary organizations with the aim of intimidating or forcing them into abandoning their homes. The Committee also noted that information provided by the Government referred to such practices directed against Serbs in Kosovo. The Committee was particularly concerned that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) had not ensured that public security and law enforcement officials took steps effectively to prohibit such criminal activities, punish the perpetrators and compensate the victims, as required under article 6 of the Convention. The Committee was also concerned that other minorities in other regions of the Federal Republic of Yugoslavia (Serbia and Montenegro) were suffering from various forms of discrimination.

540. The Committee regretted the absence of a dialogue between the Government and the leaders of the Albanians in Kosovo aimed at reducing tension and helping to prevent further massive human rights violations in the region. In that connection, the Committee regretted the recent lapse of the CSCE mission that was monitoring ethnic tension and human rights violations in Kosovo, as well as in Vojvodina and Sandzak.

541. The Committee was also concerned that Serbs in Bosnia and Herzegovina were hindering the attempts of the Government of that State to implement the Convention.

Suggestions and recommendations

542. The Committee underlined that non-discrimination in the enjoyment of fundamental, civil, political, economic, social and cultural rights must be effectively guaranteed in law and actively protected in practice if further ethnic unrest was to be avoided. The Committee in no way encouraged unilateral trends towards separatism or secession. In that connection, the Committee noted that separatism could best be discouraged by the active promotion and protection of minority rights and interethnic tolerance.

543. The Committee recommended that, in conformity with articles 2 and 4 of the Convention, the Government should prohibit racial discrimination and should urgently take vigorous steps to ban racist activities and propaganda. In that connection it was vital that paramilitary groups be disbanded, reports of ethnically motivated attacks, including allegations of arbitrary arrests, disappearance and torture, promptly investigated and those responsible punished. The Committee emphasized the importance of providing proper training in human rights norms for law enforcement officials in accordance with its general recommendation XIII and of ensuring the equitable representation among their ranks of national minorities.

544. The Committee strongly emphasized the need for urgent measures in respect of the situation in Kosovo in order to prevent persisting ethnic problems there from escalating into violence and armed conflict. The Committee recommended, in particular, that all possible measures be taken by both sides to foster dialogue between the Government and the leaders of Albanians in Kosovo. The Committee recommended that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) strengthen the territorial integrity of the State by considering ways of assuring autonomy in Kosovo with a view to ensuring the effective representation of the Albanians in political and judicial institutions and their participation in democratic processes.

545. The Committee urged the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake all measures at its disposal with a view to bringing to an end the massive, gross and systematic human rights violations currently occurring in those areas of Croatia and Bosnia and Herzegovina controlled by Serbs. The Committee also urged the State party to assist efforts to arrest, bring to trial and punish all those responsible for crimes which would be covered by the terms of reference of the international tribunal established pursuant to Security Council resolution 808 (1993). The Committee further urged the Federal Republic of Yugoslavia (Serbia and Montenegro) to give effect to the International Court of Justice's Order of Provisional Measures of 8 April 1993.

Further action

546. Taking into account the wish expressed by the representative of the Government and the need to promote a dialogue between the Albanians in Kosovo and the Government, the Committee offered its good offices in the form of a mission of its members. The purpose of the mission would be to help promote a dialogue for a peaceful solution of issues concerning respect for human rights in Kosovo, in particular the elimination of all forms of racial discrimination and, whenever possible, to help parties concerned to arrive at such a solution. It was understood that such a mission should have every opportunity to inform itself of the situation directly, including full discussion with central and local authorities, as well as with individuals and organizations. In that connection, no one should be victimized for, or in any way have their rights or security impaired as a result of, cooperating with the mission. The Committee requested the State party to respond by 1 October 1993 if it wished to accept that offer, in which case the Chairman, after due consultations, would designate members of the Committee for such a mission.

547. In accordance with article 9, paragraph 1, of the Convention, the Committee requested further information from the State party on measures taken to implement the provisions of the Convention, particularly in view of the concluding observations adopted by the Committee at its forty-third session. The State party was requested to provide that information by 1 January 1994 so that it might be considered by the Committee at its forty-fourth session.

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226. The Committee, in concluding observations adopted at the forty-third session (see A/48/18, paras. 531-547), requested additional information from the Federal Republic of Yugoslavia (Serbia and Montenegro) concerning measures taken to give effect to the provisions of the Convention. The Committee considered the additional information, contained in document CERD/C/248/Add.1, at its 1094th meeting, held on 15 March 1995 (see CERD/C/SR.1094).

227. Consideration of the additional information proceeded in the absence of a representative of the State party. In that regard, the Committee had before it copies of an exchange of correspondence between the Ambassador of the Federal Republic of Yugoslavia and the Chairman of the Committee. The text of those communications reads as follows:

"Letter from the Chargé d'affaires a.i. of the Permanent Mission
of the Federal Republic of Yugoslavia to the United Nations
Office at Geneva to the Chairman of the Committee on the
Elimination of Racial Discrimination

15 February 1995

Excellency,

With reference to the United Nations Secretary-General's note No. G/SO 237/2 (2) of 26 October 1994, and the invitation extended to the Government of the Federal Republic of Yugoslavia on 4 November 1994, for sending its representatives to a meeting of the CERD, may I transmit herewith the following position of the Government of the Federal Republic of Yugoslavia:

'The Government of the Federal Republic of Yugoslavia pointed out on several occasions its position that, being the continuation of the international, legal and political personality of the former Socialist Federal Republic of Yugoslavia, it would strictly abide by all the commitments the SFRY had undertaken by acceding to international-legal instruments, which includes the obligations deriving from its membership in the International Convention on the Elimination of All Forms of Racial Discrimination.

With regard to the fact that the delegation of the Federal Republic of Yugoslavia was unlawfully denied the right to participate in the work of the latest meeting of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, whereby the basic rights of the FR Yugoslavia deriving from its membership in the Convention have been violated, the Government of the Federal Republic of Yugoslavia is of the view that the position of inequality, in which it is being placed by this act, makes its normal and usual cooperation with the CERD impossible.

Taking into account that, regrettably, in the meantime after our latest communication (No.

56/1 of 26 January 1995), nothing has been changed in the position held towards the FR of Yugoslavia, i.e., it is not yet considered as a full member to the Convention, the Government of the Federal Republic of Yugoslavia is keeping its position and it will not participate at the above-mentioned CERD meeting.

The Government of the FR of Yugoslavia is expecting that the Federal Republic of Yugoslavia will be allowed to participate on the footing of equality at the next Conference of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and that usual cooperation with the CERD will be resumed afterwards.

The Government of the Federal Republic of Yugoslavia wishes to reiterate once again its sincere interest in the equitable dialogue with the CERD, which is of mutual interest.

Please accept, Excellency, the assurances of my highest consideration.

(Signed) Vladimir Pavicevic
Ambassador"

"Letter from the Chairman of the Committee on the Elimination of Racial Discrimination to the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva

6 March 1995

Excellency,

I refer to your letter of 15 February 1995 which transmits the position of your Government on the invitation extended to it to participate in the consideration by the Committee on the Elimination of Racial Discrimination of the additional information supplied by your Government pursuant to a request of the Committee.

May I convey to you the great regret of the Committee concerning the decision of your Government not to send a delegation to meet with it during its current session. While the absence of a delegation does not preclude consideration of the information which has been supplied, it does, however, greatly hinder the process of dialogue. The Committee considers that the continuation of the dialogue with your Government will contribute to the implementation of the Convention.

Note has been taken of the reasons presented by your Government as underlying its position. In this regard the Committee would like to restate its view that it has always considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) is duty bound as a State party to the International Convention on the Elimination of All Forms of Racial Discrimination and that the Committee, in its actions, will continue to proceed on the basis of this understanding.

It is the hope of the Committee that your Government will reconsider its decision in sufficient

time to allow for a dialogue to occur during the present session.

Please accept, Excellency, the assurances of my highest consideration.

(Signed) Ivan Garvalov"

228. Members welcomed the submission of the additional information while deploring the unwillingness of the State party to send a representative to participate in the Committee's deliberations. Members also drew attention to and stressed the importance of the findings of fact contained in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the Former Yugoslavia, Mr. T. Mazowiecki. A number of members condemned the apparent unwillingness of the State party to take seriously its international obligations concerning human rights or to cooperate with various international procedures which are intended to promote respect for the rights of all peoples and especially vulnerable minority groups.

229. With regard to articles 2 and 5 of the Convention attention was drawn to reports of patterns of discrimination perpetrated by the State party against a number of minority groups, including people of Albanian origin in the Kosovo region, people of the Muslim faith in Sandjak and those of Bulgarian origin in certain areas of Serbia. Among the discriminatory practices cited were police harassment, deprivation of education rights, mass dismissals from employment and restrictions on freedom of expression. It was also noted that the Government persisted in refusing to assist United Nations initiatives to trace disappeared persons or to cooperate with the International Tribunal since 1991.

230. The role of the communications media in promoting ethnic and religious hatred was stressed by members and attention was drawn in that regard to the findings of the Special Rapporteur, which clearly indicate systematic and grave violations of article 4 of the Convention.

231. Members expressed concern about apparent violations of article 6 arising from reports that members of minority groups were unable to obtain adequate redress for violations of their human rights perpetrated by government authorities or by private citizens in circumstances where the government authorities failed to take preventative action.

232. Members referred to the good offices mission of the Committee which had visited Kosovo in 1993 and some expressed the view that a further mission might serve to promote respect for the Covenant in that region. In general members indicated their wish to give the fullest possible appropriate support to the Albanian minority in that region.

Concluding observations

233. At its 1097th meeting, held on 16 March 1995, the Committee adopted the following concluding observations.

(a) Introduction

234. The submission of a detailed document containing the additional information requested from the State party is welcomed. However, the Committee deplores the unwillingness of the State party to send a representative to participate in the consideration by the Committee of the information before it. The Committee notes the disparity between the intentions stated by the State party in its additional information concerning cooperation with the Committee and its unwillingness to participate at the meeting.

235. The important role played by the Special Rapporteur of the Commission for Human Rights for the former Yugoslavia is acknowledged and his findings of fact are endorsed.

(b) Factors and difficulties in implementing the Convention

236. It is recognized that the State party is experiencing considerable economic difficulties which have a negative impact on the enjoyment of human rights including those protected by the Convention. It is also acknowledged that the country faces severe challenges in meeting the needs of the large number of refugees within its territory.

(c) Principal subjects of concern

237. Great concern is expressed regarding the situation of the ethnic Albanian population of Kosovo. Reports continue to be received of campaigns of discrimination, harassment and, at times, terrorization, directed against them by State authorities. Dismissals from jobs in the public sector, principally from the police and education services, continue. Numerous reports have been received of physical attacks and robbery either committed by persons in the service of the State or inadequately investigated by the police. It can be concluded that the ethnic Albanians of Kosovo continue to be deprived of effective enjoyment of the most basic human rights provided in the Convention.

238. Concern is expressed concerning ethnic discrimination against other groups including the Muslim community of Sandjak and the Bulgarian community in Serbia. Note is taken of recent acts of discrimination perpetrated against these groups and of the failure of the State party to bring such actions to an end or to have them investigated and prosecuted.

239. Note is taken with profound concern of the large part which the media continue to play in the propagation of racial and ethnic hatred. Given the very tight State control over the media this propagation of hatred may be attributed to the State. It is further noted that the State party fails to take adequate action to either prosecute perpetrators of such acts or to attempt to redress injustices. It also fails to take action to counter the propagation of prejudice against non-Serbians through education of the population in tolerance.

240. The failure of the State party to cooperate with the Special Process on disappearances of the Commission on Human Rights is deplored. It is noted that without this cooperation no progress can be made in establishing the fate of large numbers of Croats, Bosnian Muslims and others who have

disappeared.

241. The unwillingness of the State party to recognize the jurisdiction of the International Criminal Tribunal for the former Yugoslavia is also deplored and extreme concern is expressed with regard to the apparent policy of the Government to purport to bestow impunity on perpetrators of fundamental violations of international human rights and humanitarian law.

(d) Suggestions and recommendations

242. The Committee draws attention to the letter of its Chairman to the State party of 6 March 1995 and reiterates its contents. The Committee will continue to consider the Federal Republic of Yugoslavia (Serbia and Montenegro) to be bound by the terms of the Convention and looks forward to an early resumption of contact with the State party including its good-offices mission to Kosovo.

243. The Committee calls on the State party to cease immediately all policies and practices which violate rights under the Convention. It insists that victims of discrimination, including ethnic Albanians, Muslims and ethnic Bulgarians, receive redress and reparation in accordance with article 6 of the Convention.

244. The Committee recommends the immediate drafting and implementation of legislation with a view towards the outlawing of every manifestation of racial discrimination and the full implementation of the Convention. Particular attention should be paid to the legal regulation of matters such as the media and freedom of expression, employment and trade unions, the education system, and the health-care system. The Committee places itself at the disposal of the State party to make available to it any technical assistance it may require to carry out such legislative programmes.

245. The Committee insists that all perpetrators of violations of the Convention be brought to justice. It further calls on the State party to cooperate fully with the International Criminal Tribunal for the former Yugoslavia.

246. The Committee urgently suggests that the State party reconsider its failure to cooperate with the Special Rapporteur and the Special Process on disappearances of the Commission on Human Rights. It notes the important role played by both these mechanisms in promoting compliance with the terms of the Convention.

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190. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of Yugoslavia (CERD/C/299/Add.17) at its 1260th, 1261st and 1262nd meetings, on 11 and 12 March 1998, and adopted, at its 1272nd meeting, on 19 March 1998, the following concluding observations.

A. Introduction

191. The Committee expresses its appreciation to the State party for the report submitted as well as for the additional information provided orally by the delegation. The Committee also expresses its satisfaction for the resumption of the dialogue with the State party, interrupted since 1995, and welcomes the commitment to continue that dialogue as a means to facilitate the implementation of the Convention in Yugoslavia.

192. The Committee regrets, however, that the report contains information almost exclusively on legislation and not on the implementation of such legislation. It also regrets that the report does not respond to the concluding observations on Yugoslavia made by the Committee in 1993. The absence of any such response restricts the possibilities for a fruitful dialogue with the State party on the issues raised in those observations.

B. Factors and difficulties impeding the implementation of the Convention

193. It is acknowledged that Yugoslavia is experiencing an acute crisis with serious consequences in terms of demographic, social, economic and political developments. International sanctions, the repercussions of the war in Bosnia and Herzegovina and the presence in its territory of about 700,000 refugees adversely affect the enjoyment of human rights, including those protected by the Convention.

C. Positive aspects

194. The statement made by the State party during the oral dialogue indicating its intention to pursue cooperation with all international mechanisms for the protection of human rights is noted.

195. The Committee takes note of the statement that the Government of the Republic of Serbia is inviting the International Committee of the Red Cross (ICRC) to visit Kosovo and Metohija, and urges the State party to immediately grant ICRC and other humanitarian organizations free access to Kosovo.

196. It is noted that since the Committee's good offices mission in 1993, some progress has been made, with the participation of the Albanian population, towards the normalization of the health care system in the province of Kosovo and Metohija.

* Comments of Yugoslavia were submitted on the concluding observations of the Committee pursuant to article 9, paragraph 2, of the Convention and are reproduced in annex VII below.

197. The Committee notes the statement made by the Government of the Republic of Serbia to the effect that all questions relating to Kosovo and Metohija should be resolved within Serbia by political means and in accordance with international standards in the field of protection of the rights of national minorities.

D. Principal subjects of concern

198. Concern is expressed at the lack of implementation of the memorandum of understanding on the normalization of education in Kosovo and Metohija, signed by President Milosevic and representatives of the Albanian population in September 1996.

199. Concern is expressed about continuing reports indicating that, despite constitutional and legal safeguards, access of certain minorities to education, public information and cultural activities in their own language is not fully guaranteed.

200. Concern is expressed at the limitations imposed by the 1989 Act on Special Conditions for Real Property Transactions, on the transactions between members of different groups and about the fact that the law is being unevenly and arbitrarily implemented, depending on the applicant's ethnicity and place of residence.

201. It is noted with regret that there has been no follow-up to the good-offices mission of the Committee in 1993. The purpose of the mission was to help promote a dialogue for the peaceful solution of issues concerning respect for human rights in the province of Kosovo and Metohija, in particular the elimination of all forms of racial discrimination, and to help the parties concerned to arrive at such a solution. As a result of the mission, the Committee proposed to the State party that a number of specific steps, particularly in the fields of education and health care, be taken with a view to normalizing the situation in Kosovo. Although the Committee expressed a willingness to continue the dialogue within the framework of the good-offices mission, no response was received from the State party.

202. Concern is also expressed at persisting violations in Kosovo and Metohija of basic human rights standards, including article 5 (a) and (b) of the Convention, requiring that arrested persons be brought promptly before a judge, and prohibiting torture and ill-treatment of persons in detention or in the course of demonstrations. Equal concern is expressed about the impunity that perpetrators of such violations seem to enjoy.

203. The Committee is concerned that disproportionate use of force by law enforcement agencies and the military against the Albanian population in the province of Kosovo and Metohija has resulted in numerous violations of the right to life, destruction of property and displacement.

204. Although the State party has argued that its recent actions in Kosovo and Metohija were carried out exclusively with a view to combating terrorism, the Committee notes with serious concern that a great number of victims of the recent events are civilians, including women and children whose deaths cannot be justified by any means. It states that any attempt to push for a military solution of

the long-standing crisis in Kosovo could have distressing consequences.

205. It is regretted that the cooperation of the State party with the International Tribunal for the Former Yugoslavia remains insufficient and that individuals indicted by the Tribunal for war crimes and crimes against humanity are not put at its disposal.

E. Suggestions and recommendations

206. The Committee recommends that the information provided orally in response to a wide range of questions raised by the members be incorporated in the next periodic report, due on 24 July 2000. That report should also contain information on the following issues:

(a) Cases in which the Convention has been invoked in decisions or other acts adopted by courts or administrative organs;

(b) Cases where decisions and other acts adopted by courts or administrative organs have been invalidated owing to non-compliance with the Convention;

(c) Cases where compensation has been granted for damages caused by officials or State organs involving violation of rights guaranteed by the Convention;

(d) Cases where measures have been taken against organizations carrying out activities promoting racial hatred and discrimination; cases that might have been brought before the constitutional courts in this respect;

(e) Cases where proceedings have been instituted for the crimes of violation of citizens' right to equality, infringement of citizens' right to use their mother tongue, incitement of national, racial and religious hatred or any other act of racial discrimination.

207. Efforts should be pursued in order to guarantee full enjoyment by members of all minorities of their rights to public information and cultural activities, as well as education in their own language, whenever possible.

208. The Committee recommends that the Government of Yugoslavia take measures to incorporate human rights programmes in school curricula. Such programmes should also include the provisions of the Convention, with a view to promoting the prevention of racial discrimination.

209. Recalling its general recommendation XXI (48) of 8 March 1996, the Committee expresses the opinion that a solution for Kosovo and Metohija includes a status of the highest level of autonomy for this part of the State party as a means for everyone to enjoy their human rights and in particular to eliminate all forms of racial discrimination.

210. The Committee calls on all parties to ensure implementation of the memorandum of understanding on the normalization of education in Kosovo and Metohija.

211. The Committee urges the State party to carry out a full and independent investigation of the incidents that occurred in Kosovo and Metohija following the recent military operations and to bring to justice those responsible for any act involving a disproportionate use of force.

212. The Committee recommends that the State party cooperate fully with the International Tribunal for the Former Yugoslavia, in particular by handing over those indicted by the Tribunal for war crimes and crimes against humanity.

213. It is also noted that the State party has not made the declaration provided in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

214. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.