

## REPUBLIC OF SERBIA<sup>1</sup>

### CESCR E/1988/14

240. Yugoslavia's initial report, concerning the rights covered by articles 13-15 of the Covenant (E/1982/3/Add.39), was examined by the Committee at its 14th and 15th meetings, held on 17 February 1988 (E/C.12/1988/SR.14 and 15).

241. The representative of the State party introduced the report. He said that the Constitution of the Socialist Federal Republic of Yugoslavia guaranteed to all citizens the right to education without any discrimination. The objective of education was to prepare citizens for democratic life, responsibility and creativity.

242. He described the educational system in his country, and said that education at all levels was free. Primary education, which lasted eight years, was compulsory and 98.5 per cent of children between the ages of 7 and 15 attended primary schools. Primary education was provided in the mother tongues of the children, namely, either in one of the three national languages or in one of the nine languages of nationalities. Children from poor families received text books and school supplies free of charge. Most of the children of Yugoslav nationals working abroad had access to language and history courses by correspondence.

243. The main purpose of secondary education was to ensure the general development of students and to offer them the opportunity of continuing their schooling at a higher level and acquiring vocational training leading to a job. Although secondary education was not compulsory, 90 per cent of children who completed their primary education continued their schooling. Courses were given in the three national languages and in six languages of nationalities.

244. As for higher education, he explained that there were three types of higher educational establishments in Yugoslavia, namely, specialized high schools (two years of study), art academies (four years of study) and university faculties (four to six years of study). He noted that Yugoslavia was one of the foremost countries of the world from the standpoint of the proportion of young persons receiving higher education, since students accounted for 20 per cent of the 19 to 25-year age group.

245. The representative of the State party also pointed out that, under the Yugoslav Constitution, all nations and nationalities of the Federation enjoyed the right to free cultural development; Yugoslavia had an extensive network of cultural institutions, universities and research centres which ensured the exercise of that right. Relevant figures were provided.

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<sup>1</sup> [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.]

## General observations

246. The members of the Committee congratulated the Yugoslav Government on the quality of the report submitted as well as its representative on his statement, and noted in particular the frankness with which the difficulties encountered by the Government in the implementation of the relevant provisions of the Covenant had been described.

247. It was observed that the report revealed a certain imbalance between the theoretical description of systems and the description of the situation in practice, particularly in view of the rather special self-management principle; further statistical information, more recent than that contained in the report, was therefore requested on the subject.

248. Additional information was also requested concerning the division of legislative competence in matters of science, research and education between the Federation and the federal units of Yugoslavia. A question was raised concerning the proposal to revise the Constitution, namely, whether the proposal had been acted on. With respect to the situation at Kosovo, it was asked what the outcome was likely to be.

249. Noting that Yugoslavia recognized that men and women had equal rights to education, members of the Committee observed that age-old traditions still hampered access to education for girls and asked what steps had been taken by the Government to bring about a change in the mentality of parents in that respect.

250. In that context, questions were also raised about the access of women to higher education in general and about the number and percentage of women holding teaching posts at the university level in all branches.

251. Members of the Committee also asked whether the general economic recession had had an impact on Yugoslavia, whether any budgetary cuts had influenced the exercise of the rights set out in articles 13 to 15 of the Covenant, and to what extent religious denominations had the right to set up their own educational establishments. Members of the Committee had been interested to hear of the measures that could be taken in the context of the self-management system to reduce inequalities in access to education, and supplementary information was requested about the system of scholarships and credits described in the report (E/1982/3/Add.39, paras. 50 and 51) and their possible effect on freedom of choice in educational matters. Clarification was requested of the extent to which the State contributed to the educational budget and of the way in which the resources of the self-management system were mobilized.

252. It was also asked whether certain non-governmental bodies had participated in the preparation of Yugoslavia's report and whether the Ministry of Foreign Affairs had invited the Yugoslav people to take note of the report and present their observations on it.

253. The representative of the reporting State, replying to the questions raised by the members of the Committee, gave a detailed description of the organization of the educational system of Yugoslavia, paying particular attention to the federal structure of the Yugoslav State. The required information

as to the constitutional reform and its main features, relating to articles 13 to 15 of the Covenant, was also given.

254. As to the question on self-management in education, culture and at university level, it was explained that the experiment had started in 1950 in an attempt to make people more responsible for decision-making. There was now a number of self-managing communities of interest in areas such as education, health, welfare and others, operating on a delegation system. At the university level, there were two chambers of community of interests - associated labour and the academics. The description of the community of interest was given. It was declared that, in the Yugoslav experience, the system, if properly operated, was good in that it made everyone in a democratic society share the responsibility for education. However, it was emphasized that there were naturally many difficulties about what percentage of its income associated labour should provide and about decision-making.

255. Referring to the impact of the economic recession, he said that it had had serious effects on the Yugoslav economy and, as a result, there had been some cuts in spending on education but they had not been so great as to prevent continued advances in that field.

256. Turning to the question of the relationship between the religion and education, the representative of the reporting State declared that in Yugoslavia everyone was free to profess a religious belief; the teaching of religion was therefore a private matter for families and was generally separate from the question of schooling. However, he said, the Roman Catholic Church had two university faculties, seven high schools and nine secondary schools; the Serbian Orthodox Church had one university faculty and two secondary schools and the Muslims had one university faculty and two secondary schools.

257. With regard to the status of women in Yugoslavia, it was stated that the number of women engaged in teaching and cultural matters was 53.9 per cent of the total; the proportion of girls in secondary education for the years 1984-1985 was 47.3 per cent and the corresponding figure for higher education was 45.5 per cent. According to 1983 statistics, the proportion of women engaged in scientific research was 43.7 per cent and in physical training and sport 51.4 per cent.

258. On the subject of Kosovo detained information was provided to the Committee, which included description of relevant constitutional provisions, the pertinent statistical data, and the description of the actual situation. The attention of the members was drawn to the fact that, 45 years earlier, 90 per cent of the population in Kosovo had been illiterate and that by 1986 almost all the children were attending elementary school and there had been 40,000 students, a higher figure than in some of the other Republics. The Committee was also informed that the status of Kosovo was described at some length in the eight periodic report of Yugoslavia to the Committee on the Elimination of Racial Discrimination. 5/

### Article 13: Right to education

259. The members of the Committee requested additional information on the reason why not all children attended primary school, since the Constitution stated that primary education was compulsory. Moreover, in connection with the question of supplementary education provided for the children of Yugoslav migrant workers, referred to in the report (E/1982/3/Add.39, para. 12), it was asked whether educational facilities were also available to Yugoslavs residing abroad and what proportion of Yugoslav children abroad received education in their mother tongue and in their national culture. Clarification was also requested of the measures taken to improve the material conditions of teaching staff and their salaries in relation to those of salaried workers as a whole.

260. Members of the Committee requested additional information about disparities between various regions, such as the rate of enrolment in primary schools.

261. The representative of the reporting State, replying to the questions raised by the members of the Committee, declared that the Yugoslav Government had been paying attention to the children of Yugoslav migrant workers and that a number of Yugoslav schools had been established abroad in countries where there was the largest concentration of such workers. Children were also given opportunities to visit Yugoslavia for work or study and to participate with other Yugoslav children in the activities called "working actions" which took place every year during the summer. On that subject, he added, Yugoslavia had prepared report for OECD and UNESCO.

262. As for wages of teachers and professors it was said that there had been a number of strikes, particularly by elementary and secondary school teachers, to obtain higher wages and it was hoped that their salaries would soon be nearly equivalent to those paid to engineers and doctors. As to university professors, he pointed out that they were somewhat better off as they were required to do only four to six hours of lecturing a week and therefore had time available to earn additional money through consultancies and other possibilities open to them.

### Article 14: Principle of compulsory free education

263. Referring to the statement in the report (E/1982/3/Add.39 para. 8) which indicated that 5 to 6 per cent of children did not attend school, members of the Committee said they would like to know what the State was doing to remedy the situation and requested information about the origin of such children.

264. It was further asked whether the principle of free education was also applied at the university level and whether the advantages of university education were available not only to nationals but also to foreigners residing in Yugoslavia. In the same context, members of the Committee requested information on the nature of the loans (*ibid.*, para. 91), how they were granted, and above all how they were repaid.

265. The representative of the reporting State, in response to the questions asked, stated that with regard to the universities, all tuition was free as at other educational levels but in some cases

students, except for those from poor families, were required to pay for text books. Transport accommodation and food cost them about \$15 per month. Other pertinent information on that subject was also provided, including information concerning scholarships, credits and allocations.

Article 15: Right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

266. The members of the Committee requested supplementary information on the number of foreign students in Yugoslavia and on what had been done by the Government to ensure respect for the cultural rights of the gypsy minority. It was also asked what proportion of the State budget was devoted to culture, what proportion of that amount represented contributions from personal income, and what contribution was required of workers. More detailed information was requested on the possibilities offered in the educational, cultural and artistic fields.

267. The representative of the reporting State in reply to questions raised by the members stated that Yugoslavia had educational and cultural co-operation arrangements with virtually all countries. There were about 15,000 foreign students in Yugoslavia from all over the world, mainly in the medical and technical faculties. Turning to the question of national minorities, he said that his country was making every effort to preserve the cultural identity of its many ethnic groups, including gypsies. Relevant figures were provided. Newspapers were published and education provided in 12 languages. There was official encouragement to preserve ethnic customs and expression through dancing, theatre and music. Such efforts were closely linked to information programmes to help people to preserve their cultural identity in as many fields as possible.

268. Finally, the representative of the reporting State expressed his satisfaction with the discussion which had been both challenging and useful, and his appreciation of the friendly atmosphere in which it had been conducted.

Concluding observations

269. In concluding the consideration of the report, members of the Committee thanked the representative of the State party for having co-operated with the Committee in a spirit of constructive dialogue and with the common objective of implementing the rights recognized in the Covenant. It was observed that supplementary information with respect to the situation in Kosovo and as regards any significant regional disparities in the enjoyment of economic, social and cultural rights within Yugoslavia, would be appreciated.

72. In a note verbale dated 15 November 2000, the Permanent Mission of Yugoslavia to the United Nations Office at Geneva requested the Committee to postpone consideration of the third periodic report of the Federal Republic of Yugoslavia and at the same time informed the Committee of the intention of the Government of Yugoslavia to re-examine thoroughly all issues related to the implementation of the Covenant and to prepare a new report. Having considered this request, the Committee decided to have a preliminary discussion of the status of implementation of the Covenant in Yugoslavia, which took place at the 69th meeting of the Committee on 21 November 2000. The Committee, having considered and revised the list of agenda items (E/C.12/Q/YUG/1), agreed on a number of preliminary recommendations (see paras. 496-511 below) with a view to helping the State party fulfil its obligations under the Covenant and requested the State party to submit its report not later than 30 June 2002.

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Preliminary Recommendations\*

496. The Committee reminds the State party that, while the Covenant provides for progressive realization and acknowledges the constraints due to resource availability, it also imposes on States parties various obligations which are of immediate effect (art. 2, para. 1). For example, the enumerated rights must be enjoyed without discrimination and the State party has an immediate obligation “to take steps” towards the full realization of all the rights in the Covenant (see General Comments No. 3 (1990) on the nature of States parties’ obligations (art. 2, para. 1, of the Covenant), No. 13 (2000) on the right to education (art. 13 of the Covenant), paras. 43-45, and No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant, paras. 30-32)).

497. The State party is also reminded that several provisions of the Covenant, including article 2, paragraph 1 and article 11, anticipate that the State party will seek international assistance and cooperation in relation to the full realization of the rights recognized in the Covenant. In this regard, the Committee notes that in the past the State party has engaged in fruitful international cooperation with the United Nations system.

498. In these circumstances, the State party is encouraged to seek the specific technical advice and assistance from other agencies, such as UNDP, in relation to:

- (a) the preparation of its outstanding report to the Committee;

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\* For background, see para. 72 above.

(b) the formulation of a national human rights plan of action as anticipated by paragraph 71 of the Vienna Declaration and Plan of Action; <sup>9/</sup>

(c) the creation of a national human rights institution which conforms to the Paris Principles<sup>10/</sup> and Committee General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

499. More generally, the State party is urged to seek technical advice and assistance from United Nations specialized agencies and programmes in relation to its obligations under the Covenant. For example, the State party has an obligation to ensure that educational curricula conform to article 13, paragraph 1, of the Covenant. The State party is encouraged to invite UNESCO to assist in its development of curricula which meets its obligations under article 13, paragraph 1.

500. As the State party formulates its laws, policies, programmes and projects for the implementation of the Covenant, it is urged to ensure that its processes are always transparent and participatory. Arrangements must be in place to ensure the free and fair participation of all communities and groups. Further, the State party must ensure that all its initiatives give particular attention to the needs of the most vulnerable and disadvantaged groups within the Federal Republic of Yugoslavia.

501. The State party is urged to ensure that national reconstruction occurs on a fair and equitable basis across the Federal Republic of Yugoslavia.

502. The State party is encouraged to speed up the democratization process on the basis of which economic, social and cultural rights can be realized.

503. The State party is urged to facilitate the exercise of the right to self-determination by all peoples of the Federal Republic of Yugoslavia.

504. The State party is urged to promote positive and harmonious inter-ethnic relations.

505. The State party is encouraged to facilitate the return of displaced persons and refugees to their homes under conditions of freedom.

506. The State party is urged to give priority to the reconstruction of homes in order to reduce the number of homeless in the country.

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<sup>9/</sup> Adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part One)), chap. III.

<sup>10/</sup> General Assembly resolution 48/134, annex.

507. The State party is encouraged to introduce specific measures which address the serious problem of the trafficking of women in the Federal Republic of Yugoslavia.

508. In the context of article 12 of the Covenant, the State party is referred to paragraph 43 (f) of Committee General Comment No. 14 (2000) on the right to the highest attainable standard of health, and urged to prepare a national public health strategy and plan of action addressing the health concerns of the whole population.

509. In the context of article 13 of the Covenant, the State party is referred to General Comment No. 13 (1999) on the right to education, paragraphs 38-40, and urged to introduce legislation and other measures which ensure the academic freedom of all staff and students throughout the educational sector.

510. The Committee encourages the State party to consult with non-governmental organizations before finalizing and submitting its next periodic report to the Committee.

511. If the State party wishes, the Committee is willing to provide the required technical assistance to the Federal Republic of Yugoslavia to help the State party identify effective measures to secure the Covenant's implementation and to prepare its report under articles 16 and 17 of the Covenant, which should be submitted to the Committee by 30 June 2002.