



Economic and Social Council

Distr.
GENERAL

E/1982/WG.1/SR.18
26 April 1982

ORIGINAL: ENGLISH

First regular session, 1982

SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE IMPLEMENTATION
OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 18th MEETING

Held at Headquarters, New York,
on Monday, 19 April 1982, at 3 p.m.

Chairman: Mr. AKAO (Japan)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX)
by States Parties to the Covenant, concerning rights covered by articles 13 to 15
(continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550, 866 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be consolidated in a single corrigendum to be issued shortly after the end of the session.

The meeting was called to order at 3.45 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT, CONCERNING RIGHTS COVERED BY ARTICLES 13 TO 15
(continued)

Report of Romania (continued) (E/1982/3/Add.13)

1. Mr. VOICU (Romania) said, in reply to the French representative's question about admission to the second level of secondary school, that the network of upper secondary schools had been greatly expanded in recent years and a number of specialized schools had been established for electronics, mathematics, physics and the other exact sciences. The number of places available was the same as for the first level of secondary school. Some of the upper schools had more applications than others, depending on the speciality they offered, and were not always able to accept all the applicants. Nevertheless, students who completed the first level could be sure of finding places somewhere in the second level. The day course in the upper secondary schools took two years. Evening classes were also offered for the second level, where it was a three-year course. Access to higher education after secondary school was through examination. Under article 70 of the Education Act, competitive examinations were held for those with the upper secondary school certificate (baccalauréat). There had been a notable expansion of institutions of higher education in the last few years also, and any upper-school leaver with the necessary academic preparation could gain admission to an institution of higher education. Examinations were held at the beginning of the summer and again in September, when those who had failed to gain admission could try again. In general, the educational system was flexible and constantly evolving. It was adapted to the specific economic and social needs of the country and made the best possible use of its resources.

2. In reply to the representative of Japan, he said that the concept of the "gymnasium" was defined in article 28 of the Education Act. Gymnasiums were intermediate schools providing the fifth to the eighth year of compulsory education. To his question about the rate of admission to the various levels of the educational system, he said that the enrolment statistics showed steady growth in all sectors. That was partly due to population growth, but most of the increase reflected the expansion of facilities offering free education from the pre-school to the postgraduate level. The infrastructure was being constantly improved and expanded in line with the general rise in standards of living in Romania. The expansion had started in 1948 with the major educational reform of that year, and the last 15 years had been marked by a further diversification of the network of educational institutions.

3. On the question of freedom of access to information, he said that, subject only to Romania's economic possibilities, students and teachers had free access to information through libraries, films, subscriptions to newspapers and magazines, and so on. All the great State libraries contained the classic works of the various

(Mr. Voicu, Romania)

disciplines. In addition to the official languages of the United Nations, 49 other languages, including Japanese, were taught in Romania. Consequently, there was a large body of qualified translators working from the various languages. There was a special publishing house which published translations into Romanian of foreign literary works, and a review which specialized in the publication of excerpts from foreign works. The purchase of foreign books and subscriptions was, of course, subject to the availability of foreign currency.

4. In reply to the question of the Bulgarian representative about schools for the handicapped, he explained that on page 4 of the report and in the table in section IV on page 8, orphans and children with physical and intellectual deficiencies were grouped together for statistical convenience. The number of orphans was in fact declining as general health standards improved and the ravages of the Second World War receded. Special schools were organized for physically or mentally handicapped children and every effort was made to train them for productive work and integrate them into society.

5. Vocational training was provided through the regular vocational schools (art. 48 of the Education Act), and it was open to students after the first level of secondary education. The regular vocational schools provided students with the knowledge and skills required for the particular trade they hoped to enter. There were also on-the-job training courses in enterprises (art. 59 of the Education Act) where student workers had access to the latest technologies in their chosen trade. Finally, there were refresher courses (art. 87 of the Education Act), whereby industrial workers and cadres could improve their skills and keep them up to date.

6. In answer to the question about scientific research in the educational system, he said that article 125 of the Educational Act stipulated that, according to the speciality of the institution concerned, teachers and students should engage in scientific research. Thus, research in science and engineering, economics and medicine was conducted under the auspices and authority of the specialized academies. Article 128 of the Education Act governed the research activities of teachers and students under research contracts concluded with enterprises. The laboratories and other infrastructural facilities of enterprises were available to teachers and students and there was a close relationship between education and industrial research. Such research units were widespread, and the State made every effort to assist in their financing and in the creation of the necessary facilities in accordance with the needs of the national economy.

7. Replying to a point raised by the Libyan representative, he emphasized that the country did not see its population in terms of majority and minority groups; that was why the term "co-inhabiting nationalities" was used instead of "national minorities". Of the total population of slightly more than 22 million, 90 per cent were Romanian citizens and almost 10 per cent were of Hungarian origin, with smaller German, Serbian and other groups. During the current school year, approximately half a million children and young people were receiving education in their native language. For Hungarians, in particular, many disciplines and subjects were available in their native language to students in specialized higher

(Mr. Voicu, Romania)

education and at university level. In the academic year 1980-1981 more than 16,000 teachers of the co-inhabiting nationalities were employed throughout the system, from the pre-school to the higher education level, and most of the instruction for co-inhabiting nationalities was administered in the native language. Those nationalities enjoyed equality both in education and in cultural life with Romanian citizens.

8. Individuals who had trained in a vocational school instead of continuing studies at the second level of secondary school were not debarred from access to further education. Technical further education was open to all workers and managerial personnel employed in the appropriate sector. Evening and correspondence courses were also available to workers and, in the interest of fairness, an extra year was allowed for the completion of courses normally covered by full-time study.

9. There were three categories of scholarships: State scholarships, which took into account the student's academic performance and the means of his or her parents; those funded by companies or other institutions; and republican scholarships awarded only to students of exceptional merit, which were more generous than the others. Scholarships were generally awarded for a whole course of study but they were subject to renewal each year in the light of the student's academic achievement. Academic performance, in fact, was decisive in the awarding of scholarships.

10. In the current academic year a total of 20,000 foreign students from more than 120 countries, mostly developing countries, were studying in Romania under bilateral or multilateral agreements, including some with national liberation movements. Their status was protected by the Education Act, and their studies were generally financed under an international agreement and on the authorization of the Ministry of Education. However, in recent years an increasing number of students, especially of medicine, were studying in Romania at their own cost, receiving no grants either from Romania or from their country of origin.

11. The representative of the Byelorussian Soviet Socialist Republic had asked a question about preparation for work through practical work experience. That aspect of education was constantly emphasized throughout the system and was part of the very important concept of continuing education. One of the most important forms of continuing education was retraining: retraining programmes involving more than 2 million workers each year were available to workers and managerial staff at all levels and in all sectors of the economy.

12. The representative of the Federal Republic of Germany had asked about pre-school education. At present approximately 1 million children were accommodated in pre-school facilities and the plan was to provide the 100,000 places still required by the end of 1985. However, the wishes of the family were also important; there were those who preferred to keep the children at home until they were of primary school age.

(Mr. Voicu, Romania)

13. In connexion with the education of the handicapped, he emphasized that owing to a general significant improvement in living conditions and the increasing attention being paid to health care, especially for children, the number of handicapped was bound to decline.

14. He thanked the representative of the Federal Republic of Germany for drawing his attention to an error of translation on page 9 of the English version of the report (E/1982/3/Add.13). The use of the word "rotation" in the penultimate paragraph, which spoke of the allocation of teaching posts, was incorrect as a translation of the original French word "répartition". The relevant article of the Education Act used the word "placement". He would add that the competitive examinations were open to all with the requisite professional knowledge and attitude who satisfied the age and eligibility requirements established by the Act.

15. The CHAIRMAN said that, if he heard no objections, he would take it that the Working Group had concluded its consideration of the report of Romania concerning the rights covered in articles 13 to 15.

16. Mr. Voicu (Romania) withdrew.

Report of the Federal Republic of Germany (continued) (E/1982/3/Add.14)

17. Mr. FABER (Federal Republic of Germany) referred to the question asked by the representative of Bulgaria concerning the equivalence of university entrance qualifications submitted by foreigners. The equivalence of a foreign school-leaving certificate was usually established by the pertinent bilateral or multilateral agreement, especially within Europe; where no such agreement existed, the decision was taken by a special commission. To be accepted, a foreign student must also have a sufficient knowledge of German, although special language courses were provided for students from developing countries to expedite their integration in the German system.

18. In connexion with the scholarship system, pupils in general secondary schools and vocational schools received grants only, while students at advanced technical and commercial schools, colleges and universities received a mixed scholarship, consisting of a combined grant and loan. For example, a student living away from home would receive a maximum of DM 660. Twenty per cent of that would be in the form of an interest-free loan repayable in equal instalments of DM 180 per month three years after completion of the course of study. If the student's ultimate income was less than DM 960, the repayment period was extended. Of the 830,000 pupils and students receiving assistance in 1980, half or 41 per cent of the total student population were studying at universities or at the technical and commercial further education level, while 28 per cent of pupils in secondary institutions received grants.

19. Replying to the representative of Bulgaria, he said that the co-responsibility of pupils and students began at the secondary level. Elections were held at the class and school level and the elected representatives participated in the decision-making of most educational establishments. The process was even more

/...

(Mr. Faber, Federal Republic of Germany)

highly developed at the university level, especially in the area of social affairs. Regulations differed from state to state, but in general the participation of students was encouraged in all important university committees. The concept had a long tradition in Germany, dating back as far as the 1948 Constitution, and was now widespread throughout society, especially in social life and in business firms.

20. In reply to the question about the number of private schools and private school enrolment, he said that in 1980 there were 423,000 pupils in private schools providing general education, representing 4.6 per cent of all pupils in general education schools. The comparable figure for vocational training schools was 6.4 per cent. Most private schools were tuition-free and received financial assistance covering up to 90 per cent of all costs from the Government via the federal states. A small minority of specialist private schools charged fees, but even there scholarships were offered and article 7 of his country's Basic Law provided that State approval for such schools could only be given if they did not encourage the segregation of pupils according to their parents' means.

21. To the question regarding the Goethe Institute, he replied that the Institute's activities, described in paragraph 77 of the report, strengthened reciprocal ties between cultures in accordance with his Government's policy of general intercultural exchanges. Some idea of the scope of that policy was given by the description in paragraphs 81 and 82 of the activities of 120 German-foreign cultural societies on which some DM 5 million had been spent in 1981.

22. In reply to the question about foreign language teaching, he pointed out that all pupils at the various types of secondary school listed in paragraph 26 learned at least one, and most of them two or more foreign languages. In addition to classical Latin and Greek, English, French, Spanish and Russian were among the languages studied for periods of from five to nine years.

23. Research in the Federal Republic was carried out mainly by universities, non-university institutions and industry. At universities, the tradition of the individual scientist working alone or with an assistant was still strong. But large non-university institutions were involved in such fields as nuclear and aerospace research, medicine and biology, and to a lesser extent in culture and the arts. Industry also conducted research, but actually imported more technological data than it exported. The total amount spent on research was estimated at about DM 30 billion a year, half of which was provided by private industry and half by the State.

24. The answer to the question put by the representative of the Byelorussian Soviet Socialist Republic about the meaning of the statement in paragraph 16 of the report that compulsory schooling was more or less fully complied with was to be found in paragraph 18. In an insignificant number of cases, the children of itinerant families and of migrant workers who had just arrived in the country failed to conform with its provisions for compulsory education. It was perhaps unfair to say that such groups evaded the measures taken to enforce schooling as there were practical difficulties of integration, such as lack of knowledge of the language and of the legal requirements.

(Mr. Faber, Federal Republic of Germany)

25. The decline in the numbers of pupils at primary and upper primary schools between 1975 and 1979 (paras. 25 and 26 of the report), was due to the dramatic decline in the birth-rate over the past decade. It should be noted, however, that the number of pupils in intermediate schools and grammar schools had increased over the same period.

26. With regard to the question about the limits to copyright (para. 61 of the report), he said that they were listed in the Copyright Act and interpreted narrowly as a matter of principle. They existed mainly to guarantee freedom of quotation for various purposes, but also contained provisions relating to reproduction for private use and public performances of musical works. However, the legal protection of authors' rights was already very comprehensive and the obligation to pay fees for reproductions was expected to be considerably extended to ensure that authors did not suffer financial loss.

27. In reply to the series of questions about the equal treatment of men and women, he observed that articles 99 to 108 of the report described the present state of implementation of that principle under article 3 of the Covenant. There were no legal obstacles to equality of the sexes and major progress had been made in schools and universities, where female students constituted 50 and 40 per cent respectively of the student body. But the attainment of full equality was a gradual process. The relatively low proportion of women teachers at grammar schools compared with other types of school (para. 102), was probably due in part to the greater workload for teachers at grammar schools and in part to traditional attitudes which were slow to change. Those attitudes also probably accounted for the under-representation of women in university staffs, although a time factor was also involved, in that the more highly educated women of recent generations had not yet reached the upper levels of the system. To overcome obstacles to equality of the sexes in the educational field, the Federal Ministry for Education and Science was implementing programmes sponsored and financed by the State to encourage greater female participation in vocational schools, higher educational establishments and other sectors of the system. But it had to be emphasized that the State could only provide incentives; the main object was to change attitudes.

28. The representative of Japan had asked about the scholarship system and, in particular, about expenditure by the Federal Government and the federal states on scholarships. Under the Federal Training Assistance Act 65 per cent of the expenditure on grants and scholarships was financed by the Federal Government and the remainder by state governments. The states were mainly responsible for educational policy, although the Federal Government retained responsibility for legislating inter alia on vocational training, training assistance and higher education. The Constitution also provided for co-operation between the Federal Government and state governments in a number of fields, thus ensuring a degree of harmonization of educational policies. For example, there had been problems concerning the recognition of school certificates where families and children moved from one federal state to another, but in recent years the states had managed to resolve them. Finally, in reply to the Japanese representative's question about

(Mr. Faber, Federal Republic of Germany)

the allocation of expenditure for education, he noted that the Federal Government spent 9 per cent of the educational budget, the states 72 per cent, and local authorities the remaining 19 per cent.

29. He hoped that the query of the representative of the Soviet Union regarding the status and fees of private schools had been fully covered in his answer to the question put by the representative of Bulgaria. Responding to the point raised by the representative of the Soviet Union in connexion with corporal punishment in schools, he said that it had long been abolished in the Federal Republic of Germany.

30. The question regarding the employment restrictions imposed on political extremists required more ample explanation. In fact, the ban on the employment of extremists applied only to the civil service. It had been stipulated in a ruling of the Federal Constitutional Court that civil servants and public employees must be loyal to the State and must above all uphold the fundamental principles of the Constitution. In particular, they must not oppose the principles underlying decision-making in a parliamentary democracy such as the expression of popular will through elections or the guarantee of fundamental rights. It must be noted that any civil servant charged with breach of loyalty could take the matter to court. However, outside the civil service there were no restrictions on eligibility for any profession.

31. Turning to the question of opportunities for access to foreign cultures, he said that a wide range of cultural exchange activities, particularly in the academic and educational fields, were conducted in the Federal Republic of Germany. The Alexander von Humboldt Foundation awarded research fellowships to highly qualified foreign scholars to undertake research in a sphere of their own choice in the Federal Republic of Germany in addition to sponsoring further study in their home countries. The Duisburg Society, with branches in more than 100 countries, provided further training opportunities for technicians and organized specialist training programmes in many developing countries. The activities of the German Foundation for International Development were mainly centred on promoting co-operation in economic and social development through the organization of conferences and seminars for experts to exchange information and through the training of technical and financial staff from developing countries in a wide range of specialities. The Institute of Foreign Relations promoted international cultural relations by organizing exhibitions and seminars, publishing books and magazines, maintaining an extensive specialized library on foreign cultures and providing a variety of advisory services. Finally, the German Academic Exchange Service was chiefly geared to running international university exchange programmes with foreign scholars and students, particularly in the arts and communications. Furthermore, the Federal Republic of Germany ranked third after the United States and the Soviet Union in the publication of books. In 1978, more than 6,000 titles had been translated from 51 languages, including about 1 to 5 per cent from Eastern European languages.

(Mr. Faber, Federal Republic of Germany)

32. To answer the final question put by the representative of the Soviet Union, he pointed out that denominational or religious schools were mostly but not all Catholic and existed only in a minority of Länder where there was sufficient demand. Parents were entirely free to decide whether their children should attend such schools.

33. In answer to the question of the representative of Mexico regarding the university places available in the subjects listed in paragraph 15, it must be noted that they represented only about 10 per cent of all the courses offered and that it was the general policy of both the Federal Government and the governments of the Länder to keep such disciplines to the strict minimum and to impose restrictions on admission only where the demand was considerably in excess of places available. Those restrictions would ultimately be lifted entirely once the effects of the declining birth-rate came to be felt at the level of university entrance. The programme referred to in paragraph 23 (c) had been centred on financial assistance to vocational schools and the organization of on-the-job training programmes to improve the employment opportunities of young people entering the work force. Although it had ended in 1978, a number of follow-up activities were still being carried out. On the point raised by the representative of Mexico with reference to paragraph 38 of the report, he said that the educational objectives mentioned applied exclusively to those private schools established as a substitute for State or municipal schools. Other schools could be founded, however, over which the State exercised only very light control and which did not normally receive financial assistance.

34. Mr. SOFINSKY (Union of Soviet Socialist Republics), referring to foot-note (a) to paragraph 25 of the report which read "including pupils of grades 5 and 6 in Bremen and Berlin", said that it was misleading to mention the capital of the German Democratic Republic in a report of the Federal Republic of Germany. West Berlin had an entirely different legal status.

35. Mr. MRACHKOV (Bulgaria) pointed out that not only the English and Russian but also the French version of the report contained the same misleading reference to Berlin.

36. Mr. FABER (Federal Republic of Germany) said that he was in some doubt as to whether the report had been translated correctly from the original German. However, as a matter of principle, he wished to state formally that the interests of West Berlin were represented in the United Nations by the Federal Republic of Germany, as communicated to the Secretary-General in a letter dated 13 June 1973 from the Federal Minister for Foreign Affairs following the quadripartite agreement of 3 September 1971, to which the Soviet Union was a party.

37. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had concluded its consideration of the report of the Federal Republic of Germany concerning rights covered by articles 13 to 15.

The meeting rose at 5.45 p.m.

