



Economic and Social Council

Distr.
GENERAL

E/1982/WG.1/SR.17
23 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 17th MEETING

Held at Headquarters, New York,
on Monday, 19 April 1982, at 10.30 a.m.

Chairman: Mr. BURWIN (Libyan Arab Jamahiriya)

CONTENTS

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

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also 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 records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.50 a.m.

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

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

1. At the invitation of the Chairman, Mr. Diaconu (Romania) took a place at the table.
2. Mr. DIACONU (Romania) said that the right to education and the right to culture were fundamental. The implementation and effective guarantee of such rights, which were protected by the Constitution and other legal provisions, constituted essential elements in Romania's social policy.
3. The development of education and culture was governed by growth in the national income. Education was closely linked to current needs and the country's economic and social development prospects. Education, in addition to instilling cultural and civic values, should strive to develop the personality and to promote the acquisition of scientific, technical and cultural knowledge and skills useful to society. There was thus a close link between work, education and research.
4. Romania devoted a large part of its resources to the development of education. All Romanian citizens enjoyed the right to education without distinction or restriction. More than a quarter of the total population was engaged in some organized form of education, which was completely free. The State provided all the educational facilities and materials needed. Education from the age of 6 to 16 was compulsory. Those who completed a particular level could continue to a higher level, provided that they demonstrated the necessary aptitude. The State guaranteed employment to all those who completed courses.
5. Education at every level was provided for the co-inhabiting nationalities in their native languages. Newspapers were also available in those languages, and the co-inhabiting nationalities had their own theatres and cultural clubs and associations.
6. There were plans to extend secondary education to cover a 12-year period. Emphasis had latterly been placed on preparing young people for work. Pupils thus received vocational as well as general education.
7. Particular attention would, in future, be devoted to the close integration of higher education with industry, agriculture and scientific research. Workers would be encouraged to undergo periodic retraining to expand their professional and cultural horizons.
8. Romania attached particular importance to international co-operation to promote the right to education. At the thirty-sixth session of the General

(Mr. Diaconu, Romania)

Assembly, Romania and other countries had sponsored resolution 36/152, which invited all States to ensure the full implementation of the right to universal education.

9. Romania considered culture to be an essential vehicle of social progress. Culture was readily accessible to all without discrimination. To that end, the State had established a complex infrastructure throughout the country. Mass culture was perceived in terms of its normative influence on the population. Culture created by the masses, for the masses was the State's ultimate objective.

10. Cultural establishments organized special events with a view to providing direct access to culture for the masses, and an important feature of Romania's cultural policy was to find a balance between tradition and innovation and to harmonize the various aspects of contemporary cultural change. In future, the television, radio, film, press, publishing and sports sectors would be developed and modernized.

11. Romania was also seeking to promote co-operation with other countries in the fields of education, culture and science as a means of achieving better understanding between States and peoples and furthering the cause of peace. It already co-operated with 96 countries in cultural and educational matters, and more than 20,000 young people from approximately 120 countries, most of them developing countries, were studying at Romanian institutions of higher education. In conclusion, he stressed that education, culture and science were foremost among the constant concerns of his country, which was consistently implementing articles 13 to 15 of the Covenant.

12. Mr. BOUFFANDEAU (France) requested information on the percentage of pupils admitted to the second level of secondary school and to higher education. He also wished to know what the role of the night schools was.

13. Mr. AKAO (Japan) asked what a gymnasium was in the Romanian system of education. He also wished to know whether the increases in enrolment referred to in the report represented an increase in the rate of enrolment or merely reflected population increases. With regard to culture, he asked whether citizens had free access to foreign cultural materials. Could Romanians, for example, purchase translations of foreign books?

14. Mr. MRACHKOV (Bulgaria) said that the right to education and the right to participate in cultural and scientific progress were broadly recognized under Romanian law, which provided solid guarantees in those areas. Romania provided compulsory education for a 10-year period, a remarkable achievement. The education system was comprehensive, and education free, so that education was not just for certain groups but for the people as a whole.

(Mr. Mrachkov, Bulgaria)

15. He requested further details of schools for handicapped children and vocational training. It would also be interesting to have more information on how research was organized in the country, including details of the numbers of scientific institutions and of State support for the promotion of science.

16. Mr. ALLAFI (Libyan Arab Jamahiriya) requested more information on education for the co-inhabiting nationalities. In what languages was education provided and how large were the institutions? What was the role of such institutions in the education system?

17. He asked whether the provision of vocational schools affected entry to higher education institutions. The references in the report to scholarships did not make it clear how many kinds of scholarship there were or who the recipients were. Finally, it was not clear on what basis students from developing countries were present in Romania and whether they received scholarships.

18. Mr. MARDOVICH (Byelorussian Soviet Socialist Republic) said that the Romanian education system was complex and included a wide range of educational institutions. It displayed considerable dynamism in the development of education. Substantial increases had been recorded in the numbers of students, giving a picture of steady development.

19. He requested additional information on how the Government ensured labour training in educational institutions, and on how technical and cultural education was guaranteed for workers.

20. Mr. BORCHARD (Federal Republic of Germany) asked whether all children attended nursery school. He requested additional information on education for the handicapped and orphans, which had been dealt with as a single category in the report. The report stated that teaching posts were occupied by rotation, but it was not clear exactly what that meant. Did teachers spend periods working in industry? What was the reason for rotation, and was there any relationship between rotation and the competitive examination referred to?

21. The CHAIRMAN invited the representative of the Federal Republic of Germany to present his country's report.

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

22. Mr. FABER (Federal Republic of Germany) said that the report covered all of the rights recognized under articles 13 to 15 of the Covenant and contained some additional comments on articles 1 to 5. The educational system and cultural life of the Federal Republic of Germany were distinguished by a great diversity of forms which had their roots in centuries of history and in German and European traditions. That diversity derived its strength from a constitution that guaranteed freedom of art and scholarship, research and teaching.

(Mr. Faber, Federal Republic of Germany)

23. In accordance with his Government's desire to engage in a constructive dialogue with the members of the Working Group, the report not only emphasized measures taken for the full realization of various rights but also attempted to outline frankly the difficulties encountered in certain areas of the educational system.

24. The Constitution of the Federal Republic of Germany did not speak of a "right to education" as such, but various fundamental rights and objectives of public policy amounted to a constitutional guarantee of that right. Of particular relevance were the provisions concerning the right of everyone to the free development of his personality and free choice of a place of training, the right of parents to the upbringing of their children, the principle of equality and the principles of a social State.

25. The constitutions of the Länder also provided a basic guarantee, of and a framework for, the right to education. How that right was realized was laid down in detail in laws and other provisions. Although the responsibility for education lay mainly with the Länder, the Federal Government was involved in certain fields, for example, educational planning, legislation concerning vocational training and training assistance, and it had enacted a framework law for higher education. Under the Federal Constitution, the Länder were free in principle to enact differing laws; none the less, there was a large measure of agreement among them on some fundamental elements of education.

26. Education at all State schools and universities was free of charge. Compulsory education lasted nine years in some of the Länder, whereas in others it had recently been increased to 10. There was common primary schooling for all children beginning at age 6 and lasting for at least four years and, in some of the Länder, for six years. Above the primary level, there were some structural differences among the Länder educational systems, but basically they had all adopted a three-branch system comprising general school, intermediate school and grammar school; some also provided comprehensive schools. In spite of the differences, there was a high degree of permeability between the various types of schools in each state.

27. In all of the federal states, if a pupil did not continue his education at a secondary school which provided qualifications for university entrance, such as a grammar school or a full-time vocational school, full-time compulsory schooling was followed by part-time compulsory vocational education normally lasting three years. About two thirds of each age group received systematic vocational training provided by industry and vocational schools. That "dual system" was a special feature of the German educational system and was of great importance for the transition of young people from school to working life.

28. The requirement of compulsory schooling was more or less fully complied with except in a few cases, such as those of the families of foreign workers who had recently arrived. It followed from that requirement that children had a right to

(Mr. Faber, Federal Republic of Germany)

attend school, and that right also applied to the children of migrant workers. In 1981, 300,000 foreign children had attended primary school, representing 11.8 per cent of primary school pupils. Special assistance was given to foreign children; for example, they attended preparatory classes conducted in their native language as well as in German to facilitate their integration into the German school system. Foreign children born in the country normally did as well as German children did, while those entering the country at the primary school age or even later understandably had more difficulty. In 1980, the Federal Government had introduced guidelines for measures to improve educational opportunities for foreign children. Such measures included pilot experiments (to give children and young people who had not grown up in the country a better chance of obtaining German educational certificates), promotional courses, complementary instruction in the native language, a vocational preparation year or a basic vocational year at school. Furthermore, special one-year full-time courses primarily providing vocational preparation and language instruction were offered for young foreigners who had not attended a German school and had not received an educational certificate. At present, such courses were attended by about 15,000 young foreigners. Special three- to four-month intensive language courses were offered for young people who had practically no knowledge of German.

29. Every German national who had a general university entrance qualification or a qualification for special subjects had a right to higher education. There were also qualifications entitling individuals to study at polytechnical institutions. Qualifications for university entrance could be acquired in different ways, including "second route" courses and special examinations. The "main route" led to the general university entrance qualification via the grammar school and to the polytechnical institution qualification via the secondary technical school. Foreigners were entitled to attend higher education courses in the Federal Republic of Germany if they had the requisite equivalent qualifications and an adequate command of German. At present, about 60,000 foreign students attended German universities, representing about 6 per cent of all students. Almost 60 per cent of the foreign students were from developing countries.

30. For some subjects there were more applicants than study places, in spite of the extensive promotion of university building programmes, half the cost of which was borne by the Federal Government and the other half by the federal states concerned. Applicants were selected according to a mixed system, taking into account both educational merit and waiting periods. For certain subjects, such as medicine, there was a special test procedure as well.

31. Scholarships were available to pupils and students to give them access to education without their being dependent on their own or the family income. Under the Federal Education Promotion Act, pupils attending schools at the secondary level II and students at universities and other higher educational institutions were entitled to financial assistance subject to a means test. In 1980, a total of about 830,000 pupils and students had received assistance. Pupils were given grants, and university students received about a third of their assistance in loans. Maximum assistance for students was DM 660 per month; two thirds of those

(Mr. Faber, Federal Republic of Germany)

funds were provided by the Federal Government, and the remaining one third by the Länder.

32. School development planning was carried out primarily at the Länder and local levels, with the necessary co-ordination of educational policies provided at the supraregional level. The Joint Commission of the Federal Government and the Länder for Educational Planning and Research Promotion was developing a national framework plan for long-term educational development. All branches of the educational system had been considerably enlarged in recent years, with disadvantaged groups in particular benefiting from that development. However, changing demographic factors required educational institutions and educational planners to display considerable flexibility. Moreover, fiscal constraints were creating new challenges for education policies and planning directed towards ensuring that as many young people as possible obtained full educational qualifications.

33. In that connexion, his Government viewed the discussions on the implementation of the Covenant as a good opportunity to learn about the experiences other countries had acquired in dealing with problems in the field of education.

34. Mr. MRACHKOV (Bulgaria) said that the report showed that the Federal Government and the Länder were making commendable efforts to give effect to articles 13 to 15 of the Covenant. The report contained much useful information which showed that progress had been made and results achieved in respect of the implementation of the fundamental rights covered in those articles.

35. He requested further information on requirements for admission to university of young people with diplomas from secondary educational institutions other than those of the Federal Republic of Germany. Paragraph 28 of the report indicated that assistance was available for students under the Federal Training Assistance Act in the form of scholarships and loans, and he wondered if the figure of 830,000 pupils and students receiving assistance in 1980 referred to both those forms of assistance. If that was the case, what percentage of the assistance was in loans, what conditions applied to the loans and was interest charged?

36. He requested additional information on the way in which parents, pupils and students participated in the responsibilities and organization of the educational system. With regard to private schools, he asked how many there were in the country, how their number compared with the number of public educational institutions, how many students were educated in them and what the tuition fees were.

37. Paragraphs 77 to 82, dealing with cultural institutions and societies, were extremely interesting but gave the impression that the activities of such institutions and societies were somewhat one-sided. The exemplary performance of the Goethe Institute in disseminating German language and culture was well known. He wondered, however, what means there were for ensuring the contact of citizens of the Federal Republic of Germany with foreign cultures and languages. What foreign languages were studied in the country, and what cultural events of foreign countries were held there?

(Mr. Mrachkov, Bulgaria)

38. He would appreciate further information on how research and scientific activities were organized, what types of research institutions and laboratories there were and to what extent they were financed and administered by the Federal Government and the Länder.

39. Mr. MARDOVICH (Byelorussian Soviet Socialist Republic) said that the report contained extensive information, but clarification was needed on some points. With regard to the right to fundamental education, paragraph 16 stated that compulsory schooling was more or less fully complied with; he requested figures detailing that situation more clearly. In paragraph 25, figures on primary education were given, but he noted that for the year 1979 the number of pupils had decreased by 1 million compared with their number for 1975. He wondered if the figures might be inaccurate; if they were not, he requested an explanation of that decline. The same held true for paragraph 26, in which the number of pupils in upper primary schools in 1979 was cited as 500,000 less than the number for 1975. Referring to paragraph 39, he requested details on the number of pupils and the tuition fees in both the public and the private school systems and asked what financial assistance was available to children from impoverished families for attendance at private schools.

40. Paragraph 61 stated that certain limits to copyright were imposed in order to take account of legitimate public interests. He requested clarification as to the meaning of "legitimate public interests".

41. Paragraphs 99 to 108 explained how the rights of women to education and free selection of profession were upheld, but the figures contained in them revealed that women could not yet exercise those rights on an equal footing with men. He noted, for example, that the number of women students dropped as the level of education rose and that women were clearly under-represented in particular faculties and subjects. In paragraph 107 it was openly admitted that girls found it more difficult than boys to receive training, except in the limited field of typical "female occupations". In paragraph 108, it was further noted that women often had fewer employment opportunities than men and that a particularly difficult problem was the occupational reintegration of women who for some years had stopped working in order to look after their family. He wondered what concrete measures were being planned by the Government in order to overcome those problems and give women equal rights with men in respect of higher education, research and scientific activities.

42. Mr. AKAO (Japan) said that he had been especially impressed by the efforts the Federal Republic of Germany was making on behalf of foreign children, for example, to ensure their smooth integration into the German school system.

43. Referring to the relationship between the Federal Government and the Länder, he asked whether additional long-term efforts would be made to unify the Federal and Länder education systems, what inconveniences the current system entailed, for example, for children moving from one Länder to another, and how the financial burden of educational expenditures other than scholarships was distributed between the Federal Government and the Länder.

44. Mr. SOFINIKY (Union of Soviet Socialist Republics) asked what the ratio was between State and private schools and what percentage of pupils attended each type of school. Drawing attention to the figures contained in paragraph 26 of the report, he requested similar figures for university students. He requested an explanation for the sharp reduction in the total number of primary school pupils between 1975 and 1979. Referring to paragraph 28, he asked what percentage of the 830,000 pupils and students receiving assistance in 1980 had received scholarships. In addition, he asked whether corporal punishment was permitted in schools in the Federal Republic of Germany and what legislation existed in that connexion.

45. After drawing attention to paragraph 1 (b) of the report, he referred to a law that restricted access to certain teaching posts and asked whether it would be possible to rescind that law. With regard to access to foreign culture, he requested information about the number of films and books available from, for example, the countries of Eastern Europe, Japan and India, and inquired whether there were any plans to increase access to foreign culture. In conclusion, he asked whether pupils of different faiths could attend the denominational schools referred to in paragraph 40 and what constituted a denomination in that context.

46. Mr. RUIZ-CABAÑAS (Mexico), referring to paragraph 18, observed that the word "evade" in the second sentence gave the impression that foreign workers had no wish to enrol their children in school, and he asked whether that impression was correct. Referring to paragraph 15, he asked whether the State actually limited study places for certain subjects or whether places were determined by supply and demand. He requested additional information concerning the programme of urgent measures to reduce the unemployment risks of young people mentioned in paragraph 23 (c) and asked whether that programme was still in effect. He also requested additional information concerning the educational objectives of the private schools referred to in paragraph 38, as compared with the objectives of the State schools.

The meeting rose at 12.35 p.m.