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DROITS DE L'ENFANT

Lettre datée du 20 février 1996, adressée au Président de la Commission des droits de l'homme par le Chargé d'affaires par intérim de la Mission permanente de la République fédérative de Yougoslavie auprès de l'Office des Nations Unies à Genève

J'ai l'honneur de vous faire tenir ci-joint */ un document publié par le Gouvernement de la République fédérative de Yougoslavie intitulé "La situation des enfants dans la République fédérative de Yougoslavie : répercussions des difficultés économiques et des sanctions imposées par le Conseil de sécurité de l'Organisation des Nations Unies sur l'application de la Convention relative aux droits de l'enfant dans le pays".

Je vous saurais gré de faire distribuer le texte de ce document comme document officiel de la cinquante-deuxième session de la Commission des droits de l'homme, au titre du point 20 de l'ordre du jour.

Le Chargé d'affaires par intérim

(Signé) Miroslav MILOSEVIC

*/ Le document joint en annexe est reproduit tel quel, dans la langue originale.

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THE STATE OF CHILDREN IN THE FEDERAL REPUBLIC OF YUGOSLAVIA

(Problems in the Application of the Convention on the Rights of the Child in FRY due to Economic Difficulties and the Effects of the UN SC Sanctions) /1

1. The harsh regime of sanctions maintained over three and a half years virtually excluded the Federal Republic of Yugoslavia from the international community. The direct and indirect economic, political and social consequences of the sanctions, both short-term, and, in particular, long-term ones, are disastrous. The sanctions have devastated all spheres of life, with the country's economy suffering the worst destructive effects.

In 1994 the social product was reduced to US \$ 11 billion. According to estimates of economic experts /2, had there been no sanctions with their adverse effects, production in the FRY would have declined by 20 % at the most on account of the disintegration of the market of the former Yugoslavia. However, given the high import dependence of the Yugoslav economy, the situation in this field is more than alarming, as the per capita gross national product has dropped from its 1991 level of US \$ 2,330 to US \$ 1,100, and the average monthly salaries are around \$ 100. Consequently, about 35 % of the population, namely some 3,300,000 people are below the poverty line (in 1990 the registered number of poor people was only 4%). Another 1,400,000 are approximating the threshold of poverty. Focusing on households with children alone, which effectively are the most disadvantaged group, the

1/ In September 1994 FRY communicated the initial report on the application of the Convention on the Rights of the Child in FRY for the 1990-1993 period. The present report provides certain combined assessments and data on the new period under review.

2/ The Economic Research Centre (CES MECON) from Belgrade

poor category encompasses around 400,000 households with about 800,000 children, with another 250,000 households with cca. 570,000 children nearing the poverty threshold. Available data shows that in the second quarter of 1994 families with children under 18 had 13 % less resources per equivalent family unit relative to the average Yugoslav household and 16.4% less resources relative to pensioners' households. An indicator of the impoverishment of families with children is also the increase in the number of beneficiaries of family children's allowances, as an instrument of social policy targetted to children in families of inadequate financial standing. Namely, their number has been steadily growing as of 1994 so that by March 1995 (in 15 months) the number of children receiving this allowance in the Republic of Serbia doubled (while in the Republic of Montenegro all children, irrespective of the family's emoluments, are entitled to this allowance).

According to the same research, provided international support is extended (which presupposes the previous total lifting of the sanctions), and complementary internal reforms undertaken, it will take between 4 and 5 years for the per capita social product to grow from its present level of US \$ 1,100 to US \$ 1,700- 1,900 (whereby the 1991 figure would only just be approximated), and nearly 10 years for a US \$ 2,500 per capita income, the 1989, level, to be reached. Consequently, the real financing sources basis of public spending has been drastically reduced, considerably constricting funds for various types of social benefits, and hence for child care, precluding the exercise of their rights in accordance with the provisions of republican laws, i.e. at the statutorily guaranteed level. Thus in the Republic of Serbia, due to a shortage of funds for these purposes in the Republic's 1995 budget, social security rights were realized at the September 1994 level, and children's security rights at the August 1994 level, meaning that they were not brought into line with increases in earnings as stipulated under pertinent legislation.

The 1995 budget of the Republic of Serbia allocated a total of 188,149,000 dinars for social security, i.e. 1.46 % of total public expenditure in the Republic, or 0.9 % of the Republic's social product, of which a total of 672,494,000 dinars for child care, i.e. 13.50 % of the budget or 3.2 % of the social product of the Republic.

The 1995 budget of the Republic of Montenegro set aside for the same purposes, i.e. for both social and child care (Montenegro has a single law governing social and child care) Din. 50,220,000 or 10.04 % of the Republic's budget.

All this notwithstanding, the extent of social rights remained unchanged (with even some new rights being introduced), but their actual level has been considerably reduced, calling into question the quality and the self-financing of a large number of services in the near future.

Generally speaking, since 1990 there has been no improvement in social indicators, while some important indicators (general mortality and the mortality rates of infants and children under 5) have worsened, primarily due to economic difficulties.

In addition, in 1995, the inflow fell appreciably of humanitarian aid resources from international and domestic humanitarian organizations, which was of invaluable help in 1993/94, especially in supplying child care institutions with fuel, food, clothing and footwear.

2. The steady and swelling wave of refugees since 1991, with the greatest one pouring in from the Republic of Serbian Krajina in August 1995, drastically changed the demographic picture of the Federal Republic of Yugoslavia. Of the total number of 620,000 refugees, 240,000 are children under 18.

Research shows that around 80,000 refugee children had been subjected to severe war stress before coming to FR Yugoslavia. Of

the children who have been severely traumatized, 62 % manifest symptoms of psychological suffering of one kind or another, with 35% requiring specialized psychological-psychiatric support as they present disorders which may adversely affect their development. Also particularly at risk are children who lost their parents in the war, children born to refugee parents (about 10,000), children and young adolescents in collective accommodation facilities, children unattended by parents.

Every third refugee identity card issued in the Republic of Serbia has been issued to a child.

Of the 128,189 refugee families which have been issued refugee cards, only 46,645 (slightly over a third) are whole families, with a far larger number of split families, members of which have remained in their earlier places of residence. Members of some families have been killed, wounded, are missing or are in other places. So, in addition to the horrors that war itself and the destitution of refugee status bring, a large number of children are also without their whole families.

A particularly endangered category of refugee children are children unattended by parents. According to the data of the Belgrade "Save the Children" office, 1,800 such children have been registered in FR Yugoslavia. The total number of such children in FR Yugoslavia is estimated to be somewhat higher - between 2,000 and 2,500, but a number of them have been taken in by relatives or friends. Households have taken in 45.7% of parentless children. 48.7 % are in hostels, social care institutions or collective accommodation facilities. In hospitals and rehabilitation centres there are 2.5 % of these children, while 3.1% are on their own.

3. A consequence of the declining standard of Yugoslav households is also the poorer nutrition of the population, especially in the case of over 3,000,000 poor people. Particularly inadequate is the nutrition of infants, children of pre-school and school age, pregnant women and nursing mothers. The quality of food has also

deteriorated. Almost every second sample of food tested in 1994 failed to meet the prescribed quality standards, something absolutely inconceivable before 1991. Every second hospitalized child was found to be anemic. Systematic medical check-ups of school children showed widespread malnutrition and poor blood counts; the food mix of children lacks milk, meat, vegetables and fruit, and the food energy deficit ranges between 20 and 40 %. A large percentage of children have no breakfast, and many have no dinner either.

4. In 1994 public outlays for health care accounted for 9.3% of the social product (i.e. US \$ 1.158 billion as per the official average annual rate) or US \$ 110 annually per capita, half the 1990 level of US \$ 216 per capita. The consequences of this chronic deficit were reflected the most in the supply of medicaments, diagnostic means, spare parts for equipment and the maintenance and repair of facilities and equipment.

In 1991, 152,250 children were born, in 1992 and 1993 about 140,000, and in 1994 there were 138,980 live-born. The decline of the rate of live-births from 16.0 in 1986 to 14.6 in 1991 and to 12.8 in 1994, resulted in 12,000 children less being born in Yugoslavia every year since 1991, i.e. 36,000 babies less in the observed period under the sanctions. In fact the number of live-born children is by far lower, if the fact is taken into account that their registered number also includes around 10,000 live-born children of refugees.

Retrograde processes continued in FR Yugoslavia in respect of the number of deaths of infants under one year of age and children between one and four years old from the most frequent causes of mortality and in respect of the maintenance of existing mortality levels. The infant mortality rate, one of the key indicators of public health, of the organization of health services and of the socio-economic conditions of life, fell from 31.7 in 1986 to 20.9 in 1991, only to rapidly rise in the following years to 21.9% in 1993 and 23.3% in 1994. (items 202. and 203.)

As a result of the reduced number of live births and the increased number of deaths, the growth of the number of inhabitants was also arrested as indicated by the falling population growth rate, from 6.4% in 1986 to 4.9% in 1991, 3.1% in 1993 and 3.0% in 1994. The sanctions and the economic crisis considerably reversed the achieved positive trends (until 1991) in the decrease of infant mortality.

In addition, the increased incidence is expected of diseases and conditions precipitated by the deteriorated living conditions and declining living standards, poorer nutrition (lower intake of energy-providing, building and protective substances), contributed to by inadequate personal and communal hygiene, the effects of stressful and other factors. Such conditions hamper the operation of health services, the extension of and benefitting from health care, especially due to the shortage of medicaments, vaccines, diagnostic means, difficulties in transporting the sick and the injured, the impossibility to implement preventive care measures, etc.

5. An area especially hard hit and eroded by the economic crisis and the effects of the UN sanctions is certainly that of social care for children.

The Law on Social Child Care, which in 1992 redefined the system of social child care in the Republic of Serbia (item 98. of the Initial Report) was amended twice in 1994. The amendments significantly improved the existing arrangements: the maternity allowance was increased from 20% of the minimal net earnings for the month in which payment is being made to 30% of the average earnings per employed in the enterprise sector of the Republic, as per the last disclosed figures (item 107); the monetary grant to refugee mothers with children up to one year old (item 108) was increased from 15% of the minimum net earnings in the month in which payment is being made to 25 % of the average earnings per employed in the Republic's enterprise sector; entitlements to

children's allowances per household member were raised from 40% to 50% of the average earnings per employed in the enterprise sector of the commune, and rather than minimum net earnings, the basis for assessing the amount is the average salary per employed in the enterprise sector of the Republic (item 110); according to the latest figures, the child allowances percentages (item 114) of the average earnings per employed in the enterprise sector of the Republic are as follows: 20 % for the first child, 25 % for the second child and 30 % for the third child; the number of beneficiaries of children's allowances went up and now amounts to 429,000 families drawing benefits for 730,000 children in the Republic of Serbia. (item 116).

These changes were made primarily with a view to improving care for children and mitigating the adverse consequences of the sanctions on their status, standard and quality of life.

In 1995 (item 117) two major problems cropped up in the field of social care for children in the Republic of Serbia: arrears in payments and the impossibility of adjusting on a monthly basis the amounts of all monetary entitlements, except for working mothers-to-be. These problems stemmed from the shortage in the republican budget, a consequence of the already described problems in economic performance (the decline of production, the impossibility to import inputs, equipment and spare parts, the impossibility to export goods, the shortage of fuel, etc.) caused by the sanctions of the UN Security Council. In respect of the position of children, the adverse consequences of the sanctions did not only hamper the operation of the system of social care for children, but in fact precluded regular payments of earnings to a large number of their parents, resulting in a drastic decline of the living standard and the impoverishment of many families with children (see item 1).

The most widely applied form of child care in the Republic of Montenegro remained the child allowance which is drawn by all children of the citizens of Montenegro, as well as by those of

foreign nationals working in this Republic. This entitlement was being used by 135,872 children in November 1995. The funds required for these purposes are provided out of the budget and in 1995 5.3 % of the Republic's budget was earmarked for these purposes (items 124 and 125).

The birth rate in Montenegro has been steadily declining year after year and as a result in May 1995 a decision was taken to amend the Law on Employment so as to provide for special facilities and care for expectant mothers, and in particular: a 12-month uninterrupted maternity leave for every first pregnancy and childbirth, 18 months for the second pregnancy and childbirth, 24 months for the third pregnancy and childbirth and 12 months for the fourth and any subsequent pregnancies and childbirth. A woman that gives birth to twins is entitled to an 18-month maternity leave and a woman giving birth to triplets or more children is entitled to a 24-month maternity leave. This right is also exercised by jobless mothers registered with the Employment Office during a period of 12 months, the amount of this benefit being 50% of the minimum earnings in the Republic (item 118).

6. In the course of 1994 the problems associated with a decline in the number of children at pre-school institutions in the Republic of Serbia were overcome, whereas at the beginning of the 1995/1996 school-year, 6,333 children could not enter pre-school institutions due to overcrowding. At present, there are 4,930 refugee children at pre-school establishments in the Republic of Serbia (item 281) or 9.5 % more than in 1993 and a large number of communes do not provide any compensation for the costs of their day care whereas international humanitarian organizations have not extended any assistance either.

With respect to pre-school institutions, it is worth pointing out that throughout the period under sanctions and even after their suspension, the employees and the local authorities invested great efforts in order to maintain their network of facilities and keep

them in a good state of repair. Major activities took place in the summer of 1995 when different construction and other works were undertaken to improve the interiors of almost all these pre-school facilities. For the first time in several years some new equipment was purchased as well as teaching aids. However, this still falls short of the needs, but is important as an indicator of the changes taking place and improvements being made.

As for the Republic of Montenegro, no significant changes have been registered relative to the previous period. It is noteworthy that in 1995 major funds were invested in order to provide for the rest and recreation of children and young people. Four specialized rest and recreation establishments, with two facilities at the seaside and two in the mountains exist, organizing summer and winter holidays for children. In 1995, 9,500 children made use of this arrangement, most of them children from families receiving welfare benefits, children without parents and children of displaced persons. To cover their needs last year, Din 8,950,000 was set aside from the Republic's budget, or 1/3 of the total earmarked for children's allowances in this Republic.

7. Sanctions have had a rather adverse effect on education, and the trend is towards the multiplication of all their negative consequences felt during nearly four years while they were in place, because the problems have accumulated. Declining imports, both of finished goods necessary for education and of textbooks, school supplies, teaching aids, etc., difficulties in organizing instruction for children of Yugoslav citizens abroad, the break-off of regional and bilateral cooperation in the field of education are only the tip of the iceberg. More serious and longer-term consequences include the creation of an autarkic, moth-balled system, unexposed to foreign influences, a system unable to provide the kind of good education which is essential to economic growth and development. Schools are poorly technically equipped with the entire education sector having no more than 838 computers. The situation is particularly

unfavourable in rural schools which were in a bad state in every respect even before the onset of this crisis.

As a result, Yugoslav schools have found it difficult to deal with the consequences of war, sanctions, massive pauperization of the population, a markedly altered economic standing of schools and their staff, the erosion of the system of values, etc. No investments in school equipment are being made, and particularly not in expensive teaching aids. In 1994 and 1995 UNICEF provided assistance worth over US \$ 1,700,000 in the form of seven mobile classrooms intended for children in refugee camps and hospitals, and basic school supplies, teaching materials and sports gear. An adequate additional teacher-training programme is acutely needed both in their respective fields and to deal with problems arising from the weakened motivation of children with stressful experiences, refugee children, etc. Towards the end of 1994, a project was launched promoting active teaching methods and implemented jointly by UNICEF and the education ministries of the two Republics and by the University of Belgrade Institute of Psychology.

Despite progressive legislation, and, quite understandably, a large number of problems have arisen in educating handicapped persons under the given conditions. The rapid impoverishment of society has called into question even the maintenance of the education of these persons at the existing level. Namely, schools for handicapped children are unsuitably and inadequately equipped, and lack special teaching aids and materials. The situation is further exacerbated by the arrival of handicapped refugee children. The outstanding personal efforts and enthusiasm of the teachers aided by parents make up for a part of the difficulties encountered by these schools and their pupils. In 1994 and 1995 UNICEF provided assistance worth US \$ 22,000 for the purchase of equipment for psycho-social rehabilitation of children with impaired vision and hearing (hearing aids, Braille paper, audio-visual equipment).

8. Crime and violence attending the commission of criminal offences which are on the rise globally, have not by-passed FR Yugoslavia either. However, the proximity of war and the UN sanctions have exacerbated and deepened the Yugoslav economic crisis which, primarily, led to an increase in juvenile delinquency attended by increased brutality. Particularly worrisome is the fact that most adolescent delinquents live with their parents (94.6 %) but they belong to the economically disadvantaged population categories, which has significantly altered the pattern of juvenile delinquency from the period of harmonious economic growth when juvenile delinquents mainly came from broken or problem families.

Juvenile delinquency is one of the first serious negative results of the economic crisis which worsened with the introduction of the UN SC sanctions, and the Yugoslav society will have to deal with this direct product of the previous period in a systematic manner in the coming period.

9. Analyses show that the unfavourable economic and social conditions brought about by the war in the neighbourhood and by a dramatic fall in the living standards in the past three years led to an increase of the number of children covered by institutional and social care while reducing the possibilities for society to secure an appropriate level of that care. The number of children at social care institutions in the Republic of Serbia rose by around 5% and this reflects an increase in the number of children with one or both parents who are unable to provide adequate child care in the family and of children placed in such institutions on account of behavioural disorders. In addition, a considerable number of refugee children (489) are also accommodated in these institutions, using around 12 % of their total capacities. The number children placed in foster families rose from 1,163 in 1993 to 2,205 in 1995.

In the past few years the republican authorities undertook appropriate measures in extremely difficult circumstances to

maintain the achieved level of child care at these institutions. In 1995, a total of Din. 25,965,000 was paid out for the accommodation of children in these institutions as well as that of children in foster families, and an additional Din. 6,311,063 was spent to renovate and refurbish these institutions. The serious financial constraints were mitigated by considerable assistance provided by humanitarian and other organizations and a number of donors.

The above-mentioned institutions implemented the following special programmes: the psycho-social child care and development programme, especially for refugee children, and the additional teacher-training programme to enable them to work with children traumatized by war and refugeeism.

10. In the course of 1994, under the "Education for Tolerance" project, activities gained momentum concerning the application of the Convention on the Rights of the Child and the advocacy of the rights of the child in FR Yugoslavia. All-out assistance to the Yugoslav side - both to its governmental and non-governmental bodies - was extended by UNICEF's Belgrade Office. The "ABC of Children's Rights" media campaign was mounted and in that framework a book and posters were printed, poetry was published and a TV programme produced. The "ABC of Children's Rights", which is based on the Convention on the Right of the Child, was printed in 12,000 copies and sent to all elementary schools in FR Yugoslavia, together with two manuals titled "What is To Be Done" and "How To Do It", providing guidelines for educators. A regular column on children's rights was introduced in the children's magazine "Tik-Tak".

The "Mayors - Protectors of Children" initiative was launched and a Declaration under the same title has so far been signed by thirty mayors from all parts of our country. Mayors are being encouraged to adopt local action plans putting children first and to report on their activities to the municipal assemblies.

A wide range of promotional materials were prepared, including posters, badges, leaflets, manuals and publications on breast-feeding, use of basic medicines, health condition of school children, nutrition during pregnancy and lactation. The book "Facts for Life" was translated, adapted and published in 20,000 copies in Serbian and in 5,000 copies in Albanian, for health-educational purposes. UNICEF provided assistance to the Federal Government for the publication of "Report of the Government of FR Yugoslavia on the Application of the Convention on the Rights of the Child in FR Yugoslavia (for the 1990-1993 period) in 1,000 copies, which was distributed to all communes in FR Yugoslavia and to all interested institutions in the country.

11. In 1995 work was initiated with UNICEF support to develop a "National Action Plan for Child Care and Development in FR Yugoslavia up to the Year 2000 (and beyond)". This project is in its final stage and the plan is expected to be adopted by the Federal Government in January 1996. In this way the Federal Republic of Yugoslavia has become the first among the successor states of the former Yugoslavia to start honouring its commitments undertaken at the World Summit for Children.

Belgrade, January 10, 1996
