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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the
Covenant concerning rights covered by articles 6 to 9, in
accordance with the first stage of the programme
established by the Economic and Social Council in its
resolution 1988 (LX)

Addendum

YUGOSLAVIA */

[23 December 1983]

INTRODUCTION

1. The present report has been prepared in accordance with the general guidelines for second periodic reports on articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights.

*/ The initial report submitted by the Government of Yugoslavia concerning rights covered by articles 6-9 of the Covenant (E/1978/8/Add.35) was considered by the Sessional Working Group of Governmental Experts at its 1982 session (see E/1982/WG.1/SR.4 and 5).

I. ARTICLE 6: THE RIGHT TO WORK

A. Principal laws

2. In the period under review, no changes have been made in the legislation and other rules ensuring the realization of the right to work in accordance with the provisions of the Covenant.

B. Employment

3. The right to work and freedom of work, the right of everyone to gain his living by an occupation and a job that he freely chooses, as well as access, under equal conditions, to every post and every function in society, have been ensured by the legislation indicated in the Government's initial report (E/1978/8/Add.35).

4. In connection with the observations of the Committee of Experts on the Implementation of the ILO Conventions and Recommendations on the implementation of ILO Convention No. 29 on Forced Labour, it may be stated that the Law on Service in the Military Forces (Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 12/78), stipulates that service with the Yugoslav People's Army shall terminate upon the request of an active serviceman (art. 397, para. 1, subpara. 5).

5. According to the same Law, the decision on termination of service following the request of an active serviceman shall be made not later than two months from the date of the submission of the request. Only when the special needs of the service so require (in cases of exceptionally important posts or highly qualified or experienced persons, or in cases in which an appropriate replacement cannot be found), may active servicemen be required to stay in the service in the Yugoslav People's Army for a period not exceeding one year from the date of the submission of the request (art. 403, paras. 1 and 2).

6. Active servicemen who, before joining active military service, were trained for the purposes of the Yugoslav People's Army as cadets and/or military scholarship holders shall, after completing their education, remain with the Yugoslav People's Army for a period of time specified by the said Law (art. 309). Likewise, active servicemen who have completed a specialization to which they were sent either at their request or with their consent while with the Yugoslav People's Army shall remain with the Yugoslav People's Army for a period of time specified by the Law (art. 310).

7. However, a decision on the termination of service at the request of an active serviceman who has not fulfilled his obligation concerning his service with the Yugoslav People's Army entailed by his training, scholarship or specialization may be made even before the fulfilment of his obligation, if it does not interfere with the service (art. 403, para. 2). In such cases, the Federation is entitled to request from the person whose service has been terminated the reimbursement of the training, scholarship or specialization expenses commensurate with his unfulfilled obligation.

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8. Before beginning a course, taking a scholarship or initiating a specialization, all persons are informed by way of a competition of their rights and obligations, including the obligation to remain in service with the Yugoslav People's Army for a specified period of time. To this end, a contract is concluded under which such persons accept, of their own free will, the obligation to remain, upon entering the active military service, with the Yugoslav People's Army for a specified period of time, and thus compensate partly for the cost of training, scholarship or specialization.

9. All such persons accept this obligation on a voluntary basis, and the overwhelming majority remain with the Yugoslav People's Army even after the expiration of the specified period, that is, until retirement. However, a small number of such persons, either owing to the exigencies of the military profession or owing to various family or other reasons, primarily of a private nature, request the termination of their service before they have fulfilled their obligations. In such cases, a decision on the termination of service may be made only if that decision does not interfere with the interests of service (art. 403, para. 3) and if the person concerned undertakes to reimburse training, scholarship or specialization expenses commensurate with the unfulfilled part of his obligation (art. 403, para. 4).

10. In the process of decision-making in each particular case, the interests of the service are the decisive factor in granting approval for the termination of service or refusing such approval to persons who have not fulfilled their obligations. In so doing, the reasons given by persons requesting termination of service are also examined. However, for the majority of persons, such termination is approved because a timely and adequate replacement is secured and their active military service, as a rule, terminates before the fulfilment of their obligation.

11. In the period under review, no major changes have been introduced in the legislation and other regulations governing policies and techniques to achieve steady economic, social and cultural development and full and productive employment, measures to ensure the best possible organization of the employment market, technical and vocational guidance and training programmes, protection against arbitrary termination of employment and protection against unemployment. It is considered that these rights are exercised in a satisfactory manner.

C. Statistical and other available information

12. In connection with the measures taken in the field of employment and the observations of the Committee of Experts on the Implementation of the ILO Conventions and Recommendations concerning the implementation of Employment Policy Convention No. 122, it may be stated that the reduced growth of the rate of employment is one of the gravest consequences of the economic crisis experienced by many countries in the past few years, and which has affected the Yugoslav economy as well.

13. In this period, the highest rate of growth of employment in Yugoslavia was recorded in the public sector, in which the dynamic development and construction of

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payment of the personal income earned by the worker concerned in the period July-December of the previous year; and (b) in the period July-December of the current year, 70 per cent of the average monthly advance payment earned by the worker concerned in the period January-June of the current year. The minimum guaranteed personal income so determined may neither be lower than 60 per cent of the average monthly personal income realized in the economy of the commune in the preceding six months nor may it exceed the triple guaranteed lowest personal income. The communal assembly (i.e., workers in a basic organization) may fix a higher guaranteed personal income provided they have secured appropriate funds.

22. The Socialist Republic of Slovenia passed the Law on Guaranteed Personal Income and the Payment of Personal Income in Organizations of Associated Labour Operating with a Loss ("Uradni List SRS" (the official gazette of the Socialist Republic of Slovenia), No. 7/82). By the entry into force of this Law, the following ceased to apply: the Lowest Personal Income Act ("Uradni List SRS", Nos. 17/73 and 27/79) and articles 111 and 112 of the Labour Relations Act ("Uradni List SRS", Nos. 24/77, 30/78, 27/82, 40/82 and 11/83). The funds for guaranteed personal income are fixed by law and amount to 80 per cent of the average monthly funds ear-marked for personal income in the basic organization concerned in the previous quarter. Guaranteed personal income for individual workers is determined by the self-management general enactment of the basic organization. This statutory provision enables the application of the basic criteria for the distribution of resources for personal income and the payment of guaranteed personal income as well. The Law also explicitly stipulates that the level of guaranteed personal income of workers, when they are performing their working duties in full hours of work, may not be lower than the amount necessary to cover the minimum cost of living (art. 8, para. 3). In accordance with article 15 of the Law, the minimum cost of living is established and monitored by the Statistics Institute of the Socialist Republic of Slovenia and published twice a year in "Uradni List SRS" (i.e., in May and September). In April 1983, the minimum cost of living was established at 8,420 new dinars ("Uradni List SRS", No. 20/83).

23. In the Socialist Republic of Serbia, the Law amending the Law on Labour Relations ("Uradni List SRS", No. 24/82) stipulates that the guaranteed personal income shall amount to 60 per cent of the average personal income of workers in the economy of the commune concerned in the previous year (previously it amounted to 55 per cent).

24. In the period under review, in other republics and autonomous provinces (Montenegro, Croatia, Macedonia, Kosovo and Vojvodina) no changes were introduced in the provisions of labour relations acts relating to guaranteed personal income.

3. Workers' remuneration other than regular personal income

25. In the period under review, no changes were introduced in the legislation governing this matter.

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4. Statistical data showing the evolution of the levels of personal income

26. In 1982, the net personal income per worker in the social sector amounted to 12,542 new dinars which was nominally 27 per cent higher than that in the preceding year. In the same year, personal income in individual branches of material production (i.e., coal, iron ore, leather and fur, agriculture etc.) rose more rapidly, which is indicative of the continuation of the positive trends that prevailed in 1980 and 1981, of better evaluation of production work and work of an arduous nature, as well as of a certain improvement in the material position of those employed in these branches.

27. In the first quarter of 1983, the net personal income per worker amounted to 13,706 new dinars which was 20 per cent higher than that in the same period of 1982.

5. Provisions designed to ensure respect for the right to equal pay for work of equal value

28. In the period under review, no changes were introduced in the laws and other regulations ensuring this right.

6. Progress made in the distribution of resources for personal income, and some difficulties

29. It is considered that, in complex economic conditions, certain results have been achieved in the promotion and further elaboration of the basis and criteria for the distribution of resources for personal income according to the results of work which are established by workers in the self-management general enactments of basic organizations. Under the Associated Labour Act and in accordance with the resolution on the realization of the medium-term plan, organized and intensive activity is under way, aimed at promoting further and establishing a more efficient machinery for the distribution of income and resources for personal income based on the principle of distribution according to work and the results of work. In this connection, social compacts on the allocation of income and distribution of resources for personal income in the republics and autonomous provinces are being amended. In the majority of the republics and autonomous provinces, laws have been passed on the payment of personal income to workers working in organizations of associated labour which operate at a loss.

30. In all of the republics and autonomous provinces, programmes of measures have been established and action taken to give effect to social decisions relating to the allocation of income and the distribution of resources for personal income. These programmes establish a series of measures for the promotion of the system of distribution according to the results of work, with special emphasis on the protection of the standard of living of workers from the lowest income group in view of the relatively high growth in the cost of living recorded recently. Trade unions have also established special programmes for the protection of the standard of living of workers from the lowest income group.

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IV. ARTICLE 9: RIGHT TO SOCIAL SECURITY

A. Laws and regulations relating to the social security system

41. In the period under review, a new law on basic rights deriving from pension and invalidity insurance was passed (Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 23/82). The procedure of harmonizing republican and provincial laws on pension and invalidity insurance with the new federal law is under way.

42. The new law proceeds from the following basic principles:

(a) Pension and invalidity insurance, as an integral part of associated labour, are based on the socio-economic relations of workers in associated labour in the acquisition, distribution and management of income in basic organizations of associated labour;

(b) Income realized by workers in basic organizations of associated labour, relationships in the acquisition of income on the basis of current and past labour, as well as relations in the distribution and management of income, are the link between workers in basic organizations of associated labour and workers who have acquired their rights deriving from pension and invalidity insurance;

(c) The compulsory character of pension and invalidity insurance of workers and other working people ensures them and members of their families material and social security in case of death, loss or reduced working capacity and old age;

(d) Pension, as an economic and social category, is the inalienable personal material right of workers, deriving from their total working contribution, in associated labour and by their current and past labour, to the increased income of the basic organization, the commonly realized income and the total social income;

(e) The working contribution given by a worker in associated labour and by his current and past labour to the acquisition of income of the basic organization of associated labour and of the total social income on the basis of which pension and invalidity rights are ensured, is expressed in terms of the personal income he realizes in accordance with the basis and criteria for the distribution of resources for personal income, including that part of the personal income resulting from past labour;

(f) A worker entitled to a pension has the right to a renewed evaluation of his pension on the basis of that part of his personal income resulting from past labour;

(g) The socio-economic content of the principles of mutuality and solidarity in securing the material and social security of workers is becoming particularly apparent in the provision of pensions, determination of rights in virtue of invalidity, survivors' pensions, fixing the lowest pensions etc.;

(h) Pensions are adjusted to the development of the nominal personal income of all the workers employed in the territory of a republic or autonomous province;

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(i) Workers in associated labour ensure the funds for pension and invalidity insurance from contributions from their personal incomes, contributions from the income of organizations of associated labour and from resources of other organizations and communities, provided that the funds ensured by workers in the form of contributions from the income of organizations of associated labour are ear-marked, as a rule, in accordance with the increase in social productivity of labour in the territory of the republic or autonomous province concerned;

(j) Funds for the acquisition and exercise of rights under the pension and invalidity insurance schemes of individual categories of insured persons under more favourable conditions shall be ensured by the socio-political communities that established such conditions;

(k) Workers in associated labour and pension and invalidity insurance beneficiaries are the main decision-makers on the rights and obligations deriving from that insurance in self-management communities of interest for pension and invalidity insurance;

(l) The protection of workers' rights deriving from pension and invalidity insurance are secured within the communities for pension and invalidity insurance and also by court decisions in accordance with the law and self-management general enactments of the community;

(m) Provision of pension and invalidity insurance rights is ensured in the whole territory of the Socialist Federal Republic of Yugoslavia, irrespective of the community of pension and invalidity insurance in which the entitlement was acquired;

(n) Rights resulting from invalidity and residual working capacity are exercised by workers in the basic organizations of associated labour in which they were working at the time that invalidity occurred. If they cannot exercise these rights in basic organizations of associated labour, it is done through self-management communities of interest for pension and invalidity insurance;

(o) People's Liberation War veterans exercise their pension and invalidity insurance rights on the basis of the working contribution they have given by their current and past labour, the only difference being that war veterans who joined the Army before 9 September 1943 exercise their rights deriving from pension and invalidity insurance under more favourable conditions.

43. In accordance with the provisions of article 281, paragraph 1, subparagraph 3, of the Constitution of the Socialist Federal Republic of Yugoslavia, the basic pension and invalidity insurance rights provided for by the law are as follows: the right to an old-age pension; the right to be assigned to another corresponding job or working task; the right of disabled persons to get a corresponding job; the right to retraining or additional training with appropriate compensation; the right to an invalidity pension; the right to a survivors' pension; and the right to a disablement benefit (art. 17 of the law).

44. An innovation concerning persons covered by compulsory insurance is that the law provides for the compulsory insurance of all workers in an employment

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family, the requirement of the ILO Convention (No. 102) on Minimum Social Security Standards being thereby completely complied with.

B. Basic social security programmes

46. In the period under review, no major changes were introduced in the legislation and other regulations ensuring the exercise of these rights and benefits.

C. Factors and difficulties affecting the degree of realization of the right to social security

47. It is estimated that the rights established in article 9 of the Covenant are realized in a satisfactory manner.
