



**Consejo Económico
y Social**

Distr.
GENERAL

E/CN.4/1997/125
24 de marzo de 1997

ESPAÑOL
Original: INGLÉS*

COMISION DE DERECHOS HUMANOS
53° período de sesiones
Tema 10 del programa

CUESTION DE LA VIOLACION DE LOS DERECHOS HUMANOS Y LAS LIBERTADES
FUNDAMENTALES EN CUALQUIER PARTE DEL MUNDO, ESPECIALMENTE EN LOS
PAISES Y TERRITORIOS COLONIALES Y DEPENDIENTES

Carta de fecha 18 de marzo de 1997 dirigida al Presidente de
la Comisión de Derechos Humanos por el Encargado de Negocios
interino de la Misión Permanente de la República Federativa de
Yugoslavia ante la Oficina de las Naciones Unidas en Ginebra

La Misión Permanente de la República Federativa de Yugoslavia ante la Oficina de las Naciones Unidas en Ginebra solicita que el documento que se adjunta se distribuya como documento oficial en el 53° período de sesiones de la Comisión, en relación con el tema 10 del programa.

(Firmado): Miroslav MILO ŠEVIĆ
Encargado de Negocios interino

* El anexo se reproduce como se presentó, en el idioma original únicamente.

Anexo

STATUS OF NATIONAL MINORITIES IN THE FEDERAL REPUBLIC OF YUGOSLAVIA
AND STATUS OF ETHNIC YUGOSLAVS IN SOME NEIGHBOURING COUNTRIES

I. INTRODUCTORY REMARKS

The Federal Republic of Yugoslavia is a multi-ethnic state, with members of national minorities and varied ethnic groups making up almost one third of its population. Under the Constitution, the Federal State and its constituent republics - the Republic of Serbia and the Republic of Montenegro - are defined as states based on equality of all the citizens, rather than the State of the leading nation. In conformity with such determination, all the citizens, Serbians or Montenegrins, or any national minority and ethnic group, enjoy an entirely identical volume of human rights and freedoms as guaranteed under law.

However, the members of the minorities - individuals as well as collective bodies, are guaranteed special rights, such as: the use of their mother-tongue and alphabet, the right to education and media in their mother-tongue, the right to set up educational and cultural organizations or associations, the right to establish and maintain unimpeded relations with the members of their nationality within the country and beyond its borders, etc. Under the Constitution of the Federal Republic of Yugoslavia, the right of national minorities to preserve, develop and express their ethnic, linguistic and other characteristic features is recognized and guaranteed, along with the right to display their respective national symbols, in conformity with international law.

It is stipulated under the Constitution of the Federal Republic of Yugoslavia that the language and alphabet of national minorities shall be in official use in the parts of the country where they live as a majority.

The Federal Republic of Yugoslavia considers that respect for the rights of national minorities in the Balkan countries is crucial for confidence-building and for the process of establishing good-neighbourly relations, peace and stability in the region. This position, reiterated by the highest representatives of the Federal Republic of Yugoslavia on many occasions, has particular weight in the Balkans, plagued with the legacy of its burdensome past.

The Federal Republic of Yugoslavia is guided by identical principles in its approach to the rights of segments of its nation living in the territory of neighbouring countries and to the rights of segments of neighbouring nations living in the Yugoslav territory. Proceeding from this approach, the Federal Republic of Yugoslavia expresses legitimate concern for its national minority in neighbouring countries and recognizes the same right to neighbouring countries whose national minorities live in Yugoslavia.

II. INTERNATIONAL PROTECTION OF MINORITIES

Yugoslavia has ratified a large number of international treaties, including those in the areas of human rights. By the act of ratification, adoption or approval, all these international instruments have become an integral part of the national judicial system.

For the purposes of this report, one should in particular bear in mind certain international organizations documents addressing the protection and promotion of national minority rights, such as: the International Covenant on Civil and Political Rights (art. 27); the Convention on the Prevention and Punishment of the Crime of Genocide (arts. 1-4); the International Convention on the Elimination of All Forms of Racial Discrimination (arts. 1-7); the International Convention on the Suppression and Punishment of the Crime of Apartheid (arts. 1-4); the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (arts. 1, 2 and 5); the European Convention for the Protection of Human Rights and Basic Freedoms (art. 14); the Final Acts of the Conference on Security and Cooperation in Europe (Helsinki 1975, Madrid 1983, Vienna 1989).

The Government puts particular emphasis on the 1992 Declaration on the Rights of National or Ethnic, Religious and Linguistic Minorities and the part of the Document adopted at the second meeting of the Conference on the Human Dimension of the CSCE held in Copenhagen in 1990 relating to the rights of national minorities. Both documents advise and recommend States to adopt relevant legislative and other measures in order to protect ethnic (national, cultural, religious, linguistic) minorities, as well as to promote the rights and the identity of these minorities (Declaration, arts. 1 and 4, and the CSCE Document, IV, arts. 30 and 35).

Finally, it is to be pointed out to the 1995 Convention of the Council of Europe concerning the protection of national minorities, which has not come into force yet, pending the ratification by the required number of the Council member States. This convention, along with the two international documents mentioned in the previous paragraph, constitutes what is considered to be an international and/or European standard in the sphere of protection and promotion of national minority rights.

III. STATUS OF THE ALBANIAN MINORITY IN THE FEDERAL REPUBLIC OF YUGOSLAVIA

According to the 1991 census, there were 1,727,541 ethnic Albanians in the Federal Republic of Yugoslavia (16.6% of its population). They are boycotting the official educational system (from pre-school to university education) in the Albanian language. Prior to this boycott, there were 904 Albanian schools with 315,000 pupils and 69 secondary schools with 73,000 students. The University in Pristina was attended by 37,000 students, 80 per cent of whom were ethnic Albanians studying in the Albanian language. Ninety-eight per cent of education-related costs were covered by the Republic of Serbia. By the number of students, the Autonomous Province of Kosovo and

Metohija ranked fourth in the world (after the United States, Canada and the Netherlands). Concurrently, however, the Tirana University in Albania was attended by some 19,000 students only.

In the Autonomous Province of Kosovo and Metohija ethnic Albanian children are taught in their native language in State-owned buildings and the Republic of Serbia provides everything needed for the normal operation of schools, thus observing the principles enshrined in the relevant international documents. There are currently 1,400 elementary schools in operation, 60 secondary schools and education centres and a University with 14 faculties. Ethnic Albanian teachers use State-owned classrooms and teaching aids, teach in Albanian, while refusing to be remunerated by the Ministry of Education of the Republic of Serbia, not wanting to recognize the country in which they live - the State of Serbia. At the University of Pristina, there are both ethnic Albanian professors and students.

It is solely for political reasons that the Albanians are refusing to accept a uniform educational system which applies to the territory of the Republic of Serbia, the curricula adopted by the competent government authorities, as well as a uniform certificate and diploma system. Differences between the curricula are not considerable, mostly covering four subjects, which are a matter of dispute: the language, history, geography and musical education. All attempts to reach agreement, even with the aid of international mediators in Geneva, have failed due to the obstruction of the representatives of the Albanian minority. The Albanian separatists have refused to submit their curricula to the Ministry of Education of the Republic of Serbia for verification. Nevertheless, the Republic of Serbia has been allocating substantial funds for the maintenance of instruction of ethnic Albanians.

The Republic of Serbia and FR Yugoslavia have so far demonstrated good will to make concessions in order to spare the ethnic Albanian children suffer as consequence of this irrational policy. The authorities have shown their willingness to recognize the academic years completed in the illegal school system, provided that diplomas be issued by the competent bodies of the Republic of Serbia. The Albanian separatists have not accepted this offer, repeatedly insisting that certificates and diplomas be issued by the illegal bodies of the non-existent and unrecognized "Republic of Kosovo".

According to the statistics for the 1995/96 academic year, 3,118 ethnic Albanian pupils enrolled in 11 elementary schools in the Republic of Montenegro and were taught in Albanian.

The Law on Secondary Schools in the Republic of Montenegro stipulates that ethnic Albanians can be taught in Albanian, conditions permitting, and that schools or classes with bilingual instruction can be established. In secondary schools with instruction in the Albanian language, as well as in elementary schools, registers are kept and certificates and diplomas issued in the Albanian language as well.

According to the statistics for the 1995/96 school year, three secondary schools are operating in the territory of the Republic of Montenegro - at Plav, Tuzi and Ulcinj - with instruction in the Albanian language conducted by 83 ethnic Albanian teachers and attended by 900 ethnic Albanian students.

In the Autonomous Province of Kosovo and Metohija, Radio Television Pristina broadcasts television and radio programmes in Albanian, along with six additional local radio stations (for instance Radio Metohija (Pec) and Radio Kosovska Mitrovica, which broadcast programmes in Albanian, Turkish and Romany).

Twenty-five papers are published in the Albanian language, with a total annual circulation of 21 million; 40 reviews and magazines have a total annual circulation of 300,000 copies.

Radio Pristina broadcasts daily in Albanian, beginning at 15.30 hrs, basically informative programmes. Apart from the news bulletin which is broadcast by the hour, the following news programmes are produced every day even before 15.00 hrs: the 12 o'clock News (10 minutes); the Events of the Day at 15.00 hrs (30 minutes); and the Evening News at 18.30 hrs (30 minutes); the Daily Chronicle at 22.00 hrs (15 minutes). Radio Pristina also transmits Radio Yugoslavia's daily news broadcasts in Albanian, from 21 to 21.15 hrs.

Television Pristina broadcasts in Albanian daily (duration 10 minutes) and evening news (25 minutes) and produces an average of 47 minutes of programmes every day, i.e. 329 minutes a week or 17,019 minutes a year.

In conformity with the provisions of the Law on Public Information of the Republic of Montenegro, several papers are published in the Albanian language (monthly magazine "Fati", in Ulcinj and the weekly "Polis", in Podgorica). Television of Montenegro broadcasts daily 15 minutes of news in Albanian; on Saturdays, a 60-minute informative-cultural programme. Montenegrin radio stations broadcast 30 minutes daily news in Albanian. The interests of minority populations in the sphere of arts and culture are met in cooperation with respective mother nation, communities and societies which, together with relevant provincial cultural institutions, prepare programmes and carry out activities to promote national identity, language, literature, the arts and folklore.

At the cultural institutions in the Autonomous Province of Kosovo and Metohija ethnic Albanians have not abandoned their jobs en masse and/or in an organized manner. On the contrary, Albanians are employed in almost all cultural institutions and they are a majority in many of them. Thus, cultural centres or culture clubs in Kosovo and Metohija mostly employ ethnic Albanians, outnumbering Serb employees. Three out of the eight employees at the Provincial Cultural Centre in Pristina are Serbs, and all employees at the Municipal Cultural Centre in Glogovac are ethnic Albanians; the same applies to the State archives and museums. For instance, out of the 34 employees at the Kosovo and Metohija Museum, 20 are ethnic Albanians, i.e. some 60 per cent.

Persons belonging to national minorities have the right to self-organization, political organization and political representation. In practice, all national minorities with the exception of ethnic Albanians use this right in accordance with the Constitution and law.

Indeed, ethnic Albanians living in the territory of the Republic of Serbia (outside Kosovo and Metohija), as well as the Albanians in Montenegro, took part in the Republic and local elections, thus having two deputies at the Assembly of the Republic of Serbia, and representatives at municipal authorities as well.

IV. POSITION OF THE HUNGARIAN MINORITY IN THE FEDERAL REPUBLIC OF YUGOSLAVIA

In the territory of the Federal Republic of Yugoslavia reside 340,946 ethnic Hungarians (16,95% of the total population of the Autonomous Province of Vojvodina, i.e. 3.3% of the total of the Federal Republic of Yugoslavia). The Hungarians constitute the majority in nine municipalities of the Federal Republic of Yugoslavia. In conformity with the Statute, in 30 municipalities, the Serbian language and cyrillic alphabet is simultaneously in use with the Hungarian language and alphabet in 30 municipalities.

Education. Elementary schools: the teaching in the Hungarian language is conducted in 29 communes (with 83 elementary schools), attended by 22,062 pupils (in 1,042 classes).

Regular high school education is attended by 9,466 ethnic Hungarian pupils. Out of this total, 67.21% pupils are taught in Hungarian. Teaching is conducted in 12 communes (in 28 high schools).

Out of the total of 1,296 ethnic Hungarian university students, 366 (28.24%) are taught in Hungarian.

The Media. Some 75 dailies, periodicals, reviews, magazines and bulletins are published in Hungarian. The Novi Sad Television has daily broadcasts in Hungarian, whereas radio programme is broadcast 24 hours a day.

Religion. There are 200 catholic churches in the territory of the Autonomous Province of Vojvodina, with 20 reformist churches, congregating believers - members of the Hungarian national minority.

Political organization. Political organizations of ethnic Hungarians are:

- The Democratic Union of Vojvodina Hungarians
- The League of Vojvodina Hungarians
- The Citizens' Movement of the Vojvodina Hungarians
- The Christian-Democrat Movement of Vojvodina Hungarians
- The Democratic Party of the Vojvodina Hungarians

As a result of the latest elections held in 1994, the Hungarians have 13 representatives from the League of Vojvodina Hungarians at the Assembly of the Autonomous Province of Vojvodina, represented at the Assembly of the Republic of Serbia, and at the Federal Assembly as well.

V. POSITION OF THE BULGARIAN MINORITY IN THE FEDERAL REPUBLIC OF YUGOSLAVIA

Some 25,214 ethnic Bulgarians reside in the territory of the Federal Republic of Yugoslavia, thus making 0.3% of the total population, and living mostly in the communes of Bosilegrad (72.9% of the total population of the commune), Dimitrovgrad (52.5%) and Surdulica (6,2%).

As stipulated by the communes statutes, both the Serbian and Bulgarian languages and alphabets are in official use in these communes.

Topographic signs, names of streets, etc., are written in both languages, used on a footing of equality by municipal bodies.

Education is also conducted in both languages, subject to the wishes and affiliations of the parents. Ethnic Bulgarian pupils (1,056) attend elementary school in Dimitrovgrad, where almost all the employees (93%) are ethnic Bulgarians, including the school principal. The secondary school is attended by 260 pupils, its principal and 90% employees being ethnic Bulgarians.

The Media. One weekly, one children's review (not issued in the period of the UN Security Council sanctions), and a literary periodical are being published. There are daily Radio broadcasts in Bulgarian, along with weekly TV news. Some local radio-stations broadcast in Bulgarian as well.

Cultural activities : two culture-artistic ensembles are active within the "Hristo Botev" amateur theatre, as well as libraries with a total of 45,000 books in Bulgarian.

Political activities are pursued through the Democratic Alliance of Bulgarians, which has not won any seat at local elections.

Religious rites are served in both languages, subject to the agreement between the two Synods.

Five ecclesiastical and historical facilities were refurbished or built in 1996; as for 1997, there is a plan to restore the Memorial Ossuary from the 1895 Serbian-Bulgarian War, with both Bulgarian and Serbian soldiers being buried in them.

VI. POSITION OF YUGOSLAV NATIONAL MINORITIES IN THE REPUBLIC OF ALBANIA

The Yugoslav national minorities in Albania are consisting of forty-five thousand Serbs, Montenegrins and Goranci.

They are denied the right to use their mother-tongue in education, culture, media, publishing activities and in proceedings before State authorities. There is no elementary or secondary school in Albania with Serbian as the language of tuition thus stripping the Yugoslav minorities' children the right to be taught the history, culture, customs and traditions of their mother nation.

There are no publications, newspapers or television programmes in Serbian in Albania, nor is there a library with books and publications. Serbian is not in official use in any of the municipalities in which ethnic Yugoslavs live.

Ever since 1945, the Yugoslav national minorities have been exposed to continued assimilation, denationalization and resettlement, deprived of the right to freely express their national, ethnic and cultural identity.

Although no discriminatory law from the time of Enver Hoxha is in force, the practice of systematic pressure on minority members and the denial of their legal rights are being reintroduced. The process of restoring Serbian family names which had forcibly been replaced by Albanian ones, has been halted; travel documents and IDs are obtained with great difficulties (their issuance is conditioned by retention of Albanian names), while prominent members of Yugoslav national minorities, particularly the Serbs and Montenegrins in the Shkoder region, are exposed to ever more frequent police harassment (summoned for informative talks, tailed or have their cars searched).

Serbian churches and cemeteries are being destroyed, the sites being used for other purposes. In 1964, the Church of St. Aleksandar Nevski in Shkoder was demolished and turned into an officers' clubhouse, while most of the church books and other religious items were moved to the nearby Catholic Franciscan church, and their destiny has remained unknown until the present day. The Church of St. Archangel Mihailo in Shkoder was demolished in 1967 and a children's hospital was built instead. In 1968, the Church of the Holy Trinity in Vraça was transformed into a community centre serving that purpose until 1991. The roofing, wood carvings and other parts of the church have been taken away, with ruined stone walls remaining.

This deliberate vandalism is designed to deprive the Yugoslav national minorities of the last vestiges of their spirituality and culture.

The same purpose is behind the destruction of other cultural and historical monuments and graveyards. The tombs of the old Serbian kings of Zeta were destroyed, thus eradicating the traces of the existence of the Serbian medieval State in these lands. The same destiny was shared by the old Serbian military cemetery in Shkoder, with remains of Serbian and Montenegrin soldiers from the Balkan wars and the First World War, as well as the old Orthodox cemetery in Shkoder with the Cyrillic inscription "Serbian Orthodox Cemetery - 1900" on its entrance gate.

Such violations of basic human rights and fundamental freedoms of the Yugoslav national minorities in Albania are carried out in flagrant disregard of basic documents of the United Nations, OSCE and the Council of Europe. The democratic changes taking place in the political and social life of Albania have brought no improvement in the status of national minorities there.

Proceeding from these facts, the Federal Republic of Yugoslavia feels duty-bound to call on the international community to do its utmost to ensure the enjoyment of basic human rights and fundamental freedoms for the Yugoslav national minorities in Albania.

Therefore, the Federal Republic of Yugoslavia expects the competent institutions of the United Nations, OSCE and the Council of Europe to remind the Albanian Government of its obligations, demanding it to ensure and guarantee the protection of basic human rights and fundamental freedoms of the members of Yugoslav national minorities, as provided for by international instruments.

The Federal Republic of Yugoslavia is willing to cooperate with the Republic of Albania in the realization of the above, thus contributing to confidence-building and the development of closer cooperation between the two countries. Approaching this problem with full responsibility and good will, the Federal Republic of Yugoslavia expects the Republic of Albania to do the same.

IV. POSITION OF YUGOSLAV MINORITIES IN HUNGARY

Nowadays, between 3,500 and 5,000 ethnic Serbs live in Hungary, their numbers constantly diminishing as a result of the long-term assimilation policies pursued by the Hungarian state (under the 1921 census, there were 21.000 ethnic Serbs).

The Serbian language is not in official use, and the Serbian minority is entitled to a 30 minute TV broadcast "Serbian screen", a fortnightly broadcast programme (due to the lack of funds), sub-titled in Hungarian.

There is one single print media (Serbian National Gazette), a weekly, with a circulation of 2 000.

No university education in Serbian language is conducted, there is one high school operating (reconstructed and inaugurated in January 1997), along with two elementary schools.

The Serbian minority has no political party of its own, nor is it represented in Parliament, since not fulfilling the quota set by law (10 000). No funds have been provided by the Hungarian Government for these activities.

The Serbian Orthodox Church (The Budim Eparchy) faces obstacles in its efforts to bring about the restitution of its nationalized property.

V. POSITION OF YUGOSLAV MINORITIES IN BULGARIA

Bulgaria is a state which does not recognize existence of any minorities. There is no reference to minorities in its laws or in its Constitution, even though one third of its population is of non-Bulgarian origin (ethnic Turks, Moslems, Macedonians, Rumanians, Vlases, Greeks, Serbs, Romanes, Karacases, Gagenses, Armenians, Jews, etc).

A major problem is also the Bulgarian policy of double standards towards minorities, in insisting on internationalizing the problem of the Bulgarian minority in the Federal Republic of Yugoslavia, while at the same time refusing to conclude any bilateral agreements based on reciprocity in this field, and refusing to admit the existence of national minorities on its own territory.

It is indicative that to this date Bulgaria has not demonstrated any interest, nor has it held any dialogue with its neighbours or the countries where large numbers of ethnic Bulgarians live - such as Ukraine, Moldova and Russia. The crux of the Bulgarian minority policy is, regrettably, its focusing on the status of its own minority in Yugoslavia, small in numbers, persevering with its greater Bulgarian policies in regard to Serbia and Yugoslavia ever since the end of the 19th, and throughout the 20th century. All the efforts made so far by the Yugoslav side to bilaterally settle the issue of the Bulgarian minority in Yugoslavia and the Yugoslav minority in Bulgaria have failed.
