

# REPUBLIC OF SERBIA<sup>1</sup>

## Special Decisions or Action Taken Re: Reporting

### CRC CRC/C/43 (1995)

#### Annex VI

Letter dated 24 March 1995 from the permanent mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Committee on the Rights of the Child

With reference to the United Nations Secretary-General's Note No. G/SO 228/2 (3) of 2 March, 1995, advising the Government of the Federal Republic of Yugoslavia of the date and venue of the session scheduled for considering its initial report on the implementation of the Convention on the Rights of the Child, may I, upon instruction, point to the following position of my Government:

The Federal Republic of Yugoslavia is the continuation of the State, international, legal and political personality of the Socialist Federal Republic of Yugoslavia and it is strictly abiding by all the international commitments which had been undertaken by the former Yugoslavia. These include the commitment to bona fide abide by the obligations deriving from its membership in the Convention on the Rights of the Child.

We have always considered our dialogue with the Committee on the Rights of the Child a valuable one. In particular, we have highly appreciated the readiness demonstrated by the members to the Committee to get acquainted, in direct contact with the representatives of the Federal Republic of Yugoslavia, with the sufferings of the children under sanctions. We are of the view that this dialogue should be continued in the future, on the footing of equality and in mutual respect.

As a State party to the Convention on the Rights of the Child, the Federal Republic of Yugoslavia is sharing the obligations, as well as the rights, with other States parties to the Convention. Regrettably, such rights, in particular the right to participation on a footing of equality in the deliberations of the States parties to the Convention, have been denied to the Federal Republic of Yugoslavia. Within a short spell of time, the Federal Republic of Yugoslavia has on two occasions been suspended of its rights to participate at the meetings of the States parties to the Convention on the Rights of the Child: in October 1994 and in February this year.

Actions of this type are in contravention of the provisions of the Convention itself, and contrary to the Convention and the basic norms contained in the Law of Treaties. They imply a violation of the principle of equality among States parties.

<sup>1</sup> [Ed. Note: Formerly Yugoslavia. Effective 4 February 2003, the State of Yugoslavia changed its name to Serbia and Montenegro. Effective 6 June 2006, the state again changed its name to Republic of Serbia]

On several occasions, the Federal Republic of Yugoslavia has pointed to the fact that the decision on suspending its legitimate rights to participate in the meetings of States parties implies the suspension of its obligations on the basis of the same Convention, the rights and obligations being indivisible.

We have been astonished by the fact whereby the issue of the rights of the child is being mixed with the imposition of political interests and with the will of a limited number of countries.

We appeal upon you, Madam Chairperson, and indeed to the entire Committee, a body competent for the following-up of honouring the commitments undertaken under this Convention, which favours an ever greater and faster progress of countries in implementing the Convention, to protect the Federal Republic of Yugoslavia as a State party to the Convention rather than to allow the politicization, discrimination and abuse perpetrated by a number of States parties to the Convention on the Rights of the Child against the Federal Republic of Yugoslavia.

As a result of the current politicization of a purely humanitarian field - the field of the rights of the child - the Federal Republic of Yugoslavia will not participate in the work of the ninth session of the Committee on the Rights of the Child related to the consideration of its initial report.

In view of its already tested readiness for cooperation with the Committee on the Rights of the Child, and its wish to continue cooperation on this sensitive issue, the Federal Republic of Yugoslavia is more than willing to participate in a meeting scheduled for consideration of its report by the Committee and to take part in any other type of cooperation once the discriminative stand against it has been changed, i.e. as soon as it is admitted to participate in the meetings of States parties and to benefit from its rights as a party to the Convention on the Rights of the Child.

(Signed): Dr. Vladimir Pavicevic

Annex VII

Reply dated 30 May 1995 from the chairperson of the Committee on the Rights of the Child addressed to the permanent mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva

I should like to refer to your letter of 24 March 1995 which transmits the position of your Government on the invitation extended to it to participate in the consideration by the Committee on the Rights of the Child of the initial report of the Federal Republic of Yugoslavia on the implementation of the Convention on the Rights of the Child.

I wish to convey to you the regret of the Committee concerning the decision of your Government not to send a delegation to participate in the discussion scheduled during the present session. As indicated in the note verbale which was sent to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia on 2 March 1995, the Committee has expressed the hope that the reporting States would send high-level representatives to attend meetings at which their reports are scheduled for consideration, in order to enable an effective and constructive dialogue to take place between the States parties and the Committee, in the light of rule 68 of the provisional rules of procedure.

Note has been taken of the reasons presented by your Government as underlying its position. In this regard, the Committee would like to clearly state its view that it considers the Federal Republic of Yugoslavia as duty bound as a State party to the Convention on the Rights of the Child and that the Committee will continue to proceed on the basis of this understanding.

In view of the foregoing, I wish to inform you that the Committee has decided to reschedule the consideration of the initial report of the Federal Republic of Yugoslavia for its eleventh session (8-26 January 1996). It is the hope of the Committee that your Government will reconsider its decision in order to allow for a dialogue to occur at that session.

(Signed): Akila Belembaogo



Annex VII

Letter dated 9 January 1996 from the Chairperson of the Committee on the Rights of the Child addressed to the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva

I should like to refer to your letter of 3 January 1996 concerning the invitation to participate in the consideration by the Committee on the Rights of the Child of the initial report of Yugoslavia scheduled to take place on 15 and 16 January 1996.

Note has been taken of the reasons presented by your Government as underlying its position. The Committee, however, would like to reiterate its view in this connection that it considers the Federal Republic of Yugoslavia as duty-bound as a State party to the Convention on the Rights of the Child and will continue to proceed on the basis of this understanding.

As mentioned in your letter of 24 March 1995, the Government of the Federal Republic of Yugoslavia has established a fruitful dialogue with the Committee. The participation of representatives of your Government in the forthcoming deliberations of the Committee would no doubt provide a valuable opportunity to pursue this dialogue with due regard to the best interests of the children of the Federal Republic of Yugoslavia.

It is therefore the hope of the Committee that your Government will reconsider its decision not to participate in the consideration of the report by the Committee at the present session.

(Signed): Akila Belembaogo  
Chairperson  
Committee on the Rights of the Child