

ALIENS - GENERAL

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Austria, CERD, A/57/18 (2002) 15 at paras. 23, 32 and 33.

23. [The Committee]...notes with satisfaction the establishment of the Immigrants Fund which assists new immigrants by providing free advice in their native language on questions concerning their integration in Austria.

...

32. The Committee is concerned about the significant number of allegations which have been brought to its attention which reflect the existence of racist and xenophobic attitudes among some sections of the population. It is further concerned about allegations of racist incidents involving police officers and other State employees. In the light of general recommendation XIX, the Committee encourages the State party to continue to monitor all tendencies which may give rise to racial or ethnic segregation and to endeavour to combat the negative consequences of such tendencies. The Committee further recommends that the State party strengthen existing educational measures for civil servants who deal with issues involving foreigners. Efforts should be made to recruit more members of minority groups into the public administration, in particular law enforcement.

...

33. The Committee is concerned at the considerable number of asylum-seekers without identity documents who have been denied public assistance from the Federal Care and Maintenance Programme and who must therefore rely on private assistance and other agencies for survival. The Committee recommends that the State party ensure the provision of basic and equal assistance to all asylum-seekers, without distinction as to race or ethnic and national origin.

- Belgium, CERD, A/57/18 (2002) 17 at para. 53.

53. Concern was...expressed about several cases of racist incidents in police stations involving law enforcement officials, where the victims were immigrants and asylum seekers. The Committee is also concerned about reports that children belonging to ethnic minority groups have experienced verbal violence. The Committee recommends that State party take all necessary measures to prosecute racially motivated acts of violence by law enforcement officials and to prevent such verbal offences acts against members of minority groups, and continue its efforts to promote intercultural tolerance, understanding and respect.

ALIENS - GENERAL

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 78.

78. The Committee is...concerned at the living and working conditions of immigrants, most of them from Nicaragua, who may become victims of discrimination in terms of article 5 of the Convention. The Committee recommends that the State party continue its efforts to ensure the rights of the immigrant population as regards discrimination on the grounds of race or ethnic or national origin. In this context, the Committee notes that a new Immigration law is currently being considered by the Legislative Assembly...

- Denmark, CERD, A/57/18 (2002) 27 at paras. 114, 119 and 120.

114. The Committee notes that the Act on Integration of Aliens (1998) transfers the responsibility for aliens' integration from the central to the local authorities. While the Committee welcomes the efforts by the central Government to monitor the local authorities carefully, it recommends that the State party pay particular attention to ensuring that the geographical distribution of aliens with the State party is organized on the principle of equity and does not lead to violation of their rights recognized under the Convention.

...

119. ...The Committee is concerned about the impact of the recent (May 2000) amendments to the Aliens Act, particularly as they abolish the statutory right to reunification of spouses under the age of 25 years. The Committee encourages the State party to take effective measures to ensure that the right to family life is guaranteed to all persons in Denmark without distinction...

120. The Committee commends the State party for having instituted programmes, such as the language training programme for unemployed persons with insufficient knowledge of the Danish language; the strengthening of the Public Employment Services placement activities in relation to refugees and immigrants; and the "ice-breaker" programme. However, despite overall improvements, it is concerned about the disproportionately high level of unemployment among foreigners, particularly groups of immigrants of non-European and non-North American descent. The State party is reminded that although it is not obliged to provide work permits to foreign residents, it should guarantee that foreigners who are entitled to a work permit are not discriminated against in their access to employment.

- Liechtenstein, CERD, A/57/18 (2002) 33 at paras. 149, 151 and 152.

149. The Committee notes with appreciation that civil servants in Liechtenstein are not necessarily required to have Liechtenstein citizenship.

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ALIENS - GENERAL

151. The Committee notes that the State party is supporting efforts made by non-governmental organizations to help foreigners to integrate into society. The Committee recommends that the State party continue to lend its support to such organizations in this work which includes providing German language courses, counselling services and information. The Committee recommends that such activities be expanded, with a view to raising multicultural awareness and enhancing mutual understanding. To that end, the State party might consider ensuring adequate financial support on a continuing basis.

152. The Committee further notes that the State party provides facilities to foreign associations organizing mother-tongue language courses and courses on the culture of countries of origin, but that it does not provide financial support for teachers or educational material. The Committee therefore recommends that the State party consider providing funding for associations that organize such courses.

- Lithuania, CERD, A/57/18 (2002) 35 at para. 167.

167. The Committee welcomes the initiative taken by the Parliament (*Seimas*) to amend article 119 of the Constitution of Lithuania and to grant to foreign permanent residents the right to elect and to be elected to local self-government bodies (municipal councils).

- Qatar, CERD, A/57/18 (2002) 38 at paras. 195 and 196.

195. Concern was expressed that marriage between nationals of Qatar and foreigners is subject to prior approval by the Minister of the Interior...

196. The Committee also notes with concern that the State party does not appear to guarantee freedom of marriage between nationals and non-nationals unless the latter are nationals of States members of the Gulf Cooperation Council. Such a distinction, based upon national origin, does not, in the Committee's view, appear to be consistent with article 5, paragraph (d) (iv), of the Convention.

- Switzerland, CERD, A/57/18 (2002) 46 at paras. 250, 252, 253 and 255.

250. The persistence of hostile attitudes towards black people, Muslims and asylum-seekers in Switzerland is of utmost concern to the Committee. The Committee recommends that the State party continue its efforts to prevent and combat such attitudes, including through information campaigns and education of the general public. Further, in the light of its general recommendation XIX, the Committee encourages the State party to continue monitoring all tendencies which may give rise to racial or ethnic segregation and endeavour to combat the

ALIENS - GENERAL

negative consequences of such tendencies.

...

252. While welcoming the position of the Federal Council according to which segregated schooling would be contrary to the Federal Constitution, the Convention on the Rights of the Child and the International Convention on the Elimination of all forms of Racial Discrimination, the Committee expresses concern about recent moves towards the establishment of separate classes for foreign pupils in some cantons. It is the view of the Committee that segregated schooling may only in exceptional circumstances be considered as being in conformity with article 2 in conjunction with article 5 (e)(v) of the Convention.

253. Allegations of police abuse and excessive use of force against persons of foreign origin during arrest or in the course of deportations are also of concern. The Committee notes that many cantons do not have independent mechanisms for investigation of complaints regarding violence and abuse by the police, and that sanctions against responsible officers have been rare. The State party should ensure that independent bodies with authority to investigate complaints against police officers are established in all cantons. Efforts should also be made to recruit members of minority groups into the police and to provide sensitization and training of police officers on issues of racial discrimination.

...

255. Noting that the former "three-circle" immigration policy of Switzerland which classified foreigners according to categories of national origin and capacity for integration was abandoned and replaced by a binary admissions system and in view of the dialogue held with the Swiss delegation in this respect, the Committee invites the State party to consider if the reservation to article 2 (1) (a) of the Convention is still necessary or may be withdrawn.

- Canada, CERD, A/57/18 (2002) 56 at paras. 335 and 336.

335. The Committee expresses concern about information on patterns of racial discrimination affecting people of African and Asian descent and at expressions of prejudice in the media against such people, as well as against foreigners and refugees. It is further concerned that the State party focuses on the prohibition of activities conducted by racist organisations rather than on the prohibition of such organizations, as required by article 4 (b) of the Convention...

336. The Committee notes with concern that current immigration policies, in particular the present level of "right of landing fee", may have discriminatory effects on persons coming from poorer countries. The Committee is also concerned about information that most foreigners who are removed from Canada are Africans or of African descent. The Committee recommends that greater attention be given to the possible discriminatory effect of Canadian immigration policies.

ALIENS - GENERAL

- Estonia, CERD, A/57/18 (2002) 60 at paras. 351, 353, 354 and 359.

351. The Committee notes with satisfaction that the immigration quota no longer applies to the spouses of both Estonian and non-Estonian citizens residing in Estonia or to children under the age of 15.

...

353. The Committee remains concerned by the significantly high number of stateless persons residing in Estonia. Although it welcomes the fact that the naturalization procedure has been made easier for children and disabled persons, the Committee notes the existence of a significant discrepancy between the number of people passing the language proficiency test and of those effectively filing applications and acquiring Estonian citizenship. The Committee recommends a thorough investigation into possible barriers which may exist, both in terms of the naturalization procedure and in relation to lack of motivation to apply for citizenship. The Committee also calls for a speedy resolution of the issue concerning the difficulties in obtaining citizenship for children born in Estonia of long-term residents whose legal status has not yet been determined.

354. The Committee is also concerned that former Soviet Union military personnel residing in Estonia are prevented from acquiring Estonian citizenship and is of the opinion that their applications should be considered on a case-by-case basis.

...

359. Although it welcomes the elimination of the language requirements from the Election Act and the Local Government Council Election Act, the Committee expresses concern that, according to article 48 of the Estonian Constitution, only citizens can be members of political parties. Furthermore, the Committee considers it important that political bodies of towns with a majority of Russian-speaking inhabitants are offered the possibility of conducting their work also in Russian, as stipulated in the Law on Languages and in the Local Government Organization Act...

- Hungary, CERD, A/57/18 (2002) 63 at paras. 371, 372, 374 and 378-380.

371. ...The Committee notes the positive elements incorporated in Law Decree No.11 of 1997 modernizing certain provisions of the Rules on the Enforcement of Punishment, with a view to prohibiting discrimination among convicted persons and ensuring basic rights of foreign convicted persons, and in Act CX of 1999 amending the Code of Civil Procedure so as to reinforce the principle that no one shall be discriminated against because of lack of knowledge of the Hungarian language.

372. The Committee...welcomes the positive elements incorporated in...Act I of 1996 on Radio and Television Broadcasting, aiming at preventing hate speech and discrimination on

ALIENS - GENERAL

racial, national and ethnic grounds; as well as in Act CXXXIX of 1997 on Asylum, as amended, abrogating geographical restrictions concerning asylum-seekers.

...

374. While noting the above efforts, the Committee expresses concern at persisting intolerance and discrimination especially in relation to the Roma minority, as well as at xenophobic manifestations against immigrants, refugees and asylum seekers.

...

378. The Committee is concerned about the number of allegations of ill-treatment and discrimination against the Roma and non-citizens by law enforcement officials, especially the police. The Committee notes that the "Medium-Term Package of Measures to Improve the Living Conditions and Social Position of the Roma Population", as revised, contains a section on police behaviour in connection with members of the Roma minority. The Committee is aware, however, that the above practices have not ceased.

379. The Committee recommends that the State party intensify its efforts to combat ill treatment of Roma and non-citizens by the police, especially through the strict application of relevant legislation and regulations providing for sanctions, adequate training and instructions to be given to law enforcement bodies and the sensitization of the judiciary. The State party should also consider recruiting more members of minority groups, especially of the Roma minority, to serve in law enforcement bodies and strengthening the existing legal aid system for alleged victims, as well as empowering parliamentary commissioners to investigate allegations of ill-treatment and discrimination by the police.

380. The Committee is concerned at the prevailing conditions in refugee shelters and the conditions of detention of undocumented immigrants. Noting the efforts of the State party in this respect, the Committee strongly encourages the Hungarian authorities to further improve the existing facilities so that they meet international standards...

- New Zealand, CERD, A/57/18 (2002) 69 at para. 427.

427. The Committee notes with concern that almost all asylum-seekers presenting themselves at the border after the events of 11 September 2001 were initially detained. While it notes that this practice by the New Zealand Immigration Service was successfully challenged in the High Court and the practice of detaining asylum-seekers has been suspended except for a small number of cases, it also notes that the High Court's decision has been appealed by the Immigration Service and that the practice may resume if the appeal is successful.

ALIENS - GENERAL

- Yemen, CERD, A/57/18 (2002) 74 at para. 464.

464. The Committee notes the information given by the delegation regarding the conditions governing the acquisition of Yemeni nationality. The Committee recommends that the State party take effective measures to ensure the right to acquire nationality for non-citizens, including for non-Muslims and children of mixed couples, without any discrimination.

- Côte d'Ivoire, CERD, A/58/18 (2003) 19 at para. 31.

31. The Committee notes with concern that the implementation of Rural Land Act No. 98-750 of 23 December 1998 created a sense of insecurity among foreigners of certain ethnic groups who owned land prior to its adoption. The Committee urges the State party to continue its efforts to explain this text better to the populations concerned and to ensure better protection of acquired rights.

- Ecuador, CERD, A/58/18 (2003) 22 at para. 50.

50. The Committee welcomes the adoption of several action plans within the framework of the State party's National Human Rights Plan, in particular those on the rights of black persons and on the rights of foreigners, migrants, refugees and stateless and displaced persons, as well as the State party's efforts to promote the adoption of other action plans, in particular on the rights of indigenous peoples.

- Morocco, CERD, A/58/18 (2003) 33 at para. 147.

147. The Committee notes the submission in November 2002 to the House of Representatives of two bills: one relating to "foreigners' entry into and residence in the Kingdom of Morocco, illegal immigration and emigration", and the other to terrorism, and draws the State party's attention to the statement on racial discrimination and measures to combat terrorism adopted by the Committee on 8 March 2002 (A/57/18, chap. XI, sect. C).

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 195.

195. The Committee is concerned about the incidence of violent racist attacks against ethnic minorities by, among others, skinheads and neo-Nazis. In this regard, the Committee recommends that the State party strengthen its efforts to prevent racist violence and protect members of ethnic minorities and foreigners, including refugees and asylum-seekers...

ALIENS - GENERAL

- Saudi Arabia, CERD, A/58/18 (2003) 41 at paras. 206 and 218.

206. The Committee welcomes the recent initiative to include non-Saudis in a health insurance system. The Committee has also noted with satisfaction that measures have been taken to put an end to the practice of employers retaining the passports of their foreign employees, in particular domestic workers. It also notes the high number of schools that have been authorized to offer programmes for the education of children of migrant workers that have been designed in their country of origin.

...

218. The Committee is concerned at allegations that a disproportionate number of foreigners are facing the death penalty. The Committee encourages the State party to cooperate fully with the Special Rapporteur on extrajudicial, summary and arbitrary executions who has requested information on several cases of migrant workers who have not received legal assistance and have been sentenced to death.

- Slovenia, CERD, A/58/18 (2003) 45 at paras. 232, 240 and 241.

232. The Committee is encouraged by the entry into force, in December 2002, of the Act amending the Citizenship Act of 1991 concerning the procedure for the acquisition of citizenship of the Republic of Slovenia for specific categories of persons residing in Slovenia.

...

240. The Committee is encouraged by the steps taken by the State party to address the long-standing issue of persons living in Slovenia who have not been able to obtain citizenship. It is nevertheless concerned that many of the persons who have not acquired Slovenian citizenship may still experience administrative difficulties in complying with the specific requirements contained in the law. The Committee recommends that the State party give priority to addressing this issue and, taking into account the difficulties which have arisen, ensure that the new citizenship legislation is implemented in a non-discriminatory manner.

241. The Committee is concerned that a significant number of persons who have been living in Slovenia since independence without Slovenian citizenship may have been deprived under certain circumstances of their pensions, of apartments they were occupying, and of health care and other rights. The Committee takes note of the efforts undertaken by the State party to address these issues...

- Cape Verde, CERD, A/58/18 (2003) 62 at paras. 363 and 364.

363. The Committee notes with concern that immigrants from the Economic Community

ALIENS - GENERAL

of Western African States (ECOWAS) are often referred to as “Mandjaco”, a term which may have negative connotations. It also notes instances of discrimination against members of communities coming from ECOWAS countries on account of the involvement of some of them in antisocial practices such as drug-trafficking and prostitution.

The Committee recommends that the State party take appropriate measures to combat stereotyping of certain groups of immigrants...

364. The Committee is concerned about the occurrence of trafficking in persons, affecting in particular foreigners and people of different race or ethnic origin, in the State party which, according to the information received, is used as a transit point by smugglers.

The Committee recommends that the State party monitor closely the phenomenon of trafficking in persons...

- Finland, CERD, A/58/18 (2003) 69 at para. 408.

408. Concern is...expressed about the “accelerated procedure” provided for in the revised Aliens Act. Under the new provisions, the “accelerated procedure” applies to certain categories of asylum application and, if the application is rejected and entry is refused, could lead to the immediate expulsion of the asylum-seeker. Although such a negative decision can be appealed, it may be enforced within eight days irrespective of an appeal, which would thus have no suspensive effect. In the Committee’s opinion, such narrow time limits may not allow for the proper utilization of the appeal procedure available and may result in an irreversible situation even if the decision of the administrative authorities were overturned on appeal...

- Latvia, CERD, A/58/18 (2003) 75 at paras. 441, 448, 449 and 451.

441. The Committee is encouraged by the efforts of the State party to support and facilitate the process of naturalization through legal measures and targeted projects.

...

448. The Committee recognizes that political rights can be legitimately limited to citizens. Nevertheless, noting that most non-citizens have been residing in Latvia for many years, if not for their whole lives, the Committee strongly recommends that the State party consider facilitating the integration process by making it possible for all non-citizens who are long-time permanent residents to participate in local elections.

449. While noting the measures taken by the State party to increase the rate of naturalization of non-citizens, the Committee remains concerned at the limited results of these efforts. The

ALIENS - GENERAL

Committee is concerned at the growing number of persons who fail the language examination and at the possible lack of availability or accessibility of Latvian language instruction for all those wishing to benefit from this facility.

The Committee recommends that the State party further study the underlying reasons for the low level of naturalization applications with a view to devising strategies targeting specific groups of potential applicants. The Committee stresses that positive measures should be employed to attract non-citizens to the process, while ensuring that any measures taken do not adversely affect their current status. It also strongly urges the State party to ensure the availability of Latvian language instruction, to the extent possible, for those wishing to avail themselves of such opportunities.

...

451. The Committee expresses concern with regard to the restrictions imposed upon non-citizens in the field of employment.

The Committee urges the State party to reduce the list of occupations restricted to citizens and to keep it under review, with a view to ensuring that the enjoyment of the right to work is not unduly limited.

- Norway, CERD, A/58/18 (2003) 79 at para. 473.

473. The Committee takes note of the amendments to the Aliens Act, which include provisions for the expulsion of persons charged with terrorist acts or where there are serious reasons to suspect a person of participating in such an act.

While acknowledging the State party's national security concerns, the Committee recommends that the State party seek to balance those concerns with its human rights obligations. In this regard, it draws the State party's attention to the Committee's statement of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin".

- Republic of Korea, CERD, A/58/18 (2003) 83 at para. 489.

489. The Committee welcomes legislation adopted in July 2003 establishing the Employment Permit System, which provides foreign workers with the same labour protection as domestic workers. It also welcomes the amendment to the education regulations that allows foreign children of compulsory school age, including those of undocumented migrant workers, equal access to local schools.

ALIENS - GENERAL

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras. 527, 532, 533, 535 and 536.

527. The Committee welcomes the establishment of the National Asylum Support Service in 2000 as an important step in providing support to eligible asylum-seekers and ensuring that they can access necessary services.

...

532. The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue. The Committee recommends that the State party consider further how the Press Complaints Commission can be made more effective and can be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations.

...

533. The Committee remains concerned at reports of attacks on asylum-seekers. In this regard, the Committee notes with concern that antagonism towards asylum-seekers has helped to sustain support for extremist political opinions.

The Committee recommends that the State party adopt further measures and intensify its efforts to counter racial tensions generated through asylum issues, *inter alia* by developing public education programmes and promoting positive images of ethnic minorities, asylum-seekers and immigrants, as well as measures making the asylum procedures more equitable, efficient and unbiased.

...

535. The Committee is concerned about the application of section 19 D of the Race Relations Amendment Act of 2000, which makes it lawful for immigration officers to “discriminate” on the basis of nationality or ethnic origin provided that it is authorized by a minister. This would be incompatible with the very principle of non-discrimination.

The Committee recommends that the State party consider re-formulating or repealing section 19 D of the Race Relations Amendment Act in order to ensure full compliance with the Convention.

536. The Committee is deeply concerned about provisions of the Anti-Terrorism Crime and Security Act which provide for the indefinite detention without charge or trial, pending deportation, of non-nationals of the United Kingdom who are suspected of terrorism-related activities.

While acknowledging the State party’s national security concerns, the Committee recommends that the State party seek to balance those concerns with the protection of human rights and its international legal obligations. In this regard, the Committee draws the State

ALIENS - GENERAL

party's attention to its statement of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin".

- Bahamas, CERD, A/59/18 (2004) 10 at paras. 25, 35 and 37.

25. The Committee notes with satisfaction that the Office of the United Nations High Commissioner for Refugees and non-governmental organizations have access to the Carmichael Road Detention Centre where undocumented migrants and asylum-seekers are held.

...

35. The Committee notes that it has not received sufficient information on the rights of asylum-seekers and is disturbed by reports that the current system is incapable of guaranteeing that no one will be sent back to a country where his life or liberty might be in danger.

The Committee advises the State party to guarantee the rights of asylum-seekers to information, the services of an interpreter, legal assistance and judicial remedies...

...

37. Taking note of the substantial efforts already made to manage the Carmichael Road Detention Centre effectively, the Committee is very concerned at reports that conditions in detention there are unsatisfactory, especially as regards access to food and drinking water, hygiene and access to medical care.

The Committee recommends the State party to step up immediately its efforts in this connection...

- The Netherlands, CERD, A/59/18 (2004) 29 at paras. 147 and 154.

147. The Committee commends the fact that foreigners who have been legally resident in the Netherlands for five years are entitled to vote and to stand for local election.

...

154. The Committee takes note of the Aliens Act 2000, which came into force on 1 April 2001, and welcomes the possibility that asylum-seekers can be granted a residence permit even after their claim has been rejected on judicial appeal, provided they are able to demonstrate objectively that they cannot return to their country. However, it is of the opinion that the criteria for any decisions by the authorities in this regard should be as clearly defined as possible, taking into account all aspects of the individual case. The Committee is also concerned about the possible risks which the Government's plan to return a very large number of failed asylum-seekers may entail, particularly with regard to respect for their

ALIENS - GENERAL

human rights and the unity of their families.

The Committee requests the State party to ensure that its asylum procedures are in full conformity with international standards and, when proceeding with the return of asylum-seekers to their countries, to respect the principle of *non-refoulement* when there are substantial grounds for believing that there is a risk to their lives or physical integrity, as well as the principles of family unity and appropriate treatment of minors.

- Spain, CERD, A/59/18 (2004) 32 at paras. 171-173.

171. The Committee notes that legislative changes have been introduced to the Aliens Act, which may allegedly restrict the process of regularization of irregular immigrants. The Committee expresses concern about the resulting increase in the number of irregular immigrants and the negative consequences for the enjoyment of their rights.

The Committee recommends that the State party, while favouring the regular channels of migration, take appropriate measures to guarantee that adequate avenues for regularization are available to foreigners residing in Spain in an irregular situation. It also recommends that the State party ensure the enjoyment of human rights for all foreigners in the country, whether documented or undocumented, regular or irregular. In this respect, the Committee also invites the State party to envisage the signature and ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which sets out a series of human rights for all migrant workers and members of their families, whether in a regular or irregular situation.

172. While the Committee commends the ongoing cooperation between the State party and the United Nations High Commissioner for Refugees as well as the commitment of the State party to improve the country's asylum system by transposing into Spanish law, by February 2005, European Union Directive 2003/9, laying down minimum standards for the reception of asylum-seekers, it is concerned about the poor conditions encountered by asylum-seekers due to the overcrowding of reception centres, in particular in Ceuta and the Canary islands.

The Committee recommends that the State party take adequate measures necessary to improve the situation of asylum-seekers, especially in Ceuta and in the Canary islands...

173. While the Committee warmly welcomes the 2003 Memorandum of Understanding between Spain and Morocco on assistance in the repatriation of unaccompanied foreign children, it expresses concern about the situation of these children, particularly in relation to the poor conditions in the reception centres for minors (especially in Ceuta and Melilla).

The Committee recommends that the State party take all necessary measures to improve the

ALIENS - GENERAL

conditions in reception centres for minors and ensure respect for the existing laws so that regular procedures in the expulsion of unaccompanied foreign children are carried out...

- Sweden, CERD, A/59/18 (2004) 41 at para. 225.

225. The Committee takes note of the Special Control of Foreigners Act, which allows the Government to expel a foreigner if this is deemed necessary to the security of Sweden or if there are reasons to suspect that he or she will commit or participate in crimes involving violence, threats or coercion for political purposes, without the possibility of appealing against such decisions.

While acknowledging the State party's national security concerns, the Committee reminds the State party of the need to balance those concerns with its human rights obligations. In this regard, it draws the State party's attention to the Committee's statement on terrorism and human rights of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin". The Committee invites the State party to reconsider the Act to the extent that it provides for the possibility of expulsion without a right of appeal...

- Argentina, CERD, A/59/18 (2004) 45 at paras. 235 and 241.

235. The Committee welcomes the entry into force of Immigration Law No. 25871 in January 2004, which replaces the former Immigration Law No. 22439, and provides, *inter alia*, for the following:

- (a) The right to migrate as an essential and inalienable right;
- (b) Migrants' access to basic rights such as education and health irrespective of their migration status;
- (c) That migrants may only be expelled pursuant to a judicial order; and
- (d) The criminalization of trafficking in human beings.

...

241. While the Committee welcomes the new Immigration Law No. 25871, it takes note that enacting measures still need to be adopted.

The Committee calls upon the State party to enact measures to implement the law without delay, taking full account of the principle of non-discrimination. The Committee

ALIENS - GENERAL

furthermore recommends that the State party conduct a public information and awareness-raising campaign and provide training courses for all governmental authorities at the national, provincial and municipal levels on the changes contained in the new law.

- Kazakhstan, CERD, A/59/18 (2004) 54 at para. 293.

293. While acknowledging that the State party has developed a governmental work plan to combat human trafficking, the Committee notes with concern that there is ongoing trafficking of women and children, particularly affecting non-citizens and ethnic minorities.

...[T]he Committee urges the State party to make determined efforts to prosecute the perpetrators and underlines the paramount importance of prompt and impartial investigations.

- Madagascar, CERD, A/59/18 (2004) 58 at paras. 311 and 318.

311. The Committee welcomes the elimination of the waiting period imposed on naturalized aliens wishing to purchase real estate.

...

318. The Committee notes that the rules on nationality discriminate against children born to a mother of Malagasy nationality and a father of foreign nationality.

The Committee recommends to the State party that it revise its nationality law and guarantee such children Malagasy nationality on the same footing as children born to a father of Malagasy nationality and a mother of foreign nationality.

- Mauritania, CERD, A/59/18 (2004) 61 at para. 345.

345. The Committee notes with concern that the Nationality Code does not appear to comply fully with article 5 (d) (iii) of the Convention, in particular since it lays down rules on access to nationality that differ depending on whether the children are born to a Mauritanian father or a Mauritanian mother, or whether they are born to a foreign father or a mother born in Mauritania.

The Committee recommends that the State party guarantee respect for the principle of non-discrimination in children's access to nationality.

- Portugal, CERD, A/59/18 (2004) 66 at paras. 360, 363, 366, 368, 371 and 372.

ALIENS - GENERAL

360. The Committee welcomes the enactment of Decree Law 251/2002 of 22 November 2002 which, *inter alia*, enlarges the structure and competencies of the Office of the High Commissioner for Immigration and Ethnic Minorities and establishes the Advisory Board for Immigration Affairs, tasked with ensuring the participation of associations representative of immigrants, employers' associations and social solidarity institutions in the elaboration of policies promoting social integration and combating exclusion.

...

363. The Committee also welcomes the several mechanisms established to assist immigrants in Portugal, such as the Observatory of Immigration, the Call Centre "SOS Immigrant" and the local and national support centres for immigrants.

...

366. While noting the efforts undertaken by the State party to counter racially motivated violence and discrimination, the Committee continues to be concerned that racially motivated acts and incitement to hatred continue to occur and that intolerance and *de facto* discrimination, in particular towards ethnic minorities, persist. Furthermore, the Committee is concerned about the activities of the National Renovation Party, which targets immigrants in its manifestos and campaigns.

The Committee recommends that the Government pursue and intensify its efforts to eradicate all incitement to, and acts of, racial discrimination. In this respect, in light of its general recommendation XXX, the Committee recommends that the State party introduce in its criminal law a provision to the effect that committing an offence with racist motivation or aim constitutes an aggravating circumstance...

...

368. The Committee notes that immigrants from Central and Eastern Europe are reportedly more easily accepted and integrated into Portuguese mainstream society than other immigrants, especially Africans. The Committee expresses concern that this phenomenon of "two-speed" integration may result in *de facto* discrimination against certain groups of immigrants.

The Committee recommends that the State party take all possible measures to promote and ensure the enjoyment of equal opportunities to all immigrants in the country, irrespective of their origin.

...

371. The Committee notes the new rules for family reunification following the recent enactment of new legislative provisions governing the entry, stay, departure and removal of aliens from the national territory.

The Committee recommends that the State party take measures to facilitate family reunification of immigrants in a regular situation. Furthermore, the Committee invites the State party to consider signing and ratifying the International Convention on the Protection

ALIENS - GENERAL

of the Rights of All Migrant Workers and Members of Their Families.

372. The Committee is concerned about the non-suspensive effect of appeal in the admissibility phase of the asylum procedure, which may result in creating an irreversible situation, even if the decision of the administrative authorities were to be overturned on appeal.

The Committee urges the State party to guarantee respect for the legal safeguards for asylum-seekers and to ensure that its asylum law and procedures conform to its international obligations in this field.

- Australia, CERD, A/60/18 (2005) 13 at paras. 34, 42 and 44.

34. The Committee is concerned at reports of biased treatment of asylum-seekers by the media (art. 4).

The Committee recommends that the State party take resolute action to counter any tendency to target, stigmatize, stereotype or profile non-citizens, including asylum-seekers, on the basis of race, colour, descent, or national or ethnic origin, especially by the media and the society at large. In this regard, it draws the attention of the State party to its general recommendation XXX on non-citizens.

...

42. The Committee notes with concern reports of alleged discrimination in the grant of visas against persons from Asian countries and Muslims, and further notes the assurances given by the delegation that no such discrimination occurs (art. 5).

...The Committee reiterates that States parties should ensure that immigration policies do not have the effect of discriminating against persons on the basis of race, colour, descent, or national or ethnic origin.

...

44. The Committee is concerned at reports according to which temporary protection visas granted to refugees who arrive without a valid visa do not make them eligible for many public services, do not imply any right to family reunion, and make their situation precarious. It is further reported that migrants are denied access to social security for a two-year period upon entry into Australia (art. 5).

The Committee...recommends that the State party review its policies, taking into consideration the fact that, under the Convention, differential treatment based on citizenship or immigration status would constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of that aim.

ALIENS - GENERAL

- Azerbaijan, CERD, A/60/18 (2005) 18 at para. 60.

60. The Committee expresses its concern that asylum-seekers, refugees, stateless persons, displaced persons and long-term residents residing in Azerbaijan experience discrimination in the areas of employment, education, housing and health (art. 5).

The Committee urges the State party to continue taking necessary measures in accordance with article 5 of the Convention to ensure equal opportunities for full enjoyment of their economic, social and cultural rights by asylum-seekers, refugees, stateless persons, displaced persons and long-term residents of Azerbaijan. The Committee...draws the attention of the State party to its general recommendation XXX on discrimination against non-citizens.

- Bahrain, CERD, A/60/18 (2005) 22 at paras. 75 and 87.

75. The Committee appreciates the establishment of trade unions in 2002 for the first time in Bahrain as well as of cultural associations composed of foreigners.

...

87. The Committee, noting the information provided regarding the acquisition of nationality, is concerned that a Bahraini woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Bahraini nationality in the same manner as a foreign woman.

The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention. In this connection, it draws the attention of the State party to general recommendation XXV and to general recommendation XXX, which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

- France, CERD, A/60/18 (2005) 26 at paras. 106-108 and 118.

106. While taking note of the Act of 1 August 2003 on general principles and planning for cities and urban renewal, the Committee remains concerned at the unfavourable situation faced by immigrants and population groups of immigrant origin in the field of housing.

The Committee calls on the State party to strengthen its policy for the integration of immigrants and population groups of immigrant origin, especially in the field of housing, and draws its attention to the Committee's general recommendation XIX on article 3 of the Convention and general recommendation XXX on discrimination against non-citizens. The

ALIENS - GENERAL

Committee invites the State party to follow the recommendations in this area as set out in the report of the Court of Audit...

107. The Committee is also concerned at the unfavourable situation faced by immigrants and population groups of immigrant origin in the field of employment and education, despite the State party's substantial efforts in this area.

The Committee encourages the State party to follow the recommendations set out in the Court of Audit's report on employment and education for immigrants and population groups of immigrant origin. The Committee draws the State party's attention to its general recommendation XXV on gender-related dimensions of racial discrimination, and also invites it to bear more specifically in mind, in all measures which are adopted or planned, the situation of women, who sometimes fall victim to twofold discrimination.

108. Despite the State party's efforts, the Committee remains concerned at the situation of non-citizens and asylum-seekers in holding centres and areas and delays in processing applications from refugees for family reunification.

The Committee recommends to the State party that it should strengthen the supervision of police personnel responsible for the reception and day-to-day monitoring of holding centres for non-citizens and asylum-seekers; improve the conditions in which such persons are held; operationalize the national committee to monitor holding centres and premises and holding areas; and process applications from refugees for family reunification as speedily as possible.

...

118. While the Committee takes note of the measures taken to settle the question of foreign veterans' pensions, it remains concerned at the continued differential treatment of such persons as compared with veterans who are French nationals.

The Committee encourages the State party to find a definitive solution to the question of foreign veterans' pensions by applying the principle of equal treatment.

- Ireland, CERD, A/60/18 (2005) 30 at paras. 140 and 148.

140. The Committee notes the reported occurrence of discriminatory treatment against foreign nationals entering Ireland during security checks at airports (art. 5).

The Committee encourages the State party to review its security procedures and practices at entry points with a view to ensuring that they are carried out in a non-discriminatory manner.

...

ALIENS - GENERAL

148. The Committee remains concerned that a fairly short time limit has been introduced in respect of the judicial review of administrative decisions on immigration issues (art. 6).

The Committee hopes that all issues pertaining to the appeal procedure will be adequately resolved within the framework of the proposed Immigration and Residence Bill.

- Luxembourg, CERD, A/60/18 (2005) 40 at para. 198.

198. While recognizing the steps taken by the State party to combat racial discrimination, the Committee notes that certain vulnerable groups, such as non-nationals, refugees and asylum-seekers, are not afforded sufficient protection.

In the light of its general recommendation XXX, the Committee proposes action specifically to guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices.

- Georgia, CERD, A/60/18 (2005) 46 at paras. 244 and 248.

244. The Committee regrets the lack of information in the State party report on the fundamental rights of non-citizens temporarily or permanently residing in Georgia, regarding the effective enjoyment, without discrimination, of the rights mentioned in article 5 of the Convention (art. 5).

Drawing the attention of the State party to its general recommendation XXX on discrimination against non-citizens, the Committee recommends that the State party ensure the effective enjoyment, without discrimination, of the rights mentioned in article 5 of the Convention, in particular their access to justice and right to health.

...

248. The Committee is concerned by allegations of arbitrary arrests and detention, excessive use of force by law enforcement officials, and ill-treatment in police custody of members of minority groups and non-citizens, and about the lack of investigation of those cases (arts. 5 and 6).

The Committee recommends that the State party take appropriate measures to eradicate all forms of ill-treatment by law enforcement officials and ensure prompt, thorough, independent and impartial investigations into all allegations of ill-treatment, especially of members of ethnic groups and non-citizens; perpetrators should be prosecuted and punished, and victims granted compensation.

ALIENS - GENERAL

- Iceland, CERD, A/60/18 (2005) 51 at paras. 259, 260, 262 and 267.

259. The Committee notes with satisfaction that recent legislative changes enhance the legal status of foreign nationals, such as the Act on the Employment Rights of Foreign Nationals in 2002, the amendment in 2002 of the Municipal Elections Act extending the right to vote in municipal elections and eligibility for municipal office to foreign nationals, as well as the application for the first time of this amendment in the municipal elections of 2002, when some 1,000 foreign nationals availed themselves of their right to vote.

260. The Committee welcomes the current establishment of the Committee for Refugees and Asylum-Seekers and the Icelandic Immigration Council, to be composed of representatives of relevant ministries and one immigrant representative and responsible for making recommendations on immigration policy to the Government and for coordinating the provision of services and information to immigrants.

...

262. The Committee welcomes the establishment in 2001 of an office of the Reykjavik police functioning as a link between the police and persons of foreign origin which, *inter alia*, refers complaints made by foreigners to the competent authorities.

...

267. While noting that the purpose of the requirement that a foreign “spouse or partner in cohabitation or registered partnership of a person lawfully staying in Iceland” must be 24 years of age or older to obtain a permit to stay as a family member is to prevent forced or sham marriages, the Committee is nevertheless concerned that this requirement may have discriminatory effects, bearing in mind that the minimum age of marriage under the Icelandic Marriage Act No. 31/1993 is 18 years (art. 5 (d) (iv)).

The Committee recommends that the State party reconsider this age requirement and explore alternative means of preventing forced or sham marriages.

- Nigeria, CERD, A/60/18 (2005) 54 at paras. 287 and 296.

287. The Committee regrets the paucity of information in the State party’s report on the rights of non-citizens temporarily or permanently residing in Nigeria, including refugees, stateless persons, displaced persons and migrant workers. Furthermore, the Committee notes that the guarantees against racial discrimination contained in section 42 of the Constitution do not extend to non-citizens (arts. 1 and 2).

In the context of the current constitutional review and the drafting of an Anti-Discrimination Bill by the Parliament, the Committee invites the State party to consider extending the scope of its domestic legislation so as to protect non-citizens from racial discrimination... In this regard, the Committee draws the attention of the State party to its general recommendation

ALIENS - GENERAL

XXX (2004) on non-citizens.

...

296. The Committee notes with concern that the provision regarding the acquisition of nationality as laid down in section 26 (2) (a) of the Constitution does not appear to comply fully with article 5 (d) (iii) of the Convention, since it stipulates that a foreign man is unable to acquire Nigerian nationality in the same manner as a foreign woman (art. 5).

The Committee recommends that the State party consider reviewing section 26(2)(a) of its Constitution, so as to bring it into line with the provisions of the Convention... In this connection, it draws the attention of the State party to general recommendation XXV (2000) and to general recommendation XXX (2004), which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

- Turkmenistan, CERD, A/60/18 (2005) 61 at para. 322.

322. The Committee notes that, in 2003, the bilateral agreement between the Russian Federation and Turkmenistan on dual citizenship was repealed by the State party. It notes with concern that persons who chose Russian citizenship were allegedly required to leave the country rapidly (arts. 2 and 5).

The Committee, stressing that deprivation of citizenship on the basis of national or ethnic origin is a breach of the obligation to ensure non-discriminatory enjoyment of the right to nationality, urges the State party to refrain from adopting any policy that directly or indirectly leads to such deprivation. The Committee draws the attention of the State party to its general recommendation XXX on non-citizens...

- Zambia, CERD, A/60/18 (2005) 75 at para. 401.

401. The Committee notes with concern the decision of the State party to appeal the High Court judgement in the case *Roy Clarke v. Attorney-General*, which quashed a deportation order concerning a British long-term resident on the basis that he would not have been punished for his journalistic activities if he were a Zambian citizen (art. 5 (d) (viii)).

The Committee recalls that under the Convention, differential treatment based on citizenship constitutes discrimination if the criteria for such differentiation are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim. It recommends to the State party that it respect the right to freedom of expression without any discrimination

ALIENS - GENERAL

based on citizenship...

ICCPR

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at para. 74(13).

(13) The Committee is concerned about allegations of police harassment, particularly of the Roma minority and aliens.

The State party should take effective measures to eradicate all forms of police harassment, and set up an independent authority to investigate complaints against the police. It should take steps against those held responsible for such acts of harassment.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at para. 75(16).

(16) The Committee is concerned that asylum-seekers have been detained in various facilities on grounds other than those legitimate under the Covenant, including reasons of administrative convenience. In any event, the Committee considers unacceptable any detention of asylum-seekers in prisons. The Committee notes, moreover, that asylum-seekers, after final refusal of their request, may also be held in detention for an extended period when deportation might be impossible for legal or other considerations. The Committee is also concerned that the practice of dispersing asylum-seekers may have adverse effects on their ability to obtain legal advice and upon the quality of that advice. Dispersal, as well as the voucher system of support, have on occasion led to risks for the physical security of asylum-seekers.

The State party should closely examine its system of processing asylum-seekers in order to ensure that each asylum-seeker's rights under the Covenant receive full protection, being limited only to the extent necessary and on the grounds provided for in the Covenant. The State party should end detention of asylum-seekers in prisons.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), ICCPR, A/57/40 vol. I (2002) 36 at para. 75(28).

28. The Committee is concerned that the categories of persons for whose deportation Cayman law provides, in particular "undesirable" or "destitute" persons, are defined in terms that are vague and unclear, and that deportation of such persons may violate articles 17 and 23 of the Covenant. Moreover, the Committee considers that, since deportation occurs

ALIENS - GENERAL

pursuant to an order issued by the Governor after having considered a magistrate's report, there is insufficient review of the appropriateness of such a measure in terms of article 13.

The State party should review its law on deportation to provide clear criteria, and effective and impartial review of any deportation decision, in order to ensure compliance with articles 17, 23 and 26.

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at paras. 76(4), 76(13) and 76(15).

(4) The Committee welcomes the repeal in March 1998, following its previous recommendations (see CCPR/C/79/Add.70, para. 28), of the Federal Decree on Political Speeches by Foreigners, which restricted the freedom of expression of foreigners without a permanent residence permit.

...
(13) The Committee is deeply concerned that, in the course of the deportation of aliens, there have been instances of degrading treatment and use of excessive force, resulting on some occasions in the death of the deportee.

The State party should ensure that all cases of forcible deportation are carried out in a manner which is compatible with articles 6 and 7 of the Covenant. In particular, it should ensure that restraint methods do not affect the life and physical integrity of the persons concerned.

...
(15) The Committee is concerned at the consequences of distinctions made in various pieces of legislation between citizens and non-citizens, the latter forming a considerable segment of the workforce. In particular, aliens without working papers run the risk of becoming victims of exploitation and abuse. Another vulnerable category of persons are foreign spouses of foreigners with residence permits, who are subject to deportation in the event of discontinuation of *de facto* cohabitation and, hence, may be forced to live in abusive relationships.

The State party should review its policies in relation to distinctions between citizens and aliens and between different categories of aliens, in particular in respect of those who do not have papers and spouses of foreigners with residence permits, in order to ensure that the rights of such persons under the Covenant are respected and ensured (arts. 2, 3, 9, 12, 17 and 23).

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(20).

(20) With regard to the rights of aliens, the Committee considers that the provisions in the

ALIENS - GENERAL

State party's legislation providing for the principle of reciprocity in guaranteeing Covenant rights to aliens are contrary to articles 2 and 26 of the Covenant. The Committee is equally concerned that according to article 61 of the Constitution, the right to immediate access to legal representation is guaranteed only to citizens.

The Committee recommends that the State party take appropriate measures to guarantee all rights of aliens in accordance with articles 2 and 26 of the Covenant.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at paras. 79(8), 79(9), 79(12) and 79(13).

(8) The Committee notes with concern cases of female genital mutilation and "honour crimes" involving girls and women of foreign extraction (articles 3, 6 and 7 of the Covenant).

The State party should continue its efforts to prevent and eradicate such practices. In particular, it should ensure that offenders are prosecuted, while promoting a human rights culture in the society at large, especially among the most vulnerable sectors of immigrant communities.

(9) The Committee expresses its concern at the recognition of early marriage involving girls of non-Swedish nationality who are resident in Sweden (arts. 3 and 26 of the Covenant).

The State party should take vigorous measures to provide better protection for minors in the matter of marriage and eliminate all forms of discrimination among them.

...

(12) While it understands the security requirements relating to the events of 11 September 2001, and takes note of the appeal of Sweden for respect for human rights within the framework of the international campaign against terrorism, the Committee expresses its concern regarding the effect of this campaign on the situation of human rights in Sweden, in particular for persons of foreign extraction. The Committee is concerned at cases of expulsion of asylum-seekers suspected of terrorism to their countries of origin. Despite guarantees that their human rights would be respected, those countries could pose risks to the personal safety and lives of the persons expelled, especially in the absence of sufficiently serious efforts to monitor the implementation of those guarantees (two visits by the embassy in three months, the first only some five weeks after the return and under the supervision of the detaining authorities) (articles 6 and 7 of the Covenant). The Committee also stresses the risk of violations of fundamental rights of persons of foreign extraction (freedom of expression and privacy), in particular through more frequent recourse to telephone tapping and because of an atmosphere of latent suspicion towards them (articles 13, 17 and 19 of the Covenant).

ALIENS - GENERAL

(a) The State party must ensure that measures taken under the international campaign against terrorism are fully in conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse;

(b) In addition, the State party should maintain its practice and tradition of observance of the principle of *non-refoulement*. When a State party expels a person to another State on the basis of assurances as to that person's treatment by the receiving State, it must institute credible mechanisms for ensuring compliance by the receiving State with these assurances from the moment of expulsion; and

(c) The State party is also requested to undertake an educational campaign through the media to protect persons of foreign extraction, in particular Arabs and Muslims, from stereotypes associating them with terrorism, extremism and fanaticism.

(13) The Committee expresses its concern at reports of persistent manifestations of racism and xenophobia, whether refusal of access to public places because of ethnicity or difficulties for foreigners in the job market (articles 19 and 26 of the Covenant).

The State party must make a sustained effort to improve the application of laws punishing racially motivated crimes, the integration into society of members of minority groups and the dissemination of a culture of tolerance, in particular as part of primary and secondary education.

- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at para. 80(14).

(14) The Committee notes with concern discriminatory practices with respect to the registration of certain religious groups in Hungary and the limited protection accorded to the religious rights of asylum-seekers and prisoners...

The State party should ensure that religious organizations are treated in a manner that is compatible with the Covenant; it should reinforce the protection of religious rights of asylum-seekers and prisoners...

- New Zealand, ICCPR, A/57/40 vol. I (2002) 63 at paras. 81(11) and 81(12).

(11) The Committee recognizes that the security requirements relating to the events of 11 September 2001 have given rise to efforts by New Zealand to take legislative and other measures to implement Security Council resolution 1373 (2001). The Committee, however, expresses its concern that the impact of such measures or changes in policy on New Zealand's obligations under the Covenant may not have been fully considered. The

ALIENS - GENERAL

Committee is concerned about possible negative effects of the new legislation and practices on asylum-seekers, including by "removing the immigration risk offshore" and in the absence of monitoring mechanisms with regard to the expulsion of those suspected of terrorism to their countries of origin which, despite assurances that their human rights would be respected, could pose risks to the personal safety and lives of the persons expelled (articles 6 and 7 of the Covenant).

The State party is under an obligation to ensure that measures taken to implement Security Council resolution 1373 (2001) are in full conformity with the Covenant. The State party is requested to ensure that the definition of terrorism does not lead to abuse and is in conformity with the Covenant. In addition, the State party should maintain its practice of strictly observing the principle of *non-refoulement*.

(12) The Committee is concerned at information that permanent residents of New Zealand and, under certain conditions, even some citizens need a return visa to re-enter New Zealand, as this may raise issues under article 12, paragraph 4, of the Covenant.

The State party should review its legislation to ensure compliance with article 12, paragraph 4, of the Covenant.

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(18).

(18) While it understands the security requirements connected with the events of 11 September 2001, the Committee expresses its concern about the effects of this campaign on the human rights situation in Yemen, in relation to both nationals and foreigners. It is concerned, in this regard, at the attitude of the security forces, including Political Security, which arrests and detains anyone suspected of links with terrorism, in violation of the guarantees set out in the Covenant (art. 9). The Committee also expresses its concern about cases of expulsion of foreigners suspected of terrorism without an opportunity for them to legally challenge such measures. Such expulsions are, furthermore, apparently decided on without taking into account the risks to the physical integrity and lives of the persons concerned in the country of destination (arts. 6 and 7).

The State party must ensure that the measures taken in the campaign against terrorism are within the limits of Security Council resolution 1373 (2001) and fully consistent with the provisions of the Covenant. It is requested to ensure that the fear of terrorism does not become a source of abuse.

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at paras. 79(14) and 79(17).

ALIENS - GENERAL

(14) Regretting that the concerns of its previous concluding observations (CCPR/C/79/Add.59, para. 12) have not been met, the Committee remains deeply concerned at the high number of stateless persons in Estonia and the comparatively low number of naturalizations. While the State party has adopted a number of measures designed to facilitate naturalization, a large number of stateless persons do not even initiate this procedure. The Committee takes note of the different reasons underlying this phenomenon, but considers that this situation has adverse consequences in terms of the enjoyment of the Covenant rights and that the State party has a positive duty to ensure and protect those rights.

The State party should seek to reduce the number of stateless persons, with priority for children, *inter alia* by encouraging their parents to apply for Estonian citizenship on their behalf and by promotion campaigns in schools. The State party is invited to reconsider its position as to the access to Estonian citizenship by persons who have taken the citizenship of another country during the period of transition and by stateless persons. The State party is also encouraged to conduct a study on the socio-economic consequences of statelessness in Estonia, including the issue of marginalization and exclusion (articles 24 and 26 of the Covenant).

...

(17) Taking into account the considerable number of non-citizens residing in the State party, the Committee is concerned about legislation prohibiting non-citizens from being members of political parties.

The State party should give due consideration to the possibility for non-citizens to become members of political parties (article 22 of the Covenant).

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at paras. 83(6) and 83(17).

(6) The Committee welcomes the granting to foreigners of the rights to vote and to be elected in local elections, as well as the recognition of broader political rights for citizens of Portuguese-speaking countries, under condition of reciprocity.

...

(17) The Committee notes that an accessory penalty of expulsion may not be imposed on a resident alien when the person concerned was born and lives in Portugal, or exercises parental authority over under-age children residing in Portugal, or has been in Portugal since he/she was less than 10 years old. The Committee is concerned, however, that those limitations may not protect the family life in all cases and that non-resident aliens do not benefit from such guarantees (arts. 17 and 26).

The State party should amend its legislation in order to ensure that the family life of resident and non-resident aliens sentenced to an accessory penalty of expulsion is fully protected.

ALIENS - GENERAL

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at paras. 65(16)-65(18).

(16) While noting the measures taken by the State party to make the naturalization process more accessible and to increase the rate of naturalization of non-citizens, the Committee is concerned about the limited results of these policies, with many candidates not even initiating the procedure. The Committee takes note of the different reasons underlying this phenomenon, but considers that it has adverse consequences in terms of enjoyment of Covenant rights, and that the State party has a positive duty to ensure and protect those rights. Furthermore, the Committee is concerned at the possible obstacles posed by the requirement to pass a language examination,

The State party should further strengthen its efforts to effectively address the lack of applications for naturalization as well as possible obstacles posed by the requirement to pass a language examination, in order to ensure full compliance with article 2 of the Covenant.

(17) The Committee is concerned at the low level of registration as citizens of children born in Latvia after 21 August 1991, to non-citizen parents (art. 24).

The State party should take all necessary measures to further encourage registration of children as citizens.

(18) With regard to the status of non-citizens, the Committee notes the policy of the Government to further social integration through naturalization. However, the Committee is concerned about the large proportion of non-citizens in the State party, who by law are treated neither as foreigners nor as stateless persons but as distinct category of persons with long-lasting and effective ties to Latvia, in many respects comparable to citizens but in other respects without the rights that come with full citizenship. The Committee expresses its concern over the perpetuation of a situation of exclusion, resulting in lack of effective enjoyment of many Covenant rights by the non-citizen segment of the population, including political rights, the possibility to occupy certain State and public positions, the possibility to exercise certain professions in the private sector, restrictions in the area of ownership of agricultural land, as well as social benefits (art. 26).

The State party should prevent the perpetuation of a situation where a considerable part of the population is classified as "non-citizens". In the interim, the State party should facilitate the integration process by enabling non-citizens who are long-term residents of Latvia to participate in local elections and to limit the number of other restrictions on non-citizens in order to facilitate the participation of non-citizens in public life in Latvia.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at paras. 68(4), 68(16), 68(20) and 68(21).

ALIENS - GENERAL

(4) The Committee appreciates the measures taken to improve the protection of children, in particular legislation granting children a right to education in a non-violent environment, the removal of remaining differences in the legal status of children born in and out of wedlock, and the introduction of elements of *jus soli* for children born in Germany to foreign parents.

...

(16) While appreciating the reduction in the number of complaints made public in recent years, the Committee expresses its concern about continuing reports of ill-treatment of persons by the police, including foreigners and members of ethnic minorities. It is concerned that despite the previous concluding observations of the Committee, the State party has not found ways to monitor the situation effectively and still lacks the necessary statistical information on police misconduct (art. 7).

(a) The State party should promptly, thoroughly and impartially investigate all allegations of police ill-treatment and, where appropriate, bring those responsible to justice.

(b) The State party should protect persons who bring complaints of ill-treatment against police officers against intimidation and provide full reparation, including fair and adequate compensation, and rehabilitation to victims and their families.

(c) The State party should improve monitoring of police misconduct by designating a central governmental agency to maintain and publish comprehensive statistics on ill-treatment and other relevant misconduct, including racist abuse, the measures taken in such cases and the results of investigations and disciplinary or penal proceedings. Furthermore, the State party should establish independent bodies throughout its territory to investigate complaints of ill-treatment by the police.

...

(20) While it takes note of the firm stance of Germany in favour of respect for human rights within the framework of the anti-terrorism measures it adopted subsequent to the events of 11 September 2001, the Committee expresses its concern regarding the effect of those measures on the situation of human rights in Germany, in particular for certain persons of foreign extraction, because of an atmosphere of latent suspicion towards them (arts. 17, 19, 22 and 26).

(a) The State party should ensure that anti-terrorism measures are in full conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse, in particular for persons of foreign extraction, including asylum-seekers.

(b) The State party is also requested to undertake an educational campaign through the media to protect persons of foreign extraction, in particular Arabs and Muslims, from stereotypes associating them with terrorism, extremism and fanaticism.

...

ALIENS - GENERAL

(21) The Committee is concerned that the Roma continue to suffer prejudice and discrimination, in particular with regard to access to housing and employment. It also expresses its concern at reports that Roma are disproportionately affected by deportation and other measures to return foreigners to their countries of origin (arts. 26 and 27).

(a) The State party should intensify its efforts to integrate Roma communities in Germany in a manner respectful of their cultural identity, in particular through the adoption of positive action with regard to housing, employment and education.

(b) The State party should guarantee the principle of non-discrimination in its practice relating to deportation and return of foreigners to their countries of origin.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at paras. 71(7), 71(13) and 71(15).

(7) The Committee is concerned about the formulation of the draft law on the legal status of foreigners, which, according to the State party's third report to the Counter-Terrorism Committee of the Security Council, may allow for the removal of foreigners who are regarded as a threat to State security, despite the fact that they may be exposed to a violation of their rights under article 7 in the country of return. The Committee is also concerned that in cases of alleged threat to the State, the implementation of the decision to remove a foreigner may not be suspended prior to consideration of an appeal, which may have the effect of denying that individual a remedy under article 2.

The State party is requested to ensure that counter-terrorism measures, whether taken in connection with Security Council resolution 1373 (2001) or otherwise, are in full conformity with the Covenant. In particular, it should ensure absolute protection for all individuals, without exception, against *refoulement* to countries where they risk violation of their rights under article 7.

...

(13) The Committee is concerned that persons may still be detained in respect of administrative offences, and it regrets the paucity of information it has received on various forms of administrative detention, such as involuntary psychiatric care, immigration detention and detention as administrative punishment. It is also concerned that persons may be detained in police custody beyond the 48-hour limit within which they must either be brought before a judge on criminal charges or be made subject to the proceedings applicable to administrative offences, and that they may be returned to police custody for further investigation (arts. 7 and 9).

The State party should eliminate the institution of detention for administrative offences from its system of law enforcement and re-examine its legislation to ensure that the Covenant is complied with, including article 9, paragraph 4, which requires effective judicial review of

ALIENS - GENERAL

all forms of detention. It should also ensure that persons ordered detained beyond the statutory 48-hour period are not held in police custody and that, once remanded in detention in prison, they cannot be returned to police custody.

...

(15) The Committee is concerned at information that asylum-seekers from certain countries are prevented from requesting asylum at the border. In addition, it is concerned that although asylum-seekers are only detained in “exceptional circumstances”, the criteria for establishing such circumstances remain unclear. Moreover, the Committee is concerned about the very low number of persons who have been granted asylum in recent years, when compared with the number of applications over the same period (arts. 12 and 13).

The State party should take measures to secure access for all asylum-seekers, irrespective of their country of origin, to the domestic asylum procedure, in particular when applications for asylum are made at the border. The State party should also provide information on the criteria on the basis of which asylum-seekers may be detained, as well as on the situation with regard to minors seeking asylum. It should ensure that minors are only detained when justified in the particular circumstances of the case and their detention is regularly reviewed by a court or judicial officer.

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at paras. 72(4), 72(5), 72(11), 72(14), 72(15), 72(17), 72(21)-72(23) and 72(25).

(4) The Committee welcomes the entry into force on 1 May 2004 of the Act establishing a guardianship mechanism for unaccompanied foreign minors, and the assurance that such minors will no longer be held in closed facilities even if they are refused entry into the country.

...

(5) The Committee welcomes the adoption of the Act of 19 March 2004 granting the right to vote in local elections to foreigners from countries other than those of the European Union.

...

(11) The Committee is concerned at the fact that the right to an effective remedy for individuals illegally in Belgium is jeopardized by the fact that police officers are obliged to report their presence. It notes in addition that the lengths of stay authorized to enable illegal aliens who have lodged complaints to complete proceedings to assert their rights under the Covenant remain at the discretion of the Aliens Office (arts. 2 and 26).

Besides adjusting authorized lengths of stay, the State party should devise additional ways of guaranteeing such individuals the right to an effective remedy.

...

(14) The Committee is concerned by fresh allegations of excessive force being used when

ALIENS - GENERAL

aliens are deported, despite the entry into force of new guidelines (arts. 6 and 7).

The State party should put an end to the excessive use of force when aliens are deported. Those responsible for effecting such deportations should be better trained and monitored.

...

(15) While welcoming efforts to combat people-smuggling and trafficking in human beings, the Committee is concerned at the fact that residence permits are not granted to victims of trafficking unless they collaborate with the judicial authorities, and that they are given financial assistance in the event of violence only subject to restrictive conditions. It observes that there are still problems in coping with large groups of intercepted migrants (art. 8).

The State party should continue its efforts, do more to look after the victims of trafficking in human beings as such, and ensure that the victims of people-smuggling are properly looked after...

...

(17) The Committee is concerned that foreigners held in closed facilities pending expulsion and then released by judicial decision have been held in the transit area of the national airport under questionable sanitary and social conditions. There are reports of periods of detention extending to several months in some cases. Such practices, in the Committee's view, are akin to arbitrary detention and can lead to inhuman and degrading treatment (arts. 7 and 9).

The State party should put an immediate stop to the holding of foreigners in the airport transit area.

...

(21) The Committee welcomes the establishment of an Individual Complaints Board to look into complaints from aliens about the conditions under which they are held and the rules to which they are subject, but is concerned that complaints have to be lodged within five days and do not have the effect of suspending expulsion measures (arts. 2 and 10).

The State party should extend the deadline for lodging complaints and give complaints a suspensive effect on expulsion measures.

(22) The Committee is disturbed that the rules governing the operation of INAD centres (for passengers refused entry to the country) and the rights of the aliens held there do not appear to be clearly established in law (arts. 2 and 10).

The State party should clarify the situation and ensure that the aliens held in such centres are informed of their rights, including their rights to appeal and to lodge complaints.

(23) The Committee is concerned that the ministerial circular of 2002 giving suspensive effect to emergency remedies filed by asylum-seekers against expulsion orders has not been

ALIENS - GENERAL

published; this is likely to leave the individuals concerned in a legally uncertain situation (arts. 2 and 13).

The State party should establish clear rules in its legislation to govern appeals against expulsion orders. It should give suspensive effect not only to emergency remedies but also to appeals accompanied by an ordinary request for suspension filed by any alien against an expulsion order concerning him or her.

...

(25) The Committee is concerned that the Ministry of the Interior directive on double penalties, which has not been published, attaches conditions to the expulsion of aliens which make it impossible to comply fully with article 17 of the Covenant, inasmuch as it does not guarantee that aliens the majority of whose ties are to Belgium will not be expelled under any circumstances.

The State party should introduce further safeguards, publish rules to ensure that the individuals concerned are aware of and can assert their rights, and pass a law on the subject as quickly as possible.

- Liechtenstein, ICCPR, A/59/40 vol. I (2004) 61 at para. 73(9).

(9) While noting the measures taken by the State party to promote equality and integration of non-citizens, the Committee regrets that the principle of equality before the law for all the individuals under the State party's jurisdiction is only indirectly recognized in the Constitution. It is also concerned about the persistence of xenophobia and intolerance, especially against Muslims and people of Turkish origin (arts. 2 and 26).

The State party should consider amending the Constitution to ensure that the principle of equality before the law is guaranteed to all individuals under its jurisdiction. The State party should intensify its efforts to combat right-wing extremism and other expressions of xenophobia and religious intolerance.

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at paras. 81(4) and 81(12).

(4) The Committee is pleased to observe the State party's concern to integrate human rights into action to combat terrorism, in part by maintaining an outright ban on extradition, *refoulement* or expulsion to a country where the individual concerned might be exposed to the death penalty and violations of articles 6 and 7 of the Covenant.

...

(12) The Committee notes the lack of clarity as to the implications and consequences of the amendment to the Aliens Act of July 2000 providing for accelerated procedures in the case

ALIENS - GENERAL

of asylum-seekers with manifestly ill-founded claims and applications by aliens from a “safe” country, as regards both the suspensive effect of an appeal and the legal protection available to asylum-seekers.

The State party should ensure that legislation and practice in this area are compatible with articles 2, 6, 7 and 13 of the Covenant and, in particular, that appeals have a suspensive effect.

See also:

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(7).
- Benin, ICCPR, A/60/40 vol. I (2004) 30 at para. 83(18).

(18) The Committee notes the efforts made by the State party to bring the system of justice closer to the people but remains concerned at reports of serious dysfunctions in the administration of justice, owing chiefly to the lack of human and material resources, the overcrowding of dockets, the slow pace of proceedings, corruption and the interference of the executive in the judiciary. In this connection, the Committee notes with concern the protests by judges against the outright handing over to the Nigerian authorities of persons and vehicles under court administration and other acts related to the so-called *Hamani* case (articles 2, 13 and 14 of the Covenant).

The State party should give greater priority to efforts to address these problems. It should ensure the prompt and effective implementation of the Act of 27 August 2002 on the organization of the judiciary increasing the number of courts and tribunals, strengthen the independence of the justice system by effectively prohibiting any interference by the executive in the judiciary, and ensure that appeals are dealt with in a reasonable amount of time. It should also provide effective reparation for violations established by the Constitutional Court. The State party should also ensure that the expulsion of individuals is based solely on a decision taken in conformity with the law and that such individuals are given an opportunity to contest their expulsion.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(13).

(13) The Committee is concerned that article 26 of the new law on the residence of aliens permits the immediate expulsion of an alien deemed to be a threat to State security, even if the alien may be subjected to torture or ill-treatment or sentenced to death in the receiving country.

The State party should set up a system that would allow any alien who claims that expulsion

ALIENS - GENERAL

would put them at risk of being subjected to torture, ill-treatment or the death penalty to lodge an appeal that would have the effect of suspending the expulsion (Covenant, arts. 6, 7 and 10).

- Mauritius, ICCPR, A/60/40 vol. I (2005) 52 at paras. 88(6) and 88(18).

(6) ...The Committee notes yet again that the maintenance of article 16 of the Constitution, by virtue of which the prohibition of discrimination does not apply to personal-status laws and to foreigners, might well result in the violation of articles 3 and 26 of the Covenant.

The State party should give full effect to the provisions of the Covenant in its domestic legislation prohibiting all forms of discrimination.

...

(18) The Committee notes that expulsion procedures contain no provisions guaranteeing respect for the rights protected by the Covenant (Covenant, art. 13).

The State party should integrate into its legislation all the safeguards which should accompany an expulsion procedure.

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(12).

(12) The Committee is concerned that there is no law governing expulsion of foreigners from Uzbekistan and that expulsion and extradition are regulated by bilateral agreements, which may allow for the expulsion of aliens even if they may be subjected to torture or ill-treatment in the receiving country (Covenant, arts. 7 and 13).

The State party should adopt the necessary norms to prohibit the extradition, expulsion, deportation or forcible return of aliens to a country where they would be at risk of torture or ill-treatment, and should establish a mechanism allowing aliens who claim that forced removal would put them at risk of torture or ill-treatment to file appeals with suspensive effect.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at paras. 90(10), 90(11) and 90(17).

(10) The Committee notes that Greece is a main transit route for trafficking in human

ALIENS - GENERAL

beings, as well as a country of destination. While welcoming the efforts made by the State party to fight this scourge, it remains concerned, in particular, about the reported lack of effective protection of the victims, many of whom are women and children, including witness protection mechanisms (arts. 3, 8 and 24).

...

(b) The Committee urges the State party to protect unaccompanied alien children and to avoid the unsupervised release of such children into the general population. The absence of child welfare protection increases the danger of trafficking and exposes the children to other risks. The State party should conduct a judicial investigation concerning the approximately 500 children who went missing from the Aghia Varvara institution between 1998 and 2002...

(11) The Committee is concerned about reports that undocumented aliens are detained in overcrowded facilities with poor living and sanitary conditions, are not informed of their rights, and lack any effective means of communication with their families and their lawyers (art. 10).

The State party should ensure that undocumented aliens are held in facilities with adequate living and sanitary conditions, are informed of their rights, including the right to appeal and to lodge complaints, and are afforded effective means of communication with their families and counsel.

...

(17) The Committee is also concerned at the reported neglect of the situation of unaccompanied minors seeking asylum or illegally residing in the country (art. 24).

The Committee recommends that the State party develop a procedure to address the specific needs of unaccompanied non-citizen children and to ensure their best interests in the course of any immigration, expulsion and related proceedings.

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at paras. 91(13) and 91(17).

(13) The Committee notes the statement by the State party that although its effort to combat terrorism has had an impact on the enjoyment of civil and political rights in Yemen, this has not resulted in systematic and continuing violations. The Committee remains concerned, however, about reported grave violations of articles 6, 7, 9 and 14 of the Covenant committed in the name of the anti-terrorism campaign. It notes with concern reported cases of extrajudicial killings, enforced disappearances, arbitrary arrests, indefinite detention without charge or trial, torture and ill-treatment, and deportation of non-citizens to countries where they are in danger of being subjected to torture or ill-treatment.

The State party should ensure that the utmost consideration is given to the principle of proportionality in all its responses to terrorist threats and activities. It should bear in mind

ALIENS - GENERAL

the non-derogable character of specific rights under the Covenant, in particular articles 6 and 7, which must be respected in all circumstances...

...

(17) The Committee is concerned about reports of trafficking of children out of Yemen and of women coming to or through the country, as well as the practice of expelling trafficked persons from the country without appropriate arrangements for their care (art. 8).

The State party should increase its efforts to combat such practices, while fully addressing the human rights entitlements and needs of the victims...

- Slovenia, ICCPR, A/60/40 vol. I (2005) 74 at paras. 93(10) and 93(15).

(10) While acknowledging the efforts made by the State party to grant permanent resident status in Slovenia or Slovenian nationality to citizens of other republics of the former Socialist Federal Republic of Yugoslavia living in Slovenia, the Committee remains concerned about the situation of those persons who have not yet been able to regularize their situation in the State party (arts. 12 and 13).

The State party should seek to resolve the legal status of all the citizens of the successor States that formed part of the former Socialist Federal Republic of Yugoslavia who are presently living in Slovenia, and should facilitate the acquisition of Slovenian citizenship by all such persons who wish to become citizens of the Republic of Slovenia.

...

(15) The Committee is concerned at the reported neglect of unaccompanied minors seeking asylum or illegally residing in the territory of the State party. The Committee, while recognizing that registration is distinct from conferral of nationality, is also concerned that some children are registered at birth without a nationality (art. 24).

The State party should develop specific procedures to address the needs of unaccompanied children and to ensure their best interests in the course of any immigration and related proceedings. The State party should also ensure the right of every child to acquire a nationality.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(19).

(19) The Committee has noted the information provided by the State party with regard to the stateless Kurds. The Committee remains concerned at the situation of the large number of Kurds treated as aliens or unregistered persons and the discrimination experienced by them. The Committee reminds the State party that the Covenant is applicable to all individuals subject to its jurisdiction (arts. 2 (1), 24, 26 and 27).

ALIENS - GENERAL

The State party should take urgent steps to remedy the situation of statelessness of Kurds in Syria and to protect and promote the rights of non-citizen Kurds. The Committee further urges the State party to allow Kurdish children born in Syria to acquire Syrian nationality.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(17).

(17) While acknowledging the delegation's assurances that the Provincial Admission Board is in the process of being established, the Committee notes with concern the lack of a systematic adjudication procedure for asylum-seekers. The Committee is also concerned that the relocation plan of March 2005 requires all refugees from Myanmar in the State party to move to the camps along the border and that those who do not comply will be considered illegal migrants and will face forcible deportation to Myanmar. Furthermore, the Committee is concerned about the deplorable situation of the Hmong people in Petchabun Province, the majority of them women and children who are not considered refugees by the State party and are facing imminent deportation to a State where they fear they will be persecuted. Finally, the Committee notes with concern that the current screening and expulsion procedures contain no provisions guaranteeing respect for the rights protected by the Covenant (arts. 7 and 13).

The State party should establish a mechanism to prohibit the extradition, expulsion, deportation or forcible return of aliens to a country where they would be at risk of torture or ill-treatment, including the right to judicial review with suspensive effect. The State party should observe its obligation to respect a fundamental principle of international law, the principle of *non-refoulement*.

ICESCR

- Sweden, ICESCR, E/2002/22 (2001) 106 at paras. 736 and 745.

736. The Committee encourages the State party to take additional measures to prevent discrimination against immigrants and refugees, especially in the workplace.

...

745. The Committee urges the State party to take additional and effective measures that promote instruction in the mother tongue of minorities and immigrants.

- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 902 and 919.

902. With respect to the right to education, the Committee commends the near-achievement of universal and free compulsory primary education, in conformity with article 14 of the

ALIENS - GENERAL

Covenant. However, the Committee is concerned by reports that some children from certain minority groups, in particular the Roma, and children of undocumented aliens may not be going to school. The Committee is concerned about reports that the curriculum and textbooks used in schools contain derogatory references to minority groups.

...

919. The Committee recommends that immediate steps be taken to ensure that all children residing within the territory of the State party, regardless of their ethnic origin or the status of their parents, are able to go to school and are protected from discrimination.

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 132, 135, 138, 153, 156 and 159.

132. The Committee notes with concern that economic, social and cultural rights normally also guaranteed to non-citizens, such as the right to non-discrimination or the right to free education, are reserved to Greek citizens under the State party's Constitution

...

135. The Committee is concerned that low income persons, the Roma, and documented and undocumented immigrants and their families may not have access to social services.

...

138. The Committee expresses its concern about the high numbers of trafficked women and children who are subjected to forced labour and sexual exploitation, and who are often deported to their countries of origin rather than being granted a residence permit, reportedly in an expeditious manner and without the necessary procedural safeguards.

...

153. The Committee recommends that the State party harmonize its relevant constitutional provisions with its obligation to guarantee that the Covenant rights will be exercised without discrimination, based on the prohibited grounds as enshrined in the Covenant.

...

156. The Committee urges the State party to ensure access of disadvantaged and marginalized persons and families to individual as well as collective social services...

...

159. The Committee urges the State party to ensure respect for the necessary procedural safeguards when deporting victims of trafficking in persons, particularly when such victims are children. The State party should also continue and intensify its cooperation with neighbouring countries in combating trafficking in persons, provide medical, psychological and legal support to such victims...

- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 188, 199, 207 and 219.

188. The Committee notes with concern the absence of a minimum wage in the private sector. It is also concerned that minimum wage in the public sector is not applicable to non-

ALIENS - GENERAL

Kuwaiti citizens.

...

199. The Committee is concerned that the State party does not provide free compulsory education to non-Kuwaiti children as a right enshrined in the Covenant.

...

207. The Committee urges the State party to establish a minimum wage in the private sector that will enable workers and their families, especially non-Kuwaiti citizens, to enjoy a decent standard of living. The Committee also recommends that the minimum wage in the public sector should apply without discrimination to both Kuwaiti and non-Kuwaiti citizens. The Committee recommends that the State party ratify ILO Convention No. 131 (1970) concerning Minimum Wage Fixing, with Special Reference to Developing Countries.

...

219. The Committee urges the State party to adopt the necessary measures to ensure that non-Kuwaiti children living in Kuwait have access to free compulsory education as a right enshrined in the Covenant...

- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 230, 231, 247 and 248.

230. While noting that undocumented immigrants residing in the State party enjoy a number of fundamental rights and freedoms, including the right to basic social services, health care and education, on the condition that they register with their local municipality, the Committee remains concerned about the precarious situation of the large number of those undocumented immigrants who only enjoy a limited protection of their economic, social and cultural rights.

231. The Committee is concerned that the rise in the number of immigrants arriving in the State party over the last years has been accompanied by negative and hostile attitudes towards foreigners and the occurrence of xenophobic incidents.

...

247. The Committee urges the State party to take measures to ensure the effective protection of fundamental economic, social and cultural rights of all persons residing within its territory, in accordance with article 2, paragraph 2, of the Covenant. It further encourages the State party to promote the legalization of undocumented immigrants so as to enable them to enjoy fully their economic, social and cultural rights.

248. The Committee recommends that the State party continue to monitor closely and to combat incidences of racism and xenophobia, and continue to promote intercultural understanding and tolerance among all groups in society.

ALIENS - GENERAL

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 387, 389, 390, 392, 395, 398, 400, 403, 405 and 408.

387. The Committee is concerned that the rise in the number of immigrants and refugees arriving in Denmark over the last years has been met with increased negative and hostile attitudes towards foreigners. The Committee also expresses concern about the occurrence of xenophobic incidents in the State party.

...

389. The Committee is concerned about the level of long-term unemployment, affecting men aged 55-59, and the high rate of unemployment among immigrants, refugees, new college graduates and women, which are well above the national average.

390. The Committee notes with concern that the 24-year rule introduced by amendment to the Aliens Act in 2002 restricts the right to family reunification and may constitute an impediment to the right to family life in the State party.

...

392. The Committee is also concerned at the reports of cases of ill-treatment, particularly of migrant women, at the hands of their spouses or partners, which often remain unreported for reasons of economic dependency and fear of deportation. The Committee notes that the situation has been exacerbated by the 2002 amendment to the Aliens Act, which increased the required number of years of residence to seven before a permanent residence permit may be obtained by migrant women married to Danish citizens.

...

395. The Committee is concerned at the lack of constitutional or other legislative provisions in the State party guaranteeing the right to housing. The Committee is also concerned about the difficulties faced by disadvantaged and marginalized groups, in particular immigrants, in renting or obtaining public housing owing to discriminatory practices. The Committee also notes with concern the increase in homelessness among the immigrant population in the State party.

...

398. The Committee recommends that the State party closely monitor the incidence of and combat racism and xenophobia, and continue to promote intercultural understanding and tolerance among all groups in society. The Committee further recommends that the State party take measures to ensure the effective implementation of the National Action Plan to promote equal treatment and diversity and to combat discrimination as a follow-up to the Durban Declaration and Programme of Action...

...

400. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected groups, including immigrants, refugees, men in the age group 55-59, new college graduates and women...

...

ALIENS - GENERAL

403. The Committee calls upon the State party to take appropriate measures to either repeal or amend the so-called 24-year rule of the 2002 Aliens Act, in line with its obligation to guarantee the enjoyment of the right to family life to all persons in Denmark, without distinction. In this connection, the Committee encourages the State party to consider alternative means of combating the phenomenon of forced marriage involving immigrant women.

...

405. The Committee recommends that effective measures be taken to ensure that victims of domestic violence receive appropriate care and support for their rehabilitation and that appropriate mechanisms be enforced so that victims are not prevented from seeking assistance for fear of deportation or expulsion from Denmark.

...

408. The Committee encourages the State party to consider enacting specific legislation providing for the right to housing. The Committee also recommends, in line with the Committee's General Comment No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the covenant), that the State party adopt national policies to ensure that all families have adequate housing facilities and that adequate resources are allocated for social housing, particularly for disadvantaged and marginalized groups such as immigrants. The Committee further encourages the State party to take measures to address the problem of homelessness, particularly among the immigrant population.

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 421, 432 and 453.

421. The Committee... welcomes the fact that the National Sanitary Plan for 2003-2005 has extended its coverage to illegal immigrants, so that they can receive preventive medical treatment as well as urgent and basic treatment.

...

432. The Committee notes with concern the lack of comprehensive legislation on asylum-seekers in the State party.

...

453. The Committee calls upon the State party to take appropriate measures to adopt comprehensive legislation on asylum-seekers and ensure that their economic, social and cultural rights are duly taken into account.

- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 480, 498, 506 and 524.

480. While noting that the constitutional guarantee of the enjoyment of all rights and freedoms is extended to all foreign citizens and stateless persons, the Committee is concerned about the persistent *de facto* discrimination against foreign citizens, ethnic minorities and stateless persons in the fields of housing, employment and education. The

ALIENS - GENERAL

Committee is also concerned about the legal status of a significant number of long-term residents in the State party who remain stateless.

...

498. The Committee is concerned that pursuant to article 19 of the Law on the Legal Status of Foreigners and Persons Without Citizenship, the State party does not provide free compulsory education to non-Azerbaijani children. The Committee also expresses concern that the education standards in the State party have experienced a fall over the last decade owing to a number of factors, including lack of State investment in education.

...

506. The Committee recommends that the State party take all measures to ensure that all persons under its jurisdiction enjoy the economic, social and cultural rights enshrined in the Covenant without discrimination and to facilitate regularization of the legal status of foreigners residing in Azerbaijan whenever possible...

...

524. The Committee calls upon the State party to take effective measures to ensure that all children under its jurisdiction have access to free compulsory education as a right, as stipulated in the Covenant, and to significantly increase the public expenditure on education. In this regard the Committee further encourages the State party to consider amending the Law on the Legal Status of Foreigners and Persons without Citizenship...

- China, ICESCR, E/2006/22 (2005) 25 at paras. 143 and 174.

143. The Committee is concerned that non-citizens, including asylum-seekers, refugees and stateless persons, are excluded from the constitutional guarantees to the enjoyment of rights and freedoms enshrined in the Covenant extended to all citizens in the State party. The Committee notes that some asylum-seekers are excluded by the refugee determination procedure of the State party, in particular those coming from the Democratic People's Republic of Korea, who are regarded by the State party as economic migrants and are thus compelled to return to their countries.

...

174. The Committee calls upon the State party to take the necessary steps to ensure that all persons under its jurisdiction enjoy economic, social and cultural rights enshrined in the Covenant without discrimination. In addition, the Committee urges the State party to ensure that its asylum procedures do not discriminate, in purpose or in effect, against asylum-seekers on the basis of race, colour or ethnic or national origin, as provided for under article 2, paragraph 2, of the Covenant. The Committee recommends that the State party consider adopting subsidiary forms of protection to guarantee the right to remain for persons who are not formally recognized as refugees but are seeking asylum and nevertheless require protection during that period, and granting the UNHCR and humanitarian organizations access to them...

ALIENS - GENERAL

- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 207 and 219.

207. The Committee regrets that the Hong Kong Special Administrative Region has not implemented a number of the recommendations contained in its concluding observations of 2001.^{9/} The Committee wishes to reiterate in particular its concern at the following issues:

...

(c) The lack of effective protection from discrimination and abuse, of foreign domestic helpers, affected by the “two-week rule”, upon expiration of their contract;

...

(f) The hardship arising from the right of abode policies in relation to permanent residence and split families; and

...

219. The Committee once again urges the Hong Kong Special Administrative Region to implement the Committee’s relevant suggestions and recommendations contained in its concluding observations adopted in 2001,^{9/} as well as in the current ones, and urges it to undertake whatever relevant concrete measures may be necessary towards their implementation.

Notes

...

^{9/} *Official Records of the Economic and Social Council, 2002, Supplement No. 2 (E/2002/22-EC.12/2001/17), chap. IV, paras. 189 to 210.*

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 337, 338, 343, 346, 347, 349, 354, 355, 362, 365, 367 and 370.

337. The Committee is concerned about cases of discrimination faced by persons of immigrant background, particularly in the areas of housing and work.

338. The Committee is concerned about problems faced by persons of immigrant background, in particular women, in accessing the labour market. The Committee notes in this regard the limited effect of the measures taken so far by the State party to increase immigrants’ participation in the labour market.

...

343. The Committee is concerned that the subsistence requirement imposes an undue constraint on the ability of some foreigners, including those who have been granted a residence permit on humanitarian grounds, to be reunited with their closest family members.

...

346. The Committee notes with concern that an estimated 5,200 people are homeless in the

ALIENS - GENERAL

State party. Furthermore, the Committee is concerned that rejected asylum-seekers who cannot be sent home to their countries of origin are not offered accommodation in reception centres after the deadline set for departure.

347. The Committee is concerned about information received that many asylum-seeking children who suffer from trauma and illness are not afforded adequate assistance.

...

349. The Committee is concerned about the restrictions placed on the access to education of asylum-seekers, as asylum-seeking children only have access to free primary and lower secondary education and asylum-seekers over the age of 18 are not offered courses in Norwegian.

...

354. The Committee recommends that the State party strengthen measures to combat discrimination against persons of immigrant background and ensure the effective monitoring of anti-discrimination legislation.

355. The Committee encourages the State party to continue and strengthen its measures to overcome the obstacles faced by persons of immigrant background, in particular women, in accessing the labour market.

...

362. The Committee encourages the State party to consider easing restrictions on family reunification in order to ensure the widest possible protection of, and assistance to, the family.

...

365. The Committee urges the State party to strengthen measures to deal with the problem of homelessness and to ensure that rejected asylum-seekers who cannot be sent home to their countries of origin are offered alternative accommodation.

...

367. The Committee urges the State party to strengthen measures taken to ensure adequate health and psychiatric services for asylum-seeking children.

...

370. The Committee encourages the State party to ensure that asylum-seekers are not restricted in their access to education while their claim for asylum is being processed.

CEDAW

- Denmark, CEDAW, A/57/38 part II (2002) 120 at paras. 341, 342, 347 and 348.

341. The Committee is concerned that the Aliens Act, which although gender-neutral, indirectly discriminates against women.

ALIENS - GENERAL

342. The Committee recommends that the State party review the Aliens Act and revoke those provisions that are incompatible with the provisions of the Convention, particularly article 2, which prohibits direct and indirect discrimination.

...

347. The Committee is concerned that the situation of foreign married women with temporary residence permits who experience domestic violence will worsen when the amendment to the Aliens Act enters into force on 1 July 2002, which will increase the required number of years of residence from three to seven before a permanent residence permit may be obtained. The Committee is also concerned that these women's fear of expulsion will be a deterrent to their seeking assistance or taking steps to seek separation or divorce.

348. The Committee recommends that revocation of temporary residence permits of foreign married women who experience domestic violence, and legislative changes on residency requirements, should not be undertaken without a full assessment of the impact of such measures on these women.

- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 120 and 121.

120. The Committee is concerned about the particular situation of foreign women who experience domestic violence and whose residence permits depend on their living together with their spouse. The Committee is concerned that fear of expulsion will be a deterrent for these women to seek assistance or take steps to seek separation or divorce.

121. The Committee recommends that revocation of the temporary residence permits of foreign married women who experience domestic violence, and any legislative changes with regard to residency requirements that may be under consideration, be undertaken only after a full assessment of the impact of such measures on those women.

- Canada, CEDAW, A/58/38 part I (2003) 53 at paras. 363 and 364.

363. While appreciating the inclusion of trafficking in persons as constituting a criminal offence under the new Immigration and Refugee Protection Act, as well as other aspects protecting refugee and immigrant women, the Committee notes that other provisions and practices may still contribute to devaluing women's educational skills and previous economic contributions to their families' well-being.

364. The Committee requests the State party to implement fully the gender-based impact analysis and the reporting requirements provided in the new Act with a view to eliminating remaining provisions and practices which still discriminate against immigrants.

ALIENS - GENERAL

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 273-276.

273. While commending the State party for its measures against trafficking in women and girls, in particular the imposition of penal sanctions against the perpetrators of trafficking in human beings, the Committee expresses its concern about the inadequacy of protective measures for trafficked women, especially foreign women and girls, who do not testify against their traffickers.

274. The Committee urges the State party to ensure that trafficked women and girls [have] the support they need, including through witness protection and social reintegration measures. The Committee recommends that the State party consider issuing resident permits to victims of trafficking whether or not they testify against their traffickers, and whether or not the perpetrators are punished.

275. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women who suffer from multiple forms of discrimination based on sex and on their ethnic or religious background, in society at large and within their communities. The Committee regrets the very limited information provided in the reports with regard to violence, including domestic violence, against immigrant women and girls.

276. The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes to sensitize the community to combat patriarchal attitudes and stereotyping of roles and to eliminate discrimination against women in immigrant and minority communities. The Committee also recommends that the State party undertake research on the issue of violence against immigrant women and girls and implement policies and programmes to address this issue adequately.

- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 361 and 362.

361. ...The Committee is...concerned about the particular situation of foreign women who experience domestic violence and whose immigration status might depend on their living together with their spouse. The Committee is concerned that fear of repatriation might be a deterrent for those women to seek assistance or take steps to seek separation or divorce...

362. ...The Committee recommends that revocation of residence permits of foreign but separated married women who experience domestic violence be undertaken only after a full assessment of the impact of such measures on those women...

ALIENS - GENERAL

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 425 and 426.

425. Taking note of the efforts made by the State party to combat discrimination against refugee and migrant women in New Zealand, the Committee expresses concern at the continuing discrimination suffered by immigrant, refugee and minority women and girls, based on their ethnic background, particularly with respect to education, health, employment, violence against women, and in regard to permanent residence status.

426. The Committee urges the State party to take effective measures to eliminate discrimination against refugee, migrant and minority women and girls, and to strengthen its efforts to combat xenophobia and racism in New Zealand. It also encourages the State party to be more proactive in its measures to prevent discrimination against these women and girls within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies, and to provide for their needs with respect to education, employment and health care...

- Kuwait, CEDAW, A/59/38 part I (2004) 15 at para. 79.

79. The Committee requests the State party to recognize that violence against women constitutes a violation of the human rights of women under the Convention. It urges the State party to undertake the systematic collection of sex-disaggregated data on all forms of violence against women, including domestic violence, as well as research into the extent and root causes of such violence, including against women migrant workers and non-Kuwaiti women...

- Germany, CEDAW, A/59/38 part I (2004) 62 at para. 380.

380. The Committee commends the State party for adopting a substantial number of laws and amendments with a view to improving the legal position of women, including the Act Amending the Aliens Act, providing for an independent right of residence for foreign spouses in the event of separation after two years of cohabitation in Germany or earlier under the hardship clause...

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at paras. 209 and 210.

209. The Committee is concerned that the law relating to nationality precludes foreign women from retaining their own nationality on marriage to a national of the State party.

ALIENS - GENERAL

210. The Committee requests the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 300 and 301.

300. The Committee takes note of the draft immigration bill which has been submitted to the National Congress; however, it remains concerned about the discriminatory nature of the definition of nationality, which directly affects one of the most vulnerable groups in the country, namely Dominican women and girls of Haitian descent. The Committee fears that this definition could hamper their access to education and other basic services. It is also concerned about the discriminatory rule that foreigners who marry Dominican women are not automatically granted Dominican nationality, as is the case when a Dominican man marries a foreigner.

301. The Committee urges the State party to promote discussion of the draft immigration bill and to ensure that it complies with article 9 of the Convention through elimination of all the provisions that discriminate against Dominican women and girls of Haitian descent, or any foreigners who find themselves in a similar situation, and against Dominican women who marry foreigners...

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 328 and 329.

328. ...While recognizing the efforts made by the State party to combat trafficking in women, the Committee is concerned about the impact of Law 189/2002 (the so-called Bossi-Fini law) which grants discretionary power to local authorities to place restrictions on victims of trafficking and for the issue of stay permits.

329. ...The Committee...encourages the State party to revisit Law 189/2002 with a view to ensuring that all victims of trafficking benefit from stay permits on the grounds of social protection.

CAT

- Ukraine, CAT, A/57/44 (2002) 31 at paras. 56-58.

56. The Committee notes with appreciation:

...

(b) That although Ukraine is not a party to the 1951 Convention relating to the Status of Refugees, nor to its 1967 Protocol, it has adopted a new Law on Refugees in June 2001 that

ALIENS - GENERAL

adheres, *inter alia*, to that Convention's definition of "refugee". The Committee also welcomes the adoption of a new Citizenship Law in January 2001, which enables formerly deported persons to return to Ukraine and obtain Ukrainian citizenship;

...

57. The Committee expresses its concern about the following:

...

(b) The forced deportation of four Uzbek nationals, members of the Uzbek opposition, who were at high risk of being subjected to torture and whose case was the subject of an urgent appeal by the Special Rapporteur on torture;

...

58. The Committee recommends that the State party:

...

(c) Ensure that its competent authorities strictly observe the principle enshrined in article 3 of the Convention not to expel, return or extradite a person to a State where he/she might be subject to torture;

(d) Establish its jurisdiction over offences of torture even if the offender is not a national of the State party, but is present in any territory under its jurisdiction and, where it does not exercise jurisdiction that it extradite the offender;

...

- Denmark, CAT, A/57/44 (2002) 37 at paras. 72-74.

72. [The Committee]...notes with satisfaction:

...

(c) The adoption of legislation granting a more protective status to asylum seekers;

...

73. The Committee is concerned about the following:

...

(c) The proposed amendment to the Alien's Act, which may imply that aliens who have been refused a residence permit must leave the country immediately after the rejection of their application. If strictly applied, this will frustrate the effectiveness of article 22 of the Convention.

74. The Committee recommends that:

...

(e) The State party ensure that the proposed amendment to the Aliens Act does not frustrate effective recourse by aliens to the Committee as provided in article 22 of the Convention;

...

ALIENS - GENERAL

- Saudi Arabia, CAT, A/57/44 (2002) at paras. 100 and 101.

100. The Committee is concerned about the following:

...

(c) The different regimes applicable, in law and in practice, to nationals and foreigners in relation to their legal rights to be free from, and their ability to complain of, conduct in violation of the Convention. The Committee recalls that the Convention and its protections are applicable to all acts in violation of the Convention that occur within its jurisdiction, from which it follows that all persons are entitled, in equal measure and without discrimination, to the rights contained therein;

...

(g) Cases of deportation of foreigners that have been drawn to the Committee's attention that seem to have been in breach of the obligations imposed by article 3 of the Convention;

...

101. The Committee recommends, in particular, that the State party:

...

(c) Ensure that its laws are in practice applied to all persons, regardless of nationality, gender, religious affiliation or other distinction, insofar as issues arising under the Convention are concerned;

...

(e) Ensure that its law and practice reflect the obligations imposed by article 3 of the Convention;

...

- Sweden, CAT, A/57/44 (2002) 51 at paras. 105, 107 and 108.

105. The Committee emphasizes with satisfaction the strong and steadfast commitment to human rights manifested by Sweden and the positive responses to the Committee's earlier recommendations. It welcomes in particular the following:

...

(e) The setting up of a special commission to review legislation and case law relating to the application of decisions concerning expulsion from Swedish territory, especially in relation to allegations that individuals have been expelled to countries with which they have no significant ties;

...

(g) The assurance given by the Swedish authorities that they have acted in accordance with the Committee's observations concerning individual complaints and the State party's obligation not to send certain persons back to countries where there is a risk that they might be tortured. The Committee also welcomes the fact that the Alien Act contains a provision which will enable the Swedish immigration authorities to base their decisions directly on observations made by international bodies.

ALIENS - GENERAL

...

107. The Committee also records its concern at the following:

(a) The allegation that some foreigners have been expelled or sent back to a country with which they have no significant ties, on the basis, *inter alia*, of linguistic criteria which are sometimes unsystematic, unreliable, and could lead to a breach of article 3 of the Convention;

(b) The Special Control of Foreigners Act, known as the anti-terrorism law, allows foreigners suspected of terrorism to be expelled under a procedure which might not be in keeping with the Convention, because there is no provision for appeal;

...

108. The Committee recommends that the State party should:

...

(b) Ensure that if foreigners are sent back, they are expelled to a country of their choice, or a country with which they have real ties and where there is no substantial ground for believing that they would be in danger of being subjected to torture;

(c) Bring the Special Control of Foreigners Act into line with the Convention;

...

(e) Undertake more comprehensive and detailed investigations into the human rights situation in the countries of origin of asylum-seekers;

...

- Uzbekistan, CAT, A/57/44 (2002) 54 at paras. 115 and 116.

115. The Committee expresses concern about the following:

...

(j) The extradition or expulsion of individuals, including those seeking asylum in Uzbekistan, to countries where they may be exposed to the risk of torture.

...

116. The Committee recommends that the State party:

...

(k) Ensure in the legislation and in practice that no one will be expelled, returned or extradited to a State where there are substantial grounds for believing that he/she would be in danger of being subjected to torture;

...

See also:

- Indonesia, CAT, A/57/44 (2002) 22 at para. 45.

ALIENS - GENERAL

- Estonia, CAT, A/58/44 (2002) 26 at paras. 49 and 50.

49. The Committee is concerned that:
...
(e) Under Estonian law, illegal immigrants and rejected asylum-seekers may be detained in expulsion centres until deported; such persons may be subjected to long periods of detention when expulsion is not enforceable;

(f) Persons of Russian nationality and stateless persons (overlapping categories) are overrepresented in the population of convicted prisoners;
...
50. The Committee recommends that the State party:
...
(g) Introduce legally enforceable time limits for the detention of illegal immigrants and rejected asylum-seekers who are under expulsion orders;

(h) Fully examine and report on the reasons for the overrepresentation of persons of Russian nationality and stateless persons in the population of convicted prisoners;

(i) Consider ratifying the 1961 Convention on the Reduction of Statelessness;
...
- Spain, CAT, A/58/44 (2002) 29 at paras. 58, 61, 63 and 65.

58. The Committee...notes with satisfaction:
...
(d) The new Instruction from the Secretary of State for Immigration on the treatment of foreign stowaways, replacing the Instruction of 17 November 1998 on the same subject. This establishes a series of safeguards concerning the right to official legal representation in administrative or judicial proceedings which may lead to the acceptance of possible asylum applications, refusal of entry or expulsion from Spanish territory;
...
61. Of particular concern are the complaints concerning the treatment of immigrants, including sexual abuse and rape, allegedly on racist or xenophobic grounds. The Committee notes that Spain has become an important gateway to Europe for immigrants, and that this has meant a significant increase in the country's foreign population. In this context the omission from the definition of torture in article 174 of the Penal Code of torture "based on discrimination of any kind", notwithstanding the fact that, under the Code, racism is deemed to be an aggravating factor in any offence, takes on particular importance.
...
63. The Committee also expresses its concern at the following:

ALIENS - GENERAL

...

(c) Cases of ill-treatment during enforced expulsion from the country, particularly in the case of unaccompanied minors;

...

65. The Committee recommends that the State party should continue to take measures to prevent racist or xenophobic incidents.

- Cambodia, CAT, A/58/44 (2003) 40 at paras. 98 and 99.

98. The Committee is concerned about the following:

...

(b) Allegations regarding the expulsion of foreigners that seem to have occurred without taking into consideration the safeguards contained in article 3 of the Convention and, in particular, the situation of large numbers of Montagnard asylum-seekers in the Cambodian-Vietnamese border area;

...

99. The Committee recommends that the State party:

...

(e) Take all the necessary measures to ensure that the requirement of article 3 of the Convention is taken into consideration when deciding on the expulsion, return or extradition of foreigners;

...

- Iceland, CAT, A/58/44 (2003) 43 at para. 104.

104. The Committee welcomes the following developments: (a) the new Act on Protection of Children, No. 80/2000, which offers greater protection to children; (b) the new Act on Foreigners, No. 96/2002, which gives foreigners greater protection...

- Slovenia, CAT, A/58/44 (2003) 44 at para. 114.

114. The Committee welcomes the ongoing efforts by the State party to reform its legal system and revise its legislation so as to strengthen human rights in Slovenia. In particular, the Committee welcomes:

...

(d) The amendments to the Aliens Act and the Asylum Act, thereby bringing domestic legislation into line with article 3 of the Convention, as recommended by the Committee during the consideration of the initial report;

...

ALIENS - GENERAL

- Turkey, CAT, A/58/44 (2003) 46 at paras. 122 and 123.

122. The Committee is...concerned about:

...

(b) Allegations according to which the expulsion of illegal aliens to their country of origin or to neighbouring countries is often accompanied by ill-treatment, in violation of the safeguards contained in article 3 of the Convention;

...

123. The Committee recommends that the State party:

...

(g) Review the current legislation and practice in order to ensure that the expulsion of irregular aliens is carried out with full respect for the legal guarantees required by international human rights standards, including the Convention;

...

- Belgium, CAT, A/58/44 (2003) 49 at paras. 129 and 131.

129. The Committee is concerned about:

...

(c) Cases of the excessive use of force during public demonstrations and expulsions of foreigners;

(d) The fact that foreigners who have been resident in Belgium for a long time but who have disturbed public order or endangered national security may be expelled from the territory, even though most of their ties and attachments are in Belgium;

(e) The non-suspensive nature of appeals filed with the Council of State by persons in respect of whom an expulsion order has been issued. The Committee is also concerned about the administration's delay in implementing ministerial orders issued in 2002 and giving suspensive effect to emergency remedies applied for by rejected asylum-seekers;

(f) The possibility of extending the detention of foreigners for as long as they do not cooperate in their repatriation, the possibility of placing unaccompanied minors in detention for lengthy periods, and information that asylum-seekers who have been formally released have been transferred to the transit area of the national airport, without assistance and without being allowed to leave;

(g) The reform on 23 April 2003 of the rules governing the exercise of universal jurisdiction by Belgian courts in cases involving serious violations of international humanitarian law, authorizing the Minister of Justice in some circumstances to remove a Belgian judge from

ALIENS - GENERAL

a case;

...

131. The Committee recommends that the State party:

...

(c) Ensure that the guidelines on the use of force during public demonstrations and expulsions of foreigners are fully in keeping with the requirements of the Convention, guarantee their full implementation and conduct immediate inquiries into any allegations of the excessive use of force by law enforcement officials;

(d) Give suspensive effect not only to emergency remedies applied for but also to appeals filed by any foreigner against whom an expulsion order is issued and who claims that he or she faces the risk of being subjected to torture in the country to which he or she is to be returned;

(e) Set a time limit for the detention of foreigners against whom an expulsion order is issued, draft specific legislation on unaccompanied minors that takes account of the best interests of the child, and monitor asylum-seekers who have been released;

(f) Ensure respect for the principle of the independence of Belgian courts from the executive branch, in particular where the exercise of universal jurisdiction in relation to serious violations of international humanitarian law is concerned;

...

- Republic of Moldova, CAT, A/58/44 (2003) 53 at paras. 138 and 139.

138. The Committee expresses concern about:

...

(j) Reports alleging that immigrants are apparently being detained in poor conditions in temporary holding facilities;

(k) Allegations regarding the expulsion of aliens that seem to occur without taking into consideration the safeguards contained in article 3 of the Convention;

...

139. The Committee recommends that the State party:

...

(h) Take measures to ensure that the requirement of article 3 of the Convention is taken into consideration when deciding on the expulsion, return or extradition of aliens;

(i) Transfer the responsibility of detained persons in temporary holding facilities from the Ministry of the Interior to the Ministry of Justice;

...

ALIENS - GENERAL

- Bulgaria, CAT, A/59/44 (2004) 19 at paras. 32 and 33.

32. The Committee expresses concern about the following:

...

(f) The legislative and other measures to ensure full respect of the provisions of article 3 of the Convention continue to be insufficiently effective, and that the allegations regarding the expulsion of foreigners, especially by order of the National Security Service on national security grounds, is not subject to judicial review;

...

33. The Committee recommends that the State party:

...

(f) Ensure that no person is expelled, returned or extradited to a country where there are substantial grounds for believing that he/she would be in danger of being subjected to torture and that, in accordance with article 2, paragraph 2, of the Convention, exceptional circumstances are not invoked as a justification for so doing and to this end, consider measures to enable monitoring at airports, borders and other points of removal;

(g) Strengthen its efforts to avoid any act not in conformity with the Convention regarding admittance of asylum-seekers into the territory and strengthen cooperation between the State Agency for Refugees and the Ministry of the Interior;

...

- Cameroon, CAT, A/59/44 (2003) 23 at paras. 41 and 45.

41. The Committee notes with concern that:

...

(i) Appeals to the competent administrative court against deportation orders are not suspensive, and this may lead to a violation of article 3 of the Convention.

...

45. The Committee...recommends that the State party should:

...

(g) Allow appeals by foreigners against decisions by the administrative court to confirm deportation orders to stay execution.

- Chile, CAT, A/59/44 (2004) 28 at paras. 56 and 57.

56. The Committee expresses concern about the following:

...

(f) The absence of internal legal provisions that expressly prohibit extradition, return, or

ALIENS - GENERAL

expulsion when there are grounds for believing the person may be subjected to torture in the requesting country, and the absence of internal provisions regulating the implementation of articles 5, 6, 7, and 8 of the Convention;

...

57. The Committee recommends that the State party should:

...

(g) Adopt specific legislation to prohibit extradition, return, or expulsion to countries where a person may be in danger of being subjected to torture;

...

- Colombia, CAT, A/59/44 (2003) 33 at para. 68.

68. The Committee...expresses its concern at:

...

(h) The lack of satisfactory information concerning the rules in the State party's law for ensuring the application of article 3 of the Convention to cases of *refoulement* or expulsion of aliens in danger of being tortured in the country of destination.

- Croatia, CAT, A/59/44 (2004) 38 at paras. 72, 77 and 78.

72. The Committee notes with satisfaction the ongoing efforts by the State party to reform its legislation in order to ensure better protection of human rights, including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, namely:

(a) The adoption of the Law on Asylum in June 2003, which is scheduled to enter into force in July 2004 and which sets out the procedure for applying for asylum in the State party;

(b) The entry into force in February 2004 of the new Law on Foreigners which includes a provision prohibiting the deportation of individuals who could face torture if returned to their own country;

...

77. The Committee is concerned about the following:

...

(d) In connection with asylum-seekers and illegal immigrants:

(i) The poor conditions of detention of those held in the Jezevo Reception Centre for Foreigners, including poor hygienic conditions and limited access to recreational activities;

ALIENS - GENERAL

(ii) The alleged cases of violence against those held in the Jezevo Reception Centre for Foreigners and the lack of prompt and impartial investigations into this matter;

(iii) The deprivation of their liberty for prolonged periods of time;

...

78. The Committee recommends that the State party:

...

(f) Adopt all necessary measures to improve the material conditions of the reception centres for asylum-seekers and immigrants and ensure the physical and psychological integrity of all individuals accommodated in these centres;

(g) Refrain from detaining asylum-seekers and illegal immigrants for prolonged periods;

(h) Discontinue the practice of refusing access to asylum procedures because the authorities are unable to verify the identity of asylum-seekers owing to a lack of documentation or interpreters;

(i) Provide an information sheet in the appropriate languages to inform asylum-seekers of the asylum procedures immediately after they are apprehended or arrive in the territory of the State party;

(j) Allow the Office of the United Nations High Commissioner for Refugees (UNHCR) full access to asylum-seekers, and *vice versa*. UNHCR should normally be given access to individual files so that it can monitor asylum procedures and ensure that the rights of refugees and asylum-seekers are respected;

...

- Czech Republic, CAT, A/59/44 (2004) 42 at paras. 85-87.

85. The Committee welcomes the ongoing efforts by the State party to revise its legislation in order to safeguard human rights in general and, more specifically, those related to the implementation of the Convention against Torture. The Committee welcomes in particular:

(a) The amendments to the Residence of Aliens Act No. 222/2003 Coll., effective 1 January 2004 establishing an independent judicial second instance body to review asylum cases;

...

86. The Committee expresses concern about the following:

...

(j) The amendments to the law on the right to asylum which amplified the grounds for rejecting asylum requests and allows for the detention of persons in the process of being removed to be held in aliens' detention centres for a period of up to 180 days; as well as the

ALIENS - GENERAL

restrictive nature of the conditions in these centres which are comparable to those in prisons;

...

87. The Committee recommends that the State party:

...

(m) Review the strict regime of detention for illegal immigrants with a view to its repeal and ensure that all children held in these detention centres are removed with their parents to family reception centres;

...

- Germany, CAT, A/59/44 (2004) 45 at paras. 91 and 92.

91. The Committee expresses its concern at:

...

(d) The fact that, owing to perceived constitutional difficulties arising from the division of powers between federal and Länder authorities, measures taken at the federal level to enhance compliance with the Convention are not applicable to relevant activities of the Länder. Thus, the comprehensive federal rules regarding forcible return by air, while applicable to returns carried out by the Federal Border Police (*Bundesgrenzschutz*), are not applicable to returns carried out by Länder authorities;

...

92. The Committee recommends that:

...

(c) The State party take such measures as are appropriately within its power with respect to the authorities of the Länder to ensure the adoption and general application of measures which have proven efficacious at the federal level in improving compliance with the Convention, such as the federal rules on forcible return by air;

...

(e) The State party provide the Committee with details on how many cases of extradition or removal subject to receipt of diplomatic assurances or guarantees have occurred since 11 September 2001, what the State party's minimum requirements are for the content of such assurances or guarantees and what measures of subsequent monitoring it has undertaken in such cases;

...

(h) The State party consider making more active use of the Convention's extradition mechanisms with respect to German nationals who are alleged to have engaged, or to be complicit, in acts of torture abroad or in which German nationals are alleged to be victims;

...

- Latvia, CAT, A/59/44 (2003) 48 at paras. 98, 100 and 101.

ALIENS - GENERAL

98. The Committee notes with appreciation the ongoing efforts by the State party aimed at strengthening human rights in Latvia. In particular, the Committee welcomes the following:

(a) Legislative measures:

...

(iii) The entry into force of the new Asylum Law in September 2002, aimed at bringing the national asylum system further into alignment with the European Union *acquis* on asylum and related international standards. The new Asylum Law also introduced two forms of complementary protection ("alternative status") for asylum-seekers;

(iv) The entry into force of the new Immigration Law in May 2003 which, *inter alia*, provides a maximum length of detention for foreigners arrested in violation of the Law and the right of an arrested foreigner to submit a complaint to a prosecutor, to contact the consulate and to have access to legal aid;

...

100. The Committee expresses concern about the following:

...

(e) The fact that the new Asylum Law stipulates that neither "alternative status" for asylum-seekers shall be granted to a person who has arrived in Latvia from a country in which he/she could have asked for and received protection. Furthermore, the Committee is concerned at the long periods that asylum-seekers may spend in detention after the rejection of their asylum request;

...

(i) The number of persons who lost their legal status as citizens or "non-citizens" and became "illegal" after having temporarily left the country;

...

101. The Committee recommends that the State party:

...

(e) Introduce legally enforceable time limits for the detention of rejected asylum-seekers who are under expulsion orders...

...

(j) Continue to facilitate the integration and naturalization of "non-citizens";

...

- Lithuania, CAT, A/59/44 (2003) 52 at paras. 109 and 110.

109. The Committee expresses concern about the following:

...

(d) Procedures related to expulsion of foreigners which in some instances may be in breach

ALIENS - GENERAL

of article 3; the conditions in the facilities where foreigners awaiting expulsion are kept and the absence of data on the age, sex and country of destination of expelled foreigners or stateless persons, specifically those at the Foreigners Registration Centre;

...

110. The Committee recommends that the State party:

...

(g) Ensure that the competent authorities strictly observe article 3 of the Convention and do not expel, return or extradite a person to a State where he/she might be subjected to torture. The Committee urges the State party to intensify efforts to ensure that holding facilities for foreigners meet international standards...

- Monaco, CAT, A/59/44 (2004) 56 at paras. 117 and 118.

117. The Committee expresses concern about:

...

(c) The weakness of the safeguards associated with the expulsion and return (*refoulement*) of foreigners, inasmuch as there appears to be no clause on *non-refoulement* in Monaco's domestic law that meets the requirements of article 3 of the Convention and appeal to the Supreme Court does not automatically have suspensive effect;

...

118. The Committee recommends that the State party:

...

(c) Respect the principle laid down in article 3 of the Convention, including in cases involving the expulsion and return (*refoulement*) of foreigners, and establish that appeals against deportation orders which mention the risk of torture in the country of destination automatically have suspensive effect. The Committee, noting that individuals are expelled or returned only to France, reminds the State party that it must satisfy itself that no one will be returned to a third country where there might be a risk of torture;

...

- New Zealand, CAT, A/59/44 (2004) 61 at paras. 134 and 135.

134. The Committee expresses concern about:

(a) The fact that the immigration legislation does not include the *non-refoulement* obligation provided for in article 3 of the Convention;

(b) The significant decrease in the proportion of asylum-seekers who are immediately released without restriction into the community upon arrival and the detention of several asylum-seekers in remand prisons, who are not separated from other detainees;

ALIENS - GENERAL

(c) The process of issuing a security-risk certificate under the Immigration Act, which could lead to a breach of article 3 of the Convention as the authorities may remove or deport a person deemed to constitute a threat to national security, without having to give detailed reasons or to disclose classified information to the person concerned; possibilities of effective appeal are limited; and the fact that the Minister of Immigration has to decide within three working days whether to remove or deport the person concerned;

(d) Cases of prolonged non-voluntary segregation in detention (solitary confinement), the strict conditions of which may amount, in certain circumstances, to acts prohibited by article 16 of the Convention;

...

135. The Committee recommends that the State party:

(a) Incorporate in its immigration legislation the *non-refoulement* obligation contained in article 3 of the Convention against Torture and consider establishing a single refugee determination procedure in which there is first an examination of the grounds for recognizing refugee status as contained in the 1951 Convention relating to the Status of Refugees, to be followed by the examination of other possible grounds for the grant of complementary forms of protection, in particular under article 3 of the Convention against Torture;

(b) Ensure at all times that the fight against terrorism does not lead to a breach of the Convention and impose undue hardship on asylum-seekers, and establish a time limit for the detention of and restrictions on asylum-seekers;

(c) Immediately take steps to review the legislation relating to the security-risk certificate in order to ensure that appeals can effectively be made against decisions to detain, remove or deport a person, extend the time given to the Minister of Immigration to adopt a decision and ensure full respect of article 3 of the Convention;

(d) Reduce the time and improve the conditions of non-voluntary segregation (solitary confinement) which can be imposed on asylum-seekers, prisoners and other detainees;

...

- Yemen, CAT, A/59/44 (2003) 64 at paras. 145 and 146.

145. The Committee expresses concern about the following:

...

(f) Reported cases of deportation of foreigners without the opportunity for them to legally challenge those measures which, if found to be the case, may be in breach of the obligations imposed by article 3 of the Convention;

...

ALIENS - GENERAL

146. The Committee recommends that the State party:

...

(g) Ensure that the expulsion, refoulement or extradition of a person to another State is in compliance with article 3 of the Convention;

...

- Argentina, CAT, A/60/44 (2004) 12 at paras. 32, 34 and 35.

32. The Committee...warmly welcomes the following positive developments:

...

(c) The promulgation in January 2004 of the new Migration Act, No. 25.871, which lays down, *inter alia*, that a foreigner may be detained only by a judicial authority;

...

34. The Committee expresses its concern at the following:

...

(j) The failure to apply the principle of separation between convicted prisoners and remand prisoners in detention centres, and between them and immigrants who have been served with expulsion orders;

...

35. The Committee recommends that the State party take all necessary steps to prevent acts of torture and ill-treatment in the territory of the State of Argentina, and in particular that it:

...

(j) Take the necessary steps to guarantee the principle of separation between convicted prisoners and remand prisoners, and between them and immigrants who have been served with expulsion orders in detention centres;

...

- United Kingdom of Great Britain and Northern Ireland (Crown Dependencies and Overseas Territories), CAT, A/60/44 (2004) 16 at paras. 39 and 40.

39. The Committee expresses its concern at:

...

(d) The State party's reported use of diplomatic assurances in the "*refoulement*" context in circumstances where its minimum standards for such assurances, including effective post-return monitoring arrangements and appropriate due process guarantees followed, are not wholly clear and thus cannot be assessed for compatibility with article 3 of the Convention;

(e) The State party's resort to potentially indefinite detention under the Anti-terrorism, Crime and Security Act 2001 of foreign nationals suspected of involvement in international terrorism and the strict regime applied in Belmarsh prison;

ALIENS - GENERAL

...

(i) Allegations and complaints against immigration staff, including complaints of excessive use of force in the removal of denied asylum-seekers.

40. The Committee recommends that:

...

(c) The State party should reassess its extradition mechanism insofar as it provides for the Home Secretary to make determinations on issues such as medical fitness for trial which would more appropriately be dealt with by the courts;

...

(e) The State party should apply articles 2 and/or 3 of the Convention, as appropriate, to transfers of a detainee within a State party's custody to the custody whether *de facto* or *de jure* of any other State;

...

(h) The State party should review, as a matter of urgency, the alternatives available to indefinite detention under the Anti-terrorism, Crime and Security Act 2001;

(i) The State party should provide the Committee with details on how many cases of extradition or removal subject to receipt of diplomatic assurances or guarantees have occurred since 11 September 2001, what the State party's minimum contents are for such assurances or guarantees and what measures of subsequent monitoring it has undertaken in such cases;

...

(n) The State party should consider offering, as routine practice, medical examinations before all forced removals by air and, in the event that they fail, thereafter;

...

- Greece, CAT, A/60/44 (2004) 20 at paras. 47 and 48.

47. The Committee notes that many of the concerns it expressed during the consideration of the third periodic report (A/56/44, para. 87) have not been adequately addressed, and will be reiterated in the present concluding observations. Consequently, the Committee expresses its concern at:

...

(b) Procedures related to the expulsion of foreigners which in some instances may be in breach of the Convention. It is also concerned at the low percentage (0.06 per cent) of persons who were granted refugee status in 2003. The Committee acknowledges that owing to its geographic location Greece has become an important passageway into Europe for many immigrants and asylum-seekers, the number of which has increased significantly in the past decade. The importance of providing an adequate response is therefore all the more pressing;

ALIENS - GENERAL

(c) Training provided to public officials which may be inadequate to provide an appropriate response to the numerous challenges with which they are faced, including undocumented migrants and asylum-seekers and victims of trafficking, many of whom are women and children;

...

(h) Continuing allegations of excessive use of force and firearms, including cases of killings and reports of sexual abuse, by the police and, in particular, border guards. Many of the victims are reportedly Albanian citizens or members of other socially disadvantaged groups, and the Committee regrets the fact that disaggregated statistical data in this respect are not available from the State party;

...

48. The Committee recommends that the State party:

...

(c) Ensure that the competent authorities strictly observe article 3 of the Convention and, in doing so, that they take account of general comment No. 1 (1996) of the Committee, in which the Committee notes that it “is of the view that the phrase ‘another State’ in article 3 refers to the State to which the individual concerned is being expelled, returned or extradited, as well as to any State to which the complainant may subsequently be expelled, returned or extradited” (para. 2);

...

(i) Ensure strict application of the new legislation on the use and possession of firearms, in particular by border guards;

...

- Canada, CAT, A/60/44 (2005) 25 at paras. 56-58.

56. The Committee notes:

...

(c) The general inclusion in the Immigration and Refugee Protection Act 2002 of torture within the meaning of article 1 of the Convention as an independent ground qualifying a person as in need of protection (sect. 97, subsect. 1 of the Act) and as a basis for *non-refoulement* (sect. 115, subsect. 1), where there are substantial grounds for believing that the threat of torture exists;

...

(e) The recognition of the Supreme Court of Canada that enhanced procedural guarantees have to be made available, even in national security cases, and the State party’s subsequent decision to extend enhanced procedural protections to all cases of persons challenging on grounds of risk of torture, Ministerial expulsion decisions;

...

57. The Committee expresses its concern at:

ALIENS - GENERAL

(a) The failure of the Supreme Court of Canada, in *Suresh v. Minister of Citizenship and Immigration*, to recognize at the level of domestic law the absolute nature of the protection of article 3 of the Convention, which is not subject to any exception whatsoever;

...

(c) The blanket exclusion by the Immigration and Refugee Protection Act 2002 (sect. 97) of the status of refugee or person in need of protection for persons falling within the security exceptions set out in the Convention relating to the Status of Refugees and its Protocol; as a result, such persons' substantive claims are not considered by the Refugee Protection Division or reviewed by the Refugee Appeal Division;

(d) The explicit exclusion of certain categories of persons posing security or criminal risks from the protection against *refoulement* provided by the Immigration and Refugee Protection Act 2002 (sect. 115, subsect. 2);

(e) The State party's apparent willingness, in the light of the low number of prosecutions for terrorism and torture offences, to resort in the first instance to immigration processes to remove or expel individuals from its territory, thus implicating issues of article 3 of the Convention more readily, rather than subject him or her to the criminal process;

...

58. The Committee recommends that:

(a) The State party unconditionally undertake to respect the absolute nature of article 3 in all circumstances and fully to incorporate the provision of article 3 into the State party's domestic law;

(b) The State party remove the exclusions in the Immigration and Refugee Protection Act 2002 described in paragraph 57, subparagraphs (c) and (d) above, thereby extending to currently excluded persons entitlement to the status of protected person, and protection against *refoulement* on account of a risk of torture;

(c) The State party should provide for judicial review of the merits, rather than merely of the reasonableness, of decisions to expel an individual where there are substantial grounds for believing that the person faces a risk of torture;

...

(e) Given the absolute nature of the prohibition against *refoulement* contained in article 3 of the Convention, the State party should provide the Committee with details on how many cases of extradition or removal subject to receipt of "diplomatic assurances" or guarantees have occurred since 11 September 2001, what the State party's minimum requirements are for such assurances or guarantees, what measures of subsequent monitoring it has undertaken in such cases and the legal enforceability of the assurances or guarantees given;

...

ALIENS - GENERAL

- Switzerland, CAT, A/60/44 (2005) 28 at paras. 63-65.

63. The Committee notes the following positive aspects:

(a) The ban, proposed by the draft federal law regulating the use of force by police during deportations and during the transport of detainees ordered by a federal authority, on all restraint methods which restrict breathing as well as on the use of irritant or incapacitating sprays;

(b) The elaboration of “guidelines relating to forcible deportations by air” (*directives relatives aux rapatriements sous contrainte par voie aérienne*), which include a provision that medication can be forcibly administered exclusively for medical reasons. It also notes that the Swiss Academy for Medical Sciences (*Académie suisse pour les sciences médicales*) was consulted in the process of their elaboration;

...

(d) The measures contained in the revised law on asylum as well as those taken by the Federal Office for Migration to address cases of gender-based persecution;

(e) The publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its third and fourth visits to Switzerland and the response of the Government thereto, as well as the work being carried out by the State party’s authorities to implement recommendations contained therein, such as those concerning removals by air of foreign nationals and integration into the general police training programme of information concerning the risk of positional asphyxia during these deportations;

...

64. The Committee expresses concern regarding the following:

...

(b) The draft federal law regulating the use of force by police during deportations and during the transport of detainees ordered by a federal authority:

(i) Authorizes the use of electro-shock instruments, including taser devices, which can sometimes be used as instruments of torture;

(ii) Does not make any provision for independent monitors to be present during the deportation;

(c) The Federal Act on Administrative Procedure does not explicitly include the findings of the Committee in respect of an individual complaint concerning a violation of article 3 of the Convention as constituting, in itself, grounds for a review of a case. The Committee notes, however, that the finding will provide the basis for reappraisal when new facts or evidence are adduced during the proceedings;

ALIENS - GENERAL

(d) In order for a person to invoke article 3 of the Convention, the Committee notes that the standards of proof required by the State party exceed the standards required by the Convention. The Committee wishes to draw the attention of the State party to its general comment No. 1 (1996) stating that the risk of torture “must be assessed on grounds that go beyond mere theory or suspicion. However, the risk does not have to meet the test of being highly probable (para. 6)”;

...

(h) Changes have been introduced by the revised law on asylum which restrict or aggravate asylum-seekers’ access to legal counsel and the length and conditions of detention in “preparatory” or pre-deportation detention. The Committee is also concerned that in cases of non-entry decisions (*décision de non-entrée en matière*) the social benefits of asylum-seekers are being curtailed significantly;

(i) Asylum-seekers retained at airports are not consistently being informed of their right to walk and exercise regularly in the fresh air as well as to request medical assistance;

(j) The “guidelines relating to forcible deportations by air” do not contain an explicit ban on the wearing of masks or hoods by officers involved in the deportations.

65. The Committee recommends that the State party:

...

(b) Undertake efforts to encourage the successful outcome of the ongoing consultations on the draft federal law regulating the use of force by police during deportations and during the transport of detainees ordered by a federal authority regarding the ban on the use of electro-shock instruments. The State party should also ensure that independent human rights observers and/or doctors are present during all forced removals by air. It should also offer, as a routine practice, medical examinations both before forced removals by air and, in the case of abortive attempts, thereafter;

(c) Take measures to ensure that a finding of this Committee of a violation of article 3 be considered as sufficient grounds to review a case;

(d) Ensure compliance with the requirements of article 3, including the proper test of proof, or the risk of torture, when determining whether to expel, return or extradite a person to another State;

...

(f) Ensure that all complaints for acts of ill-treatment are properly and effectively investigated and that the alleged perpetrators are prosecuted and if found guilty sanctioned accordingly. Victims and their families should be informed of their right to pursue compensation and procedures should be made more transparent. In this regard, the State party should provide written information to the Committee on the steps taken to compensate the families of the two victims of the two recent cases of death caused during forcible

ALIENS - GENERAL

deportation;

...

(h) Ensure that asylum-seekers are granted full respect of their right to a fair hearing, to an effective remedy and to social and economic rights during all procedures established by the revised law on asylum;

(i) Take measures to effectively inform all asylum-seekers retained at airports of all their rights, and in particular the right to regularly access fresh air and access to a doctor;

(j) Inform the Committee whether there have been complaints in the State party against the use of “diplomatic assurances” as a way to circumvent the absolute prohibition of *non-refoulement* established in article 3 of the Convention;

...

- Finland, CAT, A/60/44 (2005) 32 at paras. 71-73.

71. Amongst the many positive developments, the Committee notes in particular:

...

(d) The Act on the Integration of Immigrants and Reception of Asylum-Seekers 2001, which seeks to enhance the integration, equality and freedom of choice of immigrants, and the amendment of the Act in 2002 to accommodate the needs of vulnerable people, including minors and victims of torture, rape, or other physical or sexual violence;

...

(g) The reassurance that strict provisions of law are in place to govern the use of force, including the use of sedatives and other medication, in the execution of deportation orders;

(h) The creation of a new Office of Minority Ombudsman in 2001 to replace the Ombudsman for Aliens, with wider powers under the Minority Ombudsman Act and Aliens Act, including the ability to act for asylum-seekers and deportees;

...

72. The Committee expresses concern that:

...

(b) The “accelerated procedure” under the Aliens Act allows an extremely limited time for applicants for asylum to have their cases considered thoroughly and to exhaust all lines of appeal if their application is rejected;

(c) Despite the safeguards in place, the Parliamentary Ombudsman reported on one recent case of an asylum-seeker whose application had been rejected and who was subsequently allegedly subjected to torture in his country of origin;

...

73. The Committee recommends that the State party:

ALIENS - GENERAL

...

(b) Review the application of the “accelerated procedure” for consideration of asylum requests to ensure that applicants have sufficient time to use all available appeal procedures before irreversible action is taken by the authorities;

(c) Strengthen the legal safeguards for asylum-seekers to ensure that all asylum procedures conform to article 3 of the Convention and other international obligations in this field;

...

- Bahrain, CAT, A/60/44 (2005) 44 at paras. 108 and 109.

108. The Committee expresses its concern at:

...

(m) The different regimes applicable, in law and in practice, to nationals and foreigners in relation to their legal right to be free from conduct that violates the Convention. The Committee reminds the State party that the Convention and its protections are applicable to all acts that are in violation of the Convention that occur within its jurisdiction, from which it follows that all persons are entitled, in equal measure and without discrimination, to the rights contained therein;

...

109. The Committee recommends that the State party:

...

(c) Respect the absolute nature of article 3 in all circumstances and fully incorporate it into domestic law;

...

(k) Take effective measures to prevent and redress the serious problems commonly faced by foreign workers, particularly female domestic workers;

...

CRC

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 295 and 296.

295. The Committee is concerned at the disparities in the enjoyment of economic and social rights, particularly the rights to health and education, experienced by children living in rural areas and non-national children.

296. The Committee recommends that the State party:

(a) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the

ALIENS - GENERAL

rights set out in the Convention without discrimination, in accordance with article 2;

(b) Continue to prioritize and target resources and social services for children belonging to the most vulnerable groups; and

(c) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 381 and 382.

381. The Committee, while acknowledging the efforts made to ameliorate the situation of child refugees, is concerned about the inadequate standards, procedures, policies and programmes to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their registration, adequate education and other social services.

382. The Committee recommends that the State party:

(a) Establish a national system for determining the status of asylum-seekers, and integrate the rights of refugees into its domestic law;

(b) Urgently set up a system for the registration of refugee children;

(c) Consider ratifying the 1954 and 1961 Conventions on statelessness;

(d) Continue and expand its cooperation with international agencies such as, UNHCR and UNICEF.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 549-552.

549. The Committee is concerned at the prevailing disparities in the enjoyment of rights of children in Uzbekistan. In particular, the Committee is concerned:

At the situation of children belonging to the most vulnerable groups (for example, refugee, asylum-seeking and internally displaced children, children belonging to minorities, disabled children and those living in institutions, and in regions of the country lagging behind in socio-economic development);

That the guarantee of non-discrimination in article 2 of the Convention may be jeopardized, for example by social security laws which effectively deprive

ALIENS - GENERAL

non-citizens of rights to social security benefits and impose fees which may inhibit access to health and education services.

550. The Committee recommends that the State party:

(a) Ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Prioritize and target social services for children belonging to the most vulnerable groups.

551. The Committee is concerned that in practice the system of residence registration in Uzbekistan may restrict the rights of children belonging to vulnerable groups (for example, refugees, non-citizens, migrants and persons internally displaced owing to conflict or economic or environmental factors) to access to health care and other social services. In particular, the Committee is concerned that because these rules are issued in various forms (decrees, regulations, instructions, etc.), they may not be sufficiently clear and may be open to abuse by officials reluctant to see migrants settle in their jurisdiction.

552. The Committee recommends that the State party:

(a) Ensure that the registration system is clear and precise and does not pose a barrier to access to services, particularly for the most vulnerable groups;

(b) Consider the experience of States that have replaced the *propiska* system with systems which comply to international standards in the area of freedom of movement.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 146-149, 160, 161 and 164.

146. The Committee is concerned that:

...

(d) That children from some groups, such as Roma and illegal immigrants, receive particularly limited protection of their rights in the context of alternative care mechanisms.

147. The Committee recommends that the State party:

(a) Continue to strengthen further its ongoing efforts to improve the protection of children's rights in the context of alternative care proceedings;

...

148. The Committee is concerned that:

...

(e) Children from certain groups, such as the Roma and some immigrant groups, have

ALIENS - GENERAL

particularly poor access to health care, leading to a high level of health concerns;

...

149. The Committee recommends that the State party:

...

(c) Give particular attention to ensuring the access to health care of children from Roma communities and other economically disadvantaged groups;

...

160. Noting the progress made through the 1999 presidential decree expanding the rights of asylum-seekers and recent legislation allowing unaccompanied minors to apply for asylum, the Committee remains concerned at:

(a) The large number of asylum applicants whose initial requests are rejected leading, *inter alia*, to delays and detention at the State party's borders that may affect respect for the rights of the children involved;

(b) The frequent occurrence of delays throughout the administrative and/or judicial processes with regard to asylum or refugee applications, including delays in family reunification, which affect children;

(c) The absence of adequate public funding of legal aid for asylum-seekers and refugees;

(d) The insufficient attention provided for the specific needs and situation of unaccompanied child refugees;

(e) Reports of discrimination against asylum-seekers and refugees by, among others, police, employers and teachers which may affect the children involved;

(f) The detention of asylum-seekers, refugees and illegal immigrants in poor conditions and for long periods without appearing before a court;

(g) Limited access for asylum-seeking, refugee and illegal immigrant children to education and health services.

161. The Committee recommends that the State party:

(a) Consider means to reduce delays in the consideration of asylum requests and in subsequent administrative and judicial proceedings, which affect children, and to avoid the detention of children;

(b) Ensure that child asylum-seekers or refugees, and their families, have access to legal aid;

(c) Develop a procedure to attend to the specific needs and situation of unaccompanied child

ALIENS - GENERAL

refugees;

(d) Make every effort to end practices of discrimination against child asylum-seekers or refugees and their families including, where relevant, through prosecution of those responsible for such discrimination and through the use of information campaigns;

(e) Ensure that, where children and their families - asylum-seekers, refugees or illegal immigrants - are detained, their conditions of detention comply with relevant international standards and with the provisions of the Convention in particular, and that detentions are reviewed by a court;

(f) Ensure that asylum-seeking, refugee and illegal immigrant children have access to education and health services, including psychological care;

(g) Ratify the 1961 Convention on the Reduction of Statelessness.

...

164. The Committee is concerned:

...

(c) That young children illegally in the State party are expelled from the country without a process to examine what action would be in their best interests.

- Chile, CRC, CRC/C/114 (2002) 90 at paras. 371 and 372.

371. The Committee notes with concern that the Chilean legislation does not regulate the status of non-accompanied children, who are therefore considered stateless.

372. The Committee recommends that the State party:

(a) Take measures to prevent unaccompanied children from statelessness;

(b) Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness.

- Bahrain, CRC, CRC/C/114 (2002) 122 at paras. 478 and 479.

478. Encouraged by significant developments in this area, the Committee is nevertheless concerned at the disparities in access to social services available in Shariah communities in comparison to those in largely Sunni areas. It is also concerned about the enjoyment of rights by the *bidoon* and by non-national children, particularly children with disabilities.

ALIENS - GENERAL

479. The Committee recommends that the State party:

- (a) Continue its efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;
- (b) Continue to prioritize and target resources and social services for children belonging to the most vulnerable groups; and
- (c) Consider ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Belgium, CRC, CRC/C/118 (2002) 29 at paras. 97, 98, 118 and 119.

97. The Committee appreciates the fact that the State party has reviewed its declaration on article 2 and its reservation to article 40.2(v) of the Convention, pursuant to the previous concluding observations. Nevertheless, it is concerned that the State party does not intend to withdraw them. With respect to article 2, the Committee, noting that the general principle of non-discrimination in the Convention prohibits differences in treatment on grounds that are arbitrary and objectively unjustifiable, including nationality, is concerned that the declaration on article 2 may restrict the enjoyment of non-Belgian children in Belgium of rights contained in the Convention. The Committee emphasizes that the guarantee of non-discrimination in the Convention applies to "each child within [the State party's] jurisdiction"...

98. The Committee encourages the State party to review its declaration and reservation with a view to withdrawing them in accordance with the Declaration and Programme of Action of the Vienna World Conference on Human Rights (1993).

...

118. The Committee welcomes the creation of a special bureau for unaccompanied minors in the Aliens Office for handling their requests to stay. It also notes a number of other activities, among others: concerning the establishment of special reception centres for unaccompanied minors; a draft law on the creation of a guardianship service, access to education and missing persons, which contains provisions on unaccompanied minors. But there are not yet, as the Government acknowledges, specific regulations for unaccompanied minors, whether seeking asylum or not.

119. In accordance with the principles and provisions of the Convention, especially articles 2, 3 and 22, and with respect to unaccompanied persons under 18 years of age, the Committee recommends that the State party:

- (a) Expedite efforts to establish special reception centres for unaccompanied minors, with

ALIENS - GENERAL

special attention to those who are victims of trafficking and/or sexual exploitation;

(b) Ensure that the stay in those centres is for the shortest time possible and that access to education and health is guaranteed during and after the stay in the reception centres;

(c) Approve as soon as possible the draft law on the creation of a guardianship service, in order to ensure the appointment of a guardian for an unaccompanied minor from the beginning of the asylum process and thereafter as long as necessary, and make sure that this service is fully independent, allowing it to take any action it considers to be in the best interests of this minor;

(d) Ensure unaccompanied minors are informed of their rights and have access to legal representation in the asylum process;

(e) Improve cooperation and exchange of information among all the actors involved, including the Aliens Office and other relevant authorities, police services, tribunals, reception centres and NGOs;

(f) Ensure that, if family reunification is carried out, it is done in the best interests of the child;

(g) Expand and improve follow-up of returned unaccompanied minors.

- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 310, 311, 325, 326, 334 and 335.

310. The Committee is concerned at the reservations made by the State party to articles 5, 7, 10, 37 and the four reservations made with regard to article 40, but welcomes the information that the State party is considering the withdrawal of most of these reservations thanks to recent and current revisions of the Constitution and other relevant laws, following a tentative timetable presented during the dialogue. Despite this information, the Committee remains concerned at the rather slow pace of this withdrawal process and even more at the fact that some reservations may not be withdrawn at all, or only in the distant future.

311. In light of the 1993 Vienna Declaration and Programme of Action, the Committee recommends that the State party:

...

(b) Expedite the current revision of the naturalization law and withdraw as soon as possible after the approval of this revision the reservation made to article 7;

(c) Expedite the current revision of the Foreign Nationals Act (formerly Federal Act concerning the Permanent and Temporary Residence of Foreigners) and withdraw as soon

ALIENS - GENERAL

as possible after the approval of the revision the reservation made to article 10, paragraph 1, regarding family reunification;

...

325. While acknowledging the prohibition of discrimination in the Constitution (art. 8), the Committee is concerned at the *de facto* discrimination against foreign children and at incidents of racial hatred and xenophobia that can have a negative effect on the development of children. The Committee is also concerned that some of the cantonal disparities in practices and services provided and in the enjoyment of the rights by children may amount to discrimination.

326. In light of article 2 and other related articles of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities. It also recommends that the State party strengthen its administrative measures to prevent and eliminate *de facto* discrimination against foreign children or children belonging to minorities.

...

334. The Committee is deeply concerned about allegations of instances of ill-treatment by law enforcement officers against foreign children and at the prevalence of abuse.

335. The Committee endorses the recommendations made by the Committee against Torture in that regard (A/53/44, para. 94) and, in light of article 37 of the Convention, recommends that the State party:

(a) Set up child-sensitive mechanisms in all cantons to receive complaints against law-enforcement officers regarding ill-treatment during arrest, questioning and police custody; and

(b) Systematically train the police force on the human rights of children.

- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 389 and 390.

389. The Committee is concerned at the disparities in the enjoyment of economic and social rights, particularly to health and education, experienced by non-national children.

390. The Committee recommends that the State party:

(a) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2; and

(b) Consider ratification of the Convention on the Protection of the Rights of All Migrant

ALIENS - GENERAL

Workers and Members of Their Families.

- Spain, CRC, CRC/C/118 (2002) 117 at paras. 494, 495, 512 and 513.

494. The Committee is concerned that the principle of non-discrimination is not fully implemented for children of Roma origin, children of migrant workers, particularly when they are not legal, and unaccompanied foreign children, especially with regard to their access to adequate health care and educational facilities.

495. The Committee recommends that the State party:

(a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination; and

(b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.

...

512. The Committee is deeply alarmed about the conditions of unaccompanied foreign children, mostly Moroccans, especially in the autonomous cities of Ceuta and Melilla. In particular, it expresses its concern at reports of:

(a) Ill-treatment of children by police during forced expulsion to the country of origin where, in some cases, they were deported without access to legal assistance and interpretation;

(b) Failure to provide for these children the temporary legal residency status to which they are entitled to under the law because the Department of Social Welfare, as their legal guardian, did not apply for it;

(c) Overcrowding and bad conditions of residential centres and cases of ill-treatment by residential centre staff and other children;

(d) Denial of access to health care and education, although guaranteed by law;

(e) Summary expulsions of children without ensuring that they are effectively returned to family or social welfare agencies in their country of origin.

513. The Committee recommends that the State party urgently take the necessary measures in order to:

(a) Ensure the implementation of Organizational Act 4/2000 and other laws by providing to

ALIENS - GENERAL

unaccompanied foreign children access to residential care, education, emergency services and other health care, and temporary residency documents;

(b) Provide the autonomous cities of Ceuta and Melilla with the necessary financial and human resources for the care of these children;

(c) Coordinate with the Government of Morocco to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency;

(d) Take all measures to prevent irregular procedures in the expulsion of unaccompanied foreign children;

(e) Investigate in an effective way reported cases of ill treatment of these children;

(f) Provide unaccompanied foreign children with information about their rights under Spanish and international law, including the right to apply for asylum;

(g) Take all necessary measures to improve the conditions and safety of residential centres and adequately train residential centre staff;

(h) Establish effective mechanisms to receive and address complaints from children in care, monitor standards of care and, in light of article 25 of the Convention, establish regular periodic review of placements;

(i) Consider signing and ratifying the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, as previously recommended ([CRC/C/15/Add.28]., para.23).

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 548 and 549.

548. The Committee is concerned that:

...

(d) There are discrepancies in the enjoyment of rights in relation to certain vulnerable groups, especially children from immigrant families who have only limited access to adequate health, education and other social services.

549. The Committee recommends that the Netherlands Antilles:

...

(c) Take strong proactive measures to ensure that children of immigrant families have equal access to education, health and other services.

ALIENS - GENERAL

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 98, 99, 117, 118, 141 and 142.

98. While welcoming the State party's withdrawal of its reservations made to articles 37 (d) and 32, the Committee remains concerned that the State party does not intend to withdraw its wide-ranging reservation on immigration and citizenship, which is against the object and purpose of the Convention...

99. ...The Committee...recommends that the State party reconsider its reservation to article 22 with a view to withdrawing it given the State party's observation that this reservation is formally unnecessary because the State party's law is in accordance with article 22 of the Convention.

...

117. While noting that the "welfare" of the child is included in child care and protection legislation, the Committee is concerned that the principle of primary consideration for the best interests of the child is not consistently reflected in legislation and policies affecting children throughout the State party, notably in the juvenile justice system and immigration practices.

118. The Committee, in line with its previous recommendations ([CRC/C/15/Add.34], para. 24) recommends that the State party adopt the best interests of the child as a paramount consideration in all legislation and policy affecting children throughout its territory, notably within the juvenile justice system and in immigration practices.

...

141. The Committee welcomes the establishment in 1994 of the Children's Panel of Advisers and is aware of the increasing number of children claiming asylum, either with their families or on their own. The Committee is concerned that detention of these children is incompatible with the principles and provisions of the Convention. The Committee is further concerned that the dispersal system may impede better integration and lead to an escalation in racially related incidents; that placement in temporary accommodation of children seeking asylum may infringe their basic rights such as access to health or education; that processing applications may take several years; that the Children's Panel of Advisers is not always adequately funded; and that the ongoing reform of the asylum and immigration system fails to address the particular needs and rights of asylum-seeking children.

...

142. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

(a) Refrain, as a matter of policy, from detaining unaccompanied minors and ensure the right to speedily challenge the legality of detention, in compliance with article 37 of the

ALIENS - GENERAL

Convention. In any case, detention must always be a measure of last resort and for the shortest appropriate period of time;

(b) Ensure that refugee and asylum-seeking children have access to basic services such as education and health, and that there is no discrimination in benefit entitlements for asylum-seeking families that could affect children;

(c) Consider the appointment of guardians for unaccompanied asylum-seeking and refugee children;

(d) Take all necessary measures to prevent children who have settled in a particular area being forced to leave when they reach the age of 18 years;

(e) Undertake efforts to expedite the procedure for dealing with asylum applications and to avoid placing children in temporary accommodation which are inappropriate, accommodating them rather as “children in need” under the childcare legislation;

(f) Carry out a review of the availability and effectiveness of legal representation and other forms of independent advocacy for unaccompanied minors and other children in the immigration and asylum systems;

(g) Address thoroughly the particular situation of children in the ongoing reform of the immigration and asylum systems to bring them into line with the principles and provisions of the Convention.

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 355 and 356.

355. The Committee welcomes the enactment of the Refugee Law 2001, but remains concerned that:

(a) As noted in the State party’s report, some refugee children, especially older ones, do not attend school which prevents them from obtaining an education and leads to their isolation in Ukrainian society;

(b) The registration and refugee status determination procedures have been suspended since August 2001, pending the implementation of the new refugee law;

(c) Nutritional and medical care provided to illegal migrants, including children, who are detained at points of entry and held on the premises of the border guards, is inadequate.

356. The Committee recommends that the State party:

ALIENS - GENERAL

- (a) Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees, as suggested in the State party's report;
 - (b) Implement the Refugee Law 2001;
 - (c) Ensure that asylum-seeking, refugee and illegal immigrant children have access to education and health services;
 - (d) Ensure adequate nutritional and medical care for children detained in border guard facilities;
 - (e) Accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.
- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 50, 51, 56 and 57.
 - 50. The Committee welcomes the amendments made in 1998 to the Law on Citizenship simplifying procedures for the naturalization of children of stateless persons and notes that the number of stateless persons in Estonia is decreasing. Nevertheless, the Committee is concerned that the situation of stateless parents, who by virtue of their status are unable to participate fully in Estonian society, negatively impacts on their children's integration into Estonian society. Moreover, it is concerned that, under article 21 of the Law on Citizenship, children of former military and security service personnel and their spouses and families may be denied citizenship.
 - 51. The Committee recommends, in accordance with articles 2 and 7 of the Convention, that the State party:
 - (a) Reduce the number of stateless children by, *inter alia*, expediting and improving the procedure of naturalization;
 - (b) Improve the situation of non-citizens without legal residence permits by, among other things, simplifying and shortening the procedures for applying for residence permits;
 - (c) Carry out campaigns to encourage applications with a view to reducing, as far as possible, the number of children who are stateless or illegal residents;
 - (d) Take measures to eliminate discrimination against children on account of their parents' past opinions or activities;
 - (e) Ensure that all children residing on the territory of Estonia enjoy all the rights under the

ALIENS - GENERAL

Convention, whether or not they are citizens;

(f) Accede to the Convention relating to the Status of Stateless Persons of 1954 as well as to the Convention on the Reduction of Statelessness of 1961, with a view to ensuring protection to all stateless persons in Estonia.

...

56. The Committee welcomes the judgement pronounced in May 2000 by the National Court of the Estonian Republic, which deemed unconstitutional the refusal of a residence permit application for the purposes of family reunification on the grounds that it exceeded the immigration quota. The Committee is concerned that article 5, paragraph 3, of the 1997 Refugee Act does not guarantee family reunification because it requires a dependent refugee spouse and dependent children outside Estonia to meet the criteria of the 1951 Refugee Convention even after the principal applicant has met the criteria. Further, the Committee is concerned that there are no legal provisions which make it possible for family members to reunite with a child who has been recognized as a refugee.

57. In accordance with article 10 of the Convention, the Committee recommends that the State party ensure:

(a) That the provisions of the Aliens Act reflect the decision of the National Court and are implemented;

(b) That the Refugee Act is amended to ensure that the right to family reunification shall be dealt with by the State party in a positive, humane and expeditious manner.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 136 and 137.

136. The Committee is concerned that education and social welfare laws and regulations do not include specific provisions providing for the welfare and rights of foreign children, in particular those of undocumented migrant workers.

137. The Committee recommends that the State party:

(a) Amend domestic laws, in particular those on education and social welfare, to include specific provisions which ensure equal access to services for all foreign children, including those of undocumented migrant workers;

(b) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.

ALIENS - GENERAL

- Italy, CRC, CRC/124 (2003) 36 at paras. 186 and 187.

186. The Committee welcomes the establishment of the Committee for the Protection of Foreign Children and the specific reference made to the Convention in Law 40/98 on immigration regarding access to health. However, the Committee remains concerned at the lack of adequate structures to receive unaccompanied minors; the lack of harmonization of the procedure dealing with unaccompanied minors in the various regions; the new provision under Act 189/2002 which permits the detention of undocumented immigrants; the implementation of Decree 113/99 which leads to an increase in repatriations without adequate follow-up; and the change which occurred in 2000 regarding residence permits for minors.

187. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

- (a) Strengthen efforts to establish enough special reception centres for unaccompanied minors, with special attention to those who have been victims of trafficking and/or sexual exploitation;
- (b) Ensure that the stay in these centres is for the shortest time possible and that access to education and health is guaranteed during and after the stay in a reception centre;
- (c) Adopt, as soon as possible, a harmonized procedure in the best interests of the child to deal with unaccompanied minors throughout the State party;
- (d) Ensure that assisted repatriation is envisaged when it is in the best interests of the child and that a follow-up is guaranteed for those children.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 375 and 376.

375. ...The Committee is...concerned that Roma children continue to be over-represented in so-called “special schools” and at the discrimination in access to education of illegal migrants and refugees who are denied asylum.

376. Noting the State party’s efforts in this domain, the Committee recommends that the State party:

- (a) Ensure the availability and accessibility of free primary education for all children in the State party, giving particular attention to providing children in rural communities, children from Roma and other minorities, as well as children from disadvantaged backgrounds such

ALIENS - GENERAL

as refugees and illegal migrants, particularly unaccompanied minors, good quality education, including in their own language;

...

- Iceland, CRC, CRC/124 (2003) 109 at paras. 482, 483, 496 and 497.

482. Owing to the growing number of people of foreign origin in Iceland, the Committee welcomes efforts by the State party to address their needs (e.g. through the adoption of the 2003 law on foreigners, the appointment of a special representative in the State police, publications on cultural tolerance for health professionals, and the establishment of an intercultural centre in Reykjavik). Nevertheless, it is concerned that further efforts need to be taken to proactively address issues of racism that may arise with the growing numbers of immigrants in Iceland.

483. The Committee recommends that the State party:

(a) Guarantee all children within its jurisdiction all the rights contained in the Convention, in accordance with article 2;

(b) Develop comprehensive and coordinated policies to address the developing phenomenon of immigration, including public information campaigns to promote tolerance, as well as monitor and collect data on racially motivated acts;

(c) Study the situation of immigrant children in the municipalities, especially in the school system, and the effectiveness of measures taken to facilitate their integration;

...

496. The Committee notes with appreciation the adoption of anti-bullying campaigns in many schools, as well as the inclusion of courses in life skills. However, it is concerned:

...

(b) About the high drop-out rates of immigrant children, particularly at the secondary level.

497. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:

...

(b) Strengthen measures to address the problem of immigrant child dropouts.

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 372 and 373.

372. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not explicitly incorporated in all legislation

ALIENS - GENERAL

concerning children and is not always considered in practice. In particular, the Committee is not persuaded that a rigid custodial line of mother, maternal grandmother and father and the exclusion from custodial arrangements of foreign parents outside the State party necessarily give effect to this principle.

373. The Committee recommends that the State party refer to, and fully incorporate in legislation and practice, article 3 of the Convention, including in the area of custody of children.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 512 and 513.

512. The Committee is deeply concerned at the situation of Moroccan children who are deported, notably in the cities of Ceuta and Melilla in Spain. In particular, the Committee is concerned at allegations of police brutality against such children. The Committee is further concerned that these children, once they are back on the territory of the State party, do not receive adequate protection or assistance and that their situation is not monitored.

513. Taking into consideration its recommendations to Spain (CRC/C/15/Add.185, para. 46), the Committee recommends that the State party take all necessary measures:

- (a) To prevent unaccompanied children from migrating to other countries, including by offering them opportunities for education;
- (b) To coordinate with the Government of Spain to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency for their care and rehabilitation;
- (c) To investigate in an effective way reported cases of ill-treatment of returned children.

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 96 and 97.

96. The Committee welcomes the incorporation of the principle of the best interests of the child in the new Immigration and Refugee Protection Act (2002) and the efforts being made to address the concerns of children in the immigration process, in cooperation with the Office of the United Nations High Commissioner for Refugees and non-governmental organizations. However, the Committee notes that some of the concerns previously expressed have not been adequately addressed, in particular, in cases of family reunification, deportation and deprivation of liberty, priority is not accorded to those in greatest need of help. The Committee is especially concerned at the absence of:

ALIENS - GENERAL

- (a) A national policy on unaccompanied asylum-seeking children;
- (b) Standard procedures for the appointment of legal guardians for these children;
- (c) A definition of “separated child” and a lack of reliable data on asylum-seeking children;
- (d) Adequate training and a consistent approach by the federal authorities in referring vulnerable children to welfare authorities.

97. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

- (a) Adopt and implement a national policy on separated children seeking asylum in Canada;
- (b) Implement a process for the appointment of guardians, clearly defining the nature and scope of such guardianship;
- (c) Refrain, as a matter of policy, from detaining unaccompanied minors and clarify the legislative intent of such detention as a measure of “last resort”, ensuring the right to speedily challenge the legality of the detention in compliance with article 37 of the Convention;
- (d) Develop better policy and operational guidelines covering the return of separated children who are not in need of international protection to their country of origin;
- (e) Ensure that refugee and asylum-seeking children have access to basic services such as education and health and that there is no discrimination in benefit entitlements for asylum-seeking families that could affect children;
- (f) Ensure that family reunification is dealt with in an expeditious manner.

- Brunei Darussalam, CRC, CRC/C/133 (2003) 73 at paras. 350 and 351.

350. The Committee is concerned at the disparities in the enjoyment of all rights covered by the Convention by children practising religions other than Islam and by non-national children. The Committee is further concerned that race is indicated on identity cards, as this may lead to *de facto* discrimination.

351. The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without

ALIENS - GENERAL

discrimination, in accordance with article 2.

- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 406, 407 and 426.

406. The Committee is concerned that the principle of non-discrimination is restricted to citizens, that the Constitution does not expressly prohibit discrimination against women or persons with disabilities, and that societal discrimination against girls, children with disabilities and non-residents persists.

407. The Committee recommends that the State party amend its legislation to prohibit discrimination on the basis of gender or disability and ensure that it is applicable to all persons in the State party. The Committee further recommends that the State party undertake all necessary proactive measures to combat societal discrimination, in particular against girls, children with disabilities and non-residents, through, *inter alia*, public education and awareness campaigns.

...

426. The Committee recommends that the State party:

(a) Extend the Compulsory Education Act to include all children within the State party, including non-citizens, and monitor the implementation of the Act to ensure that all children attend school;

(b) Ensure that all children in the State party have access to free primary education, and ensure that low-income families have access to pre-primary education;

...

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 254, 274, 275, 305, 306, 309 and 310.

254. The Committee welcomes the adoption of:

(a) The law on Nationality and Citizenship adopted on 15 July 1999, which allows for a better integration of foreign children;

...

274. While acknowledging the prohibition of discrimination in the Basic Law (art. 3), the Committee is concerned at the *de facto* discrimination against foreign children and at incidents of racial hatred and xenophobia that have a negative effect on the development of children. The Committee is also concerned that some of the Land disparities in practices and services provided and in the enjoyment of rights by children may amount to discrimination.

275. In accordance with article 2 of the Convention, the Committee recommends that the

ALIENS - GENERAL

State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate *de facto* discrimination against foreign children or children belonging to minorities.

...

305. In addition to its concerns related to the declaration made by the State party on article 22 of the Convention, the Committee remains concerned that:

- (a) Refugee children between 16 and 18 years of age do not benefit from the rights contained in the Youth Welfare Act;
- (b) Roma children and other children belonging to ethnic minorities may be forcibly expelled to countries their families have been fleeing;
- (c) Recruitment of children as soldiers is not accepted as a child-specific persecution in the asylum procedure;
- (d) The national requirements and procedures for family reunification for refugee families, as defined under the Convention relating to the Status of Refugees of 1951, are complex and too long;
- (e) Some children of asylum-seekers in the Land Berlin were denied the right to a birth certificate because of incomplete documentation provided by the parents.

306. In light of article 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party take all necessary measures:

- (a) To fully apply the provisions of the Youth Welfare Act to all refugee children below the age of 18 years;
- (b) To review its legislation and policies regarding Roma children and other children belonging to ethnic minorities seeking asylum in the State party;
- (c) To consider the recruitment of children as soldiers as a child-specific persecution to be accepted in asylum procedure;
- (d) To ease refugee family reunification requirements and procedures, in particular for those covered by the refugee Convention of 1951;
- (e) To ensure that birth certificates are issued for all children of refugees and asylum-seekers born in the territory of the State party.

ALIENS - GENERAL

...

309. While noting the efforts undertaken in this regard, the Committee expresses its concerns at the increasing number of street children in the State party, as well as the high percentage of foreign children among them.

310. The Committee recommends that the State party:

(a) Pursue its efforts to prevent and reduce this phenomenon by addressing its root causes with a special emphasis on the protection of foreign children;

...

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 368 and 369.

368. The Committee is concerned that in the Netherlands the definition of an unaccompanied minor seeking asylum does not conform to international standards and may make access to basic services more difficult for the child while in the country. It is also concerned that the determination and rejection of a significant and increasing proportion of applications for refugee status through the 48-hour accelerated procedure are not in keeping with article 22 of the Convention and international standards. Finally, the Committee is concerned that children whose applications for refugee status have been rejected are detained in closed camps with limited possibilities for education and leisure activities. Finally, the Committee is concerned about the lack of formal asylum and protection procedures in Aruba and the current practices with respect to the detention and deportation of illegal migrants.

369. The Committee recommends that the State party in the Netherlands:

(a) Review the Aliens Act of 2001 and its application to ensure full conformity with international standards applicable to refugees and with the Convention;

(b) Change the definition in the Act of unaccompanied minors seeking asylum so as to bring it into line with international standards;

(c) Ensure that the determination of refugee status of minors conforms to international standards, and consequently reconsider the 48-hour accelerated procedure;

(d) Ensure that the detention of children whose applications for refugee status have been rejected is used only as a measure of last resort, and that all children awaiting expulsion receive adequate education and housing.

ALIENS - GENERAL

- India, CRC, CRC/C/137 (2004) 75 at paras. 418 and 419.

418. The Committee is concerned that Pakistani refugee and Mohajir children residing in India (Rajasthan and Andhra Pradesh, respectively) are stateless.

419. The Committee recommends that the State party take measures to provide these children with a nationality, in accordance with article 7 of the Convention.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 557, 558, 587 and 588.

557. The Committee notes the rulings of the Constitutional Court (U-I-284/94 of 4 February 1999 and U-I-246/02 of 3 April 2003) that the erasure of about 18,300 people originating from other parts of the former Socialist Federal Republic of Yugoslavia from the Register of Permanent Residence in 1992 had no legal basis and that the permanent residence status should be restored to the affected persons retroactively. The Committee is concerned that many children were negatively affected by this erasure, as they and their families lost their right to health care, social assistance and family benefits as a consequence of losing their permanent residence status and children born in Slovenia after 1992 became stateless.

558. The Committee recommends that the State party proceed with the full and prompt implementation of the decisions of the Constitutional Court, compensate the children affected by the negative consequences of the erasure and ensure that they enjoy all rights under the Convention in the same way as other children in the State party.

...

587. The Committee welcomes the Law on Asylum of 1999 and the amendments to the Law on Aliens of 2002 which stipulate that cases involving children and adolescents should be given priority and processed quickly and that a legal guardian should be appointed to separated children in deportation procedures. The Committee is, however, concerned about reports that unaccompanied children are not provided with adequate support during the asylum procedure and that the appointment of a legal guardian to such children takes too long.

588. The Committee recommends that the State party ensure the effective implementation of the Law on Asylum and the amendments to the Law on Aliens concerning asylum claims involving children and the appointment of a guardian to unaccompanied children. The State party should ensure that reception centres have special sections for children and that necessary support, including access to education, is given to children and families throughout the process with the involvement of all authorities concerned with a view to finding durable solutions in the best interests of the child.

ALIENS - GENERAL

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 633 and 634.

633. The Committee is concerned that a child of a Japanese father and foreign mother cannot obtain Japanese citizenship unless the father has recognized that child before its birth, which has, in some cases, resulted in some children being stateless. It is additionally concerned that undocumented migrants are unable to register the birth of their children, and that this has also resulted in cases of statelessness.

634. The Committee recommends that the State party amend its Nationality Law and all other relevant legislation and regulations to ensure conformity with article 7 of the Convention so that no child born in Japan should become stateless.

- Panama, CRC, CRC/C/140 (2004)23 at paras. 146-148.

146. The Committee welcomes the ratification of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the State party's cooperation with UNHCR. The Committee is concerned about the lack of information on the situation of refugee and asylum-seeking children and on the implementation of and follow-up to its previous recommendations.

147. The Committee reiterates its recommendation that the State party ensure adequate protection of refugee children, including in the fields of education, health and social services, and cooperate in a constructive and effective manner with UNHCR in this regard.

148. The Committee recommends that the State party take action to regularize the situation of those children of Colombians under temporary protection in Darien who were born in Panama and to facilitate their naturalization. It also recommends full respect for the principle of *non-refoulement* and, whenever deportations are permissible under international law, that they be carried out in such a way as to avoid separating children from their parents. The State party should consider revising the current practice of restricting the freedom of movement of those Colombians under temporary protection, especially the young people.

- France, CRC, CRC/C/140 (2004) 124 at paras. 629-632.

629. The Committee notes the efforts of the State party to address the situation of unaccompanied minors by providing them assistance during their time in the holding area by an "ad hoc administrator" who replaces a legal representative. However, the Committee also notes that the number of minors in such situations has been steadily increasing, and that the implementation of the new legislation remains a challenge. Foreign unaccompanied minors continue to be deprived of their liberty and placed in detention with adults. The

ALIENS - GENERAL

Committee is also concerned that unaccompanied children arriving at the airport may be returned to the country of origin without judicial intervention and without an evaluation of their family situation. It is further concerned at the absence of clear instructions to coordinate and facilitate access to basic services by these children for the protection of their rights. In addition to this, the age determination process allows for errors which may lead to minors not being accorded protection they are entitled to.

630. The Committee recommends that the State party pursue its efforts in this area, and, in particular:

- (a) To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;
- (b) To establish norms that orient and coordinate actions aimed at guaranteeing access to basic services, in particular education, health and legal assistance;
- (c) To consider introducing recent methods of age determination which have proven more accurate than the method in use.

631. The Committee welcomes the legislative and other efforts aimed at providing protection of children from economic exploitation. However, the Committee is concerned that illegal networks of forced labour continue to operate and that foreign children fall victims of networks which are not countered vigorously enough.

632. The Committee recommends that the State party, in accordance with article 32 of the Convention and ILO Conventions No. 138 on the minimum age for admission to employment and No. 182 on the worst forms of child labour, which the State party has ratified, vigorously pursue measures at the national and international level to dismantle trafficking and exploitation networks, in particular of foreign children, which continue to operate, as well as to strengthen its cooperation and support to non-governmental organizations working in this area.

- Botswana, CRC, CRC/C/143 (2004) 25 at paras. 155 and 156.

155. The Committee is concerned at the information that primary education is not free for non-nationals and that the State party is considering introducing fees for parents who can afford it...

156. The Committee recommends that the State party:

- (a) Take all necessary measures, legislative and administrative, to ensure that primary

ALIENS - GENERAL

education is free and compulsory as required in article 28 of the Convention;

...

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 206 and 207.

206. The Committee notes with satisfaction that refugee and asylum-seeking children have free access to the school system in Luxembourg and that the Ministry of Education has appointed intercultural mediators in order to facilitate the integration of foreigners in the educational system. However, the Committee is still concerned that a large number of foreign children (more than 40 per cent of the school population) are often disadvantaged by the educational programme and teaching methods in Luxembourg, including language problems.

207. The Committee recommends that the State party consider all possible measures through which foreign children and children of asylum-seekers can be granted equal access to the same standard of services in the field of education. The Committee also encourages the State party to ensure that language does not become an obstacle in education and recommends any initiative, including support classes, to help children to learn the needed languages.

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 242, 243, 269 and 270.

242. The Committee notes the positive efforts made by the State party to address racial discrimination, which have also been recognized by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/60/CO/1). However, the Committee is concerned at the discriminatory attitudes and manifestations of neo-Nazism, racism, xenophobia and related intolerance towards migrant communities and those of certain ethnic backgrounds, and at their impact on children belonging to these groups, as well as towards refugee and asylum-seeking children.

243. The Committee recommends that the State party increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against children belonging to vulnerable groups.

...

269. While the Committee acknowledges the efforts undertaken by the State party at the Federal and Länder level to increase the number of adequate accommodation places for unaccompanied and separated asylum-seeking children, it remains concerned that the existing reception facilities are still insufficient compared to the number of applicants and

ALIENS - GENERAL

that unaccompanied and separated asylum-seeking children are not systematically assigned guardians.

270. The Committee recommends that the State party:

(a) Ensure that guardians are systematically assigned to unaccompanied and separated asylum-seeking children and that the best interests of the child are duly taken into account;

(b) Ensure that all interviews with unaccompanied and separated asylum-seeking children are carried out by professionally qualified and trained personnel;

(c) Provide for adequate accommodation, taking into account the state of development of all unaccompanied and separated asylum-seeking children;

(d) Fully take into account the principle of the best interests of the child when deciding on the deportation of unaccompanied and separated asylum-seeking children and to avoid their placement in custody pending deportation.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 326 and 327.

326. The Committee notes with appreciation the efforts made by the State party, such as the amendments to the Belizean Nationality Act and the Immigration Act as well as the encouraging results of the Amnesty Programme conducted in 1999 which provided undocumented individuals and families with the opportunity to legalize their status, to better safeguard the right of the child to require a nationality. Notwithstanding the positive steps taken by the State party, the Committee is concerned at the high number of immigrant children without any legal status or documentation residing in the territory of the State party.

327. The Committee recommends that the State party continue its efforts to promote and facilitate the proper registration of all undocumented immigrant children and provide them with the legal status they need.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 497-500.

497. While welcoming the efforts made by the State party so far in the repatriation of Iraqi and Iranian refugee children and their families, and noting the State party's commitment to include children of Afghan and Iraqi refugees in the recent registrations of Afghans and Iraqis residing in Iran, the Committee is concerned at reports of the deportation of unaccompanied children, mostly Afghans, back to their country of origin, and the lack of access by humanitarian organizations to these children. It is concerned at reports of

ALIENS - GENERAL

unaccompanied children arriving in Iran from neighbouring countries, in particular Afghanistan, allegedly for the purpose of exploitation. The Committee is further concerned about the fate of Afghan children and their families who are not in a position to return to Afghanistan for different reasons, including their strong links with Iran or the fact that the mother of the family is Iranian.

498. The Committee recommends that the State party:

- (a) Allow immediate access by humanitarian organizations and United Nations agencies to all unaccompanied children in the State party;
- (b) Discontinue the practice of deporting unaccompanied children under 18 years of age back to Afghanistan and take the necessary steps to reunite all unaccompanied children with their families or take effective measures to integrate these children into society;
- (c) Ensure that Afghan families who are not in a position to return to Afghanistan are not forcibly deported but assisted to integrate into society;
- (d) Ensure that all refugee children are registered and have full access to free education, health and other services;
- (e) Continue its cooperation with UNHCR and other United Nations agencies.

499. The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, and Shiraz. It regrets that the State party could not present studies on the extent and nature of the problem and is concerned that the centres known as “Khaneh Sabz”, “Khaneh Shoush” and “Khaneh Reyhane” homes, which were established to assist these children, albeit in a limited capacity, have been closed down. It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a “condition” for their release the authorities request that their parents register for repatriation. The Committee welcomes the policy of the State party to reunite children with their families, whenever possible, and notes the State party’s assurances that these children are assembled in centres for further assistance and not arrested with police methods.

500. The Committee recommends that the State party:

- (a) Take measures to address the large and increasing number of street children, with the aim of protecting these children, especially girls, and of preventing and reducing this phenomenon, in particular through assistance to families and the provision of adequate housing and access to education;

ALIENS - GENERAL

(b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development, providing official documents when necessary;

(c) Ensure that child victims of physical, sexual and substance abuse are provided with recovery and reintegration services, protection from arbitrary and/or unlawful arrest and maltreatment by the police, and effective services for reconciliation with their families and community;

(d) Ensure that all Afghan children rounded up on the streets are released and are not used to push their parents to repatriate;

(e) Collaborate with NGOs working with street children in the State party and seek technical assistance from relevant United Nations and other international organizations.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 449 and 450.

449. The Committee notes with appreciation the efforts made by the State party in hosting an increasing number of asylum-seekers among which there is a significant number of children, including the steps taken in cooperation with the United Nations High Commissioner for Refugees in registering asylum-seekers and refugees and issuing new identification documents to both asylum-seekers and refugees.

450. The Committee recommends that the State party continue to strengthen its asylum policy, in particular to adopt legislative measures governing the treatment of unaccompanied and separated children. Furthermore, the Committee recommends that the State party strengthen its efforts to secure full access of all refugee and asylum-seeking children to education, health and other services. In this regard, the Committee recommends that the State party seek international cooperation with and assistance from, *inter alia*, the United Nations High Commissioner for Refugees and the United Nations Educational, Scientific and Cultural Organization.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 485, 486, 501, 502, 505 and 506.

485. The Committee is concerned that the best interests of the child are not adequately taken into consideration in cases where foreign nationals who have children in Norway are permanently deported as a consequence of having committed a serious criminal offence.

486. The Committee urges the State party to ensure that the best interests of the child are a primary consideration in the decisions taken regarding deportation of their parents.

ALIENS - GENERAL

...

501. The Committee notes with concern the high proportion of immigrant children living in households with a persistently low income.

502. The Committee recommends that the State party ensure that the needs of all children are met and take all necessary measures to ensure that no group of children lives below the poverty line.

...

505. The Committee expresses concern about the large number of unaccompanied asylum-seeking children (33 in 2003) who disappear from reception centres in the State party. It is particularly concerned that these children are vulnerable to abuse and exploitation. The Committee is also concerned about the insufficient supervision of and care provided to unaccompanied asylum-seeking children as well as the insufficient psychological and psychiatric services provided to children living in reception centres. Furthermore, the Committee is concerned that the processing of asylum claims is too slow.

506. The Committee urges the State party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee recommends that the State party improve the situation in reception centres for unaccompanied children seeking asylum, in terms of resources and adequately trained and competent staff, so that the assistance and care for these children reaches the same level as that provided in other institutions under the child welfare system. The State party should also take further measures to ensure more expeditious processing of asylum claims.