

CHILDREN'S RIGHTS - REFUGEES

III. CONCLUDING OBSERVATIONS

CERD

- Norway, CERD, A/49/18 (1994) 37 at para. 263.

The State party should review its measures for guaranteeing the human rights of asylum-seekers, particularly for women and children, and especially their economic and social rights, to see whether there is room for improvement.

- Norway, CERD, A/52/18 (1997) 77 at para. 610.

Reports of the unjustified deportation of foreign nationals, including, in some cases, asylum seekers and unaccompanied children, are a matter of concern.

- Syrian Arab Republic, CERD, A/54/18 (1999) 22 at para. 180.

Further action should be taken to protect the rights of all persons belonging to ethnic and national groups to enjoy, without discrimination, the civil and political rights listed in article 5 of the Convention, notably the right to nationality and cultural self-expression. The State party should review its legislation on nationality in order to find an expeditious solution to the situation of Syrian-born Kurds and refugee children born in the Syrian Arab Republic.

ICCPR

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICCPR, A/51/40 vol. I (1996) 13 at para. 70.

Immediate steps should be taken to ensure that living conditions in Vietnamese refugee detention centres are improved. Special attention should be devoted to the situation of children, whose rights under the Covenant should be protected. The refugee status of all detainees should be speedily determined, with the right of judicial review and legal aid. Deportation and removal of non-refugees of Vietnamese origin should be closely monitored to prevent abuse.

CHILDREN'S RIGHTS - REFUGEES

- Denmark, ICCPR, A/52/40 vol. I (1997) 14 at para. 73.

Further consideration and amendments should be made to the regulations concerning residence and other conditions for reunification of families both of alien immigrants and refugees, so as to give effect more fully to articles 23 and 24 of the Covenant.

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at para. 74.

It is a positive sign that unaccompanied minors seeking asylum are not sent back to their countries of origin unless their safety is guaranteed.

ICESCR

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1995/22 (1994) 52 at para. 300.

Immediate steps should be taken by the Hong Kong Government to ensure that children in refugee camps and those released from them are accorded full enjoyment of the economic, social and cultural rights guaranteed to them under the Covenant. Closer cooperation with volunteer organizations and the United Nations High Commissioner for Refugees is also recommended.

- Cyprus, ICESCR, E/1999/22 (1998) 50 at para. 284.

The continued existence of discrimination between men and women, including inequalities in, among other things, professional opportunities, wages and salaries for work of equal value (especially in the private sector), protection under social security, the transmission of nationality to children and the conferment of refugee status on children (only children of displaced men are so treated), is of concern. This appears to be caused by structural and cultural factors.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 359 and 380.

Paragraph 359

It is of concern that asylum-seekers are denied access to basic social services while waiting for a decision on their status, which takes a long time. There is also concern that children of asylum-seekers who have not yet been granted refugee status cannot enrol in school unless they are able to pay tuition fees.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 380

The State party is urged to expedite the consideration of the applications of asylum-seekers and to provide them with basic social services, including hospital care and free education for their children.

- Nepal, ICESCR, E/2002/22 (2001) 83 at para. 545.

It is noted with concern that only Tibetans who arrived in Nepal before 1990 and the Bhutanese are recognized as refugees by the authorities. It is further noted that while the Tibetan refugees benefit from appropriate treatment, the Bhutanese refugees are not allowed to work, are not allowed freedom of movement outside their refugee camps, and do not have access to the same health and educational facilities as Nepalese citizens.

CEDAW

- Peru, CEDAW, A/50/38 (1995) 79 at para. 439.

The plight of displaced/refugee women and children in resettlement areas is of special concern.

- Burundi, CEDAW, A/56/38 part I (2001) 7 at paras. 52 and 53.

Paragraph 52

Concern is expressed over the situation of displaced women and girls and their living conditions, including in refugee camps.

Paragraph 53

Greater assistance should be given to refugee and displaced women and girls and rehabilitative efforts should be carried out that are directed at such women and girls.

CRC

- El Salvador, CRC, CRC/C/20 (1993) 19 at para. 94.

Urgent measures should be adopted for the protection of children belonging to vulnerable groups, in particular displaced and refugee children, disabled and homeless children, as well as children subject to abuse or violence within the family. Such measures should encompass social assistance and rehabilitation programmes oriented towards those groups of children and should be undertaken with the cooperation and support of the relevant United Nation agencies and international organizations,

CHILDREN'S RIGHTS - REFUGEES

in the spirit of article 45 (b) of the Convention.

- Pakistan, CRC, CRC/C/29 (1994) 10 at para. 58.

It is hoped that the Federal Government will continue to grant refugee status to children - and their families - as such needs arise in the future, as well as ensure at the same time a comprehensive system of registration.

- France, CRC, CRC/C/29 (1994) 17 at para. 93.

The situation of unaccompanied children who arrive "unexpectedly in France to obtain refugee status" is of concern. The lack of a comprehensive system of protection involving the social and/or judicial authorities which would apply to those children while they are subject to the jurisdiction of the State party, as well as in the process of returning to their country of origin is also of concern.

- Jordan, CRC, CRC/C/29 (1994) 21 at paras. 119 and 132.

Paragraph 119

Refugee children may not be given full protection since the State party has not yet ratified relevant international refugee treaties and this is of concern.

Paragraph 132

In order to ensure that all refugee children or children seeking refugee status enjoy their rights under the Convention, the Committee recommends that the Kingdom of Jordan consider the possibility of ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

See also:

- Lebanon, CRC, CRC/C/54 (1996) 7 at para. 65.
- Norway, CRC, CRC/C/29 (1994) 27 at paras. 164, 165 and 177.

Paragraph 164

Some aspects of the practical application of the law and policy concerning children seeking asylum, particularly in relation to methods of interviewing children, including unaccompanied minors, are of concern. Of further concern is that the police may not be instructed to delay the expulsion of some members of the family in order to ensure that the whole family remains together and that undue strain on the children is avoided.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 165

It is noted that all children who have had their asylum requests rejected but remain in the country have had their rights to health care and education provided *de facto* but not *de jure*. Such services should be provided as a matter of principle according to the letter and spirit of articles 2 and 3 of the Convention.

Paragraph 177

The State party should consider undertaking another comprehensive review of the policy in relation to children seeking asylum in the light of the principles and provisions of the Convention. In this connection, it is suggested that solutions should also be sought to avoid expulsions causing the separation of families. The State party might also wish to further discuss the provision of education and health services, with respect to all children under its jurisdiction, in order to ensure that different standards of service do not arise between municipalities.

- Spain, CRC, CRC/C/34 (1994) 27 at para. 138.

It is worrisome that the treatment of unaccompanied minors seeking refuge may contradict the principle that each case be dealt with on an individual basis and on its own merit.

- Denmark, CRC, CRC/C/38 (1995) 30 at para. 182.

The application of the law and policy concerning children seeking asylum, particularly with regard to methods of interviewing children, including unaccompanied minors, and to ensuring that applications for the purpose of family reunification are dealt with in a positive, humane and expeditious manner, is of concern.

- Canada, CRC, CRC/C/43 (1995) 16 at paras. 81 and 92.

Paragraph 81

It is regrettable that the principles of non-discrimination, of the best interests of the child and of respect for the views of the child have not always been given adequate weight by administrative bodies dealing with the situation of refugee or immigrant children. Of particular concern are the measures used to deprive children of their liberty for security or other related purposes and the insufficient measures aimed at family reunification with a view to ensuring that it is dealt with in a positive, humane and expeditious manner. Specifically regrettable are the delays in dealing with reunification of the family in cases where one or more members of the family have been considered eligible for refugee status in Canada and cases where refugee or immigrant children born in Canada may be separated from their parents facing a deportation order.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 92

Every feasible measure should be taken to facilitate and speed up the reunification of the family in cases where one or more members of the family have been considered eligible for refugee status in Canada. Solutions should also be sought to avoid expulsions causing the separation of families. More generally, the Government should address the situation of unaccompanied children and children who have been refused refugee status and are awaiting deportation. Deprivation of liberty of children, particularly unaccompanied children, for security or other purposes should only be used as a measure of last resort.

- Belgium, CRC, CRC/C/43 (1995) 20 at para. 104.

The application of the law and policy concerning children seeking asylum, including unaccompanied children, is of concern. Of particular concern is that unaccompanied minors who have had their asylum request rejected, but who can remain in the country until they are 18 years old, may be deprived of an identity and denied the full enjoyment of their rights, including health care and education.

- Germany, CRC, CRC/C/46 (1995) 15 at paras. 97 and 111.

Paragraph 97

Procedures governing asylum-seeking children, particularly those relating to family reunification, expulsion of children to safe third countries and the "airport regulation" give cause for concern. The provision of medical treatment and services to asylum-seeking children is also of concern.

Paragraph 111

The issue of asylum-seeking and refugee children deserves further study with a view to its reform. Such initiatives should reflect on the procedures, especially as they affect children aged 16 to 18, which govern the expulsion of children to third safe countries, family reunification and "airport regulation."

- Yemen, CRC, CRC/C/50 (1996) 9 at para. 46.

Special protection measures should be adopted and implemented in relation to refugee children, children involved with the juvenile justice system, particularly when deprived of their liberty, children involved in child labour and children forced to live and/or work in the streets, including child beggars. In this regard, the State party is encouraged to take into consideration the recommendations it has formulated at its thematic discussions, including on the economic exploitation of the child and the administration of juvenile justice.

CHILDREN'S RIGHTS - REFUGEES

- Mongolia, CRC, CRC/C/50 (1996) 13 at para. 74.

The State party should ratify the 1951 Convention Relating to the Status of Refugees in order to promote the protection of refugee children.

See also:

- Nepal, CRC, CRC/C/54 (1996) 25 at para. 182.
- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 96, 98 and 116.

Paragraph 96

Concern is expressed at information which indicates that disparities exist between regions and between rural and urban areas with regard to the provision of health care to children. The increase in the number of children, including refugee children, with mild and serious mental disorders is noted with concern.

Paragraph 98

The attention of the State party is drawn to the constraints that are reported to be hampering the reunification of unaccompanied refugee children with their families and to the extent to which the rights of these children, most of whom are living in institutions, are being guaranteed and protected.

Paragraph 116

The State party should consider as a matter of priority the further development of rehabilitative programmes. In this regard, the problem of the apparent scarcity and inadequacy of programmes for the treatment of post-traumatic stress disorders, identified primarily in refugee children, needs to be adequately addressed.

- Iceland, CRC, CRC/C/50 (1996) 23 at para. 133.

The establishment of a Refugee Council to organize the acceptance and arrival of refugees in Iceland, with special attention being given to child refugees, and to deal with asylum-seekers whose requests are pending before the authorities is viewed as a very positive measure.

- Finland, CRC, CRC/C/50 (1996) 35 at para. 234.

Upon arrival in Finland, all unaccompanied children seeking refugee status should be promptly informed in their language of their rights.

CHILDREN'S RIGHTS - REFUGEES

- Lebanon, CRC, CRC/C/54 (1996) 7 at para. 64.

The State party, in cooperation with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, should seek ways of addressing the socio-economic problems among Palestinian refugees that affect children negatively.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57 (1996) 23 at para. 142.

The treatment of Vietnamese children in detention centres in Hong Kong is of deep concern. These children have been and continue to be the victim of a policy designed to discourage further refugees from coming into the area, and the policy of continued detention of these children is incompatible with the Convention.

- Ethiopia, CRC, CRC/C/62 (1997) 12 at para. 74.

The insufficient steps that have been taken to ensure the registration of children after birth and the fact that the State registration procedure has been hampered in practice by a lack of registration desks, especially in rural areas, are of concern. The lack of adequate means available for the registration of refugee children is also of concern.

- Panama, CRC, CRC/C/62 (1997) 19 at paras. 115 and 131.

Paragraph 115

The persisting disparities in relation to the low access to education of children living in rural areas, indigenous children and refugee children, who do not enjoy a system of education adequate to their cultural values and identity, are of concern. The low rates of retention, the high rates of repetition and school drop-outs, especially at the end of primary education, and the persistent problem of illiteracy amongst these groups are also matters of concern.

Paragraph 131

Adequate protection of refugee children, including in the field of education, should be ensured. Procedures should be developed in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) to facilitate family reunification as well as to appoint legal representatives for unaccompanied children and to apply, when relevant, child-friendly interview techniques.

CHILDREN'S RIGHTS - REFUGEES

- Myanmar, CRC, CRC/C/62 (1997) 25 at para. 154.

The years of internal conflict which has generated important instability in several regions of the country and resulted in situations where families have been forcibly relocated or displaced, or encouraged to cross borders to seek protection as refugees, is of concern. The rights of most children involved in those population movements have not been properly addressed and safeguarded.

- New Zealand, CRC, CRC/C/62 (1997) 38 at para. 246.

All refugee children, including asylum seekers coming to the State party outside UNHCR-organized schemes, should be given the benefit of introduction assistance and Government delivered or funded support services.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 146.

The weak legal protection and lack of adequate procedures for refugee children remain of concern. Furthermore, the difficulties children encounter in securing access to educational and health facilities and the difficulties in ensuring family reunification are also of concern.

- Algeria, CRC, CRC/C/66 (1997) 35 at para. 258.

Further attention should be paid to the full realization of the rights of refugee children.

- Azerbaijan, CRC, CRC/C/66 (1997) 41 at paras. 269, 288 and 302.

Paragraph 269

The major problems experienced as a consequence of the armed conflict, which have imposed serious hardships on the entire population, including heavy casualties, long-lasting physical, emotional and psychological effects, and the disruption of some basic services, are noted. Particular note is taken of the unknown number of children who have suffered the most fundamental violations of their right to life, and of the existence of a large population of refugees and displaced persons, who are being attended to by international aid.

Paragraph 288

The substantial number of refugees and internally displaced persons resulting from the armed conflict since 1990, especially children, many of whom have been living in tents for three years, is of concern. These children do not always have equal access to basic services, especially health, education and

CHILDREN'S RIGHTS - REFUGEES

social services.

Paragraph 302

The status of families accommodating refugee or displaced children should be regularized.

See also:

- Uganda, CRC, CRC/C/69 (1997) 21 at para. 138.
- Australia, CRC, CRC/C/69 (1997) 16 at paras. 102 and 112.

Paragraph 102

The treatment of asylum seekers, refugees and their children, as well as their placement in detention centres are matters of concern.

Paragraph 112

Legislation and policy reform should be introduced to guarantee that children of asylum seekers and refugees are reunified with their parents in a speedy manner.

- Uganda, CRC, CRC/C/69 (1997) 21 at para. 154.

Special attention should be directed to refugee and internally displaced children to ensure that they have equal access to basic facilities.

- Togo, CRC, CRC/C/69 (1997) 39 at paras. 265 and 289.

Paragraph 265

The absence of a legal framework to protect refugee and internally displaced children is of concern. The Committee is also concerned that a refugee child has to reach the age of 18 years to acquire Togolese citizenship.

Paragraph 289

All appropriate efforts should be taken to ensure easy and full access to basic services, including in the areas of education, health and social services, to refugee children living under its jurisdiction.

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 96.

Efforts should be strengthened to ensure that children from vulnerable and disadvantaged groups,

CHILDREN'S RIGHTS - REFUGEES

including children belonging to the Traveller community, children living in poverty and refugee children, benefit from positive measures aimed at facilitating access to education, housing and health services.

- Ecuador, CRC, CRC/C/80 (1998) 9 at para. 51.

The lack of specific provisions in domestic legislation concerning the rights of asylum-seeking and refugee children, including their right to family reunification is of concern. Appropriate measures should be taken to adopt legislation to protect all the rights of asylum seeking and refugee children. Technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) could be requested in this regard.

See also:

- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 112.

- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 147.

Domestic legislation should be reviewed with a view to including provisions for determining the status of and protecting refugees, including children, especially with regard to access to education, health and other social services. Ratification of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness should be considered.

See also:

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 60.

- Thailand, CRC, CRC/C/80 (1998) 35 at para. 179.

The legislative framework should be clarified to ensure adequate protection of unaccompanied and asylum-seeking children, including in the field of physical safety, health and education. Procedures should also be established to facilitate family reunification. All appropriate measures should be taken by the State party to avoid the placement of asylum seeking children in immigration detention centres. Assistance from UNHCR may be considered in this regard. Ratification of the 1951 Convention Relating to the Status of Refugees and its 1966 Protocol, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness should also be considered.

CHILDREN'S RIGHTS - REFUGEES

See also:

- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 168.
- Yemen, CRC, CRC/C/84 (1999) 33 at para. 180.

- Austria, CRC, CRC/C/84 (1999) 7 at para. 55.

Legislation which permits the detention of asylum-seeking children pending deportation is of serious concern. The practice of detaining asylum-seeking children should be reconsidered, and such children should be treated in accordance with the best interests of the child.

- Guinea, CRC, CRC/C/84 (1999) 21 at para. 120.

The absence of a legal and administrative framework to protect the rights of unaccompanied and refugee children; the fact that most refugee births are not registered; the lack of alternative care measures for unaccompanied refugee children; and the arbitrary detention of refugee children are matters of concern. A legislative framework should be developed for the protection of refugee and unaccompanied children, to establish alternative care for unaccompanied refugee children, to ensure that all refugee births are registered and to ensure that refugee children are not subject to arbitrary detention. To this effect, the State party should continue working in close cooperation with international agencies active in the field of refugee protection such as UNHCR and UNICEF.

- Benin, CRC, CRC/C/87 (1999) 35 at para. 160.

The lack of adequate legal provisions, policies and programmes to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children is of concern. A legislative framework should be developed for the protection of refugee, asylum-seeking and unaccompanied children and policies and programmes should be implemented to guarantee their adequate access to health, education and social services.

See also:

- Mali, CRC, CRC/C/90 (1999) 43 at para. 224.

- Chad, CRC, CRC/C/87 (1999) 45 at para. 199.

Efforts should be increased to provide adequate protection to refugee children by working in close

CHILDREN'S RIGHTS - REFUGEES

cooperation with international agencies active in the field, such as UNHCR and UNICEF.

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 56.

Owing to the increasing number of refugees and the lack of specific legal provisions and protection for unaccompanied refugee and asylum-seeking children, specific legislation that reflects international standards for the protection of refugee children should be enacted and accession to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness should be considered.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at paras. 115-117.

Paragraph 115

The treatment of asylum-seekers and the practice of refusing children and their families the right to register their application for asylum are matters of concern.

Paragraph 116

Ensuring adequate legal protection of refugee children, including access to health, education and other social services, is encouraged.

Paragraph 117

The procedures, policies and practices concerning the right to register applications for asylum, especially on behalf of unaccompanied children, should be reviewed.

- The Netherlands, CRC, CRC/C/90 (1999) 53 at paras. 254 and 259.

Paragraph 254

Measures should be strengthened so as to provide immediate counselling and prompt and full access to education and other services for refugee and asylum-seeking children. Effective measures should also be taken for integration of these children into society.

Paragraph 259

Prompt and serious attention should be given to ensure that children are not used as prostitutes and that asylum-seeking procedures, while fully respecting the rights of unaccompanied minor asylum-seekers, effectively protect children from involvement in trafficking for sexual exploitation. Furthermore, a comprehensive national plan of action to prevent and combat commercial sexual exploitation of children, taking into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress Against Commercial Sexual Exploitation of

CHILDREN'S RIGHTS - REFUGEES

Children, should be adopted.

- India, CRC, CRC/C/94 (2000) 10 at paras. 93 and 94.

Paragraph 93

Welcoming administrative policies which have generally been in line with international refugee law principles, the Committee is concerned that in the absence of legislation there remains no guarantee that children asylum-seekers and refugees will be ensured the protection and assistance provided by the Convention. The Committee is concerned that there exists the potential for children born of refugee parents to become stateless; that there is no adequate legal mechanism to deal with family reunification; and that although refugee children attend school on a *de facto* basis, there is no legislation which entitles these children to education.

Paragraph 94

Comprehensive legislation should be adopted to ensure adequate protection of refugee and asylum-seeking children, including in the fields of physical safety, health, education and social welfare, and to facilitate family reunification. In order to promote the protection of refugee children, the State party is encouraged to consider ratifying the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 186, 190, 193 and 194.

Paragraph 186

The Committee is deeply saddened by the direct effects of the armed conflict on all child victims, including child combatants, and is concerned at the tragic loss of life and severe psychological trauma inflicted upon them. The very high number of children who have been internally displaced within the country or who have been forced to leave as refugees is also a concern, including, in particular, those who have been separated from their parents.

Paragraph 190

The State party is urged to make every effort to assist children who have been displaced from their homes to return as soon as possible, including through assistance in the reconstruction of homes and other essential infrastructure, within the framework of international cooperation.

Paragraph 193

Deep concern is expressed about the many children, citizens of the State party, who are currently refugees.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 194

Every effort should be made to create conditions conducive to the return of child refugees and their families, including through international cooperation, *inter alia*, that of UNHCR.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 318, 319, 340 and 341.

Paragraph 318

Concern is expressed at the discrepancies in the enjoyment of rights in relation to certain vulnerable groups: children with disabilities, children living in rural areas, refugee children, children from poor families, children living and/or working on the streets, and those living in institutions.

Paragraph 319

Concerted efforts should be made at all levels to address social inequalities through a review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups. The State party is encouraged to ensure the effective enforcement of protective laws, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, to sensitize society to the situation and needs of children within the society and particularly within the family, where needed within the framework of international cooperation.

Paragraph 340

While the Committee welcomes the State party's openness towards refugees from neighbouring states, it remains concerned at the limited enjoyment of their rights by refugee, asylum-seeking and unaccompanied children.

Paragraph 341

The State party should increase its efforts to implement the 1998 Refugee Law and adopt implementing sub-legislation. Given that the requirement of housing registration may be a barrier to naturalization for refugees, the State party should continue efforts to facilitate naturalization through *de facto* residence registration, as well as easing the procedure and eligibility for regular housing registration. Special status determination procedures should be established for unaccompanied children, and documentation should be provided to legalize stay in Armenia for asylum-seekers. The State party should prevent the recruitment of refugees into the military. The State party should continue its efforts to teach the Armenian language to refugee children and to address the trend of school drop-out among refugee adolescents.

CHILDREN'S RIGHTS - REFUGEES

- South Africa, CRC, CRC/C/94 (2000) 81 at paras. 431 and 448.

Paragraph 431

It is noted that the principle of non-discrimination (article 2) is reflected in the new Constitution as well as in domestic legislation. That insufficient measures have been adopted to ensure that all children are guaranteed access to education, health and other social services is still a concern. Of particular concern are certain vulnerable groups of children, including Black children; girls; children with disabilities, especially those with learning disabilities; child workers; children living in rural areas; children working and/or living on the streets; children in the juvenile justice system; and refugee children. The State party should increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

Paragraph 448

The absence of formal legislative and administrative measures to ensure family reunification and to guarantee the right of access to education and health for refugee children are matters of concern. A legislative and administrative framework should be developed to guarantee and facilitate family reunification. Additionally, the State party should implement policies and programmes to guarantee adequate access to all social services for refugee and asylum-seeking children. The State party should reinforce its efforts to finalize its adoption of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 26, 70 and 71.

Paragraph 26

It is noted that the State party hosts the largest refugee population in the world, around 2.1 million people, including a large percentage of children, and has generally provided assistance with speed and effectiveness and with only limited help from the international community.

Paragraph 70

Many refugee children remain unregistered. This limits their ability to fully utilize social services, including schools.

Paragraph 71

The State party should ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; set up a central system of registration and monitoring of refugees in order to provide accurate statistics, and clarify the status of refugees; adopt special measures to deal with unaccompanied children; entertain requests for family reunification in view of its impact on the possibility of resettlement in third countries of asylum; and review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of

CHILDREN'S RIGHTS - REFUGEES

refugee families, particularly Afghan refugees, to support themselves. The State party is encouraged to continue and expand its cooperation with international agencies, including UNHCR and UNICEF.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 130 and 131.

Paragraph 130

It is noted that despite limited resources, Georgia has received some 5,000 Chechnyians, mainly women, children and elderly people. It is noted that the State party has enacted the Refugees Act; however, insufficient efforts have been made to establish a special refugee status determination procedure for unaccompanied minors. Concern is also expressed at the absence of specific regulations regarding family reunification.

Paragraph 131

All appropriate measures should be taken to protect the rights of refugee, asylum-seeking and unaccompanied children and to facilitate their access to adequate housing, education, health and other social services. In this regard, the State party should consider the adoption of legislation on asylum-seekers. Additionally, measures should be taken to facilitate family reunification and to establish an efficient refugee status determination procedure for unaccompanied minors. The State party should undertake a study on refugee, asylum-seeking and unaccompanied children to ascertain the extent to which they are victims of torture or other cruel, inhuman or degrading treatment and punishment; economic exploitation, including forced labour; commercial sexual exploitation; sale, trafficking and abduction; and abandonment, abuse and neglect.

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 177, 178, 201 and 202.

Paragraph 177

Concern is expressed about the disparities in the enjoyment of rights, especially with regard to health and education, experienced by children belonging to vulnerable groups, including those living in rural regions of the country and those living in unofficial Palestinian refugee camps.

Paragraph 178

The State party should 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. Social services for children belonging to the most vulnerable groups should be prioritized and targeted. Assistance should be sought from the international community, including United Nations agencies such as UNICEF and United Nations Relief and Works Agency for Palestine Refugees in the Near East.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 201

That there is no legislation to specifically guarantee the protection and rights of refugee children is a concern. In particular, there are no procedures to prevent refugee children from becoming stateless, no legislative measures applicable to family reunification, and no special status determination procedures for unaccompanied children.

Paragraph 202

The State party should accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and should adopt legislation in conformity with these instruments, taking into account the Guidelines on the protection and care of refugee children of the Office of the United Nations High Commissioner for Refugees (UNHCR). The State party should adopt special measures to deal with unaccompanied children; should develop and implement a functioning system for family reunification to better protect children from being separated from their parents; and should review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of refugee families to support themselves adequately. The State party is encouraged to continue and expand its efforts to provide education for refugee children.

- Norway, CRC, CRC/C/97 (2000) 43 at paras. 231, 232 and 257-261.

Paragraph 231

The State party's significant efforts to respect the best interests principle are acknowledged, but it is noted that improvements can be made. In particular, in the context of the role of municipal authorities, the best interests of the child are not always taken into full consideration. The best interests of children with an imprisoned parent, unaccompanied child asylum-seekers or refugees are not always a primary consideration.

Paragraph 232

The State party should, in consultation with the office of the ombudsperson and with civil society, consider the implications of the best interests principle in the context of the above situations and further efforts should be made to ensure that the principle is a primary consideration in decisions which affect children.

Paragraph 257

Concern is expressed that the principles of the Convention are not entirely respected with regard to asylum-seeking children. Specifically, child applicants for asylum are provided with insufficient opportunities to participate in their application process and their views are insufficiently taken into consideration. Positive mechanisms, such as the appointment of individual guardians for each unaccompanied asylum-seeking child, are not implemented to their full extent. Furthermore, concern is expressed about the delays in the processing of asylum applications and about the fact that some child applicants are not integrated into local education systems.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 258

Recognizing the State party's ongoing plans to improve child participation in these procedures, the State party is encouraged to pursue these efforts and should review its procedures for considering applications for asylum from children, whether accompanied or unaccompanied, to ensure that children are provided with sufficient opportunities to participate in the proceedings and to express their concerns. Recognizing the valuable contribution that can be made by the guardian mechanism developed by the State party, additional efforts should be made to implement the mechanism and to ensure that it functions as intended, including through the provision of appropriate training to guardians.

Paragraph 259

The reasons for delays in the procedures for processing applications and for the settlement of children should be examined, with a view to shortening them. The State party should make further efforts to ensure the rapid integration of children into the normal school system. In addition, the provisions and principles of the Convention should be considered in the review of procedures.

Paragraph 260

Noting the additional efforts of the State party to provide psycho-social assistance to refugee and asylum-seeking children, the Committee joins the State party in expressing concern that not all children in need of such help are given the opportunity to receive it. Cases of malnutrition among refugee and asylum-seeking children upon their arrival in the State party are also of concern.

Paragraph 261

Plans should be pursued to extend the current available psychological assistance to a wider number of children and their parents, and to ensure that every effort is made to identify children who require such help, upon their arrival in the State party. The State party is encouraged to continue its efforts to address malnutrition.

See also:

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 49, 50, 77 and 78.
- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at para. 290, 291, 320 and 321.

Paragraph 290

Concern is expressed that in practice the system of residence registration in Kyrgyzstan may restrict the rights of children belonging to vulnerable groups (e.g. refugees, non-citizens, migrants and persons internally displaced owing to conflict, economic factors, or environmental disasters) to access to health care and other social services. In particular, concern is expressed about reports that officials at the local level are sometimes reluctant to see migrants settle in their jurisdiction and do

CHILDREN'S RIGHTS - REFUGEES

not observe regulations concerning temporary residence registration. The fact that individuals without appropriate documentation for residing in Bishkek risk relocation to another part of the country is a concern.

Paragraph 291

The State party should ensure that the registration system does not pose a barrier to access to services, particularly for the most vulnerable groups. The State party should consider the experience of States that have replaced the *propiska* system with systems which correspond better to international standards in the area of freedom of movement.

Paragraph 320

Concern is expressed about the situation of refugee and asylum-seeking children in Kyrgyzstan. The existing system of refugee status determination is inefficient and subject to substantial delays. Moreover, eligibility criteria, such as the three-day deadline for filing refugee status claims, and the safe third country rule, as applied, may arbitrarily deny *de facto* refugee children protection to which they are entitled to under the Convention and relevant international refugee instruments. That the issue of documentation is a serious problem for non-nationals, especially asylum-seekers, is a concern. It is noted that refugee documentation is provided only to the head of household, and that this causes problems for “undocumented” children when encountering the militia, who constantly harass these children and subject them to fines and detention. For example, note is taken of the difficult situation of rejected refugee claimants who are denied refugee documentation yet whose illegal residence is tolerated, most notably Afghans.

Paragraph 321

Asylum determination policy should be reviewed and it should be ensured that it complies with international standards. The State party should undertake effective public education campaigns to inform asylum-seekers, especially those newly arrived, about asylum procedures and the importance of children having documentation; provide practical assistance in obtaining birth certificates for every child and adequate procedures for the replacement of lost identity and travel documentation; and establish a system allowing refugee and asylum-seeking children to have their own documentation. The payment of fines for non-possession of documentation should be made only to a court or officials not involved in the citation; issuance of receipts should be mandatory; and those detained should not be required to pay the costs of their detention.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 360, 386 and 387.

Paragraph 360

Domestic legislation should be reviewed in accordance with the principles and provisions of the Convention, with a view to making birth registration compulsory for all children, without any type of discrimination. Children of non-Khmer citizens, regardless of their legal status, or refugees, when

CHILDREN'S RIGHTS - REFUGEES

born in Cambodia, should always be registered at birth even if they are not entitled to Cambodian nationality. Effective measures should be undertaken to enforce the existing sub-decrees related to the Resident Book (No. 73) and the Family Book (No. 74), both of 1997, in particular to ensure that all children who were not registered at birth are registered. The State party should conduct awareness-raising campaigns to encourage the registration of all children at birth.

Paragraph 386

The lack of a legal framework for the protection of unaccompanied, asylum-seeking and refugee children is of concern.

Paragraph 387

It is recommended that the State party take the necessary measures to introduce legislation for the protection of the rights of refugee children, in line with the relevant international standards, and to develop a family reunification procedure to assist refugee children who might be separated from their families.

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 440 and 441.

Paragraph 440

While it is noted that a Bill on the Refugees Act is currently being debated in Parliament, concern is expressed at the lack of domestic legislation for the protection of unaccompanied, asylum-seeking and refugee children and on family reunification of refugees, and at the limited access of refugee children to education, health services and housing.

Paragraph 441

Legislation should be enacted on asylum procedures and family reunification of refugees; effective measures should be continued to provide refugee children with access to education, health services and housing; and measures should be established to assist refugee children who are victims of any form of neglect, exploitation or abuse.

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 536, 537, 540, 541, 544, 551 and 556-559.

Paragraph 536

It is noted that the principle of non-discrimination (art. 2) is reflected in the Constitution as well as in domestic legislation. Insufficient measures have been adopted to ensure that all children are treated equally and are guaranteed equal access to education, health and other social services. In this regard, the Committee is extremely concerned about the persistent discriminatory attitudes faced by girls; it is also concerned about the discrimination faced by refugee and asylum-seeking children and about the impact of ethnic discrimination.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 537

Efforts should be increased to ensure the implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and address those cases which continue to affect all vulnerable groups, particularly girls, refugee children and those from different ethnic groups.

Paragraph 540

The insufficiently systematic birth registration in the State party prevents an accurate statement of the identity or age of a child, which can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced. The difficulties experienced in registering the birth of refugee children outside of the refugee camps is a concern as is the limited type of birth registration available in the camps.

Paragraph 541

In light of articles 1 and 7 of the Convention, it is recommended that the State party establish as quickly as possible the practice of systematic birth registration for all children born within the national territory. The State party is encouraged to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and to adopt national legislation that is in conformity with these international instruments. The State party is urged to proceed with the registration of those children who have not been registered.

Paragraph 544

The insufficient number of alternative care facilities and the limited capacity of existing institutions is of concern. Concern is also expressed about the fact that refugee children may be denied access to such facilities.

Paragraph 551

The State party should address the social factors preventing vulnerable groups (including women and children) from seeking health care, and particular efforts should be made to reach refugee and displaced children and those living on the streets. The State party is urged to develop effective partnerships with NGOs and civil society groups, and to seek the technical assistance of United Nations agencies such as WHO and UNICEF in this respect.

Paragraph 556

Information indicating that refugee children are denied access to education outside of refugee camps is a matter of concern.

Paragraph 557

The State party should continue its efforts to promote and facilitate school attendance, particularly among girls and refugee children. In light of article 28 of the Convention, the State party should take effective measures to ensure that primary education is available to all.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 558

While acknowledging the challenges faced by the State party as a result of the regional conflicts which repeatedly lead to the arrival of a disproportionate number of asylum-seekers, concern is expressed about the problems experienced by refugee children. The absence of national legislation defining the legal basis for asylum or for granting stateless status is a concern. Concern is also expressed about the resulting absence of an appropriate legal framework for the protection of accompanied and unaccompanied child refugees and asylum-seekers, and about the lack of health and education services for all refugee children, including those living outside the refugee camps.

Paragraph 559

The State party is urged to make every effort to implement the rights of refugee children, in accordance with article 22 of the Convention and of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The State party should adopt national legislation for the determination of refugee status, making suitable provision for the special procedures required for child refugees. In light of the provisions of articles 2, 10, 24 and 28 of the Convention, it is recommended that the State party develop an appropriate legislative and administrative framework to facilitate family reunification and adequate access to all social services and to schools for refugee children outside the camps.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 37, 38, 61, 62, 75 and 76.

Paragraph 37

It is noted that owing to the extensive decentralization of decision-making, administration and delivery of services in the State party, there is a significant delegation of powers from the central level to the municipalities. However, not all the municipalities provide the same level of social policies and services for the most vulnerable groups in society, in particular poor families, single-parent families, and disabled, refugee and minority children.

Paragraph 38

It is recommended that the State party undertake an evaluation of the implementation of all aspects of the Convention by municipal authorities and that every effort be made to ensure that the Convention is effectively implemented at the municipal level. The Committee reiterates its recommendation to establish an integrated monitoring system or mechanism to ensure that children in all municipalities benefit to the same extent from basic social services.

Paragraph 61

The Act on the Integration of Immigrants and Reception of Asylum-seekers of 1999 is noted. This introduces some reforms in the way unaccompanied children seeking asylum are received. Concern is expressed at the fact that the process of family reunification is still very long and that this could have a negative impact on the children involved.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 62

The State party is encouraged to examine the reasons for the delays in the procedures for processing asylum applications and for the settlement of children, with a view to shortening them.

Paragraph 75

That unaccompanied minors applying for asylum are interviewed in the same way as adults is of concern. Not enough efforts have been undertaken to ensure adequate resources and training for the representatives of unaccompanied minors applying for asylum. It also appears that education for refugee children in their language is available only in those municipalities which can provide sufficient resources.

Paragraph 76

Adequate resources should be ensured for the training of officials who receive refugee children, in particular in child-interviewing techniques, and of the representatives of unaccompanied minors applying for asylum. The State party is encouraged to consider measures through which asylum-seeking and refugee children can be granted equal access to the same standard of services, in particular education, irrespective of who they are and where they live.

- Burundi, CRC, CRC/C/100 (2000) 17 at para. 122.

In the light of article 7 of the Convention, the State party is urged to make every effort to ensure the registration of all children born, taking into account the particular situation of internally displaced persons, including those who have been regrouped, and refugees.

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 287, 288, 311 and 312.

Paragraph 287

The prevailing disparities in the enjoyment of their rights by children in Tajikistan are of concern. In particular, concern is expressed about the situation of: children living in institutions; children in regions of the country, which are lagging behind in socio-economic development and experiencing civil unrest; internally displaced, refugee and asylum-seeking children; and children of rural families.

Paragraph 288

All necessary measures should be taken to ensure that all children within the jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The State party should prioritize and target social services for children belonging to the most vulnerable groups.

Paragraph 311

CHILDREN'S RIGHTS - REFUGEES

Concern is expressed about the situation of Tajik returnees following the civil war, and of Afghan refugee and asylum-seeking children as a result of the conflict in Afghanistan. The issue of documentation is a serious problem for non-nationals, especially asylum-seekers.

Paragraph 312

The State party should establish and implement a functional system of family reunification in order better to protect children from being separated from their parents. The State party should: undertake effective public education campaigns to inform asylum-seekers, especially those who have newly arrived, about asylum procedures and the importance for children to have documentation; provide practical assistance in obtaining birth certificates for every child and adequate procedures for the replacement of lost identity and travel documents; and establish a system for refugee and asylum-seeking children to have their own documentation.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 471 and 472.

Paragraph 471

The situation of some refugee children who are obliged to beg for food and money on city streets is of concern.

Paragraph 472

The State party's considerable efforts to welcome refugees from neighbouring countries are noted. The State party should continue to assist child refugees and their families and maintain its cooperation with UNHCR, making particular efforts to assist refugee children who are living or working on the streets.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 149, 186 and 187.

Paragraph 149

The State party is urged to continue to make every effort to achieve respect for children's rights to life, survival and development, including through improved economic development, strengthening of social infrastructure and efforts to alleviate poverty. Special attention should be given to children living in rural areas and to refugee and internally displaced children.

Paragraph 186

Concern is expressed at the difficult situation faced by refugee and internally displaced children and their families in the State party, including in terms of their access to education and health services and in terms of family reunification.

CHILDREN'S RIGHTS - REFUGEES

Paragraph 187

The State party should continue and strengthen its efforts to provide assistance to refugee and internally displaced children and their families, including with regard to education and health services and family reunification and reinstallation.

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 272, 273, 298 and 299.

Paragraph 272

The principle of non-discrimination is not being fully implemented for children living in vulnerable families and in institutions, children with disabilities, Roma children, refugee and asylum-seeking children and children living in rural areas, in particular with regard to their access to adequate health and educational facilities.

Paragraph 273

The State party should collect disaggregated data and other information in order to identify discrimination against children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination.

Paragraph 298

It is noted with concern that children applying for asylum do not have access to adequate specific medical and psychological care, specific legal support and education. It is noted that unaccompanied minors applying for asylum are not separated from adults in refugee centres.

Paragraph 299

In light of articles 22 and 39 of the Convention, the State party should ensure that children applying for asylum have adequate living conditions and access to health and education.

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 58 and 59.

Paragraph 58

De facto discrimination against and xenophobia directed at certain groups of children, especially children belonging to ethnic minorities, refugee and asylum-seeking children, children belonging to migrant families, children with disabilities and those belonging to socially and economically disadvantaged families, continues to be of concern, including within the education system.

Paragraph 59

In light of article 2 and other related articles of the Convention, the State party should strengthen its measures, including through the Board for Ethnic Equality by, *inter alia*, organizing ongoing

CHILDREN'S RIGHTS - REFUGEES

awareness raising campaigns to change attitudes and to eliminate *de facto* discrimination against and xenophobia directed at minority groups, especially children belonging to migrant families, refugee children, children with disabilities, and children belonging to socially and economically disadvantaged families.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 109, 110, 137 and 138.

Paragraph 109

It is of concern that the principle of non-discrimination (art. 2) is not fully implemented for children belonging to minorities not recognized under the Treaty of Lausanne of 1923, in particular children of Kurdish origin; children with disabilities; children born out of wedlock; girls; refugee and asylum-seeking children; children who are internally displaced; and children living in the south-eastern region and in rural areas, especially with regard to their access to adequate health and educational facilities.

Paragraph 110

Appropriate measures should be taken to prevent and combat discrimination. The collection of appropriate disaggregated data is also recommended in order to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination.

Paragraph 137

It is of concern that only asylum-seekers from European countries are granted refugee status, and thus, child asylum-seekers of non-European origin, who represent the majority, can be granted asylum only on a temporary basis until they find a third country and, therefore, do not always have access to education and health care. It is noted that personnel dealing with child asylum-seekers and refugees do not have training on child rights issues, in particular on how to deal with children who are unaccompanied and in cases of family reunification, as well as with children who come from areas affected by war and who may have been victims of traumatic experiences.

Paragraph 138

The State party is encouraged to consider withdrawing the geographical limitation on the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol in order that non-European child refugees be granted refugee status. Adequate training should be provided to officials who deal with child asylum-seekers and refugees, in particular in child-interviewing techniques and on how to ensure family reunification. Also, in accordance with the UNHCR Guidelines on Protection and Care of Refugee Children, every effort should be made to identify children who require special support upon their arrival in the country, and the State party should consider providing adequate psychological assistance to them. It is further recommended that measures be strengthened in order to allow all child asylum-seekers and refugee children full access to education.

CHILDREN'S RIGHTS - REFUGEES

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 211 and 212.

Paragraph 211

Deep concern is expressed over the grave violations of the rights of refugee children and their families and, in particular, at allegations of widespread massacres of tens of thousands of refugees and the State party's lack of cooperation with, and obstruction of, efforts by the United Nations investigative mission mandated to clarify such allegations. Also of concern is the fact that the situation of refugee children and their families is poor. In addition, the very high number of children and their families internally displaced within the State party as a result of the armed conflict is a matter deep concern. Concern is also expressed at the separation of children from their families and the very limited access of displaced children to adequate food and to health and education services.

Paragraph 212

The State party should strengthen its efforts to provide adequate assistance to refugees and every effort should be made to prevent all forms of violence against refugee and internally displaced children and investigate and seek justice with regard to allegations of massacres of refugee children and their families. Urgent measures should be implemented to protect civilian populations from further internal displacement, to ensure that those children and their families who have already been displaced have access to food, education and health assistance, and to support the return home of internally displaced populations and their reintegration into their communities. Noting the ongoing efforts, the State party is further urged to continue to give particular attention to strengthening family reunification efforts. It is recommended that the State party work closely with UNHCR and UNICEF in this regard.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 309, 310, 346 and 347.

Paragraph 309

While noting that discrimination is prohibited under the Constitution, the persistence of discrimination in the country is of concern. Of particular concern is the occurrence of discrimination against non-citizen children, children with disabilities, children born out of wedlock, children from ethnic minorities, Muslim children, and girls; particularly the low participation rate of girls in education. Moreover, there is concern about the discrepancies in the enjoyment of rights by certain vulnerable groups: children living in rural areas, refugee children, children from poor families, and children living and/or working on the streets.

Paragraph 310

In light of article 2 of the Convention, concerted efforts should be made at all levels to address discrimination, notably discrimination based on gender, disability, religion, and national, ethnic or social origin, through a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups. The State party should also ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to

CHILDREN'S RIGHTS - REFUGEES

CHILDREN'S RIGHTS - REFUGEES

All effective measures should be taken to ensure the adequate protection of refugee, asylum-seeking and unaccompanied children, especially girls, and further policies and programmes should be implemented to guarantee their adequate access to health, educational and social services. The State party should also review its standards and procedures in the asylum process to ensure their consistency with international standards and should introduce special procedures for refugee children, especially those separated from their families. A policy should be developed to permit refugees married to Tanzanian nationals, irrespective of gender, to obtain residential status and/or naturalization and the rights of the children of such unions should be further guaranteed. The State party is encouraged to enhance its cooperation with UNHCR.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 474 and 475.

Paragraph 474

Noting that the verification process of refugees in camps in Nepal has commenced, concern is expressed about the slow rate of this process and the serious and negative impact this has on the rights of children residing in these camps, particularly given that repatriation will begin only once all refugees have been verified.

Paragraph 475

In accordance with the principles of the best interests of the child, the right to a nationality and to the preservation of identity (articles 3, 7 and 8 of the Convention), and with a view to reaching a just and durable solution to the situation of refugees in camps in Nepal, the State party should:

- (a) Make greater efforts to expedite the verification process and consider the possibility of repatriating individuals within a reasonable time following individual verification;
- (b) Consider a mechanism to allow individuals to appeal against decisions;
- (c) Ensure that returnees are repatriated and resettled, in safety and dignity, to their place of origin or choice;
- (d) Consider acceding to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the conventions on statelessness; and
- (e) In the best interests of the children, consider seeking assistance from UNHCR.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 525 and 526.

Paragraph 525

CHILDREN'S RIGHTS - REFUGEES

It is of concern that refugee children and their families may have insufficient access to procedures for claiming refugee status in the State party because of the obligation to first comply with French refugee application procedures. This concern has also been expressed by, among others, the Human Rights Committee.

Paragraph 526

Every effort should be made to ensure respect for the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, including through discussions with the relevant French authorities.