

CHILDREN'S RIGHTS - REFUGEES

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Denmark, CERD, A/57/18 (2002) 27 at para. 117.

117. The Committee is concerned that policies and practices such as the housing dispersal policy, the quota system for the admission of minority children to certain crèches and nurseries, and the reported prohibition of the use of the mother tongue in some of these establishments may, though aimed at facilitating integration, lead to indirect discrimination against minorities and refugees...

- Lithuania, CERD, A/57/18 (2002) 35 at para. 175.

175. The Committee expresses concern in relation to information regarding the discriminatory treatment of Afghan asylum-seekers, and the disregard of basic procedural guarantees. Having taken into account the assurances given by the delegation concerning legislative provisions in this regard, the Committee nevertheless recommends that the State party ensure equal treatment for all asylum seekers, including Afghan nationals, in refugee determination proceedings. The Committee recommends that educational rights and assistance in administrative matters be granted to children of asylum-seekers, including those of Afghan nationality.

- Malawi, CERD, A/58/18 (2003) 93 at para. 559.

559. The Committee expresses concern over the State party's reservations to the 1951 Convention relating to the Status of Refugees which, in particular, reduce the protection offered to refugees in the field of employment, access to property, right of association, education and social security.

The Committee welcomes the draft Refugee Act, which reflects the intention of the State party to withdraw these reservations, and encourages the State party to give high priority to this process. The Committee recommends, in particular, that the State party take steps to ensure that child refugees are, in practice, given access to education.

- Nepal, CERD, A/59/18 (2004) 24 at para. 134.

134. The Committee is concerned by information that only the Tibetans who arrived in Nepal before 1990 and the Bhutanese are recognized as refugees by the authorities, and by

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recent information on forced expulsion of Tibetan refugees. It further expresses concern over the serious restriction of rights for the Bhutanese refugees and the lack of specific measures for unaccompanied refugee children.

The Committee reiterates its concern at the absence of legislative protection for refugees and asylum-seekers, and urges the State party to enact relevant legislation, and to ratify international instruments relating to the protection of refugees. It also encourages greater interaction with the Office of the United Nations High Commissioner for Refugees in this regard...

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

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 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...

ICCPR

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(25).

(25) The Committee is concerned about the long delay in the processing of asylum claims, in particular in Moscow and the surrounding region, where asylum seekers may have to wait for more than two years before being able formally to initiate the application procedure. It is also concerned that the Migration Service in Moscow reportedly has not allowed unaccompanied children to lodge asylum claims unless they have a legal guardian.

The State party should ensure timely access of asylum-seekers to the refugee status determination procedure, in particular in Moscow and its region, as well as proper documentation of asylum-seekers throughout the procedure, including the appeal stage. The State party should ensure that the relevant authorities appoint a legal guardian for unaccompanied children seeking asylum (arts. 13 and 24).

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(15).

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(15) The Committee...is concerned that although asylum-seekers are only detained in "exceptional circumstances", the criteria for establishing such circumstances remain unclear...

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...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 para. 72(4).

(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.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at para. 90(17).

(17) The Committee is...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.

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

(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 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...

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(22).

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(22) The Committee is...concerned about the low levels of birth registration, especially among Highlander children. (arts. 2 and 24).

...The State party should...review its policy regarding birth registration of children belonging to ethnic minority groups, including the Highlanders, and asylum-seeking/refugee children, and ensure that all children born in the State party are issued with birth certificates.

ICESCR

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 297 and 324.

297. The Committee is deeply concerned that a high percentage of Roma children and children belonging to other minority groups, as well as refugee and internally displaced children, are not enrolled in school, drop out at an early stage, are being discriminated against at school, or are placed in schools for children with special needs.

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324. The Committee urges the State party to take effective measures to promote school attendance by Roma children and children belonging to other minority groups, as well as refugee and internally displaced children, by increasing subsidies, scholarships and the number of teachers instructing in minority languages. It also urges the State party to eradicate ethnically discriminatory attitudes by taking effective measures in the fields of teaching, education, culture and information, in order to promote understanding, tolerance and mutual respect among all ethnic groups living on its territory.

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 347, 349, 367 and 370.

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

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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.

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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.

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CEDAW

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 256 and 257.

256. While the Committee commends the State party's efforts to host refugees from neighbouring countries, it is concerned at the State party's capacity to protect and guarantee the rights of refugees.

257. The Committee recommends that the State party continue to give assistance to refugee women and girls, and carry out rehabilitative efforts directed at them. The Committee also recommends that the State party seek further support from, and continue to work in close cooperation with, appropriate international agencies in the field of refugee protection, in particular, the United Nations High Commissioner for Refugees.

- 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...

CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 74 and 75.

74. The Committee notes with concern that the State party does not give identification documents to refugees and their children and that the rights of refugee children are not specifically protected by law, notwithstanding the fact that the State party has signed the 1951 Convention relating to the Status of Refugees and has acceded to the 1967 Protocol. It further notes that there are no laws and practices guaranteeing the reunification of families.

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75. In light of article 22 of the Convention, the Committee recommends that the State party:

- (a) Integrate the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol into its legislation;
- (b) Grant proper official identification documents to refugees in order to enable them to travel and to access other basic rights; and
- (c) Enact legislation, policies and programmes guaranteeing the reunification of families where this is possible.

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 136 and 137.

136. The Committee recognizes the efforts of the State party, in cooperation with the Office of the UNHCR, to accommodate refugees, including unaccompanied minors. However, the Committee remains concerned about the inadequate standards, procedures and policies to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services. Concern is also expressed regarding the prevalence of sexual abuse and violence against girls in and around refugee camps. The Committee notes the establishment of the Presidential Commission on Ethnic Clashes (1998) to investigate the causes of ethnic clashes in various regions of the State party in 1992, 1997, and 1998, as well as the actions taken by officials, including the police, during the clashes. However, the Committee is concerned that insufficient efforts have been made to ensure the resettlement of families who were displaced during these clashes and continue to live in camps. Finally, the Committee is concerned at the decrease in the funds provided by UNHCR, which has a negative impact on the rights of child refugees, such as the right to food.

137. The Committee recommends that the State party take effective legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children, especially girls, and to implement further policies and programmes to guarantee their adequate access to health, education and social services. The Committee further recommends that the State party review its standards and procedures in the asylum process to ensure consistency with international standards and to introduce special procedures for refugee children, especially those separated from their families. The Committee urges the State party to reinforce its resettlement programme to provide lasting relief for internally displaced families and guarantee their rights to adequate housing, education, health and social services. The Committee encourages the State party to undertake efforts to reinforce its cooperation with UNHCR.

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- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 250 and 251.

250. Noting the assistance provided by the State party to refugees, the Committee remains concerned that:

- (a) There is no specific refugee status determination procedure for minor asylum-seekers;
- (b) Minors do not always have access to psychological care when needed.

251. The Committee recommends that the State party:

- (a) Develop a refugee status determination procedure for minor asylum-seekers;
- (b) Introduce mechanisms providing minors with access to psychological care;
- (c) Ensure full implementation of all the provisions of the Asylum Law 15/98.

- 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.

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 454 and 455.

454. The Committee is concerned about the inadequate standards, procedures and policies

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to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services.

455. The Committee recommends that the State party take effective legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children and implement further policies and programmes to guarantee their access to health, education and social services. The Committee further recommends that the State party introduce training programmes for immigration officers and others involved in the custody, interrogation and treatment of refugee and asylum-seeking children. The Committee encourages the State party to reinforce its cooperation with UNHCR.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 551, 552, 582 and 583.

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.

...

582. In accordance with article 23 of the Constitution, which guarantees non-citizens and stateless persons rights and freedoms in accordance with international law, the Committee welcomes the inclusion of a chapter on refugees in the draft law on migration. However, the Committee is concerned that there is no existing legal framework for the protection of refugees.

583. The Committee recommends that the State party:

(a) Ensure that the draft law conforms to article 22 of the Convention and other international standards on the protection of and assistance for refugee children, expedite its promulgation and ensure its effective implementation;

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(b) Consider acceding to the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, and the 1954 and 1961 Conventions on statelessness;

(c) Continue and strengthen its cooperation with UNHCR.

- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 650 and 651.

650. The Committee notes the relatively unimpeded access of refugees to the State party, but remains concerned that the State party has not yet ratified international instruments with regard to the protection of stateless persons.

651. The Committee recommends that the State party:

(a) Continue efforts to ensure full respect for the rights of refugee children;

(b) Ratify the 1954 Convention relating to the Status of Stateless Persons;

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

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 52, 53, 81 and 82.

52. The Committee welcomes the information on regional policies to eliminate social disparities and promote equal opportunities. However, it is concerned that the principle of non-discrimination (article 2 of the Convention) is not fully implemented for girls, refugee and asylum-seeking children, Palestinian children, children with disabilities, and children living in less advantaged regions and rural areas, especially with regard to their access to health and adequate educational facilities.

53. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Make concerted efforts 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;

(b) Ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination; and

...

81. The Committee is concerned at the absence of legislative or administrative provisions

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to protect refugee children. Issues of concern include the fact that only men may confer citizenship upon their children, instances of separation of children from their asylum-seeking parents during detention, as well as difficulties regarding full access to education.

82. The Committee reiterates its previous recommendation ([CRC/C/15/Add.54], para. 41) that the State party accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It further encourages the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Furthermore, it encourages the State party to ensure that refugee children are provided with proper documentation, refrain from separating refugee children from their parents, facilitate family reunification and ensure the right to education for all refugee children.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 158-161.

158. Acknowledging the many activities of the State party towards improving access to education and the quality of education and introducing multicultural teaching, the Committee remains concerned about a variety of problems that still exist, such as:

...

(e) Difficulties in gaining access to education for some groups of children, including asylum-seeking and refugee children who experience difficulties in registering for school and obtaining education certificates;

...

159. The Committee recommends that the State party:

...

(b) Ensure the access to education for all children in the State party, including increasing the enrolment and reducing the drop-out rates, giving particular attention to children in rural communities, children from Roma and other distinct ethnic, religious, linguistic or cultural groups, and children from disadvantaged backgrounds, including through the use of information campaigns targeting parents and local authorities;

...

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

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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 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.

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- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 309 and 310.

309. While noting the State party's significant efforts in the past to provide assistance to refugees and internally displaced persons, the Committee remains concerned that:

(a) Former refugees and displaced persons, seeking to resettle in their communities, do not always have full access to education and health services;

(b) Children who seek to cross through, or leave, Mozambique and to enter neighbouring countries are sometimes treated violently by border officials of those countries when caught.

310. The Committee recommends that the State party:

(a) Make additional efforts to assist former refugees and internally displaced persons to resettle in their communities, including through assuring full access to education services, and continue and strengthen family reunification efforts;

(b) Improve its collaboration, *inter alia* through bilateral arrangements and agreements, with relevant neighbouring countries to ensure that children who seek to cross through, or leave, Mozambique for those countries are treated in full respect of the Convention's provisions.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 436 and 437.

436. The Committee, acknowledging the efforts made to ameliorate the situation of child refugees, is concerned at the delays in issuing and the lack of clarity of the grounds for the decisions taken by the National Eligibility Committee. The Committee also is concerned at the fact that access to education is not always guaranteed to refugee children.

437. The Committee recommends that the State party:

(a) Consider ratifying the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons;

(b) Speed up the decision-making process of the National Eligibility Committee and make clearer the legal grounds for its decisions;

(c) Guarantee access to education to child refugees;

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

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

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 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.

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 185 and 186.

185. The Committee notes the adoption of the Law No. 97/016 of 30 June 1997, which

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addresses the protection of refugees and establishes the National Commission of Refugees, and welcomes the State party's policy with regard to refugee children, but is concerned that not all births are registered.

186. The Committee recommends that the State party implement this legislation and ensure birth registration for all refugee children born on the territory of the State party. In addition, the Committee recommends that the State party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and that it continue its cooperation with international agencies such as UNHCR and UNICEF.

- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 324, 354 and 355.

324. The Committee recommends that the State party:

(a) Strengthen and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society, and all sectors and levels of Government, including initiatives to reach vulnerable groups, especially migrant and asylum-seeking children;

...

354. While welcoming the entry into force of the federal asylum legislation (Federal Asylum Act and Ordinance 1 on Asylum Procedure) on 1 October 1999, the Committee remains concerned that the procedure used for unaccompanied minors is not always in their best interests nor fully in line with relevant provisions of the Convention. In addition, in relation to reservation made to article 10 of the Convention, the Committee is concerned that the right to family reunification is too restricted.

355. The Committee recommends that the State party simplify its approach regarding the procedures for requesting asylum and take all necessary measures to expedite them and to ensure they take into account the special needs and requirements of children, in particular unaccompanied children; these include the designation of a legal representative, the placement of such children in centres, and their access to health care and education. In addition, the Committee recommends that the State party review its system for family reunification, notably for refugees who stay for a long period in the State party.

- Spain, CRC, CRC/C/118 (2002) 117 at paras. 501, 502, 512 and 513.

501. The Committee expresses its concern at delays in the procedure for family reunification of recognized refugees, in particular for the issuance of the necessary visa and travel documents by the Ministry for Foreign Affairs.

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502. In light of article 10 of the Convention and in line with its previous recommendation ([CRC/C/15/Add.28], para. 22), the Committee reiterates its recommendation that applications for asylum made for the purpose of family reunification be dealt with in a positive, humane and expeditious manner.

...

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 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;

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(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. 579 and 580.

579. The Committee notes with concern the State party's declaration concerning article 22. The Committee is further concerned at the absence of legislation, policies and procedures in the Netherlands Antilles regarding the protection of the rights of refugee and unaccompanied children.

580. The Committee recommends that the Netherlands Antilles withdraw the declaration concerning article 22 and take effective legal and other measures to ensure adequate protection of refugee and unaccompanied children and implement programmes and policies to ensure their access to health, education and other social services.

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

...

141. The Committee welcomes the establishment in 1994 of the Children's Panel of

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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 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.

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- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 273, 276 and 277.

273. The Committee recommends that the State party:

...

(e) Give particular attention to ensuring the enrolment in school of girls, children with disabilities, refugee children and children from nomadic groups, and continue and strengthen efforts to provide special education and mobile education facilities for children with disabilities and nomadic children, respectively, who are in need of them;

...

276. The Committee is concerned at the large number of Sudanese children who continue to live as refugees in neighbouring countries; that refugee children from neighbouring countries do not enjoy all their rights contained in the Convention; [and] at the situation of internally displaced children...

277. The Committee recommends that the State party:

(a) Strengthen its efforts to secure the voluntary and safe return of Sudanese refugee children and their families, in accordance with all international standards;

(b) Continue and strengthen its efforts to provide protection to children and their families from neighbouring countries who seek shelter as refugees within the Sudan;

(c) Make every effort to provide assistance and support to the resettlement of internally displaced persons;

(d) Continue efforts to support family reunification;

...

- 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;

...

356. The Committee recommends that the State party:

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(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;

...

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 523, 524, 539 and 540.

523. The Committee notes the State party's efforts to require administrative and judicial proceedings to take into account the views of the child, but is concerned that in practice this principle is not always implemented, particularly in proceedings involving unaccompanied children applying for refugee status, juvenile offenders and children placed in institutions, as well as in custody hearings.

524. The Committee recommends that the State party:

(a) Take effective measures, including legislation, to promote and facilitate respect for the views of children, by courts and all administrative bodies and the participation of children in all matters affecting them, in accordance with article 12 of the Convention;

(b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, the Roman Catholic Church and other religious groups, and society at large, on children's right to have their views taken into account and to participate in matters affecting them.

...

539. The Committee notes the State party's efforts to speed up the processing of refugee cases, but is concerned that the claims of unaccompanied minors are slowed down by cumbersome procedures for appointing a legal representative of such minors applying for refugee status, who is solely responsible for administrative matters and not obligated to act in the best interests of the child. Furthermore, the Committee is concerned that children waiting for their refugee claims to be processed do not have opportunities for education if they are housed in emergency blocks and that, in some cases, they are held together with juvenile offenders.

540. The Committee recommends that the State party:

(a) Amend current legislation on refugee processing so as to ensure that all unaccompanied minors are immediately appointed a legal guardian responsible for them who is obligated to

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act in their best interest to take their views into account;

(b) Ensure that asylum-seeking children temporarily placed in emergency blocks are not held together with juvenile offenders and only remain there for the shortest possible time, and not exceeding the legal maximum of three months;

(c) Ensure that all children awaiting processing of their refugee claims in emergency blocks, the refugee reception centre or other forms of care have full access to education.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 56 and 57.

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.

- 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

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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.

- Romania, CRC, CRC/124 (2003) 49 at paras. 252 and 253.

252. The Committee notes:

- (a) That the legislation (Law 48/2002) provides special protection for vulnerable persons, but remains concerned that *de facto* discrimination persists regarding access to education, health care and social benefits;
- (b) That there have been reports of cases of arbitrary detention and threatened expulsion.

253. The Committee recommends that the State party:

- (a) Ensure the availability of Romanian language courses, as stipulated by law, to facilitate the integration of asylum-seeker and refugee children in the education system;
- (b) Consider preferential treatment for refugees, including exemptions from or reductions in tuition fees for upper secondary and university education;
- (c) Fully uphold their international obligations concerning lawful detention as well as the principle of *non-refoulement*;
- (d) Continue cooperation with the Office of the United Nations High Commissioner for

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Refugees (UNHCR) in this respect.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 375-378.

375. ...The Committee is...concerned 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 as refugees and illegal migrants, particularly unaccompanied minors, good quality education, including in their own language;

...

377. The Committee notes that the number of refugees and asylum-seekers is steadily increasing and welcomes the ongoing efforts of the State party to provide for the special needs of these persons and the systematic recording of information on unaccompanied minors since 1998. The Committee welcomes the ratification by the State party of the Convention on the Reduction of Statelessness of 1961 and notes the intention of the Government to ratify the Convention relating to the Status of Stateless Persons of 1954. It also recognizes the cooperation with the Office of the United Nations High Commissioner for Human Rights (UNHCR) in the drafting process of the new Foster Care Law defining modalities of education and accommodation for foreigners who are also unaccompanied minors. However, the Committee remains concerned that:

(a) Special care and protection are not accorded to all asylum-seekers, particularly those in the 15-18 age group and that children aged under 15 may be placed in diagnostic institutions which are not equipped to provide the special care these children require;

(b) Children may be placed in detention facilities for foreigners for prolonged periods;

(c) Compulsory school attendance is not always observed.

378. The Committee recommends that the State party:

(a) Guarantee special protection and care to all child asylum-seekers with respect to their special needs, including those in the 15-18 age group;

(b) Avoid any form of detention of asylum-seekers under 18 years of age;

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(c) Facilitate access of children to legal and psychological assistance, including by enabling contact with NGOs offering such assistance;

(d) Pursue implementation of the new foster care modalities contained in the 2002 legislation.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 77 and 78.

77. While noting with appreciation the State party's extensive experience in providing care and protection to vulnerable children separated from their families through national and field-level structures, as well as the Eritrean Refugees and Relief Commission, the Committee is concerned that there are still a significant number of children suffering from the effects of armed conflict, in particular returnees, internally displaced children, landmine victims and children who were separated from their parents following expulsions of Eritreans from Ethiopia during the border war (1998-2001).

78. The Committee recommends that the State party continue to strengthen programmes to provide assistance and support to children affected by armed conflict, including returnee and displaced children and landmine victims, while paying particular attention to female-headed households. In particular, the Committee recommends that the State party:

(a) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and enact refugee legislation that adheres to international standards, in particular in the area of rights and obligations of asylum-seekers;

(b) Strengthen efforts to trace and reunite family members of refugee and displaced children, including those expelled from Ethiopia during the border war;

(c) Develop administrative structures and procedures for processing asylum-seekers, including children;

(d) Seek international support and technical assistance, where possible, from United Nations agencies, in particular UNHCR, and NGOs to expedite the process of demining and the social reintegration and, when necessary, rehabilitation of all victims of recent armed conflicts.

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 141 and 142.

141. The Committee welcomes the assumption of full responsibility for asylum matters, including refugee status determination, by the Government of Cyprus as of 1 January 2002.

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Furthermore, it is encouraged by the Government's progress in preparing a draft law to amend the Refugee Laws 6 (I) of 2000 and 6 (I) of 2002. However, the Committee remains concerned about difficulties that some children who have been given temporary protection may be experiencing in access to public education, as well as about the fact that children of internally displaced persons may acquire IDP status themselves only if their father is an IDP.

142. The Committee recommends that the State party:

- (a) Promptly adopt the draft law to amend the 2000 and 2002 Refugee Laws;
- (b) Introduce further amendments to the Refugee Law in order to ensure access to public educational facilities to persons afforded temporary protection;
- (c) Ensure that children either of whose parents is an IDP can acquire that status.

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 209 and 210.

209. The Committee welcomes the efforts undertaken by the State party to integrate refugee children into the society in spite of the difficult economic situation. It nevertheless remains concerned about the difficult situation encountered by child refugees and their families, e.g. in the areas of health care and education.

210. The Committee recommends that the State party strengthen the legal protection of refugee children. The Committee encourages the State party to continue and expand its cooperation with international agencies such as, UNHCR and UNICEF.

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 271 and 272.

271. Almost 20 years of civil conflict has had an extremely negative impact on the implementation of the Convention in the State party. While recognizing that children will greatly benefit from the peace process, the Committee is concerned that during the transition to peace and the reconstruction process, children who have been affected by the conflict remain a particularly vulnerable group.

272. The Committee recommends that the State party implement the plan of action for the respect of the rights of children during the reconstruction process (2003). In particular, the Committee recommends that the State party:

...

- (b) Develop, in collaboration with NGOs [non-governmental organizations] and

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international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, which also ensures their privacy;

...

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 386 and 387.

386. While appreciating the aid provided to refugees and displaced persons in a number of conflict-ridden countries such as Sierra Leone, the Sudan and Afghanistan, the Committee is concerned that there is no legislation to specifically guarantee the protection and rights of refugee or asylum-seeking children in the State party.

387. The Committee recommends that the State party ensure an effective legal framework for the protection of the rights of refugee and asylum-seeking children, in accordance with articles 2 and 22 of the Convention. In the light of the State party's accession to the regional instrument on refugees, the State party is encouraged to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and continue and expand its cooperation with UNHCR.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 574 and 575.

574. The Committee notes with appreciation the efforts the State party is making as regards refugee children, particularly in relation to unaccompanied minors, access to education and ensuring birth registration. It welcomes progress made on the memorandum of understanding with UNHCR, which is an important step in ensuring the protection of refugee children. However, the Committee is concerned that there are no legislative or administrative provisions on issues relating to asylum.

575. The Committee recommends that the State party:

- (a) Continue to take effective measures to ensure all the rights of refugee and asylum-seeking children, in accordance with articles 2 and 22 of the Convention;
- (b) Consider ratifying the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol;
- (c) Take steps to introduce national refugee legislation that meets international standards;
- (d) Continue and strengthen its cooperation with UNHCR.

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- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 644 and 645.

644. The Committee welcomes the information provided on the new bill on refugees and notes the efforts of the State party relating to the repatriation of ethnic Kazakhs in this regard; however, the Committee is concerned that:

- (a) *De facto* refugees from certain countries are not granted refugee status;
- (b) Problems exist in accessing education for children who have not been granted refugee status and do not have other documents that are required;
- (c) The treatment, including nutritional and medical care, provided for illegal migrants, including children, arriving in western Kazakhstan seeking work is inadequate;
- (d) Unaccompanied minors are not accorded the same treatment as other children deprived of their family environment.

645. The Committee recommends that the State party:

- (a) Ensure that the (draft) law conforms to article 22 of the Convention and other international standards on the protection of and assistance to refugee children, expedite its promulgation and ensure its effective implementation;
- (b) Introduce procedures for the issuance of proper internationally recognized birth certificates for refugee children and, if necessary, amend related legislation or administrative regulations;
- (c) Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees and, in cases where no parents or other family members can be found, accord the child the same protection and care and social services as any other child permanently or temporarily deprived of his or her family environment receives;
- (d) Consider measures through which asylum-seeking and refugee children can be granted equal access to services, in particular education, irrespective of who they are and where they live;
- (e) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- (f) Continue and strengthen its cooperation with UNHCR.

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- Canada, CRC, CRC/C/133 (2003) 14 at paras. 95-97.

95. The Committee recommends that the State party further improve the quality of education throughout the State party in order to achieve the goals of article 29, paragraph 1, of the Convention and the Committee's general comment No. 1 on the aims of education by, *inter alia*:

(a) Ensuring that free quality primary education that is sensitive to the cultural identity of every child is available and accessible to all children, with particular attention to children in rural communities, Aboriginal children and refugees or asylum-seekers, as well as children from other disadvantaged groups and those who need special attention, including in their own language;

...

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:

- (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

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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.

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 157 and 158.

157. The Committee takes note of the services provided by the State party to ensure the integration of and equal opportunities for refugee children; however, it is concerned that activities undertaken in this regard may not be entirely effective in achieving the stated objective of integration.

158. The Committee recommends that the State party continue its efforts to integrate refugee children into society and undertake an evaluation of current programmes, in particular language training, with a view to improving their effectiveness.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 231 and 232.

231. While noting some progress in this field, for instance, the introduction of birth registration in the refugee camps in May 2002, the Committee remains concerned at the very harsh living conditions in Afghan refugee camps, the scarcity of food and water and the lack of shelter and medical care, which have serious implications for the situation of children living in these camps. The Committee is also concerned at reports of ill-treatment of refugees by the police.

232. The Committee recommends that the State party:

(a) Make all appropriate efforts to improve the living conditions of refugee families and children in refugee camps and elsewhere within the country;

(b) Give special attention to unaccompanied refugee children;

(c) Ensure that refugee children have access to health care and education and are not

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discriminated against;

(d) Ensure that refugee children receive appropriate protection and in this regard, seek cooperation with relevant United Nations specialized agencies, including the Office of the United Nations High Commissioner for Refugees and UNICEF, as well as with NGOs;

(e) Consider ratifying international instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 499 and 500.

499. The Committee is very concerned about the difficult conditions under which some refugee children, especially children belonging to the Rohingya population from Myanmar, are living, and that many of these children and their families do not have access to legal procedures that could grant them legal status. Furthermore, the Committee is concerned at the lack of a national refugee policy and that refugee children are not registered at birth.

500. The Committee recommends that the State party:

(a) Adopt a national refugee legislation and accede to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967;

(b) Grant all refugee children and their families immediate access to relevant procedures determining refugee status;

(c) In collaboration with and with support from international agencies, undertake effective measures to improve the living conditions of refugee families and children, particularly with regard to educational and health-care services;

(d) Provide unaccompanied refugee children with adequate care, education and protection;

(e) Register all refugee children born in Bangladesh.

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 540, 541, 572 and 573.

540. While noting the high level of birth registration, the Committee is concerned at the information that some groups of children, in particular children abandoned at maternity

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wards, children whose parents cannot afford the registration (related) fee, refugee children and children of internally displaced persons still do have difficulties with proper birth registration.

541. The Committee recommends that the State party take the necessary measures to facilitate birth registration of children in difficult circumstances and make all birth registration free.

...

572. ...[W]hile noting that there has been no progress in the right of internally displaced persons to return to their homes in safety and dignity, the Committee regrets that the report does not include information on efforts made to improve the current conditions of the internally displaced persons, as envisaged by the "New Approach". The Committee is also concerned at the situation of refugee children and lack of sufficient programmes targeting refugee children, in particular the most vulnerable ones.

573. The Committee...urges the State party to pay particular attention to the situation of internally displaced children and their families, while continuing to support their right to return voluntarily to their homes in safety and dignity. It further recommends that the State party amend the 1998 Law on Refugees and by-laws to fully reflect its commitments under the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967 by offering a clear legal status to *prima facie* refugees.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 85, 86 and 92.

85. The Committee is very concerned at the situation of refugee and internally displaced children living in refugee camps.

86. The Committee recommends that the State party:

(a) Take immediate steps to ensure that all displaced and refugee children and their families have access to basic health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

(b) Strengthen the measures taken to ensure quick and safe repatriation of all Timorese children separated from their families to Timor-Leste;

(c) Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(d) Continue its collaboration with, among others, UNHCR.

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...

92. The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict. In particular, the Committee recommends that the State party:

(a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees and smuggled children, which also ensures their privacy;

...

(d) Provide alternatives to military recruitment, including by increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 206, 207, 243 and 244.

206. The Committee welcomes progress made in the formulation of amendments to the Law on Refugees of 1999. It notes, however, that these amendments do not include explicit provisions on family reunification for asylum-seekers and refugees.

207. The Committee recommends that the draft law on amendments to the Law on Refugees of 1999 currently under consideration provide explicit protection of the family unity of asylum-seekers and refugees. The amendments should also ensure that refugee children automatically acquire Armenian citizenship when their parents do so, and that the Law on Citizenship is revised accordingly.

...

243. The Committee welcomes the recent efforts made by the State party to combat the phenomenon of trafficking and sale of children in the State party, including the establishment of an inter-agency commission to deal with trafficking in women and children and the amendment of the Criminal Code in April 2003 whereby trafficking and sexual exploitation are made specific criminal offences. However, the Committee notes that a comprehensive policy to combat trafficking in women, girls and boys is still lacking. Furthermore the Committee is concerned that refugee children and children living in orphanages may be particularly at risk.

244. The Committee recommends that the State party:

(a) Adopt and ensure the effective implementation of the National Programme to Combat Trafficking, which is currently under consideration, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children and the recommendations

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by the Committee on the Elimination of Discrimination against Women in this respect (A/56/38, para. 97);

(b) Adopt measures to reduce vulnerability of children, especially refugee children and children living in orphanages, to traffickers, and establish crisis centres, telephone helplines and social reintegration programmes for victims of trafficking and/or sexual exploitation;

(c) Conduct further research related to the occurrence of child trafficking and strengthen regional cooperation with countries to which Armenian children are trafficked, and consider seeking technical cooperation from, among others, UNICEF, ILO and the International Organization for Migration in this respect.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 305 and 306.

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;

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(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.

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 345, 346 and 368-370.

345. The Committee notes the significant efforts made by the State party to address racial discrimination, which have also been recognized in detail by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/304/Add.104) on the thirteenth and fourteenth periodic reports of the Netherlands. However, the Committee is concerned that societal prejudices and discrimination persist in society, in particular, against children of ethnic minorities and refugee and asylum-seeking children...

346. 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 to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups. The Committee requests the State party to pay particular attention to eliminating negative stereotype of refugee and asylum-seeking children in the Netherlands...

...

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;

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(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.

370. The Committee recommends that in Aruba the State party, in cooperation with the Office of the United Nations High Commissioner for Refugees, establish a formal system of asylum and refugee protection procedures that conform to the Convention and applicable international standards.

- India, CRC, CRC/C/137 (2004) 75 at paras. 418, 419, 448 and 449.

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.

...

448. The Committee welcomes the generous policy of the State party in hosting refugees and asylum-seekers, but remains concerned at the absence of legislation regarding these groups.

449. In light of article 22 of the Convention, the Committee recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt comprehensive legislation 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.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 585-588.

585. The Committee notes with satisfaction that children with temporary refugee status are able to enrol in primary and secondary education under the same conditions as Slovene children. It notes with concern, however, that the extent of health-care services available to these children has still to be regulated.

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586. The Committee encourages the State party to take further measures to ensure that asylum-seeking and refugee children are granted equal access to services, including health care.

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.

- 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.

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- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 189, 190, 219 and 220.

189. The Committee takes note of the efforts made by the State party to re-establish the identity of a large number of children evacuated to different countries during and just after the genocide of 1994. However, the Committee is concerned that it has not yet been possible to identify many children and reunite them with their families.

190. The Committee recommends that the State party strengthen its efforts to reunite these children with their families by facilitating the re-establishment of their identity.

...

219. The Committee notes the recent agreements signed between the State party and UNHCR for the return of refugees, many of them children, and welcomes the large number of children who have been reunited with their families over the past years. The Committee remains concerned at the poor situation of children and their families who have returned to the State party, notably with regard to access to health services and education. The Committee is further concerned that these children are not provided with adequate physical and psychological recovery and social rehabilitation.

220. In the light of articles 22 and 39 of the Convention, the Committee recommends that the State party ensure that refugee children who returned to the State party are provided with proper documentation, facilitate family reunification and ensure the right to health and education for all these children. The Committee further recommends that the State party ensure that refugee children who returned to the State party are safe and provided with the necessary physical and psychological recovery and social rehabilitation.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 360-363.

360. ...The Committee is...concerned at the very high number of children who have been internally displaced within the country or who have been forced to leave as refugees including, in particular, those who have been separated from their parents.

361. The Committee urges the State party:

...

(d) 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.

362. The Committee welcomes the efforts the State party is making to deal with the large number of internally displaced persons and refugees. However, the Committee is concerned that refugee and internally displaced children in Liberia do not receive appropriate protection and assistance in the enjoyment of their rights under the Convention. The Committee

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appreciates the attention that the authorities and humanitarian community in Liberia are giving to the issue of sexual assault and the exploitation of refugee and internally displaced girls, as well as to the forcible conscription of refugee and internally displaced boys, but it remains concerned that such acts of assault and forceful conscription still occur in Liberia.

363. In the light of articles 7, 22 and relevant provisions of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to provide adequate assistance to the internally displaced children, including access to food, education and health services and to support their return and reintegration into their communities;

(b) Prevent sexual assaults and other exploitation of refugee and internally displaced children, with particular attention to girls, and provide for their rehabilitation and reintegration into society;

(c) Prevent forcible conscription of refugee and internally displaced boys and provide for their rehabilitation and reintegration into society;

(d) In carrying out programmes for internally displaced and refugee children, seek assistance and work closely with UNHCR, UNICEF and other competent international, intergovernmental or non-governmental organizations.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 438 and 439.

438. The Committee notes that a large number of returnees from Bangladesh to northern Rakhine State have gone back to their villages of origin, but is concerned that some 850,000 Muslim residents in northern Rakhine State and large numbers of persons of Chinese or Indian descent throughout the country remain stateless, making it impossible for children of these families to benefit from the provisions and principles of the Convention. The Committee is further concerned at the very high number of children and their families who were internally displaced in Myanmar and that many were forced to seek asylum in neighbouring countries owing to the armed insurgencies taking place in various parts of Myanmar.

439. In light of articles 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party:

(a) Take the necessary measures to allow children and their families who have returned to Myanmar and who are stateless to acquire Myanmar citizenship by way of naturalization;

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(b) Strengthen its efforts to provide adequate assistance to internally displaced children, including their access to food, education and health, and to support the return home of internally displaced populations and their reintegration into their communities;

(c) Prevent situations which force children and their families to leave Myanmar;

(d) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the 1954 Convention relating to the Status of Stateless Persons; and

(e) Work closely in this regard with UNHCR and UNICEF.

- France, CRC, CRC/C/140 (2004) 124 at paras. 610, 611, 629 and 630.

610. The Committee is concerned at the length of family reunification procedures for recognized refugees, which may often take over a year.

611. The Committee recommends that the State party take all necessary measures to ensure family reunification procedures are dealt with in a positive, humane and expeditious manner.

...

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 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;

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(c) To consider introducing recent methods of age determination which have proven more accurate than the method in use.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 226-230.

226. The Committee notes the adoption of a new Asylum Law (2003) and the progress achieved in the area of asylum, but remains concerned about the delay in its effective implementation.

227. In line with the recommendation of the Committee on the Elimination of Racial Discrimination (CERD/C/60/CO/4, para. 13), and while noting the challenges confronted by the State party in meeting the needs of a large number of refugees, returnees and displaced persons, most of whom are children, the Committee remains concerned that return is still hindered by administrative impediments and hostile attitudes on the part of some national and local officials. The Committee expresses its concern about the difficult access to education and health care for refugee and internally displaced children.

228. The Committee recommends that the State party ensure the effective implementation of the new Asylum Law and 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 negatively affect children.

229. The Committee also recommends that the State party take effective measures to resolve the problem of property owners, most of whom are Serbs, returning to their homes before their occupiers (refugees and displaced persons) have been able to find alternative shelter, and that further efforts be undertaken to facilitate the return of refugees and displaced persons. It also recommends that effective measures be undertaken to ensure that displaced children have equal access to education and health care.

230. The Committee further recommends that the State party introduce specific laws or administrative regulations or directives that provide special procedures and address special needs of unaccompanied asylum-seeking and refugee children, and in particular ensure that these children have proper accommodation.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 298 and 299.

298. While welcoming the adoption of the Law on Refugees in 2002 and the more favourable policies towards refugees, the Committee remains concerned that certain

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practices do not allow persons below 18 to have their own documentation, and at reports that in some cases asylum-seekers are not being allowed to register their claims for refugee status because of their ethnic background. The fact that asylum-seekers cannot legally remain in the country during the time given by the law for them to appeal a decision against granting refugee status is of concern to the Committee.

299. The Committee recommends that the State party review its regulations and practices concerning refugees in order to eliminate all discriminatory elements between adults and minors as well as between refugees of different ethnic backgrounds and ensure that asylum-seekers whose application for asylum has been rejected in the first instance are granted the right to remain in the country for the period allowed by the law for filing an appeal.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 435 and 436.

435. The Committee notes with appreciation the many efforts undertaken by the State party to address the various problems resulting from massive internal and cross-border displacements. Despite the good results achieved in returning people to their places of origin, the Committee is concerned about the vulnerable situation of internally displaced and refugee families and children in the State party. It is also concerned that the returnees are facing many problems, particularly due to the lack of basic services, and that many children have still not been reunited with their parents.

436. The Committee urges the State party to give priority attention to the vulnerable situation of displaced families and children and ensure that adequate support is given to the reintegration of families and children who have returned to their places of origin after the end of the armed conflict. The State party should, in this regard, ensure compliance with the Norms on the Resettlement of Displaced Populations (Decree 1/01 of 5 January 2001) which provides, *inter alia*, for the voluntary nature of resettlement, the security of resettlement sites, the allocation of adequate land and the provision of certain basic amenities and services, such as water, sanitation, schools and health facilities.

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 45, 46 and 63-66.

45. The Committee welcomes the new legislative measures and programmes incorporating the principle of the best interests of the child, in particular the 1998 amendment of the Parental Code, the instructions given to the National Board of Health and Welfare, the 1998 amendment of the Social Services Act, and the Care of Young Persons Act. Nonetheless, the Committee is concerned that the best interests of asylum-seekers and migrant children are not sufficiently taken into consideration in asylum processes.

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46. The Committee recommends that the State party take appropriate and efficient measures in order to ensure that the principle of the best interests of the child form the basis and guide the process and decisions in asylum cases involving children, *inter alia*, by reforming the guidelines and procedures of the Swedish Migration Board.

...

63. The Committee notes the efforts of the State party to address the situation of unaccompanied minors and to enhance the quality of reception and interviewing for asylum-seeking children. However, the Committee is concerned about:

(a) The high number of unaccompanied children having gone missing from the Swedish Migration Board's special units for children without custodians;

(b) The very long processing period for asylum application, which may have negative consequences for the mental health of the child.

64. The Committee recommends that the State party pursue its efforts in this area, in particular:

(a) To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;

(b) To increase coordination between the different actors, in particular the police, the social services and Swedish Board of Migration, in order to react efficiently and in a timely manner when children disappear;

(c) To consider appointing a temporary guardian within 24 hours of arrival for each unaccompanied child;

(d) To continue and strengthen training of professionals working with and for children on the rights of these children;

(e) To conduct refugee status determination procedures for children in a child-sensitive manner, in particular by giving priority to applications of children and by considering child-specific forms of persecution when assessing an asylum-seeking child's claim under the Convention relating to the Status of Refugees of 1951.

65. The Committee is concerned at the excessive length of family reunification procedures for recognized refugees.

66. The Committee recommends that the State party strengthen the measures taken to ensure that family reunification procedures for recognized refugees are dealt with in a positive, fair, humane and expeditious manner.

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- Albania, CRC, CRC/C/146 (2005) 19 at paras. 117, 118, 139 and 140.

117. The Committee is concerned that family reunification procedures may not always be dealt with in a manner consistent with the general principles (arts. 2, 3, 6 and 12) and in particular, article 10 of the Convention.

118. The Committee recommends that the State party take all necessary measures to ensure that family reunification procedures are dealt with in a positive, humane and expeditious manner. In this context, the Committee also urges the State party to take measures for the effective implementation of the Law on Integration and Family Reunion of Persons Granted Asylum (Law No. 9098 of 2003) and to enact all necessary by-laws.

...

139. The Committee welcomes the progress made in establishing a clearer legal framework governing the treatment of refugees and the prevention of statelessness, including the progress made in securing access by all refugee and asylum-seeking children to Albanian schools. Nevertheless, the Committee considers that additional steps need to be taken to ensure full compliance of the relevant legislation and practice with the Convention.

140. The Committee recommends that the State party amend the current asylum legislation by introducing specific provisions ensuring that the best interests and the views of the child are taken into account, in particular during the status determination procedures. It further recommends that pre-screening procedures of foreigners be extended to the border-points with a view to guaranteeing maximum protection to child asylum-seekers and trafficked children, who may otherwise risk refoulement. The provision of adequate training on refugee child issues to all persons involved is highly desirable. The Committee further recommends that the State party consider seeking assistance from UNHCR in this respect.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 159, 174, 176 and 208-210.

159. The Committee notes with appreciation:

...

(d) The following legislative measures:

...

(ii) Act of 18 March 2000, establishing a regime of temporary protection for asylum-seekers;

...

(e) The appointment of five intercultural mediators from countries of origin of children of

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asylum-seekers, with the role of facilitating contact between teachers, families and children.

...

174. While taking note with appreciation of the various programmes aimed at combating discrimination, including the appointment of intercultural mediators from the countries of origin of children of asylum-seekers, the Committee is concerned at the disparities in the enjoyment of rights experienced by children belonging to vulnerable groups, such as children with disabilities and refugee and asylum-seeking children.

...

176. The Committee recommends that the State party increase its efforts to ensure 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 all vulnerable groups.

...

208. The Committee is concerned at the fact that unaccompanied and separated asylum-seeking children's accommodation is mainly provided in regular reception centres, together with adult asylum-seekers, and at the lack of foster care, specialized reception centres and qualified personnel working with asylum-seeking children.

209. The Committee is further concerned at the excessive length of asylum procedures, and that, in principle, separated children staying in Luxembourg are not entitled to reunification with their family...

210. The Committee recommends that the State party take all the necessary measures for an adequate reception of unaccompanied and separated children applying for asylum in Luxembourg. In particular, the State party should:

- (a) Address the issue of special protection and assistance rights of these children;
- (b) Provide supervision by qualified persons to ensure their physical and psychological well-being;
- (c) Provide the possibility for an appropriate caregiving relationship, such as through foster care or by special reception facilities designed for children;
- (d) Reduce the length of the procedures for children seeking asylum and deal with application by a child or his/her parents for the purpose of family reunification in a positive, humane and expeditious manner, in the light of article 10 of the Convention;

- 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

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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 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.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 472, 473, 494 and 496-500.

472. The Committee is concerned about information that a large number of Iranian children, particularly those living in rural areas, are still not registered at birth and that birth registration is required for school enrolment. It is also concerned about reports that a large number of children born of non-Iranian parents, and in particular Afghan parents who have

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not registered in Iran, will similarly remain unregistered, thereby excluding them from obtaining a refugee registration card.

473. In the light of article 7 of the Convention, the Committee encourages the State party to adopt all appropriate measures to ensure the registration of all children at birth, including all refugee children born in rural areas. Such measures should include the establishment of mobile registration offices and, for children not yet registered, registration units in schools. In this context, the State party should ensure that the provisions of article 7 are fully enforced in conformity with the principles of non-discrimination (art. 2) and of the best interests of the child (art. 3), including the right of the child to know, as far as possible, his or her parents. Meanwhile, immediate access by children not registered at birth to basic services, such as health and education, should be ensured, while the registration of these children is properly prepared.

...

494. Although the Committee notes the high level of literacy in Iran and the measures taken by the State party to increase school enrolment and lower dropout rates, it remains concerned that not all children are enrolled in or graduate from primary school. Working children, children living on the streets and children without complete personal documents, particularly refugee children with binational parents, have reduced access to schools. It is also concerned that refugee children are currently only being enrolled in schools if their parents have registered with the authorities, and that the enrolment of refugee children is not currently being offered free of charge...

...

496. While welcoming the State party's initiatives with respect to youth, the Committee encourages the State party to continue its efforts to reach its goal of universal basic education and recommends that the State party:

...

(b) Ensure that all children, including refugee children, have equal educational opportunities on all levels of the educational system without discrimination based on gender, religion, ethnic origin, nationality or statelessness;

...

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 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.

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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...is...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...

500. The Committee recommends that the State party:

...

- (d) Ensure that all Afghan children rounded up on the streets are released and are not used to push their parents to repatriate;

...

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 650 and 651.

650. The Committee notes with concern the lack of specific procedures for providing special care and assistance to children, in particular unaccompanied minors and separated children, under the refugee determination system.

651. The Committee recommends that the State party establish a fully functioning and comprehensive refugee status determination mechanism, ensuring full respect for the principle of *non-refoulement*, and, in particular, introduce specific procedures for the treatment of unaccompanied and separated minors.

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- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 725-728.

725. The Committee welcomes that education was given the highest priority in the State party's annual budget... However, in the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education), the Committee remains concerned about the various number of problems in the State party's education system, including:

...

(g) Segregation of refugees and displaced children in separate schools from other children.

726. The Committee recommends that the State party:

...

(i) Ensure that refugee and asylum-seeking children are placed in schools in the local community, to facilitate their integration;

...

727. The Committee notes that communal clashes linked to political, religious and ethnic differences have led to a large population of internally displaced persons in the State party, and that Nigeria is a host to a large group of refugees from neighbouring countries such as Chad, Sierra Leone and Liberia. The Committee is concerned about the situation of refugee and internally displaced children living in refugee camps, and regrets the paucity of information with regard to these children in the State party report and the State party's position that the issue of asylum-seeking children do not arise in Nigeria. The Committee is particularly concerned about reports of sexual exploitation of refugee girls and women within and outside of the camps, including female teenagers who are forced into prostitution. The Committee is also concerned that the incidence of teenage pregnancy is high in the camp.

728. The Committee recommends that the State party:

(a) Seek to ensure, as a matter of priority, that all displaced and refugee children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

(b) Take measures to ensure that appropriate reproductive health education and child-sensitive counselling services are provided to adolescents living in camps;

(c) Take immediate measures to ensure that all displaced and refugee women and children are protected from all forms of sexual abuse and exploitation and that perpetrators are duly prosecuted;

(d) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

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...

(f) Continue its collaboration with, among others, UNHCR.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 176 and 177.

176. Notwithstanding the fact that the treatment of refugee children and the implementation of their rights have been viewed in the light of laws generally applicable to Philippine children, the Committee is concerned about the lack of domestic legislation addressing the specific needs of asylum-seeking and refugee children. The Committee notes that, for example, the provisions of the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act on children in emergency situations are limited to children in situations of armed conflict.

177. The Committee recommends to the State party that it introduce specific laws and administrative regulations that address the needs of asylum-seeking and refugee children and provide unaccompanied and separated asylum-seeking and refugee children with special procedures. In this respect, the Committee recommends that the State party continue its cooperation with UNHCR.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 259 and 261-264.

259. The Committee is concerned that there exists extensive discrimination regarding access to education by ethnic and/or national minorities, especially Roma (only 33 per cent of whom attend primary school). Furthermore, the Committee is concerned that other marginalized groups of children, including refugees and returnees and children with disabilities face difficulties of access to schooling.

...

261. The Committee recommends that the State party:

...

(b) Take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, in particular with regard to children belonging to the most vulnerable groups (i.e. minority groups, those living in poverty, refugee and returnee children, Roma children, children with disabilities, etc.);

...

262. While the Committee welcomes the fact that, as of September 2004, more than 1 million former refugees and displaced persons, including children, have returned home in the State party, it notes that a significant number of refugees from Bosnia and Herzegovina remain in the region (around 100,000 living in Serbia and Montenegro and Croatia and 50,000 living elsewhere) and that a further 314,000 are still displaced within the country. The Committee is also concerned at the information that violent incidents against returnees

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and displaced persons and their property, memorials or religious objects are frequent in the country.

263. While the Committee welcomes the 1998 Law on Displaced Persons, Refugees and Returnees in the Republika Srpska - regulating the status, rights and duties of displaced persons, refugees and returnees as well as their reintegration in the society - it is concerned that no comprehensive programme has been initiated at the national level in this respect. The Committee is also concerned that refugee and displaced children are accommodated together with adults in "collective centres" and that collective centres often accommodate not only children but also chronically ill persons.

264. The Committee recommends that the State party:

- (a) Continue its efforts aimed at the safe return of displaced and refugee children and their parents and prevent, as much as possible, violent attacks against returnees and displaced persons and/or their property;
- (b) Address the special needs and rights of displaced and refugee children, and in particular to ensure proper accommodation arrangements for these children as well as social and professional reintegration of their parents;
- (c) Harmonize legislation at the Entity level with the refugee legislation at the State level;
- (d) Look into the issue of children whose parents are asylum-seekers, temporarily admitted persons or recognized refugees, when neither the parents, nor the child are in possession of adequate documentation, and ensure them access to the rights prescribed for these categories of persons;
- (e) Continue to seek technical cooperation from UNHCR in this regard.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 316, 318, 323, 325, 359 and 361-363.

316. While noting that discrimination is prohibited under the Constitution and other relevant legislation, as well as the various efforts undertaken by the State party to eliminate discrimination, the Committee reiterates its deep concerns about the widely prevailing *de facto* discrimination against girls and children belonging to the most vulnerable groups such as the *Dalit* community, children belonging to indigenous or ethnic minority groups, refugee and asylum-seeking children, street children, children with disabilities and children living in rural areas. The Committee notes with grave concern that as a consequence of prevailing discriminatory attitudes, children belonging to vulnerable groups are particularly likely to fall victim to abuse and exploitation.

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...

318. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. In this regard, the Committee urges the State party to prioritize and target social services for children belonging to the most vulnerable groups, and to take all effective measures to ensure their protection from exploitation. The Committee encourages the State party to launch comprehensive public information campaigns to prevent and combat all forms of discrimination.

...

323. The Committee is...concerned that many groups of children are not registered and/or are ineligible for Nepalese citizenship, with gravely negative consequences on the full enjoyment of fundamental rights and freedoms by those children, in particular, the right to know and be cared for by parents... In addition, the Committee expresses concern that birth registration of Bhutanese refugees is not carried out by the authorities.

...

325. The Committee...recommends the State party to amend, as a matter of priority, the relevant legislation, most notably the Birth, Death and other Personal Event (Vital Registration) Act of 1976, the Citizenship Act of 1964 and articles 9 (1), (2) and (5) of the Constitution to ensure full compliance with articles 7 and 8 of the Convention. The Committee also urges the State party to, as a matter of priority, review its policy regarding birth registration of refugee children and ensure that all children of refugees and asylum-seekers born in the State party are issued with birth certificates.

...

359. The Committee welcomes the adoption in August 2004 of an official policy that is grounded on the principle of *non-refoulement*, but it regrets that the State party has not yet ratified the Convention relating to the Status of Refugees, Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness, and that there is no domestic legislation that covers the rights of refugees and asylum-seeking persons. In this regard, and given the fact that a large population of these persons are children the Committee is concerned about:

- (a) The reports of discrimination and ill-treatment, including high incidence of sexual abuse of women and children in Bhutanese camps in Nepal;
- (b) The reports of deportation of Tibetan asylum-seekers to China by Nepal, including unaccompanied minors and the closure of the Tibetan Refugee Welfare Office in January 2005;
- (c) The rule that refugee status can only be sought by certain categories of asylum-seekers, specifically, the Tibetans who arrived in Nepal before 1990 and the Bhutanese;

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(d) The restrictions on Bhutanese refugees on their freedom of movement, as well as their enjoyment of the right to health and education.

...

361. The Committee recommends that the State party:

(a) Ratify, as a matter of priority, the Convention relating to the Status of Refugees, the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(b) Seek to ensure, as a matter of priority, that all internally displaced, refugee and asylum-seeking children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

(c) Take immediate measures to ensure that all internally displaced, refugee women and children under its jurisdiction are protected from all forms of sexual exploitation and that perpetrators are duly prosecuted;

...

(e) Continue to strengthen its collaboration with UNHCR among other organizations.

362. The Committee is highly alarmed by the number of children who were killed in armed conflicts in the State party... The Committee also expresses concern about children who were separated due to the conflict, including children who have fled to India, and that little efforts have been taken by the State party to reunite these families...

363. The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human and financial resources accordingly. In particular, the Committee recommends that the State party:

...

(d) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees;

...

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 449-452.

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

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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.

451. The Committee expresses its concern at the high number of people, among which a significant number of children, who are victims of violence and displacement, which are to a significant degree a consequence of Plan Colombia.

452. The Committee recommends that the State party undertake all necessary measures to reduce the negative impacts of Plan Colombia on the population, to ensure the respect of the rights of the children and to provide all victims with assistance for recovery.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 505 and 506.

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.

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 571 and 572.

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571. The Committee welcomes the State party's efforts to protect refugee children, particularly those coming from the Democratic People's Republic of Korea, by respecting the principle of *non-refoulement* and by assisting in the search for durable solutions. But it is concerned that children seeking refugee status in Mongolia do not always receive appropriate protection and assistance in the enjoyment of their rights under the Convention.

572. In the light of article 22 and other relevant provisions of the Convention, the Committee reiterates its previous recommendation (see CRC/C/15/Add.48, para. 26) that the State party accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to develop specific asylum legislation, which should include particular provisions on the protection and treatment of asylum-seeking children, especially those who are unaccompanied and separated and that it accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.