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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Turkmenistan, CERD, A/57/18 (2002) 49 at para. 265.

265. The Committee...notes with deep concern that, according to information received, only the Russian Orthodox Church and the Sunni branch of Islam enjoy legal status, while other confessions are denied registration by the State party and their members are subject to increased persecution, such as disruption of religious services, including in private homes, prohibition of literature, detentions and ill-treatment of religious leaders, destruction of places of worship and restriction of freedom of movement imposed on religious leaders, which may be in contravention with article 5 of the Convention.

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 183.

183. The Committee is concerned about consistent reports of discrimination against Meskhetians in Krasnodar Krai, including arbitrary denial of residence registration and of formal recognition of citizenship. The Committee urges the State party to ensure that the Meskhetians in Krasnodar Krai, who arrived in the Russian Federation in 1989-1991, are given residence registration and enjoy the rights and benefits of citizenship. Also, the Committee urges the State party to ensure that the local authorities do not pressure Meskhetians to resettle outside Krasnodar Krai.

- Lebanon, CERD, A/59/18 (2004) 18 at para. 80.

80. The Committee welcomes the measures taken with regard to foreign workers, in particular order No. 5 of the Ministry of Labour dated 17 January 2003, concerning regulation of the work of agencies that recruit domestic employees...It welcomes the decisions by courts declaring illegal the confiscation of passports by employers.

- Bahrain, CERD, A/60/18 (2005) 22 at para. 85.

85. The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection of the Labour Code.

In light of its general recommendation XXX and of its general recommendation XXV on

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gender-related dimensions of racial discrimination, the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

- Turkmenistan, CERD, A/60/18 (2005) 61 at para. 320.

320. The Committee notes with deep concern information that the State party has internally forcibly displaced populations, targeting in particular ethnic Uzbeks, to inhospitable parts of Turkmenistan. It is further concerned about reported restrictions on freedom of movement imposed through internal travel documents and special permits to travel to internal border regions, which have a particular impact on persons belonging to national and ethnic minorities (arts. 2 and 5).

The Committee requests the State party not to forcibly displace populations and to re-examine its policy in this regard...The Committee further recommends to the State party that it lift restrictions on freedom of movement having a disproportionate impact on members of national minorities.

- France, CERD, A/60/18 (2005) 26 at para. 110.

110. While it appreciates the State party's oral and written responses to questions relating to the situation of travellers, the Committee remains concerned at delays in the effective application of the Act of 5 July 2000 on the reception and housing of travellers and the persistent difficulties travellers encounter in such fields as education, employment and access to the social security and health system.

The Committee reminds the State party of its general recommendation XXVII on discrimination against Roma and recommends that it should step up its efforts to provide travellers with more parking areas equipped with the necessary facilities and infrastructures and located in clean environments, intensify its efforts in the field of education and combat the phenomena of exclusion of travellers more effectively, including in the fields of employment and access to health services.

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- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at para. 74(19).

(19) The Committee is concerned about the continued existence of the *propiska* system, which is incompatible with the right to freedom of movement and choice of residence provided for in article 12 of the Covenant.

The State party should abolish the system of internal permits and give full effect to the provisions of article 12 of the Covenant.

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at para. 76(15).

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

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

- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at para. 78(10).

(10) The Committee expresses its concern at the fact that a person may be detained and imprisoned or prevented from leaving his or her residence because of non-fulfilment of contractual obligations.

The State party should bring its civil and criminal legislation into line with articles 11 and 12 of the Covenant.

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(8).

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(8) The Committee notes with concern that married women may not, at least by law, leave their home without the authorization of their husbands (articles 3, 12 and 26 of the Covenant).

The State party should take appropriate measures to combat this practice and make sure, in fact and in law, that women's rights under articles 3, 12 and 26 of the Covenant are observed.

- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at para. 84(5).

(5) ...The Committee...appreciates the competence of the Constitutional Court to strike down legislation incompatible with these rights, as occurred, for example, in the Court's determination that the *propiska* regime (the requirement to obtain a permit for internal movement) was unconstitutional...

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at para. 85(19).

(19) While again acknowledging the seriousness of the State party's security concerns, which have prompted recent restrictions on the right to freedom of movement, for example through imposition of curfews or establishment of an inordinate number of roadblocks, the Committee is concerned that the construction of the "Seam Zone", by means of a fence and, in part, of a wall, beyond the Green Line imposes additional and unjustifiably severe restrictions on the right to freedom of movement of, in particular, Palestinians within the Occupied Territories. The "Seam Zone" has adverse repercussions on nearly all walks of Palestinian life; in particular, the wide-ranging restrictions on freedom of movement disrupt access to health care, including emergency medical services, and access to water. The Committee considers that these restrictions are incompatible with article 12 of the Covenant.

The State party should respect the right to freedom of movement guaranteed under article 12. The construction of a "Seam Zone" within the Occupied Territories should be stopped.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(16).

(16) The Committee notes the statement by the delegation that all persons who have returned to Chechnya have done so voluntarily. However, it also observes that there are reports of undue pressure on displaced persons living in camps in Ingushetia to make them return to Chechnya.

The State party should ensure that internally displaced persons in Ingushetia are not coerced into returning to Chechnya, including by ensuring the provision of alternative shelter in case

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of closure of camps (art. 12).

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(21).

(21) The Committee is concerned about the social and economic situation of the Roma minority and its impact on the full enjoyment of their rights under the Covenant, as well as the potentially negative effect on them of the present regulations regarding the entry of ethnic origin in passports and identity documents. (arts. 2, 26 and 27).

The State party should take steps to remove obstacles to the practical enjoyment by the Roma of their rights under the Covenant, and, in particular, abolish the provisions allowing for entry of ethnic origin in passports and identity documents.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(22).

(22) The Committee is concerned that peaceful demonstrations organized by opposition political parties have been forcibly dispersed by the police and that freedom of movement of political opponents has also been restricted in certain cases...

The State party should ensure the full enjoyment of the right to freedom of association, in particular in its political dimension...

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at para. 72(15).

(15) While welcoming efforts to combat people-smuggling and trafficking in human beings, the Committee is concerned at the fact that residence permits are not granted to victims of trafficking unless they collaborate with the judicial authorities, and that they are given financial assistance in the event of violence only subject to restrictive conditions...

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

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at paras. 95(23) and 95(24).

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(23) The Committee is concerned about the lack of full protection of the rights of registered and unregistered migrant workers in Thailand, particularly with regard to liberty of movement, access to social services and education, and access to personal documents...

The State party must take measures to effectively implement the existing legislation providing for the rights of migrant workers. Migrant workers should be afforded full and effective access to social services, educational facilities and personal documents, in accordance with the principle of non-discrimination. The State party should consider establishing a governmental mechanism to which migrant workers can report violations of their rights by their employers, including illegal withholding of their personal documents...

(24) The Committee expresses its concern about the structural discrimination by the State party against minority communities, in particular the Highlanders with regard to citizenship, land rights, freedom of movement and the protection of their way of life. The Committee notes with concern the treatment of the Highlanders by law enforcement officials, in particular their forced eviction and relocation in the context of the 1992 Master Plan on Community Development, Environment and Narcotic Crop Control in Highland Areas, which gravely affected their livelihood and way of life, as well as the reports of extrajudicial killings, harassment and confiscation of property in the context of the “war on drugs” campaign...

The State party should guarantee the full enjoyment of the rights of persons belonging to minorities that are set out in the Covenant, in particular with respect to the use of land and natural resources, through effective consultations with local communities. The State party should respect the rights of persons belonging to minorities to enjoy their own culture, to profess and practice their own religion, and to use their own language in community with other members of their group.

ICESCR

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 262, 263, 267, 269, 278, 279, 283 and 285.

262. The Committee deeply regrets the refusal of the State party to provide in its second periodic report additional information on the living conditions of population groups other than Israeli settlers in the occupied territories as requested in its 2001 concluding observations. The Committee continues to be gravely concerned about the deplorable living conditions of the Palestinians in the occupied territories, who - as a result of the continuing occupation and subsequent measures of closures, extended curfews, roadblocks and security checkpoints - suffer from impingement of their enjoyment of economic, social and cultural rights enshrined in the Covenant, in particular access to work, land, water, health care, education and food.

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263. The Committee expresses its concern about the general increase in unemployment in the State party, which rose from 6.7 per cent in 1996 to 10.5 per cent in 2002, as well as about the significant increase in unemployment of the non-Jewish sectors: 13.5 per cent for the Arab sector and more than 15 per cent for the Bedouin sector. The Committee also expresses concern about the rate of unemployment in the occupied territories, which is over 50 per cent as a result of the closures that have prevented Palestinians from working in Israel.

...

267. The Committee is particularly concerned about information received concerning the construction of a “security fence” around the occupied territories, which allegedly would infringe upon the surface area of the occupied territories and which would limit or even impede access by Palestinian individuals and communities to land and water resources. The Committee regrets the fact that the delegation did not respond to questions by the Committee concerning the security fence or wall during the dialogue.

...

269. The Committee reiterates its grave concern about the continuing practices by the State party of home demolitions, land confiscations and restrictions on residency rights, and its adoption of policies resulting in sub-standard housing and living conditions, including extreme overcrowding and lack of services, of Palestinians in East Jerusalem, in particular in the old city.^{17/...}

...

278. ...The Committee...calls upon the State party to give full effect to its Covenant obligations and, as a matter of the highest priority, to undertake to ensure safe passage at checkpoints for Palestinian medical staff and people seeking treatment, the unhampered flow of essential foodstuffs and supplies, free movement to places of employment, and the safe conduct of students and teachers to and from schools.^{23/}

279. The Committee recommends that the State party take effective measures to reduce the rate of unemployment, and pay particular attention to reducing the inequalities between the Jewish and non-Jewish sectors with respect to employment. The Committee further recommends that the State party ensure that workers living in the occupied territories are permitted to continue to work in Israel.

...

283. The Committee urges the State party to ensure that any security measure it adopts does not disproportionately limit or impede the enjoyment of economic, social and cultural rights enshrined in the Covenant, in particular access to land and water resources by Palestinians, and that adequate restitution and compensation are provided to those who have incurred damage to and loss of property and lands as a result of these security measures.

...

285. Reiterating its earlier recommendation,^{24/} the Committee urges the State party to cease the practices of facilitating the building of Israeli settlements, expropriating land, water and resources, demolishing houses and carrying out arbitrary evictions. The Committee also

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urges the State party to take immediate steps to respect and implement the right to an adequate standard of living, including housing, of the Palestinian residents of East Jerusalem and the Palestinian Arabs in cities with mixed populations. The Committee recalls in this connection its general comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions)...

Notes

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17/ [*Official Records of the Economic and Social Council*], 1999, *Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. IV, para. 248.

...

23 [*Official Records of the Economic and Social Council*], 1999, *Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. IV, para. 265.

24/ *Ibid.*, para. 267.

- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 190 and 210.

190. The Committee is...deeply concerned about the situation of domestic workers, in particular migrant workers who are excluded from the application of the Labour Code. These workers are subjected to conditions not dissimilar to forced labour, are insufficiently remunerated and are often unable to benefit from their right to rest. They are also sometimes deprived of their freedom of movement because their passports are held by their employers.

...

210. The Committee recommends that the State party include the subject of domestic workers in the Labour Code and undertake all the necessary measures to eliminate practices amounting to forced labour. The Committee also recommends that those who violate labour legislation be sanctioned and that the victims of such violations be compensated.

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 428 and 447.

428. The Committee is concerned that Law No. 189 of 30 July 2002 on Immigration, which introduced a strong link between the labour contract and the length of a residence permit, may hinder the enjoyment by migrant workers and their families of economic, social and cultural rights as enshrined in the Covenant. The Committee is further concerned about the excessive time taken by the authorities to renew residence permits in the State party, which may restrict, *inter alia*, freedom of movement and access to social services by migrant workers and their families.

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...

447. The Committee recommends that the State party undertake measures to expedite the process of renewing the residence permits of migrant workers so as to enable them to enjoy their economic, social and cultural rights. The Committee further recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 208 and 220.

208. The Committee is concerned that the protection provided in the proposed racial discrimination law will not cover migrants from the mainland despite the widespread *de jure* and *de facto* discrimination against them on the basis of their origin. The Committee is also concerned that according to the proposals made by the Hong Kong Home Affairs Bureau, the new law will not affect the existing immigration legislation in the Hong Kong Special Administrative Region.

...

220. The Committee strongly urges the Hong Kong Special Administrative Region to extend the protection afforded by the proposed racial discrimination law to internal migrants from the mainland, and to put a stop to the widespread discriminatory practices against them on the basis of their origin. The Committee further recommends that the relevant provisions of the existing immigration legislation governing entry into, period of stay, and departure from, the Hong Kong Special Administrative Region be amended to ensure full conformity and consistency with the new racial discrimination legislation.

CAT

- Israel, CAT, A/57/44 (2001) 27 at paras. 52 and 53.

52. The Committee expresses concern about the following matters:

...

(i) Israeli policies on closure may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment (article 16 of the Convention);

...

53. The Committee makes the following recommendations:

...

(g) The State party should desist from the policies of closure and house demolition where they offend article 16 of the Convention;

...

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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...

75. In light of article 22 of the Convention, the Committee recommends that the State party:
...
(b) Grant proper official identification documents to refugees in order to enable them to travel and to access other basic rights;...
...
- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 551 and 552.

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.
- Israel, CRC, CRC/C/121 (2002) 131 at paras. 594, 595, 602 and 603.

594. The Committee is deeply concerned about the serious deterioration of health and health services of children in the occupied Palestinian territories, especially as a result of the measures imposed by the Israeli Defence Forces, including road closures, curfews and mobility restrictions, and the destruction of Palestinian economic and health infrastructure. In particular, the Committee is concerned about the consequent delays of and interference

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with medical personnel, the shortages of basic medical supplies and malnutrition in children owing to the disruption of markets and the prohibitively high prices of basic foodstuffs.

595. The Committee recommends that the State party guarantee safe and unconditional access by all Palestinian children to basic needs and health services, including medical supplies and personnel.

...

602. The Committee is concerned about the serious deterioration of access to education of children in the occupied Palestinian territories as a result of the measures imposed by the Israeli Defence Forces, including road closures, curfews and mobility restrictions, and the destruction of school infrastructure.

603. The Committee recommends that the State party guarantee that every Palestinian child has access to education, in accordance with the Convention. As a first step, the State party should ensure that restrictions on mobility are lifted throughout the occupied Palestinian territories during school hours.

- Panama, CRC, CRC/C/140 (2004) 23 at para. 148.

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... 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.

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 569 and 570.

569. The Committee is concerned that, according to the State party information, there are some children from the Democratic People's Republic of Korea that cross the borders and apparently live on the streets of some Chinese cities close to the border which they cross. The Committee is deeply concerned at the information that children and their families who return or are deported back to the State party are considered not as victims, but as perpetrators of a crime.

570. The Committee recommends that the State party:

- (a) Assess and analyse the causes of children crossing the borders to other countries;
- (b) Treat the children who return to the State party as victims and not as perpetrators of a

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crime;

(c) Negotiate their safe repatriation with the Chinese authorities; and

(d) Provide them with the necessary support for reintegration and counselling.

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 67 and 68.

67. The Committee notes with appreciation that, following the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, a National Plan of Action was adopted to protect children against sexual abuse and ill-treatment, which was brought up to date in 2001 for the Second World Congress, held in Yokohama, Japan. It also welcomes the proposed revisions to the Criminal Code regarding sexual offences, which, if adopted, will improve the protection of children against sexual exploitation. However, the Committee is concerned at:

(a) The occurrence of trafficking in children, prostitution and related issues in Sweden and abroad committed by Swedish citizens;

...

68. The Committee recommends that the State party:

...

(d) Strengthen the legislation allowing the prosecution of Swedish citizens involved in sexual exploitation of children abroad, including by prohibiting the reissuance of passports for persons freed after posting bail;

...

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 314, 315, 359 and 361.

314. The Committee expresses concern over the wide-ranging restrictions placed by the authorities on civil society organizations such as re-registration requirements, censorship, travel ban, and requirement of obtaining governmental authorization prior to receiving grants from donors.

315. The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations in the State party.

...

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

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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:

...

(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:

...

(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;

...