

NATIONALITY

IV. CONCLUDING OBSERVATIONS

CERD

- Greece, CERD, A/47/18 (1992) 28 at para. 92.

Bearing in mind the provision of article 2, paragraph 1 (c), of the Convention, the Government is called upon to revise its Nationality Act as far as it differentiates between ethnic Greeks and non-ethnic Greeks, together with any legal or administrative practices which relied on such a distinction.

- Kuwait, CERD, A/48/18 (1993) 69 at paras. 376 and 380.

Paragraph 376

Expulsions and other discriminatory measures against especially vulnerable groups of foreigners, including Palestinians, stateless Arabs, Bedoons, Iraqis and nationals of countries which did not participate in the anti-Iraq coalition, and the treatment of foreign domestic servants are of particular concern. Concern was expressed that no specific measures had been envisaged to eliminate discrimination with respect to descent, national or ethnic origin. In that connection, reference was made to the official discrimination between two categories of citizens: those who possessed longstanding nationality and those who have acquired nationality in more recent times.

Paragraph 380

The State party should take steps to guarantee the enjoyment by individuals belonging to vulnerable groups of foreigners, including foreign domestic servants, of the rights enshrined in the Convention without any discrimination and to eliminate discrimination deriving from the dual system of citizenship.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/48/18 (1993) 73 at para. 418.

In the case of Hong King, concern was expressed at the discriminatory provisions of the British Nationality (Hong Kong) Act of 1990 in accordance with which the authorities might register as British citizens only 50,000 "key people".

NATIONALITY

- Croatia, CERD, A/48/18 (1993) 90 at paras. 496 and 497.

Paragraph 496

The general lack of clarity in a number of basic legal provisions guaranteeing non-discrimination in the enjoyment of human rights and fundamental freedoms for members of minority communities is of concern. In some cases, guarantees would appear to apply only to citizens of the State party; in other cases, it was not clear whether the rights of all ethnic and national groups were equally protected.

Paragraph 497

Problems relating to statelessness are of concern, and it is noted that delays in the processing of applications for citizenship have led to interruption in the provision of educational and social benefits for members of the minority communities.

- Croatia, CERD, A/50/18 (1995) 36 at paras. 173 and 175.

Paragraph 173

Note is taken of the provisions of the laws concerning naturalization and acquisition of citizenship and concern is expressed as to the great difficulties encountered in the process by many who are not of ethnic Croat origin.

Paragraph 175

The State party should ensure that laws and regulations concerning, *inter alia*, naturalization, acquisition of citizenship, determination of refugee status and tenure of rented accommodation be implemented in a transparent non-discriminatory manner in full conformity with the provisions of the Convention. Any victims of a discriminatory application of such rules and regulations in violation of the terms of the Convention should receive redress to the extent that this is possible.

- Finland, CERD, A/51/18 (1996) 29 at para. 194.

Appropriate action should be taken to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

NATIONALITY

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at paras. 238 and 254.

Paragraph 238

The Government's statement that South Asian residents of Hong Kong are granted some form of British nationality, whether that of a British National Overseas (BNO) or a British Overseas Citizen (BOC), so that no resident of Hong Kong would be left stateless following the transfer of sovereignty, is noted. It is of concern that such status does not grant the bearer the right of abode in the United Kingdom and contrasts with the full citizenship status conferred upon a predominantly white population living in another dependent territory. It is noted that most of the persons holding BNO or BOC status are Asians and that judgements on applications for citizenship appear to vary according to the country of origin, which leads to the assumption that this practice reveals elements of racial discrimination.

Paragraph 254

The question of the citizenship status of Hong Kong residents belonging to ethnic minorities of Asian origin should be reviewed to ensure that their human rights are protected and that they are not discriminated against as compared with residents of other former colonies of the United Kingdom.

- Republic of Korea, CERD, A/51/18 (1996) 48 at para. 328.

It is noted with concern that there is discrimination against people of foreign origin who were born and have settled in the Republic of Korea, particularly Chinese, in relation to people of Korean origin, with regard to certain matters - for example, the impossibility of acquiring citizenship of the Republic of Korea and the difficulty in obtaining employment in some large companies.

- Zaire, CERD, A/51/18 (1996) 70 at para. 525.

The provisions of the law to the effect that Zairian nationality would no longer be granted on a collective basis to the Banyarwanda, but only to those who could prove that their ancestors had lived in Zaire since 1885, are in violation of article 5 (d) (iii) of the Convention and are a major source of ethnic conflict.

- Bulgaria, CERD, A/52/18 (1997) 39 at para. 283.

Concern is expressed at the insufficiency of the measures taken to guarantee the rights and freedoms of citizens and their integration into society regardless of race, nationality or ethnic origin.

NATIONALITY

- Sweden, CERD, A/52/18 (1997) 65 at paras. 499 and 504.

Paragraph 499

It is noted with appreciation that in Sweden non-nationals have the right to vote and stand for election at municipal elections.

Paragraph 504

Concern is expressed about the low and declining participation by non-nationals in local elections.

- Switzerland, CERD, A/53/18 (1998) 28 at para. 57.

Disquiet is expressed at the current so-called three-circle-model immigration policy, which classifies foreigners on the basis of their national origin. The conception and effect of this policy is considered to be stigmatizing and discriminatory, and therefore contrary to the principles and provisions of the Convention. The extensive system of police control of foreigners and the naturalization policies and procedures, which are deemed too protracted and selective, are also of concern.

- Czech Republic, CERD, A/53/18 (1998) 35 at para. 124.

The 1993 law on the acquisition of Czech citizenship has resulted in widespread criticism for its discriminatory effects. While it is noted that the State party has taken steps to mitigate the negative consequences of the law, it is stressed that the act of rendering people stateless entails the deprivation of fundamental rights linked to citizenship, as well as exposure to the risk of expulsion. Concern is expressed that there remain groups of the population for whom the question of citizenship has not yet been addressed in a satisfactory manner. These include prisoners, and minors and orphans in children's homes, many of whom are of Roma origin.

- Ukraine, CERD, A/53/18 (1998) 39 at para. 153.

The State party should continue to take all necessary steps to fully restore the rights of repatriated members of minorities, including the Crimean Tartars, and to afford them just and adequate reparation where appropriate. In regard to the citizenship of the repatriated members of minorities, including the Crimean Tartars, it is suggested that the State party consider the possibility of acceding to the international instruments on statelessness.

NATIONALITY

- Cambodia, CERD, A/53/18 (1998) 55 at paras. 290, 293 and 299.

Paragraph 290

The law stating that Khmer nationals are those whose parents are Khmer nationals, makes it difficult for persons belonging to minority groups, in particular ethnic Vietnamese and indigenous people, to establish their citizenship.

Paragraph 293

Concern is expressed about the situation of the indigenous peoples (also referred to as Highland Peoples, Khmer Loeu or Hill Tribes Peoples), and their lack of legal status, as well as the insufficient legal framework to protect their rights, culture and traditional lands. The rights of indigenous peoples have been disregarded in many government decisions, in particular those relating to citizenship, logging concessions and concessions for industrial plantations.

Paragraph 299

The State party should recognize the citizenship of the indigenous peoples, as well as their use of lands, forests and other natural resources, and their distinct and unique identity, culture and way of life. The State party should ensure that no decisions directly relating to the rights and interests of indigenous peoples are taken without their informed consent.

- Croatia, CERD, A/53/18 (1998) 59 at paras. 316 and 322.

Paragraph 316

With respect to article 5 of the Convention, the Law on Citizenship seems to establish different criteria for ethnic Croats compared with other minorities in Croatia in granting citizenship and is of concern. The excessive delays in the processing of applications for citizenship, in particular those of ethnic Serbs, which have resulted in applicants losing social and educational benefits, are also of concern.

Paragraph 322

The State party should ensure that all provisions of the Law on Citizenship are in conformity with article 5 of the Convention and that the law is implemented in a non-discriminatory manner.

- Jordan, CERD, A/53/18 (1998) 69 at para. 394.

Concern is expressed that, since the protections in the Penal Code are limited to groups which constitute the nation, the provisions of article 4 are not fully implemented and non-citizens may not receive the protections envisaged in article 5 (a) and (b) of the Convention.

NATIONALITY

- Austria, CERD, A/54/18 (1999) 13 at paras. 31 and 34.

Paragraph 31

It is of concern that the immigration policies of the State party classifies foreigners on the basis of their national origin. The concept and effect of this policy may be stigmatizing and discriminatory and, therefore, contrary to the principles and provisions of the Convention.

Paragraph 34

The fact that non-citizens are not currently eligible for participation in work councils is of concern.

- Syrian Arab Republic, CERD, A/54/18 (1999) 22 at paras. 175, 176 and 180.

Paragraph 175

The stateless status of a large number of persons of Kurdish origin, who are alleged to have entered the Syrian Arab Republic from neighbouring countries from 1972 to 1995 and who are said to number 75,000, is of concern.

Paragraph 176

Concern is expressed about Syrian-born Kurds, who are considered either as foreigners or as *maktoumeen* (unregistered) by the Syrian authorities and who face administrative and practical difficulties in acquiring Syrian nationality, although they have no other nationality by birth.

Paragraph 180

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

- Kuwait, CERD, A/54/18 (1999) 25 at paras. 219 and 223.

Paragraph 219

The fact that the State party has not yet found a solution to the problems of the *bidoon* (i.e. residing illegally in the country), the majority of whom are still stateless, is of concern.

Paragraph 223

The State party should find a solution to the problems faced by the *bidoon* and ensure the enjoyment of their rights without any discrimination, in accordance with articles 2 and 5 of the Convention.

NATIONALITY

- Latvia, CERD, A/54/18 (1999) 39 at paras. 395, 396, 398 and 404-406.

Paragraph 395

It is noted that only persons who were citizens of Latvia before 1940 and their descendants have automatically been granted citizenship, while other persons have to apply for citizenship. Therefore, more than 25 per cent of the resident population, many of them belonging to non-Latvian ethnic groups, have to apply and are in a discriminatory position. Although the naturalization process has recently been made more accessible for elderly persons and for children, it is noted with concern that the qualification requirements may not be easily met and the naturalization process remains slow.

Paragraph 396

Concern is expressed that persons who do not qualify for citizenship and who are not registered as residents, including those leaving the country temporarily, may not be protected against racial discrimination in the exercise of their rights under article 5 (d) (i) and (ii) and 5 (e) of the Convention.

Paragraph 398

With respect to article 5 (d) (i), concern is expressed that passports for non-citizens are being issued at an unreasonably slow pace. As the old passports are no longer valid for travel, persons who have not obtained a new passport are effectively prevented from leaving the country or, once departed, are prevented from returning.

Paragraph 404

The State party should streamline the process of naturalization for all those who apply for citizenship. The State party is also encouraged to keep the criteria for eligibility under review, so as to solve this problem as soon as possible.

Paragraph 405

Steps should be taken to regularize the status of persons who do not qualify for citizenship and are not registered as residents, in order to avoid discrimination against them.

Paragraph 406

The State party should eliminate the unjustifiable differences of treatment between citizens and non-citizens, mostly persons belonging to ethnic groups, in light of the provisions of article 5(e).

- Estonia, CERD, A/55/18 (2000) 24 at paras. 77 and 79.

Paragraph 77

The fact that the right to vote in local elections has been granted to all permanent residents, regardless of their nationality is welcomed.

NATIONALITY

Paragraph 79

The fact that the definition of national minorities only applies to Estonian citizens is of concern. In light of the significant number of non-nationals and stateless persons residing on the territory of the State party, such a restrictive and narrow definition may limit the scope of the State Programme on Integration.

- France, CERD, A/55/18 (2000) 26 at paras. 96 and 101.

Paragraph 96

The State party should ensure the effective prohibition of actions which are discriminatory in effect on the basis of race or ethnic or national origin, in accordance with General Recommendation XIV.

Paragraph 101

When the State party reviews its laws restricting certain occupations to French nationals it should ensure that none are discriminatory in effect.

- Lesotho, CERD, A/55/18 (2000) 28 at para. 112.

Concern is expressed about the recent incidents of tension between Lesotho nationals and Asian and South African white factory owners which resulted in kidnapping, violence and the flight of about 100 Asian nationals from the country for fear of persecution. It is recommended that the State party take measures to resolve the underlying socio-economic causes of these events. In this context, the attention of the State party is drawn to General Recommendation XI on non-citizens and the obligation to report fully upon legislation concerning foreigners and its implementation.

- Zimbabwe, CERD, A/55/18 (2000) 38 at para. 199.

It is noted with dissatisfaction that the laws concerning citizenship give preference to non-national female spouses over non-national male spouses of nationals of Zimbabwe and that the children born to citizens of Zimbabwe overseas may not acquire citizenship. It is recommended that the State party review its citizenship laws to ensure non-discrimination.

- Georgia, CERD, A/56/18 (2001) 24 at paras. 96 and 98.

Paragraph 96

The commitment undertaken by the State party to repatriate Meskhetians who had been expelled from southern Georgia to the Central Asian Republics of the Soviet Union is noted. It is recommended that

NATIONALITY

the State party take the necessary measures to facilitate the return of Meskhetians and the acquisition of citizenship by them.

Paragraph 98

The absence of provisions with regard to stateless persons is noted. The State party is encouraged to take appropriate measures to remedy this situation.

- Germany, CERD, A/56/18 (2001) 27 at para. 109.

The improvements brought by the recent reform of the nationality law are noted with satisfaction. Particularly, the partial incorporation of the principle of *jus soli* is noted as is the expanding of exceptions to the principle prohibiting multiple nationalities when, for instance, giving up a previous nationality would bring considerable disadvantages to the person applying for German nationality.

- Greece, CERD, A/56/18 (2001) 29 at para. 134.

Recalling the repeal of the Citizenship Code, and mindful of the clear incompatibility of this repealed law with the Convention, it is recommended that the State party explore and implement appropriate remedies, including the possibility of reinstatement of citizenship, for the benefit of persons deprived of their citizenship under Article 19 in the past.

- Iceland, CERD, A/56/18 (2001) 32 at para. 155.

While acknowledging the more favourable treatment received under the naturalisation laws in cases where the applicant is stateless, it is noted that Icelandic nationality is lost by persons who acquire another nationality by their own application, while dual citizenship is allowed for foreign nationals who acquire Icelandic citizenship. The State party should consider the possibility of acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, which prohibit deprivation of nationality on discriminatory grounds and stipulate that a State party should grant nationality to persons born on its territory who would otherwise be stateless.

- Japan, CERD, A/56/18 (2001) 34 at para. 176.

Although there are no longer any administrative or legal requirements for Koreans applying for Japanese nationality to change their names to a Japanese name, concern is expressed about reports that authorities continue to urge applicants to make such changes and that Koreans feel obliged to

NATIONALITY

do so for fear of discrimination. Considering that the name of an individual is a fundamental aspect of cultural and ethnic identity, it is recommended that the State party take the necessary measures to prevent such practices.

- Portugal, CERD, A/56/18 (2001) 38 at para. 191.

It is noted with appreciation that Act No. 20/98 allows employers to freely employ any worker residing legally in the State party, regardless of nationality.

- Cyprus, CERD, A/56/18 (2001) 48 at para. 263.

Satisfaction is expressed at the amendment of the 1967 Citizenship Law which eradicates discrimination in marriage to foreigners. Through this amendment, the right of an alien spouse to acquire the citizenship of the Cypriot spouse is now recognized for both spouses, as is the equal right of both spouses to transmit citizenship to their children.

- Egypt, CERD, A/56/18 (2001) 50 at para. 288.

Concern is expressed at the nationality law, which prevents an Egyptian mother married to a foreigner from passing on her nationality to her children. It is also of concern that children born to Egyptian mothers and foreign fathers are faced with discrimination in the field of education. The promise of the State party to revise the nationality law, which discriminates against children born to Egyptian women married to non-nationals, so as to bring it into line with the provisions of the Convention, is noted.

- Italy, CERD, A/56/18 (2001) 53 at para. 309.

The State party is encouraged to consider recognizing the minority status of Roma populations who have resided in Italy for an extended period of time and who have become sedentary. In this respect, the State party should consult effectively with representatives of the Roma population. Concern is also expressed with regard to the possible inappropriate consequences of the State party's policy of encouraging Roma to apply for stateless status.

- Sri Lanka, CERD, A/56/18 (2001) 56 at para. 334.

The fact that a large number of Tamils of Indian origin, particularly plantation workers, and their

NATIONALITY

descendants have still not been granted citizenship and that many of them even continue to be stateless is of concern. Tamils without Sri Lankan citizenship are allegedly discriminated against and do not fully enjoy their economic, social and cultural rights. It is recommended that early and effective measures be taken to solve this problem and these persons should not be threatened with repatriation.

- Ukraine, CERD, A/56/18 (2001) 61 at para. 374.

The efforts of the State party to facilitate the resettlement and rehabilitation of Crimean Tartars are noted but concern remains regarding the difficulties experienced by the Crimean Tatars in acquiring Ukrainian citizenship. At the same time, this resettlement should not generate new ethnic tensions that might lead to conflict between Crimean Tatars and other minorities. The State party should review its legislation and practices in this regard and make any revisions required by the Convention.

ICCPR

- Ireland, ICCPR, A/48/40 vol. I (1993) 119 at para. 609.

The existence of discriminatory distinctions between citizens by birth and those who are naturalized and the discriminatory treatment in some respects of non-nationals, including refugees and asylum-seekers are matters of concern.

- Iceland, ICCPR, A/49/40 vol. I (1994) 19 at para. 78.

The limitation imposed upon naturalized citizens in the retention of their names of origin raises issues under article 26.

- Norway, ICCPR, A/49/40 vol. I (1994) 21 at para. 94.

The rights conferred under article 27 of the Covenant on individuals who are members of a minority avail to all such individuals within a State party's territory and must not, as enjoined by article 2, paragraph 1, of the Covenant, be restricted to nationals.

NATIONALITY

- Japan, ICCPR, A/49/40 vol. I (1994) 23 at paras. 106 and 112.

Paragraph 106

The continued existence in Japan of certain discriminatory practices against social groups, such as Korean permanent residents, members of the Buraku communities, and persons belonging to the Ainu minority is of concern. The requirement that it is a penal offence for alien permanent residents not to carry documentation at all times, while this does not apply to Japanese nationals, is not consistent with the Covenant. Moreover, persons of Korean and Taiwanese origin who serve in the Japanese army and who no longer possess Japanese nationality are discriminated against in respect of their pensions.

Paragraph 112

The exclusion of Koreans from the Government's concept of minorities is noted with concern. This is not justified by the Covenant, which does not limit the concept of minority to those who are nationals of the State concerned.

- Jordan, ICCPR, A/49/40 vol. I (1994) 41 at para. 232.

It is regretted that, although some improvement has been achieved as regards the status of women, the State party has not embarked on all the necessary reforms to combat the factors still impeding equality between men and women. It is noted with concern that the Constitution does not guarantee the principle of non-discrimination on the basis of sex, and that there are still gender disparities in law or practice with regard to such issues as status within the family, inheritance rights, and the right to leave the country, the acquisition of Jordanian nationality, access to work and participation in public life.

- Ukraine, ICCPR, A/50/40 vol. I (1995) 57 at para. 322.

That there are incidents and situations occurring in the State party which may be conducive to acts of discrimination on ethnic, gender, religious, linguistic or property grounds is of concern. It is regretted that the appropriate steps have not yet been taken by the authorities to resolve those difficulties and, in particular, to prevent and suppress the advocacy of national, racial or religious hatred in conformity with the requirements of article 20 of the Covenant. This situation is particularly alarming in that it may undermine harmonious relations with minorities. In that regard, the Committee regrets that the definition of minorities under the Declaration of the Rights of the Nationalities of Ukraine does not conform fully with article 27 of the Covenant, which grants protection to persons belonging to all ethnic, religious or linguistic minorities, and not only to those belonging to "national" minorities. Finally, it is noted with regret that measures have not yet been taken to grant automatically Ukrainian citizenship to Crimean Tartars who have returned to Crimea.

NATIONALITY

- Latvia, ICCPR, A/50/40 vol. I (1995) 62 at paras. 350 and 360.

Paragraph 350

It is of concern that a significant segment of the population will not enjoy Latvian citizenship owing to the stringent criteria established by the law and that the policy deliberately chosen to consider each case on an individual basis and pursuant to a timetable is calculated to delay the naturalization process for many years. The legislation still contains criteria of exclusion which give room to discrimination under articles 2 and 26 of the Covenant and raises difficulties under articles 13 and 17 of the Covenant.

Paragraph 360

All necessary measures should be taken to guarantee that the citizenship and naturalization legislation facilitate the full integration of all permanent residents of Latvia, with a view to ensuring compliance with the rights guaranteed under the Covenant, in particular with articles 2 and 26.

- Estonia, ICCPR, A/51/40 vol. I (1996) 19 at paras. 110, 111 and 124.

Paragraph 110

It is of concern that a significantly large segment of the population, particularly members of the Russian-speaking minority, are unable to enjoy Estonian citizenship because of the plethora of criteria established by law and the stringency of the language criterion, and that no remedy is available for an administrative decision rejecting the request for naturalization under the Law on Citizenship.

Paragraph 111

Noting that the numerous rights and prerogatives, such as the right to participate in the process of land privatization and the right to occupy certain posts or practise some occupations, are granted solely to Estonian citizens, it is of concern that permanent residents who are non-citizens are thus deprived of a number of rights under the Covenant.

Paragraph 124

With regard to article 2, all provisions in domestic law discriminating against non-citizens should be systematically reviewed and brought into line with articles 2 and 26 of the Covenant.

- Colombia, ICCPR, A/52/40 vol. I (1997) 44 at para. 306.

It is stressed that the State party has a duty to ensure that every child born in Colombia enjoys the right under article 24, paragraph 3 of the Covenant to acquire a nationality. The State party should consider conferring Colombian nationality on stateless children born in Colombia.

NATIONALITY

- Lithuania, ICCPR, A/53/40 vol. I (1998) 30 at para. 178.

It is noted that certain rights provided for in the Constitution of Lithuania are limited to citizens, although the delegation stated that, in practice, these rights are enjoyed by all persons. In this regard, the relevant legislation should be reviewed in order to ensure that there is no arbitrary discrimination against aliens, which is incompatible with the provisions of articles 2 (1) and 26 of the Covenant.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 35 at para. 221.

The amendment to the Constitution, the effect of which is to deprive both women and men of the right to have their spouses registered as citizens, who as a consequence may not be allowed to reside in or enter the territory, is incompatible with articles 17 and 23 of the Covenant. Steps should therefore be taken to bring the law into compliance with the Covenant. It is also of concern that children born to Zimbabweans abroad may not acquire Zimbabwean citizenship.

- Ecuador, ICCPR, A/53/40 vol. I (1998) 43 at para. 291.

The births of children born in Ecuador to undocumented refugees are frequently not registered due to the parents' fear of deportation. This situation prevents the children from claiming Ecuadorian nationality, to which any child born in Ecuador is entitled under Ecuadorian law. Measures should be adopted guaranteeing to all children of undocumented refugees born in Ecuador the right to a nationality.

- Israel, ICCPR, A/53/40 vol. I (1998) 45 at para. 323.

Arab women citizens of Israel have in some cases been required to relinquish their citizenship should they marry a Palestinian and apply for residence in the occupied territories. The Committee welcomes the Israeli Government's response that this policy no longer applies and recommends that those already affected be made fully aware of the relevant legal provisions and that their status be restored.

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 32 at para. 137.

In spite of the Government's efforts, inequality between men and women persists in a number of areas, such as inheritance, freedom of movement, acquisition and transmission of nationality and divorce.

NATIONALITY

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at paras. 155, 159 and 160.

Paragraph 155

The Committee is concerned about instances of discrimination against members of the Japanese-Korean minority who are not Japanese citizens, including the non-recognition of Korean schools. Protection under article 27 may not be restricted to citizens.

Paragraph 159

The Alien Registration Law, which makes it a penal offence for alien permanent residents not to carry certificates of registration at all times and imposes criminal sanctions for failure to do so, is incompatible with article 26 of the Covenant, and these discriminatory laws should be abolished.

Paragraph 160

Article 26 of the Immigration Control and Refugee Recognition Act provides that only those foreigners who leave the country with a permit to re-enter are allowed to return to Japan without losing their residence status, and the granting of such permits is entirely within the discretion of the Minister of Justice. Under this law, foreigners who are second- or third-generation permanent residents in Japan and whose life activities are based in Japan may be deprived of their right to leave and re-enter the country. This provision is incompatible with article 12, paragraphs 2 and 4, of the Covenant. The words "one's own country" are not synonymous with "country of one's own nationality". The State party is urged to remove from the law the necessity to obtain a permit to re-enter prior to departure, in respect of permanent residents like persons of Korean origin born in Japan.

- Portugal (Macau), ICCPR, A/55/40 vol. I (2000) 33 at paras. 175 and 176.

Paragraph 175

Concern is expressed that the Governments of China and Portugal have not yet reached firm agreement on the nationality of residents of Macau after 19 December 1999, and that the criteria which will determine which Macau residents may be regarded as being of Portuguese origin are not yet known.

Paragraph 176

Effective measures should be taken to safeguard the rights of those who at present hold dual citizenship.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at paras. 477 and 479-484.

NATIONALITY

Paragraph 477

The treatment of the Bedoons (included in the category of stateless persons) in Kuwait, who number several thousand, is of grave concern. In view of the fact that many of these people are born in Kuwait or have been living in Kuwaiti territory for decades, and some are in the service of the Government, the sweeping statement of the delegation characterizing the Bedoons generally as “illegal residents” is of grave concern. That many Bedoons long resident in Kuwait who left the country during the Iraqi occupation in 1990/91 are not permitted to return to Kuwait is of concern.

Paragraph 479

Allegations that Bedoons have been offered a five-year residence permit in exchange for renouncing any claims for naturalization and that the State party seeks to deport Bedoons to countries with which the person concerned has no effective links were not refuted and are of concern.

Paragraph 480

The State party should confer its nationality on a non-discriminatory basis and ensure that those who are granted Kuwaiti nationality are treated equally with other Kuwaiti citizens with regard to voting rights (arts. 25, 26). The State party is urged to refrain from deporting residents on the basis of their classification as Bedoons who have failed to regularize their status.

Paragraph 481

That children who are born in Kuwait and whose parents are stateless or whose mother only has Kuwaiti nationality do not acquire any nationality is of concern.

Paragraph 482

The State party should ensure the right of all children in Kuwait to measures of special protection pursuant to articles 24 and 26 of the Covenant. The State party is under an obligation to respect article 24, paragraph 3, of the Covenant, in order to ensure that every child has the right to acquire a nationality.

Paragraph 483

The naturalization of Muslim applicants exclusively is of concern. That the legal consequence of a conversion from Islam to another religion may result in the loss of Kuwaiti nationality is also of concern.

Paragraph 484

The laws on naturalization and nationality should be amended to ensure that their application does not entail discrimination on any of the grounds enumerated in article 26 of the Covenant.

- Peru, ICCPR, A/56/40 vol. I (2001) 45 at para. 76(17).

NATIONALITY

The methods used by Peru to take control of communications media away from persons critical of the Government, including stripping one of them of his nationality, are deplored. The State party is requested to eliminate these situations, which affect freedom of expression, in accordance with article 19 of the Covenant, and to make effective remedies available to those concerned.

- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at paras. 78(16) and 78(18).

Paragraph 78(16)

The continuing reports of mass expulsions of ethnic Haitians, even when such persons are nationals of the Dominican Republic, are of grave concern. Mass expulsions of non-nationals are in breach of the Covenant since no account is taken of the situation of individuals for whom the Dominican Republic is their own country in the light of article 12, paragraph 4, nor of cases where expulsion may be contrary to article 7 given the risk of subsequent cruel, inhuman or degrading treatment, nor yet of cases where the legality of an individual's presence in the country is in dispute and must be settled in proceedings that satisfy the requirements of article 13. The State party should guarantee the right of every Dominican national not to be expelled from the country and ensure that all persons facing deportation proceedings are covered by the safeguards established in the Covenant.

Paragraph 78(18)

The abuse of the legal notion of "transient aliens" is of concern. According to information in the Committee's possession, such persons may be born in the Dominican Republic to parents who were also born there but are still not considered to be nationals of the Dominican Republic. The State party should regulate the situation of everyone living in the country and grant the rights recognized by article 12 of the Covenant.

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at para. 80(8).

While the amendment to article 14 of the Constitution that extends equality to non-citizens is welcomed, other provisions continue to restrict certain rights to 'citizens', leaving uncertain the question whether such rights are guaranteed to all individuals in the territory of the State party and subject to its jurisdiction, as required under article 2, paragraph 1, of the Covenant. The State party should adopt necessary measures to clarify this situation.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at paras. 81(21) and 81(27).

Paragraph 81(21)

NATIONALITY

The promulgation of Ordinance No. 1016 of 13 November 1999, which facilitates the travel, departure and return of citizens is noted. It remains of concern that many Syrians living abroad, as well as their children, have been denied a Syrian passport. This situation, which deprives them of the right to return to their own country, is incompatible with article 12, paragraph 4. The denial of a passport to children of exiled Syrians constitutes a violation of articles 24 and 26 of the Covenant. Moreover, the fact that many designated categories of nationals are still required to obtain an exit visa each time they wish to leave the country is a matter of concern and constitutes a violation of article 12, paragraph 2 of the Covenant. The State party should facilitate the return to the country of Syrian citizens wishing to do so and should eliminate the exit visa requirement as a general rule and require it only in individual cases that can be justified in relation to the Covenant.

Paragraph 81(27)

The situation of a large number of persons of Kurdish origin who have entered Syria from neighbouring countries is of concern. The fate of Kurds born in Syria whom the Syrian authorities treat either as aliens or unregistered persons and who encounter administrative and practical difficulties in acquiring Syrian nationality is also of concern. This discriminatory situation is incompatible with articles 24, 26 and 27 of the Covenant. Urgent steps should be taken to find a solution to the statelessness of numerous Kurds in Syria and to allow Kurdish children born in Syria to acquire Syrian nationality.

- The Netherlands (Aruba), ICCPR, A/56/40 vol. I (2001) 76 at para. 82(25).

Despite the equal protection clause of the Aruban Constitution, the Country Ordinance on Admittance and Deportation still legally distinguishes between the legitimate family of a man born in Aruba with Netherlands nationality and the legitimate family of a woman born in Aruba with Netherlands nationality. Although the provision is said not to be applied in practice, the State party should remove this differentiation which is in breach of article 26.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at para. 83(6).

The apparent absence of procedures for dealing with the implementation of the Views of the Committee under the Optional Protocol is of concern. The position adopted by the State party in the cases of Simunek (516/1992) and Adam (586/1994), regarding the restitution of property or compensation under Act 87/91 is deeply regretted. The State party's response to the Committee's decision that the pre-condition of Czech citizenship to restitution or compensation under Act 87/91 was discriminatory and in violation of article 26 of the Covenant is also regretted. A decision by the Constitutional Court on the constitutionality of the relevant law cannot exonerate the State party from its obligations under the Covenant (article 2; Optional Protocol, articles 1 and 4). The State party should reconsider its present law regarding the right to seek restitution of property or compensation.

NATIONALITY

It should also put in place procedures to deal with Views of the Committee under the Optional Protocol.

- Monaco, ICCPR, A/56/40 vol. I (2001) 89 at paras. 84(10) and 84(17).

Paragraph 84(10)

Concern is expressed over the discriminatory legal status of women insofar as the transmission of Monegasque nationality to children is concerned (articles 3 and 26). The State party should adopt legislation giving men and women the same right to transmit nationality to children.

Paragraph 84(17)

The special status of Monegasques, who are in a numerical minority in the Principality of Monaco, is noted, and attention is drawn to the distinction made in law between Monegasques and non-Monegasques, particularly in the area of employment and where the exercise of the freedoms of association and assembly is concerned (articles 21, 22 and 26 of the Covenant). The State party should ensure that such distinctions, which in certain cases and circumstances may justify differences in treatment based on objective and reasonable criteria, do not take the form of discrimination. Naturalization should be granted on the basis of objective criteria and within a reasonable time-frame, especially for persons who have lived in Monaco for many years.

ICESCR

- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at para. 73.

In all areas of life women suffer from discriminatory practices due to many factors, including long-standing cultural prejudice. In the home, the subjugation of women is evidenced by the very high levels of domestic violence against them. Notice is also taken of such anachronistic rules as the legal inability of a woman in certain cases to vest her nationality in her child.

- Ukraine, ICESCR, E/1996/22 (1995) 50 at para. 262.

Attention is drawn to the difficulties experienced by members of minority groups, including the Crimean Tartars, who were deported decades ago and are now returning to resettle on the land of their ancestors. The failure to resolve the question of citizenship for the Crimean Tartars is not in conformity with the State party's obligations under the Covenant. In particular, concern is expressed that the exclusion of such persons from certain social indicators, such as those on employment and poverty, may deprive them of the full enjoyment of their economic, social and cultural rights. In this connection, the provisions of article 2 of the Covenant are recalled, which states that the rights

NATIONALITY

enunciated in the Covenant must be exercised without discrimination of any kind as to, *inter alia*, national or social origin.

- Dominican Republic, ICESCR, E/1997/22 (1996) 44 at para. 225.

Note is taken of information from various sources concerning the arbitrary confiscation of identity cards and the illegal deportation during the 1995-1996 presidential campaign of persons of Haitian origin born in the Dominican Republic. This information stresses the insecurity prevailing with regard to nationality of Dominican citizens of Haitian origin. It thus appears necessary to adopt clear legislation on nationality, which would provide legal security to persons of Haitian origin born in the Dominican Republic and to their children; require the authorities to register births without discrimination; and allow Haitians to obtain Dominican nationality through naturalization under the same conditions as other foreigners.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at para. 339.

Concern is expressed over the unfavourable status of Hong Kong residents who possess British Overseas residence, but who are not entitled to citizenship of any British territory after 1997 although they are allowed to reside in Hong Kong under Chinese law even if they are not Chinese citizens.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at para. 216.

Approximately 500,000-600,000 Haitian illegal workers reside in the State party, some of them for one or two generations, without any legal status and any protection of their economic, social and cultural rights. Particular concern is expressed about the situation of their children, who do not receive Dominican nationality on the grounds that they are children born of foreigners in transit. These children are thus denied their most basic social rights, such as the rights to education and health care. It is noted with concern that until now, measures have not been taken to improve the overall situation of illegal workers by regularizing their status and that of their children.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 72 and 83.

Paragraph 72

The uncertain situation of 85,000 Tamils of Indian origin living in Sri Lanka is noted with concern.

NATIONALITY

They possess neither Indian nor Sri Lankan citizenship, have no access to basic services such as education, and do not enjoy their economic, social and cultural rights.

Paragraph 83

It is of concern that the distinction contained in the current Constitution between "citizens" and "other persons" with respect to the right to equality, has not been removed from the proposed revised Constitution currently before Parliament.

- Poland, ICESCR, E/1999/22 (1998) 32 at para. 160.

The 1962 citizenship law, which discriminates against women by not granting them the same right as men to transmit citizenship to their foreign-born spouses, should be abolished.

- Israel, ICESCR, E/1999/22 (1998) 43 at para. 239.

The Law of Return, which allows any Jew from anywhere in the world to immigrate and thereby virtually automatically enjoy residence and obtain citizenship in Israel, discriminates against Palestinians in the diaspora upon whom the Government of Israel has imposed restrictive requirements which make it almost impossible to return to their land of birth.

- Cyprus, ICESCR, E/1999/22 (1998) 50 at para. 291.

The State party should intensify its efforts to guarantee the equal enjoyment by men and women of their economic, social and cultural rights, in particular by enacting the Bill aimed at abolishing discrimination in the acquisition and transmission of nationality.

- Germany, ICESCR, E/1999/22 (1998) 54 at para. 334.

More adequate assistance should be provided to persons with HIV/AIDS, without any discrimination on the basis of race, origin, nationality or gender.

- Canada, ICESCR, E/1999/22 (1998) 63 at para. 424.

The Government should develop and expand adequate programmes to address the financial obstacles to post-secondary education for low-income students, without any discrimination on the basis of

NATIONALITY

citizenship status.

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 159 and 175.

Paragraph 159

The Nationality Law does not grant equal citizenship status to children of Egyptian women married to non-nationals.

Paragraph 175

It is recommended that the Nationality Law, which discriminates against children born to Egyptian women married to non-nationals, be revised.

- Jordan, ICESCR, E/2001/22 (2000) 49 at para. 234.

Concern is expressed about discriminatory treatment under the civil law, such as restrictions on the right of Jordanian women married to foreign men to pass on their nationality to their children.

- Venezuela, ICESCR, E/2002/22 (2001) 29 at para. 94.

The State party is encouraged to ratify the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. It is recommended that the State party issue personal documentation to asylum seekers in order to enable them to enjoy their basic rights under the Covenant and to apply the protective measures recommended in March 2001 by the Inter-American Commission on Human Rights.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at paras. 405, 413 and 422.

Paragraph 405

There is concern about the living conditions of refugees and stateless persons as well as the fact that the State party has not ratified the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol.

Paragraph 413

There is concern about the disparity in the provision of social benefits and accident compensation to Syrian nationals, refugees and stateless persons.

NATIONALITY

Paragraph 422

Legislative and administrative measures should be taken to ensure the enjoyment of economic, social and cultural rights by refugees and stateless persons. The State party should ratify the Convention relating to the Status of Refugees, the Protocol thereto, and the 1954 Convention relating to the Status of Stateless Persons.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 503 and 514.

Paragraph 503

Legal provisions should be strengthened with respect to the prohibition of discrimination in accordance with article 2 (2) of the Covenant, in particular on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Paragraph 514

The State party is encouraged to consider ratifying the 1951 Convention relating to the Status of Refugees as well as its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

- Nepal, ICESCR, E/2002/22 (2001) 83 at para. 533.

The legal inequalities between women and men in the field of inheritance, the regime of shared assets in marriage, divorce, child custody in case of divorce and remarriage, and the conferring of nationality to children on equal terms are noted with concern. Concern is also expressed about the *de facto* inequality that exists between men and women in Nepalese society, despite legislative guarantees of equality.

CEDAW

- Morocco, CEDAW, A/52/38/Rev.1 part I (1997) 11 at para. 64.

Cultural characteristics should not be allowed to undermine the principle of the universality of human rights, which remains inalienable and non-negotiable, nor to prevent the adoption of appropriate measures in favour of women. As a result, the profound inequalities affecting the status of women is of concern. Laws regarding the punishment of adultery and the ability to pass on nationality continue to benefit the husband to the detriment of the wife.

NATIONALITY

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at para. 200.

Consideration should be given to the revision of the Citizenship Law in order to give women equal rights with men in all areas of nationality law.

- Venezuela, CEDAW, A/52/38/Rev.1 part I (1997) 30 at para. 239.

Concern is expressed over the fact that a Venezuelan man has the right to confer his nationality on his wife upon marriage, but a Venezuelan woman does not have the right to confer her citizenship on her husband.

- Dominican Republic, A/53/38/Rev.1 part I (1998) 28 at para. 332.

It is of concern that notwithstanding legislative achievements, discriminatory provisions continue to exist, including in the Civil Code, the nationality law and marriage and family laws, especially in areas such as the administration of marital property.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at paras. 83 and 84.

Paragraph 83

The fact that mothers cannot transmit their nationality to their children in the same way that fathers can is a concern. Citizenship is a fundamental right which men and women must be able to enjoy equally.

Paragraph 84

Legislation governing nationality should be revised in order to make it consistent with the provisions of the Convention.

- Nepal, CEDAW, A/54/38/Rev.1 part I (1999) 57 at para. 139.

The Government is urged to amend, as a matter of priority, discriminatory laws on property and inheritance, the laws on marriage, nationality and birth registration, the Bonus Act, and discriminatory criminal laws, including the new law on abortion.

- India, CEDAW, A/55/38 part I (2000) 7 at para. 50.

NATIONALITY

The amendments to the law on nationality, which confer equal rights on men and women, are welcomed.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 172 and 173.

Paragraph 172

It is of concern that Jordanian nationality law prevents a Jordanian woman from passing on her nationality to her children if her husband is not Jordanian. This is an anachronistic situation at a time when Jordan is making major strides in its economic and democratic development and when marriage between persons of different nationalities is increasingly common. That Jordanian law prohibits women from concluding contracts in their own name, from travelling alone and from choosing their place of residence, is also noted with concern. These limitations on the rights of women are inconsistent with the legal status of women under the Jordanian Constitution and the Convention.

Paragraph 173

The State party is called upon to revoke these laws and to withdraw its reservations to articles 9.2 and 15.4 of the Convention.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 186-188.

Paragraph 186

It is of concern that the State party explicitly ruled out the possibility of withdrawal of its reservations to article 2, subparagraphs (f) and (g), and articles 9 and 16. Further concern is expressed over the State party's justification of those reservations as being based on its desire to apply the provisions of the Convention in a manner consistent with Islamic *Sharia*. In that regard, the attention of the State Party is drawn to the Committee's statement on reservations (see A/53/38/Rev.1, part two, chap. I), and in particular its view that articles 2 and 16 are central to the object and purpose of the Convention, and that, in accordance with article 28, paragraph 2, reservations should be reviewed and modified or withdrawn.

Paragraph 187

It is of concern that Iraq's nationality law, which is based on the principle that the members of a family should all have the same nationality and that none should have dual nationality or lose their nationality, does not grant women an independent right to acquire, change or retain their nationality or to pass it on to their children.

Paragraph 188

The Government should review its reservations to article 2, subparagraphs (f) and (g), and articles 9 and 16, in the light of the Committee's statement on reservations, assess the justifications for those

NATIONALITY

reservations and modify or withdraw them as soon as possible to ensure full implementation of the Convention.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at para. 127.

The Government is commended for amending its nationality law and for granting women equal rights with men to acquire, change or retain their nationality, and also to transfer their nationality to their children.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 326, 327, 330 and 331.

Paragraph 326

While the efforts of the National Council for Women to encourage the Government to withdraw its reservations to articles 2 and 9, paragraph 2, and article 16 of the Convention are appreciated, concern is expressed that these reservations have been retained.

Paragraph 327

The necessary steps for the withdrawal of reservations should be expedited and, in that regard, attention is drawn to the statement on reservations in the report on the nineteenth session and, in particular, the view that articles 2 and 16 are central to the object and purpose of the Convention and that, in accordance with article 28, paragraph 2, the reservations should be withdrawn.

Paragraph 330

It is of concern that the Egyptian nationality law prevents an Egyptian woman from passing on her nationality to her children if her husband is not Egyptian, while Egyptian men married to non-Egyptians may do so. The hardship faced by the children of Egyptian women married to non-Egyptian men, including financial hardship with regard to education, is of particular concern. This limitation on the rights of women is inconsistent with the Convention.

Paragraph 331

The legislation governing nationality should be revised in order to make it consistent with the provisions of the Convention.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 73 and 75.

Paragraph 73

Deep concern is expressed regarding the reservations to articles 2, 9, 11, paragraph 1, and 16 of the

NATIONALITY

Convention.

Paragraph 75

The nationality law should be further amended so as to eliminate discrimination against women, and the reservation to article 9 should be withdrawn. The explanation that a Singaporean woman cannot transfer nationality to her child when she marries a foreigner and the child is born overseas, since dual nationality is not recognized, is unconvincing. It is pointed out that since both mother and father can transfer nationality to children born within the country in many countries, the same problem can arise with respect to the children born of Singaporean men and foreign women.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 124 and 125.

Paragraph 124

It is of concern that the concept of male preference continues to be entrenched in some provisions of nationality law.

Paragraph 125

Female and male spouses who marry foreigners should be treated equally in regulations governing nationality. The Government is urged to ensure that the concept of *jus sanguinis* is applied to ensure that children of mixed parentage born outside the country can acquire nationality through their Guinean mother.

CAT

- Czech Republic, CAT, A/56/44 (2001) 46 at para. 108.

The ongoing efforts by the State party to reform its legal system and revise its legislation based on universal human values in order to safeguard fundamental human rights are welcomed; including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, including the amendment to the Citizenship Law which resolved most problems of statelessness that had disproportionately affected the Roma population.

CRC

- Mexico, CRC, CRC/C/24 (1994) 12 at para. 33.

NATIONALITY

The national legislation and practice should take into full consideration the capacity of the child to exercise his or her rights, namely in the field of citizenship.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at para. 214.

There is concern as to the possible adverse effects on children of the restrictions applied to unmarried fathers in transmitting citizenship to their children, in contradiction of articles 7 and 8 of the Convention.

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

Abolition of the requirement that a person seeking Icelandic citizenship has to add an Icelandic name to his or her original name is welcomed.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at para. 163.

Insufficient measures have been adopted, including those of a legal nature, to ensure effective implementation of the civil rights and fundamental freedoms of children (such as in relation to the right to a nationality, freedom of expression, thought, conscience and religion, as well as to freedom of association and peaceful assembly). The threats to national security invoked by the Government have hampered the enjoyment of such fundamental freedoms.

- Croatia, CRC, CRC/C/50 (1996) 31 at para. 189.

The progress made in modifying the Law on Citizenship so as to eliminate risks of discrimination is welcomed.

- Lebanon, CRC, CRC/C/54 (1996) 7 at paras. 39 and 45.

Paragraph 39

The apparent discrimination in the granting of nationality to a child of parents of mixed nationality is of concern; nationality may only be obtained by a child from her/his Lebanese father but not from the mother and, in the case of unmarried parents, only if the Lebanese father acknowledges the child.

Paragraph 45

NATIONALITY

The need for special efforts to protect the rights of children in especially difficult circumstances, including abandoned and stateless children, is noted.

- Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 148 and 168.

Paragraph 148

The national identity card, which explicitly mentions the religion and the ethnic origin of each citizen, including children, is of concern. The fact that the Citizenship Act establishes three different categories of citizenship and therefore some categories of children and their parents might be stigmatized and/or denied certain rights is also of concern.

Paragraph 168

The categorization of citizens, as well as the mention on the national identity card of the religion and the ethnic origin of citizens, including children, should be abolished.

- Syrian Arab Republic, CRC, CRC/C/62 (1997) 32 at para. 209.

The right to be registered and to acquire a nationality should be guaranteed to all children under the Syrian Arab Republic's jurisdiction without discrimination of any kind, irrespective, in particular, of the child's or his or her parents' or legal guardians' race, religion or ethnic origin. Ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1961 Convention on the Reduction of Statelessness should be considered.

- Australia, CRC, CRC/C/69 (1997) 16 at paras. 96 and 112.

Paragraph 96

The practice of depriving children of their citizenship in situations where one of their parents loses his/her citizenship is of concern.

Paragraph 112

No child should be deprived of his/her citizenship on any ground, regardless of the status of his/her parent(s).

- Czech Republic, CRC, CRC/C/69 (1997) 28 at paras. 173 and 190.

Paragraph 173

With respect to the situation of children, especially those placed in institutions or in foster homes,

NATIONALITY

who were not registered for lawful permanent residence and were thereby denied the right to citizenship, concern is expressed over the fact that children and caretakers are not sufficiently informed about the procedures for applying for citizenship.

Paragraph 190

Measures should be taken to facilitate applications for citizenship, so as to resolve the situation of stateless children, especially those placed in institutions. Accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness should be considered.

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 53.

Adequate measures should be taken to ensure the protection and enjoyment of rights by non-citizens who are under the jurisdiction of the State party.

- Iraq, CRC, CRC/C/80 (1998) 15 at para. 76.

Legislation that only allows nationality to be obtained by a child from his/her father, except in cases where the father is unknown or stateless, is of concern. Domestic legislation should be amended to guarantee the acquisition of a nationality.

- Kuwait, CRC, CRC/C/80 (1998) 28 at paras. 135 and 138.

Paragraph 135

All appropriate measures should be taken to safeguard the rights of Bedoon children, migrant children, other non-citizens, and girls, especially with regard to access to education, health and other social services.

Paragraph 138

Existing legislation that allows nationality to be obtained by a child only from his/her father is of concern. Domestic legislation should be amended to guarantee that the acquisition of Kuwaiti nationality be determined in light of the provisions and principles of the Convention, especially articles 2, 3 and 7.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at para. 71.

The State party should ratify the 1954 Convention relating to the Status of Stateless Persons and the

NATIONALITY

1961 Convention on the Reduction of Statelessness.

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

Paragraph 201

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

Paragraph 202

The State party should accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and should adopt legislation in conformity with these instruments, taking into account the Guidelines on the protection and care of refugee children of the Office of the United Nations High Commissioner for Refugees (UNHCR).

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 361 and 362.

Paragraph 361

It is of concern that the Law on Nationality (1996) might lead to discrimination against children of non-Khmer origin and might, in violation of article 7 of the Convention, leave as stateless a large number of children born in Cambodia, such as children belonging to minority groups.

Paragraph 362

The Law on Nationality should be reviewed in light of the Convention with a view to eliminating all grounds of possible discrimination and eradicating and preventing children being stateless.

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 541 and 558.

Paragraph 541

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

Paragraph 558

NATIONALITY

While acknowledging the challenges faced by the State party as a result of the regional conflicts which repeatedly lead to the arrival of a disproportionate number of asylum-seekers, concern is expressed about the problems experienced by refugee children. The absence of national legislation defining the legal basis for asylum or for granting stateless status is of concern.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 435 and 436.

Paragraph 435

Concern is expressed about violations of the right to a nationality for children whose birth has not been registered or for children born in the State party and whose parents are not nationals of the State party. It is noted that while children can acquire nationality from age 12, parents who are non-nationals have much greater difficulty in acquiring nationality.

Paragraph 436

It is recommended that the State party examine concerns relating to the access of children to a nationality and make every effort to improve respect for this right. Attention should be given to the situation of children whose parents are unable to claim the State party's nationality.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 52 and 53.

Paragraph 52

It is a matter of deep concern that, although all children born in Latvia after 1991 are automatically entitled to citizenship according to the 1998 amendment of the Citizenship Law, there is still a large number of children who are without Latvian nationality. The slow pace in general of the process of naturalization of non-citizens in Latvia is also of concern.

Paragraph 53

In light of article 7 of the Convention, the Committee concurs with the recommendation of the Committee on the Elimination of Racial Discrimination to streamline the process of naturalization for all those who apply for citizenship (A/54/18, para. 404) and, in particular, the State party is encouraged to provide more information and support to the parents of non-citizen children to enable them to apply for citizenship on behalf of their children.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 224 and 225.

Paragraph 224

NATIONALITY

Regarding the 1975 Nationality Law, concern is expressed about the negative impact on children of restrictions on the right of an Egyptian woman to pass on her nationality to her child, particularly if she is married to a non-national.

Paragraph 225

In accordance with article 2 of the Convention, effective measures should be taken, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life. In this regard, the State party is encouraged to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. In concurrence with the findings of the Committee on Economic, Cultural and Social Rights (E/C.12/1/Add.4), it is recommended that the State party remove all provisions of the Nationality Law which discriminate against women, and also against children.

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 274 and 275.

Paragraph 274

It is noted with concern that children born to stateless persons who have no right of permanent residence in Lithuania do not automatically obtain Lithuanian citizenship.

Paragraph 275

In light of article 7 of the Convention, the State party should take all appropriate measures to ensure that all children born in Lithuania are protected from statelessness.

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 397 and 398.

Paragraph 397

It is noted with concern that the nationality law does not grant equal citizenship status to children of Saudi women married to non-nationals.

Paragraph 398

In accordance with article 2 of the Convention, effective measures should be taken, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The practice of other States that have been successful in reconciling fundamental rights with Islamic texts should be considered.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 458 and 459.

NATIONALITY

Paragraph 458

Concern is expressed at the inadequate legislation, policies and institutions to regulate inter-country adoptions and to protect the rights of children in this regard. It is noted with concern that the law regarding inter-country adoptions does not allow the adopting parents to transfer their nationality to non-Palauan adopted children. Additionally, concern is expressed that children in inter-country adoptions are generally not eligible for a Palauan passport; and may not own or inherit land or benefit from health, education and social service subsidies. The lack of monitoring with respect to both domestic and inter-country adoptions is a concern. Despite the impact of urbanization and the changing nature of the traditional extended family support system, the State party has not yet instituted a foster care programme and other alternative care facilities.

Paragraph 459

In the light of article 21 of the Convention, proper monitoring procedures should be established with respect to both domestic and inter-country adoptions and adequate measures introduced to monitor the practice of traditional informal adoptions with the view to preventing abuse and protecting the best interests of the child. Additionally, all appropriate measures, including legal and administrative ones should be taken, to ensure the effective regulation of inter-country adoptions and to protect the rights of children in this regard.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 177 and 178.

Paragraph 177

It is of deep concern that the right to a nationality of some children within the State party, particularly children living in eastern regions of the country and members of certain ethnic groups, is not respected.

Paragraph 178

It should be ensured that all children, without discrimination, are accorded a nationality and measures should be taken to implement the concluding observations of the Committee on the Elimination of Racial Discrimination on this subject.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 458 and 459.

Paragraph 458

It is of concern that under citizenship laws a child of a Bhutanese mother and a non-national father must face a burdensome naturalization process, whereas this is not required if the father is Bhutanese.

Paragraph 459

NATIONALITY

The right of a child to a nationality should be ensured without discrimination on the basis of the gender of the parent(s), in accordance with articles 2 and 7 of the Convention.

See also:

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 181 and 182.
 - Qatar, CRC, CRC/C/111 (2001) 59 at paras. 304 and 305.
 - Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 61 and 62.
-
- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 507 and 508.

Paragraph 507

Discrimination against women in the passing on of parents' nationality persists and this is of concern. While noting the State party's efforts in this regard, concern is expressed over information indicating that children of all nationalities are not treated equally.

Paragraph 508

The State party should pursue its efforts to adopt legislation that establishes an equal right for men and women to pass on Monegasque nationality to their children. In light of article 12, the State party should continue its efforts to ensure that all children, regardless of their nationality, are treated equally.