

NATIONALITY

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 79.

79. The Committee expresses concern at the alleged discriminatory application of legislation in force on refugee status determination procedure. According to information received, the requirements set by that legislation to determine refugee status are applied differently to different nationalities. The Committee recommends that the State party ensure equal treatment for all asylum seekers in refugee status determination proceedings, and in particular Colombians.

- Croatia, CERD, A/57/18 (2002) 24 at paras. 97, 99 and 100.

97. The Committee expresses concern at the continued practice of segregation of Roma children within the educational system and at the reports of discrimination against the Roma regarding access to employment, health, political representation and citizenship rights...The Committee...encourages the State party to reinforce its efforts to train and recruit Roma teachers and to prevent discrimination against the Roma in access to employment, health, political representation and citizenship rights.

...

99. While noting the challenges confronted by the State party in meeting the needs of large numbers of refugees, returnees and displaced persons, the Committee is concerned that return is still hindered by legal and administrative impediments and hostile attitudes adopted by some central and local officials. In this regard, concern is further expressed about allegations of inconsistency and lack of transparency in the National Programme for Return. The Committee is particularly concerned about the insufficient efforts of the State party to prevent discrimination against minorities, especially Croatian Serbs, in addressing issues of restitution of property, tenancy and occupancy rights, reconstruction assistance, as well as the inter-related issues of residency and citizenship rights. The Committee recommends that the State party introduce further measures to ensure fairness, consistency and transparency in the National Programme for Return. Further, the State party is strongly urged to take effective measures to prevent discrimination, especially against Croatian Serbs, particularly as regards the restitution of their property, tenancy and occupancy rights, access to reconstruction assistance and rights to residency and citizenship...The Committee draws the attention of the State party to its general recommendation XXII concerning the rights of refugees and displaced persons.

100. With respect to article 5 of the Convention, the Committee restates its concern

NATIONALITY

regarding inconsistency between articles 8 and 16 of the Croatian Law on Citizenship, which appears to establish different criteria in granting citizenship to ethnic Croats as compared to other nationalities in Croatia. Concern is expressed that many former long-term residents of Croatia, particularly persons of Serb origin and other minorities, have been unable to regain residency status despite their pre-conflict attachment to Croatia. With respect to the acquisition of citizenship, the Committee again strongly urges that the State party undertake measures to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 5 of the Convention, and that the law is implemented in a non-discriminatory manner. The Committee also recommends that measures be taken to ensure that former long-term residents of Croatia are able to reclaim their status as citizens and/or residents on a non-discriminatory basis.

- Liechtenstein, CERD, A/57/18 (2002) 33 at para. 149.

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

- Lithuania, CERD, A/57/18 (2002) 35 at paras. 163 and 171.

163. The Committee notes with satisfaction that since the independence of Lithuania, considerable progress has been achieved in the field of human rights; in particular, the “zero option” in the 1989 Law on Citizenship, which enabled the majority of the population to obtain Lithuanian citizenship, has led to the construction of a more stable society.

...

171. Concern was expressed with the denial of citizenship under article 13 of the Law on Citizenship for persons affected by HIV/AIDS, who may belong to groups vulnerable to racism and racial discrimination.

- Qatar, CERD, A/57/18 (2002) 38 at paras. 193, 194 and 196.

193. The Committee notes the information provided by the delegation on the conditions governing the acquisition of the nationality of Qatar. It is nonetheless concerned at the distinction made in article 3 of Act No. 3/1963, as amended by Act No. 3/1969, between nationals of Arab countries and others as regards the length of time they must reside in Qatar before they can submit an application for naturalization. The Committee requests the State party to consider the possibility of modifying this provision in order to conform to article 5 (d) (iii) of the Convention...

194. The Committee notes with concern the distinction drawn between citizens by birth and

NATIONALITY

naturalized citizens as regards access to public office and other kinds of employment, as well as the right to vote and to stand for election. The Committee believes that the supplementary conditions attached to the exercise of these rights by naturalized citizens are not consistent with article 5 (c) and (e) (i) of the Convention. It recommends that the State party bring its legislation into line with article 5 of the Convention...

...

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

- Switzerland, CERD, A/57/18 (2002) 46 at para. 251.

251. The Committee is concerned at expressions of xenophobic and racist attitudes in naturalization procedures, particularly those subject to popular vote. It is also concerned that according to legislation still in force decisions taken in accordance with such procedures are not subject to legal review. The Committee is of the view that the right to appeal against decisions, in particular arbitrary or discriminatory ones, in matters relating to naturalization has to be made an integral part of the policy on naturalization, currently in the process of being amended. Further, the State party should endeavour to avoid statelessness, particularly of children, on its territory, bearing in mind article 38 (3) of the new Federal Constitution, which stipulates that the Confederation "shall facilitate the naturalization of stateless children".

- Estonia, CERD, A/57/18 (2002) 60 at paras. 353, 354, 359 and 361.

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

354. The Committee is also concerned that former Soviet Union military personnel residing in Estonia are prevented from acquiring Estonian citizenship and is of the opinion that their

NATIONALITY

applications should be considered on a case-by-case basis.

...

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

...

361. The Committee recommends that the Government of Estonia consider becoming a party to the Convention on the Reduction of Statelessness (1961) [and] the Convention relating to the Status of Stateless People (1954)...

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

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

- Côte d'Ivoire, CERD, A/58/18 (2003) 19 at paras. 29, 32 and 33.

29. The Committee, recalling article 1, paragraph 3, of the Convention, notes with concern that the misuse for political ends of Nationality Code Act No. 61 415 of 14 December 1961, as amended by Act No. 72-852 of 21 December 1972, has given rise to discriminatory practices. The Committee also notes that the misuse for xenophobic purposes of the concept of "*ivoirité*", which does not appear in the Constitution, has been a key factor in the current crisis. The Committee recommends that the Nationality Code be implemented in conformity with the provisions of the Convention.

...

32. The Committee notes with concern that the misinterpretation of election laws has given rise to tensions between ethnic and religious groups and recommends that these laws be reviewed in the light of the provisions of the Convention relating to the right of all citizens to take part in the country's political life.

33. In general, with regard to the provisions of the Constitution (particularly article 35) and the nationality legislation that has been called into question in the context of the crisis in Côte d'Ivoire, the Committee recommends that the State party take account of existing realities on the ground, in particular the coexistence of different ethnic groups, in order to

NATIONALITY

guarantee that these provisions are more fully implemented.

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

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

- Poland, CERD, A/58/18 (2003) 35 at para. 161.

161. The Committee shares the State party’s concern about reports of irregularities during the census with regard to the recording of information of persons claiming a nationality other than Polish. It recommends that the State party take all effective measures to prevent similar incidents in the future.

- Russian Federation, CERD, A/58/18 (2003) 38 at paras. 180 and 183.

180. The Committee expresses concern that a large number of former Soviet citizens who previously resided legally in the Russian Federation have been considered illegal migrants since the entry into force in 2002 of the Federal Laws on Russian Citizenship and on the Legal Status of Foreign Citizens in the Russian Federation. The Committee urges the State party to take steps to regularize the position of persons in this category.

...

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.

- Saudi Arabia, CERD, A/58/18 (2003) 41 at para. 214.

NATIONALITY

214. The Committee, noting the information provided concerning the acquisition of nationality under the Nationality Regulations, is nevertheless concerned that a Saudi woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Saudi nationality in the same manner as a foreign woman. The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention.

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

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

...

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

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

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

449. While noting the measures taken by the State party to increase the rate of naturalization of non-citizens, the Committee remains concerned at the limited results of these efforts. The Committee is concerned at the growing number of persons who fail the language examination and at the possible lack of availability or accessibility of Latvian language instruction for all those wishing to benefit from this facility.

The Committee recommends that the State party further study the underlying reasons for the low level of naturalization applications with a view to devising strategies targeting specific groups of potential applicants. The Committee stresses that positive measures should be

NATIONALITY

employed to attract non-citizens to the process, while ensuring that any measures taken do not adversely affect their current status. It also strongly urges the State party to ensure the availability of Latvian language instruction, to the extent possible, for those wishing to avail themselves of such opportunities.

...

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

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

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

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

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

- Saint Vincent and the Grenadines, CERD, A/58/18 (2003) 85 at para. 508.

508. The Committee is concerned that sections 1 and 13 of the 1979 Constitution do not fully comply with article 1 of the Convention, as they do not expressly forbid discrimination based on descent and national or ethnic origin. The Committee is also concerned that exceptions and limitations to the principle of non-discrimination, provided for in particular by subsections 4, 6, 7 and 8 of article 13 of the Constitution, appear to be incompatible with the Convention.

The Committee recommends that the State party review its domestic law so that it complies fully with the Convention.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras. 534-536.

NATIONALITY

534. While noting the rapid implementation in domestic law of the European Race Directive, the Committee is concerned that, unlike the Race Relations Act, the amending regulation does not cover discrimination on grounds of colour or nationality. The Committee is therefore concerned that the emerging situation may lead to inconsistencies in discrimination laws and differential levels of protection according to the categorization of discrimination (i.e. race, ethnic origin, colour, nationality, etc.), and create difficulties for the general public as well as law enforcement agencies.

The Committee recommends that the State party extend the amending regulations to cover discrimination on the grounds of colour and nationality. In this context, the Committee also recommends that the State party consider introducing a single comprehensive law, consolidating primary and secondary legislations, to provide for the same protection from all forms of racial discrimination, enshrined in article 1 of the Convention.

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

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

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

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

- Bahamas, CERD, A/59/18 (2004) 10 at paras. 33 and 34.

33. The Committee takes note of the constitutional reform process now in progress but is

NATIONALITY

concerned at the fact that the Constitution contains discriminatory provisions on the subject of women's rights to transmit their nationality to their children and foreign spouses.

It invites the State party to continue its efforts to remedy such discrimination, and draws its attention to the Committee's general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

34. The Committee notes with concern that people entering the country without proper papers are automatically detained without such detention being subjected to judicial review. It takes note of the delegation's statement that such detention does not generally last longer than a few days but is disturbed at reports emphasizing that such detention sometimes extends to a year and more, depending on migrants' nationalities.

The Committee emphasizes that detention should be a last resort and invites the State party to adopt alternatives to detention for undocumented migrants and asylum-seekers. It recommends the institution of a right of appeal against orders to detain people entering the country without proper papers; such individuals should be duly informed of their rights and maximum duration of detention should be strictly defined.

- Lebanon, CERD, A/59/18 (2004) 18 at para. 85.

85. The Committee notes that Lebanese citizenship is derived exclusively from the father, which may result in a situation of statelessness for children of a Lebanese mother and non-citizen father, where registration under the father's nationality is not possible.

The Committee urges the State party to review its relevant legislation, so as to bring it in line with the provisions of the Convention... In addition, the Committee recommends that the State party ratify the Convention on the Reduction of Statelessness of 1961.

- Libyan Arab Jamahiriya, CERD, A/59/18 (2004) 21 at paras. 104 and 107.

104. The Committee is concerned that, according to some information, thousands of African migrant workers have been expelled since 2000.

The Committee...recommends that the State party ensure that the removal of non-citizens does not discriminate amongst them on the basis of ethnic or national origin.

...

107. The Committee is concerned at information that anti-Black sentiment and racially motivated acts against foreign workers have an adverse impact on their employment situation and terms and conditions of employment.

NATIONALITY

The Committee recommends that the State party ensure that foreign workers are not discriminated against in employment on the basis of their colour or their ethnic or national origin.

- Sweden, CERD, A/59/18 (2004) 41 at para. 214.

214. The Committee welcomes the adoption of a series of legislative measures undertaken by the State party to combat racial discrimination, including:

...

(d) The new Act on Citizenship, which came into force on 1 July 2001, accepting the possibility of dual citizenship and facilitating the acquisition of Swedish citizenship for children of foreign background.

- Madagascar, CERD, A/59/18 (2004) 58 at para. 318.

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

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

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

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

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

- Portugal, CERD, A/59/18 (2004) 66 at para. 367.

367. The Committee expresses concern about allegations it has received of instances of police misconduct towards ethnic minorities or persons of non-Portuguese origin, including excessive use of force, ill-treatment and violence.

NATIONALITY

The Committee recommends that the State party investigate thoroughly, impartially and effectively all allegations of ill-treatment, violence or excessive use of force by police officers, bring those responsible to justice and provide adequate remedies and compensation to the victims. Furthermore, in light of its general recommendation XIII, the Committee recommends that the State party continue to provide intensive training to law enforcement officials so as to ensure that in the performance of their duties they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent, or national or ethnic origin.

- Tajikistan, CERD, A/59/18 (2004) 74 at para. 409.

409. The Committee is concerned that, according to some information, refugees have been denied Tajik citizenship despite the fact that they comply with the requirements set out in the Law “On Citizenship”.

The Committee draws the attention of the State party to its general recommendation XXX on discrimination against non-citizens and recommends that it apply the Law “On Citizenship” without discrimination, as requested in article 5 (d) (iii) of the Convention.

- Australia, CERD, A/60/18 (2005) 13 at paras. 33, 34 and 44.

33. The Committee notes with concern reports that prejudice against Arabs and Muslims in Australia has increased and that the enforcement of counter-terrorism legislation may have an indirect discriminatory effect against Arab and Muslim Australians (arts. 4 and 5).

The Committee welcomes the national consultations on eliminating prejudice against Arab and Muslim Australians... It recommends that the State party increase its efforts to eliminate such prejudice and ensure that enforcement of counter-terrorism legislation does not disproportionately impact on specific ethnic groups and people of other national origins.

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

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

...

44. The Committee is concerned at reports according to which temporary protection visas

NATIONALITY

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

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

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

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

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

- Bahrain, CERD, A/60/18 (2005) 22 at para. 87.

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

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

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

NATIONALITY

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

The Committee calls on the State party to strengthen its policy for the integration of immigrants and population groups of immigrant origin, especially in the field of housing, and draws its attention to the Committee's general recommendation XIX on article 3 of the Convention and general recommendation XXX on discrimination against non-citizens. The Committee invites the State party to follow the recommendations in this area as set out in the report of the Court of Audit...

...

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

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

- Ireland, CERD, A/60/18 (2005) 30 at para. 140.

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

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

- Luxembourg, CERD, A/60/18 (2005) 40 at paras. 188, 198 and 200.

188. The Committee commends the entry into force of the Act of 24 July 2001 amending the Luxembourg Nationality Act of 22 February 1968 by easing the conditions for obtaining Luxembourg nationality.

...

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

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

NATIONALITY

agencies refrain from engaging in discriminatory practices.

...

200. The Committee is concerned at allegations of discriminatory or vexatious conduct towards non-nationals on the part of officials working in various national or local authorities.

While aware of the information provided by the State party about human rights training for State employees, the Committee encourages the State party to include within the training a specific focus on the problems of racism and discrimination, and to ensure that all officials who come into contact with minority groups receive training of this type.

- Georgia, CERD, A/60/18 (2005) 46 at paras. 243 and 244.

243. While acknowledging the commitment of the State party to repatriate and integrate Meskhetians who were expelled from Georgia in 1944 as well as the recent establishment of a State Commission on the Repatriation of Meskhetians, the Committee notes with concern that no specific measures have yet been taken to address this issue (art. 5).

The Committee recommends that the State party include detailed information in its next periodic report on the situation of Meskhetians and take the appropriate measures to facilitate their return and their acquisition of Georgian citizenship, including the adoption of the necessary framework legislation to this effect, which has been under drafting since 1999.

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

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

- Iceland, CERD, A/60/18 (2005) 51 at paras. 259, 267, 268 and 272.

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

NATIONALITY

some 1,000 foreign nationals availed themselves of their right to vote.

...

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

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

268. While noting that the issuance of temporary work permits to employers of foreign workers rather than to the employees themselves serves to better oversee the situation of the labour market, and that copies of such permits indicating the expiry date are handed out to the employees, who may change jobs during the period covered by the permit, the Committee is concerned that this situation may lead to breaches of the labour rights of temporary foreign workers (art. 5, para. (e) (i)).

Recalling its general recommendation XXX (2004) on discrimination against non-citizens, the Committee recommends to the State party that it strengthen legal safeguards to prevent such breaches and to ensure that foreign workers are protected against discrimination, in particular in relation to working conditions and work requirements.

...

272. The Committee encourages the State party to consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and to complete the ratification process of the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

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

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

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

NATIONALITY

regard, the Committee draws the attention of the State party to its general recommendation XXX (2004) on non-citizens.

...

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

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

- Turkmenistan, CERD, A/60/18 (2005) 61 at paras. 322 and 324.

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

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

...

324. The Committee appreciates the announcement made by the State party that it will grant citizenship to about 16,000 refugees who have been residing in Turkmenistan for some years, and permanent resident status to 3,000 other refugees (art. 5).

The Committee encourages the State party to continue the naturalization process without discrimination based on ethnic origin. It recommends, in particular, that the same treatment be granted to refugees of Turkmen, Uzbek, or other ethnic origin such as those coming from Afghanistan...

- Zambia, CERD, A/60/18 (2005) 75 at paras. 397 and 401.

397. The Committee, while welcoming the establishment of a Constitution Review

NATIONALITY

Commission in 2003, reiterates its concern that article 23 of the Constitution, which allows for extended restrictions to the prohibition of discrimination with respect to non-citizens, matters of personal law and of customary law, is not in compliance with the Convention (art. 1).

The Committee recommends to the State party that it facilitate the constitutional review process and amend article 23 (4) of the Constitution so as to ensure the full implementation of the prohibition of racial discrimination. The Committee draws the attention of the State party to its general recommendation XXX (2004) on non-citizens. It also stresses that respect for customary law and practices should not be ensured through a general exception to the principle of non-discrimination, but should rather be implemented through positive recognition of cultural rights.

...

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

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

ICCPR

- 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).

NATIONALITY

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(11).

(11) The Committee notes the discriminatory situation affecting women as regards the acquisition and transmission of nationality (articles 3 and 26 of the Covenant).

The State party must eliminate from its legislation all discrimination between men and women as regards acquisition and transmission of nationality.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at para. 77(10).

(10) The Committee draws attention to the discrimination affecting women as regards transmission of nationality to their children when their spouses are not Egyptian and as regards the rules governing inheritance (articles 3 and 26 of the Covenant).

The State party is encouraged to bring its current inquiries to a conclusion and do away with all discrimination between men and women in its domestic legislation.

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

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

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

...

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

NATIONALITY

of political parties.

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

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(20).

(20) The Committee is concerned about reports of the hardship suffered by some 6,000 Mauritanian refugees who, for the last 10 years, have been living in the west of the country (Kayes region), are not registered, possess no identity papers, have the *de facto* status of stateless persons and whose right to physical security is not sufficiently protected.

The State party should enter into discussions with the Office of the United Nations High Commissioner for Refugees (UNHCR), with a view to improving the status and conditions of these persons.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at paras. 85(21) and 85(22).

(21) The Committee is concerned about Israel's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) on 31 July 2003, which suspends, for a renewable one-year period, the possibility of family reunification, subject to limited and subjective exceptions, especially in the cases of marriages between an Israeli citizen and a person residing in the West Bank or in Gaza. The Committee notes with concern that the suspension order of May 2002 has already adversely affected thousands of families and marriages.

The State party should revoke the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which raises serious issues under articles 17, 23 and 26 of the Covenant. The State party should reconsider its policy with a view to facilitating family reunification of all citizens and permanent residents...

(22) The Committee is concerned about the criteria in the 1952 Law on Citizenship enabling the revocation of Israeli citizenship, especially its application to Arab Israelis. The Committee is concerned about the compatibility with the Covenant, in particular article 24 of the Covenant, of the revocation of the citizenship of Israeli citizens.

The State party should ensure that any changes to citizenship legislation are in conformity with article 24 of the Covenant.

NATIONALITY

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

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

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

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

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

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

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

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at para. 66(7).

NATIONALITY

(7) While taking note of the proposed constitutional reform and the legislative review project currently being undertaken by the National Human Rights Commission, the Committee remains concerned that Sri Lanka's legal system still does not contain provisions which cover all of the substantive rights set forth in the Covenant, or all the necessary safeguards required to prevent the restriction of Covenant rights beyond the limits permissible under the Covenant...It is also concerned that contrary to the principles enshrined in the Covenant (e.g. the principle of non-discrimination), some Covenant rights are denied to non-citizens without any justification. It remains concerned about the provisions of article 16, paragraph 1, of the Constitution, which permits existing laws to remain valid and operative notwithstanding their incompatibility with the Constitution's provisions relating to fundamental rights. There is no mechanism to challenge legislation incompatible with the provisions of the Covenant (arts. 2 and 26). It considers that a limitation of one month to any challenges to the validity or legality of any "administrative or executive action" jeopardizes the enforcement of human rights, even though the Supreme Court has found that the one-month rule does not apply if sufficiently compelling circumstances exist.

The State party should ensure that its legislation gives full effect to the rights recognized in the Covenant and that domestic law is harmonized with the obligations undertaken under the Covenant.

- Suriname, ICCPR, A/59/40 vol. I (2004) 43 at para. 69(20).

(20) While the Committee welcomes the State party's Gender Policy Programme, including a timetable for reviewing several provisions in domestic laws that are discriminatory against women, it remains concerned that discriminatory legislation in relation to gender still exists, including in the Personnel Act, the Identity Act, the Nationality and Residence Act and the Elections Act (arts. 3 and 26).

The State party is invited to eliminate any existing legislation that discriminates in relation to gender.

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

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

NATIONALITY

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

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(32).

(32) The Committee notes that a child born of a Moroccan mother and a foreign father (or a father of unknown nationality) is treated differently from the children of a Moroccan father with regard to obtaining Moroccan nationality.

The State party should comply with the provisions of article 24 of the Covenant and should ensure equal treatment for the children of a Moroccan mother and a Moroccan or foreign father (Covenant, arts. 24 and 26).

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(4).

(4) The Committee welcomes the adoption of Act No. 62/1998 amending the Icelandic Citizenship Act, which abolished important elements of the previous legislation with respect to discrimination against children born out of wedlock.

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

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

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

...

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

NATIONALITY

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

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

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

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

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

(22) Notwithstanding the corrective measures taken by the State party, most notably through the Central Registration Regulations 1992 and 1996, to address the issue of statelessness among ethnic minorities, including the Highlanders, the Committee remains concerned that a significant number of persons under its jurisdiction remain stateless, with negative consequences for the full enjoyment of their Covenant rights, as well as the right to work and their access to basic services, including health care and education. The Committee is concerned that their statelessness renders them vulnerable to abuse and exploitation. The Committee is also concerned about the low levels of birth registration, especially among Highlander children. (arts. 2 and 24).

The State party should continue to implement measures to naturalize the stateless persons who were born in Thailand and are living under its jurisdiction. The State party should also review its policy regarding birth registration of children belonging to ethnic minority groups, including the Highlanders, and asylum-seeking/refugee children, and ensure that all children born in the State party are issued with birth certificates.

ICESCR

- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 894, 905, 911 and 914.

NATIONALITY

894. The Committee expresses particular concern that the granting of citizenship under the Law on Croatian Citizenship (1991) has not been governed by fair and objective non-discriminatory criteria based on pre-war residence and connections to Croatia, and as a result has heavily favoured ethnic Croats. The Committee notes with concern that the inability to prove habitual residence negatively affects the possibility of obtaining Croatian nationality for persons from certain minority groups who left during the war and wish to return to Croatia.

...

905. The Committee urges that the State party establish objective criteria for the granting of citizenship to those wishing to obtain citizenship, in particular to those who left during the war and wish to return to Croatia, irrespective of ethnic origin, and that the Law on Croatian Citizenship be amended accordingly. It further recommends that the State party ratify the 1961 Convention on the Reduction of Statelessness.

...

911. In view of the very large number of persons affected in the areas of occupancy rights, acquisition of citizenship and other matters resulting from the war and the aftermath of independence, the Committee is of the opinion that the burden on the court system could be significantly reduced by adopting non-discriminatory laws and by streamlining legal and administrative procedures accordingly.

...

914. The Committee urges the State party to structure its data collection efforts in the future in such a way as to be able to identify clearly the most disadvantaged and marginalized groups of society. It calls on the State party to conduct studies of all its laws, policies and practices with a view to assessing their effects on those groups, especially with regard to those areas that most directly affect their basic living conditions, such as employment, housing restitution, relocation, tenancy rights, health care, naturalization and education. All data should be disaggregated by minority groups, as well as by gender, religion, disability and any other relevant criteria that will help the State party develop targeted programmes to help those most in need.

- Solomon Islands, ICESCR, E/2003/22 (2002) 65 at para. 466.

466. The Committee urges the State party to take all effective measures to prohibit discrimination on the basis of nationality or sex in all fields of economic, social and cultural life...

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 249, 261 and 277.

249. The Committee...notes with appreciation that the Supreme Court's rules of standing have been relaxed, allowing any person, regardless of citizenship, residency or other status,

NATIONALITY

who contends that his or her rights have been unlawfully denied or infringed, formal access to the Court, and allowing even for an *actio popularis*. In particular, the Committee particularly appreciates that in the State party, plaintiffs seeking remedy for alleged violations of economic, social and cultural rights have access to and can make use of the judiciary system, which provides opportunities for the justiciability of the rights enshrined in the Covenant...

...

261. The Committee is particularly concerned about the status of “Jewish nationality”, which is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, in particular Palestinian refugees. The Committee is also concerned about the practice of restrictive family reunification with regard to Palestinians, which has been adopted for reasons of national security. The Committee reiterates its concern in this regard contained in its previous concluding observations.^{16/}

...

277. The Committee reiterates its recommendation that in order to ensure equality of treatment and non-discrimination, the State party undertake a review of its re-entry and family reunification policies for Palestinians.^{21/}

Notes

...

^{16/} [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 239, and *ibid.*, 2002, Supplement No. 2 (E/2002/22-E/C.12/2001/17), chap. IV, para. 705.

...

^{21/} [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 262.

-
- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 455 and 483.

455. The Committee notes the statement of the State party’s delegation that any former citizen of the Soviet Union living in the country can exchange their old Soviet passports for new Russian Federation ones without any difficulty. However, the Committee is concerned about reports that registration and recognition of citizenship have been denied to some groups, particularly the Meskhetians living in Krasnodar Krai.

...

483. The Committee urges the State party to take effective measures to ensure that no one will be deprived of their legal status and enjoyment of rights as a consequence of the expiry of Soviet passports on 31 December 2003. The Committee also calls upon the State party

NATIONALITY

to ensure that the authorities in Krasnodar Krai legalize the residence of Meskhetians and members of other ethnic groups who have reportedly been denied registration.

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

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

...

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

- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 185, 188, 191, 193, 204, 207, 211 and 213.

185. The Committee on Economic, Social and Cultural Rights is concerned about the continuing discrimination against the "Bidun" due to the fact that they are denied the possibility of becoming Kuwaiti nationals by the State party.

...

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

...

191. The Committee notes with concern the limitations with regard to the right to join trade unions for non-national workers, and about the restrictive legal limitations on the right to strike.

...

193. The Committee is concerned that non-Kuwaiti workers in Kuwait are excluded from the social insurance scheme.

...

204. The Committee recommends that the State party ensure that all persons in its territory, including the "Bidun", enjoy economic, social and cultural rights enshrined in the Covenant and expedite their acquisition of Kuwaiti nationality when possible...

...

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

NATIONALITY

...

211. The Committee strongly recommends that the State party liberalize the limitations on the right to strike and extend the right to join trade unions to all workers, including migrant workers, in line with article 8 of the Covenant.

...

213. The Committee urges the State party to continue to carry out studies and undertake measures to ensure that social insurance benefits are accorded to non-Kuwaiti workers so that they are put on a fair and equal footing with Kuwaiti workers with regard to the right to social security. In this regard, the Committee encourages the State party to ratify ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 387 and 398.

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

...

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

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

480. While noting that the constitutional guarantee of the enjoyment of all rights and freedoms is extended to all foreign citizens and stateless persons, the Committee is concerned about the persistent *de facto* discrimination against foreign citizens, ethnic minorities and stateless persons in the fields of housing, employment and education. The Committee is also concerned about the legal status of a significant number of long-term residents in the State party who remain stateless.

...

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

CEDAW

NATIONALITY

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 274 and 275.

274. The Committee expresses its concern at the contradiction between the constitutional guarantees of fundamental rights and the existence of laws that discriminate against women... The Committee is also concerned at the existence of discriminatory legislation, such as the Land Development Ordinance, and the provisions allowing for Muslim personal law, which, *inter alia*, does not provide a minimum age of marriage, as well as the nationality law which precludes Sri Lankan women from passing nationality to their children on an equal footing with men.

275. The Committee urges the State party to review all existing laws and amend discriminatory provisions so that they are compatible with the Convention and the Constitution...The Committee further recommends that, in its efforts to eliminate discriminatory legislation, the State party take into account, where appropriate, suggestions and recommendations from bodies such as the Muslim personal law reforms committee set up by the Ministry of Muslim Religious and Cultural Affairs. The Committee also encourages the Government to obtain information on comparative jurisprudence, including that which interprets Islamic law in line with the Convention.

- Suriname, CEDAW, A/57/38 part II (2002) 82 at paras. 41 and 42.

41. The Committee notes with concern that a number of provisions exist in domestic law, including the Personnel Act, the Identity Act, the Nationality and Residence Act and the Elections Act, which allow for discrimination against women...

42. The Committee recommends that the State party review existing laws and amend discriminatory provisions to bring them into line with the Convention and the Constitution and to ensure compatibility between all national legislation and international conventions.

- Tunisia, CEDAW, A/57/38 part II (2002) 102 at paras. 190 and 191.

190. While welcoming the legislative reforms introduced by the State party aimed at eliminating discrimination against women, the Committee is concerned about the remaining discriminatory provisions, especially in the nationality law and the Personal Status Code.

191. The Committee urges the State party to continue the process of legislative reform and review relevant existing laws in consultation with women's groups.

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 254 and 255.

NATIONALITY

254. The Committee is concerned that aspects of the law on nationality as described in the report continue to discriminate against female spouses.

255. The Committee recommends that these laws be amended in conformity with article 9 of the Convention, and that court decisions recognizing women's equal rights be enforced.

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 141 and 142.

141. While welcoming the constitutional provisions and the amended Uganda Immigration and Control Act, 1999 that provide for equal citizenship and nationality rights for women and men, the Committee expresses concern that the Passport Regulations contravene these provisions and discriminate against women. It is concerned that a married woman will not be issued a passport without her husband's written consent, and that the father as legal guardian must consent to the inclusion of a women's minor children in her passport.

142. The Committee urges the State party to take urgent steps to reconcile its Passport Regulations with the provisions of the Constitution and article 9 of the Convention in order to eliminate all provisions that discriminate against women in the area of nationality and citizenship...

- Switzerland, CEDAW, A/58/38 part I (2003) 20 at para. 102.

102. The Committee notes with appreciation the significant law reform undertaken in the State party in several areas in conformity with the Convention, particularly: the Marriage Law (1988), which replaced the husband's preponderant role in the family with a partnership based on equality of rights and obligations on the part of each spouse; the amended Federal Act on the acquisition and loss of Swiss nationality (1992), with identical conditions for both sexes...

- Kenya, CEDAW, A/58/38 part I (2003) 35 at paras. 217 and 218.

217. The Committee expresses concern at the discriminatory nature of Kenyan laws relating to citizenship and nationality.

218. The Committee urges the State party to reconcile Kenyan citizenship laws with the provisions of the draft constitution and article 9 of the Convention in order to eliminate all provisions that discriminate against women in the area of citizenship and nationality...

NATIONALITY

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 156, 162 and 163.

156. The Committee appreciates the fact that a Royal Commission has been established with the principal goal of revising the Personal Status Code. The Committee commends the State party for the draft bill on the nationality law which would give Moroccan women the right to pass on their nationality to their children on the same basis as men.

...

162. The Committee is concerned about the many remaining discriminatory provisions in the Personal Status Code, which sets different standards for women and men in issues related to marriage and family life... A bill is still pending adoption by Parliament concerning a Moroccan woman's right to pass on her nationality to her children when she is married to a foreigner...

163. ...The Committee urges the State party to expedite the adoption of the proposed bill on nationality and to withdraw its reservation concerning article 9, paragraph 2, of the Convention...

- Kuwait, CEDAW, A/59/38 part I (2004) 15 at paras. 66 and 67.

66. The Committee expresses concern at the continuing existence of *de jure* discrimination against women in various laws, including the Nationality Act, the Personal Status Act, the Civil Code and the Private Sector Employment Act. In particular, the Committee is concerned that the Nationality Act allows Kuwaiti women to transfer their nationality to their children only in specific circumstances, such as when the nationality of the father is unknown or if he is stateless or deceased, or after an irrevocable divorce...

67. The Committee calls upon the State party to undertake a comprehensive review of all existing laws, including the Nationality Act, and to amend or repeal discriminatory provisions so as to ensure compliance with the provisions of the Convention...

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 125-128.

125. The Committee is concerned...about the fact that restrictive citizenship laws might prevent women from freely choosing a spouse.

126. ...The Committee recommends that the State party amend its citizenship and nationality laws to bring them into conformity with article 9 of the Convention.

127. The Committee is concerned about the situation of ethnic Nepalese women who lost

NATIONALITY

their Bhutanese citizenship following the enactment of the 1985 Citizenship Act and now live in refugee camps in Nepal. It is also concerned about the situation of girls born of Bhutanese parents in refugee camps who can obtain naturalization only after the age of 15 years.

128. The Committee urges the State party to step up its efforts to conduct negotiations with the Government of Nepal, and to collaborate with the Office of the United Nations High Commissioner for Refugees, in order to find a prompt, just and durable solution to the situation of Bhutanese women and girls living in refugee camps in Nepal, including the possibility of return to Bhutan for those Bhutanese women who wish to do so.

- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at paras. 173 and 174.

173. The Committee is concerned that the law on nationality precludes Kyrgyz women from passing their nationality on to their children on the same basis as men.

174. The Committee urges the State party to take immediate steps to amend the nationality law and bring it into conformity with article 9 of the Convention.

- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 198 and 199.

198. The Committee expresses concern that the Constitution, in contradiction to article 9 of the Convention, precludes Nepalese women from passing their nationality on to their children or to a spouse of foreign nationality.

199. The Committee urges the State party to repeal or amend article 9 of the Constitution, which permits discrimination against women in the area of citizenship.

- Nigeria, CEDAW, A/59/38 part I (2004) 49 at paras. 287, 293 and 294.

287. The Committee...welcomes the attention given in the ongoing constitutional review process to the elimination of remaining provisions that are discriminatory to women, including those regarding nationality.

...

293. The Committee is concerned that the State party's Constitution continues to contain provisions that discriminate against women, in particular in the area of nationality and employment, a fact that is explicitly recognized by the State party. It is further concerned at the slow pace of legislative reform to bring discriminatory legislation into conformity with

NATIONALITY

the provisions of the Convention and to eliminate customary practices that discriminate against women.

294. The Committee calls on the State party to set priorities, as well as a concrete timetable, for amending provisions in the Constitution and in Federal and State legislation that discriminate against women. It urges the Government of the State party to intensify its collaboration with parliamentarians and civil society in order to enhance understanding by all stakeholders of the State party's obligations under the Convention and to ensure speedy progress towards achieving *de jure* equality as an essential prerequisite for realizing *de facto* equality of women and compliance with the provisions of the Convention.

- Belarus, CEDAW, A/59/38 part I (2004) 55 at para. 330.

330. The Committee commends the State party for the amendments to the Citizenship Act of October 1991, which grant women equal rights with men with respect to the nationality of children and with respect to the procedure for acquiring, changing or retaining nationality.

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

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

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

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 249 and 250.

249. Although acknowledging that the State party has initiated the amendment of the 1951 Citizenship Act, the Committee is concerned that women are still unable to transmit their nationality to their foreign husbands and children.

250. The Committee urges the State party to ensure that a new citizenship law, which is in line with article 9 of the Convention, is adopted without delay, in order to eliminate all provisions that discriminate against women in the area of nationality.

NATIONALITY

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

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

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

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 143 and 144.

143. The Committee is concerned about the lack of progress in revising discriminatory legislation. In particular, it expresses concern that the revision of the Code of Algerian Nationality established by Order 70-86 of 15 December 1970 and of the 1984 Family Code has not been completed, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men concerning the transmission of nationality, as well as on issues related to marriage and family life, including divorce and child custody...

144. The Committee urges the State party to place high priority on implementing legislative reforms and to step up the process of revising the Code of Algerian Nationality and the Family Code so as to promptly bring them into line with articles 9 and 16 of the Convention. To this end, the Committee calls upon the State party to establish a clear time frame for the review of those laws by the Council of Ministers and for their submission to the National People's Assembly and the Council of the Nation and to increase its efforts to sensitize public opinion regarding the importance of legal reform.

- Croatia, CEDAW, A/60/38 part I (2005) 30 at paras. 196 and 197.

196. The Committee is concerned...about Roma women's difficulties in the enjoyment in practice of citizenship rights, in accordance with article 9 of the Convention.

197. The Committee requests the State party to take effective measures to eliminate

NATIONALITY

discrimination against Roma women, both in society at large and within their communities, and to enhance respect for their human rights through effective and proactive measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and awareness-raising programmes...

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 41 and 42.

41. The Committee is concerned about existing discriminatory legal provisions, particularly that which establishes a minimum marriage age for females at 17 and for males at 18, and about article 7 of the citizenship law on the determination of the citizenship of a child under the age of 14...

42. The Committee urges the State party to initiate without delay a comprehensive review of all legislation, with the aim of identifying provisions that discriminate against women, and a process of law reform to bring its laws into conformity with the provisions of the Convention.

- Gambia, CEDAW, A/60/38 part II (2005) 122 at para. 183.

183. The Committee commends the State party for having incorporated in its Constitution the principle of non-discrimination against women, as well as provisions to accord women equal rights with men in respect of nationality.

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 253 and 254.

253. The Committee is concerned about the State party's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which suspends the possibility, subject to limited and subjective exceptions, of family reunification, especially in cases of marriages between an Israeli citizen and a person residing in the Occupied Territories. The Committee notes with concern that the suspension order, which has been extended until the end of August 2005, has already adversely affected the marriages and family life of Israeli Arab women citizens and Palestinian women from the Occupied Territories.

254. The Committee calls on the State party to balance its security interests with the human rights of persons affected by such policies, and to reconsider them with a view to facilitating family reunification of all citizens and permanent residents. It calls on the State party to

NATIONALITY

bring the Nationality and Entry into Israel law (Temporary Order) of 31 July 2003 into line with articles 9 and 16 of the Convention...

CAT

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

49. The Committee is concerned that:
...
(f) Persons of Russian nationality and stateless persons (overlapping categories) are overrepresented in the population of convicted prisoners;
...
50. The Committee recommends that the State party:
...
(h) Fully examine and report on the reasons for the overrepresentation of persons of Russian nationality and stateless persons in the population of convicted prisoners;
...

• Spain, CAT, A/58/44 (2002) 29 at paras. 61 and 65.

61. Of particular concern are the complaints concerning the treatment of immigrants, including sexual abuse and rape, allegedly on racist or xenophobic grounds. The Committee notes that Spain has become an important gateway to Europe for immigrants, and that this has meant a significant increase in the country's foreign population. In this context the omission from the definition of torture in article 174 of the Penal Code of torture "based on discrimination of any kind", notwithstanding the fact that, under the Code, racism is deemed to be an aggravating factor in any offence, takes on particular importance.
...
65. The Committee recommends that the State party should continue to take measures to prevent racist or xenophobic incidents.

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

108. The Committee expresses its concern at:
...
(m) The different regimes applicable, in law and in practice, to nationals and foreigners in relation to their legal right to be free from conduct that violates the Convention. The Committee reminds the State party that the Convention and its protections are applicable to

NATIONALITY

all acts that are in violation of the Convention that occur within its jurisdiction, from which it follows that all persons are entitled, in equal measure and without discrimination, to the rights contained therein;

...

109. The Committee recommends that the State party:

...

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

...

CRC

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

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

651. The Committee recommends that the State party:

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

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

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

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

81. The Committee is concerned at the absence of legislative or administrative provisions to protect refugee children. Issues of concern include the fact that only men may confer citizenship upon their children, instances of separation of children from their asylum-seeking parents during detention, as well as difficulties regarding full access to education.

82. The Committee...encourages the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness...

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

NATIONALITY

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

372. The Committee recommends that the State party:

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

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

- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 310, 311, 340 and 341.

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

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

...

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

...

340. ...[T]he Committee remains concerned that children adopted abroad must wait two years before being formally adopted, which can lead to discrimination and statelessness...

341. The Committee recommends that the State party take the necessary measures to avoid children adopted abroad becoming stateless or discriminated against because of the time between their arrival in the State party and their formal adoption...

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 430 and 431.

430. The Committee is concerned that:

(a) The Constitution of Saint Vincent and the Grenadines does not fully reflect the provisions of article 2 of the Convention and, in particular, does not specifically prohibit discrimination on the grounds of language, national, ethnic or social origin, property, disability, birth or

NATIONALITY

other status;

...

431. The Committee recommends that the State party:

(a) Amend its legislation, including the Constitution, to ensure that it fully corresponds with the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions...

...

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 98, 99, 114 and 115.

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

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

...

114. While welcoming the adoption of the Race Relations (NI) Order 1997 and the State party's commitment to end discrimination in its nationality law between children born in and out of wedlock, the Committee is concerned that the principle of non-discrimination is not fully implemented for all children in all parts of the State party and that there is unequal enjoyment of economic, social, cultural, civil and political rights, in particular for children with disabilities, children from poor families, Irish and Roma travellers' children, asylum-seeker and refugee children, children belonging to minority groups, children in care, detained children and children aged between 16 and 18 years old.

115. The Committee recommends that the State party:

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

...

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

(d) Amend the nationality law to allow transmission of nationality through unmarried as

NATIONALITY

well as married fathers.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 45, 46, 50 and 51.

45. The Committee is concerned that the current discriminatory attitudes towards linguistic minority communities (e.g. the Russian-speaking community), non-citizens, especially those without legal status, and other disadvantaged groups may restrict, directly or indirectly, the rights guaranteed under the Convention to children belonging to those groups. In particular, the Committee is concerned:

...

(c) That a high proportion of children from Russian-speaking communities are stateless;

...

46. The Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding legislation where necessary, to ensure that all children enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Study the effectiveness of the measures taken to counter all forms of discrimination;

...

50. The Committee welcomes the amendments made in 1998 to the Law on Citizenship simplifying procedures for the naturalization of children of stateless persons and notes that the number of stateless persons in Estonia is decreasing. Nevertheless, the Committee is concerned that the situation of stateless parents, who by virtue of their status are unable to participate fully in Estonian society, negatively impacts on their children's integration into Estonian society. Moreover, it is concerned that, under article 21 of the Law on Citizenship, children of former military and security service personnel and their spouses and families may be denied citizenship.

51. The Committee recommends, in accordance with articles 2 and 7 of the Convention, that the State party:

(a) Reduce the number of stateless children by, *inter alia*, expediting and improving the procedure of naturalization;

(b) Improve the situation of non-citizens without legal residence permits by, among other things, simplifying and shortening the procedures for applying for residence permits;

(c) Carry out campaigns to encourage applications with a view to reducing, as far as possible, the number of children who are stateless or illegal residents;

NATIONALITY

(d) Take measures to eliminate discrimination against children on account of their parents' past opinions or activities;

(e) Ensure that all children residing on the territory of Estonia enjoy all the rights under the Convention, whether or not they are citizens;

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

...

- Romania, CRC, CRC/124 (2003) 49 at paras. 230 and 231.

230. The Committee notes that Law No. 119/1996 includes special provisions for the issuance of birth certificates to abandoned children found in hospitals. However, the Committee remains concerned at the lack of measures to prevent non-registration of children and at the high number of stateless persons, in particular among the Roma.

231. The Committee recommends that the State party:

(a) Strengthen efforts to ensure birth registration of all children, paying particular attention to occurrences of non-registration of Roma children;

(b) Take further measures, in accordance with article 7 of the Convention, to facilitate applications for citizenship and resolve the situation of stateless children;

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

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 358 and 359.

358. The Committee welcomes the amendment to the Citizenship Law, adopted in September 1999, which was aimed at resolving the problems of statelessness that had disproportionately affected the Roma population, including children.

359. The Committee recommends that the State party:

(a) Expedite the procedure of acquiring citizenship and ensure its effective implementation at the local level;

NATIONALITY

(b) Accede to the Convention relating to the Status of Stateless Persons of 1954.

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 115 and 116.

115. The Committee is encouraged by positive developments, as noted by the Committee on the Elimination of Racial Discrimination (CERD) in August 2001, with respect to legislative reform. However, the Committee reiterates the concern of CERD relating to the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment. Furthermore, the Committee is concerned that certain factors linked to discriminatory attitudes may persist, in particular those related to acquisition of nationality, children born out of wedlock and Cypriot children of Turkish origin...

116. The Committee recommends that the State party consider reviewing legislation, and amending it where necessary, with a view to ensuring that all children are accorded equal rights without discrimination based on their ethnic origin, sex, or other grounds...

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 376 and 377.

376. With reference to the recommendations contained in its previous concluding observations on this matter, the Committee welcomes the information that the Higher Committee is considering the possibility of adopting a rule that would permit a Libyan mother to transfer her nationality to her children, irrespective of her husband's nationality.

377. The Committee recommends that the State party support the Higher Committee in this regard with a view to guaranteeing that children of Libyan mothers have the same right to Libyan nationality as children of Libyan fathers.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 479 and 480.

479. ...The Committee is...concerned that a child born of a Moroccan mother and a non-national father cannot acquire Moroccan citizenship by birth. ...

480. In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its measures, 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...

NATIONALITY

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 558 and 559.

558. The Committee is concerned that article 3 of the Syrian Nationality Act No. 276 of 1969 does not automatically grant citizenship to children of Syrian women married to non-nationals as it does where the father is Syrian. Moreover, the Committee regrets that children of Syrian-born Kurdish parents who are stateless and have no other nationality at birth continue to be denied Syrian nationality and are subject to discrimination, contrary to articles 2 and 7 of the Convention.

559. The Committee re-emphasizes that articles 2 and 7 of the Convention require that all children within the State party's jurisdiction have the right to be registered and acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' sex, race, religion or ethnic origin. The Committee recommends that the State party:

- (a) Ensure the right of a child to a nationality without discrimination on the basis of either parent's sex;
- (b) Take urgent steps to guarantee children of Syrian-born Kurdish parents the right to acquire Syrian nationality;
- (c) Ratify the Convention relating to the Status of Stateless Persons of 1954, and the Convention on the Reduction of Statelessness of 1961.

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 613 and 614.

613. The Committee takes note of efforts made to ensure registration at birth; however, it remains concerned that some children, particularly children born in families of Kazakh repatriates, do not acquire nationality at birth, which may have negative consequences for the full enjoyment of their rights.

614. The Committee recommends that the State party take further measures in accordance with article 7 of the Convention, including measures to facilitate applications for citizenship, so as to resolve the situation of stateless children. The Committee also suggests that the State party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 76 and 77.

76. The Committee is encouraged by the adoption of the new Citizenship of Canada Act facilitating the acquisition of citizenship for children adopted abroad by Canadian citizens...

NATIONALITY

77. The Committee recommends that the State party take further measures in accordance with article 7 of the Convention, including measures to ensure birth registration and to facilitate applications for citizenship, so as to resolve the situation of stateless children. The Committee also suggests that the State party ratify the Convention relating to the Status of Stateless Persons of 1954.

- Brunei Darussalam, CRC, CRC/C/133 (2003) 73 at paras. 359 and 360.

359. The Committee is concerned that under the Brunei Nationality Act (cap. 15), citizenship is not automatically granted to children of Brunei women married to non-nationals, while it is where the father is Brunei.

360. The Committee recommends that the State party revise the Brunei Nationality Act in order to ensure that children who have a Brunei parent acquire Brunei citizenship in an equal manner, regardless of whether the Bruneian parent is the father or the mother.

- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 413 and 414.

413. The Committee is concerned that elements of the State party's immigration and citizenship laws do not fully conform to articles 2 and 7 of the Convention. In particular, the Committee is concerned that Singaporean citizenship is not acquired automatically by children of a Singaporean mother and a foreign father born overseas, and that in such cases the mother is obliged to apply for "citizenship by registration".

414. The Committee recommends that the State party review its citizenship and immigration laws and undertake the necessary reforms to ensure that they respect, as far as possible, the right of the child to nationality and identity, without discrimination.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 471 and 472.

471. In light of article 7 of the Convention, the Committee is concerned at the apparent discrimination in respect of nationality, and that a child's name and nationality are derived solely from her/his father and not her/his mother.

472. The Committee recommends that the State party amend its legislation so that citizenship can be passed on to children from either their father or their mother. It also encourages the State party to introduce proactive measures to prevent statelessness.

NATIONALITY

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 58 and 60.

58. While noting that the Human Rights Act of 1999 guarantees the right of the child to a nationality, the Committee is concerned that, in some instances:

...

(b) Children with a foreign father may be denied Indonesian citizenship.

...

60. The Committee recommends that the State party reform its citizenship laws, including Law No. 62 of 1958 on Nationality, in order to ensure the transmission of citizenship through both the maternal and paternal lines.

- Armenia, CRC, CRC/C/137 (2004) 36 at para. 207.

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

- Germany, CRC, CRC/C/137 (2004) 51 at para. 254.

254. The Committee welcomes the adoption of:

(a) The law on Nationality and Citizenship adopted on 15 July 1999, which allows for a better integration of foreign children;

...

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

418. The Committee is concerned that Pakistani refugee and Mohajir children residing in India (Rajasthan and Andhra Pradesh, respectively) are stateless.

419. The Committee recommends that the State party take measures to provide these children with a nationality, in accordance with article 7 of the Convention.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 557 and 558.

557. The Committee notes the rulings of the Constitutional Court (U-I-284/94 of 4 February

NATIONALITY

1999 and U-I-246/02 of 3 April 2003) that the erasure of about 18,300 people originating from other parts of the former Socialist Federal Republic of Yugoslavia from the Register of Permanent Residence in 1992 had no legal basis and that the permanent residence status should be restored to the affected persons retroactively. The Committee is concerned that many children were negatively affected by this erasure, as they and their families lost their right to health care, social assistance and family benefits as a consequence of losing their permanent residence status and children born in Slovenia after 1992 became stateless.

558. The Committee recommends that the State party proceed with the full and prompt implementation of the decisions of the Constitutional Court, compensate the children affected by the negative consequences of the erasure and ensure that they enjoy all rights under the Convention in the same way as other children in the State party.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 633 and 634.

633. The Committee is concerned that a child of a Japanese father and foreign mother cannot obtain Japanese citizenship unless the father has recognized that child before its birth, which has, in some cases, resulted in some children being stateless. It is additionally concerned that undocumented migrants are unable to register the birth of their children, and that this has also resulted in cases of statelessness.

634. The Committee recommends that the State party amend its Nationality Law and all other relevant legislation and regulations to ensure conformity with article 7 of the Convention so that no child born in Japan should become stateless.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 334 and 335.

334. The Committee is very concerned that the granting of citizenship to children born in the State party is restricted on the basis of colour or racial origin by the provisions contained in article 27 of the Constitution and the Alien and the Nationalization Law, which are contrary to article 2 of the Convention on the Rights of the Child.

335. The Committee recommends that the State party amend its Constitution and citizenship laws to eliminate discrimination on the basis of colour or racial origin.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 408, 409, 438 and 439.

408. ...The Committee is...concerned that religion and ethnic origin are specified on the identity card and is deeply concerned that the Citizenship Act establishes three different

NATIONALITY

categories of citizenship, possibly resulting in some categories of children and their parents being discriminated against, stigmatized and/or denied certain rights.

409. ...In line with its previous recommendations ([CRC/C/15/Add.69], paras. 28 and 34), the Committee recommends that the State party abolish the categories of citizens, as well as the statement on the national identity card of the religion and ethnic origin of citizens, including children.

...

438. The Committee notes that a large number of returnees from Bangladesh to northern Rakhine State have gone back to their villages of origin, but is concerned that some 850,000 Muslim residents in northern Rakhine State and large numbers of persons of Chinese or Indian descent throughout the country remain stateless, making it impossible for children of these families to benefit from the provisions and principles of the Convention...

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

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

...

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

...

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 198, 199, 222 and 223.

198. The Committee welcomes the efforts made by the State party to reform its legislation in accordance with the provisions and principles of the Convention but it remains concerned about the different types of access to citizenship, which mainly affect children from minority groups, especially Roma children.

199. The Committee recommends that the State party undertake measures to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 7 of the Convention and that the law is implemented in a non-discriminatory manner.

...

222. The Committee notes the measures undertaken by the State party to increase economic growth, but remains concerned at the widespread prevalence of poverty in Croatian society, which affect in particular families with more than one child, families headed by women and minority families, including Roma families and families of foreign origin, and in areas that were affected by armed conflict.

NATIONALITY

223. The Committee, in line with its previous recommendations ([CRC/C/15/Add.52,] para. 31) recommends that the State party:

...

(b) Continue to provide material assistance and support to economically disadvantaged families, notably Roma families and families of foreign origin, in order to guarantee the right of children to an adequate standard of living;

...

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 326 and 327.

326. The Committee notes with appreciation the efforts made by the State party, such as the amendments to the Belizean Nationality Act and the Immigration Act as well as the encouraging results of the Amnesty Programme conducted in 1999 which provided undocumented individuals and families with the opportunity to legalize their status, to better safeguard the right of the child to require a nationality. Notwithstanding the positive steps taken by the State party, the Committee is concerned at the high number of immigrant children without any legal status or documentation residing in the territory of the State party.

327. The Committee recommends that the State party continue its efforts to promote and facilitate the proper registration of all undocumented immigrant children and provide them with the legal status they need.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 470-473, 494 and 496.

470. The Committee is concerned about discrimination against children on account of their father's nationality. It notes with concern that while a child whose father is an Iranian national is considered to have Iranian nationality, a child whose mother is Iranian and who has married a non-Iranian without getting the official consent of the Government, will not be recognized as an Iranian national. The Committee is concerned that this situation currently affects a large number of children whose mothers are Iranian and fathers Afghan and who consequently have neither a birth certificate nor a nationality.

471. The Committee recommends that all children are registered at birth and acquire an irrevocable nationality without discrimination.

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

NATIONALITY

obtaining a refugee registration card.

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

...

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

...

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

...

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

...

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 547 and 549.

547. The Committee is concerned that mothers cannot pass their nationality to their children, and that children born out of wedlock or children with foreign fathers may, in some instances, be denied Togolese citizenship and/or left stateless.

...

549. The Committee recommends that the State party reform its citizenship laws, including the Nationality Code of 1998, in order to ensure the transmission of citizenship through both the maternal and paternal line, in accordance with article 32 of the Constitution of 1992.

NATIONALITY

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 227, 228, 234 and 235.

227. The Committee is concerned that discrimination on grounds of ethnicity, political affiliation, national origin, social status, status as internally displaced persons or returnees, residence in rural areas and gender or disability continues to be widespread...

228. In accordance with article 2 of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat all discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate *de facto* discrimination against children, in particular children with disabilities, Roma children and children belonging to ethnic and/or religious minorities or other nationalities...

...

234. The Committee is concerned that, according to data provided by the Ombudsmen of the two Entities, there are about 5,000 children with incomplete data in the registries and a number of children in some regions of the country who are not registered at all. The Committee is further concerned at the information that Roma children are often not registered due to the lack of identification documents for their parents. They are also discriminated against by authorities who refuse to recognize the right of Roma children to registration.

235. In the light of article 7 of the Convention, the Committee urges the State party to continue to strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory - irrespective of the nationality and status of the parents - of all children born abroad by parents who are citizens of the State party and to take specific steps to ensure the registration of Roma children.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 323 and 325.

323. The Committee is...concerned that many groups of children are not registered and/or are ineligible for Nepalese citizenship, with gravely negative consequences on the full enjoyment of fundamental rights and freedoms by those children, in particular, the right to know and be cared for by parents. The Committee is particularly concerned that under the current provisions of the Birth, Death and other Personal Incidences (Vital Registration) Act of 1976 a mother may experience difficulties in registering her child, and similarly, the Citizenship Act of 1964 does not allow a child to claim nationality with his/her mother's name. As a consequence, children born to foreign fathers, abandoned children, orphans, children born to single mothers and children from the *Badi* community who may not be able to identify their fathers are unable to obtain citizenship. In addition, the Committee expresses concern that birth registration of Bhutanese refugees is not carried out by the

NATIONALITY

authorities.

...

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