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IV. CONCLUDING OBSERVATIONS

CERD

- Zambia, CERD, A/48/18 (1993) 51 at para. 254.

Concern is expressed about the recent declaration of a state of emergency, the treatment accorded to certain categories of refugees, and the reported cases of brutality with discriminatory overtones on the part of the police officers. The State party's legislation does not effectively provide the remedy and compensation that should be available to an injured person in terms of article 6 of the Convention.

- Germany, CERD, A/48/18 (1993) 81 at para. 448.

The Government should consider reviewing certain restrictive provisions recently adopted with regard to asylum-seekers, to ensure that they do not result in any discrimination in effect on the grounds of ethnic origin.

- Bosnia and Herzegovina, CERD, A/48/18 (1993) 87 at para. 470.

All parties concerned are urged to take all measures at their disposal to bring to an end the massive, gross and systematic human rights violations occurring. In that connection, it is strongly recommended that effective action be taken to ensure that refugees and other displaced persons are allowed to return to their homes, that all detainees are released immediately into conditions of safety and that adequate reparation is given to the victims.

- France, CERD, A/49/18 (1994) 20 at para. 144.

It is of concern that the implementation of the immigration and asylum laws could have racially discriminatory consequences, particularly in connection with the imposition of limitations on the right of appeal against expulsion orders and the preventive detention of foreigners at points of entry for excessively long periods. These laws may also generate or reinforce a xenophobic atmosphere in French society.

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

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

- Sudan, CERD, A/49/18 (1994) 68 at paras. 472 and 476.

Paragraph 472

Deep concern is expressed over the large number of Sudanese who have become homeless as a result of the continuing conflict and who remain either internally displaced or as refugees living outside the country.

Paragraph 476

Support is expressed for all efforts to end the continuing conflict with the aim of restoring the rule of law and respect for human rights, particularly with regard to the elimination of all forms of racial discrimination. In that connection, concrete steps should be taken to encourage the voluntary return of all refugees and persons displaced in the conflict.

- Australia, CERD, A/49/18 (1994) 78 at para. 546.

The situation of members of non-English-speaking minorities, particularly refugees or asylum-seekers, as regards enjoyment of their rights and freedoms under article 5 of the Convention, is a matter of concern.

- Croatia, CERD, A/50/18 (1995) 36 at paras. 169 and 175.

Paragraph 169

Note is taken that many Bosnian Muslim refugees have failed or had great difficulty and extreme delay in obtaining the necessary documentation to allow them access to essential social and humanitarian services in Croatia, and have thus been obliged to return to sometimes life-threatening situations in Bosnia and Herzegovina. Concern is also expressed about the incident in late summer of 1994 when the State party refused to allow some 30,000 externally displaced persons, all Bosnian Muslims, to leave appalling camp conditions in United Nations Protected Areas (UNPA) North and the demilitarized zone and enter areas of Croatia under its control.

Paragraph 175

The State party should ensure that laws and regulations concerning, *inter alia*, naturalization,

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acquisition of citizenship, determination of refugee status and tenure of rented accommodation are implemented in a transparent non-discriminatory manner in full conformity with the provisions of the Convention. Any victims of a discriminatory application of such rules and regulations in violation of the terms of the Convention should receive redress to the extent that this is possible.

- Denmark, CERD, A/51/18 (1996) 17 at para. 70.

It is of concern that only three convictions have been registered in the past six years against members of neo-Nazi groups. The recent granting of licences to such groups to operate a radio station and a telephone number to which people allegedly can call to hear a recorded message about why migrants and refugees should be deported is noted with special concern.

- Russian Federation, CERD, A/51/18 (1996) 25 at para. 154.

The State Party should guarantee the rights of all victims, especially refugees, of the conflict in Ingushetia and North Ossetia.

- Finland, CERD, A/51/18 (1996) 29 at paras. 182 and 193.

Paragraph 182

The current refugee policies do not fully take into account all of the provisions of the Convention. In some cases, decisions to repatriate asylum-seekers have been taken without proper respect for international human rights standards and the norms of refugee law. Concern is likewise expressed over the criteria employed in granting residence permits to foreigners.

Paragraph 193

It is strongly recommended that the Government take the Convention fully into account when considering policies and/or decisions on asylum-seekers and refugees.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at para. 240.

In connection with Vietnamese asylum-seekers in Hong Kong, there are serious indications that the conditions to which these persons are subjected during their often prolonged detention in refugee centres constitute a violation of their human rights and require urgent attention. Of principal concern is the absence of educational facilities for the children in these centres.

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- Zaire, CERD, A/51/18 (1996) 70 at para. 520.

Reports of alleged regional "ethnic cleansing" in Shaba against the Kasai ethnic group, which led to their massive displacement to other parts of the country, and of attacks and widespread discrimination against Rwandan and Burundian refugees, are a subject of great concern.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/52/18 (1997) 9 at para. 38.

Concern is expressed at the fact that asylum claims may *a priori* be considered to be unfounded, and thus be dealt with more swiftly, when the claimants come from certain countries considered not to "generally give rise to a serious risk of persecution", and at the fact that no right of in-country appeal is granted to asylum seekers sent back to certain safe third countries. The definition of racial discrimination under article 1, paragraph 1, of the Convention includes the effect as well as the purpose of an act, and it is thus noted that the Asylum and Immigration Act of 1996, in its effects, may be contrary to the Convention.

- Sweden, CERD, A/52/18 (1997) 65 at paras. 500 and 509.

Paragraph 500

It is noted with appreciation that the State party has established a system of education for refugees and immigrants.

Paragraph 509

The policy of promoting equal opportunity in economic and social life for immigrants, refugees and ethnic minorities should be reinforced by appropriate legislative, administrative and other measures.

- Burundi, CERD, A/52/18 (1997) 73 at para. 578.

While the appeal sent to Burundi refugees in neighbouring countries to return to Burundi is welcomed, the lack of information on measures taken to ensure their repatriation and their safe return is regretted. Similarly, reports state that for refugees living in Burundi, the right to security of the person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual or group or institution, under article 5 (b) of the Convention, is not always guaranteed.

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

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

- Lebanon, CERD, A/53/18 (1998) 42 at para. 174.

Concern is expressed with regard to the enjoyment by everyone of the right to equality before the law (art. 5), especially for ethnic groups, refugees, displaced persons and foreign workers. It is also of concern that religious courts may pass judgements on some family issues which may be construed as discriminating against members of ethnic groups, including refugees and foreign workers.

- Croatia, CERD, A/53/18 (1998) 59 at para. 315.

It is of concern that serious difficulties and violence are encountered by returnees and displaced persons, in particular ethnic Serbs, in returning to areas of origin, or by refugees when claiming their right to have property restored to them or to receive compensation upon return to their place of origin.

- Nepal, CERD, A/53/18 (1998) 73 at para. 441.

The State party should fully observe the human rights of refugees and displaced persons of Bhutan and should negotiate with the Government of Bhutan towards a peaceful solution of this important issue.

- Finland, CERD, A/54/18 (1999) 16 at para. 83.

Efforts should be made to increase the number of quota refugees. It is recommended that the quota system be applied without discrimination based on race or ethnic origin.

- Syrian Arab Republic, CERD, A/54/18 (1999) 22 at paras.180 and 181.

Paragraph 180

The State party should review its legislation on nationality in order to find an expeditious solution to the situation of Syrian-born Kurds and refugee children born in the Syrian Arab Republic.

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Paragraph 181

Preventive measures should be undertaken, such as training programmes for law enforcement officials and security authorities, with a view to preventing human rights violations such as arbitrary arrests, detention, and disappearances of stateless refugees and foreigners.

- Costa Rica, CERD, A/54/18 (1999) 24 at paras. 193 and 203.

Paragraph 193

The recent manifestations of xenophobia and racial discrimination, largely focused on immigrants, in particular Nicaraguans, are of concern. Concern is expressed about the vulnerable status of refugees and clandestine immigrants, who often live and work in the country in precarious conditions, and who frequently become victims of discrimination in the terms of article 5 of the Convention, in particular paragraph 5 (e).

Paragraph 203

The State party should make additional efforts to facilitate equal access to the courts and administrative bodies, in particular for the indigenous population, the black minority, refugees and immigrants, in order to ensure equality for all persons.

- Azerbaijan, CERD, A/54/18 (1999) 46 at para. 497.

The State party should utilize all available means, including international cooperation, to ameliorate the situation of displaced persons and refugees, especially regarding their access to education, employment and housing, pending their return to their houses under conditions of safety.

- Australia, CERD, A/55/18 (2000) 17 at para. 40.

Taking note of some recent statements from the State party in relation to asylum-seekers, it is recommended that the State party implement faithfully the provisions of the 1951 Convention relating to the Status of Refugees, as well as the 1967 Protocol thereto, with a view to continuing its cooperation with the United Nations High Commissioner for Refugees and in accordance with the guidelines in UNHCR's "Handbook on Refugee Determination Procedures".

- Denmark, CERD, A/55/18 (2000) 22 at para. 65.

With regard to the right to housing, it is of concern that decisions regarding quotas for newly arrived refugees and/or asylum-seekers can be arbitrary in their effects. It is recommended that the State

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party adopt rules of procedure regarding the right to housing of refugees and/or asylum-seekers which are in line with the principles and provisions of the Convention.

- Rwanda, CERD, A/55/18 (2000) 31 at para. 143.

The State party is commended for its efforts to receive refugees from neighbouring countries.

- Finland, CERD, A/55/18 (2000) 41 at paras. 215, 217 and 219.

Paragraph 215

Concern is expressed that in some cases the new accelerated procedure in the revised Aliens Act would result in the repatriation of an asylum-seeker while his or her appeal was still pending. The State party is recommended to take all available measures to guarantee the legal safeguards for asylum-seekers.

Paragraph 217

It is noted with concern that immigrants, refugees and minorities, in particular Roma, have higher rates of unemployment, have difficulties in gaining access to housing and social services and have higher rates of school drop-out. The low number of judicial proceedings initiated related to incidents of racial discrimination, including cases of discrimination in employment is also of concern. The State party should take all necessary measures to alleviate the situation of immigrants, refugees and minorities, in particular Roma, at the national and municipal levels, especially with respect to housing, employment and education.

Paragraph 219

The increasing number of racist acts is of concern. It is noted with concern that a significant percentage of Finns declare themselves to be racist or partially racist and are opposed to the practice of Islam by immigrants (refugees). It is also noted that the media often present immigrants and minorities, in particular Roma, in a negative light. The State party is invited to strengthen measures to promote tolerance and combat prejudices, particularly in the fields of teaching, education, culture and information. The State party should find adequate modalities to make journalists and people working in the media sector more aware of racial discrimination.

- Slovenia, CERD, A/55/18 (2000) 45 at para. 247.

The temporary protection offered by the State party to refugees might be insufficient to guarantee their basic rights. It is recommended that the State party review its policy on temporary protection of refugees in order to guarantee all their rights, especially those covered by the Convention, and

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facilitate their integration in society.

- Nepal, CERD, A/55/18 (2000) 52 at para. 301.

The large number of refugees from neighbouring countries in Nepal is of concern. Furthermore, concern is expressed at the absence of legislative protection for refugees and asylum-seekers. The State party is reminded of the importance the Committee attaches to international instruments relating to the protection of refugees and to the adoption of national legislation that ensures that refugees enjoy the rights contained in the Convention.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/55/18 (2000) 60 at paras. 360-362.

Paragraph 360

It is noted with concern that there is increasing racial tension between asylum-seekers and host communities. This has led to an increase in racial harassment in those areas and also threatens the well-being of established ethnic minority communities. It is recommended that the State party take the lead by sending out positive messages about asylum-seekers and protecting them from racial harassment.

Paragraph 361

Concern is expressed that the dispersal system may hamper the access of asylum-seekers to expert legal and other necessary services, i.e. health and education. The State party should implement a strategy ensuring that asylum-seekers have access to essential services and that their basic rights are protected.

Paragraph 362

The State party's current efforts to clear the backlog of asylum applications are noted. It is recommended that the State party ensure that effective safeguards are in place to respect the rights of all asylum-seekers.

- Norway, CERD, A/55/18 (2000) 67 at para. 409.

It is noted that changes in policies for the reception of asylum-seekers and refugees and the institution of an Appeals Board should improve present protection against racial discrimination.

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- Uzbekistan, CERD, A/55/18 (2000) 70 at para. 434.

Concern is expressed at the lack of domestic legislation for the protection of refugees and asylum-seekers and at reported incidents of discrimination against refugees, especially in respect to their access to State social services. It is recommended that the State party enact legislation on asylum in accordance with the 1951 Convention relating to the Status of Refugees.

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

The existence of xenophobic attitudes towards immigrants primarily from neighbouring countries, asylum-seekers and persons of African descent is of concern. These attitudes, which are manifested even in some of the media, seem to have increased as a result of the present economic crisis and have given rise, on occasion, to violent incidents. It is recommended that the State party monitor such attitudes and incidents closely and take appropriate steps to deal with them.

- Bangladesh, CERD, A/56/18 (2001) 21 at para. 74.

Concern is expressed about the the poor living conditions in the refugee camps for Rohingyas. It is recommended that the State party suitably address the situation pertaining to refugees.

- Germany, CERD, A/56/18 (2001) 27 at para. 113.

Concern is expressed about repeated reports of racist incidents in police stations as well as ill-treatment inflicted by law enforcement officials on foreigners, including asylum seekers, and German nationals of foreign origin. Although the number of these incidents has diminished recently, the State party is urged to strengthen existing educational measures for civil servants who deal with issues involving foreigners, including asylum seekers, and German nationals of foreign origin.

- Japan, CERD, A/56/18 (2001) 34 at para. 177.

While noting the recent increase in the number of refugees accepted by the State party, concern is expressed about the different standards of treatment applicable to Indochinese refugees on the one hand and the limited number of refugees of other national origins on the other. Whereas Indochinese refugees have access to accommodation, financial aid and state funded Japanese language courses, such assistance is as a rule not available to other refugees. It is recommended that the State party take measures to ensure equal entitlement of all refugees to such services. In this context, the State party is also recommended to ensure that all asylum-seekers have the right to an adequate standard

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of living and medical care.

- Sudan, CERD, A/56/18 (2001) 40 at para. 215.

It is noted that different standards of treatment are reportedly used for different categories of asylum-seekers, i.e. whereas asylum-seekers from mainly neighbouring countries to the East, West and South except Chad are granted refugee status, asylum-seekers from Arab countries are allowed to stay on an informal and unofficial basis. It is recommended that the State party apply international and regional standards pertaining to refugees equally, notwithstanding the nationality of the asylum-seeker.

- China, CERD, A/56/18 (2001) 44 at para. 246.

While noting efforts to facilitate integration and naturalization of Indo-Chinese refugees in mainland China, it of concern that different standards of treatment are applied to Indo-Chinese asylum-seekers on the one hand, and asylum-seekers of other national origins on the other, notably with regard to the rights to work and education. Particular concern is expressed regarding the treatment of asylum-seekers from the People's Democratic Republic of Korea, who are reportedly systematically refused asylum and returned, even in cases when they have been considered to be refugees by UNHCR. The State party should take the necessary measures to ensure that all refugees and asylum-seekers receive equal treatment. To this end, the adoption of formal legislative or administrative provisions should be considered in order to implement objective criteria for the determination of refugee status.

- Cyprus, CERD, A/56/18 (2001) 48 at para. 270.

The State party is commended for the enactment of the 2000 Refugee Act, but prompt adoption of the necessary mechanisms for its full implementation, especially with respect to refugee status determination, is recommended.

- Viet Nam, CERD, A/56/18 (2001) 68 at para. 419.

The State party is urged to protect the rights of all refugees in Viet Nam, including the rights of Vietnamese repatriated from Cambodia.

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- Liberia, CERD, A/56/18 (2001) 70 at para. 437.

Concern is expressed about the vulnerable situation of the large number of refugees who have fled the State party for neighbouring countries, and that little seems to have been put into place to ensure their repatriation and reintegration. In addition, the reports of discrimination against Sierra Leonean refugees are disturbing.

ICCPR

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

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

- Hungary, ICCPR, A/48/40 vol. I (1993) 128 at para. 662.

The use of excessive force by the police, especially against foreigners residing in Hungary and asylum-seekers held in detention, is of concern.

- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at para. 283.

It is of concern that excludable aliens are dealt with by lower standards of due process than other aliens and, in particular, that those who cannot be deported or extradited may be held in detention indefinitely. The situation of a number of asylum-seekers and refugees is also a matter of concern.

- Ukraine, ICCPR, A/50/40 vol. I (1995) 57 at para. 331.

The Ukraine should undertake to implement its domestic refugee law of December 1993 and, in this connection, it should seek assistance and advice from relevant international organizations, including the Office of the United Nations High Commissioner for Refugees.

- Latvia, ICCPR, A/50/40 vol. I (1995) 62 at paras. 349 and 359.

Paragraph 349

It is of concern that, as a result of the absence of domestic legislation and procedure governing the

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treatment of asylum-seekers trying to enter or who have entered Latvia, the Government has resorted to an excessive use of detention and removal of asylum-seekers from the country.

Paragraph 359

Steps should be taken to adopt domestic legislation governing the treatment of refugees and asylum-seekers in compliance with the Covenant and international refugee law. In this regard, the Government should seek assistance from relevant international organizations, including the Office of the United Nations High Commissioner for Refugees (UNHCR). The Latvian Government should consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

- Russian Federation, ICCPR, A/50/40 vol. I (1995) 65 at para. 387.

The high number of refugees following the events that occurred in North Ossetia in 1992 and the difficult conditions faced by these displaced persons in the neighbouring Republic of Ingushetia, as well as the numerous incidents that occurred during their attempts to return to their homeland, are matters of concern.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at para. 422.

The treatment of illegal immigrants, asylum-seekers and those ordered to be deported gives cause for concern. It is observed that the incarceration of persons ordered to be deported, and particularly the length of their detention, may not be necessary in every case. The incidences of the use of excessive force in the execution of deportation orders is of grave concern. It is also noted with concern that adequate legal representation is not available for asylum-seekers to effectively challenge administrative decisions.

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

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

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- Sweden, ICCPR, A/51/40 vol. I (1996) 17 at paras. 87, 88 and 96.

Paragraph 87

The length of detention of illegal immigrants, asylum seekers and persons ordered to be expelled is a cause of concern.

Paragraph 88

It is also of concern that the Board of Immigration and the Aliens Appeals Board may in certain cases yield their jurisdiction to the Government, resulting in decisions for expulsion or denial of immigration or asylum status without the affected individuals having been given an appropriate hearing. This practice may, in certain circumstances, raise questions under article 13 of the Covenant.

Paragraph 96

The State party should review its legislation governing asylum seekers and the expulsion of aliens in order to limit the possibility and extent of detention. The right to have a case reviewed by a competent authority should be available for all decisions of detention, expulsion and refusal of immigration or asylum.

- Estonia, ICCPR, A/51/40 vol. I (1996) 19 at paras. 119 and 133.

Paragraph 119

It is of concern that, as a result of the lack of domestic legislation and procedures governing the treatment of asylum seekers and the determination of their status, the Government has too often resorted to measures of deprivation of liberty.

Paragraph 133

Domestic legislation governing the treatment of asylum seekers in compliance with the Covenant should be adopted. Assistance from international organizations, including the Office of the United Nations High Commissioner for Refugees should be sought, and consideration should be given to acceding to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

- Spain, ICCPR, A/51/40 vol. I (1996) 24 at para. 179.

With regard to the increase in the number of asylum-seekers, it is noted that anyone whose application for asylum or for refugee status is denied can be held for seven days prior to being expelled.

- Guatemala, ICCPR, A/51/40 vol. I (1996) 33 at para. 233.

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The cases of violence against the repatriated population, which have resulted in extrajudicial executions, disappearances and torture or ill-treatment, are of concern. In this connection, the conduct of civilian self-defence patrol (PAC) members who have availed themselves of their position to harass repatriated persons is of concern.

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

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

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at para. 100.

It is noted with concern that the Federal Act relating to coercive measures, which entered into force in January 1995, in some cases permits the administrative detention of foreign nationals without a temporary or permanent residence permit, including asylum seekers and minors over the age of 15, for three months while the decision on the right of temporary residence is being prepared, and for a further six months, and even one year with the agreement of the judicial authority, pending expulsion. These time limits are considerably in excess of what is necessary, particularly in the case of detention pending expulsion, and the time limit of 96 hours for the judicial review of the detention decision or the decision to extend detention is also excessive and discriminatory, particularly in the light of the fact that in penal matters this review is guaranteed after 24 or 48 hours, depending on the canton concerned.

- Gabon, ICCPR, A/52/40 vol. I (1997) 24 at paras. 132 and 142.

Paragraph 132

With regard to the rights of non-Gabonese citizens and refugees living in Gabon, the legal impediments to their freedom of movement within the country, as well as the requirement of an exit visa for foreign workers, which run counter to the provisions in article 12 of the Covenant, are of concern. The appalling conditions prevailing in refugee centres, including the Libreville Detention Camp, which led to the death of a number of persons through suffocation and dehydration, are of concern.

Paragraph 142

Existing provisions, such as article 1, paragraph 3 of the Constitution, limiting or restricting the exercise of the right to freedom of movement for non-Gabonese citizens, including the requirement

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of exit visas, should be reviewed to bring the legislation fully into conformity with article 12 of the Covenant. The State party should consider adopting measures to improve the status and living conditions of refugees in refugee centres.

- Germany, ICCPR, A/52/40 vol. I (1997) 32 at para. 181.

The ill-treatment of persons by the police, including foreigners and particularly members of ethnic minorities and asylum seekers, is of concern. In this regard, it is of concern that there is no truly independent mechanism for investigating complaints of ill-treatment by the police. The establishment of independent bodies throughout the territory of the State party for the investigation of complaints of ill-treatment by the police is recommended.

- France, ICCPR, A/52/40 vol. I (1997) 62 at paras. 407-409.

Paragraph 407

The treatment of asylum seekers does not appear to comply with the provisions of the Covenant. There are reported instances of asylum seekers not being allowed to disembark from ships at French ports, without being given an opportunity to assert their individual claims. Such practices raise issues of compatibility with article 12, paragraph 2, of the Covenant. The fact that France is considering the abolition of such practices is welcomed.

Paragraph 408

The restrictive definition of the concept of "persecution" of refugees used by the French authorities is of concern as it does not take into account possible persecution by non-State actors. Therefore, a wider interpretation of "persecution" should be adopted to include non-State actors.

Paragraph 409

The UNHCR should be able to visit the various places where persons applying for asylum or awaiting deportation are kept whenever it thinks fit without any obstruction or hindrance.

- India, ICCPR, A/52/40 vol. I (1997) 67 at para. 445.

Concern is expressed over the forcible repatriation of asylum seekers, including those from Myanmar (Chins), the Chittagong Hills and the Chachmas. In the process of repatriation of asylum seekers or refugees, due attention should be paid to the provisions of the Covenant and other applicable international norms.

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- Lithuania, ICCPR, A/53/40 vol. I (1998) 30 at para. 172.

It is of concern that the right of foreign nationals to freedom of movement may be restricted on grounds not compatible with the Covenant and that restrictions on the right to leave Lithuania are imposed on persons who, because of their employment, may have information relating to State secrets. Furthermore, the restrictions imposed on the freedom of movement of asylum-seekers with temporary refugee status and that the failure to observe those restrictions may result in the rejection of the claim for asylum is of concern. Moreover, concern is expressed that the law appears to protect against expulsion or deportation in cases where persons may be exposed to "persecution" but not where there is a threat to their right to life or of inhuman and degrading treatment or punishment. Provisions which restrict freedom of movement in a manner incompatible with article 12 of the Covenant should be repealed. Provision should be made to ensure that persons are not deported to States where they may face a real risk of violation of their rights under articles 6 and 7 of the Covenant.

- Finland, ICCPR, A/53/40 vol. I (1998) 40 at paras. 256 and 270.

Paragraph 256

Efforts to promote racial tolerance by the establishment of the Parliamentary Ombudsman, the Chancellor of Justice, the Ombudsman for Aliens, and the Advisory Board for Refugee and Migrant Affairs, as well as the implementation of a human rights curriculum in the schools, are commended.

Paragraph 270

Separate areas should be established for asylum seekers and aliens with irregular status, who are currently held in public prisons and police detention places pending inquiry as to their status.

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

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

- United Republic of Tanzania, ICCPR, A/53/40 vol. I (1998) 57 at para. 401.

Despite the problems concerning the volume of refugees entering and remaining in the country, the Committee urges that no refugee be returned to another State unless it is certain that, once there, he

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or she shall not be executed or subjected to torture or other form of inhuman treatment.

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at paras. 74, 75, 81 and 84.

Paragraph 74

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

Paragraph 75

Assurances that extradition procedures are suspended until the asylum determination procedures are concluded are welcomed.

Paragraph 81

Procedures used in the repatriation of some asylum seekers, in particular the placing of a cushion on the face of an individual in order to overcome resistance, entails a risk to life. The whole procedure of forcible deportations needs to be re-examined. All security forces concerned in effecting deportations should receive special training.

Paragraph 84

The period of five months detention, which may be extended to eight months, to which asylum seekers may be subjected, may amount to arbitrary detention in violation of article 9 of the Covenant, unless the detention is subject to judicial review which secures the release of the person if there is no lawful purpose being served by the detention.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 161.

The Committee is concerned about allegations of violence and sexual harassment of persons detained pending immigration procedures, including harsh conditions of detention, the use of handcuffs and detention in isolation rooms. Persons held in immigration detention centres may remain there for periods of up to six months and, in some cases, even up to two years. The conditions of detention should be reviewed and, if necessary, measures should be taken to bring the situation into compliance with articles 7 and 9 of the Covenant.

- Austria, ICCPR, A/54/40 vol. I (1999) 42 at para. 188.

Certain features of Austria's law and procedure concerning asylum seekers and immigrants raise concerns. These concerns relate to (i) apparently insufficient legal guarantees to prevent deportation in cases where there is a risk of treatment that would violate article 7; (ii) the treatment of persons

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against whom there is a deportation decision but who remain in the country, raising issues under articles 7, 10 and 16; and (iii) sanctions against passenger carriers and other pre-frontier arrangements that may affect the rights of any person to leave any country, including his or her own (article 12, paragraph 2 of the Covenant).

- Canada, ICCPR, A/54/40 vol. I (1999) 48 at para. 235.

It is of concern that the State party takes the position that compelling security interests may be invoked to justify the removal of aliens to countries where they may face a substantial risk of torture or cruel, inhuman or degrading treatment. This policy should be revised in order to comply with article 7 and to meet its obligation never to expel, extradite, deport or otherwise remove a person to a place where treatment or punishment contrary to article 7 is a substantial risk.

- Hong Kong Special Administrative Region (China), ICCPR, A/55/40 vol. I (2000) 40 at para. 245.

In light of the fact that the Covenant is applied in Hong Kong subject to a reservation that seriously affects the application of article 13 in relation to decision-making procedures in deportation cases, it remains of concern that persons facing a risk of imposition of the death penalty or of torture or inhuman, cruel or degrading treatment as a consequence of their deportation may not enjoy effective protection.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at para. 447.

In regard to proposed changes to the law regarding asylum-seekers, the State party should ensure that the grounds on which detention may be authorized and the right of access to judicial review of detention decisions are in full conformity with the provisions of article 9 of the Covenant. It should also ensure that requirements relating to the place of residence of refugees do not infringe the rights to liberty of movement protected under article 12.

- Australia, ICCPR, A/55/40 vol. I (2000) 71 at paras. 526 and 527.

Paragraph 526

The mandatory detention under the Migration Act of "unlawful non-citizens", including asylum-seekers, raises questions of compliance with article 9, paragraph 1, of the Covenant, which provides that no person shall be subjected to arbitrary detention. The State party's policy, in this context of mandatory detention, of not informing the detainees of their right to seek legal advice and of not

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allowing access of non-governmental human rights organizations to the detainees in order to inform them of this right, is of concern.

Paragraph 527

The State party is urged to reconsider its policy of mandatory detention of "unlawful non-citizens" with a view to instituting alternative mechanisms of maintaining an orderly immigration process. It is recommended that the State party inform all detainees of their legal rights, including their right to seek legal counsel.

- Denmark, ICCPR, A/56/40 vol. I (2001) 34 at paras. 73(15), 73(17) and 73(18).

Paragraph 73(15)

Despite continuing efforts by the State party, there remain areas of discrimination against women, notably in respect of employment in the public and private sectors and in applications for asylum.

Paragraph 73(17)

Asylum-seekers in Denmark are often restricted or discouraged from choosing a residence in specific municipalities or from moving from one municipality to another. Denmark should ensure that any such measures are applied in strict compliance with article 12 of the Covenant.

Paragraph 73(18)

Asylum-seekers are entitled to have the assistance of legal counsel.

- Gabon, ICCPR, A/56/40 vol. I (2001) 41 at para. 75(16).

As regards the rights of non-Gabonese citizens and refugees living in Gabon, foreign workers are still required to have exit visas, in contravention of article 12 of the Covenant. The State party must do away with this requirement.

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(15).

The treatment of persons seeking asylum or refuge, especially those entering the country from Colombia, is of great concern, chiefly because of the lack of national legislation establishing selection criteria for asylum seekers even though there are bilateral arrangements between Colombia and Venezuela on such matters. The possible breach of the principle of *non-refoulement* is also of concern. The State party should ensure compliance with articles 7 and 13 of the Covenant and with the norms of general international law, adhere to or implement the relevant international conventions, provide access to the relevant specialized agencies in the areas concerned, and seek the assistance,

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if necessary, of the international bodies dealing with the matter.

- Uzbekistan, ICCPR, A/56/40 vol. I (2001) 59 at para. 79(13).

That there is no prohibition on the extradition or expulsion of individuals, including those seeking asylum in Uzbekistan, to countries where they may be exposed to the risk of the death penalty, torture or to cruel, inhuman or degrading treatment or punishment, is of concern. The State party should ensure that individuals who claim that they will be subjected to torture, inhuman or degrading treatment, or the death penalty in the receiving state, have the opportunity to seek protection in Uzbekistan or at least assured of *non-refoulement* (arts. 6 and 7 of the Covenant).

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at para. 86(21).

It is regretted that there is no law or formal procedure governing the expulsion of aliens from the State party's territory. Before expelling an alien, the State party should provide him or her with sufficient safeguards and an effective remedy, in conformity with article 13 of the Covenant. The State party is urged to consider the adoption of legislation governing the expulsion of aliens, which should be consistent with the principle of *non-refoulement*.

ICESCR

- Belgium, ICESCR, E/1995/22 (1994) 34 at para. 157.

The Government should fully ensure that persons belonging to ethnic minorities, refugees and asylum seekers are fully protected from any acts or laws which in any way result in discriminatory treatment within the housing sector.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1995/22 (1994) 52 at paras. 291 and 300.

Paragraph 291

The information received regarding the treatment of Vietnamese asylum-seekers in Hong Kong is of deep concern. Of particular concern is the situation of the children. The statements made by the Government that these children have no entitlement to the enjoyment of the right to education or to other rights in view of their status as "illegal immigrants" is alarming.

Paragraph 300

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

- Guatemala, ICESCR, E/1997/22 (1996) 29 at para. 143.

While taking note of the various measures undertaken to reintegrate returning refugees and internally displaced persons, the need for continued international cooperation in this field is highlighted. Moreover, the careful scrutiny and involvement of the international community in all these efforts will be all the more indispensable in the event of the peace agreement being signed and of the consequent need to reintegrate the demobilized army and guerrilla forces into society and the economy.

- Finland, ICESCR, E/1997/22 (1996) 55 at para. 307.

It is of concern that the level of unemployment remains high, especially among young people, immigrants and refugees.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at para. 335.

The Committee reiterates its serious concern that the treatment of Vietnamese refugees in Hong Kong, particularly those who refuse repatriation to Viet Nam, is repressive and discriminatory.

- Azerbaijan, ICESCR, E/1998/22 (1997) 61 at para. 341.

Concern is expressed about the shortage of housing, which is compounded by the influx of refugees and displaced persons, and the fact that vulnerable groups and the homeless are not given adequate protection against forced evictions.

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

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

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concern. This appears to be caused by structural and cultural factors.

- Germany, ICESCR, E/1999/22 (1998) 54 at paras. 316 and 327.

Paragraph 316

The status of asylum seekers in Germany is of concern, especially with regard to the length of time taken to process their application for refugee status and with regard to their economic and health rights pending the final decision.

Paragraph 327

Immediate measures, legislative or otherwise, should be taken to address and redress the situation of the various categories of asylum seekers. The applications of asylum seekers should be processed expeditiously and refugees should be accorded health, economic and educational rights in accordance with the Covenant.

- Canada, ICESCR, E/1999/22 (1998) 63 at paras. 412 and 414.

Paragraph 412

The plight of thousands of "Convention refugees" in Canada, who cannot be given permanent resident status for a number of reasons, including a lack of identity documents, and who cannot be reunited with their families for a period of five years, is of concern.

Paragraph 414

It is of concern that loan programmes for post-secondary education are available only to Canadian citizens and permanent residents and that recognized refugees who do not have permanent residence status, as well as asylum seekers, are ineligible for these loan programmes. It is also of concern that tuition fees for university education in Canada have dramatically increased in the past few years, making it very difficult for those in need to attend university in the absence of a loan or grant.

- Denmark, ICESCR, E/2000/22 (1999) 29 at paras. 105, 107 and 115.

Paragraph 105

Concern is expressed that the new Alien Integration Act may have a discriminatory impact on refugees.

Paragraph 107

The high level of unemployment is of concern, especially among young people, foreign nationals, immigrants and refugees.

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Paragraph 115

The State party should take all corrective measures to reduce the level of unemployment of young people, foreign nationals, immigrants and refugees.

- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 123 and 138.

Paragraph 123

It is noted with regret that asylum-seekers have access to subsidized health care only in emergency situations. This policy is not in compliance with the provisions of the Covenant.

Paragraph 138

The State party is urged to extend the subsidized health-care system to asylum-seekers without discrimination.

- Portugal, ICESCR, E/2001/22 (2000) 70 at paras. 413 and 420.

Paragraph 413

Concern is expressed about cases of intolerance and discrimination with regard to Roma people, refugees and immigrants.

Paragraph 420

The State party is urged to intensify its efforts to create a culture of tolerance and to eliminate all forms of discrimination, in so far as they affect women, Roma, asylum seekers and immigrants.

- Yugoslavia (preliminary), ICESCR, E/2001/22 (2000) 80 at para. 505.

The State party is encouraged to facilitate the return of displaced persons and refugees to their homes under conditions of freedom.

- Venezuela, ICESCR, E/2002/22 (2001) 29 at paras. 84 and 94.

Paragraph 84

The Committee is concerned that the non-issue of personal documentation to refugees and asylum-seekers by the State authorities seriously hinders their enjoyment of economic, social and cultural rights, including the rights to work, health and education. This situation prompted a decision by the Inter-American Commission on Human Rights in March 2001 ordering protective measures for 287 Colombian refugees.

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Paragraph 94

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

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at para. 240.

Concern is expressed that the present criteria for granting refugee status appears to be far too stringent, with only one application having been approved to date.

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

Paragraph 359

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

Paragraph 380

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

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

Paragraph 405

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

Paragraph 413

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

Paragraph 422

Legislative and administrative measures should be taken to ensure the enjoyment of economic, social

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and cultural rights by refugees and stateless persons. The State party should ratify the Convention relating to the Status of Refugees, the Protocol thereto, and the 1954 Convention relating to the Status of Stateless Persons.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at para. 514.

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

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 545 and 570.

Paragraph 545

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

Paragraph 570

The State party should acknowledge people other than those from Tibet and Bhutan as refugees and provide the same kind of treatment to all refugees. The State party is invited to consider acceding to the Convention relating to the Status of Refugees and its Protocol, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

- Israel, ICESCR, E/2002/22 (2001) 103 at para. 705.

It is of continuing concern that the State party's Law of Return denies indigenous Palestinian refugees the right to return to their homes and properties.

CEDAW

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

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

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- Croatia, CEDAW, A/50/38 (1995) 110 at para. 589.

Displaced and refugee women should not be marginalized and they should be provided with the necessary support and assistance by the Croatian Government.

- Rwanda, CEDAW, A/51/38 (1996) 36 at paras. 317 and 331.

Paragraph 317

The slow repatriation and resettlement of refugees, the majority of whom are women and children from neighbouring countries, is an issue of concern.

Paragraph 331

It is necessary to organize a consensus-building discussion concerning the repatriation of Rwandan refugees and internally displaced persons. The international community should only encourage repatriation of refugees when there are clear signs from inside Rwanda that suggest such action.

- Denmark, CEDAW, A/52/38/Rev.1 part I (1997) 34 at para. 263.

The inadequacy of culturally and gender-sensitive measures and programmes for immigrant and refugee women to enable them to benefit from legal and social services available is noted with concern.

- Luxembourg, CEDAW, A/52/38/Rev.1 part II (1997) 92 at para. 224.

The Government's action plan should include provisions for the better integration of refugee and migrant women into the social and economic life of the State party.

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at paras. 62, 68 and 75.

Paragraph 62

Paragraph 1 of article 4 of the Convention, which advocates the adoption of temporary special measures aimed at accelerating de facto equality between women and men, has not been used to eliminate the inequality between women and men, particularly in the context of the integration of women into politics and employment and with regard to assistance for displaced and refugee women.

Paragraph 68

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While understanding the difficult economic situation and the difficulty of reaching durable solutions to the refugee problem, the precarious material and psychological conditions of women refugees is a concern. Insufficient attention has been paid to refugee women, including through failure to seek the support of relevant international agencies.

Paragraph 75

Refugee and migrant women should be provided with adequate information to protect them from traffickers and others who seek to exploit women for the purposes of prostitution.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at para. 209.

The low level of continuous attention given to immigrants and refugees in the region is a concern.

- Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 60 at para. 185.

It is a concern that women who wish to terminate their pregnancies need to travel abroad. This creates hardship for vulnerable groups, such as female asylum seekers who cannot leave the territory of the State.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at para. 165.

The country's current socio-economic situation, including the doubling of the population, owing largely to refugee influx, and the scarcity of natural resources, affect the full implementation of the Convention. The persistence of strong stereotypical attitudes concerning the roles and responsibilities of women and men also constitute an impediment to the full implementation of the Convention.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 209 and 217.

Paragraph 209

One of the main obstacles to the full implementation of the Convention is the current war. The State party has been facing economic, social and political problems related to the war, which have had a negative impact on the whole population, particularly on girls and women, who are often victims of rape and gender-based violence, and on most refugees and displaced persons, who are experiencing great hardship.

Paragraph 217

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The situation of refugee and displaced women suffering from the consequences of war and the psychological and mental trauma experienced by women and girls as a result of the forced conscription of children, are of concern.

- Germany, CEDAW, A/55/38 part I (2000) 29 at para. 328.

The Government is urged to continue to improve the legislative and social protection of alien women, especially of women asylum seekers.

- Austria, CEDAW, A/55/38 part II (2000) 70 at para. 229.

Concern is expressed about women seeking asylum in Austria, and in particular about human rights violations by State officials. Policies should be adopted that acknowledge gender-specific grounds for women seeking asylum in Austria, including gender violence and persecution and female genital mutilation.

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

Paragraph 52

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

Paragraph 53

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

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 117, 140 and 141.

Paragraph 117

It is recognized that the difficult economic situation, the high level of poverty, the presence of one million refugees and displaced persons and armed conflict in the neighbouring countries have a negative impact on the State party's efforts to implement the Convention.

Paragraph 140

While the efforts to host refugees and displaced persons from neighbouring countries and pass legislation to protect the rights of refugees, most of whom are women and children, are commended, concern is expressed at the State party's limited capacity to protect and guarantee the rights of

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refugees.

Paragraph 141

It is recommended that the Government continue to give assistance to refugees and displaced women and girls and to carry out rehabilitative efforts directed at them. Further assistance should be sought from, and work in close cooperation should be continued with, international agencies qualified in the field of refugee protection.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 205, 206, 211 and 212.

Paragraph 205

Despite the efforts made, there is continuing discrimination against immigrant refugee and minority women who suffer from multiple discrimination, based both on their sex and on their ethnic background, in society at large and within their communities, particularly with respect to education, employment and violence against women.

Paragraph 206

Effective measures should be taken to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities.

Paragraph 211

Concern is expressed about non-European women who have been trafficked, who fear expulsion to their countries of origin and who might lack the effective protection of their Government on their return.

Paragraph 212

The State party is urged to ensure that trafficked women are provided with full protection in their countries of origin or grant them asylum or refugee status.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 334, 356 and 357.

Paragraph 334

The passing of legislation that provides residence permits to individuals who have a well-founded fear of persecution on the basis of sexual orientation or gender, particularly in cases that involve discrimination against women, is commended.

Paragraph 356

Taking note of the efforts made to combat discrimination, concern is expressed about the continuing discrimination against immigrant, refugee and minority women, including in education and

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employment, and at the gender-based discrimination and violence that they face in their own communities.

Paragraph 257

Effective measures should be taken to eliminate discrimination against immigrant, refugee and minority women and to strengthen efforts to combat xenophobia and racism in Sweden. The State party is also encouraged to be more proactive in its measures to prevent discrimination against immigrant, refugee and minority women, both within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies.

CAT

- Switzerland, CAT, A/49/44 (1994) 20 at paras. 134 and 135.

Paragraph 134

While welcoming the view that the right of non-return is a basic right, certain provisions of the legislation on the right to asylum which may authorize return and extradition to States in which the applicant is genuinely at risk of being subjected to torture is of concern.

Paragraph 135

It is essential that any asylum-seeker whose case is being considered with a view to return or regularization of his situation should be treated with due consideration for his dignity and should be protected against any measure that deprives him of his liberty.

- Jordan, CAT, A/50/44 (1995) 23 at paras. 171 and 178.

Paragraph 171

A comprehensive programme of education for members of the police, security forces, and medical personnel would be useful, in particular given the fact that so many refugees from other countries are located in the State party.

Paragraph 178

Procedures which would effectively ensure that no one is expelled to a country where there are substantial grounds for believing that he would be in danger of being subjected to torture should be followed.

- United Kingdom of Great Britain and Northern Ireland, CAT, A/51/44 (1996) 12 at paras.

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63 and 65.

Paragraph 63

In Hong Kong the warehousing of Vietnamese boat people in large detention centres may bring the Government into conflict with article 16 of the Convention.

Paragraph 65

The State party should review practices related to deportation or refoulement where such practices may conflict with the State party's obligations under article 3 of the Convention.

- Colombia, CAT, A/51/44 (1996) 15 at para. 81.

The State party should bring domestic legislation into line with the obligations of the Convention with regard to the non-return or expulsion of anyone who fears being subjected to torture, the extraterritorial and universal application of the law, extradition and the express invalidity of evidence obtained under torture.

See also:

- Mauritius, CAT, A/54/44 (1999) 15 at para. 123.

- Armenia, CAT, A/51/44 (1996) 17 at paras. 93 and 98.

Paragraph 93

It is not clear whether the laws, regulations and practices in Armenia effectively prohibit a person from being sent back to a country where he or she would be in danger of being subjected to torture.

Paragraph 98

Legal and practical measures should be taken to guarantee that a person not be expelled, returned (*refoulé*) or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

- Finland, CAT, A/51/44 (1996) 21 at paras. 131 and 136.

Paragraph 131

The absence of sufficient legal protection of the rights of persons who are denied asylum through the use of a list of safe countries in which those persons could be sent back is of concern.

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Paragraph 136

Legal protection should be provided to those persons who requested asylum and who are sent back to a country included in the list of safe countries, by decision of the competent authority. Decisions on expulsion, return (*refoulement*) or extradition should take into account the provisions of article 3 of the Convention.

- Malta, CAT, A/51/44 (1996) 27 at para. 170.

The available judicial remedies in the matter of return (*refoulement*) and expulsion are less than satisfactory.

- Paraguay, CAT, A/52/44 (1997) 30 at para. 204.

The fact that domestic law includes insufficient provisions prohibiting the expulsion, *refoulement* or extradition of a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture is of concern. The Constitution extends such protection only to those granted political asylum.

- Namibia, CAT, A/52/44 (1997) 35 at para. 249.

Proper procedures should be instituted in order to comply with article 3 of the Convention, i.e. to enable refugees to apply for residence in cases where substantial grounds exist for believing that they would be in danger of being subjected to torture if expelled, returned or extradited to another country.

- France, CAT, A/53/44 (1998) 15 at para. 145.

Greater attention should be paid to article 3 of the Convention, which applies equally to expulsion, *refoulement* and extradition. The possibility should exist of lodging a suspensive appeal against a refusal to allow entry and subsequent *refoulement*.

- Panama, CAT, A/53/44 (1998) 22 at paras. 218 and 219.

Paragraph 218

The possibility that the repatriation of refugees coming from neighbouring countries may jeopardize compliance with article 3, paragraph 1 of the Convention, is of concern.

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Paragraph 219

All necessary safeguards for the protection of refugees from neighbouring countries should be adopted, in particular so as to ensure that in case of repatriation they are not placed in the situation referred to in article 3, paragraph 1, of the Convention.

- United Kingdom of Great Britain and Northern Ireland, CAT, A/54/44 (1999) 9 at para. 76.

The use of prisons as places in which to house refugee claimants is of concern.

- Hungary, CAT, A/54/44 (1999) 10 at para. 83.

Conditions in prisons, detention centres and holding centres for refugees such as overcrowding, lack of exercise, education and hygiene are of concern.

- Tunisia, CAT, A/54/44 (1999) 11 at para.101.

The fact that the State party does not accede to requests of extradition of political refugees is noted. Concern is expressed that this should not be the only exception for refusal of extradition.

- The Former Yugoslav Republic of Macedonia, CAT, A/54/44, (1999) 14 at para. 116.

The State party, at its borders, should fully comply with its obligations under article 3 of the Convention even in the present situation of a massive influx of refugees from Kosovo.

- Venezuela, CAT, A/54/44 (1999) 16 at paras. 146 and 147.

Paragraph 146

For the purposes of the improved consideration of the advisability of applying article 3 of the Convention to a particular case, it would appear appropriate for questions of passive extradition to be considered at two instances.

Paragraph 147

The State party should regulate procedures for dealing with and deciding on applications for asylum and refugee status which envisage the opportunity for the applicant to attend a formal hearing and to make such submissions as may be relevant to the right which he invokes, including pertinent evidence, with protection of the characteristics of due process of law.

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- Libyan Arab Jamahiriya, CAT, A/54/44 (1999) 20 at para. 183.

The fact that the State party had, in one incident, extradited persons to a country where there are substantial grounds for believing that they are in danger of being subjected to torture is of concern. The State party was not legally obliged to do so.

- Malta, CAT, A/55/44 (2000) 10 at para. 44.

The following developments are welcomed:

The entrusting of the supervision of asylum seekers to the ordinary police instead of the Special Assignment Group.

The completion and the expected presentation to Parliament of the new Asylum Act which provides, *inter alia*, for: (i) the removal of the geographical exception limiting the granting of asylum to European refugees; (ii) the appointment of a commissioner to decide asylum cases; (iii) the right to appeal the commissioner's decision before an independent appeals board; and (iv) the fact that asylum seekers cannot be deported before a final decision has been taken in their case.

- Austria, CAT, A/55/44 (2000) 11 at paras. 49 and 50.

Paragraph 49

Insufficient measures of protection of individuals under a deportation order, which are not in conformity with the provisions of articles 3 and 11 of the Convention, particularly as instanced by a reported case of death during the deportation procedure are of concern.

Paragraph 50

Provisions concerning the protection of asylum seekers should fully conform with the relevant international standards, in particular, articles 3 and 11 of the Convention, both in law and practice.

- Finland, CAT, A/55/44 (2000) 12 at para. 53.

The efforts made in educational programmes for the police and personnel dealing with asylum seekers and the legal measures taken to accommodate asylum seekers in places other than prison are noted with satisfaction.

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- Uzbekistan, CAT, A/55/44 (2000) 19 at paras. 80 and 81.

Paragraph 80

The lack of a formal prohibition of the expulsion, return or extradition of a person to another State where he runs the risk of being subjected to torture, in accordance with article 3 of the Convention is of concern.

Paragraph 81

The State party should formally prohibit the expulsion, return or extradition of persons to a State where they would be in danger of being subjected to torture.

See also:

- El Salvador, CAT, A/55/44 (2000) 28 at paras. 163 and 169.

- China, CAT, A/55/44 (2000) 24 at paras. 141 and 145.

Paragraph 141

It is noted with concern that practices in the Hong Kong Special Administrative Region relating to refugees may not be in full conformity with article 3 of the Convention.

Paragraph 145

Laws and practices relating to refugees should be brought into full conformity with article 3 of the Convention.

- Slovenia, CAT, A/55/44 (2000) 34 at paras. 207 and 211.

Paragraph 207

The sub-standard conditions in which asylum-seekers are housed in the State party is of concern.

Paragraph 211

As a matter of priority, the State party is urged to take all necessary measures to ensure that asylum-seekers are housed in conditions that comply with the requirements of article 16 of the Convention.

- Canada, CAT, A/56/44 (2001) 24 at paras. 58 and 59.

Paragraph 58

Concern is expressed over the following:

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Allegations of the use of undue force and involuntary sedation in the removal of rejected asylum-seekers.

The position of the State party in arguments before courts, and in policies and practices that, when a person is considered a serious criminal or security risk, the person can be returned to another state even where there are substantial grounds for believing that the individual would be subjected to torture, an action which would not be in conformity with the absolute character of the provisions of Article 3(1) of the Convention.

The public danger risk assessment, without interview or transparency, is carried out prior to the refugee determination procedure, and, if a person is considered a security risk, this person is not eligible to have his case examined in-depth under the normal refugee determination procedure. In addition, it is noted that at present both the review of security risk and the review of the existence of humanitarian and compassionate grounds are determined by the same governmental body. The alleged lack of independence of decision-makers, as well as the possibility that a person can be removed while an application for humanitarian review is underway, may constitute obstacles to the effectiveness of the remedies to protect the rights in article 3(1) of the Convention.

Paragraph 59

It is recommended that the State party:

Comply fully with article 3(1) of the Convention prohibiting return of a person to another state where there are substantial grounds for believing that the individual would be subjected to torture, whether or not the individual is a serious criminal or security risk.

Enhance the effectiveness of the remedies to protect the rights granted by article 3(1) of the Convention. Noting the assurances that the proposed new Immigration and Refugee Act provides for a pre-removal risk assessment "available to all persons under a removal order", the State party is encouraged to ensure that the proposed new legislation permits in-depth examination by an independent entity of claims, including those from persons already assessed as security risks. The State party is urged to ensure that obstacles to the full implementation of article 3 are removed, so that an opportunity is given to the individual concerned to respond before a security risk decision is made, and that assessments of humanitarian and compassionate grounds are made without demanding a fee from a person who seeks protection.

- Greece, CAT, A/56/44 (2001) 38 at paras. 87 and 88.

Paragraph 87

The harsh conditions of detention in general and, in particular, the long-term detention of undocumented migrants and/or asylum-seekers awaiting deportation in police stations without

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adequate facilities are of concern.

Paragraph 88

Urgent measures should be taken to improve conditions of detention in police stations and prisons and that undocumented migrants and/or asylum seekers who have not been convicted of a criminal offence not be held for long periods in such institutions. Steps should be taken to create detention facilities for undocumented migrants and/or asylum seekers separate from prison or police institutions and the State party is urged to complete its proposed new building construction for aliens as a matter of urgency.

- Bolivia, CAT, A/56/44 (2001) 40 at paras. 95 and 97.

Paragraph 95

It is of concern that refugees from Peru are being returned to their country of origin without compliance with procedural formalities that would have enabled them to present reasons why they were afraid of being returned to their country of origin.

Paragraph 97

Adequate measures should be adopted to ensure that no person can be expelled, returned or extradited to another State where there are substantial grounds for believing that that person would be in danger of being subjected to torture. Steps must be taken to ensure that these persons have the possibility of explaining these grounds in impartial and adversarial proceedings whose findings are subject to review by a higher authority.

- Brazil, CAT, A/56/44 (2001) 49 at para. 118.

The legislation relating to refugees and the establishment of a procedure aimed at ensuring that an asylum-seeker is not returned to a State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture is noted with satisfaction.

- Costa Rica, CAT, A/56/44 (2001) 55 at para.136.

The process for granting refugee status should be made more efficient in order to reduce the long period of uncertainty for asylum-seekers and refugees.

REFUGEES

CRC

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

Urgent measures should be adopted for the protection of children belonging to vulnerable groups, in particular displaced and refugee children, disabled and homeless children, as well as children subject to abuse or violence within the family. Such measures should encompass social assistance and rehabilitation programmes oriented towards those groups of children and should be undertaken with the cooperation and support of the relevant United Nations agencies and international organizations, in the spirit of article 45 (b) of the Convention.

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

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

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

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

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

Paragraph 119

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

Paragraph 132

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

See also:

- Lebanon, CRC, CRC/C/54 (1996) 7 at para. 65.
- Syrian Arab Republic, CRC, CRC/C/62 (1997) 32 at para. 209.
- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 60.

REFUGEES

- Norway, CRC, CRC/C/29 (1994) 27 at paras. 164, 165 and 177.

Paragraph 164

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

Paragraph 165

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

Paragraph 177

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

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

One aspect of the treatment of unaccompanied minors seeking refuge may contradict the principle that each case be dealt with on an individual basis and on its own merits. The practice of automatically informing the authorities of their country of origin may lead to their persecution, or the persecution of their relatives, for political reasons.

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

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

REFUGEES

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

Paragraph 81

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

Paragraph 92

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

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

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

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

Paragraph 97

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

Paragraph 111

REFUGEES

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

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

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

See also:

- Nepal, CRC, CRC/C/54 (1996) 25 at para. 182.
- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 83, 93, 99 and 100.

Paragraph 83

The large influx of refugees has placed a further strain on resources in the Federal Republic of Yugoslavia, especially as the State party appears to have received less international support in sharing the refugee burden than other countries in the region.

Paragraph 93

That the problem of statelessness has not been resolved, in particular with regard to refugee children and children born outside the territory of the Federal Republic of Yugoslavia and subject to its jurisdiction is a concern.

Paragraph 99

Administrative measures which have allegedly made it impossible for applicants from certain regions to acquire refugee status are of concern. It is reported that once refugee status is denied, the applicants, including children, no longer have a legal basis for remaining in the country and consequently become vulnerable to police harassment and to the loss of social welfare entitlements.

Paragraph 100

While most refugees seem to be placed with host families, it is of concern that the prevailing economic situation of these families is reported to be growing more precarious.

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

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

- Croatia, CRC, CRC/C/50 (1996) 31 at para. 192.

The major problems experienced as a consequence of war are noted. These include heavy casualties, long-lasting physical, emotional and psychological effects, as well as the disruption of some basic services. Special note is taken of an unknown number of children who have suffered the most fundamental violations of their right to life, and the existence of a large population of refugees and displaced persons, exceeding a half million, who are being attended to by international aid.

- Lebanon, CRC, CRC/C/54 (1996) 7 at paras. 64 and 69.

Paragraph 64

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

Paragraph 69

The relevant international agencies and institutions, as well as other Governments, should develop cooperation with Lebanese authorities and voluntary organizations, in the reconstruction effort after the many years of war devastation. Displaced persons and refugees should be given priority in such international cooperation.

- Guatemala, CRC, CRC/C/54 (1996) 31 at para. 200.

Problems relating to the situation of refugees, internally displaced persons and "returnees" have arisen out of the armed conflict. In this connection, the difficult task of meeting the needs and expectations of the population which remained in or fled from the country during the period of armed conflict is recognized.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57

REFUGEES

(1996) 23 at para. 142.

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

- Panama, CRC, CRC/C/62 (1997) 19 at para. 115.

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

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

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

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

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

- Ghana, CRC, CRC/C/66 (1997) 15 at para. 97.

The difficulties encountered by refugee children in securing access to basic education, health and social services are matters of concern.

See also:

- Uganda, CRC, CRC/C/69 (1997) 21 at para. 138.

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- Bangladesh, CRC, CRC/C/66 (1997) 22 at paras. 146 and 168.

Paragraph 146

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

Paragraph 168

Refugee children should be ensured adequate protection, including in the fields of physical safety, health and education. Procedures should be established to facilitate family reunification. Assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) may be considered in this regard.

See also:

- Yemen, CRC, CRC/C/84 (1999) 33 at para. 180.

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

Paragraph 288

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

Paragraph 302

New and creative policies and programmes should be considered to adequately support vulnerable families, particularly those living in poverty or single-parent families. The status of families accommodating refugee or displaced children should be regularized.

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

Paragraph 102

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

Paragraph 112

Legislation and policy reform should be introduced to guarantee that children of asylum seekers and refugees are reunified with their parents in a speedy manner. No child should be deprived of his/her

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citizenship on any ground, regardless of the status of his/her parent(s).

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

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

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

Paragraph 265

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

Paragraph 289

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

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

Efforts should be strengthened to ensure that children from vulnerable and disadvantaged groups, including children belonging to the Traveller community, children living in poverty and refugee children, benefit from positive measures aimed at facilitating access to education, housing and health services.

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

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

See also:

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

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

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

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

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

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

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

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 125.

The necessary measures should be taken to introduce legislation for the protection of rights of refugee children, in line with relevant international standards.

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

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

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education and social services.

See also:

- Mali, CRC, CRC/C/90 (1999) 43 at para. 224.
- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 56.

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

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

Paragraph 115

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

Paragraph 116

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

Paragraph 117

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

- The Netherlands, CRC, CRC/C/90 (1999) 53 at para. 254.

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

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

Paragraph 340

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

Paragraph 341

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

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

Paragraph 26

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

Paragraph 70

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

Paragraph 71

It is recommended that the State party: ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; set up a central system of registration and monitoring of refugees in order to provide accurate statistics, and clarify the status of refugees; adopt special measures to deal with unaccompanied children; entertain requests for family reunification in view of its impact on the possibility of resettlement in third countries of asylum; and review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of refugee families, particularly Afghan refugees, to support themselves. The State party is encouraged to continue and expand its cooperation with international agencies, including UNHCR and UNICEF.

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

Paragraph 130

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

Paragraph 131

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

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 175 and 202.

Paragraph 175

In light of the Committee's previous recommendations, the Committee remains concerned that restrictions on the right of a Jordanian woman to pass on her nationality to her child, particularly where she is married to a refugee, may result in the child becoming stateless.

Paragraph 202

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

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 320 and 321.

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Paragraph 320

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

Paragraph 321

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

See also:

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

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 515, 558 and 559.

Paragraph 515

Note is taken of the problems which have hampered the implementation of the Convention in the State party, in particular the regional conflicts which have led to a significant influx of refugees, the impact of the civil war which ended in 1994, and the continuing violence in the north of the country which has caused internal displacements.

Paragraph 558

While acknowledging the challenges faced by the State party as a result of the regional conflicts which repeatedly lead to the arrival of a disproportionate number of asylum-seekers, concern is

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expressed about the problems experienced by refugee children. The absence of national legislation defining the legal basis for asylum or for granting stateless status is a concern. Concern is also expressed about the resulting absence of an appropriate legal framework for the protection of accompanied and unaccompanied child refugees and asylum-seekers, and about the lack of health and education services for all refugee children, including those living outside the refugee camps.

Paragraph 559

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

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 152 and 153.

Paragraph 152

Deep concern is expressed at the very large numbers of persons who have become refugees or internally displaced within the country and at the situation of those displaced children who are unaccompanied. The Committee is disturbed in particular by the massive numbers of people who have been forcibly regrouped within the country and by the very poor, sometimes life-threatening conditions in displaced and regrouped persons camps, and the poor health and education services available to camp populations. It is noted that the State party has publicly promised to end the regroupment policy, but has failed to do so. It is also noted that efforts to trace the families of unaccompanied children have had limited success.

Paragraph 153

The State party is urged to make every effort to protect the civilian population from displacement and to implement its plans to end regroupment, giving particular attention to the situation of unaccompanied children and the need for effective family tracing. The State party is urged to ensure that all displaced children and their families, including those who have been regrouped, have access to essential health and education services and to consider the need for continued access to such services during the often slow process of return to communities of origin. Assistance should be provided to returning children and their families in re-establishing themselves in their homes. In addition, the State party is urged to continue to work closely with UNHCR towards establishing conditions conducive to the return of refugees in safety and in the context of a durable solution.

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- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 406 and 472.

Paragraph 406

It is noted that several countries bordering the State party have been involved in armed conflicts, leading to regional instability, refugee movements, including into the State party, and a weakening of the regional economy.

Paragraph 472

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

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

Paragraph 186

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

Paragraph 187

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

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

Paragraph 137

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

Paragraph 138

The State party is encouraged to consider withdrawing the geographical limitation on the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol in order that non-

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

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

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

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

Paragraph 346

The efforts already undertaken to integrate refugee children into the society are welcomed, particularly their enrolment in the Ivorian basic education system. However, the difficult situation encountered by child refugees and their families remains a concern.

Paragraph 347

The legal protection of refugee children should be strengthened and the project agreement with UNHCR should be implemented. The State party is encouraged to continue and expand its cooperation with international agencies such as UNHCR and UNICEF.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 410 and 411.

Paragraph 410

The State party's established practice of hosting refugees from neighbouring States and the current challenges faced in this regard are recognized. While noting the enactment of the Refugees Act

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(1998), concern remains about the inadequate standards, procedures, policies and programmes to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including adequate education, especially post-primary education, and health and other social services. Concern is also expressed regarding the situation of abuse, including sexual abuse, and violence against girls in and around refugee camps. Further, the present rules relating to marriages between refugees and Tanzanian nationals are discriminatory as regards female Tanzanian nationals, particularly concerning the residential status and rights of their spouses and children.

Paragraph 411

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

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 460, 461, 474 and 475.

Paragraph 460

It is of concern that as a result of events following the census in the late 1980s, there may be children in southern Bhutan who are separated from their parents, or whose parents are residing abroad as refugees.

Paragraph 461

The State party should ensure that family reunification is dealt with in a positive, humane and expeditious manner, in accordance with article 10 of the Convention.

Paragraph 474

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

Paragraph 475

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

REFUGEES

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

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

Paragraph 525

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

Paragraph 526

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