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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

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

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

- Croatia, CERD, A/57/18 (2002) 24 at para. 99.

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

- Denmark, CERD, A/57/18 (2002) 27 at paras. 111, 117 and 122.

111. The Committee welcomes the improvement of employment opportunities for minorities and refugees in the public sector, the creation of integration councils to ensure ongoing integration efforts, and the relative success in procuring housing for refugees, in line with article 5 of the Convention.

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

...

122. The Committee is concerned about the introduction of new, more stringent asylum and refugee regulations, and encourages the State party to maintain its standards and ensure that all cases of asylum-seekers are decided on merit and without discrimination.

- Lithuania, CERD, A/57/18 (2002) 35 at paras. 175 and 176.

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

176. The Committee is further concerned about xenophobic tendencies towards Chechen asylum-seekers and refugees and requests the State party to take preventive and educational measures in this regard. The Committee recommends that the State party ensure the enjoyment of social rights, particularly to adequate housing and health, to all asylum-seekers and refugees in need without regard to their legal status.

- Armenia, CERD, A/57/18 (2002) 50 at para. 283.

283. While noting that the State party, through its policy and legislation, does not engage in any discriminatory acts against refugees, some concern has been expressed that under article 25 of the Law on Refugees, restrictive measures are applied against asylum-seekers other than ethnic Armenians who fled Azerbaijan between 1988-1992 and that these measures may lead to discrimination on the basis of ethnic origin. The Committee welcomes the delegation's statement as to the possibility of reviewing the relevant provision.

- Botswana, CERD, A/57/18 (2002) 53 at para. 308.

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308. The Committee expresses concern about information relating to the forced repatriation of some Namibian refugees. Taking note of the responses provided by the delegation, the Committee recommends that repatriation be effected only when voluntary...

- Canada, CERD, A/57/18 (2002) 56 at paras. 335 and 338.

335. The Committee expresses concern about information on patterns of racial discrimination affecting people of African and Asian descent and at expressions of prejudice in the media against such people, as well as against foreigners and refugees....

...

338. The Committee notes with concern that, in the aftermath of the events of 11 September 2001, Muslims and Arabs have suffered from increased racial hatred, violence and discrimination. The Committee therefore welcomes the statement of the Prime Minister in the Ottawa Central Mosque condemning any acts of intolerance and hatred against Muslims, as well as the reinforcement of Canadian legislation to address hate speech and violence. In this connection, the Committee requests the State party to ensure that the application of the Anti-terrorism Act does not lead to negative consequences for ethnic and religious groups, migrants, asylum-seekers and refugees, in particular as a result of racial profiling.

- Hungary, CERD, A/57/18 (2002) 63 at paras. 372, 374 and 380.

372. The Committee...welcomes the positive elements...in Act I of 1996 on Radio and Television Broadcasting, aiming at preventing hate speech and discrimination on racial, national and ethnic grounds; as well as in Act CXXXIX of 1997 on Asylum, as amended, abrogating geographical restrictions concerning asylum-seekers.

...

374. While noting the above efforts, the Committee expresses concern at persisting intolerance and discrimination especially in relation to the Roma minority, as well as at xenophobic manifestations against immigrants, refugees and asylum seekers.

...

380. The Committee is concerned at the prevailing conditions in refugee shelters and the conditions of detention of undocumented immigrants. Noting the efforts of the State party in this respect, the Committee strongly encourages the Hungarian authorities to further improve the existing facilities so that they meet international standards...

- New Zealand, CERD, A/57/18 (2002) 69 at paras. 416 and 427.

416. The Committee welcomes acknowledgement of the disadvantaged position in society

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of minorities, especially Maori, and accordingly appreciates the large number of initiatives, programmes and projects in the areas of health, education, employment, social welfare, housing, language and culture, and correction services, which are designed to address the specific needs of Maori, Pacific Island people and persons from other groups such as refugees and ethnic minorities.

...

427. The Committee notes with concern that almost all asylum-seekers presenting themselves at the border after the events of 11 September 2001 were initially detained. While it notes that this practice by the New Zealand Immigration Service was successfully challenged in the High Court and the practice of detaining asylum-seekers has been suspended except for a small number of cases, it also notes that the High Court's decision has been appealed by the Immigration Service and that the practice may resume if the appeal is successful.

- Ecuador, CERD, A/58/18 (2003) 22 at para. 50.

50. The Committee welcomes the adoption of several action plans within the framework of the State party's National Human Rights Plan, in particular those on the rights of black persons and on the rights of foreigners, migrants, refugees and stateless and displaced persons, as well as the State party's efforts to promote the adoption of other action plans, in particular on the rights of indigenous peoples.

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 195.

195. The Committee is concerned about the incidence of violent racist attacks against ethnic minorities by, among others, skinheads and neo-Nazis. In this regard, the Committee recommends that the State party strengthen its efforts to prevent racist violence and protect members of ethnic minorities and foreigners, including refugees and asylum-seekers...

- Saudi Arabia, CERD, A/58/18 (2003) 41 at para. 221.

221. The Committee is concerned about the situation of Iraqi refugees who have lived in the Rafha refugee camp for more than 12 years under very difficult circumstances. The Committee hopes that the State party will find a solution to this problem in the near future.

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- Czech Republic, CERD, A/58/18 (2003) 65 at paras. 379 and 388.

379. The Committee greatly appreciates the concrete measures, programmes and strategies adopted by the State party with a view to improving the situation of the Roma and other marginalized groups, including refugees.

...

388. The Committee welcomes the anti-racism campaigns conducted annually and the broad population targeted by them, and notes the numerous other initiatives of the State party to combat discriminatory attitudes and practices. Unfortunately, that negative attitudes towards minorities and refugees persist among public officials, in the media and among the general public, is a matter of concern to the Committee. Furthermore, the Committee is concerned that the judiciary, unlike the police, does not seem to be the object of sensitization and educational activities.

The Committee recommends that the State party continue and intensify its anti-racism campaigns and other efforts aimed at combating racial and ethnic stereotyping. It recommends that the State party, while pursuing public education campaigns, continue and diversify targeted training programmes for professionals, such as the police, judges and other public officials working with the Roma and other vulnerable groups.

- Finland, CERD, A/58/18 (2003) 69 at para. 408.

408. Concern is...expressed about the “accelerated procedure” provided for in the revised Aliens Act. Under the new provisions, the “accelerated procedure” applies to certain categories of asylum application and, if the application is rejected and entry is refused, could lead to the immediate expulsion of the asylum-seeker. Although such a negative decision can be appealed, it may be enforced within eight days irrespective of an appeal, which would thus have no suspensive effect. In the Committee’s opinion, such narrow time limits may not allow for the proper utilization of the appeal procedure available and may result in an irreversible situation even if the decision of the administrative authorities were overturned on appeal...

- Islamic Republic of Iran, CERD, A/58/18 (2003) 72 at para. 419.

419. The Committee commends the State party’s efforts to host a large population of refugees from neighbouring countries such as Afghanistan and Iraq.

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- Republic of Korea, CERD, A/58/18 (2003) 83 at para. 491.

491. The Committee notes with appreciation the progress made in improving the asylum system and the process for determining refugee status, in particular the expansion of the Refugee Recognition Council to include members of civil society and the increased access to social services and the labour market afforded to refugees.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras. 527, 532 and 533.

527. The Committee welcomes the establishment of the National Asylum Support Service in 2000 as an important step in providing support to eligible asylum-seekers and ensuring that they can access necessary services.

...

532. The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue. The Committee recommends that the State party consider further how the Press Complaints Commission can be made more effective and can be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations.

...

533. The Committee remains concerned at reports of attacks on asylum-seekers. In this regard, the Committee notes with concern that antagonism towards asylum-seekers has helped to sustain support for extremist political opinions.

The Committee recommends that the State party adopt further measures and intensify its efforts to counter racial tensions generated through asylum issues, *inter alia* by developing public education programmes and promoting positive images of ethnic minorities, asylum-seekers and immigrants, as well as measures making the asylum procedures more equitable, efficient and unbiased.

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

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

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

- Bahamas, CERD, A/59/18 (2004) 10 at paras. 25 and 34-37.

25. The Committee notes with satisfaction that the Office of the United Nations High Commissioner for Refugees and non-governmental organizations have access to the Carmichael Road Detention Centre where undocumented migrants and asylum-seekers are held.

...

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

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

35. The Committee notes that it has not received sufficient information on the rights of asylum-seekers and is disturbed by reports that the current system is incapable of guaranteeing that no one will be sent back to a country where his life or liberty might be in danger.

The Committee advises the State party to guarantee the rights of asylum-seekers to information, the services of an interpreter, legal assistance and judicial remedies...

36. The Committee is disturbed that the State party has not yet adopted measures to implement into domestic law the 1951 Convention relating to the Status of Refugees and the related Protocol of 1967, which the Bahamas ratified in 1993.

The Committee takes note of the information that a bill on the matter is currently being drafted and encourages the State party to adopt the necessary measures to implement the Convention and Protocol into domestic law, in particular as regards the *non-refoulement* clause provided in article 33 of the 1951 Convention.

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37. Taking note of the substantial efforts already made to manage the Carmichael Road Detention Centre effectively, the Committee is very concerned at reports that conditions in detention there are unsatisfactory, especially as regards access to food and drinking water, hygiene and access to medical care.

The Committee recommends the State party to step up immediately its efforts in this connection...

- Lebanon, CERD, A/59/18 (2004) 18 at para. 84.

84. While acknowledging the political factors related to the presence of Palestinian refugees in Lebanon, the Committee reiterates its concern with regard to the enjoyment by the Palestinian population present in the country of all rights stipulated in the Convention on the basis of non-discrimination, in particular access to work, health care, housing and social services as well as the right to effective legal remedies. The Committee notes the statement of the delegation that the 2001 property law does not apply retroactively and that Palestinians' right to inherit remains in force.

The Committee urges the State party to take measures to ameliorate the situation of Palestinian refugees with regard to the enjoyment of the rights protected under the Convention, and at a minimum to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens.

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

134. The Committee is concerned by information that only the Tibetans who arrived in Nepal before 1990 and the Bhutanese are recognized as refugees by the authorities, and by recent information on forced expulsion of Tibetan refugees. It further expresses concern over the serious restriction of rights for the Bhutanese refugees and the lack of specific measures for unaccompanied refugee children.

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

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- The Netherlands, CERD, A/59/18 (2004) 29 at para. 154.

154. The Committee takes note of the Aliens Act 2000, which came into force on 1 April 2001, and welcomes the possibility that asylum-seekers can be granted a residence permit even after their claim has been rejected on judicial appeal, provided they are able to demonstrate objectively that they cannot return to their country. However, it is of the opinion that the criteria for any decisions by the authorities in this regard should be as clearly defined as possible, taking into account all aspects of the individual case. The Committee is also concerned about the possible risks which the Government's plan to return a very large number of failed asylum-seekers may entail, particularly with regard to respect for their human rights and the unity of their families.

The Committee requests the State party to ensure that its asylum procedures are in full conformity with international standards and, when proceeding with the return of asylum-seekers to their countries, to respect the principle of *non-refoulement* when there are substantial grounds for believing that there is a risk to their lives or physical integrity, as well as the principles of family unity and appropriate treatment of minors.

- Spain, CERD, A/59/18 (2004) 32 at paras. 172 and 173.

172. While the Committee commends the ongoing cooperation between the State party and the United Nations High Commissioner for Refugees as well as the commitment of the State party to improve the country's asylum system by transposing into Spanish law, by February 2005, European Union Directive 2003/9, laying down minimum standards for the reception of asylum-seekers, it is concerned about the poor conditions encountered by asylum-seekers due to the overcrowding of reception centres, in particular in Ceuta and the Canary islands.

The Committee recommends that the State party take adequate measures necessary to improve the situation of asylum-seekers, especially in Ceuta and in the Canary islands...

173. While the Committee warmly welcomes the 2003 Memorandum of Understanding between Spain and Morocco on assistance in the repatriation of unaccompanied foreign children, it expresses concern about the situation of these children, particularly in relation to the poor conditions in the reception centres for minors (especially in Ceuta and Melilla).

The Committee recommends that the State party take all necessary measures to improve the conditions in reception centres for minors and ensure respect for the existing laws so that regular procedures in the expulsion of unaccompanied foreign children are carried out...

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- Argentina, CERD, A/59/18 (2004) 45 at para. 243.

243. While taking note with satisfaction of the assurances given by the State party regarding its plan to intensify the human rights training of border and immigration officials, the Committee is concerned about reported cases of *refoulement* of refugees and allegedly unfair refugee status determination procedures. In this connection, the Committee observes that, while the State party generally endeavours to follow the standards of the Convention relating to the Status of Refugees, but within a more limited legislative framework, there is no comprehensive law dealing with the protection of refugees...

The Committee calls upon the State party to increase its efforts to fully respect article 5 (b) of the Convention and the principle of *non-refoulement* and improve refugee protection conditions and safeguards, including interpretation facilities, particularly at airports and other border points. It also urges the State party to ensure that new legislation is adopted that addresses eligibility for refugee status and the rights of refugees and specifies the refugee status determination procedures and rights of review...

- Kazakhstan, CERD, A/59/18 (2004) 54 at para. 292.

292. The Committee is concerned that some refugees have been forcibly returned to their countries when there were substantial grounds for believing that they might suffer serious human rights violations.

The Committee...urges the State party to ensure, in accordance with article 5 (b) of the Convention, that no refugees will be forcibly returned to a country where there are substantial grounds for believing that they may suffer serious human rights violations.

See also:

- United Republic of Tanzania, CERD, A/60/18 (2005) 67 at para. 353.

- Mauritania, CERD, A/59/18 (2004) 61 at para. 344.

344. The Committee notes with concern that, according to some reports, several thousand black Mauritanian refugees remain in Mali and Senegal. It remains concerned at reports that many of the refugees who have returned to Mauritania have not recovered their property or their jobs.

The Committee recommends that the State party take practical measures to encourage the return of black Mauritanian refugees remaining in Mali and Senegal and their full reintegration

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into Mauritanian society...

- Portugal, CERD, A/59/18 (2004) 66 at para. 372.

372. The Committee is concerned about the non-suspensive effect of appeal in the admissibility phase of the asylum procedure, which may result in creating an irreversible situation, even if the decision of the administrative authorities were to be overturned on appeal.

The Committee urges the State party to guarantee respect for the legal safeguards for asylum-seekers and to ensure that its asylum law and procedures conform to its international obligations in this field.

- Tajikistan, CERD, A/59/18 (2004) 74 at paras. 409 and 410.

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

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

410. The Committee is concerned that, according to some reports, refugees, in particular Afghan refugees, have been forcibly returned to their countries.

The State party should pursue its cooperation with UNHCR in order to protect persons who have sought refuge in Tajikistan. The Committee also urges the State party to ensure, in accordance with article 5 (b), that no person will be forcibly returned to a country where there are substantial grounds for believing that his/her life or health may be put at risk.

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

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

The Committee recommends that the State party take resolute action to counter any tendency to target, stigmatize, stereotype or profile non-citizens, including asylum-seekers, on the basis

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of race, colour, descent, or national or ethnic origin, especially by the media and the society at large. In this regard, it draws the attention of the State party to its general recommendation XXX on non-citizens.

...

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

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

- Azerbaijan, CERD, A/60/18 (2005) 18 at paras. 55, 60 and 61.

55. The Committee notes with satisfaction that the State party has commenced the implementation of the refugee status determination procedure, in the framework of cooperation with UNHCR.

...

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

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

61. The Committee observes that, while the State party generally endeavours to comply with the standards of the Convention relating to the Status of Refugees, some asylum-seekers are excluded by the refugee determination procedure of the State party. The Committee is concerned that persons who are not formally recognized as refugees may still require subsidiary forms of protection, given that they are unable to return to their countries for compelling reasons such as existing situations of armed conflict. The Committee also expresses concern about information on cases of *refoulement* of refugees (art. 5 (b)).

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The Committee requests the State party to ensure that its asylum procedures do not discriminate in purpose or effect between asylum-seekers on the basis of race, colour or ethnic or national origin, in line with section VI of its general recommendation XXX. The Committee recommends that the State party consider adopting subsidiary forms of protection guaranteeing the right to remain for persons who are not formally recognized as refugees but who may still require protection, and to continue its cooperation with UNHCR. The Committee further recommends that the State party, when proceeding with the return of asylum-seekers to their countries, respect the principle of *non-refoulement*.

- France, CERD, A/60/18 (2005) 26 at paras. 99, 108 and 109.

99. The Committee welcomes the fact that, under the Act of 10 December 2003, persecution of asylum-seekers need no longer come from the State.

...

108. Despite the State party's efforts, the Committee remains concerned at the situation of non-citizens and asylum-seekers in holding centres and areas and delays in processing applications from refugees for family reunification.

The Committee recommends to the State party that it should strengthen the supervision of police personnel responsible for the reception and day-to-day monitoring of holding centres for non-citizens and asylum-seekers; improve the conditions in which such persons are held; operationalize the national committee to monitor holding centres and premises and holding areas; and process applications from refugees for family reunification as speedily as possible.

109. The Committee remains concerned at the fact that only French may be used in applications for asylum.

In order to allow asylum-seekers to exercise their rights fully, the Committee invites the State party to lay down that asylum-seekers may be assisted by translators/interpreters whenever necessary, and/or to agree that applications for asylum may be written in the most common foreign languages.

- Ireland, CERD, A/60/18 (2005) 30 at paras. 137 and 147.

137. The Committee is concerned at the possible implications of the policy of dispersal of and direct provision for asylum-seekers (art. 3).

The Committee encourages the State party to take all necessary steps with a view to avoiding negative consequences for individual asylum-seekers and to adopt measures promoting their

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full participation in society.

...

147. The Committee is particularly concerned about the situation faced by women belonging to vulnerable groups and at the instances of multiple discrimination they may be subject to (art. 5).

The Committee, recalling its general recommendation XXV, encourages the State party to take measures with regard to the special needs of women belonging to minority and other vulnerable groups, in particular female Travellers, migrants, refugees and asylum-seekers.

- Luxembourg, CERD, A/60/18 (2005) 40 at para. 198.

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

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

- Georgia, CERD, A/60/18 (2005) 46 at para. 245.

245. While noting the new legal measures adopted regarding refugees, the Committee remains concerned that some refugees and asylum-seekers of particular ethnicities have been forcibly returned to countries where there are substantial grounds for believing that they may suffer serious human rights violations (art. 5).

The Committee recommends...urges the State party to ensure, in accordance with article 5 (b) of the Convention, that no refugees are forcibly returned to a country where there are substantial grounds for believing that they may suffer serious human rights violations. The Committee encourages the State party to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

- Iceland, CERD, A/60/18 (2005) 51 at paras. 260, 266 and 270.

260. The Committee welcomes the current establishment of the Committee for Refugees and Asylum-Seekers and the Icelandic Immigration Council, to be composed of representatives

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of relevant ministries and one immigrant representative and responsible for making recommendations on immigration policy to the Government and for coordinating the provision of services and information to immigrants.

...

266. While noting that members of the border police receive training on international human rights standards and refugee law, the Committee is concerned about reports that asylum requests are not always properly handled by border guards (art. 5).

The Committee encourages the State party to intensify its efforts to provide systematic training to border guards, with a view to increasing their knowledge about all relevant aspects of refugee protection, as well as about the situation in the countries of origin of asylum-seekers.

...

270. The Committee notes with concern that applicants whose asylum applications have been rejected or who are being expelled by the Directorate of Immigration can only appeal that decision to the Minister of Justice as the supervisory authority, whose decision is subject only to a limited court review on procedure rather than substance (art. 6).

The Committee recommends that the State party consider introducing a full review by an independent judicial body of decisions of the Directorate of Immigration and/or the Minister of Justice concerning the rejection of asylum applications or expulsion of asylum-seekers.

- Nigeria, CERD, A/60/18 (2005) 54 at para. 287.

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

In the context of the current constitutional review and the drafting of an Anti-Discrimination Bill by the Parliament, the Committee invites the State party to consider extending the scope of its domestic legislation so as to protect non-citizens from racial discrimination... In this regard, the Committee draws the attention of the State party to its general recommendation XXX (2004) on non-citizens.

- Turkmenistan, CERD, A/60/18 (2005) 61 at paras. 313 and 324.

313. The Committee appreciates the passing of a regulation in March 2005, on the

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implementation of refugee status determination, as well as the generous hosting of more than 10,000 refugees from Tajikistan on a *prima facie* basis.

...

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

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

- United Republic of Tanzania, CERD, A/60/18 (2005) 67 at para. 353.

353. The Committee is concerned about allegations of arbitrary arrests and detention, excessive use of force and ill-treatment of refugees, in particular women, by law enforcement officials, and about the lack of investigation of those cases (arts. 5 and 6).

The Committee recommends that the State party take appropriate measures to eradicate all forms of ill-treatment by law enforcement officials of refugees, in particular women, and ensure prompt, thorough, independent and impartial investigations into all allegations of ill-treatment of refugees. The Committee further recommends that the persons responsible for the ill-treatment be prosecuted and punished, and victims granted compensation.

- Zambia, CERD, A/60/18 (2005) 75 at paras. 395, 396 and 402.

395. The Committee notes with satisfaction the State party's generous approach in hosting and providing protection to more than 271,000 refugees over many years.

396. The Committee welcomes the State party's efforts to enhance the access of refugees to the courts and in particular the establishment of mobile special courts and special police units to serve in refugee camps and settlements.

...

402. The Committee notes the efforts made by the State party to address the demands in the sphere of education, health care and food in regions hosting a large population of refugees, in particular through the Zambia Initiative. It remains concerned, however, about the fate of thousands of long-term refugees who are unable to return to their countries of origin, in particular Angolans, in a context where the 1970 Zambian Refugee Control Act does not

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encourage their local integration (art. 5).

The Committee encourages the State party to review its current refugee policy with a view to enhancing prospects for local integration of long-term refugees. To this end, the Committee recommends to the State party that it review the Refugee Control Act and consider withdrawing its reservation to the 1951 Convention relating to the Status of Refugees.

ICCPR

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at para. 75(16).

(16) The Committee is concerned that asylum-seekers have been detained in various facilities on grounds other than those legitimate under the Covenant, including reasons of administrative convenience. In any event, the Committee considers unacceptable any detention of asylum-seekers in prisons. The Committee notes, moreover, that asylum-seekers, after final refusal of their request, may also be held in detention for an extended period when deportation might be impossible for legal or other considerations. The Committee is also concerned that the practice of dispersing asylum-seekers may have adverse effects on their ability to obtain legal advice and upon the quality of that advice. Dispersal, as well as the voucher system of support, have on occasion led to risks for the physical security of asylum-seekers.

The State party should closely examine its system of processing asylum-seekers in order to ensure that each asylum-seeker's rights under the Covenant receive full protection, being limited only to the extent necessary and on the grounds provided for in the Covenant. The State party should end detention of asylum-seekers in prisons.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at para. 79(12).

(12) While it understands the security requirements relating to the events of 11 September 2001, and takes note of the appeal of Sweden for respect for human rights within the framework of the international campaign against terrorism, the Committee expresses its concern regarding the effect of this campaign on the situation of human rights in Sweden, in particular for persons of foreign extraction. The Committee is concerned at cases of expulsion of asylum-seekers suspected of terrorism to their countries of origin. Despite guarantees that their human rights would be respected, those countries could pose risks to the personal safety and lives of the persons expelled, especially in the absence of sufficiently

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serious efforts to monitor the implementation of those guarantees (two visits by the embassy in three months, the first only some five weeks after the return and under the supervision of the detaining authorities) (articles 6 and 7 of the Covenant)...

(a) The State party must ensure that measures taken under the international campaign against terrorism are fully in conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse;

(b) In addition, the State party should maintain its practice and tradition of observance of the principle of *non-refoulement*. When a State party expels a person to another State on the basis of assurances as to that person's treatment by the receiving State, it must institute credible mechanisms for ensuring compliance by the receiving State with these assurances from the moment of expulsion;

...

- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at para. 80(14).

(14) The Committee notes with concern discriminatory practices with respect to the registration of certain religious groups in Hungary and the limited protection accorded to the religious rights of asylum-seekers and prisoners...

The State party should ensure that religious organizations are treated in a manner that is compatible with the Covenant; it should reinforce the protection of religious rights of asylum-seekers and prisoners...

- New Zealand, ICCPR, A/57/40 vol. I (2002) 63 at para. 81(11).

(11) The Committee recognizes that the security requirements relating to the events of 11 September 2001 have given rise to efforts by New Zealand to take legislative and other measures to implement Security Council resolution 1373 (2001). The Committee, however, expresses its concern that the impact of such measures or changes in policy on New Zealand's obligations under the Covenant may not have been fully considered. The Committee is concerned about possible negative effects of the new legislation and practices on asylum-seekers, including by "removing the immigration risk offshore" and in the absence of monitoring mechanisms with regard to the expulsion of those suspected of terrorism to their countries of origin which, despite assurances that their human rights would be respected, could pose risks to the personal safety and lives of the persons expelled (articles 6 and 7 of the Covenant).

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The State party is under an obligation to ensure that measures taken to implement Security Council resolution 1373 (2001) are in full conformity with the Covenant. The State party is requested to ensure that the definition of terrorism does not lead to abuse and is in conformity with the Covenant. In addition, the State party should maintain its practice of strictly observing the principle of *non-refoulement*.

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at para. 79(13).

(13) While welcoming the precise information provided by the delegation on the procedure related to the determination of refugee status, the Committee remains concerned that the application of the principle of “safe country of origin” may deny the individual assessment of a refugee claim when the applicant is considered to come from a “safe” country.

The State party is reminded that, in order to afford effective protection under articles 6 and 7 of the Covenant, applications for refugee status should always be assessed on an individual basis and that a decision declaring an application inadmissible should not have restrictive procedural effects such as the denial of suspensive effect of appeal (articles 6, 7 and 13 of the Covenant).

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

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

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

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at para. 83(12).

(12) The Committee takes note that asylum-seekers whose applications are deemed inadmissible (e.g. on the basis of the exclusion clauses of article 1 F of the 1951 Convention relating to the Status of Refugees or because they have missed the eight-day deadline for submitting their applications) are not deported to countries where there is armed conflict or systematic violations of human rights. However, it remains concerned that applicable domestic law does not provide effective remedies against forcible return in violation of the

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State party's obligation under article 7 of the Covenant.

The State party should ensure that persons whose applications for asylum are declared inadmissible are not forcibly returned to countries where there are substantial grounds for believing that they would be in danger of being subjected to arbitrary deprivation of life or torture or ill-treatment, and provide effective remedies in domestic law in this regard.

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

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

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

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(9).

(9) While welcoming the entry into force of the new asylum law, the Committee remains concerned at the short time limits, in particular for the submission of an appeal under the accelerated asylum procedure, which raises concerns regarding the availability of an effective remedy in cases of *refoulement* (arts. 6, 7 and 2, para. 3).

The State party should ensure that the time limits under the accelerated asylum procedure are extended, in particular for the submission of an appeal.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at paras. 71(7) and 71(15).

(7) The Committee is concerned about the formulation of the draft law on the legal status of foreigners, which, according to the State party's third report to the Counter-Terrorism Committee of the Security Council, may allow for the removal of foreigners who are regarded as a threat to State security, despite the fact that they may be exposed to a violation of their rights under article 7 in the country of return. The Committee is also concerned that in cases

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of alleged threat to the State, the implementation of the decision to remove a foreigner may not be suspended prior to consideration of an appeal, which may have the effect of denying that individual a remedy under article 2.

The State party is requested to ensure that counter-terrorism measures, whether taken in connection with Security Council resolution 1373 (2001) or otherwise, are in full conformity with the Covenant. In particular, it should ensure absolute protection for all individuals, without exception, against *refoulement* to countries where they risk violation of their rights under article 7.

...

(15) The Committee is concerned at information that asylum-seekers from certain countries are prevented from requesting asylum at the border. In addition, it is concerned that although asylum-seekers are only detained in “exceptional circumstances”, the criteria for establishing such circumstances remain unclear. Moreover, the Committee is concerned about the very low number of persons who have been granted asylum in recent years, when compared with the number of applications over the same period (arts. 12 and 13).

The State party should take measures to secure access for all asylum-seekers, irrespective of their country of origin, to the domestic asylum procedure, in particular when applications for asylum are made at the border. The State party should also provide information on the criteria on the basis of which asylum-seekers may be detained, as well as on the situation with regard to minors seeking asylum. It should ensure that minors are only detained when justified in the particular circumstances of the case and their detention is regularly reviewed by a court or judicial officer.

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at para. 72(23).

(23) The Committee is concerned that the ministerial circular of 2002 giving suspensive effect to emergency remedies filed by asylum-seekers against expulsion orders has not been published; this is likely to leave the individuals concerned in a legally uncertain situation (arts. 2 and 13).

The State party should establish clear rules in its legislation to govern appeals against expulsion orders. It should give suspensive effect not only to emergency remedies but also to appeals accompanied by an ordinary request for suspension filed by any alien against an expulsion order concerning him or her.

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- Finland, ICCPR, A/60/40 vol. I (2004) 22 at para. 81(12).

(12) The Committee notes the lack of clarity as to the implications and consequences of the amendment to the Aliens Act of July 2000 providing for accelerated procedures in the case of asylum-seekers with manifestly ill-founded claims and applications by aliens from a “safe” country, as regards both the suspensive effect of an appeal and the legal protection available to asylum-seekers.

The State party should ensure that legislation and practice in this area are compatible with articles 2, 6, 7 and 13 of the Covenant and, in particular, that appeals have a suspensive effect.

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(7).

(7) The Committee is pleased to observe the State party’s concern to integrate human rights into actions to combat terrorism, in part by maintaining an outright ban on extradition, *refoulement* or expulsion to a country where the individual concerned might be exposed to the death penalty and violations of articles 7 and 9 of the Covenant.

See also:

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at para. 81(4).
- Greece, ICCPR, A/60/40 vol. I (2005) 60 at para. 90(17).

(17) The Committee is ... concerned at the reported neglect of the situation of unaccompanied minors seeking asylum or illegally residing in the country (art. 24).

The Committee recommends that the State party develop a procedure to address the specific needs of unaccompanied non-citizen children and to ensure their best interests in the course of any immigration, expulsion and related proceedings.

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

(15) The Committee is concerned at the reported neglect of unaccompanied minors seeking asylum or illegally residing in the territory of the State party...

The State party should develop specific procedures to address the needs of unaccompanied children and to ensure their best interests in the course of any immigration and related proceedings...

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- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at paras. 95(17) and 95(22).

(17) While acknowledging the delegation's assurances that the Provincial Admission Board is in the process of being established, the Committee notes with concern the lack of a systematic adjudication procedure for asylum-seekers. The Committee is also concerned that the relocation plan of March 2005 requires all refugees from Myanmar in the State party to move to the camps along the border and that those who do not comply will be considered illegal migrants and will face forcible deportation to Myanmar. Furthermore, the Committee is concerned about the deplorable situation of the Hmong people in Petchabun Province, the majority of them women and children who are not considered refugees by the State party and are facing imminent deportation to a State where they fear they will be persecuted. Finally, the Committee notes with concern that the current screening and expulsion procedures contain no provisions guaranteeing respect for the rights protected by the Covenant (arts. 7 and 13).

The State party should establish a mechanism to prohibit the extradition, expulsion, deportation or forcible return of aliens to a country where they would be at risk of torture or ill-treatment, including the right to judicial review with suspensive effect. The State party should observe its obligation to respect a fundamental principle of international law, the principle of *non-refoulement*.

...

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

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

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- Sweden, ICESCR, E/2002/22 (2001) 106 at para. 736.

736. The Committee encourages the State party to take additional measures to prevent discrimination against immigrants and refugees, especially in the workplace.

- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 893 and 904.

893. The Committee notes with concern that many displaced ethnic Serbs continue to face legal and administrative difficulties in attempting to repossess their former homes. The Committee is also concerned that while the process of repatriation and relocation of ethnic Serbs has begun showing signs of improvement, the results and the pace of their return and the settlement of their property and tenancy claims in relation to those of other displaced Croatians reveal that ethnic Serbs continue to face excessive obstacles to their return. The Committee is deeply disturbed that these obstacles have resulted in the violation of the rights of many Serbs under articles 2 and 11 of the Covenant.

...

904. The Committee urges the State party to take effective measures to accelerate the return and reintegration into Croatian society of all Croatian refugees without discrimination, particularly of ethnic Serbs, by expediting the restitution of their housing, arranging for adequate alternative accommodation or providing them with compensation when restitution is not possible, as explained by the Committee in its General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant).

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 77 and 89.

77. While acknowledging that economic, social and cultural rights of asylum-seekers are generally protected in the State party, the Committee is concerned about the considerable length of time taken to process applications for asylum.

...

89. The Committee recommends that the State party take effective measures to expedite the processing of applications for asylum so that the persons concerned may enjoy all the rights that refugee status confers upon them.

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 387, 389, 394, 398, 400 and 407.

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

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of xenophobic incidents in the State party.

...

389. The Committee is concerned about the level of long-term unemployment, affecting men aged 55-59, and the high rate of unemployment among immigrants, refugees, new college graduates and women, which are well above the national average.

...

394. The Committee regrets the absence of disaggregated statistical data on the extent of poverty in the State party's report, particularly among refugees and the immigrant population, and notes that the State party has yet to adopt an official poverty line, which would enable the State party to define the extent of poverty and to monitor and evaluate progress in alleviating poverty.

...

398. The Committee recommends that the State party closely monitor the incidence of and combat racism and xenophobia, and continue to promote intercultural understanding and tolerance among all groups in society. The Committee further recommends that the State party take measures to ensure the effective implementation of the National Action Plan to promote equal treatment and diversity and to combat discrimination as a follow-up to the Durban Declaration and Programme of Action...

...

400. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected groups, including immigrants, refugees, men in the age group 55-59, new college graduates and women. It also recommends that the State party take further measures to assist men and women to reconcile professional and family life.

...

407. The Committee calls upon the State party to strengthen its efforts to combat poverty and social exclusion and to develop a mechanism for measuring the poverty level and monitor it closely. In this respect, the Committee refers the State party to its statement on Poverty and the International Covenant on Economic, Social and Cultural Rights...

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 432 and 453.

432. The Committee notes with concern the lack of comprehensive legislation on asylum-seekers in the State party.

...

453. The Committee calls upon the State party to take appropriate measures to adopt comprehensive legislation on asylum-seekers and ensure that their economic, social and cultural rights are duly taken into account.

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- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 482, 487, 491, 493, 494, 508, 513, 517, 519 and 520.

482. While acknowledging the efforts made by the State party to reduce unemployment, including the adoption in 2004 of the Programme for Socio-Economic Development of the Regions of Azerbaijan for 2004-2008, the Committee is concerned about the persistently high unemployment in the State party, in particular among women, youths, refugees and internally displaced persons.

...

487. The Committee is concerned about the State party's plans to increase the volume of social benefits by decreasing the number of beneficiaries in order to ensure the appropriate level of life.

...

491. In spite of the efforts made by the State party to improve the economic and social conditions of refugees and internally displaced persons, the Committee is concerned at the fact that they still do not enjoy an adequate standard of living.

...

493. The Committee is concerned about the illegal occupation by refugees and internally displaced persons of properties belonging to Armenians and other ethnic minorities. The Committee is also concerned about the lack of adequate social housing units, particularly in Baku...

494. While welcoming the extensive efforts made by the State party in the area of health, including measures to address the significant regional and urban disparities in health-care provision, the Committee remains concerned that the annual per capita spending on public health has been on the decline in recent years despite the rise in GDP. The Committee is concerned about the high incidence of malnutrition, infant mortality, iron deficiency disorders and malaria, especially among refugees and internally displaced persons...

...

508. The Committee recommends that the State party continue strengthening programmes to reduce unemployment, targeting on a priority basis the most affected groups...

...

513. The Committee recommends that the State party undertake measures to ensure that social security benefits are adequate. The Committee further recommends that the State party ensure that targeted social assistance depending on family income is guaranteed to all disadvantaged and marginalized persons, including refugees and internally displaced persons, and that such assistance does not fall below the subsistence level. The Committee also encourages the State party to consider ratifying ILO Conventions No. 102 (1952) concerning Minimum Standards of Social Security, No. 117 (1962) concerning Basic Aims and Standards of Social Policy and No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

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...

517. The Committee strongly recommends that the State party continue to take effective measures, including through the allocation of increased resources, to ensure the protection of the fundamental economic, social and cultural rights of refugees and internally displaced persons, in particular with regard to adequate housing, food and water, health services and sanitation.

...

519. The Committee recommends that the State party take corrective measures to ensure that Armenians and other ethnic minorities whose properties are illegally occupied by refugees and internally displaced persons are provided with adequate compensation or offered alternative accommodation, in accordance with the guidelines adopted by the Committee and its General Comment No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant):forced evictions. The Committee also recommends that the State party take the necessary measures to guarantee the right to adequate housing to all persons residing under its jurisdiction and to address the problem of the lack of adequate social housing units in the most expedient manner possible, particularly in Baku. In this connection, the Committee wishes to draw the attention of the State party to its General Comment No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the Covenant)...

520. The Committee urges the State party to continue its efforts to improve its health services, *inter alia* through the allocation of adequate and increased resources...

- China, ICESCR, E/2006/22 (2005) 25 at paras. 143 and 174.

143. The Committee is concerned that non-citizens, including asylum-seekers, refugees and stateless persons, are excluded from the constitutional guarantees to the enjoyment of rights and freedoms enshrined in the Covenant extended to all citizens in the State party. The Committee notes that some asylum-seekers are excluded by the refugee determination procedure of the State party, in particular those coming from the Democratic People's Republic of Korea, who are regarded by the State party as economic migrants and are thus compelled to return to their countries.

...

174. The Committee calls upon the State party to take the necessary steps to ensure that all persons under its jurisdiction enjoy economic, social and cultural rights enshrined in the Covenant without discrimination. In addition, the Committee urges the State party to ensure that its asylum procedures do not discriminate, in purpose or in effect, against asylum-seekers on the basis of race, colour or ethnic or national origin, as provided for under article 2, paragraph 2, of the Covenant. The Committee recommends that the State party consider adopting subsidiary forms of protection to guarantee the right to remain for persons who are not formally recognized as refugees but are seeking asylum and nevertheless require

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protection during that period, and granting UNHCR and humanitarian organizations access to them...

- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 209 and 221.

209. The Committee is concerned that the Hong Kong Special Administrative Region lacks a clear asylum policy and that the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, to which China is a party, are not extended to the Hong Kong Special Administrative Region. In particular, the Committee regrets the position of the Hong Kong Special Administrative Region that it does not foresee any necessity to have the Convention and the Protocol extended to its territorial jurisdiction.

...

221. The Committee recommends that the Hong Kong Special Administrative Region reconsider its position regarding the extension of the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees to its territorial jurisdiction, and that it strengthen its cooperation with UNHCR, in particular in the formulation of a clear and coherent asylum policy based on the principle of non-discrimination.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 274, 277, 291, 293, 297, 302, 304, 318, 320 and 324.

274. The Committee expresses its deep concern about the uncertain residence status of and the limited access by refugees, returnees from third countries and internally displaced persons, including internally displaced Roma, to personal identification documents, which are a requirement for numerous entitlements such as eligibility to work, to apply for unemployment and other social security benefits, or to register for school.

...

277. The Committee is equally concerned that many persons, especially Roma, internally displaced persons and refugees, work in the informal economy or in the low-income sector without adequate working conditions and social security coverage.

...

291. The Committee is deeply concerned that many refugees, internally displaced persons and Roma are being evicted from illegal collective centres and informal settlements which are being closed down without sufficient provision of adequate alternative housing.

...

293. The Committee is concerned about the limited access to primary health care in rural areas, especially for refugees and other vulnerable groups, and that 7 per cent of the Serbian population are not covered by compulsory health insurance.

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...

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

...

302. The Committee calls on the State party to assist refugees, returnees and internally displaced persons by facilitating the procedures necessary to obtain personal documents, including birth certificates, identity cards and work booklets, to enable them to enjoy their economic, social and cultural rights.

...

304. The Committee requests the State party to intensify its efforts to reduce the unemployment rate, including through the implementation of its National Employment Strategy 2005-2010, to promote employment of persons belonging to vulnerable groups through special measures, for example, special training, the removal of physical barriers limiting workplace access by persons with disabilities, and wage subsidies or other incentives for employers...

...

318. The Committee urges the State party to ensure that adequate alternative housing is provided whenever forced evictions take place, in line with the Committee's general comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions...

...

320. The Committee recommends that the State party ensure universal access to affordable primary health care, in particular by increasing the number of family doctors and community health centres, and allow all members of society, including refugees, internally displaced persons and Roma, to join the compulsory health insurance scheme.

...

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

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 346, 347, 349, 365, 367 and 370.

346. The Committee notes with concern that an estimated 5,200 people are homeless in the State party. Furthermore, the Committee is concerned that rejected asylum-seekers who

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cannot be sent home to their countries of origin are not offered accommodation in reception centres after the deadline set for departure.

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

...

349. The Committee is concerned about the restrictions placed on the access to education of asylum-seekers, as asylum-seeking children only have access to free primary and lower secondary education and asylum-seekers over the age of 18 are not offered courses in Norwegian.

...

365. The Committee urges the State party to strengthen measures to deal with the problem of homelessness and to ensure that rejected asylum-seekers who cannot be sent home to their countries of origin are offered alternative accommodation.

...

367. The Committee urges the State party to strengthen measures taken to ensure adequate health and psychiatric services for asylum-seeking children.

...

370. The Committee encourages the State party to ensure that asylum-seekers are not restricted in their access to education while their claim for asylum is being processed.

CEDAW

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

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

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

- Denmark, CEDAW, A/57/38 part II (2002) 120 at paras. 343, 344, 349 and 350.

343. The Committee expresses concern about the situation of migrant, refugee and minority women in Denmark, including discrimination in education and employment and at the

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gender-based discrimination and violence that they experience.

344. The Committee urges the State party to take effective measures to eliminate discrimination against migrant, refugee and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against migrant, refugee and minority women, both within their communities and in society at large, to combat violence against them, and increase their awareness of the availability of social services and legal remedies.

...

349. The Committee is concerned that, under the amended Aliens Act, some women who do not have refugee status might be forcibly repatriated to where they had been subjected to rape and/or other atrocities and may face the threat of further persecution.

350. The Committee urges the State party to refrain from forcibly repatriating such women and to ensure that repatriation in these circumstances is voluntary.

- Armenia, CEDAW, A/57/38 part III (2002) 150 at paras. 60 and 61.

60. The Committee is concerned that the situation of growing economic hardship and extreme poverty in the country, especially the feminization of poverty, negatively impacts on women's enjoyment of their human rights.

61. The Committee urges the States party to develop poverty reduction programmes targeted to women, including for the predominantly female refugee population.

- Canada, CEDAW, A/58/38 part I (2003) 53 at paras. 363 and 364.

363. While appreciating the inclusion of trafficking in persons as constituting a criminal offence under the new Immigration and Refugee Protection Act, as well as other aspects protecting refugee and immigrant women, the Committee notes that other provisions and practices may still contribute to devaluing women's educational skills and previous economic contributions to their families' well-being.

364. The Committee requests the State party to implement fully the gender-based impact analysis and the reporting requirements provided in the new Act with a view to eliminating remaining provisions and practices which still discriminate against immigrants.

- Norway, CEDAW, A/58/38 part I (2003) 61 at paras. 413-416.

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413. While acknowledging the adoption in 2001 of the State party's plan of action against racism and discrimination, the Committee expresses concern about the multiple discrimination faced by migrant, refugee and minority women with respect to access to education, employment and health care and exposure to violence.

414. The Committee urges the State party to take effective measures to eliminate discrimination against migrant, refugee and minority women and to further strengthen its efforts to combat xenophobia and racism. It also urges the State party to be proactive in its measures to prevent discrimination against these women, both within their communities and in society at large, and to increase their awareness of the availability of social services and legal remedies. The Committee recommends that the State party ensure that a gender dimension is included in legislation against ethnic discrimination.

415. The Committee is concerned about the existence of various obstacles to the integration of migrant and refugee women into Norwegian society...

416. The Committee recommends that the State party strengthen its efforts to, *inter alia*, enable and encourage migrant and refugee women, particularly those with care-giving responsibilities, to participate in Norwegian-language classes...

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 275 and 276.

275. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women who suffer from multiple forms of discrimination based on sex and on their ethnic or religious background, in society at large and within their communities...

276. The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes to sensitize the community to combat patriarchal attitudes and stereotyping of roles and to eliminate discrimination against women in immigrant and minority communities...

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 309 and 310.

309. ...The Committee is...concerned at the situation of Ecuadorian women living on the Ecuador-Colombia border and that of Colombian women who flee Colombia and take refuge

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in Ecuador, since they are also victims of violence of all kinds owing to the militarization of the border area and the application of “Plan Colombia”.

310. The Committee urges the State party to...protect...women living on the Ecuador-Colombian border.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 425 and 426.

425. Taking note of the efforts made by the State party to combat discrimination against refugee and migrant women in New Zealand, the Committee expresses concern at the continuing discrimination suffered by immigrant, refugee and minority women and girls, based on their ethnic background, particularly with respect to education, health, employment, violence against women, and in regard to permanent residence status.

426. The Committee urges the State party to take effective measures to eliminate discrimination against refugee, migrant and minority women and girls, and to strengthen its efforts to combat xenophobia and racism in New Zealand. It also encourages the State party to be more proactive in its measures to prevent discrimination against these women and girls within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies, and to provide for their needs with respect to education, employment and health care...

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 127 and 128.

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

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

- Angola, CEDAW, A/59/38 part II (2004) 118 at paras. 148 and 149.

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148. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict, including repatriation, rehabilitation and resettlement of refugees and internally displaced persons, the majority of whom are women, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them. The Committee is especially concerned about the situation of women in rural areas, women heads of households, women refugees and internally displaced women returning to their places of origin or migrating to the cities, who often lack access to health, education, services and means and opportunities for economic survival.

149. The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement, as well as those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, women heads of household, refugee women and internally displaced women, ensuring that they participate in decision-making processes and have access to health, education, services and income-generation projects. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women.

- Spain, CEDAW, A/59/38 part II (2004) 149 at paras. 336 and 337.

336. While commending the State party for its legal and other measures against trafficking in women and girls, the Committee expresses its concern about increasing incidence of trafficking in women and girls. It is concerned about the situation of trafficked women, particularly those who claim refugee status on grounds of gender-based persecution.

337. The Committee urges the State party to increase its efforts at international cooperation with countries of origin and transit, within and outside of the European Union, both for dealing with the economic forces that make women victims of trafficking and for the prevention of trafficking through information exchange...It further urges the State party to afford full protection under the 1951 Geneva Convention on Refugees, *inter alia*, to trafficked women who seek asylum on grounds of gender-based persecution in line with the latest developments in international refugee law and the practice of other States.

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 332 and 333.

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332. ...The Committee is particularly concerned about...the absence of laws and policies concerning asylum-seekers and refugees, including lack of recognition of gender-related forms of persecution in determining refugee status.

333. ...The Committee also encourages the State party to...adopt laws and policies which recognize gender-related forms of persecution in the determination of refugee status.

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 386 and 387.

386. While acknowledging the efforts made to address violence against women, including legislative measures, the provision of refuges and rape crisis centres, and research and awareness-raising initiatives, the Committee is concerned about the prevalence of violence against women and girls, low prosecution and conviction rates of perpetrators, high withdrawal rates of complaints and inadequate funding of organizations that provide support services to victims...The Committee is furthermore concerned about violence suffered by women from marginalized and vulnerable groups, including Traveller women, migrant women, asylum-seeking and refugee women and women with disabilities.

387. The Committee urges the State party to take all necessary measures to combat violence against women in conformity with the Committee's general recommendation 19, to prevent violence, punish offenders and provide services for victims. It recommends that the State party adopt without delay its strategic plan and systematically monitor and regularly evaluate the plan's components, particularly in relation to marginalized and vulnerable women, including Traveller women, migrant women, asylum-seeking and refugee women and women with disabilities...

CAT

- Indonesia, CAT, A/57/44 (2002) 22 at paras. 44 and 45.

44. The Committee...expresses its concern about the following:

...

(g) Insufficient legal protection ensuring, as set out in article 3 of the Convention, that no person can be expelled, returned or extradited to another State where he/she would be in danger of being subjected to torture;

...

45. The Committee recommends that the State party:

...

(i) Ensure that no person can be expelled, returned, or extradited to another State where

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there are substantial grounds for believing that that person would be in danger of being subjected to torture, in accordance with article 3;

...

- Ukraine, CAT, A/57/44 (2002) 31 at paras. 56 and 58.

56. The Committee notes with appreciation:

...

(b) That although Ukraine is not a party to the 1951 Convention relating to the Status of Refugees, nor to its 1967 Protocol, it has adopted a new Law on Refugees in June 2001 that adheres, *inter alia*, to that Convention's definition of "refugee"...

...

58. The Committee recommends that the State party:

...

(c) Ensure that its competent authorities strictly observe the principle enshrined in article 3 of the Convention not to expel, return or extradite a person to a State where he/she might be subject to torture;

...

- Russian Federation, CAT, A/57/44 (2002) 42 at paras. 89, 92 and 94.

89. The Committee notes the following positive developments:

...

(g) The setting up of a special working group within the Ministry of Internal Affairs with a mandate to bring national legislation into conformity with international refugee law.

...

92. The Committee...expresses its concern about the following:

...

(j) A lack of safeguards to ensure that persons are not returned to countries where they face a real risk of torture (*non-refoulement*).

...

94. The Committee recommends that the State party:

...

(k) Ensure that no person is expelled, returned or extradited to a country where there are substantial grounds for believing that he/she would be in danger of being subjected to torture.

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- Saudi Arabia, CAT, A/57/44 (2002) 48 at paras. 99-101.

99. The Committee welcomes the following:

(a) The State party's accession to the Convention against Torture on 23 September 1997, as well as its accession to several other core human rights treaties and its expressed intention to ratify the 1951 Convention on the Status of Refugees and its 1967 Protocol...

...

100. The Committee is concerned about the following:

...

(g) Cases of deportation of foreigners that have been drawn to the Committee's attention that seem to have been in breach of the obligations imposed by article 3 of the Convention;

...

101. The Committee recommends, in particular, that the State party:

...

(e) Ensure that its law and practice reflect the obligations imposed by article 3 of the Convention;

...

- Uzbekistan, CAT, A/57/44 (2002) 54 at paras. 115 and 116.

115. The Committee expresses concern about the following:

...

(j) The extradition or expulsion of individuals, including those seeking asylum in Uzbekistan, to countries where they may be exposed to the risk of torture.

...

116. The Committee recommends that the State party:

...

(k) Ensure in the legislation and in practice that no one will be expelled, returned or extradited to a State where there are substantial grounds for believing that he/she would be in danger of being subjected to torture;

...

- Cyprus, CAT, A/58/44 (2002) 21 at para. 33.

33. The Committee welcomes the recent legislative, administrative and institutional developments that took place in the State party since the consideration of its previous periodic report, namely:

...

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(f) The amendment of the Aliens and Immigration Law to provide additional protection to persons claiming refugee status;

...

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

49. The Committee is concerned that:

...

(e) Under Estonian law, illegal immigrants and rejected asylum-seekers may be detained in expulsion centres until deported; such persons may be subjected to long periods of detention when expulsion is not enforceable;

...

50. The Committee recommends that the State party:

...

(g) Introduce legally enforceable time limits for the detention of illegal immigrants and rejected asylum-seekers who are under expulsion orders;

...

- Spain, CAT, A/58/44 (2002) 29 at para. 58.

58. The Committee...notes with satisfaction:

...

(d) The new Instruction from the Secretary of State for Immigration on the treatment of foreign stowaways, replacing the Instruction of 17 November 1998 on the same subject. This establishes a series of safeguards concerning the right to official legal representation in administrative or judicial proceedings which may lead to the acceptance of possible asylum applications, refusal of entry or expulsion from Spanish territory;

...

- Venezuela, CAT, A/58/44 (2002) 32 at para. 78.

78. The Committee takes note with satisfaction of the adoption of various legislative provisions and the establishment of units in various sectors of the State administration as an indication of the importance assigned to better protection and promotion of human rights. Important instances of such provisions are the basic laws on states of emergency, on refugees and asylum-seekers, on the Public Prosecutor's Office and on the protection of children and young people...

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- Cambodia, CAT, A/58/44 (2003) 40 at paras. 98 and 99.

98. The Committee is concerned about the following:

...

(b) Allegations regarding the expulsion of foreigners that seem to have occurred without taking into consideration the safeguards contained in article 3 of the Convention and, in particular, the situation of large numbers of Montagnard asylum-seekers in the Cambodian-Vietnamese border area;

...

99. The Committee recommends that the State party:

...

(e) Take all the necessary measures to ensure that the requirement of article 3 of the Convention is taken into consideration when deciding on the expulsion, return or extradition of foreigners;

...

- Slovenia, CAT, A/58/44 (2003) 44 at para. 114.

114. The Committee welcomes the ongoing efforts by the State party to reform its legal system and revise its legislation so as to strengthen human rights in Slovenia. In particular, the Committee welcomes:

...

(d) The amendments to the Aliens Act and the Asylum Act, thereby bringing domestic legislation into line with article 3 of the Convention, as recommended by the Committee during the consideration of the initial report;

...

- Belgium, CAT, A/58/44 (2003) 49 at paras. 129 and 131.

129. The Committee is concerned about:

...

(e) The non-suspensive nature of appeals filed with the Council of State by persons in respect of whom an expulsion order has been issued. The Committee is also concerned about the administration's delay in implementing ministerial orders issued in 2002 and giving suspensive effect to emergency remedies applied for by rejected asylum-seekers;

(f) The possibility of extending the detention of foreigners for as long as they do not cooperate in their repatriation, the possibility of placing unaccompanied minors in detention for lengthy periods, and information that asylum-seekers who have been formally released

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have been transferred to the transit area of the national airport, without assistance and without being allowed to leave;

...

131. The Committee recommends that the State party:

...

(d) Give suspensive effect not only to emergency remedies applied for but also to appeals filed by any foreigner against whom an expulsion order is issued and who claims that he or she faces the risk of being subjected to torture in the country to which he or she is to be returned;

(e) Set a time limit for the detention of foreigners against whom an expulsion order is issued, draft specific legislation on unaccompanied minors that takes account of the best interests of the child, and monitor asylum-seekers who have been released;

...

- Colombia, CAT, A/59/44 (2003) 33 at para. 68.

68. The Committee...expresses its concern at:

...

(h) The lack of satisfactory information concerning the rules in the State party's law for ensuring the application of article 3 of the Convention to cases of *refoulement* or expulsion of aliens in danger of being tortured in the country of destination.

- Latvia, CAT, A/59/44 (2003) 48 at paras. 98, 100 and 101.

98. The Committee notes with appreciation the ongoing efforts by the State party aimed at strengthening human rights in Latvia. In particular, the Committee welcomes the following:

(a) Legislative measures:

...

(iii) The entry into force of the new Asylum Law in September 2002, aimed at bringing the national asylum system further into alignment with the European Union *acquis* on asylum and related international standards. The new Asylum Law also introduced two forms of complementary protection ("alternative status") for asylum-seekers;

...

100. The Committee expresses concern about the following:

...

(e) The fact that the new Asylum Law stipulates that neither "alternative status" for

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asylum-seekers shall be granted to a person who has arrived in Latvia from a country in which he/she could have asked for and received protection. Furthermore, the Committee is concerned at the long periods that asylum-seekers may spend in detention after the rejection of their asylum request;

...

101. The Committee recommends that the State party:

...

(e) Introduce legally enforceable time limits for the detention of rejected asylum-seekers who are under expulsion orders...

...

- Lithuania, CAT, A/59/44 (2003) 52 at paras. 109 and 110.

109. The Committee expresses concern about the following:

...

(d) Procedures related to expulsion of foreigners which in some instances may be in breach of article 3; the conditions in the facilities where foreigners awaiting expulsion are kept and the absence of data on the age, sex and country of destination of expelled foreigners or stateless persons, specifically those at the Foreigners Registration Centre;

...

110. The Committee recommends that the State party:

...

(g) Ensure that the competent authorities strictly observe article 3 of the Convention and do not expel, return or extradite a person to a State where he/she might be subjected to torture. The Committee urges the State party to intensify efforts to ensure that holding facilities for foreigners meet international standards...

...

- Yemen, CAT, A/59/44 (2003) 64 at paras. 145 and 146.

145. The Committee expresses concern about the following:

...

(f) Reported cases of deportation of foreigners without the opportunity for them to legally challenge those measures which, if found to be the case, may be in breach of the obligations imposed by article 3 of the Convention;

...

146. The Committee recommends that the State party:

...

(g) Ensure that the expulsion, *refoulement* or extradition of a person to another State is in

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compliance with article 3 of the Convention;

...

- Bulgaria, CAT, A/59/44 (2004) 19 at paras. 31-33.

31. The Committee notes the following positive developments:

(a) Ongoing efforts by the State party to reform its legislation related to the implementation of the Convention and aimed at strengthening the protection of human rights. In particular, the Committee welcomes the following:

...

(iii) The entry into force of the new Law on Asylum and Refugees on 1 December 2002, notably the establishment of the State Agency for Refugees as the single central refugee authority deciding on asylum, as well as the introduction of the possibility of judicial review for decisions taken in the accelerated procedure;

...

32. The Committee expresses concern about the following:

...

(f) The legislative and other measures to ensure full respect of the provisions of article 3 of the Convention continue to be insufficiently effective, and that the allegations regarding the expulsion of foreigners, especially by order of the National Security Service on national security grounds, is not subject to judicial review;

...

33. The Committee recommends that the State party:

...

(f) Ensure that no person is expelled, returned or extradited to a country where there are substantial grounds for believing that he/she would be in danger of being subjected to torture and that, in accordance with article 2, paragraph 2, of the Convention, exceptional circumstances are not invoked as a justification for so doing and to this end, consider measures to enable monitoring at airports, borders and other points of removal;

(g) Strengthen its efforts to avoid any act not in conformity with the Convention regarding admittance of asylum-seekers into the territory and strengthen cooperation between the State Agency for Refugees and the Ministry of the Interior;

...

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- Croatia, CAT, A/59/44 (2004) 38 at paras. 72, 77 and 78.

72. The Committee notes with satisfaction the ongoing efforts by the State party to reform its legislation in order to ensure better protection of human rights, including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, namely:

(a) The adoption of the Law on Asylum in June 2003, which is scheduled to enter into force in July 2004 and which sets out the procedure for applying for asylum in the State party;

...

77. The Committee is concerned about the following:

...

(d) In connection with asylum-seekers and illegal immigrants:

(i) The poor conditions of detention of those held in the Jezevo Reception Centre for Foreigners, including poor hygienic conditions and limited access to recreational activities;

(ii) The alleged cases of violence against those held in the Jezevo Reception Centre for Foreigners and the lack of prompt and impartial investigations into this matter;

(iii) The deprivation of their liberty for prolonged periods of time;

...

78. The Committee recommends that the State party:

...

(f) Adopt all necessary measures to improve the material conditions of the reception centres for asylum-seekers and immigrants and ensure the physical and psychological integrity of all individuals accommodated in these centres;

(g) Refrain from detaining asylum-seekers and illegal immigrants for prolonged periods;

(h) Discontinue the practice of refusing access to asylum procedures because the authorities are unable to verify the identity of asylum-seekers owing to a lack of documentation or interpreters;

(i) Provide an information sheet in the appropriate languages to inform asylum-seekers of the asylum procedures immediately after they are apprehended or arrive in the territory of the State party;

(j) Allow the Office of the United Nations High Commissioner for Refugees (UNHCR) full access to asylum-seekers, and *vice versa*. UNHCR should normally be given access to

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individual files so that it can monitor asylum procedures and ensure that the rights of refugees and asylum-seekers are respected;

...

- Czech Republic, CAT, A/59/44 (2004) 42 at paras. 85-87.

85. The Committee welcomes the ongoing efforts by the State party to revise its legislation in order to safeguard human rights in general and, more specifically, those related to the implementation of the Convention against Torture. The Committee welcomes in particular:

(a) The amendments to the Residence of Aliens Act No. 222/2003 Coll., effective 1 January 2004 establishing an independent judicial second instance body to review asylum cases;

...

86. The Committee expresses concern about the following:

...

(j) The amendments to the law on the right to asylum which amplified the grounds for rejecting asylum requests and allows for the detention of persons in the process of being removed to be held in aliens' detention centres for a period of up to 180 days; as well as the restrictive nature of the conditions in these centres which are comparable to those in prisons;

...

87. The Committee recommends that the State party:

...

(m) Review the strict regime of detention for illegal immigrants with a view to its repeal and ensure that all children held in these detention centres are removed with their parents to family reception centres;

...

- Germany, CAT, A/59/44 (2004) 45 at para. 90.

90. The Committee welcomes:

...

(c) The State party's reaffirmation of its commitment to the absolute character of the ban on exposure to torture, including through *refoulement*. In this respect, the Committee takes note of the recent institution of criminal proceedings against a senior Frankfurt police officer on charges of threatened use of torture. In addition, it welcomes the State party's confirmation that the ban on *refoulement* contained in article 3 of the Convention is applicable to all cases, including where the asylum-seeker has been denied refugee status on security grounds;

...

(e) The significant improvements that have been made over the reporting period (i) to the

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Frankfurt airport refugee facilities; (ii) to the applicable refugee determination processes conducted there; and (iii) to the methods exercised in forcibly returning failed asylum-seekers by air;

...

- Monaco, CAT, A/59/44 (2004) 56 at paras. 117 and 118.

117. The Committee expresses concern about:

...

(c) The weakness of the safeguards associated with the expulsion and return (*refoulement*) of foreigners, inasmuch as there appears to be no clause on *non-refoulement* in Monaco's domestic law that meets the requirements of article 3 of the Convention and appeal to the Supreme Court does not automatically have suspensive effect;

...

118. The Committee recommends that the State party:

...

(c) Respect the principle laid down in article 3 of the Convention, including in cases involving the expulsion and return (*refoulement*) of foreigners, and establish that appeals against deportation orders which mention the risk of torture in the country of destination automatically have suspensive effect. The Committee, noting that individuals are expelled or returned only to France, reminds the State party that it must satisfy itself that no one will be returned to a third country where there might be a risk of torture;

...

- New Zealand, CAT, A/59/44 (2004) 61 at paras. 133-135.

133. The Committee notes with appreciation:

...

(b) The cooperation undertaken with the Office of the United Nations High Commissioner for Refugees and the willingness to comply with its guidelines and recommendations;

...

134. The Committee expresses concern about:

(a) The fact that the immigration legislation does not include the *non-refoulement* obligation provided for in article 3 of the Convention;

(b) The significant decrease in the proportion of asylum-seekers who are immediately released without restriction into the community upon arrival and the detention of several asylum-seekers in remand prisons, who are not separated from other detainees;

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(c) The process of issuing a security-risk certificate under the Immigration Act, which could lead to a breach of article 3 of the Convention as the authorities may remove or deport a person deemed to constitute a threat to national security, without having to give detailed reasons or to disclose classified information to the person concerned; possibilities of effective appeal are limited; and the fact that the Minister of Immigration has to decide within three working days whether to remove or deport the person concerned;

(d) Cases of prolonged non-voluntary segregation in detention (solitary confinement), the strict conditions of which may amount, in certain circumstances, to acts prohibited by article 16 of the Convention;

...

135. The Committee recommends that the State party:

(a) Incorporate in its immigration legislation the *non-refoulement* obligation contained in article 3 of the Convention against Torture and consider establishing a single refugee determination procedure in which there is first an examination of the grounds for recognizing refugee status as contained in the 1951 Convention relating to the Status of Refugees, to be followed by the examination of other possible grounds for the grant of complementary forms of protection, in particular under article 3 of the Convention against Torture;

(b) Ensure at all times that the fight against terrorism does not lead to a breach of the Convention and impose undue hardship on asylum-seekers, and establish a time limit for the detention of and restrictions on asylum-seekers;

(c) Immediately take steps to review the legislation relating to the security-risk certificate in order to ensure that appeals can effectively be made against decisions to detain, remove or deport a person, extend the time given to the Minister of Immigration to adopt a decision and ensure full respect of article 3 of the Convention;

(d) Reduce the time and improve the conditions of non-voluntary segregation (solitary confinement) which can be imposed on asylum-seekers, prisoners and other detainees;

...

- United Kingdom of Great Britain and Northern Ireland (Crown Dependencies and Overseas Territories), CAT, A/60/44 (2004) 16 at paras. 39 and 40.

39. The Committee expresses its concern at:

...

(i) Allegations and complaints against immigration staff, including complaints of excessive use of force in the removal of denied asylum-seekers.

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40. The Committee recommends that:

...

(n) The State party should consider offering, as routine practice, medical examinations before all forced removals by air and, in the event that they fail, thereafter;

...

- Greece, CAT, A/60/44 (2004) 20 at paras. 47 and 48.

47. The Committee notes that many of the concerns it expressed during the consideration of the third periodic report (A/56/44, para. 87) have not been adequately addressed, and will be reiterated in the present concluding observations. Consequently, the Committee expresses its concern at:

...

(b) Procedures related to the expulsion of foreigners which in some instances may be in breach of the Convention. It is also concerned at the low percentage (0.06 per cent) of persons who were granted refugee status in 2003. The Committee acknowledges that owing to its geographic location Greece has become an important passageway into Europe for many immigrants and asylum-seekers, the number of which has increased significantly in the past decade. The importance of providing an adequate response is therefore all the more pressing;

(c) Training provided to public officials which may be inadequate to provide an appropriate response to the numerous challenges with which they are faced, including undocumented migrants and asylum-seekers and victims of trafficking, many of whom are women and children;

...

48. The Committee recommends that the State party:

(a) Strengthen existing efforts to reduce occurrences of ill-treatment, including that which is racially motivated, by police and other public officials. While ensuring protection of individual privacy, the State party should devise modalities for collecting data and monitoring the occurrence of such acts in order to address the issue more effectively. The Committee recommends that the State party continue to take measures to prevent incidents of xenophobic and discriminatory behaviour;

...

(c) Ensure that the competent authorities strictly observe article 3 of the Convention and, in doing so, that they take account of general comment No. 1 (1996) of the Committee, in which the Committee notes that it “is of the view that the phrase ‘another State’ in article 3 refers to the State to which the individual concerned is being expelled, returned or extradited, as well as to any State to which the complainant may subsequently be expelled, returned or extradited” (para. 2);

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(d) Ensure that all personnel involved in the custody, detention, interrogation and treatment of detainees are trained with regard to the prohibition of torture and ill-treatment. Training should include developing skills needed to recognize the *sequelae* of torture and sensitization with respect to contact with particularly vulnerable persons in situations of risk;

...

(k) Ensure that all actions of public officials, in particular where the actions affect the Roma (such as evictions and relocations) or other marginalized groups, are conducted in a non-discriminatory fashion and that all officials are reminded that racist or discriminatory attitudes will not be permitted or tolerated;

...

- Canada, CAT, A/60/44 (2005) 25 at paras. 56-58.

56. The Committee notes:

...

(c) The general inclusion in the Immigration and Refugee Protection Act 2002 of torture within the meaning of article 1 of the Convention as an independent ground qualifying a person as in need of protection (sect. 97, subsect. 1 of the Act) and as a basis for *non-refoulement* (sect. 115, subsect. 1), where there are substantial grounds for believing that the threat of torture exists;

...

57. The Committee expresses its concern at:

...

(c) The blanket exclusion by the Immigration and Refugee Protection Act 2002 (sect. 97) of the status of refugee or person in need of protection for persons falling within the security exceptions set out in the Convention relating to the Status of Refugees and its Protocol; as a result, such persons' substantive claims are not considered by the Refugee Protection Division or reviewed by the Refugee Appeal Division;

(d) The explicit exclusion of certain categories of persons posing security or criminal risks from the protection against *refoulement* provided by the Immigration and Refugee Protection Act 2002 (sect. 115, subsect. 2);

...

58. The Committee recommends that:

...

(b) The State party remove the exclusions in the Immigration and Refugee Protection Act 2002 described in paragraph 57, subparagraphs (c) and (d) above, thereby extending to currently excluded persons entitlement to the status of protected person, and protection against *refoulement* on account of a risk of torture;

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(c) The State party should provide for judicial review of the merits, rather than merely of the reasonableness, of decisions to expel an individual where there are substantial grounds for believing that the person faces a risk of torture;

...

- Switzerland, CAT, A/60/44 (2005) 28 at paras. 63-65.

63. The Committee notes the following positive aspects:

...

(d) The measures contained in the revised law on asylum as well as those taken by the Federal Office for Migration to address cases of gender-based persecution;

...

64. The Committee expresses concern regarding the following:

...

(h) Changes have been introduced by the revised law on asylum which restrict or aggravate asylum-seekers' access to legal counsel and the length and conditions of detention in "preparatory" or pre-deportation detention. The Committee is also concerned that in cases of non-entry decisions (*décision de non-entrée en matière*) the social benefits of asylum-seekers are being curtailed significantly;

(i) Asylum-seekers retained at airports are not consistently being informed of their right to walk and exercise regularly in the fresh air as well as to request medical assistance;

...

65. The Committee recommends that the State party:

...

(h) Ensure that asylum-seekers are granted full respect of their right to a fair hearing, to an effective remedy and to social and economic rights during all procedures established by the revised law on asylum;

(i) Take measures to effectively inform all asylum-seekers retained at airports of all their rights, and in particular the right to regularly access fresh air and access to a doctor;

...

- Finland, CAT, A/60/44 (2005) 32 at paras. 71-73.

71. Amongst the many positive developments, the Committee notes in particular:

...

(d) The Act on the Integration of Immigrants and Reception of Asylum-Seekers 2001, which seeks to enhance the integration, equality and freedom of choice of immigrants, and the

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amendment of the Act in 2002 to accommodate the needs of vulnerable people, including minors and victims of torture, rape, or other physical or sexual violence;

...

(h) The creation of a new Office of Minority Ombudsman in 2001 to replace the Ombudsman for Aliens, with wider powers under the Minority Ombudsman Act and Aliens Act, including the ability to act for asylum-seekers and deportees;

...

72. The Committee expresses concern that:

...

(b) The “accelerated procedure” under the Aliens Act allows an extremely limited time for applicants for asylum to have their cases considered thoroughly and to exhaust all lines of appeal if their application is rejected;

(c) Despite the safeguards in place, the Parliamentary Ombudsman reported on one recent case of an asylum-seeker whose application had been rejected and who was subsequently allegedly subjected to torture in his country of origin;

...

73. The Committee recommends that the State party:

...

(b) Review the application of the “accelerated procedure” for consideration of asylum requests to ensure that applicants have sufficient time to use all available appeal procedures before irreversible action is taken by the authorities;

(c) Strengthen the legal safeguards for asylum-seekers to ensure that all asylum procedures conform to article 3 of the Convention and other international obligations in this field;

...

- Uganda, CAT, A/60/44 (2005) 39 at paras. 90 and 98.

90. The Committee notes with satisfaction the following positive developments:

...

(d) The generous approach taken by the Government of Uganda in hosting more than 200,000 refugees and in fully respecting the principle of *non-refoulement*;

...

98. The Committee...recommends that the State party:

...

(b) Enhance its efforts to conclude the legislative process and enact the new refugee bill and subsequently take all measures to ensure its full implementation in practice, in line with international refugee and human rights law;

...

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CRC

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

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

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

(a) Integrate the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol into its legislation;

(b) Grant proper official identification documents to refugees in order to enable them to travel and to access other basic rights; and

(c) Enact legislation, policies and programmes guaranteeing the reunification of families where this is possible.

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

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

137. The Committee recommends that the State party take effective legal and other measures

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

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 381 and 382.

381. The Committee, while acknowledging the efforts made to ameliorate the situation of child refugees, is concerned about the inadequate standards, procedures, policies and programmes to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their registration, adequate education and other social services.

382. The Committee recommends that the State party:

- (a) Establish a national system for determining the status of asylum-seekers, and integrate the rights of refugees into its domestic law;
- (b) Urgently set up a system for the registration of refugee children;
- (c) Consider ratifying the 1954 and 1961 Conventions on statelessness;
- (d) Continue and expand its cooperation with international agencies such as, UNHCR and UNICEF.

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

454. The Committee is concerned about the inadequate standards, procedures and policies to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services.

455. The Committee recommends that the State party take effective legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children and

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

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

551. The Committee is concerned that in practice the system of residence registration in Uzbekistan may restrict the rights of children belonging to vulnerable groups (for example, refugees, non-citizens, migrants and persons internally displaced owing to conflict or economic or environmental factors) to access to health care and other social services. In particular, the Committee is concerned that because these rules are issued in various forms (decrees, regulations, instructions, etc.), they may not be sufficiently clear and may be open to abuse by officials reluctant to see migrants settle in their jurisdiction.

552. The Committee recommends that the State party:

(a) Ensure that the registration system is clear and precise and does not pose a barrier to access to services, particularly for the most vulnerable groups;

(b) Consider the experience of States that have replaced the *propiska* system with systems which comply to international standards in the area of freedom of movement.

...

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

583. The Committee recommends that the State party:

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

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

(c) Continue and strengthen its cooperation with UNHCR.

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

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

651. The Committee recommends that the State party:

- (a) Continue efforts to ensure full respect for the rights of refugee children;
- (b) Ratify the 1954 Convention relating to the Status of Stateless Persons;
- (c) Ratify the 1961 Convention on the Reduction of Statelessness.

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

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

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

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 160 and 161.

160. Noting the progress made through the 1999 presidential decree expanding the rights of asylum-seekers and recent legislation allowing unaccompanied minors to apply for asylum, the Committee remains concerned at:

- (a) The large number of asylum applicants whose initial requests are rejected leading, *inter alia*, to delays and detention at the State party's borders that may affect respect for the rights

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of the children involved;

- (b) The frequent occurrence of delays throughout the administrative and/or judicial processes with regard to asylum or refugee applications, including delays in family reunification, which affect children;
- (c) The absence of adequate public funding of legal aid for asylum-seekers and refugees;
- (d) The insufficient attention provided for the specific needs and situation of unaccompanied child refugees;
- (e) Reports of discrimination against asylum-seekers and refugees by, among others, police, employers and teachers which may affect the children involved;
- (f) The detention of asylum-seekers, refugees and illegal immigrants in poor conditions and for long periods without appearing before a court;
- (g) Limited access for asylum-seeking, refugee and illegal immigrant children to education and health services.

161. The Committee recommends that the State party:

- (a) Consider means to reduce delays in the consideration of asylum requests and in subsequent administrative and judicial proceedings, which affect children, and to avoid the detention of children;
- (b) Ensure that child asylum-seekers or refugees, and their families, have access to legal aid;
- (c) Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees;
- (d) Make every effort to end practices of discrimination against child asylum-seekers or refugees and their families including, where relevant, through prosecution of those responsible for such discrimination and through the use of information campaigns;
- (e) Ensure that, where children and their families - asylum-seekers, refugees or illegal immigrants - are detained, their conditions of detention comply with relevant international standards and with the provisions of the Convention in particular, and that detentions are reviewed by a court;
- (f) Ensure that asylum-seeking, refugee and illegal immigrant children have access to

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education and health services, including psychological care;

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

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

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

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

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

310. The Committee recommends that the State party:

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

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

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

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

372. The Committee recommends that the State party:

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

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

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

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

437. The Committee recommends that the State party:

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

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

(c) Guarantee access to education to child refugees;

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

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

118. The Committee welcomes the creation of a special bureau for unaccompanied minors in the Aliens Office for handling their requests to stay. It also notes a number of other activities, among others: concerning the establishment of special reception centres for unaccompanied minors; a draft law on the creation of a guardianship service, access to education and missing persons, which contains provisions on unaccompanied minors. But there are not yet, as the Government acknowledges, specific regulations for unaccompanied minors, whether seeking asylum or not.

119. In accordance with the principles and provisions of the Convention, especially articles 2, 3 and 22, and with respect to unaccompanied persons under 18 years of age, the Committee recommends that the State party:

(a) Expedite efforts to establish special reception centres for unaccompanied minors, with special attention to those who are victims of trafficking and/or sexual exploitation;

(b) Ensure that the stay in those centres is for the shortest time possible and that access to education and health is guaranteed during and after the stay in the reception centres;

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(c) Approve as soon as possible the draft law on the creation of a guardianship service, in order to ensure the appointment of a guardian for an unaccompanied minor from the beginning of the asylum process and thereafter as long as necessary, and make sure that this service is fully independent, allowing it to take any action it considers to be in the best interests of this minor;

(d) Ensure unaccompanied minors are informed of their rights and have access to legal representation in the asylum process;

(e) Improve cooperation and exchange of information among all the actors involved, including the Aliens Office and other relevant authorities, police services, tribunals, reception centres and NGOs;

(f) Ensure that, if family reunification is carried out, it is done in the best interests of the child;

(g) Expand and improve follow-up of returned unaccompanied minors.

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

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

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

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

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

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

...

512. The Committee is deeply alarmed about the conditions of unaccompanied foreign children, mostly Moroccans, especially in the autonomous cities of Ceuta and Melilla. In particular, it expresses its concern at reports of:

- (a) Ill-treatment of children by police during forced expulsion to the country of origin where, in some cases, they were deported without access to legal assistance and interpretation;
- (b) Failure to provide for these children the temporary legal residency status to which they are entitled to under the law because the Department of Social Welfare, as their legal guardian, did not apply for it;
- (c) Overcrowding and bad conditions of residential centres and cases of ill-treatment by residential centre staff and other children;
- (d) Denial of access to health care and education, although guaranteed by law;
- (e) Summary expulsions of children without ensuring that they are effectively returned to family or social welfare agencies in their country of origin.

513. The Committee recommends that the State party urgently take the necessary measures in order to:

- (a) Ensure the implementation of Organizational Act 4/2000 and other laws by providing to unaccompanied foreign children access to residential care, education, emergency services and other health care, and temporary residency documents;
- (b) Provide the autonomous cities of Ceuta and Melilla with the necessary financial and human resources for the care of these children;
- (c) Coordinate with the Government of Morocco to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency;
- (d) Take all measures to prevent irregular procedures in the expulsion of unaccompanied foreign children;

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- (e) Investigate in an effective way reported cases of ill treatment of these children;
- (f) Provide unaccompanied foreign children with information about their rights under Spanish and international law, including the right to apply for asylum;
- (g) Take all necessary measures to improve the conditions and safety of residential centres and adequately train residential centre staff;
- (h) Establish effective mechanisms to receive and address complaints from children in care, monitor standards of care and, in light of article 25 of the Convention, establish regular periodic review of placements;

...

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 98, 99, 141 and 142.

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

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

...

141. The Committee welcomes the establishment in 1994 of the Children's Panel of Advisers and is aware of the increasing number of children claiming asylum, either with their families or on their own. The Committee is concerned that detention of these children is incompatible with the principles and provisions of the Convention. The Committee is further concerned that the dispersal system may impede better integration and lead to an escalation in racially related incidents; that placement in temporary accommodation of children seeking asylum may infringe their basic rights such as access to health or education; that processing applications may take several years; that the Children's Panel of Advisers is not always adequately funded; and that the ongoing reform of the asylum and immigration system fails to address the particular needs and rights of asylum-seeking children.

142. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

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- (a) Refrain, as a matter of policy, from detaining unaccompanied minors and ensure the right to speedily challenge the legality of detention, in compliance with article 37 of the Convention. In any case, detention must always be a measure of last resort and for the shortest appropriate period of time;
- (b) Ensure that refugee and asylum-seeking children have access to basic services such as education and health, and that there is no discrimination in benefit entitlements for asylum-seeking families that could affect children;
- (c) Consider the appointment of guardians for unaccompanied asylum-seeking and refugee children;
- (d) Take all necessary measures to prevent children who have settled in a particular area being forced to leave when they reach the age of 18 years;
- (e) Undertake efforts to expedite the procedure for dealing with asylum applications and to avoid placing children in temporary accommodation which are inappropriate, accommodating them rather as “children in need” under the childcare legislation;
- (f) Carry out a review of the availability and effectiveness of legal representation and other forms of independent advocacy for unaccompanied minors and other children in the immigration and asylum systems;
- (g) Address thoroughly the particular situation of children in the ongoing reform of the immigration and asylum systems to bring them into line with the principles and provisions of the Convention.

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

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

277. The Committee recommends that the State party:

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

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- (b) Continue and strengthen its efforts to provide protection to children and their families from neighbouring countries who seek shelter as refugees within the Sudan;
 - (c) Make every effort to provide assistance and support to the resettlement of internally displaced persons;
 - (d) Continue efforts to support family reunification;
 - (e) Ensure that oil exploration activities do not lead to the forced displacement of families, including children, and that the rights of all children in regions where these activities are undertaken are respected.
- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 355 and 356.

355. The Committee welcomes the enactment of the Refugee Law 2001, but remains concerned that:

 - (a) As noted in the State party's report, some refugee children, especially older ones, do not attend school which prevents them from obtaining an education and leads to their isolation in Ukrainian society;
 - (b) The registration and refugee status determination procedures have been suspended since August 2001, pending the implementation of the new refugee law;
 - (c) Nutritional and medical care provided to illegal migrants, including children, who are detained at points of entry and held on the premises of the border guards, is inadequate.

356. The Committee recommends that the State party:

 - (a) Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees, as suggested in the State party's report;
 - (b) Implement the Refugee Law 2001;
 - (c) Ensure that asylum-seeking, refugee and illegal immigrant children have access to education and health services;
 - (d) Ensure adequate nutritional and medical care for children detained in border guard facilities;

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(e) Accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

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

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

524. The Committee recommends that the State party:

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

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

...

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

540. The Committee recommends that the State party:

(a) Amend current legislation on refugee processing so as to ensure that all unaccompanied minors are immediately appointed a legal guardian responsible for them who is obligated to act in their best interest to take their views into account;

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

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

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

56. ...The Committee is concerned that article 5, paragraph 3, of the 1997 Refugee Act does not guarantee family reunification because it requires a dependent refugee spouse and dependent children outside Estonia to meet the criteria of the 1951 Refugee Convention even after the principal applicant has met the criteria. Further, the Committee is concerned that there are no legal provisions which make it possible for family members to reunite with a child who has been recognized as a refugee.

57. In accordance with article 10 of the Convention, the Committee recommends that the State party ensure:

...

(b) That the Refugee Act is amended to ensure that the right to family reunification shall be dealt with by the State party in a positive, humane and expeditious manner.

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

252. The Committee notes:

(a) That the legislation (Law 48/2002) provides special protection for vulnerable persons, but remains concerned that *de facto* discrimination persists regarding access to education, health care and social benefits;

...

253. The Committee recommends that the State party:

...

(b) Consider preferential treatment for refugees, including exemptions from or reductions in tuition fees for upper secondary and university education;

...

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 377 and 378.

377. The Committee notes that the number of refugees and asylum-seekers is steadily increasing and welcomes the ongoing efforts of the State party to provide for the special needs of these persons and the systematic recording of information on unaccompanied minors since 1998...However, the Committee remains concerned that:

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- (a) Special care and protection are not accorded to all asylum-seekers, particularly those in the 15-18 age group and that children aged under 15 may be placed in diagnostic institutions which are not equipped to provide the special care these children require;
- (b) Children may be placed in detention facilities for foreigners for prolonged periods;
- (c) Compulsory school attendance is not always observed.

378. The Committee recommends that the State party:

- (a) Guarantee special protection and care to all child asylum-seekers with respect to their special needs, including those in the 15-18 age group;
- (b) Avoid any form of detention of asylum-seekers under 18 years of age;
- (c) Facilitate access of children to legal and psychological assistance, including by enabling contact with NGOs offering such assistance;
- ...

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

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

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

- (a) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and enact refugee legislation that adheres to international standards, in particular in the area of rights and obligations of asylum-seekers;
- (b) Strengthen efforts to trace and reunite family members of refugee and displaced children, including those expelled from Ethiopia during the border war;

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

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

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

141. The Committee welcomes the assumption of full responsibility for asylum matters, including refugee status determination, by the Government of Cyprus as of 1 January 2002. Furthermore, it is encouraged by the Government's progress in preparing a draft law to amend the Refugee Laws 6 (I) of 2000 and 6 (I) of 2002. However, the Committee remains concerned about difficulties that some children who have been given temporary protection may be experiencing in access to public education, as well as about the fact that children of internally displaced persons may acquire IDP status themselves only if their father is an IDP.

142. The Committee recommends that the State party:

(a) Promptly adopt the draft law to amend the 2000 and 2002 Refugee Laws;

(b) Introduce further amendments to the Refugee Law in order to ensure access to public educational facilities to persons afforded temporary protection;

(c) Ensure that children either of whose parents is an IDP can acquire that status.

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

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

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

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 331 and 332.

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331. The Committee is concerned that a large number of children have been displaced during the recent armed conflict.

332. The Committee urges the State party to make every effort to protect the civilian population from displacement, giving particular attention to the situation of unaccompanied children and the need for effective family tracing and reunification. The Committee also urges the State party to ensure that all displaced children and their families 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. The Committee further urges the State party to provide returning children and their families with assistance in re-establishing themselves in their homes. In addition, the Committee urges the State party 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.

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

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

(a) *De facto* refugees from certain countries are not granted refugee status;

(b) Problems exist in accessing education for children who have not been granted refugee status and do not have other documents that are required;

...

(d) Unaccompanied minors are not accorded the same treatment as other children deprived of their family environment.

645. The Committee recommends that the State party:

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

(b) Introduce procedures for the issuance of proper internationally recognized birth certificates for refugee children and, if necessary, amend related legislation or administrative regulations;

(c) Develop a procedure to attend to the specific needs and situation of unaccompanied child

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refugees and, in cases where no parents or other family members can be found, accord the child the same protection and care and social services as any other child permanently or temporarily deprived of his or her family environment receives;

(d) Consider measures through which asylum-seeking and refugee children can be granted equal access to services, in particular education, irrespective of who they are and where they live;

...

(f) Continue and strengthen its cooperation with UNHCR.

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 96 and 97.

96. The Committee welcomes the incorporation of the principle of the best interests of the child in the new Immigration and Refugee Protection Act (2002) and the efforts being made to address the concerns of children in the immigration process, in cooperation with the Office of the United Nations High Commissioner for Refugees and non-governmental organizations. However, the Committee notes that some of the concerns previously expressed have not been adequately addressed, in particular, in cases of family reunification, deportation and deprivation of liberty, priority is not accorded to those in greatest need of help. The Committee is especially concerned at the absence of:

- (a) A national policy on unaccompanied asylum-seeking children;
- (b) Standard procedures for the appointment of legal guardians for these children;
- (c) A definition of “separated child” and a lack of reliable data on asylum-seeking children;
- (d) Adequate training and a consistent approach by the federal authorities in referring vulnerable children to welfare authorities.

97. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

- (a) Adopt and implement a national policy on separated children seeking asylum in Canada;
- (b) Implement a process for the appointment of guardians, clearly defining the nature and scope of such guardianship;
- (c) Refrain, as a matter of policy, from detaining unaccompanied minors and clarify the

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legislative intent of such detention as a measure of “last resort”, ensuring the right to speedily challenge the legality of the detention in compliance with article 37 of the Convention;

(d) Develop better policy and operational guidelines covering the return of separated children who are not in need of international protection to their country of origin;

(e) Ensure that refugee and asylum-seeking children have access to basic services such as education and health and that there is no discrimination in benefit entitlements for asylum-seeking families that could affect children;

(f) Ensure that family reunification is dealt with in an expeditious manner.

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

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

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

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

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

232. The Committee recommends that the State party:

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

(b) Give special attention to unaccompanied refugee children;

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

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

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

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

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

500. The Committee recommends that the State party:

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

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

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

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

(e) Register all refugee children born in Bangladesh.

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

572. ...[W]hile noting that there has been no progress in the right of internally displaced persons to return to their homes in safety and dignity, the Committee regrets that the report

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does not include information on efforts made to improve the current conditions of the internally displaced persons, as envisaged by the “New Approach”. The Committee is also concerned at the situation of refugee children and lack of sufficient programmes targeting refugee children, in particular the most vulnerable ones.

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

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

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

86. The Committee recommends that the State party:

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

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

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

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

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 206, 207, 235 and 236.

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

207. The Committee recommends that the draft law on amendments to the Law on Refugees

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

...

235. The Committee is concerned that the situation of a large number of refugees from Azerbaijan who arrived in Armenia between 1988 and 1992 as a result of the Nagorny Karabakh conflict has still not been settled. It is concerned that this group remains one of the most vulnerable groups in Armenia.

236. The Committee recommends that the State party increase its efforts to improve and facilitate the integration of refugees into Armenian society.

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

305. In addition to its concerns related to the declaration made by the State party on article 22 of the Convention, the Committee remains concerned that:

(a) Refugee children between 16 and 18 years of age do not benefit from the rights contained in the Youth Welfare Act;

(b) Roma children and other children belonging to ethnic minorities may be forcibly expelled to countries their families have been fleeing;

(c) Recruitment of children as soldiers is not accepted as a child-specific persecution in the asylum procedure;

(d) The national requirements and procedures for family reunification for refugee families, as defined under the Convention relating to the Status of Refugees of 1951, are complex and too long;

(e) Some children of asylum-seekers in the Land Berlin were denied the right to a birth certificate because of incomplete documentation provided by the parents.

306. In light of article 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party take all necessary measures:

(a) To fully apply the provisions of the Youth Welfare Act to all refugee children below the age of 18 years;

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(b) To review its legislation and policies regarding Roma children and other children belonging to ethnic minorities seeking asylum in the State party;

(c) To consider the recruitment of children as soldiers as a child-specific persecution to be accepted in asylum procedure;

(d) To ease refugee family reunification requirements and procedures, in particular for those covered by the refugee Convention of 1951;

(e) To ensure that birth certificates are issued for all children of refugees and asylum-seekers born in the territory of the State party.

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

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

346. The Committee recommends that the State party increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups. The Committee requests the State party to pay particular attention to eliminating negative stereotype of refugee and asylum-seeking children in the Netherlands and to address the root causes of *de facto* segregation in schools and localities...

...

368. The Committee is concerned that in the Netherlands the definition of an unaccompanied minor seeking asylum does not conform to international standards and may make access to basic services more difficult for the child while in the country. It is also concerned that the determination and rejection of a significant and increasing proportion of applications for refugee status through the 48-hour accelerated procedure are not in keeping with article 22 of the Convention and international standards. Finally, the Committee is concerned that children whose applications for refugee status have been rejected are detained in closed camps with limited possibilities for education and leisure activities. Finally, the Committee is

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concerned about the lack of formal asylum and protection procedures in Aruba and the current practices with respect to the detention and deportation of illegal migrants.

369. The Committee recommends that the State party in the Netherlands:

(a) Review the Aliens Act of 2001 and its application to ensure full conformity with international standards applicable to refugees and with the Convention;

(b) Change the definition in the Act of unaccompanied minors seeking asylum so as to bring it into line with international standards;

(c) Ensure that the determination of refugee status of minors conforms to international standards, and consequently reconsider the 48-hour accelerated procedure;

(d) Ensure that the detention of children whose applications for refugee status have been rejected is used only as a measure of last resort, and that all children awaiting expulsion receive adequate education and housing.

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

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

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

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

...

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

449. In light of article 22 of the Convention, the Committee recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt comprehensive legislation to ensure adequate protection of refugee and asylum-seeking children, including in the fields of physical safety, health, education and social welfare, and to facilitate family reunification.

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

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

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

587. The Committee welcomes the Law on Asylum of 1999 and the amendments to the Law on Aliens of 2002 which stipulate that cases involving children and adolescents should be given priority and processed quickly and that a legal guardian should be appointed to separated children in deportation procedures. The Committee is, however, concerned about reports that unaccompanied children are not provided with adequate support during the asylum procedure and that the appointment of a legal guardian to such children takes too long.

588. The Committee recommends that the State party ensure the effective implementation of the Law on Asylum and the amendments to the Law on Aliens concerning asylum claims involving children and the appointment of a guardian to unaccompanied children. The State party should ensure that reception centres have special sections for children and that necessary support, including access to education, is given to children and families throughout the process with the involvement of all authorities concerned with a view to finding durable solutions in the best interests of the child.

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

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

220. In the light of articles 22 and 39 of the Convention, the Committee recommends that the State party ensure that refugee children who returned to the State party are provided with proper documentation, facilitate family reunification and ensure the right to health and

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education for all these children. The Committee further recommends that the State party ensure that refugee children who returned to the State party are safe and provided with the necessary physical and psychological recovery and social rehabilitation.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 362 and 363.

362. The Committee welcomes the efforts the State party is making to deal with the large number of internally displaced persons and refugees. However, the Committee is concerned that refugee and internally displaced children in Liberia do not receive appropriate protection and assistance in the enjoyment of their rights under the Convention. The Committee appreciates the attention that the authorities and humanitarian community in Liberia are giving to the issue of sexual assault and the exploitation of refugee and internally displaced girls, as well as to the forcible conscription of refugee and internally displaced boys, but it remains concerned that such acts of assault and forceful conscription still occur in Liberia.

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

- (a) Strengthen its efforts to provide adequate assistance to the internally displaced children, including access to food, education and health services and to support their return and reintegration into their communities;
- (b) Prevent sexual assaults and other exploitation of refugee and internally displaced children, with particular attention to girls, and provide for their rehabilitation and reintegration into society;
- (c) Prevent forcible conscription of refugee and internally displaced boys and provide for their rehabilitation and reintegration into society;
- (d) In carrying out programmes for internally displaced and refugee children, seek assistance and work closely with UNHCR, UNICEF and other competent international, intergovernmental or non-governmental organizations.

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

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

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families to benefit from the provisions and principles of the Convention. The Committee is further concerned at the very high number of children and their families who were internally displaced in Myanmar and that many were forced to seek asylum in neighbouring countries owing to the armed insurgencies taking place in various parts of Myanmar.

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

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

...

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

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

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

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

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

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

...

629. The Committee notes the efforts of the State party to address the situation of unaccompanied minors by providing them assistance during their time in the holding area by an “ad hoc administrator” who replaces a legal representative. However, the Committee also notes that the number of minors in such situations has been steadily increasing, and that the implementation of the new legislation remains a challenge. Foreign unaccompanied minors continue to be deprived of their liberty and placed in detention with adults. The Committee is also concerned that unaccompanied children arriving at the airport may be returned to the country of origin without judicial intervention and without an evaluation of their family situation. It is further concerned at the absence of clear instructions to coordinate and facilitate access to basic services by these children for the protection of their rights. In addition to this, the age determination process allows for errors which may lead to minors not being accorded protection they are entitled to.

630. The Committee recommends that the State party pursue its efforts in this area, and, in

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particular:

- (a) To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;
- (b) To establish norms that orient and coordinate actions aimed at guaranteeing access to basic services, in particular education, health and legal assistance;
- (c) To consider introducing recent methods of age determination which have proven more accurate than the method in use.

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

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

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

228. The Committee recommends that the State party ensure the effective implementation of the new Asylum Law and that refugee and asylum-seeking children have access to basic services such as education and health, and that there is no discrimination in benefit entitlements for asylum-seeking families that could negatively affect children.

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

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

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these children have proper accommodation.

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

298. While welcoming the adoption of the Law on Refugees in 2002 and the more favourable policies towards refugees, the Committee remains concerned that certain practices do not allow persons below 18 to have their own documentation, and at reports that in some cases asylum-seekers are not being allowed to register their claims for refugee status because of their ethnic background. The fact that asylum-seekers cannot legally remain in the country during the time given by the law for them to appeal a decision against granting refugee status is of concern to the Committee.

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

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

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

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

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

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

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

...

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

- (a) The high number of unaccompanied children having gone missing from the Swedish Migration Board's special units for children without custodians;
- (b) The very long processing period for asylum application, which may have negative consequences for the mental health of the child.

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

- (a) To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;
- (b) To increase coordination between the different actors, in particular the police, the social services and Swedish Board of Migration, in order to react efficiently and in a timely manner when children disappear;
- (c) To consider appointing a temporary guardian within 24 hours of arrival for each unaccompanied child;
- (d) To continue and strengthen training of professionals working with and for children on the rights of these children;
- (e) To conduct refugee status determination procedures for children in a child-sensitive manner, in particular by giving priority to applications of children and by considering child-

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specific forms of persecution when assessing an asylum-seeking child's claim under the Convention relating to the Status of Refugees of 1951.

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

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

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 117, 118 and 139-142.

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

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

...

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

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

141. The Committee notes that the departure of children from Albania to neighbouring countries is a significant problem, and that approximately 4,000 children have left the country unaccompanied by their parents.

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

(a) To determine and address the causes of such large-scale departure of unaccompanied children and introduce safeguards to reduce the phenomenon, in particular if such children are victims of illegal networks;

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

(c) To strengthen cooperation and accelerate conclusion of agreements with neighbouring countries in order to ensure respect for the rights of these children, as well as their protection and education.

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

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

...

176. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

...

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

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

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

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

...

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 242, 243, 269 and 270.

242. The Committee notes the positive efforts made by the State party to address racial discrimination, which have also been recognized by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/60/CO/1). However, the Committee is concerned at the discriminatory attitudes and manifestations of neo-Nazism, racism, xenophobia and related intolerance towards migrant communities and those of certain ethnic backgrounds, and at their impact on children belonging to these groups, as well as towards refugee and asylum-seeking children.

243. The Committee recommends that the State party increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a pro active and comprehensive strategy to eliminate discrimination on any grounds and against children belonging to vulnerable groups.

...

269. While the Committee acknowledges the efforts undertaken by the State party at the Federal and Länder level to increase the number of adequate accommodation places for unaccompanied and separated asylum-seeking children, it remains concerned that the existing reception facilities are still insufficient compared to the number of applicants and that unaccompanied and separated asylum-seeking children are not systematically assigned guardians.

270. The Committee recommends that the State party:

- (a) Ensure that guardians are systematically assigned to unaccompanied and separated asylum-seeking children and that the best interests of the child are duly taken into account;

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(b) Ensure that all interviews with unaccompanied and separated asylum-seeking children are carried out by professionally qualified and trained personnel;

(c) Provide for adequate accommodation, taking into account the state of development of all unaccompanied and separated asylum-seeking children;

(d) Fully take into account the principle of the best interests of the child when deciding on the deportation of unaccompanied and separated asylum-seeking children and to avoid their placement in custody pending deportation.

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

472. The Committee is...concerned about reports that a large number of children born of non-Iranian parents, and in particular Afghan parents who have not registered in Iran, will similarly remain unregistered, thereby excluding them from obtaining a refugee registration card.

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

...

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

...

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

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...

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

...

497. While welcoming the efforts made by the State party so far in the repatriation of Iraqi and Iranian refugee children and their families, and noting the State party's commitment to include children of Afghan and Iraqi refugees in the recent registrations of Afghans and Iraqis residing in Iran, the Committee is concerned at reports of the deportation of unaccompanied children, mostly Afghans, back to their country of origin, and the lack of access by humanitarian organizations to these children. It is concerned at reports of unaccompanied children arriving in Iran from neighbouring countries, in particular Afghanistan, allegedly for the purpose of exploitation. The Committee is further concerned about the fate of Afghan children and their families who are not in a position to return to Afghanistan for different reasons, including their strong links with Iran or the fact that the mother of the family is Iranian.

498. The Committee recommends that the State party:

(a) Allow immediate access by humanitarian organizations and United Nations agencies to all unaccompanied children in the State party;

(b) Discontinue the practice of deporting unaccompanied children under 18 years of age back to Afghanistan and take the necessary steps to reunite all unaccompanied children with their families or take effective measures to integrate these children into society;

(c) Ensure that Afghan families who are not in a position to return to Afghanistan are not forcibly deported but assisted to integrate into society;

(d) Ensure that all refugee children are registered and have full access to free education, health and other services;

(e) Continue its cooperation with UNHCR and other United Nations agencies.

499. The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, and Shiraz... It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a "condition" for their release the authorities request that their parents register for repatriation...

500. The Committee recommends that the State party:

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...

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

...

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

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

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

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 727 and 728.

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

728. The Committee recommends that the State party:

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

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

(c) Take immediate measures to ensure that all displaced and refugee women and children

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are protected from all forms of sexual abuse and exploitation and that perpetrators are duly prosecuted;

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

...

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

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 262-264.

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

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

264. The Committee recommends that the State party:

(a) Continue its efforts aimed at the safe return of displaced and refugee children and their parents and prevent, as much as possible, violent attacks against returnees and displaced persons and/or their property;

(b) Address the special needs and rights of displaced and refugee children, and in particular to ensure proper accommodation arrangements for these children as well as social and professional reintegration of their parents;

(c) Harmonize legislation at the Entity level with the refugee legislation at the State level;

(d) Look into the issue of children whose parents are asylum-seekers, temporarily admitted persons or recognized refugees, when neither the parents, nor the child are in possession of

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adequate documentation, and ensure them access to the rights prescribed for these categories of persons;

(e) Continue to seek technical cooperation from UNHCR in this regard.

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

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

(a) The reports of discrimination and ill-treatment, including high incidence of sexual abuse of women and children in Bhutanese camps in Nepal;

(b) The reports of deportation of Tibetan asylum-seekers to China by Nepal, including unaccompanied minors and the closure of the Tibetan Refugee Welfare Office in January 2005;

(c) The rule that refugee status can only be sought by certain categories of asylum-seekers, specifically, the Tibetans who arrived in Nepal before 1990 and the Bhutanese;

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

...

361. The Committee recommends that the State party:

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

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

(c) Take immediate measures to ensure that all internally displaced, refugee women and

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children under its jurisdiction are protected from all forms of sexual exploitation and that perpetrators are duly prosecuted;

...

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

362. The Committee...expresses concern about children who were separated due to the conflict, including children who have fled to India, and that little efforts have been taken by the State party to reunite these families...

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

...

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

...

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

449. The Committee notes with appreciation the efforts made by the State party in hosting an increasing number of asylum-seekers among which there is a significant number of children, including the steps taken in cooperation with the United Nations High Commissioner for Refugees in registering asylum-seekers and refugees and issuing new identification documents to both asylum-seekers and refugees.

450. The Committee recommends that the State party continue to strengthen its asylum policy, in particular to adopt legislative measures governing the treatment of unaccompanied and separated children. Furthermore, the Committee recommends that the State party strengthen its efforts to secure full access of all refugee and asylum-seeking children to education, health and other services. In this regard, the Committee recommends that the State party seek international cooperation with and assistance from, *inter alia*, the United Nations High Commissioner for Refugees and the United Nations Educational, Scientific and Cultural Organization.

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

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

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

505. The Committee expresses concern about the large number of unaccompanied asylum-seeking children (33 in 2003) who disappear from reception centres in the State party. It is particularly concerned that these children are vulnerable to abuse and exploitation. The Committee is also concerned about the insufficient supervision of and care provided to unaccompanied asylum-seeking children as well as the insufficient psychological and psychiatric services provided to children living in reception centres. Furthermore, the Committee is concerned that the processing of asylum claims is too slow.

506. The Committee urges the State party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee recommends that the State party improve the situation in reception centres for unaccompanied children seeking asylum, in terms of resources and adequately trained and competent staff, so that the assistance and care for these children reaches the same level as that provided in other institutions under the child welfare system. The State party should also take further measures to ensure more expeditious processing of asylum claims.

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

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

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