

4. Migration, Refugees and Asylum Seekers (Art 2, 6, 7, 9, 13)

This segment aims to highlight the importance of human rights frameworks in the exercise of the rights of international migrants. It talks about the need for a healthy global framework and governance space to engage the needs of people living beyond the borders of their country of origin and discusses the vulnerabilities they so face. The vulnerabilities of one crossing into a new country is not a new discussion; however, lack of uniform laws make the transit and the adaptation more difficult.

4.1 Non-Refoulement

While in custody, most migrants face several violations of their rights such as torture, lack of fair trial, excessive use of force and arbitrary detention, among other personal issues such as interference with the family and protection of family protected under Article 23. Non-refoulement has been a topic of much debate and the Committee has been concerned with its compliance by States parties under Article 7 of the Covenant. Allowing no derogation even during a time of emergency, the present jurisprudence clarifies that States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon their return to any other country by way of extradition, expulsion or refoulement. Misuse of detention powers by States parties and the lack of monitoring mechanisms was yet another area of concern.³⁹⁵

The Committee noted that in **Denmark**, the initial detention period of 6 months with a possible extension of 12 months under certain conditions for asylum seekers was excessive. The amendment to the Aliens Act further allowed temporary suspension of fundamental legal safeguards during high influx of migrants, called "special circumstances" while allowing confiscation of assets of asylum seekers (Art 6, 7, 9, 13).³⁹⁶ The Committee was also concerned about the restrictions on family reunification requiring a residence permit for more than three years under the amendment to the Aliens Act (Art 23).³⁹⁷

The Committee suggested that the State ought not only to make sure that the principle of non-refoulement is respected for asylum seekers but that the length of detention and family reunification should also be reduced. The State should repeal the amendment so as to guarantee the full access to fundamental legal safeguards and stop confiscation of assets. The Committee went on to say that the detention of migrants must be reasonable, necessary and proportionate. The Committee reiterated this in **Costa Rica's** concluding observations.³⁹⁸

The Committee has noted that many States³⁹⁹ have resorted to drastic measures as a response to an influx of asylum seekers. One such instance was in **Slovenia** where the Committee observed that there was construction of a razor wire fence along its border with Croatia, granting the armed forces additional powers with vague and insufficient oversight, accountability and complaint mechanisms, placing limits to entry into the State party solely on the basis of nationality and the possession of identification documents⁴⁰⁰ and lack of free access to legal representation against non-refoulement among other things (Art 2, 6, 7, 13, 26). The Committee advised

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that the State undertake effective steps to make sure that all obligations with the Covenant meet the principle of non-refoulement, international protection and legal representation, facilitate family reunification and respect non-discrimination based on country of origin and procedural protection.⁴⁰¹

4.2 Detention Centers

The Committee noted that **Costa Rica's** Detention Facility for Irregular Foreign Migrants lacked health services and appropriate sanitation. The Committee also found that Slovakia detained its asylum seekers for lengthy periods in unsuitable sanitary conditions. The Committee asked the States to improve sanitary conditions and to hold migrants in administrative detentions only when justified as a reasonable, necessary and proportionate measure and as a measure of last resort.⁴⁰²

The Committee also raised concerns with regard to **Jamaica** where it asked the State to reduce overcrowding in places of detention for migrants and to improve sanitary conditions and access to medical care in accordance with Article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules). The Committee also recommended that the State adopt legislation governing pretrial detention and put in place a system to detain accused persons separately from convicted persons.⁴⁰³

With regard to detention in **New Zealand**, the Committee expressed concern that migrants are treated as mass arrivals and that police facilities are used for immigration purposes. To this, it suggested that all migrants, including mass arrivals, be detained only until their entry is documented. The Committee emphasized the importance of separating asylum seekers and migrants from the rest of the detainee population (Art 9).⁴⁰⁴

4.3 Procedural Issues

Procedural concerns have been at the forefront for the Committee. In **Kazakhstan's** report the Committee found that there existed multiple procedural issues adding to the existing substantive issues, such as ineffective access to procedures for determining refugee status, improper extraditions violating non-refoulement, rejection of asylum application from Syrian and Ukrainian nationals, expulsion, return and extradition of asylum seekers from China and Uzbekistan, forcible return of asylum seekers before the decision on their asylum claims and use of diplomatic assurances to remove foreign individuals not accompanied by sufficient safeguards, bringing in a real risk of exposing such individuals to treatment contrary to Articles 6 and 7 of the Covenant (Art 2, 6, 7, 13). The Committee recommended that there should be an absolute prohibition of refoulement under Articles 6 and 7 coupled with States exercising utmost care in evaluating diplomatic assurances, ensuring monitoring of individuals who are transferred and monitoring their treatment after their extradition, expulsion and transfer.⁴⁰⁵ The Committee noted that in **Kuwait**, there was a lack of a legal framework regulating asylum proceedings leading to a prohibition of refoulement and insisted that

Kuwait establish a legal and institutional framework to regulate asylum.⁴⁰⁶

4.4 Administrative and Legal Frameworks for asylum seekers

For **South Africa**, the Committee raised concerns about cases of undocumented migrants detained at police stations, prisons with poor sanitary conditions, detention without warrant for lengthy periods and lack of access to refugee status determination procedures. The Committee was concerned that these lacunas increase the vulnerability of migrants, especially children, by rendering them undocumented and stateless (Art 6, 7, 13) and asked the State to respect non-refoulement and provide access to legal representation, access to fair documentation and fair procedures (including translation services) and adequate health care (Art 6, 9, 10, 23) to ensure its commitments to the Covenant.⁴⁰⁷

Sometimes, States grant prima facie refugee status to migrants in keeping up their international obligations. However, as was the case in **Rwanda**, States do not handle appeals against a rejected refugee claim or provisions of free legal aid in the appropriate manner. The Committee asked **Rwanda** to consider amending the Refugee Law to establish an independent appeal system, provide free aid and respect the principle of non-refoulement and to not deport refugees where there exist substantial risks of irreparable harm (Art 7, 9, 10).⁴⁰⁸

In a similar fashion, the Committee welcomed **Ghana's** initiative to reform the **Ghana** Refugee Law with regard to Articles 2(3), 6 and 7 of the Covenant, suggesting the expedition of the drafting process of the revised legal refugee framework while taking concrete legal and administrative steps to prevent statelessness and guarantee the fundamental rights of stateless persons and persons at risk of statelessness. The Committee also noted that **Poland** lacked an adequate system to identify people in need of international protection leading to difficulties for asylum seekers in applying for asylum at the border with Belarus in Terespol (Art 2, 6, 7, 9, 26).⁴⁰⁹

The Committee has noted that a lack of proper legal frameworks can lead to excessive use of force against migrants, arbitrary arrests of migrants, discrimination against migrants such as differential access to labor markets and lack of access to judicial remedies. In the case of **Morocco**, the Committee noted that this also led to the participation of Moroccan security forces in collective expulsions in the autonomous Spanish cities of Ceuta and Melilla, with associated problems including the treatment of child migrants, recognition of marriages of asylum seekers and refugees and registration of newborns. Additionally, while taking note of the State efforts, the Committee believed that there was a need to ratify the 1954 and 1961 Conventions on Statelessness and to establish a legal framework to prevent statelessness and expedite revision of the legal framework and regularize the situation to address all the issues mentioned herewith, especially for the Syrian refugees through granting them refugee cards. The Committee observed that this would also help uphold their right to non-discrimination in terms of access

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to the formal labor market. The Committee emphasized that it was also necessary for **Morocco** to revise the Nationality Code of 2007 so as to transmit nationality to all children born in Morocco.⁴¹⁰

The Committee also voiced this concern over limited access to the labor market and limited use of alternatives to detention of migrants and asylum seekers in the case of **Sweden**. Further, the Committee was concerned about the sufficient guarantees of respect for the principle of non-refoulement, in particular for those migrants and asylum seekers covered by the new temporary adjustments to the asylum legislation that are currently being drafted within the government offices, and for those designated as “security cases”⁴¹¹ or “qualified security cases” and its practical implications (Arts. 2, 6, 7, 9, 13, 26).⁴¹² It asked the State to ensure that detention was a measure of last resort and also requested the State to ensure that its policies afford sufficient guarantees in the “security cases” or “qualified security cases”.

Group migration often brings in large number of unaccompanied minors who then go missing due to human trafficking (Art 7, 13, 17, 23, 24). In this regard, the Committee asked **Sweden** to apply the principle of best interest and ensure the adequate placement of unaccompanied minors, provide them with care and support and investigate the missing minors while making concrete efforts to prevent the same. The Committee has also given the rights of children their due importance in the case of **Namibia**. The Committee suggested that unaccompanied or separated children should be afforded special protection and be provided with a monitored guardian instead of being treated as adult asylum seekers.⁴¹³ In addition, the Committee asked Poland and Slovakia to ensure that children were not deprived of their liberty except when it was a measure of last resort and in their interest.⁴¹⁴

4.5 Migrants' Freedoms and Rights

Most often, freedoms and rights take a back seat and get lost in what are considered more pressing violations. The right to privacy has usually been amiss in issues of asylum, as the Committee noticed in the case of **New Zealand**. The Committee was concerned about the legal and policy framework on immigration with regard to the verification process that involves disclosure of personal information like country of origin. It advised **New Zealand** to ensure that claimants' right to privacy and confidentiality be guaranteed during the procedure. Further, it encouraged **New Zealand** to ensure that the interviewing of children during these refugee determination process should only be restricted to determine the child's claim and when the child expressly wants to be heard.⁴¹⁵

The Committee has also noted hostility towards migrants from a certain ethnic or religious background. For example, it observed that **Poland** refused to accept refugees of the Muslim faith and advised it not to obstruct asylum access due to religious beliefs or other grounds prohibited by the Covenant. The Committee also emphasized that the detention

of asylum seekers should be reasonable, necessary and proportionate and deportation should only be done after a proper screening and on substantial grounds (Art 6, 7).⁴¹⁶

In the case of **Namibia**, the Committee highlighted the protection of asylum seekers against persecution based on gender identity and sexual orientation among grounds for protection against refoulement. Here, the Committee also observed that the restriction of movement of refugees in the Osire refugee settlement was an infringement on their ability to pursue education and employment and asked for a removal of the same.

Cases review: Migrant Issues and violations under articles 6 and 7

The Committee stands strong on its jurisprudence under Articles 6 and 7 that States have an obligation not to extradite, deport, expel or otherwise remove a person from their territory where there are substantial grounds for believing that there is a real risk of irreparable harm. However, the risk must be personal and the threshold is set high for providing substantial grounds to establish a risk of irreparable harm. According to the Committee, it is also important to give weight to the assessment conducted by the State party to review or evaluate facts and evidence in order to determine whether such a risk exists, unless it is found that the evaluation was clearly arbitrary or amounted to a manifest error or denial of justice.⁴¹⁷

For every individual communication brought forth on violations of Articles 6 and 7, these tests form the standard jurisprudence of evaluation. This rationale was followed in the cases against **Canada**. In a claim of deportation to **Sri Lanka**, the Committee found that the State authorities had taken all measures to examine the situation in **Sri Lanka** at the time of examination of the author's request. Since the author could not show that these reports were arbitrary or manifestly erroneous or amounted to a denial of justice, the Committee concluded that the author's removal to **Sri Lanka** would not violate his rights under Articles 6(1) and 7 of the Covenant, further clarifying that the failure to attain asylum does not expose him to a real or personal risk.⁴¹⁸ The Committee reiterated this jurisprudence in a case against **Denmark** where it considered the author's removal to **Armenia** not to be a violation under Article 7.⁴¹⁹

In another communication against **Canada**, the author, who was an HIV positive patient claimed that his deportation from **Canada** to **Zimbabwe** would be an interference with his right to effective remedy, right to life in terms of proper medication and protection of family life.⁴²⁰ The author was convicted of eleven criminal offences in **Canada** and had failed to comply with judicial orders and immigration condition. Subsequently, the State party sought to expel him in order to prevent the commission of further crimes by the author. The potential expulsion of the author would lead to a separation from his family. However, there was no legal obstacle preventing his family from visiting him in **Zimbabwe** and the Committee deemed that the separation of the author from his family was

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proportionate to the objective of his removal under Articles 17 and 23 of the Covenant. Further, on his claims of violation of Articles 6(1) and 7, based on lack of medical facilities in **Zimbabwe**, States parties had taken into consideration his health conditions and had made the necessary inquiries into the same before the expulsion decision.⁴²¹

In yet another claim against **Canada** where the author claimed that Bangladesh was “rampantly corrupt” and that she was at risk from her brother’s alleged murderers who had important judicial and political contacts, State party authorities found that the existence of corruption⁴²² or her diagnosis of post-traumatic stress disorder, depression, anxiety and other medical conditions⁴²³ were not sufficient to substantiate the personal risk alleged by the author. Since the author could not show the State party’s authorities’ conclusion was arbitrary or erroneous or amounted to a denial of justice, the Committee did not find a real risk of irreparable harm as claimed under Articles 6(1) and 7.⁴²⁴

Similarly, in a case against **Denmark**, not only was the Danish Immigration Service’s refusal of the asylum request upheld by the Refugee Appeals Board, the author himself failed to substantiate that he would be at risk of persecution by the LTTE⁴²⁵ or demonstrate that the conclusions reached by the Board were unreasonable or arbitrary. Hence, the Committee found that a return of the author to **Sri Lanka** would not constitute a violation of Article 7.⁴²⁶ Yet again, in a deportation to Pakistan case, the Committee took note that the author had failed to show that the conclusions of the States party’s authorities were arbitrary and manifestly erroneous or amounted to a denial of justice. The Committee found that his removal from **Denmark** was not a violation of his rights.⁴²⁷

In a case against **Denmark**, the Committee found that the State had failed to take into consideration the special vulnerability of the authors and their two minor children who would be homeless, vulnerable and without proper medical care for their young son suffering from a heart condition in Italy, their first country of asylum. Further, it found that the State had failed to provide effective remedies such as the provision of a permanent residential permit from the Italian authorities. The Committee also held that since it is the State’s obligation under the Covenant to provide the authors with an effective remedy, it should reconsider the claim for asylum and not expel the authors to **Italy** while their request is being reconsidered by the State party.⁴²⁸

The Committee asked States like **Canada** to pay reparation to individuals whose rights had been violated under the Covenant, saying that the State party was under an Article 2(3) obligation to provide the author with an effective remedy.⁴²⁹ Quoting Article 24, the Committee reiterated that, “the principle of the best interests of the child forms an integral part of every child’s right to protection as required by a minor, on the part of his or her family, society and the State.” The Committee found that the author’s removal was an arbitrary interference with the right to family life under Article 17(1), read alone and in conjunction with Article 23(1) of the

Covenant, in respect of the author and her son.⁴³⁰

Lastly, in a case against the **Russian Federation**, although the Committee concluded that there was no real risk of threat under Article 7 or arbitrariness by the State authorities, it found that the Russian Federation violated its obligations under Article 1 of the Optional Protocol by contradicting the Committee's request for interim measures of protection and for clearly disregarding the request to not extradite the authors while the examination of their case was pending.⁴³¹ The Committee asked the State party to comply with the Committee's requests for interim measures and avoid violations of Article 1 of the Optional Protocol.⁴³²

Other UN Treaty Bodies

The **CRC** has declared that immigration detention is never in the best interests of the child. The experts recommended a child-rights based approach, with attention to their specific vulnerabilities and their protection at all stages of the migration. Regarding this, sexual violence en route was an issue that States needed to account for by offering specialized medical attention and safe spaces. Experts urged States to combat racial discrimination and xenophobia by holding perpetrators of incitement to violence or hatred accountable.⁴³³

The CRC mentioned migration in several Concluding Observations in 2016. It was mainly concerned about the best interest of the child when processing asylum cases, unaccompanied migrant children, living conditions, children in detention, legal assistance, hate speech from the local community, inaccessible procedures for family reunification, the lack of interpreters at the border, access to education, the enjoyment of rights free from discrimination, access to basic services and age assessments.⁴³⁴ The Committee asked for reliable data on the number of children seeking asylum⁴³⁵ and sufficient resources to specialist and child-specific support.⁴³⁶ The Committee expressed its concern about the refugee camps in Calais and Grande-Synthe in **France**.⁴³⁷

The **CERD** has two general recommendations on the subject of migration. The 22nd recommendation stresses that all human beings are born free and equal and that States have the obligation to prohibit and eliminate racial discrimination. Refugees and displaced persons have the right to return to their homes or to receive compensation if their property cannot be restored to them. States have the obligation to respect the principle of non-refoulement.⁴³⁸

The 30th recommendation clarifies the rights of non-citizens. States parties are obligated to guarantee equality between citizens and non-citizens in the enjoyment of these rights. In this regard, States have to provide socio-economic data on the non-citizen population within their jurisdiction in their periodic reports. States should also revise legislation to remove discriminatory effects on non-citizens and take action to combat the stigmatization of non-citizens by prosecuting racially motivated crimes. Non-citizens should not be

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discriminated against with regard to access to citizenship and safeguards regarding deportation, and collective expulsion should be prohibited. Statelessness should be reduced and the principle of non-refoulement is reiterated. Non-citizens should have access to effective legal remedies and be able to enjoy economic, social and cultural rights.

Migration came back in many Concluding Observations of the Committee. Common problems were raised several times in the reviews of different States parties: the treatment of undocumented migrants in **Namibia, Spain and Greece**⁴³⁹, as well as the access to basic services in **Namibia, Spain, Greece, Pakistan, South Africa and Ukraine**.⁴⁴⁰ The Committee recommended that the State take action against racism and xenophobia in **Azerbaijan, Pakistan, South Africa, Ukraine, Argentina and Uruguay**.⁴⁴¹ Problematic asylum procedures or a complete lack of framework was noted in **Azerbaijan, Oman, Georgia, Lebanon and Pakistan**.⁴⁴² The Committee views that detention of migrants should be avoided and was concerned about the detention of migrants in **Rwanda, Greece, South Africa, Ukraine and Portugal**.⁴⁴³ The treatment of non-citizens was a concern in **Oman and Togo**.⁴⁴⁴ Lastly, more information was requested on the situation of migrants in **Azerbaijan, Paraguay and Turkmenistan**.⁴⁴⁵

Other issues included: the restrictions on the freedom of movement of asylum seekers in the Osire settlement in **Namibia**; the lack of access to education and violations of non-refoulement in Rwanda⁴⁴⁶; the ineffective guardianship for children and collective expulsions in **Greece**⁴⁴⁷; the situation of Palestinian refugees in **Lebanon**⁴⁴⁸; the treatment of IDPs in **Ukraine**⁴⁴⁹; the use of immigration detention without a time limit in the **UK**⁴⁵⁰; and the hotspot approach in **Italy**.⁴⁵¹

The **CRPD** was concerned about migration in many of its Concluding Observations. It is for example important to be able to access facilities and mental health support when arriving in a State party.⁴⁵² The needs of persons with disabilities have to be taken into account in migration policies, particularly in situations of extreme poverty.⁴⁵³ Persons with disabilities who are detained should be provided with appropriate support and reasonable accommodation.⁴⁵⁴ Detention centres should be accessible to migrant workers with disabilities.⁴⁵⁵ The Committee was very concerned about the situation of persons with disabilities on the borders of Slovakia⁴⁵⁶ and the exclusion of non-citizens with disabilities to services and entitlements in **Thailand**. There is also a widespread stigma about being a person with disabilities.⁴⁵⁷ The Committee stressed that persons with disabilities should not be discriminated against when applying for dual citizenship and should be registered at birth.⁴⁵⁸

The OHCHR stressed the same issues in its thematic study on art. 11 CRPD: IDPs with disabilities should be registered to ensure an adequate standard of living. If asylum seekers with disabilities are detained, the State party should provide reasonable accommodation and adequate support.⁴⁵⁹ States must ensure access to basic services to children affected by armed conflict. In post-conflict context, resources for

education should be increased to build inclusive school facilities. States should take into account the specific needs of internally displaced women with disabilities.⁴⁶⁰ The OHCHR also stressed the importance of the principle of non-discrimination when it comes to persons with disabilities in emergency situations.⁴⁶¹ Reliable data are needed to estimate the dimensions of the problem correctly.⁴⁶² Information should be accessible and provided in the relevant languages.⁴⁶³

The **CMW** stressed in **Turkey's** Concluding Observations that the human rights of all migrant children in transit should be guaranteed. They should be treated as children, and their best interest should be the first priority.⁴⁶⁴

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- ³⁹⁵ ICCPR, Article 7; ICCPR, Article 8
- ³⁹⁶ Denmark, ¶ 31
- ³⁹⁷ Denmark, ¶ 35
- ³⁹⁸ Costa Rica, ¶¶ 29, 30
- ³⁹⁹ In this context, see also Note 378 that refers to Moroccan measures in response to an influx of asylum seekers
- ⁴⁰⁰ Slovenia, ¶ 15; Also see Joint Statement of the Heads of the Police Services of Austria, Slovenia, Croatia, Serbia and the former Yugoslav Republic of Macedonia (18 February 2016), available at https://www.mup.hr/UserDocImages/topvijesti/2016/veljaca/.../joint_statement.pdf
- ⁴⁰¹ Slovenia, ¶ 15
- ⁴⁰² Costa Rica, ¶¶ 29-30; Slovakia, ¶¶ 30-31
- ⁴⁰³ Jamaica, ¶¶ 31-32
- ⁴⁰⁴ New Zealand, ¶¶ 37-38
- ⁴⁰⁵ Kazakhstan, ¶¶ 43-44
- ⁴⁰⁶ Kuwait, ¶¶ 36-37
- ⁴⁰⁷ South Africa, ¶¶ 34-37
- ⁴⁰⁸ Rwanda ¶¶ 29-30
- ⁴⁰⁹ Poland, ¶¶ 31
- ⁴¹⁰ Morocco, ¶¶ 35-36
- ⁴¹¹ "Security cases" under the Aliens Act (2005:716) and "qualified security cases" under the Aliens Controls (Special Provisions) Act (1991:572)
- ⁴¹² Sweden, ¶¶ 32-33
- ⁴¹³ Namibia, ¶¶ 35-36
- ⁴¹⁴ Poland, ¶¶ 31-32, Slovakia, ¶¶ 30-31
- ⁴¹⁵ New Zealand, ¶¶ 35-36
- ⁴¹⁶ Poland ¶¶ 31-32
- ⁴¹⁷ *KB v. Russian Federation*, Communication No. 2193/2012, UN Doc. CCPR/C/116/D/2193/2012 (10 March 2016) ¶¶ 10.3
- ⁴¹⁸ *Y v. Canada*, Communication No. 2314/2013, UN Doc. CCPR/C/116/D/2314/2013 (22 March 2016), ¶¶ 7.6, 8
- ⁴¹⁹ *Z v. Denmark*, Communication No. 2422/2014, UN Doc. CCPR/C/116/D/2422/2014 (24 May 2016), ¶¶ 7.3-7.4
- ⁴²⁰ ICCPR, Article 17; ICCPR, Article 23 (1)
- ⁴²¹ *W.M.G. v. Canada*, Communication No. 2060/2011, UN Doc. CCPR/C/116/D/2060/2011 (11 March 2016) ¶ 7
- ⁴²² *Y v. Canada (2)*, Communication No. 2327/2014, UN Doc. CCPR/C/116/D/2327/2014 (10 March 2016) ¶ 10.4
- ⁴²³ *Ibid*, ¶ 10.5
- ⁴²⁴ *Ibid*, ¶ 10.6
- ⁴²⁵ *K.G. v. Denmark*, Communication No. 2347/2014, UN Doc. CCPR/C/116/D/2347/2014 (22 March 2016) ¶ 7.3
- ⁴²⁶ *Ibid*, ¶ 7.4
- ⁴²⁷ *A and B v. Denmark*, Communication No. 2291/2013, UN Doc. CCPR/C/117/D/2291/2013 (9 September 2016) ¶ 8.6
- ⁴²⁸ *Abdilaifir Abubakar Ali and Mayul Ali Mohamad v. Denmark*, Communication No. 2409/2014, UN Doc. CCPR/C/116/D/2409/2014 (29 March 2016) ¶ 7.8
- ⁴²⁹ *DT v. Canada*, Communication No. 2081/2011, UN Doc. CCPR/C/117/D/2081/2011 (29 September 2016) ¶ 9
- ⁴³⁰ *DT v. Canada*, Communication No. 2081/2011, UN Doc. CCPR/C/117/D/2081/2011 (29 September 2016) ¶¶ 7.11-7.12
- ⁴³¹ *KB v. Russian Federation*, Communication No. 2193/2012, UN Doc. CCPR/C/116/D/2193/2012 (10 March 2016) ¶ 8.1
- ⁴³² *KB v. Russian Federation*, Communication No. 2193/2012, UN Doc. CCPR/C/116/D/2193/2012 (10 March 2016) ¶ 12
- ⁴³³ CERD Statement on the occasion of the United Nations Summit on Refugees and Migrants, 19 September 2016.
- ⁴³⁴ CRC, Concluding Observations of Nauru, UN Doc. CRC/C/NRU/CO/1 ¶52-53 (**CRC, Nauru**); CRC, Concluding Observations of Bulgaria, UN Doc. CRC/C/BGR/CO/3-5 ¶50-51 (**CRC, Bulgaria**); CRC, Concluding Observations of Slovakia, UN Doc. CRC/C/SVK/CO/3-5 ¶52-53 (**CRC, Slovakia**); CRC, Concluding Observations of the United Kingdom, UN Doc. CRC/C/GBR/CO/5 ¶76-77 (**CRC, UK**); CRC, Concluding Observations of France, UN Doc. CRC/C/FRA/CO/5 ¶73-76 (**CRC, France**).
- ⁴³⁵ CRC, UK, ¶76-77.
- ⁴³⁶ CRC, France, ¶73-76.
- ⁴³⁷ *Ibid*
- ⁴³⁸ CERD, General recommendation No. 22 on article 5 and refugees and displaced persons, 24 August 1996.
- ⁴³⁹ CERD, Concluding Observations of Spain, UN Doc. CERD/C/ESP/CO/21-23 ¶11-16 (**CERD, Spain**).
- ⁴⁴⁰ CERD, Namibia, ¶27-28.
- ⁴⁴¹ CERD, Pakistan, ¶37-38; CERD, Concluding Observations of Argentina, UN Doc. CERD/C/ARG/CO/21-23 ¶33-34 (**CERD, Argentina**); CERD, Concluding Observations of Uruguay, UN Doc. CERD/C/URY/CO/21-23 ¶29-32 (**CERD, Uruguay**).
- ⁴⁴² CERD, Concluding Observations of Georgia, UN Doc. CERD/C/GEO/CO/6-8 ¶20-21 (**CERD, Georgia**); CERD, Portugal, ¶24-25.
- ⁴⁴³ CERD, South Africa ¶26-28.
- ⁴⁴⁴ CERD, Oman, ¶15-16, 27-28.
- ⁴⁴⁵ CERD, Azerbaijan, ¶29-30; CERD, Paraguay, 43-44; CERD, Concluding Observations of Turkmenistan, UN Doc. CERD/C/TKM/CO/8-11 ¶16-17 (**CERD, Turkmenistan**).
- ⁴⁴⁶ CERD, Concluding Observations of Rwanda, UN Doc. CERD/C/RWA/CO/18-20 ¶20-21 (**CERD, Rwanda**).
- ⁴⁴⁷ CERD, Concluding Observations of Greece, UN Doc. CERD/C/GRC/CO/20-22 ¶22-23 (**CERD, Greece**).
- ⁴⁴⁸ CERD, Lebanon, ¶27-32.
- ⁴⁴⁹ CERD, Ukraine, ¶25-32.
- ⁴⁵⁰ CERD, UK, ¶38-39.
- ⁴⁵¹ CERD, Concluding Observations of Italy, UN Doc. CERD/C/ITA/CO/19-20 ¶18-20 (**CERD, Italy**).
- ⁴⁵² CRPD, Italy, ¶25-26.
- ⁴⁵³ CRPD, Portugal, ¶27-28; CRPD, Slovakia, ¶53-54.
- ⁴⁵⁴ CRPD, Slovakia, ¶36-37; CRPD, UAE, ¶35-36.
- ⁴⁵⁵ CRPD, UAE, ¶35-36.
- ⁴⁵⁶ CRPD, Slovakia, ¶53-54.
- ⁴⁵⁷ CRPD, Thailand, ¶37-38.
- ⁴⁵⁸ CRPD, Uganda, ¶36-37.
- ⁴⁵⁹ CRPD, Thematic study on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies, ¶6.
- ⁴⁶⁰ *Ibid*

⁴⁶¹ Ibid, ¶17.

⁴⁶² Ibid, ¶21.

⁴⁶³ Ibid, ¶28.

⁴⁶⁴ CMW, Concluding Observations of Turkey, UN Doc. CMW/C/TUR/CO/1 ¶42.