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Committee on the Elimination of Racial Discrimination**Decision adopted by the Committee under article 14 of the Convention, regarding communication No. 71/2020*,****

<i>Communication submitted by:</i>	Dorde Jovanovic and Adam Weiss, on behalf of the European Roma Rights Centre
<i>Alleged victim:</i>	The authors (represented by counsel)
<i>State Party:</i>	North Macedonia
<i>Date of communication:</i>	20 September 2018 (initial submission)
<i>Date of adoption of decision:</i>	3 December 2025
<i>Subject matter:</i>	Racial discrimination by law enforcement officials
<i>Procedural issues:</i>	Admissibility; exhaustion of domestic remedies; substantiation of claims
<i>Substantive issue:</i>	Discrimination on the grounds of national or ethnic origin
<i>Articles of the Convention:</i>	2(1)(a), 2(1)(c), 2(1)(d), 5(a), 5(d)(ii), and 6

1. The authors of the communication are Senad Salim, Sevdije Salim, Kjani Ibrahim, Fata Salim, Riza Salim, Salim Salim,¹ and Dzengiz Ibrahim, all North Macedonian nationals. The authors claim that the confiscation of their passports by North Macedonian authorities, and the failure of authorities to return their confiscated passports following a decision of the Constitutional Court on 25 June 2014, constitutes a violation of articles 2(1)(a), 2(1)(c), 2(1)(d), 5(a), 5(d)(ii), and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Convention entered into force on 4 January 1969 and the North Macedonia ratified it on 18 January 1994.² The authors are represented by counsel (Dorde Jovanovic and Adam Weiss, on behalf of the European Roma Rights Centre (ERRC)).

Facts as submitted by the authors

2.1 The authors consist of two family groups: the first and second authors are a married couple, joined by their three minor children (third, fourth, and fifth authors), while the sixth and seventh authors are father and child. All are North Macedonian citizens of Roma ethnic

* Adopted by the Committee at its 116th session (17 November – 5 December 2025).

** The following members of the Committee participated in the examination of the communication: Nouredine Amir, Michael Balcerzak, Pela Boker-Wilson, Chinsung Chung, Bakari Sidiki Diaby, Régine Esseneme, Jian Guan, Ibrahima Guisse, Chrispine Gwalawala Sibande, Gun Kut, Gay McDougall, Verene Shepherd, Stamatia Stavrinaki, Mazalo Tebie, Abderrahman Tlemcani and Yeung Kam John Yeung Sik Yuen.

¹ On 19 February 2016, the family changed their surname from Asan to Salim (annex 15).

² North Macedonia made a declaration in relation to article 14 of the Convention on 22 December 1999.

origin residing in Skopje. On 3 April 2014, the sixth and seventh authors were forcibly returned from Germany following the rejection of their asylum claims. Upon arrival at Skopje International Airport, they were taken to the airport police station for questioning, during which their passports were confiscated under Ministry of Interior telegram no. 169 and article 37 of the Law on Travel Documents, which authorized a one-year confiscation for citizens deported from abroad. They received written notification of the confiscation, but no indication of its duration.

2.2 On 24 April 2014, the first five authors were similarly returned from Germany after unsuccessful asylum claims. Upon arrival at Skopje International Airport, their passports were also confiscated in the same manner. Formal administrative decisions were later issued by the Ministry of Interior: on 20 May 2014 for the sixth and seventh authors, on 3 June 2014 for the third, fourth, and fifth authors, and on 4 June 2014 for the first and second authors. These decisions cited the legal basis for confiscation but failed to specify the duration or procedures for reclaiming the passports. The first and second authors only became aware of these decisions during subsequent court proceedings.

2.3 In addition to the passport confiscation, the first and second authors were subjected to a travel ban preventing them from using their identity cards to travel to neighbouring countries such as Serbia, where such travel is normally permitted. This restriction is the subject of separate litigation currently pending before the Skopje Court of Appeal. The authors argue that these measures disproportionately affected Roma citizens and were implemented without adequate legal safeguards or notification.

2.4 On 25 June 2014, the Constitutional Court of the Republic of North Macedonia declared the relevant provisions of the Law on Travel Documents unconstitutional. The Court held that restricting the freedom of movement of North Macedonian citizens to protect the immigration policies of other countries was impermissible under the North Macedonian Constitution³. The decision rendered the disputed provisions inoperative and came into force on 14 July 2014.

2.5 On 31 July 2014, the Ministry of Interior issued a formal decision regarding the confiscation of the sixth complainant's wife's passport. Subsequently, on 3 November 2014, the Ministry issued telegram no. 36 instructing police departments to implement the Constitutional Court's decision. However, the directive stipulated that passports would only be returned if the affected individuals initiated procedures themselves; no *ex officio* returns were to be made. This administrative stance effectively delayed the restoration of rights guaranteed by the Constitutional Court.

2.6 The sixth complainant's wife received her passport on 6 April 2015, as indicated by a handwritten note on the return document. The sixth and seventh authors received their passports only after the one-year ban expired, with no acceleration resulting from the Constitutional Court's decision. Similarly, on 22 May 2015, the first complainant and his family members retrieved their passports after the expiration of the ban. According to the authors, these instances demonstrate that the Ministry of Interior did not proactively implement the Constitutional Court's ruling.

2.7 On 1 and 19 February 2016, the first five authors legally changed their surname from Asan to Salim. This administrative update was formally recorded and is relevant to the identification of the authors in subsequent legal proceedings. The change of surname did not affect the substance of their claims or the legal issues arising from the passport confiscation.

2.8 On 16 February 2017, the authors, joined by three other Roma plaintiffs and the European Roma Rights Centre (ERRC) as co-plaintiff, filed a discrimination claim before Skopje Basic Court 2 against the Ministry of Interior. They argued that the Ministry's failure to implement the Constitutional Court's decision, annul outstanding confiscation decisions, and return passports *ex officio* constituted "ethnic discrimination". The claim emphasized that Roma citizens were disproportionately affected and that their freedom of movement had been unjustifiably restricted.

³ The Constitutional Court also said that the 1-year limitation was unlawful. In its decision, the Court refers to provisions of CERD.

2.9 The Ministry of Interior responded on 6 April 2017, disputing the discrimination claim and asserting that the authors had not established a prima facie case. The Ministry maintained that its actions were lawful and consistent with administrative procedures. On 5 July 2017, the authors' lawyer submitted additional evidence, including telegram no. 36, to demonstrate that the Ministry had adopted a policy contrary to the Constitution and the procedural rules of the Constitutional Court.

2.10 A preliminary hearing was held on 14 July 2017, during which the authors' lawyer reiterated the discrimination arguments and presented further evidence, including the Ombudsman's annual report and ERRC data on border discrimination and passport revocations. On 24 October 2017, the authors testified, along with a police official who stated that citizens were generally aware of the one-year restriction and would retrieve their passports accordingly. However, the first and second authors testified that they were not notified and only learned of the expiration through personal contacts.

2.11 On 31 October 2017, Skopje Basic Court 2 issued a judgment upholding the claim only in respect of the sixth complainant's wife, whose passport had been confiscated after the Constitutional Court's decision. The claims of the other authors were dismissed. The authors' lawyer received the decision on 29 January 2018. Appeals were filed by both parties in early February 2018, with the authors arguing that Roma citizens faced less favourable treatment due to the Ministry's refusal to return passports *ex officio*.

2.12 On 8 February 2018, the authors' lawyer supplemented the appeal, asserting that most North Macedonian citizens affected by passport confiscation were of Roma ethnicity. The lawyer argued that the comparator group should be all citizens free to travel, and that the Ministry's administrative practice resulted in indirect discrimination. The Ministry's failure to return passports immediately and *ex officio* placed Roma citizens in a disadvantaged position despite the absence of legal restrictions following the Constitutional Court's decision.

2.13 On 22 March 2018, the Skopje Court of Appeal dismissed the authors' appeal, upheld the Ministry's appeal, and ordered a retrial in respect of the sixth complainant's wife. The authors received the judgment on 24 April 2018. On 21 June 2018, they filed a constitutional complaint under article 110(1)(3) of the Constitution, which was pending at the time of the submission of this complaint. The sixth complainant's wife is awaiting the outcome of the retrial before the first-instance court.

2.14 The authors submitted evidence of widespread discriminatory practices by North Macedonian border guards targeting Roma citizens. A third-party intervention by the ERRC was attached, referencing related cases before the European Court of Human Rights. The intervention included findings from the Council of Europe Commissioner for Human Rights, UN bodies, and the domestic Ombudsman, all indicating discrimination. The Interior Minister publicly acknowledged the issue in November 2016.

2.15 In 2014, the ERRC alerted North Macedonian authorities to the problem. In a response dated 19 September 2014, the Ministry of Interior reported that 1,734 North Macedonian citizens had their passports confiscated under article 37 of the Law on Travel Documents between 1 October 2011 and 1 July 2014. The Ministry was unable to provide data on the ethnicity of those affected. The authors argue that the lack of transparency and failure to act on known discriminatory practices further supports their claim of ethnic discrimination.

Complaint

3.1 The authors submit that the practice of confiscating passports from citizens forcibly returned to the country constituted indirect racial discrimination against Roma. Evidence indicates that Roma were disproportionately affected by measures aimed at preventing travel to the EU's Schengen Zone. The specific measure of passport confiscation lacked lawful basis, as confirmed by the Constitutional Court's judgment of 25 June 2014. Despite this ruling, authorities failed to end the practice or return confiscated passports *ex officio*, thereby perpetuating a discriminatory policy. The authors argue that this failure amounted to a separate act of discrimination, particularly given the authorities' awareness of the disproportionate impact on Roma. The definition of racial discrimination under article 1 of

the Convention includes indirect discrimination, which must be assessed in context⁴. Evidence of racial profiling by border guards further supports the claim that Roma were targeted based on stereotypes, such as being “false asylum seekers.” The unlawful confiscation and subsequent failure to return passports exacerbated the discriminatory effect. The authors submit that these actions and inaction violated their rights under article 2(1)(c) of the Convention.

3.2 Under article 2(1)(c) and 2 (1)(d) of the Convention, the State Party was obligated to take effective measures to rescind and nullify the discriminatory passport confiscation policy following the Constitutional Court’s judgment. This included proactively returning confiscated passports. The judgment rendered the policy unjustifiable, and its disproportionate impact on Roma was well known. The authorities’ passive stance violated their duty to end a discriminatory practice. The failure to act perpetuated racial discrimination, as highlighted in the case of *Hagan v Australia*⁵. Furthermore, the failure to return passports breached national law, specifically article 112(3) of the Constitution and article 80 of the Constitutional Court’s Rules of Procedure, which mandate the execution and cancellation of acts based on unconstitutional provisions. Ministry of Interior telegram number 36, which conditioned passport returns on individual requests, contravened these legal obligations and failed to address the discrimination.

3.3 The authors argue that the right to equal treatment before tribunals, as guaranteed by article 5(a) of the Convention, and the right to effective protection and remedies under article 6 of the Convention, were violated in their case. Domestic courts failed to uphold anti-discrimination principles and did not apply the burden-shifting framework mandated by national law. Instead, they placed the burden of proof on the authors, contrary to established jurisprudence, and to the North Macedonia’s Law on Prevention and Protection against Discrimination (2010). This failure undermined the authors’ access to justice and effective remedies. The case of *V.S. v Slovakia*⁶ illustrates that requiring proof of discriminatory intent contradicts the Convention’s prohibition of discriminatory effects and the procedural safeguards provided by national law. The courts’ refusal to acknowledge the indirect discrimination and the systemic nature of the passport confiscation practice denied the authors appropriate satisfaction and reparation for the harm suffered.

3.4 The confiscation of the authors’ passports, and in particular the failure to return those passports ex officio after the Constitutional Court judgment, was specifically designed to prevent the authors from leaving their own country. This measure, which disproportionately affected Roma, was both unlawful and unjustifiable, as confirmed by the Constitutional Court’s decision of 25 June 2014. The continued refusal to return the passports ex officio after the judgment came into force on 14 July 2014 constituted a separate and aggravating act of discrimination. Evidence submitted demonstrates that Roma were targeted through racial profiling at border crossings, based on the stereotype that they were likely to be ‘false asylum seekers’ in the EU. This administrative practice, which included passport confiscation, was racially motivated and lacked legal justification. The authors argue that the burden of proof should be shifted to the State Party to demonstrate that the confiscation and the refusal to return passports were not racially discriminatory. Given the context and the disproportionate impact on Roma, the Committee is invited to find that the authors’ right under article 5(d)(ii) the Convention—to leave any country, including their own—was violated through discriminatory and unlawful state practices.

State Party’s observations on admissibility and merits

4.1 The State Party submits that the present complaint was submitted to the Committee, involving allegations against the State Party. The authors—Senad Salim, Sevdije Salim, Fata Salim, Riza Salim, Salim Salim, Kjani Ibrahim, and Digeniz Ibrahim—claim violations of their rights to equality and non-discrimination due to their Roma ethnicity. The scope of the complaint is based on the discriminatory treatment by state authorities, particularly in relation

⁴ The authors refer to *L.R. et al. v. the Slovak Republic* (CERD/C/66/D/31/2003), para. 10.4.

⁵ The authors refer to *CERD/C/62/D/26/2002*, para 7.3.

⁶ See *V.S. v Slovakia* (communication no.56/2014, opinion of 6 January 2016).

to the authors' ability to leave the country. The legal framework under which the complaint is considered includes the Convention and the State Party's obligations under it.

4.2 North Macedonia, upon ratifying the Convention, accepted the Committee's authority to receive individual complaints. However, it entered a reservation stating that if a complaint is already under review by another international body or legal procedure, it cannot be considered by the Committee. Two of the authors—Senad and Sevdije Salim—have initiated proceedings in both domestic courts in Skopje and international courts in Strasbourg. These parallel legal actions raise questions about whether the Committee can proceed with reviewing the complaint under its mandate, given the existing reservation.

4.3 Relevant legal decisions impacting the case include a ruling by the Skopje Court of Appeals dated 22 March 2018, and a judgment from the Skopje II First Instance Court on 31 October 2017. These decisions, along with legislative amendments concerning passport regulations for individuals expelled from another country, are presented as evidence that the actions taken against the plaintiffs were lawful. The State Party submits that the seizure of passports was in accordance with legal provisions and not motivated by ethnic discrimination. The Republic of North Macedonia maintains that the authors were not targeted due to their Roma identity, but rather due to compliance with immigration and legal standards.

4.4 The State Party maintains that the complaint should be rejected as inadmissible. It argues that authors Senad and Sevdije Salim have already initiated proceedings before the European Court of Human Rights in Strasbourg (application No. 25782/19), invoking article 1 of Protocol No. 12 and article 14 of the European Convention on Human Rights, which prohibit discrimination. The State Party emphasizes that it has recognized the Committee's competence to receive complaints under the Convention but also entered a reservation that prevents the Committee from considering complaints already under review by another international procedure. Additionally, the domestic legal process has been completed, with decisions from the Skopje Court of Appeals on 22 March 2018 and the Skopje II First Instance Court on 31 October 2017, confirming that the authorities did not act in a discriminatory manner. The seizure of passports was deemed lawful and in accordance with the Law on Passports, including amendments published in the Official Gazette of the Republic of North Macedonia. These amendments stipulate that individuals expelled from another country due to violations of entry or stay provisions may be denied passport issuance or visa approval. The Skopje Unit for Administrative Affairs acted in compliance with these legal provisions. Therefore, the State Party asserts that the actions taken were based on legal grounds and not motivated by ethnic discrimination.

Authors' comments on the State Party's observations

5.1 Responding to the State Party's observations on admissibility and merits, the authors submit that the proceedings that Mr. Senad Salim and Ms. Sevdije Salim have instituted before the European Court of Human Rights, do not concern the same matter as the issue before the Committee. In the case before the ECHR, the subject matter of the complaint concerned the administrative ban against these two authors on using their identity cards to cross North Macedonian border. Normally, citizens can travel to most neighbouring countries by using only their identity cards. The matter before the Committee, on the other hand, concerns illegal confiscation of passports and the State Party's failure to return these passports back to them. In addition, the case before the ECHR was a subject of separate domestic court proceedings, different from those described in the present complaint. The authors therefore submit that their complaint and claims are admissible for all authors.

5.2 Regarding the merits of the complaint, the authors submit that their complaint before the domestic authorities was regarding their refusal to return their passports, not against the initial confiscation. The Constitutional Court in its decision of 25 June 2014 stated that the confiscation of passports for a period of one year for nationals who were forcibly returned or deported from another country, was unconstitutional. The Constitutional Court also said that restricting the freedom of movement of the citizens to protect immigration rules of another country is unconstitutional. Later, in the case brought by the authors, the court, in its decision dated 25 December 2018, concluded that the Ministry of Interior had a duty to return confiscated passports, so that the citizens could freely exercise their freedom of movement.

The authors had to wait for additional nine to ten months until the unconstitutional one-year ban on travel expired.

5.3 The authors submit that the civil courts and the Constitutional Court did not provide an effective protection against discrimination as they failed to apply relevant domestic legislation and provisions of the Convention. The authors argued before the domestic courts that the Ministry of Interior's seemingly neutral administrative practice of failing to return confiscated documents *ex officio* following the decision of the Constitutional Court No. 189/2012 dated 25 June 2014, placed citizens of Roma ethnicity, including the authors, in a particular disadvantage. This practice appears neutral but only in cases where citizens initiated a procedure on their own. Someone who did not request his or her passport returned, their passports would not be returned even after one year ban passed.

5.4 While neutral on its face, this practice has a disproportionate effect on the North Macedonian Roma. The authors argue that the State Party failed to implement decision No. 189/2012 dated 25 June 2014, of the Constitutional Court. The State Party authorities did not nullify outstanding passport confiscation orders, and did not return all passports already in the possession. This affected North Macedonian Roma disproportionately, because most 'failed asylum seekers' who were returned to North Macedonia, were of Roma ethnicity, according to the Ministry of Interior. For example, in 2014, 139 North Macedonian nationals were returned, including 79 Roma (57%), 49 were Albanians (35%), 7 Bosniaks (5%) and 4 ethnic North Macedonians (3%).

5.5 The domestic courts had erroneously taken as a comparator other non-Roma citizens whose passports were confiscated, concluding that the Ministry of Interior had treated all of them, regardless of their ethnicity, in an equal manner. The authors indicate that the comparator group consisted of all North Macedonian citizens who were free to travel. At the moment when the Constitutional Court decision came into force and the legal ground for confiscation of passports ceased to exist, all citizens who had their passports taken, including the authors, were in the same legal position as other North Macedonian citizens – formally, they faced no legal restrictions to move freely. However, the administrative practice of the Ministry of Interior which refused to return passports *ex-officio*, resulted in less favourable treatment of the authors, due to their inability to leave the country. The authors further claim that the domestic courts failed to apply the anti-discrimination legislation with regards to shifting the burden of proof on to the State Party to provide evidence that the Ministry of Interior did not place Roma in a particular disadvantage in comparison with non-Roma North Macedonian nationals.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 Before considering any claim contained in a communication, the Committee must decide, pursuant to article 14 (7) (a) of the Convention, whether domestic remedies have been exhausted. The Committee takes note of the authors' claims that they have exhausted all effective domestic remedies available to them. In the absence of any objection by the State Party in this connection, the Committee considers that the requirements of article 14 (7) (a) of the Convention have been met.

6.2 The Committee must next examine the State Party's contention that the complaint as submitted, falls under the reservations that it entered when recognizing the competence of the Committee to accept and consider individual communications under the Convention. The Committee notes the State Party's submission that two of the authors submitted the same claims before the European Court of Human Rights. The Committee notes, upon examination of the materials before it, including the relevant decision of the European Court of Human Rights in application No. 25782/19, that the subject matter of the proceedings before the Court concerned the administrative ban on the use of identity cards for cross-border travel, whereas the present communication concerns the confiscation of passports and the failure of the authorities to return them following the Constitutional Court's decision. The Committee considers that the two proceedings concern distinct factual and legal issues. Accordingly, the Committee is satisfied that the present communication does not fall within the scope of the reservation entered by the State Party and that the matter has not been, and is not being,

examined under another procedure of international investigation or settlement. The Committee therefore finds the communication admissible, in accordance with article 14 (7) (b) of the Convention.

6.3 The Committee notes the authors' contention that their rights under article 2(1)(d) of the Convention were violated. In the absence of further detailed information and explanations, however, the Committee finds that the authors failed to sufficiently substantiate their claims under this provision of the Convention, as required by rule 95, subparagraph 1 (f), of its rules of procedure. Accordingly, it declares this part of the communication inadmissible under article 14 (1) of the Convention.

6.4 The Committee finds no other obstacles to the admissibility of the remainder of the present communication, declares it admissible insofar as it raises issues under articles 2(1)(a), 2(1)(c), 5(a), 5(d)(ii), and 6, and proceeds with its consideration of the merits.

Consideration of the merits

7.1 The Committee notes the authors' claims under articles 2(1)(a) and 2(1)(c) of the Convention, which require States Parties to ensure that all public authorities act in conformity with the obligation to eliminate racial discrimination, and to take effective measures to review and rescind laws and policies that have the effect of creating or perpetuating racial discrimination. The Committee notes that Roma were disproportionately affected by the confiscation policy, as evidenced by statistical data and third-party submissions in the authors' constitutional complaint. The Committee observes that the State Party has neither refuted the existence of such statistics nor demonstrated that they were not correct. Moreover, in the constitutional proceedings, the authors submitted evidence of widespread discriminatory practices by North Macedonian border guards targeting Roma citizens, supported by findings from the Council of Europe Commissioner for Human Rights, UN bodies and the domestic Ombudsman, which indicated discrimination. The Committee also notes the authors' allegation that the Interior Minister publicly acknowledged the issue in November 2016. Here again, the State Party does not provide any comment or information to rebut these allegations. The Committee observes that the Constitutional Court of the Republic of North Macedonia, in its decision of 25 June 2014, declared the relevant provisions of the Law on Travel Documents unconstitutional, thereby removing the legal basis for the passport confiscation policy. This decision came into force on 14 July 2014 and rendered the discriminatory provisions inoperative. The Committee considers that, although the Constitutional Court's decisions constituted a corrective measure consistent with the obligations under articles 2(1)(a) and 2(1)(c), the State party failed to implement this decision by returning ex officio the authors' passports. The Committee notes that the State party did not explain how the confiscation of the passports was objectively and reasonably justified. It further observes that, after the Constitutional Court's June 2014 decision, police departments were instructed to return passports only when the individuals concerned initiated the necessary procedures themselves. The State party failed to take all effective measures, such as returning the confiscated passports ex officio, which prolonged and compounded the discriminatory effects by imposing an unnecessary administrative burden on the affected individuals. The Committee therefore concludes that the facts before it do disclose a violation of articles 2(1)(a) and 2(1)(c) of the Convention.

7.2 The Committee notes the authors' claim that their right to equal treatment before tribunals and other organs administering justice, as guaranteed under article 5(a) of the Convention, was violated due to the domestic courts' failure to apply anti-discrimination principles and to shift the burden of proof. However, the Committee observes that the authors were afforded access to judicial proceedings, were represented by counsel, and were able to present their arguments and submit documentary evidence, including third-party interventions and statistical data. The Committee further notes that the hearings were held, witnesses were examined, and reasoned judgments were issued by both first instance and appellate courts. While the Committee acknowledges the authors' dissatisfaction with the substantive outcome and the courts' interpretation of indirect discrimination, it considers that the procedural safeguards were respected and that the authors were not denied access to justice or treated unequally in the conduct of the proceedings. The Committee therefore

concludes that the facts and submissions before it do not disclose a violation of article 5(a) of the Convention.

7.3 The Committee notes the authors' claim under article 5(d)(ii) of the Convention—the right to leave any country, including one's own—that their passports were confiscated without legal basis and not returned by the State authorities, thereby unlawfully restricting their freedom of movement. The Committee recalls that general recommendation No. 20 emphasizes that any restriction imposed must be non-discriminatory both in purpose and effect. In the present case, although the Constitutional Court declared the confiscation regime unconstitutional, the authorities refused to return passports *ex officio*, compelling individuals—disproportionately Roma—to initiate cumbersome procedures, which resulted in prolonged travel restrictions⁷. As a result, the authors—Roma citizens—were unable to travel freely for an extended period, despite the absence of any legal restriction. In the circumstances of the present communication the Committee therefore concludes that the facts before it disclose a violation of article 5(d)(ii) of the Convention.

7.4 The Committee notes the authors' claim under article 6 of the Convention, which guarantees the right to effective protection and remedies through competent national tribunals and other State institutions against acts of racial discrimination. It recalls that, under article 6, States Parties must assure to everyone within their jurisdiction effective protection and remedies as well as the right to seek just and adequate reparation or satisfaction for any damage suffered. It further recalls that article 6 guarantees full and effective reparation.⁸ The Committee observes that although the authors were afforded procedural access—they presented evidence, argued their case before first-instance and appellate courts—the domestic judgments failed to recognize the administrative passport policy as indirectly discriminatory and did not apply the burden-shifting framework required by anti-discrimination law. As a result, they did not receive their passports automatically, no compensation for travel restrictions or economic losses was paid, and no satisfaction for the sustained prejudice was issued. Recalling its jurisprudence in *L.R. v. Slovakia*⁹, in which it found a breach of article 6 where discriminatory resolutions were not adequately remedied despite availability of judicial review, and in *Yilmaz-Dogan v. the Netherlands*¹⁰, where it held that failure by authorities to investigate or prosecute discriminatory acts violated article 6, the Committee cannot conclude that the State Party's courts provided the authors with effective redress, restitution, or compensation for the discriminatory impact of the passport confiscation practice. Accordingly, the Committee concludes that the facts before it disclose a violation of article 6 of the Convention.

7.5 The Committee, acting under article 14 (7) of the Convention, is of the view that the facts before it disclose a violation of articles 2(1)(a) and (c), 5(d)(ii) and 6 of the Convention.

8. The Committee recalls that, according to the rules of the responsibility of States under international law, any violation of an international obligation that has resulted in harm entails a duty to make full reparation for the injury caused.¹¹ The Committee emphasizes that it is the responsibility of the State Party to make reparation for the violation of its obligations under the Convention and of the rights of the authors of the communication, which should include granting them a full reparation. The Committee, moreover, requests the State Party to take further measures to ensure that the existing legislation is applied in an effective manner and with due regard to the requirements under the Convention to prevent structural indirect discrimination and advance substantive equality. The State Party is also requested to give wide publicity to the Committee's opinion, including in the State Party's official language or languages and the authors' language.

9. The Committee wishes to receive from the State Party, within 90 days, information on the measures taken to give effect to the present opinion.

⁷ Also see *Memedova and Others v. North Macedonia* (application No. 42429/16), judgment of 24 October 2023, paragraphs 98-99.

⁸ CERD/C/105/D/65/2018, para. 7.4.

⁹ Communication No. 31/2003

¹⁰ Communication No. 1/1984

¹¹ *Pérez Guartambel v. Ecuador* (CERD/C/106/D/61/2017), para. 6.

