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Constitutional Protections in an Era of Increased Migration: Evidence from 193 Countries

Adèle Cassola, Amy Raub and Jody Heymann

UCLA Fielding School of Public Health, Los Angeles, CA, USA

This article examines how 193 constitutions address foreign citizens' and stateless persons' rights. As of May 2014, 24% of constitutions protected foreign citizens from discrimination. 17% guaranteed equal educational access, 15% granted equal employment and health rights, and 12% guaranteed all of the civil rights we examined to foreign citizens. Stateless persons' rights were less commonly protected. Guarantees of non-citizens' rights peaked among constitutions adopted during the 1990s. Constitutional protections of non-citizens were most common in Europe and Central Asia and absent in South Asia and the Middle East and North Africa. Several constitutions also restricted or denied non-citizens' rights.

Keywords: constitutional rights, foreign citizens, stateless persons, migration, migrants' rights

Introduction

In 2013, there were 232 million international migrants in the world. This number has increased from 175 million in 2000 and 154 million in 1990. During this time, 165 countries experienced an increase in the number of international migrants living within their borders.¹ The rise of international migration has heightened awareness of the challenges that migrants face and produced numerous efforts to track their origins, destinations, and outcomes. Less attention has

been paid to monitoring the status and evolution of non-citizens' legal rights in their host countries.

Although under international law governments may deny some rights to non-citizens, such as voting and eligibility for political office, international migrants are entitled to equitable participation in civil, economic and social spheres.² According to General Comment 15 of the UN Human Rights Committee, the protections guaranteed in the International Covenant on Civil and Political Rights 'apply to everyone, irrespective of reciprocity, and irrespective of his or her nationality or statelessness [...]'.³ These protections include the rights to liberty, movement, religion, expression, peaceful assembly and association, equal protection of the law, and non-discrimination.⁴ In the realm of education, 'the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status'.⁵

The UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) has similarly confirmed that non-citizens enjoy equality of rights with citizens under the Convention on the Elimination of All Forms of Racial Discrimination, and called on States Parties to protect non-citizens' rights to equality before the law, ensure that non-citizens' children have access to education, eliminate discrimination in employment against non-citizens, and ensure that non-citizens have access to preventive and curative health care services.⁶ The CERD and the Human Rights Committee have also held that non-citizens should have the right to join political parties.⁷ Many of these principles were earlier enshrined in the Convention Relating to the Status of Stateless Persons⁸ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁹

Despite protections under international law, non-citizens face serious barriers to exercising their rights and often lack legal recourse when these rights are violated.¹⁰ Entrenching international protections in national constitutions represents an important step towards guaranteeing the equal rights of non-citizens living within a country's borders. Constitutions are typically a nation's highest law, and they tend to change far less frequently than governing administrations do. Constitutional protections or restrictions of the rights of non-citizens can therefore have lasting repercussions for the treatment of foreigners and stateless persons in different political climates, and can determine whether these groups have recourse to justice when they face discrimination. However, constitutional provisions are typically phrased in terms of rights granted to citizens, and few constitutions explicitly address the conditions under which non-citizens may or may not exercise these rights. This article explores the global status of explicit constitutional protections of foreign citizens and stateless persons as of May 2014 across three spheres: broad equality and non-discrimination, civil rights, and socioeconomic rights. We also examine variations in protection of these rights for foreign citizens and stateless persons by region, year of constitutions' adoption, and the date of the most recent constitutional amendment.

Methods

Data source

This article draws on a quantitatively comparable database on the status of constitutional rights in 193 United Nations member states as of May 2014. We obtained constitutional texts from government sources where possible. We also located constitutions and amendments using *Constitutions of the Countries of the World*;¹¹ *Constitution Finder*, a database of constitutions sourced by the University of Richmond;¹² and HeinOnline's *World Constitutions Illustrated*.¹³

When constitutions specified that additional legislation had constitutional status, we reviewed those documents as well. In the case of countries that do not have a written codified constitution or have multiple constitutional documents, we reviewed any laws considered to have constitutional status. A multilingual coding team read all constitutions in their entirety in the original language or in an English, French or Spanish translation. Each constitution was coded by at least two team members to ensure consistency.

Categorizing social groups in constitutions

Foreign citizens and stateless persons

We considered constitutional provisions to refer to both foreign citizens and stateless persons when they mentioned ‘non-citizens’, stipulated ‘citizenship’ as a requirement for the exercise of a right, or permitted differential treatment of those who are not citizens. Provisions were considered to refer to foreign citizens when they mentioned ‘aliens’, ‘foreigners’, ‘foreign nationals,’ ‘foreign subjects,’ or referred broadly to non-discrimination on the basis of ‘nationality’ or ‘citizenship’. We recorded provisions as referring to stateless persons when they referred to ‘apatriads,’ ‘stateless persons,’ or ‘persons without citizenship.’ Because we were concerned with explicit references to citizenship status, we did not include references to national origin in this study. When constitutions phrased rights as being granted to citizens, such as by stating that ‘all citizens have the right to education’, we recorded the type of language used but did not code an explicit guarantee or restriction for foreign citizens and stateless persons.

In cases where constitutions granted a right universally by referring to ‘everyone’ or ‘all citizens’, and separately specified that non-citizens were entitled to exercise equal constitutional rights, we considered the universally-granted right to be specifically protected for foreign

citizens and stateless persons. For example, Ecuador's constitution specified that '[f]oreign persons in Ecuadorian territory shall have the same rights and duties as those of Ecuadorians, in accordance with the Constitution'.¹⁴ In a section entitled 'Rights', it goes on to state that '[w]ork is a right and a social duty, as well as an economic right'.¹⁵ Together, we considered these provisions as equivalent to a guarantee of the right to work for foreign citizens in this study. Similarly, if a constitution specified exceptions to or denials of non-citizens' enjoyment of specific categories of rights, and went on to guarantee those right universally, we recorded an exception or denial of that right for foreign citizens.

Universal protections

Some constitutions guaranteed rights in universal language, without specifying separate protections or restrictions for non-citizens. While such provisions may not address the specific circumstances of foreign citizens or stateless persons, universal guarantees may offer better protection than an absence of constitutionalization of the right. In this study, we therefore present results for universal guarantees of constitutional rights as well as those specific to non-citizens.

Constitutional rights examined

General equality and non-discrimination

We first assessed constitutional protections of general equality and non-discrimination. We considered a constitution to protect rights in this realm if they guaranteed at least one of the following: prohibition of discrimination, equality before the law, general equality, or equal rights. Our prohibition of discrimination category encompassed the right to be protected from discrimination, to receive equal treatment, and not to be subject to any disadvantages because of

one's citizenship. Our second measure of constitutional protection included references to equal protection of, or equal treatment under, the law. Our third variable captured broad references to equality. Articles that guaranteed equal opportunities or formal equality were included under this right. Finally, we recorded a guarantee of equal rights if the constitution stated that rights were enjoyed equally or without discrimination, that differential treatment in the exercise of rights was prohibited, or that non-citizens enjoyed the same rights as citizens.

Civil rights

We also assessed the status of constitutional protection of the following civil rights: the right to liberty, freedom of assembly or association, freedom of religion, freedom of movement, and freedom of expression. The right to liberty was coded when the constitution mentioned liberty or freedom. The right to freedom of assembly was recorded when constitutions mentioned the right to meet, to assemble or to demonstrate. We considered freedom of association to be protected when the constitution granted the right to associate or organize. The right to associate was also considered to be protected if constitutions granted both the right of political association and the right to form or join unions. When constitutions permitted exceptions to or denied the rights of political association or unionization on the basis of citizenship, we considered the overall right of association to be subject to exceptions or denied.

Provisions were considered to protect freedom of religion when they mentioned the right to freely exercise or express one's religion or protected freedom of worship, creed, belief or conscience. Freedom of movement was recorded when constitutions mentioned the right to free movement, circulation, or migration; the joint rights to travel and reside within the country; or the right to move into and out of the country. Finally, we recorded freedom of expression when constitutions mentioned free speech or the freedom to express convictions or opinions.

Social and economic rights

We captured three spheres of social and economic rights that are likely to be particularly relevant to international migrants and their families: equal rights in employment, the right to primary education, and the right to health. We considered constitutions to protect equal rights in employment if they guaranteed at least one of the following: foreign citizens' and/or stateless persons' right to work, non-discrimination or equal treatment in work, or non-discrimination or equal treatment in hiring, promotion, pay or working conditions. The right to education was coded when constitutions mentioned the right to general, primary, basic or elementary education or protected the right to education at all levels. Finally, countries were considered to protect the right to health if the constitution mentioned the overall right to health, including the right to physical or overall wellbeing; the right to public health, including a commitment to prevent disease or provide preventive health services; or the right to healthcare or medical care, including medical aid, assistance, care or treatment.

Categorizing levels of protection

Guaranteed rights

We categorized rights as 'guaranteed' when constitutions granted protections unequivocally and in authoritative language, stated that rights were explicitly enforceable, or declared their violation to be illegal. This included provisions that phrased rights as a duty or obligation of the state.

Aspirational protections

This study distinguishes between provisions that guaranteed rights unequivocally and those that explicitly conditioned their realization on the state's resources or capacities. We categorized the latter as aspirational rights. We also categorized constitutional provisions as aspirations when a right was phrased as an aim or goal of the state, when it was explicitly stated to be unenforceable, and in rare cases when a protection was only mentioned in the preamble and the constitution did not specify that the preamble was integral to the document.

Denials

We also captured cases where constitutions explicitly denied the full exercise of a right to everyone or specifically to non-citizens. Denials to non-citizens were coded when a constitution explicitly stated that foreign citizens and/or stateless persons were restricted from enjoying a right, such as when non-citizens were barred from joining political parties.

Exceptions

Some constitutions permitted or specified exceptions to the enjoyment of rights for non-citizens, either in addition to or without guaranteeing the relevant right on this basis. In each table below, we present these exceptions separately from rights protections. Accordingly, constitutions that guaranteed a right to foreign citizens and stateless persons and additionally permitted exceptions to the exercise of that right for non-citizens appear in the tables as guaranteeing the right to the specific group, and as permitting exceptions for the group. Those that granted a right universally but permitted exceptions for non-citizens appear as granting the right universally, as well as permitting exceptions for foreigners or stateless persons.

Some constitutions guaranteed equality to foreign citizens but permitted the State to attach the exercise of citizenship to certain rights; for example in Albania, ‘[t]he fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship’.¹⁶ In these cases, a right that was granted specifically to citizens in the constitution appeared as an exception for non-citizens in tables addressing that right, while the overall right to equality and non-discrimination was considered to be guaranteed to foreigners and stateless persons.

Data analysis

This study assesses the status of rights protections for foreign citizens and stateless persons in all constitutions in force as of May 2014, including any rights that were added to constitutions through amendments. To account for the possibility that constitutional protection became more prevalent with increased cross-national migration and rights recognition at the international level, we analyzed the evolution of non-citizens’ rights by year of constitutional adoption and the year of last amendment.¹⁷ We also analyzed the distribution of protections by region to account for variation due to differing geopolitical circumstances. While we discuss results for both foreign citizens and stateless persons and explore trends by year of adoption and year of amendment in each of these areas, we only present separate tables for stateless persons and for trends by year of amendment in the realm of general equality and non-discrimination in this article (to keep the manuscript length within usual standards); full tables of results for stateless persons and trends by year of amendment will be available in an online appendix.

Results

General equality and non-discrimination

Globally, 46 constitutions (24%) explicitly guaranteed some aspect of general equality and non-discrimination to foreign citizens and 20 (10%) did so for stateless persons as of May 2014 (Tables 1.1 and 2.1). These protections were concentrated in Europe and Central Asia, where 25 constitutions (47% of constitutions in the region) protected some aspect of this right for foreign citizens and 14 (26% of constitutions in the region) did so for stateless persons. For example, Croatia's constitution specified that '[c]itizens of the Republic of Croatia and aliens shall be equal before the courts, government bodies and other bodies vested with public authority'.¹⁸ In Estonia, '[t]he rights, freedoms and duties of each and every person, as set out in the Constitution, shall be equal for Estonian citizens and for citizens of foreign states and stateless persons'.¹⁹ The constitutions of South Asia and the Middle East and North Africa did not contain any provisions on equality and non-discrimination that referred specifically to foreign citizens or stateless persons.

None of the constitutions in our study explicitly denied non-citizens the right to equality or non-discrimination, but several constitutions allowed for differential treatment on the basis of foreign citizenship (13% of constitutions worldwide) or statelessness (12% of constitutions worldwide). Among constitutions that addressed foreign citizens' rights in this sphere, exceptions were most common in the constitutions of the Americas (31% of constitutions in the region) and least common in those of Europe and Central Asia (2% of constitutions in the region). Some of these constitutions guaranteed foreign citizens' right to equal treatment, but permitted exceptions. For example, Panama's constitution stipulated that '[a]ll Panamanians and

aliens are equal before the Law, but the Law, for reasons of labor, health, morality, public security and national economy, may subject to special conditions, or may deny the exercise of specific activities to aliens in general'.²⁰ Others outlined exceptions to non-discrimination clauses without granting equal treatment of non-citizens. Botswana's constitution stated that the prohibition of discrimination on the basis of 'race, tribe, place of origin, political opinions, colour or creed [...] shall not apply to any law so far as that law makes provision [...] with respect to persons who are not citizens of Botswana'.²¹

When examining constitutions by date of adoption, there is a trend towards increased protection of equality and non-discrimination for non-citizens that culminates in the 1990s. 41% of constitutions introduced in this decade include an explicit protection for foreign citizens and 21% do so for stateless persons. This trend drops off after 2000, with 21% of constitutions adopted in this decade guaranteeing some aspect of equality for foreign citizens and 7% doing so for stateless persons (Tables 1.2 and 2.2).

Exceptions for non-citizens were most common in constitutions adopted before 1990. While 36% of constitutions adopted in the 1980s contained exceptions for foreign citizens in this sphere, only 8% of those adopted in the 1990s did so. None of the constitutions adopted after 2000 included exceptions to equality and non-discrimination for non-citizens. All of the constitutions that guaranteed some aspect of equality and non-discrimination to non-citizens were last changed in 1990 or later. Constitutions that were last changed after 2000 were more likely to include protections and less likely to include exceptions compared to those last changed in previous decades (Tables 1.3 and 2.3).

Regional and temporal trends in protection appear to be partially influenced by geopolitical and colonial legacies. For example, the spike in protections among constitutions adopted during the 1990s and the relatively high rates of guarantees in Europe and Central Asia are largely driven by the constitutions of states that gained or regained independence in the wake of the disintegration of the Soviet Union, Yugoslavia, and Czechoslovakia. Thirteen of the fifteen former Soviet states (87%) guaranteed equality or non-discrimination for foreign citizens in their constitutions and twelve (80%) did so for stateless persons. Four of the six former Yugoslav republics protected foreign citizens in this sphere, as did both of the successor states of the former Czechoslovakia. Colonial legacies also appear to influence levels of protection and restriction across regions and decades. The relatively strong rate of protection of equality and non-discrimination for foreign citizens in the Americas is part of a trend among former Spanish and Portuguese colonies and colonial powers worldwide of constitutionalizing these rights. Furthermore, the vast majority (85%) of countries whose constitutions permit exceptions to equality and non-discrimination for non-citizens are geographically dispersed members of the Commonwealth whose current constitutions were adopted in different time periods.

Civil rights

Globally, 24 countries (12%) guaranteed all of the civil rights examined in this paper to foreign citizens and 10 (5%) did so for stateless persons. As with the rights to equality and non-discrimination, protection of civil rights was highest in the constitutions of Europe and Central Asia, where 45% of constitutions guaranteed the right to liberty for foreign citizens, 45% guaranteed the right to freedom of religion, 43% guaranteed the right to freedom of expression, 42% guaranteed the right to freedom of movement, and 34% guaranteed the right to assembly or

association for foreign citizens (Tables 3.1, 4.1, 5.1, 6.1 and 7.1). None of the constitutions in South Asia and the Middle East and North Africa guaranteed any of the civil rights examined in this paper specifically to foreign citizens or stateless persons.

As with the right to equality and non-discrimination, the trend toward progressively higher percentages of constitutions guaranteeing civil rights to non-citizens peaks for constitutions adopted in the 1990s and dissipates among those adopted after 2000 (Tables 3.2, 4.2, 5.2, 6.2 and 7.2). The rights to liberty, movement, expression and religion were each explicitly guaranteed to foreign citizens in over a third of constitutions adopted during the 1990s and guaranteed to stateless persons in approximately a fifth of these constitutions. Guarantees of the rights of association or assembly were slightly less common: 25% of constitutions adopted during the 1990s explicitly guaranteed the right of association or assembly to foreign citizens, while 16% did so for stateless persons. All of the constitutions that protected civil rights explicitly for foreign citizens and stateless persons were last changed after 1990; those that were last amended after 2000 were most likely to guarantee civil rights explicitly to non-citizens. Geopolitical and colonial legacies also appeared to influence constitutional protection of civil rights, with relatively high rates of protection in the constitutions of Eastern European and Central Asian countries that gained or regained independence during the 1990s and among countries with Spanish and Portuguese colonial legacies.

Some constitutions specified denials of or exceptions to the exercise of civil rights for non-citizens. For instance, Colombia's constitution contains the broad stipulation that '[a]liens in Colombia will enjoy the same civil rights as Colombian citizens. Nevertheless, for reasons of public order, the law may impose special conditions on or nullify the exercise of specific civil rights by aliens'.²² Globally, 16 constitutions (8%) denied some aspect of the right to freedom of

association or assembly to foreign citizens and 13 (7%) did so for stateless persons. In each case, the constitution denied the right of political association to the relevant group; for example, Angola's constitution states that '[f]oreigners and stateless persons shall enjoy fundamental rights, freedoms and guarantees and the protection of the state. The following are forbidden to foreigners and stateless persons: [...] Founding or serving in political parties'.²³ Denials were present in the constitutions of all regions except the Middle East and North Africa, and were concentrated in constitutions that were last changed after 1990.

Another 9% of constitutions explicitly permitted exceptions to the right of association or assembly for foreign citizens, and 5% did so for stateless persons, either with or without separately guaranteeing these rights. All of these constitutions were last changed after the year 2000. In Papua New Guinea, for example, 'every person has the right peacefully to assemble and associate and to form or belong to, or not to belong to, political parties, industrial organizations or other associations, except to the extent that the exercise of that right is regulated or restricted by a law [...] that imposes restrictions on non-citizens'.²⁴

Exceptions to the right of freedom of movement were also common: such exceptions were outlined for foreign citizens in 16% of constitutions and for stateless persons in 13% of constitutions. Among constitutions that addressed the rights of non-citizens, such exceptions were most common in the Americas (34% contained exceptions for foreign citizens and 26% for stateless persons), Sub-Saharan Africa (23% for foreign citizens and 21% for stateless persons) and East Asia and the Pacific (20% for foreign citizens and the same number for stateless persons), and least common in the constitutions of Europe and Central Asia (4% for foreign citizens and 2% for stateless persons). Constitutions adopted and last amended in all decades contained exceptions to the right to freedom of movement, but these provisions were most

common in those adopted prior to 1990 and least common in those adopted in 1990 or later. Commonwealth members account for the majority (69%) of constitutions permitting exceptions to the right to freedom of movement, although restrictions on the right of association and assembly did not have strong colonial or geopolitical trends. Constitutions less frequently attached exceptions to the rights of expression, religion and liberty for non-citizens. Less than 5% of constitutions permitted such exceptions; all of these constitutions were last amended after 2000.

Economic and social rights

As of May 2014, 15% of constitutions protected some aspect of equality in working life for foreign citizens and 6% did so for stateless persons (Table 8.1). In Portugal, for example, ‘[r]egardless of age, sex, race, [or] citizenship [...] every worker shall possess the right [...] [t]o the remuneration of his work in accordance with its volume, nature and quality, with respect for the principle of equal pay for equal work and in such a way as to guarantee a proper living’.²⁵ Levels of protection were similar in the realms of education, with 17% of countries protecting foreign citizens and 9% protecting stateless persons (Table 9.1), and in health, with 15% guaranteeing some aspect of this right to foreign citizens and 8% to stateless persons (Table 10.1). In employment, education and health, protection of foreign citizens was highest in the Americas and Europe and Central Asia and absent from the constitutions of South Asia and the Middle East and North Africa. Constitutions adopted in 1990 or later were most likely to include these protections. For both groups, protection of the rights to employment, education and health peaks in constitutions adopted during the 1990s. All of the constitutions that guaranteed equality in some aspect of education, health and working life were last changed after 1990 (Tables 8.1-10.2).

Six countries (3% globally) denied equal rights in some aspect of employment to foreign citizens and seven (4%) specified exceptions on this basis. All of the denials were found in the Americas, and all mandated that citizens receive preference in hiring. Exceptions in this area were more geographically dispersed, including three constitutions in the Americas, three in Europe and Central Asia, and one in Sub-Saharan Africa. Exceptions to the rights to education (eight countries, or 4% globally) and health (nine countries, or 5% globally) were also present. This typically occurred in constitutions that specified equal rights for non-citizens except in areas where rights were granted specifically to citizens, and went on to grant rights in education or health using citizenship-based language. For example, Slovakia's constitution stated that 'foreign nationals enjoy in the Slovak Republic basic human rights and freedoms guaranteed by this Constitution, unless these are expressly granted only to citizens' and also specified that '[e]veryone has the right to education [...] Citizens have the right to free education at primary and secondary schools [...]'.²⁶ Similarly in the realm of health, '[e]veryone has a right to the protection of health. Based on public insurance, citizens have the right to free health care and to medical supplies'.²⁷ The distinction between citizens and non-citizens when it comes to free education and healthcare may present a significant barrier to the actual capacity of foreign citizens and stateless persons to exercise these rights. As in other spheres, rates of protection of socioeconomic rights were particularly high among the countries of the former Soviet Union and Yugoslavia, as well as those with Spanish and Portuguese colonial legacies. Unlike in other spheres, however, rates of exceptions were also relatively high among Eastern European countries.

Discussion

Despite increased cross-national migration in recent decades, only a minority of constitutions explicitly addressed the rights of non-citizens as of May 2014. Just under a quarter of constitutions protected some aspect of equality and non-discrimination for foreign citizens. The rights to liberty, freedom of religion, free speech and free movement were guaranteed to foreign citizens in approximately a fifth of constitutions, while 15% protected the right to assembly or association for this group. 17% of constitutions protected access to education for foreign citizens and equal rights in employment and health were granted in 15% of constitutions. Explicit protections for stateless persons were less common than those for foreign citizens. At the other end of the spectrum, several countries denied non-citizens' right to political association (8% for foreign citizens and 7% for stateless persons) and to equal treatment in employment (3% for foreign citizens and 1% for stateless persons), and exceptions to the exercise of all rights examined in this paper were identified.

Migration is an issue that affects all regions of the world: as of 2013, there were 72 million international migrants living in Europe, 71 million in Asia, 53 million in North America, 19 million in Africa, 9 million in Latin America and the Caribbean, and 8 million in Oceania. The countries with the largest numbers of international migrants were found in North America, Europe, the Middle East and Oceania.²⁸ This study found that the constitutions of Europe and Central Asia had the highest protections of foreign citizens' and stateless persons' rights in nearly all spheres, although only a minority of constitutions in this region guaranteed these rights. It is concerning that none of the constitutions of the Middle East and North Africa, nor those of South Asia, specifically protected the rights of non-citizens.

While protection of the rights of non-citizens increased over time, this trend peaked among constitutions adopted during the 1990s and dropped off for constitutions adopted after 2000 for all rights examined in this paper. Although they are less likely to include protections than constitutions adopted during the 1990s, constitutions adopted after 2000 are less likely than those adopted earlier to contain exceptions to non-discrimination, liberty, freedom of religion, freedom of expression, freedom of movement, and equal employment rights for foreign citizen, with similar trends for stateless persons in most of these areas. Examining constitutions by date of last amendment reveals a similarly mixed picture. Constitutions that were last changed after 2000 were more likely to protect equality and non-discrimination for non-citizens, and less likely to include exceptions to this right, than those amended earlier. For many civil rights, as well as the rights to equality in employment, education, and health, both protections and restrictions for foreign citizens were highest among constitutions last amended after 2000, and a similar pattern emerged for stateless persons. Thus, our study indicates that growing attention to the rights of non-citizens has manifested itself unevenly in recent years.

The uneven evolution of constitutional protections of non-citizens appears to be partially driven by geopolitical and colonial legacies. The spike in protections among constitutions adopted during the 1990s and the relatively high rates of protection in Europe and Central Asia can be partially attributed to the constitutions of the states of the former Soviet Union, Yugoslavia and Czechoslovakia that gained or regained independence during this decade. The nationalist undercurrent of these processes raised complex citizenship issues for emergent states with ethnically heterogeneous populations.²⁹ Several of the emerging countries introduced restrictive citizenship laws or prohibited dual citizenship either in general or for naturalized citizens.³⁰ Because many of these laws would leave large segments of the population stateless

and force others to choose between citizenship of the host country or of another with which they had ethnic ties, the rights of non-citizens were a salient issue at the time of transition. The scrutiny and influence of international actors during the transition to independence may also have encouraged inclusion of protections for non-citizens, particularly among countries aspiring to join the European Union.³¹

Countries with similar colonial legacies also exhibited analogous patterns in their constitutional treatment of non-citizens. Similarities among the constitutions of countries with a common colonial history may arise from several factors, including the influence of the former colonial power or other external advisers on constitution-making, the impact of the colonial experience on the country's political and legal institutions, the geographical diffusion of constitutional principles, and international human rights standards at the time of constitution-making, among others.³² While many other dynamics besides colonial histories may influence constitutional similarities, we did observe some patterns along these lines. Spain and Portugal, as well as fourteen of these countries' former colonies, protect foreign citizens' right to equality and non-discrimination in their constitutions. In addition, of the twenty-six constitutions that permitted exceptions to equality and non-discrimination for foreign citizens, twenty-two (85%) are part of the Commonwealth. Commonwealth countries also account for the majority of exceptions to the right to freedom of movement.

It is problematic that several constitutions permit countries to deny or restrict non-citizens' exercise of rights that are guaranteed under international law. Restrictions on political association and unionization limit the political voice of international migrants and stateless persons, who may be particularly vulnerable to political marginalization. Differential treatment in hiring, health and education can also have serious repercussions for migrants' wellbeing. In

light of the decision of the UN Committee on Economic, Social and Cultural Rights that the principle of non-discrimination in education is subject to ‘neither progressive realization nor the availability of resources,’³³ it is particularly troubling that some constitutions distinguish between citizens and non-citizens when it comes to access to free schooling.

This study has examined explicit constitutional protections or restrictions of the rights of foreign citizens and stateless persons. It is important to note that countries that do not constitutionally protect the rights of these groups may have strong legislative and policy commitments in this area, while countries with constitutional protections may enact laws or policies that restrict the rights of non-citizens. Litigation and case law can also have a significant impact on the lives of non-citizens within a country’s borders. Moreover, rights on paper do not guarantee implementation on the ground, and continued monitoring of countries’ practices in this area is warranted.

While constitutional rights provide but one pillar for protecting the rights of non-citizens, they are important on both a symbolic and practical level. Constitutional rights have been leveraged to extend social welfare benefits to foreign permanent residents in South Africa, to guarantee a minimum level of subsistence to non-citizens in Switzerland, and to protect the association rights of seasonal migrant workers in Canada, among other examples.³⁴ In each of these cases, universal constitutional provisions were interpreted to protect foreign citizens. However, relying on judicial interpretation to extend universal rights to non-citizens does not guarantee that these rights will be consistently protected for foreign citizens and stateless persons as political administrations and socioeconomic conditions change. As global trends in migration evolve, it will therefore be important for constitutions to explicitly guarantee the internationally-recognized rights of non-citizens. At a time when 232 million individuals are living outside of

their country of origin, each new constitution or amendment can represent a real opportunity or threat to substantial populations of non-citizens within a country's borders.

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Table 1.1: Constitutional Protection of Equality and Non-Discrimination for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution does not include any relevant protections	21 (11%)	6 (17%)	6 (20%)	3 (6%)	2 (11%)	0 (0%)	4 (8%)
Constitution guarantees equality or non-discrimination generally	125 (65%)	19 (54%)	21 (70%)	25 (47%)	17 (89%)	8 (100%)	35 (73%)
Constitutions aspires to equality or non-discrimination specifically for foreign citizens	1 (1%)	0 (0%)	1 (3%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Constitution guarantees equality or non-discrimination specifically for foreign citizens	46 (24%)	10 (29%)	2 (7%)	25 (47%)	0 (0%)	0 (0%)	9 (19%)
Constitution permits exceptions to equality or non-discrimination for foreign citizens	26 (13%)	11 (31%)	7 (23%)	1 (2%)	0 (0%)	0 (0%)	7 (15%)

Table 1.2: Constitutional Protection of Equality and Non-Discrimination for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	21 (11%)	17 (25%)	1 (5%)	3 (5%)	0 (0%)
Constitution guarantees equality or non-discrimination generally	125 (65%)	43 (63%)	17 (77%)	33 (54%)	32 (76%)
Constitutions aspires to equality or non-discrimination specifically for foreign citizens	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (2%)
Constitution guarantees equality or non-discrimination specifically for foreign citizens	46 (24%)	8 (12%)	4 (18%)	25 (41%)	9 (21%)
Constitution permits exceptions to equality or non-discrimination for foreign citizens	26 (13%)	13 (19%)	8 (36%)	5 (8%)	0 (0%)

Table 1.3: Constitutional Protection of Equality and Non-Discrimination for Foreign Citizens by Year of Most Recent Constitutional Amendment

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	21 (11%)	2 (40%)	3 (38%)	3 (18%)	13 (8%)
Constitution guarantees equality or non-discrimination generally	125 (65%)	3 (60%)	5 (63%)	12 (71%)	105 (64%)
Constitutions aspires to equality or non-discrimination specifically for foreign citizens	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Constitution guarantees equality or non-discrimination specifically for foreign citizens	46 (24%)	0 (0%)	0 (0%)	2 (12%)	44 (27%)
Constitution permits exceptions to equality or non-discrimination for foreign citizens	26 (13%)	1 (20%)	3 (38%)	4 (24%)	18 (11%)

Table 2.1: Constitutional Protection of Equality and Non-Discrimination for Stateless Persons by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution does not include any relevant protections	22 (11%)	7 (20%)	6 (20%)	3 (6%)	2 (11%)	0 (0%)	4 (8%)
Constitution guarantees equality or non-discrimination generally	150 (78%)	28 (80%)	21 (70%)	36 (68%)	17 (89%)	8 (100%)	40 (83%)
Constitutions aspires to equality or non-discrimination specifically for stateless persons	1 (1%)	0 (0%)	1 (3%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Constitution guarantees equality or non-discrimination specifically for stateless persons	20 (10%)	0 (0%)	2 (7%)	14 (26%)	0 (0%)	0 (0%)	4 (8%)
Constitution permits exceptions to equality or non-discrimination for stateless persons	24 (12%)	9 (26%)	7 (23%)	1 (2%)	0 (0%)	0 (0%)	7 (15%)

Table 2.2: Constitutional Protection of Equality and Non-Discrimination for Stateless Persons by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	22 (11%)	18 (26%)	1 (5%)	3 (5%)	0 (0%)
Constitution guarantees equality or non-discrimination generally	150 (78%)	48 (71%)	19 (86%)	45 (74%)	38 (90%)
Constitutions aspires to equality or non-discrimination specifically for stateless persons	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (2%)
Constitution guarantees equality or non-discrimination specifically for stateless persons	20 (10%)	2 (3%)	2 (9%)	13 (21%)	3 (7%)
Constitution permits exceptions to equality or non-discrimination for stateless persons	24 (12%)	12 (18%)	7 (32%)	5 (8%)	0 (0%)

Table 2.3: Constitutional Protection of Equality and Non-Discrimination for Stateless Persons by Year of Most Recent Constitutional Amendment

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	22 (11%)	2 (40%)	3 (38%)	3 (18%)	14 (9%)
Constitution guarantees equality or non-discrimination generally	150 (78%)	3 (60%)	5 (63%)	13 (76%)	129 (79%)
Constitutions aspires to equality or non-discrimination specifically for stateless persons	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Constitution guarantees equality or non-discrimination specifically for stateless persons	20 (10%)	0 (0%)	0 (0%)	1 (6%)	19 (12%)
Constitution permits exceptions to equality or non-discrimination for stateless persons	24 (12%)	1 (20%)	3 (38%)	4 (24%)	16 (10%)

Table 3.1: Constitutional Protection of Right to Liberty for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution does not include any relevant protections	18 (9%)	1 (3%)	7 (23%)	1 (2%)	6 (32%)	2 (25%)	1 (2%)
Constitution guarantees right generally	134 (69%)	23 (66%)	23 (77%)	28 (53%)	13 (68%)	6 (75%)	41 (85%)
Constitution guarantees right specifically for foreign citizens	41 (21%)	11 (31%)	0 (0%)	24 (45%)	0 (0%)	0 (0%)	6 (13%)
Constitution permits exceptions to right for foreign citizens	7 (4%)	1 (3%)	3 (10%)	2 (4%)	0 (0%)	0 (0%)	1 (2%)

Table 3.2: Constitutional Protection of Right to Liberty for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	18 (9%)	8 (12%)	2 (9%)	3 (5%)	5 (12%)
Constitution guarantees right generally	134 (69%)	51 (75%)	16 (73%)	37 (61%)	30 (71%)
Constitution guarantees right specifically for foreign citizens	41 (21%)	9 (13%)	4 (18%)	21 (34%)	7 (17%)
Constitution permits exceptions to right for foreign citizens	7 (4%)	2 (3%)	1 (5%)	3 (5%)	1 (2%)

Table 4.1: Constitutional Protection of Right to Assembly or Association for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution denies right to foreign citizens	16 (8%)	4 (11%)	1 (3%)	5 (9%)	0 (0%)	1 (13%)	5 (10%)
Constitution does not include any relevant protections	8 (4%)	1 (3%)	3 (10%)	0 (0%)	2 (11%)	2 (25%)	0 (0%)
Constitution guarantees right generally	141 (73%)	23 (66%)	26 (87%)	30 (57%)	17 (89%)	5 (63%)	40 (83%)
Constitution guarantees right specifically for foreign citizens	28 (15%)	7 (20%)	0 (0%)	18 (34%)	0 (0%)	0 (0%)	3 (6%)
Constitution permits exceptions to right for foreign citizens	18 (9%)	2 (6%)	3 (10%)	8 (15%)	0 (0%)	0 (0%)	5 (10%)

Table 4.2: Constitutional Protection of Right to Assembly or Association for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution denies right to foreign citizens	16 (8%)	3 (4%)	2 (9%)	7 (11%)	4 (10%)
Constitution does not include any relevant protections	8 (4%)	7 (10%)	0 (0%)	1 (2%)	0 (0%)
Constitution guarantees right generally	141 (73%)	54 (79%)	17 (77%)	38 (62%)	32 (76%)
Constitution guarantees right specifically for foreign citizens	28 (15%)	4 (6%)	3 (13%)	15 (25%)	6 (14%)
Constitution permits exceptions to right for foreign citizens	18 (9%)	5 (7%)	1 (4%)	7 (11%)	5 (12%)

Table 5.1: Constitutional Protection of Right to Freedom of Religion for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution denies right generally	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (5%)	0 (0%)	0 (0%)
Constitution denies right to foreign citizens	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Constitution does not include any relevant protections	8 (4%)	0 (0%)	1 (3%)	0 (0%)	3 (16%)	2 (25%)	2 (4%)
Constitution guarantees right generally	142 (74%)	24 (69%)	29 (97%)	29 (55%)	15 (79%)	6 (75%)	39 (81%)
Constitution guarantees right specifically for foreign citizens	42 (22%)	11 (31%)	0 (0%)	24 (45%)	0 (0%)	0 (0%)	7 (15%)
Constitution permits exceptions to right for foreign citizens	5 (3%)	1 (3%)	3 (10%)	1 (2%)	0 (0%)	0 (0%)	0 (0%)

Table 5.2: Constitutional Protection of Right to Freedom of Religion for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution denies right generally	1 (1%)	1 (1%)	0 (0%)	0 (0%)	0 (0%)
Constitution denies right to foreign citizens	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Constitution does not include any relevant protections	8 (4%)	2 (3%)	1 (5%)	3 (5%)	2 (5%)
Constitution guarantees right generally	142 (74%)	58 (85%)	17 (77%)	35 (57%)	32 (76%)
Constitution guarantees right specifically for foreign citizens	42 (22%)	7 (10%)	4 (18%)	23 (38%)	8 (19%)
Constitution permits exceptions to right for foreign citizens	5 (3%)	2 (3%)	1 (5%)	2 (3%)	0 (0%)

Table 6.1: Constitutional Protection of Right to Freedom of Movement for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution does not include any relevant protections	27 (14%)	2 (6%)	8 (27%)	9 (17%)	5 (26%)	2 (25%)	1 (2%)
Constitution guarantees right generally	127 (66%)	22 (63%)	22 (73%)	22 (42%)	14 (74%)	6 (75%)	41 (85%)
Constitution guarantees right specifically for foreign citizens	39 (20%)	11 (31%)	0 (0%)	22 (42%)	0 (0%)	0 (0%)	6 (13%)
Constitution permits exceptions to right for foreign citizens	31 (16%)	12 (34%)	6 (20%)	2 (4%)	0 (0%)	0 (0%)	11 (23%)

Table 6.2: Constitutional Protection of Right to Freedom of Movement for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	27 (14%)	19 (28%)	3 (14%)	2 (3%)	3 (7%)
Constitution guarantees right generally	127 (66%)	44 (65%)	15 (68%)	35 (57%)	33 (79%)
Constitution guarantees right specifically for foreign citizens	39 (20%)	5 (7%)	4 (18%)	24 (39%)	6 (14%)
Constitution permits exceptions to right for foreign citizens	31 (16%)	13 (19%)	6 (27%)	8 (13%)	4 (10%)

Table 7.1: Constitutional Protection of Right to Freedom of Expression for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution does not include any relevant protections	10 (5%)	1 (3%)	3 (10%)	0 (0%)	4 (21%)	2 (25%)	0 (0%)
Constitution guarantees right generally	142 (74%)	23 (66%)	27 (90%)	30 (57%)	15 (79%)	6 (75%)	41 (85%)
Constitution guarantees right specifically for foreign citizens	41 (21%)	11 (31%)	0 (0%)	23 (43%)	0 (0%)	0 (0%)	7 (15%)
Constitution permits exceptions to right for foreign citizens	7 (4%)	1 (3%)	3 (10%)	3 (6%)	0 (0%)	0 (0%)	0 (0%)

Table 7.2: Constitutional Protection of Right to Freedom of Expression for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	10 (5%)	7 (10%)	1 (4%)	1 (2%)	1 (2%)
Constitution guarantees right generally	142 (74%)	53 (79%)	18 (78%)	38 (62%)	33 (79%)
Constitution guarantees right specifically for foreign citizens	41 (21%)	7 (10%)	4 (17%)	22 (36%)	8 (19%)
Constitution permits exceptions to right for foreign citizens	7 (4%)	3 (4%)	1 (4%)	3 (5%)	0 (0%)

Table 8.1: Constitutional Protection of Equal Rights in Employment for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution denies protection to foreign citizens	6 (3%)	6 (17%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Constitution does not include any relevant protections	80 (41%)	11 (31%)	19 (63%)	21 (40%)	8 (42%)	4 (50%)	17 (35%)
Constitution guarantees right generally	79 (41%)	9 (26%)	10 (33%)	19 (36%)	11 (58%)	4 (50%)	26 (54%)
Constitution guarantees right specifically for foreign citizens	28 (15%)	9 (26%)	1 (3%)	13 (25%)	0 (0%)	0 (0%)	5 (10%)
Constitution permits exceptions to right for foreign citizens	7 (4%)	3 (9%)	0 (0%)	3 (6%)	0 (0%)	0 (0%)	1 (2%)

Table 8.2: Constitutional Protection of Equal Rights in Employment for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution denies protection to foreign citizens	6 (3%)	3 (4%)	2 (9%)	1 (2%)	0 (0%)
Constitution does not include any relevant protections	80 (41%)	41 (60%)	8 (36%)	23 (38%)	8 (19%)
Constitution guarantees right generally	79 (41%)	19 (28%)	8 (36%)	25 (41%)	27 (64%)
Constitution guarantees right specifically for foreign citizens	28 (15%)	5 (7%)	4 (18%)	12 (20%)	7 (17%)
Constitution permits exceptions to right for foreign citizens	7 (4%)	1 (1%)	2 (9%)	4 (7%)	0 (0%)

Table 9.1: Constitutional Protection of Right to Education for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution does not include any relevant protections	44 (23%)	12 (34%)	13 (43%)	2 (4%)	3 (16%)	3 (38%)	11 (23%)
Constitution guarantees right generally	117 (61%)	16 (46%)	16 (53%)	32 (60%)	16 (84%)	5 (63%)	32 (67%)
Constitution guarantees right specifically for foreign citizens	32 (17%)	7 (20%)	1 (3%)	19 (36%)	0 (0%)	0 (0%)	5 (10%)
Constitution permits exceptions to right for foreign citizens	8 (4%)	0 (0%)	1 (3%)	6 (11%)	0 (0%)	0 (0%)	1 (2%)

Table 9.2: Constitutional Protection of Right to Education for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	44 (23%)	29 (43%)	6 (27%)	8 (13%)	1 (2%)
Constitution guarantees right generally	117 (61%)	35 (51%)	14 (64%)	34 (56%)	34 (81%)
Constitution guarantees right specifically for foreign citizens	32 (17%)	4 (6%)	2 (9%)	19 (31%)	7 (17%)
Constitution permits exceptions to right for foreign citizens	8 (4%)	2 (3%)	0 (0%)	5 (8%)	1 (2%)

Table 10.1: Constitutional Protection of Right to Health for Foreign Citizens by Region

Level of Constitutional Protection	Globally	Americas	East Asia and Pacific	Europe and Central Asia	Middle East and North Africa	South Asia	Sub-Saharan Africa
Constitution does not include any relevant protections	83 (43%)	17 (49%)	16 (53%)	16 (30%)	5 (26%)	6 (75%)	23 (48%)
Constitution guarantees right generally	81 (42%)	11 (31%)	14 (47%)	19 (36%)	14 (74%)	2 (25%)	21 (44%)
Constitution aspires to protect right for foreign citizens	1 (1%)	0 (0%)	0 (0%)	1 (2%)	0 (0%)	0 (0%)	0 (0%)
Constitution guarantees right specifically for foreign citizens	28 (15%)	7 (20%)	0 (0%)	17 (32%)	0 (0%)	0 (0%)	4 (8%)
Constitution permits exceptions to right for foreign citizens	9 (5%)	0 (0%)	1 (3%)	5 (9%)	0 (0%)	0 (0%)	3 (6%)

Table 10.2: Constitutional Protection of Right to Health for Foreign Citizens by Year of Constitution's Adoption

Level of Constitutional Protection	All Years	Before 1980	1980 - 1989	1990 - 1999	2000 - 2014
Constitution does not include any relevant protections	83 (43%)	48 (71%)	12 (55%)	18 (30%)	5 (12%)
Constitution guarantees right generally	81 (42%)	16 (24%)	9 (41%)	26 (43%)	30 (71%)
Constitution aspires to protect right for foreign citizens	1 (1%)	0 (0%)	0 (0%)	1 (2%)	0 (0%)
Constitution guarantees right specifically for foreign citizens	28 (15%)	4 (6%)	1 (5%)	16 (26%)	7 (17%)
Constitution permits exceptions to right for foreign citizens	9 (5%)	1 (1%)	0 (0%)	6 (10%)	2 (5%)

¹ UN Department of Economic and Social Affairs, 'The Number of International Migrants Worldwide Reaches 232 Million', *Population Facts* 2, September 2013, http://esa.un.org/unmigration/documents/The_number_of_international_migrants.pdf (accessed April 10, 2015).

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³ UN Human Rights Committee, 'General Comment 15: The Position of Aliens under the Covenant', U.N. Doc. HRI/GEN/1/Rev.1 at 18., Twenty-seventh session, 1986, University of Minnesota Human Rights Library, <http://www1.umn.edu/humanrts/gencomm/hrcom15.htm> (accessed April 10, 2015).

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⁸ UN General Assembly, ‘Convention Relating to the Status of Stateless Persons’, Office of the United Nations High Commissioner for Human Rights, 1954, <http://www.unhcr.org/3bbb25729.html> (accessed March 19, 2014).

⁹ UN General Assembly, ‘International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families’, Office of the United Nations High Commissioner for Human Rights, 1990, <http://www2.ohchr.org/english/bodies/cmw/cmw.htm> (accessed March 19, 2014).

¹⁰ UN Human Rights Committee, ‘General Comment 15’; Office of the United Nations High Commissioner for Human Rights, *The Rights of Non-Citizens*.

¹¹ Albert P. Blaustein and Gisbert H. Flanz, *Constitutions of the Countries of the World, Vol. 18*, (New York: Oceana Publications, 2007).

¹² University of Richmond School of Law, *Constitution Finder*, 2014, <http://confinder.richmond.edu/index.html> (accessed May 30, 2014).

¹³ HeinOnline, *World Constitutions Illustrated*, 2014, <http://heinonline.org/HOL/COW?collection=cow> (accessed May 30, 2014).

¹⁴ Constitution of the Republic of Ecuador, 2008, amended to 2011, art. 9.

¹⁵ Const. Ecuador, art. 33

¹⁶ Constitution of the Republic of Albania, 1998, amended to 2012, art. 16.

¹⁷ If a constitution had not been amended since its adoption, the year of adoption was considered the year of last amendment.

¹⁸ Constitution of the Republic of Croatia, 1990, amended to 2014, art. 26.

¹⁹ Constitution of the Republic of Estonia, 1992, amended to 2011, art. 9.

²⁰ Political Constitution of the Republic of Panama, 1972, amended to 2004, art. 20.

²¹ Constitution of Botswana, 1966, amended to 2006, art. 15.

²² Political Constitution of Colombia, 1991, amended to 2013, art. 100.

²³ Constitution of the Republic of Angola, 2010, art. 25.

²⁴ Constitution of the Independent State of Papua New Guinea, 1975, amended to 2014, art. 47.

²⁵ Constitution of the Republic of Portugal, 1976, amended to 2005, art. 59.

²⁶ Constitution of the Slovak Republic, 1992, amended to 2012, art. 42 and 52.

²⁷ Const. Slovak Republic, art. 40

²⁸ UN Department of Economic and Social Affairs, ‘The Number of International Migrants Worldwide Reaches 232 Million.’

²⁹ W. Rogers Brubaker, ‘Citizenship Struggles in Soviet Successor States’, *International Migration Review* 26, no. 2 (1992): 269; Robert M. Hayden, ‘Constitutional Nationalism in the Formerly Yugoslav Republics’, *Slavic Review*

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³³ UN Committee on Economic, Social and Cultural Rights, 'General Comment 13', para. 31.

³⁴ Centre on Housing Rights and Evictions, *Leading Cases on Economic, Social and Cultural Rights: Summaries*, (Geneva: Centre on Housing Rights and Evictions, 2009); Tanya Basok and Emily Carasco, 'Advancing the Rights of Non-Citizens in Canada: A Human Rights Approach to Migrant Rights', *Human Rights Quarterly* 32, no. 2 (2010): 342.