

Recommendation 293 (1961)¹

Right of asylum

Parliamentary Assembly

The Assembly,

Recalling its [Recommendation 234](#) proposing the conclusion of a Second Protocol to the European Convention on Human Rights;

Considering the tradition which already obtains in member States of according asylum to political refugees and believing that it is now appropriate to give legal recognition to this practice more particularly as the enjoyment by political refugees of human rights and fundamental freedoms may depend on their being granted asylum;

Considering that it is desirable that member States should confer upon such persons a right to seek, receive and enjoy asylum to the extent compatible with safeguarding their own legitimate interest;

Having considered the Report of its Legal Committee ([Doc. 1329](#)),

Recommends to the Committee of Ministers :

1. that it should instruct the Committee of Government Experts which has already been entrusted with the task of studying problems relating to the European Convention on Human Rights to include in the Second Protocol to the Convention an Article on the right of asylum based on the attached draft;
2. that it should submit the draft Protocol prepared by the Committee of Experts to the Assembly for an opinion before signature by member Governments.

Draft for an article relating to the right of asylum to be included in the Second Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms

ARTICLE . . .

1. Everyone has the right to seek and to enjoy in the territories of High Contracting Parties asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political offences.
3. No one seeking or enjoying asylum in accordance with paragraphs 1 and 2 of this Article shall, except for overriding reasons of national security or safeguarding of the population, be subjected to measures such as rejection at the frontier, return or expulsion which would result in compelling him to return to or remain in a territory if there is wellfounded fear of persecution endangering his life, physical integrity or liberty in that territory.
4. If a High Contracting Party rejects, returns or expels a person seeking or enjoying asylum in accordance with paragraphs 1 and 2 of this Article, it shall allow such person a reasonable period and the necessary facilities to obtain admission into another country.

1. Assembly debate on 26th September 1961 (15th Sitting) (see [Doc. 1329](#), Report of the Legal Committee). Text adopted by the Assembly on 26th September 1961 (15th Sitting).

