



Recommendation 817 (1977)¹

Certain aspects of the right to asylum

Parliamentary Assembly

The Assembly,

1. Considering that the member states of the Council of Europe have accepted extensive and detailed international law obligations in the field of human rights and fundamental freedoms by the signature of the European Convention on Human Rights ;
2. Considering that compliance with these obligations is subject to supervision by the European Commission of Human Rights and the European Court of Human Rights ;
3. Aware of the liberal practice, based on humanitarian considerations, already followed in the matter of asylum by the governments of the member states ;
4. Recalling its [Recommendation 293 \(1961\)](#), on the right of asylum ;
5. Bearing in mind the UN Convention of 28 July 1951, relating to the Status of Refugees, in particular its Articles 1 and 33, and the Protocol relating to the Status of Refugees of 1967 ;
6. Considering that certain aspects of the right to asylum are relevant to implementation of the European Convention on the Suppression of Terrorism, signed by seventeen Council of Europe member states, of which two (Austria and Sweden) have already ratified it ;
7. Noting that this convention provides for measures to ensure that the authors of acts of terrorism do not escape prosecution and punishment ;
8. Noting that this convention is open to signature only by Council of Europe member states ;
9. Considering that, under Article 5, the European Convention on the Suppression of Terrorism may not be used to justify the extradition of a person who has committed an act covered by the convention to a country which he has fled for fear of persecution or prosecution on grounds of race, religion, nationality or political opinion ;
10. Considering that the Convention on the Suppression of Terrorism thus respects the requirements of the European Convention on Human Rights ;
11. Believing that, in cases of extradition to a state which is not a contracting party to the European Convention on Human Rights, care must be taken to ensure that the person concerned is not exposed to the danger of inhuman treatment in the state in question ;
12. Considering it desirable, therefore, that, when doubt arises on this score, the organs established under the European Convention on Human Rights should be empowered to take a decision ;
13. Considering, however, that the guarantees provided by the European Convention on Human Rights can only exercise their full effect in contracting states which have recognised the right of individual application, in accordance with Article 25 of the said convention,

1. Assembly debate on 7 October 1977 (10th Sitting) (see [Doc. 4021](#), report of the Legal Affairs Committee). Text adopted by the Assembly on 7 October 1977 (10th Sitting).



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14. Recommends that the Committee of Ministers call on all governments of the member states :
 - a. to recognise the right of individual application under Article 25 of the European Convention on Human Rights and, if this right is recognised, suspend extradition or expulsion to a non-contracting state in cases where the Commission and, where appropriate, the Court have been called on to take a decision on allegations that the person concerned runs a grave danger of being subjected to treatment incompatible with the requirements of the European Convention on Human Rights in the noncontracting state in question ;
 - b. to reaffirm their intention of maintaining their liberal attitude towards persons who seek asylum on their territory, on the basis inter alia of the principles laid down in Resolution (67) 14 of the Committee of Ministers, and having regard to the provisions of the UN Convention of 28 July 1951, relating to the Status of Refugees, and of its 1967 Protocol.