Recommendation 434 (1965)[1]

Granting of the right of asylum to European refugees

Parliamentary Assembly

The Assembly,

1. Considering that the right of asylum is an integral part of the common heritage of European traditions ;

2. Considering the liberal practice in regard to asylum in the member States of the Council of Europe ;

3. Considering Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms which, by prohibiting inhuman treatment, binds Contracting Parties not to return refugees to a country where their life or freedom would be threatened ;

4. Considering that this interpretation, sanctioned by several courts in the Contracting States and, above all, by the European Commission of Human Rights, deserves the attention of all the member States of the Council of Europe since it establishes effective legal protection of the right of asylum or, at least, of the right of a refugee not to be returned ;

5. Considering Article 14 of the United Nations Universal Declaration of Human Rights and the draft Declaration on the right of asylum, adopted on 15th March 1960 by the United Nations Economic and Social Council and still pending before the General Assembly of the United Nations ;

6. Considering the relevant provisions of the 1951 Convention relating to the status of refugees ;

7. Noting the efforts made by the High Commissioner for Refugees in regard to the international protection of refugees ;

8. Having learned, however, that recently persons, in particular young people who had sought the granting of asylum, had been expelled in several cases as a result of a misunderstanding as to the real motive underlying their decision ;

9. Expressing its grave concern over this matter ;

10. Recalling its Recommendation 293 advocating that an Article on the right of asylum be embodied in a Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms,

11. Recommends the Committee of Ministers :

to instruct the Committee of Experts on Human Rights to continue and speed up its work on the right of asylum with a view to the elaboration of an international instrument designed to give full legal recognition to the practice of granting asylum in member States ;

to invite member Governments, pending the conclusion of this instrument, to take immediate steps :

to guarantee refugees the right not to be returned to a country where they would be in danger of persecution (recognition of the principle of prohibition of return (non-refoulement)) ;

1. Assembly Debate on 1st October 1965 (15th Sitting) (see Doc. 1986, report of the Committee on Population and Refugees). Text adopted by the Assembly on 1st October 1965 (15th Sitting).

to afford such refugees at least temporary asylum with a view to their admission to another country, in cases where a given country does not feel in a position to grant them permanent asylum for reasons of national security or safeguarding of the population ;

to invite member Governments to give a liberal interpretation to the concept of refugee, due regard being had to the situation obtaining in the country of origin and to the terms of Recommendation E of the Final Act of the Conference of Plenipotentiaries which signed the 1951 Convention relating to the status of refugees.