



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL

E/3403

4 July 1960

ORIGINAL: ENGLISH/FRENCH/SPANISH

Thirtieth session

Dual distribution

Item 10 of the provisional agenda

REPORT OF THE COMMISSION ON HUMAN RIGHTS

Chapter VI : Draft Declaration on the Right of Asylum

Observations of Governments 1/

Note by the Secretary-General

1. The Commission on Human Rights, by resolution 3 of its sixteenth session, transmitted to the Economic and Social Council a draft declaration on the right of asylum, together with the records and documents relating to the work it had accomplished on the subject since 1956.
2. The Commission also requested the Secretary-General to transmit the draft declaration and the above-mentioned records and documents to the States Members of the United Nations and of the specialized agencies, to enable them to send to the Economic and Social Council, before its thirtieth session, their further comments, if any, on the draft declaration and, in particular, on article 3 thereof.
3. By note of 15 April 1960 the Secretary-General forwarded the draft declaration and the relevant records and documents to the States Members of the United Nations and of the specialized agencies. As of 29 June 1960 he has received replies from six governments.
4. The Governments of Denmark (24 June 1960) and Jordan (27 May 1960) stated that they had no comment to make.
5. The Governments of Belgium, Brazil, Poland and Venezuela replied as follows:

1/ The observations of governments on the revised preliminary draft declaration considered at the Commission's sixteenth session are contained in document E/CN.4/793 and Adds. 1-6.

Belgium (16 June 1960)

Additional observations of Belgium on the draft declaration of the right of asylum

This draft as adopted by the Commission on Human Rights on 15 March last is acceptable to Belgium. However, the press has with good reason expressed regret that this text is considerably less favourable to the refugees than the preliminary drafts previously submitted to the Commission (cf. Journal de Genève, 17 March 1960).

Attention should perhaps be drawn to the practical difficulties that might arise on account of the difference in the wording of the Declaration on the Right of Asylum (article 3) and in the Convention of 28 July 1951 relating to the Status of Refugees (article 32, para. 1 and article 33, para. 2) in cases where return or expulsion continues to be possible.

With regard to article 4 the wording "activities contrary to the purposes and principles of the United Nations" seems vague and might often give rise to abuse. It is beyond dispute that the purposes and principles of the United Nations, that is, articles 1 and 2 of the Charter, only concern the Organization and its Member States and not individuals taken separately.

Finally Article 5 of the draft declaration which covers repatriation has no connexion with the right of asylum and should not be included in the final declaration, at least in its present form. In fact the preamble of the draft declaration refers expressly to paragraph 2 of article 13 of the Universal Declaration of Human Rights.

Brazil (27 June 1960):

(Original: ENGLISH)

It must be stated, in the first place, that Brazil, the same as the other Latin-American countries, abides by a long tradition in favour of the right of asylum, both territorial and diplomatic, and consequently the Brazilian Government upholds the adoption of a declaration on the subject.

Such declaration will be, in the view of the Brazilian Government, another step in the direction of the international regulation of said juridical institution.

In respect to the text of the draft declaration, the Brazilian Government wishes to make the following comments:

Article 1 - Notwithstanding the quotation of article 14 of the Universal Declaration of Human Rights, made in the preamble of the draft declaration, it seems to be convenient that article 1 of the latter include the terms of the second part of the above-mentioned article 14.

Article 2 - The Brazilian Government deems it preferable that the eventualities contemplated in the second paragraph be always brought to the consideration of the United Nations.

Article 3 - As in the case of article 1, the Brazilian Government would suggest, apart from the reference to the Universal Declaration of Human Rights, the addition of a specification that could be similar to the provision contained in article XXVII of the American Declaration of the Rights and Duties of Man, which characterizes the cases of pursuit as "not resulting from ordinary crimes", and the concession of asylum as "in accordance with the laws of each country and with international agreements".

Poland (15 June 1960):

(Original: ENGLISH)

"... the Government of the Polish People's Republic maintains its position on this subject as it has been presented by the Polish Representative during the consideration of this item at the sixteenth session* of the Commission on Human Rights."

Venezuela (14 June 1960)

(Original: SPANISH)

The Government of Venezuela considers acceptable the draft declaration on the right of asylum adopted by the Commission on Human Rights at its sixteenth session.

However, it is of opinion that article 4 should be supplemented by a provision to the effect that persons enjoying asylum should not only "not engage in activities contrary to the purposes and principles of the United Nations" as the article specifies but also that they "should respect the laws of the host country and should not endanger good relations between States".

In this connexion the provisions of article VII to X of the Convention on Territorial Asylum signed in Caracas on 28 March 1954 should be taken into consideration.

* Note by the Secretariat: See E/CN.4/SR.650-659, 662.