

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL
A/2907/Add.1
7 June 1955
ORIGINAL: ENGLISH

Tenth session

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Note by the Secretary-General

In response to an invitation made in accordance with resolution 833 (IX) of the General Assembly (see A/2907), the United Nations High Commissioner for Refugees has forwarded to the Secretary-General, under cover of a letter dated 25 May 1955, the following observations on the draft international covenants on human rights:

Observations of the United Nations High Commissioner for Refugees
on the draft international covenants on human rights

"The United Nations High Commissioner for Refugees has noted with concern that the draft international covenants on human rights do not contain a provision relating to the right of asylum. This constitutes a marked difference to the Universal Declaration of Human Rights which, in article 14, refers to 'the right to seek and to enjoy in other countries asylum from persecution'. For the persons within the competence of my Office the right to asylum is a corollary to the right to life. For the refugee, the possibility of exercising all other human rights and fundamental freedoms depends on his being granted asylum, on his having a country in which to live without fear. Without an individual right to asylum, the refugee cannot benefit by other human rights and fundamental freedoms.

"The High Commissioner for Refugees would like to refer, in this connexion, to his previous communications dealing with this subject (E/CN.4/526, E/2085/Add.1, and E/CN.4/659).

"The Convention relating to the Status of Refugees of 28 July 1951, which owes its existence to the initiative taken by the Commission on Human Rights, regulates the rights and duties of refugees in their countries of residence; it does not regulate the admission of refugees nor their right to asylum. Moreover, the Convention defines the rights of refugees by

relating them to the rights accorded to nationals and to aliens in their country of residence. The Convention relating to the Status of Refugees does not, therefore, replace for refugees the international covenants on human rights, it is complementary to them.

"The draft international covenants on human rights are designed to be universal; it follows from their very wording that they shall apply to all individuals without distinction of any kind. If they were not to include the individual right to asylum, which for the refugee is a prerequisite for the enjoyment of all other rights, their universal character would be impaired.

"The United Nations High Commissioner for Refugees ventures to hope, therefore, that the General Assembly will see its way to include the right to asylum in the draft international covenants on human rights."
