



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/796
20 January 1960

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixteenth session
Item 5 of the provisional agenda

DECLARATION ON THE RIGHT OF ASYLUM
COMMENTS OF THE HIGH COMMISSIONER FOR REFUGEES^{1/}

Note by the Secretary-General

1. At its fifteenth session the Commission requested the United Nations High Commissioner for Refugees to comment on the revised preliminary draft declaration submitted by France (E/CN.4/L.517) and on the amendment thereto submitted by Iraq (E/CN.4/L.518).

2. The High Commissioner comments as follows:

The Office of the United Nations High Commissioner for Refugees has the honour to refer to the observations it has submitted on the draft declaration on the right of asylum proposed by France in 1957, and to the oral statement made by the representative of the High Commissioner at the fifteenth session of the Commission on Human Rights (the written observations have been reproduced as document E/CN.4/785; the oral statement may be found in document E/CN.4/SR.621).

These observations remain valid for the revised preliminary draft declaration on the right of asylum proposed by France.

^{1/} Comments of governments may be found in document E/CN.4/793 and addenda. Comments of non-governmental organizations in consultative status may be found in document E/CN.4/794 and addenda.

In the view of the Office of the United Nations High Commissioner for Refugees, a declaration on the right of asylum should contain the following principles:

- (a) The fate of those entitled to invoke article 14 of the Universal Declaration of Human Rights is of concern to the international community.
- (b) Nobody should be subjected to measures such as expulsion, refoulement or non-admission at the frontier, which would result in his being compelled to remain in or to return to a territory where he has well-founded fear of persecution (the so-called principle of non-refoulement).
- (c) Where a heavy burden is imposed on a country by its granting asylum, other States should either individually or collectively consider appropriate measures, including admission to their territory, in order to lighten the burden imposed on such a country.

Subject to the amendment suggested by the United Kingdom in its comments, the revised French draft declaration, like the original draft declaration, embodies these principles. The Office of the United Nations High Commissioner for Refugees is therefore in favour of the draft declaration and hopes that a declaration on the lines of the proposed French draft will be adopted.

(12 January 1960)
