



GENERAL

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7 Dual Distribution

CONFERENCE OF PLENIPOTENTIARIES
ON THE STATUS OF REFUGEES AND
STATELESS PERSONS
(Item 6 of the agenda)

DRAFT CONVENTION RELATING
TO THE STATUS OF REFUGEES

REPORT OF THE STYLE COMMITTEE

1. The Conference, at its twenty-sixth meeting on 18 July 1951, appointed a Style Committee composed of the President of the Conference and the representatives of Belgium, France, Israel, Italy, the United Kingdom and the United States of America to review the text of the draft Convention from the point of view of drafting and the concordance of the English and French texts and to take into consideration certain specific points referred to it by the Conference (A/Conf.2/R.1 and Add. 1 - 3).
2. The Committee elected Mr. George L. Warren (United States of America) as its Chairman. It held six meetings on 19, 20, 21 and 23 July 1951.
3. At its first meeting the Committee decided that in the interests of uniformity, and to follow the practice established in other conventions, it would use the phrase "the present Convention" ("la présente Convention") the first time the Convention is mentioned in the text, and then use throughout the wording: "this Convention" ("Cette Convention").
4. The Committee thought that the English and French texts should agree in the use, in each text, of either the singular or the plural of the term "refugee,"

and has in this respect amended the text where necessary.

5. The Committee experienced some difficulty with the phrases "lawfully in the territory" in English and "résident régulièrement sur le territoire" in French. It decided however that the latter phrase in French should be rendered in English by "lawfully staying in the territory" and that "lawfully in the territory" would read in French: "se trouvant régulièrement sur le territoire."

6. The Committee has maintained the general sequence of articles as adopted by the Conference in first reading with the exception of article 17 (a) (now entitled Religion) which it decided to place immediately after article 3 (non-discrimination). The article on the federal clause is included as article 41.

7. The Committee also decided to retain both the chapter headings and the headings of the individual articles.

8. In addition to these general decisions the Committee reviewed each article of the draft Convention with the exception of the Schedule and Travel document which it had not time to consider. The text as adopted by the Conference is contained in document A/Conf.2/L.1/Add. 12. The Committee did not adopt a text for article 5 or paragraph 2 of article 14. The text contained in the annex to this report is that which was adopted by the Conference itself.

The Committee presents the following text of the Convention Relating to the Status of Refugees for the consideration of the Conference in second reading:

C O N V E N T I O N R E L A T I N G T O T H E S T A T U S
O F R E F U G E E S

P R E A M B L E

(See document A/Conf.2/102/Add.2)

C H A P T E R I
G E N E R A L P R O V I S I O N S

Article 1

(See document A/Conf.2/102/Add.2)

Article 2

General obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3

Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4 (formerly article 17 (a))

Religion

The Contracting States shall accord to refugees within their territories the same treatment as is accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

Article 5 (formerly article 3(a))

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

Article 6 (formerly article 3 (b))

For the purpose of this Convention the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

Article 7 (formerly article 4)

Exemption from Reciprocity

1. Except where this Convention contains more favourable provisions a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.
2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.
3. Each Contracting State shall continue to accord to refugees, the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
4. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19 and 21 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8^{*} (formerly article 5)

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality, or shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9 (formerly article 5(a))

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

* The Committee did not adopt a text for article 5. The above text is that adopted by the Conference.

Article 10 (formerly article 6)

Continuity of Residence

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.
2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 11 (formerly article 6(a))

In the case of refugees who are regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

CHAPTER II

JURIDICAL STATUS

Article 12 (formerly article 7)

Personal Status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

Article 13 (formerly article 8)

Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14 (formerly article 9)

Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that

country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

Article 15 (formerly article 10)

Right of Association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Article 16 (formerly article 11)

Access to Courts

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from cautio judicatum solvi.
3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

CHAPTER III

PRACTICE OF PROFESSIONS

Article 17 (formerly article 12)

Wage-earning employment

1. The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.
2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:
 - (a) He has completed three years' residence in the country;
 - (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefits of this provision if he has abandoned his spouse.
 - (c) He has one or more children possessing the nationality of the country of residence.
3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 18 (formerly article 13)

Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less

favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19 (formerly article 14)

Liberal professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. * The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in their colonies, protectorates or in Trust Territories under their administration.

* The Committee did not adopt a text of paragraph 2. The above text is that adopted by the Conference.

CHAPTER IV

WELFARE

Article 20 (formerly article 15)

Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21 (formerly article 16)

Housing

As regards housing, the Contracting States in so far as the matter is regulated by laws or regulations, or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22 (formerly article 17)

Public education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to refugees treatment no less favourable than that accorded to aliens generally in the same circumstances with respect to education other than elementary education and, in particular, as regards access to studies, the remission of fees and charges and the award of scholarships.

Article 23 (formerly Article 18)

Public Relief

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24 (formerly Article 19)

Labour legislation and social security

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities; remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provision in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.
4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-Contracting States.