

Detention of asylum-seekers

Sub-Commission on Human Rights resolution 2000/21

The Sub-Commission on the Promotion and Protection of Human Rights,

Bearing in mind the principles, standards and norms embodied in international instruments relating to the promotion and protection of human rights, in particular the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, in particular articles 7, 9 and 10, the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967, in particular article 31, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular articles 3 and 16, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,

Concerned that certain detention practices and policies may violate international human rights principles, standards and norms,

Concerned also that certain detention practices and policies may act to deter a person from seeking refuge from persecution,

1. Expresses deep concern about all persecution, including persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, stated in the Convention and Protocol relating to the Status of Refugees as providing grounds for recognition as a refugee;
2. Encourages the Human Rights Committee and the European Court of Human Rights to continue their examination of the detention of asylum-seekers from whatever regions they come;
3. Welcomes deliberation No. 5 on the situation of immigrants and asylum-seekers of the Working Group on Arbitrary Detention (E/CN.4/2000/4, annex II) and, in particular, the application of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment to immigrants and asylum-seekers in custody;
4. Also welcomes the adoption of the Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers by the Office of the United Nations High Commissioner for Refugees;
5. Commends those States that abide by the Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and the other relevant standards cited in the present resolution;
6. Encourages States to adopt alternatives to detention such as those enumerated in the

Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers;

7. Recommends that where detention is employed, States, pursuant to article 35 of the Convention relating to the Status of Refugees, provide the Office of the United Nations High Commissioner for Refugees with information on how detention policies and practices conform to relevant international standards, including the Guidelines;

8. Strongly urges States to abide by their respective international obligations in regard to detention practices and policies in the context of persons seeking asylum and, in particular, urges States to abide by the Convention relating to the Status of Refugees of 1951, in particular article 31, and its Protocol of 1967, the International Covenant on Civil and Political Rights, in particular articles 7, 9 and 10, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular articles 3 and 16, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

9. Strenuously urges States that have not already done so to abide by the Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers of the Office of the United Nations High Commissioner for Refugees and the other relevant standards cited in the present resolution;

10. Decides to consider the question of the detention of asylum-seekers at its fifty-third session.

27th meeting

18 August 2000

[Adopted without a vote.]

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Office of the United Nations High Commissioner for Human Rights
Geneva, Switzerland