

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (84) 1

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES
ON THE PROTECTION OF PERSONS
SATISFYING THE CRITERIA IN THE GENEVA CONVENTION
WHO ARE NOT FORMALLY RECOGNISED AS REFUGEES

*(Adopted by the Committee of Ministers on 25 January 1984
at the 366th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members ;

Having regard to the Convention relating to the Status of Refugees of 28 July 1951 amended by the Protocol relating to the Status of Refugees of 31 January 1967, and particularly to Article 33 of the Convention ;

Considering that in the member states of the Council of Europe there are persons who satisfy the criteria given for definition of the term "refugee" within the meaning of Article 1 of the Convention of 28 July 1951 relating to the Status of Refugees amended by the Protocol of 31 January 1967 but who because they have not applied for refugee status or for other reasons are not formally recognised as refugees ;

Recalling the liberal and humanitarian attitude of Council of Europe member states to persons requesting asylum and, in particular, their commitment to the principle of non-refoulement as reflected in Resolution (67) 14 on asylum to persons in danger of persecution and the 1977 Declaration on territorial asylum ;

Considering that the principle of non-refoulement has been recognised as a general principle applicable to all persons ;

Bearing in mind the European Convention on Human Rights, and particularly Article 3 ;

Considering Consultative Assembly Recommendation 773 (1976) on the situation of *de facto* refugees,

Recommends that governments of member states, without prejudice to the exceptions provided for in Article 33, paragraph 2, of the Geneva Convention, ensure that the principle according to which no person should be subjected to refusal of admission at the frontier, rejection, expulsion or any other measure which would have the result of compelling him to return to, or remain in, a territory where he has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, shall be applied regardless of whether this person has been recognised as a refugee under the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967.