



## **Protocol to the European Convention on Consular Functions concerning the Protection of Refugees**

Paris, 11.XII.1967

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### **Preamble**

The member States of the Council of Europe, signatory hereto,

Having regard to the provisions of the European Convention on Consular Functions (hereinafter referred to as "the Convention");

Desiring to ensure for refugees effective consular protection,

Have agreed as follows:

### **Article 1**

The present Protocol shall apply to refugees in the sense of Article 48 of the Convention.

### **Article 2**

- 1 The States signatory to the present Protocol recognise the right of a Contracting Party to decline to admit a consular officer as being entitled to act on behalf of, or otherwise concern himself with, a national of his State who is a refugee.
- 2 The consular officer of the State where the refugee has his habitual residence shall be entitled to protect such a refugee and to defend his rights and interests in conformity with the Convention, in consultation, whenever possible, with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it.

### **Article 3**

- 1 The present Protocol shall be open to signature by the member States of the Council of Europe which have signed the Convention. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.
- 2 The present Protocol shall enter into force three months after the date of the deposit of the fifth instrument of ratification or acceptance.
- 3 In respect of a signatory State ratifying or accepting subsequently, the present Protocol shall come into force three months after the date of the deposit of its instrument of ratification or acceptance.

- 4 No member State of the Council of Europe may ratify or accept the present Protocol unless it has, simultaneously or previously, ratified or accepted the Convention.

#### **Article 4**

- 1 Any State which has acceded to the Convention may accede to the present Protocol after the latter's entry into force.
- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

#### **Article 5**

- 1 Any Contracting Party, may at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which the present Protocol shall apply.
- 2 Any Contracting Party may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the present Protocol to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory specified in such declaration, be withdrawn according to the procedure laid down in Article 7 of the present Protocol.

#### **Article 6**

No reservation may be made in respect of the present Protocol. However, reservations made to the Convention in pursuance of Article 53 thereof shall also apply to the Protocol.

#### **Article 7**

- 1 The present Protocol shall have the same duration as the Convention.
- 2 Any Contracting Party may, in so far as it is concerned, denounce the present Protocol by means of a notification addressed to the Secretary General of the Council of Europe.
- 3 Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.
- 4 Denunciation of the Convention entails automatically denunciation of the present Protocol.

#### **Article 8**

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to the present Protocol of:

- a any signature;
- b any deposit of an instrument of ratification, acceptance or accession;
- c any date of entry into force of the present Protocol in accordance with Articles 3 and 4;

- d any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 5;
- e any notification received in pursuance of the provisions of Article 7 and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Protocol.

Done at Paris, this 11th day of December 1967, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.