

TABLE 9.

## THE RIGHT TO ASYLUM IS INCLUDED IN THE CONSTITUTION

<b>Why is it good practice?</b>	<b>The right to asylum is proclaimed at the highest level of a country's legal system.</b>
<b>Country</b>	<b>Source</b>
<b>Bolivia</b>	<p>Article 29 of the Political Constitution. (2009)</p> <p>I. Foreigners are entitled to seek and be granted asylum or refuge on account of political or ideological persecution, in accordance with the law and international treaties.</p> <p>II. Anyone who has been granted asylum or refuge in Bolivia shall not be expelled or deported to a country where his life, bodily integrity, security or liberty is endangered. The State shall attend in a positive, humanitarian and efficient manner to requests for family reunification presented by parents or children who are given asylum or refuge".</p> <p>Constitution available at:  <a href="https://www.constituteproject.org/constitution/Bolivia_2009.pdf">https://www.constituteproject.org/constitution/Bolivia_2009.pdf</a></p>
<b>Brazil</b>	<p>Article 4 of the Political Constitution (1988):  The international relations of the Federative Republic of Brazil are governed by (...) the granting of political asylum.  Sole paragraph: The Federative Republic of Brazil shall seek the economic, political, social and cultural integration of the peoples of Latin America, viewing the formation of a Latin-American community of nations.</p> <p>Constitution available at:  <a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&amp;docid=4c4820bf2&amp;skip=0&amp;query=Political%20Constitution%20of%20the%20Federative%20Republic%20of%20Brazil%201988&amp;coi=BRA">http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&amp;docid=4c4820bf2&amp;skip=0&amp;query=Political%20Constitution%20of%20the%20Federative%20Republic%20of%20Brazil%201988&amp;coi=BRA</a></p>
<b>Colombia</b>	<p>Article 36 of the Political Constitution (1991):  The right to asylum is recognised within the limits provided by law.</p> <p>Constitution available at:  <a href="https://www.constituteproject.org/constitution/Colombia_2005.pdf">https://www.constituteproject.org/constitution/Colombia_2005.pdf</a></p>

<b>Costa Rica</b>	<p>Article 31 of the Political Constitution (1949):</p> <p>The territory of Costa Rica will be an asylum to anyone persecuted for political reasons. If because of a legal imperative their expulsion is decreed, they can never be sent to the country where they are persecuted.</p> <p>Constitution available at:  <a href="https://www.constituteproject.org/constitution/Costa_Rica_2011.pdf?lang=en">https://www.constituteproject.org/constitution/Costa_Rica_2011.pdf?lang=en</a></p>
<b>Cuba</b>	<p>Article 13 of the Constitution (1976):</p> <p>The Republic of Cuba grants asylum to those who are persecuted because of their ideals or their struggles for democratic rights; against imperialism, fascism, colonialism and neo-colonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants and students; for their progressive political, scientific, artistic and literary activities; for socialism and peace.</p> <p>Constitution available at:  <a href="http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan040545.pdf">http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan040545.pdf</a></p>
<b>Ecuador</b>	<p>Article 41 of the Constitution (2008):</p> <p>Their rights to asylum and refuge are recognized, in accordance with the law and international human rights instruments. Persons who have been granted asylum or refuge shall benefit from special protection guaranteeing the full exercise of their rights. The State shall respect and guarantee the principle of non-refoulement, in addition to humanitarian and legal emergency assistance.</p> <p>Persons requesting asylum or refuge shall not be penalized for having entered the country or for remaining in a situation of irregularity.</p> <p>The State, in exceptional cases and when the circumstances justify it, shall recognize the refugee status of a collective group, in accordance with the law.</p> <p>Constitution available at:  <a href="http://www.constitutionnet.org/sites/default/files/ecuador_constitution_english_1.pdf">http://www.constitutionnet.org/sites/default/files/ecuador_constitution_english_1.pdf</a></p>
<b>El Salvador</b>	<p>Article 28 of the Political Constitution (1983):</p> <p>El Salvador grants asylum to the foreigner who desires to reside in its territory, except in cases provided for by the laws and by international law. Such exceptions shall not include anyone persecuted only for political reasons.</p> <p>Constitution available at:  <a href="http://confinder.richmond.edu/admin/docs/ElSalvador1983English.pdf">http://confinder.richmond.edu/admin/docs/ElSalvador1983English.pdf</a></p>

<b>Guatemala</b>	<p>Article 27 of the Political Constitution (1985):</p> <p>Guatemala recognizes the right to asylum and grants it in accordance with the international practices. Extradition is regulated by international treaties.</p> <p>Guatemalans will not be extradited on account of political crimes, and will not be handed over to a foreign government, except for what is established in [the] treaties and conventions regarding crimes against humanity or against the international law.</p> <p>The expulsion from the national territory of a political refugee will not be accorded, with destination to the country that seeks him [or her].</p> <p>Constitution available at:  <a href="https://www.constituteproject.org/constitution/Guatemala_1993.pdf">https://www.constituteproject.org/constitution/Guatemala_1993.pdf</a></p>
<b>Honduras</b>	<p>Article 101 of the Constitution (1982):</p> <p>Honduras recognizes the right of asylum in the form and conditions established by law. When asylum is revoked or denied in accordance with the law, in no case shall the political refugee or asylee be returned to the territory of the State that may claim him.</p> <p>The State shall not authorize the extradition of persons accused of committing political crimes or related common offenses.</p> <p>Constitution available at:  <a href="https://www.constituteproject.org/constitution/Honduras_2013.pdf?lang=en">https://www.constituteproject.org/constitution/Honduras_2013.pdf?lang=en</a></p>
<b>Mexico</b>	<p>Political Constitution of the United States of Mexico (1917 and its reforms)</p> <p>Article 11.  (...) Any person has the right to seek and be granted asylum. The recognition of refugee status and the granting of political asylum shall be carried out in accordance with international treaties. The law will regulate its admissibility and exceptions</p> <p><a href="https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en">https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en</a></p>
<b>Nicaragua</b>	<p>Article 5 of the Political Constitution (1987):</p> <p>Nicaragua bases its international relations on friendship and solidarity among the peoples and reciprocity among States. Consequently, all forms of political, military, economic, cultural, or religious aggression and the interference in the internal affairs of other States are forbidden and proscribed. Nicaragua recognizes the principle of the peaceful settlement of international disputes through the means offered by international law and prohibits the use of nuclear weapons and other means of mass destruction in domestic and international conflicts. Nicaragua guarantees the right to asylum to persons persecuted for political reasons, and rejects any subordination of one State to another.</p> <p>Article 42 of the Political Constitution:</p>

	<p>Nicaragua recognizes and guarantees the rights to refuge and to asylum. Refuge and asylum are to be granted only to those who are persecuted in their struggle for democracy, peace, justice, and human rights. The law shall determine the status of an asylum seeker or political refugee in accordance with international agreements ratified by Nicaragua. In case the expulsion of the asylum is decided he/she may never be returned to the country where he/she had been persecuted.</p> <p>Constitution available at:  <a href="https://www.constituteproject.org/constitution/Nicaragua_2005.pdf">https://www.constituteproject.org/constitution/Nicaragua_2005.pdf</a></p>
<b>Paraguay</b>	<p>Article 43 of the Constitution (1992):</p> <p>Paraguay recognizes the right to territorial and diplomatic asylum to all persons persecuted for political motives or crimes [,] or for common crimes connected to them, as well as for their opinions or beliefs. The authorities must immediately grant the personal documentation and the corresponding safe-conduct. No political asylum-seeker will be transferred compulsively to the country whose authorities are persecuting him.</p> <p>Constitution available at:  <a href="https://www.constituteproject.org/constitution/Paraguay_2011.pdf?lang=en">https://www.constituteproject.org/constitution/Paraguay_2011.pdf?lang=en</a></p>
<b>Peru</b>	<p>Article 36 of the Constitution (1993):</p> <p>The State recognizes political asylum. It accepts the status of the asylee determined by the State granting asylum. In cases of expulsion, the asylee shall not be returned to the country whose government persecutes him.</p> <p>Constitution available at:  <a href="https://www.constituteproject.org/constitution/Paraguay_2011.pdf?lang=en">https://www.constituteproject.org/constitution/Paraguay_2011.pdf?lang=en</a></p>
<b>Bolivarian Republic of Venezuela</b>	<p>Article 69 of the Constitution (1999):</p> <p>The Bolivarian Republic of Venezuela recognizes and guarantees the rights to asylum and refuge. It prohibits the extradition of Venezuelans.</p> <p>Constitution available at:  <a href="http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan042931~1.pdf">http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan042931~1.pdf</a></p>
<b>Dominican Republic</b>	<p>Article 46 of the Political Constitution (2010):</p> <p>Any person who is in the national territory has the right to transit, reside and exit from it freely, in accordance with the legal provisions.</p> <p>1) No Dominican shall be deprived of the right to enter the national territory. They also cannot be expelled or exiled from it, except in the</p>

cases of extradition pronounced by a competent judicial authority, conforming to the laws and the international treaties in force, concerning the matter;

2. Every person has the right to seek asylum in the national territory, in case of persecution for political reasons. Those who are in conditions of asylum shall enjoy the protection that guarantees the full exercise of their rights, in accordance with the agreements, norms and international instruments subscribed to and ratified by the Dominican Republic. Terrorism, crimes against humanity, administrative corruption and transnational offences are not considered political crimes.

Constitution available at:

[https://www.constituteproject.org/constitution/Dominican\\_Republic\\_2010.pdf](https://www.constituteproject.org/constitution/Dominican_Republic_2010.pdf)

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