

Bilag 2

Telex fra FNs Flygtningehøjkommissariat til Justitsministeriet

86-10-14 11:16

Dear minister Ninn-Hansen. I realize that the compressed procedures for moving through the proposed changes in the alien's law may not allow for a formal response to my letter of 9.10.86. I therefore take the liberty of making a few comments in the draft text which I have now received.

One of UNHCR's main concerns corresponds to that of the Danish government, i.e. how to minimize eventual abuse while at the same time not compromising on reasonable legal safe-guards.

The present Danish law, in guaranteeing status to both convention and so-called de facto refugees corresponds to the reality of today's world and is in line with principles and resolutions followed by UNHCR's executive committee and adopted by the UN general assembly. Any changes in this regard would therefore, in our view, constitute a step back in Denmark's alignment to an international practice that is gradually developing.

UNHCR has noted with satisfaction legal guarantees contained in the present alien's law which are fully consistent with conclusions of the executive committee, and notably conclusions No. viii of 1977 and No. xxx of 1983. We are concerned that proposed changes may appear to be inconsistent with articles e iii and vii of conclusion No. viii. We are also concerned that an arrangement whereby the Danish refugee council would not play a formal role in the procedures would mean that guarantees contained in article

four of the same conclusion would no longer apply since DRC in this connection could be considered to play a role often performed by UNHCR. We are equally concerned that the new arrangement, if approved, would differ with article e i of conclusion No. xxx.

We have finally noted that it is proposed to introduce sanctions against carriers transporting passengers without relevant documentation. When similar ideas were being considered by Norway and Sweden and subsequently shelved, UNHCR registered its concern that such arrangements would be tantamount to delegating authority to decide on asylum claims to persons who may not have the required competence in these matters.

We appreciate the problems currently being faced by Denmark in receiving a disproportionate number of spontaneous asylum-seekers. We hope however that ways and means can be found to device a new system and procedures whereby Denmark on one hand would be in a position to control the situation in a satisfactory manner and whereby on the other hand Denmark would not be in conflict with those conclusions of the executive committee whose very moral value depend on the universality and respect they enjoy. It is, we believe, for the same reason that Danish delegations have always played such an active and constructive role in promoting and supporting these principles in our executive committee.

Yours Sincerely

S. JESSEN-PETERSEN