



European Network Against Racism

**ENAR SHADOW REPORT
2002**

*Racism and Discriminatory
Practices in Denmark*

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Ethnic minorities in Denmark as at 1 January 2002

According to official figures, there were 415,331 immigrants and their descendants in Denmark as at 1 January 2002. Of these, 311,316 originated from third countries (outside of Scandinavia, the EU and North America). This group now composes 5.8 percent of the entire population. It is particularly this group that Denmark concentrates its official efforts on since the government thinks that this group in many ways is different from the rest of the population. Denmark includes in these figure immigrants, refugees and their 'descendants'. These two terms are used to describe foreigners in Denmark.

The above numbers also include 259,301 foreign citizens in Denmark meaning people with non-Danish nationality. Danish society and state makes a clear distinction between different nationals. The term 'immigrants and their descendants' is not used for people from Scandinavia, the EU and North America.

The Ministry of Refugee, Immigration and Integration Affairs explains the terminology in its report in the following manner:

“For the first, immigrants and descendants from third countries have a very different age distribution from the rest of the population. Most immigrants are between the ages of 15 and 49, while the majority of descendants are under the age of 25. Immigrants and descendants from third countries are therefore generally thought of as having a lower average age than that of the rest of the population, which includes those foreigners from more developed countries (Scandinavia, the EU and North America). The official population prognosis from January 2002 projects that this group will double its numbers over the course of the next twenty years and will retain its characteristic trait of having a relatively lower average age. Secondly, immigrants and descendants from third countries exhibit very different behaviour from Danes, and the other foreigners for that matter, when it comes to residence, education and the labour market”.

It must be remembered that ethnic minority organisations do not use the terminology used by the Danish government, namely, immigrants and their descendants. They use the word ethnic minorities. This term has been in use for the last 10 years and, after long discussions with the previous government, officials accepted the use of this terminology. In this document, we will continue to use the term 'ethnic minorities' instead of 'immigrants and their descendants'.

Breakdown of ethnic minorities in Denmark

Europe	215, 449
Finland	3, 843
France	3, 679
Netherlands	4, 955
Iceland	6, 082
Italy	3, 110
Former Yugoslavia	41, 227
Norway	14, 915
Poland	12, 385
Romania	2, 067
Former Soviet Union	6, 152
Spain	2, 221
United Kingdom*	11, 670
Sweden	14, 568
Turkey	50, 470
Germany	25, 319
Others	12, 786

Africa	38, 448
Morocco	8, 104
Somalia	16, 209
Others	14, 135

North America	8, 012
South and Central America	6, 853

Asia	123, 850
Afghanistan	4, 834
Philippines	4, 120
India	3, 283
Iraq	18, 097
Iran	13, 391
Lebanon	19, 839
Pakistan	18, 143
Sri Lanka	9, 788
Syria	2, 478
Thailand	5, 403
Vietnam	11, 466

Others	8, 983
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Ministerial Think Tank's population prognosis

- As at 1 January 2002 there were 321,794 immigrants and 93,537 descendants in Denmark. Both groups together comprise 7.7 percent of the total Danish population.
- As at 1 January 2002 the number of foreign citizens in Denmark was 259,301, which was equivalent to 4.8 percent of the total Danish population.
- The number of immigrants and descendants has constantly increased over the many years. Since 1992 this number has increased by 73.6 percent from 239,241 people in 1992 to 415,331 in 2002.
- The number of immigrants and descendants from less developed nations (countries outside of Scandinavia, the EU and North America) was 311,369 persons as at 1 January 2002, which was 5.8 percent of the total Danish population and 75 percent of all immigrants and descendants.
- The age distribution among immigrants and especially that of descendants is very different from that of the Danes. Almost all of the immigrants are between the ages of 25 and 49 while most descendants are younger than 25.
- Around 60 percent of immigrants from Scandinavia, the EU and North America have lived in Denmark for over 10 years compared to about 45 percent for individuals from third countries.
- In 2001, 35,311 immigrants and descendants migrated into Denmark, while 18,232 emigrated. The net immigration to Denmark was therefore some 17,079 persons. Net immigration has been increasing since 1999.
- The majority of the emigrating foreigners were between the ages of 16 and 66 and had lived in Denmark for less than six years. Relatively few of the emigrants originating from third countries had proper education for the labour market. Most had a relatively weak participation in the labour market. In 2001, 11,902 foreigners were naturalised as Danish citizens.
- The number of voluntary repatriations was 224 in 2001 compared to 236 in 2000.
- The Think Tank's population prognosis from January 2002 estimates that in 20 years the number of immigrants and descendants, together, will double its size. In 2021, this group will comprise 13.1 percent of the total Danish population compared to 7.7 percent today.

Asylum, refugee status and legal residence permits

The immigration department registered some 8,385 petitions for asylum in 2001. Of these, 27 percent had previous grounds for petitioning, such as family reunification with another who might have petitioned for asylum themselves, but later applied for asylum. Most petitions for asylum in 2001 came from the areas in or around the jurisdictions of Afghanistan, Iraq, Bosnia-Herzegovina, the Federal Republic of Yugoslavia and Somalia.

In 2001 1,933 applications and petitions for asylum were received by Danish embassies and consulates outside of Denmark.

The number of immigrations and emigrations by immigrants and descendants also cover foreigners whose parents' information may be lacking in official state statistics.

- In 2001 6,263 residence permits were granted on the grounds of refugee status and asylum. Of these, 5,742 were granted because of refugee status, and 521 were granted for other reasons such as political asylum, humanity or other special reasons.

- In 2001, 13,187 residence permits were granted on the basis of family reunification compared to 12,571 in 2000.

- It was particularly people from Iraq, Afghanistan, Turkey, Somalia and Thailand who received residence permits on the grounds of family reunification.

- Out of the 6,499 residence permits granted on the grounds of family reunification for spouses, registered partners and long-term partners, 1,531 were granted to people under the age of 24.

- In 2001, some 13,187 other residence permits were granted on the basis of work/business, education etc. compared to some 5,925 in 2001.

- The total number of residence permits granted in 2001 was 38,591 compared to 34,881 in 2000.

Participation of ethnic minorities in socio-economic sectors

In order to look at the inequality between the Danish majority and different ethnic groups and to highlight the extent of discrimination, we will look at the three sectors.

- Labour market and employment
- Housing and residence
- Education

Labour market and employment

According to official statistics, as at 1 January 2001 only 53 percent of all immigrants and descendants of normal work age (16-66) were active in the labour force (both employed and unemployed). This is in sharp contrast to the Danes, who have a participation rate of about 83 percent. It means that nearly half of people from ethnic minorities are outside the normal labour market.

Only 47 percent of immigrants and descendants from third countries in the 16-66 age groups were employed, while the statistic for Danes was 80 percent. Particularly women from several of these countries, for example Somalia and Afghanistan, have a very poor participation rate.

The relatively poor participation in the labour market is explained by the Danish government as the main reason that immigrants from third countries get lower average wages. In 2001 they received on average (labour income) 62 percent of what the average wage is for a Dane.

This is an absurd argument, bearing in mind that all surveys indicate that lower participation of ethnic minorities has a lot to do with the prevailing public opinion. Lower average wages are the result of employers' lack of respect for the law and lack of knowledge among ethnic minority groups of their rights. Ethnic minorities often do not complain because they are afraid of being fired.

According to an official analysis, geographical residence, educational attainment and demographic characteristics of immigrants and descendants explains why the above-mentioned group has a lower labour market participation rate compared to the rest of the population (Danes, Scandinavians, Europeans and North Americans). Immigrants and descendants from third countries do not reside evenly all over the country as Danes do.

It is a classic example of "blame the victims" for discrimination. The labour market is very tough, service jobs are rare and ethnic minorities are often refused jobs with reference to qualifications, language skills and cultural background. The Minister of Integration has publicly accused municipalities for not doing enough to open the labour market to ethnic minorities. At the conference held by the Board of Ethnic Equality in March 2002 which dealt with "Diversity in the labour market", the Minister remarked: "Immigrants are a burden but it is not their fault but the system which does not allow foreigners to participate".

It is important to point out that, according to a survey undertaken by the Gurre Group of Survey Company, Denmark has a shortage of labour. The survey illustrates that: In 2005 there will be a shortage of 100,000 people and in 2040 there will be a need for nearly a million extra hands.

7% of Danish IT companies have chosen to import foreign workers.

In the health sector there are 2,000 jobs which are vacant or partially taken by people with irrelevant qualifications.

Denmark needs 798 doctors, among them 616 with special skills.

In such circumstances, it is unfortunate that, according to a TV programme “Too clever to be in Denmark” broadcast on 8 April 2003, 500 highly qualified ethnic minority people left Denmark in 2000.

According to the producer and researcher of the programme, Poul-Erik Heilbuth, there are 9,000 people with ethnic backgrounds who are highly educated with acknowledged qualifications. Only 14% of them have a relevant job.

The Iranian doctor Mr. Amiri who took part in the programme said to BT newspaper: “Denmark needs doctors. If they will accept us, we will stay. If not we will pack and leave and go where we are needed.”

It should also be pointed out that many employers in the construction business, small workshops and in vegetable plantations are hiring cheap labour from Poland, the Czech Republic and Romania without work permits instead of ethnic minorities. The authorities know about the situation but very little has been done. The black economy among native Danes according to a Rockwool Foundation survey (Berlingske Tidende 13 April 2003) is very widespread. One in 44 Danes earns extra money this way. This has also effected the chances of ethnic minorities in the service sector.

Housing and residence

The official analysis of foreigners’ geographical residence shows that there is a trend for immigrants and descendants from third countries to live in and around the larger urban areas of Copenhagen, Århus, Odense and Ålborg compared to Danes and immigrants/ descendants from more developed countries. Furthermore, the analyses explain that the chance of finding work decreases if one migrates to these areas and belongs to the aforementioned group.

While it is true that ethnic minorities do tend to live in big cities, it is because of the following reasons:

- a. Big cities do provide a better social network
- b. Job possibilities for children are greater in big cities
- c. Educational facilities are better and present in large towns
- d. Ethnic minorities feel secure in town with large ethnic populations and feel less prone to be racially attacked there

The spreading of refugees has been going on since 1999, when it was decided to give the Immigration Department powers to allocate residence to refugees in small municipalities against the will of the individual.

A report published by the Social Research Institute, “Many ways to Integration – results and perspectives” also backs the commonly held opinion among ethnic minorities. Connie Carøe Christensen who is a researcher at the institute wrote an article in *Social Research* magazine in November 2002 saying:

“The concrete social network is of great importance to ethnic minorities as far as their possibilities in society are concerned - to get help in case of a sick child, get a better apartment or to find a job. Since the Danish labour market is not open for minorities, many have chosen to start small businesses with the help of networks.”

Education

According to official thinking, there are also significant differences in the attainment of education by immigrants and descendants from third countries compared to the rest of the population. If one looks at highest completed education only 12 percent of men and 9 percent of women from third countries have obtained Danish education that meets employment requirements and certification.

According to the analysis of the “Statistical Yearbook of Foreigners in Denmark 2002” published by the Danish Ministry of Refugee, Immigration and Integration Affairs it is particularly these types of education that allow foreigners to enter the labour market. Likewise, education obtained outside of the country does not have as much significance as that of the domestic kind and chances for entering the labour force are much smaller.

One of the big barriers ethnic minorities face in the educational field is that qualifications brought from their home countries are not accepted by the Danish labour market. There are many examples that highly qualified technicians, doctors, engineers and even IT specialists have to start from scratch to educate themselves.

As for as language learning is concerned, it is understandable but technical education should be accepted and should form a basis for further education. The previous Danish government established a centre to evaluate native qualifications of ethnic minorities but it has still not started to function properly.

The official report also talks about educational attainment by descendants from third countries and admits that it is much better than that of elderly immigrants, but then goes on to state:

“Although because of this group’s relatively lower average age (the majority of them are under 25 years old) it is much too early to conclude anything relating to highest completed education. The statistics for youth vocational education show that there is a higher enrolment percent than in the past. Unfortunately the completion /graduation rate for this group is still somewhat lower than that for Danes. Also external research shows that this group on average has lower average grades than that for Danish participants (Seeberg, 2002). The educational statistics moreover show that descendants from third countries tend to pick different educational routes than that of Danes. The trend tends to be a greater participation in healthcare and technical education and lesser participation in areas such as social sciences and the arts/literature”.

These views from the Ministry of Refugee, Immigration and Integration Affairs do not fit well with the reality at the higher education institutions. According to the newspaper, *MetroXpress* (15.03.02) immigrants are on a par with Danes when it comes to education. The latest report from the Ministry of Education revealed that 9 out of 10 children of immigrants are continuing in the education system. Among Danes the figure is 9.5 out of 10. According to the former Education Minister, Margrethe Vestager, these numbers are thought provoking. It shows that in only one generation immigrants have achieved what took Danes three to four generations.

It is unfortunate that the official report does not talk of discrimination and exclusion in the labour market. Here are some of the realities on the ground:

More and more young people from minority groups are studying to be doctors, engineers, dentists, IT specialists and lawyers. The percentage of students in medical colleges is higher among ethnic minorities than the Danish population. The same is true in business colleges.

Ethnic minority youth are discriminated against when they have to obtain “apprenticeship” at workshops or offices.

Many highly qualified doctors and dentists are leaving Denmark to work in other countries.

Integration Act

On 26 June 1998, the Danish Parliament passed the Act on Integration of Aliens in Denmark, which completely reformed Danish integration policies. The new legislation, which came into effect on 1 January 1999, provided a comprehensive set of rules and measures applying to all aliens lawfully residing in Denmark, including refugees and immigrants united with refugees or other immigrants through family reunification (“new Danes”).

Under the Act, municipalities had the responsibility of making accommodation available to refugees. The municipalities were also asked to offer an introduction programme, lasting for a maximum of three years, including courses in understanding Danish society, Danish language lessons and ‘activation’, which involves either labour market experience, training or education. An introduction allowance, equivalent to that offered to Danish citizens on social welfare, is also offered to those individuals in need of such assistance. Furthermore, the Act provided the possibility for Integration Councils to be set up at the municipal level, including members appointed from local refugee and immigrant associations or other corresponding people in the municipality, and empowered them to give advisory opinions on the general integration efforts in the municipality and on the introduction programmes offered by the local authority.

Refugees, after being granted a temporary residence permit, are dispersed throughout the country by the Danish Immigration Service. The decision is based upon a system of quotas agreed and arranged with counties and municipalities as well as the personal situation of refugees and the specific conditions of the municipality. Such distribution is, according to the Danish authorities, aimed at creating a more even geographical distribution of aliens in Denmark. As such, certain municipalities, such as Copenhagen, have a zero quota and will, therefore, only accept new Danes under special circumstances. Once assigned to a given municipality, an individual has to remain there for the duration of the introduction programme, unless another municipality agrees to accept that individual and continue his or her introduction programme. If an individual moves without such co-operation from the accepting municipality, the individual’s introduction allowance may be reduced or terminated.

The manner in which new arrivals, according to the new law, were dispersed throughout the country involved restrictions to the right to freedom of movement. In particular, the system of quotas, the lack of an adequate possibility to appeal against the allocation decision to another body and the need for approval to change municipalities without risking a reduction or termination of social assistance has, in individual cases, involved an element of compulsion. The personal situation of the individual (including particular wishes, linguistic and cultural background, educational and vocational qualifications and needs, family and other forms of attachment to people already residing in Denmark), is something the government took

very little notice of. The Danish authorities did not ensure that these personal needs and wishes were sufficiently taken into account.

The implementation of the Act has, contrary to the Act's stated intention, created conditions whereby individuals have difficulty participating "in the life of society in terms of politics, economy, employment, social activities, religion and culture on an equal footing with other citizens." The importance for new arrivals in a country to be able to find strength and orientation in their own cultural, religious and linguistic identity while learning and developing a new parallel and evolving identity within a new society has not dawned on the Danish government.

The possibility of finding family or community networks provides invaluable emotional and psychological support, which normally proves particularly beneficial for those individuals who have suffered trauma and other difficulties. Such networks also provide the conditions in which these individuals are able to exercise their cultural, religious and linguistic rights. The Act on Integration and discussion surrounding this Act has not taken sufficient account of these important elements of integration.

A climate where new arrivals did not feel respected or welcome has resulted in difficulties in integration. The manner in which the Integration Act was portrayed and discussed in the public sphere contributed to a climate of hostility towards new arrivals. The notion presented by certain public opinion leaders and the media, that new arrivals should be distributed as they are a burden on society, fostered a negative climate of opinion. Danish authorities did not make special efforts to counter such perceptions about immigrants and refugees and did not emphasise the positive role and contribution of immigrants and refugees to Danish society.

Aliens Act

The trend in Denmark of tightening policies regarding entry into the country for immigrants, refugees and asylum seekers has continued. Amendments to the Aliens Act in 1999 established further restrictions in the granting of permanent residence and in the area of family reunification. The length of time for which an alien immigrant must have had lawful residence in Denmark was increased to six years (instead of the previous five) and certain requirements, including the completion of an introduction programme, must normally be met. In the area of family reunification the amendments stipulated that persons wishing to bring a spouse to Denmark must be over 24 years of age and have a dwelling of reasonable size, unless particular reasons make it inappropriate.

There was considerable criticism of this age requirement from members of minority groups who felt that the change was based on negative stereotypes about the marriage practices of certain minority groups and violated their right to private life, including choosing a spouse. Such criteria in the area of family reunification had a devastating impact in a discriminatory fashion on certain minority groups.

The Danish Aliens Act also governed the conditions for the expulsion of non-citizens, including long-term or life-long residents of Denmark. This Act permitted the expulsion of an alien for certain criminal offences, linking the possibility of such action to a particular sentence and to the length of the alien's lawful stay in Denmark.

In July of 1998 the Act was amended in a manner that expanded the list of crimes and decreased the severity of the sentence for which expulsion is possible. A number of cases involving expulsion orders did reach the Danish Supreme Court over the last few years, and in 13 out of 15 cases the Court did overturn expulsion decisions basing its judgement upon the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 8 (right to respect for private and family life).

Ethnic minorities and the Danish Refugee Council did ask the Danish authorities to reconsider legislation in this area in the light of these Supreme Court decisions and European and international norms and standards, recognising the message that legislation in this area may send to the general population and non-citizens residing in Denmark. This appeal was not entertained.

Restrictive Integration Law

Denmark's Integration Act came into force on 1 January 1999 with the result that the municipalities received the responsibility of housing refugees and administrating introduction programmes for people who have newly arrived, which includes mandatory Danish language courses, subsidised employment and temporary economic assistance.

The strategy and goal of the law is to integrate newly immigrated persons quickly into the labour market or into an education that will later lead to employment.

Since the law has only been in effect for three years, which is the estimated length of an integration programme, it is too early to conclude whether this delegation of power has had its intended effect. Recent analysis of Danish language education and subsidised employment shows, however, that absence levels are high and not all of the municipalities can provide subsidised employment to those entitled to it.

The Ministry of Refugee, Immigrant and Integration Affairs with the help of the Danish Municipalities' Research Institute has begun the work of developing a method that can measure how well the municipalities have administered the law and how well the programme works in the respective municipalities. A status quo report and a permanent scientific method are expected to be ready as early as spring 2003.

New restrictive aliens laws introduced in 2002

Denmark is currently ruled by a Liberal Conservative minority coalition (VK). They control 72 out of 179 seats in the *Folketinget* (the Danish Parliament) and as they have the support of the extreme right-wing Danish People's Party (DF) - 22 seats – VK enjoy an absolute majority.

The last election in November 2001 was almost exclusively devoted to limiting the rights of foreigners, whether asylum seekers, legal aliens, naturalised citizens or for that matter second or third generation “immigrants”. But the then promised limitations would also affect Danes - both “native” and naturalised as one of the key issues was limiting the right to family reunification.

Another example has come to light: one of the bright ideas which was originally fostered under the former Social Democratic minority government and nurtured by VK is that of lower “introduction” wages for refugees and immigrants entering the labour market for the first time.

This is a purely discriminatory act in clear violation of international law, a fact which has not bothered either government or the electorate.

This may change as it now comes to light that VK wants to extend the law, so that anyone living on social benefits can be forced into lower wage employment as an “introduction” to the labour market.

VK even wants to force refugees and immigrants under certain conditions to accept employment without pay in return for receiving social benefits.

Legalised discrimination and anti-immigration policies have for several years been the exclusive platform of DF which still wants to go much further. For example, DF wants legislation which would not only authorise mandatory deportation of individual criminals but their entire family. Another idea, which is shared by some Liberal MPs, is stripping convicted naturalised criminals of their Danish citizenship.

All the main parties, the Liberals (V), the Conservatives (K) and the Social Democrats (S), competed for votes on what was in fact DF's platform. The only faint difference being the *degree* of limitations each were willing to impose and the *number* of international treaties they were willing to break or bend.

The fourth largest party - the Socialist People's Party (SF) - offered little or no opposition as they had and have dreams of forming a coalition with the waning Social Democrats. Just like the Radical Liberals (B) who had been a coalition with S for the previous eight years.

Only three small parties - the left-wing Unity Party and two centre –parties, the Christian Democrats and the Centre Democrats, actually stood up to be counted for humanity and decency. The Centre Democrats did not receive enough votes to get a mandate.

The result was a landslide victory for V, K and DF.

Given the electoral promises made prior to the General Election of 20 November 2001 by most political parties, particularly those belonging to the Liberal/Conservative wing, it was generally expected that the newly elected

government would present a particularly tough Aliens Bill in the Parliament as soon it settled down.

With the exception of one or two parties, every political party used asylum, refugees, immigration, family reunion, ethnic minority cultures and Islam as vote-winning formula.

Ethnic minority organisations and the people they represent were deeply worried about the political signals as well as the harsh tone of the political debate which ordinary Danes have been subjected to on a daily basis through the media political assemblies and public gatherings.

The Social Democratic Party, during its 9-year rule tightened the alien laws significantly. The progressive forces in general and the ethnic minorities in particular knew that the establishment of a Liberal/Conservative government, with the help of the anti-immigration Danish People's Party was not something that would enhance community trust. Nor would it benefit mutual integration or protect the political and socio-economic rights of ethnic minorities in Denmark.

Fears soon became a reality

The new Danish government moved very fast and established a special Ministry of Refugee, Immigrant and Integration Affairs.

On 17 January 2002, the Minister, Bertel Haarder, made public his government's new proposals regarding asylum, family reunion and residence permits.

Many new ministers, prominent media commentators and mayors publicly supported the new proposals, which were in fact based on the Danish People's Party manifesto.

Following the presentation of these proposals, lengthy discussions with political partners took place. And in spite of heavy criticism from home and abroad, the Danish Minister for Refugee, Immigration and Integration Affairs, Bertel Haarder, presented the Danish government's new integration measures at a press conference on 5 March 2002, under the title, "A better integration".

This tightening of laws was part of a financial deal with the extreme right-wing Danish People's Party, which imposed its will by demanding the abolition of the Board for Ethnic Equality, the cutting back of the budget for the Danish Centre for Human Rights and forcing the dismissal of the Centre's director, Morten Kjærum.

The Board for Ethnic Equality was the only official body working to counter ethnic discrimination in Denmark, while the Centre for Human Rights was highly respected throughout the world for its research, its initiatives and its pioneer work in the field of human rights.

Many Danish politicians like the former Prime Minister, Poul Nyrup Rasmussen, former Minister for Economic Affairs, Marianne Jelved, and the Chair of the Christian People's Party called these measures deplorable and unworthy of Denmark.

Following the Danish government's success in having these new proposals accepted by the Danish People's Party, the problem of getting them passed through Parliament

was solved. The proposals were put to the vote, formally approved in June and put in practice on 1 July 2002.

One elderly person from Turkey commented on this law in a meeting held by POEM (the federation of ethnic minority organisations):

“The West claims that the world will never be the same after the events of 11 September 2001. I say that Denmark will never be able to call itself democratic after these new laws are put in place”.

Here are some aspects of the new laws put in practice in 2002:

The right to family reunion is abolished.

De facto refugee status is removed.

The right to obtain Danish citizenship is curtailed through many restrictions like a written “oath of loyalty”, written confession of criminal activity in the country of origin and passing a language test.

Permanent residence will be only granted after seven years of stay and on condition that the individual has not committed any serious crime and has not been a financial burden on the state.

S/he will lose the right of temporary residence, if she or he claims social benefits before the 7-year period has expired.

The level of payment in the first year is to be 30 to 50 % lower than the average wage in order to encourage foreigners to seek employment.

A person wishing to marry someone from abroad may not do so until the age of 24. S/he should also not have received social benefits within a certain period before applying to be reunited with a spouse from abroad.

Family unification after marriage is to be conditional upon a financial guarantee of 50,000 Dkr (6,736 euro) an apartment of more than 42 square meters, a closer connection to Denmark and a written pledge of support for the spouse as well as an income of not less than 16,000 Dkr (2,156 euro) per month.

If the marriage does not last at least seven years, the foreign spouse may be required to leave Denmark

The existing possibility to be reunited with parents aged over 60 is abolished.

The rules of citizenship would now require an applicant to be resident in the country for nine years that is two years after becoming eligible for permanent residence. Successful applicants would be required not only to speak but also to read Danish. They would have to acquire knowledge of Danish society, its legal system and values. Proof of this would be required in a test. People aged over 65 who are at present exempt from the language test would lose this privilege.

A conviction resulting in a prison sentence of at least two years would bar a foreigner from acquiring Danish citizenship. The same applies to a foreigner with a debt owed to the state or municipality.

A seven-year waiting period was introduced for persons granted political asylum in Denmark. Their stay in Denmark during the first seven years would only be temporary and they could be required to return to their home country should the situation change for the better and be considered safe. If return is not possible during the first seven years, permanent residence status will be granted and the person would be able to apply for Danish citizenship after waiting another year.

During the initial seven-year period, persons granted refugee status are to have a stamp on their refugee passport indicating that they are not allowed to visit their home country for a holiday. Should they violate this ban, they would risk losing their right of residence in Denmark. It would, moreover, be more difficult to obtain refugee status. The processing of asylum claims would be suspended should the applicant fail to present him or herself or disappear. Once an application is rejected, the person could face immediate deportation. This means that the avenues of appeal will be severely reduced. The Government has also increased the number of countries considered as “safe third countries” to which asylum-seekers could be sent. Now Afghanistan, Iraq, Iran and Somalia are safe countries. In addition, the possibility for asylum applications to be lodged at diplomatic missions abroad is abolished.

Besides the above-mentioned laws, there were some other important changes, which were pushed through the Parliament. These are mentioned here, as they have minimised the protection of immigrants and refugees.

- The right to mother tongue education is abolished
- Ethnic minority private schools will have their grants reviewed
- Christianity would be taught as the main subject in schools
- Funding for institutions that work for human rights or perform counselling for ethnic minorities is abolished
- In order to obtain Danish citizenship a candidate must sign a written oath of “Loyalty to the state” and a declaration of “Possible criminality” in their country of origin.
- The Danish citizenship granted to an immigrant/refugee would be withdrawn if the state decides that a person has obtained it under false pretences. This law will be applied back-dated and to everyone

To ethnic minorities these restrictive laws did have a clear motive which was based on political, ideological and economic considerations.

This was a step in a very wrong direction

Today the victims are ethnic minorities; tomorrow it is the homeless, single parents, the elderly, students, the working class and the voiceless. One wonders whether this is discrimination, racism or whether Copenhagen is flirting with fascism, as an article by Stephen Smith in the British newspaper, *The Guardian*, on 5 June 2002 called the development.

NGO funding was terminated

One of the immediate effects of this move to the right in Danish politics was that many NGOs, grassroots organisations and ethnic minority unions lost their funding to continue their work. The only independent institution – (DRC), which provided help to the victims of discrimination, had to lay off its entire staff, because the Ministry of the Interior told them that there would be no money available in the future. The same goes for other NGOs – ethnic minority as well as Danish.

There was strong international criticism and condemnation of the involvement of the extreme right-wing Danish People’s Party in the formation of the new Danish government; its election campaign has been dubbed as unethical, racist and dirty.

Even Jörg Haider of Austria distanced himself from the tone and tactics used by Danish political parties in the run-up to the elections. He refused to meet Pia Kærsgaard, leader of the Danish People's Party, in Vienna.

Direct consequences of this new policy

The revision of family reunion laws was approved by the Parliament and became effective on 1 July 2002. The entire Integration Bill was put to the vote in September/October 2002. The trade unions initially did not accept the proposal to lower the wages of immigrants by 30 to 50 %, as a “kick-start” for their entrance into the labour market. But under intense pressure they gave in. Two social researchers from Copenhagen Social College and Aalborg University, Thorbek and Ejrnæs, did prove that the cost of living calculations made by the Danish Integration Ministry to justify its minimum wage proposal, were based on false projections and the misuse of numbers. (Daily Information 14.3.2002)

They also calculated that the cutting back of wages or social security benefits as a motivation for getting a job was not only unethical, but would produce a drastic fall in living standards as well as an increase in poverty. This would, in their projection, force immigrants to seek extra jobs in the black market or commit crimes simply to survive.

Ethnic minority organizations warned the government

If ethnic minorities were forced to accept jobs at a lower wage, they would be used to pressurise the minimum wage of the average Danish worker; thus division between Danes and foreigners will increase. Conflict and racism will become even stronger

Lack of legal protection for minorities would divide society into A people and B people, forcing ethnic minorities even further down the scale.

Discriminatory family laws would have an adverse effect on young people. Lack of jobs and difficulty in establishing a family would drive educated and well-integrated young people to seek opportunities in other countries.

The integration law focused on the superiority of Danish culture and western values. This unnecessary “forced Danishes” would make minorities rootless and angry, and would give reactionary forces an excuse to resist the process of integration. Without a well functioning family life, ethnic minorities would not feel safe. This would produce many unhappy people with psychological as well as physical problems.

The worst effect of these laws has been that, by allowing the Danish People's Party to decide the fate of ethnic minorities, this government has capitulated to those forces that want to keep Denmark mono-cultural, mono-ethnic and mono-religious. In short a white, Christian and Viking society.

Criticism at home and from abroad

One of the most respected British newspapers, the *Independent*, in its issue of 24 November 2001 described the Danish situation in these words: “*The politics of hate and fear flourish in suburbia*”.

On the matter of strict asylum laws, even the UN High Commissioner for Human Rights, Mary Robinson, was so concerned that she personally visited Denmark and asked the new government to drop its ambition to keep refugees out. She insisted that the UN system would keep an eye on Denmark in future to make sure it upholds the international Human Rights Conventions.

(MS Magazine December 2002)

The leaders of Liberal Parties in the Nordic countries sent a letter to the Danish Prime Minister, Poul Nyrup Rasmussen, criticising his government’s immigration and refugee policy. According to the Finnish newspaper, *Hufvudatsbladet*, these Liberal leaders were worried that the humanist image of Scandinavia will be damaged by the strict Danish policies regarding immigrants and refugees.

(MS Magazine - March 2002)

The Danish Council of Advocates has, in its official answer to the Minister, severely criticised the new bill. The Council has described the termination of “de facto” refugee status and the right to seek asylum in a Danish embassy, as well as increasing the marriage age to 24, as human rights abuses.

(Berlingske Tid.6.3.2002)

The Federation of Danish Municipalities and Trade Union Organisations has also rejected out of hand any changes in the wage system which will give employers the right to hire immigrants and refugees on a minimum wage for the first year of employment. These organisations believe that newcomers to Denmark cannot survive on such a low income as proposed by the government.

(Politiken 6.3.2002)

The UNHCR also expressed reservations towards Denmark’s tightening of its “foreigners policy”. The UNHCR’s spokesperson, Kris Janowski, felt uncomfortable that Denmark was embarking on this course just before it was preparing to take over the EU Presidency in July 2002.

Another strong response came from the United Nations. The UNHCR’s representative in its Geneva Secretariat, Rupert Colville, has warned Denmark that its proposal to increase the length of time it takes to attain the right of permanent residence from three to seven years and its abolishment of refugee rights, fly in the face of the EU’s ongoing common immigration and asylum discussions.

(Christian Daily 14.3.2002)

The UN Committee on the Elimination of Racial Discrimination (CERD) criticised Denmark in its latest report published on 14 March 2002, for not doing enough to counter increasing racism in society and for closing down the Board for Ethnic Equality.

According to newspaper information of 15 March 2002, CERD noted that:
Racism in Denmark has dramatically increased since 11 September.

It is very disappointing that the Danish state has very effectively closed down organisations and institutes which work against racism by removing financial support. States like Denmark must support and strengthen independent national institutions which fight racism and xenophobia

Such institutions are not a threat to the Danish state but on the contrary strengthen the positive image of a country which holds human rights very dear.

ENAR – European Network against Racism expressed strong concern about this unwelcome development in Denmark and in a press release the network stated:

"Denmark up until now has always been in the forefront of the struggle against injustice, the fight against racism and for the upholding of human rights all over the world. Destroying the anti-discrimination institutions would not only create an atmosphere of helplessness among ethnic minorities in Denmark, but it would blemish the good reputation of the country internationally. Denmark is going to take over the EU Presidency in July 2002. Such harsh measures would damage its integrity and moral standing among its EU partners."

In a press conference in Copenhagen attended by international journalists on 21 January 2003, Minister Bertel Haarder very proudly proclaimed that he would recommend that other EU countries should follow the Danish example and learn from it.

Just look at the results

- Dutch local elections in Rotterdam in February and subsequent victory of LPF in Dutch national elections
- Socialist losses in Portugal
- Spanish tightening of immigration laws
- Formation of Italian right-wing government with the help of fascist parties
- German elections were very close because German politics saw a sudden right-wing rise
- Norway is already learning from Denmark and adopting a 25-year age limit for marriage for refugees.

On 1 July 1 2002 Denmark took over the EU Presidency. Denmark pushed for a discussion on the EU Commission's humane proposals regarding family reunion and asked its EU partners to look at the Danish proposals as a model, a common EU policy based on restrictions did become a reality and ethnic minorities became once more unequal human beings in a non-democratic Europe.

General climate concerning non-citizens

The negative climate prevailing in some sectors of Danish society concerning non-EU citizens, not only immigrants, asylum seekers and refugees, has been very damaging. The impact of this situation on policies in the area of immigration and asylum, and the corresponding effect of these policies upon perceptions about Danes of foreign origin and their role in Danish society has left deep scars in the relationships between ordinary people.

What the media wrote about restrictive laws

ENAR Denmark has collected nearly 3.000 newspaper articles directly covering different aspects of ethnic minority life in Denmark. We present a few headlines here to give a small picture of the problems experienced in all walks of life.

Danish dance about conventions. The Danish government with its new laws is at the edge of discrimination, say many legal experts

(B. Tidende 18.1.02)

Mayors criticise the new law as too much stick and too little carrot. Mayors of large cities with many immigrants described the integration law as very tight with little about jobs and integration *(B. Tidende 18.1.02)*

Reduced social security will produce poverty and not employment. Immigrants are so undesired in the employment sector that even the lowest wages for them would not entice employers to give them jobs. *(Information. 18.1.02)*

The most restrictive aliens law in 20 years. VK government risks discrimination cases if these laws are used. *(B. Tidende. 18.1.02)*

Foreign names are the greatest obstacle. Immigrants believe that it is not the restrictions but unwillingness among employers which discriminate.

(Politiken 8.1.02)

Many asylum seekers attempt suicide. The rate of suicide among asylum seekers is three times higher than the average for Danes. *(K.D. Bladet. 12.2.02)*

No apprenticeship for the new Danes. Anne-Grethe Mathiesen, education adviser at the Lyngby Technical School, is frustrated at the situation. At her school 45 out of 63 mechanics without apprenticeship are from an immigrant background. *(JyllandPosten. 20.2.02)*

Trade unions have only few immigrants in their staff, even though these organisations often criticise the private and public sector for not having an ethnic equality policy. *(Urban 28.2.02)*

Asylum seekers are discriminated against by judges. Their personal opinions affect their decision to grant or reject applications for asylum, say many lawyers. Danish TV has also carried out a survey among 100 lawyers who take asylum cases and agrees with lawyers. *(Politiken 19.1.03)*

Aliens law will destroy families. New family reunion laws will split families and can be in opposition to human rights conventions, says Lawyers Council of Denmark. *(K.D.Bladet 10.3.02)*

Proposed lower wages through the new laws will not give jobs to immigrants, says Professor Jørgen Stamhus of Alborg University who has done comparative research of Danish and other countries' labour markets. *(Politiken 15.3.02)*

Political parties say: "The courts show a soft touch towards racism cases. Racist and hate speech is very seldom punished." *(K.D.Bladet 22.3.02)*

Disrespectful ways of granting citizenship to foreigners, said researcher Eva Ersbøll. She was criticising the Danish government's practice of publishing applicants' private information on the internet. Many members of the Danish Parliament also agreed with her. *(Politiken 30.3.02)*

Danish researchers complain to UN of government's discrimination of minorities in the case of financial help. *(Dagbladet Arbejderen 23.03.02)*

Start help gives bad start. Every third municipality in Denmark believes that refugees can make ends meet with the new low social welfare. Refugees have difficulty finding housing. (*Politiken* 24.03.02)

Asylum seekers are threatening to commit suicide because of frustration and rejections. (*New Times June 2002*)

Another sample of headlines in December 2002

Many highly educated refugees and immigrants are becoming homeless because of lack of jobs. (*Metroxpress: 2.12.02*)

Immigrants make up 33% of homeless people living in shelters in Copenhagen. They are lonely, lack social networks and are unemployed. (*Weekendavisen 24.12.02*)

Danish banks miss the opportunity to make money and live up to their social responsibility by neglecting immigrants. (*Jyllandsposten 16.12.02*)

Immigrants have few insurance policies. Tryg Insurance wants to explore the possibility of attracting ethnic minorities by hiring ethnic youth. (*JyllandPosten 16.12.2002*)

Somali children who do not fit into the Danish cultural norms are sent home. (*Berl. Tidende 27.12.2002*)

Integration Minister, Bertel Haarder, will punish Somali parents who send their children to Somalia to learn their parents' culture for a short period of time. (*JP København. 27.12.02*)

Nine local parishes will convert Muslims to Christians. Ministry of Churches has given state funds to some churches to help in integration work. Priests want to use this money on missionary work. (*Pol. 29.12.02*)

True nature of the situation is surfacing now

According to international surveys (ECRI and EUMC), Denmark in recent years has taken certain steps which are relevant to combating racism and discrimination, including measures to provide new arrivals with language, educational and professional skills, steps to combat discrimination and increase ethnic diversity in the labour market and the setting up of a specialised body in the field.

However, problems of xenophobia and discrimination not only persisted but are getting worse for non-EU citizens - notably immigrants, asylum-seekers and refugees - but also Danish nationals of foreign background. People are discriminated against because of their religion, Islam in particular. Palestinians, Iraqis and Somalis are especially encountering hostility not only in public life but also in jobs, education and housing.

The press, the politicians and the people constitute an unholy alliance. The media carry the main responsibility for the fact that Denmark topped the list of the most xenophobic countries in the EU - according to surveys conducted by the EU itself.

According to the Newspaper *Aktuelt* (22.12.97) Denmark was the most racist country in the EU - 43% of the Danes characterised themselves as "rather or very racist" and 40% as "a little racist". The question of where the negative attitude comes from when as much as 82% of the Danes - according to a survey carried out by Lise Togeby from

the University of Aarhus - have never *met* an immigrant, neither in private life nor at work.

If such a large proportion of the Danes have never met an immigrant, then where do they get their opinions? Togeby explains that most people's attitudes are formed from what is presented to them, that is, how minorities are presented on television, in the newspapers and on the radio. According to many surveys, the media are responsible for the very great distinction between minorities on one side and "Danish society" on the other. 70% of the media coverage is negative when speaking of ethnic minorities.

The media do not just communicate a reality; they participate in the conceptualisation and creation of that reality. Like, for instance, the "Them and Us" analogy which is now firmly rooted in society. Therefore, they have an enormous responsibility for the consequences. And of course they are self-confirming, for today people only notice things that seem to confirm the reality that is presented to them.

The politicians, who read the same newspapers and confirm the same reality, think of their voting potential and similarly react with statements against ethnic minorities - once again, in the media! The Prime Minister is extremely quick to go to the press and tell the Danish population that "we in Denmark" will not tolerate the "violence and cheating" of the immigrants and that Denmark is not a multicultural society. An ignorant population will easily adopt that kind of opinion.

Most of the existing legal provisions aimed at combating racism and discrimination do not appear to provide effective protection against discrimination. The ever poisonous political climate, which targets groups and individuals of foreign descent, the impact and use of xenophobic propaganda by the Danish People's Party and negative media coverage are some of the issues which NGOs are very worried about. Discrimination in the labour market, in the housing market and in public places like bars and discos are also of great concern.

International legal instruments to combat racism

Denmark has signed and ratified a large number of international legal instruments relevant in the field of combating racism and intolerance, for example:

- The European Convention for the Participation of Foreigners in Public Life at Local Level
- European Charter for Regional or Minority Languages
- European Social Charter

Denmark has not ratified the European Convention on the Legal Status of Migrant Workers.

Denmark has incorporated the European Convention on Human Rights into Danish law, but has not incorporated other human rights conventions into national law, particularly the Convention on the Elimination of All Forms of Racial Discrimination.

Danish constitutional and other provisions

The Danish Constitution, which is often referred to as the bible of Danish laws, contains no articles that expressly prohibit racial discrimination nor guarantee the equality of all citizens.

Article 70 contains a clause prohibiting any restriction of civic or political rights for reasons of creed or descent. This article dates from the first Constitution of 1849 and appears in the context of other articles addressing the freedom of religion and worship.

Citizenship law

Denmark has amended its Nationality Act in such a manner that one has to live in Denmark for almost 11 years to be granted citizenship. It is seven years before one can apply for permanent residence. It will take two years to obtain it and then the application to obtain citizenship will take another two years to process.

At the same time, Denmark has passed a law which can be used to withdraw the citizenship of a person, making him or her stateless.

Criminal law provisions

Denmark has passed criminal legislation in the field of combating racial discrimination. Sections 1 and 2 of The Act Prohibiting Discrimination on the Basis of Race make it an offence to discriminate on the basis of race, colour, national or ethnic origin, religion or sexual inclination when offering a commercial or non-profit service or in granting access to a public place. Provisions are, however, applied very rarely, despite the fact that discrimination has been reported to constitute a real problem in access to housing and public places such as discotheques and bars.

The main difficulties in application, as in most other countries, are related to the proof of the intention to commit a discriminatory act. The police and prosecuting authorities have also been criticised for being reluctant to enforce the Act, even hesitating to investigate complaints.

Freedom of speech

Article 266b of the Danish Criminal Code prohibits dissemination of racist statements and racist propaganda. Since 1995 the Public Prosecutor has received 45 complaints of a possible violation of this Article and brought 20 of these cases before the courts, the majority resulting in punishment, usually a fine.

As compared to the frequent reports of racist and xenophobic statements in the media and other forums these numbers are very low and indicate a problem with the implementation of this law. Individuals and organisations are not bringing charges due to a belief that it is pointless as the complaints will not succeed.

Racist and xenophobic organisations are not prohibited in Denmark and racist and xenophobic acts are not stringently punished through methods such as defining common offences but with a racist or xenophobic nature as specific. Section 80(1) of the Criminal Code instructs courts to take into account the gravity of the offence and the offender's motive when meting out penalty, and therefore to attach importance to the racist motive of crimes in determining sentence. But there is no systematic and consistent approach toward combating racist and xenophobic crime.

The role of the media in spreading racism

The media in Denmark have both a powerful influence on people's attitudes and perceptions and a weighty responsibility to contribute to this process of change. The media can help in the social integration of ethnic minorities.

Unfortunately, a great deal of media attention is given to the seemingly insurmountable differences that divide people, religions and cultures. This leaves minimal focus to highlight the efforts which are made to overcome the differences. We believe that the media has the means, willpower, goodwill and technology to build bridges between the majority societies and the ethnic minorities living in each European country.

Journalists can help people to understand that diversity can be a powerful source of social development. An important beginning would be to eliminate stereotyping based on religion, culture, gender, race, class, nationality and ethnicity from media coverage.

According to the magazine *MediaWatch* (No 16. Sep 2002), 67 percent of Danish media coverage is negative and contributes to cementing prejudices and discriminatory opinions.

Racial violence in 2002

Brief overview of legislation and policy

The first Danish Penal Code provision prohibiting racist speech dates back to 1939, when section 266 b was introduced to protect society from anti-Semitic statements. The present Section 266 b of the Penal Code from 1995 states that:

“(1) Any person who publicly or with the intention of dissemination to a wide circle of people makes a statement or imparts other information threatening, insulting or degrading a group of persons on account of their race, colour, national or ethnic origin, belief or sexual orientation, shall be liable to a fine, simple detention or imprisonment for a term not exceeding two years.

(2) When handing down the punishment, it is to be considered as an aggravating circumstance that the statement is in the nature of propaganda.”

The numbers of complaints concerning section 266 b is recorded by the Danish police. The Director of Public Prosecution is informed about all decisions by the local prosecutors to initiate court proceedings.

Traditionally, racist violence in Denmark was regarded as ordinary unprovoked crimes of violence. When Denmark came to consider the ratification of the UN Convention on the Elimination of Racial Discrimination, a commission of experts stated in a report from 1969 that conformity of standards existed in relation to racist violence, given that Danish Penal Code section 244 and 245 already provided the necessary protection.¹ Consequently, no specific ban on racist motivated violence or other crimes was introduced into Danish legislation.

During the last couple of years, however, individual cases illustrate that the racist character of violence has in some court cases been considered as an aggravating circumstance when sentencing.² The Metropolitan Police Force in Copenhagen has consequently issued an instruction, that in all cases of violence with a possible racist motive, the prosecutor must ask the court to consider this as an aggravating circumstance, in accordance with section 80 of the Penal Code.³ The same procedure may also be invoked in cases concerning racist motivated vandalism, arson etc.

Statistics of incidences of racial violence/racist attacks in Denmark have been produced by the Danish Civil Security Service (PET) since 1992. Racial violence/attacks are understood here as being crimes which can be assumed to have a racist motive, including violence, vandalism, arson, threats etc.⁴

¹ Report 553/1969, page 13

² Utrykt afgørelse fra Lyngby ret den 22. december 1998, BS 3-1211/97. Afgørelsen blev stadfæstet af Østre Landsret den 27. september 1999. Decision from the Court of Lyngby from 22 December 1998. The decision was upheld by the Eastern High Court on 27 September 1999 Utrykt afgørelse fra Østre Landsret af 21. Oktober 1998, B-2732-97. Unwritten decision from the Eastern High Court of 21 October 1998.

³ Hansen, N-E (2000), Chapter 3, in B. Christensen, m.fl., Udlændingeret, Cph, DJØF, p. 64

⁴ Hansen, N-E (2001) Forskellighed no 14.

Episodes registered by PET

1 January to 31 December 2002

Total number of incidents	63
Arson attacks	4
Verbal attacks	8
Graffiti and property damage	18
Racist propaganda	5
Threats	20
Disturbances	2
Physical violence	6

Civil and administrative legal provisions

Denmark lacks civil and administrative legislation relating to discrimination in the areas of health, education, housing and social security. Such legislation would not only provide an avenue of redress for individuals who are victims of discrimination, but would also serve an important educational and awareness-raising function and allow the mechanisms of hidden or indirect discrimination to be revealed.

In 1996 Denmark enacted anti-discrimination legislation in the field of employment. The Act on the Prohibition of Discrimination in Respect of Employment and Occupation addresses direct and indirect discrimination with respect to inter alia recruitment, transfer, promotion and dismissal, vocational guidance, education/training, pay and working conditions. Only 15 cases have, however, been brought to court to date, despite the widely acknowledged problem of discrimination in the field of employment

The Danish authorities have not investigated the obstacles to the effective implementation of this Act and have not taken action to make it an effective instrument for combating discrimination in the labour market.

The Act has also been criticised for not providing a definition of indirect discrimination. Educational measures for the police, prosecuting authorities and actors in the labour market were planned in 1999 and 2000, which encouraged the authorities to ensure that information about the Act as well as about indirect and structural discrimination reaches the relevant actors at the local level.

Unfortunately, since then very little has been done. Since the new government took over in November 2001, all progressive initiatives have been at a standstill. The

previous Danish Government, however, amended the Employment Act because of the EU Council Directive concerning the implementation of the principle of equal treatment of persons irrespective of race or ethnic origin.

Specialised bodies and other institutions

The Danish Parliamentary (Folketinget) Ombudsman has the authority to investigate any administrative action within the public sector, including public bodies at the local level. The Ombudsman may act on individual complaints or on his or her own initiative. According to the Danish authorities, the Ombudsman has had great influence in practice.

The Office of the Ombudsman is not, however, designed in such a manner as to bring to light discrimination on the basis of ethnicity, and has addressed only a handful of cases where this issue was specifically highlighted by the complainant.

The Board for Ethnic Equality, established in 1997, had been granted a specific mandate for combating racism and related discrimination. This body was empowered to:

- advise the authorities and private associations about anything relating to the combating of racism
- issue opinions - on its own initiative or upon request - about differential treatment on the basis of ethnicity in both the public and private sphere
- recommend changes in practice or solutions to specific problems.

The Board performed a very important function in the area of combating racial discrimination and it had been hoped that the Danish authorities would continue to pay due respect to its advice and recommendations in the area of its expertise.

The Board was closed in 2002 as a political compromise with the Danish People's Party in exchange for it abandoning its demand that the Centre for Human Rights be closed.

The Board for Ethnic Equality, however, did not have the power to address individual complaints. The Danish authorities did establish a committee to draw up a blueprint for the establishment of a specialised body at the national level for combating racism and intolerance. This was done in response to the EU Race Directive which states that such a body should be created.

The committee was given guidelines by the Ministry and it has proposed to the government to establish a "Board of Equal treatment" under the Institute for Human Rights" with no special competence to take any individual cases.

Education and awareness-raising

The Danish school system is highly decentralised, placing a primary value upon the freedom of organisation at the local level and the fact that the national authorities do not wish to exert strict control over the local curricula and textbooks.

There is no focus on multi-culturalism, especially in the field of history teaching, to enhance the appreciation of cultural diversity. The Danish State does not consider it

beneficial to develop within the teaching of history in Denmark a section devoted to the input brought by the immigrant population to Danish society.

Ethnic minorities can complain

According to media reports, some opposition political parties in the Danish Parliament (Radical, Social Democrats and the Christian People's Party) have reached an agreement with the government that the Danish Institute for Human Rights should deal with concrete individual cases of ethnic discrimination.

This new agreement is the result of an EU Directive which states that all member states must establish a special body by July 2003 where ethnic minorities can register and launch an individual complaint of racial discrimination.

But this newly proposed law also stipulates that the Institute shall not pass judgement nor can it take individual cases relating to labour market or religious discrimination.

The Institute can neither reach binding judgements nor can it fine the discriminatory party or demand compensation from it for the victim.

In short, the Institute can only come up with suggestions and recommendations.

In the event that the instructions are ignored, the aggrieved party should go to the court and start a civil suit – just as is the practice today.

However, the new law not only asks the accuser to prove that he/she has been discriminated against, but also the accused is required to prove his/her innocence.

The Minister of Integration, Bertel Haarder, pointed out to the newspaper *Politiken* (22 Jan. 2003) that this newly proposed law “in no way changes the legal conditions in Denmark”. He explicitly stressed that the Institute for Human Rights can only give advice and guidance to the involved parties in a discriminatory case. The Minister also made it clear that the Institute should not touch labour market cases. That should be handled by labour market's own system.

It must be remembered that Denmark has two existing legal instruments against discrimination. One law from 1976 which forbids differential treatment on the grounds of race and the other from 1996 dealing with discrimination in the labour market. These laws are rarely used and even then the individuals concerned have to go through lengthy and costly procedures.

Access to public services

Education

In several municipalities immigrant and ethnic minority children have had over-representation in certain state schools, to a degree often going well beyond their representation within the local population. In some schools, almost the entire student population has been composed of children of non-Danish background. The Danish education system is highly decentralised and various municipalities did undertake initiatives to mix children of Danish ethnic origin with children of foreign origin within schools. It was often done without consultation with parents. Schools in Copenhagen with a high population of children of foreign origin offered education of an equal quality with other schools and children's ethnic diversity was incorporated in a positive and enriching manner into the school curriculum and environment, reinforcing existing efforts. Teachers were offered special training in teaching in a multicultural environment and teachers of ethnic minority background were recruited.

Young people from certain minority groups were experiencing difficulties in the Danish school system and, in some cases, dropping out early, in spite of existing efforts by the Danish authorities. The issue was investigated and addressed. But instead of taking additional measures to assist children with a mother tongue other than Danish to be able to participate fully and successfully within the mainstream school system, the right to mother tongue education was abolished, thus interesting initiatives involving language stimulation, mother tongue education and the teaching of Danish as a second language were terminated.

Vulnerable groups

Certain minority groups are particularly vulnerable to problems of racism, discrimination and intolerance in Denmark. Muslim groups are particularly vulnerable to racism and discrimination in Denmark. Negative stereotypes and prejudices about Muslims as well as over-generalisations and misperceptions about Islam are promoted by public opinion leaders, including political elites from across the political spectrum, intellectuals and journalists. This anti-Muslim climate leads to intolerance and discrimination directed towards members of this group in various spheres of life, especially as regards access to the labour market, housing and public places. Muslim women wearing veils reportedly experience hostility on the streets and buses and particular discrimination in the labour market.

Negative political signals

The Danish authorities have not addressed these problems, even though policy recommendation from the Council of Europe on combating intolerance and discrimination against Muslims are available to be consulted. In particular, ECRI recommended in 2000 that the Danish authorities undertake awareness-raising measures in the public sphere as well as in the education system, in order to promote a more objective and informed perception of Muslims, emphasising the diversity within the community and the religion and their positive contribution to Danish society.

ECRI also encouraged public opinion leaders to promote a more informed and diverse image of Muslims and Islam, avoiding negative stereotypes, generalisations and other

expressions that promote intolerance and hostility. The Danish authorities did not engage in discussions with representatives of the Muslim community nor did it involve them in measures directed at improving the situation of Muslims.

Muslim groups also experience difficulties practising their religion. In Denmark there is no mosque built specifically for this purpose. Almost all prayer halls are established in rundown buildings, old cellars and sometimes in people's homes. Muslim groups have been unable to build mosques or exercise funeral rites due to administrative obstacles. Minority organisations called attention in this respect to ECRI's recommendations that countries "take the necessary measures to ensure that the freedom of religious practice is fully guaranteed; in this context particular attention should be directed towards removing unnecessary legal or administrative obstacles to both the construction of sufficient numbers of appropriate places of worship for the practice of Islam and to its funeral rites."

Leading members of the Danish People's Party (DF) have even used language that was common in Germany in the 1930s. DF parliamentary leader, Kristian Thulesen Dahl, on the night of the last election, used the exact same words about Muslims as German right-wing extremists in 1932 used about Jews: "The Muslims should be sent out of the country on a one way ticket" (Sohn, 2002). Moreover, the DF claims to want to extradite part of the Danish population, a large majority of whom might consider themselves Danish or to have a close affinity with Denmark. Thus there is a gap between the notion of Danish national identity that the DF projects and the reality as it has evolved in the composition of the Danish population. Moreover, many second-generation Danes are compelled to re-think their identities as they are increasingly facing an environment that has constituted these individuals as the cultural 'Other': through the discourse of the *Dansk Folkeparti* these individuals are excluded from national membership.

Jews, homosexuals and Somalis suffered discrimination

Besides different Muslim groups, Jews have also suffered threats and vandalism as a result of the Israeli-Palestinian problem and the bombing of Afghanistan.

There has been many attacks on gay and lesbian individuals by young Danes and ethnic minority youth.

In front of gay bars and in parks homosexuals were beaten, spat upon and sometimes robbed. Authorities have not allocated extra police to protect these groups.

Monitoring the situation in the country

In 2001 PET did take measures to record statistics relating to complaints concerning racial discrimination. After many years of begging, the Secret Service (PET) has seen the importance of recording detailed information about the number of complaints relating to racism and discrimination in various spheres of life, the subsequent investigation by police and prosecutors where relevant, the judicial assessment of such complaints and the redress or compensation awarded to victims. This information, however, has not proved helpful in improving the effectiveness of existing legislation and establishing additional legal and non-legal measures to combat these phenomena.

Media

Some of the Danish media has been actively promoting xenophobic and sometimes racist ideas about individuals of non-Danish origin, contributing to a climate that is hostile to these individuals

Some media continue to promote negative stereotypes and prejudices about individuals of non-Danish origin and sensationalise any incidents involving members of minority groups. On the other hand, insufficient coverage is given to the ordinary activities of these individuals as residents and citizens of Danish society.

The Danish authorities have not given due consideration to these factors when renewing licences and granting financial support to the media.

The Danish Broadcasting Corporation did include guidelines for multi-ethnic reporting and a plan was introduced for ethnic equality as part of recruiting. How much effect it has had is not known. Such initiatives have not been introduced more widely amongst the Danish media.

In August 2002, Fair Play conducted a survey of the Danish media's coverage of religion in Denmark. Over a three-month period from 15 May to 15 August 2002, six national newspapers and two national TV channels were researched. 75% of media coverage was about Islam and nearly 60% of the material was negative stories.

Political extremism

2002 saw the rise in extreme right-wing political parties, such as the far-right Danish People's Party. After the electoral success of 2001, it has maintained its public support at 15 percent. The party has become increasingly prominent on the Danish political scene, promoting racist and xenophobic ideas. The primary targets of such propaganda are Muslims and other individuals originally from non-EU countries, including immigrants, asylum seekers and refugees, with widespread negative repercussions on the perception by the majority population of this category of people living in Denmark. Typically, these people are portrayed as a threat to Danish identity and blamed for various problems from the economy to street crime.

A particular concern is the influence that these extreme right parties exercise upon mainstream political parties. For fear of losing electoral support from segments of the population supposed to be hostile to foreigners, the latter parties tend to adopt a rhetoric portraying non-Danes as a problem within Danish society, thus contributing to a climate of xenophobia and intolerance. This political climate may also be connected with the adoption of restrictive policies and legislation, notably as concerns immigrants, refugees and asylum seekers, but also having repercussions for, and in some cases directly affecting, ethnic minority people who are Danish citizens.

Political parties and representatives in Denmark feel no responsibility for resisting the temptation to approach issues related to ethnic minorities and immigrants, refugees and asylum seekers in a negative fashion in order to gain votes. Political parties do not take a firm stand against any forms of racism, discrimination and xenophobia and refuse to condemn policies inspired by such sentiments. Nor do they publicly challenge all such ideas with a more well-informed and realistic portrayal of the situation of ethnic minorities and emphasise the positive contribution made by different ethnic minority communities to Danish society.

There is no public recognition of the existence of xenophobia and discrimination in Danish society, thus no effort is made to actively combat these phenomena.

On the contrary, Denmark is the only country which changed the name of the “UN South Africa Conference’s Action Plan against Racism and Intolerance” to “Action Plan for Diversity and Advancement of Tolerance”.

There is no strict enforcement of legislative measures targeting discrimination and hate speech. This sends an important signal that racism and discrimination is tolerated in Danish society. The manner in which politicians approach sensitive issues such as integration, asylum and immigration also sends an important message about the low status and place of ethnic minorities in Danish society.

The Government lacks acknowledgement of modern Denmark as a society in which various forms of identity can be associated with the traditional Danish identity. On the contrary, there is a great focus on “Danish Only values”. This has blocked all efforts to enabling all members of Danish society to enjoy real equality in all fields of life.

We can learn from the past

Since Denmark is a member of the EU, its policies have far-reaching consequences. If experience is a guideline, then it must be said that the ethnic minorities’ socio-economic conditions will worsen in the future. Their ability to participate in the democratic decision-making process will be seriously jeopardised and they will lose their importance. To counter these problems, a sustained campaign should be undertaken among the ethnic minorities. It is very important that they understand what they are up against. They should not only know the problems but also where the roots of the problems lie around the big cities, resulting in disproportionately high numbers of first or second generation immigrants clustered in certain neighbourhoods. The access is controlled by housing corporations and city councils who deliberately send minorities to those areas where socially poor Danes are concentrated. Thus creating an atmosphere of racism and discrimination.

References

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- www.faklen.dk Magazine critical of government policies
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- “Fortress Denmark” by Sasha Polakow-Suransky in *Magazine Prospect* – USA. 6.3.02.
- References from major daily newspapers are on pp. 19-21 of this report.