

European network against racism

ENAR Shadow Report 2006

ENAR SHADOW REPORT 2006

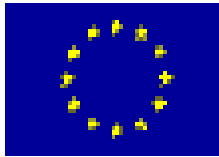
RACISM IN DENMARK

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Ethnic Debate Forum

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Executive summary

This Shadow Report aims to present the NGO perspective on the situation of racism and discrimination in Denmark, explore responses and actions by government officials as well as civil society and grassroots actors, and offer recommendations for future progress. It is based on reports from NGOs and solidarity organisations in Denmark and the EU, as well as from expert interviews and media sources such as newspapers, magazines, and television.

The report begins by examining the various groups vulnerable to discrimination on the basis of their ethnicity, nationality, culture and religion. It should be noted that while data on many ethnic groups is available, there is a need to further develop data on adopted children, Roma and Greenlanders as these groups also face discrimination and should be protected.

Manifestations of racism and discrimination present themselves in all spheres of life and on a daily basis. This has been documented in studies and general observations by the Danish Institute for Human Rights, the Danish Refugee Council (DRC), and NGOs working in the area of minority rights. Nevertheless, many politicians and policy-makers do not take this into consideration. This report focuses on key areas which most affect ethnic minorities. High unemployment is the single most significant barrier faced by this group and is a root cause of their social exclusion as well as of the lack of mutual integration by migrants and society alike. Barriers in access to adequate housing, as well as to quality education and healthcare also contribute to the marginalisation of ethnic minorities.

For integration to be effective and for ethnic minorities to be able to contribute to their fullest potential to Danish society, the Danish Government urgently needs to address the problem of unemployment. Positive action initiatives may be useful in this respect, particularly for qualified and career-minded minority youth. The government should see to it that municipalities cease segregating minority children in distant schools and that housing agencies cease segregating minority families in socially deprived areas. The government should also reintroduce free mother-tongue learning as well as free interpreter services in healthcare and social services.

In what was once considered a peaceful and tolerant society, manifestations of racism and discrimination in policing, as well as in the form of racial profiling, and racist violence and crime against minorities, are becoming more and more visible. By making racism a crime, the Danish Government would send a strong signal. Furthermore, while terrorism must be addressed, it must not be at the cost of fundamental rights and civil freedoms.

It is also important to recognise that public debates dominated by negative stereotypes of minorities, and the increase in nationalist movements and right-wing political discourse have a significant role to play in reinforcing racist

sentiment in society. This trend is polarising Danish society and needs to be addressed.

There is also a need among the police force, lawyers and courts to raise-awareness of these issues and provide effective tools backed by political will. Racist violence can be minimised if the legal system is supported by strong political will and if laws are developed in such a way as to adequately reflect social realities.

Media and increasingly the internet, not only provide information to the general public but have the power to influence public opinion. Unfortunately most Danish mainstream media has been irresponsible in their coverage of ethnic and religious minorities, especially Muslim communities. Such negative coverage has had a devastating effect on majority/minority relations. A sad example is the commissioning and publishing of insulting caricatures of Prophet Mohammed in the newspaper Jyllands-Posten.

The internet is even more dangerous because it does not have any codes of conduct or legal restraints. The State must not allow freedom of expression without accompanying responsibility and at the sacrifice of other individual fundamental rights. It may be a good idea to establish a code of moral conduct in consultation and co-operation with media actors. This has been piloted in the UK and in the Netherlands.

Integration efforts would be strengthened by secured access for ethnic and religious minorities to goods and services in the private and public sector. While the private sector in Denmark has realised the benefits of the inclusion of ethnic and religious minorities because of their buying-power, the public sector has yet to optimise on these human and financial resources. Beyond a mere business case for diversity, however, access to public services for ethnic minorities is essential to ensure integration and social cohesion in Danish society. A sustained campaign directed towards public services is necessary.

At the same time, integration policies must take into consideration asylum-seekers and family reunion. As the Danish Government has established stricter policies on immigration, these individuals have been excluded from integration policies and there is a need to de-link these issues.

Denmark has implemented the EU Race Directive in the Danish legal system and is improving the process of addressing discriminatory practices through the Complaint Committee, by giving the Committee greater power and substance. This positive step should be reinforced by closer co-operation with anti-discrimination NGOs who are well-positioned to inform the State of the situation on the ground. Funding cuts have had a detrimental impact in this regard, as adequate funding of grassroots and NGO work is necessary to promote these partnerships.

2. Introduction

Perhaps the most significant development during 2006 was the crisis generated by the commissioning and publishing of 12 insulting caricatures of the Prophet Mohammed by the newspaper JyllandsPosten. This single incident further injured the already weak integration process of ethnic minorities – Muslim or otherwise – in Danish society. The crisis intensified the divide between the Danish majority and Muslim communities and resulted in damage that may take a long time to repair.

As a result of discrimination, unequal treatment, xenophobic political statements and negative media coverage, many among the younger generation are very confused. In schools they are told to learn the language, get an education and act like Danes. In the real world, they face an eye-opening reality. The situation of racism and discrimination in Denmark has forced some to move to other countries, accept degrading or exploitative jobs, or retract from society. In the worst of cases, some have become radicalised. This situation of racism and discrimination must be addressed in an express manner, if Denmark has any chance of creating a just society to which all its citizens and residents can participate and contribute and in which they can feel safe and free from discrimination.

Denmark is a wealthy country with a strong economy, including a strong currency, solid stock exchange and a surplus in foreign reserves. The Danish Government should be able to effectively address the situation of high unemployment among ethnic minorities. However, this will require sound planning and strong political will on the part of the Danish Government. Ultimately, if the Danish Government is unwilling to come to terms with social realities which such as high unemployment which present barriers to integration and social cohesion, the European Union may need to put pressure on the Danish Government to take action.

Indeed, failing to correct this unjust situation has dire consequences. Poverty is already an issue among some of Denmark's ethnic minority communities. For example, there is an ever increasing presence of young men, women and children in the Salvation Army meeting rooms and shelters in major Danish cities.

The head of the Salvation Army Shelter, Lenau Henriksen, described the situation: 'In the Salvation Army, we believe that Denmark has succeeded very well in integrating the foreigners – at the bottom of the society.'¹

Similarly, ECRI in its 2006 report on Denmark was particularly concerned about a sharp increase in the number of homeless people among minority groups.²

¹ MetroXPress June, 14th 2006

3. Communities vulnerable to racism

Denmark is a small country, both in terms of geography and population. According to the latest data available from the Ministry of Integration and the Danish Bureau of Statistics³, the figures on ethnic minorities as of the 31st of December 2006 were as follows:

Total population of Denmark	5,447,084
Total number of immigrants and their descendants from Western countries	147,175 (2.7% of total population)
Total number of immigrants and their descendants from non-Western countries	330,525 (6.1% of total population)

The Danish State makes a clear distinction – both statistically and ideologically – between European and non-European residents in Denmark. In its calculations, children born in immigrant families are considered descendants even if they have acquired Danish citizenship. In public debates, children of non-European families are often referred to as second and third generation immigrants.

There is no exact official data available on the number of Roma or people from Greenland as well as children adopted from countries outside the Western hemisphere who also fall victim to racism in Denmark. However according to the office of the Danish delegation to European Roma and Travellers Forum⁴ there are over 20,000 Roma and descendants in Denmark, compared to the official figures listed by Council of Europe of 1,500 (a figure which may derive from old estimates of the number of Roma i Elsinore municipality).

NGOs are opposed to dividing the population into Western and non-Western categories because it sends a very negative message to the majority population. NGOs use the term **ethnic minorities**, which includes immigrants who came in sixties and seventies to work, their children, asylum seekers, refugees and other minorities who are not ethnically-native Danes.

² ECRI Third Country Report - Denmark 2006 p. 24.

³ www.nyidanmark.dk

⁴ www.ertf.org

Percentage distribution of foreigners (ethnic minorities) in Denmark⁵

EU countries	16.9 %
New EU countries	6.3 %
Scandinavia	5,1 %
Other western countries	2,6 %
Non-Western	69,2 %

Overview of the largest groups of ethnic minorities from non-Western countries in Denmark⁶

Turkey	56,140
Iraq	27,370
Lebanon	22,962
Bosnia- Herzegovina	21,106
Pakistan	19,244
Ex. Yugoslavia	17,207
Somalia	16,193
Iran	14,551
Vietnam	13,093
Afghanistan	11,554
Sri Lanka	10,254
Morocco	9,240
China	7,771
Thailand	6,870
Philippine	6,146
India	4,641

There is no separate data available concerning African and Latin Americans. As these groups also fall victim to racism, greater efforts should be made to further develop data collection with respect to these groups.

While racism and discrimination continues to occur on the basis of appearances and therefore visible minorities are often victims, it must be mentioned that in Denmark there has increasingly been a shift towards racism and discrimination on the basis of culture and religion. More and more, the political discourses, media debates and even laws being put in place are

⁵ www.nyidanmark.dk

⁶ Ibid.

focusing in negative ways on minorities in particular with Muslim background. The word 'Muslim' in itself is used as an ethnicity or category. For example, it is common to read in the media 'Muslim arrested for stabbing a Dane'.

4. Manifestations of racism and religious discrimination

4.1 Employment

According to surveys and reports almost 52% of ethnic minority groups are excluded from the labour market⁷. This high unemployment is, in large part, due to discrimination, prejudices among employers and media propaganda.

There is no doubt that media reports, various surveys and governmental press releases give the impression that unemployment in Denmark is low. In some branches of the labour market, (nurses, doctors, semi-skilled workers as well as farm workers) there is indeed a shortage of employees. To compensate this shortage, Denmark is hiring labour both through legal channels as well as letting the market recruit cheap labour without work permits.

According to Trade Union Magazine, the government has made it easy for employers to hire and exploit unskilled workers from Eastern Europe without any social safety net and insurance⁸. There is a high demand among Danish industries for cheap labour. In June 2006, a law became effective which made it easy to hire workers from Eastern Europe through a 'prior permission law'. While only 10% of Danish industry employed foreign labour before, the new law has seen a dramatic increase to 30%⁹.

In 2006, nearly ten thousand unskilled workers from East Europe legally arrived in Denmark to work in agriculture, forestry, and plantations. This is in spite of the fact that tens of thousands of unskilled Danish and ethnic minority workers are unemployed and receive state benefits¹⁰. The Danish Government has also brought doctors from India, and other workers from Sweden and Germany. Actually, according to official figures, nearly 20,000 immigrants came to Denmark to work in 2006. This was the greatest influx since the seventies.

The unemployment situation among ethnic minorities is so bad that Justice Minister Lene Espersen was forced to admonish the employers in these words:

'I simply feel bad when I hear and see that young persons with names like Muhammed or Ali send over 300 applications without getting one job interview'.¹¹

According to a survey conducted by Catinet Research for Trade Union magazine A4¹², 75 % of unemployed ethnic minorities thought that employers

⁷Politiken.15.08.2006

⁸Fagbladet no. 12, 2006

⁹Berl.Tidende,13.08.2006

¹⁰Kristeligt Dagbladet, 05.07.2006

¹¹Politiken.10.07.2006.

do not wish to hire them. This is backed by Susanna Nour and Lars Nellemann Thisted who argue that the labour market and the various company cultures generally maintain the perspective of a homogenous society in which there is not much room for the other.¹³

Labour Minister Claus Hjort Frederiksen acknowledged the seriousness of the situation but refused to blame any one party: 'We are all guilty of inaction; politicians, employers and immigrants. We must make sure that more and more employers get in touch with minority labour force'.

The State itself, has been very passive in this regard. In 4 years, only 219 minorities have been hired instead of 2,984 as planned. According to a survey conducted by A4 Magazine, the number of ethnic employees has decreased in 11 Ministries out of 19. The percentage of youth apprentices with a non-Danish name has also decreased from 9.1% to 7.1%.¹⁴ With regards to the efforts of municipalities and Job Centres, the situation is also in greatly disappointing and concerning.¹⁵

ECRI has also noted with great concern that 50% of people belonging to ethnic minorities were unemployed. 90% of Danish companies make no effort to promote ethnic diversity and 75% of business leaders do not see the importance of having employees of ethnic minority origin.¹⁶

Examples of good practice

The Rødovre municipality is very actively pursuing diversity as a human resource and in its jobs advertisements encourages ethnic minorities to apply for jobs. It has had success in recruiting social advisers, social workers and administrative sector employees with ethnic background.¹⁷

In December 2006, the Government, National Organisation of Municipalities, Danish Regional Administration and Employers Union as well as Trade Unions worked out a historical agreement. This four party deal included many initiatives, which would provide jobs to many more ethnic minorities through job arrangements, mentors programs and greater networks for immigrant women.¹⁸

The Copenhagen Municipality which houses the largest number of ethnic minorities in Denmark has proposed that all companies which do business with the municipality as well as organisations which receive financial assistance must have a 'Contract Compliance Clause' which compels them to hire a certain number of employees with ethnic minority background.¹⁹

One of the largest international cash-and-carry stores, Metro, has made it a policy to have a diverse workforce. At present, its staff consist of 37 nationalities. Its Glostrup branch with a 40 % ethnic minority workforce has been selected as the most effective store among 450 branches worldwide²⁰

¹² www.ugebreveta4.dk/smcms/ugebrevet/10046

¹³ 'Diversity at workplace' 2005.p.58. www.humanrights.dk .

¹⁴ Politiken. 4.05.2006.

¹⁵ Institute for Conjecture Analysis Survey for the Ministry of Integration www.inm.dk .

¹⁶ ECRI Third Country Report - Denmark 2006 p. 21 www.coe.int/t/e/human_rights/ecri/1-ECRI/2-Country-by-country_approach/Denmark

¹⁷ www.rk.dk

¹⁸ Press release Ministry of Integration, 13 Dec 2006. www.inm.dk

¹⁹ *Urban.21,03,2006.*

²⁰ *Søndagsavisen, 13.08.2006.*

4.2 Housing

Due to being in low income categories and being unemployed, many ethnic minorities live in poor neighbourhoods in the cities or in segregated and distant suburbs which were built for working class Danes in the fifties and sixties under social democratic governments. Very few ethnic minorities live in wealthy areas where White Danes live, because they cannot afford to buy houses and because the renting of apartments is done through Housing Societies in Denmark. The EUMC report concerning migrants and housing highlights that 'Denmark distinguishes between Nordic/EU/ North American and third country nationals'.²¹

There is usually a waiting period of 16 to 20 years for rental accommodations. Ethnic minorities are often sent to choose a place in socially deprived areas where poor, unemployed and problematic Danes live. These places are then termed as ghettos by the press and by politicians, and therefore has become an ethnic issue in the eyes of the public. There are often demands from political parties to fix a quota for the number of ethnic minorities who can live in a given area. Since it is illegal to discriminate on the basis of skin colour or ethnicity, the Government has instead allowed municipalities to refuse housing to those who are not employed or have meagre financial resources.

The EUMC in its Annual Report notes that 'in Denmark involuntary social mixing has been carried out by housing companies - public and private – through the imposition of implicit or explicit quotas'.²²

In Denmark, there are higher levels of homelessness, as well as higher incidence of overcrowding and poor quality housing conditions among migrant and minority groups. There is also evidence that racial discrimination plays a role in the housing conditions of migrants and minorities. However, even where anti-discrimination measures exist in the housing sector, they are difficult to enforce and there is a need for greater monitoring and accountability in order to devise a workable and enforceable integration policy in the housing sector.²³

With respect to discrimination in housing, the Danish Government told ECRI that it has not carried out any specific measures to monitor the renting or allocation practices of social housing in order to establish whether there are any discriminatory practices in the sector. ECRI was particularly concerned about reports of a sharp increase in the number of homeless people among the minority groups.²⁴

²¹ EUMC Report 'Migrants, Minorities and Housing' 2005, p.18-19 www.eumc.eu.int

²² Racism and Xenophobia in the EU – 2006 p. 67 www.eumc.europa.eu

²³ Migration Policy Group Report. Policies on Integration and Diversity in 7 OSCE States, including Denmark – 2006, p.9 www.osce.org/documents

²⁴ ECRI Third Country Report – Denmark. 2006 p. 24.

Many ethnic minority tenants who live in rental accommodations are not aware of their rights and thus get second class treatment from housing societies. One of the common complaints is bad maintenance, and problems of dampness and mold. These housing conditions result in illness such as asthma, bronchitis and respiratory difficulties. Complaints are often dismissed; minority tenants are themselves blamed and told they should carry out the necessary repairs. The National Organisation of Tenants (LLO) found this treatment to be very serious and has been very critical of it asking housing societies to inform minority tenants of their rights, as well as of the rules and regulations of accommodation and to not simply be content with sending an instruction leaflet in Danish. The LLO also suggested that tenants should complain about bad treatment.²⁵

Although, the Government has approved the practice of evictions for the parents and families who live with those youth who have committed crimes, such action has only been taken against minority families. In Aarhus, the Brabrand housing society gave notice to six families to leave their apartments. The housing court rejected the case against two families because criminal youth did not live at home with their parents while one family was ordered to evict. The single parent of the family has appealed to the higher court. The other three families have yet to be charged.

4.3 Education

The Danish education system is considered one of the best in the world. Education is free and children get ample individual attention in schools. Danish schools and teachers are normally very open and friendly towards ethnic minorities, but over the years some problems have surfaced which are not being addressed in an atmosphere of common understanding. Besides, local and national politics also play an important part in some discriminatory practices being used particularly against minorities of Muslim background. There is an emphasis on punishing rather than on co-operating.

Many among ethnic minorities can not afford to send their kids to **nurseries and kindergartens**. This has been exploited by politicians who claim it is a sign of non-commitment on the part of minority parents and a barrier to their children learning Danish. Now, children as young as three years are required to take part in Danish language learning. There is a shortage of bi-lingual teachers, which results in children missing parallel learning opportunities in their mother-tongue. Most institutions are sensitive to the dietary requirements of Muslim children (for example, no pork), however it has been noted that some teachers consider this an unnecessary burden and waste of energy and time.

In **public schools**, the situation is more critical. Some schools directly bar children from using their mother-tongue even on the playground. Since the Government abolished state funding for mother-tongue learning, most

²⁵ Nyheder 24.08.2006

municipalities have also stopped offering this service. While most schools do take extra care not to force Muslim children to take mixed swimming classes, or provide curtains in front of bathrooms, some municipalities refuse to allow these sensitivity exercises.

In Aarhus, the Mayor of Education openly expressed her anger at the opposition expressed by some Danish parents to sending their children to mixed schools. Some Danish parents even made T-shirts for their children with logos like 'We are against going to schools with ethnic minority children'.²⁶

In contrast to the fears of Danish parents, a recent survey conducted in 1000 public schools by the liberal Think Tank CEPOS found that pupils grades in mathematics and Danish language competence were better in schools situated in poor neighbourhoods with many ethnic minority children than in rich area schools where only Danish kids attend schools.²⁷

Some municipalities transfer minority children across other schools without the consent of parents, where the children have no friends and playmates. Some schools have started dividing children according to their ethnic origin²⁸. Most political parties are now aiming to make it possible through legal means to have a maximum limit on the number of ethnic minority children in a school; a limit of 25% has been suggested. Even the Education Minister Bertel Haarder and the Social Democratic Party are supporting the idea of ethnically divided classes.

The trend towards ethnically divided classrooms and schools controlled by quotas has been noted with concern by the Complaint Committee against Racial Discrimination who has warned that such practices are illegal and an that there would be a cause for action against such schools.²⁹

The Danish Institute for Human Rights, in its 2006 Report to CERD (Committee on the Elimination of All Forms of Racial Discrimination) has criticised this practice: 'the transferring of ethnic minority pupils is an initiative which may constitute racial discrimination and abolishment of receiving free mother-tongue education generally risks affecting bilingual children's linguistic consciousness and social skills'.³⁰

ECRI also recommended that the Danish Government provide mother-tongue education to children in a non-discriminatory manner and that the integration of children into the school system should be on a voluntary basis rather than forced assimilation.³¹

²⁶ Politiken. 3.09.2006.

²⁷ DR. 13.08.2006.

²⁸ DR.08.08.2006.

²⁹ J.Posten. 10.08.2006.

³⁰ Report to ICERD - Page 4. Article 5 (e) (v). June 2006. Author Mandana Zarrehparvar. www.humanrights.dk

³¹ ECRI Third Country Report on Denmark. 2006 p. 23

A new law passed by the Government in July 2006 has allowed for another discriminatory practice in which some municipalities are preparing to engage. The new law allows economic sanctions against parents if their children do not attend schools regularly or if children go on extended holidays. Such economic sanctions were used against Roma children in the Helsingør municipality in 2001-2002 but it was declared illegal in 2002 by the courts.³² Fortunately, many officials are not planning to use the law as they know that economic sanctions will make it even more difficult for ethnic minority and Roma families who are in low income brackets.

A key topic of debate in 2006 were the efforts by the Education and Church Minister Bertel Haarder to emphasize Christianity in public schools. He commissioned a Committee to review the issue and present recommendations. The recommendations of the Committee were presented at a press conference on 30 June 2006; mainly focusing on the recommendation to replace the subject of religious education with three new subjects - Christianity, History and Society.

This was criticised by professionals in the field of education who thought that such a strong focus on Christianity at the cost of other religions was discriminatory.³³ The Teachers Union also noted with dissatisfaction that this subject was to be an examination subject. The Council of Europe's Human Rights Commissioner, Alvaro Gil-Robles has also criticised this. He found that the Danish effort of favouring Lutheran Christianity is close to breaching the concept of European values. He believes that this new subject would deliver the wrong message to non-Lutheran pupils like Muslims and Jews.³⁴

One school book which was meant to be used in the teaching of the subject - *Us and Christianity* - was so discriminatory towards Islam that it had to be withdrawn after strong protests both from teachers and ethnic minority groups. In this book, the author who happens to be a priest, introduces Islam in a chapter on Terrorism, intentionally linking the religion with worldwide terrorist actions.³⁵

Vocational training schools and technical schools have reported that ethnic minority students often experience discrimination when applying for apprenticeships after completing their education. In addition to this, many competent youth leave Denmark to find jobs elsewhere because the prevailing political signals in Denmark make them uncomfortable.³⁶

4.4 Health

In Denmark, a sizeable portion of tax revenue is invested in the healthcare system which is supposedly a top example worldwide of efficient, professional provision of services. Ethnic and religious minorities are treated on equally as

³² Urban 24.08.2006.

³³ Inforamtion.4 July 2006.

³⁴ Kristeligt Dagbladet. 3.07.2006.

³⁵ Politiken.19.11.2006.

³⁶ BT.11 Sept 2006.

native Danes and the majority of the health sector treats minorities with respect and care. However, issues have surfaced from time to time and have been dealt with in a discriminatory manner.

In a 2006 report, the Migration Policy Group (MPG) noted key healthcare issues:

'Health outcome are not shared equally among all sectors of the population. Immigrants and minorities have lower health outcome partly because they are disproportionately represented among lower socio-economic groups and partly because of additional disadvantages they face as immigrants'.³⁷

Catinet, a respected Opinion Analysis Institute, conducted a survey on behalf of the Magazine for Nurses. The survey asked 2000 Danish nurses to describe the issues they are confronted with in their interactions with ethnic minority patients.³⁸ Many nurses said that a real and significant cultural divide, language problem and different perceptions of illnesses made it difficult to treat ethnic minority patients. However, nearly 50% of the nurses also said that it is only in the last few years that such problems have emerged. In comparison to the opinion of Danish nurses, nurses and doctors of ethnic minority background point to other issues, calling for professionalism, understanding and open-mindedness in the Danish health service.

Özlem Cekic, Chairperson of network of nurses with ethnic minority background, noted: 'the health system is not prejudice-free and one should not blame only the minorities'.³⁹ Ms Cekic has worked as nurse for many years and is active in ethnic equality in the health sector. According to the network's survey, nine out of 15 of the largest hospitals in Denmark have no ethnic equality policy. The situation is bleak and often results in ethnic minority nurses leaving the profession or falling prey to depression because of discrimination.

Discrimination against ethnic minority nurses is not limited to their colleagues; white Danish patients also harass them by refusing to be treated. This is a growing problem. Complaints received by the Danish Board of Nurses have been taken up as cases of discrimination.⁴⁰

The Bispebjerg Hospital in Copenhagen initiated its own survey in order to map the situation of discrimination and monitor patients to see if they make inappropriate remarks to or refuse to be treated by coloured nurses. Similar discrimination has also been faced by doctors with ethnic minority background but to a lesser extent.⁴¹

³⁷ MPG Report on policies on integration and diversity in 7 OSCE States including Denmark – 2006, p.10, www.osce.org/documents

³⁸ www.Catinet.dk. Berlingske Tidende. 26.01.2006.

³⁹ Politiken 5.01.2006.

⁴⁰ MetroXPress 13.03.2006.

⁴¹ Nyheder 29.08.2006.

In many big city suburbs in Denmark where the majority of residents have an ethnic minority background, there is an acute shortage of doctors. Patients have to travel long distances to have a consultation with a doctor. The Chairman of doctors in Fyn attributes this shortage to a lack of willingness on the part of doctors to have offices in ghettos, mentioning that it is time-consuming and culturally difficult.⁴²

Another area where the health system and ethnic minority patients have difficulty in communicating is with respect to drug abuse. According to a survey conducted by Als Research and financed by the Ministry of Social Affairs, ethnic minorities with a drug addiction are not getting the treatment they need because they lack the knowledge of treatment possibilities and the system is not equipped to tackle this problem. For example, many Somalis who suffer from drug addiction are in an acute condition. This is due to the underlying and unresolved traumatic experiences endured by Somalis during the civil war in Somalia. Their traumas have not been treated effectively and this has led to drug addiction.⁴³

Currently, there is up to a two year wait at all torture or trauma treatment centres. In Copenhagen however, a new initiative – The Inter-cultural Advisory Service – is attempting to help ethnic minority drug addicts to obtain treatment and have renewed confidence in the Danish healthcare service.⁴⁴

4.5 Policing and racial profiling

In Denmark, which until recently was considered a model of tolerance and human rights, police relations with ethnic minorities have become a source of tension. When it comes to the treatment of ethnic minorities, the police force has often displayed a lack of sensitivity. Since 11 September 2001, youth of Muslim background have become a target of police. Police officers have often appeared on TV or in newspapers, explaining crimes, murders or family conflicts among ethnic minority communities as cultural and religious based.

In its recruiting among ethnic youth, the police intentionally use strict criteria in order to sort minorities in particular. In 2006, the percentage of minorities rejected was much higher compared to native Danes.⁴⁵

It is also well known that the police often do not show an interest in pursuing cases of discrimination when complainants are ethnic minorities. For example, it took police nine months to investigate a physical attack by right-wing extremists on participants of an anti-racism meeting. in Aarhus. Initially, the case was closed without any arrests even though there were six eyewitnesses who gave police the names of attackers. It was only after constant complaints from the victims of the attack, that the case was reopened.⁴⁶

⁴² Urban.23.03.2006.

⁴³ Politiken 18.01.2006.

⁴⁴ Dato 29.09.2006.

⁴⁵ Metro X press 30.06.2006.

⁴⁶ MetroXpress 22.08.2006.

Police also work closely with the media when raiding minority owned shops, homes of terror suspects, or meeting places of minorities. It is very common for the police to be accompanied by TV journalists with cameras. These stories often end up on TV News.⁴⁷

With respect to ethnic profiling, the culture of police surveillance is such that it targets the prototype of a potential criminal. This approach leads to the disproportionate treatment of visible-minority youth.⁴⁸

In the case of the Roma, equality before the police and the courts continues to be an issue. Police often harass Roma in Denmark on the road or in their homes - it is said that the Roma 'are very friendly and accommodating to the police enquiries'. Roma easily waive their rights to privacy, when they have their homes searched by police. This is likely through unawareness of the law or fear.⁴⁹

There have been a few positive police initiatives, although they have been few and far between and only local in scope.

Examples of good practice

In many local areas of municipalities, where youth problems are acute, police forces work closely with schools and social service offices. The project, which is called SSP Co-operation, does preventive work with youth, such as helping minority youth find jobs. In two years, this project has helped 168 minority criminal youth to leave criminality and get involved in jobs. In the district of Amager in Copenhagen, the police have a fulltime employee who works with ethnic minority youth, but this position is rare.⁵⁰

Another successful initiative comes from Gellerup – Aarhus where police officer Lars Bro of the local police station has created a trusting relationship with local youth. Mr. Bro visits schools with many ethnic minority children and tells them about the police, their work, and why it is important to be a police officer and why he likes being a police officer. In his presentations, Mr. Bro likes to note that in his free time; he is 'just a regular person' like them. This police officer has made many friends amongst the local minorities in Gellerup.⁵¹

4.6 Racist violence and crime

Verbal racism, taunts, shoving in the street, spitting on minority women, pushing minority children on the bus; these are common occurrences in Denmark. However, violent attacks, murders or arson attacks are very rare. The biggest cause for concern was in 2006, after the Caricatures of the Prophet Mohammad were published. After this event, right-wing extremist movements, skinheads, the Nazi Party and many other national groups surfaced with a vengeance.

⁴⁷ Jyllands-Posten.3.11.2006.

⁴⁸ Anthropologist Lars Holmberg 'Within the limits of law', p.116.

⁴⁹ European Roma and Travellers Forum. www.ertf.org

⁵⁰ www.ungijob.dk and J.Posten. 22.12.2006.

⁵¹ Urban.09.03.2006.

In the beginning of 2006, an organised campaign of hate mail, e-mails and telephone threats were conducted against those who took part in media discussions or opposed the publication of the caricature of the Prophet Muhammad by the newspaper Jyllands-Posten. Letters with messages such as; 'Go home, you Muslim pigs', 'Fuck Islam', 'Shut your black mouth', 'Muslims are the 5th Column' and 'Goat fuckers, leave Denmark', were sent to imams, politicians of Muslim background, and anyone who dared to criticize the caricature. Kamal Qureshi, member of the Danish Parliament for the Socialist Party, even complained that the police did not take extreme right-wing threats seriously and did not follow leads.⁵²

According to the Chief of the Danish Secret Service (PET), Lars Findsen, the activity level of the extreme right-wing groups is very high. Mr. Findsen believes that they are preparing to launch actions against ethnic minorities and progressive Danish personalities. These groups are very well schooled in politics and are very aggressive and visible in demonstrating their power. According to the organisation DEMOS, which does regular mapping of right-wing movements, the extreme right-wing groups held seven demonstrations in January and February 2006. This was the highest it has been since the Second World War.⁵³

One of the most publicly known extreme right-wing groups is the Danish Front. It has nearly 500 active members and 3000 members of its homepage.⁵⁴ Other well known groups are: the Danish National Socialist Movement with their radio station - Radio Oasen, Blood and Honour, White Pride, Aarhus Against Mosques and Stop the Islamisation of Denmark.

The racist and politically motivated attacks by hooligans and White Pride became so alarming for the municipality of Aarhus that it decided to start a massive campaign to neutralise the influence of the extreme right-wing movement was having on Danish youth in the city. In addition, the city's 80 nightclubs, cafes, bars and discos introduced a scheme to quarantine against violent racist groups.⁵⁵

In June 2006, the Nazi Party started a witch-hunt against ethnic minorities in the North Jutland by sending threatening letters to 100 people with non-Danish names. The letter reminded the minorities that it was their last chance to leave Denmark before the war against them would begin.⁵⁶

There are also reports of co-operation between Danish and German Nazis who often meet for demonstrations and parties in South Jutland, close to the German border. The German Secret Service is worried that the Danish authorities are not taking these activities seriously.⁵⁷

⁵² Politiken.6.03.2006.

⁵³ Politiken.27.03.2006.

⁵⁴ www.DanishForum.dk

⁵⁵ Politiken. 31.03.2006.

⁵⁶ DR19.06.2006.

⁵⁷ Politiken.16.09.2006.

In September 2006, the city of Kolding in Central Jutland saw the Danish Front carry out a different campaign against people with non-Danish names. The Danish Front visited some neighbourhoods and placed its stickers on the post boxes of people with non-Danish names, as well as banged on their apartment doors.⁵⁸

In their yearly reports, the PET (Danish Secret Service) have noted that racist crimes have dramatically increased in the last few years. In 2004, there were 37 recorded attacks, while in 2005 the number rose to 81. In 2006, there were 85 attacks on Muslim and Jewish graveyards, pizza restaurants, kiosks and individuals. According to Niels-Eric Hansen, Director of the DRC, not only has the number of racist crimes increased, but they have also become much more organised. Mr. Hansen believes that many episodes are simply not registered. Mr. Hansen also says that the number of cases would dramatically increase if people would be more willing to come forward with their cases and if the police were more helpful.⁵⁹ Niels-Eric Hansen⁶⁰ explained why, in spite of the heated debate concerning the caricature crisis in Denmark and the burning of Danish embassies in the Middle East, the violence against ethnic and religious minorities did not dramatically increase. Mr. Hansen discovered that PET's system for calculating the number of victims of violence is faulty. Instead of focusing on the number of victims and the threats individuals receive from racist movements; PET only counts how many people were involved in violence. For example, if the same person sent threatening letters to 10 individuals, it was noted as one crime. However, by counting the number of victims, the figure would rise significantly.

4.7 Access to goods and services in the public and private sector

Denmark as a welfare state has a very streamlined system of access to goods and services in the public sector. All residents, citizens or not, have equal access to education, health services, the judicial system, social benefits, pensions etc. however, this does not mean that violations do not occur or that people do not receive differential treatment. Below are few examples.

The Immigration Service (*udlændingestyrelsen*) works very closely with all ministries, especially, The Ministry of Integration, the Ministry of Labour, the Ministry of Foreign Affairs and the Ministry of Justice. The Immigration Service's primary job is to issue residence/work permits to families, reunited spouses and children, as well as issue employment, business and tourist visas. It also implements alien and asylum laws passed by the Parliament. It has been notorious for its slow and inefficient work and in March 2006, the Public Accountability Office under the Danish Parliament presented a damning report of the services provided by this department.

⁵⁸ Politiken. 14.09.2006.

⁵⁹ Berlingske Tidene . 8.8.2006.

⁶⁰ www.drcenter.dk

The report criticised the Immigration Service for slow service, especially student and business visas, clumsy control of work permits, backlog of asylum cases, favourable treatment for big companies who hired specialised workers, bribery scandals and fraud in issuing resident permits. The report also criticised the Integration Ministry for not helping the Immigration Service perform better by implementing a new IT system. The report resulted in the resignation of the director and the development of an action plan from the ministry that would streamline the department.⁶¹

Another issue involves the Danish judicial system. In many cases the judicial system is colour-blind, but lately, it has been revealed that some prosecutors ask for stricter sentences when it comes to ethnic minorities. Judges in many cases go along with this request. The Danish branch of the International Commission of Jurists (ICJ) did an Anthropologic Pilot Survey to determine if there was any merit to this claim. The survey examined criminal cases and interviewed lawyers and judges. The ICJ found that there were very few cases of visible discrimination in the courtroom. However, judges did have certain cultural and social perceptions of ethnic minorities, which in some cases can influence both the judgement of guilt or innocence and the length of sentences. A larger survey from Sweden confirmed these Danish results.

The Danish ICJ branch recommended that educating judges, juries, prosecutors and defence lawyers, could prevent the discrimination of ethnic minorities. Furthermore, the ICJ recommended that ethnic diversity among legal actors should be actively promoted. They also noted that there was a need for a larger study on ethnic discrimination in the judicial system.⁶²

The Danish State Advocate is also responsible for screening court cases. There have been many examples where the Danish State Advocate refused cases brought by ethnic minorities concerning religious discrimination. The latest example is the case brought forward by the Muslim community against the newspaper Jyllands-Posten for publishing the caricatures of the Prophet Mohammed. The Danish State Advocate decided that there was no merit in the complaint, thus denying the group access to the courts and denying to have the case tried.

Equality before the administration has become a significant issue for Roma communities since Denmark reformed its municipal structures into fewer and larger municipalities. Roma now experience arbitrary decisions by municipal officers, who have been given new tasks with little or no education. This arrangement negatively impacts Roma with respect to accessing family reunions, social services and health services. The relevant appeals are now more difficult and time consuming since the Ministry of Justice 'reformed' legal aid (i.e. cut the areas of application so as to exclude assistance with appealing administrative decisions) .⁶³

⁶¹ www.rigsrevision.dk/composite-78.htm

⁶² Maria Ventegodt Liisberg -research department, Danish Institute for Human Rights. The full survey is available at www.humanrights.dk .

⁶³ Office of the Danish delegation to European Roma and Travellers Forum www.ertf.org

Elderly immigrants who came to Denmark in the 1960s and 1970s are very isolated in society. Many have forgotten the Danish language and suffer from ill-health. There are nearly 16,000 elderly ethnic minorities in Denmark who need better healthcare. Many do not know their rights and often do not get the treatment or services, they need. This often happens when visiting doctors and social offices in the municipalities. This issue could easily be avoided however by calling an interpreter, but often they are denied this service. In order to alleviate this problem, the Ministry of Social Affairs has allocated 12 million kroner for 10 Ad hoc projects.⁶⁴

In the private sector, there has been progress. The private sector has realised that ethnic minorities cannot be treated differently. Furthermore, this sector is aware of the purchasing power of minorities in the marketplace. That being said, there are businesses in the private sector that continue to deny minorities access to services. Discos, bars, nightclubs, restaurants and music concerts deny entrance to ethnic minorities. Doormen, guards and owners have been prosecuted in numerous cases. In 2006, a TV journalism crew followed ethnic minority youth with hidden cameras and were able to uncover such instances of discrimination.⁶⁵

Three discos have been fined in such cases. However, the amount was so small that it was not much of a deterrent for the owners who continue with the 'no entry for troublemakers' policy. The term 'troublemakers' here is code for ethnic minority youth.

In an experiment done by the newspaper Politiken in April 2006, a journalist registered 11 Danish names and 11 non-Danish names for a party. All 11 Danish sounding names were admitted while 10 out of 11 'foreign sounding names' were rejected. These are some of the instances in which ethnic minorities' are being denied entrance to entertainment life.⁶⁶

Sports clubs, football teams and other elite sports all consist of white Danes. This is the result of a new survey that was conducted by 24 Timer newspaper. According to Lars Kruse, who has written many books on integration and sports, it is the Danish policies themselves that do not give an equal chance to athletes from an ethnic minority background; not only because there is no visible effort to involve ethnic minority youth in sports clubs, but because they are often even discouraged to get involved.⁶⁷

4.8 Media, including the Internet

Mainstream media coverage (print, TV and radio) of ethnic/religious minorities in Denmark has been criticised, both by researchers and NGOs, for a number of years.

⁶⁴ Information. 22 December 2006.

⁶⁵ Urban. 21.08.2006.

⁶⁶ Politiken. 16.04.2006.

⁶⁷ 24 Timer. 04.09.2006.

For years, MediaWatch has witnessed and documented the rising tide of Islamophobia in Denmark and how media misuses the concept of freedom of expression to insult and degrade not only the Muslim Communities, the religion of Islam, its holy book (the Quran) and even the Prophet Mohammed. Danish politicians, the media, and the average citizen have no qualm in calling Islam; Nazism, terrorist, fascist and many other inappropriate associations.⁶⁸

Cartoons ignited cultural combat in Denmark

2006 was a significant year with respect to the media and discrimination. This year saw a continuation of the debate started by Jyllands-Posten in September 2005 when it commissioned cartoons of the Prophet Mohammad. On 30 September 2005, 12 sketches of the Prophet were published on the front page.

In response, the Muslim communities in Denmark peacefully protested and Muslim countries requested a meeting with the Prime Minister of Denmark on this issue. However, the Danish authorities and the media responded by defending the newspaper and its right to free speech. The increased Islamophobic atmosphere in the media in Denmark did great damage to the inter-ethnic and inter-cultural relationships in society. The caricature crises resulted in the opening up of unabashed attacks on Islam and Muslim communities in Denmark. According to the Foreign Ministry of Denmark, the whole case of cartoons fills now 55,000 documents.⁶⁹

On Denmark's National day - 5 June 2006 - a major book on the 'Caricature Crises' was published in Copenhagen. The authors are Tøger Seidenfaden, Editor-in-Chief of the newspaper Politiken and Rune Engelbreth Larsen, author and historian. The book's title is 'The Caricature Crisis: An investigation into background and responsibilities'.

Media Watch No 26 surveyed the coverage of ethnic minorities in the Danish press during the period January 1st to March 31st, 2006 by looking at five daily newspapers and four TV programmes on a daily basis. The No. 1 story in the period surveyed was the notorious caricatures of the Prophet Mohammed; a subject that polarised Denmark.

Ethnic minorities in the Danish media

The table below shows the total coverage of both the cartoons and other newspaper articles and TV-spots (hereafter called 'articles') relating to ethnic minorities:

Berl	B.T.	EB	JP	Poi	TVA-1	TVA-2	TV2-1	TV2-2

⁶⁸ www.bashy.dk/MediaWatch .

⁶⁹ Politiken. 20.07.2006.

	nr.	Pp	nr.	pp	nr.	Pp	nr.	pp	nr.	pp	nr	hrs	nr	hrs	nr	hrs	nr	hrs	Total
Caricat	987	223	401	174	392	211	1,22	223	957	194	386	9.5	310	7.6	236	9.75	132	4.9	5,021
Other	281	44	221	78	269	124	277	41.1	361	69	108	2.3	70	1.6	70	1.82	34	0.9	1,691
Total	1,268	267	622	252	661	335	1,49	264	1,318	263	494	12	380	9.3	306	11.6	166	5,8	6,712
Caricat %	77.8	84	64	69	59	63	81,5	84,4	72,6	74	78	81	81,6	82	77	84,2	80	84	74.8

There were over 5,000 articles during the period January 1st to – March 31st, 2006, concerning the caricatures. For example, the newspaper *Berl* used a total of 223 pages, which is roughly 16 daily additions; *TVA-1* used nine-and-a-half hours of coverage, which equals 19 days of news programming.

Example of good practice

An example of good practice in media was that DR 2 TV hired a young TV co-presenter - Asma Abdol Hamid - for 8 interview programmes on the topic of Islam. Since Asma wears a headscarf, the TV director was bombarded with emails, letters, a petition, and articles in newspapers requesting DR 2 TV to not allow Asma to present programmes. Luckily, the TV management did not bow to the pressure and Asma succeeded in remaining a part of this programme.

Internet

Radio Holger, which is thought of as one of the worst anti-minority and anti-Islam radio stations in Denmark was finally shut down in 2006. Radio Holger was once financed by the Ministry of Culture, but later the Ministry withdrew its support. After repeated warnings to the station about its content and a court case, the licence for the station was revoked. Unfortunately, Radio Holger has switched to Internet broadcasts instead, where the Radio and TV Commission have no authority.⁷⁰

The Internet is now used with a larger frequency to misinform the public about ethnic/religious minorities, Islam and the Muslim World. The Internet has become a marketplace for xenophobia. According to a media survey, there were 21 anti-Islam/anti-minorities websites and a long list of debate forums and blogs which are used by xenophobic Danes to communicate with each other and strengthen their opinion. Researcher Rene Karpantschov from Copenhagen University believes that police and the government are ignoring the problem.⁷¹

⁷⁰ Information 21.11.2006.

⁷¹ 24 Timer. 21.09.2006.

5. Political and legal context

5.1 Anti discrimination

With the exception of a few left-leaning political parties, the political establishment in Denmark has not been keen to acknowledge that racism exists in the country. This mindset has had dire consequences. For example, not only has anti-discrimination work and legal protection of minorities been a low priority, but since the 2001 election and later the election of 2005, the present Danish Government has been ruling with the parliamentary support of the extreme right-wing Danish People's Party. This has resulted in the implementation of many draconian laws concerning asylum, family reunion, tourist visas, the lowering of subsidies to poor families, the removal of funds to ethnic minority NGOs, the closing of organisations working on anti-racism and for ethnic equality. On the legal front, the Government has passed few new laws and revised old laws, which have made the life of ethnic and religious minorities very difficult.

New restrictive laws

The Social Democrats, who have supported most of the restrictive policies of the present Government, have felt though that unnecessary conditions are being forced upon ethnic minorities who already endure many restrictions in order to live in Denmark. In 2006, the Danish Government was forced by the Danish People's Party to toughen the existing laws governing immigrants. For example, up until May 2006, a person was required to have lived in Denmark for a minimum period of seven years before they were eligible to apply for permanent residence. However, the new laws stipulate that if a person did not have a fulltime job for a minimum period of two and half years, the residence permit would be denied. In addition, the applicant is required to pass the integration examination before obtaining permanent residency status. The Danish Institute for Human Rights has criticised such practices stating: 'the laws which deal with racial discrimination in Denmark today are a mosaic looking shape and do not give equal protection against different forms of discrimination'.⁷²

ECRI has also told the Danish Government to 'ratify the European Convention on the legal status of migrant workers, Protocol No. 12 to the European Convention on Human Rights and also incorporate International Human Rights Conventions'.⁷³

The UN Committee for Women's Rights has criticised the Danish Government's practice of expelling women who are mistreated by their husbands and who eventually get divorced or separated. Currently, Danish

⁷² Effektiv beskyttelse mod discrimination – om retlige og faktiske tiltag af The Danish Institute for Human Rights – 2007. p. 9. www.humanrights.dk/publikationer

⁷³ ECRI Third Country Report - Denmark 2006. p. 7-8. www.coe.int/t/e/human_rights/ecri/1-ECRI/2-Country-by-country_approach/Denmark/Denmark_CBC_3.asp.

laws permit this practice if the marriage does not last for seven years. This forces many women to stay with violent spouses rather than leave the country or risk being deported.⁷⁴

Implementation of Laws concerning ethnic minorities in Denmark in 2006

a) Ministry of Labour

- Law No. 239 of 27/03/2006 - Addition to the present integration's contracts
- Law No. 240 of 27/03/2006 – Strengthening of the law concerning differential treatment in the labour market

b) Ministry of Integration

Under this Ministry, there were 30 revisions and governmental notices, which concerned various laws passed previously. For example:

- Law No. 487 of 07/06/2006 – Law regarding the nationality test
- Law No. 488 of 07/06/2006 - Law regarding nationality confirmation
- LBK No. 4 of 05/01/2006 – Notice concerning Repatriation law
- LBK No. 259 of 18/03/2006 – Notice concerning the law on adult education
- LBK No. 902 of 31/07/2006 – Notice concerning the integration law
- LBK No. 945 of 01/09/2006 - Notice concerning the Alien's law
- BEK No. 99 of 20/02/2006 – Notice concerning the Board of ethnic minorities
- BEK No. 192 of 15/03/2006 – Notice concerning the Refugee Commission
- BEK No.358 of 21/04/2006 - Notice concerning EU citizens' residence

Implementation of EU Directives

ENAR - Denmark has had regular contact with the Ministry of Refugees, Immigration and Integration Affairs (RIIA). Through correspondence with the Minister of RIIA as well as with officials at the Ministry of Labour concerning the implementation of EU Directives, ENAR - Denmark has managed to foster better practices and awareness-raising campaigns.

Concerning the implementation of EU-Directive 2000/43, ENAR - Denmark was informed by Trine Hougaard, Chief Consultant for the Ministry of Labour that Denmark has incorporated the directive into Danish law and that the Law of Equal Treatment has also adopted it, with the exception of the sections that relate to the labour market, trade unions and employer's unions. Ms. Hougaard also informed ENAR - Denmark that the Ministry of Integration has formed a committee to look into the manner that the Equality Directive is implemented. Later, three links were found that explain the extent to which the EU Equality Directive is being implemented.⁷⁵

⁷⁴ Pol.9.9.2006.

⁷⁵ <http://www.retsinfo.dk/DELFIN/HTML/A2002/0041130.htm>
<http://www.retsinfo.dk/DELFIN/HTML/A2003/0037430.htm>
<http://www.retsinfo.dk/DELFIN/HTML/A2005/0003129.htm>

Several other sources have also been consulted, including the DRC, MPG and the Institute for Human Rights, and compared with the information received with the Directives provisions and guidelines. From our analysis, Denmark has transposed two directives in the national laws via Act No 31 of 2005 and Act No 374 of 2003. Act No 31 which covers direct and indirect discrimination, harassment, and instruction to discriminate. Act No 429 covers data collection, and Section 7 of this act prohibits the registration of information based on race, religion and sexual orientation.

Danish law does not cover reasonable accommodation on other grounds nor does it have legal provisions for positive action based on race and ethnicity. The shift in the burden of proof is covered and so is victimisation, but legal standing and representation by NGOs is not possible. The most pressing issue is the proper application and active enforcement of national anti-discrimination laws as well as necessary information campaigns to inform society that proper remedies and tools against discrimination are available.

The implementation of the directives however, even in its full form, does not mean that laws will be used to provide justice and create a society free of discrimination in Denmark. The directive's requirements to disseminate information on anti-discrimination laws, to promote social dialogue and encourage dialogue with NGOs, especially with ethnic minority NGOs is still lacking in Denmark.

5.2 Migration and integration

Denmark does not have an immigration policy per se. The fact is, official migration was halted by law in November 1973 when the Danish Government ended the legal migration which took place from 1965 to 1973.⁷⁶ Today's so-called migration consists of asylum-seekers, family reunion of spouses along with children under 15 years of age and a tightly controlled Green Card system. Under the Green Card system, Denmark allows immigration of highly qualified doctors, IT specialists and employees of foreign companies. Lately, the Government has also started issuing work permits to cheap labour from East Europe and the developing world.⁷⁷

Family reunion and asylum

It should be noted that there has been a drastic fall in the number of people allowed to enter Denmark as refugees and through family reunion since 2002. The total number of applications for family reunion in 2006 was 5,553 and only 3,582 were granted residency permits. In the case of asylum-seekers, the figure was 1,960'.⁷⁸

⁷⁶ Law No. 155 of 21.March 1973.

⁷⁷ Please see page 8-9 of this report under the heading; Employment.

⁷⁸ ECRI Third Country Report on Denmark 2006 p.18.

ECRI has also asked that the Nationality Act should not contain distinctions or include any practice which amounts to discrimination on the grounds of religion, race, colour or national or ethnic origin'.⁷⁹

The Danish Institute for Human Rights is concerned that the new nationality acquiring regulations will give rise to the question whether Danish legislation is in compliance with international standards, especially with respect to the prohibition against discrimination.⁸⁰

The condition of asylum-seekers

In Denmark, there are currently 800 asylum-seeking families with 200 babies living in terrible prison-like conditions. They have been waiting for up to six years to resolve their status. These families are unable to return to the insecure and violent countries they have fled. They cannot go back to Afghanistan, Iraq, Kosovo and other countries, where they face a most uncertain future.⁸¹

According to the Danish Red Cross, there are 500 children in the Danish asylum system. They live in very deplorable conditions and have very little contact with the outside world. The youth wing of the Danish political party Radikal says it is similar to 'human beings in cages'.⁸²

Denmark receives 500 refugees through the UN each year, but the Danish authorities have been pressing the UN Refugee System to send more Christian refugees. Jesper Langballe from the Danish People's Party admitted that this change was intentional for the sake of integration.⁸³

A small group of 'rejected' refugees from Kosovo are also in limbo. As a rule, most Roma asylum seekers are forcibly and summarily deported under 'return' agreements. The Kosovo Roma have proven a difficult 'nut to crack' though. In Autumn 2006, Danish authorities tried to forge documents and make false allegations by 're-labelling' Roma as being serious criminals. This was a means for which deportation would have been more tolerated and palpable among the public.⁸⁴

The UN Committee against Racial Discrimination (CERD) criticised Denmark for the 'miserable conditions and isolation of asylum seekers and their children in the camps, the lack of appeal possibility against decisions made by the Refugees Board in asylum cases, the moving of asylum seekers from camp to camp, the very high rate of rejection of asylum for persons from countries like Afghanistan, Iraq, Sri Lanka and the forced repatriation of asylum seekers'.⁸⁵

⁷⁹ ECRI Third Country Report on Denmark 2006 p. 9.

⁸⁰ The Danish Institute for Human Rights Report to ICERD June 2006. Page 3. Article 5 (d) (iii). Author Mandana Zarrehparvar. www.humanrights.dk.

⁸¹ Politiken. 16.11.06.

⁸² www.radikalungdom.dk

⁸³ Information. 31.07.2006.

⁸⁴ Eric Støttrup Thomsen from NGO 'Romano'-Helsingør.

⁸⁵ Politiken. 25.06.2006.

Integration

Danish Prime Minister Mr. Rasmussen announced that the integration of ethnic minorities is the biggest challenge Denmark faces. It is interesting to note that the sole purpose of this Government's strict policies was to stop family reunion and asylum and integrate those minorities who were already in the country. Now after six years, the Prime Minister has admitted that their integration policy did not bring the intended results. NGOs have no doubt that it is because the Government did not remove the barriers in the labour market and at the same time has created an atmosphere of hostility towards minorities in society.

According to a new survey by trade Union Magazine A4, the great upturn in the Danish economy has not brought many benefits for minorities. In addition, the Government's own Think Tank on Integration has criticised its integration policies. The Chairman of the Think Tank, Mr. Erik Bonnerup in a lengthy interview said, 'The Government has for too long focused on what an individual immigrant should do to get a job, but has done too little to remove the barriers in the labour market and in the welfare society.'⁸⁶ Mr. Bonnerup also suggested that the Government should introduce new incentives; an introductory pay, increased job deductions and job supplements. Minorities should also be able to keep a part of their social security because of a lower introductory wage. Mr. Bonnerup also criticised what he called the 'symptom treatment' instead of a real effort on the part of the Government to solve the root of the problem. Mr. Bonnerup further emphasised that if this strategy were not shifted now, integration would become a larger problem for society in the future because the number of unemployed youth will triple in 15 years. Mr. Bonnerup concluded that in spite of good intentions, very little has been done to resolve the situation in the last five years.

As far as the 11 Common basic Principles on integration established by the EU Commission are concerned, there has been no debate – public or parliamentary - in Denmark. Danish politicians and authorities consider integration as a one-way street. It is often assumed that integration can only be achieved if minorities adapt to the norms of the majority, as well as abandon their own cultural, religious and social traditions. What the 11 principles of integration are requesting the EU countries to adhere to, is not being followed-up in Denmark. In a response to this view of integration ENAR plans to contact all political parties and ministries to enquire if they are aware of these principles and if they are, what is their approach for its implementation.

On a more positive note, one can mention that according to a 2006 MPG report on the policies on integration and diversity in some OSCE States, 'integration policies in Denmark include outreach programmes. These vary from the production of immigrant language leaflets to informing immigrant parents about the education system'.⁸⁷

⁸⁶ Jyllands-Posten 08.06.2006.

⁸⁷ www.osce.org/documents

5.3 Criminal justice

5.3.1 Racism as a crime

New proposed specialised body

The Danish Government has proposed to establish a single complaint body to deal with all areas of discrimination mentioned in Article 13. The Danish proposal even goes further than the requirement laid out in the Directive. It also includes discrimination based on nationality, political observance and social status. Unfortunately, no NGOs were consulted by the Government, but the Institute for Human Rights and ENAR Denmark did hold meetings with NGOs and formulated a statement on the subject with some concrete suggestions. The Institute for Human Rights published the book 'Effective protection against discrimination' in connection with the bill proposed by the Government. The book included suggestions by diverse organisations concerning the new complaint body. Parliament has said it will discuss the new proposal in December 2007.

This new body is crucial for ethnic minorities because the old Committee lacked enforcement and had very little credibility. The Danish Institute for Human Rights in its report to ICERD pointed to this weakness. 'The Danish Institute for Human Rights is especially concerned that the Complaints Committee has not been provided with adequate powers to fully fulfil its role to combat discrimination and investigate complaints over discrimination in an effective manner'.⁸⁸

Furthermore, in the present legal system, cases of discrimination, such as; incitement of religious hatred, racist statements about religious minorities and religions are next to impossible to pursue, let alone win. In 2006, police on behalf of Muslim minorities registered many cases against Jyllands-Posten and against politicians from the Danish People's Party. However, all of the cases were rejected by the State Advocate, who did not allow them to go to trial. Alternatively, some of the Muslim organisations that stood behind these complaints in Denmark have taken three cases to the European Court of Human Rights.⁸⁹

Hate Crime

A hate crime is a non-legal term for crimes where the motive is connected with the victim's ethnicity, colour, religion, culture and/or sexual orientation.⁹⁰ Since the situation of hate crime in Denmark has worsened in recent years, the Minister of Justice Lene Jespersen has instructed the State Advocate to collect information and material from 1 January 2007 on cases of hate crimes currently before the courts and the court's decisions in these cases. At the end of 2007, the State Advocate will present their findings so that new

⁸⁸ Mandana Zarrehparvar. www.humanrights.dk

⁸⁹ Politiken. 19.03.2006.

⁹⁰ www.wikipedia.org

initiatives can be put in place.⁹¹ The city of Copenhagen has already started discussing the issue after the initiative of the left-wing political party 'Enhedslisten'. Representatives of both the Lesbian and Gay Community and the Jewish Community have welcomed this development. According to the Jewish organisation Mosaiske Samfund, nearly 30 Jewish people suffer from hate crimes each year.⁹²

Finally, there has not been a national debate on the EU Framework Decision on Racism and Xenophobia in Denmark. ENAR Denmark has however sent press releases to the Danish press on the adoption of the Framework Decision during the German Presidency.

5.3.2 Counter terrorism

Terrorism

In Denmark, between 1965 to 1997, there were 12 cases of bombings and letter bombings against tourist offices, embassies and political organisations. There were two deaths and some injuries associated with these bombings.⁹³ Before the terrorist attacks of 11 September 2001, the word 'terrorism' was hardly ever mentioned in Danish public debates, media coverage or in the political / legal context. Even attacks and killings in diverse parts of the globe such as Sri Lanka, Ireland, Germany, Italy, Spain, Columbia, Israel, South Africa and Indian Kashmir were described as the work of separatists, freedom fighters, rebels and criminals. The religious and cultural affiliation of perpetrators were not mentioned either. However, this changed in 2001.

Since 9/11, the Danish nation, its politicians, clergy, intellectuals, media and public have gone into hysteria. Statements such as , 'this attack is not only on the USA but the whole Western civilisation' or 'we must defend our way of life' are frequently cited. As a result, Islam and Muslims have become the target of scorn and hate.

There is an overwhelming preoccupation with so-called 'Islamic terrorism' in Denmark today. According to an international opinion survey done by A.C.Nielsen in 42 countries involving 23,000 people, the Danish people are the people the most frightened of terrorism in the world. In May 2006, 27% of Danes had terrorism as their number one worry. The Danish People's Party quickly took advantage of the public's fear and while negotiating the 2007 financial budget, the Party forced the Government to allocate 10 million Danish Kroners for the sole purpose of funding a researcher to study the connection between Islam and terrorism.⁹⁴

⁹¹ Urban.10.10.2006.

⁹² Dato.14.11.2006.

⁹³ Metro Xpress.6.09.2006.

⁹⁴ Nyhedsavisen. 9.11.2006.

Anti-terrorism

From September 2001 to September 2006, Denmark has put in place many legal instruments to fight terrorism. The first anti-terrorism package was put in place in April 2002 after the terrorist attacks in the United States. This was revised again in November 2005 after the bombings in London. At that time, a Prime Ministerial Committee recommended 49 new initiatives to be added to the first law. The Committee also proposed that preparatory measures with respect to the police and the **PET** (Danish Secret Service) to prevent and investigate terrorism be strengthened.

On 8 June 2006, a new anti-terror package was passed by the Parliament. Many legal experts called the passage of this package a black day for Danish people. The concern was that many sections of this new anti-terror law were an attack on the principles and fundamental rights of the people. It was also raised that these new initiatives sidelined the judicial system. The anti-terror package gave PET sweeping powers where they can demand information about citizens from hospitals, libraries, social offices, telephone companies and educational institutions.⁹⁵

Sune Skadegaard Thorsen, an eminent legal expert and member of the Board of the Danish Human Rights Institute, commented that, 'Denmark is being converted into a museum for national romanticism and a case study in advancing apartheid'.⁹⁶

One of the strongest civil society critics of this anti-terror law came from Henning Prins, a well-known journalist. In his blog he wrote: 'It could be that this terror hysteria serves other goals than to protect the people against attacks. Maybe this would be used to secure public backing to the Government's mistaken foreign policy by spreading fear in society. This means a steady acceleration of creating suspicion against immigrants and those who criticise the present Government'⁹⁷

In 2006, under the anti-terror act, seven cases of terrorism, economic help to terrorism and incitement to terrorism were registered. These cases were against: seven young persons from Vollsmose in Odense, four young men from Glostrup in Copenhagen, the Charity organisation Al – Aqsa, a publisher, Said Mansour, Patrick MacManus of organisation Oprør, seven members of the clothes company Fighters and Lovers, and Kurdish TV Roj.

Most cases have been dealt with behind closed doors, but with great media fanfare. Politicians and even the Justice Minister gave statements, which were criticised by the Chairman of the Association of Judges, jurists and the chairperson of ECRI Eva Smith. They reminded the politicians that a person is innocent until proven guilty. The defence lawyers of many of the terror suspects openly criticise the courts for being too closed to the public and too

⁹⁵ Amnesty International Magazine, .September 2006 . www.amnesty.dk.

⁹⁶ www.lawhouse.dk

⁹⁷ www.kritiskportal.dk/leder.htm Sept. 2006.

friendly toward prosecuting authorities when suspects are held in solitary confinement and isolation for long periods without justification.⁹⁸

From an ethnic minority perspective, one very disturbing aspect of anti-terror legislation in Denmark is, of course, the changes made and primarily introduced to the Danish penal code and penal procedural code. Central to the changes is the definition of terrorism, which was broadened in Art. 114. More activities are now deemed acts of terrorism. Other important changes include the immigration law, giving increased possibilities of denying residence permits to persons who have committed serious crimes. Additionally, and of vital importance to the human rights environment, is the increased possibility of the immigration authorities, the prosecutor, as well as the Intelligence Services (PET) and the Defence (FET) to gather and exchange information on citizens.⁹⁹

5.3.3 Racial profiling

Evidence suggests that racial profiling is widespread in Europe, yet it remains largely undocumented and not explicitly prohibited under law. Denmark is no exception to this. 'Random' checks at the airports, refusals from entering a disco or being stopped in a car by traffic police are examples of such profiling.

In Denmark, police officers use cultural profiling when discussing honour killings, forced marriages or genital mutilation of women on TV. It is accepted that colour, ethnicity, national background and even religion can and should be used if necessary to pinpoint a criminal or unwanted person.

Racial profiling puts people on the defensive in situations where they feel defenceless and powerless. This only serves to create a strong feeling of being an outsider where the reaction to this defencelessness and feeling of powerlessness can be aggression.

In my own personal experience I have noticed that on all of my departures from the Copenhagen airport, my luggage is searched. My suitcase locks are broken and contents searched through without an apology, only a sticker with the wording 'Security Check.' There is no doubt that racial profiling is being employed as a counter-terrorism measure. Amnesty International USA correctly points out that 'Racial profiling encourages hate and undermines national unity'.¹⁰⁰

5.4 Social inclusion

As a welfare state, Denmark has a number of mechanisms that have up until now managed some issues of social inclusion very smoothly. However, this does not easily apply to the inclusion of ethnic and religious minorities as well.

⁹⁸ Dato. 18.8.06.

⁹⁹ www.lawhouse.dk

¹⁰⁰ http://www.amnestyusa.org/racial_profiling/index.do

According to the 2006 EU Joint Report on Social Protection and Social Inclusion, Denmark's immigrants belong to the most vulnerable, disadvantaged and excluded groups.

Preben Brandt, Chairman of the Board of the Socially Marginalised, is concerned at the rapidly increasing poverty rate among ethnic minorities, especially males in large cities. Mr. Brandt believes that if unchecked it will spread to small towns as well. Since the Government has drastically decreased social assistance, refugees have been hit especially hard. Refugees typically have a much smaller social network, so they have less ability to rely and share with others to make ends meet, especially while receiving less assistance.¹⁰¹

New initiatives have been created that target married women who are not employed, trafficked women, victims of domestic violence, minorities in disadvantaged areas, people from forced marriages, language proficiency amongst minority toddlers and making the labour market more inclusive for minorities. There are many initiatives concerning job creation, but these are in municipalities, which are funded by the State.

The involvement of ethnic minorities in the decision-making process is very limited. Political participation in organisations is limited nationally, but minorities are more active in local elections. NGO activities are curtailed to a large extent because of a lack of funding. Since 2003, there is no umbrella organisation, which can represent ethnic minorities nationally in an advisory capacity.¹⁰²

ECRI strongly urged the Danish Government to provide NGOs and other specialised bodies with sufficient funds to enable them to adequately assist minority groups in solving the problems that they face.¹⁰³

The Danish Institute for Human Rights states in its Report that: 'the assessments made in recent years show a tendency of stressing and accepting a majority perspective vis-à-vis ethnic minorities, to the detriment of the active participation of persons with another ethnic background than Danish in society.'¹⁰⁴

¹⁰¹ MetroXpress.14.06.2006.

¹⁰² EU Commission's Report on Building Europe with new citizens. p36

¹⁰³ ECRI Third Country Report - Denmark 2006 p. 14.

¹⁰⁴ Report to ICERD Page 2. Article 2 . Mandana Zarrehparvar. www.humanrights.dk

6. National recommendations

6.1 General

One of the most important national initiatives to deal with discrimination and create a more inclusive society in Denmark was taken in 2006 by the Committee for Equal Treatment under the Institute for Human Rights. This initiative includes 21 NGOs – from Amnesty International to Ældresagen (national organisation of elderly). The NGOs represent all areas of discrimination, so the Committee for Equal Treatment's legitimacy and reach extend far beyond one NGO's efforts. This was the first combined effort in Denmark to pool together resources to fight discrimination and support each other. The initiative created a shared platform and set a common goal. A statement of intent was written by the the signatory NGOs. They have expressed concerns about the following:

- I. The barriers which hinder an individual to take active part in society;
- II. Prejudices and insulting statements;
- III. Lack of legal measures which effectively protect against all forms of discrimination;
- IV. All-encompassing discrimination in society.

NGOS want:

- A general prohibition against discrimination in Danish laws;
- An equal, independent and qualified administrative complaint procedure concerning discrimination for all groups, in and outside the labour market;
- Mainstreaming of non-discrimination and equal treatment principles, transposing this in all public and private sectors, as well as incorporating this into laws and policies;
- Secured real conditions for equal representation and diversity in all of society;
- All UN conventions be ratified and incorporated into Danish law.

6.2 Anti-discrimination

- This area should be given priority by the State and public institutions;
- Awareness-raising in the schools should be strengthened and ensured.

6.3 Migration and integration

- Migration and integration should be de-linked;
- Integration policies should also be geared towards the majority as well.

6.4 Criminal justice

- Intercultural education for police, prosecuting lawyers and judges;
- Monitoring of the justice system to ensure neutrality;
- Support for victims of racism in legal recourse.

6.4.1 Racism as a crime

- Penal code 266B, relating to racist statements and propaganda should be strengthened to include Islamophobia;
- Authorities must take cases on their own initiative if individuals or groups are unable to do so.

6.4.2 Counter terrorism

- Terrorism cases should be de-linked from the perceived religious and cultural associations;
- Better co-operation between society and authorities – PET and police.

6.4.3 Racial profiling

- A campaign directed towards ethnic and religious minorities with the purpose of awareness-raising;
- Sensitivity training for police and immigration authorities.

6.5 Social inclusion

- Funding for NGOs to carry out their work;
- Opening of a Danish organisation for ethnic minorities' participation.

7. Conclusion

As seen from an ethnic minority perspective, the three most important developments on the anti-discrimination front in 2006 have been:

1. **The Governmental Proposal to establish a Joint Specialised Body to deal with discrimination complaints**

The first Complaint Committee on Ethnic Equal Treatment was established in accordance with the mandate given to the Danish Institute for Human Rights under the Act on Ethnic Equal Treatment of 28 May 2003. The Committee's sole purpose was to handle individual complaints in the area of ethnic discrimination.

The Committee handled few cases because it was hardly known of amongst the victims of discrimination, had no real mandate to help with judicial assistance, was given a limited budget, and was considered by NGOs as too official.

In October 2006, the Government without consultation announced that it was to establish a Joint Complaint body as soon as possible. When this joint body is established, it will replace both the present Committee and Gender Equality Board. From the perspective of minorities and civil society, this new body would be a great improvement in the protection of victims of differential treatment.

2. **International criticism of Danish policies**

The UN Committee against Racial Discrimination (CERD) examined the official Danish report in August 2006 in Geneva. CERD asked Danish NGOs to provide it with their own assessment of the Danish situation. ENAR-Denmark also submitted information concerning media and the labour market in Denmark.

ECRI's report, which was published in May 2006, pointed out that some politicians and the media have advanced a negative picture of minority groups. The Law against racial discrimination and Penal Code 266 B, which concerns racist statements, are very seldom used. Denmark also has not ratified the revised European Social Pact and Convention on seasonal workers rights and Protocol 12 of the European Human Rights Convention.

3. **NGO Conference**

NGOs established a consensus conference in the Parliament, facilitated by the Institute for Human Rights. This was the first time that anti-discrimination was put on the political agenda by NGOs and the national politicians from different political parties were present to respond. Many NGOs have realised that if they wish to succeed in changing the patterns of racism and discrimination, they have to support each other and do away with the idea of hierarchy in discrimination.

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