



European network against racism

ENAR Shadow Report 2010-2011

ENAR SHADOW REPORT

Racism and related discriminatory practices in Denmark

**Bashy Quraishy
Ethnic Debate Forum**

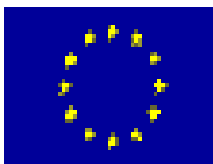
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

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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I. Executive summary

This report looks at the various groups that are victims of discrimination because of their ethnicity, nationality, culture, or religion. Although it is not difficult to get an overview of the various ethnic groups, there is a need to have separate data on adopted children, the Roma community, and Greenlanders. These groups face discrimination and should be protected.

Manifestations of racism and discrimination take place in every sphere of life and on a daily basis. This has been documented by the Institute for Human Rights, DRC, ENAR Shadow Reports, many other minority NGOs and scientific studies. Unfortunately, many politicians and decision makers pretend not to know, or flatly deny, that discrimination happens.¹ We focus on nine areas, which affect most ethnic minorities: employment, housing, education, health, criminal justice, access to goods and services, the media, political and legal developments in anti-racism and anti-discrimination, and migration and integration.

High unemployment among ethnic minorities, especially in non-Western communities - is the single most important barrier, and is at the root of social isolation and the lack of mutual integration. The Danish government must solve the unemployment problem among ethnic minorities on an emergency basis if it hopes to ask them to contribute. Also playing a part in keeping ethnic minorities at the fringes of the society are issues such as: expensive and concentrated housing, a lack of quality education and an unfriendly health system.

- **Employment recommendation:** It is recommended to introduce job related vocational training for semi-skilled workers, affirmative action (especially for qualified and career minded minority youth), and employer awareness.
- **Housing recommendation:** The government should ask housing societies to provide accommodation in attractive areas and not send minorities to socially deprived areas.
- **Education recommendation:** The government should not allow municipalities to spread out minority children in faraway schools, and should reintroduce free mother tongue learning.
- **Healthcare recommendation:** Free interpretation services should be reinstated at doctor's clinics, in hospitals and in social services, especially for the elderly generation.

Criminal Justice: In Denmark, traditionally a peaceful country, unsympathetic policing, racial profiling, racist violence and crimes against minorities are becoming increasingly common and visible. Police checks directed towards minorities are not helpful in creating good relations between authorities and the youth.

¹Author interview with Sociologist and media researcher Mustafa Hussain, 15th July 2011.

- There is a need for neighbourhood policemen who know the people in their area and thus have no need to check the identity of the same person several times.

The harsh tone of public debates, an increase in extreme right wing political discourse and the emergence of nationalist movements are a big source of tension. This trend must be checked because it is polarising society and creating conflicts.

- Racist violence can be minimised if the legal system is supported by political will.
- Laws must mirror reality and the lawmakers have to provide tools for the police and the courts.

Criminal justice is a fundamental requisite of a democratic society. Denmark is no exception. Through making racism a crime, Danish society would send a strong and positive signal. Counter terrorism measures are necessary but it should not be at the cost of civil freedoms and respect for minorities, which is the case at present.

- Terrorism has no religion and thus it should not be associated with Islam, but instead should be treated as the criminal acts of individuals.

Ethnic and religious minorities would have a greater feeling of belonging if they were able to enjoy full **access to goods and services** in the private and public sector. Interestingly enough, the private sector in Denmark has realised the benefits of ethnic buying power. Now the public sector should open its doors and make use of the financial and manpower resources that minorities have. Proper service produces satisfied customers and happy customers become good citizens.

- There is a need for a sustained campaign directed at public services.

In today's society, **the media**, and increasingly the internet, not only provide information to citizens but are also opinion makers.² Unfortunately, most Danish mainstream media has been irresponsible when covering ethnic and religious minorities, especially Muslim communities.³ This constant negative coverage has had a devastating effect on majority/minorities relationships.⁴ Internet and social media are even worse because they do not have any codes of conduct or legal restraints.

² As can be seen from the various reports featured on <http://mediawatch.dk/>, accessed 30 August 2011.

³ Open Society Foundation 'At home in Europe: Muslims in Copenhagen' (2011) http://www.soros.org/initiatives/home/articles_publications/publications/muslims-copenhagen-20110303/a-muslims-copenhagen-en-20110428.pdf, accessed 30 August 2011.

⁴ Hussain, Mustafa Islam, Media and Minorities in Denmark, *Current Sociology*, 48(4), (2000) 95-116. London: Sage Publications

- The State must realise that freedom of expression must be accompanied by some sort of responsibility on the part of journalists and editors, otherwise free speech could become hate speech and propaganda.
- A code of moral conduct is recommended, which can be put in place in consultation and co-operation with media providers.

Anti-discrimination and equality is the backbone of a just society. Denmark has implemented the EU Race Directives⁵ in the Danish legal system and has established a Board of Equal Treatment to deal with discriminatory practices in many areas. This positive step however has not been followed with closer co-operation with anti-discrimination NGOs.

- The State needs a partner and NGOs can be its ears and eyes on the ground. Closer cooperation is necessary.
- Restoring official funding is a must in order to energise grassroots work.

In 2002, the present Danish government formulated its' **integration policies** based on stopping asylum and family reunion from distinctly non-Western countries. The result is that, even in 2010, many young people have difficulty in establishing families in Denmark.⁶ Minorities can contribute to society in many ways from raising the declining birth rate to providing a stable work force. The rule which stipulates that people must be a minimum of 24 years of age to be reunited with their spouses is inhuman.⁷ Instead of repealing this rule, the government has recently added extra conditions on higher education, the point system and requiring deposits of thousands of Euro, all of which are adding to making it almost impossible to reunite families in Denmark.⁸

- These policies must be de-linked. Denmark needs sustained development to support the welfare system.
- The government must take steps to review the current legislation regarding family reunification with a view to facilitating this process and making it more accessible.

Social inclusion is every citizen's wish. It can be achieved by solidarity instead of individualism. Since minorities do want to belong to the land that they live in, the

⁵ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>, accessed 30 August 2011.

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>, accessed 30 August 2011.

⁶ They may have to go to Sweden or Germany to be with their spouses. Love without borders Organisation link: <http://www.aegteskabudengraenser.dk/forum/viewtopic.php?f=1&t=7175>, accessed 30 August 2011.

⁷24 years rule: <http://www.b.dk/politiko/se-24-aars-reglen-som-politikerne-diskuterer>. Udlændingelovgivningen. 2002

⁸ Point system: <http://cphpost.dk/news/making-the-cut/200-making-the-cut/51943-the-price-of-love.html> and <http://www.bbc.co.uk/news/world-europe-12366676>, accessed 30 August 2011.

recommendations that we have provided above may be helpful in realising this dream.

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III. Introduction

The purpose of this Shadow Report, covering the time period from March 2010 to March 2011, is to provide the readers decision makers, and ENAR, with a wealth of information concerning racist and discriminatory practices in Denmark what is being done at the official level, as well as through grassroots channels, and how the situation can be improved in the future.

It is not a scientific study, nor it is a collection of rumours, but it is based on very systematically collected information, data, analysis, and reports by reputed NGOs and solidarity organisations in Denmark and the EU. We have also utilised extensive newspaper coverage, TV news, magazines, and expert interviews to give this report an authentic and up-to-date look.

Denmark is the only country in the EU, where a small political party, the Danish Peoples Party (DPP), with a vote bank of less than 14%, has an overwhelming veto power on the decision making process. This has been the case since 2001. The DPP has not only brought its anti-minority and anti-Islam agenda to the forefront of all governmental decisions but has succeeded in forcing the government to make discriminatory and restrictive changes in all laws concerning ethnic minorities, such as integration, asylum and family-reunion. On top of all this practical damage, the DPP has poisoned the political climate through its inflammatory anti-minority rhetoric and hatred of Islam.

The negative tone of Denmark's immigration debate is even hurting economic growth and 15 of the country's largest employers have come out with a statement warning the country's politicians against pursuing a political debate that has branded immigrants as a problem for Denmark.

"We are urging politicians to show more nuance in the way they talk about immigrants, so that we do not come off seeming unfriendly," Tine Horwitz told The Copenhagen Post Online newspaper.⁹ Developments in Denmark in the period, 2010-2011 have been devastating for integration, human rights and the overall living conditions of minorities. Here are a few important indicators from news reports in the Copenhagen Post Online Newspaper with regard to the public debate and legal changes:

- Tougher immigration and language test passed¹⁰
- Danes want foreigners to 'be like us', poll reveals¹¹

⁹ The Copenhagen Post Online, *Businesses: Immigrant bashing bad for business* <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/51280-immigrant-bashing-bad-for-business.html>, accessed 16 August 2011.

¹⁰ The Copenhagen Post Online, <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/51490-tougher-immigration-language-test-proposed.html>, accessed 16 August 2011.

¹¹ The Copenhagen Post Online, Danes want foreigners to 'be like us', poll reveals, <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/51363-danes-want-foreigners-to-be-like-us->

- Refugees steer clear of Denmark because of its bad reputation¹²
- “Skilled workers should score as many points as academics”¹³
- Cost of Danish language courses increased from 110 to 16,900 kroner¹⁴
- Poll shows majority see negative influence of multiculturalism¹⁵
- EU challenge to laws sparks calls for to defend national sovereignty¹⁶
- Denmark is worst in the Western world for family reunification¹⁷
- Stateless Palestinians wrongfully denied citizenship¹⁸
- New rule puts permanent residency out of reach for most¹⁹
- Danish Peoples Party; No more non-Western immigrants to Denmark²⁰

This report first highlights communities particularly vulnerable to racism and discrimination in Denmark. It goes on to examine how different ethnic minorities experience racism and discrimination in certain policy areas: employment, housing, education, health, criminal justice, access to goods and services, and the media, and providing the political and legal developments which have occurred in the past year in each area. The following section outlines the general political and legal developments in anti-racism and anti-discrimination, and the next deals with general trends and developments in migration and integration. Before the conclusion, the report lists national recommendations targeted at resolving the issues that have been highlighted in the report.

poll-reveals.html, accessed 16 August 2011.

¹² <http://www.cphpost.dk/news/>, accessed 16 August 2011.

¹³ <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/51204-modifications-to-points-system-proposed.html>, accessed 30 August 2011

¹⁴ <http://www.cphpost.dk/news/making-the-cut/51182-price-jump-prevents-foreigners-from-learning-danish.html>, accessed 30 August 2011

¹⁵ <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/51181-danes-reject-assimilation-requirement.html>, accessed 30 August 2011

¹⁶ <http://www.cphpost.dk/making-the-cut/200-making-the-cut/51158-immigration-minister-to-look-into-effect-of-eu-regulations.html?tmpl=component&print=1&page=>, accessed 30 August 2011

¹⁷ <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/51097-worst-in-the-west-for-family-reunification.html>, accessed 30 August 2011

¹⁸ <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/50786-stateless-palestinians-wrongfully-denied-citizenship.html>, accessed 30 August 2011

¹⁹ <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/50585-new-rule-puts-permanent-residency-out-of-reach-for-most.html>, accessed 30 August 2011

²⁰ <http://www.cphpost.dk/news/making-the-cut/200-making-the-cut/51506-strict-immigration-rules-pay-off.html>, accessed 30 August 2011

IV. Communities vulnerable to racism and discrimination

Until 1965, Denmark was a mono-ethnic country, populated largely by Anglo-Saxons. According to the latest data available from the Ministry of Integration and the Danish Bureau of Statistics the figures for ethnic minorities as per 1st January 2011 were as follows: Total population of Denmark 5.560.628, total number of immigrants and their descendants 562.517.²¹

Breakdown of immigrant population:	
European Countries	301.720
Asia	186.581
Africa	49.743
South and Central America	10.728
North America	9.997
Oceania	2.426
Stateless	1.322

People of African descent come mainly from Egypt, Ghana, Morocco, Somalia, Uganda, Nigeria, Ethiopia, Tanzania, Eritrea, Gambia and a few other countries. The total number of People of African descent, is 49.743, which is 11% of the immigrant population. Apart from Somali and Moroccan communities, most Africans are well adjusted and have a good level of interaction with Danes.²²

The Danish State makes a clear distinction – both statistically and ideologically – between European and non-European residents in Denmark. In its calculations, children born to 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. Thus, according to government calculations, immigrants and their descendants constitute 10.1% of the total population.²³ However, this high %age does not tell the whole story. In the media, and political and governmental discussions, minorities are presented as a huge burden and their large numbers as a problem for integration. The fact is that non-Western minorities (Africans and Asians) are only 236324 or less than 2.35% of the total population and 23.8% of all immigrants and their descendants.²⁴

It must be mentioned that, in Denmark, the focus of racist and discriminatory practices has shifted from colour and ethnicity to culture and religion. Of course

²¹ <http://www.statistikbanken.dk/statbank5a/default.asp?w=1680>, accessed 1st January 2011

²² Based on authors' interviews conducted with representatives of these communities. <http://somethingmanky.blogspot.com/2010/01/its-not-easy-being-somali-in-denmark.html>, accessed 30 August 2011

²³ Tal & statistik på udlændingeområdet. http://www.nyidanmark.dk/da-dk/statistik/udlaendingeomraadet/statistik_udlaendingeomraadet.htm accessed 30 August 2011

²⁴ Ibid.

the physical appearance of all ethnic minorities is noticed and acted upon in Denmark but increasingly the debate in the media, political signals, and even laws are being put in place concerning minorities with Muslim background. The word Muslim in itself is used to represent ethnicity or a category. For example, it is common to read the following style of phrasing in the media; One Muslim was arrested for stabbing a Dane.²⁵

There is no exact official data available on the number of Roma, people from Greenland, or children adopted from countries outside the Western hemisphere, although each of these groups are also victims of racism in Denmark. However, according to the Romano Roma organisation,²⁶ there are over 10,000 Roma and descendants in Denmark, compared to the official figures of 2,000 (a figure which may derive from old estimates of the number of Roma in Elsinore municipality).²⁷

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

Overview of 15 largest groups of ethnic minorities in Denmark²⁸	
Turkey	60.031
Former Yugoslavia	49.163
Iraq	29.662
Lebanon	24.089
Pakistan	21.152
Somalia	16.943
Iran	15.686
Vietnam	14.142
Afghanistan	13.483
Sri Lanka	10.988
Morocco	10.027
China	9.939

²⁵ Mediawatch no.27, March 2010, <http://mediawatch.dk/>, accessed 30 August 2011.

²⁶ "Romano" is Denmark's oldest Roma association. It was founded in 1942 as a subunit of the famous resistance group "Holger Danske" ("Holger the Dane")

²⁷ Oreskov, Claus, Helsingørs romaer arbejder og kører i dyre biler, <http://www.information.dk/245556>, accessed 16 August 2011.

²⁸ http://www.nyidanmark.dk/da-dk/statistik/udlaendingeomraadet/statistik_udlaendingeomraadet.htm, accessed 16 August 2011.

Thailand	9.411
Philippines	9.304
India	6.879

The statistics include both foreign citizens and Danish citizens with foreign origin

V. Racism and related discrimination in employment

Compared to many other EU Member States, Denmark has been fortunate to have a high employment rate for the last 10 years. The country avoided high unemployment through a number of smart moves, such as investing in targeted education and the re-qualification of jobless people, as well as providing a variety of types of training, including vocational training. The state also changed financial support laws, with the intention of forcing people to actively seek jobs. Until recently these measures seemed to have worked for most citizens, including ethnic and religious minorities. As has been mentioned in our previous Shadow Reports, the employment situation for minorities did improve from 2004 to 2008 but from 2008 to 2011, the level of unemployment among minorities increased, to 46%.²⁹

Although a Local Government Association (KL) concluded in August 2010 that more and more non-Western immigrants did find their way into the Danish labour market, in the same month the Labour Movement's Advisory Board stated that non-Western immigrants and their descendants have experienced the greatest decline in employment since the financial crisis.³⁰ The reality behind these studies is, unfortunately, very discouraging. Many immigrants and descendants of non-Western origin are still inactive and there is a clear tendency that those who are in work, have settled for unskilled and low paid jobs.³¹

There are many reasons for this worsening situation. Firstly there is, as is often mentioned in public discourse, the financial crisis. The second reason given by the authorities is the lack of proper education among minorities. However, the real reason is that the political situation and harsh public debate, which presents minorities as useless, giving the small business employers an excuse not to hire non-Western minorities. Not only are long term permanent residents with lower level educational achievement standards without jobs, but recent arrivals through Green Card schemes, with very high professional skills and degrees, are also victims of discrimination and a lack of governmental guidance. In December 2010, some of the most powerful directors in the Danish industry publicly asked for a less negative focus on minorities, so that they can contribute as workers. These directors were worried by the development that minorities are met with scepticism and hostility rather than curiosity and openness.³²

The discrimination in the labour market is directed towards visible minorities – like Africans and practicing Muslims: In a far reaching survey conducted by

²⁹ <http://cms.horus.be/files/99935/MediaArchive/publications/Denmark.pdf>, accessed 30 August 2011

³⁰ <http://politiken.dk/debat/analyse/ECE1147114/festen-er-forbi-for-nydanskere-i-arbejde/>

³¹ <http://politiken.dk/debat/analyse/ECE1147114/festen-er-forbi-for-nydanskere-i-arbejde/>, accessed 20 August 2011.

³² <http://m.b.dk/article.pml?guid=9904149>, accessed 16 August 2011.

Voxmeter, 503 unemployed Muslim women were interviewed. Six out of ten of the respondents told the survey that wearing a headscarf hindered their chances of getting a job.³³ They were backed by the findings of SFI, The National Research Centre for Welfare.³⁴

The Expat Study 2010, carried out by Oxford Research, revealed that only 3.7% of highly qualified foreigners were employed in Denmark.³⁵ Even youth born and raised in Denmark are frustrated and feel that their future lies outside Denmark.³⁶ There are far more highly educated foreigners leaving Denmark than are coming to the country. Therefore, Denmark gets bottom place in the new international report by the World Bank.³⁷ It could have devastating consequences for Denmark's future economic growth. The Integration Ministry also that it will attract more highly educated foreigners, but has given no concrete suggestions on how to fund this.³⁸

A survey done by IFO – Institute for Opinion Analysis – revealed that 65% of unemployed minorities who are sent by the Danish system to work in big companies as volunteers or sent to improve their qualifications and gain experience end up without employment afterwards.³⁹ The government is well aware of the fact that Danish welfare cannot be maintained without minorities being involved in the labour market. This is especially true in light of elderly Danes going on early retirement and fewer babies being born in the country. Thus, it is imperative that minorities get better education, job opportunities and are welcome at the workplace.⁴⁰

In this depressing atmosphere, there is good news too. Unemployed minorities had a bigger chance of getting jobs if their social advisor at the Job Centre had a minority background. Experience from Aarhus and Odense municipalities showed that this increased the communication and trust as well as lessened prejudices towards unemployed minorities, which some native Danish officials have towards non-Europeans.⁴¹

³³ Opinion poll carried out by Voxmeter for the Centre for Studies in Islamism and Radicalisation (CIR) at the Department of Political Science, Aarhus Universitet in December 2010, http://ps.au.dk/fileadmin/site_files/filer_statskundskab/subsites/cir/pdf-filer/The_Danes__Islam_and_Muslims.pdf, accessed 30 August 2011.

³⁴ http://www.ugebreveta4.dk/da/2011/201105/artikler/indvandrerkvinder_toerklaede_er_en_hindring_for_at_faa_job.aspx, accessed 13 February 2011.

³⁵ <http://www.oxfordresearch.dk/>, accessed 22 August 2011.

³⁶ <http://www.information.dk/253124>, accessed 16 August 2011.

³⁷ www.ugebreveta4.dk/da/2005/36/Baggrundanalyse/Danmarktaberkampenomverdensklogehoveder.aspx, accessed 20 August 2011.

³⁸ <http://onlyindenmark.wordpress.com/2011/06/11/dk-loses-battles-for-the-worlds-brightests/>, accessed 16 August 2011.

³⁹ <http://sondagsavisen.dk/2011/04/gratis%20arbejde.aspx>, accessed 22 August 2011.

⁴⁰ <http://www.b.dk/danmark/nydanskere-skal-baere-velfaerden>, accessed 22 August 2011.

⁴¹ http://avisen.dk/fatima-faar-lettere-muhammed-i-job_134901.aspx, accessed 22 August 2011.

Examples of NGO Good Practice

The NGOs in Denmark have almost no influence, resources or say in government policies. There is no consultation mechanism and because of a lack of funding, most NGOs have not established projects or taken independent initiatives to help victims of discrimination. The DRC and Institute for Human Rights do in concrete cases do help with legal advice. DRC provides lawyers and go to court with cases while IHR offers legal advice only.

VII.ii The political and legal context

The political developments that occurred in the area of employment during 2010/2011 can be best described as dismal. Going through the laws passed concerning minorities in Denmark, one will notice that legal initiatives were mostly to tighten the existing laws and not to make them more beneficial. Here is an example:

The ruling party, Venstre, backed by the Conservatives proposed that the right way to get more minorities in the labour market would be to give them 50% less salary. The proposal shows the discriminatory mindset of the ruling party but it did not get a majority in the Parliament, so the idea was dropped.⁴²

New developments in employment policy since March 2010

The Danish government does not have active employment policy towards minorities. It has passed many laws in the last year, which actually amount to more control of unemployed ethnic minorities.

One example of the laws passed in 2010, concerns extra availability control,⁴³ and reduction and/or termination of financial help (also called introduction support) to newly arrived minorities.⁴⁴

Plans/strategies against racism in employment that have been put in place

There have been no plans or strategies against racism in employment put into place in this time frame as it was widely considered that Denmark was doing well at getting immigrants into employment. As late as February 2011, an overall high employment rate among immigrants led the Integration Ministry to proclaim that 'the Danish labour market integration is among the best in EU'.⁴⁵ But the reality is different. According to recent analysis conducted by The Economic Council of the Labour Movement - AE's, based on new figures from Eurostat, when it comes to integrating non-Western immigrants Denmark lies at the bottom, ranking no. 23

⁴²<http://politiken.dk/politik/ECE1188171/regeringen-indvandrere-skal-have-mindre-i-loen/>, accessed 22 August 2011.

⁴³ Extra availability means that people who are unemployed must be available to begin work with a day's notice.

⁴⁴<https://www.retsinformation.dk/Forms/R0710.aspx?id=129872>, accessed 22 August 2011.

⁴⁵Dansk jobintegration af indvandrere ligger i bund i EU. <http://www.information.dk/262384>, accessed 22 August 2011.

out of 28 European countries.⁴⁶

"It raises the big question, whether we use the resources well enough in the integration process. From an international perspective, it seems certainly not to be true, "says senior analyst Martin Madsen from The Economic Council of the Labour Movement.⁴⁷

Encouragement of positive actions measures

The Danish state is very much against the idea of any positive action. This is because there is a perception among some Danes that it constitutes reverse racism. According to social researcher Shahamak Rezaei, an associate professor at Roskilde University, a survey by Monday Morning shows that the government only employs 2.9% of immigrants or descendants of immigrants from non-Western countries. This is less than its own stated goal of 4% and much less than the private sector. The reason is that the state is simply bad for recruiting immigrants.⁴⁸

Anti-racist NGOs and civil society responses to negative legal and political developments are non-existent. This is not because of a lack of will or desire to present an alternative view point but simply because, due to the nature of the composition of the present government, even the political parties have no say in stopping the formulation and passing of strict laws. The Parliamentary coalition partner of the government is the far right Danish Peoples Party, which keeps the government on a tight leash and publicly admonishes anyone, who dares to challenge its' views and policies. Besides, NGOs have no judicial or expert assistance to help them to look at complex laws, ask for a hearing in the Parliament or to write to ministers. Advocacy is useful, where it has a possibility to be heard or has a chance to influence the decision making process.

⁴⁶ <http://www.information.dk/262384>, accessed 22 August 2011.

⁴⁷ Ibid.

⁴⁸ [http://rucforsk.ruc.dk/site/da/clippings/staten-har-kun-ansat-faa-indvandrere\(c15b9466-a0ae-4b83-838e-ebce86b9cc20\).html](http://rucforsk.ruc.dk/site/da/clippings/staten-har-kun-ansat-faa-indvandrere(c15b9466-a0ae-4b83-838e-ebce86b9cc20).html), accessed 22 August 2011.

VI. Racism and related discrimination in housing

In Denmark, there are three types of housing available to ethnic minorities - private, co-ops, and public. Even though 27% ethnic minorities have acquired private housing, most still live in public housing estates run by housing corporations and municipalities. The general experience of minorities is that when they call in order to rent a room or apartment, their accent, name, and nationality, often results in a rejection. It is hard to prove and there are no statistics or data available in this area but it happens often. The second big problem is homelessness, which is well talked about and documented.⁴⁹

For example, the Copenhagen, the Mayor of Social affairs, Mr. Mikkel Warming has publicly stated that even if the municipality has many buildings, which can be offered to homeless youths, "New Danes", it was not possible because they were well functioning and did not come under the guidelines which are used as a prerequisite to offering accommodation to a homeless person. To be eligible for help, one must have lots of social problems.⁵⁰

Discrimination against homeless minorities is even worse at homeless shelters. In December 2010, which was Denmark's coldest month in living memory, some homeless shelters refused to allow Africans, Eastern Europeans and other people from ethnic minorities living in Denmark. This was the result of a law passed by the Danish government in 2007.⁵¹ This Service Law allows shelters to refuse entry to foreigners. Those who did allow foreigners were warned that state finances to their institution would be stopped. International experts and lawyers at the Institute for Human Rights called this law a violation of human rights. According to the National Organisation of Homeless – SAND – 10 to 15 people froze to death because of homelessness.

Thomas Hammarberg of the Council of Europe called this Danish law "Unacceptable - both ethically and according to conventions".⁵²

Unfortunately, the callousness of the government is such that the Social Affairs Minister, Benedikte Kjør publicly stated; "We cannot allow an open door policy for the homeless, because it will make Denmark a magnet for homeless foreigners".⁵³

⁴⁹Eksperter: Hjemløse må ikke holdes ude i kulden <http://politiken.dk/indland/ECE1133874/eksperter-hjemloese-maa-ikke-holdes-ude-i-kulden/>, accessed 11 August 2010.

⁵⁰<http://www.metroxpress.dk/nyheder/indland/>, accessed 11 August 2010.

⁵¹<http://politiken.dk/indland/ECE1133874/eksperter-hjemloese-maa-ikke-holdes-ude-i-kulden/>, accessed 11 August 2010.

⁵²Ibid.

⁵³Ibid.

Examples of NGO Good Practice

In the public housing sector all over Denmark, there are many projects, where ethnic Danes and minorities help each other and conduct mentor schemes, and even neighbourhood watches. Here are two examples.

In Bispenhaven in Aarhus, the second largest city in Denmark, the residents started a **Night Watch brigade** consisting of young and elderly minority women who keep an eye on their unruly youth by talking to them.⁵⁴

The second project is for Elderly Arab and Turkish women started by the organisation '**Ældresagen**', the largest organisation for elderly people in Denmark. The project is in Gellerup, a large housing estate designated by the government as a Ghetto. The project helps the participants through trips to various places, exchanging stories, and a sewing room. All in all, a very useful initiative.⁵⁵

VI.ii The political and legal context

On a political level, there has been heated and hefty debate in 2010, concerning the areas where ethnic minorities live. In Danish popular discourse – both political and in the media - the housing estates, where a majority of residents are non-white and non-ethnic Danes, are called Ghettos. The same term is also used for schools, where ethnic pupils are in majority. On 7th November 2010, the governing parties and the Danish People's Party agreed on a new restrictive agreement under the title: New Times, New Demands.⁵⁶

Secondly, these latest restrictions were pushed through by the Danish Peoples Party during the 2011 Budget negotiations where it almost has veto power over the government.

In the housing sector, the populist governmental policy launched in support of its anti-minority policies was the concept of 'parallel societies'. Here the government used very prejudicial language and generalising terminology such as: "There seems to be areas where immigrants take the law into their own hands, where witnesses are threatened for not reporting crimes to the police, where women are victims of social control, where agreed penalties and punishment is meted out without the knowledge of the Danish authorities and outside the Danish legal system. There is a need to take a stand against that contempt for Danish values in vulnerable neighbourhoods".

The Danish government called its campaign strategy as "Ghettos back to

⁵⁴ www.beboerbladet.dk, accessed 22 August 2011.

⁵⁵ www.aeldresagen.dk/frivillige, accessed 22 August 2011.

⁵⁶ Nye tider. Nye krav. http://www.nyidanmark.dk/NR/rdonlyres/DD9BA445-E4AA-431E-ADF6-10147E46CF0B/0/nye_tider_nye_krav.pdf, accessed 22 August 2011.

society".⁵⁷ The Integration Act was amended so that municipalities cannot assign newly arrived refugees and immigrants housing in a Ghetto area or in an area featuring on the Social Ministry's list.⁵⁸ In addition, the Integration Ministry, Justice Ministry, and National Police, were asked to prepare a report on the problems of parallel communities or Ghettos. The government described as 'Ghettos' all areas where: 40% of residents were without jobs or an educational association, where 270 persons out of 10,000 had a criminal record and where 50% of residents were of non-European background.⁵⁹ Interestingly enough, the 29 housing estates designated as problematic, were picked on five year old data, which was criticised by many experts.⁶⁰ The law also stipulated that anyone living in these 29 areas would not be allowed to have spouses from non-EU countries.⁶¹ All in all, it was another ploy to refuse ethnic minorities their right to family.

The NGO response to the political and legal developments in the housing sector is non-existent. The Institute for Human Rights, ENAR-DK and DRC did protest through press releases and talking to the media but the government does not take such actions into consideration.

⁵⁷ Ghettoer tilbage til Danmark <http://www.venstre.dk/nyheder/enkeltvisning/ghettoen-tilbage-til-samfundet/>, accessed 22 August 2011

⁵⁸ Ghettoer tilbage til Danmark <http://www.venstre.dk/nyheder/enkeltvisning/ghettoen-tilbage-til-samfundet/>, accessed 22 August 2011.

⁵⁹ <http://www.information.dk/248738>, accessed 22 August 2011.

⁶⁰ Ibid.

⁶¹ <http://www.dr.dk/Regioner/Kbh/Nyheder/Hovedstadsomraadet/2010/10/26/123309.htm>, accessed 22 August 2011.

VII. Racism and related discrimination in education

Key problem areas in Denmark

As a welfare state, Denmark provides free education to all of its citizens and residents up until university. Most minorities from non-EU countries came as unskilled workers and with middle level or primary education. However, in the last decade most families have made sure that their children have a good education, learn the language, and perform well. Girls, in particular, have done well in the education field.

According to the Ministry of Integration:

The female descendants are leading the way, with a steadily increasing proportion obtaining a qualifying education; female descendants of non-Western origin have reached an employment level that is worth noticing. This development can be expected to continue in the coming years as the proportion of female descendants enrolled in higher education is the highest ever, even higher than the native Danes. There is good reason to focus on young male immigrants and descendants. Previously, fairly many did not enrol in an education program. It is therefore pleasing to see that an increasing proportion of the young men of non-Western origin are enrolled in youth education or higher education. However, far from everyone manages to complete an education program. To mention an example, 42% of male descendants aged 25-39 of non-Western origin have primary and lower secondary school as the highest attained Danish education against 20% of men of Danish origin in the same age group.⁶²

However, there are a number of discriminatory issues in the education system which need to be addressed, such as: the spreading out of minority children in schools, the forced enrolment of small children in kindergartens, the rejection of degrees from immigrant's homelands, bullying in schools, and high official control over minority private schools.

At the end of 2010, there were 1074 schools in Denmark where a pupil could finish ninth grade education. In 763 schools, 10% or less of students had a minority background, 273 had between 10 and 50% minority children and only 38 schools with more than 50% minority students. Schools with most minority children are in big cities. In some areas, municipalities have spread children over various schools, with the excuse that their large presence diminishes the quality of education. In spite of criticism from school managers and education experts,

⁶² <http://www.nyidanmark.dk/da-dk/Integration/uddannelse/uddannelse.htm>, accessed 22 August 2011.

Copenhagen municipality is also now planning to carry out language tests among minority children to determine the spreading. Critics want to make all of the schools attractive instead of casting the minority children into schools in far away areas.⁶³

According to a new survey conducted among 12000 bi-lingual pupils from 4 -9th grade, most feel unsafe and unwelcome in public schools because they are bullied by Danish children. Anthropologist Laura Gilliam from Danish Pedagogic University, who has carried out fieldwork, believes that many minority children feel that they do not belong in their schools.⁶⁴

This feeling of alienation, as well as dissatisfaction with the curriculum, has been brewing for a long time with the result that many ethnic groups have started their own private schools and even colleges. Danish law allows this and supplementary financial aid is also provided by the state. Under the pressure of the far right Danish Peoples Party, the School Board started implementing extra control on minority schools, with the pretext that some schools preach extremism instead of democracy. This new practice was severely criticised by governing party's own spokeswomen for Private Schools, Anne-Mette Winthere Christiansen.

Many minorities and even newly arrived expats have been discriminated against by Denmark through the non-recognition of their degrees and diplomas as valid or equal to Danish standards. Even degrees from European universities are downgraded in Denmark. On top of this, the new laws passed by the Danish Parliament have made Danish courses very expensive, thus these high fees have made it difficult for these highly qualified professionals to learn Danish.⁶⁵

Apart from the aforementioned lack of acceptance for their high qualifications, many foreigners with degrees and proper education still feel discriminated and rejected by Danes. This was the conclusion of a survey conducted among 700 professionals. The Danish Employers Union confirmed these results and warned that discrimination and harsh tones must be changed for Denmark to have any hope of attracting professionals.⁶⁶

Examples of NGO Good Practice

Although there are seldom any NGOs involved in education projects, the Integration ministry does grant money to individual schools and libraries to have concrete projects, such as after school tuition, on line lessons, and courses for parents to become more active in their children's education etc.

⁶³ <http://politiken.dk/debat/kroniker/ECE971464/saa-tal-dog-dansk/>, accessed 15 May 2010.

⁶⁴ <http://politiken.dk/indland/ECE1020166/tosprogede-boern-er-utrygge-i-skolen/>, accessed 20 July 2010.

⁶⁵ <http://politiken.dk/indland/ECE1222301/prishop-bremser-veluddannede-udlaendinge-i-at-laere-dansk/>, accessed 14 March 2011.

⁶⁶ <http://politiken.dk/indland/ECE1074083/udlaendinge-med-hoej-uddannelse-foeler-sig-afvist/>, accessed 02 October 2011.

The On Line Lessons project is now available in the whole country and Parent's Participation is a project in Ishøj municipality with many Turkish and Pakistani families. (Press release Ministry of Integration- 31 January 2011)

VII.i The political and legal context

In March 2010, the Integration Ministry let it be known that it was preparing comprehensive legal changes for the Integration Law and other relevant guidelines in the Aliens' Law.⁶⁷ Article 4, Paragraph 8, of the Integration law specifically deals with the requirement of Danish language competence of a new, much higher, standard (from level 1 to level 2). This was launched by the government as an absolute condition for anyone to receive permanent residence status. There was no exemption for traumatised refugees, semi-educated immigrants who came in the sixties, students, or housewives. Those who were already enrolled in level 1 had to now pass level 2 in order to get residence. It must be remembered that such demands are already present in the Aliens Act. IHR criticised the change because it will make the new requirements very difficult to fulfil.⁶⁸

While the government on the one hand was demanding an excellent command of Danish language to get residency, on the other it was sending a clear signal that it wants people to work instead of educating themselves. Education is good, but work is better, was the message from Liberal Party's Integration spokesperson. Karsten Lauritzen. "One could say that we should reward people to educate themselves, but we must first have assurance that they will contribute positively to the Danish society."⁶⁹

Experts from the Committee on Elimination of Racial Discrimination examined the Danish official report in August and expressed concerns that the new residency permit requirements might favour highly educated people with high incomes and adversely affect lesser educated and poor migrants seeking permanent residency in the country.⁷⁰

While there are national laws, which must be implemented by the educational institutions, it is also left to municipalities and educational institutions to interpret them, according to their needs. For example, the spreading of pupils and forced

⁶⁷ Danish Aliens Law, adjusted in July 2010 <https://www.retsinformation.dk/Forms/R0710.aspx?id=133236>, accessed 22 August 2011.

⁶⁸ IHR's response to government's proposed changes in Alien's Law http://www.menneskeret.dk/files/pdf/Hoeringssvar/2011/17_B_Reform%20af%20aegtefaellesammenfoeringsreglerne.pdf, accessed 22 August 2011.

⁶⁹ Liberal Party's Integration spokesperson comments Karsten Lauritzen <http://politiken.dk/politik/ECE1188171/regeringen-indvandrere-skal-have-mindre-i-loen/>, accessed 22 August 2011.

⁷⁰ [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/FCB056B1CB0A51ECC125778300448E4F?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/FCB056B1CB0A51ECC125778300448E4F?OpenDocument), accessed 18 August 2010.

testing is done locally. Education policy towards creating an inclusive society is not visible.

There has not been any national debate concerning the promotion of inter-cultural dialogue in schools or in society. The debates actually centre on the assimilation of minorities in society instead of integration or diversity. The present Minister of Integration started his tenure in March 2011, by declaring; "When people come to Denmark, they should assimilate and not integrate".⁷¹ Of course, on a local level, especially in schools with many minority children, some schools have their own inclusion policies, such as contact with parents and inter-cultural events.

On 29th March 2011, the Danish government passed a law, which will force minority children of 3 years to go to Danish kindergartens in order to stimulate their Danish learning. Opposition parties pointed out that instead of forcing, the state should invest in more schools, have bi-lingual teachers, better trained teachers and a maximum of 25 pupils in a class.⁷²

The NGO response has been, as usual, minimal, because of the reasons outlined on other areas in this report, such as the lack of governmental response. As long this present government is in power, the ability of NGO's to lobby, influence, and work on advocacy, will not be fulfilled. It is a sad indictment but a reality.

⁷¹ <http://www.dr.dk/Nyheder/Indland/2011/03/09/102045.htm>, accessed 09 March 2011.

⁷² www.information.dk/telegram/264266, accessed 01 April 2011.

VIII. Racism and related discrimination in health

Denmark is characterised by a strong welfare state tradition, with universal health services cover. The system is financed via taxation (proportional taxation at the national level and municipal taxes). Other sources of finance include user charges for certain health goods and services and voluntary health insurances, which are used partially to cover user charges. The Danish health system is governed by a combination of national state institutions, regions and municipalities, and has a tradition of decentralising management and planning to the regional authorities and municipalities. The state is responsible for the overall legal framework for healthcare and coordinating and supervising the regional and municipal delivery of services.

The following are key areas of concern in the national context:

Refusal of Danish patients to be treated by lady doctors or nurses with headscarf

As the public debates about Islam and Muslims in Denmark are very xenophobic and Islamophobic, the effect on the population has been immediate and disturbing. Many patients in hospitals and nursing homes started refusing to be looked after by lady doctors and nurses wearing a headscarf. The Minister for Health, Bertil Haarder publicly backed these occurrences by saying that patients have a right to refuse treatment from personnel wearing a headscarf. Doctor Mogens Elmer called it: "Green Light for discrimination".⁷³

In a survey conducted by the national newspaper BT, 65% Danes among 7826 polled said that it was the right of the patients to say NO to personnel wearing a headscarf. Only 35% voted against.⁷⁴

The Director of the Human Rights Institute – IHR, Jonas Christoffersen, and DRC director, Niels Erik Hansen, who is also ENAR's-Denmark Board Substitute, publicly took issue with this new development and warned the minister that this practice is clearly unacceptable and is discrimination based on faith.⁷⁵

Lack of help for most psychologically sick minorities, especially asylum-seeking children

Many children who come to Denmark as asylum-seekers end up in detention centres. In August 2010 there were 977 such children in centres and according to the Red Cross and Copenhagen University researchers, 35% of them have psychological problems and 56% have an acute need for psychological help.

⁷³ <http://www.e-pages.dk/politiken/46356/25>, accessed 23 November 2010.

⁷⁴ www.bt.dk/nyheder/vil-du-behandles-af-laege-med-toerklaede, accessed 21 November 2010.

⁷⁵ http://www.handicapbarn.dk/index.php?option=com_content&view=article&id=229%3Aekspert-de-syge-ma-finde-sig-i-torklaeder&catid=42%3Adagens-historier&Itemid=418&lang=da, accessed 01 January 2011.

Unfortunately, only 96 out of 977 children were offered help and treatment. Psychologist in Red Cross, Ditte Krogh concluded in her report; “Children in a risk zone” that half of these children are in need of help.⁷⁶

Such inhumane treatment was severely condemned by the world famous Professor Dr. Inge Genefke (The founder of the Rehabilitation Centre for Torture Victims in Copenhagen). Writing in SOS Magazine, she said: “In Denmark today, the government purposefully treats vulnerable persons inhumanely, shamefully and horribly”.⁷⁷

Refusal by some doctors to operate on non-Danish speaking patients for fat reduction

In the case of extreme obesity, patients can get operations but in one of Denmark’s top hospitals - Hvidovre Hospital – doctors routinely refused patients who could not speak Danish.

Luckily, most members of Parliament criticised this practice and thus the Minister of Health instructed the hospital to drop this condition.⁷⁸

Lack of care for torture victims

A survey conducted by the Centre for Social Psychiatry Knowledge discovered that municipalities only have contact with 25% of people from ethnic minorities who suffer from psychological problems. Most of these neglected people are torture victim refugees. This was described as a problem, not only for the affected individuals, but also for their children, by Mona Rosenberg, who conducted the survey.⁷⁹

Example of NGO Good Practice

One of the best NGO initiatives, which is helping many traumatised people suffering from PTSD due to war, or those suffering from a mental illness after a long life in Denmark, is ‘**MUHABET**’ meaning togetherness. It is like a café and serves people who are extremely lonely and isolated and have no contact at all with their local community due to language barriers as well as cultural ones. The centre helps with cultural arrangements, guest lectures, advice, music, and food. The centre in Copenhagen serves between 35-50 people from 40 different nationalities on a daily basis.

The project in Copenhagen has been such a success that it is now opening a second branch in Aarhus, the second largest city in Denmark. This time, the project will also extend its’ scope from being just a café or a meeting place to also do field work and make contact with psychologically sick individuals from minority groups, especially among the Somali community. Another added

⁷⁶ <http://politiken.dk/indland/ECE1046891/faa-asyloboern-faar-tilbudt-psykologhjjaelp/>, accessed 28 August 2010.

⁷⁷ Author interview with Professor Dr. Inge Genefke in SOS Magazine. April 2011

⁷⁸ www.information.dk/telegram/244307, accessed 10 September 2010.

⁷⁹ http://www.socialpsykiatri.dk/om_os/medarbejdere1/projektmedarbejder-mr

attraction in Aarhus will be exercise classes for minority women with psychological problems.⁸⁰

VIII.ii The political and legal context

In Denmark, there are always political debates and discussions concerning ethnic and religious minorities, so health issues are not immune to that. Most of the political debates are routinely initiated by the Danish Peoples Party, which also comes up with various proposals. For example, in November 2010, DPP wrote the following in its national newsletter:

It is by now widely known that immigrants have not left a very good impression on the service that is offered - or rather, was offered, by doctors and the country's hospitals. First was the free coffee, juice and biscuits or fruit which was abolished by many medical practitioners, because patients with immigrant backgrounds took the whole family to the waiting rooms and frequently used the free food. This behaviour caused the hospitals to end the provision of refreshments for visitors, to the great dissatisfaction of ethnic Danish patients.⁸¹

This absurd claim was very widely debated in the media and in political circles. The national Organization of Medical Practitioners (POL) denounced this statement and the opposition party – the Social Democrats – lambasted the DPP for engaging in propaganda. However, the party stood by its claim.⁸²

In Denmark, until recently, many elderly ethnic minorities, both refugees and long term immigrants had the option of asking the doctor for an interpreter during a consultation. In hospitals and elderly homes, it was common to use this service. During the negotiation of the Aliens Law, one of the ideas floated and accepted was to remove this very much needed service. Besides that, the government also decided that those who have lived in Denmark for over seven years must pay for the interpreters, which is not only very costly, but also very difficult for elderly people to pay. Many doctors and researchers objected to this change.⁸³

As we have mentioned in other areas, no NGO in Denmark has the capacity to influence legal developments. Even IHR or lawyers' own organisations do not have any success in this regard.

⁸⁰ <http://www.muhabet.dk/>, accessed 19 August 2011.

⁸¹ Danish Folkeblad, No. 6, www.dansksfolkeparti.dk, accessed, 30 November 2010.

⁸² <http://politiken.dk/indland/ECE1107381/df-indvandrerere-tager-din-saft-og-kage/>

⁸³ http://www.sdu.dk/Om_SDU/Institutter_centre/Institut_psykologi/Forskning/Forskningsenheder/Videnscenter_for_Psykotraumatologi/Nyheder/Tolkelov, accessed, 12 November 2010.

IX. Racism and related discrimination in criminal justice

IX.i.i Policing and ethnic profiling⁸⁴

In Denmark, which until recently was considered a true model of tolerance and human rights, police relations with ethnic minorities has been fluctuating hugely. From being the 'police for the people' in the seventies to 'police as a tool for control and the extended hand of the state' in present times, lots of changes have occurred. But when it comes to the treatment of ethnic minorities, the police force has often displayed the same lack of sensitivity as the overall society.

Especially in the last few years: because of the gang conflict between the Hells Angels and minority youth the latter became a special target of policing and police visitations and, furthermore, visitation zones were established in minority populated areas all over the country.

Ethnic profiling happens at airports, border checkpoints, in rape cases, and even ethnic schools are specifically targeted by the authorities when anti-terrorism initiatives are taken.⁸⁵

Passengers with non-European appearances, even possessing Danish citizenship or permanent residence, are routinely checked when they arrive on flights from the Middle East, Pakistan and Turkey. One example of such police treatment was vividly described by Fathi El Abed, a politician and advisor to the Danish Foreign Ministry on the Middle East, when he and his 200 fellow passengers: elderly individuals, children, and even flight crew, were taken to a special interrogation hall, body searched, passport checked and treated like criminals.⁸⁶

Often times, the police are standing at the gate of the plane checking passports, then again at the arrival tunnel and finally at the immigration control counters. This routine is exercised and applied only to flights to and from non-European countries. Random checks are also used to check the hand baggage.

Another form of profiling takes place when rape victims describe their rapist as "immigrant looking" and the police accept this accusation without question and arrest the accused without any proof: Sociologist Heinskou looked at 95 rape cases in her report and concluded that this mind-set is very common in Danish society.⁸⁷

⁸⁴ The Open Society Institute defines "ethnic profiling" as the "use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity" .

⁸⁵ <http://ekstrabladet.dk/nyheder/samfund/article1329859.ece>, accessed 22 August 2011.

⁸⁶ <http://politikken.dk/debat/ECE1005923/velkommen-til-guantanamo-floejen-i-kastrup-lufthavn/>, accessed 22 August 2011.

⁸⁷ <http://www.information.dk/243031>, 27 August 2010.

Examples of NGO Good Practice

The Danish Institute for Human Rights has done a lot of work on the issue of ethnic profiling and issued a report in March 2011.⁸⁸ The report looked at the Danish law and police work and concluded that there is little focus on the issue of ethnic profiling in the country. Martin Futtrup from the IHR pointed out that police officers lack legal guidelines for avoiding profiling in the cases of visitations, border control and anti-terror work.

DRC, which is a member of ENAR–Denmark, is also working on a detailed report on ethnic profiling in Denmark, and especially in the police services. The report was published in August 2011.⁸⁹

IX.i.ii Racist violence and crime

In general Denmark is a peaceful country. Violent attacks, murders, or arson attacks happen but are very rare. Incidents of verbal racism, taunts, shoving in the street, spitting on minority women, and pushing minority children in buses, however, are common in Denmark. This situation is connected with the current hostile atmosphere, which has been increasing since 2001 when the present right wing government took office. The worst development we can mention is the increasing hate speech and racist discourse in public debates as well as the activities of right wing extreme movements like skinheads, the Nazi Party and many other national groups which use freedom of speech to vent hate.

Most of the hate speech is directed towards Muslim communities, their cultures and the religion of Islam. The worst example is the statement of historian and chair of the “Freedom of Expression Company”, Lars Hedegaard. He said; “Muslims rape their own children. Girls in Muslim families are raped by their uncles, cousins or their fathers”.⁹⁰

Hate speech has become such a common phenomenon that the Crown Prince Frederik publicly denounced the media and some people for harassing and castigating his father because of his ethnicity and background.⁹¹

⁸⁸Etnisk profilering i Danmark - dansk retsbeskyttelse inden for politiets arbejdsområde <http://menneskeret.dk/news/nyheder?doc=15539>, accessed 22 August 2011.

⁸⁹ DRC Report 'En afrikaner med røde øjne!' - Rapport om politiets praksis i forbindelse med visitationer , published on 1 August, 2011. www.drcenter.dk, accessed 22 August 2011.

⁹⁰ Lars Hedegaard: http://da.wikipedia.org/wiki/Lars_Hedegaard accessed 22 August 2011.

⁹¹ <http://www.etik.dk/artikel/378537:Medieetik--Kronprinsen-om-danskerne--I-mobber-min-far>, accessed 27 August 2010.

In the case of hate crimes, many young people are involved in verbal and physical attacks on minorities, especially gay and lesbian communities. Copenhagen municipality centre for registering discrimination received 2-3 complaints on a daily basis and together with IHR decided to launch a public awareness raising campaign.⁹²

Another active group involved in hate speech and hate crimes is the Danish Nazi Party. In many cities in Denmark, especially in Jylland, the Nazi movement has most of its activities and its biggest recruitment campaigns. They parade openly, distribute leaflets, propagate through their newspaper – Fatherland – write blogs and create websites and get in to physical fights with anti-racist demonstrators. The Nazi Party also takes part in local elections and has their own radio station.⁹³

In October 2010, Charlotte Johannsen – a former national swimmer – published an unusual book, which tells the story of her infiltration of the Nazi movement. Ms. Johannsen decided to expose the violent racist group - White Pride - after her friend was attacked and beaten up by this group's members. The book reveals the prominent members, group's activities and strategies as well as meeting places and anti-immigrant and anti-Islam mindset.⁹⁴ Besides the Nazi Party, there are a number of other racist groups in Denmark.⁹⁵

There have also been a few incidents of extreme physical violence in 2010/11. First, in November 2010, a mob of local residents, armed with knives and baseball bats tried to enter an asylum centre in the North of Copenhagen. Before that, on the same day, a group of Danish youth mobbed and attacked refugee children with bottles at a bus stop near the centre. The police could not find the Danish youths and the case was put in the files.⁹⁶

The second case is of a very serious nature. Ekrem Sahin, a young man of Turkish origin, was killed in a jail cell transfer in Kolding city. According to the police, Sahin was being transferred from one cell to another and became aggressive. In the process of being restrained he suffered injuries and later died. This particular jail has had many incidents of jail staff brutality and Sahin had told his family about earlier beatings from the staff.⁹⁷

The third case of racial violence is the continuing war between Hells Angels and minority groups, which has resulted in targeted shootings, stabbings and even

⁹² http://www.metroxpress.dk/nyheder/teenagere-star-bag-hate-crimes/pTejeE!09_2336-83/, accessed 31 May 2010.

⁹³ <http://politiken.dk/indland/ECE1100873/nazister-marcherer-ind-i-viborg/>, accessed 03 November 2010.

⁹⁴ <http://www.information.dk/248619>, accessed 24 October 2010.

⁹⁵ Besides the Nazi Party, there are a number of other racist groups in Denmark, for example: The Danish Association, Danish Forum, Common List against Immigration and neo-Nazis including the Danish National Socialist Movement (DNSB), Blood & Honour DK, Danish National Front, Green Jackets, Ku Klux Klan supporters and skinheads.

⁹⁶ <http://lokalavisen.dk/apps/pbcs.dll/article?AID=/20101109/artikler/711099560/1009-/20101109/artikler/711099560/1009/&template=printart>, accessed 22 August 2011.

⁹⁷ <http://ekstrabladet.dk/112/article1488056.ece>, accessed 15 January 2011.

killings. According to the police department's own statistics, 42 cases out of 63 have not been solved because of lack of concrete proof.⁹⁸

Examples of NGO Good Practice

Even though violent attacks on ethnic minorities and gay and lesbian individuals are very common in Denmark, very few such incidents are registered by the police as hate crimes. The **Danish Institute for Human Rights** has looked at the issue and published a report; Hate Crime in Denmark – Road to an effective protection. On the 7th February 2011, IHR invited politicians, NGOs, police authorities and human rights activists to discuss the report and its recommendations.⁹⁹

The **IHR** has started collecting **data on hate crimes** and registering the incidents. Victims of hate crimes can go on the internet and file a complaint on www.stophatecrimes.eu

The IHR is also developing written information material to be distributed to NGOs. The IHR is holding courses for police on hate crime awareness raising, what kinds of hate crimes there are, and how police can stop these.

IX.i.iii Counter terrorism

In the aftermath of the 9/11 terror attacks in the USA and then London bombing in 2005, the Danish state quickly passed two anti-terrorism laws. The first one was in 2002 and the second in 2006. Denmark also incorporated the EU's anti-terror law in its penal code. In an official report from the Justice Ministry, published on 15 September 2010, both the Danish Secret Service PET and State Attorney expressed their satisfaction that these two laws are optimally effective and useful. But at the same time, the report also stipulated that there was a need for new adjustments to these two laws in order to give police further powers to prevent terrorism.¹⁰⁰

The most conspicuous sections in the legislation with regard to human rights and which forbid instigation of terrorism are the following.

- Section which forces providers of telecommunications to register and store data for one year for the investigation and prosecution of crime
- The section which allows the immediate administrative deportation of foreigners, if the Danish Security and Intelligence Service (PET) considers them to be a danger to national security and if the Minister of Justice and the Minister of Integration approve PET's secret material.

⁹⁸<http://www.e-pages.dk/urban/74/2>, accessed 22 August 2011.

⁹⁹<http://menneskeret.inforce.dk/nyheder/arkiv/nyheder+2010/ekspert-c3-danmark+mangler+handlingsplan+mod+hate+crimes>, accessed 07 February 2011.

¹⁰⁰ <http://www.information.dk/245229>, accessed 19 August 2011.

The foreigners and their lawyers do not have the right to appeal the decision in court and do not have the right to know what they are suspected of.¹⁰¹

In his report; “International Human Rights and Counter-terrorism 2010”,¹⁰² Professor Kirk Boyd of the University of California, Berkeley, used Denmark as an example of how September 11th has had impact on national legislation and how the anti-terror legislation in Denmark threatens, and in some cases violates, human rights. He points out in his report that there has not been a trial about the legality of the anti-terror legislation although there seems to be good reason to bring the legislation to court because one can argue that the legislation violates human rights. For example there are good arguments to bring Article 2, section 3 (4), Law 378 to court: the Danish Institute for Human Rights finds that the law violates Article 8 in ECHR, because there is no proportionality between the public authority’s interference in people’s private life and the necessity of the interference in relation to the security of democratic society.

Likewise § 45 (b) (1) and § 25, nr. 1 in the Alien Act seem to violate Article 6 and 13 in ECHR which says, “Everyone whose rights and freedoms (...) are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity”. If the legislation were to go to trial in court the attorney could use a case from 2002¹⁰³ where ECHR ruled that Article 13 was violated. In the judgement it states, “Even where an allegation of a threat to national security was made, the guarantee of an effective remedy required, as a minimum, that the competent independent appeals authority be informed of the reasons for the decision, even if such reasons were not publicly available.”

The government also held a hearing in the Parliament on the 24th of February 2011 to discuss anti-terror laws and they should be further strengthened. The General Secretary of Danish Amnesty International criticised the government and saw no reason or need to give more powers to the PET to listen to private conversations- internet and telephone - of persons who were not under suspicion, or to demand free access to information from other agencies and to

¹⁰¹ Danish law number 378 of June 6 2002, <https://www.retsinformation.dk/Forms/R0710.aspx?id=1344> and changes in the Alien Act: <https://www.retsinformation.dk/Forms/R0710.aspx?id=28982> Danish law number 542 of June 8 2006, <https://www.retsinformation.dk/Forms/R0710.aspx?id=2364>, accessed, 22 June 2010.

¹⁰² Boyd, Kirkof “International Human Rights and Counter-Terrorism” (2010) http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB0QFjAA&url=http%3A%2F%2F74.220.219.58%2F~drafting%2Fsites%2Fdefault%2Ffiles%2Fpaper_article%2FInternational%2520Human%2520Rights%2520and%2520Counter-terror%201.doc&ei=be_YTpXGLub44QSps_CNDg&usq=AFQjCNGTknLP_EH_zwruwcOPAyqvDxX9rA&sig=2=b8qrAD5zsCfP5DRuuLIMpA accessed 22 August 2011.

¹⁰³ Al Nashif and others v. Bulgaria (application no. 50963/99). June 6, 2002.; ECPR website: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=&sessionid=57972290&skin=hudoc-pr-en>, accessed, 22 June 2010 and <http://www.humanrights.is/the-human-rights-project/humanrightscasesandmaterials/cases/regionalcases/europeancourtsofhumanrights/nr/436>, accessed 22 August 2011.

reduce court control over the work of the secret services. He also asked the government to produce solid reasons for minimising judicial control. Furthermore, Amnesty International sent 25 concrete questions to the Parliamentary Committee for Legal Affairs.¹⁰⁴

Besides Amnesty International and the Danish Bar Council, Professor Eva Smith from ECRI and other law experts have criticised government's scare tactics. According to Thomas Elholm from South Danish University, the government is using fear of terror to extradite Danes to foreign powers.¹⁰⁵

The majority of Danish Parliamentarians want to change the anti-terror laws because they think that the government has gone too far and that the collection of personal data is against individual freedoms. According to the Justice Ministry's own statistics, in 2008, telephone companies registered 82.000 pieces of information per person, but only in 134 cases, was any information used by the police.¹⁰⁶

CEPOS, a liberal Think Tank, also asked the government to revise anti-terror laws and abolish parts of it which are irrelevant to the fight against terrorism, like the registration of sms', e-mails and internet visits. CEPOS believes that such registrations have violated human rights.¹⁰⁷

Another worrying aspect of the anti-terror law is that the USA has asked Denmark to provide access to the Danish DNA and fingerprints national register in the hunt for criminals and potential terrorists. The government has agreed to this and has sent a draft agreement to Parliamentary Legal Committee for approval. Denmark has already entered into a similar agreement with EU Member States under PRÜM Co-operation. Despite a warning from the Danish Data Protection Agency that abuse by the police could happen, both agreements will take effect in the middle of 2011. It should be remembered that there are 62,000 people in the Danish DNA register and the police have 250,000 fingerprints of residents.¹⁰⁸

Examples of NGO Good Practice

There is no example of NGO good practice in this area.

IX.ii The political and legal context

¹⁰⁴ <http://www.e-pages.dk/politiken/5038/25>, accessed 19 August 2011.

¹⁰⁵ <http://www.information.dk/261016>, accessed 19 August 2011.

¹⁰⁶ <http://www.information.dk/239804>, accessed 19 August 2011.

¹⁰⁷ <http://www.information.dk/239545>, accessed 19 August 2011.

¹⁰⁸ <http://www.cphpost.dk/news/national/88-national/49928-us-to-gain-access-to-national-register.html>, accessed 19 August 2011.

EU and International Human Rights Law impose a set of minimum obligations on the Danish authorities, which place demands both on the Danish regulation of hate crimes and on the Danish authorities' practice in this field. This is especially the case with respect to hate crimes motivated by the victim's race or ethnic origin.

According to the EU Framework Decision on Combating Racism and Xenophobia and the Convention on the Elimination of Racial Discrimination, the Danish government is obliged to have a provision in the Danish Criminal Code according to, which racially motivated crimes are sentenced with aggravating circumstances. Under the Convention on the Elimination of Racial Discrimination, the Danish government has also committed to guarantee access to effective remedies to the victims of hate crimes. In addition, the equality principle formulated in Article 14 of the European Convention on Human Rights commits the Danish government to investigate and prosecute possible hate motives for crimes which constitute a violation of human rights.

As far as state action against hate crimes is concerned, the Committee on the Elimination of Racial Discrimination and the OSCE at large recommend that information should be broadly disseminated about the right not to be subjected to a hate crime and about the possibility of reporting hate crimes to the police. In addition, it is recommended that the police, the prosecutors and the judges are trained in handling hate crimes, and that data collection on hate crimes should be implemented by these actors.

In 2010, 'Under the title; Stop Hate, a very visible campaign against Hate Crime was launched by the Copenhagen and Frederiksberg municipalities, with the help of Copenhagen police and IHR.

Political discussion on hate crime/speech

In August 2010 the State Prosecutor decided to take Mr. Hedegaard, from the Danish Peoples Party, to court. The rightwing liberal Think Tank CEPOS started a vigorous campaign to remove the Penal Code Paragraph 266 B, which forbids and punishes hate speech.¹⁰⁹ Member of the European Parliament for DPP, Morton Messerschmidt, argued that this paragraph should be reformulated so that politicians cannot be prosecuted.¹¹⁰

However this is not the first time, Penal Code Paragraph 266 B has been subjected to attacks from DPP and other rightwing lobbyists who believe that in Denmark anything can and should be said about ethnic and religious minorities. Luckily this attitude has been confronted and denounced by progressive parties, IHR and intellectuals, who accuse the free speech advocates of perpetuating free

¹⁰⁹CEPOS campaign to remove the Penal Code Paragraph 266 B, <http://www.cepos.dk/publikationer/analyser-notater/analysesingle/artikel/racismeparagraffen-kan-og-boer-aendres-med-henblik-paa-at-styrke-ytringsfriheden/>, accessed 22 August 2011.

¹¹⁰ <http://www.b.dk/politik/df-vil-omskrive-racismeparagraf>, accessed 19 August 2011.

hate. The Justice Minister refused to look at the possibility of removing or reformulating the law.¹¹¹

As far as concrete questions are concerned, here is our assessment:

There has not been any political discussion on the acceptability of the use of ethnic profiling or specific methods for ethnic profiling. There also was no national debate on the EU Framework Decision on Racism and Xenophobia. Data collection and the availability of statistics on hate crime have been very poor. The number of hate crimes in Denmark is unclear and the statistical accounts and inquiries point to different results than the few official statistics that there are. Reported hate crimes are recorded regularly by the Police Intelligence Service (PET). In addition, surveys of victims are made by the Research Unit of the Ministry of Justice. This data reveals a large discrepancy between the extent of hate crimes experienced by individuals, and the actual number of reported hate crimes.

With regard to specific types of counter terrorism measures that have most significantly impacted ethnic and religious communities in 2010-2011, there were two cases, which are very disturbing – both for civil rights and the protection of minorities.

The first is that Danish courts use the anti-terrorism law paragraph 114 – which is very imprecise in its formulation – in criminal cases. For example, when a young Somali man, Mohammed Gelle, broke into the house of Kurt Westergaard - who drew caricatures of Prophet Mohammed in 2005 – and threatened him, the court used anti-terror law and sentenced him for 9 years instead of trying him as a common criminal. Many legal experts expressed their uneasiness over this practice because the crime was committed against an individual and not the public in general. The court gave no reason as to why this crime was considered to be terrorism.¹¹²

The second worrisome aspect of counter terrorism measures in Denmark is the use of PET agents in ordinary criminal cases. Not only are secret service agents appearing in court, but they participate as witnesses with their faces covered and identity hidden. Many lawyers have objected to such practices as well as the use of hidden cameras and connecting anti-terrorism with organised crime, smuggling, and weapon possession. Defence lawyers are often not given information by PET, which results in innocent people being jailed and convicted.¹¹³

Hate crime and racist crime is outlawed in Denmark. It follows from article 81, no. 6, of the Danish Criminal Code includes an aggravating sentencing clause in cases where a crime is motivated by prejudices and hatred of the victim's

¹¹¹ <http://politiken.dk/debat/ECE1032220/hoejrefloejen-vil-have-fri-hetz/>, accessed 03 August 2010.

¹¹² <http://www.information.dk/258578>, accessed 03 July 2011.

¹¹³ <http://www.information.dk/246622>, accessed 03 October 2010.

ethnicity, faith, sexual orientation or similar. However, this provision is unclear as far as the protected categories are concerned. It cannot be said with certainty whether “sexual orientation or similar” covers e.g. gender identity, including hate crimes against transgender persons, or affiliation to other specific groups.

On 30th March 2011, the Danish Peoples Party tabled a bill to abolish Paragraph 266B – commonly known as the Paragraph against racism but is actually against hate speech- the bill was not approved by the Parliament.¹¹⁴ The party then demanded that the new government after the November 2011 elections must remove this law.

With regard to the transposition of the EU Framework decision on racism and xenophobia in Denmark: there is a provision according to which racist and xenophobic motivation counts as an aggravating circumstance, however, no information is available as to whether these provisions are applied or not. There is great opposition to The Framework Decision, which is more or less unknown to the wider public and which, amongst other things, obliges the Member States to criminalise and punish 'public incitement of hate and violence against groups or individuals on the basis of race, skin colour, religion, extraction, nationality or ethnicity'.¹¹⁵¹¹⁶ The Chief Legal Advisor of CEPOS points out that the Framework Decision is very vague and unclear in its definitions of racism and xenophobia, so today nobody really knows what it will be punishable to say tomorrow.¹¹⁷ What is hate speech? And what does it mean to trivialise genocide?

The NGO perspective on Criminal justice

From a NGO perspective the last 10 years have been very tough as far as the legal protection of minorities' is concerned. No area that relates to minority rights has been untouched but when it comes to criminal justice, very little redress exists. Even cases of racial discrimination are often not treated accordingly. For example, the Equal Treatment Board rejected 18 out of 22 complaints.¹¹⁸ It is said that the lack of documentation often makes it very difficult to uphold the complaints of racial discrimination by the Board.

According to the board's chairman, Justice Tuk Bagger, many of the cases were rejected because the complainants do not even manage to obtain evidence in the form of letters, emails or audio recordings. The Board may not hear oral statements from the parties or any witnesses. For Justice Tuk Bagger, it is problematic if a person feels discriminated against and cannot bring the necessary evidence but as it must be decided on a written basis, therefore there must be evidence to deal with. Unfortunately, the politicians have decided that

¹¹⁴ <http://retsinformation.w0.dk/Forms/R0710.aspx?id=136487>, accessed 19 August 2011.

¹¹⁵ Opposition to EU Framework Decision <http://www.uriasposten.net/archives/22187>, accessed 30 August 2011

¹¹⁶ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008F0913:EN:HTML>, accessed 30 August 2011

¹¹⁷ CEPOS views on Framework Decision. <http://blog.balder.org/?p=1138>, accessed 22 August 2011.

¹¹⁸ Equal Treatment Board rejected 18 out of 22 complaints-<http://www.information.dk/telegram/242814>, accessed 20 August 2011.

discrimination cases must be dealt with in this manner. The board operates with limited resources, minimal manpower and a law that is unhelpful. The board encourages the complainants themselves to obtain evidence in the form of tapes or by getting any witnesses to write down their experience. Otherwise, the complaints cannot go to court. Most discriminated against people find it laughable that the justice system expects people to run around with tape recorders or cameras in their pocket. Last year a study showed that 32% of immigrant respondents felt discriminated against.¹¹⁹

¹¹⁹ <http://www.information.dk/telegram/242814>, accessed 26 August 2010.

X. Racism and related discrimination in access to goods and services

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 and facilities in the private sector. However, this does not mean that violations do not happen and that people do not get differential treatment.

In 2010-2011, a few issues – both in the public and private sector - were very obvious. Here are a few examples:

First the public sector! Many of the elderly immigrants and refugees who came to Denmark in the 60s and 70s and are very isolated from society, have forgotten the Danish language, and suffer from ill health. There are nearly 20,000 elderly from ethnic minorities who need better care. They do not know their rights and often do not get the treatment they should, especially when visiting doctors or going to social offices in the municipalities. This can be avoided through the use of an interpreter but often they are denied this service. The government, on the insistence of Danish Peoples Party, has now totally removed this service. Many experts have warned that this ‘financial cut’ will result in people being given the wrong diagnoses, time consuming treatment of cases, and increased public spending in the future. Another result is the use of children as interpreters, which is a violation of the UN Convention of children’s rights and, furthermore, interpretation by family members is of poor quality also puts family relations at risk.¹²⁰

In the private sector, there are many examples of discrimination and unequal treatment, for example in the fashion industry, in access to transport, and in entering clubs, bars, and especially discos.

Danish TV ‘s youth program “Basta” conducted an experiment, where it sent two groups of educated and well dressed youths to five discos in Copenhagen. The group of white Danes had no problem in getting the entrance while the second group of minority youths were refused entry in four discos with strange excuses such as: improper dress, being too big a group, and not being on the guest list. When the TV program interviewed the spokesperson for Copenhagen Police Department, he flatly denied that there was racism in the discos and described the complaint as insinuation.¹²¹

During the Summer recess of 2010, true to its traditions, the Danish Peoples Party, accused ethnic minority taxi drivers of being “dirty, cheaters, and sexual

¹²⁰ <http://www.information.dk/236233>, accessed 13 June 2010.

¹²¹ <http://reinvented.urbanblog.dk/2010/11/05/skræmmende-fremmedhad-i-danmark/>, accessed 19 August 2011.

harassers, emanating a nauseating smell of Chicken Curry". This undocumented attack was rebuffed by the director of the Danish Taxi Board.¹²²

Then the party started another campaign, this time against Muslim bus drivers who were fasting during Ramadan. The party wanted Muslim bus drivers to be taken off duty during Ramadan but the bus company flatly refused such suggestion.¹²³

The modelling industry in Denmark is very white and there were almost no dark skinned or Asian models during the Copenhagen Fashion Week 2010. DRC advised the fashion industry in Denmark to be more inclusive and diverse. Frederik Andersen from the magazine 'Euroman' believes that most model agencies and companies only ask for white models.¹²⁴

Examples of NGO Good Practice

The **Sports NGOs Federation – DGI** - wants to start a campaign to have at least 10 % of its members from ethnic backgrounds. The recruitment campaign is called 'Street Sports'. DGI also arranges courses for football trainers on to how to treat youths with a minority background and keep them in various sports NGOs. DGI also has a very successful integration project named 'Sports Track'. This project helps to create corps of volunteer leaders and trainers with ethnic backgrounds.¹²⁵

X.ii The political and legal context

Fortunately, politicians both in the Copenhagen municipality and the Danish Parliament were so upset with the increasing discrimination in discos that they decided to act. The Employment and Integration mayor of Copenhagen city, Anna Mee Allerslev, asked the License Board to deprive such discos of their liquor license. In March 2011, the city council passed a recommendation to remove the license of offending establishments and the recommendation to change the law was sent to Parliament. Copenhagen City Council also launched a direct telephone line for people to be able to register complaints as well as a Plan of Action Against Racism and Discrimination through:

1. Information campaigns in technical schools, business schools, and colleges
2. Asking students to boycott the discos which are discriminating against minorities.
3. Find new sanction possibilities.

¹²² http://www.danskfolkeparti.dk/Dansk_Taxi_Råd_vasker_hænder_.asp, accessed 25 August 2010.

¹²³ <http://www.information.dk/telegram/242152>, , accessed 19 August 2010.

¹²⁴ http://www.metroxpress.dk/livsstil/modeller-er-da-hvide/pTejhl!23_2026-90/, accessed 13 August 2010.

¹²⁵ http://www.dgi.dk/omdgi/projekter/nyheder/Integrationsprojekt_vil_skabe_debat_og_udvikling_%5Ba30254%5D.aspx, accessed 19 August 2011.

4. Introduce training and education in inter-cultural competence for doormen.¹²⁶

In the Parliament, politicians want more action against discrimination in the nightlife scene, especially through asking the discos to prove that they do not discriminate.¹²⁷

In February 2011, the Board of Equal treatment fined a disco in Silkeborg, 10.000 Danish kroner for refusing an Iranian student entry twice. It is the first such decision by the board. The Minister for Justice is determined to be tougher on discriminating discos in the future.¹²⁸ NGO response to the political and legal developments in the area of goods and services is very limited due to the non-existence of financial resources. DRC, which is a member of ENAR Denmark, often takes cases of discrimination in this area and files complaints or gives judicial assistance. Many NGOs send the victims of discrimination to DRC for redress. For present and future advocacy, it is vital that State and municipalities provide funding and assistance to NGOs and civil society.

¹²⁶ <http://www.dr.dk/P4/Kbh/Nyheder/Koebenhavn/2011/03/11/073008.htm?rss=true>, accessed 11 March 2011.

¹²⁷ <http://www.infomedia.dk/presentarticles/ViewPdf.aspx?guid=d7151025-64c2-448b-8294-29fbcbbe59db&dockey=//ifmclufile/y/NewsML->

Repository/POL/2011/02/01/e2758b6f.xml@CurrentYear&product=MA, accessed 25 August 2011.

¹²⁸ <http://www.ligebehandlingsnaevnet.dk/artikler/default.aspx?page=1228>, accessed 25 August 2011.

XI. Racism and related discrimination in the media

The mainstream media coverage (Press, TV and Radio) of ethnic/religious minorities in Denmark has been criticised – both by researchers and NGOs – for a number of years.

For years MediaWatch have witnessed and documented the rising tide of Islamophobia in Denmark and how the media misuses the concept of freedom of expression to insult and degrade, not only the Muslim Communities, but to a larger degree the religion of Islam, its holy book the Quran, and even Prophet Mohammed.

Danish politicians, the media and many people in the street have no qualms in calling Islam, ‘Nazism’, ‘terrorism’, ‘fascism’ and many other uncomfortable names. Even the podium of the Parliament is being used for such attacks¹²⁹ Mainstream media’s irresponsible coverage and occasional conveyance of false news to the public, has contributed to the current atmosphere of tension and suspicion towards minorities, which sometimes leads to conflict. One recent example is the headline news on the homepage of the tabloid ‘Ekstra Bladet’ on 18th Feb 2010, “Five persons with immigrant background arrested for threatening to kill Pia Kjærsgaard (Chairperson of DPP)”. Right away it created great furore in the Parliament, many condemnations and a media storm. After an 8 month investigation, the charges were dropped and it turned out that the news had been fabricated on false premises and the paper had used it for the purpose of sensationalism. In the race to be first with a story, journalists go to great lengths to chase news and often get it wrong and end up publishing false accusations and insinuations.¹³⁰

In recent years, social media – websites, blogs, twitter and facebook – have become very effective in spreading hatred, discrimination and racism in Denmark. The internet is now used very frequently to misinform the public about ethnic/religious minorities, Islam and the Muslim World. The internet has also become a market place for xenophobia. According to a MediaWatch survey, there are more than 25 anti-Islam/anti-minorities websites and a long line of debate forums and Blogs which are used by xenophobic Danes to communicate with each other and strengthen their opinions. Extreme rightwing Internet Blog, 180 Grader, has specialised in collecting all anti-minority and anti-Islam articles from Danish media and sometimes from foreign press and news and post them on its website.¹³¹

¹²⁹ http://www.humanisme.dk/hate-speech/jesper_langballe.php, accessed 22 August 2011
<http://www.panhumanism.com/xenophobia/index.php> accessed 22 August 2011

¹³⁰ <http://www.information.dk/247659>, accessed 25 August 2010.

¹³¹ http://gammel.180grader.dk/nyheder/Konvertitter_er_venstreorienterede.php, accessed 21 September 2007.

The newspaper 'Jyllands Posten', which started the horrible chain of events in 2005 by commissioning and printing 12 insulting caricatures of Prophet Mohammed, is in the front line of anti-minority and anti-Islam propaganda. It has a battery of very rightwing commentators, writers, and intellectuals who are specialized in twisting facts to suit their political agenda.¹³²

There are a number of extreme rightwing commentators who are very easily accessible and are often used by the mainstream media to lambast ethnic and religious minorities. Highly educated and very active among them are: Ole Birk Olesen, Edith Harriet Thingstrup Arzrouni, Mikael Jalving, Katrine Winkel Holm, Jacob Mchangama and Morten Uhrskov Jensen.¹³³

Here are a couple of examples, as to how media is now becoming active partner in discrimination:

TV2 is the second largest TV channel. On 6th August 2010, one of its bloggers Daniel Carsen wrote; "As is proven, a nigger from Equatorial Guinea where average IQ is 59 would not get it to 100 by moving to Europe. That is why immigration would be directly destructive". He is a member of the extreme far right organization, 'White Pride'.

Facebook is full of racist groups who use it to spread discrimination and comments full of racism without any fear of legal consequences. Comments often degrade Muslims, homosexuals, immigrants and multi-cultural society. Comments like; "AK81 not for homos and immigrants", "No to mosques", "Immigrants are murderers and rape women, Muslims should be killed and if you need shooting equipment, I have some" can be read. The Facebook group "No to mosques" has 73000 members and the tone of the forum is hateful and angry towards Muslims and, in many comments, people advocate violence and terror against minorities.¹³⁴

Both the Institute for Human Rights and DRC are worried about this enormous spread of hate in society. In an interview with the newspaper 'Urban', on the 5th May 2010, both organisations pointed out that when many national politicians in the recent past got away with extreme racist remarks like; "some minority groups are child molesters and paedophiles", then ordinary people get encouragement to do likewise.

Examples of NGO Good Practice

1. Many individual internet users informed NGO SOS Racism, DRC, IHR and politicians and also complained about this blog to police and TV2, which

¹³² <http://jp.dk/>, accessed 25 August 2010.

¹³³ <http://www.information.dk/252747>, accessed 03 December 2010.

¹³⁴ <http://ekstrabladet.dk/nyheder/samfund/article1336795.ece>, accessed 28 April 2010

resulted in TV2 closing down the racist blog after internal discussion and consultation with its lawyers.¹³⁵

2. There are some NGOs who try to balance the hateful debate but it is impossible to compete with the anti-minorities trend. The blogs humanism.dk and ytringssvineri.dk, collect the worst forms of hateful comments on the internet for people to see. These two blogs are rather popular.
3. In June 2010, the Turkish newspaper 'Haber' in Denmark started a protest campaign against the Aliens law. It asked its leaders to send the most racist and provoking proposals for Danish politicians so that the laws makers can use these as inspiration. The campaign was meant to raise awareness in a humorous way.¹³⁶

XI.ii The political and legal context

As in every other field in Danish society, the far right Danish Peoples Party has left its fingerprint on the media too. It has used its political clout to push through a political agenda in the new public service agreement between Danish TV and Radio – DR – and the government. In its 3 year contract from 2007-2010, DR was asked to promote Danish cultural history and integration in its programs. In the new contract from 2011-2014, DR was asked to promote Christian cultural history and values. The Danish Minister of culture, who is from the ruling Conservative Party defended the contract and said: "Christian cultural history is part of Danish culture".¹³⁷ The chairman of governmental Integration Think Tank, Erik Bonnerup remarked "The new contract does not have integration promotion in it. This contract sends a very wrong signal to minorities and the omission of integration is very strange".¹³⁸ Mikael Rothstein, lecturer of religious history at the Copenhagen University believes that this focus on Christianity is due to pressure from Danish Peoples Party. Many other experts worry that public broadcaster is engaging in value based politics. Another prominent historian Malene Busk remarked; "Public service is not only for Christian people, but for all tax payers. The new contract is a political signal that Christian culture is above everyone else. This is a step in the wrong direction."¹³⁹

Furthermore, two prominent members of the Danish Peoples Party sit on the Executive Board of DR. These board members tried to press the DR director to fire two journalists whose views, programs, and even news coverage, DPP did not agree with.¹⁴⁰

¹³⁵ <http://mir.dk/spip.php?article6431>, accessed 19 August 2011

¹³⁶ <http://www.haber.dk>, accessed 19 August 2011

¹³⁷ <http://www.cphpost.dk/news/national/88-national/51059-dr-gets-new-chief-and-christian-mission.html>, accessed 24 February 2011

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ TV2 News, <http://news.tv2.dk/>, accessed 26 September 2010

The old public service contract from 2007 stated that 'DR shall place special emphasis on its role as initiator and facilitator of Danish art and culture, including the Danish heritage. "and the new public service contract from 2011 states that 'DR shall place special emphasis on its role as initiator and facilitator of Danish art and culture and the Danish cultural heritage, including the Christian heritage."¹⁴¹

The NGO response to, and assessment of, these political and legal developments is minimal. They have no say in the formulation of the laws or in the policy decision making process. NGOs and ENAR do take part in public debates but it is practically impossible to influence the media. When a Palestinian film maker, Awad Joumaa, made a documentary on discrimination and racism in Denmark and showed it on Al Jazeera, he was widely criticised by the media, politicians, and some intellectuals, for being one sided. Interestingly, most of those critics had not even seen the film before making their criticism.¹⁴²

¹⁴¹ <http://www.information.dk/258813>, accessed 19 August 2011.

¹⁴² <http://www.information.dk/229920>, accessed 19 August 2011

XII. Political and legal developments in anti-racism and anti-discrimination

Political developments that occurred in 2010/2011:

On the 7th of November 2010, the governing parties and the Danish People's Party agreed on a new restrictive agreement under the title: 'New Times, New Demands'.¹⁴³ This is the 15th amendment to the Alien Law since 2002 and, without exception, the Danish Peoples Party has forced the Danish government to accept its demands and to tighten the Alien's law and family reunion rules for both spouses, to sharpen the forced repatriation of failed asylum seekers to war torn areas, to personally control foreign students, as well as to introduce a new point system which will only benefit highly educated, young Westerners who wish to come to Denmark while keeping non-Westerners out.

There are two other distinctions relating to this latest action. Firstly, these latest restrictions are coupled with another attack on the personal freedom of ethnic minorities, which was launched with lots of fanfare a few weeks back by the government under the title; "Ghettos back to the society"¹⁴⁴. Secondly, these latest restrictions were pushed through by the Danish Peoples Party during the 2011 Budget negotiations, where it almost has veto power over the government. The Danish Peoples Party's spokesperson for integration, Peter Skaarup, has publicly and proudly said that this new agreement has made the Danish Alien's Law the most restrictive in Europe.¹⁴⁵ The Council of Europe has expressed strong concerns about the point score system and adds that it might very well be in conflict with the fundamental Human Rights.¹⁴⁶ According to the government's own claims, the agreement aims to ensure that all foreigners who wish to obtain permanent residence in Denmark through family reunification, have to show and document that they have the capacity and willingness to contribute to the Danish society – financially, culturally and democratically.

Legal developments since March 2010:

1. Migrants are protected by law from discrimination based on race/ethnicity or religion/belief, but they are not protected from discrimination based on nationality since it is not **defined** in the Ethnic Equal Treatment Act or the Employment Act.

¹⁴³Nye tider. Nye krav. http://www.nyidanmark.dk/NR/rdonlyres/DD9BA445-E4AA-431E-ADF6-10147E46CF0B/0/nye_tider_nye_krav.pdf, accessed 22 August 2011.

¹⁴⁴Ghettoen tilbage til samfundet. October 2010 http://www.stm.dk/publikationer/Ghettostrategi_10/index.htm
<http://www.dr.dk/Regioner/Kbh/Nyheder/Hovedstadsomraadet/2010/10/26/123309.htm>,
accessed 22 August 2011.

¹⁴⁵Politiken, <http://politiken.dk/politik/ECE1103613/df-jubler-vi-faar-den-strammeste-indvandringspolitik-i-europa/>, date accessed, 11 November 2010

¹⁴⁶Berlingske, <http://www.berlingske.dk/danmark/europaadet-kritiserer-dansk-pointsystem>, accessed 27 November 2010

¹⁴⁷Differential treatment based on nationality is not covered in fields of life such as employment, or access to housing and healthcare, while case-law needs to confirm whether criminal law covers direct religious discrimination in regard to social protection and advantages. Anti-discrimination law is **enforced** through slightly weak mechanisms, since, for example, the equality body cannot help victims or go to court on their behalf. Denmark's unfavourable **equality policies** rank second from the bottom just above the Czech Republic, since the state does not have to: make sure that its own legislation and public services do not discriminate; inform people about their rights as a victim; lead dialogue on anti-discrimination issues; or introduce positive action measures.¹⁴⁸

Denmark's midway anti-discrimination laws have slightly improved, mirroring European trends. Victims now enjoy average access to redress, such as binding mediation decisions, and also benefit from reinforced equality bodies (see NGO good practice box). However, unlike in 15 other European countries, nationality/citizenship is still not considered to be grounds for discrimination, even if this is critical to ensure equal opportunities in countries of immigration. The main weakness is that the State has very few equality policies. Previous action plans, diversity programs and platforms are good practice but are temporary and have not been translated into the public duties such as those that are increasing across Western Europe and North America. For instance, governments in CA, NO, SE, and UK must promote equality in their functions, public contracts, and through information campaigns and dialogue.¹⁴⁹

2. The concluding observations of the Committee on the Elimination of Racial Discrimination in Denmark were submitted in one document, at its 2034th and 2035th meetings, in August 2010 and these concluding observations were later adopted at the 2047th meeting held on 26th August 2010:¹⁵⁰

The Committee notes with regret that notwithstanding its previous concluding observations recommending the incorporation of the International Convention of the Elimination of all Forms of Racial Discrimination, the State party finds it unnecessary to do so, arguably, because the Convention is already a source of law in Danish courts. However, the non-incorporation of international treaties results in reluctance by lawyers and judges to invoke such treaties in Danish courts. (art. 2)

The Committee recommends that Denmark should limit the powers of the Director of Public Prosecutions by establishing an independent and multicultural oversight body to assess and

¹⁴⁷ <https://www.retsinformation.dk/Forms/R0710.aspx?id=28938>, accessed 30 August 2011

¹⁴⁸ <http://www.mipex.eu/denmark>, accessed 19 August 2011.

¹⁴⁹ <http://www.mipex.eu/denmark>, accessed 19 August 2011.

¹⁵⁰ Committee on the Elimination of Racial Discrimination in Denmark, Concluding Observations, CERD/C/DNK/CO/18-19, Distr.General, 27 August 2010.

oversee the decisions taken by the Director of Public Prosecutions with regard to cases under section 266B to ensure that discontinuance of cases does not discourage victims from lodging complaints or promote impunity by perpetrators of hate crimes. In line with General Recommendation 31 (2005), the Committee urges Denmark to resist calls to repeal section 266B which will compromise the efforts and gains that the State party has achieved in combating racial discrimination and hate crimes. The Committee regrets that the State party has neither provided satisfactory data on the numbers and legal status of the Roma generally nor accounted for the Roma that settled in the State party during the post-1990 period from other European Union countries (arts. 2 and 5).¹⁵¹

The impact of these developments on ethnic and religious minorities is that they feel more and more marginalised and there is a lack of protection for their fundamental rights. The sense of a lack of integration and protection has had a very negative effect on moral and their will to not complain.

There has not been any progress in Denmark on the issue of the EU Equality Directives for several years. Discrimination in society has moved from colour and ethnicity to culture and religion. This development has changed the dynamic of anti-discrimination in Denmark. EU Equality Directives are not popular in this country, which actually does not even respect Human Right Conventions.

Equality Bodies

The Danish Equality body is placed with other areas of discrimination.¹⁵² Racial discrimination has been downgraded because of lack of resources – financial and personal - thus the body is toothless and actually harmful to the cause of anti-discrimination. On top of this, it is invisible because it does not contact minorities.¹⁵³

As a principle, the Danish government is against implementing positive action measures. Many officials consider this as reverse racism.

Data collection on the basis of ethnicity, religion or colour is forbidden in Denmark, and thus using such data to assess discrimination is impossible.

Since 2001, the government has cut off all contact, funding and consultation with NGOs and civil society. It has a very subservient Board of Ethnic Minorities, which is under the Ministry of Integration and is treated as a token board. The official board is more or less a rubber stamp body and never takes a position on minority rights, which is something that it used to do when it was made up of NGO representatives: it was very active until 2001.

¹⁵¹ Ibid.

¹⁵² In Denmark, the Board of Equal treatment deals with complaints related to discrimination based on gender, race, colour, religion or belief, political views, sexual orientation, age, disability or national, social or ethnic origin within the Labour Market and outside the labour market, the Board deals with complaints related to discrimination based on race, ethnic origin or gender outside the Labour Market.

¹⁵³ <http://www.ligebehandlingsnaevnet.dk>, accessed 19 August 2011.

No cases have been brought forward on the basis of the EU Race Equality Directive.

NGO response to and assessment of these political and legal developments has been minimal, as we have mentioned before, NGO's have a very limited role to play in political and legal developments in the country. This is mainly due to a lack of funding, a feeling of resignation, the political atmosphere and most importantly of all, the total control of the Danish Peoples Party over the decision making process. Politically, the government and other parties are hostage to DPP's central role as the Parliamentary partner of the government. On the legal front, DPP and the government make deals and agree beforehand on what they wish to change. The agreement is then pushed through Parliament with very short notice. Even political parties and experts are given only a few days to react.

The situation concerning the Parliamentary process of passing the laws in the area of minority rights, the Aliens' Law, and other executive orders, is so sloppy that the opposition and many NGOs want the whole hearing process to be revised.

In principle every bill must be sent for consultation, in good time, to 25 organisations and institutions to "have the opportunity to develop a complete answer," before the law is treated, but the reality is often different. In April 2010, 5 working days were given to respond to three bills on immigration. The Institute for Human Rights called the Ministry's legislative process 'completely unacceptable.'¹⁵⁴ According to a survey done by Politiken Research, out of 25 organisations, 10 could not submit their comments in time before the deadline. These organisations thus had to publish their answers on the web so that politicians could use them in their discussions in the Parliament.¹⁵⁵

Ratification and reservations on human rights

While Denmark believes that it has maintained the role as a leading human rights actor by actively supporting all core international and regional human rights instruments, Denmark has not ratified:

- The International Convention for the Protection of All Persons from Enforced Disappearance,
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and
- Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), concerning a general prohibition of discrimination.

Furthermore, Denmark has not accepted the right of individual communications

¹⁵⁴ <http://www.information.dk/265534>, accessed 14 April 2010.

¹⁵⁵ Ibid.

in respect of:

- The Optional Protocol to the Convention on the Rights of Persons with Disabilities
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Examples of NGO Good Practice

Institute for Human Rights has started a new project called Equality Lab. This is a data collection project dealing with discrimination and hate crimes experienced by minorities. The Institute will co-operate with NGOs and individual NGOs would fill a questionnaire on behalf of the victim. Questions to be answered would be more statistical than explanatory in nature. The answers to the questions will be automatically sent to the official Danish Statistic Bureau, which will use them to compile data and provide accurate information as to the extent of problem. The only problem in this good initiative is that most NGOs have no resources to have personnel, or office space, or even systems in place, in order to provide this service to people.¹⁵⁶

¹⁵⁶ <http://www.registrerdiskrimination.kk.dk/>, accessed 19 August 2011.

XIII. Migration and integration

Denmark, along with the rest of the EU, does not have a 'Migration Policy' per se. The fact is that official migration was halted by law in November 1973 when the Danish government stopped people from coming to Denmark from developing countries in order to seek employment, without applying for a permit from their homelands, as is customary for immigrants in countries like the USA, Canada and Australia. Denmark invited and allowed unskilled workers to come to the country to do the dirty and dangerous jobs at minimum wage, but then, under intense pressure from labour unions, terminated this arrangement.¹⁵⁷

From 1973 to 2011, people could enter Denmark under 7 categories.

- Asylum seeking at the borders
- UN Convention on refugees
- Family reunification
- Studentship
- Tourist
- Business
- Green Cards for a specific term
- Nannies/Au Pairs

Until the present government came to power in 2001, asylum and family reunification was mainly utilised by people from Africa, the Middle East and North Africa, Pakistan and Turkey. This has now been deliberately reduced on the pretext that it was not possible to integrate people from these areas (The word 'Muslim' is used in official and public debate).

With regard to new developments in migration/integration policy and/or asylum policy in the national context, the Danish government has now totally revamped its policy of issuing residence permits. According to the government's own admission in its yearly report:

"The number of permits issued has risen from 2009 to 2010. In 2010, 59.019 permits were given compared to 56.897 in 2009." Then the report goes on to name the countries from which most people given permission to settle in Denmark come from:

- Poland 4.902
- USA 3.452
- India 3.358
- Germany 3.291

¹⁵⁷ Until 1973, anyone from outside Denmark could come in the country, seek a job and get the residence permit. In 1973, the government stopped this practice. <http://www.dr.dk/nyheder/htm/baggrund/tema2002/udspil%20om%20udlaendinge/36.htm>, accessed 20 August 2011.

- China 3.161

The top 10 nationalities allowed in Denmark in 2001 were: Polish, North American, Indian, German, Chinese, Romanian, Filipinas, Ukrainians, Lithuanians and Pakistanis. The criterion are not based on the rights of people to come to the country but on who should be allowed to come.

When it comes to Family reunification statistics, the report mentions that the two countries which the most family reunions came from were Thailand and the Philippines. People coming from these two countries are mostly young girls whom Danish men import, mostly through agencies, or by travelling to the home countries of the girls and bringing them back to Denmark with them. On the other hand, family reunification from Turkey and Pakistan – two of the largest ethnic groups living in Denmark since sixties – has been dramatically reduced. In line with EU rules, in 2009 only 467 family reunions were allowed and in 2010, it fell to 286.¹⁵⁸

As far as nannies and au pairs are concerned, the number of them migrating to Denmark increased dramatically, from 14.71 in 2005 to 2649 in 2010. On October 22 the Filipina au pairs were in the spotlight when the Danish Parliament conducted a joint hearing regarding the au pair scheme. On that hearing they focused on the Filipina au pairs because of many cases of abuse from their host families due to working more than the allowed maximum of 30 hrs per week. Many of them have been used as cheap house help, which is not their duty as an au pair. Some documentary programs exposed that this au pair scheme is being used as a cheap work force. To exploit the scheme, the integration Minister has now increased the contact period of au pairs from 18 months to 24 months and has allowed au pairs to work as care assistants for elderly Danes, which is normally the job of trained workers.¹⁵⁹

Another area of concern is the whole question of asylum, refugees, and how they have been treated by the government in 2010-2011.

- Denmark was sending asylum-seeker back to Greece against the wishes of EU directives and UN convention of refugees using Dublin convention as an excuse. Even though that practice was stopped by the European Human Rights Court in September 2010, the Integration minister refused to obey¹⁶⁰. The Minister of Integration ordered its bureaucrats not to give citizenship to stateless Palestinians who were born in Denmark even though it was their right. This Minister only relented when the case became known in Feb 2011 and she then promised to send a letter to 500 people who were eligible. The UN Refugee Agency - UNHCR is looking

¹⁵⁸ http://www.nyidanmark.dk/da-dk/statistik/udlaendingeomraadet/statistik_udlaendingeomraadet.htm, accessed 19 August 2011.

¹⁵⁹ <http://www.babaylan.dk/wp/index.php/category/au-pair/aupair-documentation/>, accessed 19 August 2011.

¹⁶⁰ <http://politiken.dk/politik/ECE1062702/minister-afviser-asylsager-fra-graekenland/>

into the mistreatment of stateless people. This Minister was later forced to resign.¹⁶¹

- Denmark has been receiving minors as asylum-seekers for many years but in September 2010, the Ministry of Integration decided to propose that as soon as they reach the age of 18 years, they should be deported. Organisations such as Save the Children and Children's Condition have protested against this proposal, which became a part of general tightening of the Aliens Law.¹⁶²
- Danish authorities also routinely imprison asylum-seekers on the suspicion of document fraud. This happens in spite of the fact that refugees often have to leave their country under intolerable conditions and it is next to impossible to get a passport from the countries that they are escaping. Law Professor Jes Vedsted Hansen also finds it strange that authorities do not even wait for a case to take its due course before jailing the refugees.¹⁶³
- In the beginning of 2011, the former Integration Minister, Birthe Rønn Hornbæk, and now the new minister, Søren Pind, described the migrants mobilising from Eastern Europe as "Welfare's tourists" and refugees coming from the Middle East as "illegal immigrants". These irresponsible statements often strengthen the DPP arguments and are used as scare tactics to close the borders. Professor Adrian Favell from Aarhus University rejects ministers' claims, concluding that: "In spite of warnings of social tourism, there is no proof that it has happened"¹⁶⁴

The impact of these policies/developments on the integration of migrants and the protection or lack thereof of their fundamental rights

In Denmark, the question of migration and Integration has been falsely but tactically coupled: the governments' argument is that the less migrants that come from non-Western countries, the better chances there are for integration to succeed. This policy has been in place since 2001.

The integration debate is out of control at the Danish Parliament in Christiansborg, and neither it, nor the discussions about tightening, are commensurate with the real problems, according to a clear majority of Danish mayors in a new Momentum survey.¹⁶⁵ They feel that the process of integration is moving forward in line with the practical realities in local government.

¹⁶¹ <http://www.information.dk/260928>, accessed 19 August 2011.

¹⁶² <http://politiken.dk/udland/ECE1070028/minister-vil-sende-18-aarige-ud-af-landet/>, accessed 19 August 2011.

¹⁶³ <http://www.information.dk/239381>, accessed 19 August 2011.

¹⁶⁴ <http://www.information.dk/263261>, accessed 19 August 2011.

¹⁶⁵ Momentum Survey. <http://www.kl.dk/Momentum/Artikler/86671/2011/06/momentum2011-6-1/>, accessed August 20 2011.

Tighter rules on family reunification, tougher sentences, deportation of criminal immigrants, financial assistance to return home, and many other integration debates loom large in discussions at Christiansborg. And you rarely get the impression that there is nothing but problems when it comes to integration. In the practical reality, outside Parliament walls, the picture is completely different. In a new Momentum survey among 48 mayors, 45 said that the integration of their municipality generally goes very well or well, and 35 of the mayors also believe that integration has progressed in the last five years, and none of them believe that it is worsening. With this in mind, a clear majority of 34 out of 48 mayors say that rural politicians focus too much on discussing tightening and diversity rather than workable solutions. Finally, 30 mayors believe that the integration debate is overdone in the national policy debate, in relation to the real problems that they experience in everyday life.¹⁶⁶

Erik Nielsen (S), Mayor of Rødovre Municipality is one of the mayors, who believe that the integration debate at Christiansborg far from giving a true picture of reality. "The country political integration debate has become too shrill and fills too much time compared to other areas. For me, it looks as though some MPs are living in the past and want to create a feeling of insecurity. We, who are experiencing integration closely, can see that integration is going well" said Erik Nielsen.¹⁶⁷

MIPEX

ENAR-Denmark took part in the MIPEX presentation in February 2011 in Copenhagen. Here is MIPEX's overview of the Danish situation along with our comments. Many of MIPEX's observations actually tally with ours.

MIPEX said:

While labour migration increased since 2004, fewer families or humanitarian migrants arrive and naturalised citizens are at the lowest level since the Liberals/Conservatives came to power, backed by the Danish People's Party.

In many areas of integration policy, most of the 30 other MIPEX countries do both of the following to secure full participation, while Denmark takes just the first step: Obstacles are removed to work, but not to reunite families. Children should succeed in school and society, but not if that means curricula on non-European languages or intercultural education. All settled residents can easily participate in local politics, but not become national citizens.

Denmark does follow certain European trends. Like other established immigration countries, newcomers' employment and education needs are well targeted and policies evaluated. It slightly improved anti-discrimination laws to comply with EU law.

¹⁶⁶ Ibid.

¹⁶⁷ <http://www.kl.dk/Momentum/Artikler/86671/2011/06/momentum2011-6-1/>, accessed 19 August 2011.

In other areas, requirements set the bar for success exceptionally high in Denmark, compared to most. Yet high pass rates (e.g. of family reunions, citizenship tests) are often not interpreted as signs of success, but of the failure to design the right requirements.¹⁶⁸

Update on legislative/legal developments that occurred in migration and integration/inclusion in 2010/2011.

The link on the ministry of integration tell us that the Danish government passed almost 74 changes in the integration law and Aliens law, for example on: repatriation, marriage, permanent residence, adult education, nationality act, payment of fees for application, citizenship tests, language tests, minor asylum-seekers, visas and entrance to Denmark and rights against deportation¹⁶⁹

From March 2010, to March 2011, the government has carried out very far reaching changes in integration laws, unfortunately all of which lead to making life difficult for minorities living in the country as well as are making it impossible for migrants to enter Denmark.

In 2010, the Government amended the rules on the acquisition of permanent residence (Aliens Act no.572/2010). The aim was to allow well-integrated immigrants to acquire a permanent residence permit after 4 years. The Aliens Act stipulates that foreigners applying for a permanent residence permit must have obtained at least 100 points. First, applicants must fulfil eight indispensable conditions, including having resided lawfully in Denmark for 4 years; having received no social benefits the last 3 years; having signed a declaration on integration and active citizenship; having passed an advanced Danish language exam; having had full time employment in Denmark at least 2,5 years etc.

Secondly, the applicant must demonstrate active “citizenship” and meet additional demands relevant to integration. Applicants may be exempted from meeting some of the demands, but only in so far it is required by Denmark’s international obligations. The law does not specify the conditions or situations that entitle the applicants to dispensation, such as severe physical impairment or mental illness as is the case with the legislation on acquisition of citizenship. On several occasions, requirements for obtaining citizenship have been introduced with retroactive force, making it extremely difficult to obtain residency or citizenship and creating human difficulties for persons applying for citizenship.

Non-Danish children between 15 and 18 do not have a statutory right to family reunification with their parents living in Denmark. In amendments of the Aliens

¹⁶⁸ The MIPEX Index Conference took place on 3rd March 2011 and was arranged by the EU Commission office in Copenhagen, together with the Migration Policy Group from Brussels. MIPEX- Denmark – Anti discrimination. <http://www.mipex.eu/denmark> accessed 20 August 2011.

¹⁶⁹ <https://www.retsinformation.dk/Forms/R0920.aspx?p=%2fForms%2fR0810.aspx&s13=%7c10%7c&s113=0&s2=2010-2011&s7=%7c28%7c>, accessed 19 August 2011.

Act adopted on 25 May 2010 the requirements on access to permanent residence have been strengthened to a degree that will prevent many foreigners from acquiring a permanent residence permit and thus also prevent them from access to citizenship. The changes may seriously impair the status of many children. Finally, there has been a political focus on so called 're-educational journeys' for children of ethnic minorities. Since the amendments of the Aliens Act adopted on 25 May 2010 a residence permit for a child can now be repealed if the minor stays 3 months outside the country. In this case, children risk losing their residence permit and thus being sanctioned for a decision typically made by his/her parents.

The EU's 11 Common Basic Principles on Integration

Not only has Denmark not implemented the EU's 11 Common Basic Principles on Integration¹⁷⁰, there is also no mention of these principles in the Danish Government's integration plan; A new chance for everyone. It says in its introduction; The Government has the clear goal of improving integration. The fundamental values of society, such as democracy and equality between the sexes, must enjoy general recognition. More immigrants should have a job, the young immigrants and descendants of immigrants should become as well educated and trained as young ethnic Danes, and the ghettoisation problem should be addressed.¹⁷¹

Denmark is the only country in the EU, whose Integration Minister, Søren Pind has publicly called for replacing integration with assimilation. He said; "I do not want to hear all this talk of integration. I want to be free of this word. For me, it is assimilation that counts. If someone wants to practice ones culture, there are many other countries, he/she can go and practice it".¹⁷²

The Minister also demanded that when people come to Denmark, they should be ready to eat pork and accept nudity and Christian songs in the institutions and in society.¹⁷³ The situation is so acute that the Integration Ministry's own nomination for the Integration prize for 2010, Nahid Yazdanyar, refused to accept this prize on the grounds of government's policies.

Even for expats with high education and a Western background, integration remains elusive. The Expat Study 2010 highlighted a number of challenges facing those involved in business in regard to attracting foreign workers.¹⁷⁴

National Inclusion strategies and a national strategy on Roma inclusion be

With regard to National Inclusion Strategies and a national strategy on Roma, the fact is not only that the Roma do not figure in any policy program, but also that

¹⁷⁰ Council document on the 11 CBP: http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01, accessed 16 August 2011

¹⁷¹ http://www.nyidanmark.dk/en-us/Integration/integration_in_denmark.htm, accessed 19 August 2011.

¹⁷² <http://www.information.dk/261774>, accessed 19 August 2011.

¹⁷³ <http://www.information.dk/261916>, accessed 19 August 2011.

¹⁷⁴ <http://expatindenmark.com/NewsAndCulture/news/Pages/ExpatStudy2010-letushearyouropinionofDenmarkasanExpatdestination.aspx>, accessed 19 August 2011.

they are mainly discussed and referred to as criminal and socially unacceptable. Erik Thomsen, representative of 'Romano', ENAR-Denmark's member organisation, contacted all Danish political parties and asked them about the question of Roma inclusion. Not only did he not get answers but DDP's vice president even scolded him for bringing the issue up.

People have many prejudices about Roma, which in turn creates exclusion and poverty. In 2010, there were a few cases, which once again brought Roma into the spotlight. One Parliamentary hopeful from the ruling Conservative party called Roma's as kleptomaniacs with GOD's blessing.¹⁷⁵

The second famous case was the arrest and expulsion of 23 Roma from Romania who were living at a deserted place in Copenhagen. On the grounds of public disorder, the Danish Immigration service expelled them with a No Return order of 2 years. This case produced a furore in Denmark and Europe. Both CERD and ERRC in Budapest condemned the Danish expulsion and ERRD decided to take Denmark to the EU court.¹⁷⁶

The social aspects of migration and the inclusion of migrants and ethnic minorities and National Reform Programs

The social aspects of migration and the inclusion of migrants and ethnic minorities are not on the agenda in Denmark's national context. Instead, the Danish government thinks primarily about the financial and work benefits aspects of the work force. A good example is the people who are allowed to come to Denmark on Green Cards Scheme. There is no guidance, introduction to society, and even no help for them to approach the companies which need a specialised work force. The result is that most of them are not only marginalised, but are also forced to work as cleaners, dish washers, or other menial jobs.

NGO response to and assessment of these political and legal developments

As we have mentioned time and again, the NGO world in the country has no say in the integration and immigration policies or public discourse. It may sound pessimistic but it is the reality. The assessment of our ENAR member organisations and other anti-racist NGOs is that the whole integration process in the country and what the Danish government is doing, is not working to facilitate improvements, but to make life intolerable for ethnic and religious minorities. It seems that instead of living up to their civic duties to be the representatives of all citizens, most Danish politicians compete with Danish Peoples Party to show how tough they are towards minorities and what good custodians of Danishness, they want to be. Most of the legal restrictions are discussed behind closed doors between Danish Peoples Party and the two ruling parties, Venstre Liberal and the Conservative Party. The agreements are then presented to the Parliament as

¹⁷⁵<http://www.information.dk/240150>, accessed 22 August 2011.

¹⁷⁶ <http://www.information.dk/240902> and

<http://politiken.dk/debat/ECE1051503/stil-danmark-for-eu-domstolen/>, accessed 22 August 2011.

a bill and passed with the majority of votes, which these three parties have. Most opposition parties are a bunch of toothless Parliamentarians, who very seldom mount a vigorous challenge if at all. In short, the whole frustrating picture can be summed up by referring to an Interview, which Peter Skaarup, integration spokesperson and vice president of DPP gave to a leading newspaper, in which he repeated his party's official position: "We want to close the door for immigrants from non-Western countries to enter Denmark. My party believes that immigrants from non-Western countries do not contribute in the welfare society and cost Denmark billions of kroner."¹⁷⁷

The anti-minority atmosphere in Denmark is not the hallmark of DPP alone. The hard, inhumane tone and the practice of pandering to populism are also very much alive inside the opposition parties, the Social Democrats and Socialist People's Party, who are expected to form the new government if they win the election in November 2011. The situation is so alarming that some highly ranked members of the Socialist Party publicly criticised its top leadership of pandering to the Social Democrat's acceptance of strict Aliens Law and Danish values debate.¹⁷⁸

Examples of NGO Good Practice

Under the **IHR guidance, various NGOs, including ENAR**, took the initiative to formulate a long list of human rights violations and integration/immigration issues for the attention of UN Review of Denmark. The comprehensive report was discussed with the Ministry of Foreign Affairs and became a part of the material provided to the UN Human Rights Council during the 2nd of May 2011 examination of Denmark. The IHR has acted as the secretariat for Danish NGO's and has assisted in the compilation of a joint stakeholder report for the 'Universal Periodic Review¹⁷⁹ of Denmark'.

Another initiative is the magazine '**visAvis**', which focuses on asylum and immigration with the contribution of asylum-seekers, immigrants, artists, and political activists, as well as researchers.¹⁸⁰ The quality of the magazine is such that Peace Foundation gave it an award for excellence in 2010.

Several national and local NGOs, including ENAR were part of a two year consultation project started by Copenhagen municipality to deal with discrimination complaints. In March 2011, the final report under the title: '**Discrimination- a common issue**' was published. The report describes and

¹⁷⁷ <http://www.b.dk/politik/df-vil-begraense-ikke-vestlig-indvandring>, accessed 19 August 2011.

¹⁷⁸ <http://www.information.dk/251377>, accessed 19 August 2011.

¹⁷⁹ The Danish NGOs report became a part of IHR's recommendations. <http://humanrights.dk/files/pdf/UPR/Universal%20Periodic%20Review%20of%20Denmark%202011%20-%20recommendations.pdf>, accessed 22 August 2011.

¹⁸⁰ <http://www.visavis.dk/who-we-are>, accessed 19 August 2011.

provides information about NGO work on the issue of racism and discrimination.¹⁸¹

¹⁸¹ <http://www.drcenter.dk/>, accessed 19 August 2011.

XIV. National recommendations

Keeping in mind, the very special political situation in Denmark, where an anti-minority party has a total hold on any policy change concerning the living conditions of ethnic minorities, we wish to propose the following recommendations in various fields:

Employment:

- There is a need for positive action to improve the chances of the younger generation to enter into the labour market. But this PA should be based on qualification and language proficiency and be for a limited start period. In the UK, it is called Talent Pooling, where focus is on talent and not on ethnicity.
- The 'horizontal perspective' which is used to look at the mechanism of exclusion experienced by women, should also be used for ethnic equality
- Private businesses should use diversity coupled with company's business opportunities for the purpose of 'door-opening' for ethnic minorities into the labour market.
- Performance at the job can be a parameter, which can be useful, both for the employer and the employee as a resource and motivation.

Housing:

- In Denmark, housing societies and municipalities should give ethnic minorities the possibility of buying accommodation with a cheap interest rate. It will encourage minorities to own property and thus move out of economically deprived areas and avoid discrimination. It will also ease the burden on the public housing market
- The practice of the government and the public of designating ethnically populated areas with the term 'Ghettos' should cease. It gives a bad impression – both to minorities and the majority in society.

Education:

- The Mother Tongue Teaching Directive (Council Directive 77/486)¹⁸² for EU citizens must be extended to cover children with immigrant background.
- The spreading out of minority children in far away schools should be terminated and instead the focus should be on the quality of education and teacher training.
- Communication between minority families and public schools should be improved and be participatory, instead of a one way monologue.

¹⁸²Mother Tongue Teaching Directive (Council Directive 77/486), http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31977L0486&model=guichett, accessed 22 August 2011.

Health:

- Interpreters for elderly from minority backgrounds is a must for their communication with the health service sector
- A separate section for elderly minorities in old people's homes and activity centres, with minority staff, is a must for their well-being.
- Refugees with Post Traumatic Syndrome and general psychological issues should be given the attention and treatment that they need.

Criminal justice:

- Intercultural education is needed for Police, prosecuting lawyers and judges.
- The justice system must be monitored to ensure neutrality.
- Victims of racism must have support in legal recourse.
- There should be a campaign directed towards ethnic and religious minorities with the purpose of awareness raising.
- Sensitivity training is recommended for police and immigration authorities.
- Where appropriate, specific, tailored legislation to combat hate crimes must be enacted, and should provide for effective penalties that take into account the gravity of such crimes

Access to goods and services:

- The extra demand for documents from non-citizens who are purchasing with instalments or leasing TV's, cars or other house hold articles, should be terminated
- Difficulties around entering places of entertainment or discos should be removed.
- Racist slogans and discriminatory chants must be criminalised.

Media:

- Discriminatory coverage, racist cartoons and prejudicial advertisements in the media should be taken more seriously by the media houses.
- NGOs and journalists should establish better co-operation to avoid misunderstanding and misinformation.
- NGOs and media should hold seminars and training sessions to understand each other's point of view and working methods.

Anti-racism and anti-discrimination:

- A general prohibition against discrimination should be included in Danish law.
- An independent, resourceful and qualified administrative complaint procedure concerning discrimination in the labour market should be established.
- Non-discrimination and equal treatment principles must be mainstreamed.
- All UN conventions must be ratified and incorporated into Danish law.

Migration and integration:

- Migration and integration should be de-linked.
- Integration policies should also be geared towards the majority.
- The barriers which hinder an individual from actively taking part in society should be looked at and removed.
- Prejudicial and insulting statements should be prosecuted.
- Legal measures, which effectively protect against all forms of discrimination, must be introduced.

The all-encompassing discrimination present in society must be combatted through the above measures.

XV. Conclusion

In the time period between March 2010 and March 2011, the present Danish government has passed several laws, which give no hope for the improvement of the situation for minorities. Repatriation laws, the curtailment of family reunion rights to the minimum possible, the toughest laws in the EU for residence and nationality, the expulsion of immigrants for petty crimes, impossible conditions for marriage, the increasing financial burden in the shape of very high fees for applying for residence, expensive language courses, the difficulty of citizenship applications, the removal of interpretation at doctors, and much more, are unmistakably negative signals to minorities. On top of the practical restrictions, the talk of assimilation instead of integration, enforcing Christian values upon the citizens as common standard, and minority cultures and religions as the cause of conflict, are making any chance of an inclusive society a faraway dream.

The result of all of this is that the blame of failed integration and lack of societal cohesion is then put solely on the shoulders of ethnic and religious minorities, especially Muslim communities, in the form of public statements that Muslims;

- Do not want to integrate
- Establish parallel societies
- Practice undemocratic customs
- Have values, which are not compatible with the Western norms
- Commit crime and sympathise with extremism and terrorism

The repeated use of such general prejudices has created an atmosphere where the public has accepted this narrative and operates with these kinds of baseless reference points in its daily life. With the erosion of the legal protection of ethnic minorities and other victims of racism and discrimination, both directly and indirectly, racial violence and other physical attacks, even racially motivated murders, which were very rare until recently, have risen steadily.

Today's Denmark - the state and this present government in particular - is not only setting a very bad example for its citizens and the coming governments, its harsh policies and restrictive laws are being copied by other EU and European countries. The Danish Peoples Party has been particularly active in coaching and assisting the Freedom Party of Holland, its anti-Islam leader Gert Wilder, and the Swedish Democrats, a new political party, which fought the recent election on anti-Islam and anti-immigrant platform. Swiss and Norwegian policies are also based on the Danish model.

It would be unfair to claim that the recent discriminatory legislation passed through Parliament, which has raised many eyebrows across the international community, is the sole work of the present coalition government of the Liberals and Conservatives, backed by the neo-racist Danish Peoples Party. The seeds of

xenophobia or cultural and religious intolerance have in fact been sown by a range of actors in the political, cultural, and media elite for several years and who have brought Denmark to the brink of the violation of International and European Conventions on Human Rights.

Parliamentary elections should be held before November 2011. There are high expectations of a change of government. Let us hope it will help.

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- People to People Solidarity Organisation: www.ms.dk

Annex 1: List of abbreviations and terminology

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CERD - Committee on the Elimination of Racial Discrimination

DRC - Documentation and Advisory Center

DPP - Danish People's Party

ECRI - European Commission Against Racism and Intolerance

FRA - Fundamental Rights Agency

IHR – Institute for Human Rights

NGO - Non-governmental organisation

ODIHR - Office for Democratic Institutions and Human Rights under the OSCE - Organisation for Security and Co-operation in Europe

OHCHR - Office of the High Commissioner for Human Rights

UNHCR - United Nations High Commissioner for Refugees

Ethnic minorities

This report uses the term Ethnic and religious minorities or simply minorities to describe people who have come to Denmark from outside Europe, as migrants and refugees.

Migrant

In Denmark, the media and the authorities use the word *Indvandrere*, which means “immigrant” for anyone who does not have a native Danish background. Even the children of early immigrants and refugees are called second or third generation immigrants. Also included are: long-term and short-term migrant workers, students, asylum seekers and refugees, stateless persons, spousal and family dependants, women migrants and children, and undocumented migrants.

“**Perker**” is a derogatory word used by Danes for non-White minorities. It is derived from the words, "Pakistanis" and "Turkish".

Racial Profiling

Amnesty International defines racial profiling as the targeting of individuals and groups by law enforcement officials even partially on the basis of race ethnicity national origin or religion except where there is trustworthy information relevant to the locality and timeframe that links persons belonging to one of the aforementioned groups to an identified criminal incident or scheme.

