



ALTERNATIVE REPORT ON DENMARK 2020 TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

FROM

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1. Introduction

In a country like Denmark, which traditionally prides itself of tolerance, liberal-mindedness, equality and anti-racism, it is of vital importance to confront the fact that ethnic minorities face widespread discrimination including structural and institutional racism:

- 43% of young people with minority backgrounds have experienced discrimination during the past year.
- 80% of training counsellors at vocational colleges experience that employers attach negative importance to the ethnicity of the students.
- 25% of young Copenhageners of ethnic minority background have experienced discrimination in public transport.
- 40% of hateful comments on social media target religion and faith.
- 65-70% higher risk of being charged with something that you will not be convicted of is what you face if you are an immigrant or a descendant of non-Western background.¹
- 52% more letters of applications have to be written by male candidates with Middle Eastern names.²
- 60% more letters of applications have to be written by female candidates wearing headscarves.³

This alternative report on Denmark to UN's Committee on the Elimination of Racial Discrimination (CERD) was prepared by the following NGOs:

SOS Racisme Danmark (SOS Racism Denmark)
Center for Dansk-Muslimske Relationer (CEDAR) (Center for Danish-Muslim Relations)
Demos
Refugees Welcome
Kvinder i Dialog (Women in Dialogue)
Muslimsk Ungdom i Danmark (Muslim Youth in Denmark)
Retspolitisk Forening (*The Legal Affairs Association*)
Global Aktion (*Global Action*)

¹ Retrieved 07.04.2020 from: <https://www.ms.dk/arbejde/danmark/antidiskrimination/dokumentation>

²Dahl & Krog (2017) Experimental Evidence of Discrimination in the Labour Market: Intersections between ethnicity, gender, and socioeconomic status Retrieved from [https://polski.ku.dk/ansatte/PHD/?pure=da%2Fpublications%2Fexperimental-evidence-of-discrimination-in-the-labour-market\(a5eacb5b-059d-4dd4-b46c-a192a3a21038\).html](https://polski.ku.dk/ansatte/PHD/?pure=da%2Fpublications%2Fexperimental-evidence-of-discrimination-in-the-labour-market(a5eacb5b-059d-4dd4-b46c-a192a3a21038).html)

³ Dahl, M. (2019). Alike, but different: How cultural distinctiveness shapes immigrant-origin minorities' access to the labour market. I: Detecting Discrimination. How Group-Based Biases Shape Economic and Political Interactions: Five Empirical Contributions. Phd.-afhandlingCopenhagen University

Almen Modstand (*Common Resistance* against the “Ghetto Package”)
ENAR Denmark (*European Network against Racism*)

Quotations have been translated from Danish by the Authors of this report. Titles of reports and headlines of articles have also been translated to indicate the contents of the articles and reports concerned. Two of the authors hold credentials within translation and the report includes links to the original quotes, titles, and article headlines in their original Danish.

The worst hate speech in Denmark is being delivered by the leader of the extreme right-wing party Stram Kurs (Hard Line), who advocates the ethnic cleansing of Muslims and threatens, scorns, and insults Muslims in their own neighbourhoods while under massive police protection. This is hard to visualize, so a link has been included to one of his own propaganda videos from 06.04.2019 where he speaks some English:

<https://twentysixeight.wetransfer.com/downloads/3bc756d3820e2f1ad9a58ee5dd5f367520200402125018/7b77722444cb5f24c1d0f3d0c04c049b20200402125018/aae1b0>

2. Executive Summary

In its Concluding Observations of 2010 with respect to the 18th and 19th period reports from Denmark, the CERD Committee regretted the absence of certain data. This includes data on how the implementation of Denmark’s “anti-ghettoization” law had impacted people’s rights to freedom of residence, the practice of their culture and preservation of their cultural identities (Arts. 5 (d) (i) and (e) (iii) and (vi)).⁴ The Committee recommended that the State party assess the impact on the rights of affected ethnic groups to practice their own culture and that it guarantee that the law does not produce assimilationist effects, which result in the loss of cultural identities by impacted communities.

In its list of themes in relation to the combined 22nd to 24th reports of Denmark, the Committee included the situation of ethnic and ethno-religious minorities. These themes include steps taken to remove the term “ghetto” from laws and policies describing collective housing areas of ethnic minorities, measures taken to ensure access to adequate housing and related benefits, without discrimination, to ethnic minorities; and the impact of such measures.

This alternative report demonstrates that, rather than heeding the warning in the Committee’s Concluding Observations of 2010, Denmark has pursued a systemic legislative strategy of deliberately seeking to assimilate ethnic and ethno-religious groups, most markedly in the “Ghetto Package.” Instead of removing the term “ghetto” and taking measures to ensure access to housing without discrimination, in introducing and implementing the “Ghetto Package,” the State

⁴ With respect to the eighteenth and nineteenth period reports from Denmark (CERD/C/DNK/18-19).

has entrenched the term “ghetto” within legislation and is in the process of evicting thousands of residents from their homes under that legislation. It has also paved the way for the imposition of discriminatory punitive measures in the name of “stronger enforcement of who can or cannot live in vulnerable neighbourhoods,” and “stronger police efforts and higher penalties in order to fight crime and create more security.”⁵

“Ghettos” are defined using an explicit distinction between those of “Western” and “non-Western” “background”.⁶ The countries included in the definition of “Western” all have majority populations perceived to be white. In the State discourse the concept of “non-Western” has been linked to notions of culture and religion, demonstrating the racialisation of ethnic and religious minorities. It is also something that is inherited: “background” extends not only to immigrants but also descendants and to both foreign nationals and Danish citizens. The planned evictions of economically disadvantaged non-white minorities and their neighbours are intended to dismantle communities, which affects cultural identities and networks of support. Under the guise of “integration,” the Ghetto Package violates its stated aims of a singular Danish society built on “freedom, tolerance and equal rights.”

The United Nations Committee on Economic, Social and Cultural Rights (CESCR) has reviewed the Ghetto Package and the Committee stated in its Concluding Observations that it is concerned that “the law is discriminatory. This is due to factors including the fact that it introduces the categorization of areas as ‘ghettos’ defined by the proportion of residents from ‘non-Western’ countries. This not only results in discrimination based on ethnic origin and nationality but also further marginalizing them...”⁷ The CESCR urged the State party to adopt a rights-based approach to its efforts to address residential segregation and to enhance social cohesion. Its recommendations included removing the definition of a “ghetto” with reference to residents from “non-Western” countries, which it called “a discriminator on the basis of ethnic origin and nationality” and repealing all provisions that have a direct or indirect discriminatory effect on refugees, migrants and residents of the “ghettos.”

This alternative report calls upon the Committee on the CERD to issue similar Concluding Observations, recognising the contemporary forms of racism driving the Ghetto Package and other actions and failures to act by the State party as set out in this report. The Committee is also asked to address the State party’s refusal to include ethnicity in its data collection.⁸

⁵ See paragraph 39 of the State’s Combined twenty-second to twenty-fourth period reports under article 9 of the Convention, due in 2019, UN Doc. CERD/CDNK/22-24, 7 February 2019.

⁶ The classification of individuals is facilitated by the data collection system outlined by the State in its Combined twenty-second to twenty-fourth period reports under article 9 of the Convention, due in 2019, UN Doc. CERD/CDNK/22-24, 7 February 2019.

⁷ Committee on Economic, Social and Cultural Rights, *Concluding observations on sixth periodic report of Denmark*, UN Doc. E/C.12/DNK/CO/6, 12 November 2019, para. 51. [“CESCR Concluding Observations”]

⁸ See paragraph 7 of the Concluding Observations and paragraphs 9-11 of the State’s reports of 7 February 2019.

The report sets out further details of the Ghetto Package (Chapter 3) as well as the wider political and social context of Islamophobia and xenophobia, including hate crime (Chapters 5 and 6.1). In its concluding observations on Denmark at its 20th and 21th report of 2015 (paragraph 10 1) ¹ the Committee urged Denmark to “redouble its efforts to combat racial prejudice and violence, xenophobia as well as to intolerance in the country, and to develop a national action plan on racism.” The State party plans to adopt a national action plan against anti-Semitism only but should include all other forms of contemporary racial discrimination, not least the growing Islamophobia.

In view of its General Recommendation No. 35 (2013) on combating racist hate speech, the Committee recalled that the right to freedom of expression is not unlimited but should be subject to certain restrictions, such as with respect to racist hate speech in whatever forms which rejects human dignity and equality and seeks to degrade the standing of individuals and groups. While respecting the right to freedom of expression, the State party should take effective measures to combat racist hate speech instead of doing the opposite. Currently the State party fails to address the growing racist discourse in Denmark brought about by political parties and organizations with racist agendas (Chapter 6). The Danish government has not distanced itself from these racist agendas and has even provided massive police protection for hate speech and racist propaganda by a convicted racist and politician touring vulnerable residential areas with many Muslim residents across the country advocating ethnic cleansing of all Muslims .

This hate speech against Muslims has only reluctantly been prosecuted by the Public Prosecutor, who seems to attach excessive weight to the almost unlimited freedom of speech of politicians. The Committee is urged to recommend the State party to ensure legislation effective against hate speech and hate crime since existing legislation is evidently insufficient as is the monitoring of hate speech and hate crime.

Chapter 6 explains the role of far-right actors, parties and rhetoric that have been normalised in Denmark in recent years, including the romanticised concept of “ethnic Danes” and the notion that Christian values form the basis of Danish culture. This report also covers the “Paradigm Shift” from integration to repatriation of even Danish citizens (Chapter 8) and gives other examples of discriminatory legislation (Chapter 7). Religious minorities such as Muslims are increasingly targeted by “othering” strategies in social and political debates, perpetuating stigma and negative stereotyping that amount to further marginalisation in Danish society. The report describes how the Paradigm Shifts leads to an “architecture of exclusion” (Chapter 9) and concludes with benefits for refugees and immigrants (Chapter 10).

Even during a time of global crisis, the State party took long to suspend the requirement to shake hands during naturalisation ceremonies. When the Covid-19 pandemic came, the Government initially suspended not the handshake but the granting of Danish citizenships. Not until early July

2020 was the handshake suspended – underlining the need for urgent action to tackle racism in Denmark in all its contemporary forms (cf Chapter 4).⁹

The Committee is urged to recommend the State Party to revoke all discriminatory legislation, including laws pertaining to “ghettos”, “parallel societies”, and double-punishment zones in areas with many “non-Western” residents, laws targeting Muslims and especially Muslim women, Roma beggars as well as religious rituals, including religious slaughter. At the same time the Danish government should be praised for voting against the proposed 18-year age limit on male circumcision. Finally the Paradigm Shift must be eliminated and focus returned to integrating the new residents and utilizing their resources instead of trying to think of ways to get rid of them.

3. The “Ghetto Package” - Articles 1 - 2 (1) (a), (c) - 3 - 5 (e) (iii)

In 2010, the Danish right-wing government announced a new strategy "*Ghettoen tilbage til samfundet - et opgør med parallelsamfund i Danmark*" ("*The Ghetto Back to Society – a Break with Parallel Societies in Denmark*". Since then, the criteria for the so-called “ghetto” have been tightened repeatedly. The most dramatic changes came in 2018 with the so-called “Ghetto Package”.

3.1 “Western” versus “non-Western”

A central concept in the “Ghetto Package” of 2018 is the categorization *non-Western*. The terms *Western* and “*non-Western*” were originally invented by Statistics Denmark in 2002.

The year before, the leader of the Danish People’s Party declared at the opening of Parliament in 2001, “*There is only one civilization - and that is ours*”¹⁰ evidently referring to Western civilisation. Shortly after, her party tipped the scales in favour of a Liberal-Conservative government at the general elections and became the deciding factor in shaping Danish aliens, asylum and immigration law for many years to come.

Since 2002 most immigration statistics from Statistics Denmark have used these terms.¹¹ “*Western*” countries are the 28 EU countries and 8 associated countries in Western Europe¹² as well as the four Anglo-Saxon countries: the USA, Canada, Australia and New Zealand, not all located in the West as the term would suggest but all four with white majority populations with

⁹ The compulsory handshake in naturalisation ceremonies was introduced in 2018 by the former Aliens and Integration Minister because some Muslims cannot shake hands with a person of the opposite sex. The official reason was that shaking hands is the Danish way of greeting. The compulsory handshake was not suspended until June 2020.

¹⁰ Retrieved 05.09.2019 from http://webarkiv.ft.dk/?/Samling/20011/salen/R1_BEH1_3_4_223.htm

¹¹ <https://www.dst.dk/da/Statistik/emner/befolkning-og-valg/indvandrere-og-efterkommere/indvandrere-og-efterkommere#> (accessed 06.09.2019)

¹² the EU plus Iceland, Norway, Liechtenstein, Switzerland and Monaco, San Marino, Andorra and the Vatican

roots in Western Europe. "Non-Western" countries are the rest of the world, a total of 157 countries with very different characteristics, but the vast majority with the common characteristic that their majority populations are non-white.

According to sources including The Webster-Merriam Learner's Dictionary *non-Western* means: "of or relating to the part of the world that does not include the countries of western Europe **and North America**". Australia and New Zealand are non-Western countries and thus Statistics Denmark has invented its own definition of the term.

When conducting surveys of racial discrimination in Denmark, the exclusion of Australia and New Zealand with their white majority populations from the term "non-Western" may make sense (cf Denmark's reply to paragraph 9 of the list of issues (par. 31)). In other matters it is discriminatory.

Danish politicians have used the term to an increasing extent in their scramble for votes. In March 2018, the Liberal minority government (2015–2019) introduced its political plan "*Ét Danmark uden parallelsamfund – Ingen ghettoer i 2030*" ("*One Denmark without parallel societies – no ghettos by 2030*") aimed at eliminating all "parallel societies", a term they fail to define.¹³ The term *non-Western* is mentioned 42 times.

"Parallel societies have arisen among people of non-Western origin...

We have a group of citizens who have not taken Danish norms and values to heart. Where women are seen as less worth than men. Where social control and lack of gender equality set narrow limits to the free development of the individual."¹⁴

For the first time *non-Western* was enacted into Danish law. The term is not only applied to immigrants, but also their descendants who were born and raised in Denmark, and it does not distinguish between foreign nationals and Danish citizens. This creates a clear distinction between those considered to be real Danes and those considered non-Danes.

There is no definition of "non-Western" in the legislation. As mentioned above, the term is used by Statistics Denmark to refer to any country outside the EU and the EEA plus Canada, USA, Australia and New Zealand. Under Danish law, it is prohibited to register Danish residents by "race", ethnicity, religion etc.¹⁵ However, in the public debate *non-Western* is becoming almost synonymous with *Muslim*.

The integration of "non-Western" immigrants and descendants has long been in focus in the Danish political debate. Today Danish residents are recorded as "non-Western", but they are not notified, and they cannot get access to their own records to check if places of birth etc. have been recorded correctly. Danish residents who are laid off are registered as "non-Western" at job centres - whether foreign nationals or Danish citizens and against their will - in violation of the

¹³ Retrieved at <https://www.regeringen.dk/nyheder/ghettoudspil/> (Retrieved 15.08.2019)

¹⁴ "*Ét Danmark uden parallelsamfund – Ingen ghettoer i 2030*" p 5

¹⁵ Only nationality may be registered.

Danish Act against Discriminatory Treatment in the Labour Market and the Human Rights Conventions. This procedure is a recruitment tool prescribed by STAR, the Danish Department for Labour Market and Recruitment.¹⁶

3.2 “Parallel Societies”

In February 2018, the Ministry of Economy and the Interior published a report entitled “*Parallelsamfund i Danmark*” (*Parallel Societies in Denmark*). In that report a “parallel society” is described as being “*physically or mentally isolated following its own norms and rules, without noticeable contact with Danish society and without a desire to become part of Danish society.*”¹⁷ All intangible and unmeasurable. The report claims that “parallel societies” stem from residents having religious values and other values that differ from those of the majority, demonstrating the racialization of minorities and the desire to assimilate minority cultures and religions:

According to Danish researcher, Brian Arly Jacobsen, Associate Professor at the Institute of Cross-cultural Studies of the University of Copenhagen, there are no parallel societies in Denmark.¹⁸ This is backed by John Andersen, Professor of Sociology, Roskilde University, and Mikaela von Freiesleben, part-time Associate Professor, University of Copenhagen.¹⁹

Another report that is to be published every year is called “Account of Parallel Societies 2019”.²⁰ At the time the report was published by the Ministry of Economy and the Interior (now the Ministry of Social Affairs and the Interior) and it states that the data on parallel societies are solely based on data from “non-Western” families.²¹ They do so by mapping structural conditions, which they claim to be “indicators that may indicate” that some people live in a “parallel society”.²²

¹⁶ *Jurists: Job centres discriminate with new profiling tool*, Retrieved 26.03.2020 from: <https://www.nb-nyt.dk/2019/10/08/47588/jurister-jobcentre-diskriminerer-med-nyt-profileringsvaerktoej/>

¹⁷ <https://oim.dk/media/18990/analyse-om-parallelsamfund-090218-final.pdf> Economic Analysis, February 2018, Ministry of Social Affairs and Interior (accessed 06.09.2019)

¹⁸ MS (27.02.2018) *Researcher: Parallel societies do not exist in Denmark* Retrieved at

<https://www.ms.dk/2018/02/forsker-parallelsamfund-finde-ikke-i-danmark>

*Parallel Societies is something the politicians have invented*¹⁹ Retrieved 03.09.2019 from: <https://videnskab.dk/kultur-samfund/parallelsamfund-er-noget-politikerne-har-opfundet>

²⁰ Account of Parallel Societies 2019 https://www.trm.dk/media/4164/redegoerelse-om-parallelsamfund_web.pdf

²¹ *Ibid.*, p. 42

²² *Ibid.*, p. 24

If a person lives in a “parallel society,” according to the criteria, the *whole* family is counted in as well (with the argument that family members influence each other), inflating the number even more. (*Ibid.* p 42)

However, what is also stated several times in the report is that it is difficult to establish how many people actually live in so-called “parallel societies” and that there does not exist any clear definition of when someone lives in a “parallel society” as it depends on the individual’s attachment to the Danish society, which cannot be measured through their indicators. (*Ibid.* pp. 10, 24, 25, 37, 40, 45, 66)

They state, “It is important to emphasize that the indicators are a way of delimiting people with indications that they belong to parallel societies. The indicators, however, cannot be used to conclude anything concerning the values the individual has and how he or she experiences the attachment to Denmark.” (*Ibid.* p 24 – See also p 37)

The report has been criticized for its lack of reliable data by Professor Emeritus of Sociology and Med.Sc.D., Lars Iversen. Professor Iversen claims that the report resembles work commissioned by the Government, using “methodical hocus-pocus” and writes, “Cut away the demonizing of non-profit housing²³ and read the parts indicating that Denmark integrates well”.²⁴ Other researchers have also criticized the report for its lack of data, these include Troels Schultz Larsen, Associate Professor and Hans Skifter Andersen, Adjunct Professor.²⁵

Even though the Danish government admits that it does not have any statistical evidence of the number of “non-Westerners” living in so-called “parallel societies” nor any clear definition, it lands at 76,400 persons²⁶ selecting whatever information Statistics Denmark can supply. Thus the “indicators” seem somewhat random:

The 8 indicators of “parallel societies” ::

1. Living in a non-profit housing area with at least 25% of “non-Western” background.
2. Children aged 1-4 years not in a daycare institution.
3. Children aged 0-6 years in a daycare institution with at least 25% of “non-Western” background.
4. Children and young people in primary/lower primary school with at least 25% of “non-Western” background
5. Children aged 12-14 years charged with a criminal offence etc. within a year.
6. Young people aged 15-29 years convicted of a criminal offence etc. within a year.
7. Young people aged 15-29 years who are neither employed nor enrolled in education.
8. Grown-ups aged 22-59 years who have been inactive over a long period.²⁷

“Non-Western” families of more than 3 must meet three of the above indicators to be assumed to live in parallel societies, and families of 1-3 only two.²⁸

While the concept of integration may be seen as neutral, the rhetoric used by politicians about the purpose of recent immigration laws and the “Ghetto Package” are less nuanced. For example, in March 2018, while stressing that most residents in Denmark with non-Danish backgrounds contribute positively to society, the then Prime Minister also stated as follows:

²³ *Non-profit housing* in Denmark is run by independent, democratically governed non-profit housing associations and is not owned by the State.

²⁴ Professor Emeritus L. Iversen, *Debate: The Account of Parallel Societies Contains Methodical Hocus.pocus* – Retrieved 21.03.2020 from <https://www.altinget.dk/by/artikel/professor-emeritus-redegoerelsen-om-parallelsamfund-indeholder-metodiske-fiksfakserier>

²⁵ *Researchers Shoot Central Report on Parallel Societies Full of Holes* - Retrieved 26.03.2020 from: <https://www.altinget.dk/artikel/181680-forskere-skyder-central-rapport-om-parallelsamfund-ned>

²⁶ Account of Parallel Societies 2019, p. 37

²⁷ *Ibid.*, p. 25

²⁸ *Ibid.* p 45

“It worries me deeply if we cannot keep Denmark together. We should be able to recognise our country. There are places where I don't recognise what I'm seeing.”²⁹

3.3 “Ghettos”

Once again, the Government chose a word with negative connotations and gave it a new meaning. In Gjellerupparken, Aarhus, today a so-called “tough ghetto”, there were residents of 86 different nationality backgrounds.³⁰ But usually the word *ghetto* means (our emphasis):

- “an area of a city where many people **of the same race or background** live, separately from the rest of the population. “Ghettos” are **often crowded, with bad living conditions...**
- the area of a **town where Jews were forced to live** in the past, e.g. *the Warsaw ghetto*”...^{31 32}

The Government explicitly stated in the explanatory notes to the Bill that the distinction between vulnerable housing estates and “ghetto” areas serves to emphasize that the *“central challenge in the ghetto areas is the lack of integration of immigrants and descendants from non-Western countries.”*

The so-called “Ghetto Package” has been passed through amendments to a number of laws. On 22 November 2018, a bill to amend the Non-profit Housing Act, the Non-profit Housing Rent Act and the Rent Act was passed. Key features are outlined below.

3.4 Definition of Danish “ghettos” - Article 1

The new law L38 changes the definitions of “vulnerable areas” and “ghettos”:³³

²⁹ From a press conference on 1 March 2018 in the “tough ghetto” of Mjølnerparken – link to article retrieved 05.09.2019 from <https://politiken.dk/indland/politik/art6360451/Løkke-om-nyt-udspil-Ghettoerne-skal-væk> (Note picture showing eight ministers seemingly without security precautions in the midst of one of the “tough ghettos”.)

³⁰ *Half of the world live right here* - Retrieved 30.03.2020 from: <https://gellerup.nu/2011/12/07/halvdelen-af-verden-bor-lige-her/>

³¹ <https://www.ft.dk/samling/20191/almdel/bou/spm/64/svar/1620377/2127280/index.htm> and Account of Parallel Societies 2019, p. 60

³² Oxford Advanced Learner’s Dictionary retrieved from <https://www.oxfordlearnersdictionaries.com/definition/english/ghetto?q=ghetto>

³³ The new Minister of Housing has told the press that he is not going to use the word “ghetto”, but the law has not been amended and there is no indication that it will be changed.

A vulnerable area is an area of over 1000 residents “where at least two of the following four criteria are met:

- (a) *The share of residents aged between 18 and 64 years with no connection to the job market or the educational system exceeds 40%, calculated as an average of the last two years.*
- (b) *The share of residents convicted of violations of the Criminal Code, the Weapons Act, or the Controlled Substances Act exceeds three times the national average, calculated as an average of the last two years.*
- (c) *The share of residents aged between 30 and 59 years with only basic³⁴ education exceeds 60% of all residents in the same age group.*
- (d) *The average gross income for taxpayers³⁵ aged between 15 and 64 years in the area, excluding students, is less than 55% of the average gross income for the same group in the region.”³⁶*

A “ghetto” is a “vulnerable area” where the share of immigrants and descendants from “non-Western” countries, whether Danish citizens or not, exceeds 50% .³⁷ Thus, only ethnicity distinguishes a vulnerable area from a “ghetto”. A “tough ghetto” has been a “ghetto” for four years.

(a) The Government explicitly stated in the explanatory notes to the Bill that early retirement pensioners are not counted as pensioners, who have left the labour market, but as unemployed even though they are unable to work.

(c) and (d) were added in 2013.

(c) Before 2017, there were no data on the education of almost 177,000 immigrants, who had been registered by Statistics Denmark as having no more than basic education. Together with the Rockwool Foundation’s Research Unit, Statistics Denmark financed a project out of its own pocket filling in the gap in 2017. “It is ..remarkable that there has been no data collection on education and training brought by immigrants since 2004” ³⁸. The Workers’ Council for Trade and Industry calculated that 13 out of the 25 housing areas would not have been on the “Ghetto list” for 2016 if these immigrants’ education had counted. “So far changing governments have ignored the fact that thousands of immigrants are doctors, teachers, jurists, and skilled workers. If their education

³⁴ Lower secondary education

³⁵ Transfer incomes are taxed in Denmark.

³⁶ Inserted by Act L38 as new section 61a of the Common Housing Act cf. Consolidated Act no. 1116 of 2 October 2017 as amended by section 20 of Act no. 688 of 8 June 2017, section 2 of Act no. 1544 of 19 December 2017, and Act no. 733 of 8 June 2018.

³⁷ Subsection 2, section 61a as above (inserted by Act L38)

³⁸ Retrieved 23.03.2020 from the Rockwool Foundation’s Research Unit: <https://www.rockwoolfonden.dk/artikler/ny-stor-dataindsamling-om-indvanderes-medbragte-uddannelse/>

and training had not been registered in public records, they counted as persons with only basic education when the list named “The Ghetto List” was to be computed”.³⁹

The study conducted by Rockwool Foundation’s Research Team and Statistics Denmark was disregarded, but 50% was raised to 60% with only basic education. Only Danish education and foreign education and training approved in Denmark counts.⁴⁰ In Odense the “ghetto” of Solbakken is desperately fighting to avoid the “tough ghetto” label by collecting foreign certificates and diplomas to submit them for approval. However, it has always been extremely difficult to get foreign educations approved in Denmark.^{41 42} Furthermore, the age range excluding residents below the age of 30 years also seems designed to inflate the percentage of residents with basic education only.

(d) Last but not least, transfer incomes are the same all over the country, but because of Denmark’s richest municipalities north of Copenhagen “the average gross income of the region” is higher in the capital region of Copenhagen than in the rest of the country. If the “ghetto” of Mjølnerparken, Copenhagen, had been located in Aarhus or Aalborg, its average gross income would be higher than “55% of the average gross income of the region”.⁴³

All three definitions serve to inflate the number of so-called “ghettos”. The harshest measures in the law apply only to “tough ghetto” areas, which have met the criteria for “ghettos” for four years.⁴⁴

The former Government made it clear in the explanatory notes to the Bill that the focus of the new law is on “*radical physical transformations, including a reduction in the share of non-profit family housing in order to create the conditions for a mixture of different types of housing (non-profit housing, owner-occupied dwellings, co-operative housing, and private rentals) and thus a changed composition of residents*”⁴⁵ (our emphasis). The Government seeks to transform “ghetto” areas into “attractive” districts and to take preventative measures to prevent “vulnerable

³⁹ Thirteen out of 25 housing areas wrongly took a beating - Retrieved 24.03.2020 from

<http://www.boligsocialnet.dk/aktuelt/2017/12/13-ud-af-25-boligomraader-uretmaessigt-udhaengt/>

⁴⁰ <https://www.ft.dk/samling/20171/lovforslag/l231/spm/1/svar/1491390/1898757.pdf>.

⁴¹ M. Strandfeldt et al (01.10.2019) *Collecting certificates and diplomas from door to door: Neighbourhood wants to avoid “ghetto” label* Retrieved 24.03.2020 from DR <https://www.dr.dk/nyheder/regionale/fyn/samler-eksamensbeviser-fra-doer-til-doer-bydel-vil-undgaa-ghettostempel>

⁴² In connection with the Coronavirus pandemic Danish doctors have sent an open letter urging the Patient Safety Authority to speed up the “unreasonably slow” process of approving their foreign colleagues, “several hundred doctors on the waiting list to be included in Denmark’s medical profession”. U. Dahlin et al (26.03.2020) Retrieved 25.03.2020 from Information: <https://www.information.dk/indland/2020/03/opraab-laeger-godkend-vores-udenlandske-kolleger-stedet-aabne-frivilligt-arbejde>

⁴³ Retrieved from RESPONS: <https://respons.community/ghettoplan/ghettolisten-bygger-p%C3%A5-kritisabelt-datagrundlag-hvis-mj%C3%B8lnerparken-l%C3%A5-i-aarhus-var-det-slet-ikke-en-ghetto/?fbclid=IwAR36uFWO9iUHCHTAVgxoVcBTtugJ2WOG1YSv8bPC6HIwYiKWJ-2r3-3Vlfc>

⁴⁴ Subsections 4 and 5, section 61a as above

⁴⁵ <https://www.ft.dk/samling/20181/lovforslag/L38/index.htm> (retrived 06.09.2019)

housing estates” from developing into “ghetto” areas, i.e. preventing people of “non-Western” descent from moving in.

The present Prime Minister has stated, “This is also about ethnicity. Because I want a Denmark, where we live together. I don't want areas where only people with minority backgrounds live”.⁴⁶

Associate Professor Troels Schultz Larsen of Roskilde University has stated that the word “ghetto” stigmatizes not only the residential area but also the residents. He explains that a so-called “non-Western” individual with a good job, education and income will still form part of the “ghetto” criteria if he moves into a non-profit housing area, solely because of his “non-Western” background. Thus, even if you are a socio-economically advantaged Danish citizen, you will still be considered a problem if you have a “non-Western” background.

The Government estimated that the new “ghetto” definition would apply to approximately 30 “ghetto” areas, of which approximately half would be “tough ghetto” areas according to 2017 data. The “ghetto” list published in December 2018 showed that 29 areas had been categorised as meeting the new criteria, 15 being labelled “tough ghetto”. An additional 43 areas were designated as “vulnerable.”⁴⁷ In the latest list of 1 December 2019 there were 28 “ghettos”, 15 “tough ghettos”, and 40 vulnerable areas.⁴⁸

3.5 Changing Housing Types - The Danish Non-profit Housing Sector – Article 5 (e) (iii)

Non-profit housing in Denmark is run by non-profit housing associations and not owned by the State. The housing associations may receive financial aid from the State but are self-governing and independent. The non-profit housing associations and their branches are democratically governed by the tenants collectively. Renovations and new housing development are funded through the National Building Foundation, to which all non-profit housing tenants pay a share of their rent.

The Government makes it clear that a benchmark of success under the “Ghetto Package” is a reduction of non-profit housing in “ghettos” and vulnerable areas.⁴⁹ More specifically, a

⁴⁶ <https://www.altinget.dk/by/artikel/mette-frederiksen-efter-kritik-af-ghetto-pakken-kommunerne-skal-i-gang-med-at-genhuse>

⁴⁷ Retrieved 05.09.2019 from The Ministry of Transport and Housing: <https://www.trm.dk/da/nyheder/2018/ny-ghettoliste>

⁴⁸ Retrieved 23.03.2020 from <https://www.trm.dk/publikationer/2019/liste-over-ghetoomraader-pr-1-december-2019/>

⁴⁹ From paragraph 2.1.2 of the explanatory notes: “The aim is to change the composition of housing types in the vulnerable housing estates by increasing the number of owner-occupied dwellings, private rentals, or co-operative dwellings. This can for example be done by divesting common dwellings to private investors, by new housing development and condensation, or by demolishing common housing and subsequently divesting the building

development plan must be made for all “tough ghetto” areas with the aim of reducing the non-profit family housing to a maximum of 40% of such areas by 2030.⁵⁰ This can include plans for selling off or demolishing dwellings of good quality.

The Government’s intention is indicated in the explanatory notes to the Bill L38. In the notes to the provisions regarding housing allocation (below), it is stated that:⁵¹

Non-profit housing – explanatory notes

“Residents in the non-profit housing sector differ significantly from residents in the general housing market by... having more than 20% residents of non-Western background. That means that slightly more than half of all immigrants and descendants from non-Western countries live in the non-profit housing sector. It is necessary to change the resident composition in the vulnerable housing estates... [I]t is here in particular that many residents – often immigrants from non-Western countries and descendants of immigrants – live in isolated enclaves and do not adapt to Danish norms and values to a sufficient extent.”

“The aim is to change the composition of housing types in the vulnerable housing estates by increasing the number of owner-occupied dwellings, private rentals, or co-operative dwellings.”⁵²

A number of residents have lived in their flats for decades. Since before the turn of the century, non-profit estates have been renovated and integration programmes implemented, and many residents now experience a strong sense of community. It is not clear where the residents will be rehoused and they have expressed fear, distress and anger that they will be taken away from their families, supporting networks and employment and may no longer have access to affordable housing. There are rising rents in urban areas in Denmark, and if the flats are sold to private owners, they are not bound by the same restrictions so rents are expected to increase. Furthermore, the “Ghetto Package” ensures that the private owners are unable to let the flats to the former tenants (See below!).

plots. It is necessary that the benchmarks are based on the premise that many of the dwellings in the vulnerable housing estates will not be common housing in the future.”

⁵⁰ New section 168a of the Common Housing Act cf. Consolidated Act no. 1116 of 2 October 2017 as amended by section 20 of Act no. 688 of 8 June 2017, section 2 of Act no. 1544 of 19 December 2017, and Act no. 733 of 8 June 2018.

⁵¹ Paragraph 2.6.2 of the explanatory notes

⁵² From paragraph 2.1.2 of the explanatory notes. See note 42.

In Elsinore, 300 residents were informed that their housing associations had decided to evict them from their 96 flats in order to be replaced by tenants over 50 years of age without children (and presumably of Western descent) as it is feared that the estate may otherwise develop into a “tough ghetto”.⁵³ In Slagelse, a private investor bought “136 non-profit flats in good condition with a good location, no mortgage debt, and a long waiting list of hopeful tenants and the possibility of increasing the rent” for 60 million kroner, less than half the taxable value of the property, which is DKK 134 million.⁵⁴

3.5.1 Dismantling “ghettos”/Demolishing Flats – Articles 2 (1) (a), 5 (e) (iii)

The Minister can issue an order to a non-profit housing association ordering the dismantling of a “tough area” under certain circumstances including failure to implement a development plan.⁵⁵ The local housing association and the local municipality may then decide a “development plan”, which may include demolishing of housing blocks/flats in the “ghetto” area. If the non-profit housing associations do not present an over-all plan of how to reduce “tough ghetto” areas in Denmark or the government does not approve their plans, the government will take over and instead reduce the “tough ghetto” area by 75%.⁵⁶

In its report to the Committee, the Danish Government states that it has:

“ ..taken due note of the Committee’s recommendations in paragraph 12, 13, 15 and 20 of its concluding observations, and would like to make it clear that it is pursuing a successful integration process in order to ensure fewer people live in parallel societies with no contact to the rest of the Danish society.” (CERD/C/DNK/22-24 para 27)

In other words, the Government is trying to frame discrimination as a form of positive measure.

As required by the “Ghetto Package”, non-profit housing associations in all “tough ghetto” areas in Denmark submitted plans by June 2019 setting out their intentions to reduce non-profit family housing to 40 %. All in all, housing areas labelled as “ghettos”/vulnerable areas have indicated in their “development plans” that as many as 5,363 flats will be dismantled – of those 3,745 will be demolished, 730 sold to private buyers and 888 transformed into youth or senior housing – and around 11,000 people will lose their homes.⁵⁷ 10,131 new homes will be built, primarily private.⁵⁸

⁵³ Arbejdereren (30.08.2019) 300 evicted from their non-profit flat in Elsinore – Retrieved 01.09.2019 from <https://arbejdereren.dk/indland/300-smides-ud-af-deres-almene-bolig-i-helsing%C3%B8r>

⁵⁴ (05.03.2020) Retrieved from Arbejdereren:

⁵⁵ Inserted by Act L38 as new section 165a of the Common Housing Act cf. Consolidated Act no. 1116 of 2 October 2017 as amended by section 20 of Act no. 688 of 8 June 2017, section 2 of Act no. 1544 of 19 December 2017, and Act no. 733 of 8 June 2018.

⁵⁶ <https://fagbladetboligen.dk/artikler/2020/februar/da-pressen-ramte-mjoelnerparken-og-bo-vita/>

⁵⁷ Altinget (25.11.2019) *Consequence of the Ghetto Package: 11,000 people to Lose Their Homes* – Retrieved from: <file:///C:/Users/compag/Downloads/2019.11.25.,%2011.000%20skal%20forlade%20deres%20hjem,%20Altinget.pdf>

⁵⁸ C.Lehrskov (11.09.2019) Retrieved 20.03.2020 from <https://byensejendom.dk/article/bygger-10131-nye-boliger-i-15-ghetto-omraader-28478>

However, new housing built in vulnerable neighbourhoods may only be rented according to criteria laid down by the municipal council (See below!).

Overview of instruments used in the 15 “tough ghetto” areas

Area Name – Municipality – Transformation – Sales to Private Investors – New Housing – Demolition

Oversigt over benyttede instrumenter i de 15 hårde ghettoområder

Områdenavn	Kommune	Ommærkning	Salg	Nybyggeri	Nedrivning	Nedrivning for udviklingsplan**
Agervang	Holbæk	132	88	61	-	-
Bispehaven	Aarhus	-	-	517	318	-
Finlandsparken	Vejle	23	-	219	-	-
Gædehavegård	Høje-Taastrup	105	75	231	260	-
Gellerupparken/Toveshøj	Aarhus	-	-	2.169	945	345
Mjølnerparken	København	*41	221	*34	*23	-
Motalavej	Slagelse	9	-	38	347	178
Munkebo	Kolding	58	36	119	36	-
Ringparken, Slagelse	Slagelse	63	136	391	149	-
Skovvejen/Skovparken	Kolding	161	35	212	243	-
Stengårdsvej	Esbjerg	160	-	190	116	-
Sundparken	Horsens	-	139	35	-	-
Tingbjerg/Utterslevhuse	København	116	-	3.394	42	-
Taastrupgaard	Høje-Taastrup	20	-	521	266	188
Vollsmose	Odense	-	-	2.000	*1.000	-
Samlet		888	730	10.131	3.745	771

Source: The development plans of the individual municipalities. ⁵⁹

The “ghetto” laws enjoin the private landlords to use the same excluding criteria as the non-profit associations so tenants evicted cannot rent the private dwellings instead:

“**Subsection 4 of Section 27:** For housing situated in a tough ghetto area...it is a prerequisite for the minister’s approval of the sale that tenants who do not meet the criteria provided by the municipal council pursuant to subsection 1 of section 27 c are given notice...”⁶⁰

“**Subsection 1 of Section 27 c:** The municipal council shall provide criteria for the renting out of blocks of flats located in a vulnerable area... which are sold off to private buyers ... Criteria provided according to Subsection 1 are further applied to new rented dwellings which are built on the estate..”⁶¹

“**Subsection 4 of Section 60:** For non-profit family housing which is situated in a vulnerable housing area ... and which is [not social housing], the housing association shall assign vacant homes according to special criteria including employment and education criteria. The municipal council provides the criteria with a view to strengthening the composition of residents in the housing area.” ⁶²

In February 2020 a Danish citizen of “non-Western” origin (Somalia) filed a complaint to the Danish Board for Equal Treatment because she was informed that her flat is one of the 200 flats in the

⁵⁹ Retrieved from

<https://www.trm.dk/media/4197/faktaark-redskaber-i-udviklingsplaner-til-nedbringelse-af-andel-almene-boliger-ny.pdf>

⁶⁰ Almenboligloven (The Non-profit Housing Act) <https://danskelove.dk/almeboligloven/27>

⁶¹ Ibid. <https://danskelove.dk/almeboligloven/27c>

⁶² Ibid. <https://danskelove.dk/almeboligloven/60>

housing area that will be demolished. Firstly, as a “non-Westerner” she is one of the more than 50% tenants who turned her housing area into a “ghetto”. Secondly, she is the only tenant in her staircase who is to be evicted. She argues that the “development plan” made by the Housing Association in cooperation with the Local Government, and the Ministry of Housing is thus responsible for direct or indirect discrimination with regard to her right to housing.

Other tenants (Danish citizens or non-citizens) of “non-Western” origin are expected to file similar complaints soon when they receive eviction notices. Allocation of Housing – Articles 2 (1 a) and 5 e, iii

The new law also restricts the allocation of housing. For example, a non-profit housing association branch located in a “tough ghetto” area must reject applicants on the waiting list if the applicant or applicant’s spouse receives welfare benefits such as “integration benefits,” recently replaced by “return benefits.” Furthermore, refugees must no longer move into “ghettos”, and residents in vulnerable areas can no longer apply for family reunification.⁶³

Furthermore, the restrictions on housing allocation and waiting lists also impact those of low income and/or immigrant backgrounds, pushing them further out of affordable housing.

In addition to restrictions in the “Ghetto Package” on the allocation of housing, other restrictions based on “non-Western” background have also been put into practice in Aarhus and this is the subject of a complaint to the Ombudsman, which is currently pending decision.

There is also discrimination based on citizenship. For years these other restrictions have reportedly been used to exclude tenants because of their foreign citizenship. This discrimination has now been inscribed in the Non-profit Housing Act (Almenboligloven), but now not just non-citizens are excluded but also “non-Western” Danish citizens. Section 59 of this law says that 25% can be used by the municipality for social housing. In days gone by, this social housing would be reserved for the disadvantaged. However, the “Ghetto package” introduced racial (and social) discrimination by inserting a supplementary Subsection 6 of Section 59, which excludes specific Danish residents, including non-EU/EAS nationals (No. 4), from getting a flat in the so-called vulnerable areas.

This is in direct contrast to the statement by the State party in its reply to paragraph 24 of the list of issues (124), *“The allocation of social housing to Danish residents follows Article 14 of the European Convention on Human Rights, which guarantees rights and freedoms without discrimination on any ground. Allocation of social housing follows seniority on a waiting list, municipal assigning (anvisningsret) or allocation based on prioritised criteria in relation to local conditions (kombineret- og fleksibel udlejning), which does not discriminate on the basis of ethnic origin or citizenship.”*

⁶³ Inserted by Act L38 as new section 51c of the Common Housing Act cf. Consolidated Act no. 1116 of 2 October 2017 as amended by section 20 of Act no. 688 of 8 June 2017, section 2 of Act no. 1544 of 19 December 2017, and Act no. 733 of 8 June 2018.

3.6 Exclusion of People of "non-Western" Background - Articles 2 (1 a) and 5 e, iii

In Denmark, it is unlawful to register people by "race", ethnicity and religion etc., but nationality may be recorded. Recently, the Municipality of Aarhus⁶⁴ sought permission from the Ministry of Justice to exclude applicants of "non-Western" background from social housing, i.e. the non-profit housing allocated by the municipality, usually 25%. The Ministry of Justice did not find it acceptable since such a practice was deemed to violate Article 14 of the European Convention on Human Rights (protection from discrimination). This practice of sorting tenants by ethnicity by excluding foreign nationals has been used for years in many municipalities in order to lower the proportion of tenants of "non-Western" background. *Immigrants* have been born abroad, *descendants* have been born in Denmark and none of their parents are both Danish nationals and born in Denmark. As soon as one of the parents born in Denmark acquires Danish citizenship, descendants become "of Danish descent" and are registered as such. However, since obtaining Danish citizenship has become increasingly difficult – and a growing number of MPs (incl. Social Democrats and the DDP) want the third generation of Danish citizens to be recorded as "non-Western" in the statistics⁶⁵ – the "non-Western" descent may stick for generations.

The State party fails to acknowledge its contradictory position in respect of the "Ghetto Package", the lynchpin of which is the share of "non-Western" residents regardless of whether or not they are Danish citizens. The measures in the "Ghetto Package" explicitly target those of "non-Western" background. This can be seen as directly discriminatory, as well as having a disproportionate impact on minorities (which can be described as indirect discrimination). Defining an area as "ghetto" and "tough ghetto" based on the ethnic/national background of the residents contributes to further polarization, stigma and discrimination of already marginalized groups, especially the country's Muslim population but in this case also their neighbours.

3.7 Double-punishment Zones – Article 2 (1 a)

The Government's initiative to eliminate so-called "ghettos" also includes harsher punishment in certain areas called "increased-punishment zones". In September 2018, a bill was passed to empower the police to define geographical zones in which punishments for certain crimes (e.g.

⁶⁴ The second largest Danish municipality in terms of inhabitants with a high percentage of inhabitants of "non-Western" background

⁶⁵ Retrieved 13.04.2020 from <https://www.mm.dk/tjekdet/artikel/saa-mange-tredjegerationsindvandrere-er-der-i-danmark>

violence, vandalism, burglary, threatening behavior, arson, drug offences, possession of weapons) could be doubled.⁶⁶

The explanatory notes state that the punishment zones are for “*extraordinary*” situations that unsettle individuals in the area. The explanatory notes explicitly state that the law is part of the Government’s implementation of the “Ghetto Package”.

The law took effect on 1 January 2019 and was criticized by the Council of the Danish Bar & Law Society and the think tank Justitia among others. It may lead to an increase in the deportation of foreign nationals including persons born and raised in Denmark.⁶⁷

The former prime minister of Denmark stated, “*Danishness itself is under threat, so it is necessary to break with the idea that everyone in Denmark should be treated equally*”.⁶⁸ Lawyer Birgitte Eriksson from the Danish think tank Justitia stated, “*In reality, it will mean that young people living in those areas who may not be more criminal than other young people are punished twice as severely. It is un-Danish and quite alarming in terms of the rule of law.*”⁶⁹

3.8 “Re-education Visits” Articles 2 (1 a) and 5, e, v

The above law also:

- (a) criminalises parents whose children make certain trips abroad; and
- (b) empowers the police to refuse to issue passports to – or to withdraw passports from – children where there is reason to believe they will be sent on such trips.

The provisions are said to only relate to circumstances that seriously endanger children’s health or personal development. However, the explanatory notes to the Bill make it clear that the

⁶⁶ The Danish Penal Code Section 81c. The punishment prescribed by Sections 119, 181 and 244 of this Act, Section 244, (see Sections 247, 245, see Sections 266, 285 (1), see Sections 276, 276a and 281, Section 286 (1), see Sections 276, 276a, Section 287 (1), see Section 281, and Sections 288, 291, 293 and 293a), or the Act concerning Narcotic Substances, the Weapons and Explosives Act, or the Act concerning Edged and Bladed Weapons may be increased up to double if the criminal offence has been committed within an increased-punishment zone designated pursuant to Section 6a of the Act on Police Enforcement Activities.

Subsection 2. In determining the punishment for criminal offences not encompassed by subsection 1, it should generally be regarded as an aggravating circumstance if the criminal offence has been committed in an increased-punishment zone designated pursuant to Section 6a of the Act on Police Enforcement Activities Act, and is capable of creating insecurity in this zone.

Retrieved 15.08.2019 from <http://www.retsinformation.dk/eli/lta/2018/1156>

⁶⁷ Acquiring Danish citizenship has become increasingly difficult since 2001 and today a non-suspended sentence of 3 months for certain offences will bar Danish citizenship forever even if the person was born and bred in Denmark.

⁶⁸ Article from Information (27.02.2018) “*The punishment doubled in the ghetto: The Government creates more parallel societies*” Retrieved 15.08.2019 <https://www.information.dk/indland/leder/2018/02/straffen-doblet-ghettoen-regeringen-skaber-flere-parallelsamfund>

⁶⁹ Ibid. Retrieved 15.08.2019

proposals are aimed at so-called “forced re-education visits” and that a wide meaning will be given to the concept of health.⁷⁰ In addition, whether a child is influenced by values that differ from “Danish values and norms or subjected to restrictions which are not ordinary and usual in a Danish context,” are factors that can be included as elements in the overall assessment of whether a visit abroad could have “serious negative consequences for the development of the child.”⁷¹

3.9 Mandatory Pre-school Programme – Article 2 (1) (a) and 5 (e) (v)

From the age of one, children living in vulnerable areas must be separated from their parents for at least 25 hours a week to attend “a targeted and intensive course..., which will focus on supporting children's language development and general learning readiness.” The compulsory “offer” is said to also support “social integration, personal and cognitive development and democratic insight”⁷².

“Many children in vulnerable residential areas live isolated from Danish society, and they do not engage in organized recreational activities. This may mean that children rarely meet Danish children and young people and thus do not become acquainted with the norms and values on which Danish society is based and only learn the Danish language to a limited extent. It can have a negative impact on the child's life, ability to learn at school and later in training and education and in the labour market.”⁷³

If parents do not allow a child to register, or the child does not use the day care offer sufficiently, the municipality may decide to terminate child benefit.

As appears from the quote above, these provisions target children of “non-Western” background considered by the State party not to be “Danish”, so they must be taught about Danish culture.

⁷⁰ Paragraph 2.3.1: “by “health” is meant the child/adolescent’s general state of health and well-being, which includes not only health-related conditions but also other matters of importance to the well-being of the young child or adolescent.”

⁷¹ Paragraph 2.3.2.1: “It is not decisive in and of itself whether parents may in such cases incur criminal liability under the proposed scheme that the young child or adolescent is raised under or influenced by values based on values that differ from the Danish values and norms, or that the young child or adolescent is subject to restrictions which are not ordinary and usual in a Danish context. However, these factors could be included as elements in the overall assessment of whether such a stay abroad could have serious negative consequences for the development of the child in particular.”

⁷² Section 44 a. The following children must be enrolled in a compulsory learning programme 25 hours a week:

1) All children residing in a vulnerable residential area, cf. the list of vulnerable residential areas in section 61 a of the Housing Act, etc., which are not included in daycare facilities pursuant to section 19 (1). 2-5, or section 21 (2). 2 or 3, when they turn 1 year old.

2) All children residing in a vulnerable residential area, cf. the list of vulnerable residential areas in section 61 a of the Public Housing Act, etc., which between the ages of 1 and 2 years is cancelled by a day care service pursuant to section 19 (1). 2-5, or section 21 (2). 2 or 3 and is not included in another day care programme under section 19 (2) 2-5, or section 21 (2) 2 or 3.

3) All children between the ages of 1 and 2 who move into a vulnerable residential area, cf. 2-5, or section 21 (2). 2 or 3.

⁷³ “Denmark without parallel societies – no ghettos in 2030”, page 24. (Retrieved 15.08.2018 from <https://www.regeringen.dk/nyheder/ghettoudspil/>)

Once again, this can be viewed as direct discrimination and an attempt at forced assimilation. At the very least, there are high numbers of ethnic minorities living in “vulnerable residential areas” and therefore this provision has a disproportionate impact on such minorities.

In contrast, parents who do not live in these areas are free to choose how to care for and educate their infants without the threat of welfare cuts. The requirement lasts until a mandatory language evaluation is carried out when the child is 2 or 3 years old. If the test is not passed, the child cannot start school for another year. They can only be held back for one year. The National Council for Children has criticized the bill for being problematic, odd and verging on discrimination.⁷⁴

Parents who do not live in these areas can get financial support for taking care of their infants at home. Parents residing in these areas can apply for a dispensation from sending their infants to the mandatory programme according to Section 44 f. of “Dagtilbudsloven” (the Childcare Law), but they must document their ability to support “the development of language, social, personal, cognitive and democratic skills.” There is no information on how the municipality will monitor this. A traditional Danish name and Danish citizenship is reportedly likely to elicit dispensation without further documentation. Thus, this mandatory pre-school programme has the characteristics of structural discrimination.

3.10 Caps in Daycare Centres - Articles 2 (1) (a)

The “Ghetto Package” includes a cap of 30% of children from vulnerable residential areas in a day care centre. Day care institutions in vulnerable areas and “ghettos” find it hard if not outright impossible to fulfil this requirement. There were a total of 29 daycare institutions that could not meet this criterion. However, four out of five municipalities have been given a dispensation.⁷⁵

4. Racial Discrimination in Its Contemporary Forms – Article 1

Since the Second World War, the concept of biological racism has been very unpopular, and the subject of race and skin colour is generally avoided in a Danish context. Therefore, other strategies have become convenient diversions: talking about ethnicity or nationality – or even better: about culture and religion as incompatible with one’s own (superior) culture/religion. Under the influence of moral panics over foreigners’ cultures created or promoted by the far right, the public discourse slowly turned immigrants who had come to Denmark as guest workers and refugees, who had been granted asylum for humanitarian reasons, into “Muslims”, whose culture/religion – and in recent years whose “values” – have been racialised. Muslims are now perceived as threats

⁷⁴ <https://skoleliv.dk/nyheder/art6689842/Skoleakt%C3%B8rer-udtrykker-bred-kritik-af-sprogpr%C3%B8ver-i-0.-klasse>

⁷⁵ <https://www.dr.dk/nyheder/indland/kommuner-faar-dispensation-slipper-skrappe-ghetto-regler>

to “Danish values” and “Danish culture” .⁷⁶ It has now been normalised to speak negatively about religion and culture as long as there is no mention of skin colour.

Anti-Semitism and in particular Islamophobia have been on the rise in Denmark in this century, and even though religion does not fall within the Convention’s definition of racial discrimination, the Authors of this report have no doubt that ethno-religious discrimination is intimately connected to Xenophobia and racial discrimination in its modern form. Furthermore, the fact that the Nazis failed to prove scientifically that Jews were a human race does not mean that the way Jews were treated in The Third Reich was not racial discrimination nor that Holocaust was not motivated by racism.

5. Hate Crime - Articles 4, 5 b

In its first decision on a hate crime (Cerd No. 46/2009, Dawas vs. Denmark) dated 2 April 2012, the Committee concluded that Denmark (Danish authorities/courts) was in violation of the Convention on the Elimination of Racial Discrimination (ICERD) article 4 and article 6.

The Danish Government responded on the frontpage of the newspaper Jyllands-Posten on 23 June 2012: ***“The Government has had enough of UN sloppiness - According to the Government a UN decision against Denmark is so filled with errors that we should not abide by it”***.

Further the article stated that, *“a Government’s official says that the case is the gravest example of errors so far”*. Consequently, the victims of the hate crime in question were never compensated as requested by the UN.

Such a case should have been the wakeup call that Danish authorities needed in order to take hate crimes more seriously – however, this did not happen until the hate crime/terrorist attack on the Synagogue in Central Copenhagen on 15 February 2015. During the attack a voluntary unarmed guard at the Synagogue was shot and killed in what was undoubtedly a hate crime directed at the Jewish community in Denmark. The assailant killed two people before he himself was shot and killed by Danish police. Since the attack, Danish soldiers and police have been placed in front of

⁷⁶ Ferruh Yilmaz (2016) *How the Workers Became Muslims*, Michigan University Press.

the Synagogue and other Jewish institutions and a wide range of measures have been initiated as a result of the attack in order to protect Jewish Danes against hate crimes.

The Danish police further took steps to improve the registration of hate crimes by transferring the task from the Danish police intelligence service to the office of the Danish National Police force (Rigspolitiet).

In the present report from the Danish Government (CERD/C/DNK/22-24), it says:

“67. Currently, it is not possible to extract information electronically from the police computer system on the number of cases in which section 81, para. 6, was invoked. Consequently, it is not possible to provide further statistical information on the number of cases in which section 81, para. 6, was invoked.”

Section 81, para. 6, of the Criminal Code is the provision that will allow the prosecutor to ask for a higher sentence if a violent attack, harassment, arson, vandalism or any other offence is motivated by hate. Statistical material on types and numbers of hate crimes are crucial in the fight against racist hate. The fact that the Government states that it is impossible to extract statistical figures seems to be a major problem that the Committee should address.

The official report covering the period until December 2018 only includes some figures dating back to 2017:

“51. According to the report, 446 incidents identified as hate crimes were registered in 2017. At the time of the preparation of the report 95 charges had been brought against 102 people. Furthermore, half of the registered hate crimes in 2017 were committed with a racist motivation concerning the victim’s nationality, ethnicity, race or skin colour etc. This tendency has also been present in the reports from 2016 and 2015.”

So even though the racist attack in 2015 was indeed a wakeup call, there still seems to be much room for improvement with regard to the fight against anti-Semitism, Islamophobia and other forms of hate crimes in Denmark.

A recent report by the European Network against Racism (ENAR) mentions an example of how Danish law may contradict the fight against such hate crime.⁷⁷ On 4 October 2018, when a young woman, H.C., was subjected to a racist assault by four people in a supermarket in the Danish town of Aarhus. During the incident she was covered by a face veil and recent legislation had been implemented in Denmark prohibiting veils covering the face in public places.

This was pointed out by other customers in a supermarket when she entered, and it was done in an increasingly aggressive manner. When the young woman begged them to stop, they kept harassing her. Then she started recording the incident with her phone. After the incident, she

⁷⁷ ENAR (Racist Crime & Institutional Racism – ENAR Shadow Report 2014-2018) – Retrieved from: https://www.enar.eu.org/IMG/pdf/shadowreport2018_final.pdf

filed a complaint with the local police of what she considered to be a hate crime. However, on 26 November 2018 the local police in Aarhus rejected her complaint reasoning that it was not possible to identify the perpetrators.

Despite the fact that H.C. took a video with her phone and thus had evidence showing all four perpetrators, the police refused to take any further action. Consequently, this decision was appealed to the District Prosecutor's Office, but again H.C received a negative decision.

The Prosecution argued that after reviewing the case it was assessed that she had not been subjected to "threats" covered by the Danish Penal Code section 266. However, H.C. had not reported this as a threat (to her life) but as a hate crime, which is not reflected in the decision. In other words, the hate motive was ignored and never assessed by the police nor the Prosecution.

This woman faced an extreme situation. She needed to consider if she dared to report to the police at all. Due to the new Danish face covering ban, she was in fact also reporting herself for violating the law by providing evidence that she was fully covered when she was in a public space.

She risked a fine for violation of the law against the Islamic face veil, but she did report the perpetrators in order to have the protection of the law against a hate crime – and she was refused twice and learnt that she has no protection by law.

This also illustrates the problem of the lack of registration of hate crimes mentioned above. Since her case was rejected and section 81, para 6, of the Penal Code was not invoked, this case is not recorded as a hate crime.⁷⁸

Nevertheless, "...[t]he official reports show that Muslims are actually the religious group that is exposed to by far the most hate crimes in Denmark.

"A total of 112 of the 449 recorded hate crimes in 2018 were religiously motivated hate crimes. 56 percent of the cases [Editor's note: 63 cases] within this category were aimed at persons of Muslim background. Thus, Muslims are the religious group that appear as victims of the majority of the hate crimes recorded in 2018," it says in the latest account of the National Police on hate crimes..."⁷⁹

⁷⁸ The case was conducted by Niels-Erik Hansen, Human Rights Lawyer and contributor to this alternative report. R. Abergel (2019), *Public Prosecutor refuses to prosecute in case from Kvickly [supermarket chain]* Retrieved from: <http://hadforbrydelser.dk/statsadvokat-afviser-racisme-sag-fra-kvickly/>

⁷⁹ M. Larsen (06.02.2020) *The Folketing criticizes Muslims for antisemitism without documentation* – Retrieved 27.03.2020 from <https://arbejderen.dk/indland/folketinget-h%C3%A6nger-muslimere-ud-som-j%C3%B8dehadere-uden-dokumentation>

6. Extreme Right Parties and Movements - Articles 1, 2, 4 a, b, c

In recent years parts of the extreme right seem to have been normalised in Denmark. Some of the radical right parties and organisations are described below. One of them has had four candidates elected to parliament, and two others have been invited to the house of parliament.

6.1 Rasmus Paludan and Stram Kurs (Hard Line) - Articles 1, 2, 4 a, b, c

A new phenomenon has entered the Danish political scene. It took quite some time for adults to discover Rasmus Paludan (hereinafter called RP), 38-year-old lawyer, but when they finally did, school children by the thousands already knew him from his numerous videos on his YouTube channel *The Voice of Freedom*⁸⁰ and had been following him for quite some time.

6.1.1 Rasmus Paludan, an Advocate of Ethnic Cleansing of all Danish Muslims

In 2017, RP had started a political party called Stram Kurs (*Hard Line*), and his videos, some of them viewed more than a million times in a country of 5.7 million inhabitants, usually ended with links to a voter's declaration of support⁸¹ that could be filled in and submitted directly to the relevant Ministry. This practice directly violates the regulations for collecting voter's declarations, as the rules require a person to deliberate for one week before submitting the declaration.

In the videos RP is shown demonstrating in neighbourhoods predominantly inhabited by Muslim residents using insulting and degrading words like *homo*, *outcasts*, *human waste* and *criminal losers* about Muslims, *paedophile* about the Prophet Muhammed, *whore-book* about the Koran, which he would toss around, drop to the ground and in some cases burn. Passers-by who looked "Muslim" would be insulted, even young girls would be called *whores* and RP himself would be protected by a considerable number of police officers.

All videos begin with RP making his opening statement, "*I am Rasmus Paludan, the soldier of freedom, the protector of the weak, the guardian of society, the light of the Danes, the source of serenity, the hope of the North and party leader of Hard Line.*" - and then doing the V sign with his index and middle fingers.

"His rhetoric is a symptom of a dangerous trend" says Christian Koch, professor of Rhetoric at Copenhagen University. According to the Professor, RP makes extensive use of the phenomenon called *bullshit* when he appears in public. "*Bullshit* is when you don't care if what you're saying is true or false. RP's rhetoric sounds like *bullshit* because you don't seriously know if he really means the things he is saying or if his language has a different purpose than telling the truth: namely that

⁸⁰ Stram Kurs's YouTube channel was closed by YouTube on 14 February 2020, but a new one has been opened. They also have a Facebook page "The Voice of Freedom".

⁸¹ Voter's declaration of support: a declaration by a voter that (s)he recommends that the party should stand in election – approximately 20,000 are required.

it's meant to provoke and gather people around him"... "With Paludan, the ambiguity from *bullshit* is really present because he says something crazy and then he revises the next day and says something entirely different, or he flatly denies that he has said so at all." ⁸² According to Professor Koch, part of the so-called *bullshit trend* is also the fact that fans do not care whether the statements are true. On the contrary, they find it awesome that a completely different rhetoric is used instead of conventional political speech.

In a court case, RP stated in his defence that in a road accident in 2005 he had suffered a brain injury which made it very hard for him to tolerate other people's mistakes without becoming very frustrated himself. He was acquitted in Copenhagen City Court but convicted in the High Court and sentenced to 10 days' fines of 400 DKK for tarnishing a police employee. ⁸³

Before, during and after Friday Prayers RP never fails to demonstrate outside the Islamic Community on Dorteasvej, Copenhagen, one of the largest religious communities in Denmark, also during funeral services and always with police protection. Recently his followers shouted slurs across an open hearse with a baby's coffin in it. RP's party platform

RP's initial target was to deport the 700,000 Muslims from Denmark, but since he was confronted with the fact that experts estimate the number of Muslims in Denmark to be in the neighbourhood of 320,000, ⁸⁴ he has reduced the number and now also advocates the deportation of "non-Western" inhabitants, a limited number of whom may be allowed to stay as "appreciated foreigners".

In the party's programme it says:

"Denmark shall be the country for the Danes.

Danes are:

- 1) Ethnic Danes
- 2) Danish Jews
- 3) Persons adopted as babies by Danish parents..."

"The unacceptable behaviour is displayed by Muslims, often by Muslims of the Arab, Afghan, Pakistani or Somali cultures. In addition, there is a great number of migrants from Africa because they lack the prerequisites to contribute productively and harmoniously to the Danish society."

⁸² B. Borelli (4 June 2019) Professor of Rhetoric about RP: "What he says sounds like bullshit", retrieved 27.02.2020 from Magisterbladet <https://www.magisterbladet.dk/aktuelt/2019/juni/retorikprofessor-om-rasmus-paludandet-ligner-bullshit-det-han-siger>

⁸³ H-H Stie Busk et al (06.05.2019) *Paludan previously convicted of tarnishing a police employee – used head injury in defence* retrieved 27.02.2020 from <https://nyheder.tv2.dk/politik/2019-05-06-paludan-tidligere-doemt-for-tilsvining-af-politiansat-brugte-hovedskade-som>

⁸⁴ DR Detektor, *Hard Line's leader blowing up number of Muslims to far more than double*, 18 September 2018 – Retrieved 26 February 2020 from: <https://www.dr.dk/nyheder/detektor/detektor-stram-kurs-leder-puster-antallet-af-muslimere-op-til-langt-over-det>

“As a rule, it is only persons with a background in the Western European culture who are fit for permanent residence in Denmark...” “...”Foreigners from “non-Western” countries are not to reside in Denmark but are welcome to reside in the foreign country of origin with a Danish spouse”.

“Denmark shall deport any “non-Western” person who has been granted asylum and is not originally is a national of one of Denmark’s neighbouring countries. Denmark shall deport any “non-Western” person who is not a Danish citizen... As a rule, “non-Western” foreigners with a permanent residence permit should have their permit revoked and be deported.

Foreigners who have been granted asylum in Denmark shall of course be sent home once the basis for asylum is no longer valid. The same applies to the foreigners’ offspring. Thus, repatriations to Bosnia and Kosovo shall be effected immediately...”⁸⁵

On 17 December 2018, RP was filmed in New Jersey giving a speech where he said, “**...the best would naturally be that there is not a single Muslim left on our dear Earth, and I hope this will happen someday, and then we shall have reached our final goal with certainty.**”⁸⁶ This brings to mind *Endlösung der Judenfrage*, “the final solution to the Jewish question” of the Nazis during the Third Reich, the extermination of all European Jews.

Other features that resemble the Nazi regime are e.g. the extensive use of the prefix ‘rigs-’ as in rigsleder, rigsledelse, rigskongres, (In The Third Reich: Reichs-) as well as rules, printed on a leaflet saying ‘The party programme of Stram Kurs’, evoking associations to the anti-Jewish Laws of the Nazis:

“...Prohibition against speaking to Danes

Muslims are prohibited from speaking to Danes unless a Dane has spoken to the Muslim first.

Prohibition against certain types of jobs

Muslims are prohibited from having jobs which require two years of training or more. Muslims are prohibited from having any job where they serve Danes in such a way that it may be necessary to speak to a Dane.

Prohibition against sojourns in nature

Muslims are prohibited from staying on Danish beaches, by Danish lakes, in Danish forests and

⁸⁵ Retrieved 27 February 2020 from the party platform of Hard Line under the headline *Foreigners*: <https://stramkurs.dk/vores-politik/udlaendinge/>

⁸⁶ RP (17.12.2018) *Warning: Paludan clearly states what is reality!* Accessed from The Channel of Freedom. Last accessed on 14 February 2020, the day YouTube closed Hard Line’s YouTube account.

any other place which is part of the Danish nature. Furthermore, Muslims are prohibited from sojourning in parks and in public places as well as using public toilets..."⁸⁷

The leaflet also contains a ban against Islam, a restriction of vehicles owned by Muslims to single-gear bicycles and many other restrictions and prohibitions .

The Public Prosecutor finds that except for the ban against Islam, for which RP which will be prosecuted, the other items in the list are "part of the political platform of Hard Line"⁸⁸ so she deemed it unlikely to lead to a conviction and declined to prosecute.

In October 2016, RP gave a speech at Nyhavn, Copenhagen, where he spoke about "the 350,000 foreign enemies" and said, "...There are hundreds of thousands of Danes who think exactly the same. However, the war has many frontlines and there can be great advantages in not revealing to the enemy what you look like. So, while we are standing here today, there are hundreds of thousands who sit at home preparing their weapons and practising with their rifles today. Unfortunately, that is necessary, and some have chosen to turn up today to be the voice of the many many who are at home preparing. We are what can be called the tip of the iceberg. We are the tip of the iceberg, and the foreign enemies' ship will sink. And here it is important to remember that we do not intend to throw out any life vests. We shall not show the foreign enemies any mercy for the simple reason that they do not show us any mercy..."

"...We will fight side by side with the police and the Home Guard, who are our brothers. Our highways and byways will be transformed into rivers of blood, and the foreign enemies' blood will end in the sewers where the foreign enemies belong..."⁸⁹

6.1.2 Violation of the Danish Penal Code but few charges brought – Article 6

Because of this speech RP was expelled from the New Right, but in September 2019, the Chief Public Prosecutor decided not to prosecute RP for violation of the so-called Racism Section, section 266b of the Penal Code, as charged by the police in May 2018, because RP had not mentioned a specific group of people such as Muslims. "RP's words targeted 350,000 people who are of "non-Western" descent. And this group is so broad that it is not protected by the Section", writes the Chief Public Prosecutor."⁹⁰ If it had been possible to prove that he referred to Muslims, RP would have been prosecuted, the Chief Public Prosecutor stated.

⁸⁷ M. Rølle (10.05.2019) *Apartheid flyer was no joke* - Retrieved 27 February 2020 from Solidaritet: <https://solidaritet.dk/apartheid-flyer-var-ingen-joke/>

⁸⁸ The Public Prosecutor's reply to the above-mentioned complaint of 07.05.2019.

⁸⁹ T.S.Rohde et al (17.02.2017) *He wanted to see foreign enemies' blood in the sewers – now he belongs to the past in the New Right* - Retrieved 27 February 2020 from <https://www.berlingske.dk/politik/han-ville-se-fremmede-fjenders-blod-i-kloakken-nu-er-han-fortid-i-nye-borgerlige>

⁹⁰ Ritzau (29.09.2019) *One word saved RP from a new criminal case* - Retrieved 27 February 2020 from TV2 Øst <https://www.tv2east.dk/sjaelland-og-oerne/et-ord-reddede-rasmus-paludan-fra-ny-straffesag>

However, there were 476,727 non-“Western” immigrants and descendants by the end of 2016,⁹¹ and on numerous occasions RP has stated that the problem is the Muslims, e.g. in Holstebro on 6 April 2019, where he said:

“Perhaps – this thought just came to me – maybe I’m not the one with the problem, maybe the Danes are not the problem. Maybe the problem is the fuck fuck people from loser cultures who came to our country and destroyed it! My idea, my thought is that maybe they’re the problem. Maybe things were fine for Danes before the Muslims came. Maybe things were perfectly fine, but now, because many Muslims came here, we’re suffering – because maybe we don’t like being attacked, raped and murdered in our own streets, in our own country.” (In the footnote, there is a link to this video, which gives an impression of RP’s behaviour towards Muslims, some of it in English)⁹²

On 7 May 2019, SOS Racisme Danmark and 36 other organisations, including Muslim organisations, filed a complaint against RP and his hate demonstrations for violation of the Danish Penal Code⁹³. On 4 July 2019, the case was transferred to the Legal Department of Copenhagen Police for legal evaluation. That coincided with The High Court upholding Copenhagen City Court’s 14 days’ suspended prison sentence for violation of Section 266b because RP had degraded Africans.⁹⁴

On 21 April 2020 the Public Prosecutor declined to prosecute RP for most of the counts in the complaint against him pursuant to the so-called Racism Section 266b of the Danish Penal Code:

“(1) Any person who, publicly or with the intention of wider dissemination, makes a statement or imparts other information by which a group of people are threatened, insulted or degraded on account of their race, colour of skin, national or ethnic origin, religion, or sexual inclination shall be liable to a fine or to imprisonment for any term not exceeding two years.

(2) When measuring out the punishment it shall be considered an aggravating circumstance if the conduct is characterized as propaganda.”

According to the Public Prosecutor, considerable weight is attached to the freedom of speech under Article 10 of the European Convention on Human Rights when considering material from a

⁹¹ Statistics Denmark, *Immigrants in Denmark 2017* - Retrieved from:

<https://www.dst.dk/Site/Dst/Udgivelser/GetPubFile.aspx?id=20705&sid=indv2017>

⁹² This Video downloaded from the Channel of Freedom (24 April 2019) *Party leader: This is Islam (Asagården, Holstebro, 6 April 2019)* is still being considered by the police and the Public Prosecutor.

<https://twentysixeight.wetransfer.com/downloads/3bc756d3820e2f1ad9a58ee5dd5f367520200402125018/7b77722444cb5f24c1d0f3d0c04c049b20200402125018/aae1b0>

⁹³ Complaint against RP submitted on 7 May 2019:

http://sosracisme.dk/userfiles/downloads/Anmeldelse%20af%20RPs%20haddemonstrationer%20til%20politiet_SOS.pdf

⁹⁴ M.W.Mortensen et al (4 July 2019) *The High Court upholds decision: RP convicted of racism* - Retrieved 27 February 2020 from TV2: <https://nyheder.tv2.dk/krimi/2019-07-04-landsretten-stadfaester-rasmus-paludan-doemt-for-racisme>

political party. This is the only article of the ECHR, to which she refers in the 13 counts of the complaint. She also declined to prosecute RP for the public burning of the Koran in neighbourhoods with many Muslim residents.

Proceedings can only be instituted by the Public Prosecutor and as long as she refuses to prosecute, RP cannot be taken to court for threatening, insulting or degrading Muslims. The 36 complaining organisations were not entitled to complain of her decision since they were not a “party to the case”.

Thus, RP continues to tour neighbourhoods with many Muslim residents across the country scorning and degrading Muslims and advocating ethnic cleansing of Muslims usually protected by police but in decreasing numbers as RP is apparently mostly ignored. The Corona crisis and the ban against gatherings of more than 10 people has not stopped him since apparently political demonstrations are exempt under the Danish Constitution.

According to the Minister of Justice, protecting RP’s demonstrations in the period 1 January-28 November 2019 cost the police 114 million DKK (over € 15 million), not counting overtime.

6.2 Nordfront – the Northern Front - Articles 1, 2, 4 b

Nordfront – the Nordic Resistance Movement in Denmark

In Denmark, a Nazi organization has been founded again. National Socialism has been reestablished in the Nordic countries.

NMR, (in Swedish: Nordisk Modståndsrörelsen – the Nordic Resistance Movement) stems from the National Socialist Front in Sweden. The symbol of the five Nordic countries is the five fingers forming a fist. The fist will smash the hostile regimes of today and instead build a new strong state where the survival and the freedom of the Nordic peoples will be guaranteed for the next thousand years.

The movement will fight the democratic state, labour unions, migration and the multicultural society. They agitate against Zionism, globalized capitalism, Communism, feminism and the LGBT movement. Their goal is to expel everybody who does not belong to the ethnic Nordic peoples. So far, their ideas are similar to the ideology of other extreme and discriminatory groups, for instance the Identitarians (See next chapter!).

They pay tribute to Hitler’s regime. They are prepared to use violence and they are offensive in the streets. Their logo is the TYR rune – a Nazi symbol. Poul Heinrich Riis-Knudsen, the former leader of the Danish National Socialist Party is the adviser and mentor of the NMR⁹⁵. Among the

⁹⁵ Redox *He led the Danish Nazis for 20 years - now he is a friend of the New Right's* Retrieved 26 February 2020 from <https://redox.dk/nyheder/han-ledte-de-danske-nazister-i-tyve-aar-nu-er-han-venner-med-nye-borgerliges-kandidater/>

supporters of the NMR are former members of the DNSB - the Danish National Socialist Movement.

They have put up stickers with the yellow star which the Jews were forced to wear in The Third Reich and have been handing out their materials to young pupils at schools. Members of the NMR were behind the desecration of 84 Jewish graves on 9 November 2019, 81 years after the Kristallnacht in 1938, in Randers, a minor town in Jutland⁹⁶. After the racist massacres in New Zealand in March 2019, one of the leading figures in Nordfront wrote on nordfront.dk: "It's only a question of time before somebody copies this in Denmark"⁹⁷

Nazism has been reorganized in the Nordic countries with the goal to fight homosexuals, multiculturalists and left-wingers and send foreigners out of the country. They want a cleansed nation – the Nordic race.

There are no attempts from the State party to stop or prosecute the groups. The only time the authorities acted was after the desecration of the Jewish graves – an unmistakably anti-Semitic act. The Government is now preparing an action plan against anti-Semitism but ignores the calls for an anti-racist action plan comprising Islamophobia. The Prime Minister has blamed left-wingers and Muslims for the alleged increase in anti-Semitism in Denmark but not the extreme right:

"I think that when talking about anti-Semitism we tend to quickly focus on the extreme right because of the connection to Holocaust, Nazism, and what we saw in Denmark last year [the Northern Front desecrating Jewish graves etc.]. But there is an ugly anti-Semitism in Denmark today that did not exist previously. Because of immigration."⁹⁸

6.3 Generation Identitær - Articles 1, 2 b, 4 b

Generation Identitarian - Remigration (Ethnic cleansing)

⁹⁶P.S.Skou-Hansen *Jewish cemetery desecrated – 84 tombstones smeared* (10 November 2019) Retrieved 26 February 2020 from <https://www.tv2ostjylland.dk/randers/jodisk-gravplads-skaendet-84-gravsten-overmalet>

J.K.Bohr et al (13 November 2019) *National Socialist from Northern Jutland arrested for desecrating Jewish tombstones* Retrieved 26 February 2020 from <https://www.tv2nord.dk/tv-2/nordjysk-nationalsocialist-anholdt-haervaerk-mod-jodiske-gravsten>

⁹⁷ Posted by Jesper Hartmann, formerly a leading figure in the DNSB, on 20 March 2019 00:42 - Retrieved 26 February 2020 from <https://www.nordfront.dk/49-draebt-moskeangreb-new-zealand-angriberen-haevne-ebba-aakerlund/#comment-4165>

⁹⁸ Politiken (2020) "*There is an ugly antisemitism in Denmark today that did not exist previously. Because of immigration*" - Retrieved 26 February 2020 from <https://politiken.dk/indland/art7612062/%C2%BBDer-er-en-grim-antisemitisme-i-Danmark-i-dag-der-ikke-var-der-tidligere.-P%C3%A5-grund-af-indvandringen%C2%AB>

Generation Identitarian see themselves as a patriotic youth movement, aimed at regaining and protecting European and Western values and fighting for an ethnically defined identity as well. An identity building on what the Identitarians call *ethno-culture*.

According to the Identitarians, the European population possesses its own culturally distinctive character, inherited through generations. Their specific interpretation is: Mixing ethnicities cannot be tolerated, as it will threaten the survival of a people.

An ethnically pure society - a Danish identity - must build on an ethno-cultural identity going back generations and must be protected against the "enemies among us". Among other things, the enemy materializes in gang war and sexual assaults on ethnically Danish women.

The Identitarians want to close the borders to invaders "so your daughters can grow up safe and secure." Non-white ethnic groups are singled out as enemies who want to do the Danes evil. The enemies are the Muslim culture, the multi-cultural and refugees. "They don't belong in an ethnically white Europe."⁹⁹

Remigration is another concept and slogan in the Identitarian campaign. The solution is remigration - a euphemism for expulsion and forced deportation from Europe.

The spokeswoman for Generation Identitarian in Denmark, Aurelija Aniulyte, put it this way: "The Danish culture has evolved over hundreds and thousands of years - by the people living here. The ethnic lies in the continuity - in being a descendant of those people who have lived here for numerous generations. That is what forms the connection, which is Danishness. The statement Danishness and family means blood ties - i.e. sharing genes" - a concept accepted by the Spokeswoman when asked.¹⁰⁰

Only decades ago, in European history a similar perception of the importance of blood and ethnicity could be found. The German Blut und Boden ideology separated populations in genetically similar groups, born on German soil for generations, or of German heritage (*völkisch*), and on the other side, other ethnic groups who did not belong to that people. This ideology ended in genocide.

⁹⁹ A.Aniulyte, *You know you are in real opposition when it doesn't look nice in your CV* . Retrieved 28 February 2020 from <https://www.information.dk/debat/2018/02/ved-aegte-opposition-naar-pynter-paa-cvet>

¹⁰⁰ DR2 *Deadline* on 2 August 2018 at 22:30



The photo shows an Identitarian action on 8 March 2018, the international women's day. The text: "STOP VIOLENCE AGAINST WOMEN #120db REMIGRATION NOW - Identitarian" equates violence against women with non-white ethnicity

STOP UN MIGRATION PACT An example of a happening warning against migration at the time when the UN Global compact for migration was being negotiated.



The Danish wing of Generation Identitarian (identitaer.dk) is mainly active among students at the universities of Copenhagen and Aarhus. They organize events and happenings, depicting immigrants and refugees as criminals, contagious for the Danes and Danish culture.

Neither the Danish government nor the Danish judiciary have paid much attention to Generation Identitarian, their discrimination and hate speech against specific ethnic groups. Despite the fact that these ethnic groups have lived in Denmark since the 1960s, Generation Identitarian claim that they should not be allowed to live in Denmark.

6.4 Ny Borgerlige – the New Right - Articles 1, 2, 4 b

A new party on the right-wing racist scene has been elected to the Danish Parliament.

Denmark now has a new right-wing, anti-immigrant and anti-Islamic party in its Parliament. The party *Nye Borgerlige* (The New Right) takes the votes of right-wing nationalistic and conservative citizens. The New Right got 4 seats in the 179-seat Folketing.

The leader of this party is Pernille Vermund, 44-year-old architect, supported by a national conservative group of well-educated people.

The party wants massive tax reductions and a reduction of the public sector and to “protect the basic Christian values forming the foundation of the Danish culture”. The party platform comprises a total asylum stop, no social benefits to foreigners, deportation of foreigners after first conviction, foreigners to serve their sentences abroad, Denmark to leave international conventions forming a barrier etc. Danish citizenship demands assimilation.¹⁰¹ They demand that no Muslim religious communities must be recognized, they want a ban against Muslim scarves in schools and in all public sector jobs, no “special treatment” such as halal food, prayer rooms, shower curtains etc, no subsidies to Muslim private schools, Islamic preachers to be banned from reciting “the sections in the Koran inciting violence against and killing women, homosexuals, Jews, and Christians”¹⁰² as well as the revocation of the Racism Section 266b restricting free speech.

The candidates of the New Right posted a lot of racist and ethnically discriminating comments on Facebook during the general election campaign:

Lars Boje Mathiesen, The New Right’s MP elected in Aarhus, argued before the general election in 2019 that “every day we watch or read about robbery, violence, threats, car burnings and sexual assaults done by migrants and their children.”

¹⁰¹ Retrieved 28 February 2020 from the party’s website: <https://nyeborgerlige.dk/politik/udlaendingepolitik/>

¹⁰² Retrieved 28 February 2020 from the party’s website: https://nyeborgerlige.dk/islam_ingen_indflydelse/

On Facebook he writes:

“If the Conventions oblige us to accept Islamic terrorists, who wish to exterminate us or force us into submission and will fight everything we hold dear, then it’s the conventions that are the problem - not us” ...”The Government chooses conventions, nurturing its image, and spending Danish taxpayers’ money on shipping Islamic terrorists to Denmark, where they can later proceed with their terror, now targeting the Danish population.”¹⁰³

This man was convicted of racism and subsequently expelled from The New Right, but other candidates are still candidates for the party despite quotes like the ones below:

“If real bullets are the only thing they really understand, then so be it” Anne Marie Buch, parliamentary candidate, about African migrants trying to cross the Spanish border.

“Shoot them in the legs” Frode Larsen, parliamentary candidate commenting on burning cars in Sweden.

“That’s what should happen to all burglars/assailants” Josh Bjørkman, parliamentary candidate commenting on a video in 2017: “Intruder breaks into home; Shot by entire family”¹⁰⁴

“Now my new shooting iron has arrived waiting for collection at the dealer 😊 A little for the regulation of ?? Invasive species perhaps 😊” Klaus Juel Hansen, parliamentary candidate, below the picture of a semiautomatic rifle.

“Those imams do not preach “hate”, they preach Islam. The Koran is the Muslims’ “Mein Kampf”. Killing Jews, homosexuals, and everybody Islam proclaims enemies (which is everybody but orthodox Muslims) is mainstream standard Islam. Not a particular hateful subspecies” Keteil Wathne Rasmussen, parliamentary candidate (shared 72 times)¹⁰⁵

The above candidates represented The New Right in the general election of 2019 – with the support of the leader of the party and no protests from the established parties.

In a recent TV documentary Pernille Vermund whispered “*perker*” (“*wog*”) at open microphone and refuses to retract the word. Furthermore, a law student has reported her to the police for racism when insisting on calling the round granite stones surrounding the house of Parliament “*Koran balls*”. The newspaper Berlingske lets Pernille Vermund have the last word, “I don’t like the sight of Koran balls because of the threat they symbolize, and I don’t like the Koran because the ideology preached in the book stirs up strife, constraint, violence, and oppression...”¹⁰⁶

¹⁰³ Facebook Lars Boje Mathiesen’s profile on 26 February 2019 accessed on 01.03.2020

¹⁰⁴ M.Pihl et al (29.09.2018) *Candidates of the New Right support shooting at migrants and criminals* - Retrieved 27 February 2020 from Jyllands-Posten: <https://jyllands-posten.dk/indland/ECE10893370/nye-borgerligekandidater-stoetter-at-skyde-mod-migranter-og-kriminelle/>

¹⁰⁵ S.B.Skyum et al (29.09.2018) *Candidates of the New Right on Facebook: rifles, Mein Kampf, and ambiguous jokes* Retrieved 27 February 2020 from: <https://jyllands-posten.dk/premium/indblik/Indland/ECE10893027/nye-borgerliges-kandidater-paa-facebook-rifler-mein-kampf-og-tvetydige-jokes/>

¹⁰⁶ Retrieved 25.03.2020 from Berlingske: <https://www.berlingske.dk/politik/jurastuderende-har-politianmeldt-pernille-vermund-det-svarer-til-at-jeg>

On the website of the New Right it says:

“It is important to understand the terror threat, and it is important in order to protect ourselves that we can speak freely about who commits the crimes.

The Muslims who commit the crimes invoke their God and their holy book while tearing through innocent crowds of people.

That is why we call the balls the Koran balls. If we did not have Muslim terror as an eternal threat against our freedom and our security, we would not have the balls. The balls and the Koran are connected.

If you agree, fill in the form.”¹⁰⁷

6.5 The General Election of 5 June 2019 – Articles 2 (b) – 4

Shortly before parliamentary elections were to be called in 2019, Copenhagen Police quite unexpectedly moved RP and his one-man+camera man demonstration to Blågård’s Square, the centre of young, far-left anti-fascists and the heart of ethnically diverse Nørrebro with many Muslim residents - and in that context probably the worst location in Denmark.

RP tossed the Koran about, dropping to on the ground while shouting insults - protected by not just numerous police officers but eventually by hundreds of riot policemen, armed and equipped with gas masks. The closest Denmark gets to real riots finally broke out with containers being put on fire, exploding fireworks etc. being thrown in the direction of the police and RP, the police making diligent use of tear gas, their batons etc.

In the media, Nørrebro seemed to be on fire and the attention of Danish voters was attracted. RP’s YouTube videos of the event with (unlawful) direct links to voters’ declarations were viewed half a million times in a couple of weeks, and Hard Line managed to get the remaining voter’s declarations required to stand in the up-coming general election.

However, his party got 1.8% of the votes and fell short of the 2 percent electoral threshold ¹⁰⁸. For its 63,537 votes, Hard Line’s annual party subsidy will be DKK 2,096,721 (over €280,000) until the next general elections pursuant to the Danish political party subsidy system.¹⁰⁹

At the municipal elections in November 2017, the New Right (See 6.4!) had lost all but one of its 12 municipal councillors gained across the country through defection mainly from the Danish

¹⁰⁷ Retrieved 25.03.2020 from: <https://nyeborgerlige.dk/koranklodser/>

¹⁰⁸ On 31 March 2020 the Electoral Board prohibited Hard Line from collecting voters’ declarations for 2½ years because of fraud.

¹⁰⁹ Retrieved 26 February 2020 from: <https://engnews24h.com/tight-course-ready-to-change-name-to-bypass-election-rules/>

People's Party.^{110 111} At the general elections, the New Right exceeded the 2 percent threshold and won four seats in the Danish parliament.

The Social Democrats had copied the anti-asylum and anti-immigration policies of the Danish People's Party. The DPP suffered heavy losses (from 37 to 16 seats), and although Venstre, the Danish Liberal Party, and the Conservatives each gained around 4 percentage points, the red bloc won a safe victory. The Social Democrats sustained their result from the last elections and formed a one-party minority government, which is uncommon in Danish politics.¹¹²

However, the new government's immigration and asylum policies remain the divisive issues in the red bloc (centre/left-wing), which also comprises the Social Liberals. Thus, it is hard for the Government to navigate. So far, the Prime Minister sticks to the tough line on asylum and immigration – with the backing of the DPP and the rest of the blue bloc - and there is no indication that she is going to budge.

6.6 Racist Parties and Organisations in the House of Parliament – Article 4 (c)

Recently extreme right parties have appeared in official Danish politics. Not only was the New Right elected to the Folketing, other extreme right parties and organizations have been received in Christiansborg, the house of Parliament.

On 23 November 2019,¹¹³ Rasmus Paludan, was allowed to hold his so-called *rigskongres* (the national congress for his party) in the hall "Landstingssalen" in Christiansborg. He received a special permission from the Speaker of the Danish Parliament, MP, Henrik Dam Christensen from the Social Democratic Party. At that time, he had already been convicted of Racism against Africans in the High Court, on 4 July 2019. He had tried to organize his party congress for 19 October 2019 in Middelfart, a minor town in Funen, but the Danish Police had forbidden it on grounds of counterdemonstrations and risks of public disorder, a decision which had been criticized by some Danish MPs. There were few politicians who opposed RP speaking and gathering his party in the Parliament building, even though such an event seems to be a serious violation of Articles 2 and 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, namely the State Party supporting public spread of racism. There was some resistance against the party congress in the parliament building, mostly from the small Alternative Party, and a minor rally outside Christiansborg.

¹¹⁰ Retrieved from <https://www.altinget.dk/artikel/her-er-de-12-byroedder-nye-borgerlige-allerede-har-i-hus>

¹¹¹ Retrieved from <https://nyheder.tv2.dk/politik/2017-11-22-nye-borgerlige-er-kun-valgt-ind-i-en-kommune>

¹¹² https://en.wikipedia.org/wiki/2019_Danish_general_election

¹¹³ <https://www.berlingske.dk/politik/lordag-talte-rasmus-paludan-til-100-stram-kurs-medlemmer-pa-christiansborg>

The extreme right-wing organization, Trykkefrihedsselskabet (the Free Press Society), which is a fierce opponent of immigration and refugees in Denmark, awarded its Sappho Award 2019 to Tommy Robinson, far-right anti-Islam activist, co-founder and former leader of the English Defense League. The award ceremony was hosted by a member of the Danish People's Party and held at Christiansborg on 18 January 2020 with Tommy Robinson as a guest.^{114,115}

On 27 February 2020 the extreme right organization Generation Identitarian (See 6.3) was also invited by the Free Press Society. The debate event "Who Are Generation Identitarian" was hosted by a member of the Danish People's Party and took place at Christiansborg with three minor rallies outside, United against Racism & Discrimination and Revolutionary Anti-fascists protesting and For Frihed (For Freedom, formerly PEGIDA, inspired by the German movement of the same name) supporting the event.

7. Discriminating Laws – Articles 1 (1), and 2 (1 a)

With the "Ghetto Package" and the "Paradigm Shift", the majority of the Danish Parliament no longer bothered to conceal that they were targeting minorities and thus openly challenging the Conventions. However, in a number of cases the Danish Parliament has passed bills which were meant to target minorities,¹¹⁶ but in order to avoid openly violating the international conventions, the wording of the bills was made more general so the discrimination became indirect and less apparent.

At the moment, some Danish MPs are upset because a law against donations to mosques from abroad will also affect other denominations that do not have female preachers:

"The Bill is meant to hinder some inappropriate donations from Muslim organisations and countries to some mosques in Denmark, where there are extensive problems, but surely the

¹¹⁴ Retrieved 10.03.2020 from Trykkefrihedsselskabet: <https://www.trykkefrihed.dk/of-course-tommy-robinson-should-have-the-sappho-award.htm>

¹¹⁵ Retrieved 10.03.2020 from Trykkefrihedsselskabet <https://www.trykkefrihed.dk/with-the-award-of-the-sappho-award-tommy-robinson-the-free-press-society-is-once-again-positioning-itself-exactly-where-we-should-be.htm>

¹¹⁶ Targeting especially Muslim women: e.g. the prohibition of (re-)construction of hymens, judges prohibited from wearing religious symbols (such as the headscarf), the compulsory handshake when receiving Danish citizenship (85 of 98 mayors, whom new Danish citizens must shake hands with, are men – at the moment the granting of citizenships has been suspended due to the Coronavirus) – Municipalities have also made rules targeting Muslims: ban against gender-segregated swimming for women, pork compulsory at all local-government institutions such as daycare, schools, nursing homes

Lutheran Mission and the Jewish Community are not to be affected. Of course that was never the intention,” says MP Marcus Knuth, the Conservative aliens and integration spokesperson.¹¹⁷

When for the first time since 1971 the Public Prosecutor had charged a citizen with violation of the ban against blasphemy because he had published videos of himself burning the Koran, the Folketing quickly repealed the ban and the Public Prosecutor had to drop the charges¹¹⁸. Since then R. Paludan (See 6.1!) has burned the Koran multiple times under police protection in neighbourhoods inhabited by many Muslim residents and the Public Prosecutor has declined to prosecute him.

Below are examples of discriminatory legislation designed to appear general.

7.1 Ban against Slaughter without Prior Stunning - Article 2 – 5 (d)(vii)

As of 17 February 2014 an amendment to a ministerial order banning slaughter without prior stunning took effect. The ban was issued by Dan Jørgensen (Social Democrat), Minister for Foods, Agriculture and Fisheries. The Danish Jewish and Muslim communities protested but to no avail.

In both Judaism and Islam preventing suffering is crucial in the slaughter of animals, and the animal must not be damaged before slaughter. Stunning before slaughter is neither permitted according to Jewish rituals nor Islamic standards. However, as a result of the ban Islamic jurists have found legal support for stunning before slaughter as an exception to the rule if performed with a non-penetrating bolt pistol. Muslims who consider stunning haram are reported to have stopped eating meat since the ban. No kosher slaughter has been performed in Denmark and kosher meat has been imported since 2007.

7.2 The Burka Ban - Articles 3 - 5 (d)(vii) – 5 (e)(i),(v)

Because of Denmark’s adoption of the face covering ban on 1 August 2018, Muslim women wearing the Islamic face veil are prevented from enjoying their legally given rights. The use of the face veil is a personal religious choice as concluded in the studies conducted by the University of Copenhagen

¹¹⁷ The Danish People’s Party’s Dit Overblik (Your Overview), *DPP and Conservative Bill should not hit Christian and Jews Communities* Retrieved 11.03.2020 from <https://ditoverblik.dk/morgen-df-og-k-lovforslag-boer-ikke-ramme-kristne-og-joediske-trossamfund-s-borgmester-beskylder-minister-for-at-tale-usandt/>

¹¹⁸ The blasphemy ban had only led to a conviction twice, in 1938 and 1946. In the case of the Muhammed cartoons the Public Prosecutor decided not to press charges.

at the request of the Government in 2009.¹¹⁹ The “burka ban”¹²⁰, as it is usually called, interferes with Muslim women’s right to freedom of religion since they are barred from wearing the face veil in public and thus denied the opportunity to freely pursue their economic, social and cultural development.

Denmark violates Articles 3 and 5 (d)(vii) and (e)(v) by denying Muslim women the choice of wearing the Islamic face veil in public, as stated by Naser Khader, Conservative Aliens & Integration and Human Rights spokesman, *“There is a majority in the Parliament who would like to ban burkas and niqabs. But we are in a situation where according to the legal staff in the Ministry of Justice it is not possible to mention burka and niqab explicitly. – I should have preferred that we wrote burka and niqab explicitly in the legislation and challenged the Constitution”...“when the police meet a woman wearing a burka or a niqab, they are the ones they should target – and not a Japanese tourist [with a face mask] or somebody on the way to Halloween...”*¹²¹ The then Prime Minister had also stated, *“...we [Liberals] don’t like burkas. It is a symbol of oppression of women, and it must be fought...”*¹²²

Furthermore, the face covering ban targets a minority of maximum 150-200 women¹²³ preventing them from enjoying the right to work (Article 5 (e)(i) . Similarly, the ban is also a violation of Article 5 (e)(v) since women with face veils are barred from entering educational institutions.

7.3 “The Roma Law” - Punishment of Homeless People - Articles 1 (1), 2 (a), and 5 (f)

It has become a criminal offence to sleep outdoors in a “camp” that is considered “unsettling” by the neighbourhood. As a homeless person you may be fined or banned from a geographical area because you need to sleep together with others in order to feel secure at night, however this is now punishable by law.

When the Bill L 118 was presented in the Danish Parliament, Trine Bramsen (Social Democrat), the first MP speaking, stated that:

*“We have hostels that can accommodate the **Danish homeless**, and we have a social system that must ensure that they get out of homelessness, and that’s how it must continue to be, and those activities we would very much like to help strengthen, but the solution is not to just let people spend the night everywhere in our society. The activities which concern our social services and our hostels are primarily aimed at the **Danish homeless**, and that is how we think it should be. For **we***

¹¹⁹ University of Copenhagen (2009), *Report on the Use of Niqab and Burka* - Retrieved from https://hum.ku.dk/faknyt/nyheder_fra_2010/2010/brugen-af-niqab-og-burka.pdf

¹²⁰ Open Society Justice Initiative, *Restrictions on Muslim Women’s Religious Dress in 28 EU Member States* (June 2018), available at: <https://www.opensocietyfoundations.org/sites/default/files/restrictions-on-muslim-womens-dress-in-28-eu-member-states-20180709.pdf>.

¹²¹ DR (25.01.2018) Retrieved from <https://www.dr.dk/nyheder/politik/khader-om-forbud-mod-skaeg-og-huer-vi-vil-blive-latterliggjort>

¹²² DR (29.09.2017) Retrieved from <https://www.dr.dk/nyheder/politik/loekke-burkaer-er-kvindeundertrykkende>

¹²³ University of Copenhagen (2009), *Report on the Use of niqab and burka*

cannot help all of Europe, notwithstanding our great compassion for the people who are in an economically unfavorable situation. Seen from our perspective, the intention of the open borders in Europe has always been to ensure the free movement of goods and labour, but really not to create free camping in public areas of our society.” (our emphasis)¹²⁴

The criminal provision entered into force in April 2017 and until 1 July 2019, figures showed that 459 persons were charged with violation of the new law. The majority were foreigners from Romania (359), Albania (24), Bulgaria (18) and other Eastern European countries. Out of the 459 persons charged only six were Danish nationals.¹²⁵

7.4 A Citizens’ Petition for a Ban on Ritual Circumcision of Boys - Article 2 – 5 d (vii)

According to Danish law, a citizens’ petition signed by 50,000 Danish voters within 6 months must be presented in Parliament. Such a petition for a “gender neutral age limit of 18 years for circumcision of healthy children” with a maximum of 6 years’ imprisonment has reached Parliament and will be presented to the Folketing. The purpose is “to protect children’s fundamental rights”. Female genital mutilation was banned in 2003 with a maximum penalty of 6 years’ imprisonment and the citizens’ petition aims at ensuring “gender equality” and protecting the child’s bodily integrity and personal autonomy.¹²⁶ A Bill excluding FGM is also expected to be introduced to the Folketing.

In the 2010s, an aggressive lobby against “non-therapeutic” circumcision of boys developed in Denmark, attracting considerable popular support.¹²⁷ In Denmark cultural circumcision is uncommon, and most non-medical circumcisions are performed for religious reasons, i.e. in Jewish and Muslim communities. Thus, the 18-year age limit is *de facto* a ban against ritual male circumcision.

The Jewish and Muslim communities have watched the aggressive debate in the media and on Social Media with increasing anxiety (See examples in footnote).¹²⁸ The general election and a lengthy process of updating the official Memorandum on male circumcision of 2013 have delayed

¹²⁴ The debate in the Folketing (13.12.2017) Retrieved 16.08.2019 from the Folketing <https://www.ft.dk/samling/20171/lovforslag/L118/BEH1-44/forhandling.htm>

¹²⁵ Christiansen, F. et al (31.07.2019) *Allan Andersen lives in the street: I’ve slept in the same place for 7 years, but I’m afraid the police are going to give me a zone ban* - Retrieved 05.09.2019 from <https://politiken.dk/indland/art7314533/%C2%BBJeg-har-sovet-det-samme-sted-i-syv-%C3%A5r-men-jeg-er-da-bange-for-om-politiet-kan-finde-p%C3%A5-at-sigte-mig-og-give-mig-et-zoneforbud%C2%AB>

¹²⁶ M.S.Sorensen (02.06.2018) *Denmark Talks (Reluctantly) about a Ban on Circumcising Boys* - Retrieved 12.03.2020 from New York Times <https://www.nytimes.com/2018/06/02/world/europe/denmark-circumcision.html>

¹²⁷ 86% of Danish voters support a ban according to Megafon poll in August 2020 – in 2018 83% did.

¹²⁸ The debate would include expressions like ‘genital mutilation’, ‘forced amputation’, ‘religious violence’, ‘violence against children’, ‘a misdeed violating rights’, ‘ritualised corporal injury’, ‘ritual foreskin amputation’, ‘brutal religiously or culturally motivated violations’ to mention a few. (Source: circuminfo.dk)

the process. In February 2020 the Danish Patient Safety Authority published a comprehensive memorandum on non-therapeutic male circumcision examining existing empirical evidence and practice in other countries.¹²⁹ In line with all national health authorities and major international health organisations, including the WHO, it finds no general problems connected to non-therapeutic male circumcision when carried out by trained health professionals in a clinical setting.¹³⁰ The memorandum was met with criticism from Intact Denmark and various others, and all medical societies left the committee appointed by the Danish Patient Safety Authority to review the Memorandum.

However, a majority in the Folketing consisting of the Social Democrats¹³¹ and Venstre (the Liberal Party) have promised to vote against, whereas both the far right and the Socialist parties intend to vote for an 18-year age limit and the remaining parties will allow their MPs a free vote. The Danish People's Party first voiced their intent to vote against the proposal but changed their position when the medical societies left the above committee. A bill excluding the legalisation of FGM from the age of 18 and possibly lowering the proposed maximum penalty for male circumcision from six years' imprisonment is expected to be introduced in the spring of 2021.

8. The “Paradigm Shift” – Articles 1 - 2 - 5 (e)(iii)

At the time of handing in its periodic report to the Committee, the Danish Liberal-Conservative government and the Danish People's Party (DPP) agreed on the national budget for 2019 introducing a so-called “paradigm shift” at the request of the DPP. The Bill L140 was passed on 21 February 2019 with the votes of the parties then in government: The Liberal Party, The Conservative Party, The Liberal Alliance, as well as the votes of Danish People's Party (DPP) and the Social Democratic Party.

8.1 Shift from integration to repatriation – Articles 2 - 5 (e)(iii)

It is stated in Denmark's present report to the Committee that:

“Appropriate housing for refugees is provided by municipalities within few months after arrival in Denmark and refugees are offered a free and tailored integration programme (up to five years). Comprehensive and free language training and job training are the key measures in this

¹²⁹ Danish Patient Safety Authority (20.02.2020) *Non-therapeutic Circumcision of Boys* - Retrieved from <https://stps.dk/da/nyheder/2020/opdateret-notat-om-omskaering/~media/C08D154EE830415BBEA6EB17669979BC.ashx>

¹³⁰ Danish Patient Safety Authority (20.02.2020) *Non-therapeutic Circumcision of Boys* - Retrieved from <https://stps.dk/da/nyheder/2020/opdateret-notat-om-omskaering/~media/C08D154EE830415BBEA6EB17669979BC.ashx>

¹³¹ The Social Democrats reversed their previous opposition to male circumcision and the Prime Minister explained their new stand by referring to the Danish Jews only.

programme. The aim of the Danish integration effort is to support refugees in being fully able to make use of their talents and resources in order to become participating and economically independent residents on an equal footing with other residents in Denmark.”

CERD/C/DNK/22-24, para 29.

However, this was changed with the so-called “Paradigm Shift”, which is a shift in the whole purpose of the asylum system from integration in Denmark to repatriation to the country of origin as soon as possible, a shift from resettlement to temporary protection.

Repatriation may happen when the situation in the country of origin becomes more peaceful even if there is still an ongoing war – as it says, “countries where *only parts of the country are in armed conflict such as Somalia*”¹³². An analysis of ACLEDDATA.COM¹³³ shows that there are many civilian deaths because of war in all regions in Somalia with the highest concentration in Mogadishu, and yet the Danish authorities considers it an Internal Flight Alternative.¹³⁴

Refugees are to have their residence permit in Denmark withdrawn or not extended unless it is in direct violation of Denmark’s international obligations. All categories of refugees will have their residence permit examined every one or two years unless they already have a permanent residence permit or have become Danish citizens. However, the time it takes to gain permanent residency in Denmark is typically 9 years, on average it takes 16 years to obtain Danish citizenship, and many will never be able to live up to the criteria.

Refugees can now be returned to their country of origin as soon as the situation there has improved. This includes people who are directly persecuted as soon as they and their reunified family do not need protection in Denmark anymore. It also includes refugees from the UN resettlement programme, from which Denmark used to receive 500 refugees every year until 2016. This clashes with the principles of the UN resettlement programme, which is based on a lasting and not a temporary solution.

In April 2020 Denmark received 31 UN refugees for 2019 and the Minister of Integration gave 11 of them temporary residence permits but has refused to explain why.¹³⁵

The situation in the country of origin may still be “*serious, fragile, and unpredictable*”. Only if refugees are personally persecuted, must there be “*fundamental, stable, and lasting changes*”.

¹³² Retrieved 20.03.2020 from https://www.ft.dk/samling/20181/lovforslag/L140/som_fremSAT.htm

¹³³ The Armed Conflict Location & Event Data Project (ACLED), which is a disaggregated data collection, analysis, and crisis mapping project. The database acleddata.com is public and for free non-commercial use. .

¹³⁴ A. Nielsen, SOS Racisme (27.11.2018), *Stop deportations to war zones in Somalia*, Retrieved 20.03.2020 from Altinget: <https://www.altinget.dk/udvikling/artikel/ngo-stop-hjemsendelserne-til-krigszonen-i-somalia>

¹³⁵ M. Skærbæk (16.04.2020) *Tesfaye gives quota refugees first and second class residence permits but refuses to explain why* - Retrieved 26.04.2020 from <https://politiken.dk/indland/art7749872/Tesfaye-giver-kvoteflygtninge-1.-og-2.-klasses-opholdstilladelser-men-vil-ikke-forklare-hvorfor>

The UNHCR has protested against the law: “UNHCR has long advocated that refugees are entitled to a secure and stable status, which should not be subject to regular review. “ ...“In order to take into account the special position of refugees, UNHCR recommends that permanent residence should be granted, at the latest, after a three-year residence period, and that this time frame should also apply to beneficiaries of subsidiary protection statuses.”¹³⁶ The UNCHR has also protested against Denmark’s forced returns to Somalia.¹³⁷ Furthermore, refugees no longer have a right to permanent housing contrary to Article 5 (e)(iii).

Danish NGOs have protested because the people who have already had to flee from war and persecution and have typically had a difficult and hazardous escape or have spent years in poor refugee camps in a neighbouring country, need rest and integration in Denmark. After the national budget was published, many refugees lost hope and now fear for their future. The law targets refugees without permanent residency even if Danish politicians know that wars usually take many years and most refugees cannot be returned. According to the UNHCR, the average span of years needed for protection is 26 years.

8.2 On the Edge of the Conventions – Articles 1 and 2

International conventions are challenged openly now. The three years’ waiting time for Syrian refugees’ family reunification was the first move at the risk of violating international conventions. “*The least possible importance*” is now to be attached to factors which used to be an advantage in the integration process such as knowing the Danish language, having training and education or a permanent job and being integrated in the local community. The attachment to Denmark that a refugee child has obtained will no longer be considered of any importance if the child is younger than 8 years etc. The former government was willing to go to the edge of the Conventions and run “a trial risk”, i.e. the risk of losing in an international court – and so is apparently the present government.

8.3 Tolerated stay in deportation centres “as intolerable as possible”– Articles 1, 2

Another major shift in policy is an increasingly inhumane policy as to foreigners who have been convicted of even small offences but cannot be returned to their country of origin as it would be refoulement.

¹³⁶ UNHCR (18.01.2019) Excerpt from comments to L140 (the “Paradigm Shift”)

¹³⁷Türk V., Assistant High Commissioner for Protection (7 November 2016), Letter to the former Minister of Immigration and Integration and Housing from the UNHCR, can be viewed at:

http://sosracisme.dk/userfiles/downloads/Pressemeddelelser_hoeringssvar/1705792_letterfromVolkerTurk_UNHCR.pdf

Since 2017, Denmark has had a system of three kinds of duties for foreigners on “tolerated stay” and others (See explanation at Refugees Welcome!)¹³⁸ The system is intended to be “*as intolerable as possible*”¹³⁹ according to the former Minister of Immigration and Integration in order to induce expelled people in deportation camps to cooperate with the Danish police on their return to the country of origin.

The three duties for people on tolerated stay are as follows:

- a *duty to notify the camp authorities* if they are not in the camp at any time between 11 p.m. and 6 a.m.
- a *duty to reside in the deportation centre* – understood as sleeping there every night – at least at night between 11 p.m. and 6 a.m.¹⁴⁰
- a *duty to report in person to the police* during a defined time interval, for those on tolerated stay usually every workday, for many others usually three times a week.

Each time somebody does not comply with one of the three duties, the police and the Public Prosecutor will regard it as a violation. If they do not fulfil these three duties for two full days, it will count as 6 violations, and if it is the first time, they will be taken to court and imprisoned for 40 days. From 1 June 2021, the penalty will increase to 60 days. The length of the penalties was multiplied by 10 to 15 with the changes that came into force on 1 June 2019.

Rejected asylum seekers who - according to the police - do not cooperate sufficiently regarding their return to the country of origin are also placed in deportation camps under these “intolerable conditions”. Their legal duties were unclear and defined differently in the “Paradigm Shift” Bill, L 140, the Chief Public Prosecutor’s circular of 1 June 2019, and in replies that the Immigration Service gives on its websites to users concerning the meaning of the duties.^{141 142 143}

¹³⁸ See explanation at Refugees Welcome: <http://refugees.dk/en/facts/legislation-and-definitions/exclusion-clauses-expulsion-sentences-and-tolerated-stay/>

¹³⁹ Ritzau (07.06.2016) *127 persons with criminal duty to report deported in ten years* Retrieved 11.03.2020 from [https://amtsavisen.dk/artikel/127-personer-med-kriminel-meldepligt-udsendt-p%C3%A5-ti-%C3%A5r-2016-6-7\(2\)](https://amtsavisen.dk/artikel/127-personer-med-kriminel-meldepligt-udsendt-p%C3%A5-ti-%C3%A5r-2016-6-7(2))

¹⁴⁰ They have to apply to the authorities 5 days before in order to be away for one night, and usually only one night’s stay outside the camp will be allowed, for parents to minor children sometimes they may be granted 2 nights every second week.

¹⁴¹ <https://www.nyidanmark.dk/en-GB/Words-and-concepts/US/Housing/Departure-centre>

¹⁴² **Circular from the Chief Public Prosecutor No. 9477 of 1 June 2019 - Handling of cases concerning violations of the duty to reside, duty to notify and duty to report to the police** - retrieved 11.03.2020 from <https://onlaw.dk/cirkul%C3%A6re/cir1h-nr-9477-af-01-06-2019>

¹⁴³ Later the Chief Public Prosecutor’s circular of 1 June 2019 has been replaced by a revised circular of 23 March 2020¹⁴³, where the duties of rejected asylum seekers were described more clearly and in accordance with the description by the Immigration Service, and with suggested penalties for rejected asylum seekers who had not been sentenced to deportation (Table 3) - this was very close to the original table of suggested punishments before they were increased as part of the Paradigm Shift. Generally the rejected asylum seekers only had a duty to reside and a duty to report to the police but not to notify. However, Table 3 was followed by a comment suggesting that the public prosecutor should consider insisting on imprisonment the third time duties had been violated. After a conviction to imprisonment, the rejected asylum seeker would normally be sentenced to deportation, a ban on entering Denmark

Suggested penalties for not complying with the duties in the Deportation Centres				
Table 1: Recommended lengths of imprisonment after number of violations during the same calendar month				
Number of violations per month	1st time violation	2nd time violation	3rd time violation	4th time violation
1-2	Prison 7 days	Prison 14 days	Prison 40 days	Prison 60 days
3-5	Prison 14 days	Prison 40 days	Prison 50 days	Prison 60 days
6	Prison 40 days	Prison 50 days	Prison 60 days	Prison 3 months
7-9	Prison 40 days	Prison 50 days	Prison 3 months	Prison 4 months
10-60	Prison 60 days	Prison 60 days	Prison 3 months	Prison 4 months
61 +	Prison 60 days	Prison 60 days	Prison 4 months	Prison 5 months

Table 2: Recommended lengths of imprisonment after number of violations over more than one calendar month				
Number of violations per calendar month	1st time violation	2nd time violation	3rd time violation	4th time violation
1-2	Prison 7 days	Prison 14 days	Prison 40 days	Prison 60 days
3-5	Prison 14 days	Prison 40 days	Prison 50 days	Prison 60 days
6-9	Prison 40 days	Prison 50 days	Prison 60 days	Prison 3 months
10 -	Prison 60 days	Prison 60 days	Prison 3 months	Prison 4 months

Source, Table 1 and Table 2: Circular from the Chief Public Prosecutor No. 9477 of 1 June 2019

If a person has not resided in the centre for some months or has several long periods with unpermitted absence, Section 143 of the Penal Code may be used, which could result in up to 4 years' imprisonment.

Table 3: Suggested penalties at the first and second violation for rejected asylum seekers not complying with the duties in the Deportation Centre		
Number of violations	Punishment	
app. 1-10	Warning	
app. 10-25	Fine: 1.000 DKK	
app. 26-100	Fine: 1.500 DKK	
app. 100-400	Prison 7-10 days	
app. 500	Prison 14 days	

for a number of years, and categorised as criminal, and thus liable to the penalties mentioned in Table 1 and also subject to the duty to notify the authorities if not in the camp between 11 p.m. and 6 a.m.

app. 1.000	Prison 30 days	
app. 1200- 1400	Prison 40 days	

Source: Circular from the Chief Public Prosecutor of 23 March 2020

This penal system criminalizes most people living in the deportation centres ¹⁴⁴ and limits people's personal freedom. In the explanatory notes to the Bill (L 165 2018/19), the former government said there might be a risk of violating the ECHR Article 8 in certain cases. The official purpose of the duties and penalties is to ensure that the authorities know at all times where the persons expelled are, so they can be returned if the opportunity arises.

The former Minister of Immigration and Integration stated that one purpose was to stress the persons in deportation camps so they would cooperate on voluntarily returning to their country of origin, an aim that has not been achieved. Many have fled from the deportation camps and live underground as undocumented migrants in Denmark or elsewhere. In 3 years 3,593 rejected asylum seekers have disappeared and are wanted by the police.¹⁴⁵ Many are reported to be living underground in Germany and France.¹⁴⁶ In 2019, 730 more refugees left Denmark than arrived.¹⁴⁷

The Danish High Courts and the Supreme Court have dismissed several cases with harsh sentences against foreigners because living 3-4 years with such duties in refugee or deportation camps amounted to inhumane treatment pursuant to Article 3 of the ECHR. If – after having his or her case reviewed in the Refugee Appeals Board – a person in a deportation centre is granted a residence permit in Denmark and is released from the above duties and still has a sentence pending due to violation of the duties, he or she will be sent to prison to serve the sentence and will typically also be made subject to a deportation order. This means that the person will be categorized as sentenced to deportation and must go back to the deportation centre with a duty to notify, to reside, and to report to the police.

Other consequences are:

- The police, courts and prisons have insufficient capacity for these extra cases, charges, sentences and imprisonments. Prisons and jails are overcrowded.¹⁴⁸

¹⁴⁴ M.Linddahl (29.10.2019) *Resident of Kærhovedgård: The system criminalizes me* - Retrieved 21.03.2020 from <https://www.tvmidtvest.dk/retssystem-pa-overarbejde/beboer-pa-kaershovedgard-systemet-gor-mig-kriminel>

¹⁴⁵ *Rejected Asylum seekers go underground to apply for asylum again* – Retrieved 04.05.2020 from <https://politiken.dk/indland/art7552116/Afviste-asylans%C3%B8gere-g%C3%A5r-under-jorden-for-at-s%C3%B8ge-asyl-igen>

¹⁴⁶ *Rejected asylum seekers are living in the streets of Paris* – Retrieved 04.05.2020 from: <https://politiken.dk/indland/art7552295/Afviste-asylans%C3%B8gere-fra-Danmark-lever-p%C3%A5-gaden-i-Paris>

¹⁴⁷ *More refugees are leaving Denmark than coming here* – Retrieved 04.05.2020 from <https://jv.dk/artikel/flere-flygtninge-forlader-danmark-end-der-kommer-hertil>

¹⁴⁸ From Denmark's Radio/TV *Court System Working Overtime – Public Prosecutor feels the pressure after changes of rules: Going to Affect Other Cases* - Retrieved 20 March 2020 from: <https://www.tvmidtvest.dk/retssystem-pa-overarbejde/anklager-maerker-preset-efter-regelaendring-kommer-til-ga-udover-andre>

- Parents are separated from their children and often placed in prisons far away with no or very few possibilities for visits by their children. (See the below example of a mother who became psychotic ¹⁴⁹)
- If the person has not fulfilled the duties several times, he or she will be held in custody awaiting trial.

In many of these cases, Denmark does not have any agreement with the country of origin about forced returns or cannot forcibly return the people expelled because they have no identification papers or because it would violate Article 3 of the ECHR or because they are stateless.

When the new Social Democratic government took office, one of the demands from the supporting parties was that the uninhabited island of Lindholm must not be used as location for a new deportation centre as agreed by the DPP and the former government – and supported by the Social Democrats. Consequently, this very costly plan was discarded. However, life in the existing deportation centres Kærshovedgård ¹⁵⁰ and Sjølsmark^{151, 152} run by the Danish Prison Service is still intolerable.

Even at present – with the Corona pandemic and with closed borders in most of the world so nobody can be returned – persons in the deportation centres are not allowed to abstain from their

¹⁴⁹ A mother in a deportation centre feared a sentence of 1 year for having stayed with her two young children without permission. She attempted suicide the day before she was due in court. Her youngest child was 1 year old and still being breastfed when the mother was forced to go to the deportation centre. After that the mother had stayed home to care for the children several nights, since the youngest was often ill and her husband worked. She had violated the duties several times and had already served 10 days of imprisonment. Following the suicide attempt she was hospitalized in a psychiatric ward but had to return to the deportation centre after two days. The court decided to await a forensic psychiatric statement. One month later she was suddenly taken to court and sentenced to 3 months in a psychiatric hospital as a surrogate for remand prison. Her lawyer and husband were unable to attend the court at such short notice. Because of corona restrictions she was unable to see her children during the 3 months of hospitalization. When returning to the deportation centre she was manifestly psychotic, and she still is: she speaks to the walls and has very little contact with others. She sleeps in the centre and every day her family takes her by car 60 km to and from the centre, so she can see her children. Her application for family reunification with her 7-year-old child was denied because she has been sentenced to deportation and banned from entering Denmark the first 2 years – all due to her “criminal record” caused by caring for her children.

¹⁵⁰ Bodil Philip, former Prison Director and Arne Stevns, former Chief Prosecutor for the Danish Helsinki Committee for Human Rights: *Memorandum on persons on tolerated stay in the Departure Centre Kaershovedgaard*. (February 2019, in Danish) Retrieved 20 March 2020 from http://sosracisme.dk/userfiles/downloads/Generelt/Notat_Indkvarterede_paa_taalte_ophold_paa_Udrejsecentret_Kaershovedgaard.pdf

¹⁵¹ Julia Suárez-Krabbe, Annika Lindberg, José Arce-Bayona - in collaboration with the organisation of Freedom of Movement and with other researchers, activists and rejected asylum seekers, published a report in English in 2018: *“Stop Killing Us Slowly – A Research Report on the Motivation Enhancement Measures and Criminalization of Rejected Asylum Seekers in Denmark”*

¹⁵² A condensate as an op-ed of the above-mentioned on the website: openmigration.org : *“Against the policies of killing slowly - contesting Danish deportation camps”*.

duties to notify and to reside. In Sjælsmark families have lived in one room.¹⁵³ Singles may share a room with one or several others.

In Kærshovedgård, most people share a bedroom with another person, and the sanitary conditions are very poor. There is approx. one bathroom per 10 people, but the bathrooms are shared and may be used by up to 50 different people. From mid- March to mid-June 2020 no more than ten people were permitted to assemble in Denmark. There was an outbreak of Covid-19 in late April 2020 with 6 persons tested positive in Kærshovedgård. On 29 August 2020 10 more persons have been tested positive in Kærshovedgård and there are about 250 persons in Kærshovedgård. Thus the number of persons with a positive test for Corona virus infection is about 64 in 1,000 persons, while in Denmark there is an incidence rate of 2.9 in 1.000 persons. The risk of having been infected with Covid-19 (the observed risk ratio) is thus 22 times higher in Kærshovedgård than in Denmark as a total. Until this outbreak the inhabitants were neither given alcoholic disinfectants nor face masks.

Nobody is allowed to visit the Centre. Some of the NGOs contributing to this report have sent an appeal to allow the inmates to live with family or friends instead of being exposed to so many people during the pandemic, but to no avail.

8.4 Repatriation

The focus of the “Paradigm Shift” on returning people to their country of origin instead of integrating them has resulted in public authorities sending letters to people including Danish citizens with dual nationality,¹⁵⁴ informing them that they will be rewarded if they give up their Danish citizenship and move to their other country of citizenship. Furthermore, the municipalities are rewarded for each person who repatriates accordingly.

The “Paradigm Shift” also requires that in all meetings between the municipality and non-EU/EEA citizens, the municipality must notify them of the possibility of repatriation. In a study (2008) of Iraqi refugees who repatriated after being granted asylum some returned to Denmark and told the interviewers that they had been pressured by their municipality to leave Denmark and that the situation in Iraq was not safe.¹⁵⁵

¹⁵³ By August 2020 all families with minor children will be moved to Return Centre Avnstrup while rejected asylum seekers and other foreigners without children will be moved from Avnstrup to Sjælsmark.

¹⁵⁴ The authors of this report know of e.g. American-Danish citizens who have not received such letters and of none who have.

¹⁵⁵ *Circular repatriation: the unsuccessful return and reintegration of Iraqis with refugee status in Denmark*. UNHCR, 2008. <https://www.unhcr.org/research/working/48eb34c72/circular-repatriation-unsuccessful-return-reintegration-iraqi-refugee.html> (retrieved 23.10.2019, excerpts, pp 8-9:

“Rania [...] describes their situation as such: We were seven people in our family, and they gave us 900 kroner a week. We have talked to them at the council and told them it is not enough. Rania’s husband, Mohamad, explains that this

9. Inhuman Treatment of Asylum Seekers - Article 5 (b), (d) (i), (e) (i, iii, v, vi), (f)

A new research project conducted and led by Dr Victoria Canning (Associate Professor in Criminology at the University of Bristol) examines harmful practices in the Danish asylum system. and a number of problematic practices in what she calls 'an architecture of exclusion'.

"It's deliberately not trying to make people stay, so there won't be concerts every Friday night so you have something to look forward' (D2). Orchestrated to 'motivate people to leave' (D13), the two [deportation] centres (Kærshovedgård and Sjælsmark) are deliberately spatially isolated, with prison-like architecture. Activity space is limited and, as one immigration support worker stated, 'At Sjælsmark we're discussing whether you should be allowed to do anything because it's supposed to be motivating, motivating people to depart'." ¹⁵⁶

9.1 Structural Conditions and Practices for People Seeking Asylum in Denmark

Through harsh structural conditions and practices, the Venstre-led government made no secret of its effort to deter refugees and migrants from seeking asylum and force people without a residence permit to leave Denmark. The present government continues this practice. The threat or reality of deportation is part of the everyday experience, and the aim continues to be to make life 'as intolerable as possible' for rejected asylum seekers, as the former Minister of Immigration, Integration and Housing put it.

Dr Canning writes, "The deportation centre is striking in its effort to isolate and ostracise people whose asylum claims have been rejected. The political objective to do so is embedded in the daily architecture of 'the camp' – as residents call it – and in the political agenda of the [then] government and [former] Minister for Immigration, Integration and Housing, Inger Støjberg. This agenda has been to make the lives of people on tolerated stay 'intolerable'. As one camp support worker summarised, '*The key is to cut off people's access to networks, to anything that may make them want to stay.*'¹⁵⁷

financial situation became too much for them (...): Every day she would cry (...). Therefore, we decided that we should return to Iraq."

Ali felt that his caseworker and another council employee indirectly pressured him to repatriate by thwarting his attempts to find work and build a life in Denmark. Basheer indicates that his caseworker made life in Denmark difficult for him. He states: He attacked me psychologically. He pressured me to return. For example he offered me a fridge and a television if only I would return to Iraq. (...). There was no other way out than to leave Denmark. Several other of our interviewees experienced being pressured into leaving Denmark. Most describe this pressure as indirect, in the form of the adverse living conditions they were subject to in Denmark."

¹⁵⁶ V. Canning (2019) *Reimagining Refugee Rights: Addressing Asylum Harms in Britain, Denmark and Sweden*, p 46

¹⁵⁷ *Ibid.*, p 46

A report by the Global Detention Project (2018) raised serious concerns about the direction Denmark is taking. Key concerns included inadequate procedures for identifying torture survivors; increasingly 'prison-like' asylum centres; detention practices; lack of statistics and data on detained asylum seekers; grounds for detention; and time in detention and isolation.¹⁵⁸

Since 2017, asylum centres in Denmark are increasingly located on the peripheries, away from towns and cities, in buildings that used to be former military barracks, training camps or sanatoriums. Even though most asylum seekers are able to come and go as they like on paper, few have the resources or ability to do so. Their freedom of movement is in fact limited because residents have no right to work and most often receive no cash allowances and therefore lack resources to travel by public transportation (if there is any) to the nearest town or city.

Exclusion and isolation also have gendered implications. School hours restrict parents' movements, and single mothers in particular are less able to take language classes or spend time with other people. During Canning's fieldwork in these centres, she found that women in particular were not able to leave the centres due to childcare responsibilities.

This deliberate practice of isolating asylum seekers from the rest of society limits access to relationships and support networks outside of the centres, access to legal advice, and in general, access to activities outside of the centres.

The decision to place asylum seekers in the middle of nowhere puts added strain on organisations supporting asylum seekers, as access is made more difficult. Most NGOs working with this particular group of people are Copenhagen-based, meaning that access to legal and psychological support is reduced.

For people seeking asylum, temporality is often conceptualized as waiting, existing somewhere in-between, and it has been widely documented by practitioners and researchers how temporal uncertainty harms individuals and their quality of life. Years of someone's life can go by in the system without knowing if and when they will be granted asylum, or if they will be detained and/or deported, which impacts a person's physical and mental state.

The waiting time for a person seeking asylum varies, depending on the overall pressure on the system and the individual case. This makes it difficult to specify waiting time for cases in general. According to nyidanmark.dk, the average waiting time for deciding on an asylum case is 7 months. A case following the Manifestly Unfounded or Manifestly Well-founded Procedure can be finished in less than three months, whereas a case in the Normal Procedure going all the way through second instance can take up to two years. After final rejection, the person can end up living in the system for many years – waiting for the case to be reopened and/or attempts at deportation, which may be futile.

¹⁵⁸ Retrieved 20.03.2020 from: <https://www.globaldetentionproject.org/immigration-detention-in-denmark-where-officials-celebrate-the-deprivation-of-liberty-of-rejected-asylum-seekers>

The Danish government has also introduced a line of new restrictions making things increasingly difficult and uncertain for individuals who are granted asylum. Compared to previously when asylum would be granted for 5-7 years and almost automatically extended, today asylum has been reduced to 1-2 years, and extension may be refused. Regardless of whether you receive refugee status (7.1), protection status (7.2) or temporary protection status (7.3)¹⁵⁹, the government does not grant residence permits that exceed two years. This means that even those who have had their asylum claims recognized by the State still face uncertainty about their future in Denmark. Permanent stay can only be applied for after 8 years, and the requirements are too high for most refugees.

These are harmful policies because they limit people's ability to integrate into society. Some are rejected and get stuck in the asylum centres, others are granted asylum but not given the right to remain permanently. These policies and practices do not welcome people to integrate into society but instead increase feelings of isolation, fear and even suicidality.

Asylum seekers' autonomy is removed through isolation, dependency and everyday practices. Once in the system, asylum seekers can do very little while they wait for their application to be processed. They must live in the centres, completely dependent on the system. Single men and women often share a room with 2-4 others and must share a common bathroom with up to 30 people, which limits their access to privacy.

'In theory, asylum seekers in phase 2 (waiting for the application to be processed) are allowed to work after being in the asylum system for six months. However, bureaucratic and spatial challenges make it nearly impossible. Hence, most asylum seekers find themselves dependent on pocket-money and/or basic needs from the government, waiting in limbo while their case is being processed. One staff member at Sjælsmark explained to Canning that the limited access to activities and networks works to prevent a person from wanting to stay if or when their asylum claim is denied:

The situation worsens if an asylum seeker is in phase 3 (application has been denied) and moved to one of the deportation centres (Sjælsmark or Kærshovedgård). At these centres, asylum seekers do not receive pocket-money, are not allowed to work, face the risk of imprisonment in Ellebæk and/or deportation, and have to attend weekly meetings with the police. They live in constant uncertainty about their future, with limited resources to buy their own food and other essentials, or even be able to buy a bus ticket. The practice of making the asylum seeker completely dependent on the state reduces the person to someone that does not have autonomy over his or her own life. Living in limbo, without access to productive activities and without support from networks and family, adds further distress, deprivation and mental and physical problems. People are falling ill from being in the asylum system. Further, if asylum seekers are granted asylum, the harsh experience from the system can negatively impact their ability to integrate into the Danish society.

¹⁵⁹ referring to the respective section and subsections in the Danish Aliens Act

9.2 Women held under conditions intended for men

Another worrying observation made by Canning is that the Danish asylum system is designed for men, despite the fact that women make up 30% of all asylum seekers. She argues that Danish policies and practices ignore the experiences, vulnerabilities, sufferings and needs which predominantly pertain to women and other minority groups.

'There is a serious lack of consciousness around women's experiences of asylum. From my research, it is clear that many are cut off from society through poverty, and unable to travel from asylum or deportation centres if they have children at school. Psychological support is difficult or impossible to obtain, and survivors of sexual violence or torture face significant barriers to gaining support at least until they receive refugee status, and even then it is not easy. Pregnant women are still being detained, and women-only spaces are almost non-existent in camps. It's incredibly worrying from a women's rights perspective' – Canning

As social and psychological support continues to be reduced, many are left in a limbo, and women survivors of violence in particular - at the periphery of society. Beyond the lack of access to psychological support, women feel unsafe, living in centres with a majority of men. The asylum system lacks proper safe spaces for women. As Michala Clante Bendixen stated in her article on 'Women in an asylum system for men'¹⁶⁰, there is no rational or economic reason why there are no centres exclusively for women. The Danish Immigration Service fails to understand the concept of gender equality: "Everybody, regardless of race, ethnicity, sexual orientation ¹⁶¹, religious beliefs etc. should be accommodated in the same asylum centre, as they will later be living together in Danish society if they are granted a residence permit."

Besides the lack of women-only spaces in Danish asylum centres, there is insufficient recognition of gender-based asylum motives. Well-founded fear of persecution simply for being female is real, yet too often ignored. Today, most women are granted weaker protection status (Section 7.3), which only grants asylum for 1 year, without the right to family reunification for the first three years, and without access to free higher education, which is a civil right in Denmark

Understanding gender should be essential in implementing policies and practices aimed at protecting women so that they can become active participants in society.

¹⁶⁰ Michala Clante Bendixen (24.06.2017) 'Women in an asylum system for men' Retrieved 1 March 2020 from <http://refugees.dk/en/focus/2017/june/women-in-an-asylum-system-for-men/>

¹⁶¹ LGBT+ persons are not placed near LGBT networks.

9.3 Ellebæk Detention Centre “unsuitable for humans”

In January 2020, The Council of Europe’s Committee for the Prevention of Torture (CPT)¹⁶² released a report with severe criticism of the two detention centres Ellebæk and Nykøbing Falster used to detain asylum seekers whom the police suspect may go underground.

“In a highly developed country like Denmark, where you are – rightly – proud of high human rights standards, it is shocking to find such appalling conditions, and one might question not only the capability but also the will of Denmark to do it in such a bad way,” said Hans Wolff who led the delegation visiting Ellebæk in April 2019.¹⁶³

“It is not compatible with human rights to keep people under such bad conditions in immigration detention centres,” Wolff also said “Our findings are very severe. First of all, the physical conditions are extremely poor. We also find it unacceptable to place these people under prison-like conditions as those we have seen. They are not criminals but are put in a facility much worse than a prison”.

Thirteen civil society organisations pointed out a number of points of criticism now included in the final report from the Committee. Among the organisations were Refugees Welcome, Amnesty International and DIGNITY (Danish Centre Against Torture). “The Committee visits many countries, and one can imagine in which countries we would normally find critical conditions, but I must say that when it comes to migrant detention centres, Denmark is – very surprisingly – one of the worst,” says Hans Wolff and continues: “Either Denmark must make some very fast and serious changes in all the areas we have mentioned in the report. Or they must close down Ellebæk and move the detainees to a place with better facilities.”

“The place is unsuitable for humans,,,” says Hans Wolff.¹⁶⁴

“If they do not follow our recommendations, the case may be taken to the European Court of Human Rights, with whom we have a very close collaboration. If it accepts the case, it will look further into our observations and assess whether the conditions comply with human rights, or whether Denmark should be convicted of violation. I think the latter is very likely.”

A detainee is punished with 15 days in solitary confinement for being caught with a mobile phone – in spite of Danish Supreme Court having ruled that detainees have a right to keep mobile phones. This is, however, not allowed according to prison rules.

¹⁶² The Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT): Report to the Danish Government on the visit to Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 12 April 2019, CPT/Inf (2019) 35, retrieved 20 March 2020 from <https://rm.coe.int/1680996859>

¹⁶³ (07.01.2020) <https://www.thelocal.dk/20200107/danish-asylum-centres-slammed-in-anti-torture-committee-report>

¹⁶⁴ Retrieved 1 March 2020 from <https://medium.com/are-you-syrious/ays-daily-digest-07-01-2019-council-of-europe-says-danish-ellebaek-unsuitable-for-humans-9a9d8d723bb7>

“We were very surprised to find that detainees are punished so hard for having mobile phones. This emphasizes that the rules are for prisons, which is completely unacceptable. These people have the right to access their phones, where they would typically keep numbers to their friends and families. This is essential,” says Hans Wolff.

The report underlines that the detained migrants are in general neither suspected nor convicted of any criminal offences. If the authorities still find it necessary to detain them, this should be under as normal conditions as possible, with a minimum of internal security precautions.

People on suicide watch are forced to remain in observation rooms completely naked because the centres do not have rip-proof clothing.

The report criticises the following conditions in Ellebæk:

- lack of staff, especially female staff
- limited and poor access to outdoor space
- worn down and unhygienic physical conditions in the buildings
- lack of activities
- no access to mobile phones
- no screening for mental or physical diseases
- limited access to health services
- other detainees are used as interpreters instead of professional ones
- use of solitary confinement must be abolished
- overcrowded, with up to 4 persons in a cell
- no professional interpreters, which frequently leads to misunderstandings

Furthermore, the CPT advises Denmark to take into serious consideration whether too many are imprisoned and too few released. A new law has been passed raising the sentences significantly for breaking the duty to report in Kærshovedgård (See 7.3), putting extra pressure on the real prisons.¹⁶⁵

The recommendations of the CPT not being legally binding, the Danish government refuses to follow the Committee’s recommendations regarding Ellebæk.¹⁶⁶

10. Non-white Poverty - Articles 2 (1) - 5 (e) iv

Apart from cutbacks in grants for anti-racist and minority NGOs and in development aid, the Danish People’s Party also demanded reductions in welfare benefits for refugees and immigrants in the annual budget 2002 process. Every year, the party would demand restrictions and

¹⁶⁵ General reference to chapter 9: <http://refugees.dk/en/>

¹⁶⁶ <https://www.ft.dk/samling/20191/almdel/REU/bilag/540/2237134.pdf>

reductions concerning immigrants, refugees and integration in return for the acceptance of an annual budget comprising tax cuts and welfare reductions.^{167 168}

In the summer of 2015, when refugees were walking on the Danish motorways on their way to Sweden, the Bill reintroducing the low benefit was rushed through parliament in order to make it less attractive for refugees to come to Denmark.

Simultaneously, new 2-year accumulation periods for family benefits and single-parent benefits were introduced. Furthermore, the right of refugees to add their years of residence in the country of origin when qualifying for old-age pension was repealed.

10.1 The Integration Benefit/The Return Benefit - Articles 1 - 2 (1) - 5 (e) iv

In 2002, a new benefit was introduced, then called “start help/benefit” and later renamed “integration benefit”, for residents who had not resided in Denmark for at least 6 out of the last 7 years, amounting to about half the existing social benefit for Danish residents. Since then the period of residence has been changed to 9 years out of the last 10. This was the closest the DPP could get to a benefit for refugees and immigrants, which would be in violation of international conventions.

Two percent of the claimants of the “integration benefit” are Danish citizens, 2% are of Western descent, and 96% of “non-Western” descent.¹⁶⁹ In order to eventually qualify for social benefits, the claimant must have had 2.5 years of full-time ordinary employment, a requirement, which is hard for e.g. people of Middle Eastern descent to fulfil. According to a Danish study, (highly qualified male) applicants with Middle Eastern names need to write 52% more applications to be invited for an interview compared with ethnic Danes with the same qualifications, applying for the same jobs.¹⁷⁰

¹⁶⁷ N. Rytgaard et al (16.09.2018) *The DPP has helped undermine the old-age state pension for years* Retrieved 25.03.2020 from: <https://jyllands-posten.dk/politik/ECE10872297/df-har-vaeret-med-til-at-udhule-folkepensionen-i-aarevis/>

¹⁶⁸ “In the period after 2001 the Danish People’s Party functioned as the supporting party by and large loyal to the Liberal-Conservative coalition government. The party had to accept social cuts but in return got symbolic initiatives such as a welfare benefit for old-age pensioners with few means and further refugee and immigrant restrictions.” retrieved 25.03.2020 from Aarhus University: <https://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/dansk-folkeparti/>.

¹⁶⁹ Institute for Human Rights ” (11 October sd2019) “*Families on Integration Benefit – An Analysis of Finances, Deprivation and Social Exclusion in a Human Rights Perspective*, retrieved 15.08.2018 from https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/ligebehandling_2018/integrationsydelse_web-ny_19.12.pdf

¹⁷⁰ Dahl M. et al Retrieved 06.09.2019 from [https://polsci.ku.dk/ansatte/PHD/?pure=da%2Fpublications%2Fexperimental-evidence-of-discrimination-in-the-labour-market\(a5eacb5b-059d-4dd4-b46c-a192a3a21038\).html](https://polsci.ku.dk/ansatte/PHD/?pure=da%2Fpublications%2Fexperimental-evidence-of-discrimination-in-the-labour-market(a5eacb5b-059d-4dd4-b46c-a192a3a21038).html)

In 2018, the benefit was renamed “self-sufficiency and return benefit” and reduced further for families with children, despite the fact that the Danish Institute for Human Rights had published a brand new report which showed that the *integration benefit* left especially families with children in poverty¹⁷¹ and warned the Government that this was in violation of the Danish Constitution.

Since 01 January 2018, entitlement to full family benefits requires 6 years’ residence in Denmark out of the last ten years. When after 3 years the claimant is entitled to 50%, the return benefit will be reduced by 2,000 DKK per family per month (2 x 1,000 DKK for two parents and 2,000 DKK for a single parent).

The Rockwool Foundation’s report “*Start help makes refugees the poorest in Denmark*” (2019) has analyzed the benefit in its original form, the introductory benefit also called “Start help” (2002), concluding that the benefit made refugees poorer but did not achieve the aim it was supposed to since employment had not improved in the longer term. However, refugee children became less integrated, women participated less in integration programmes, and crime increased, especially theft and - for women - shoplifting in supermarkets.¹⁷²

Overall, there is “*a growing divide between the vast majority of the Danish population and those on the margins, mainly single mothers, and refugee and immigrant families.*”

One of the main reasons for this is that during the last two decades, social assistance benefits have been reduced for certain groups. These changes have specifically affected (and were intended to affect) newly arrived refugees and immigrants, as well as other vulnerable groups, such as minority ethnic Danes.

*Justifying these cutbacks, the Liberal-Conservative government, elected in 2001, argued that this would increase their incentive to find work.”*¹⁷³

10.2 Economic Inequality Affecting “non-Westerners” Disproportionately

Although the former government abolished the poverty line introduced by the government under Social Democratic leadership (2011-2015), surveys of relative poverty are still conducted by independent bodies. In just two years from 2015 to 2017, the number of relatively poor people increased from 200,000 to 255,000, and the number of poor children almost doubled to 64,500. Of

¹⁷¹ Institute for Human Rights Op.cit.

¹⁷² Rockwool Fonden “*Start help makes refugees the poorest in Denmark*” (March 2019) retrieved 13.08.2019 from <https://www.rockwoolfonden.dk/publikationer/starthjaelp-goer-flygtninge-til-danmarks-fattigste/>
Study paper: https://www.rockwoolfonden.dk/app/uploads/2019/03/Study-paper-138_Lowering-Welfare-Benefits.pdf

¹⁷³ J. Elm Larsen, *associate professor in sociology at the University of Copenhagen, Increasing Child Poverty in the Danish Welfare State* (5 June 2019), retrieved 15.08.2019 from <https://discoversociety.org/2019/06/05/increasing-child-poverty-in-the-danish-welfare-state/>

these poor children, 56% are of "non-Western" origin, an increase by 81% in just 2 years.¹⁷⁴ Of all children, 5,6% were relatively poor in 2017.¹⁷⁵

In 2017, an SFI survey¹⁷⁶ showed that 20% of "non-Western" youths came from families living in poverty according to the OECD poverty definition, double the percentage of majority Danes.

"Non-Western" old-age pensioners are among the poorest in Denmark. Old-age pensioners can only have a full pension if they have lived in Denmark for 40 years out of the 50 years between 15 and 65 years of age (=4/5), otherwise they will only have a fractional pension. Until 1 July 2018, refugees had the right to add the number of years in their country of origin, but that right was repealed in 2015 for new refugees, who will depend on supplementary benefits from the municipality they reside in. Furthermore, from 1 July 2025, the four fifths (i.e. 40 out of 50 years) will be changed to 9/10, meaning 9 years out of 10 from the age of 15 until 65 (i.e. 45 years out of 50) presumably resulting in even more poverty among old-age pensioners.¹⁷⁷ Around 10-30% of the 65-to-74-year-old immigrant pensioners are economically poor. The same applies to only 1% of majority Danes.¹⁷⁸

¹⁷⁴ Denmark's Radio, survey based on Statistics Denmark's figures "New Figures: Relative Poverty among Children of Immigrant Background Has Exploded in Few Years (24 May 2019) retrieved 01.08.2019 from DR: <https://www.dr.dk/nyheder/politik/folketingsvalg/nye-tal-relativ-fattigdom-blandt-boern-med-indvandrerbaggrund-er>

¹⁷⁵ The Economic Council of the Labour Movement, survey based on Statistics Denmark's figures "Proportion of relatively poor children in Denmark has increased" (19 June 2019) retrieved 01.08.2019 from DR: <https://www.dr.dk/ligetil/indland/andelen-af-relativt-fattige-boern-er-steget-i-danmark>

¹⁷⁶SFI, *Ethnic Minority Youngsters in Denmark*, Copenhagen 2017, retrieved 01.08.2019 from VIVE https://pure.vive.dk/ws/files/748159/1708_Etniske_minoritetsunge_i_Danmark.pdf

¹⁷⁷ DST Analysis (2018) "Increase in the number of elderly without the right to a full pension" retrieved 01.08.2019 from Statistics Denmark: <https://www.dst.dk/Site/Dst/Udgivelser/nyt/GetAnalyse.aspx?cid=30262>

¹⁷⁸ VIVE Analysis (2017) "The elderly immigrants are the new poor" Retrieved at <https://www.kristeligt-dagblad.dk/danmark/de-aeldre-indvandrerere-er-de-nye-fattige>



Mjølnerparken – a tough ghetto in Denmark



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