

DECLARATION By Anne Nielsen, Vicepresident SOS Against Racism

UPR PRE-SESSION ON Denmark, GENEVA, DECEMBER 17, 2015

I Presentation and major issues

Ladies and gentlemen, thank you for letting me speak this morning. The statement is on behalf of SOS Against Racism, DACoRD (the Documentary and Advisory Centre on Racial Discrimination), and the Danish division of ENAR (the European Network Against Racism).

II We have made a joint submission with 20 recommendations, but here I shall speak about three main issues. There are hand-outs of the recommendations, and the speech and the slides, but not time for reading all details of the slides, but I will be happy to explain more later.

- 1- Denmark should respect human rights for refugees and asylum seekers
- 2- Denmark should do more to combat discrimination, racism, hate speech, and hate crimes
- 3- Denmark should not introduce an age limit to circumcision of boys

III Here is an overview of the times for the UPR, changes in government, and development in immigration policies. At the first UPR of Denmark in 2011 we had a Liberal–Conservative government. Soon after it was followed by a centre–left government. Now since the summer 2015 the Liberal government is back. Generally, during the right wing government up to 2011 policies on refugees and foreigners have been tightened, under the centre-left government softened except in their last year. After the elections the Liberal prime minister defined four primary goals for the government, one of these was that fewer asylum seekers would come to Denmark. After the elections asylum laws have become more and more tight and harsh.

Statement

Issue 1 : Denmark should respect human rights for refugees and asylum seekers

After the first UPR Denmark accepted recommendations about respecting the human rights of refugees and asylum seekers.

IV *Temporary protected status and delay in family reunification*

Before the elections in 2015 the centre-left government passed a law giving a certain group of refugees a **temporary protected status** – initially for 1 year. Family reunification will not be allowed until their residence permit has been extended past the one-year period.¹

Recently the Liberal government proposed prolonging the delay of family reunification to 3 years for this group.²

Recommendation : Both laws disrespect the right to family life and should be revoked.

V *Impoverishing and discriminating laws*

The Liberal-Conservative government had in 2002 passed laws affecting refugees and other people who had not lived in Denmark for at least 7 out of the past 8 years. The laws cut their

social benefits to about 50% of the normal benefits. The purpose allegedly was to create an incentive to find work, but few succeeded in getting a job and the low income resulted in poverty. After the centre-left government came into power in 2011 these and other discriminating and impoverishing laws against refugees were repealed. The Liberal government has reintroduced the impoverishing laws with the explicit aim that fewer should seek asylum in Denmark.^{3 4}

Other recommendations

VI Recent laws and regulations permit miserable accommodation for asylum seekers and refugees. This shows a new asylum camp with tents in snow.⁵

VII Recent laws also **enable unlimited detention of asylum seekers without a proces.**

Recommendations:

- **Denmark should repeal the recent laws and practices that disrespect human rights**
- **Children seeking asylum should have the right to attend Danish government schools**
- **Asylum seekers need a fair asylum process and should have the right to a tape-recorded first interview by Immigration Service**

VIII Issue 2. Combating discrimination, racism and hate crimes

*Recommendations 106.54 - 106.70, 106.96, accepted, some first at Mid-Term-reporting in 2014
ICERD Art. 4 and 6, Recommendation 9a of CERD/C/DNK/CO/20-21 of 15 May 2015.*

After the first UPR Denmark has accepted more than 20 recommendations on this issue. There was some focus on non-discrimination by the centre-left government: A new anti-discrimination unit was established, and small funds were provided. Now the anti-discrimination unit has been closed, and there is no funding for antiracist organisations.

There is a lot of hate speech in the social media and on newspapers' blogs. Mostly hate speech is not reported to the police, and even if reported it is often neither registered nor investigated due to a very broad interpretation of the freedom of speech in Denmark.

As to hate crimes, they are often not investigated and prosecuted as hate crimes but as ordinary criminal offences.

The annual numbers of hate crimes because of racism according to the perception of the victim was calculated to about 4.300 in surveys of victims of violence, or about 15 times the number of all hate crimes registered by the Intelligence Service of the Danish Police for all discrimination grounds.⁶ Only a small part of racially motivated violence is reported to the police and registered and investigated.

Denmark still need a good and useful registration of hate crimes by police or courts.

Recommendations :

- **Anti-discrimination campaigns and funding of NGOs fighting discrimination**
- **Legislation on monitoring and prompt action on hate speech in the social media**

- **Registration of hate crimes based on the perception of the victim**
- **Public prosecution of hate speech and hate crimes**
- **Court registration of hate crimes**

IX Issue 3: No ban on non-therapeutic circumcision of minor boys

Not addressed in the first upr cycle. (CRC articles 14 and 30, CCPR articles 18 and 27, ECHR article 9)

Danish politicians are at the moment under great pressure from Intact Denmark, that Denmark should be the first country to ban non-therapeutic male circumcision under the age of 18, which seems to enjoy considerable popular support.

Ritual circumcision being vital to Jews and Muslims, a ban on circumcision of boys would clash with the freedom of religion.

Recommendation: Denmark should not introduce an age limit to circumcision of boys

Notes:

¹ Together with the rest of Parliament But the government and Danish Peoples' Party the right wing parties voting for the law about Temporary Protected Status in February 2015 passed a motion that it was the government's sole responsibility that the one-year delay would be in accordance with the European Convention of Human Rights article 8.1; indicating that the opposition themselves did not want to be blamed for legislating against the individual's right to family life.

² To these delays should be added 3 – 18 months for the administrative work in the Immigration Service, and at the moment 9-10 months of delay for the first interview in the asylum proces, plus the time the refugee has been on his way to Denmark, so the total period of separation from the family may increase to 5 years.

³ Passing a language test in Danish at level 2 or having completed compulsory education with a pass in Danish means an additional benefit of about 200 US dollars a month. This is indirect discrimination since nearly all Danish citizens would get this benefit from start while it would take refugees 2-3 years to pass the language test. Many would not be able to pass it.

⁴ Also other impoverishing laws were reintroduced. Halving the social benefits for married couples unless both had had 450 hours of paid work during the past 2 years, and a maximum limit to social benefits The new laws and regulations for asylum seekers and for refugees include very low financial aid and discrimination of refugees as to old age pension and child benefits. The Prime Minister had promised that the law would not result in any child becoming poor, after which the Government abolished the official poverty line. Not following the principle of equal treatment of refugees thus creating poverty among refugees also violates the UN Convention of Refugees and may cause many refugees to give up hope.

⁵ **Asylum seekers below the age of 18 years should have a right to attend government schools**

While school-aged children in asylum centres are legally entitled to education comparable to that of other children in Denmark, **they do not have the right** to attend the Danish government schools. By the end of 2014, there were 1100 children aged 6-16 years, the compulsory education age group. 89% attended asylum schools under the Danish Red Cross, only 11% attended Danish government schools, of the latter only 6% attended ordinary classes.

Asylum children do not get an education with a curriculum comparable to that of government schools. During the years prior to arrival in Denmark many have already lost years of education and they lose even more because they do not get much useful education at the asylum schools. Typically they will not have had the chance to pass any exam when finishing school. Moreover their education will often be interrupted because their families are moved to other centres when a centre closes down due to fewer asylum seekers or when their families' applications for asylum are turned down. Some children have been moved 10 times or more in the Danish asylum system. The purpose of excluding most children from government schools is probably to avoid that teachers, classmates and their parents will protest if the families are forced to leave. So in spite of the fact that this question has been intensively debated for the last decade, these children are massively discriminated against.

⁶**Racism perceived by the victim as being the cause of violence / robbery.**
Victim survey 2008-2013, population based, age 16 – 74 years

Was the violence/ robbery caused by racism?	Racism perceived as cause, In percent of total	Persons affected annually
Yes, definitely	4%	4.300
Yes, possibly	5%	4.800
Total, annually	100 %	97.500

Pedersen, A.-J. B. & B. Kyvsgaard, F. Balvig (2014). Udsathed for vold og andre former for kriminalitet. Offerundersøgelserne 2005-2013. (Exposure for violence and other sorts of crime. Victim Surveys 2005-2013) København: Københavns Universitet, Justitsministeriet, Det Kriminalpræventive Råd & Rigspolitiet.

In 2008 the Intelligence Service of the Danish Police had registered 320 cases of hate crimes, and in 2013 245 cases for all discrimination grounds. Source: Strategic analysis, National Police 2015.