

SOS mod Racismes rapport til ECRI 2005

To: European Commission against Racism and Intolerance (ECRI)

ECRI Secretariat
Directorate of Human Rights - DGII
Council of Europe
F-67075 Strasbourg Cedex
FRANCE

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Dear Sirs,

Thank you for giving us the possibility of commenting on what has happened in Denmark since 1999, and on the ECRI Second Country Report on Denmark. We generally agree with your findings in the Second Report. We have no juridical expertise and in the following we will concentrate on political issues in Denmark. Much of this has led to strict new legislation, making it nearly impossible to accept refugees, making family reunification nearly impossible, and augmenting discrimination, marginalisation, and xenophobia.

The political situation and social climate in Denmark

Regrettably, since 1999 the situation for ethnic minorities, immigrants, and refugees in Denmark has deteriorated further in many respects. Two months after the terror attack on September 11, 2001 a general election was held (on November 20), for Parliament as well as for local government. That election campaign was the worst ever seen in Denmark with respect to xenophobia, and public announcements of disgust for and hatred of foreigners.

The winners of the election were the right wing parties: The Liberal Party and the Danish People's Party. The Liberal Party took over government together with the Conservative Party, with the Danish People's Party as a support party, guaranteeing a majority in the parliament. Core "values" in the Danish People's Party are: Danish nationalism, xenophobia and islamophobia, together with more money and better social security and services for the elderly population. The Danish People's Party used its position cleverly to the misfortune of all groups of immigrants in Denmark, not least Muslims.

In a recent opinion article in a much read Danish paper, Politiken, their chairman stated that Denmark had now arrived at "Phase 2" in her policy towards people of foreign origin (1). This means: abolishment of the permanent residence permit, with a possibility for dispensation after 10 years in Denmark, but never to refugees. Danish citizenship should only be granted exceptionally, and only after 10 years of financial independence, and only to persons able to write and speak Danish, and it should be cancelled for terrorists. Refugees should be motivated to repatriate, even if they already have a permanent residence permit. It should be easier to deport criminal foreign citizens, as a main option they should be expelled after a serious crime and without possibility for release on parole. Only foreign citizens from the Nordic countries and from the European Union should be allowed to vote in elections for local government. And all this together with more

restrictions and discrimination against all of foreign origin. Even if she did not use the words ethnic cleansing, the meaning was not far from that.

It seems now that some political parties think that there are more votes in working for division, exclusion, rejection, and harassment instead of working for inclusion, participation, conciliation, and equal rights.

The left-wing parties: The Socialist People's Party and the Unity List (left-socialist) are not of that observance, but they have not been able to promote an anti-racist or a pro-human rights agenda in the media. A new party: The Minority Party, has this agenda, but has been too small to gain a seat in Parliament. The Social Democratic Party is split internally on this question, and has supported some of the new discriminating laws. The party that was most outspoken for a humane policy towards foreigners, The Center-Democrats, lost their seats in parliament in 2001 and were not able to pass the cut-off level at the last election in 2005. Only the Social Liberal Party (De Radikale) appear in the media with a strong and open criticism of the anti-immigrant policies and the legislation from the coalition between the Government and the Danish People's Party.

Many harsh and discriminatory laws have been passed since 1999, and especially since the new government took office in November 2001, in order to restrict marriages between people living in Denmark and people from countries outside the European Union and the Nordic countries, and to hinder family reunification. The commitment to the Geneva Convention has more or less been dropped, and it is now in reality hopeless to seek asylum in Denmark as a spontaneous asylum seeker. It is also impossible to seek asylum in Danish Embassies.

A frequent question in the political and media debate is "Does Denmark really need to respect the international conventions on human rights?" During the past five years, there has been very little internal criticism of the Danish government, since most of the ethnic minority organisations, organisations fighting for equal rights, antiracism, or the rights of ethnic minorities have lost their financial support from the government. This has resulted in the closing down of some, and difficulties in the rest just to keep the organisations functioning.

On the political scene it may be said, however, that during the election campaign for parliament in January 2005, problematising foreigners and hatred against foreigners was not a big issue, unlike in the election campaign in 2001. Probably many politicians were thinking: "We cannot be stricter than we are without violating human rights", or "The Danish People's Party has gotten enough of their demands fulfilled!"

As to the forthcoming election for local government on November 15, 2005, some politicians from parties other than the Danish People's Party are using xenophobia with respect to important issues. Especially delinquency among the children of immigrants is an issue. A politician from the Liberal Party aspiring for the post of Chief Mayor in Copenhagen has proposed that new legislation should lead to forced expulsion and repatriation of non-Danish citizens the third time they violate Danish legislation.

Legislation

The Government and other organisations have more expertise on legislation than we have. We just want to state that in some areas Danish legislation is now frankly discriminatory against foreigners,

giving newly accepted refugees lower social assistance than Danes. The cash amount given is also lower than what is regarded as necessary for survival.

Also, the laws about family reunification are harsh and stupid. When they were passed their purpose was said to be to prevent forced marriage, but in fact their purpose was to avoid family reunifications to Denmark. A new principle of "connectedness to Denmark" judged by years of living in Denmark is being used: Only if the number of years spent in Denmark for both members of the married couple is greater than the number of years spent in another country will the partner will be granted permission to stay in Denmark. This has resulted in a new practice: Many of married couples now live in Malmö, Sweden, near Copenhagen, and after some years in Sweden they hope to be considered residents according to EU rules and thus get permission to stay in Denmark. Similarly, some live in Northern Germany and hope to be able to live in Denmark after some years.

Many of the new laws hinder full and equal participation in the Danish society, even though the official purpose of the law is "integration". A disturbing example: with the declared purpose of helping ethnic minorities realise that they need to speak and understand Danish, from the year 2011 the health sector is to make those who have been staying in Denmark for at least 7 years, and who still have poor knowledge of the Danish language, pay a big part of the fee for an interpreter. The administrative apparatus for such a system is absurd and will require maintaining a database listing how many years a person of foreign origin has been a resident! This law was passed in spite of a vast body of research finding that the health sector does not use interpreters in many situations where language problems are apparent. This has resulted in serious misunderstandings and errors and thus recommendations to use more interpreters. It is obviously in conflict with Danish Patients' Rights legislation. The law will probably result in more serious errors and hinder ethnic minorities in getting equal treatment.

Possibilities for retaining aspects of culture, religion, and language of origin are generally being reduced. The government now does not reimburse the local governments when teaching a mother-tongue to children, so this has been abandoned in many places (some exceptions are Randers and Copenhagen). This makes child rearing and help with homework more difficult for the parents. Deeper communication between children and parents may become difficult. This also sends a signal to the child: "Your mother tongue and culture is worthless in Denmark". Not acknowledging the language and the culture that the child brings will lower the child's self-esteem and acceptance of the culture of the family. This happens in spite of the fact that research has demonstrated that school performance is better when some instruction is in the mother tongue, even performance in Danish.

Comments on some specific issues:

The Board for Ethnic Equality has been closed down by the Government. This happened as part of a deal between the Government and the Danish People's Party (2). The other part of the deal was that the Danish Institute for Human Rights retained some independence in agreement with the Paris Principles and is still allowed to comment on Danish legislation irrespective of international criticism. The Danish Institute for Human Rights was the first of its kind in the world. During the legislative disputes, the Director of the Institute had to reapply for his own position.

But the closing down of the Board and the threats to the Danish Institute for Human Rights, has definitely weakened the criticism of racism, inequality, and discrimination in Denmark. It has also weakened political and public awareness, agenda setting, and the respect for equal rights.

Researchers in many institutes, especially those outside the universities, such as Sector Research Institutes which belong to ministries (i.e., are not quite autonomous), feel insecure. In his first New Year's speech after having taken office, the Prime Minister announced that he did not accept "taste-judges". This meant that he would not accept researcher's opinions, they should leave this to ordinary people and politicians! Also, he announced that he would close down a lot of advisory councils, institutes, etc., and take away State support for ethnic minority organisations. This has forced many of these organisations to close down or limit their work, since everything now depends upon volunteers, and the only financial resources in many organisations are membership fees. The Prime Minister later admitted that the reason for this was to avoid criticism. This has been a hard blow for antiracist, human rights, and ethnic minority organisations.

What has also weakened the public debate is a much more superficial, conformist, and Government supporting approach by journalists, especially in the TV news. Every now and then a problem among ethnic minorities is raised by a politician, by the media, and so on. Then a media storm arises, resulting in badly prepared and harsh legislation. Since the election in 2001, the news media, especially TV news, and the politicians have set the agenda for public debate. Whenever a problem about the ethnic minorities is mentioned, the Chairman of the Danish People's Party is called into the TV studio for an interview to give her opinion on that matter - usually promising more strict legislation. And, instead of asking researchers whether this is really a problem, or how frequently it appears, and what the implications are, the media will ask politicians what they are going to do about this big problem. Politicians typically think they can win votes if they urge stricter legislation. Then they hurry such legislation through, each new law more strict and stupid than the last! At the same time the media debate is used for problematising and scapegoating ethnic minorities. Many ethnic minorities admit that they cannot bear to watch Danish TV, and this further diminishes their possibilities of integration and participation in the Danish society.

One of the big issues in the news media is delinquency and crimes among the ethnic minorities. The Director for the Research Center of the Ministry of Justice is never interviewed about it, because her research usually shows no, or only slight to moderate, greater frequency of crime by ethnic minorities and mostly by those from ethnic minorities who have been born in Denmark. When controlled for other socioeconomic indicators, most of the differences between Danes and ethnic minorities disappear.

TV-2, which is supported by license fees, broadcast recently in a news programme part of a threatening music-video depicting an armed and masked ethnic minority gang. The video was made to advertise clothes, but was presented as a documentary. Only after a month of criticism and political debate did TV-2 offer a public retraction and apology.

After the terrorist attack in London this summer, a local radio station, Radio Holger, directed by Nazi Kay Vilhelmsen, commented that Muslims should be forcibly expelled from Denmark or killed. Only after a delay was the license to send cancelled and only for three months. The public support to this radio station as well as that to the Nazi radio station (Radio Oasen) in Greve has often been criticized by CERD.

It is not only the Nazi Party voices hatred against foreigners. Statements in the news by the Danish People's Party and sometimes even members of the Government, including the Prime Minister, and the spokesman for the Social Democratic Party are also very negative and support xenophobia. Among politicians, also among the party spokesmen on foreigners and integration, migrants and

refugees are often described as being a big problem for Denmark, in that they don't want to work, that their children are delinquent, that they don't respect Danish values, women's rights and democracy, but only Islamic Law, and are medieval in their views. Further, that they could be a terrorist threat for Denmark, that they don't want to become Danish, speak Danish, or to integrate in the Danish society. Perhaps the last argument has some truth: It seems that the political and media debate with its racism and xenophobia in has increased polarization.

Positive developments:

At the moment there are a few positive developments. A national board has been set up to deal with discrimination in some areas, as required by the European Union. This seems to be working, but whether it will have a preventive effect is yet to be seen.

More people from ethnic minorities now participate in debate. Ahmadiyya Muslims recently organized a meeting, inviting their kalif and the Minister of Integration to speak. They stated that they were not terrorists and that there was no contradiction between Islam and democracy. This resulted in some positive comments from the media.

Also, Muslims in Denmark recently have issued a Fatwa against female circumcision. This also brought about positive media comments.

The Police in Copenhagen are continuing their contact meetings with ethnic minority and anti-racist organisations, as originally suggested by SOS against Racism. The meetings are about problems with racism, discrimination, etc., and they work for better relations between the Police and ethnic minorities. The problems between Police and ethnic minorities seem to be fewer in Copenhagen than in many other areas, probably in part due to this collaboration.

More social, educational, and labour market research about ethnic minorities is being done, since a Center (AMID) was set up, just before the new government took office in 2001. The problem is that the politicians seldom listen to the results of this research, and when they see negative results, for example, high unemployment rates among minorities, they blame the minorities themselves. Sometimes they even act against the research recommendations: e.g., strict legislation against family reunifications, in order to avoid forced marriages, even though the researchers say these are rare. The fact that many 15-year-old school children with minority background have poor academic achievement (PISA-studies) has been used by politicians to say that the children should not speak their mother tongue, but only speak Danish, etc..

Conclusion:

Denmark no longer fully respects the Geneva Convention on Refugees

Denmark does not fully respect the European and UN Conventions on Human Rights

Denmark does not fully respect the UN Convention on the Elimination of All Forms of Racial Discrimination

Denmark does not fully respect the UN Convention on the Rights of the Child

The Danish legislation on terrorism may be challenged for keeping out refugees and for harassment of minorities

All these violations have left Denmark as a country with little respect for the rights of citizens of non-Danish origin. Political advancement has been linked to scapegoating of ethnic minorities and

there is only a weak opposition. The political leaders have not been open to International criticism, and have not wanted to bring Danish legislation up to the standards of international conventions. We are deeply worried about developments during the past 6 years in Denmark, and we are worried that the future could bring ethnic cleansing.

On behalf of SOS against Racism, Denmark

Anne Nielsen, Chairman

References:

- (1). Pia Kjærsgård: Fase 2. (Opinion article, Politiken, May 30, 2005, attached (in Danish))
- (2). The circumstances can be read in the publication. "History of the Board for Ethnic Equality."
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