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To the Committee on Elimination of all forms of Racial Discrimination (CERD)

Comments from SOS mod Racisme, Denmark, with regard to CERD's examination of Denmark on May 6 – 7, 2015

Dears Sirs,

SOS mod Racisme, Denmark, thanks CERD for the opportunity to make our comments.

We have read the Danish government's report on Denmark from 2013, the comments from Documentation and Advisory Centre on Racial Discrimination (DACoRD) from April 9, 2015, the Parallel Report from the Danish Institute of Human Rights (DIHR) and the Concluding Report by CERD from 2010 and the list of themes for the present examination of Denmark. We agree with the comments by DACoRD, but would like to add some comments about racism and discrimination in Denmark.

Xenophobia, Islamophobia and Stigmatisation in the Ongoing Election Campaign

We are very unhappy realising that many main-stream political parties in their general election campaigns have a very excluding and stigmatising negative tone as to foreigners, migrants, refugees, and their descendants in Denmark, especially Muslims. Not only the Danish People's Party, but also the Social Democrats (Socialdemokraterne, the biggest coalition party in the present government), the Liberal Party (Venstre), and the Conservative People's Party use minority groups as scapegoats in their electoral campaigns. The general election has not been called yet but must be held by September 15, 2015.

In their present campaign the Social Democrats boast of having expelled more foreign criminals than before and link it to a decline in crime in Denmark on one of its campaign posters. Another of their electoral posters says, "If you come to Denmark, you'll have to work!" The party argues in the texts that everybody has to be financially self-sustainable and to contribute to society.

The Liberal Party has made a massive campaign about families on social benefits getting too much money. Their spokesman on legal affairs has stated that the campaign is aimed at foreigners (In the following *foreigners* may include refugees and immigrants).

The Conservative People's Party has just launched a campaign with a poster with four lines:

STOP
NAZI
ISLAM
ISME

In the present and proposed legislation these parties also compete by presenting their policies against foreigners as being as strict as possible, which makes life very difficult for most foreigners in Denmark.

The Social Democrat/Social Liberal government – supported by the Liberal Party, the Conservative Party, the Danish People's Party and the Liberal Alliance - has just restricted the rights of asylum seekers in order to avoid that too many Syrian asylum seekers come to Denmark to seek asylum. Therefore, if they cannot prove that they are individually persecuted, asylum seekers will only get a temporary asylum for one year, a so-called temporary protection status, and with warnings that what is usually considered a safe-enough situation in their home country for returning refugees with a protective or Convention status will not be respected. Furthermore, not until their permission to stay is possibly prolonged after the first year - which is expected for everybody from Syria in the present situation - will they be entitled to ask for family reunification with their spouse and minor children under 15 years of age even though their family left behind in Syria or a neighbouring country would be in danger due to the present war. The UNHCR and others protested vigorously against the law saying that it might be a violation of Article 8 of the ECHR.

After the Government got this law through Parliament, the Danish Peoples' Party took up the competition for stricter rules for refugees and asked for a law that would not permit family reunification until after 5 years in Denmark!

Also the return of rejected asylum seekers is seen by the Government as something to compete about, and even though Afghanistan has asked Denmark to stop forced returns, since the human rights of the rejected asylum seekers returned will not be respected there, Denmark has said that it will continue and that Afghanistan is bound by a Tripartite MoU with Denmark, the UNHCR, and Afghanistan. The MoU is from 2004, when security and the economic situation in Afghanistan were much better than now.

Before the present government came into office in late 2011 there was a very great problem with many rejected asylum seekers who could not be returned to their country of origin because that would be refoulement, now some of them have been returned – some after 11 or more years in Danish asylum centres, and even families with children born and bred in Denmark have been returned – some with force. In many of these families parents or children have broken down mentally because of the long periods with stress and uncertainty. In some cases forced returns have been stopped with the party rejected in the aircraft just before the eviction because of interventions from international human rights committees (CAT, OCHCR).

It is true as our government writes that a law was been passed rendering it possible for some asylum seekers to move out of the asylum camps and work in Denmark, but only after they have signed a statement according to which they will cooperate with Danish authorities and police in every way, including return to their country of origin voluntarily if they are not granted asylum or subsidiary asylum in Denmark. Even if they do sign that condition, it will for practical purposes be very difficult for the asylum seekers to find a job or a place to live due to very strict and bureaucratic rules about where they may settle, under which conditions they may take a job, etc.

The Liberal Party has been campaigning for stricter rules for family reunification with foreigners in Denmark – not exactly the 100-point law, which was repealed shortly after the Social Democrats and the Social Liberal Party came into power. The Bill is based upon some of the same principles as the 100-point law: now disguised in new clothes: that it should be easier to get family reunification with spouses from a country with a high Human Development Index than with spouses from other countries, where family reunification should only be after 12 years. In both cases we think it will be discrimination according to the ICERD, and besides probably in violation of Article 8 of the ECHR.

The Conservative Party has suggested that Education in Christianity should have more lessons in the curriculum in government schools and that it should be impossible for parents not to allow their children attend lessons in Christian Education.

Besides it is our general impression that islamophobia is increasing in the public debate.

There was an anti-Semitic murder at the Jewish synagogue in Copenhagen in February this year, and the Jewish community has reported increasing anti-Semitism, especially after the war on Gaza in the summer 2014.

Protective efforts from the state party against Racism in Denmark

Even though in its report responding to the CERD (2013) the Government mentioned millions of Euros granted to fight racism and anti-radicalism in Denmark, it is hard for antiracist organisations to get funds. Most of the money is used for the anti-radicalisation programme, and most of the rest is given to municipalities. In reality the Government has done very little to fight racism and discrimination in Denmark, and the political debate contains much xenophobia and islamophobia.

There is a big group of persons who use the social media for xenophobia and islamophobia. This happens in the form of comments on some of the biggest newspaper sites, and Facebook sites, as well as the sites of right wing extremist organisations. It is our impression that to some extent the Danish Security and Intelligence Service (PET) will look at the last-mentioned sites to have an impression of the risk of extreme right wing terror, but that such propaganda is not hindered by the Danish authorities. Only the owner of the site can erase a comment if it is considered racist or injurious to a named person or group.

Children in Asylum Centres

Children in asylum centres are entitled to education but not at the same level as other children in Denmark in that **they do not have the right** to attend the Danish government schools (Folkeskolen). At the end of 2014, only 120 out of 1,100 children in age groups where schooling is compulsory in Denmark (6 – 16 years of age) attended government schools while the rest attended asylum schools under the Danish Red Cross. Of the 120 children in government schools 50 attended reception classes while only 70 children were integrated in normal classes.

For years it has been criticized that asylum children do not get an education with a curriculum that can be compared to that of a government school to any degree, and they have lost their formative years without getting much useful education. They will typically not get a chance to pass an exam when terminating school. Moreover their education will often be interrupted by moving the family from one centre to another when a centre closes due to fewer asylum seekers arriving, or when the family gets a negative response to their application for asylum. So in spite of the fact that this question has been intensively debated throughout the last decade, these children are massively discriminated against in terms of education.

Quotas for people of foreign descent in night clubs

In many night clubs and a few restaurants – at least in the two biggest cities Copenhagen and Aarhus – discrimination of people of foreign descent is reported repeatedly.

It is a problem that has been targeted many times but without much success. In very few cases the police have succeeded in having the owner convicted, and in those cases he would usually only be fined a minor amount of money – e.g. around 800 EUROS.

During the last 20 years SOS against Racism has had regular meetings twice a year with the Copenhagen Police also about such matters, and the Municipality of Copenhagen has made big campaigns at high schools and upper secondary school classes and business and trade colleges about registration of such discrimination in an anonymous way, but results are few. Such discrimination often gives rise to mistrust and anger towards society. In some cases the persons rejected have not been able to persuade the police to arrive at the places where they have been rejected, although this problem has been given priority in the Copenhagen Policeforce from time to time during the past 20 years. And the young men have felt that their rights have been respected neither by the night club nor by the police.

Yours faithfully,

Jette Møller,
President

Anne Nielsen
Vice-President