

The 38th session of the Working Group on the Universal Periodic Review
(U P R)
(3–14 May 2021)



STATE UNDER REVIEW
DENMARK

REPORT BY
Geneva International Centre *for* Justice

مركز جنيف الدولي للعدالة

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Introduction

1. Geneva International Centre for Justice (GICJ) is an organisation committed to the advancement of human rights for all, firmly premised on the fundamental belief that all persons are born free and equal in dignity and in rights. We view discrimination, in all its vile forms, as a scourge on the enjoyment of human rights in its divisive effect to separate persons on the basis of “the other”. This creates unhealthy and volatile societies facing daily tensions which can easily manifest in violence. GICJ considers the resurgence of discrimination in recent times as a serious threat to human rights that must be addressed with the urgency to match its severity.
2. This report on Denmark follows our commitment towards combating discrimination in all its forms and it is hoped that our recommendations assist in guiding Denmark towards constructively and urgently addressing its dire situation where discrimination has become entrenched in its politics and the government of its peoples.

Background

3. At the last review of Denmark during the 24th session of the Universal Periodic Review (UPR) in January 2016, concern was raised on its negative political discourse on migrants, including refugees and minority Muslims. Denmark was urged to combat discrimination, xenophobia, and hate speech, in particular Islamophobia.
4. In this regard, Denmark unequivocally accepted certain recommendations which committed to combating discrimination, xenophobia, hate speech, in particular Islamophobia. The accepted recommendations included *inter alia* the following:

120.59 Implement public awareness campaigns to promote tolerance and respect for cultural diversity and to counter prejudice, stereotypes, discrimination, racism, and Islamophobia (United Arab Emirates);

120.89 Take clear measures to combat Islamophobia, racism and xenophobia and hatred (Bahrain);

5. Despite these commitments made in its 2016 UPR, xenophobia, discrimination and hate speech, particularly Islamophobia, remains a reality in Denmark and even more concerning, are being advanced by the Danish Government through targeted laws and policies.
6. Although Denmark has ratified many international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, religious minorities and migrants still face systematic discrimination, strict conditions for citizenship, and collective punishment, reflecting Islamophobia, and xenophobia.

Discrimination against religious groups

7. In 2009, the ban on the wearing of face veils, such as *burqa* or *niqab*, was first raised by the Danish People's Party (DF), a right-wing nationalist party, and was touted under the guise of promoting integration and public safety, as well as promoting gender equality.
8. In October 2017, following its 2016 UPR and in complete contradiction of its UPR commitment to address Islamophobia, the Danish Parliament proposed a "masking ban"

which aimed to ban all forms of face coverings in public places. The motion was later proposed by the center-right governing coalition in 2018. With a majority vote in favor of the motion, the law passed and the ban on the wearing of face veils in public places came into force on 1 August 2018. The two (large) parties in Denmark, the Social Democrats, and the anti-immigration Danish People's Party agreed on this matter.

9. The Danish government insists that the law prohibiting the face veil is not aimed at any religion; however, it is blatantly and clearly directed at Muslim women who choose to wear the veil in public. Furthermore, the face veil ban is one among many steps towards stricter policies against Muslims and their constitutionally guaranteed right to freedom of religion.
10. There has been an increase in xenophobia, hatred and racism against immigrants, or Danish citizens of non-Danish origin. Most recently, an anti-Islam and anti-immigrant racist party, called 'Stram Kurs,' founded by Rasmus Paludan, has freely incited antagonism towards and propagated hate speech against Muslims. Rasmus Paludan and his collaborators have sought to provoke Muslims through offensive gestures considered blasphemy in Islam, including the burning of the Noble Qur'an on several occasions. He has claimed a right to these offensive gestures based on article 71 of the Danish Constitution relating to personal freedom and article 77 on freedom of expression. The competent authorities in Denmark allowed this act without regard to Article 67 of the Danish Constitution which guarantees freedom of religion.
11. In addition, these events have taken place in areas where the majority are of immigrant origins. In violation of Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, these actions constitute a clear incitement against an ethnic and religious group.
12. Such actions bear the real risk of creating violence and undermining the peace. There is overwhelming evidence to demonstrate the danger in which propagated and open displays of hate can materialise into actual and widespread violence. The Danish Government has the responsibility to protect all those within its borders from such violence and must address and de-escalate such incidents and displays of hate through urgent action, legal consequence, and outright clear public condemnation.

Strict conditions for citizenship

13. In tandem with the refugee crisis in 2015, the criteria to apply for citizenship became more restrictive. The level of the language requirement was raised, and the length and required percentage of correct answers on the citizenship test was increased. In addition, the penalty periods for committing criminal offenses was extended and the making of a dispensation due to mental illness became more difficult to obtain. The changes affected all pending applications at the time.
14. This trend has continued following the 2016 UPR and stateless persons continue to face additional obstacles in Denmark as many do not have a passport or the necessary documents to submit an application for naturalization. Although there is no legal requirement for persons to have their identity proven, applicants are required to provide a copy of his or her passport and a copy of a permanent residence permit. This raises specific concerns for refugees who do not have these documents due to their humanitarian circumstances. Due to inadequate law and policy to identify statelessness and facilitate stateless persons and refugees access to naturalization, the situation in Denmark remains worrying.
15. Furthermore, family reunification with a spouse, partner or other family members is difficult in Denmark. Even persons of Danish origin face obstacles in reuniting with their spouse from another country, as this person is classified as a migrant.

Discrimination and collective punishment of migrants

16. In the so-called “ghetto deal”, several policies have been adopted targeting immigrants living in specific areas defined as “ghetto areas”, including forcing immigrant parents to put their children (after attaining 1 year of age) into daycare for 25 hours a week, while at the same time ensuring that kindergartens have no more than 30% of their children from an immigrant background.
17. In addition, sentences for crimes committed in the “ghettos” will be doubled. Penalties must correspond with the crime committed, not be excessive or discriminatory in nature. The doubling of sentences for the same crime committed in a specific area is entrenched discrimination in the Danish legal system.

18. Moreover, a whole family from the “ghettos” can be punished and evicted from their homes if a single member commits a crime. Denmark has, therefore, adopted a policy of collective punishment which violates the fundamental principle of law that innocent people must not be punished for the wrongdoings of others.
19. The Danish Government has implemented a strategy called “abolish ghettos by 2030” to put an end to the segregation in “ghetto areas” where the majority have a “non-western background”, a frequently used term to describe mostly Muslim immigrants. Many terms with negative connotations are being used to target Muslim immigrants and refugees, including “violent”, “criminal”, and “backward”.
20. In this regard, instead of integrating the migrants coming to Denmark, or those who have already lived there for years, the authorities are contributing to the increased segregation by using such discriminatory terms and adopting suppressive and regressive policies targeting these specific groups within the society.

Recommendations

21. GICJ makes the following recommendations to the Government of Denmark:
 - Abolish laws and policies perpetuating discrimination, including the law against face veils which inter-sectionally discriminates against Muslim women and violates their freedom of religion;
 - Abolish all laws and policies enabling collective punishment of persons for crimes committed by a family member, including forced evictions;
 - Ensure coherent and consistent application of sentences for crimes and abolish laws and policies which would result in disproportionate or excessive punishment for crimes committed by specific groups of persons, including in areas where immigrants make up the majority of inhabitants;
 - Ensure the protection of the civil rights of ethnic and religious minorities, and prohibit all acts of incitement;
 - Enact a law which clearly differentiates between hate speech and freedom of speech, and prohibit hate speech in all its forms, including against immigrants and minorities;

- Amend immigration laws to recognise the humanitarian situations which render it difficult or impossible for refugees to provide immigration authorities with passports and other documentation regarding their origins or identity;
- Implement coherent immigration policies and laws to facilitate naturalization of stateless persons and refugees;
- Develop and implement immigration policies and strategies to facilitate family reunification;
- Cease and prohibit the use of discriminatory terms and rhetoric, especially by Politicians;

Respect and adhere to all ratified human rights treaties, particularly the International Convention on the Elimination of AI



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