



REPORT TO THE CHAIRMAN-IN-OFFICE OF  
THE OSCE ON THE COUNTRY VISIT TO  
DENMARK

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the OSCE on Combating Intolerance and Discrimination  
against Muslims

29 – 31 May 2006

## **Introduction**

In response to an official invitation from the Government of Denmark, I conducted a country visit to Denmark on 29 – 31 May 2006. The programme of the visit and organization of meetings was co-ordinated by the Ministry of Foreign Affairs. A copy of the programme is attached to this Report (Annex 1). During my visit I was accompanied by the ODIHR's Tolerance and Non-Discrimination Programme Officer Ms. Nav Purewall.

Given my mandate as the Personal Representative of the OSCE Chairman-in-Office to promote better co-ordination of participating States' efforts aimed at effective implementation of relevant Ministerial and Permanent Council Decisions in the field of tolerance and non-discrimination, and to cooperate with the Chairmanship-in-Office in this endeavour, the purpose of the visit was to:

- 1) Learn about the problems and the situation of Muslims in Denmark, including difficulties and efforts for integration, and to make observations and report findings to the OSCE Chairman-in-Office;
- 2) Identify good practices underway in Denmark to promote tolerance and respect towards Muslims and combat discrimination and intolerance against Muslims;
- 3) Raise awareness about programmes available to support the Government of Denmark and representatives of civil society in their efforts to combat intolerance and discrimination against Muslims.

Taking into consideration the active work of other key international organizations in assessing the situation of Muslims in Denmark, my report builds also upon the findings and recommendations of recent reports issued by relevant International Organizations and other international bodies, as well as on the assessments of the civil society.

Although the main purpose of my visit was not solely confined to a discussion of the so-called "cartoon crisis", this issue came up during almost all my contacts.

I would like to thank the Ministry of Foreign Affairs and the Permanent Representative of Denmark to the OSCE for all their efforts to develop a comprehensive programme for my visit which was well-organized and coordinated and which included a good balance of meetings with high-level authorities, representatives of Muslim communities as well as experts from non-governmental organizations and specialized bodies.

## **Overview of Meetings during Country Visit to Denmark 29 - 31 May, 2006**

**Monday, 29 May 2006**

My first meeting at the Ministry of Foreign Affairs with the Undersecretary for Legal Affairs Ambassador Peter Taksoe-Jensen and his collaborators (Mr. Kim Vinthen, Head of Human Rights Unit, and Mr. Jens Faerkel, Minister Counsellor) was more of a welcoming nature, where we went over the general lines of the programme and discussed issues that fall within my mandate. I was advised of the visits to Denmark by the UN Rapporteurs and in that context the requirements of reports on similar topics by different International Organizations were touched upon. We also had a frank exchange of views on the present state of affairs at the OSCE.

### **Danish Institute for Human Rights (DIHR)**

Afterwards, I visited the Danish Institute for Human Rights (DIHR) and had a lengthy and fruitful discussion with the Executive Director of the Institute Mr. Morten Kjaerum, who is also a member of the UN Committee on the Elimination of Racial Discrimination. Deputy Director of the Institute Ms. Birgit Lindsnaes, Senior Researcher on Human Rights and Religion Ms. Eva Maria Lassen, Project Manager for Human Rights Monitoring in Denmark Mr. Christoffer Badse and Project Manager for Complaint Handling Mr. Omar Rosenberg Khawaja were also present.

After an introduction of my mandate, my first question to Mr. Kjaerum was about the DIHR's administrative structure and why an extensive reform was made in that regard as recently as 2003. Mr. Kjaerum explained that the DIHR was the successor to the Danish Centre for Human Rights (DCHR), founded in 1987, which he headed from 1991 onwards. The DCHR's works throughout the 90's on refugees and immigrants apparently drew the ire of far right political circles.

After the general elections of November 2001, the Danish government was formed as a right-wing bloc for the first time in the last 60 years, and was made up of a two-party minority government supported by the Danish People's Party (DF) from outside. One of the conditions

that were put by the DF for supporting the government was that the DCHR was to be disbanded. The ensuing decision to close the DCHR was widely criticized by not only the OSCE and the ODIHR, but by local circles as well, which forced the Danish government to reconsider its decision, and by the end of 2002 a new structure was devised so as to accommodate the concerns of critics.

This was the creation of the Danish Centre of International Studies and Human Rights, which consists of a Board of Directors that is in charge of budgetary matters only, and two separate institutes called the DIHR and the Danish Institute of International Studies (DIIS). Hence, the functions, as well as the Board of Directors of the defunct DCHR had passed onto the DIHR, whereas the Board of Ethnic Equality (BEE) was closed. As EU directives were violated by the annulment of the BEE, however, the government again looked for reviving the Board's functions, and in the end opted for creating a Complaints Committee for Ethnic Discrimination, of which Mr. Khawaja was a member.

Mr. Kjaerum clarified that the DIHR was not a state agency, was not an NGO either, but worked along the lines of an ombudsman, and was in the family of national democratic institutions. (Mr. Kjaerum also leads the International Network for National Human Rights Centers).

I told Mr. Kjaerum that my mandate focuses mainly on the situation of Muslims, and that I had studied various documents about the matter, from various sources such as the ECRI and the EUMC, including the official presentation of the government of Denmark in light of the cartoons crisis. I shared my observation that the latter seemed to focus mainly on integration and that while the human rights situation in Nordic countries was generally always positive, the overall impression was that things had worsened in Denmark in the last 4-5 years vis-à-vis foreigners in general and Muslims in particular. I also explained that I intended to study the situation of Muslims in Denmark, who add up to 200,000 people, under four main headings:

a) Religious Freedoms: This seemed to be the least problematic area, except for the problems encountered in relation to constructing suitable places of worship. The fact that there were a lot of mosques across the land was clouded by the reality that most of these were makeshift buildings. Recognition of Islam was also an issue.

b) Structural Problems: Inadequate housing and the notion of ghettoism, which were interconnected with other problems such as improper schooling, segregation, (mostly hidden) discrimination as regards employment were areas of concern under this topic. I highlighted

that this problem seemed to be more widespread, i.e. not confined to Denmark, and asked to learn more about Mr. Kjaerum's observations.

c) Legislation: I reminded my counterparts that the international community was generally critical of Denmark's recent changes to its legislation, especially the Foreigners and Immigration Acts and their implementation, branding them as tough and restrictive, and asked for comments.

d) Social Milieu: The political discourse towards and media coverage of Muslims in Denmark seemed to be the source of greatest concern, as reflected by the cartoons crisis. Apparently, the discourse of rightist elements of the political spectrum, which had forced the DCHR to close down, was behind the controversial changes to legislation as well. It was in this vein that I asked Mr. Kjaerum to comment on the aforementioned points, and highlight not only problems, but good practices as well.

Mr. Kjaerum said that he basically agreed with my framework, and had two additional points of his own:

1. Denmark was not successful in integrating minorities: Mr. Kjaerum underlined that Denmark was struggling with the challenges of becoming a more open and extrovert society, rather than a more family-oriented, farmer based society, and while the high rate of taxes ensured that there weren't starving people on the streets, the difficulties were still evident as regards disadvantaged groups such as the disabled people or ethnic minorities.

2. Inferiority Complex: The example that was used in this context was the treatment of the German minority in Denmark, which was exemplary. Mr. Kjaerum explained this phenomenon by arguing that the way Danes treated Germans was from the perception of the bigger picture as seen by Danes, who consider themselves as a minority to the Germans, the "big brother". Mr. Kjaerum used the same analogy to state that while the 200,000 or so Muslims in Denmark seemed like a manageable figure, they were a reflection of the threat that the vast Muslim world posed to "the Christian culture that small Denmark stood for".

Ms. Lassen elaborated on my description of religious freedom. She believed that the social milieu's influence on religious freedom was even bigger than my portrayal, and reminded that some circles had previously asked from the parliamentary rostrum that "only Christians should get Danish citizenship". She further explained that whenever Muslim practices were highlighted, it was done so in a bad light. Apparently, the Muslim slaughtering ritual was scrutinized as such, and the appeals for banning the practice were only shelved when it was discovered that Jews were also to be adversely affected. The fact that groups

apart from Christians and Jews were described as "other" categories also pointed towards the existence of implicit discrimination, leading to the conclusion that religious freedom existed, but religious equality did not.

Ms. Lassen further detailed her last point by reminding that there were currently three types of religious communities in Denmark:

- a) the state church,
- b) recognized communities
- c) acknowledged communities

While the difference between recognized and acknowledged communities was mostly about semantics, the atmosphere in the country affected the perceptions of the people, making them believe that there was a differentiation.

Another example that Mr. Kjaerum brought up was that while marriages in Lutheran churches were automatically registered by civil authorities, other groups didn't have this possibility. A similar case was valid for registration of newborns, and he suggested that groups such as Muslims should be allowed to register their children directly to the municipalities, rather than going through the Lutheran Church.

I argued that the civil authorities, rather than the religious communities should issue the birth and marriage licenses, so as not to encounter problems with age limits, mental capacity, intra-family marriage, etc.

Mr. Badse underlined an interesting perspective. He argued that the "Muhammad" crisis surprised the Danes, in conjunction with other events such as 9/11, London and Madrid bombings, Theo van Gogh killing, burned Danish embassies, etc. which had all played a role in the perception of Muslims in the country. He argued that Muslims were seen as a monolithic group for a certain period, but that even the rightist politicians were careful now in targeting "radical Islamists" only.

He touched upon the Danish government's position vis-à-vis freedom of religion and the debate on the impact of religion in the public sphere. He underlined existence of freedom of religion, but not of equality of religions. On ghettoization and parallel societies, and on how to avoid self segregation, he argued that the existence of schools that were 90% "black" caused cases of reverse discrimination. Mr. Badse also questioned how interference of one's choice of school or residence can take place without breaching the freedom of choice.

Mr. Kjaerum summed up by stating that things needed to be analyzed from the perspective of discrimination, as well as of equality. He explained how difficult it was for Denmark, a country who had taken a leading role in the condemnation of apartheid, to come to grips with the fact that it, too, had a problem of discrimination. The problems in the housing market in which even those with adequate financial means found it hard to move beyond their ghettos, showed that discrimination may even come in invisible forms. He also highlighted that discriminatory practices should be targeted instead of trying to establish equality between various religious groups, which was impossible in practice due to the fact that one group (Lutheran Christians) had a backing of almost 95%.

I agreed with Mr. Kjaerum, and shared my observation that the problems seemed to emanate from certain circles that had a derogatory view of Islam, rather than the Danish state itself which recognizes Islam as a religion. I asked my counterparts whether they thought the necessary lessons had been drawn by the government from the cartoons crisis.

Ms. Lassen said that half of the Danish population had actually reacted to the publication of the cartoons, the dialogue within the society as a whole was a positive element, and the majority of the population wanted to keep the Penal Code article on blasphemy intact. As some good had actually come out of the crisis, she expected the government to react accordingly, but that it might be difficult under the yoke of the rightists to admit their mistakes and move on. However, she mentioned that many previous supporters were moving away from the rightist parties.

Mr. Kjaerum added that many people had actually understood that the ongoing rhetoric was actually damaging Denmark. Strong private companies such as Danfoss had spoken openly against the government. Serious books about Islam were also much more popular by the public.

Mr. Badse's foresight was that the government would keep the dialogue channels open, but stay the course.

I analyzed the cartoons crisis in some depth with my interlocutors. The crisis essentially had two dimensions, one in Denmark and another on a global scale. The latter, of course, was more damaging. The cartoons themselves were tasteless, pointless, and hadn't even met their publishers' goal. The attitude of the Danish government was instrumental in the creation of the crisis, as they failed to distance themselves from the publication of the cartoons at an early phase in a meaningful manner.

I told my counterparts that I had actually met with the Danish Minister of Foreign Affairs during the Forum for Future meeting in Doha on 14th November 2005, where I had an opportunity to tell him that his government's position did not seem to be the right way to defuse the crisis, but could escalate it. The developments then inspired some other artists to carry out similar silly acts.

The news that the author of the children's book, who started the whole episode by claiming he couldn't find anyone to picture Muhammad, a Mr. Kaare Bluitgen, was working on a new book about interpreting Quran was again disturbing. Lacking the necessary language and theological skills, this character was probably going to use this or that interpretation of Quran, handpick a couple of sentences from the whole text, and possibly come up with mocking or disrespectful arguments. This was another recipe for further deepening of the fault lines. It was other initiatives like the Alliance of Civilizations that now tried to repair disrupted ties.

Ms. Lassen said that Mr. Bluitgen wasn't a very good writer, and Mr. Badse claimed that there was a risk of intimidation, as self-censorship was promoted in certain circles, and the only real option was not to buy the books that were offensive.

I said that possible reactions to Mr. Bluitgen's books wouldn't necessarily be about the quality of his work, and clarified that the aim was ethical codes, rather than self-censorship. Self-regulated bodies that exist in certain countries provided an answer, in which the said bodies sanctioned possible offenders of previously agreed ethical codes.

I reminded that the Chief Prosecutor in Denmark had summarily dismissed the case about cartoons in a verdict that was criticized as more political than legal. I shared my observation that the issue should have been left to the courts, which had previously used the blasphemy paragraph of the Penal Code against an e-mail of the DF, or against the offenders that had painted swastikas on a workplace, and asked my interlocutors' opinion.

Mr. Kjaerum said that he believed there was a genuine effort in the preparation of the General Prosecutor's verdict. However, a reference to the UN Convention of Racial Discrimination was missing, which is the sole document that covers the freedoms of religion and expression in a joint manner. He was of the opinion that the courts should make the decision.

Mr. Khawaja said he was in doubt whether the courts would have sentenced anyone even if a case was opened. He underscored that the Danish legal system doesn't allow groups to go to court, because it was difficult to prove the interest link.



I finally asked how things have been affected since 2002, i.e. the toughening of immigration and residency laws by the Danish government, and how complaints pertaining to the new situation are handled.

Mr. Khawaja provided information about the Complaints Committee (CC) under the DIHR, of which he is a member. The Committee was founded in accordance with the Act of Equal Treatment, and its mandate was on complaints regarding race and ethnicity (i.e. religion was not included). He touched upon the difficulties that they encountered in identifying Muslims as an ethnic group, and gave the example of the United Kingdom, where Jews and Sikhs are identified as a separate ethnic group. The Committee assessed and handled cases of discrimination, mostly at the labor market.

Mr. Khawaja gave the example of denying someone from entering a restaurant, and said that such a case of discrimination would fall under the Danish Penal Code and is, as such, normally covered by the police. That being said, there was a reluctance to report such cases, and to process them. Most importantly, the Danish Parliament had to come to a decision on whether they wanted to take a stand against this kind of discrimination, and include religion as a factor of discrimination or not.

He explained that the Committee, upon receipt of complaints, was able to make a non-binding decision, and this was not a legal basis for the complaining party to go to court, although at this point the Committee provided free legal advice for him/her to go to court.

According to his figures, as of July 2003, when the CC's mandate passed from the Parliament, a total of 215 complaints were received, of which 35 were decided upon by the Committee. The total number of decisions pointing towards discrimination was a mere 7-8. Mr. Khawaja admitted that this could at best be described as a mixed result, based on their mandate, their level of recognition and their means.

He further explained his last point that the CC could only work on documents that were brought to them, i.e. they can not officially ask for documents from any institution. Most of the complaints were on an oral basis; therefore they were hard to prove when penetrating facilities weren't at their disposal. This proved to be a major difficulty especially with private bodies. He said that they also want to open the channels to go to court when they decide that they can't come to a conclusion due to lack of evidence, and that perhaps one model they could import would be from Sweden, where there is an ombudsman on discrimination.

I found Mr. Kjaerum's final comments to be of interest, where he stated that the

Attorney General is a part of the Ministry of Justice's apparatus, which enables the government to do a lot more on some cases if they so wish.

### *Roundtable with NGO's*

Later that day, I attended a Roundtable with NGO's hosted by the Danish Institute for Human Rights. The points raised by civil society representatives can be summed up as follows:

1. Situation of Muslims living in Denmark is quite different after the cartoon crisis. Muslims and Danes need a period of reflection, thinking about what happened and why. The main actors of the debate have been silenced. The present situation is unclear and confusing, so that it is difficult to present oneself as a Muslim. Generally the debate is not about Muslims, but Islam. On the other hand, Muslims in Denmark are not well organized and they lack adequate communication. Some dominating voices present themselves as representatives of the Muslim community and try to dominate the debate. Prejudices and stereotyping of Muslims is a major problem. However, Muslims have also failed to display their true image. They have given a somewhat wrong impression of who the Danish Muslims are. On the other hand, not only practicing Muslims, but all Muslims should speak, so that a wrong and misleading impression in Denmark of Muslims and Islam should not be created.

2. The cartoon crisis has been a wake-up call for everybody. This crisis prompted some political leaders to stop looking at Muslims as a one homogenous group. There is now more willingness from some of them to listen to the Muslim voices.

Before the cartoon crisis, Muslims were looked upon as monsters and this led Muslims to be on the defensive side. Now Muslims are not on the defensive side. Some were arguing that being a Muslim and a Dane at the same time was not compatible.

The crisis was used as a political capital also to polarize the civil society. The broader scope of why Muslims are identified as not part of the Danish society must be dispelled through progressive and constructive dialogue.

A positive outcome of the cartoon crisis has been the increased foreign (outside) interest in Denmark.

Media is not interested in dialogue with Muslims and Muslims are pushed out by the media.

Diverse Muslim groups live in Denmark. They are fragmented not only on ethnic lines, but also in political understanding and socio-economic conditions.

3. ENAR Shadow Report has shed light on the human rights situation of the Muslim community in Denmark. Diversity of Muslim communities and differences of their socio-economic perspectives have also been underlined.

Through media monitoring more than 1200 articles of ten largest newspapers were surveyed and 90% of the coverage of Muslims was found to be biased and negative.

The debate in Denmark is shifting from ethnicity and color to religion and culture, as observed in the tendencies in the public discourse.

Media is instrumental in changing the mindset of the Danish people, as Muslims are the most visible minority group.

Negative portrayal of Islam and Muslims is presently observed not only at the fringe far right parties, but also in the mainstream parties. Political leaders, on the other hand, tend to adopt a knee jerk reaction to criticism. Muslims are caught in between: socialists do not want religious people, others do not want foreigners. The case of political parties pandering to populism is also misleading the public. The reaction of the government to the ECRI Report (“throw it to the dustbin”) is an eye opener.

4. Monitoring political rhetoric and Islamophobic utterances: Marginalized organizations and political personalities in the far right campaigning against Muslims are now in a position of power. Nowhere in Europe can one find so much negative rhetoric even at the mainstream parties, as seen in Denmark. Hate speech is also more pronounced in Denmark as compared to other countries. Islamophobia is the centerpiece of the People’s Party. Their discriminatory statements are not hidden or subtle, but can be seen openly in papers or TV.

The Prime Minister, however, categorically denies existence of hate speech in Denmark. Government’s reaction to criticism represents a general attitude of psychological defense.

The discourse against Muslims resembles the attitude towards Jews in 1930’s. Some have even started to claim that Muslims are awaiting to invade and then kill the Danes.

Islam is not recognized as a religion in Denmark. This is a big impediment for freedom of religion. Lack of proper mosques is another problem area.

5. Government is constantly talking about dialogue, but in fact there is really no dialogue at all with the Muslim community. They also talk about tolerance, but what the Muslims want is respect.

6. Muslims should not concern themselves very much with the rubbish talk, but should try to give a good image of Islam. They must also portray their kindness.

7. It has to be recognized that there are two major Muslim groups in Denmark; guest workers and refugees. However the practical problems they encounter are rather similar, being religious education, lack of proper mosques and well trained Imams and Muslim graveyards. The majority of Muslims want dialogue. However the caricature crisis has shown that there is a big gap between the majority Danes and the Muslims.

8. The Prime Minister is not a devil, but a clever politician. He needs majority. However he has not been a successful politician as far as his handling of the cartoon issue.

The Prime Minister has also given confusing signals to the society through his cynical remarks. So far no serious incident has happened in Denmark and the economy is going well. As soon as the situation will change, the Prime Minister will also change his policy.

The media is exaggerating the problems. It will take three-four generations for Muslims to fully integrate with the Danish society.

9. The government and the media is trying to split Muslims as good Muslims and as bad Muslims, which is quite damaging. Muslims should not be put against each other.

10. Illusion of normality: It has become quite normal to accept discriminatory attitudes and to have a discriminating government. Muslims should insist on changing this discourse and should insist that they are equals to Danes. They are no more guest workers.

Question of authority: Who has the right to define values? Muslims were humiliated and had to endure ridicule because of this attitude.

Another threat to Muslims would be from other Muslims, like those who call themselves Democratic Muslims. Democratic Muslims are demonizing those who do not accept their concepts.

Structural issues: It is absolutely impossible for a Muslim, even if born in Denmark, even if a democrat, to have a political carrier.

The main enemy of Muslims are Islamists.

11. How to relate is the main obstacle before Muslims in Denmark. Islam is now playing a political role in Denmark. Therefore Muslims also have a responsibility to solve the current impasse.

The fundamental point is not on people to people contact but on perceptions and interaction with the media and politicians. Danes, on the other hand, should also try to relate to “the other”.

12. Freedom of media has been used as a shield to avoid discussion of discrimination and to avoid going into deeper and more difficult argumentations on assimilation.

Freedom of expression was never challenged. Therefore the debate was carried on false premises.

It is not correct to say that there is no racial violence in Denmark. However, violence perpetrated by a Muslim is always exaggerated and repeatedly used. Hooliganism is always portrayed as a sociological problem, however crime by Muslims is portrayed as a cultural problem.

The high unemployment rate of 50 – 60 percent among Muslims is a further obstacle in front of Muslims. Arabic sounding names are not even considered for interviews.

13. Legal matters: Blasphemy law has never been applied for Muslims. The Attorney General, who is a government employee, decides if a case would go through the court.

14. Democratic Muslims is a set up used as a front by the government. They have been given three million kroner, but they are not using it for the good of Muslims.

Some are trying to change lessons on religions to lessons on Christianity. On the other hand, Ministry of Church pays for the expenses of the churches, but not of the mosques. In other words, the Danish state is functioning for Christian religion and the churches but not for Muslims.

15. The Documentation and Advisory Centre on Racial Discrimination (DACoRD) could not attend the Roundtable with NGO's. I talked briefly on the phone with Mr. Niels Erik Hansen, Director of this Centre, and he forwarded to me some information about hate speech in Denmark, which can be found at Annex 6. Mr. Hansen also informed me of the following:

“I can also inform you that recently (May 24) DACoRD received a new decision from the Danish authorities. Member of Parliament Søren Krarup from the Danish Peoples Party stated last year that “... according to Islam it is the man's right to punish wife and children so that they become yellow and blue. This form of violence has a sadistic and brutal nature”. (Daily newspaper Politiken, November 5, 2005)

DACoRD filed a complaint for hate speech on behalf of a Muslim man, but the police and the State Prosecutor has rejected the complaint, stating that as politician and a Member of Parliament Søren Krarup has an extended freedom of expression on political issues like this. As we have now exhausted all national remedies, this case will be filed as a petition under ICERD Article 14, like the previous case that was decided in March 2006 by the CERD – also about hate speech from another leading member of the Danish Peoples Party.”

### *Minister of Foreign Affairs*

Mr. Per Stig Møller, Minister of Foreign Affairs, welcomed me to Denmark, and highlighted the good cooperation that exists between the OSCE and his country.

After emphasizing his wish that the cartoon crisis would not harm the integration process in Denmark, Mr. Møller said that one good outcome of the said crisis was showing that the Muslims living in Denmark are not that different from their compatriots, which could be seen from the civilized discussions that took place in February and March 2006, following the crisis. Mr. Møller stated that the six imams who had traveled to Middle Eastern countries in November-December 2005 did not represent the views of the Muslim community in Denmark, as can be seen from the fact that the many town councilors of Muslim descent were evenly distributed among various political parties in Denmark. The creation of “Democratic Muslims” initiative was further evidence to this fact. The Danes, on the other hand, realized the diversity of the Muslim communities.

The Minister went through the official Danish position on the cartoon crisis, and underlined that a sense of indignation existed on both sides during the crisis. He clarified that his messages throughout the crisis was one of understanding, so as to ensure that none of the

parties tried to forcefully change the other's views. Mr. Møller highlighted various conferences and meetings he attended in order to promote mutual understanding.

The Minister characterized the cartoon controversy as “unnecessary” and said that the incident was inflamed weeks after the publication of the drawings.

I reminded that my previous meeting with Mr. Møller had taken place in November 2005 and informed him about my mandate and my visit's objective.

I told Mr. Møller that in my assessment of the situation of the Muslim community in Denmark, I would consider four problem areas. (As touched upon in my meeting with the Danish Institute of Human Rights, these are the social milieu, legislation, structural issues and freedom of religion in general). I shared my impressions about the meeting I had earlier with the local Muslim NGO's, and confirmed Mr. Møller's observation about how diverse their views mostly were. I drew attention to some NGO's pessimistic observations, the anti-climax of which was a remark that “there was an illusion of normalcy in Denmark”, and recommended that concerns of the population, even exaggerated ones, must be duly evaluated.

I also shared my observation with Mr. Møller that the cartoon crisis was unnecessary, and it was rather unfortunately portrayed as a clash between the freedoms of expression and religion. I explained that what the international community expected of the Danish government was not to force the newspaper to revert the cartoons, but rather to distance itself from them due to their repulsive and unaesthetic nature. As I also reminded him during our meeting in Bahrain, the Danish government also had a freedom of expression, but that there wasn't a reaction to the said cartoons for a long time, after which came the unacceptable acts of violence and even loss of life.

I pointed out that it was important to take lessons from the damage done, and shared my viewpoint that Denmark now had to redouble its efforts to establish its reputation once again with the Muslim world, as it once had done thanks to its contributions to the Middle East peace process.

I then forwarded some of the problematic points raised by the civil society in terms of employment, housing, family reunification (which was recently taken up by the ECRI as well), as well as good practices, such as the Complaints Committee that functioned under the Danish Institute of Human Rights, although it needed more powers.

Minister Møller thanked me for my frank, even blunt comments. He stated that Denmark's report to the OSCE in relation to the cartoon crisis was well received, and argued that the crisis wasn't of an international nature, but it was rather a problem with some countries. He explained that the situation got out of hand when the cartoons were reprinted in Norway in January 2006, and that he was under the impression that the matter was closed as of that month when the events in February 2006 unfolded.

Mr. Møller expressed that he had warned his counterparts in November 2005 "to not help those who expect the Clash of Civilizations". He further observed that various parties could have acted differently throughout the crisis.

Mr. Møller then proceeded to explain to me that freedom of religion actually exists in Denmark, and that out of the 84 recognized religious communities, 20 were Muslim congregations. There were 140 mosques throughout the country. He further gave examples of campaigns of disinformative nature that were carried out in the midst of the crisis, such as an SMS campaign that allegedly warned that "the Danish police aligns with neo-Nazis to beat up Muslim groups", or that "Qurans were to be burnt in the Town Hall Square by Danes". Minister Møller highlighted that four months had passed after the cartoons were first printed when the first signs of mass disturbances came from the Middle East, which clearly confirmed that various parties involved couldn't see in time that they were losing control over the developments.

The Minister agreed with me on the need to explain the compatibility of freedom of expression with freedom of religion. He underlined Denmark's contributions to the Middle East Peace Process, and shared some of the concrete results from the Arab Initiative that his government had started as of 2003, notably the creation of an Ombudsman in Jordan and the facilitation of women's participation in the labor market in Morocco.

He further elaborated on the Arab Initiative and said that its primary aspect was that the partner nation determined the area of cooperation. The Danish Parliament had recently amended the initiative. The changes included a budget increase amounting to 25%, and a decrease in partner countries to 6 from the previous 18. Other aspects of change included enhanced staff presence in Danish embassies in partner countries, more people-to-people contacts, and possibly the creation of an Arab Institute or an Arab House in Denmark.

On the recent ECRI report on family reunification, Mr. Møller said that he had sent a letter that featured the factual errors of the said report, that two Danish professors had recently agreed with his observations on the media, and that many countries in ECRI meetings also agreed with his points.



Upon my question, the Minister explained that virtually no difference existed between “approved” and “recognized” religious communities, and the practical aspect was that both types of communities were entitled to have tax reductions. I advised Mr. Møller to inform the Muslim communities on this nuance, as some members of the civil society had expressed doubt on this aspect.

I underlined once again that the Muslim world’s expectation was that the Danish government merely distanced itself from the cartoons, and I shared my view that things could have turned out very differently if the Prime Minister’s New Year speech had come at an earlier phase.

Minister Møller’s response was that they perceived the developments as a dialogue, rather than as a crisis basis for a long time. He explained that the 11 Ambassadors of Muslim countries were given a polite answer by the Prime Minister to their initial appeal, and expressed doubt whether things might have turned out differently if the said Ambassadors were invited for a meeting with the Prime Minister. He raised the question of why it took 2.5 months for Muslims to be angry with the cartoons, and claimed that the Ambassadors had crossed the line by demanding that the Prime Minister “put all those responsible to task”. He expressed doubt on how, hypothetically, other countries would have responded should a Danish Ambassador have taken up such a tone with them. He argued that a deeper understanding of the cartoons crisis was necessary.

Having said all these, Minister Møller recognized that there exist some lessons learned, like the need for more focused interaction with the Muslim communities, for a new strategy for person to person contacts, for more scholarships to Muslim students and the like.

I shared my observation that the crisis in fact seemed to involve the dignity, rather than religious values of Muslims. I concluded by saying that I hoped that Denmark’s representatives would be attending to the OSCE Tolerance Meeting in Almaty on 12-13 June.

### *Briefing at the Turkish Embassy*

As people of Turkish origin constitute the largest Muslim group in Denmark, I visited the Turkish Embassy and received a briefing on the situation of Muslims in Denmark. The following points were underlined:

a. Freedom of religion does not constitute a major problem for Muslims. However, getting license and provision of funding for proper mosques is a point of complaint. On the

other hand, the controversy on “recognized versus approved” congregations need to be resolved.

b. Education, however, is an area where improvement is needed. Segregation in schools leading to non-integration is a major problem. The practice of making a differentiation in teaching of mother tongue to EU citizens but not to Muslim migrants is also seen as discrimination. The uneven implementation of classes on religion also leads to a community perception of discrimination.

c. Integration strategy of the Danish government is not coherent and consistent and gives the impression of an assimilationist model. It is difficult to get an objective picture.

d. Legislation on family reunification and restrictions for entry are two areas of major complaints and discrimination. The current age limits are arbitrary and unity of families are in danger. The justification of preventing forced marriages is not convincing and the current practice has implications for freedom of movement for Muslims.

e. The cartoon crisis deeply affected the perception of the people. Admission of lack of knowledge of Islam is a healthy sign. The Danish society tried to hold together in the face of extreme reactions Danes faced; however they now started to question the reasons behind the crisis and started to accept mistakes done in this process (soul searching). The Public Prosecutor’s decision not to bring the case to the court is seen by many as a mistake and the decision of the European Court of Justice, if Denmark would be found guilty, will constitute a big embarrassment not only for the government but also for the society as a whole.

f. In the aftermath of the cartoon crisis the Danish government officially tended to put the blame and responsibility on others. However, in private conversations everybody accepts the fact that many mistakes were done. Now is the time to look to the future, not to repeat the past mistakes.

g. People of Turkish origin constitute a rather stable group within the migrant community. To a great extent they have not been involved in the cartoon crisis and tried to calm down the reactions. After two – three generations people of Turkish origin will be fully integrated with the Danish society with less problems.

h. Traditionally, Denmark has a good human rights record. However, during the last five years the situation of Muslims and migrants has deteriorated mainly due to the policies of one party. (Anti-Muslim rhetoric). Danish people have now recognized the consequences and Danes are now criticizing themselves through a soul searching to find out what went wrong.

i. Although Muslims do not constitute a big minority, some Danish circles consider them as a threat to the Danish identity. This is the most important perceptual problem.

**Tuesday, 30 May 2006**

*Minister of Refugees, Immigration and Integration Affairs*

I met with Ms. Rikke Hvilshøj, Minister of Refugees, Immigration and Integration Affairs, for a rather long and detailed discussion. Deputy Permanent Secretary Mr. Henrik Kyvsgaard and Private Secretary Mr. Christian Lützen were also present.

Further upon my introduction of my mandate, Minister Hvilshøj underlined that the integration efforts undertaken by her Ministry were targeted towards the Danish society as a whole, i.e. no special effort is made towards Muslims' integration.

Minister Hvilshøj then described her Ministry's integration efforts at length, which were said to be targeted at bridging the gap regarding education and employment between "old" and "new" Danish citizens. Of particular interest were the free education courses that were offered by the Municipalities to all newcomers with a valid social security number for three years, and the projects such as "Brug for Alle Unge-We Need All Youngsters" that were aimed at helping young members of the society to continue their education. Using role models from immigrant backgrounds that have succeeded in advancing in the society by getting a proper education and tutoring cafes where volunteers would help with children's home works were also mentioned in this context. She also mentioned and provided a copy of a booklet given to all newcomers, which contains insight into the Danish society and way of life.

Another aspect emphasized in Minister Hvilshøj's presentation was the assistance provided by the Municipalities (which were mostly funded by the State) in finding jobs and shelter for refugees and immigrants. Minister Hvilshøj indicated that a significant difference in the employment rates between new and old Danes (50% and 76% respectively) existed, and the situation was similarly disadvantageous regarding the employment of women with immigrant backgrounds.

In response to my inquiry about the criticism pointed towards the Danish government by various international organizations in view of the amendments to Danish legislation concerning foreigners and rules of citizenship that toughened requirements for obtaining

citizenship and marrying non-EU national foreigners since 2002, Minister Hvilshøj defended the decisions of her government, and described their aim as reducing forced marriages, furthering integration and prolonging the education of their citizens, especially young women with immigrant background.

I stressed that forced marriages could still occur beyond the government's age limit, and that imposing an additional waiting of six more years to the legal age for marriage (18) in order to marry a foreigner seemed discriminative. I also raised objections to the seemingly arbitrary age limit of 15, after which a child abroad was not permitted to unite with his family who had a permanent residence in Denmark. Minister Hvilshøj reiterated her government's position on the stated matters, argued that the regulations were in line with European legislation, including the "European Directive for Family Reunification" and explained that altering Danish legislation on citizenship or family reunification in whatever direction was their sovereign right.

Minister Hvilshøj also stressed that work and study permits had actually increased since her government took office, and that no discrimination whatsoever was made towards Muslims in citizenship or family reunification matters. She underlined the difference between her government and the previous one as a demand of more commitment from immigrants in response to more efforts for integrating them. I was also advised that discrimination and hostility towards Muslims living in a multi-cultural society had actually decreased, or were better than the EU average according to the statistics of Denmark.

I then brought my meeting with the civil society representatives to the Minister's attention. I underlined that their points of concern did not actually arise from lack of freedom of religion, but from the bitter taste that was left by the cartoon crisis, which amounted to a hardening of discourse in politics and mass media, that caused concern also in the international community.

I countered the argument of the Danish government that depicted the caricature crisis as a clash between the freedoms of expression and religion. I stated that these two freedoms are not mutually exclusive or contradictory. I also expressed my worry that the fault line between the West and the Muslim world, as well as between the Muslim community of Denmark and the rest of the population, could grow.

Minister Hvilshøj responded by stating that they cannot control the media, nor that they would want to do that. She argued that while there was negative coverage of certain groups in the Danish media, including Muslims, even newspapers like the Jyllands Posten made occasional coverage of well-integrated Muslims. The Minister also pointed out that selling

good stories was the ultimate challenge, and there was no policy of stereotyping foreigners. I encouraged Minister Hvilshøj in trying to highlight the good practices and stories more in the media.

I elaborated further on the cartoon crisis by explaining that nobody in the international community had actually asked the Danish government to control the media. I told Minister Hvilshøj that the Danish government was expected instead to distance itself from the publication of the cartoons, and that the government had also freedom of expression against these tasteless and provocative drawings as well. I commented that things could have turned out differently had the Prime Minister's positive New Year speech had taken place in October.

Minister Hvilshøj argued that the negative reactions to the cartoons were in fact more visible outside Denmark, whereas the discussion within the country had a very civilized tone. The Danish government had actually focused on many initiatives aiming at dialogue since the crisis, and communities within Denmark had showed understanding to one another.

The Minister finally admitted that like so many other countries, Denmark also is not free of any manifestation of intolerance and discrimination, including against Muslims. In that respect, I underlined the criticisms contained in the Third Report on Denmark by the ECRI.

When I reminded about civil society complaints regarding the difficulties encountered in building mosques, and that while the total number of mosques were high, most of these were apparently makeshift buildings, Minister Hvilshøj countered by stating that nothing in the legislation made it more difficult to build a mosque as opposed to a church. She further explained that it was the communities who were supposed to build their temples, as was the case with the Sri Lankan community.

The day after my meeting with the Minister, she forwarded a letter to me (which is at Annex 4) containing some useful documentation as well as some further clarification on points that we had discussed. (Copies of this material have also been forwarded to the ODIHR.)

### *Ministry of Justice*

At the Ministry of Justice, I had a useful meeting with Mr. Michael Lunn, the Permanent Secretary and Mr. Jens Kruse Mikkelsen, his deputy.

My first question to Mr. Lunn was about his Ministry's perspective on how the Danish police deals with issues related to racism and discrimination towards Muslims, among other groups.

Mr. Lunn proceeded with a detailed introduction about how the police works with cases of racial and religious discrimination. The highlights of his introduction included details such as the obligation of the police to report complaints about such incidents, regardless of whether they end up in a court case or not, to the General Prosecutor and to the Intelligence Service (PET); and the fact that 35 cases of such nature (in accordance with para. 266b of the Danish Penal Code) have been brought to court between 1999-2005. A discussion on whether the police brings the cases in front of the courts as efficiently/well prepared as they should would be useful according to Mr. Lunn, but his conclusion is that the system works in an orderly manner. Despite certain claims to the contrary, Mr. Lunn is convinced that the police deals with such cases seriously, and he cautioned that it is an obligation of the police not to bring those cases into court if there is reason to believe that the case will not lead to an indictment.

It was understood from Mr. Lunn's presentation that cases of racial discrimination could be opened upon individual complaints or the initiative of the police, but that owing to the vigilant attitude of the civil society, all cases so far were opened upon individual complaints.

I relayed the concern of some members of the civil society that the police were hesitant to follow up upon their complaints of discrimination, which led to a situation of "underreporting". Mr. Lunn acknowledged these concerns, but was rather skeptical as to their reliability. He stated that the police take such cases seriously and that the need for vigilance by the police in this area is taken up with all police chiefs in their regular meetings.

I tried to counter Mr. Lunn's points by expressing that perceptions could sometimes be as important as the reality itself. I recommended that future informative efforts could be targeted towards Muslim communities, who seemed to be convinced about underreporting, and who are, by nature, more timid in protecting their rights in comparison to their ethnic-Danish compatriots. I also voiced my belief that the police could be yet more careful in the reception of complaints. Mr. Lunn acknowledged my points, and informed me that the PET has a dialogue forum with representatives of the Muslim community. He also emphasized that

similar initiatives are being taken by local police precincts to improve dialogue with members of the Muslim community, and recruiting ethnic minorities into the police force was among their priorities.

Ms. Purewall invited the Danish focal point to ODIHR's program on hate crime data collection in September 2006, and asked whether training on inter-cultural relationships were given to police officers. Mr. Lunn confirmed that it was part of the basic training curricula, and further training was offered throughout policemen's careers.

I took up the cartoon crisis, and reminded Mr. Lunn that the General Prosecutor had refrained from carrying the case brought by a group of religious organizations to court. I underlined my view that his assessment seemed more political than legal. I concluded that as courts are more independent and respected, it would have been better if he had forwarded the case to the court.

Mr. Lunn described, in depth, the differences in Danish public opinion throughout the debate on the cartoon crisis, concluding by saying that it was a discussion where all parties had strong feelings. He said that he believed the General Prosecutor's decision was taken after very serious consideration and was consolidated; hence he didn't agree that it was political.

While agreeing with me in saying that the most convincing way of handling the case would have been forwarding it to the court, Mr. Lunn nevertheless defended the General Prosecutor's decision as being in line with a long tradition of not pressing any charges on account of blasphemy. He believed that most of the 12 cartoons were not in conflict with the blasphemy paragraphs anyway, that only one (the one with the bomb-turban) raised doubts, and even that was not found sufficient to bring a case to court. He believed that the General Prosecutor rightfully believed that the court probably would have decided on acquittal. Mr. Lunn also speculated that the possibly long process of reaching a verdict might have also provided ground for unrest among Muslim communities, as opposed to the swift closure of the case by the General Prosecutor's decision.

I responded to him by saying that the controversy was actually not over, that the Muslim groups had apparently applied to the European Court of Human Rights (ECHR), and if that Court's decision proved to be negative for Denmark, the position of Denmark would be more embarrassing. (Ms. Christina Rasmussen from the Danish Ministry of Foreign Affairs, who was with us throughout our meetings, stated afterwards that while there were press reports suggesting the case was forwarded to the ECHR, so far they did not have an official confirmation from Strasbourg. However, Ms. Rasmussen confirmed that they knew the case was sent to the UN Anti-Discrimination Committee for evaluation.)

### *Parliamentary Ombudsman*

My first appointment in the afternoon was with Mr. Hans Gammeltoft Hansen, the Parliamentary Ombudsman.

During our most pleasant conversation, Mr. Hansen explained in some detail the formation, functioning and competencies of his office.

I was told that all activities of all public authorities would fall under the jurisdiction of the Parliamentary Ombudsman, except cases related to the legislature and the judiciary.

Last year, of the approximately 4000 cases referred to the Ombudsman, 1/3 was refused because of irrelevance, 1/3 was refused because they related to other means of appeal and remaining 1/3 was processed.

The Parliamentary Ombudsman has no sanctions to apply; however his advice in practice has always been followed. In reality, the Ombudsman functions as an administrative court.

Upon my inquiry, Mr. Hansen informed me that his office has not received many complaints or appeals from the Muslim community in Denmark. (Upon the conclusion of my visit to Denmark, I received a kind message from Mr. Hansen, which is at Annex-5, informing me that he has decided to form a working group with the task of preparing a leaflet with the necessary information about the Ombudsman and his competence to be distributed to the Muslim groups in Denmark in Turkish, Urdu and Arabic. I was most pleased to learn of this initiative, which also proves the utility of country visits.)

On the so-called cartoon crisis, I related to the Parliamentary Ombudsman my considerations and concerns. Mr. Hansen, referring to his non-political role, underlined that he has not participated in the public debate concerning the cartoons. He went on to say that he had read my Semi-Annual Report to the OSCE Permanent Council, was impressed with it and as a scholar would agree with my assessment on the cartoons issue.



Mr. Hansen also informed me that his office has received five appeals related to the cartoon crisis and that because of the legal and political nature of the issue his office was not involved with this controversy.

When I raised my concern on the Public Prosecutor's decision not to bring this case to the court, Mr. Hansen, on a personal level, told me that if he had been the Public Prosecutor he would doubt whether he would go to the court, because as a lawyer he was of the opinion that a Public Prosecutor should not bring a case to a court if he sees no chance of winning the case in question. However, Mr. Hansen also made an exception, implying that if a case has attracted too much public awareness and has become a contentious issue; such a case should be brought to a court.

### *Members of Parliament*

Afterwards, I met two Members of Parliament of migrant background separately.

At my meeting with Mr. Kamal Qureshi, he started by saying that the Danish Foreign Ministry's web site contained misleading information to the effect that Islam has the same rights as Christianity. He said this was not true and that although there is freedom of religion in Denmark, there is no equality of religions. Mr. Qureshi underlined that even this statement by the MFA imply existence of discrimination. He went on to emphasize discrimination against Muslims at structural level, with special emphasis on the State Church. He told me that they were investigating whether to take this issue to the court.

Referring to discrimination against Muslims through legislation, Mr. Qureshi stressed that as the subsidies for churches are allocated from the national budget, Muslims are also contributing to the salaries of priests, which is against the EU rules.

On another level, Mr. Qureshi stressed that Islam is not recognized as Judaism is, and as such is not allowed to register. Therefore, he said, Muslims are obliged to go to the church for some of their civic needs.

On problems encountered by Muslims in their daily life, he mentioned the non-existence of proper burial grounds for Muslims, underlining that the present government had stopped construction of a Muslim graveyard. He also mentioned existence of only one purpose built mosque, the rest being makeshift. He said that every time a permission is asked to build a mosque, an excuse is found by the authorities not to grant this permission.

Mr. Qureshi stressed that the most important problem facing Muslims in Denmark is the political discourse and the negative changes in the public debate concerning Muslims, destroying co-existence and integration. He gave examples of utterances by some parliamentarians to the effect that all Muslims are criminals, that they are a plague to the Danish society and that they are cancerous elements of the Danish establishment. He also underlined that the media is creating a picture whereby Muslims are marginalized and stereotyped.

Mr. Qureshi drew my attention to the danger of the youth being pushed into the hands of fanatics. He said that the Muslim youth has now no pride in their cultural heritage.

On housing, education and job market, Mr. Qureshi said that as Sweden was doing much better, the government closed the borders. He said if negative picturing of Muslims would stop, job opportunities would increase. In the field of education, Mr. Qureshi underlined that although in principle not compulsory, Christian religious education in practice is given to all Muslim children. He also criticized the lifting of subsidies by the government for mother-tongue education.

Mr. Qureshi mentioned that the housing market is controlled by buying capacity and for renting public housing there are at times a waiting time going up to 15 years. As loan possibilities for buying property are limited, tendency for ghettoization increases.

Mr. Qureshi was most critical on the legislation introduced for foreigners and immigrants by the present government and their integration policy. He said that in general this government has tightened all legislation related to migrants, the biggest issue being family unification. He cited the present restrictions and underlined that Danish citizens of migrant background are less favored as compared to other EU citizens. He also stressed that visa applications for family visits have recently been tightened without any logical explanation.

During my meeting with Mr. Hüseyin Araç, he underlined that the political situation during the last 4 – 5 years have changed negatively, mainly due to the influence of one party. Although this party is not a member of the governing coalition, its influence is too much felt.

Mr. Hüseyin Araç said that both the government and the opposition seem to be aware that a better integration policy is needed. He underlined that as the economic performance of the country is rather good, there exists a window of opportunity to improve the situation of Muslims.

Referring to problems in the field of education and especially to the rather high rate of drop-outs of Muslim youth from gymnasiums, Mr. Araç nevertheless said that the higher attendance of girls to schools is a positive development.

On the role of the press and the media in general, Mr. Araç was critical of the disproportionate negative portrayal of Muslims, especially one crime being attributed to the whole Muslim community.

Mr. Araç also spoke about the immigrants' responsibility, that they had to understand the social system of their new country and that some extreme elements should not be given the opportunity of portraying a negative impression for all Muslims. He said that such extremes are too few. Mr. Araç stressed that if the Muslims would approach their problems moderately, better results could be achieved. However, he said, the policies of right wing parties were harming the whole Muslim community.

Mr. Araç approached the caricature crisis in a balanced manner, saying that two extreme groups pushed the case to where it is. He underlined that most Muslims were squeezed in between these two extremes. He suggested solution of the problem through dialogue, respect and cooperation. According to him, the Prime Minister should have come out earlier with his New Year statement.

Mr. Araç, referring to the opposition of some circles to Turkey's entry to the EU, said that Turkey in the EU would create a very good impression in the Islamic World and this would improve dialogue and cooperation between the West and the Muslim World. He added that social democrats would like to continue to support democratization in the Middle East.

Finally, on the issue of building proper mosques, Mr. Araç was of the opinion that the main problem was not getting licenses but providing funds.

**Wednesday, 31 May 2006**

***Ethnic Minorities Council***

I met the Chairman of the Ethnic Minorities Council Mr. Şükrü Ertosun and Deputy Chairs Ms. Nur Beier and Mr. Muhsin Türkyılmaz.

I was told that the Ethnic Minorities Council was founded in 1999 and that every municipality must have such a council. Up till now 63 councils have been established in 275 municipalities. Each Municipal Council sends one representative to the General Assembly and a 14 member National Council is elected.

The main function of the Ethnic Minorities Council is to inform and guide politicians on integration, and as such works very closely with the Ministry of Integration.

The officials of the Ethnic Minorities Council (EMC) underlined that it was not easy to work for proper integration and that the EMC tries to work as a role model. EMC has the right to voice its opinion on legislation, but not much influence. During the last six years the EMC has worked to carry the voice of the minorities, but their work is becoming more difficult, as funding for assemblies have been withdrawn and funding is available only for projects. However, migrants in general are not able to present projects. Therefore their voice is not properly heard.

Officials of the EMC also underlined that they are only a last organ to receive complaints and that there have been mistakes on both sides, little interest being shown by migrants for the EMC. Therefore, the EMC is trying to raise awareness.

On the general situation of Muslims, the EMC representatives underlined that all the bad roles are attributed to migrant groups and the negative political discourse discourages migrants to be involved in politics and to get better organized. The situation has worsened after 1999 with the new government, which puts the blame for non-integration solely on migrants. I was also told that the discourse nowadays is not healthy.

EMC representatives then referred to restrictions on marriage and family reunification. They said that this legislation has a deeper connotation, as Denmark had opted out of EU's free movement clause. The argument by the Danish government is that the Danish welfare society cannot absorb so many migrants. There have been suggestions that Denmark should adopt the Dutch model, which would create a paradoxical situation, whereby a two time restriction would be applied.

One of the main criticisms of the EMC was the requirement for migrants not to have any relationship with their home country to get residence permit. This was characterized as an arbitrary criterion.

EMC officials underlined that the greatest danger would be pushing migrants more and more to the fringes and creating an environment whereby so-called “good persons” would be put against “bad persons.” In that respect the critical remarks of the Third ECRI Report was mentioned.

The EMC was the opinion that integration efforts should focus more on education and find solutions to high drop-out rates. They also said that although there are measures for the groups with the worst performance, there are no measures for the groups with the best performance.

The general evaluation of the EMC was that Denmark was moving from integration to assimilation.

Other specific points raised during this meeting were the following:

a) Although if their parents so wish the migrant children may not attend to classes on religion (Christianity), as they have nothing else to do, most migrant children are compelled to attend to such classes. They should be provided with either classes on culture of religions or Islamic religious education.

b) Although there are some plans, there is no citizenship lesson practice yet.

c) Mother tongue lessons were subsidized up until 2002. As of this date, subsidies have been lifted. Therefore most municipalities have stopped mother tongue lessons. The net result for migrants is loss of identity.

d) Migrants do face severe difficulties in the job market and they get the lowest salaries. Migrants/Muslims are usually channeled to services. There have been instances of discrimination because of Muslim sounding names.

e) Difficulties in finding proper housing has a double negative effect; one being tendency for ghettoization, the other being poor quality in education for children.

f) In the field of the freedom of religion, the dilemma of recognized-approved religions was underlined, together with the problems encountered in getting permission and finding funds for building proper mosques.

The representatives of the EMC also dwelled upon the political discourse and media representation related to Muslims, underlying that the general tone is discriminatory, stereotyped and intolerant. Criminality is attributed to migrants and the media reflects the political discourse. (Although there is a difference of attribute by different newspapers.) The impression created is that it is not the Muslims who have failed, but it is their culture that made them fail.

On the cartoon crisis, EMC representatives stressed that this sad episode opened the eyes of the Danish people and started a debate, which they do not know where it will lead. A dangerous consequence of the cartoons issue was a superficial differentiation (polarization) between good Muslims and bad Muslims. On a positive note, the need for respect for Islam is being acknowledged by more Danes.

### *Ministry of Education*

At the Ministry of Education I met Mr. Niels Preisler, Permanent Secretary, and Mr. Torben Kornbech Rasmussen, Director of the International Unit.

My counterparts underlined that in Denmark people's religious denominations are not registered. Therefore, the Ministry of Education has introduced no specific measures for Muslims, but considers them within the larger group of migrants. (However they are aware that the larger parts of migrants are Muslims, amounting to approximately 200.000.) I was also reminded that Muslims do not constitute one monolithic group, that some are refugees, some are migrants with temporary residence permits and some have acquired Danish citizenship. Even the number of mosques is reflective of the diversity of the Muslim community. In all, the Ministry of Education has no one counterpart organization representing all Muslims in Denmark. However, the Ministry has very good relations with Turkey, based on formal agreements, and 25-30 Turkish instructors are giving religious lessons to Turkish students.

One of the main aims of the Ministry of Education as far as migrants are concerned is to help their integration and thus facilitate finding jobs.

I was told that the Ministry has realized a few years ago that children of foreign background were facing special problems and were performing less well than others. The main reason for this was their inadequate knowledge of Danish, due to less attendance to kindergartens and speaking non-Danish at home. Therefore, the Ministry decided to introduce a system of language screening at three years of age and if a problem was encountered, immediate remedies were provided free of charge. Another screening at six years of age is now proposed.

At school there are no specific regulations on how to treat children of different background, because foreigners are a new element in Denmark.

It is recognized that in some schools high concentration of children of non-Danish background is a big challenge for the authorities, also in establishing collaboration with the parents. Although migrant parents are respectful towards schools and teachers, they do not fully understand how the system works. Therefore, school administrations are trying to find a common language with migrant parents, through different meetings and other social arrangements.

As far as private schools are concerned, these are financially supported by the state. They do not need to follow the public school curricula, but must follow same standards. The Ministry controls these schools pedagogically and if problems are found, funding is withdrawn. At present, there are 18 Muslim private schools with around 3000 students.

I related to my counterparts my concerns related to withdrawal of subsidies for mother tongue education, high drop-out rates of Muslim gymnasium students, concentration of Muslim students in so-called “black schools” and Christianity classes.

I was told that till 1975 lessons on Christianity did include instructions on services, which have now been removed. I was also told that in these classes information about other faiths are also thought. Finally, officials of the Ministry informed me that the government was reluctant to introduce lessons on Islam, also because of the diversity within the Muslim community. On concentration, I was told that if a child is found less successful in a school, he/she can be send to another school. (Although not a pedagogue, I tried to underline that this practice would make things even worse.)

On the issue of subsidies for mother tongue classes, my counterparts admitted that there are different views and approaches on this point and that they will evaluate the new practice in a few years time.

On the issue of high drop-out rates, I was given a long technical explanation. I tried to underline that a sense of failure on the part of Muslim youth would lead them to radicalism and even to crime. Therefore, something needs to be done to correct this situation.

My counterparts admitted that there are some manifestations of discrimination of Muslims in Denmark and they underlined that they want to remove any suspicion of discrimination and that they are trying to encourage schools to do better.

Finally, I referred to the considerations of the civil society representatives to the effect that the situation of Muslims were deteriorating in Denmark due to restrictive policies and legislation introduced by the present government.

### *Ministry of Religious Affairs*

At the Ministry of Religious Affairs, I met Mr. Jacob Heinsen, Permanent Secretary, Mr. Paolo Perotti, Head of Unit and Mr. Jørgen Engmark, Information Officer.

Our discussions at the Ministry of Religious Affairs centered around “recognized-approved” religions, permission for building new mosques, Muslim graveyards and the necessity of a Muslim umbrella organization. Mr. Heinsen advised me that employees of his Ministry are representative of the population as per a Government Directive and that recognized and approved religions have similar rights to a great extent, albeit there are some exceptions.

I told my counterparts that the Muslim civil society was apprehensive that some of their taxes are going for the maintenance of not mosques but of churches. In response, Mr. Heinsen stated that %80 of the church tax is paid only by members of that church. He went on to say that those church members that pay taxes don’t get a reduction, whereas Muslims can get tax reduction.

After a lengthy discussion, we agreed that the confusion related to “approved-recognized” religions as well as the contradictory claims about the church tax should be cleared and both Muslim civil society and Muslim communities should be advised of the actual situation.

My counterparts also informed me about the 2005 law concerning Imams, whereby they are required to speak Danish and be able to demonstrate democratic values.



On the issue of permissions for purpose-built mosques, my counterparts referred to bureaucratic red tape and misunderstandings, arguments which I found unconvincing. The same goes for Muslim burial places.

### *Meeting With the Dean of Copenhagen Domkirke*

Later that day, I visited Copenhagen Domkirke and had a pleasant conversation with the Dean Mr. Anders Gadegaard, who is also a member of the World Council of Churches.

Our conversation was of a general nature, whereby we touched upon various initiatives for inter-religious and inter-cultural dialogue, the widening fault line between the Islamic and the Christian worlds and the current issues facing Muslims. We agreed that there is no contradiction between freedom of expression and freedom of religion and belief and that it would be a mistake to isolate people of other faiths, which may lead them to fanaticism. We also spoke about the role religions can play in value dialogue.

Dean of the Domkirke admitted that Denmark and for that matter the Danish Church was not truly successful in integrating migrants and Muslims, but that the situation is improving. Many Muslims feel more confident to live side by side with Christians.

He also underlined that the cartoon crisis was a most unwelcome development, that open minded Muslims are now speaking more vocally and that both sides now have to prove that there are many common points in both religions.

Dean Gadegaard also spoke about the “concept of scapegoat”, Jews being the scapegoat before and now the Muslims. Therefore, he said, his church was trying to create an inter-religious platform to bring people of different convictions together. He also stressed that Muslims should form an umbrella organization.

Dean Gadegaard also underlined the need to educate the Danish people, that they should not fear from losing their identity and that they should show more interest to learn about Islam. On the other hand, Dean Gadegaard said that as most of the Imams don't speak Danish, they are not very helpful to their fellow believers.

Reverting back to the cartoon crisis, Dean Gadegaard advised me that while he found these drawings offensive and unacceptable, he was also personally surprised of the reactions shown to their publication. He said personally he thinks the government made some tactical mistakes, like for example not receiving the 11 Muslim Ambassadors.

Finally, we exchanged considerations concerning the Alliance of Civilizations initiative.

### *Final Meeting at the MFA*

At the end of my official contacts, I met Ambassador Peter Taksøe-Jensen, Undersecretary for Legal Affairs, and his colleagues at the Foreign Office for a wrap-up of my visit. I told my counterparts the main lines of my remarks to the press, which took place immediately after this meeting.

I also thanked the officials of the Foreign Ministry for their hospitality, openness and a well prepared and balanced program.

### *Press*

Finally, I conducted a press conference at the International Press Centre.

The introductory remarks by myself at this press conference, taken from tape recording, is at Annex-3. On the other hand, the translation of the articles and news items that appeared in the Danish press can be found at Annex-2. (I am grateful to the MFA Denmark for providing those translations.)

On the other hand, representatives of the Turkish media based in Denmark displayed quite some interest to my visit and there was large coverage.

However, the editorial board of the Jyllands Posten declined to meet me.

Note: I would like to thank Mr. Barkın Kayaoğlu, Second Secretary of the Turkish Embassy, for helping me in taking notes during my visit.

## Summary of Findings, Areas of Concern and Recommendations

On the basis of the information gathered during my country visit to Denmark, the concerns expressed at meetings with the civil society and the assessments of relevant International Organizations, the following can be identified as *issues of concern with some recommendations*:

**1. Overall Situation Facing Muslims:** Basically Denmark is ethnically and religion wise a homogeneous welfare society, with a good human rights record. However, as the migrants and Muslims in particular, which constitute the largest segment of the migrant population, have both increased in size during the last 15 - 20 years and have become more visible in the Danish society, with all the problems migrant communities have, allegations to the effect that “Denmark is loosing its identity” seem to have gained a strong foot hold especially within the rightist circles. As a result of this ill-advised perception and also due to political maneuvering after the last general elections, the political and media discourse vis-à-vis the Muslim community has hardened and restrictive legislation and implementation has been introduced. It is an irony that all this is happening in a country which prides itself with its human rights performance and which preaches the same to others.

It should also be underlined that Denmark has started its integration efforts later than other European countries and the effect of September 11 has been instrumental in the hardening of the political and media discourse against Muslims. The caricature incident seems to be the point where heating has turned to boiling. All the civil society representatives that I met has complained from the derogatory, stigmatizing and insulting attitudes that they face daily, rather than concrete cases of discrimination, which also exists.

It is my considered opinion that the greatest part of the onus to correct this negative and disturbing situation lies with the Government.

**2. The Nationality Act, the Integration Act and the Alien’s Act:** These acts have recently been further modified, in a manner which disproportionately restricts the ability of members of minority groups to acquire Danish citizenship, to benefit from spousal and family reunification and to have access to social protection on par with the rest of ‘Danish’ society. The Third Report by the ECRI on Denmark contains further detailed information concerning

these issues. Examples of tightened requirements include the '24 years rule', where only those over 24 years may apply for spousal reunification, on condition of possessing a reasonable sized dwelling, providing proof of adequate ties to Denmark, having been a Danish national for 28 years, and on condition of satisfactory period of employment. Such rules discriminate against persons who may have acquired Danish citizenship, but were not born in Denmark. Although these restrictions are applicable to all migrants, Muslims are the most affected group, also because of their size. In addition, as of 2004, the mandatory setting up within all municipalities of integration councils (which help new immigrants and refugees integrate into Danish society) has been abolished. Subsequently, in 2006, there exist only 63 such councils out of the 275 municipalities.

It should be recognized that integration is not a one-sided phenomenon and that true integration would entail efforts from both sides and a conviction of equality.

**3. Climate of Tolerance:** Another serious challenge is the deteriorating general climate in Denmark, with some politicians and parts of the media constantly projecting a negative image of minority groups in general and Muslims in particular. In this regard, the relevant law on incitement to racial hatred, Article 266b in particular, is seldom if ever applied to those who make inflammatory statements. This has served to create a de facto sense of impunity which has in turn contributed to a further deterioration of the public climate. In particular, the continuous negative political discourse on migration has contributed to virulent anti-immigrant sentiment within the general public, which is reflected in public policies relating to migration and integration.

**4. Structural Discrimination and Inequality:** Minority groups and Muslims in particular are persistently disadvantaged in areas pertaining to housing, education, employment and access to social services. Segregation in housing and exclusion from employment serve to marginalize groups from the mainstream and preclude integration into mainstream society. In the field of education, aside from addressing the specific requirements of the Muslim community, Denmark should also devise inter-cultural education, to promote respect for diversity and understanding of other cultures and religions. On the other hand, the input of the migrant and Muslim communities to Denmark should as well be underlined. Segregation that is seen in some schools should be eliminated.

**5. Freedom of Religion and Belief and Equality of Religions:** Denmark's state religion, Evangelical Lutheranism, is the only religion to receive funds from taxes. Some

religious communities are 'recognized' or 'approved'. Muslim communities fall outside of official or recognized categories, and as a result do not possess the authority to perform civic duties or collect taxes on behalf of their community. Additionally, the registration of all children is also undertaken at the local church, regardless of religious background. The Muslim communities in Denmark number in approximately 200,000, the majority being of Turkish origin. There are only 3 purpose-built mosques across Denmark and no purpose-built burial grounds for Muslims.

**6. Complaints Committee for Ethnic Equal Treatment:** Regretfully, the Board for Ethnic Inequality was closed down in 2002, following the adoption of a decision by the Government to close down, merge or reduce the mandate or funding or more than 100 organizations which it considered to be 'judges of good taste'. In 2003, the Danish Institute for Human Rights was created and given, amongst other tasks, the mandate of promoting ethnic equality – hence the establishment of the Complaints Committee for Ethnic Equal Treatment. My meeting with the Institute for Human Rights revealed many shortcomings related to this Complaints Committee, including insufficient funds and a very weak mandate that precludes it from meeting all the criteria of a specialized body (as per ECRI General Policy Recommendation No.2 on Specialized Bodies to combat racism, xenophobia and intolerance). The Committee has no mandate to cover religious discrimination, does not have the power to hear witnesses, and no authority to compel private entities to give evidence. As a result, it is forced to rely solely upon documentary evidence, and where it lacks evidence, it has to dismiss complaints. In effect, this body has been rendered 'toothless' and is unable to effectively examine complaints of racial discrimination or provide adequate redress to victims. The Committee should be mandated to have more powers and be equipped with effective remedies. On the other hand, networking with similar bodies in other European countries to learn more about their mandates, powers and activities would be recommendable.

**7. Lack of Funding for NGOs:** The government has withdrawn or reduced funding for many NGOs, thus making it more difficult for minority and Muslim groups to have issues of particular concern to them being addressed and brought to the public forum. Many NGOs and bodies dealing with racial discrimination and intolerance have closed down. Compounded by the problems faced by the Complaints Committee, this has created a vacuum which leaves minority groups in an even more vulnerable situation. Government-initiated dialogue with vulnerable communities and Muslims in particular is in general infrequent. NGOs also claimed that authorities, by attempting to define who are 'good' and 'bad' Muslims, have produced artificial social divisions between communities, and have engineered 'appropriate' groups they will engage in dialogue with.

**8. Law Enforcement:** Under-reporting of hate crimes, serious processing of reported hate crimes, data collection in relation to hate crimes, aggregated data on crimes based on religious motives, victim protection and assistance, training of police officers on prevention of hate crimes, community outreach programs by the police and more diverse police force to include Muslims are areas that require more close attention.

**9. The Impact of the Cartoon Crisis:** It is evident that the so-called cartoon crisis has impacted not only Denmark's relations with the Islamic world and has deepened the fault lines between the West and the Muslim world, but had also ramifications on the Muslim community of Denmark. It is my hope and wish that all concerned have drawn the necessary lessons from this unfortunate, unnecessary and sad episode. As this issue has been dealt at large at various fora, I will confine my remarks to those highlighted throughout the present report. However, it should be noted that, during private and personal conversations, none of my Danish counterparts have tried to defend the tasteless drawings.

## **Recommendations to the Chairman-in-Office**

1. This report should be shared with the Government of Denmark, who should in turn be further encouraged to circulate it to representatives of civil society. The report should also be shared with other participating States of the OSCE, Partners for Cooperation, other OSCE Institutions, as well as with the other two Personal Representatives of the Chairman-in-Office.
2. In order to support increased co-operation between the OSCE and other international organizations dealing with the fight against racism and intolerance, it is also recommended that the report be shared with the European Commission against Racism and Intolerance, the European Monitoring Centre on Racism and Xenophobia, the United Nations Office of the High Commissioner for Human Rights, the Committee on the Elimination of Racial Discrimination and the OIC.
3. The Danish Government is to be commended for its display of willingness to respond to acts of discrimination and intolerance against Muslims as well as for its acceptance of the problems encountered in integration policies and practices and for its readiness to remedy this situation. However, much remains to be done. The various good practices noted throughout this report, on the other hand, should be disseminated to other OSCE participating States in order to demonstrate constructive and effective ways for dealing with intolerance and discrimination against Muslims.
4. Representatives of Muslim communities and civil society should take note of programmes and mechanisms available through the OSCE Office for Democratic Institutions and Human Rights, including the Programme on Building the Capacity of Civil Society to Combat Hate Crimes and Violent Manifestations of Intolerance.
5. Authorities in Denmark are encouraged to maintain an open and constructive dialogue with a wide cross-section of representatives from the various Muslim communities throughout Denmark in order to ensure that they are well informed of key concerns as well as the development of local grass-roots initiatives.

**Programme**

**Country visit of the Personal Representative of the OSCE Chairman-in-office on Combating Intolerance and Discrimination against Muslims, Ambassador Ömür Orhun**

**Sunday 28 May**

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19.25 Arrival Copenhagen airport

Attaché, Head of Section, Ms. Christina Rasmussen,  
Telephone + 45 3392 0320 / + 45 6170 7005

Head of Human Rights Unit, Mr. Kim Vinthen  
Telephone + 45 3392 0308 / + 45 2526 75 38

Driver, Mr. Kim Grønberg, Telephone + 45 4032 0760

**Monday 29 May**

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09.30 Departure from Hotel

09.45 – 10.15 Ministry of Foreign Affairs, Welcoming meeting with Undersecretary for Legal Affairs, Ambassador Peter Taksø-Jensen, Head of Human Rights Unit, Mr. Kim Vinthen and Minister Counselor, Mr. Jens Færkel

10.30 – 12.15 The Executive Director of The Danish Institute for Human Rights, Member of UN Committee on the Elimination of Racial Discrimination, Mr. Morten Kjærum and Head of International Department, Deputy Director Ms. Birgit Lindsnæs. Senior Researcher on human rights and religion Ms. Eva Maria Lassen, Project Manager, human rights monitoring in Denmark, Mr. Christoffer Badse and Project Manager, complaint handling in Denmark, Mr. Eddie Omar Rosenberg Khawaja

12.30 – 13.45 Lunch hosted by the The Danish Institute for Human Rights. Mr. Morten Kjærum and Ms. Birgit Lindsnæs. Restaurant Era Ora.

14.00 – 16.00 NGO-roundtable hosted by The Danish Institute for Human Rights

16.15 – 16.45 The Minister for Foreign Affairs, Mr. Per Stig Møller

17.00 Briefing at the Turkish Ambassador's residence. The Turkish Embassy will provide transportation from the Ministry of Foreign Affairs.

*Evening free*

**Tuesday 30 May**

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09.30 Departure from Hotel



09.45 – 10.55	Minister for Refugees, Immigration and Integration Affairs, Ms. Rikke Hvilshøj, Deputy Permanent Secretary, Mr. Henrik Kyvsgaard and Private Secretary Christian Lützen
11.05 – 12.00	Permanent Secretary of State for Justice, Mr. Michael Lunn
12.30 – 13.50	Lunch hosted by Ministry of Foreign Affairs with Head of Human Rights Unit, Mr. Kim Vinthen and Deputy Head of Human Rights Unit Ms. Caroline Rubow. Restaurant Kanalen.
14.00 – 14.50	Parliamentary Ombudsman, Mr. Hans Gammeltoft-Hansen
15.00 – 15.30	Member of Parliament, Mr. Kamal Qureshi
15.30 – 16.00	Member of Parliament, Mr. Hüseyin Arac
16.00	Return to Hotel
19.00	Dinner at Divan II in Tivoli hosted by Undersecretary for Legal Affairs, Ambassador Mr. Peter Taksøe-Jensen

### Wednesday 31 May

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09.30	Departure from Hotel
09.45 – 10.45	Chairman of the Ethnic Minorities Council, Mr. Sükrü Ertosun and Deputy Chairs, Ms. Nur Beier and Mr. Muhsin Türkyilmaz
11.00 – 13.00	Permanent Secretary of the Ministry of Education, Mr. Niels Preisler and Director of the International Unit, Mr. Torben Kornbech Rasmussen followed by lunch
13.00 – 13.55	Permanent Secretary of the Ministry of Religious Affairs, Mr. Jacob Heinsen. Head of Unit, Mr. Paolo Perotti and Information Officer, Mr. Jørgen Engmark
14.05 – 15.00	Dean Anders Gadegaard of Copenhagen Domkirke Member of the World Council of Churches
15.10 – 15.45	Ministry of Foreign Affairs. Meeting with Undersecretary for Legal Affairs, Ambassador Peter Taksøe-Jensen and representatives from other relevant Foreign Service Departments
16.00 – 16.30	Press Conference at the International Press Center
16.30	Return to Hotel

**Ritzau News Agency, 31 May 2006: “Mohammed Drawings Were Unnecessary”**

“Copenhagen, Wednesday

The biggest problem of the Muslims in Denmark is the harsh debate in politics and in the media. The Mohammed drawings were unnecessary, according to OSCE Ambassador.

The Mohammed drawings published in the Jyllands-Posten were an unnecessary provocation. The freedom of speech was not threatened, and the drawings were offensive to Muslims in Denmark and abroad.

This is the assessment of OSCE ambassador Ömür Orhun at a press meeting in the Copenhagen International Press Center on Wednesday. During the past three days he has paid a visit to Denmark in order to assess whether Muslims are the victims of intolerance and discrimination. He plans to deliver his report to the OSCE Chairman by the end of July.

Muslims in Denmark are especially affected by the harsh tone in the political debate and the media. Certain politicians have characterized Muslims as “cancer cells of society”, he pointed out.

Such statements are unacceptable. They stigmatise and marginalize Muslims. They were the main topic of my meetings with civil society, Ömür Orhun said.

He pointed out that in many media bad examples are often overstated, while good examples sometimes are understated. The Mohammed drawings came up at almost all his meetings in Denmark.

It was an unnecessary and harmful experience. The freedom of speech is not threatened by anyone, but it is just as important to show respect for moral values and holy symbols. The key word is responsible journalism. What is called for is a strong sense of responsibility, Ömür Orhun said.

Everyone carries the responsibility not to increase the gap between Muslims and the West. It takes tolerance and respect for diversity. Dialogue is necessary, just like the initiative “Alliance of Civilizations” which Denmark supports, he said.

Ömür Orhun made the words of UN Secretary General Kofi Annan his own:

“We must free ourselves from intolerance”.

During his visit, Ömür Orhun had many “open and useful” consultations. He met with Minister for Foreign Affairs, Per Stig Møller (K) and Minister of Refugee, Immigration and Integration Affairs, Rikke Hvilshøj (V) as well as with two out of three Members of Parliament with immigration background – Hüseyin Arac (S), Naser Khader (R) and Kamal Qureshi (SF).

He also had meetings with civil servants from the Ministry of Foreign Affairs, the Ministry of Justice as well as the Ministry for Education and Ecclesiastical Affairs and he visited the Danish Institute for Human Rights, the Danish Ombudsman, the Council for Ethnic Minorities and with the Copenhagen Dean of the Chapter, Anders Gadegaard. In addition, he had a round table meeting with several members of civil society, Ömür Orhun explained.

Previously, Ömür Orhun has paid similar visits to the USA, the UK, France, Germany and the Netherlands.

Since the terror attack against the US on September 11, Muslims everywhere have felt exposed to stereotypes, marginalization, discrimination, rejection, even violence, he explained.

There are differences between the countries, but perhaps the similarity that the Muslims feel left out of mainstream society. The political debate and the tone of the media are among their biggest problems, he thinks.

The OSCE ambassador has examined the conditions of Muslims in Denmark in four areas: 1) debate among politicians and in the media, 2) legislation in aliens and immigration policy, e.g. family reunification, 3) social conditions such as housing, education and work and 4) freedom of religion.

Ömür Orhun pointed out, that Muslims are free to practice their religion, but are in need of new mosques. Most of the 140 or more mosques are established in provisional buildings. Furthermore, the Government should explain better to Muslims the difference between approved and recognized religious communities.

He commented that many Muslims have difficulties renting a house. They are concentrated in poor districts, so that their children are not educated so well and consequently have difficulties finding a job. The Government should work more on unemployment, and contributions towards mother tongue tuition should not be the responsibility of the municipalities, he suggested.

Since 2001-02 Denmark has tightened its aliens policy. This goes in particular for family reunifications. Integration is important for Muslims as well as for the stability of the society. Rikke Hvilshøj explained at the meeting that she will initiate a new dialogue with the Muslim community, Ömür Orhun said.

I support and welcome the initiative. There is a need for information and better communication. We also discussed breaches of the racism clause. Statistics indicate that many violations are not reported, he believed.

/ritzau/

\* \* \*

The telegram from Ritzau News Agency were quoted in its entirety or partly in the following newspapers:

- Information, June 2, 2006: "Mohammed Drawings: Drawings Were Unnecessary".

- Jyllandsposten, June 1, 2006: "Mohammed Drawings Were Unnecessary".
- Jydske Vestkysten, June 1, 2006: "OSCE: Drawings Were Unnecessary".
- Ringkjøbing Amts Dagblad, June 1, 2006: "Unnecessary".
- Lemvig Folkeblad, June 1, 2006: "Unnecessary".
- Dagbladet Skjern-Tarm, June 1: "Unnecessary".
- Dagbladet Holstebro-Struer, June 1, 2006: "Unnecessary".

\* \* \*

*Politiken, June 1, 2006*

### **OSCE: Acceptable Tone Towards Muslims**

Recently, Denmark was criticized by the Council of Europe. Just now the OSCE has sent a representative to examine the conditions for Danish Muslims.

Yet another international organization comes forward with criticism of the tone in the Danish aliens debate. This time it is the OSCE that has a representative in Denmark in order to examine conditions. The tone in the political debate seems to me to be the biggest problem, ambassador Ömür Orhun said, when he told about his observations after his 3-day visit Denmark at a press meeting yesterday. Orhun is the representative of the OSCE Chairman-in-Office on Combating Intolerance and Discrimination against Muslims.

Certain political statements appear unacceptable. Such as referring to Muslims as cancerous tumors. Such statements will, of course, stigmatize and marginalize Muslims, he says, referring to Louise Frevert (DF), who during the local elections campaign last autumn used the expression "cancerous tumors" on her web-site. The OSCE ambassador has been focusing on four main areas during his visit. Besides the tone, it is legislation, structural problems in the housing market, in the education system and in the job market, and finally religious conditions.

Generally, there are no big problems with freedom of religion. People may practice their religion, Ömür Orhun says.

Ömür Orhun also held talks with the Government about the tightening of the aliens policy in recent years. He commends Minister of Refugee, Immigration and Integration Affairs, Rikke Hvilshøj (V), for her initiative for increased dialogue with the Muslim community in Denmark.

The report from ambassador Orhun is expected by the end of July.

**Introductory Remarks by Ambassador Orhun at the Press Conference During  
his Country Visit to Denmark, 31 May 2006  
(From tape recording)**

As you know, I am the Personal Representative of the Chairman-in-Office of the OSCE on Combating Intolerance and Discrimination against Muslims. I have paid a visit to Denmark on an invitation of the Danish Government. A very comprehensive program was prepared for my visit and I had very frank and useful discussions with the government authorities, civil society representatives and different institutions.

As usual, at the end of my visit I will be preparing a report to be submitted to the Chairman of the OSCE.

If I might first go over the highlights of my program, I had separate meetings with the Ministers of Foreign Affairs and Integration. I met officials of the Ministries of Foreign Affairs, Justice, Education and Religious Affairs. I visited different Danish Institutions, including the Danish Institution of Human Rights, the Parliamentary Ombudsman and the Ethnic Minorities Council. I had a pleasant conversation with the Dean of Copenhagen Domkirke. I met two members of the Danish Parliament of immigrant background and finally I met quite a number of representatives of civil society in the form of a roundtable.

Before coming to my visit to Denmark, perhaps a brief word on the situation of Muslim communities, especially in the post Sept. 11 period might be appropriate, because most of the Muslim communities and Muslim people have started to experience increasing intolerance, stereotyping, marginalization, at times discrimination, a sense of rejection and even violence and this is why different organizations have tried to address this issue.

During my visit to Denmark I tried to conduct my discussions mainly around four agenda items. First is the general social milieu in this country and by that I mean political and media discourse related to Muslims and representation of Muslims in the media.

The second general area related to legislation and implementation of this legislation. By that I mean, for example, the Foreigners Act and immigration policies, family reunification and issues of similar nature.

The third general issue was, as we also face in other European countries, the structural problems and by that I mean housing, education, access to job market and instances of discrimination.

And finally religious freedom and related issues.

If I may start from the last agenda item, generally speaking it seems there is not much problem related to religious freedoms. People are able to follow their religious beliefs. In that respect two areas of concern were brought before me. One was lack of proper prayer places, proper Mosques. I understand there are around 140 Mosques in Denmark, where great majority of them are in improper places. So there is a necessity of having proper Mosques.

Secondly, there is a confusion related to recognized versus approved congregations and I believe this is an issue that needs more information to be shared with the Muslim communities to dispel any doubts related the differences between these two categories.

On the structural issues, I was told that there are some difficulties encountered by some Muslims in renting residences, which means concentration in poor housing districts that leads to lack of proper education for their children and by definition this means restrictive access to the job market.

The unemployment rate within the Muslim community is much higher than the rest of the population. I was explained the initiatives that the government is taking and is intending to take. Perhaps more needs to be done in that respect. As I said unemployment is a major issue. Mother-tongue education and subsidies is another area of concern and I already mentioned the schooling problem.

Legislation and implementation of the legislation; the general evaluation by international organizations is that since 2001 and 2002 more restrictive immigration policies have been introduced, which we have seen especially in the family reunification. The government authorities explained the reasons why they took these measures and I have noted them.

Of course integration is a very important issue, because integration serves both migrant Muslim communities and also stability of the society in general. In that respect, the Minister of Integration explained to me that she is going to initiate a new dialogue with the Muslim community. I welcome and support this initiative because it seems there is a necessity of more information. So, effective communication with Muslim communities would be most welcome.

An issue also discussed was crimes related to hate speech. There are some reactions by the civil society that the statistics don't show the real situation because there is underreporting by people who have faced such actions.

Finally, the social milieu, political discourse and the media representation. It is too early for me to form a concrete impression about my visit, but at this stage I think this seems

to be the most problematic area. Some political discourse, some political statements seem unacceptable, like references to Muslims as the cancerous elements of this society. Such discourse of course stigmatizes the Muslim people and Muslim communities. This was the main issue raised by the civil society. Of course the media representation reflects to a great extent the political discourse and I was told that bad examples are exaggerated and rather emphasized, whereas good experiences are generally not highlighted.

I did not come to Denmark to discuss only the cartoon issue, the so-called cartoon crisis, but as you might expect this question can not fall out my mandate. I must say that it was an unnecessary and damaging experience. Freedom of expression is not challenged by anybody. What equally important is respect for moral values and sacred objects and I believe responsible journalism is the key word here. Some sense of responsibility is needed. Many of my counterparts have highlighted these points and also not only in Denmark but in the outside world, including the EU High Representative, the UN Rapporteurs, the Council of Europe Secretary General also have stated that all freedoms comes with responsibility and there are limits to freedom where other freedoms start.

There was a reaction by the Muslim world in general and the Muslim people and this is also recognized by the Danish society in general and by the Danish government. Now I believe it is time to reflect and to take lessons. There is an unfortunate fault line between the Muslim world and the West in general. It falls on the part of all of us, we should try to narrow that fault line, but not to widen. And the remedy for this would be tolerance, respect, respect for diversity, respect for “the other” whoever the other might be.

I also believe we should not be caught between a sensitive argument between freedom of expression versus respect for moral, cultural and religious values. These two concepts, these two values are not mutually exclusive. Both can be respected at the same time. Therefore, a true and meaningful dialogue is a must not only at the national level but also at the international level. And this dialogue must be carried with courage and wisdom. In that respect, I would like to refer to the Alliance of Civilizations initiative which the OSCE also supports and which Denmark also would like to co-sponsor.

I would like to quote from the Secretary General of the United Nations Mr. Kofi Annan. He very wisely stated that “we must unlearn intolerance.” I think that is the main issue. No one can be neutral in the fight against intolerance and discrimination. And one final word. I try to implement my mandate from the perspective of the dignity of human beings, and all human beings, including Muslims and others. As I said there is need for religious and inter-cultural understanding via multi-cultural studies, formal school curriculum, training for

law enforcement and criminal justice authorities and let me underline once again dialogue at the community level.

**Question:** Difference-similarities of Denmark as compared other European countries.

**Answer:** All countries, all Western countries with considerable Muslim populations are in different shapes and conditions, so it is very difficult to make comparisons between countries because conditions are not comparable. I have visited UK, France, US, Germany and Holland and now Denmark. The situation in all these countries are different. But there are similarities in the trends of being left out of the mainstream by these Muslim communities and in that respect, as I also tried to underline in my introductory remarks, the political discourse and the media representation comes in the forefront.

**Question:** When are you reporting?

**Answer:** I have other activities that we have to finish. There is an important meeting on Intercultural and Inter-religious Dialogue in Kazakhstan early in the next month. I hope I will be able to finish this report by the end of July.



Ministeriet for Flygtninge  
Indvandrere og Integration



Mr. Ambassador Ömür Orhun  
Personal Representative of the Chairman-in-office of the OSCE on  
Combating Intolerance and Discrimination Against Muslims

Ministry of Refugee, Immigration  
and Integration Affairs

The Minister

Date: **31 MAJ 2006**  
File name: 060530 brev OO - op-  
følgning

Dear Ömür Orhun

In continuation of our meeting yesterday concerning your task to uncover possible intolerance and discrimination against Muslims I hereby send you a broad selection of material on the Danish legislation on immigration and integration as well as on the many ways in which we in Denmark work towards creating an open, free and culturally diverse society with a solid protection against discrimination.

Furthermore I enclose the discussed statistics on citizenships and other relevant statistics.

I would like to stress that we in Denmark see migration and integration policies as integral parts of one comprehensive approach to ensuring social cohesion to the best interest of the individual. The Danish approach is to manage migration prudently, so it occurs in a way that allows for a good integration process.

Please note with reference to your remarks during the meeting that I have enclosed the Danish Governments' remarks to the third report on Denmark from The European Commission against Racism and Intolerance, which has been published as an appendix to the rapport.

The enclosed material provides you with a broad insight into the Danish approach. Please don't hesitate to contact Sidsel Kathrine Møller at + 45 33 95 19 90 or skm@inm.dk for any further information.

Yours sincerely  
  
Rikke Hvilshøj

**From:** Hans Gammeltoft-Hansen [mailto:hgh@Ombudsmanden.dk]  
**Sent:** Friday, June 02, 2006 1:08 PM  
**To:** Ömür Orhun  
**Cc:** Jens Olsen  
**Subject:** Your visit

Dear Mr. Ömür Orhun,

First of all, I would like to thank you for taking the time to come and visit me and the Danish Parliamentary Ombudsman Office. I enjoyed our conversation and found it very fruitful.

After you left my office, I went through our conversation and reflected once more on the issues we touched upon – there is no doubt that all these questions and problems are crucial to anybody, no matter what. As I said here at the meeting, I think your work is essential to us all, and I wish you the very best of luck and success in your endeavours in the future.

I also wanted you to know that one of your remarks during our conversation made it quite clear to me that there might be a need, not only to produce information about the Ombudsman to various, selected target groups in the Danish society, but maybe more importantly to identify the channels that will make an effective dissemination possible. I therefore decided to form a working group here at my office with the task of writing and distributing a leaflet with the necessary information about the ombudsman and his competence – what one might expect him to do and, maybe more importantly, what one cannot expect him to do. I have among others asked Mr. Seyit Ahmed Özkan, who is my IT Administrator and also Deputy Mayor in the Community of Ishøj, and Mr. Tanwir Ahmad, who is a law student and at the same time working in my office, to take part in this group in order to make sure that we will have an effective text and distribution of the leaflet. For the time being, I have decided to have the leaflet published in Turkish, Urdu and Arabic.

Once more – I wish you the best of luck.

Kind regards,

*Hans Gammeltoft-Hansen*

**Comments from DACoRD to CERD, about the Danish Governments official report**

Denmark has still not incorporated the International Convention on the Elimination of All Forms of Racial Discrimination into Danish law.

DACoRD notes that the Government in its 16<sup>th</sup> and 17<sup>th</sup> periodic report to the Committee states, that Denmark – despite the lack of incorporation – fully respects the provisions of the Convention.

In the meantime DACoRD is of the opinion that the Convention is not being used by the authorities in the same manner as it would be, had it been incorporated. This perception is based on numerous cases of rejection by the prosecuting authority and the State Attorney to raise charges for racist statements made by e.g. members of Parliament or other persons participating in the public debate.

The legal provision in the Danish penal Code covering racist statements is section 266 b which reads as follows:

*“(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, 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 the sentence is meted out, the fact that the offence is in the nature of propaganda activities shall be considered an aggravating circumstance.”*

DACoRD has on several occasions made complaints to the prosecuting authority on behalf of persons who have felt aggrieved by statements covered by the Danish Penal Code section 266b. A number of these complaints have been rejected on the grounds that the prosecuting authority was of the opinion that the statements would not lead to conviction in a court of law. Furthermore, the State Attorney has in a case filed by DACoRD concerning racist statements made by Member of Parliament for the Danish Peoples Party Ms. Louise Frevert stated that:

*”The section (section 266 b in the Danish Penal Code, ed.) must be interpreted in concurrency with the principles of freedom of expression laid down in the Danish Constitution section 77 and the European Convention on Human Rights article 10, which implies that section 266 b of the penal code must be interpreted narrowly under concern of the freedom of expression”.*<sup>1</sup>

Nothing is mentioned of the Convention on the Elimination of All Forms of Racial Discrimination, presumably given the fact that it is not an integrated part of Danish law.

Issues covered by CERD article 4 and 6:

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<sup>1</sup> Decision from the State Attorney of Copenhagen, Frederiksberg and Tårnby Counties, dated May 19th 2006.

*Article 4: States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia;*

*(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;*

*Article 6: States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.”*

#### ● **Lack of examination by the Danish courts of cases of hate speech**

Another example of the absence of any consideration of the Convention is the Attorney Generals assessment of whether the Danish newspaper Jyllands-Posten could be prosecuted for the publishing of the “Mohammed–drawings”. The case was initially brought before the State Attorney of Viborg County by an individual who felt aggrieved by the drawings. The State Attorney of Viborg County processed the case under section 266b as well as section 140 under the Danish penal code covering statements of blasphemous nature. The State Attorney rejected the complaint stating that it was not likely that the case would lead to a conviction of the newspaper. The Attorney General supported this view with a thorough investigation of section 266b and section 141 of the Danish penal Code in comparison with the Danish Constitution section 77 (freedom of expression) and The European Convention on Human Rights Art. 10 (freedom of expression). The Convention on the Elimination of All Forms of Racial Discrimination is only mentioned in relation to the preparatory work related to section 266 b and is not used as a direct source of law.

DACoRD has expressed concern that the public prosecutors often dismiss complaints like the above mentioned about hate speech. The prosecutors often refer to the wider freedom of expression enjoyed by for instance politicians, and the importance of protecting this. The Supreme Court has, however, on 23<sup>rd</sup> August 2003, set an important precedent in regard to this issue, when it stated that the wide freedom of expression about controversial matters does not grant exemption from punishment, despite the political purpose of the expression, if the expression is insulting and demeaning. It would have been desirable for the judgement to have had an impact on the practise of the prosecutors.

In para. 10 of its concluding observations concerning Denmark's fifteenth periodic report<sup>2</sup> the Committee recommended the Danish Government to closely monitor the reported increase of hate speech in Denmark:

*"The Committee is aware of reports of an increase in hate speech in Denmark. While it acknowledges the need for balance between freedom of expression and measures to eradicate racist abuse and stereotyping, the Committee recommends that the State Party carefully monitor such speech for possible violations of articles 2 and 4 of the Convention. In this regard, the Committee invites the State Party to take particular note of paragraphs 85 and 115 of the Durban Declaration and Programme of Action, respectively, which highlight the key role of politicians and political parties in combating racism, racial discrimination, xenophobia and related intolerance. (...)"*

DACoRD notes that the Danish Government in its Seventeenth periodic report to the Committee in para. 84 as a reply to the Committee's recommendations on the subject states:

*"The Danish Government gives high priority to the fight against discrimination in any form, including hate speech. The number of criminal proceedings against politicians for violating section 266 b of the Danish Criminal Code mentioned above with regard to article 6, illustrates i.a. that the prosecution authorities and the courts do not hesitate to set limits for the freedom of expression for politicians when the said politicians have uttered racist comments, in some cases even comments bordering on hate speech."*

The Government refers to statistic material in paragraph 78 which shows violations of section 266 b divided into three categories; number of cases prosecuted, number of persons indicted in the cases prosecuted and number of cases where charges were withdrawn. Apparently the numbers represent decided cases before the Danish courts.

DACoRD has different statistic material concerning incidents of hate speech which is provided to us by the Danish Police.

Yearly statistics of filed complaints have been presented in the table below.

Year	Number of complaints <sup>3</sup>
2005	54
2004	27
2003	28
2002	36
2001	65
2000	37

Since 2001, the number of complaints has decreased in the following three years, but then the number of complaints increased in 2005. The culmination in 2001 was probably the result of September 11, which caused a short-term, isolated and non-organized attack on immigrants<sup>4</sup>,

<sup>2</sup> CERD/C/60/Misc.33/Rev.4

<sup>3</sup> Denmark/The annual statistics on filed complaints from the Danish police, [http://www.politi.dk/NR/rdonlyres/59FE6247-8CDD-4FF2-AA28-618BA51B12A2/0/statistik\\_4\\_kvartal\\_2005.pdf](http://www.politi.dk/NR/rdonlyres/59FE6247-8CDD-4FF2-AA28-618BA51B12A2/0/statistik_4_kvartal_2005.pdf) (27.04.2006)

<sup>4</sup> *Intolerance and Discrimination against Muslims in the EU. Developments since September 11* (March). Report by the International Helsinki Federation for Human Rights, Vienna, Austria.

and the increase in 2005 may be explained by the terror attack in July 2005 in London. However, apart from the similar situation regarding terror attacks in the years 2001 and 2005, both years were election years in Denmark (both local election and general election), and as the political discourse in Denmark is rather harsh when it comes to immigration and integration issues, which are always a topic during election campaigns in Denmark, the debates may influence the tension in society.

In 1992 the Chief Superintendent of the Danish Security Intelligence Service (PET), sent a circular to all police districts in Denmark stating that all criminal incidents (including arson, vandalism, violence, etc.) with a suspected racist motive must be reported to PET. The records produced by PET cover only “racist/religious” actions without categorizing them as islamophobic or anything else, as the ethnic origin and religious affiliation of the victims are rarely described.

PET RECORDS 2000-2005 <sup>5</sup>	
Year	Number of incidents
2005	81
2004	36
2003	52
2002	68
2001	116
2000	28

Statistics on hate speech and PET’s records of criminal incidents follow the same trend with a declining rate of incidents after 2001, and then an increase in 2005.

The weakness of the police statistics and records is, that far from all incidents are likely to be reported to the police, and it seems that not all incidents reported to the police are forwarded to PET, according to the 1992 circular from the Chief Superintendent of the Danish Security Intelligence Service (PET). Besides, PET noted in its annual report 2003 page 18, that it is aware that there may be some reservation among ethnic minorities to report incidents of racist violence and crimes, as it is the common impression that the victim will not be taken seriously or will be met with scepticism.

DACoRD urges the Committee to take the above mentioned statistics into consideration since it documents the already reported increase in cases of hate speech between 2002 and 2005. The point is that very few of the cases ever reaches the court rooms as they are being rejected by the police, as mentioned above.

In Communication No. 34/2004<sup>6</sup> the Committee examined a case brought before the Committee by DACoRD on behalf of an individual claiming to be the victim of violations by Denmark of articles 2, paragraph 1 (d), 4 and 6 of the Convention.

The case concerned a letter from Ms. Pia Kjærsgaard, member of the Danish Parliament for the Danish Peoples Party published in the Danish newspaper Kristeligt Dagblad. The letter – in rough - made a comparison of a Danish Somali organisation and paedophiles in the sense that the Somali organisation had been heard on the preparation of a new bill banning female circumcision which – according to Ms. Pia Kjærsgaard – was the same as consulting the

<sup>5</sup> Numbers provide to DACoRD by PET every year since 2002

<sup>6</sup> CERD/C/68/D/34/2004

association of paedophiles on a bill banning sex with children.

An investigation of the matter was rejected both by the Copenhagen police and later by the Public Prosecutor on the grounds that the statements at hand were made during a current political debate and that it would not be likely that the statements would lead to a conviction.

The Committee stated in its consideration of the merits para. 7.3 that:

*“The Committee observes that it does not suffice, for purposes of article 4 of the Convention, merely to declare acts of racial discrimination punishable on paper. Rather, criminal laws and other legal provisions prohibiting racial discrimination must also be effectively implemented by the competent national tribunals and other State institutions. This obligation is implicit in article 4 of the Convention, under which State parties “undertake to adopt immediate and positive measures” to eradicate all incitement to, or acts of, racial discrimination. (...)”*

In para. 7.6 the Committee states:

*“In the light of the State Party’s failure to carry out an effective investigation to determine whether or not an act of racial discrimination had taken place, the Committee concludes that articles 2, paragraph 1 (d), and 4 of the Convention have been violated. The lack of an effective investigation into the petitioner’s complaint under section 266 (b) of the Criminal Code also violated his right, under article 6 of the Convention, to effective protection and remedies against the reported act of racial discrimination.”*

The Minister of Justice, Ms. Lene Espersen, subsequently expressed that she did not understand the criticism of the Committee, as the case regarded a letter to the editor, and that the question of proof therefore was simple. She further stated that there is a wide freedom of expression in Denmark, and that the Danish society will have to rely on the ability of the courts to use section 266b when needed.<sup>7</sup>

However, the case was never brought before the courts, which is the real problem in relation to these types of cases.

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<sup>7</sup> Radio news, Radioavisen P4, 5 pm, 21<sup>st</sup> March 2006

## **COMMENTS BY THE GOVERNMENT OF DENMARK ON THE REPORT ON THE COUNTRY VISIT TO DENMARK BY AMBASSADOR OMUR ORHUN 28-31 MAY 2006**

### **Introduction**

The Danish Government welcomes this opportunity to comment on the Personal Representative's report on his visit to Denmark in May 2006.

The Danish Government is firmly committed to the elimination of racial and religious discrimination and to the development of policies and legislation, which address intolerance and discrimination. Danish legislation and policies are based on the basic principles of non-discrimination and apply equally to all persons regardless of race, sex, language or religion. The overall policies of the Danish Government aim to promote social cohesion, democratic values and freedom for diversity. No Danish legislation or policies aim directly or indirectly to disadvantage specific groups, including Muslims. On the contrary, in nurturing a democratic culture Denmark provides a solid framework for the enjoyment of religious freedom by all religious communities, including Muslim.

The effective and independent international monitoring of compliance with international human rights standards is a priority issue for the Danish Government.

The Danish Government welcomes the fact that the Personal Representative notes various good practices throughout the report and his recommendation to the Chairman-in-office that these should be disseminated to other OSCE participating States in order to demonstrate constructive and effective ways for dealing with intolerance and discrimination against Muslims.

The Government has noted the areas of concern put forward by the Personal Representative in his report. The Government has summarised below a response to those areas of concern, and has clarified some of the misleading or inaccurate information contained in the report.

The Government has, so far, not adopted steps to implement the recommendations. The report was only received in July this year. The Government is open to consider such steps, if there are problem areas, which need to be looked into.

### **Summary of Findings, Areas of Concern and Recommendations**

#### *Overall Situation Facing Muslims*

The report notes that "the political and media discourse vis-à-vis the Muslim community has hardened and restrictive legislation and implementation has been introduced. It is an irony that all this is happening in a country which prides itself with its human rights performance and which preaches the same to others".



This allegation is not supported by any facts or data. In the absence of scientifically collected data on the nature of the public debate in Denmark, it can reasonably be argued that, while some statements occurring in the public debate are unjustly negative towards Muslims or Islam, those same statements are also countered and opposed by many other statements as part of a debate among free - and mostly private - citizens in a democratic society. It is difficult to determine which trend is the dominating one in the public debate.

The Danish Government sees a free debate as healthy in a democratic society. But it is not fair or correct to make a linkage between an allegedly hardened public discourse and the policies of the Danish Government.

The measures undertaken by the Government in the area of migration and integration all have the purpose of maintaining and developing Denmark as a democratic society with social cohesion, freedom for cultural, religious and political diversity and equal rights, duties and opportunities for everyone regardless of gender, colour or conviction.

From the side of Danish public authorities, Islam and Muslims are respected on an equal footing with all other religions, communities and individuals. Likewise, the Government speaks out and acts against antidemocratic and discriminatory behaviour from whatever side.

The report's claim that the discourse vis-à-vis Muslims has hardened is not supported by surveys carried out on the issues of discrimination and tolerance (see below remarks to the point of the report on "Climate of Tolerance").

#### *The Nationality Act, the Integration Act and the Aliens Act*

The report states that the Nationality Act, the Integration Act and the Aliens Act have been modified in a manner which disproportionately restricts the ability of members of minority groups to acquire Danish citizenship, to benefit from spousal and family reunification and to have access to social protection on an equal footing with others.

As to the rules concerning obtaining Danish citizenship, it should be noted that Article 44 of the Danish Constitution stipulates that no foreign national shall be naturalised except by statute. Therefore, the power to grant Danish nationality to foreign nationals rests with the Parliament alone and it is a majority of the Parliament, which determines the guidelines, according to which the Danish Ministry of Integration administrates.

On 8 December 2005 the two government parties, the Danish Liberal Party and the Conservative People's Party, and the Danish People's Party entered into an agreement on Nationality, which lays down the future general guidelines for the preparation of naturalisation bills by the Minister for Integration.

The parties have laid down requirements on acquisition of Danish citizenship, which are found to sustain the integration process in a positive manner and correspond with Denmark's democratic values and international obligations.

Under the new guidelines, the requirement of proof of an applicant's skills in the Danish language and knowledge of the Danish society, Danish culture and history has been strengthened. Furthermore, as a new condition the applicant must be able to support himself.

In principle, all applicants for citizenship must fulfil the conditions under the new guidelines.

The Danish Government is of the opinion that the rules on naturalisation are appropriate in a democratic society and respect Denmark's international obligations. Thus, the Danish Government does on a continuous basis ensure that the rules on naturalisation do not in any way contain distinctions or include any practice which amount to discrimination on the grounds of religion, race, colour or national or ethnic origin.

Concerning the recent amendments to the Aliens Act, the report notes that there have been several restrictions to the right to family reunification, i.e. the 24-year-rule, the condition of possessing a reasonable sized dwelling, the condition of ties, the 28-year-rule and a condition of satisfactory period of employment. Furthermore, the report states that although these restrictions are applicable to all migrants, Muslims are the most affected group, also because of their size.

The 24-year rule was introduced in 2002 as one of more amendments concerning family reunification. It follows from the explanatory memorandum to the Bill that the purpose of these amendments was to enhance the efforts to combat forced marriages and to limit the number of family reunifications to counteract the problems of poor labour market integration.

Concerning the purpose of preventing arranged and forced marriages, the Government is of the opinion that the older a person is, the better he or she can resist pressure from the family or others to contract a marriage against his or her own will.

The purpose of the 24-year rule is thus to help young people pursue their own wishes as to their choice of a partner and to complete an education – that is to choose the life they think is right for them.

The 24-year rule has proved to be a more effective tool against forced marriages and arranged marriages than the former 25-year rule, which was introduced in July 1998, and according to which, if one of the spouses was less than 25 years old, it had to be assessed on a case-by-case basis whether the marriage was based on an agreement concluded by others than the spouses. If so, family reunification was refused.

The Government finds the current 24-year rule effective because it protects young people against pressure in connection with the entering into a marriage. The rule also promotes better integration, because it contributes to improved educational and work opportunities for young people. A strong argument included in the Government's deliberations on this rule has

been that large groups among young people with an ethnic background other than Danish – along with the leading opposition party in Parliament - support the 24-year rule.

The condition applies to everybody, that is, all persons living in Denmark irrespective of ethnic origin, be they Danish nationals or resident foreigners.

The condition that the spouses' aggregate ties with Denmark must be stronger than their ties with any other country replaced a more lenient condition of ties. According to the explanatory notes relating to the current condition of ties, integration is particularly difficult in families where generation upon generation fetch their spouses to Denmark from their own or their parents' country of origin. Among foreigners and Danish nationals of foreign extraction who live in Denmark, there is a widespread tendency to marry a person from one's own country of origin, among other reasons due to parental pressure. This tendency contributes to the retention of these persons in a situation where they, more frequently than average, experience problems of isolation and maladjustment in relation to the Danish society. The tendency thus renders the successful integration of foreigners newly arrived in Denmark more difficult. The purpose of the condition of ties is to ensure the best possible starting point for the successful integration of family members wanting to be reunited with their family in Denmark, while protecting young people against pressure from their family or others to enter into arranged marriages or forced marriages with spouses from a country and with a cultural background distinctly different from the young people's own daily lives and cultural reality.

The condition of ties applies to everybody, that is, to all persons living in Denmark irrespective of ethnic origin, be they Danish nationals or resident foreigners.

Since the current condition of ties was introduced in 2002, the condition has been modified. Accordingly, no married couple has to satisfy the condition of ties if the spouse living in Denmark has been a Danish national for 28 years or more.

The 28-year rule is an exception to the condition of ties and reflects a standardised assessment of ties. Therefore it is necessary to require citizenship of a certain length of time.

A 28-year-old Danish national will normally be found to have such ties with Denmark that it is possible to refrain from making a condition of ties. Thus, there are objective reasons for the differential treatment accorded to citizens depending on the length of their citizenship.

Due to a desire not to treat Danish nationals and foreign nationals living in Denmark differently in comparable situations, the legislation specifies that an exemption from the condition of ties will generally apply to persons who have not been Danish nationals for 28 years, but who were born and raised in Denmark or arrived in Denmark as small children and grew up in Denmark, when they have resided lawfully in Denmark for 28 years.

These people are in practice subject to the same treatment as persons who have been Danish nationals for 28 years.

Thus it should be noted that on the 13 April 2005 the Supreme Court delivered 3 decisions concerning family reunification in connection with the condition of ties that was in force before July 2002 (U2005.2086H, U.2005.2099/1H and U.2005.2099/2H). Contrary to the condition of ties in force today, the condition of ties only comprised persons, who did not have a Danish citizenship.

About this differential treatment of Danish citizens and non-Danish citizens, the Supreme Court stated that such a differential treatment on the basis of citizenship was not contrary to the prohibition against discrimination in article 14 compared with article 8 of the European Convention of Human Rights, cf. the decision taken by the European Court of Human Rights on the 28 May 21985 (Abdulaziz, Cabales and Balakandali v. UK, 84-86).

Finally it should be noted that in all cases concerning family reunification the authorities have an obligation to respect Denmark's international obligations. This follows from the Danish Aliens Act and from the explanatory notes to the provisions concerning family reunification. It is thus the opinion of the Danish Government that the provisions in the Danish Aliens Act concerning family reunification fully respect Denmark's international obligations and do not lead to discrimination.

#### *Climate of Tolerance*

Statistical evidence points to the fact that – contrary to what is stated in the report – there is an increased climate of tolerance in Denmark.

A survey, conducted by the research company CATINÈT from May 2006, shows that in 2000, 42.7 pct. of immigrants and refugees and their descendants in Denmark felt they had experienced discrimination. In 2006, the percentage is down to 29.5 pct.

International studies compare the Danish majority population's attitude towards immigrants with the attitudes in other European countries. Studies reported by the European Monitoring Centre on Racism and Xenophobia (EUMC) in 2005 prove the Danish population to be less resistant towards a multicultural society and towards immigrants than the EU average. The European Value Study 1999 places Denmark in the middle of the spectre of European countries as regards xenophobic attitudes towards Muslims, while Danes prove to be some of the most tolerant when it comes to accepting ethnic minorities as their neighbours.

The report of the Special Representative concludes that the provision on hate speech in the Criminal Code (article 266b) is "seldom if ever applied to those who make inflammatory statements" and that "serious processing of reported hate crimes" is an area that requires more close attention".

The Danish Government disagrees with these conclusions.

As explained by the Ministry of Justice during the visit of the Personal Representative [(Draft Report p. 22)], 35 cases concerning violation of article 266b were brought before the courts in

the period 1999-2005, and the Director of Public Prosecution has issued regulations in 1995 (RM 4/1995) requiring local prosecutors to report to him all complaints concerning violation of article 266b regardless of whether the case is brought before the courts or not in order to ensure a uniform prosecutorial practice and to collect all relevant case law. A summary of all relevant court decisions involving article 266b is available to local prosecutors (and the public) on the website of the Director of Public Prosecution ([www.rigsadvokaten.dk](http://www.rigsadvokaten.dk)) and the document is regularly updated with new decisions.

Although there might arguably be a perception amongst NGO's and Muslim communities that article 266b is not applied vigorously enough by the police and the prosecution - cf. the impression relayed by the Personal Representative to the Ministry of Justice [(Draft Report p. 22)] - this hardly warrants a conclusion that the provision is "seldom if ever applied" and that there is no "serious processing of reported hate crimes" taking into consideration the information provided by Government during the visit concerning case statistics and the procedures introduced by the Director of Public Prosecution.

#### *Structural Discrimination and Inequality*

The report states "Minority groups and Muslims in particular are persistently disadvantaged in areas pertaining to housing, education, employment and access to social services. Segregation in housing and exclusion from employment serve to marginalize groups from the mainstream society".

This statement gives a distorted picture of facts and the policy objectives of the Danish Government.

Almost all social services in Denmark are provided by the welfare state, ensuring equal access to all groups regardless of ethnicity and beliefs.

The question of underreporting of hate crimes is considered in the latest annual report (2004-05) of the Danish Security Intelligence Service (PET), published on 21 September 2006. As is stated on p. 58-59 in the annual report, PET receives information from the police districts on crimes etc. that may have racial/religious background in order to evaluate whether such crimes are committed in a more organised or systematic way. It is uncertain to which extent the information from the police districts gives the full picture of committed hate crimes. Therefore, PET is considering - together with the police districts - to launch a campaign to encourage citizens to report racial/religious motivated crimes to the police. It is also under consideration to produce and distribute information material (e.g. a folder) on this subject.

#### *a. Housing*

Data on housing particularly for Muslims are not available. But immigrants and their descendants from non-western countries are in fact overrepresented in the non-profit housing and in deprived urban areas.

In 2005, 60 percent of the immigrants and descendants from non-western countries live in non-profit housing as compared to 14 percent of Danes. The share of immigrants and

descendants in non-profit housing has hardly changed since 1999. However, the share of immigrants and descendants from non-western countries has increased from 1998 to 2004 in specific deprived urban areas with high percentages of unemployed people.

The report seems to infer that there is a policy of segregation - this is wrong. On the contrary, there is a policy of anti-segregation and integration.

On 25 May 2004, the Government presented a comprehensive strategy to help initiate and maintain a positive development in the urban areas at risk of social problems – many of which characterized by an overrepresentation of ethnic minorities with weak relations to the labour market.

In autumn 2006, a consultative council on urban planning issues is expected to publish a report with its recommendations on what initiatives should be taken.

A new model for allocating social housing has been introduced to restore the resident composition in urban areas with a high percentage of residents who are outside the labour market with social problems.

The local authorities are also responsible for providing housing. After the introduction programme that lasts for a period of up to three years the immigrants join the ordinary schemes concerning employment and education.

#### *b. Employment*

Data on employment particularly for Muslims are not available. But immigrants and descendants from Non-western countries do have a lower employment rate than the rest of the population: In 2005, the employment rate for immigrants and descendants from non-western countries aged 16-64 was 48 percent, while the employment rate for Danes was 76 percent. However, the employment rate for immigrants and descendants from non-western countries has improved slightly since 2001.

The Danish Government has a clear goal to improve integration of immigrants and descendants of immigrants in the labour market. The Danish government has pursued a consistent and long-term policy towards this objective since its action plan 'Towards a new integration policy' from March 2002.

The main focus of the action plan is that newcomers as well as refugees and immigrants, who have lived in Denmark for some time, should be able to take part in working and social life on an equal footing with the general population.

Reforms within the integration and labour market fields were introduced in 2002 and 2003. The strategy is to ensure that new immigrants get a quick start and obtain employment as quickly as possible. One of the elements of the reforms is a flexible system for teaching the Danish language, simplification of activation schemes in the form of guidance and upgrading of skills, practical work experience and wage subsidies and requirements for active job search

activities and registration with the Public Employment Service for foreigners who are ready to take up a job.

Furthermore, a possibility to obtain permanent residence permit more quickly was introduced for the benefit of well-integrated foreigners. Finally, the reforms have increased the economic incentives for the municipalities to offer labour market oriented incentives.

At the end of 2002, the Government initiated the campaign 'We Need All Youngsters'. The goal of the campaign is to increase the awareness amongst ethnic minority youth and their parents of the educational system and to increase the awareness among employers of the qualifications of young immigrants. Among the activities are teams of role models composed of ethnic minority youth and parents, who visit schools and educational institutions. The campaign will run until the end of 2009.

According to The Integration Act (1999), local authorities are responsible for the introduction programme targeted at newly arrived refugees and migrants through family re-unification consisting of Danish language education and job training. The focus is on active training and, if possible, job and language training on enterprises.

### *c. Education*

As for the issue of education, data particularly for Muslims are not available. But statistical data illustrate, that a lower share of immigrants and descendants from non-western countries complete a qualifying education in Denmark compared to Danes. High drop-out rates among young immigrants and descendants is one of the reasons. However, improvements have taken place recently: A larger share of immigrants and descendants from non-western countries aged 25-59 has completed a Danish qualifying education in 2005 compared to the share in 1999.

The government pursues an intensive policy to strengthen integration in the field of education. The report of the Special Representative refers to bilingual children's lack of proficiency in speaking and writing Danish. The Government closely follows this field. To ensure that children with a need for linguistic support acquire maximum benefit from the education system, bilingual children are offered compulsory language stimulation (children aged 3-6) and at admission to the Folkeskole bilingual pupils with special needs are referred to education in Danish as a second language from pre-school to 10<sup>th</sup> form, pursuant to section 4 a og section 5, subsection 7 of the Danish Folkeskole Act.

The Government is of the view that the integration of bilingual children is increased when good conditions for general learning and language education go together. The conditions for the acquisition of proficiency in Danish are improved when bilingual children are surrounded by other children and adults, who have Danish as their mother tongue or master Danish on mother tongue level.

The decision to offer language stimulation must be taken on the basis of an individual assessment of the educational needs of each bilingual child. If a school child's need for Danish as a second language is not insignificant and the municipality assesses that the child can be

given a better educational offer at another school than the district school or the school chosen by the parents, the municipality has the possibility to refer the child to the school which it deems to have the best educational offer for that particular child, pursuant to section 5, subsection 8 of the Danish Folkeskole Act. There must be an ongoing assessment to see whether the reasons that necessitated the initial decision persist. If this is not the case, the parents have the right at any time to choose that the child shall be referred to its district school or another school of their choice.

To support the acquisition of Danish, the Minister of Education has suggested that the municipalities engage bilingual teachers in the Folkeskole as the bilingual teachers can give explanations or expand on the content of the subject at hand, utilising the mother tongue to enable the pupils to fully benefit from the education. In this way, the mother tongue is used as a short cut to learning Danish.

Danish as a second language in the Folkeskole was evaluated in 2004. A new evaluation is planned to take place in 2007.

The report of the Special Representatives notes that there are no specific regulations on how to treat children of different backgrounds in the schools and on how to establish collaboration with the parents. However, to encourage a good dialogue between school and home the Ministry of Education published a leaflet "Rights and duties in the Danish comprehensive Primary and Lower Secondary Schools in 2002". The leaflet is intended as a tool to further co-operation between parents and school. Knowledge of rights and duties means clearer understanding of expectations to the co-operation. The leaflet is published in 11 languages, including Turkish.

The Danish Government has for example published guidelines on discipline, good behaviour and well-being at the Folkeskole, which describe courses of potential action for parents, school boards, head teachers and teachers with regard to improving pupils' behaviour and well-being, thus avoiding bullying, disruption and poor behaviour (issued March 2006) and guidelines on democracy that may help reinforce teaching in democratic values at the basic school and in secondary education (issued August 2006). Democratic values of course include equality, dialogue, tolerance, intellectual liberty and freedom of speech.

The central knowledge and proficiency areas for the Folkeskole's various subjects are a good foundation for an implementation of a teaching that strengthens the integration of bilingual pupils.

The central area of knowledge for the subject of Religious Studies is the religion of the Danish National Evangelical Lutheran Church and so based on Christianity. Since 1975 tuition of Religious Studies has been based on factual knowledge. In other words, tuition is not based on the preaching of Christianity. Tuition is also to include foreign religions and other philosophies of life.



The Danish Government is of the view that it is not a good idea if pupils are taught about their own religion separately. It may mean that pupils do not learn to put themselves in other pupils' place, including knowledge of different religions.

It is important for children to get a good start in order to understand Danish cultural tradition and different norms and values in the Danish society, and that they relate to common human issues and other philosophies of life.

In the policy agreement 'A New Chance for Everyone', several new initiatives aim at further reducing the drop-out rate for ethnic minority children. The initiatives comprise individual educational guidance to children and their parents from the ethnic minorities, initiatives to secure more traineeships for youngsters from the ethnic minorities and a vocational training course with emphasis on the practical training which is believed to be of particular relevance to youngsters with an ethnic minority background.

To Ambassador Orhun's comment about high drop-out rates, the Government can refer to two important initiatives: The Government's globalisation strategy and the agreement with the Social Democrats, Social Liberals and the Danish People's Party on Welfare Reforms. These initiatives have, among other things, the following aims:

- All young people should complete a general or vocational upper secondary education programme with the following targets:
- At least 85 per cent of all young people should complete a general or vocational upper secondary education programme in 2010 and at least 95 per cent in 2015.
- General and vocational upper secondary education programmes must be attractive and of top quality.
- Vocational education and training (VET) programmes should be challenging for the brightest students and provide them with opportunities for further education and training. The VET programmes must also include the provision of programmes of a suitable level for weak learners
- Guidance services must provide young people with a solid basis on which to choose an education or training programme that matches their wishes and abilities as well as the needs for skilled labour in society.
- A coherent education system at all levels is essential – from compulsory school to higher education. Guidance services should contribute towards the creation of flexible and smooth transitions from one educational level to another.

### *Freedom of Religion and Belief and Equality of Religions*

#### *a. Registration, recognition or approval*

Religious communities, including Muslim communities, have the freedom of practising their religion in Denmark without being registered or approved by the governmental authorities. However, if a religious community wants to enjoy rights that religious communities may obtain according to Danish legislation, the community has to apply for an approval by the Ministry of Ecclesiastical Affairs.

From 1682 until 1970, 11 religious communities were recognised through royal decree. As from 1970, the Ministry of Ecclesiastical Affairs has approved religious communities on the basis of the provisions of the Marriage act, according to which clergy of other religious communities may be authorized to perform marriages with legal effect, provided that the communities have been approved.

The Ministry has approved about 135 communities, including 36 Muslim communities.

In addition to the right to perform marriages, both the old recognised communities and the communities approved since 1970 enjoy the right to obtain residence permits for foreign preachers under the Aliens Act and the right to establish their own cemeteries under the Danish Cemetery Act.

There are some historical and, in fact, quite small differences between the right and duties of "recognised" and "approved" communities. The recognised communities may name and baptize children with legal effect, they have the duty of maintaining church registers and they may transcribe certificates of names and marriage on the basis of these registers.

The office of the local church undertakes the registration of all births, regardless of religious background, on behalf of the public authorities and transcribes certificates of names for all children except those who are related to one of the old recognised communities. The municipal authorities transcribe certificates of marriages performed by the ministers of the approved religious communities.

#### *b. Mosques and Muslim burial places*

A religious community, which wants to build a mosque (or a church or a temple) or to convert an existing building for this purpose does not need any permission from the Government, but a planning permission issued by municipal authorities. The religious community itself must provide the funds needed for such project.

According to research published in April 2006, there are about 115 mosques across Denmark. 3 of these are purpose-built.

During recent decades there have been some attempts to form the basis for building a major mosque in Copenhagen, and for many years the municipal authorities have reserved an area for this purpose. However, the Muslim communities in Copenhagen have not managed to establish the organization or provide the funding for the project. Probably, this is to some extent due to the fact that there is not just one Muslim community in Copenhagen but a substantial number of smaller communities.

For the time being, there are negotiations between the Muslim community and the municipal authorities in Århus, the second-largest city in Denmark, on a suitable location for a mosque.

Regarding burial places, the situation is that Muslim communities enjoy exactly the same rights and possibilities as other religious communities to establish their own burial grounds. A religious community who wants to do so must itself provide the necessary funds and has to obtain a planning permission as well as a special permission from the Ministry of Ecclesiastical Affairs.

In 2001, the Ministry of Ecclesiastical Affairs assisted the Muslim communities in the Copenhagen area in locating a suitable area for a burial ground to be owned and managed by a foundation established by the Muslim communities. The foundation was established in 2003 and the purpose-built burial ground was opened in September 2006.

#### *c. Taxation*

Both recognised and approved religious communities enjoy a number of tax benefits. Financial contributions to these communities are tax-deductible under the Danish Tax Assessment Act to the same extent as financial contributions to charitable non-profit associations.

In this way, recognised and approved religious communities and their members receive indirect financial subsidies from the State, which might per member exceed the financial subsidy that is granted directly from the State to the Evangelical Lutheran National Church. This indirect subsidy may amount to 32 per cent of the contribution.

Only members of the Evangelical Lutheran Danish National Church pay church tax. The church tax amounts to about 80 % of the total incomes of the Danish National Church. Unlike the contributions paid to other religious communities by their members the church tax is not tax-deductible.

All citizens in Denmark contribute, regardless of religious background, to an annual subsidy to the Danish National Church, which is granted on the State budget. In 2006 the subsidy amounts to DKK 762.600.000 - equivalent to about DKK 170 per member of the National Church.

However, all citizens also contribute to the indirect subsidy that other religious communities receive resulting from the fact that according to the tax legislation contributions to religious communities are tax-deductible.

#### *Complaints Committee for Ethnic Equal Treatment*

This point in the report of the Special Representative seems to draw its conclusions from a limited set of facts. The Danish Government would therefore like to draw attention to the following points regarding the mandate and effectiveness of the Institute for Human Rights and the Complaints Committee on Ethnic Equal Treatment.

By Act No. 411 of 6 June 2002 establishing the Danish Centre for International Studies and Human Rights the competences formerly held by the Board of Ethnic Equality and the Centre for Human Rights were transferred to the Institute for Human Rights under the Danish Centre for International Studies and Human Rights.

The rationale behind the Government's decision to close down a number of superfluous councils, boards and committees was first of all to make available resources to improved welfare and secondly, to simplify the state administration and improve accessibility for citizens. Furthermore, the decision was of a general nature and mainly concerned other areas, including environmental and nutrition issues.

The Institute for Human Rights operates according to the so-called Paris principles - adopted by the UN general assembly as resolution 48/134 of 20 December 1993. The Institute is thus independent of the Government. The Institute for Human Rights has been assigned a very wide mandate covering all existing and future human rights conventions to which Denmark is a party as well as the Danish constitutional human rights and is therefore also competent to promote equal treatment regardless of religion or faith.

The Institute for Human Rights has furthermore been assigned all the powers required by the EU racial equality directive (2000/43/EU) for a national body for the promotion of equal treatment regardless of racial or ethnic origin, including the power to assist victims of discrimination in pursuing complaints about discrimination, to conduct independent surveys concerning discrimination and to publish reports and make recommendations on issues of discrimination.

In May 2003, the Act on Equal Ethnic Treatment was adopted by the Danish Parliament. By this Act the Institute for Human Rights was given the power to review individual complaints on discrimination on the grounds of race and ethnic origin outside the labour market. Denmark thereby moved beyond the requirements of international and EU-law. It is furthermore noteworthy that the Board of Ethnic Equality never had the competence to review individual complaints.

In June 2003 the Institute for Human Rights set up the Complaints Committee for Ethnic Equal Treatment to carry out this task.

In 2004, by Act No. 253 of 7 April 2004 amending the Act on Prohibition of Discrimination on the Labour Market the authority of the Institute - and thereby the Complaints Committee - was further extended to embrace individual complaints concerning discrimination in the labour market etc. on the grounds of race or ethnicity.

The Complaints Committee may express its opinion as to whether the prohibition of discrimination on the grounds of racial or ethnic origin contained or the prohibition of victimisation have been violated. The Complaints Committee may furthermore recommend that victims of discrimination are granted free legal aid in accordance with the Danish Administration of Justice Act. There are no fees for bringing a case before the Complaints Committee.

The prohibition against discrimination in the labour market is, however, not limited to discrimination on the grounds of race or ethnic origin but also prohibits discrimination on the

grounds of colour of skin, religion or faith, political observation, sexual orientation, age, disability, national or social origin. Complaints of discrimination on any of the grounds prohibited by the act, including discrimination on the grounds of ethnic origin, race, religion or faith, can be lodged through unions or at the courts.

The prohibition of discrimination in the labour market covers the whole period of employment, including hiring, dismissal, transfer, pay, conditions of work and further training.

A victim of discrimination may freely decide whether he or she wants to bring the case directly before the courts or to complain to the Complaints Committee for Ethnic Equal Treatment. However, the main rationale behind the establishment of an administrative complaints body is to provide victims of discrimination with a flexible, inexpensive and swift alternative to the ordinary courts. On the basis of a decision from the Complaints Committee, the victim of discrimination may decide whether or not to bring the case before the courts.

The Act on Ethnic Equal Treatment leaves considerable discretion to the Complaints Committee as to which cases it decides to handle. The preparatory remarks do however contain some guidelines. These guidelines state that it should be taken into account if the complaint is unfounded or unimportant. Furthermore, cases that present such a doubt to the evidence as to necessitate the hearing of parties or witnesses must be rejected by the Committee. Such cases must instead be instituted at the courts.

Statistical information from the Complaints Committee for Ethnic Equal Treatment does not render an image of a 'toothless' Committee, but rather of one that has just begun its operations a few years ago.

By 8 May 2006, a total of 213 cases had been brought before the Complaints Committee since its establishment in 2003, including 39 cases, which were taken up on the Committee's own initiative. The Committee has decided 35 cases on their merits. In 28 cases, no breach was found to have taken place while a breach of the prohibition of unequal treatment on the grounds of race or ethnic origin was found in 7 cases or in 20.0 % of the total number of cases. 4 of the cases in which a breach of the prohibition of unequal treatment on the grounds of race or ethnic origin was found were based on individual complaints and in 2 of these the Committee recommended that the complainant should be granted free legal aid. One case decided by the Complaints Committee has been brought to court. On 29 November 2005, the Copenhagen City Court found however that the complainant had not been a victim of unequal treatment because of ethnic origin and this conclusion was confirmed by the Eastern High Court in the appeal case on 27 June 2006.

The Institute for Human Rights has been allocated 6.0 mill. DKK on a yearly basis (approx. 0.8 mill. Euros) to perform the tasks related to the promotion of equal treatment regardless of racial or ethnic origin. The Government has had no indication and has not received any word from the Institute for Human Rights to the effect that the funding is not sufficient for the undertaking of these activities.

The Government has decided to take protection against discrimination even further. The Government therefore aims to propose the establishment of an independent Common Complaints Board for Equal Treatment which is to begin operations in 2007.

The Common Complaints Board for Equal Treatment will be competent to review complaints on the grounds of discrimination because of gender, race, religion or faith, age, disability, national, social or ethnic origin, political observation or sexual observation.

The new Common Complaints Board is modelled after the existing Gender Equality Board (Ligestillingsnævnet). The Gender Equality Boards personal composition - where a judge heads the proceedings and the members are all lawyers – is an efficient system, which provides a high degree of professionalism, competence and expertise.

The establishment of the Common Complaints Board implies among other things that the review of complaints of discrimination because of ethnic origin – which today are handled by the Complaints Committee on Ethnic Equal Treatment – will be raised to the level of the Gender Equality Board and thereby considerably strengthened.

One of the main changes is that victims of discrimination can be accorded compensation for non-pecuniary damages directly by the Common Complaints Board and that the Common Complaints Board will be entitled to take the case to the courts if the perpetrator is not willing to pay.

The Institute for Human Rights will remain the independent national body for the promotion of equal treatment regardless of racial or ethnic origin and thus be competent to provide independent assistance to victims of discrimination, conduct independent surveys concerning discrimination and publish independent reports and make recommendations on any issue relating to such discrimination.

#### *Lack of Funding for NGO's*

The report of the Special Representative claims that minority organizations and antidiscrimination bodies are being starved by the Government and that many have been forced to close down. Also, the report alleges that the government is creating gaps between groups in society by hand picking partners for dialogue.

This picture of Danish policies is false. The government has a very broad network of partners for cooperation and dialogue and puts vast efforts and economic resources into integration and anti-discrimination, including activities of a wide range of organisations and associations.

On the issue of anti-discrimination bodies, the Government agrees that victims of racial or ethnic discrimination should be provided with easily accessible legal assistance and remedies.

The Institute for Human Rights by Act no. 374 on Ethnic Equal Treatment in 2003 was therefore provided with the powers to provide assistance to victims of discrimination in

pursuing their complaints about discrimination and to review complaints about violations of the prohibition of discrimination on the grounds of racial or ethnic origin. At the same time, Danish discrimination law has been considerably strengthened.

Victims of discrimination therefore no longer have to rely on the earlier limited NGO-assistance – which is portrayed as very substantial by the NGO's, but as a matter of fact was quite limited – but now enjoys legal assistance and protection against discrimination from a both nationally and internationally highly reputed independent human rights institution - the Institute for Human Rights.

Referral is also made to the remarks above on the proposed establishment of a Common Complaints Board on Equal Treatment.

As for the broader spectrum of NGO's, local bodies etc. in the field of integration and minorities, the picture of these organizations being starved by the Government could not be more false.

Below are some examples of the vast resources put into integration, cultural diversity and anti-discrimination via financial support from the Danish government:

#### Campaign: Show Racism the Red Card

The Danish trade union for professional football players 'Spillerforeningen' and the NGO MixEurope have received a total amount of 3.5 million DKK (app. 469,000 Euro) in 2006, 2007 and 2008 for the campaign "Show Racism the Red Card" of which 850,000 DKK (app. 114,000 Euro) is funding from the amount set aside for the implementation of the Action Plan. The additional DKK 2.65 million (app. 355,000 Euro) are additional funds from the Ministry of Integration.

The campaign is known from other European countries, but in Denmark the campaign has a wider scope than just combating racism in football, as the campaign will include a range of initiatives directed towards schools and companies. Professional football players are going to visit companies to discuss racism and discrimination and to establish informal agreements with companies to employ more people with a different ethnic origin than Danish.

The campaign is furthermore cooperating with the Trade Union for Teachers in Denmark (Danmarks Lærerforening) on the development of teaching materials about racism and discrimination and the professional football players involved in the campaign are going to visit schools to discuss these themes with the pupils so as to raise awareness among the children of the complete unacceptability of racism.

The campaign has begun in spring 2006. At the first event of the campaign on May 7, the professional football players in the national league showed the banner "Show Racism the Red Card" on the stadiums before the matches began.

### Cultural Festival: Images of the Middle East

The Danish Government financially supports the campaign 'Images of the Middle East' conducted by the Danish Centre for Culture and Development (DCCD). The activities of the Images of the Middle East campaign includes an information/-education programme which takes place from 2004 to 2007 and a Cultural Festival in Copenhagen and throughout major Danish cities from August 12 to September 20, 2006.

Images of the Middle East is financed by funds from DCCD, the Danish Ministry of Foreign Affairs, EU, as well as programme partners, local authorities, ministries, foundations, etc.

DCCD receives financial support of 42 million DKK (app. 5.63 mill. Euro) from the Ministry of Foreign Affairs in the period 2004 – 2006. About one third is reserved for the implementation of 'Images of the Middle East'. In addition to this funding, the information programme in relation to Images of the Middle East has received 3.478.000 DKK (app. 466,000 Euro) from the Ministry of Foreign Affairs Middle East Initiative. The DCCD furthermore receives 640,000 DKK (app. 86.000 Euro) of funding from the Ministry of Integration Affairs. The 'Images of the Middle East' thus in total receives Government funding of more than DKK 18 mill.

The aim of the festival is to provide a more positive image of the Middle East, to support the integration of people from the Middle East, to increase the mutual understanding between different groups in the society and to present Middle Eastern culture in a positive way.

The Images of the Middle East Festival focuses on contemporary culture and the current changes, which are taking place in the Middle East. The festival covers events as theatre, dance, music, films, literature, exhibitions etc.

Images of the Middle East is also cooperating with UNESCO, ISESCO, and ALECSO in the framework of the UNESCO programme "Dialogue between Civilisations".

### Auschwitz Day

Every year on 27 January - the official international Auschwitz Day - Denmark commemorates the Holocaust and other genocides of the 20th century. The day has a focus on furthering the debate on, awareness of and education in the tragic events of genocide. The Auschwitz Day intends to provide insight into the dynamics of genocide and to contribute to the prevention of future genocides. The day contributes to the combat against anti-Semitism and other forms of discrimination.

The activities surrounding Auschwitz Day are organised under the auspices of the Ministry of Education and bring together several ministries, the Danish Institute for Human Rights, and the Department for Holocaust and Genocide Studies at the Danish



Institute for International Studies. Broadly speaking, these activities fall into two categories: local arrangements in participating municipalities and educational activities conducted by the Department for Holocaust and Genocide Studies.

The Ministry of Education spends around 2,0 million DKK (app. 268,000 Euro) to implement the Auschwitz Day.

- The Ministry of Integration and the Ministry of Education has each contributed DKK 132,000 DKK (app. 17,750 Euro) – 264,000 DKK (app. 35,500 Euro) in total - to the Danish participation in an OSCE project on developing teaching materials for combating anti-Semitism and other forms of discrimination.
- The Danish Centre for International Studies has received 400,000 DKK (app. 54,000 Euro) to conduct a report about anti-Semitism and anti Muslim views among school pupils at the age between 14 and 20 in Danish schools. The research had the form of a pilot project.

#### The MIA-campaign and MIA-prize

The Ministry of Integration Affairs represents the Danish Government in the Programme Committee of the Community Action Programme to Combat Discrimination 2001-2006. The Community Action Programme was established by Council Decision 2000/750/EC of 27 November 2000. The Community Action Programme which consists of activities at both the European and national level provides funding from the European Union to the member states for national awareness raising activities. In previous years the funding has been 100,000 EURO (app. 750,000 DKK). That amount has been raised to 150,000 EURO (app. 1.125 mill. DKK) in 2006.

The Danish Government has since 2002 mandated the National Equality Body for the promotion of equal treatment regardless of racial or ethnic origin - the Danish Institute for Human Rights – to undertake the Danish national awareness raising campaign entitled 'Diversity in the Workplace'. The campaign – which has existed since 2003 and is intended to continue in 2007 - includes among several other initiatives to promote diversity in the workplace a yearly prize to companies which have made special contributions to that effect (the MIA-prize)

#### Initiatives regarding employment and education

- Local initiatives regarding employment in districts with Urban Regeneration – 6.2 mill. DKK (app. 830,000 Euro) of financial support to local job agencies.

The purpose of these projects is to establish job agencies in order for more immigrants and refugees to get employment. The projects seek to develop closer cooperation between municipalities and local companies and businesses.

- Projects to eliminate barriers in regards to employment of newly arrived immigrants and refugees – 33 mill. DKK (appr. 4.4 mill. Euro) of financial support to ethnic job consultants.

The purpose of these projects is to develop and undertake development activities etc. so that cultural barriers and negative attitudes do not form a factor when immigrants are employed.

#### Initiatives on vulnerable communities and groups

- Strengthening of the municipal effort in regards to non-adapted youths – 3.7 mill. DKK (app. 500,000 Euro) of financial support to municipalities.

The purpose of these projects is to strengthen the motivation for immigrant youths to adapt to the general community.

- Initiatives in socially vulnerable communities - 33 mill. DKK (appr. 4.4 mill. Euro) of financial support to voluntary organizations.

The purpose of these projects is to strengthen volunteer work in the local community, which focuses on future employment and prevention of crime.

- Support for especially vulnerable groups of unemployed immigrants and refugees - 2 mill. DKK (appr. 270,000 Euro) of financial support allocated to disabled immigrants.

The purpose of these projects is to develop the possibilities for disabled persons from immigrant communities to gain access to the labour market.

#### Initiatives for volunteer work

- Support for the participation of young descendants of immigrant origin in sports clubs and other associations – 5.2 mill. DKK (appr. 700,000 Euro) of financial support for among others the National Sports Federation (DIF), The Danish Gymnastics Association (DGI) and the Danish Youth Council (DUF).

The purpose of these projects is to get more immigrants involved in local leisure time and sports activities and further to engage the parents in the activities.

- Direct support of 15 mill. DKK (appr. 2.0 mill Euro) to the information and volunteer work of the Danish Refugee Council.

The purpose of this project is to ensure the counselling of asylum seekers, the Refugee Councils volunteer work and the Danish Refugee Councils participation in the evaluation of the resettlement of UNHCR asylum seekers.

### Other initiatives and projects

- The Danish Youth Council has received 250,000 DKK (appr. 34,000 Euro) for a project aiming to strengthen the organisational and democratic capacities of a number of ethnic youth associations through partnership, advice and economic support to selected activities. The benefiting associations must be willing to work for integration and on the basis of democratic values. The project, whose continuation is currently under consideration, can be seen in the larger framework of the Government's efforts to counter radicalization and intolerance and to promote civil citizenship, diversity and mutual responsibility for everyone across colour, gender and conviction.
- Football clubs and football supporter clubs has received financial support for antiracist campaigns (Brøndby Support has received 30,000 DKK (appr. 4,000 Euro) and the football club Frem has received 20,000 DKK (appr. 2,700 Euro)).
- Danish Red Cross Youth has received approximately 26,000 DKK (appr. 3,500 Euro) for a role playing game called "Youth on flight" (Unge på Flugt.) The aim is to give the participants a more nuanced picture of the reality that refugees meets on their way from their homeland to a new country and thereby influence the participants' opinions on refugees and immigrants in an anti-discriminatory way.
- Local theatres have received support to performances about e.g. the similarities between Islam and Christianity or about the meeting between people with different cultural and religious background. (Examples: the theatre 'Teater Tasken' has received 50,000 DKK (appr. 6,700 Euro), the theatre 'DI-VERS' has received 30,000 DKK (appr. 4,000 Euro), the theatre 'Taastrup Teater' has received DKK 19,300 (appr. 2,600 Euro).
- The Ikast local church in cooperation with the local Muslim community has received 21,000 DKK (appr. 2,800 Euro) for a project about similarities and differences between Islam and Christianity.
- Local festivals have received financial support for activities, which aim to show different cultures and build mutual understanding between people with different ethnic origin. For example the 'Nørrebro Festival' in Copenhagen received DKK 30,000 in (appr. 4,000 Euro) in financial support.
- In March 2006 – in the wake of the Cartoon Row – the Minister of Integration Affairs allocated 4 mill. DKK (appr. 0.54 mill. Euro) for initiatives concerning dialogue on fellowship and diversity. This allowed for initiatives all over the country with the aim of facilitating increased dialogue and comprehension among ethnic and religious groups, create awareness on diversity within common boundaries, support common basic values on democracy and citizenship and counter prejudice and misconceptions between different groups.

One of the projects under this initiative was to have a national constitutional speech contest. Clearly emphasising democratic values as a corner stone of society serves not only as a solid and sustainable framework for tolerance and diversity but is also necessary in order to ensure cohesion and positive coexistence. The Minister for Integration Affairs this spring initiated the competition, which was for young people under 25 years of age. The participants had to write a speech for Constitution Day – the 5th of June – on democracy and integration. The competition was organised in cooperation with the youth organisation the Danish Youth Council. The winner received a travel scholarship and a 10 minute slot of the Prime Ministers' speaking time that day. In total 13 winners were given speaking time with ministers and issues of integration and dialogue in society as well as the many positive images of youngsters from different ethnic origins caring about society were widely exposed thanks to the broad media attention given to the traditional Constitution Day.

- Educational software – 10 DKK mill. (appr. 1.34 mill. Euro) allocated for the development of IT-based educational software for lessons in Danish as a second language.

The purpose of this project is to ensure that there will be a closer connection between Danish lessons and future employment and education.

- Support for the Immigrants and Refugees – financial support of 21 mill. DKK (appr. 2.82 mill. Euro).

The purpose of these projects is, inter alia, to work against family related violence, prevent and help victims of forced marriages, provide assistance to victims of torture and strengthen the information available in regards to sexually transmitted diseases within the immigrant community.

The Ministry of Integration Affairs in 2005 provided financial support for several NGO's and associations. Examples are:

- The Danish Red Cross (Røde Kors)
- The Danish Red Cross Youth (Ungdommes Røde Kors)
- The Women's Council in Denmark (Kvinderådet)
- The Danish Association against Female Gender Mutilation (Foreningen mod pigeomskæring)
- The Ark of Eva, an international house for women (Evas ark)
- The Danish Association for international Cooperation (Mellemlfolkeligt samvirke)
- The Danish Women's Community (Dansk Kvindesamfund)
- The Association for Integration of new Danes into the labour market (Foreningen Nydansker)

*The Impact of the Cartoon Crisis*

Denmark has longstanding friendly relations with Islamic countries all over the world. The incident of the cartoon crisis has certainly caused cracks on the surface of Denmark's relations with a number of Islamic countries. To suggest that it has permanently impacted our relationship with the Islamic world would, however, be grossly underestimating the strength of the strong bilateral ties that have developed over decades of constructive cooperation between Denmark and the Islamic world.

Copenhagen, October 2006