APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Denmark

ECRI wishes to point out that the analysis contained in its third report on Denmark, is dated 16 December 2005, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Denmark was subject to a confidential dialogue with the Danish authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Danish authorities requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.

"Observations by the Government of Denmark concerning ECRI's third Report on Denmark

Throughout the process of elaborating the third country-report on Denmark, the Danish Government has consistently demonstrated its willingness to cooperate with ECRI and provided it with comprehensive and substantive information, clarifications and comments through dialogue and in writing.

The Danish Government regrets that its input to this process has only been reflected in the third country-report to a very limited extent. The Government of Denmark has therefore requested that the following comments to the report be added to the report as a separate appendix.

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International legal instruments	
1. In its second report, ECRI recommended that Denmark ratify the European Convention on Nationality, the (Revised) European Social Charter and the European Convention on the Legal Status of Migrant Workers.	
2. ECRI is pleased to note that Denmark ratified the European Convention on Nationality on 24 July 2002. It also notes that although Denmark has indicated that it has nearly finished examining technical and legal matters concerning the ratification of the (Revised) European Social Charter, it could not confirm whether it will ratify this instrument or not. Denmark has indicated that it has not ratified the European Convention on the Legal Status of Migrant Workers.	
3. In its second report, ECRI noted that Denmark had not accepted any of the provisions contained in Article 19 of the European Social Charter and strongly urged it to accept this Article without delay.	
4. ECRI notes that Denmark has indicated that it has great reservations about most of the provisions contained in Article 19 of the European Social Charter.	
5. Since ECRI's second report, Protocol No. 12 to the European Convention on Human Rights entered into force on 1 April 2005. The Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems was opened for ratification on 28 July 2003. The International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families also came into force on 1 July 2003.	
6. ECRI has been informed by Denmark that it has not yet signed Protocol No. 12 to the European Convention on Human Rights as it is waiting for jurisprudence on this Protocol in order to ascertain the State's positive obligations under this instrument. ECRI welcomes Denmark's ratification, in June 2005, of the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. It notes, however, that Denmark has not ratified the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.	
***Recommendations*:** 7. ECRI reiterates its recommendation that Denmark ratify the (Revised) European Social Charter and the European	It should be noted that the majority of the European Countries like Denmark have not ratified the Convention on the Legal Status of

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Convention on the Legal Status of Migrant Workers. ECRI also recommends that Denmark ratify Protocol No. 12 to the European Convention on Human Rights and that it accepts the provisions of Article 19 of the European Social Charter. ECRI recommends that Denmark ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.	Migrant Workers and International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.
8. In its second report, ECRI noted that Denmark had incorporated the European Convention on Human Rights into Danish law and recommended that it consider the possibility of incorporating other human rights conventions into national law and, in particular the Convention on the Elimination of All Forms of Racial Discrimination.	
9. ECRI notes that apart from the European Convention on Human Rights, Denmark has not taken any steps to incorporate international human rights conventions into its national legislation. It has therefore not incorporated the Convention on the Elimination of All Forms of Racial Discrimination into its law. This decision was taken despite the recommendation made by a Commission established to examine this question, that Denmark incorporate this Convention as well as the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into its domestic law. The courts rarely refer to conventions that have not been incorporated into Danish law.	The human rights conventions that Denmark has ratified can and are indeed invoked before and applied by the Danish courts and other national authorities. This was also emphasised by the Incorporation Committee, which was setup in 1999 to examine the advantages and the disadvantages of incorporating the general human rights conventions in domestic law. This means that also the unincorporated conventions are relevant sources of law in Denmark. One example of a case where in its ruling the Danish High Court made reference to the Convention on the Elimination of All Forms of Racial Discrimination is printed in the Weekly Law Review (*Ugeskrift for Retsvæsen*) 2000 p. 2350. The case concerned a woman doing work experience in a department store and who was sent away for wearing a headscarf. The High Court made a lengthy reference to the Convention and held that the dismissal was an indirect discrimination of the plaintiff. As there were no objective reasons that could justify the discrimination, the dismissal was held to be unlawful and the woman was awarded compensation of DKK 10.000. Another example is printed in the Weekly Law Review 1999 p. 920. In this case a bouncer was imposed a fine of DKK 1.000 for refusing to let a guest enter a restaurant on account of the colour of the guest's skin and his ethnic origin. The High Court made reference to article 6 of the Convention and held in the case in question that the violation did not have such gravity or involve such humiliation that there were grounds for awarding compensation for injury to the guest's feelings and for pain and suffering sustained. Another example printed in the Weekly Law Review 2002 p. 1789 concerned a Danish law requiring taxi drivers to have Danish citizenship in order to obtain a taxi licence. The Danish Supreme Court held that this requirement was not contrary to article 5 of

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	the Convention, as it follows from article 1, paragraph 2 of the Convention that the Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to the Convention between citizens and non-citizens. The Convention was furthermore invoked in a case regarding the dismissal of a Muslim who had participated in a prayer session in the middle of the hallway at his work. The management had referred Muslims at the work place to pray in a specific area but the person in question continued to pray in the middle of the hallway. The High Court held that there had been no discrimination on the basis of the plaintiff's beliefs, as the measures regarding the dismissal were taken in the interest of maintaining the peace and order at the work place in question. The case is printed in the Weekly Law Review 2001 p. 83. Thus, the human rights conventions that Denmark has ratified are relevant sources of law regardless of the method of implementation, as emphasised by the Incorporation Committee. Conventions that have not been specifically implemented because harmony of norms has been ascertained, can be and are in fact invoked before and applied by the Danish courts and other law-applying authorities.
Recommendations **:** 10. ECRI recommends that Denmark reconsider the incorporation of international human rights conventions, and in particular the Convention on the Elimination of All Forms of Racial Discrimination into its national legislation so that they may be directly applicable before the courts.	
Constitutional provisions and other basic provisions *i. Citizenship law*	
11. In its second report, ECRI recommended that Denmark closely monitor the effects of the change in the Nationality Act by which non-citizens between the age of 18 and 23 who had lived in the country for 10 years or more would no longer be able to acquire Danish citizenship through an accelerated procedure.	
12. ECRI notes that no measures have been taken to implement the above-mentioned recommendation. Moreover, the Nationality Act has also been amended so that only citizens from Nordic countries and former Danish nationals may acquire Danish citizenship by making a declaration. The Danish authorities have informed ECRI that some guidelines have been distributed within the Ministry of Refugee, Immigration and Integration Affairs which state that those who were born in Denmark should be able to obtain Danish citizenship after 3 to 5 years' residence in the country rather than 8 years. The authorities have, however, indicated that these are mere guidelines which were agreed upon by the Parliament, and	This is not correct. The Ministry of Refugee, Immigration and Integration Affairs (Ministry of Integration) does monitor the effects of the changes in the Nationality Act. The said amendments have not resulted in discriminatory practices or complications in the granting of Danish nationality. The Danish Constitution (article 44) stipulates that no alien shall be naturalised except by statute. Hence, the power to grant Danish nationality to aliens rests with the Parliament. It is not correct when ECRI notes that if an application for citizenship is refused the

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that they are thus not binding. The Nationality Act has also been amended so that anyone who has acquired Danish citizenship by fraudulent conduct or has committed a crime against the State may now be deprived of his/her Danish nationality. The Danish authorities have stated that such a measure will not be taken if the person involved would become stateless. However ECRI notes with concern that if an application for Danish citizenship is refused, the applicant is not informed of the reasons for the refusal. ECRI has thus been informed that the authorities may decide that a person is a danger to Danish society and that he/she will therefore not be given Danish citizenship, without informing the applicant that such a conclusion was reached. ECRI has also received reports according to which the Danish Government plans on requiring that anyone applying for Danish citizenship have worked for four out of the last five years. The Ministry of Refugee, Immigration and Integration Affairs, which has made this proposal, predicts that this will reduce the number of people who would normally qualify for citizenship by 30 percent. ECRI notes that if this proposal is accepted, it will in effect preclude people from acquiring Danish citizenship for purely economic reasons. It is therefore worried that this measure will have a disproportionately discriminatory effect on minority groups, who as discussed below, suffer from a much higher rate of unemployment than ethnic Danes.	applicant is not informed of the reasons. The Parliament is not bound by the Administrative Law according to which all negative decisions made by Danish authorities must be reasoned in a written form. However, the Ministry of Integration ensures the principles of good administrative practise' are applied and in case of refusal the Ministry will inform the applicant of which requirements under the Act on Danish Nationality and in the guidelines for naturalisation the applicant did not fulfil. In December 2005 the Government and the Danish People's Party agreed on New Guidelines for Naturalisation that has resulted in a new circular letter on Naturalisation of 12 January 2006 forming the legal basis for naturalisations in Denmark. Naturalisation is obtained by a separate law listing the persons who are obtaining Danish citizenship. Persons recognised as refugees, persons comparable with these, and stateless persons may be listed in a naturalisation bill after 8 consecutive years of residence. Other aliens may be listed after 9 consecutive years of residence. However, there are several exceptions to this main rule. A person who lives in marriage with a Danish national may in certain cases be listed in a naturalisation bill after 6 consecutive years of residence in Denmark. Applicants who have entered Denmark prior to the age of 15 may obtain citizenship at the age of 18. Applicants who have undergone a substantial part of their general education or vocational training in Denmark may be listed in a naturalisation bill after 4 years of residence in Denmark. It is a condition that the education or training is of a Danish nature and of no less than 3 years' duration unless completed earlier by an examination or similar test. It is a requirement that a foreigner who applies for naturalisation must not within the last 5 years have resorted to public subsidise for more than 1 year in order to ensure self maintenance. The requirement of economical self support was introduced to signal to foreigners who wish to become Danish nationals that they must take active part in all aspects of the Danish society, especially in the labour market. In special cases exceptions can be made. It is not correct that the Ministry of Integration predicts that the New Guidelines for Naturalisation will reduce the number of people who would normally qualify for citizenship by 30 percent. The Ministry is not able to foresee a specific number of people

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	who will not satisfy the conditions for naturalisation.
Recommendations **:** 13. ECRI recommends that the Danish Government bear in mind the European Convention on Nationality when it amends its Nationality Act. It also recommends that any amendments to this Act be made in conformity with Article 5 of the European Convention on Nationality, which states, *inter alia*, that rules on nationality shall not contain distinctions or include any practice which amount to discrimination on the grounds of religion, race, colour or national or ethnic origin. The Danish Government should also ensure that the Nationality Act is effectively implemented with due regard for these principles.	The Danish Government already follows this recommendation and 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.
Criminal law provisions	
14. In its second report, ECRI recommended that Denmark closely monitor the implementation of Sections 1 and 2 of the Act Prohibiting Discrimination on the Basis of Race which forbids discrimination on the basis of, *inter alia*, race, colour, national or ethnic origin, or religion when a commercial or non-profit service is offered or when granting access to a public place. It also recommended that police and prosecuting authorities be given training with respect to the investigation of complaints under this Act.	
15. ECRI notes that although there has been increased awareness among the police of the discrimination faced by minority groups in entering places such as bars, discos and restaurants, very few cases concerning this type of discrimination are brought to court. In this regard, ECRI has been informed that between January 2002 and the end of October 2004, only 4 cases were examined by the courts on this issue in Copenhagen. In those cases, the owner of the public place only received a minor fine and the victim was awarded no compensation. For more information on this subject, see "Access to public services" below.	
Recommendations **:** 16. ECRI recommends that the Danish Government ensure that the Act Prohibiting Discrimination on the Basis of Race is implemented more actively. It also recommends that more awareness-raising measures on this law be taken, including outside the Copenhagen Municipality.	
17. In its second report, ECRI recommended that Denmark initiate a more proactive policy for implementing Article 266 b) of the Criminal Code, which prohibits the dissemination of racist statements and racist propaganda.	
18. ECRI deeply regrets the fact that the police are still very reluctant to register complaints of racist statements and to investigate and press charges under Article 266 b) of the Criminal Code, partly due to the fact that freedom of speech is given priority consideration in Denmark. It has been indicated to ECRI that the few cases that are brought to court only result in a fine. The Danish authorities have informed ECRI that between January 2001 and the end of September 2003, 23 cases were brought to court against 32 people and that 24 convictions were passed, including a 20 days´ imprisonment sentence. On this question, some NGOs have informed ECRI that the number of racist statements made by, *inter alia*, members of the Danish	ECRI states that it is a fact that the police are reluctant to register complaints of racist statements and to investigate and press charges under section 266 b of the Danish Criminal Code. The basis for this assumption does not appear in the report. Furthermore, ECRI states that the reluctance by the police partly is due to the fact that freedom of speech is given priority consideration in Denmark. The Government takes the liberty of calling attention to Article 10 in the European

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People's Party (which has been supporting the Government since 2002) has increased dramatically in the last few years. In 2003, 16 court decisions were rendered against politicians under Article 266 b) of the Criminal Code and NGOs have noted an increase in 2005 in the number of complaints against politicians, especially for statements made regarding Muslims and Islam. NGOs point out that this is partly linked to the local elections held on 15 November 2005 as politicians often resort to populist rhetoric to win votes.	Convention on Human Rights and the case-law of the European Court of Human Rights in accordance with which section 266 b in the Danish Criminal Code is interpreted. According to this case-law freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for individual self-fulfilment. Article 10 is applicable not only to information or ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Exceptions to this freedom must be construed strictly, and the need for any restrictions must be established convincingly, see Jerusalem v. Austria, judgement of 27 February 2001. The Danish case-law concerning section 266 b in the Danish Criminal Code reflects this and freedom of speech is not given priority beyond the case-law from the European Court of Human Rights. This is clearly illustrated in the ruling of the Supreme Court printed in the Weekly Law Review 2000 p. 2247 where the founder of a political party in a television broadcast characterized Muslims as world criminals and for having stated that Muslims would expose the Danish population to invasion, castration and homicide. The Supreme Court stated that the extensive freedom of speech which politicians enjoy did not justify impunity for the offender and found the offender guilty of violating section 266 b and sentenced him to 7 days of suspended imprisonment due to his high age (74 years). As mentioned in the follow-up report sent to ECRI on 23 June 2005 prior to ECRI's visit the Director of Public Prosecutions is notified of all complaints regarding section 266 b of the Danish Penal Code, cf. Instruction no. 4/1995. The question of prosecution is furthermore decided by the Director of Public Prosecutions in order to ensure uniform prosecution in cases regarding section 266 b of the Danish Criminal Code. The Director of Public Prosecutions brings charges for violation of section 266 b of the Danish Criminal Code when there is sufficient basis for a charge. According to the principle of objectivity of the Prosecution Service, the prosecutor has to make sure, however, that the person liable to punishment is held responsible, but also that no innocent persons are prosecuted. Moreover, in recent years the Director of Public Prosecutions has brought charges for violation of section 266 b (2) of the Danish Criminal Code when statements

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	compromised by section 266 b (1) may be characterised as propaganda activities. Most of these cases mainly concerned dissemination of discriminating statements on the internet. It is not correct that the cases brought to court only result in a fine. In the period January 2001 till December 2003 charges for violation of section 266 b were brought up in 23 cases against 32 people. In the same period 24 convictions were passed. Criminal charges were to some extent brought up before the year 2001. In two of these 24 cases the conviction concerned a violation of section 266 b (2). In two cases the indicted was acquitted. In four cases the indicted were sentenced to imprisonment. One of these cases is the ruling of the Supreme Court on the 3. December 2003 printed in the Weekly Law Review (Ugeskrift for Retsvæsen) 2004 p. 734 where a politician was convicted of violation of section 266 b (2), cf. subsection (1), of the Criminal Code. For a period of about a two month, this politician had made statements falling under section 266 b of the Criminal Code on the Internet. The Supreme Court imposed a suspended sentence of 20 days' imprisonment, which was an increase of the High Court sentence of 20 day fines of DKK 500. Furthermore in 2005 charges were brought up in 3 cases against three persons for violation of section 266 b.
19. ECRI notes with concern that a local neo-Nazis radio station continues to receive State funds, even though it sends out racist statements. Although ECRI has been informed that in 2004, this radio's licence was withdrawn for 3 months as some of the views expressed on it, namely against Muslims, were considered to be a violation of the Criminal Code, it wishes to express its worry at the fact that this radio's licence has been reinstated. Another radio station, which is run by a neo-Nazi and broadcasts racist statements, is also allowed to operate with State funds. On this question, the authorities have explained to ECRI that the law allows any radio to operate as longs as it has the support of the local community. Moreover, according to the authorities, this radio station has not lost its licence as it has not broadcast illegal statements.	No local neo-Nazis radio station has received State funds since 2003.
Recommendations : 20. ECRI urges Denmark to take a more proactive approach in prosecuting anyone who makes racist statements, since Article 266 b) of the Criminal Code as interpreted by the Supreme Court does not appear to be adequate.	The Prosecution Service is bound by the principle of objectivity. Hence it follows that the Prosecution Service cannot bring charges inconsistent with the practice of the Supreme Court. Furthermore, as explained in the comment made to paragraph 18, section 266 b in the Danish Criminal Code is interpreted in

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	accordance with Article 10 in the European Convention on Human Rights and the case-law of the European Court of Human Rights. According to this case-law freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for individual self-fulfilment. The Danish Government therefore is unappreciative of this recommendation.
21. In its second report, ECRI recommended that Denmark introduce measures to combat racist organisations.	
22. ECRI notes that racist organisations are still not prohibited in Denmark. Furthermore, although the Danish authorities have indicated to ECRI that the policy in Denmark is to prosecute individual members of neo-Nazi or skinhead organisations, very few cases, if any, have actually been brought against them.	It follows from section 78(2) of the Danish Constitution that associations employing violence, or aiming at the attainment of their object by violence, by instigation to violence, or by similar punishable influence on persons holding other views, may be dissolved by court judgment. Apart from associations falling within section 78(2) of the Constitution, also associations with unlawful purposes, cf. section 78(1), may be dissolved. Thus, under Danish law it is possible to dissolve associations with unlawful purposes, which includes associations whose purpose is unlawful racist activities. However, there has to bee strong evidence against the association in order to dissolve it. Individuals with connection to racist groups can be prosecuted like any other person if they make statements that fall under section 266 b of the Danish Criminal Code. However, the conviction will not always show if the convicted has connection to such racist groups. It should be mentioned that according to section 266 b (2) it is considered an aggravating circumstance when statements compromised by section 266 b (1) may be characterised as propaganda activities. Propaganda means a systematic, intensive or persistent activity with intent to influence the public opinion. If statements are part of the work of an organisation or if magazines are published, or databases created this also indicates propaganda. Therefore statements made by individuals connected to racist groups often can be characterized as propaganda.
23. In its second report, ECRI recommended that Denmark introduce into its legislation a provision by which the racist motivation of an ordinary crime would be taken into consideration as an aggravating circumstance.	
24. ECRI is pleased to note that the Criminal Code has been amended in accordance with the above recommendation. Article 81 of this Code thus provides that the racial and ethnic motivation of a crime will be deemed to be an aggravating circumstance. However, as this provision is	

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relatively new, there is as yet no case law on it.	
***Recommendations* :** 25. ECRI strongly recommends that the Danish Government penalise the creation or leadership of a group which promotes racism, as well as support for such a group and participation in its activities, as indicated in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. It also recommends that Denmark take a more proactive approach in punishing members of such organisations.	As mentioned in paragraph 22 individuals with connection to racist groups can be prosecuted like any other person if they make statements that fall under section 266 b of the Danish Criminal Code. According to section 23 concerning complicity any person who contributes to the commission of an offence by instigation, advice or action is liable to punishment. Thus participation in activities of a group can be punished.
Civil and administrative law provisions	
26. In its second report, ECRI noted that Denmark did not have a body of anti-discrimination civil and administrative legislation and recommended that it adopt such laws. ECRI further stressed the fundamental role that an organisation which would be specialised in combating racism and intolerance would play in supervising the implementation of such a body of legislation.	
27. ECRI welcomes Denmark's adoption of the Act on Ethnic Equal Treatment in May 2003 in the framework of its implementation of the EU equality Directives. This Act prohibits discrimination in access to social protection, including social security, health care, social advantages and education. It also forbids discrimination in access to goods and services, including housing, as well as harassment on racial grounds or against anyone who has filed a complaint for racial discrimination. The Act further provides for a shared burden of proof and entitles victims to non-pecuniary compensation. ECRI is also pleased to note that Denmark has established a Complaints Committee for Ethnic Equal Treatment within the Danish Institute for Human Rights, which is empowered to receive complaints of racial discrimination under this Act, including in the employment sector. However, ECRI is concerned by the fact that very few cases have been brought to court under the Act on Ethnic Equal Treatment, as–the powers of the Complaints Committee are insufficient to investigate cases. Taking a case to court by him/herself is too difficult and expensive for the average victim. The Danish authorities have thus informed ECRI that only one case concerning employment discrimination has been brought to court under this Act.	The Government would like to emphasise that cases can be brought before the Complaints Committee for Ethnic Equal Treatment free of charge. If the Complaints Committee finds that there has been a breach of the prohibition of unequal treatment on the grounds of race or ethnic origin, the Committee can recommend that the complainant be granted free legal aid in accordance with the Danish Administration of Justice Act. The fact that only one case concerning employment discrimination has been brought to court cannot be seen as documenting that people are not aware of the protection offered by the above mentioned Acts or that the protection provided is too limited. On the contrary 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. Moreover, the main rationale behind the establishment of the complaints body is to provide victims of discrimination with a flexible, inexpensive and swift alternative to the ordinary courts. The persons who chose not to bring the case before a court might as well have been satisfied with the decision of the Complaints Committee.
Recommendations: 28. ECRI strongly recommends that Denmark take a more proactive role in ensuring the implementation of the Act on Ethnic Equal Treatment by, *inter alia*, ensuring that potential victims of discrimination are also aware of its existence and of the mechanisms for invoking it before the courts.	Having brought the above remarks to ECRI's attention the Government has invited ECRI to review its unfounded and strong recommendation. The Government would like to draw attention to the fact that the Danish Institute for Human Rights has issued information on the possibilities to complain in 10 languages. The Minister for Integration has also publicly

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	encouraged the Complaints Committee to assume a more proactive and visible role, so as to strengthen awareness of its existence. The Government continually assesses whether enough is done to raise awareness of public complaints mechanisms, including Complaints Committee for Ethnic Equal Treatment.
Administration of justice	
29. As indicated above, very few cases are brought to court and there are few convictions in Denmark for racist or discriminatory acts, mainly due to the fact that the judges, prosecutors and lawyers do not take adequate notice of the relevant national and international legislation. The Danish Ministry of Justice has informed ECRI in this regard, that it is considering publicizing the jurisprudence on these questions on its internal WebPages for the benefit of local prosecutors as well as local police forces. However, for the moment, judges, lawyers and prosecutors receive very little formal training on racism and racial discrimination either during their training period or when they have started their career. NGOs have also informed ECRI that the judiciary does not reflect the diversity in Danish society. On this point, the Danish authorities have indicated that measures are being taken to encourage members of ethnic minorities to apply for positions with the Court Administration and the courts. These include, *inter alia*, the amendment of the wording of advertisements for jobs. ECRI is further deeply concerned by reports according to which some judges show prejudice towards ethnic minority witnesses and defendants.	ECRI states as a fact that the judges, prosecutors and lawyers do not take adequate notice of the relevant national and international legislation. The basis for that assumption does not appear in the report. As mentioned in paragraph 9 of this report the unincorporated conventions are relevant sources of law in Denmark and they are invoked before and applied by Danish courts and other law-applying authorities. The Director of Public Prosecutions has drawn up a survey of convictions from the year 2000 and forward for violations of section 266 b of the Criminal Code. The survey in addition contains selected cases in which the indicted was acquitted. The cases are described in a brief summary and the decisive circumstances in the courts ruling are outlined. The survey will soon be available on the Director of Public Prosecutions homepage, thus enabling the prosecution and courts to form a general view of the case law. The survey will be updated regularly. According to ECRI reports have been made that some judges show prejudice towards ethnic minority witnesses and defendants. The sources to these reports do not appear in the third report. The Danish Court Administration is not aware of any reports according to which some judges should have shown prejudice towards ethnic minority witnesses and defendants. As far as the Danish Court Administration is informed no complaints against judges showing prejudice towards ethnic minorities have been brought before The Special Court of Indictment and Revision that hears cases concerning disciplinary sanctions against judges.
Recommendations: 30. ECRI strongly recommends that the Danish Government ensure that judges, lawyers and prosecutors receive training on all national and international legal instruments pertaining to racism and racial discrimination during their formal training as well as throughout their career. ECRI also recommends that Denmark continue takeing measures to encourage members of minority groups to apply for	As to the encouraging of members of minority groups to apply for positions in all areas of the judicial system attention should be drawn to the fact that the Danish Court Administration in accordance with circular No. 142 of 31 July 2000 on the drafting of advertisements of vacant positions issued by the Danish Ministry of Finance, has amended

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positions in all areas of the judicial system.	the wording of all advertisements so that persons of other ethnic origins are now encouraged to apply for jobs with the Court Administration and the courts.
Specialised bodies and other institutions	
-Complaints Committee for Ethnic Equal Treatment 31. In its second report, ECRI felt that the Board for Ethnic Equality performed a very important function in combating racial discrimination and hoped that the Danish authorities would continue to take into consideration its advice and recommendations in its area of expertise.	
32. ECRI deeply regrets the fact that the Board for Ethnic Equality was closed down on 31 December 2002, following the adoption of a law establishing the Danish Centre for International Studies and Human Rights. This measure was taken following a decision by the Government, on 11 January 2002, to close down, merge or reduce the mandate or funding of more than 100 organisations, which it considered to be, amongst others, "judges of taste". Therefore, on 1 January 2003, the Danish Institute for Human Rights became part of the Danish Centre for International Studies and Human Rights, and it was given, amongst other tasks, the mandate of promoting ethnic equality. As previously indicated, in 2003, the Complaints Committee for Ethnic Equal Treatment (hereinafter the "Complaints Committee") was created within this Institute. ECRI notes with concern that this Committee has many shortcomings which preclude it from meeting all the criteria of a specialised body as mentioned in its General Policy Recommendation No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level. The Complaints Committee has informed ECRI that it only examines complaints for discrimination on racial and ethnic grounds, and does not cover religious discrimination. As it does not have the power to hear witnesses, it bases its decisions solely on documentary evidence. The Complaints Committee has no power to compel private entities to give evidence and as a result, where it has been unable to obtain enough evidence, it dismisses the complaint. ECRI has been informed that in the proceedings before the Complaints Committee, the principle of the shared burden of proof is not applicable. ECRI finds it particularly worrying that despite all these evidentiary restrictions, the Committee is only allowed to provide legal aid to those who wish to take their case to court when it finds that there has indeed been discrimination. ECRI has been informed in this regard, that this Committee has only taken one case to court (in 2003) and that this case was only scheduled to be examined in November 2005.	The criticism put forward by ECRI is incorrect as most of the tasks of the Board for Ethnic Equality were generally taken over by the Institute for Human Rights. Therefore, the Government does not adhere to the criticism put forward by ECRI regarding the closing down of the Board. 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 Complaints Committee for Ethnic Equal Treatment does meet the General Policy Recommendation No. 2. The General Policy Recommendation No. 2, chapter C, principle 3, states that specialised bodies should posses as many as possible of the enumerated functions and responsibilities subject to national circumstances. Chapter B, principle 2, states that specialised bodies may take different forms according to the legal and administrative traditions of the countries in which they are set up, and can take the form of Centres/Offices for combating racism and promoting equal opportunities, or other forms, including bodies with wider objectives in the field of Human Rights generally. ECRI should note that the principle of shared burden of proof is compulsory according to article 7 in the Act on Ethnic Equal Treatment and article 7a in the Act on the Prohibition of Discrimination in the Labour Market in cases brought before a Danish Court. ECRI has been invited to take into account that the Institute for Human Rights also carries out other tasks regarding equal treatment regardless race and ethnic origin etc. The mandate of the Institute for Human Rights covers a wide range of activities well known to ECRI. The Institute for example

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	monitors whether the Government observes its human rights obligations pursuant to the Constitution and international treaties, including the freedom of religion and belief. In spring 2003, the Institute for Human Rights also set up the Committee on Equal Treatment (Ligebehandlingsudvalget), which is composed of persons having knowledge and experience within the fields of ethnicity, disability, gender, religion and faith and sexual inclination. Concerning free legal aid see the remarks under paragraph 27.
33. The Complaints Committee has informed ECRI that it has dealt with 153 complaints so far and that the majority of them (30%) concern access to social benefits and to social services. Many cases also deal with housing and educational issues. The Complaints Committee has further stated that when there are evidential issues in a case, it makes general recommendations about a particular problem, such as for example, segregation in schools. The purpose of these recommendations is to raise awareness of the law and to establish guidelines on its interpretation. ECRI is deeply concerned that one of the other major problems faced by the Complaints Committee is the lack of adequate funds and staff to enable it to function to the best of its ability. The Committee is thus only composed of three part-time members and a secretariat of two lawyers. The Danish authorities have indicated on this matter, that it allocates six million Danish Crowns (i.e., 800,000 euros) on a yearly basis to this body. The authorities have also informed ECRI that the Complaints Committee itself, which has fewer powers than the body set up to deal with gender discrimination issues, has requested more powers and funding. ECRI notes however that the authorities appear to be reluctant to change its mandate or increase its funding. It also notes with regret that although the Complaints Committee's decisions are published in the Danish Institute for Human Rights' Annual Report, its work is not widely disseminated. Moreover, the Committee is unable to open offices outside Copenhagen due to lack of funds.	As of 2 January a total of 209 cases had been brought before the Complaints Committee since its establishment in 2003, including 30 cases, which were taken up on the Committees own initiative. The Committee has decided 33 cases on their merits. In 26 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 21.2 % of the 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. It is not correct that decisions of the Committee are only accessible in the Annual Report of the Institute as they are also publicly accessible on the Internet.
Other institutions and non-governmental organisations	
34. As indicated above, the Danish Government made a decision, in 2002, to either withdraw or limit the funds previously allocated to many NGOs and other specialised bodies, as they were considered by the Government to be "judges of taste" who were attempting to "repress public debate with their tyranny". As a result, many NGOs and bodies dealing with racial discrimination have either closed down or have severely limited the scope of their activities. This, compounded with the many problems faced by the Complaints Committee, has created a vacuum that has placed minority groups in an even more vulnerable situation than noted in the second report, as there are now very few organisations which are able to address issues of particular concern to them. The lack of voices that can bring the problems faced by minority groups, refugees and asylum seekers to the forefront of the public debate and thus	ECRI seems to judge the Danish Government and its objectives purely on none verified statements and rumours and the statements seem to be of a political nature. ECRI has been encouraged to substantiate its statements as regards paragraph 34 as such. Reference is made to paragraph 32 regarding the rational behind the Governments decision to close down a number of superfluous councils, boards and committees. The Government maintains that minority groups indeed have a possibility to be heard in Denmark and that their voices are taken seriously. It is as described above under paragraph 27 possible to complain to either

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provide a counterbalance to the manner in which they are perceived by the public at large has contributed to a climate of intolerance against them. In this regard, many NGOs have indicated that a Discrimination Ombudsman who would take up cases of racial discrimination in the Danish administration is needed in Denmark. They consider such a measure all the more necessary as the current Parliamentary Ombudsman does not examine whether there is a discriminatory element in the manner in which public authorities implement the law.	the Institute for Human Rights or the Complaints Committee. Furthermore, do not only a large number of NGOs play an important role in taking up concerns of minorities in Denmark, they are also involved in the law shaping process. The Danish Refugee Council, Danish Red Cross, Amnesty International, the Center for Documentation and Advise on Race Discrimination and POEM (a umbrella organization for ethnic minorities) could be mentioned in this respect. Special attention should be given to the Council for Ethnic Minorities, which advises the Minister for Integration on issues of importance to immigrants and refugees. The council meets with the Minister every three months to discuss current problems, new initiatives and legislation. In addition to these meetings, the council can be asked to comment on specific issues and prepare plans of action whenever necessary. The Government would like to underline that special funding earmarked for integration, and which is complementary to the fight against discrimination, has increased over the last years. Large financial support has been granted to strengthen a number of NGOs and their work on integration, including the Danish Refugee Council (15 mill DKK per year/approx. 2 mill Euro) and the Danish Red Cross (2.5 mill DKK per year/approx. 0.330 mill Euro). A number of other NGOs are supported on a yearly basis summing up to several million DKK. Furthermore, a number of general funds aim at strengthening e.g. education, employment, voluntary work exists. The general funds are granted on the basis of an evaluation of proposed projects by private or public entities and NGOs can and do indeed successfully apply for financial support to various activities and projects. The total amount of these general funds within the Ministry of Integration was 230 mill DKK (approx. 30 mill Euro) in 2005. In the view of the Government the possible establishment of a Discrimination Ombudsman would amount to creating an institution with competences similar to those of the Institute for Human Rights. Furthermore, the present Parliamentary Commissioner for Civil and Military Administration (Folketingets Ombudsmand) will when assessing complaints regarding decisions made by Danish authorities also take into consideration claims of direct or indirect discrimination exercised by the authorities.

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***Recommendations*:** 35. ECRI strongly urges the Danish Government to provide the Complaints Committee on Ethnic Equal Treatment with sufficient powers and financial means to enable it to effectively function as a specialised body within the meaning of its General Policy Recommendation No. 2. It further calls on the Government to ensure that the Complaints Committee's jurisprudence and general recommendations are widely disseminated to the public at large as well as to all Government bodies both at the national and local levels.	The Government complies with the principles contained in the ECRI General Policy Recommendation No. 2 and ECRI was urged to take the above-mentioned remarks in paragraph 32 into consideration when drafting the final wording of this recommendation.
36. ECRI strongly recommends that the Danish Government provide NGOs and other specialised bodies with sufficient funds to enable them to adequately assist minority groups in solving the problems that they face.	A strong recommendation on this point does not seem substantiated and the Government invited ECRI to review the recommendation and the wording of paragraph 34 with due regard to the above mentioned remarks. The recommendation seems rather politically motivated than substantiated by facts.
Education and awareness-raising	
37. In its second report, ECRI recommended that Denmark develop within the teaching of History in Denmark, a section devoted to the immigrant population's input into Danish society.	
38. ECRI notes that since its second report, no measures have been taken to change the manner in which History is taught in schools, along the lines recommended in its General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance. Moreover, the authorities have informed ECRI that diversity and multiculturalism are not taught in Danish schools. ECRI has been informed in this regard, that research has demonstrated that stereotypes are also widespread among young people.	According to the aim of the subject history it should be mentioned that other cultures are integrated in the teaching. Any teaching in the primary and secondary school takes it starting point in the individuel student including students with another background than Danish.
***Recommendations*:** 39. ECRI strongly recommends that the Danish Government ensures that school curricula at all levels include teaching on human rights in general and racism and racial discrimination in particular as well as on cultural diversity, in a cross-cutting manner. It also reiterates its recommendation that minority groups' contribution to Denmark be taught in all schools at all levels.	Concerning teaching in human rights, racism, racial discrimination and cultural diversity, these fields are included in a range of the compulsory subjects e.g. history and social studies. This is organized in different ways e.g. within the subject itself and in a cross-cutting manner. In addition to this, it should be mentioned that the schools are obliged to integrate the fields mentioned above in the activities of the school as a whole.
Reception and status of non-citizens *-Act on Integration of Aliens in Denmark*	
40. In its second report, ECRI expressed concern at the fact that although the Act on Integration of Aliens in Denmark (the "Integration Act") was meant to improve the integration of refugees and newly arrived immigrants into Danish society, by, *inter alia*, creating local integration councils, the manner in which it was being implemented ran counter to that aim.	
41. ECRI has been informed that since the publication of its second report, new amendments which compound the problems highlighted in that report have been inserted into the Integration Act. The authorities have informed ECRI that in 2002, a "start allowance", which applies to both	The Ministry of Integration reiterates that the rules in the relevant Acts (Act on Integration and the Act on Social Policy) regarding starting allowance or introduction allowance respectively apply to any foreigner or any Danish citizen regardless of race, colour,

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Danes and foreigners who have not been living in Denmark for 7 out of the last 8 years, was introduced. The amount of this monthly allowance of 5,000 Danish Crowns (i.e., 670 euros), is only approximately 65% of the normal social welfare benefit. ECRI notes with deep concern that, as NGOs have indicated, this provision amounts to indirect discrimination against minority groups because most Danes who have been out of the country for the above-mentioned period do not need it. Therefore, half of the approximately 2,000 people who receive this allowance are either newly arrived immigrants or refugees. The Danish authorities have stated that the aim of this provision is to improve newly arrived immigrants' and refugees' integration into Danish society as it is meant to be an incentive for them to seek employment. However, research has demonstrated that this measure has increased poverty levels among minority groups, with the logical risk of some of them resorting to crime to survive. Experts as well as members of ethnic minority groups fear that the resulting increase in crime statistics among non-ethnic Danes will then be used to further stigmatise them, in an already negative public climate. NGOs have also informed ECRI that this measure has in fact served to isolate refugees and newly arrived immigrants, as they do not have the means to participate in activities that would help them integrate into society. For example, children whose parents are on this "start allowance" do not participate in extra-curricular activities, as their parents cannot afford to pay for them.	national or ethnical background. The Government regrets that ECRI seems to rely only on information provided from other parties than the Danish Government itself. In proposing new legislation it is crucial to the Government that Denmark's commitments under international conventions are fully honoured. The legislation on starting and introduction allowance fully honours the commitments in the 1951 UN Convention relating to the Status of Refugees, the UN Conventions on Economic, Social and Cultural Rights and on the Abolishment of all Forms of Racial Discrimination and the European Convention on Human Rights. The Government notes that it is a normal principle in most countries, that allowances differ, and that many countries have qualifying principles for full benefits, often depending on how many years the applicant has been active on the labour market. It is important to understand that the rules were introduced because of the extensive Danish welfare system. ECRI should also take such parameters into account. The starting allowance and the introduction allowance are employment promoting arrangements, to ensure it is profitable to take up employment compared to receiving social assistance. This has been a significant problem until the new legislation was enacted. It is not correct when ECRI indicates that the increase in crime statistic among non-ethnic Danes is a result of the introduction of starting or introduction allowance. This indication is unfounded and tendentious. The Government maintains that the provisions in the Acts regarding starting and introduction allowances have a valid objective. The Government finds that it is crucial for the integration process that the persons involved get a job and thereby interact with other citizens. One of the main factors in becoming a member of society on an equal footing with other citizens is the ability to be self-supporting. Statistical evidence indicates that the introduction allowance in fact reduces unemployment among newly arrived foreigners which over time is expected to lead to an overall increased standard of living and better integration among this group. Moreover, it should be noted that in addition newly arrived foreigners are if necessary offered assistance of a practical and economical nature. They are offered free introductory programmes, including Danish

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	language courses combined with for example work training. Refugees are ensured permanent housing and may also be granted economical assistance for specific expenses. The Danish State allocates funds to the municipalities for the maintenance of these tasks.
42. ECRI has also been informed that although, at the time of its second report, the Integration Act provided for the mandatory setting up of integration councils in all municipalities if 50 people so requested, this is no longer the case since 2004. These integration councils were established in order to advise Municipalities on issues pertaining to the integration of newly arrived immigrants and refugees. Since 2004, Municipalities are no longer obliged to establish these councils and will now do so only when they deem it necessary. There are thus 71 integration councils in the currently existing 274 Municipalities in Denmark. NGOs have expressed their regret at this decision, as integration councils play a positive role in helping new immigrants and refugees integrate into Danish society. However, they have also indicated that these councils are under funded and that they are often not adequately consulted by the Government on matters falling within their mandate. In this regard, ECRI has, for example been informed that the Government tends to forward to the integration councils important documents such as draft laws without providing them with sufficient time to give their input. Moreover, although integration councils have the power to make proposals to the City Councils on the allocation of funds to projects relating to newly arrived immigrants and refugees, they have full discretion as to whether or not they will take these proposals into consideration. Concerning the funding of integration councils, the Danish Government has stated that they are provided with secretarial assistance and free facilities, such as meeting rooms, by local authorities. The Government has further indicated that research carried out in 2003 indicated that 43% of integration councils had an annual budget of between 10,000 DKK (approximately 1,340 euros) and 50,000 DKK (approximately 6,700 euros), and that 14% received less than 10,000 DKK.	The amendments regading integration councils were made as local authorities in many municipalities have requested flexibility as an integration council is more relevant in some municipalities than others. The aim is to ensure real influence and participation by the councils and not in itself to ensure a high number of councils. Currently 71 local integration councils are operative in the municipalities, including in all major cities in Denmark where the largest part of ethnic minorities lives. It should also be noted that integration councils are only one of the channels available for ethnic minorities to further their political influence. All Danish citizens, including citizens with an ethnic minority background, can seek political influence through elections to parliament and municipal authorities. Furthermore all foreigners (of age 18+) are allowed to vote and stand for election to municipal assemblies three years after having been granted permanent residence permit. In fact the number of members of municipal assemblies who were either third-country nationals or descendants of third-country nationals (that is non-EU citizens and citizens not coming from Norway, Iceland, USA or Canada) was up to 67 elects in 2005 compared to only 3 in 1981. The same number for members of parliament was 3 in 2005 (out of a total of 179 seats). Furthermore the Government stresses the importance of dialogue with ethnic minority communities and for example representatives from the Muslim communities. Both the Danish Prime Minister and the Minister for Integration have held such dialogue meetings. As regards funding, the information provided by the Government that 39 % of the local integration councils have an annual budget larger than 50.000 DKK (approx. 6.700 Euro) has not been reflected in the report. The Government finds that funding provided indicates that the local integration councils are generally provided with sufficient means. It should be corrected that the local integration councils are neither obliged nor expected to comment on draft laws. This assignment belongs to the Council for Ethnic

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	Minorities. Local integration councils primarily advise local authorities on local integration efforts.
~~43.~~ ECRI considers that the decision to abolish the mandatory nature of integration councils is all the more regrettable as under the Integration Act, newly arrived refugees and immigrants have no choice as to which Municipality they will be housed in. The Act thus leaves it to the Municipalities to agree among themselves on the number of newly arrived refugees and immigrants they will receive. The Danish authorities have informed ECRI that the aim of this policy is to promote their integration into Danish society. However, ECRI notes that according to the authorities themselves, in 2003, in only 40% of cases were the newly arrived refugees' and immigrants' stated preference for living in a particular Municipality taken into account. In addition, in 35% of the cases they were housed in a different Municipality, but in the same County. ECRI considers that this policy should not result in the refugees' and immigrants' isolation. Moreover, ECRI also notes with concern that the authorities in some Municipalities have refused, for example to receive anymore foreigners on social welfare.	It is not correct that newly arrived refugees and immigrants have no choice as to which municipality they want to settle in. The provisions on housing of refugees only concern recognised refugees and not immigrants and the mandatory system only applies during the period of the introduction programme. The provisions ensure that refugees are provided with permanent housing soon after their arrival in the municipalities, whereas previously refugees were often settled in temporary housing for up to two years. The system helps the municipalities to manage the overall integration task and provides the municipalities with certainty for the planning of the introduction programme for the individual refugee which is to the benefit of both the municipality and the refugee. Finally, the system seeks to avoid segregation and promotes the integration of refugees and Danes in daily life in smaller municipalities. It should be underlined that in cases where a refugee has a particular connection to a community - for instance because of close relatives living in the municipality - the refugee can be allocated to that municipality even if the municipality has exceeded its quota. Municipalities cannot refuse to receive any newly arrived solely based on the fact that they are on social welfare.
44. Newly arrived immigrants and refugees must also follow a three-year integration course in the Municipality in which they have been housed. This course includes, *inter alia*, Danish lessons and preparation for the labour market. The Integration Act provides that they must remain in their assigned Municipality for the duration of this course, unless they have been offered employment elsewhere. NGOs have indicated to ECRI that this course is not sufficiently flexible to enable newly arrived refugees and immigrants to enter the Danish labour market. This in turn makes it more difficult for them to move to another Municipality before the end of the course. It has also been brought to ECRI's attention that if newly arrived immigrants and refugees loose their job, they must return to the integration course.	It is not correct that the introduction course is not sufficiently flexible. The Government reiterates that a refugee may settle in another municipality if the refugee wishes to do so and if the new municipality accepts to assume the responsibility for the introduction programme. If the new municipality do not accept to assume responsibility and the refugee nevertheless settles in the municipality, this may, however, have consequences for the refugee's access to introduction allowance and access to permanent residence permit. The new municipality is obliged to assume the responsibility for the continuation of the introduction programme for example if the refugee has been offered employment in the new municipality or due to special personal circumstances. It is wrongly perceived and should rather be seen as a positive measure that newly arrived refugees and immigrants are given

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	the possibility to return to the introduction course if they loose their job within the three year duration of the course, as the course is tailor-made to encompass the specific needs of the person in question with a view to ensure the best possible integration into society.
***Recommendations*:** 45. ECRI urges the Danish Government to place everyone receiving social welfare on an equal footing as the current "start allowance" amounts to indirect discrimination against newly arrived immigrants and refugees, in violation of international legal norms.	The Government has encouraged ECRI to carefully review its recommendation in the light of the above remarks under paragraph 41. The Government fully respects the right of ECRI to disagree on the desirability of the introduction and starting allowances but finds it legally incorrect that the rules concerning starting and introduction allowance amounts to indirect discrimination against newly arrived immigrants and refugees in violation of international legal norms. It is a fact, that the starting allowance has a positive impact, so that more people are able to support themselves and less isolated from the labour market than if they had received social assistance – after three years 41 per cent versus 28 percent. The waiting period for social assistance is a way of enacting a qualifying principle for full benefit like in pension systems, which is normally not regarded as a violation of international legal norms. The Danish Government finds it very important that Denmark's commitments under international conventions are fully honoured and regards the legislation on starting allowance as being objective, impartial and unbiased.
46. ECRI recommends that the Danish Government make integration councils mandatory in order to facilitate newly arrived immigrants' and refugees' integration into their Municipalities. ECRI also recommends that these councils be provided with sufficient means to function adequately and that they be given a genuine opportunity to contribute to laws and policies relating to immigrants and refugees.	The Government has invited ECRI to review its recommendations with due regard to the above remarks under paragraph 42. ECRI has also been encouraged to substantiate why it expresses concerns as regards this very positive system of local integration councils instead of welcoming it and leave some room for manoeuvre for the Member States.
47. ECRI recommends that Dansih Government continue to monitor the policy of housing refugees and providing them with an Integration course in different Municipalities in order to ensure that refugees are not isolated.	The Ministry of Integration set up a control group in 2002 to monitor the municipal integration effort. Measurements of the integration effort of the municipalities are carried out annually. The Government has invited ECRI to review the recommendations with due regard to the above remarks under paragraph 44. ECRI has also been invited to consider the positive aspects of the promotion of and need for integrating refugees and Danes in daily life in smaller municipalities.
-Aliens' Act	
48. In its second report, noting that the tightening of policies	

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regarding the entry into Denmark of immigrants, refugees and asylum seekers in general and concerning, *inter alia*, the right to family reunification, had continued, ECRI was concerned that this would have a discriminatory impact on members of minority groups.	
49. ECRI deeply regrets that since its second report, new amendments, which have, *inter alia*, further restricted the right to family reunification, have been inserted into the Aliens' Act. Other than the requirements that only those over 24 years may apply for spousal reunification, on condition that they possess a reasonably-sized dwelling, Article 9 of the Aliens' Act now provides that anyone wishing to bring a spouse who is not a citizen of an EU Member State or of the European Economic Area to Denmark must also meet the following conditions: 1) if the person applying for spousal reunification has not been a Danish national for 28 years, his/her spouse's aggregate ties must be stronger with Denmark than the applicant's ties with his/her spouse's country; 2) the applicant must not have been on social welfare for one year prior to the date of the application, and 3) he/she must provide a bank deposit of 54,000 Danish Crowns (approximately 7,000 euros), which will be frozen if the applicant loses his/her job in the first 7 years of the spousal reunification. Moreover, his/her spouse's residence permit may be as a result of the job loss. The Act also provides that refugees may only bring a spouse to Denmark if they had been married or cohabited before the person was granted asylum. On this matter, the Danish Government has stated that a very important factor when deciding on applications for spousal reunification for refugees is whether or not the refugee is able to take up residence in his/her country of origin or in another country. ECRI is deeply concerned by the fact that the 28 years' aggregate ties with Denmark rule amounts to indirect discrimination between those who were born Danish and people who acquired Danish citizenship at a later stage. The stated purpose of the 24 year old rule, which is to avoid forced marriages, in fact concerns only a very small number of people. According to research recently carried out among members of the Turkish, Lebanese, Pakistani, Somali and former Yugoslavian communities, 80% of the respondents indicated that they chose their spouse themselves, 16 % stated that they did it together with their parents and only 4% indicated that their parents chose their spouse for them. Furthermore, ECRI is seriously worried by the fact that the criteria that the person applying for spousal reunification must not have been on social welfare for one year prior to his/her application and that he/she must provide a bank deposit of 7,000 euros in effect amounts to indirect discrimination against minority groups who, as discussed below, tend to be at the bottom of the socio-economic ladder.	The Government is of the opinion that ECRI's description of the mentioned provisions of the Danish Aliens Act and factual analyses are not correct, incomplete and do not provide a full picture. ECRI has been recommended to thoroughly study both the explanatory notes to the relevant bills and previous information forwarded by Denmark in order to ensure an objective description of the mentioned provisions of the Danish Aliens Act and their motivation. With regard to the amendments made in 2002 the overall purpose has been to combat forced marriages and promote integration. The Government wishes to protect young people against pressure from their family or others to enter into arranged marriages or forced marriages with spouses with a cultural background distinctly different from the young people's own daily lives and cultural reality in Denmark. It should be noted that the 28 years rule is an exception to the rule on aggregated ties and ECRI has been encouraged to correct the description of the rule accordingly. As regards the 28 years rule ECRI's deep concern that the rule amounts to indirect discrimination between those who were born Danish and those who acquired Danish citizenship at a later stage is unfounded. No married couple has to comply with the condition of ties if the spouse living in Denmark has been a Danish national for 28 years or more. Persons who have not been Danish nationals for 28 years, but who were born and raised in Denmark or came to Denmark as small children and were raised here, will, however, usually be exempted from the condition of ties if they have resided 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. As regards the provision on aggregate ties ECRI has been invited to take note of 3 judgments delivered 13 April 2005 by the Supreme Court 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). In contrary to the condition of ties in force today, the condition of ties only comprised persons, who did not hold Danish citizenship. The Supreme Court did

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	not find that such differential treatment on the basis of citizenship was contrary to the prohibition against discrimination in article 14 in comparison 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 1985 (Abdulaziz, Cabales and Balakandali v. UK, 84-86). It is based on incomplete information when ECRI states that the purpose of the 24-year rule only concerns a smaller number of people. An analysis of the marriage pattern prior to the introduction of the 24-year rule demonstrates a significant increase in the number of foreigners marrying a person residing outside of Denmark in the years 1999 to 2001. In 1999 55 % of the married immigrants and descendants under the age of 24 from non-western countries married a person residing abroad, while the number increased to 67 % in 2001 – an increase of 12 % in two years. The figures also demonstrate that the older a person is the less likely it is that he/she would marry a person from abroad. Since the introduction of the 24-year rule in 2002 there has been a decrease in the number of foreigners from non-western countries under the age of 24, who married a person resident abroad. From 67 % in 2001 to 41 % in 2004. At the same time the average age of persons who marry has increased. Whereas in 2001 the most common age for foreigners from non-western countries to get married, when marrying a person residing abroad, was 20 years, it was 24 years in 2004. This striking increase in the age of persons who get married and the decrease in the number of foreigners under the age of 24 who marry a person resident abroad, indicates that the 24-year rule has affected the marriage pattern for foreigners in the way the Government intended in order to enhance integration and prevent forced and arranged marriages. It is reiterated that the logic behind the rule is that the older a person is the better he/she can resist possible pressure from the family. ECRI is mistaken when claiming that the bank deposit will be frozen if the applicant loses his/her job within the first 7 years of the spousal reunification. The bank deposit is - as stated in the explanatory notes of the Bill - a financial security to cover for any future public expenses for assistance to the foreign spouse. It should be noted that if the spouse originally living in Denmark finds other means of maintaining his/her foreign spouse, the

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	residence permit of the foreign spouse will not be revoked. ECRI should note that it is not exceptional for Denmark to require stable and regular resources sufficient to maintain the family as a condition for family reunification. The EU Directive on family reunification (Directive 2003/86/EC) makes this possible for all EU Member States bound by the Directive. Denmark is not bound by this Directive. As regards spousal reunification for refugees the Danish rules are in accordance with the criteria for spousal reunification laid down by the European Court of Human Rights.
50. ECRI also notes with concern that these spousal reunification rules have compelled many mixed couples to live in Sweden or Germany where they are entitled to family reunification in accordance with EU rules. NGOs have also highlighted the difficulties faced by people applying for family or spousal reunification in reaching the Immigration Services and in receiving information on the status of their case. On this question, the Danish Government has stated that the immigration Service is continuously doing its utmost to improve the service of its customers. Finally, NGO's have also indicated that one of the consequences of these various restrictions is that spousal and family reunifications have dropped since ECRI's second report.	The Danish Government has encouraged ECRI to take into account that Article 8 of the European Convention on Human Rights or other international obligations does not include a general and unconditional right to family reunification. Denmark, however, fully respects the case law of the European Court of Human Rights, which dictates that family reunification cannot be refused in special cases. The Government is aware of the information concerning mixed couples living in Sweden and Germany. It remains a political and not a legal question whether to accept this consequence or not. It should be noted that the consequence follows from the fact that the rules do not discriminate between nationals and foreigners. ECRI has been encouraged to make its judgements in the light of the European Convention on Human Rights and related case-law.
51. The Danish authorities have informed ECRI that the spousal and family reunification policies permit exemptions for some professionals and students in certain fields from the above-mentioned 24 year and aggregate ties rules. The aim of the policy is to attract workers in fields where there is a manpower shortage in Denmark. In this regard, in the last few years, there has been a sharp decrease in the number of people who have been granted asylum or family reunification permits, whilst inversely, more student and employment visas have been handed out. ECRI deeply regrets the fact that this policy adds another level of discrimination between on the one hand, those seeking asylum or family reunification and on the other hand, people who are perceived as being economically viable for Denmark, in a manner which disproportionately affects minority groups. ECRI is also worried by the fact that this policy has been introduced in a climate where minority groups are being portrayed as a drain on the economy and a threat to the social welfare system.	The Government strongly opposes the view put forward by ECRI that granting favourable conditions for some professionals and students can be seen as an expression of discrimination of other groups. The total number of residence permits to foreigners (refugees, family reunification, studies, employment, including EU-citizens) has risen from 36.354 in 2001 to 39.729 in 2005. (The figure from 2005 is not final). ECRI has been invited to also take into consideration that according to UNHCR statistics a decline in the number of asylum seekers is a general tendency in the EU, primarily in the "old" Member States. In fact when taking into account the number of asylum seekers per 1000 inhabitants UNHCR data show that Denmark is exactly on line with EU 25 average (0.6). Furthermore, the decline in the recognition rates for refugees is seen in many other countries in the EU. ECRI has been encouraged to explain why it is not seen as a positive development that

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	residence permits to third-country nationals in general have increased as this clearly indicates that Denmark welcomes persons from third-countries also when belonging to minority groups. It is fair, legitimate and quite common for most European states to demand different requirements depending on the foreigner's purpose for applying for residence permit. A factual analysis by ECRI should take into consideration whether it according to international standards is not possible to claim that immigration cannot take place if the immigrant will be dependant on well-fare benefits as long as international obligations are respected (for example the 1951 UN Convention Relating to the Status of Refugees and the European Convention on Human Rights (article 8)). ECRI has been encouraged to pay attention to the fact that it has an overall positive impact on integration that immigrants are active in the labour market – not only for the benefit of the society in general but indeed also for the benefit of the immigrants in question. The Government does not agree when ECRI states that minority groups are being portrayed as a drain on the economy and a threat to the social welfare system. It should be taken into account that it is a legitimate aim to require stable and regular resources sufficient to maintain the family as a condition for family reunification and immigration for studies and employment as long as international obligations are met. See also paragraph 49 above.
52. ECRI finally notes with concern that although several NGOs and members of civil society, both at the national and international levels, have criticised the discriminatory nature of the above-mentioned aspects of the Aliens' Act, their calls for changes in these laws have mostly gone unheeded.	All comments and proposals are taken into consideration in the law making process. In the view of the Danish Government it is however politically unrealistic to require that the Government – as counts for all Governments – take into account all political statements from NGOs and others when elaborating legislation.
***Recommendations*:** 53. ECRI urges the Danish Government to reconsider the provisions contained in the Aliens' Act on spousal and family reunification, bearing in mind Article 8 of the European Convention on Human Rights. It also urges Denmark not to adopt laws which in effect indirectly discriminate against minority groups. ECRI strongly recommends that the Danish Government take into consideration the recommendations made by various international and national bodies regarding the Aliens' Act.	The Danish Government finds that the provisions in the Danish Aliens Act, including the amendments made since ECRI's second report, fully respects Denmark's international obligations as they can be derived from the European Convention on Human Rights and other instruments. The Government notes that ECRI has not pointed to any violations of international obligations or given any legal facts to substantiate its position. The conditions for family reunification do not interfere with the right to respect for family life guaranteed in Article 8 of the European Convention on Human Rights as Article 8 does not dictate a general and unconditional

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	right to family reunification. Denmark fully respects the case law of the European Court of Human Rights, which implies that family reunification cannot be refused in special cases. Reference is made to the 'Memorandum on the report of 8 July 2004 by Mr. Alvaro Gil-Robles, Council of Europe Commissioner for Human Rights', and the Government's memorandum of 22 September 2004 on the recommendations made by the Commissioner. The memorandum was enclosed in the information send to ECRI as a follow-up to ECRI's letter of 22 March 2005. It should be noted that the Danish Government did introduce amendments to the Danish Aliens Act following the recommendations made by the Commissioner. Furthermore, a general precondition for taking into account recommendations is that such recommendations bulid on a solid and correct basis, including references to international obligations and not only to different political viewpoints.
-Refugees and Asylum Seekers	
54. NGOS have expressed a number of concerns to ECRI about the manner in which asylum seekers are treated in Denmark. A very high proportion (90%) of asylum seekers' claims are currently being rejected, whilst in 2002, approximately 50% of those claims were successful. The fact that asylum seekers are not assisted by a lawyer when they fill in their 20 page claim form and are subsequently interviewed by the competent authorities has been stated as one of the main reasons for such a high percentage of rejected claims. ECRI notes with concern that the authorities have indicated that rejected asylum seekers who are unwilling to leave Denmark receive no other assistance than food in a cafeteria and clothes. NGOs have criticised the fact that some rejected asylum seekers are placed in a wing of the Sandholm Centre (in the North of Copenhagen), where they remain isolated, with no supervision and there have been complaints of inadequate food. Moreover, ECRI is worried that as rejected asylum seekers who are placed in this centre receive no money, some of them are reportedly being forced into a life of crime out of desperation to earn some money.	ECRI has been encouraged to ensure a greater diversity in its factual descriptions and not only build on information from NGOs. It is not correct when it is stated that the high percentage of rejected claims for asylum is due to the fact that asylum seekers are not assisted by a lawyer when filling in the claim form. First, all asylum-seekers may contact legal counsel and be assisted by a lawyer at any time. Assistance from an attorney is free of charge from the point of the appeal before the Refugee Board. Special rules apply with regard to unaccompanied minor asylum seekers. Second, nothing has been changed in this respect and, consequently, cannot explain the change in the recognition rates. Third, the change in the recognition rates can rather be explained mainly by changed conditions in the countries of origin of the asylum seekers, like for instance Afghanistan and Iraq. Fourth, according to UNHCR statistics many European countries experience a decline in positive asylum decisions (see above in paragraph 51). Fifth, the EU Council Directive on asylum procedures (2005/85/EC) is only as a main rule obliging Member States bound by the Directive to ensure an attorney free of charge in second instance. It should be noted that new regulations as from 1 July 2005 regarding the payment of

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	cash allowances to asylum seekers who do not live up to the obligations required by immigration laws have as an objective to motivate asylum seekers to cooperate with the authorities primarily in cases where asylum seekers have received final rejections of their applications for Danish residence permits, have not left the country by the date ordered, and who are not willing to leave the country. Exceptions can be made as regard unaccompanied minors and individuals with special forms of life-threatening diseases. The asylum seekers can be removed from the food allowance programme if they choose to co-operate with the police on their departure. It is inaccurate when ECRI states that the persons in question receive no other assistance than food in a cafeteria and clothes. For example special boxes for children are handed out. ECRI has been encouraged to inform the Ministry of Integration about the concrete complaints regarding inadequate food in the centres as such complaints will be taken seriously. The programme should and does ensure adequate food in accordance with health standards. ECRI has been encouraged to reflect in its report that residents at departure centres (Centre Sandholm and Centre Avnstrup) are typically asylum seekers who will not co-operate with the police on their departure after they have received final rejections of their application for asylum and have not left the country by the set deadline. The Danish Government does not subscribe to the view that conditions in the centres would force people into a life of crime.
55. A decision rejecting an asylum seeker's claim is examined by the Refugee Board. This three-member quasi-judicial body is chaired by a Judge and is composed of a lawyer from the Ministry of Refugee, Immigration and Integration Affairs and another who's a member of the Lawyers' Association. ECRI notes with concern, that a decision by this Board may only be appealed on a procedural matter. In this regard, the authorities have informed ECRI that an asylum seeker whose claim has been rejected by this Board can apply for humanitarian status with the Ministry of Refugee, Immigration and Integration Affairs. However, this status is only afforded to asylum seekers who suffer from a serious illness and cannot receive treatment in their country or who lack any family ties in their country. The Ministry of Refugee, Immigration and Integration Affairs' decision to reject a claim for humanitarian status cannot be appealed either. In this regard, ECRI was informed that very few people are granted humanitarian status. It is therefore worried that some asylum seekers who have a meritorious case may be sent back to a country where they have a well-	The worry expressed by ECRI in respect of refoulement of refugees is absolutely unfounded and tendentious. The rules in the Danish Aliens Act and the Danish asylum practice are fully in accordance with international obligations concerning non-refoulement, including article 33 of the 1951 Convention Relating to the Status of Refugees and article 3 of the European Convention of Human Rights. ECRI is recommended to have this verified with other sources, for example UNHCR. ECRI's concern regarding the decisions taken by the Danish Refugee Board is also unfounded. The right for asylum seekers to have their case examined by the Refugee Board make an effective remedy of the decision taken on their application for asylum. ECRI seems not to take into account

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founded fear of persecution within the meaning of the 1951 Convention Relating to the Status of Refugees.	that the Refugee Board – due to its composition with a Judge in the chair, its independency and its procedural rules - is a quasi-judicial body or court-like body. It should be mentioned that the Refugee Board is considered to be a court within the meaning of article 38 in the EU Council Directive on asylum procedures (2005/85/EC) concerning the right for asylum seekers to have their case examined by a court or tribunal. Please note that Denmark is not bound by the Directive but its legislation is fully in line with the Directive. A reference is made also to the comments to the recommendation under paragraph 58. It is not correct that a claim for humanitarian status cannot be appealed. The Danish Constitution stipulate in article 63 that the courts of justice are empowered to decide any question relating to the scope of the executive authority. This includes a general right to appeal decisions from the authorities to the courts. Furthermore, it is possible to make a complaint to the Parliamentary Commissioner for Civil and Military Administration in Denmark (Folketingets Ombudsman), who can examine formal matters regarding negative administrative decisions.
56. NGOs and specialised bodies have indicated to ECRI that asylum seekers whose claim is still being processed are extremely isolated as they do not have the right to work or study outside the asylum centres in which they are housed; the Danish authorities have indicated on this point that asylum seekers have the right to carry out voluntary work outside the centre. ECRI also notes that their children can only be schooled in these asylum centres. ECRI is further seriously concerned by the fact that, as NGOs and specialised bodies have indicated, the compounded effect of their isolation, the problems they encounter in receiving psychiatric treatment as well as the limited financial means available to them and the lack of certainty about their future have resulted in some asylum seekers being in a worse psychological condition than when they arrived in Denmark. This is all the more worrying as some of them have been living in asylum centres for as long as 8-10 years.	ECRI seems to be misinformed about conditions for asylum seekers in Denmark. Whereas asylum seekers may not take up ordinary work in Denmark unless they have a residence and work permit, asylum seekers with a work contract or a work permit valid for a specific trade or profession may apply for a residence permit on those grounds. Furthermore, asylum seekers can participate in both internal activation (various tasks at the centres) as well as unpaid job training programs at a company not affiliated with the asylum centre (external activation). Applicants can also participate in unpaid humanitarian work or any other form of volunteer work. The asylum seekers can also participate in language courses and other courses on a number of subjects. The Government has thus sought to secure an active stay for foreigners who await the decision from the authorities on their case. It is not correct that the children of asylum seekers are only schooled in the asylum centres in which they are housed. The children have compulsory education like any other child in Denmark. They are offered education corresponding to the education bilingual children receive in the Danish "folkeskole" (primary and lower secondary school for 7- to 10-year-olds). As a main rule

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	the education is managed by schools connected to the asylum centres. If the child can benefit from education with Danish children the accommodation operator can enter into an informal agreement with the local municipality that the child can participate in the education in the local school on equal terms with the other children. The Government agrees that asylum seekers should not spend as long as 8-10 years in asylum centres in Denmark. In 2005 the average processing time for asylum cases in the first instance was 100 days. The average processing time for cases before the Refugee Board was 150 days in 2005. If asylum seekers spend longer time at the asylum centres, the main reason will in most cases be due to the asylum seekers themselves. In many cases the asylum seekers do not cooperate with the police on their departure and very often asylum seekers postpone their departure by applying for new kinds of residence permits or for a reopening of their asylum case.
Recommendations **:** 57. ECRI recommends that asylum seekers be assisted by a lawyer when they submit their claim to the competent authorities and during the entirety of the asylum procedure	ECRI was encouraged to take into account the information given under paragraph 54 and revise this recommendation. Any recommendation in this regard should build on international obligations or recommendations.
58. ECRI strongly recommends that Denmark ensures that asylum seekers are able to fully put their case before the authorities by providing them with equal access to all the legal remedies afforded to everyone living in Denmark, including the right to appeal before an independent court.	ECRI was encouraged to revise this strong and unfounded recommendation and take into account that the Refugee Board is an independent court-like body and provides asylum seekers with an effective remedy against decisions taken on their asylum applications and that the legal standards enshrined in this process gives the same level of rights and protection as any court procedure. This view can be further underpinned by the following: - As already stated in paragraph 55 the Refugee Board is a court within the meaning of article 38 in the EU Council Directive on asylum procedures (2005/85/EC). During the consideration of the Directive the Council Legal Service concluded that Community law demands that in order to fulfil the requirement of effective remedies, the applicants must have the right to appeal before a court or tribunal as these concepts are understood in the sense of the European Court of Justice. The Court takes account of a number of factors, such as whether the body is established by law, whether it is permanent, whether its jurisdiction is compulsory, whether its procedure is inter partes, whether it applies rules of law and whether it is independent. The Refugee Board fulfils all

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	these criteria. - According to section 56 (8) of the Aliens Act decisions made by the Refugee Board are final, which means that the decisions cannot be re-examined by the courts. This was determined by the Supreme Court by a decision of 16 June 1997. The Supreme Court attached importance to the fact that the Refugee Board is an expert board of a court-like character. The Supreme Court has since repeated this in several other judgments. - The Refugee Board guarantees that aliens submitting an application for asylum in Denmark have a thorough and fully adequate examination of their asylum applications in terms of due process. Moreover, the Refugee Board is professional with a high degree of legal expertise, including expertise in the fields of immigration and asylum law.
59. ECRI recommends that asylum seekers have access to employment and professional training as well as to Danish schools for their children in mainstream Danish society in order to avoid their total isolation. ECRI also strongly recommends that asylum seekers be provided with adequate care in accordance with national and international human rights standards.	ECRI was encouraged to review its recommendation taking into account the information given under paragraph 56 as ECRI seemed to be misinformed about conditions for asylum seekers in Denmark. In this respect ECRI was encouraged to take into account international recommendations on employment possibilities for asylum seekers, that integration measures are provided for once the asylum seeker is granted asylum and that employment opportunities during the asylum phase can have adverse effects e.g. persons exploiting the asylum system and not in need for protection. When the asylum system is exploited the main victim will be the genuine refugee. As to the recommendation concerning the schooling of the asylum seeker's children ECRI was encouraged to take into account the information given under paragraph 56.
Employment	
60. In its second report, ECRI emphasised the paramount importance of adequately implementing legal provisions in the employment sector and recommended that the application of existing legislation in this area be improved.	The National Labour Market Authority has concluded an arrangement with a private consultant firm to carry out random checks twice a year among the employed in the Public Employment Service to ensure that they know and act in accordance with the legislation against discrimination. Furthermore the Public Employment Service must register if they are contacted by firms who want to hire ethnic Danes only.
61. As indicated above, only one case has been brought to court so far regarding discrimination under the 2003 Act on Ethnic Equal Treatment. The Danish Institute for Human Rights' Complaints Committee has informed ECRI that 11 cases concerning dismissal, payment, work conditions and promotion issues have been brought before it under this	The cases regarding discrimination concerning unionized workers are dealt with in the system for settlement of industrial disputes, which is a quick and effective system to settle disputes on the labour market. Furthermore a cooperation

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Act. The Committee has informed ECRI that it can only examine such cases where the complainant is not a member of a Trade Union or when he/she has received no assistance from their Union in dealing with their complaint. On this point, the Dansih Government has indicated that the Institute for Human Rights is working in cooperation with the Confederation of Danish Employers and the Danish Confederation of Trade Unions. However ECRI regrets that despite the adoption of the Act on Ethnic Equal Treatment and the powers given to the Complaints Committee therein, there is still a very long way to go before these mechanisms are adequately used to fight discrimination in the employment sector.	concerning discrimination issues has been established between the Institute for Human Rights and the Confederation of Danish Employers/the Danish Confederation of Trade Unions.
62. In its second report, ECRI believed that the issue of discrimination should be addressed by, *inter alia*, trade unions, social partners, employment agencies, as well as local and national authorities.	The Danish social partners continuously are working with integration matters. The agreement on cooperation between the Confederation of Danish Employers and the Danish Confederation of Trade Unions contains a special agreement on equal treatment and non-discrimination. One purpose of the agreement is to promote equal treatment between workers with Danish ethnic background and workers with a different ethnic background. The social partners participate in a Forum for Dialogue established by the Danish Institute for Human Rights concerning issues of discrimination. As a part of the forum the parties mutually inform each other on anti-discrimination initiatives and cases on discrimination. The Confederation of Employers and their member organisations are continuously informing and up-dating the enterprises and employers on the ban on discrimination through information leaflets and books targeted at the employers. The Confederation of Employers also arranges seminars etc. on discrimination issues for their members. Furthermore the Confederation of Employers counsels and gives guidance to employers with a view to avoid discrimination or in order to solve cases of alleged discrimination. As for the workers organisations discrimination legislation is a part of the education of shop stewards. The Confederation of Danish Trade Unions has issued a publication on Human rights for enterprises in collaboration with the Institute for Human Rights. Furthermore the Confederation of Trade Unions has initiated a project on tolerance between colleagues.
63. There does not appear to have been any measures taken, since ECRI's second report, to implement the above recommendation. On this matter, ECRI notes with great concern that according to statistics, 50% of people belonging to minority groups are unemployed, due in part to	The Government notes that ECRI on the one hand notes with great concern the statistics on unemployment of people belonging to ethnic groups and on the other hand expresses concern regarding the initiatives

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the fact they have on average a lower education level than ethnic Danes, but also because they face discrimination in obtaining traineeships and jobs when they have the requisite qualifications. In this regard, research has demonstrated that 89% of people belonging to minority groups in Denmark feel that they would have less chance of obtaining a job, training or promotion than the rest of the population. ECRI has further been informed that minority groups are often unable to find a job that meets their level of education even when they have, throughout their lives, received their education in the Danish system. The Government has indicated to ECRI that it has taken some measures to address the problem faced by ethnic minority youth in finding traineeship. One of these measures includes providing more funds to vocational training institutions where there are many ethnic minority students and to businesses that provides additional traineeships. ECRI notes however that the Government does not appear to have established a clear and consistent policy aimed at integrating minority groups into the labour market. ECRI notes with concern that in May 2005, the Ministry of Refugee, Immigration and Integration Affairs launched an official policy paper entitled "A new chance for everyone – the Danish Government's integration plan", part of which will be included into the Danish legislation at the end of 2005. In this policy paper, the Danish Government proposes, *inter alia*, to withdraw the social welfare benefits of young people aged 18 - 25 who do not "commence a relevant job-qualifying course". It is also stated that family allowance schemes "will be adjusted so that only young people of 15-17 years who have started a qualifying course or have a job with an educational perspective will be eligible for [such an] allowance". Moreover, when both spouses receive social security benefits, one of them will only be entitled to a "lower spousal allowance if [he/she] has not had ordinary paid work for 300 hours in the preceding two-year period". ECRI is concerned that such measures, which will in fact mostly affect minority groups, have a repressive element without being counter-balanced by concrete measures aimed at helping them enter the job market.	taken by the Government to change this pattern. The statement concerning the lack of a clear and consistent policy aimed at integration into the labour market is absolutely unfounded and ECRI seems not to have taken into account the many initiatives and plans implemented by the Government in this regard. The Government has kept it a main priority and a clear goal to improve integration of immigrants and descendants of immigrants in the labour market. It is in the economic interest of the Government to increase the employment rate for all immigrants and to ensure that it pays to work. The Government has followed a consistent and long-term policy towards this objective since its action plan 'Towards a new integration policy' from March 2002. The main focus in the action plan is that all citizens in Denmark should have access to both working and social life. 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. The proposals in the action plan are divided into four main themes: Shortcuts to the labour market, effective Danish courses, better utilisation of qualifications and integration - a common concern. This action plan was followed by an agreement - called the 'Four Part Agreement' - on integration between the Government, the local authorities and labour market representatives which was signed in May 2002. With the 'Four Part Agreement' as a basis the Government has created a better framework for integration initiatives. Reforms within the integration and labour market fields were introduced in 2002 and 2003 that make it possible for local authorities and businesses to combine a range of tools to promote the integration of immigrants on the labour market. The strategy is to ensure that new immigrants get a quick start and obtain employment as quickly as possible. The reform of the general employment policy 'More people into employment' from 2002 has led to parallel rules for employment schemes to unemployed persons under the Integration Act and the Act on an Active Employment Policy. One of the elements of the reform is a flexible system for Danish tuition, simplification of

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	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 reform has increased the economic incentives for the municipalities to give labour market oriented offers. The social partners take active part in strengthening the integration measures. An important initiative is "Project Enterprise-targeted Integration" where the Danish Confederation of Trade Unions (LO), the Danish Employers' Confederation, (DA) and National Associations of Local Authorities in Denmark (KL) co-operates in 3 regions on a joint development project from May 2003 to May 2006. The project follows the 'Four Part Agreement' and is supported by the Ministry of Integration by 4.5 mill. DKK (approx. 0.6 mill. Euro) The project aims at giving a new stimulus to integration measures, including the use of the new model for labour market integration and the collection of experiences with the model. The central part of the project is to ensure a quick and better integration of refugees and immigrants into the labour market. The means are professional and linguistic upgrading, quicker identification of competences and flexible teaching. The Government's strategy against ghettoisation (see below under paragraph 80 and 82 on housing) which was presented in May 2004 contributes to ensuring that residential areas with a high proportion of ethnic minorities becomes positive platforms for labour market integration of immigrants and refugees. Job Shops are set up in disadvantaged neighbourhood areas. There will furthermore be a stronger focus on measures in disadvantaged neighbourhoods in the annual measurements of the effects of the municipalities' integration measures. In May 2005 the Government presented yet a combined integration plan entitled 'A New Chance for Everyone'. After consultation with the parties represented in the Danish Parliament, a political agreement was reached in June 2005 for the implementation of the plan. Proposals for the necessary amendments of the Integration Act, the Aliens Act, the Act on Social Policy and the Act on an Active

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	Employment Policy are currently being debated in Parliament. The amendments are expected to enter into force in mid-2006. The implementation of the plan will allow the Government to enhance its current integration efforts through several new initiatives intended to e.g. boost education and employment among immigrants and their descendants, the aim being that up to 25.000 more immigrants and descendants should have a job in 2010. The Government is making an effort to make job opportunities more visible. In particular, the Government intends to focus on the approximately 25.000 job vacancies for which no specific skills are required and each year are posted on Jobnet, the job portal of the Public Employment Service (PES). Thus future search results on Jobnet will be grouped into jobs for which no special skills are required (HotJobs) and other jobs. All unemployed persons must be offered enrolment in employment generating schemes. In the future, the local authorities must be obliged to provide offers for all recipients of cash assistance – also people who have passively received social allowances for several years. To assist the local authorities to find jobs for more recipients of cash assistance, the Government will launch a programme entitled 'A new chance for everybody'. This programme is intended to make sure that everybody is given the offer of active involvement that he or she needs. Consequently, the local authorities will review all cases of persons who have received cash allowance but have not received any offers of active involvement for a long time. The programme "A new chance for everybody" is aimed at citizens with a Danish background as well as ethnic minorities. It is estimated that one third of the persons targeted by the programme will be immigrants. Local authorities, who make a special integration effort, will be rewarded. As an example, the Government intends to adjust the remuneration rates for cash allowance and starting allowance so that local authorities contributing actively to integration will have an increased proportion of their expenses refunded. Conversely, local authorities who do not provide regular offers of activation and training to recipients of cash allowance will have a smaller proportion of their expenses refunded. In order to further the dissemination of good

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	examples on integration, a team of consultants – 'The Integration Service' – was set up by and in the Ministry of Integration in 2005. The consultants have a specific knowledge of integration – especially in regards to education and employment. The primary goal is to undertake efforts to integrate immigrants and descendents into the educational system and the labour market even more efficient. The consultants are supposed to disseminate good – and practical – experiences from municipalities, educational institutions and enterprises. The Integration Service has been co-operating with 45 municipalities since May 2005. It is not correct when ECRI notes that 50 % of people belonging to minority groups are unemployed. In Denmark minority groups are usually defined as immigrants and descendants from non-Western countries. As of 1 January 2004 46 % (95.994 persons) of immigrants and descendants from non-Western countries (in the age 16 to 64 years) were employed, whereas 54 % (111.170 persons) were not in employment. As regards the remark by ECRI regarding traineeships, studies from January 2005 from the Government's Think Tank on Integration show that there are a number of objective reasons to why ethnic minority youth find it difficult to obtain traineeships, e.g. that the youngsters write poor applications for traineeship and that they apply for traineeship in areas where very few traineeships are available. A campaign funded and organised by the Ministry of Integration entitled 'We Need All Youngsters' was initiated in 2002 and aim at increasing the share of immigrants and descendants that start and complete an education. The campaign was extended in 2004 with special measures to provide training places for young trainees with ethnic minority background. For more information on this campaign see paragraph 72. Regarding traineeships for youngsters with an ethnic minority background, the agreement 'A New Chance for Everyone' comprises several focused initiatives aimed at securing more funds for institutions for vocational training with many students from the ethnic minorities. The extra funds should enable the institutions to make an extra effort in finding traineeships for young immigrants. The Government expects that this initiative combined with a grant to businesses that find extra traineeships which was introduced in 2005 will enable more youngsters with ethnic minority background to find traineeships.

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64. ECRI has been informed that 90% of Danish companies make no effort to promote ethnic diversity in their workforce. It has also been indicated to ECRI that according to a recent survey, two-thirds of business leaders do not see the importance of having ethnic minority personnel. This reluctance is mainly due to the fact that there are still many prejudices both at the managerial and employee levels about the ability of minority groups in general, and Muslims in particular, to integrate into the workplace. ECRI notes with concern that the Government has not taken adequate measures to fight these prejudices. ECRI therefore welcomes the Danish Institute for Human Rights' campaign aimed at showing staff in private companies the benefits of a diversified workforce and at increasing awareness of corporate social responsibility. It also notes that the Danish Government has indicated that the Dansih Chamber of Commerce published a report at the end of 2005 according to which there are more positive attitudes towards ethnic minority employees in some business sectors, such as IT and trade. ECRI moreover notes that some other initiatives have been taken by other specialised bodies and NGOs to fight discrimination on the job market. However, partly due to the above-mentioned problem of NGOs' funds being withdrawn or reduced, there has been a limited number of such initiatives. Moreover, trade unions have been reluctant to assist people belonging to minority groups who have suffered discrimination at work in bringing their case either before their management or to court. ECRI is thus pleased to note that the Danish Confederation of Trade Unions is currently in the process of adopting equal opportunity measures and that it has established a committee to that end. ECRI regrets, however, that neither employment agencies nor national or local authorities are involved in the fight against discrimination in the employment sector.	The information given by ECRI is inaccurate and builds on incomplete facts, which gives a biased picture of the situation in Denmark. In November 2003 the Danish Government presented its Action Plan to Promote Equal Treatment and Diversity and Combat Racism. The action plan includes a number of initiatives targeted at the labour market; including an initiative concerning workplaces based on diversity as well an information campaign concerning the causes of labour market exclusion and intolerance on the labour market. A recent survey made by The Danish Confederation of Trade Unions (LO) from December 2005 shows that 92.7 % of persons asked have no problem in working together with persons with ethnic minority background. In 2006 the Ministry of Integration will initiate a diversity programme in cooperation with 10 to 15 companies. The establishment of the programme is part of the political agreement from June 2005 'A new chance for everyone'. In recent years a number of companies and employers have chosen to work systematically with diversity management – and thus seeing diversity in the workplace as a benefit for the company. It is expected that the experiences from the coming diversity programme and the expansion of diversity management will contribute to bring more immigrants into employment. Furthermore special funding has been allocated to strengthen diversity in the workplace and thus improve the situation for immigrants and descendants on the labour market (2006 11 mill. DKK/approx. 1.5 mill. Euro, 2007 9 mill. DKK/approx. 1.2 mill. Euro, 2008 7 mill. DKK/approx. 0.9 mill Euro, and 2009 5 mill. DKK/approx. 0.7 mill. Euros).
***Recommendations*:** 65. ECRI urges the Danish Government to take more proactive measures to implement the anti-discrimination legislation in the employment sector by, *inter alia*, carrying out information campaigns aimed at minority groups, as well as employers, employment agencies and local and national governmental authorities.	It should be noted that the Ministry of Employment in January 2006 has issued an information guide on the antidiscrimination legislation in the employment field. This guide has been widely distributed to all actors on the labour market. With respect to the social partners, the Confederation of Employers and their member organisations are continuously informing and up-dating the enterprises and employers on the ban on discrimination through information leaflets and books targeted at the employers. The Confederation of Employers also arranges seminars etc. on discrimination issues for their members. As for the workers organisations discrimination legislation is a part of the education of shop

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	stewards. The Confederation of Danish Trade Unions has issued a publication on Human rights for enterprises in collaboration with the Institute for Human Rights. Furthermore the Confederation of Trade Unions has informed the Ministry of Employment that it has initiated a project on tolerance between colleagues. The Danish Government has invited ECRI to review its recommendation with due regard to the remarks above under paragraph 63. Regarding anti-discrimination legislation reference is also made to the remarks under paragraph 27 above and to the Act on the Prohibition of Discrimination in the Labour Market.
66. ECRI urges the Danish Government to adopt and implement a clear, consistent and long-term policy for integrating minority groups into the labour market. It also urges Denmark to ensure that measures taken to encourage people to enter the job market not be implemented in a manner that will in effect punish minority groups without providing them with the necessary tools and opportunities to find work. It strongly recommends that minority groups, all relevant partners such as the business and NGO sectors, national and local authorities as well as employment agencies be involved in devising and implementing policies aimed at integrating minority groups into the job market. ECRI also strongly recommends that the Danish Government provide adequate funding for any initiatives aimed at offering better job training and employment skills to minority groups.	Reference is made to paragraph 63 and 64 regarding the long-term policy initiatives actually taken by the Government and these activities must be taken into account if ECRI wishes to draw a complete picture of the situation in Denmark as regards integration on the labour market. The present recommendation is based on incorrect and insufficient information and ECRI has been encouraged to revise it in the light of the above information.
Access to public services *-Access to education*	
67. In its second report, considering the prevailing de facto segregation in some Danish schools, ECRI encouraged local and national authorities to further examine this phenomenon and enhance measures to combat it.	
68. ECRI has been informed that in some schools in Copenhagen for example, 90 % of the children are of an ethnic minority background. In spring 2005, in a drive to fight this de facto segregation, the Danish Government made an executive order by which as of 1 October 2005, children with an ethnic minority background would have to pass a language test and those who were found to be insufficiently fluent in Danish would be moved to another school. However, ECRI has been informed that this measure contravenes a law that was adopted on 1 August 2005, by which all parents are free to choose which primary school they will send their children to. As the spreading of children from minority groups to different schools may be compulsory, this policy would be a violation of the law adopted in August 2005. On this question, the Danish Government has indicated that this measure will only be taken if there are educational reasons for doing so. However, ECRI notes with concern that the decision as to whether a child should be sent to a different school or not	The law that provides the municipalities with the option to refer bilingual children that have a special need of education in Danish as a second language to other schools than the district school, and the law that allows parent to freely choose which primary school they wish to send their children to, were both passed by the Parliament in 2005, the former in June and the later in May. Both form part of the general Danish school policy, whereby parents are free to choose a school for their child. However, if the child has a special need of education in Danish as a second language and the municipality assesses that the child can be given a better educational offer on another school than the child's district school or the school chosen by the parents, the municipality has the possibility to refer the child to the school

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will be made by a language and testing expert rather than the school Headmaster. The Complaints Committee has assessed the school integration model in some municipalities and concluded that it constitutes a form of indirect discrimination based on ethnicity. ECRI has been informed that this measure may be compulsory for two years after the children have changed school, after which an assesment will be made as to whether they can go back to their original school. In this regard, ECRI has been informed that a comprehensive approach, which would take into account the housing, employment and social components of this problem, would be a fairer way of ensuring that children from minority groups have equal access to education.	which it deems to have the best educational offer for that particular child. This corresponds to the possibilities municipalities have with regards to referring children with special educational needs. According to the law such a decision must be taken on the background of an individual assessment of the educational need of each bilingual child compared with the different educational offers existing within the municipality. The Ministry of Education plans to develop a test that could be a part of this assessment. The municipalities are free to decide whether or not to use the test. The reason for placing the decision about whether to refer a bilingual pupil to another school than the district school with the municipal council rather than with the school headmaster, is that the municipal council, in practice the local school authorities, is judged to be best qualified for the task. An evaluation from 2004 shows that the school leaders often delegate the decision on the educational offer to a class teacher. The assessment of whether a child should still be referred to another school than its district school is not limited to being carried out two years after the initial decision. Rather, an ongoing assessment has to take place of whether the grounds that necessitated the initial decision, still exist. If that is not the case, the child and it's parent have at any time the right to choose that the child shall be referred to its district school or another school of their choosing. It should be mentioned that these initiatives do not stand alone, but are a part of the general efforts of the government to strengthen the integration of bilingual children into the Danish society.
69. In its second report, ECRI recommended that additional measures be taken to assist children whose mother-tongue was not Danish in fully and successfully participating in mainstream schools.	
70. ECRI has been informed that all children from minority groups, starting from three year olds, are given a compulsory language test before they start school, to assess their Danish language level. In order to provide them with early-language stimulation, minority children who do not have the requisite language skills are placed in "reception classes" for one or even two years. ECRI notes with concern reports according to which these children are sometimes forbidden from speaking their mother-tongue in these "reception classes". Moreover, since 2002, only children from the European Union and the European Economic Area Member are entitled to mother-tongue education. Therefore, Municipalities which continue to	At the age of three any bilingual child goes through an expert assessment. Depending of the result the child is referred to language stimulation. Participation is compulsory. The language stimulation can take place in a kindergarten or in a special offer 15 hours a week. These offers are not the so called "reception classes". Reception classes are classes for bilingual students in primary and lower secondary school, who need basic teaching in Danish as a second language. Attendance in a reception class is limited to two years. The ministry of education

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provide mother-tongue education to children who do not fall in these categories must pay for it themselves.	considers the use of the mother tongue a useful tool in order to reach the targeted goals of the various subjects.
71. In its second report, ECRI noted that some minority children were dropping out of school and recommended that this problem be investigated and solved.	
72. ECRI was informed by the Danish authorities that there is still a high drop-out rate among ethnic minority youth in vocational schools. Thus, in 2003, 40% of youth from an ethnic minority background dropped out compared to 32% among their ethnic Danes peers. The Danish authorities have also indicated to ECRI that in 2005, they launched a line of action to deal with this problem both among youth from minority groups as well as ethnic Danes. According to the authorities, in August 2005, the Government also started a three-year pilot programme in 15 commercial colleges (out of the 150 existing ones) whereby ethnic minority mentors are placed on call to assist ethnic minority pupils. Some of the pupils have someone acting as a role model for them whilst the best ones act as mentors and teachers for their fellow students. This project targets pupils in the first year, as the highest drop-out rates occur at that stage. ECRI regrets that this project has received very limited funding (500,000 Danish Crowns).	The Government has taken a number of initiatives during the past four years to reduce the drop-out rate for children with an ethnic minority background both legislatively and otherwise, e.g. by reforming the system of educational guidance to ensure more resources to the guidance of ethnic minority children and their parents and reforming the vocational training system to provide more flexible courses of vocational training. In the political agreement 'A New Chance for Everyone' several new initiatives aim at further reducing the drop-out rate for ethnic minority children. The initiatives comprise of individual educational guidance to children and their parents from the ethnic minorities, initiatives to secure more traineeships for youngsters from 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. Moreover, the goal of the 2002 campaign 'We Need All Youngsters' 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. The campaign encompasses a full range of activities, including: • A team of role models composed of ethnic minority youth, who have done well in the education system. The role models are visiting schools and educational institutions, youth clubs and ethnic organisations. They tell other young people their own story; how they managed to overcome barriers and prejudices. Since the beginning of 2003 the role models have been in contact and dialogue with more than 7500 young people from ethnic minorities. • A new team of models composed of ethnic minority parents with children who have done well in the education system. The parents are visiting language schools and ethnic minority organisations telling other parents of the importance of

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	supporting their children in getting an education. • Special initiatives on institutions of vocational training in order to reduce the drop-out rate for youngsters from the ethnic minorities e.g. training the teaching staff in helping youngsters from the ethnic minorities to get a traineeship and establishing home work cafés in institutions of vocational training. • Special initiatives on unemployed from the ethnic minorities under the age of 25 targeted at 10 local authorities. The initiatives involve e.g. supervision of the local staff and establishment of networks between representatives from the local authorities and local businesses. • Homework cafés: projects helping children and young people with their homework. The placement of these projects – relying on the inclusion of volunteers – is typically the local public library. Until now 50 cafés have been established. ECRI has also been invited to note the following focussed campaigns: • Recruiting migrant youth in order to enrol training courses for jobs in the health and social sector. • The '100 Traineeships places in 100 Days' campaign focussing on vocational training and targeting migrant youth as well as employers. • 'One Uniform – Many Opportunities' aiming at recruiting young migrants to take an education within and to join the police force and the military. • The methods used by the campaigns are based on communication and information and includes among other things three yearly 'education fairs'.
73. In its second report, ECRI recommended that the Danish Government strive to provide teachers with training on teaching in a multicultural environment and to recruit teachers from an ethnic minority background.	In some teacher-training colleges Danish as a foreign language is offered as a pilot scheme. Some teacher-training colleges offer preparatory courses designed especially to immigrant students. As a pilot scheme many teacher-training colleges offer Danish as a foreign language as one of 18 main subjects (each student chooses four of the 18). Examinations are written and oral with the written part set by the Ministry of Education. Preparatory courses designed especially for immigrants and refuges have been offered by

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	teacher-training colleges since 1994. Courses have aduration of one year and in most cases ensure that immigrant students gainaccess to teacher education programmes.
74. ECRI has been informed that studies have indicated that approximately 80% of Danish teachers feel that they are not sufficiently qualified to teach in a multicultural environment. It has also been brought to ECRI's attention that there are teachers who do not have high expectations of ethnic minority children and who tend to teach them at a level that is too low for them. ECRI is aware that there are courses for Danish teachers to improve their ability in teaching in a multicultural environment and that some measures have been taken to recruit minority teachers. Nevertheless, ECRI considers that more could be done in these respects.	
***Recommendations*:** 75. ECRI strongly recommends that any measures taken to better integrate children from minority groups be made on a voluntary basis, with the full consultation of the parents and children involved. ECRI also recommends that the Danish Government adopt an all-encompassing policy for fighting school segregation by taking into account the employment, housing and social components of this problem.	
76. ECRI recommends that Denmark provide mother-tongue education to children in a non-discriminatory manner. It further strongly recommends that measures aimed at ensuring ethnic minority children's integration into the school system should not, in fact, amount to forced assimilation.	The Minister of Education lays down rules concerning instruction in mothertongue. The rules are in accordance to international law.
77. ECRI recommends that the Danish Government continue and expand its programmes for keeping ethnic minority pupils in the educational system. It considers in this regard, that sufficient funds should be allocated to such projects and that they should be part of a long-term policy.	The Government has invited ECRI to take the above remarks under paragraph 72 into account in the final wording of its recommendation. As regards the funding ECRI has also been encouraged to take into account the overall funding in this field. The campaign 'We Need All Youngsters' is expected to undertake more activities of the same sort. More funds which amount to a total of 24.0 mill. DKK/approx. 3.2 mill. Euro has been allocated by the Government and by the European Social Fund for the campaign in 2006 and 2007. Moreover, the Danish Parliament has allocated 16.0 mill. DKK/approx. 2.1 mill. Euro) in 2006 for a special effort aimed at raising the level of education for youngsters from the ethnic minorities, e.g. by further training of local guiding staff in dealing with children from ethnic minorities.
78. ECRI recommends that teachers be provided with more training on teaching in a multicultural environment and that further efforts be made to recruit minority teachers.	
-Access to housing	
79. In its second report, ECRI recommended that Denmark further investigate minority groups' access to the housing market and that it develop measures to ensure that they are	

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not directly or indirectly discriminated against in this regard.	
80. ECRI was informed by the Danish authorities that no specific measures have been taken to monitor the letting or allocation of social housing in order to establish whether there are any discriminatory practices in this area. Since ECRI's second report, the Danish authorities have introduced a policy aimed at breaking-up "ghettos". In this regard, some NGOs have criticised the use of this term as being derogatory because it in fact refers to socially deprived areas where both ethnic Danes and minority groups live. The Danish authorities have thus created two programmes for integrating these socially deprived areas: the first, which consists of "flexible" letting, gives priority to certain groups of people (the elderly, the young, etc.) when apartments are distributed in those neighbourhoods; the second, "combined" letting, precludes people who are on social welfare from living in economically disadvantaged neighbourhoods, by housing them in other areas. ECRI notes with concern that people who fall under the "combined" letting scheme have a limited choice as to where they will be housed. The authorities have indicated that the Danish Institute for Human Rights has stated that it does not, in principle, oppose the "combined" letting programme, but that this programme should be not be used to discriminate against minority groups. ECRI is particularly concerned about reports of a sharp increase in the number of homeless people among minority groups. It has been thus informed that 5 years ago, 10% of homeless people were from minority groups and that this number has now increased to 50%, although such groups only comprise 8% of the total population.	The Government does not share the concern of ECRI as regards the "combined" letting scheme. It should be noted, that combined letting only applies in the 26 social housing areas in Denmark (pr. 1.3.06), which has the highest rate of inhabitants without connection to the labour market. People on social welfare, who are precluded, will always be offered access to suitable housing elsewhere in the same municipality. Furthermore it should be noted, that the Danish programme for prevention of ghettoisation is broad, and covers a large variety of instruments, which improves standards of living for the inhabitants in the deprived areas. E.g. could be mentioned: • The National Building Fund can spend 600 mill DKK (approx. 80.4 mill Euro) in 2006 on social activities and lowering of rents in deprived areas • In 2006 the National Building Fund can subsidise renovating and physical changes of deprived areas within a maximum of 2.2 billion DKK (approx. 297.3 mill Euro). • Social dwellings can be sold to the tenants, and thus create a mix of both social housing and privately owned apartments. • The possibility of promoting and establishing businesses, culture, education etc. in the areas is improved in order to create a greater variety and possibilities of employment in the areas.
-Access to public places	
81. As previously indicated, the Danish Government has taken some steps for fighting discrimination in access to bars, restaurants, discos, etc. In March 2005, the Copenhagen Police ran a two-week campaign to combat discrimination in access to public places such as discos, restaurants and bars, etc., in cooperation with some NGOs and the Danish Institute for Human Rights' Complaints Committee. ECRI notes however that this was a one-off campaign and that there appears to be no plans to carry out this type of campaigns on a regular basis and in other parts of the country.	
Recommendations: 82. ECRI strongly recommends that any measures taken to ensure more multicultural neighbourhoods not have an adverse effect on minority groups by housing them in areas where they are, in fact, isolated. It moreover recommends that when members of minority groups are housed in new	Considering the strong recommendation in this field ECRI has been encouraged to take into account that the Danish Government's policy to prevent ghettoisation and to improve conditions for all people living in deprived areas including minority groups has been

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areas, they be given adequate financial and social support and that measures to promote neighbourly contacts be taken.	strengthened considerably in the period 2004-2005. The Danish Government is in implementing its efforts in this field well aware of the importance of not isolating people living in disadvantaged neighbourhoods. The overall strategy is focussing on strengthening contact and interaction between disadvantaged neighbourhoods and the rest of the society. Social housing neighbourhoods must be made more open, and the opportunities for life, activity and variation in the unbalanced social housing neighbourhoods must be improved. As part of the strategy commercial letting opportunities in disadvantaged neighbourhoods have also been improved. See also paragraph 63 regarding the Job Shops in disadvantaged neighbourhood areas. As concerns the recommendation on adequate financial support ECRI has been encouraged to take into account that an amount of 600 mill. DKK/approx. 80.4 mill. Euro has been earmarked for activities and initiatives in connection to a social and preventive action in disadvantaged neighbourhoods.
83. ECRI encourages the Danish Government in its endeavours to fight racial discrimination in access to public places and recommends that it carry out a long-term and consistent policy for addressing this problem. ECRI recommends in this regard that more awareness-raising campaigns be carried out and programmes implemented throughout the country.	
84. ECRI strongly recommends that the Danish Government examine the cause of the disproportionately high number of homeless people among minority groups and find adequate solutions to this problem.	
Antisemitism	
85. ECRI deeply regrets the fact that Holocaust denial and revisionism are not a crime in Denmark. It has thus been brought to its attention that 90% of Nazi material and memorabilia as well as Holocaust denial material are published and manufactured in Denmark and sold in the rest of Europe, mainly in Russia. ECRI also notes with concern that as freedom of speech prevails in Denmark, antisemitic statements are not monitored. It has further been informed that although there are approximately 5000-6000 Jews in Denmark, very little research is carried out regarding their situation. As a positive matter, ECRI notes that since 2003, each year the Holocaust Memorial Day is commemorated in Denmark on the 27th of January.	The Ministry of Integration has financed a report conducted by the Danish Institute on International Studies about anti-Semitic and anti-Muslim views among school pupils at the age between 14 and 20 in Danish schools. The research takes the form of a pilot project and a report is about to be published. If the report shows tendencies to antisemitic and/or antimuslim views the Government will consider if there is a need for further investigation on the subject. The Ministry of Integration and the Ministry of Education furthermore finances Danish participation in an OSCE project on developing teaching materials for combating anti-Semitism and other forms of discrimination. It should also be noted that Denmark is a

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	member of the Holocaust Task Force and thus actively participate in the international effort to maintain and promote knowledge about Holocaust. Finally is should be noted that under the Danish Institute for International Studies (DIIS) a Department of Holocaust and Genocide Studies is established. The Department undertakes research, information and education on genocides and genocidal events. Reference is made to the comments on point 18 and 87 regarding the freedom of speech.
***Recommendations*:** 86. ECRI urges the Danish Government to forbid the public denial, trivialization, justification or condoning of the Holocaust as well as the production, publication and dissemination of Nazi memorabilia and Holocaust denial and revisionism material, as recommended in its General Policy No. 9 on the fight against antisemitism.	
87. ECRI strongly recommends that the Danish Government ensures that antisemitic statements are duly monitored and punished under Article 266 b) of the Criminal Code. ECRI also recommends that research be carried out regarding the situation of the Jewish community in Denmark in order to combat antisemitism in all its forms. ECRI also recommends that the Holocaust be included in all school curricula.	As mentioned in paragraph 18 in this report, the Danish Government in the follow-up report sent to ECRI on 23 June 2005 prior to ECRI's visit explained that the Director of Public Prosecutions is notified of all complaints regarding section 266 b of the Danish Criminal Code, cf. Instruction no. 4/1995. Antisemitic statements are comprehended in section 266 b of the Criminal Code. Thus, antisemitic statements compromising section 266 b of the Danish Criminal Code are reported to the Director of Public Prosecutions. Several of the cases concerning violations of section 266 b of the Criminal Code concerns antisemitic statements. Also as mentioned above criminal acts with a presumed racist or religious background are reported to the National Commissioner of Police. This also includes criminal acts with an antisemitic background. Therefore antisemitic statements are in fact duly monitored and punished under article 266 b of the Danish Criminal Code.
Vulnerable groups *-Muslims*	
88. In its second report, noting with concern the climate surrounding Muslims and Islam in Denmark, ECRI recommended that the Danish Government undertake awareness-raising measures in the public sphere as well as in the education system to promote a more objective and informed perception of Muslims. ECRI also recommended that public opinion leaders promote a more informed and diverse image of Muslims and Islam.	ECRI has been invited to note that the Government is actively working to promote equal treatment and diversity and combat racism among all groups in the Danish society. The above (in paragraph 64) mentioned Action Plan to Promote Equal Treatment and Diversity and Combat Racism also contains several initiatives aimed at dialogue and debate in the civic society to promote equal

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	treatment and diversity and combat racism through improving perceptions of and communication between citizens regardless of ethnicity and at building mutual understanding. Dialogue encourages acceptance of differences and counteracts the development of a divided society. As part of the initiative, the Government in cooperation with national youth organisations seeks to develop ethnic minority organisations' work in themes of democracy, citizenship etc. The ethnic minority organisations are furthermore increasingly included in the general cooperation between voluntary organisations in Denmark. An important aim is to involve more people of ethnic origin in voluntary organisations. The Action Plan furthermore contains an initiative to support smaller local - often cultural – events on advantages of, and potential barriers to, a tolerant society with room for diversity. These events – which are often organised at schools, in local associations, at theatres, in residential areas - bring people together, help eliminate prejudice and create mutual understanding of similarities and differences. Another initiative is directed towards the participation of ethnic minorities in political activities. Political participation strengthens the community as well as tolerance and respect for other people. As part of the initiative, Local Integration Councils and educational institutions have held local meetings and seminars on democracy, elections and political participation. The Government is furthermore supporting and partly financing a broad-spectra campaign on diversity and equal treatment and against racism to create awareness of the principles of equality and diversity which will begin in spring 2006 and is intended to last 3 years. The campaign is entitled 'Show Racism the Red Card" and will take off in the sphere of football. The campaign is inspired by similar campaigns in other European countries. The Danish Campaign is, however, not limited to racism connected to football, but will also include a range of initiatives directed towards schools and companies. The campaign is led by a secretariat but is also carried by professional football players in Denmark who are assumed to carry a high degree of authority in the target group. The Minister for Integration is personally engaged in the campaign and is planning to participate in the opening of the campaign. The Ministry of Integration furthermore provides financial support to the cultural

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	festival "Images of the Middle East" which will take place in 2006. The aim of the festival is to give 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. In September 2006 Denmark intends to co-host with the Netherlands a European Conference on active participation of ethnic minority youth in society. An international youth forum will take place as part of the conference.
89. ECRI notes with deep concern that the situation concerning Muslims in Denmark has worsened since its second report. ECRI has been informed that, apart from the above-mentioned discrimination that Muslims face together with other minority groups in areas such as employment, education and housing, politicians from some political parties such as the Danish People's Party and some media continue to make incendiary remarks about Muslims. Although, in 2003, a number of cases of incitement to racial hatred in general, and against Muslims in particular were successfully prosecuted, ECRI notes that the police are generally reluctant to investigate complaints made by Muslims concerning hate speech directed against them. ECRI regrets in this regard that the lack of a strong message that would be sent by consistently prosecuting those who breach Article 266 b) of the Criminal Code has given some politicians free reign to create an atmosphere of suspicion and hatred towards Muslims. This problem is compounded by the fact that the media mostly interview those imams who express the most extreme views, thus confirming the image that is being given of Muslims as a threat to Danish society. In September 2005, with the stated intention of verifying whether freedom of speech is respected in Denmark, a widely-read Danish newspaper called on cartoonists to send in caricatures of the Prophet Mohammad; such drawings are considered to be offensive by many Muslims. This newspaper thus published 12 such cartoons, one of which portrayed the Prophet as a terrorist. The issue has caused widespread condemnation and a protest march was organised in Copenhagen as a result. The fact that, according to a survey carried out regarding the publication of these drawings, 56% of the respondents felt that it was acceptable is a testimony of the current climate in Denmark. ECRI considers that the goal of opening a democratic debate on freedom of speech should be met without resorting to provocative acts that can only predictably elicit an emotional reaction. ECRI wishes to bring to the Danish Government's attention in this regard, that in its General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims, it calls on Member States to encourage debate within the media on the image which they convey of Islam and Muslim communities and on their responsibility in this respect in avoiding the perpetuation of prejudice and biased information.	ECRI notes that the police generally are reluctant to investigate complaints made by Muslims concerning hate speech directed against them. It does not appear on what basis ECRI supports the assumption that the police are reluctant to investigate cases concerning hate speech against Muslims. Again the Danish Government would like to draw the attention of ECRI to the fact that section 266 b in the Danish Criminal Code is interpreted in accordance with Article 10 in the European Convention on Human Rights and the case-law of the European Court of Human Rights. According to this case-law freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for individual self-fulfilment. See the comments made to paragraphs 18 and 20. The Danish Government recurrently appeals to the upholding of a proper tone in the public debate and to counter prejudice and misconceptions. This has been the case in several statements from the Danish government including the Prime Minister's New Year's address. The Danish Prime Minister Anders Fogh Rasmussen touched upon this in his New Year's address of 1 January 2006: *"I wish to state this very clearly: I condemn any expression, action or indication that attempts to demonise groups of people on the basis of their religion or ethnic background. It is the sort of thing that does not belong in a society that is based on respect for the individual human being.."* On January 31 2006 the Prime Minister stated the following regarding the drawings of the prophet Mohammed: *"In a press statement issued January 30th the Danish daily, Jyllands-Posten, apologized to the Muslim world. The*

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	newspaper stressed that it was not their intention to be offensive. The newspaper apologises for the indisputable offence to many Muslims caused by the drawings. *I want to emphasise that in Denmark we attach fundamental importance to the freedom of expression, which is a vital and indispensable part of a democratic society.* *This being said I would like to stress as my personal opinion that I deeply respect the religious feelings of other people. Consequently, I would never myself have chosen to depict religious symbols in this way. Likewise I am deeply distressed by the fact that these drawings by many Muslims have been seen as a defamation of the Prophet Mohammed and Islam as a religion. I hope that the apology of the independent newspaper Jyllands-Posten will contribute to comfort those that have been hurt.* *I am pleased to note that this apology has been received positively by Muslim communities in Denmark and that they have pledged support for our efforts.* *I want to emphasise that the Danish Government condemns any expression, action or indication that attempts to demonise groups of people on the basis of their religion or ethnic background. It is the sort of thing that does not belong in a society that is based on respect for the individual human being.* *On this basis I call on all parties to abstain from any statement or action that will create further tension. In Denmark as well as in other countries we must do our utmost to get back to the dialogue and build on the friendship that has always characterized the relations between Denmark and the Muslim world.'"*
90. In its second report, ECRI recommended that the Danish Government engage in discussions with representatives of the Muslim communities and consistently involve them in measures directed at improving the situation of Muslims.	
91. ECRI welcomes the fact that the Danish Minister for Integration has begun to engage in a dialogue with members of the Muslim communities and that in April and September 2005, this Minister met with a group of Imams in order to involve them in ensuring that Muslim youth get an education and enter the job market. ECRI has also been informed that the Danish Prime Minister has met with representatives from the Muslim communities.	
***Recommendations*:** 92. ECRI urges the Danish Government to send a strong signal that incitement to racial hatred against Muslims will not be tolerated, by strengthening Article 266 b) of the Criminal Code to that end. It also strongly recommends that the	The Government has invited ECRI to take the above mentioned remarks in paragraph 88 into consideration when reviewing the final wording of this recommendation. The Danish Government would again like to

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Government carry out awareness-raising campaigns throughout the country, in which members of Muslim communities, NGOs, the media as well as members of local and national authorities are involved, in order to present a more objective and balanced view of Muslims and Islam and to foster a constructive debate on living in a plural society.	draw the attention of ECRI to the fact that section 266 b in the Danish Criminal Code is interpreted in accordance with Article 10 in the European Convention on Human Rights and the case law of the European Court of Human Rights. According to this case law freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for individual self-fulfilment. See the comments made to paragraphs 18, 20 and 89.
93. ECRI recommends that the Danish Government continue to meet with members of Muslim communities in order to work with them on issues of particular concern to Muslims such as, *inter alia*, access to education and employment.	
-Roma	
94. Although there are no official figures, ECRI has been informed that there are at least between 1000 to 2000 Roma in Denmark. ECRI notes that Roma representatives consider that there is no place in Danish society for their culture, language or history. They thus deeply regret the fact that Roma are still not recognised as a national minority under the Framework Convention for the Protection of National Minorities, despite the fact that they have held several meetings with the Danish Government to that end. ECRI further considers it important that Roma should not be portrayed in a negative manner. It also notes with concern that there is widespread discrimination against Roma in, amongst others, the employment sector and that many of them are relegated to menial jobs. In this regard, ECRI wishes to bring to the Danish Government's attention its General Policy Recommendation No. 3 on combating discrimination and intolerance against Roma/Gypsies.	
95. The biggest Roma population in Denmark is in the town of Helsingor where approximately 200 Roma families live. The Municipality of Helsingor established 3 classes where Roma children were segregated until a complaint was filed against this practice and it was deemed to be a violation of the Danish Act on Public Schools. Although ECRI welcomes the fact that these classes have now been closed, it is nevertheless worried by reports according to which some Roma children are currently being placed in "youth schools" (for 14 to 15 year olds who have left school), despite their parents' opposition to this measure which they consider to be detrimental to their children's education as there is a high level of delinquency in those classes. However, there are also more positive developments in Helsingor. As regards younger school children, the social services of Helsingor have for a year employed on a full-time basis two social workers whose job is to ensure that pupils go to school. This programme includes all children who missed school – both ethnic Danish and Roma children– and has proved to be successful.	In Denmark, only the German minority in Southern Jutland is recognised as a national minority. The Ministry of Education is not informed about any actual plans to increase the number of minority groups to be regarded as national minorities. The Ministry of Education has been informed by the local educational authority in Elsinore that there are no longer specific classes for Roma children neither in the primary nor in the secondary school as well as in the "youth school".
***Recommendations*:** 96. ECRI recommends that the Danish Government enhance Roma's cultural, historical and linguistic heritage by, *inter alia*, envisaging their recognition as a national minority	In section 96 of the draft ECRI recommends that the Danish Government enhance Roma's cultural, historical and linguistic heritage by, *inter alia*, envisaging their

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under the Framework Convention for the Protection of National Minorities. ECRI also strongly recommends that Denmark combat all forms of educational segregation against Roma children as well as other forms of discrimination that Roma face, as indicated in its General Policy Recommendation No.3.	recognition as a national minority under the Framework Convention for the Protection of National Minorities. This recommendation gives Denmark cause to remark that Denmark discusses issues related to the possible recognition of national minorities under the Framework Convention with the Advisory Committee on the Framework Convention for the Protection of National Minorities. Denmark therefore refers to the previous discussions between the Advisory Committee and Denmark about this question."
Conduct of law enforcement officials	
97. Although, according to the Danish authorities, police officers receive some form of basic and on-going training on matters pertaining to relations with minority groups, this does not appear to be enough. In this regard, ECRI deeply regrets the fact that the police often make statements in the media about the disproportionately higher crime rate among youth from minority groups. The words "immigrant crime" have thus become a reoccurring theme, particularly when the media quote the police.	Concerning the education of police officers, cultural anthropology, psychology and human rights in general are integrated subjects in the curricula for the basic education of police students at The Police College.
98. The Danish authorities have indicated that there is a complaints procedure for police misconduct, but that there are no statistics about the percentage of complaints filed by minority groups as this type of information is not recorded. As previously indicated, another problem that was consistently brought to ECRI's attention by minority representatives is the police's reluctance to bring charges, under Article 266 b) of the Criminal Code, against anyone who makes statements that are likely to incite racial hatred, despite the fact that this is a reoccurring problem.	As to the reluctance of the police to bring up charges under article 266 b of the Danish Criminal Code the Danish Government would again like to draw the attention of ECRI to the fact that section 266 b in the Danish Criminal Code is interpreted in accordance with Article 10 in the European Convention on Human Rights and the case-law of the European Court of Human Rights. According to this case-law freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for individual self-fulfilment. See the comments made to paragraph 18, 20, 89 and 92.
Recommendations **:** 99. ECRI strongly recommends that the Danish Government provide basic and on-going training to police officers on issues pertaining to racism and racial discrimination. ECRI also recommends that disaggregated data be collected on the number of complaints of police misconduct filed by members of minority groups and that such complaints be duly followed up.	
Monitoring the situation	
100. In its second report, ECRI reiterated the importance of collecting data on, *inter alia*, complaints of racism and discrimination in various spheres of life. It stressed that such information should be gathered with due respect for the right to privacy and standards of data protection as well as with the free and informed consent of the people involved.	
101. There is no established system in Denmark for collecting information on complaints of racism and racial discrimination. ECRI has been informed by the Danish	Data collection on the number of complaints to the Complaints Committee for Ethnic Equal Treatment and the number of charges

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Data Protection Agency (DDPA), that Article 10 of the Act on Processing of Personal Data, allows the processing of ethnic data for the sole purpose of carrying out statistical or scientific studies of a significant social importance and where such processing is necessary in order to carry out these studies. There is no established system of ethnic data collection aimed at assessing the situation of minority groups in areas such as education, employment, housing and health and addressing past and present inequalities. However, data on members of immigrant groups is regularly collected on education, employment and housing. The DDPA has informed ECRI that it has received no complaints regarding the collection of ethnic data. ECRI notes with concern that the DDPA has requested that the Danish National Police Commissioner review the 443 alerts it had issued to the Schengen Information System on foreigners who are to be denied entry into the Schengen area. The DDPA thus found that the reporting had been erroneous in 5.6% of the cases and found other errors (such as failure to update the data) in 15% of the cases. It concluded that these error margins, which included cases of failure to comply with, *inter alia*, the Aliens' Act and the Act on Processing of Personal Data, were unacceptably high.	under Article 266 b) of the Criminal Code already exists. Furthermore, surveys on perceived discrimination and the attitudes of the majority population towards immigrants are available. For instance the research company Catinét Research half-annually carries out surveys on perceived discrimination among immigrants and descendants. The Rockwool Foundation Unit has furthermore studied the attitudes of the majority population towards immigrants, the perceived discrimination among immigrants and descendants and the consequences of perceived discrimination for employment. It is not correct when DDPA has informed that there as regards reporting to the Schengen Information System (SIS) on foreigners is found other errors (such as failure to update the data) in 15% of the cases. The Danish National Police Commissioner has informed that the correct percentage is 9.53 %. The Danish National Police Commissioner underlines that the mentioned errors have not resulted in erroneous expulsions. The mentioned errors are unfortunate, but solely concern incorrect information entered into SIS.
***Recommendations*:** 102. ECRI recommends that the Danish Government establish and implement a system of ethnic data collection to assess and redress racial discrimination in full compliance with all the relevant national laws, including the Act on Processing of Personal Data Such, as well as European and international regulations and recommendations on data protection and the protection of privacy, as stated in ECRI General Policy Recommendation No.1 on combating racism, xenophobia, antisemitism and intolerance. The Danish Government should ensure that data collection is carried out with full respect for the anonymity and dignity of the people involved and in accordance with the principle of full consent. Furthermore, the data collection system on racism and racial discrimination should take into consideration the gender dimension, particularly from the viewpoint of possible double or multiple discrimination.	ECRI has been invited to take into account the above-mentioned information.
II.SPECIFIC ISSUES	
Climate of opinion	
103. In its second report, ECRI expressed deep concern about the rise in xenophobia and intolerance in Denmark and stressed that acknowledging Denmark as a multicultural society would contribute to enabling all members of the Danish society to enjoy real equality in all areas of life.	
104. ECRI notes with deep concern that, as indicated above, the climate in Denmark has worsened since its second report and that there is a pervasive atmosphere of intolerance and xenophobia against refugees, asylum	As to the reluctance of the police to bring up charges under article 266 b of the Danish Criminal Code the Danish Government would again like to draw the attention of ECRI to the

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seekers, as well as minority groups in general and Muslims in particular. The media, together with politicians play a major role in creating this atmosphere. As also previously indicated, members of the Danish People's Party, have, on several occasions, made shockingly racist statements in the media, without being suspended from this party. The police's reluctance to bring charges against those who incite racial hatred in accordance with Article 266 b) of the Criminal Code and the fact that freedom of expression is placed above all else have contributed to giving free reign to some politicians to make derogatory statements in the media about minority groups. Moreover, the fact that the Government depends on the Danish People's Party to maintain its coalition has given this party considerable leverage, which enables it to push through an anti-immigration agenda and to pass laws which in effect disproportionately disadvantage minority groups. The previously mentioned restrictions which have been introduced in, amongst others, the Aliens' Act, the Integration Act and the Nationality Act are a manifestation of this influence. As discussed above, these measures, which are presented as aiming to improve minority groups' integration into Danish society, in fact have a discriminatory effect that only serves to marginalise them further. ECRI has thus been informed that many members of minority groups who have the means to do so have left Denmark because of the current climate.	fact that section 266 b in the Danish Criminal Code is interpreted in accordance with Article 10 in the European Convention on Human Rights and the case-law of the European Court of Human Rights. According to this case-law freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for individual self-fulfilment. See the comments made to paragraph 18, 20, 89, 92 and 98. ECRI should note that several of the adopted Bills regarding the Government proposals for amendments to the Aliens Act or the Integration Act and political agreements since 2001 have been adopted with the support not only from the Danish People's Party but also from the Social Democrat's. Please, see the comments above under paragraph 63 as regards the statement that measures to improve integration in fact have a discriminatory effect that only serves to marginalise third-country nationals further. The Danish Government reiterate that it does not agree with this conclusion and finds the statement both tendentious and of a political nature.
105. ECRI also notes with deep regret that the current atmosphere in Denmark is such that even initiatives which have, at the outset, a positive aim, such as the Minister of Culture's decision to create a committee on the best of Danish art and culture, is used as an opportunity to make derogatory remarks about minority groups. This project was thus presented by the Minister of Culture as a tool for fighting minority groups' negative influence on Danish society and he only retracted his statement after members of this Committee threatened to resign. He does not appear to have been charged with incitement to racial hatred under Article 266 b) of the Criminal Code. The relative impunity with which politicians in general and members of the Danish People's Party in particular regularly make incendiary statements against minority groups in the media, has contributed to worsening these groups' image with the majority of ethnic Danes. The general public is thus constantly given the impression that integration has failed and that minority groups are to blame as they do not wish to integrate. In this regard, parts of the media do not provide a forum in which minority groups who do not conform to these stereotypes can express themselves. Thus, the disproportionate space given in the media to negative stories about minority groups in general and Muslims in particular has succeeded in convincing many ethnic Danes that these groups are a threat to Danish society.	The Danish Government agrees that the initiative to create a list (a cultural canon) of the best of Danish art and culture has and should have a positive aim. The list has been drawn up by committees with independent professionals from the cultural field without any political bindings. The final list from the committees speaks for itself. The Danish minister for culture has not, as presumed in the report, used this initiative "as an opportunity to make derogatory remarks about minority groups". The minister has expressed the hope that the cultural canon also might be one of many relevant tools to give foreigners, among them immigrants, an impression and a better understanding of Danish culture, cultural heritage, identity, democracy and way of living. ECRI is correct in assuming that the Danish minister for culture was not charged for violation of section 266 b of the Danish Criminal Code. The obvious reason for this is that there was clearly no basis for bringing up charges against the Danish minister for culture.
106. ECRI has also been informed that the fact that ethnic	ECRI seems to build its analysis on

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Danes are constantly confronted with negative images of minority groups has increased their level of intolerance to the point where there is a polarisation between those who try to express a different opinion or to fight discrimination and parts of the Danish society. Although ethnic Danes do not consider that racism and discrimination are a problem in Denmark, a recent study has indicated that only 30% of ethnic Danes are interested in meeting members of other groups. It has also been brought to ECRI's attention that Denmark is still perceived as a homogenous society and that many ethnic Danes will go through the whole education system without ever meeting members of other ethnic groups. The media and politicians thus play a major role in forging their image of minority groups and ECRI deeply regrets the fact that they have unfortunately used this role to divide rather than to unite people. ECRI has also been informed that the onus is constantly placed on minority groups to integrate, to the point where this in actual fact amounts to an attempt to assimilate them. Therefore, any signs of being different are increasingly being perceived as resistance to integration. In this regard, the Danish Broadcasting Corporation will, for example close down its foreign language services. As with many of the measures mentioned above, this decision will in fact have the opposite effect to the stated aim of improving minority groups' integration, as members of these groups will now most likely turn to foreign radio and television stations. In conclusion, ECRI reiterates that the onus is on the political leadership as well as those who transmit their message, namely the media to ensure that equality between all members of society is brought about by inclusion and mutual respect.	insufficient information. ECRI should take into account that recent reports show a more positive picture than the one described by ECRI, namely that both the opinion of ethnic minorities towards the majority population and the opinion of the majority population towards ethnic minorities generally seem to have improved. Furthermore racist violence and crime seems to be on the decline. A survey, conducted by the research company Catinét Research from September 2005 shows that in 2000 42.7 pct. of immigrants and refugees in Denmark felt that they had experienced discrimination when at work, in school or other educational institutions, when applying for a job, in the search of housing, at public offices, in public transportation, when shopping or in residential areas. In 2005 the percentage was down to 33.3 pct. A report of the European Monitoring Centre on Racism and Xenophobia (EUMC) from March 2005 on Majorities' Attitudes towards Minorities in Europe (Eurobarometer) shows that Danes figure below the European average in expressing resistance to immigrants and cultural diversity. The EUMC annual report 2005 in the section covering racist violence and crime states that data from the EU Member States on racist violence and crime are not directly comparable due to *inter alia* differences in legislation, criminal justice data collection and the public's willingness to report racist violence and crime. A more meaningful way of interpreting data on racist violence and crime is to look at trends over time within the same country. According to this report Denmark, Austria and Germany are the only countries of the EU-15 from which comparable data exists that has shown an overall downward trend in official reports/records of racist violence and crime (based on data covering the period 2001 to 2003). Statistical information from the Director of Public Prosecutions furthermore indicates that charges and convictions because of the crime of wider dissemination of degrading remarks regarding race, colour, national or ethnic origin, religion, or sexual inclination criminalised by the Danish Criminal Code section 266 b has declined steadily since 2002. In 2002 10 charges were pressed in 10 cases. 5 of these cases involved statements made by politicians. The accused were found guilty in all 10 cases. In 2003 6 charges were pressed. 2 of the cases involved statements made by politicians. The accused were found

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	guilty in all 6 cases. In 2004 2 charges were pressed. One case involved statements made by a politician. The accused was found guilty in 1 case.
***Recommendations*:** 107. ECRI urges the Danish Government to give a more balanced view of issues pertaining to minority groups and their role in Danish society. It also urges the Government to send a strong message that incitement to racial hatred will not be tolerated by ensuring that those who commit such acts are consistently prosecuted in accordance with the Criminal Code. ECRI strongly recommends that awareness-raising campaigns be carried out on the benefits of a multicultural society, and that members of minority groups, relevant NGOs as well national and local authorities work together at all stages of these campaigns. ECRI also wishes to bring to the Government's attention the principles contained in the Charter of European Political Parties for a Non-Racist Society and in its Declaration on the use of racist, antisemitic and xenophobic elements in political discourse.	The Government on the basis of the apparent statistical evidence and with due regard to the Governments remarks above on vulnerable groups has encouraged ECRI to reconsider both the factual information in paragraph 103-106 and its recommendation in this respect.
108. ECRI strongly recommends that the Danish Government encourage and provide financial support to initiatives aimed at training journalists on issues pertaining to human rights in general and to racism and racial discrimination in particular.	
BIBLIOGRAPHY *This bibliography lists the main published sources used during the examination of the situation in Denmark it should not be considered as an exhaustive list of all sources of information available to ECRI during the preparation of the report.* 1. CRI (2001) 4: *Second Report on Denmark*, European Commission against Racism and Intolerance, Council of Europe, April 2001 2. CRI (99) 1: *Report on Denmark*, European Commission against Racism and Intolerance, Council of Europe, October 1999 3. CRI (96) 43: *ECRI General Policy Recommendation n° 1: Combating racism, xenophobia, antisemitism and intolerance*, European Commission against Racism and Intolerance, Council of Europe, October 1996 4. CRI (97) 36: *ECRI General Policy Recommendation n° 2: Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level*, European Commission against Racism and Intolerance, Council of Europe, June 1997 5. CRI (98) 29: *ECRI General Policy Recommendation n° 3: Combating racism and intolerance against Roma/Gypsies,* European Commission against Racism and Intolerance, Council of Europe, March 1998 6. CRI (98) 30: *ECRI General Policy Recommendation n° 4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims,* European Commission against Racism and Intolerance, Council of Europe, March 1998 7. CRI (2000) 21: *ECRI General Policy Recommendation n° 5: Combating intolerance and discrimination against Muslims*, European Commission against Racism and	The Danish Government would like to draw attention to the fact that the bibliography of the third report on Denmark from ECRI - even though this biography should not be considered as an exhaustive list of all sources of information available to ECRI during the preparation of the report - is very limited in scope and cannot be said to offer an comprehensive view on Danish integration policy. The bibliography is thus limited to documents and reports coming primarily from a very limited number of NGOs that each promotes special interests, documents from ECRI itself and documents from other international organisations, which creates an extensive risk of repeating and reinforcing inaccurate or outdated information offered by existing reports. This does not in itself constitute a problem, but given the nature of the mentioned sources it is of utmost importance that the information contained herein is not repeated uncritically. The Government would like to stress that it has especially indicated to ECRI that it would be willing to provide more in-dept information concerning among other things the relation between the Act on Ethnic Equal Treatment and the Act on the Prohibition of Discrimination in the Labour Market, concerning the various efforts in disadvantaged neighbourhoods and with

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