

CERD 86TH SESSION

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ORAL INTERVENTION BY DENMARK'S NATIONAL HUMAN RIGHTS INSTITUTION

Mr. Chairperson, Distinguished members of the Committee,

I thank the committee for the opportunity to partake in the dialogue. As Denmark's National Human Rights Institute, we are part of the state. We are a natural part of the dialogue with the state, but we are of course independent from the Government.

The Government has highlighted in its report, as well as yesterday, a wide range of projects, campaigns, initiatives and policies. But what is the effect or impact of all this? Let us take a look at some of the numbers in the reports before the Committee as well as in the publication "Immigrants in Denmark 2014" from Statistics Denmark.

Experienced discrimination: 45% has experienced discrimination within the last year, says the Government's own integration barometer.

Hate crimes: 60 incidents (25% of 245 reports) of hate crime motivated by the race or ethnic origin of the victim were reported to the police in 2013, but 3,700 victims (6%) claim to have faced racially motivated violent crimes on a yearly basis. Data is not collected systematically in the field, but we have a huge societal challenge to prevent these crimes and not only to report and punish them.

Hate speech: Hate speech flourishes in particular on social media platforms and the internet, just as the language in mainstream media and everyday public debate is harsh.

Education: Children of non-western immigrants score 1.5 points lower after 9th grade compared to children of Danish parents. In particular, young boys have a hard time getting further into the educational system, and where they do get in, their drop-out rate is reported to be higher. Amongst 30-year old non-western descendants 47% of the men and 64% of the women have finished an education. The comparable numbers for Danes are 72% and 80% – an education gap of 25 and 16 percentage points.

Employment: Non-western employment rates were hurt more by the financial crisis. The employment rate of Greenlanders living in Denmark

is as low as half of that of ethnic Danes. The employment rate of non-western immigrants is 38 points lower and that of non-western descendants 18 points lower than that of ethnic Danes. The police's employment of staff with another ethnic background than Danish is up from 1.6 to 2.6% – but the backdrop is approximately 11% of the population and a greater share of the young generation.

Housing: One in five housing applications of persons with a “Middle Eastern”-sounding name is discriminated against. Out of 709 tenants precluded from moving to certain dwellings, only 28 were offered the obligatory substitute dwelling by their municipality.

Health: Psychiatric patients with an ethnic minority background are hospitalized more frequently compared to patients with Danish ethnic origin. For example, 23% of refugee patients were committed compulsorily, whereas this was only the case for 14% of a comparable group of persons born in Denmark by Danish parents. The often poor quality of translation offered to ethnic minorities when visiting their general practitioner as well as other healthcare services cannot but avoid impacting the quality of health services offered. One-fifth of general practitioners have had to use children as interpreters.

Access to justice: Very few complaints are received by the Board of Equal Treatment. Perhaps part of the reason is that few know their rights. According to the 2009 EU Midis Survey, approximately 80% of persons with a Somali and Turkish background did not know how to get support to complain against discrimination.

There are many more figures pointing in the same direction: Denmark has become a society marked by structurally differential treatment. We have known and accepted for many years that we have a hard time breaking the social barrier, or the social inheritance as we call it. But we have been blind to the fact that the social barrier has colour.

I am afraid that we have never dared to connect the dots and realise that we are facing very serious issues concerning structural differential treatment.

I am afraid that we have never launched the policies and initiatives that combat the most difficult root causes of the structural discrimination.

And I am afraid that what we really need is not focus on all the different and specific points of discussion, but a truly comprehensive and long-

standing effort to combat specific and structural differential treatment on the basis of race and ethnic origin.

I am not saying that all this is a consequence of specific discrimination against all citizens affected by structural discrimination. But in addition to the overall statistics on structural discrimination, we have substantial evidence of specific discrimination in the labour market, in housing, in nightlife and in public discourse. It is impossible to neglect that discrimination is one factor contributing to the general development of our society.

Denmark

Turning specifically to Denmark, I will add the following to our parallel report.

1. I urge the Committee to refrain from any recommendation that is not clearly linked to specific or structural discrimination. All comments, questions and concerns regarding migration and similar issues should be left to other Committees, if they do not raise clear issues of specific or structural discrimination.
2. I urge the Committee to remember that there are other ways to secure implementation than incorporation and I suggest that the Government be asked next time to account for the application of other means to secure implementation.
3. I urge the Committee to release the idea that the prosecution system in Denmark should be changed, just because some think that the Court leave too much room for free speech. We addressed the issue in the 2010-examination and both we and the Government have repeated that the problem is explained by the fact that the Committee misunderstood the Danish legal system.
4. But most of all, I urge the Committee not to be too impressed by the rather rosy picture painted and wealth of initiatives and campaigns, but rather to point at the elephant in the room: specific and structural discrimination.

Greenland

In respect of Greenland, I will say the following:

1. No civil law instrument prohibits discrimination in the labour market and beyond.
2. No administrative complaints authority can process complaints

3. No data is available on racial and ethnic discrimination despite the fact that many persons feel discriminated against on the basis of their Danish and Greenlandic background.

Faroe Islands

Please allow me, Mr. Chairperson, to say a few words in respect of the Faroe Islands, even if our mandate does not cover this part of the Kingdom of Denmark.

1. No NHRI is established in respect of the Faroe Islands. The rapporteur suggested yesterday that our mandate might be extended to cover the Faroe Islands, but this is not necessarily the best way forward. I think a more neutral recommendation would be appropriate, namely that the Faroe Islands and Denmark jointly consider and solve the issue.
2. The comments made in respect of Greenland are valid also in respect of Faroese law, institutions and data.

Mr. Chairperson, distinguished members of the Committee,

Denmark and many other countries are facing huge societal challenges that we tend to turn away from – perhaps most of all because we do not discriminate. It runs so fundamentally counter to our fundamental values, that the turn a blind eye to structural differences dominant in our society.

I hope that you will look up from your piles of paper. Think about whether your concluding observations really capture and address the core issues in Denmark. And provide us with the most balanced and on the spot recommendations that you are able to draft.

I have great faith in your committee and in your very able rapporteur, and I hope and trust that your concluding observations will help Denmark develop a new action plan to seriously combat specific and structural racial and ethnic discrimination to replace the action plan launched in July 2010 shortly before the last examination here in Geneva.

With these observations, I thank you for very much for your attention.

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