

IHF FOCUS: freedom of expression; anti-terrorism measures; torture and ill-treatment; freedom of religion and religious tolerance; national and ethnic minorities; citizenship; migrants, asylum seekers and refugees.

The center-right coalition that took office in late 2001 was able to maintain its power in the February 2005 parliamentary elections. The government, which was composed of the Liberal Party (*Venstre*) and the Conservative People's Party, did not control a majority of the seats in parliament and was therefore dependent on the support of the nationalistic Danish People's Party.

With backing of the Danish People's Party, the center-right government continued to advocate restrictive measures toward immigrants and asylum seekers. However, since the leading opposition party – the Social Democratic Party – supported many of the government's efforts to tighten immigration legislation, there was only limited discussion on these issues during the election campaign.

The government also continued to cite the threat of terrorism in support of policies restricting fundamental rights. A government action plan presented in November proposed a list of new counter-terrorism measures, including broad new surveillance powers for the police and the intelligence service. Alone and together with other human rights NGOs, the Danish Helsinki Committee (DHC) warned against infringing human rights in the name of security and highlighted the importance of maintaining an open, democratic society while fighting terrorism.

Over the last two decades, in particular during the period in office of the current government, asylum and immigration laws have gradually been tightened in Denmark and are now among the most restrictive in Europe. The DHC expressed concern that the rule of law was endangered by the fact that public officials had difficulties keeping track of all the legislative changes that

have recently been introduced in this area. During the last few years, the number of asylum applications filed in the country has also decreased noticeably; the number of applications lodged in 2005 was only one fourth of those registered in 2001. New regulations introduced in 2005 established stricter requirements regarding Danish language proficiency and knowledge of Danish history, culture and society for those applying for Danish citizenship and are likely to result in a significant reduction of the number of those naturalized in the country.

The efforts to tighten immigration policies, which have been accompanied by an often harsh political debate on immigration issues, have fostered negative attitudes toward immigrants, refugees and minority members. The DHC noted that the fact that people of immigrant origin are over-represented among those convicted of serious crimes in the country has also contributed to hostile attitudes toward persons perceived as foreign. In particular, the country's Muslims have increasingly faced intolerance and discrimination in everyday life. Civil society groups and prominent political, cultural and religious actors have expressed great concern about these developments.

The so-called cartoon row, which brought Denmark into the international spotlight toward the end of the year, can also be seen in the context of growing hostility toward Muslims. A number of cartoons showing the Muslim Prophet Muhammad published in a leading Danish newspaper in late September were criticized by Muslims as being disrespectful and blasphemous. Protests ensued in and outside Denmark, and in early 2006 such protests escalated into violence in many Muslim countries. These outbursts of vio-

* Unless otherwise noted, this chapter is based on information from the Danish Helsinki Committee (DHC) to the IHF, March 2006.

lence further reinforced mistrust toward Muslims on the part of many Danes. The cartoon row also gave way to heated discussions about the interplay between freedom of expression and religious tolerance, both within and outside Denmark.

Freedom of Expression

Cartoon Row

On 30 September, the Danish newspaper *Jyllands-Posten* featured a story that included 12 cartoons depicting Prophet Muhammad and other Muslim motives.

According to the newspaper, it had commissioned the cartoons for the purpose of challenging a growing trend of self-censorship of criticism of Islam, which it argued was based on fear of Muslim reactions. For example, a Danish author of children's books had claimed that he was not able to find any Danish cartoonist willing to illustrate a book about Prophet Muhammad. The article accompanying the cartoons stated that "some Muslims reject modern, secular society" and "demand a special position, insisting on special consideration of their own religious feelings." Further, it asserted that this was "incompatible with secular democracy and freedom of expression."¹

The publication of the cartoons gave rise to an extensive debate about the relationship between freedom of speech and religious tolerance, in Denmark as well as in other countries. While some argued that freedom of expression entails the right to ridicule religious beliefs, even in insulting ways, others maintained that freedom of expression should be exercised with responsibility and should not be used as a pretext for offending the beliefs of anyone. Many Muslims found that the drawings reflected lack of respect for Islamic beliefs and were aimed at fueling hatred toward Muslims.

As regards the developments in Denmark, a legal and a political aspect of the case can be distinguished.

The Legal Aspect

In October, in response to a report filed by a private person, the regional public prosecutor of Viborg opened a criminal investigation into the publication of the cartoons. This investigation was, however, discontinued in January 2006 as the regional prosecutor deemed that there were no grounds for considering the publication of the cartoons to be in violation of the law. A number of complaints were submitted against this decision to the director of public prosecutions (DPP), who thereafter reconsidered the issue. In an opinion issued on 15 March 2006, the DPP upheld the decision made by the regional prosecutor and announced that he was not going to press criminal charges against *Jyllands-Posten*.

The DPP examined whether the publication of the cartoons was in violation of section 140 of the Danish criminal code, which provides that "any person who, in public, mocks or scorns the religious doctrines or acts of worship of any lawfully existing religious community in this country shall be liable to imprisonment for any term not exceeding four months." He also examined whether the cartoons violated section 266 b of the Danish criminal code, which states that "any person who, publicly or with the intention of wider dissemination, makes a statement or imparts other information by which a group of people are threatened, scorned or degraded on account of their race, color, national or ethnic origin, religion, or sexual orientation shall be liable to a fine or to imprisonment for a term not exceeding two years." As observed by the DPP, section 140 protects religious feelings related to religious doctrines and acts of worship, while section 226 b protects groups of people – whether they belong to a majority or a minority – against scorn or degradation, e.g. on account of their religious beliefs. The DPP emphasized that both provisions should

be interpreted narrowly with regard to the right to freedom of expression.

Following a thorough investigation, the DPP concluded that eight of the drawings were either “neutral” in their expression or did not appear to represent an expression of “derision” or “spiteful ridiculing humor.” As regards two other drawings – both of which depicted women wearing headscarves in subordinate roles, he maintained that they dealt with the position of women in Muslim societies and therefore concerned social conditions rather than religious doctrines or worship. The DPP acknowledged that a drawing of two armed men with beards and turbans who chased a third man could, at first sight, be understood to depict Islam as a violent religion. However, he emphasized that the caption attributed to the man being chased, who could be interpreted to represent Prophet Muhammad, made it clear that the cartoon actually communicated rejection of violence. The caption read, “Relax folks! It’s just a sketch made by an unbeliever from southern Denmark.”

Finally, the DPP argued that a drawing of a grim-looking man wearing a bomb-shaped turban could be understood as a contribution to the discussion about religious fanaticism motivating terrorist acts. In that case, it did not express contempt for the Islamic religion but rather criticism of those who commit terrorism in the name of this religion, which would not be contrary to criminal code section 140. Alternatively, the DPP noted, the drawing could be interpreted to depict Prophet Muhammad as a violent person. In that case, even though there is historical basis to assume that the prophet led a violent life, it could well be understood “as an affront and insult to the Prophet who is an ideal for believing Muslims.” However, according to the DPP, this did not qualify as an offence under the said section.

When commenting on the decision of the DPP, the DHC highlighted the impor-

tance of using objective criteria rather than feelings expressed by members of religious communities as the basis for determining whether there has been a violation of section 140. The organization noted that implementation of the provision otherwise could vary significantly between different cases, involving different religions, which would result in uncertainty about legal standards.

As regards the question of whether the publication of the cartoons was contrary to criminal code section 226 b, the DPP stressed that the key consideration to be made was whether the newspaper story had been intended to insult or degrade Muslims collectively on account of their beliefs. He pointed out that the text accompanying the drawings did not refer to Muslims generally but merely to “some Muslims,” i.e. Muslims “who reject the modern, secular society.” Furthermore, he noted, the drawings depicted Prophet Muhammad, as well as a few individual Muslims, and could not be considered to refer to Muslims in general, not even when seen together with the text of the article. According to the DPP, there were, for example, no grounds to assume that the cartoon of a man wearing a bomb-shaped turban was intended to depict all Muslims as perpetrators of violence or as terrorists.

While reaching the conclusion that there was no basis for instituting criminal proceedings in this case, the DPP emphasized that criminal code sections 140 and 266 b (as well as other penal code provisions) do allow for restrictions of freedom of expression when the strict criteria established by the provisions are met. He therefore concluded that, to the extent publicly made expressions fall within the scope of the relevant provisions, there is “no free and unrestricted right to express opinions about religious subjects.” He also noted that it was not a correct description of existing law to claim, as *Jyllands-Posten* did

in its September article, that it is incompatible with freedom of expression to demand special consideration for religious feelings.

Decisions made by the DPP can be overturned by the minister of justice. However, this rarely happens, and was also not the case this time. The DHC noted that the decision of the DPP, which was regarded as both wise and correct by many respected Danish professors of law, brought the judicial aspect of the cartoon case to an end.

The Political Aspect

In early 2006, as the cartoons were reprinted in other newspapers in Europe and elsewhere, violent protests took place in many Muslim countries, resulting in several deaths. Some Muslim states also withdrew their ambassadors from Denmark, and boycotts of Danish products were initiated in numerous countries. The artists who drew the cartoons received death threats and were forced into hiding. Some *imams* openly put a price on the cartoonists' heads.

A group of Danish Muslim leaders were strongly criticized for traveling to Muslim countries to distribute information about the cartoons as well as other material they considered to express offensive sentiments against Muslims, including some material that apparently was presented out of its proper context. Other Danish Muslim organizations, however, strongly condemned the use of any form of violence to protest the cartoons, and appealed for constructive dialogue to calm the situation.³

From the beginning of the controversy, the Danish government firmly defended Denmark's tradition of free speech and rejected demands that it apologize for the drawings, or hold accountable those behind them, by arguing that it did not control the country's media outlets and that interfering in the activities of media outlets would be in violation of freedom of expression.

In October, Danish Prime Minister Anders Fogh Rasmussen declined to receive the ambassadors of eleven Muslim countries who had sent a letter requesting him to take action in response to what they called an "ongoing smear campaign carried out by the public and the media against Islam and Muslims." In their letter, the ambassadors described the cartoons as the latest example of a series of incidents involving insult of Islam. These included statements made by a member of parliament representing the Danish People's Party⁴ and the minister of culture⁵ as well as a program aired by a local radio station.⁶ "We distance ourselves from these statements and publications, and we request that you prosecute those responsible as a way to create religious harmony [and] better integration and [to] improve Denmark's relations with the Muslim world in general," the ambassadors wrote. In his response, Rasmussen emphasized that freedom of expression is a basic principle of Danish democracy that has "wide boundaries" and that it is not within his powers to restrict this right. He further pointed out that Danish law do forbid blasphemous statements and discriminatory acts and encouraged those who had grievances about such statements or acts to take legal action.⁷

The decision of the prime minister not to meet with the eleven ambassadors earned him criticism from *inter alia* former Danish ambassadors and opposition politicians. The DHC also faulted the prime minister for failing to receive the ambassadors. As the DHC saw it, even if the prime minister would only have been able to tell the ambassadors what he had already made clear in his response to their letter, he could still have invited the ambassadors to a meeting. The DHC emphasized that this would have been in accordance with the spirit of a democratic society and would have shown that the prime minister re-

spected the opinions of the ambassadors, a point that it would have been particularly important to make in light of the fact that many residents of Muslim countries feel resentment toward Western countries because of a perceived lack of respect.

While continuing his steadfast defense of freedom of expression, Prime Minister Rasmussen subsequently pointed out in his New Year's speech that this right should be exercised "with mutual respect and understanding." He also condemned "any expression, action or indication that attempts to demonize groups of people on the basis of their religion or ethnic background."⁸

Moreover, when the protests against the cartoons had escalated to the point of violence, *Jyllands-Posten* published an open letter, in which it stated that the cartoons were "not intended to be offensive," and were not in violation of Danish law, but "indisputably offended many Muslims for which we apologize." The letter was made available in Danish, Arabic as well as English on the newspaper's website.⁹

Anti-Terrorism Measures

As in other countries, the September 11 events influenced security thinking in Denmark. Following these events, new legal measures to combat terrorism were introduced in a rapid fashion, and in numerous cases such measures have resulted in a deterioration of democratic norms and human rights standards.

In November 2005, an official commission established by the Danish government put forward a Plan of Action to Fight Terrorism, which proposed 49 new counter-terrorism measures. The plan *inter alia* included measures to enhance the exchange of private information between different authorities, to facilitate surveillance of internet and phone communication as well as to step up camera surveillance of public places. Most of the proposed measures concerned all residents of Denmark,

but some of them were clearly directed primarily against non-citizens.¹⁰

Some of the measures outlined in the action plan were subsequently temporarily suspended, although they were not abandoned altogether. Others were incorporated into legislative proposals elaborated by the government, which were due to be submitted to parliament (*Folketinget*) in the spring of 2006.

Torture and Ill-treatment

The UN Committee against Torture (CAT) has repeatedly criticized the lack of a definition of torture in Danish legislation as well as the lack of a specific, punishable offence of torture. The failure to ensure that acts of torture are duly regulated in national criminal law constitutes a violation of article 4 of the UN Convention against Torture.¹¹ Due to the lack of detailed legal provisions, there was uncertainty and disagreement as to the meaning of torture and ill-treatment on the part of authorities.

Together with a number of other NGOs, foremost Amnesty International, the DHC actively advocated incorporating relevant provisions of the UN convention into Danish legislation. In December, the minister of justice responded to such initiatives by asking the Penal Reform Council to examine the issue.

There were also concerns that education of military officials on torture issues, which is compulsory under article 10 of Convention against Torture, was not satisfactory in Denmark. Such concerns were relevant in a widely publicized case dating back to 2004, in which a sentence was handed down in early 2006:

◆ On 12 January 2006, a military court judge in Copenhagen found a female army captain and four military police sergeants guilty of abusing prisoners while on duty in Iraq in 2004. They were all convicted of forcing prisoners to maintain stressful positions for prolonged periods of

time and for verbally humiliating prisoners. However, with reference to “extenuating circumstances,” the judge did not impose any sanctions. He said that the officials had not received clear guidelines from their superiors. All five appealed the decision.¹²

Solitary Confinement

The practice of solitary confinement of remand prisoners was maintained; thus, by law a court could order that detainees awaiting trial be placed in solitary confinement. International monitoring bodies have expressed concern about the impact of solitary confinement on the mental well-being of detainees and have stressed that it should be used only in exceptional circumstances.¹³

Following a change of law in 2000, which reduced the number of grounds on which solitary confinement can be applied, there was a considerable decrease in the use of this measure.¹⁴

However, in 2005, concerns were voiced that the number of cases in which solitary confinement was applied was again on the rise.

The Danish Legal Reform Association, an NGO, advocated further limitations of the implementation of solitary confinement and demanded that prosecutors and courts be required to provide written arguments concerning its use. Statements made by government representatives suggested that the government was willing to look into this matter. However, no concrete measures to that end had been taken as of the end of the year.

Freedom of Religion and Religious Tolerance

Relations between the State and Religious Communities¹⁵

The Danish Constitution provides for freedom of religion, and the government generally respected this right in practice. The system of relationships between state

and religions was, however, based on a discriminatory four-tier system.

First, the Evangelical Lutheran Church was the national church and, as such, enjoyed a number of privileges, such as the right to obtain state subsidies channeled through the tax system and the right to provide religious education in public schools. More than 80% of the population was Lutheran, but only 3% of all church members regularly attended religious services. Second, as of April 2005, twelve religions had been granted the status of “recognized” faith communities on the basis of royal decree. Among these communities were the Roman Catholic Church, the Methodist Church, the Baptist Church, the Russian Orthodox Church and the Jewish Community. Third, another 91 religions had been “legally approved” under a 1969 law. These included Islamic groups, Jehovah’s Witnesses, Pentecostals, Mormons, Seventh-Day Adventists, Sikhs, Buddhists, Christian Orthodox, Hindus, Bahais and Hare Krishnas. “Recognized” religious groups had the right to exercise a number of semi-public tasks, and both “recognized” and “approved” religious communities enjoyed certain tax exemptions and could conduct marriage ceremonies with civil validity.

Fourth, there were religious communities that had not been granted any official status and therefore did not enjoy any tax benefits and did not have the right to have marriage ceremonies recognized by the state. For example, the Church of Scientology was neither a recognized nor an approved religion; its applications for official status had repeatedly been rejected.

Intolerance against Muslims

An estimated 160,000 - 180,000 Muslims lived in Denmark. As the tone of the debate on immigration issues has become increasingly harsh in recent years, and growing attention has been given to

the threat of so-called religious extremism, attitudes towards Muslims have worsened. In particular, inflammatory statements made by representatives of the Danish People's Party, such as to accuse Muslims generally of undermining democratic values and promoting violence, have encouraged hostility toward Muslims. There are also concerns that biased media coverage has contributed to public misperceptions of Islam as well as negative sentiments toward Muslims.¹⁶

In 2005, the following case attracted attention:

◆ In August, Radio Holger, a local radio station broadcasting in the Copenhagen area, had its broadcasting license suspended for three months because of controversial statements made during a program aired shortly after the July 2005 terrorist attacks in London. In this program, presenter Kaj Wilhelmsen called for expulsion or extermination of Muslims residing in Western Europe in order to put an end to terrorism. He also said that, if the authorities do not react to the "Muslim terror," the citizens should take the issue in their own hands. In a separate development, a criminal investigation was opened into the case under a criminal code provision prohibiting hate speech, and in February 2006, Wilhelmsen was given a suspended sentence of two weeks in prison. He appealed the decision.¹⁷

As in other European countries, concerns were voiced about so-called hate-preaching imams. Against the background of such concerns, the parliament adopted legislation in 2004, which introduced new conditions for the granting of residence permits to foreign religious leaders and clergy. The new regulations, *inter alia*, required that foreign religious workers have relevant background or education to qualify for residence permits. They also made it possible to revoke the residence permits of foreign religious leaders if they are

found guilty of certain crimes, including hate speech.¹⁸ Moreover, the Plan of Action to Fight Terrorism presented by the government in late 2005 proposed that the right of foreigners to enter and reside in the country be restricted if they are found to have shown "hostility against democratic values," either in speaking or writing or through their other actions.

National and Ethnic Minorities

Complaints Committee for Ethnic Equal Treatment

The Complaints Committee for Ethnic Equal Treatment was established under the 2003 Ethnic Equal Treatment Act and was charged with considering complaints about discrimination on grounds of race or ethnicity in areas such as the labor market, social protection, education and access to supply of goods and services. It is only empowered to deal with cases involving public actors. When examining complaints, the committee can determine whether there has been a violation of the Ethnic Equal Treatment Act and can recommend granting free legal aid to the petitioner. It can, however, not impose sanctions or award damages to victims of discrimination. In addition to receiving complaints, the committee has a mandate to undertake studies and make recommendations on its own initiative.¹⁹

The minister in charge of ethnic issues criticized the committee for being slow in making decisions, while the members of the committee found that the body lacked authority to deal adequately with complaints, e.g. because of limited opportunities to ensure that cases are brought to court. The members of the body therefore advocated a reform of the complaint mechanism.

International studies indicated that the complaints committee had less effective powers than similar bodies in other countries.

Discrimination in the Labor Market

Ethnically motivated discrimination in the labor market was a major concern.

◆ In a case considered in September 2004, the Complaints Committee for Ethnic Equal Treatment concluded that a technical college had acted in a discriminatory manner by indicating readiness to comply with the requirement of a private employer not to receive interns of non-Danish ethnic background. A student at the college had by chance discovered a list of available internship placements, indicating that one of the employers “did not wish p” When inquiring about this annotation with the person in charge of internship placements, the student was told that it meant that the employer in question did not want to receive “*perkers*” as interns. “*Perker*” is a derogatory Danish term used to depict immigrants.²⁰ Following the decision by the complaints committee, the case was brought to court by the NGO “Documentation and Advisory Center on Racial Discrimination” (DRC). On 29 November, the Copenhagen City Court found that there was not sufficient evidence to conclude that discrimination had taken place. The DRC expressed disappointment with the ruling and announced plans to appeal it.²¹

A number of municipalities continued the practice of allowing elderly and handicapped people who benefited from public support services to request to be assisted by “white” people. The municipalities in question sought to justify the practice by arguing that they wanted to be considerate to citizens “who feel more at ease with what they are used to.” At the end of the year, the complaints committee was investigating several such cases.

Citizenship

New Rules about Danish Citizenship

New rules on Danish citizenship agreed by the Danish government and its supporting party, the Danish People’s

Party, came into force in December 2005. They significantly tightened existing rules. First, applicants will have to demonstrate a higher level of Danish language proficiency than previously required, by satisfactorily completing either a standardized test or a corresponding test offered by an educational institution, such as final exams of grade 9 or 10 of public schools.²² Unlike previously, applicants who suffer from post traumatic stress will not be exempted from the language requirement, a change of practice that will especially affect torture victims. Second, applicants will have to complete a new test in Danish history, culture and society, which in its proposed form contained questions that many university students and even some members of parliament had difficulties answering.²³ Third, applicants will have to show that they are able to support themselves, meaning that they have not received welfare payments for more than a total period of one year during the last five years.²⁴

The DHC observed that the new rules, in effect, will mean that many immigrants and refugees in Denmark no longer will have a realistic possibility of becoming Danish citizens. The DHC also pointed out that the rights of immigrants and refugees who are not citizens are restricted in fundamental ways, e.g. they have no right to vote in parliamentary elections, cannot obtain regular Danish passports and may be expelled from the country. Moreover, the DHC emphasized that not only are certain legal and political rights tied to citizenship, but citizenship also has an important symbolic, psychological and cultural value.

Migrants, Asylum Seekers and Refugees

Overall Trends in Asylum and Immigration Policies

In recent years, asylum and immigration policies have become increasingly strict in Denmark. The process of tightening im-

migration regulations began already in the mid-1980s, but until the late 1990s Danish policies toward asylum seekers, refugees and migrants were liberal compared to those of many other countries of the European Union. Major political forces therefore opposed legislative harmonization in this area by arguing that it would result in a lowering of Danish standards.²⁵ However, following the change of government and parliamentary composition in 2001, a considerable number of new, restrictive provisions have been introduced, as a result of which immigration legislation is now among the most stringent in Europe.

The DHC noted that because of the high number of amendments recently adopted in the field of immigration and asylum regulation civil servants did not always have adequate knowledge of all relevant provisions, which gave rise to concerns with respect to the rule of law.

Refugees

Over the last few years, the number of asylum applications lodged in Denmark has decreased considerably. While 2,260 persons applied for asylum in 2005, the corresponding figure was 4,593 in 2003 and 8,739 in 2001.²⁶

Previously refugee status was granted both to persons who met the criteria established by the UN Convention relating to the Status of Refugees and persons who did not fall under this definition but who were considered to be in a similar factual situation. However, in 2002 the *de facto* refugee status was abolished and replaced with a more narrowly interpreted so-called protection status, which is granted e.g. in cases when asylum seekers cannot be returned to their countries of origin because of the risk of torture.²⁷ In 2005, a total of 172 persons were recognized as refugees under the UN Refugee Convention and 199 were granted protection or *de facto* status.²⁸

New legislation adopted in 2002 also extended the grounds for rejecting asylum applications as “manifestly unfounded” to cover not only cases in which applications are clearly fraudulent but also cases in which the merits of the information provided by the asylum seeker are deemed not to be credible. Among others the UN High Commissioner for Refugees has criticized this provision, noting that credibility issues require complex assessments that cannot be dealt with adequately in an accelerated procedure.²⁹

Moreover, the Danish intelligence service could examine the background of asylum seekers and, if it found anything leading it to conclude that the applicants constituted a risk for the security of the state, it could exclude them from refugee protection. The Refugee Board, the second instance in the asylum procedure, did not have any right to review the evidence on which such a decision was based. The applicants or their lawyers also did not have access to this material and were not granted any opportunity to appeal the decision.

The period that refugees are required to have resided in the country before they can apply for permanent residence permits was increased from three to seven years in 2002. During this period, refugees may be returned to their countries of origin, if they are no longer deemed to be at risk of persecution there.³⁰

While refugees with temporary residence permits were eligible for social security benefits, they were only entitled to receive 50% of the full rates. The authorities have described this practice as a way of encouraging refugees to find employment and thereby to integrate into Danish society. However, NGOs have pointed out that access to the labor market is primarily hampered by other factors, such as poor language knowledge, insufficient or not recognized education and discrimination,

and have criticized the practice as contributing to marginalizing refugees.³¹

Recognized refugees did not have any automatic right to family reunification; only refugees who had obtained permanent residence permits could request to be united with their spouses and children. In addition, a number of conditions had to be satisfied. For example, an applicant for reunification with his or her spouse was required not to have received public fi-

nancial assistance during a period of one year prior to filing the application and to deposit a bank guarantee of DK 55,000 DK (about EUR 7,000) to cover any possible future public expenses for the spouse. Furthermore, prove had to be given that the marriage was consensual and that both spouses were over 24 years of age and could be considered to have a stronger attachment to Denmark than to any other country.³²

Endnotes

¹ Danish Director of Public Prosecutions (DPP), "Decision concerning possible criminal investigations in the case of Jyllands-Posten's article 'The face of Muhammed,'" 15 March 2006. The decision is available at www.rigsadvokaten.dk/media/bilag/afgorelse_engelsk.pdf.

² This section is based on the decision of the DDP of 15 March 2006.

³ See, for example, press statement of Muslims in Dialogue from 4 February 2006 and article published in *Jyllands-Posten* by its chair on 9 February 2006, at www.m-i-d.dk/.

⁴ In September 2005, MP Louise Frevert published a statement on her website in which she spoke about the "Muslim menace" and said that this could be compared to "a tumour which we know will kill us if we don't find and destroy it before it spreads." See *Politiken*, "The Muhammad affair: Manipulation. Has Fogh met his Watergate?" 23 February 2006.

⁵ At the national conference of the Conservative Party on 24 September 2005, Minister of Culture Brian Mikkelsen warned against the development of parallel societies in which Muslims, who refuse to accept Danish culture and European norms, practise "medieval norms" and "undemocratic ways of thinking." He called the fight against such societies the "new front" in the "cultural struggle." Ibid.

⁶ For more information about this case see the section on freedom of religion and religious tolerance.

⁷ *The Copenhagen Post*, "PM urges Muslims to go to court," 24 October 2005 and "PM ditches Muslims for freedom of speech," 25 October 2005.

⁸ See speech by Prime Minister Rasmussen on 3 February 2006, at www.stm.dk/Index/dokumenter.asp?o=2&n=0&d=2511&s=1.

⁹ See www.jp.dk/udland/artikel:aid=3544992:fid=11328/.

¹⁰ See also the section on religious freedom and tolerance.

¹¹ See UN Committee against Torture, *Conclusions and Recommendations: Denmark*, 28 May 2005.

¹² *BBC News*, "Five Danes guilty of Iraq abuse," 12 January 2006, at www.bbc.co.uk; DR, "Skydig men straffri," 13 January 2006, at www.dr.dk.

¹³ See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment, *Report on Visit to Denmark 28/01/2002 - 04/02/2002*, at www.cpt.coe.int/en/states/dnk.htm.

¹⁴ Ibid.

- ¹⁵ This section is based on information from Human Rights without Frontiers (HRWF, IHF cooperating organization) to the IHF, March 2006.
- ¹⁶ See the chapter on Denmark in IHF, *Intolerance and Discrimination against Muslims in the EU – Developments after September 11*, March 2005, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4029.
- ¹⁷ *BBC News* (Thomas Butch-Andersen), "Denmark targets extremist media," 17 August 2005; DR, "Radioejer domt for racisme," 13 February 2006.
- ¹⁸ Lov nr 427/2004, "Lov om ændring af udlændingeloven og integrationsloven," June 2004, available at the website of the Danish Ministry of Refugees, Immigrants and Integration, www.inm.dk. See also the chapter on Denmark in IHF, *Intolerance and Discrimination against Muslims in the EU – Developments after September 11*, March 2005, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4029.
- ¹⁹ See fact-sheet on the Complaints Committee on the site of the Danish Institute for Human Rights at www.humanrights.dk/departments/complaint/?print=1.
- ²⁰ Complaint Committee for Ethnic Equal Treatment, *Afgørelse af 1. septembner 2004* (j.nr. 730.4), at www.klagekomite.dk/Media/afg/730.4-AFG-010904.pdf.
- ²¹ DR, "Racisme på teknisk skole var i orden," 7 December 2005; "Teknisk skole frikendt for diskrimination," December 2005, at www.dk-arbejdsmarked.dk/voksenuddannelse/sket_i_ugen/?print=1&id=17208&id=17208. See also City Court of Copenhagen, Verdict of 29 November 2005, case no. BS 6D-1318/2005.
- ²² *Agreement on citizenship*, chapter 7, § 24.1.
- ²³ *Ibid.*, chapter 7, § 24.2.
- ²⁴ *Ibid.*, chapter 6, § 23.2.
- ²⁵ It should be noted that protocols to the Amsterdam Treaty of the EU, which entered into force in 1999, allow Denmark to opt out from participation in common EU asylum and immigration policies.
- ²⁶ Figures on asylum available at the website of the Danish Immigration Service, at www.udlst.dk/english/default.htm; European Council on Refugees and Exiles (ECRE), *Country Report 2002: Denmark*, at www.ecre.org/.
- ²⁷ *ECRE Country Report 2002: Denmark*, p. 80.
- ²⁸ Figures on asylum available at the website of the Danish Immigration Service, at www.udlst.dk/english/default.htm. Persons who applied for asylum prior to 1 July 2002 could still be granted de facto refugee status.
- ²⁹ See *UNHCR's comments on the Draft Bill on amending the Aliens' Act, the Marriage Act and other Acts*, March 2002.
- ³⁰ *ECRE Country Report 2002: Denmark*, p. 82-83.
- ³¹ *Ibid.*
- ³² Information from the website of the Danish Immigration Service.