

Denmark

Written submission by the Danish Humanist Society for the UN Universal Periodic Review

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Danish Humanist Society

1. The Danish Humanist Society (DHS) is a life stance organisation working politically towards life stance equality, including recognition of non-religious life stances by the Danish state and the abolishing of fundamental inequalities in the field of freedom of religion or belief. We also provide secular ceremonies for life transition; birth, youth, partnership and death. We offer humanist chaplancy-conversations and spaces for philosophical and existential discussions for the members.
2. The organisation was established in August 2008 and has its address at Humanistisk Samfund, Blågårdsgade 19, kld., 2200 København.

Past UPR recommendations, Denmark's responses and the current status of freedom of religion or belief in Denmark

3. During the second UPR of Denmark in 2016, a number of States made recommendations based on freedom of religion or belief and discrimination against minorities, which were accepted by Denmark. This included the commitment to “refrain from passing discriminatory legislation . . . based on bias against foreigners and refugees (Lebanon)” and to “combat racism and xenophobia, and strengthen efforts at promoting intercultural understanding and tolerance (South Africa)”.
4. We are pleased to note that Denmark took the decision to abolish its historic blasphemy law in 2017, representing a significant victory for freedom of expression and religion or belief in the country.¹ However, notwithstanding this, recent legislation passed by the Danish State appears to directly contradict its commitment to refrain from passing discriminatory legislation based on xenophobia, racism, and cultural and religious bias. By seeking to forcibly erase cultural traditions that are perceived as “non-Western” and specifically “non-Danish”, these laws have the opposite effect of promoting intercultural understanding and tolerance.
5. While outwardly Denmark is perceived to be one of the most liberal and secularised countries in the world, this assessment significantly downplays the reality of freedom of religion or belief in Denmark. In this submission, the Danish Humanist Society offers two main lines of critique with respect to Denmark's failure to adequately protect freedom of religion or belief, cultural freedoms, and the freedom from discrimination with respect to its minorities.
6. In summary, we see the two main areas of improvement for the Danish state as involving:

¹ <https://humanists.international/2017/06/blasphemy-law-denmark-no/>

- 6.1. First, the need to expand its understanding of freedom of religion or belief to encompass non-religious beliefs, in line with international human rights law. Non-religious organizations need to be granted equal privileges to religious organizations and equal rights to participate in political decision-making and consultation. No recommendations appear to have been made on this specific issue in past UPR cycles.
- 6.2. Second, the need to repeal laws attempting to force cultural assimilation policies on religious and ethnic minorities in areas the government has designated as “ghettos” (a discriminatory definition which itself relies on the idea of a proportion of residents being from “non-Western” backgrounds).

Failure to ensure equality of standing between religious and non-religious groups

Constitutional privileges of the Folkekirke

7. On a country visit to Denmark in 2016, the former special rapporteur on Freedom of Religion or Belief, Professor Heiner Bielefeldt, commented that while freedom of religion or belief was generally well-respected in Denmark, “the existing system is obviously non-egalitarian”² and that this has caused frustration to be felt by religious or belief-related minorities.
8. There has been no fundamental change to this ongoing situation of inequality in the field of freedom of religion or belief in Denmark since the Special Rapporteur’s visit. The special status of the Evangelical Lutheran Church as the People’s Church (known as *Folkekirke*), entrenched in Article 4 of the Danish Constitution,³ remains unchanged.
9. As a result of its constitutional privilege, the Folkekirke receives financial support directly from the State budget. This means first and foremost that the Folkekirke receives financial assistance through the public taxation system and secondly, that all citizens — including the 25 percent of Danish citizens who are not members of the Folkekirke⁴— are required to financially contribute to the Church. In addition, the Church bears the responsibility for performing secular public services typically reserved for the State, including management of some non-sectarian cemeteries and the civil registration of citizen’s personal data such as births, deaths, names, church marriages and membership.⁵

Compulsory religious education

10. During the 9 years of compulsory education in Danish public schools, classes in *Kristendomskundskab* (‘Knowledge of Christianity’) are compulsory.⁶ A child can only be

² Human Rights Council, *Report of the Special Rapporteur on freedom of religion and belief on his mission to Denmark, Heiner Bielefeldt*, para. 9

³ Article 4 of the Constitution provides “the Evangelical Lutheran Church shall be the Established Church of Denmark, and as such shall be supported by the State”.

⁴ https://eacea.ec.europa.eu/national-policies/eurydice/content/population-demographic-situation-languages-and-religions-22_en

⁵ https://fot.humanists.international/countries/europe-northern-europe/denmark/#State_church_privileges

⁶ As the Primary School Act (*Folkeskoleloven*) states: “The main field of knowledge in [the teaching in] *Kristendomsundervisningen* [‘Teaching Christianity’] is the Evangelical-Lutheran Christianity of the Danish People’s Church [Folkekirken]”

exempted if written parental consent is granted, but it may only be granted on the condition that the parent make a declaration to the headmaster agreeing to assume responsibility for the child's religious education, and in doing so they must commit to meeting the same teaching standards as the public school.⁷

11. The current system of compulsory religious education discriminates against those who do not follow the Christian faith: not only are children (who may practice an entirely different faith at home) by default expected to attend weekly classes on Christianity, their only opt-out option requires their parents or guardian to assume the burden of providing an alternate form of religious education for them.

Discrimination against individuals with non-religious beliefs

12. Article 67 of the Danish Constitution states: “citizens shall be at liberty to form congregations for the worship of God in a manner which is in accordance with their convictions, provided that nothing contrary to good morals or public order shall be taught or done”. The language of this provision effectively means that the Danish Constitution does not guarantee freedom of religion for people with non-theistic beliefs.
13. This definition is considerably narrower than that of the European and international conventions that Denmark has ratified — in particular article 9 of the European Convention on Human Rights (ECHR) and article 18 of the International Covenant on Civil and Political Rights (ICCPR). According to the Human Rights Committee, Article 18 of the ICCPR should protect “theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief”.⁸
14. The privileging of monotheistic faith and worship by the Constitution has created serious knock-on effects on the participation of non-religious persons in Danish politics and civil society. For example, non-religious organisations are regularly excluded from participating in government-led committees discussing important ethical questions, and are excluded from commenting on new legislation related to religion and belief. For example, the Danish Humanist Society was prevented from formally presenting their views on the recognition of non-theistic belief during discussions surrounding the 2017 law regulating faith communities outside the Folkekirke’ (*Trossamfundsloven*).⁹ This resulted in non-religious lifestance organizations being excluded from the law and the privileges it bestows on religious and faith-based organizations, including being granted legal rights and standing, the right to perform legal marriages and certain tax benefits.
15. The Danish Institute of Human Rights has also reported that atheists (as well as Christian converts, women and LGBTI people), are “particularly vulnerable to harassment or attempts at negative social control” in the asylum system.¹⁰ Their report states that much of this stems from the fact that many immigration officials have a poor understanding of religious persecution and

⁷ <https://www.retsinformation.dk/eli/lta/2020/1396>

⁸ See Human Rights Committee general comment No. 22 (1993) on the right to freedom of thought, conscience and religion.

⁹ <https://www.retsinformation.dk/eli/lta/2017/1533>

¹⁰ https://menneskeret.dk/sites/menneskeret.dk/files/media/document/_%2019_02922-5-%20rapport_religion_asylce_nre_19pdfua%20446887_1_1.PDF

may take decisions that inadvertently cause harm to minorities. An example of this includes forcing a someone who is non-religious to live in a religious community, where they may face pressure, harassment and even threats of violence for their decision to leave the religion.¹¹

Recommendations:

16. We urge the Danish state to broaden its understanding of the terms “religion or belief” and to recognise all forms of internationally-acknowledged beliefs, so as to align itself with international human rights law. Specifically, the Danish State should:
 - 16.1. Recognise and hold persons with non-religious beliefs and their organizations on an equal footing with religious persons and organizations, in terms of legal status and associated privileges. Denmark should do so either by amending the 2017 law regulating faith communities outside the Folkekirke (*Trossamfundsløven*) to explicitly include non-religious and lifestance organizations, or by passing parallel legislation granting equal rights and privileges and the ability to participate equally in political decision-making to non-religious and lifestance organizations. An acceptable precedent for such a law is the Norwegian Religious and Life Stance Communities Act.¹²
 - 16.2. Develop guidelines and deliver training to immigration officials specifically regarding persecution on the basis of religion or belief and how to better protect refugees in the asylum system who are vulnerable to this form of persecution, including atheists, converts to Christianity, LGBTI individuals and women.
 - 16.3. Reform the system of compulsory Christian education in public schools by expanding the syllabus to incorporate other religions and beliefs.

Discriminatory cultural assimilation policies violate the human rights of religious and ethnic minorities

17. The Danish government’s pursuit of religious and cultural homogeneity has led it to pass a series of discriminatory assimilationist laws aimed at forcefully integrating immigrants and ethnic minorities into the “Danish” way of life, in violation of their basic rights to non-discrimination, culture and religion.
18. Laws which have been collectively described by the government as the “ghetto package” have as their purported aim to reduce the effects of parallel society and criminal behaviour in Denmark.¹³
19. The government’s plan, described as “one Denmark without a parallel society – no ghettos in 2030” allows it to designate an area as a “ghetto” based on the percentage of those in it who are employed and educated, their income and the proportion of the population with criminal convictions. The government has introduced a specifically racial element to the definition by requiring that 50% of residents in a “ghetto” be immigrants or descendants of people from “non-

¹¹ https://pure.au.dk/portal/files/172243359/Faith_in_the_system_OA.pdf

¹² <https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Beslutninger/Lovvedtak/2019-2020/vedtak-201920-078/>

¹³ https://www.islamophobiaeurope.com/wp-content/uploads/2019/09/EIR_2018.pdf

Western countries”.¹⁴

20. In 2017, there was a list of 25 “ghettos” with an estimated 60,000 people living in them. The most recent list, published in December 2019, lists 28 areas.¹⁵
21. The 22 proposals in the ‘package’ were passed in 2018 and include the following discriminatory laws and policies:
 - 21.1. Powers for the police to define areas as ‘increased punishment zones’ in which punishments for certain crimes (eg, violence, vandalism, burglary, threatening behaviour, arson, drug offences, possession of weapons) can be doubled.
 - 21.2. Penalties for immigrant parents who take their children on extended visits to their country of origin — described as “re-education visits” —in that way may have serious negative consequences for their “healthy development” in line with Danish values and norms.
 - 21.3. A mandatory pre-school programme in which children living in neighbourhoods designated as vulnerable “ghettos” must be separated from their parents for at least 25 hours a week to attend a targeted and intensive course to support their “social integration, personal and cognitive development and democratic insight.” If parents do not allow a child to register, or the child does not use the day care offer sufficiently, the municipality may decide to terminate child benefit. The requirement lasts until a mandatory language evaluation is carried out when the child is 2 or 3 years old. If the test is not passed, the child cannot start school.¹⁶
22. Demolition plans and evictions, as well as privatization of public housing, have been another feature of the government’s plans to eradicate areas designated as “ghettos”. Neighbourhoods designated as “hard ghettos” are only permitted to have 40% of homes with social housing status, meaning that the rest must be privatized.¹⁷ This has created the considerable risk that people who are already marginalized and disadvantaged will be subjected to forced evictions, will become homeless or will be forced to live in inadequate housing conditions.¹⁸
23. In addition to the “ghetto package”, other forms of discriminatory policies exist that are specifically directed towards Muslims and apply throughout Denmark. These include:
 - 23.1. A ban on the wearing of full-face veil covering (known as the ‘burqa ban’). A violation of the ban triggers a fine of 1,000 Danish Kroner, and the fine will increase if the ban is subsequently violated again. It is estimated that less than 200 women wear the burqa or niqab in Denmark.¹⁹

¹⁴ <https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/JointNGOSubmissionDenmark.pdf>

¹⁵ <https://www.trm.dk/publikationer/2019/liste-over-ghetoomraader-pr-1-december-2019/>

¹⁶ <https://globalaktion.dk/wp-content/uploads/2020/09/CERD-Alternative-Report-DK-version.pdf>

¹⁷ <https://balkaninsight.com/2020/06/05/ghetto-blasters-the-danish-neighbourhood-battling-eviction/>;
<https://www.aljazeera.com/features/2020/01/15/denmarks-ghetto-plan-and-the-communities-it-targets/?gb=true>

¹⁸ https://amnesty.dk/media/6019/anbefalinger_komite.pdf

¹⁹ <https://www.thelocal.dk/20190801/one-year-on-denmarks-burqa-ban-has-resulted-in-23-fines>

- 23.2. A policy making it mandatory to shake hands with the local mayor at the citizenship ceremony if one wants to be a Danish citizen. The law has clear Islamophobic undertones, given that many Muslims prefer not to shake hands with members of the opposite sex.
24. The forced assimilation and housing measures introduced by the Danish government are discriminatory on the basis of race, ethnic origin or nationality, and religion. They violate numerous provisions in treaties that the Danish government is a party to, including, but not limited to: Article 14 of the ECHR on protection from discrimination on the basis of race, religion, national or social origin; Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 18 of the ICCPR on freedom of thought, conscience and religion, and Article 27 of the ICCPR on the right of minorities to enjoy their own culture, to profess and practise their own religion, and to use their own language.
25. The government's use of the term "ghetto" is itself stigmatising, derogatory and alienating. It implies that to be "non-Western" is fundamentally incompatible with Danish society and that one must erase one's cultural identity and religious beliefs in order to belong.
26. Paradoxically, while purportedly aimed at integrating minorities, the laws in fact send the message that may have a counter-effect to the sense of belonging, because they single out certain groups for nonconformity through the use of sanctions and penalties.

Recommendations

27. Denmark should be sensitive to the fact that encouraging multiculturalism, as opposed to enforced "integration" and cultural homogeneity, makes societies more understanding, equal, tolerant and resilient. Instead of relying on penalties, cultural integration is a process that should be facilitated through incentives, encouragement and the creation of equal opportunities.
28. With this in mind, we recommend that Denmark:
- 28.1. Repeal all laws that have direct or indirect discriminatory effect on refugees, migrants, and residents of the "ghetto" areas, including the abovementioned double-punishment zone law, the re-education visit law, the forced daycare law, the burqa law and the mandatory handshake law.
- 28.2. Repeal all coercive and punitive efforts to force integration or cultural assimilation of minority groups, and instead conduct a meaningful consultation with migrant communities in order to provide the necessary support to facilitate their integration.
- 28.3. Policies addressing concerns around unemployment, criminality and education should be devised in a manner that is non-discriminatory and compliant with Denmark's national, regional and international human rights obligations
- 28.4. Guarantee that housing reforms in areas designated as "ghettos" do not result in forced evictions, homelessness and situations where people are forced to live in inadequate housing.

