

15 October 2020

**Submission of NGO Monitor for the UPR Working Group
Third Periodic Review of Denmark**

1. NGO Monitor,ⁱ a project of the Institute for NGO Research, an NGO in special consultative status with ECOSOC since 2013, respectfully submits the following information to the UPR Working Group in advance of the preparation of the stakeholders report and review of Denmark for the third UPR cycle.
2. For nearly 20 years, NGO Monitor has studied and analyzed the presence of antisemitism within the human rights and humanitarian community.ⁱⁱ Civil society must play a critical role in combating antisemitism. Yet, we have documented hundreds of incidents of antisemitism involving NGOs claiming to promote human rights, as well as the development, promotion, and dissemination of antisemitic tropes. These libels are then mainstreamed into political discourse and within governmental bodies and international institutions. This activity is a significant contributing factor to the rise in antisemitism today across the globe.
3. In the second-cycle review of Denmark, states recommended that the country “enhance laws to combat discrimination/racism” and “carry out an inclusive, evidence-based evaluation of the Danish antiterrorism legislation, as previously recommended.” In its mid-cycle report, Denmark noted that legislation “ensured comprehensive protection against discrimination on the grounds of race and ethnic origin. In an effort to promote tolerance and combat racism and xenophobia, the authorities, non-governmental organizations (NGOs) and civil society had carried out several initiatives.”
4. We acknowledge efforts made by Denmark to meet the UPR recommendations. Nevertheless, antisemitism, discrimination on the basis of Israeli national origin, and support for terrorism remain issues that require attention by the Danish government. NGO Monitor highlights the following examples:

Antisemitism in Denmark

5. While better than in many European countries, antisemitism remains a problem in Denmark, and there are troubling signs that this “oldest hatred” is increasing. The 2019 European Union Fundamental Rights Agency “Second survey on discrimination and hate crime against Jews in the EU Denmark Factsheet” notes that 85% of respondents reported that antisemitism had increased over the last five years.ⁱⁱⁱ 79%

reported that they had been exposed to negative statements about Jews and that the word “Jew” is used ubiquitously as an epithet. Respondents also revealed that much of the hateful rhetoric targeting Jews in Denmark invokes Nazi comparisons to Israel.

6. Using Israel as a stand-in for Jews is indicative of modern forms of antisemitism. As the late former Swedish Deputy Prime Minister Per Ahlmark remarked, while “anti-Zionists accept the right of other peoples to national feelings and a defensible state... they reject the right of the Jewish people to have its national consciousness expressed in the state of Israel and to make that state secure.”^{iv} According to Ahlmark, “anti-Semites of different centuries had always aimed at destroying the then center of Jewish existence...today, when the Jewish State has become a center of identity and a source of pride and protection for most Jews, Zionism is being slandered as a racist ideology.”
7. Importantly, in his report published on September 20, 2019, and in his remarks to the General Assembly on October 17, 2019, the UN Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, clearly explains this phenomenon: “The Special Rapporteur also takes note of ... ‘left-wing’ antisemitism, in which individuals claiming to hold anti-racist and anti-imperialist views employ antisemitic narratives or tropes in the course of expressing anger at the policies or practices of the Government of Israel. In some cases, ... they have conflated Zionism, the self-determination movement of the Jewish people, with racism, claimed that Israel does not have a right to exist and accused those expressing concern about antisemitism of acting in bad faith. . . .” He further recalls that the Secretary-General has characterized “attempts to delegitimize the right of Israel to exist, including calls for its destruction” as a contemporary manifestation of antisemitism.”^v
8. A majority of respondents to the FRA survey believe the Danish government is not doing enough to combat this harassment.
9. There are also significant concerns that the Danish government continues to restrict Jewish ritual including a ban on kosher slaughter and attempts to ban male circumcision.^{vi} A September 2020 effort to eliminate circumcision was rejected but a bill on the issue is up for a vote in November 2020.^{vii} It is likely such campaigns will only intensify, even if the November bill is unsuccessful.^{viii}

International Holocaust Remembrance Alliance (IHRA) Definition of Antisemitism

10. An important step Denmark could take to stem increasing antisemitism is adoption of the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism. As recommended by Special Rapporteur Shaheed in his report, "The working definition of antisemitism developed by the International Holocaust Remembrance Alliance can offer valuable guidance for identifying antisemitism in its various forms...the Special Rapporteur recommends its use as a critical non-legal educational tool that should be applied."^{ix}
11. As of October 2019, this working definition, launched in 2000 at the Stockholm International Forum on the Holocaust has 33 country members, 11 observers, and 7 permanent international partners, including the Claims Conference, the European Union's Agency for Fundamental Rights (FRA), International Tracing Service, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), UNESCO, the UN, and the Council of Europe. The IHRA working definition has been adopted by more than 30 countries around the world, including the UK, Austria, Australia, Bulgaria, Germany, Lithuania, Romania, Macedonia, US, and Canada. The definition also provides clear guidelines to distinguish antisemitism from legitimate criticism of Israel.
12. The Danish Ministry of Foreign Affairs supports the definition and has promoted its application. Yet, to date, it has not been officially adopted by the government. The UPR Working Group should encourage the government to apply the IHRA definition consistently in responding to and combatting hate.

Funding to Terror-Linked Organizations

13. In its mid-cycle report, the Danish government noted that "substantive counter-terrorism initiatives have been launched in the last couple of years . . . Denmark sees the merits of a general evaluation of Danish counter-terrorism efforts. Any necessary amendments will be in full compliance with Denmark's human rights obligations."^x
14. We commend the Danish government's efforts, particularly its inclusion of NGO funding as part of that review. As a result, in October 2018, the Danish foreign minister announced new criteria^{xi} for Danish funding to NGOs:

"The organization and members of its Executive Board and Board of Directors may not be autonomously listed on EU or UN sanctions and/or terrorist lists.

Furthermore, they may not be members of entities or groups listed on these lists. In addition, the organization may not provide funds or financial resources, directly or indirectly, for or in favor of persons, entities or groups listed in these lists.”

15. Despite these positive developments, Denmark unfortunately continues to support some NGOs with links to EU-listed terror groups, both via direct funding to those organizations, and also indirectly, via international NGOs or UN agencies who funnel Danish funds to these groups.^{xii}
16. Several of these NGO grantees are tied to the EU-terror designated Popular Front for the Liberation of Palestine (PFLP). In 2019, a number of employees of NGOs funded by the European Union and several European governments were arrested and are currently standing trial for murdering a 17-year old Israeli girl and injuring her father and brother in a bombing attack. These employees were members of the PFLP terror organization.
17. As this incident exemplifies, when operating in the Palestinian Authority, there are heightened risks for human rights abuses and diversion of public funds to terror organizations. The Danish government, in line with its local regulations and international requirements, therefore, must employ enhanced due diligence for NGO funding. In addition, it should conduct an inquiry regarding funding that has already been provided to terror-linked groups.

Conclusion

In light of the information provided, NGO Monitor asks the UPR Working Group to raise the following issues in its review of Denmark:

- Comment on the increase in antisemitic and anti-Israel discourse in the political arena, the media, and NGOs funded by the Danish government. Please indicate whether Denmark has conducted campaigns to raise public awareness and to combat antisemitic behavior and anti-Israel incitement.
- Describe what concrete steps have been taken by Denmark, including regulatory reforms and legislation, to prevent antisemitism and anti-Israel national origin discrimination in all settings, including funding to NGOs.
- Detail efforts made by Denmark to provide effective remedies for victims of antisemitism and anti-Israel national origin discrimination.
- Describe what steps were taken to ensure that members of the Jewish community and organizations in combating antisemitism.

- Describe what steps have been taken by Denmark to prohibit direct and indirect support to designated terrorist organizations, in all settings, including funding to NGOs linked to designated terror organizations.
- Comment on whether Denmark plans to adopt the International Holocaust Remembrance Definition of Antisemitism and the Working Definition of Holocaust Denialism and Distortion.
- Describe what steps have been taken to ensure that Denmark's UPR review process is fully transparent and pluralistic, particularly with regards to civil society participation.

NGO Monitor also makes the following Recommendations to the Danish Government:

- Denmark should immediately adopt the IHRA working definitions and implement it throughout all public institutions. It should be integrated, as well, into all government funding contracts.
- Denmark should implement legislation and other steps to combat antisemitism. The Jewish community and organizations involved in combatting antisemitism must be fully included in this process.
- Denmark should ensure no public funding or support goes to organizations involved in promoting antisemitism and/or discrimination against those of Israeli national origin.
- Denmark should ensure no public funding or support for organizations tied to designated terror organizations or to groups that promote violence or other incitement against Jews and those of Israeli national origin.
- Denmark must ensure that its UPR process is transparent and pluralistic and includes all sectors of Danish society, including Jewish organizations.

ⁱ Members of the Institute's Advisory Board include Elliott Abrams, Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations; former Canadian Ambassador to Israel, Amb. Vivian Bercovici; Amb. John Bolton, US National Security Advisor and former US Permanent Representative to the UN; Hon. Michael Danby, MP, senior member of the Australian Labor Party; Harvard Professor Prof. Alan Dershowitz; Canadian Senator, Hon. Linda Frum; best-selling author and commentator and British journalist and international affairs commentator, Tom Gross; Colonel Richard Kemp, former commander of British forces in Iraq and Afghanistan; Douglas Murray, Director of the Centre for Social Cohesion, best-selling author and commentator; former Member of Italian Parliament, Hon. Fiamma Nirenstein, UCLA Professor and President of the Daniel Pearl Foundation, Prof. Judea Pearl; US Jurist and former Legal Advisor to the State Department Judge Abraham Sofaer; Dr. Einat Wilf, former member of Knesset with the Israel Labor Party and advisor to Shimon Peres; Harvard Professor Prof. Ruth Wisse; R. James Woolsey, former US Director of Central Intelligence; and Israeli Supreme Court Justice, Justice Elyakim Rubinstein.

ⁱⁱ For instance, see Professor Gerald M. Steinberg and Anne Herzberg, "The Role of International Legal and Justice Discourse in Promoting the New Antisemitism," in *Anti-Zionsim and Antisemitism* (Alvin Rosenfeld, ed. Indiana University Press 2019); Prof. Gerald M. Steinberg, "Europeans Fund Anti-Israel Libels," Middle

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- East Quarterly, Winter 2015: <https://www.meforum.org/4912/europeans-fund-anti-israel-libels>; Anne Herzberg, "NGOs and the New Antisemitism," in *Global Antisemitism: A Crisis of Modernity* (Charles Small, ed., Brill 2013); Prof. Gerald M. Steinberg, "Boycotts, Bias and Politics in the Arab-Israeli Conflict," *American Association of University Professors Journal of Academic Freedom*, Vol. 4 (2013): https://www.ngo-monitor.org/academicpublications/boycotts_bias_and_politics_in_the_arab_israeli_conflict/
- ⁱⁱⁱ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-2nd-survey-on-discrimination-and-hate-crime-against-jews-in-eu-ms-country-sheet-denmark_en.pdf
- ^{iv} Manfred Gerstenfeld, *The War of a Million Cuts: The Struggle against the Deligitimization of Israel and the Jews, and the Growth of New Anti-Semitism*, Jerusalem Center for Public Affairs, May 12, 2015: <https://www.amazon.com/War-Million-Cuts-Deligitimization-Anti-Semitism/dp/1618613413> (p31).
- ^v Ahmed Shaheed, "Antisemitism is toxic to democracy and must be addressed, says expert," October 17, 2019: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25160&LangID=E>
- ^{vi} <https://time.com/3974498/denmark-ban-kosher-halal/>
- ^{vii} <http://cphpost.dk/?p=118305>
- ^{viii} <http://cphpost.dk/?p=104351>
- ^{ix} Report of the Special Rapporteur on freedom of religion or belief," September 20, 2019: <https://undocs.org/A/74/358>
- ^x https://lib.ohchr.org/HRBodies/UPR/Documents/Session24/DK/Denmark_Mid-TermReport2018.pdf
- ^{xi} <https://www.ft.dk/samling/20181/almdel/URU/bilag/11/1955212.pdf>
- ^{xii} https://www.ngo-monitor.org/funder/_denmark_/