

The center-right coalition, which remained in power after the 2005 parliamentary elections, continued to rule the country with parliamentary support of the nationalistic Danish People's Party.

The government proposed to further tighten Danish immigration legislation, which already were among the most stringent in Europe. The treatment of asylum seekers – in particular children – was widely criticized during the year.

With respect to the so-called cartoon-row, which culminated in early 2006,<sup>1</sup> the Danish director of public prosecutions concluded in the spring of 2006 that there was no basis for initiating criminal blasphemy proceedings against the newspaper that published the controversial Muhammad drawings. The Danish Helsinki Committee (DHC) welcomed the substance of this decision but found it unfortunate that the issue could not be decided by a court.

At the end of the year, the local parliament of the Faroe Islands, an autonomous part of Denmark, adopted two legislative amendments of major importance for the protection of human rights after long and bitter disputes<sup>2</sup>: homosexuals were granted protection against threats, insults or discriminatory treatment because of their sexual orientation, and parents were prohibited from using corporal punishment against their children.

### **Freedom of the media and access to information**

Distribution of magazines and newspapers through the Danish mail system has been subsidized for many years. A new law on press subvention, which was adopted in 2006 and entered into force on 1 January 2007, changed the conditions for subsidizing the distribution of daily newspapers<sup>3</sup>, potentially making it discriminatory: there were concerns that the new rules would force many smaller newspapers out of business.

While the distribution costs for newspapers and magazines were sharply increased as from January 2007, the state decided to subsidize the distribution costs of only the newspapers and magazines with a relatively large circulation: for example, in order to qualify for compensation, a daily must have subscribers among at least one per 1,000 households, in at least 50% of the country, and be able to provide documentation to prove this four times a year. A previous change in the subvention rules a few years ago resulted in the closure of several small magazines, newsletters etc. published by grassroots and nongovernmental organizations.

◆ In a decision welcomed as a victory for freedom of expression and the free circulation of information, three journalists of *Berlingske Tidende* accused of disclosing secret information relating to the reasons given for launching the US-led attack on Iraq were acquitted by Copenhagen City Court.<sup>4</sup>

### **Inhuman treatment and punishment**

After years of pressure by NGOs, the minister of justice asked the Penal Reform Council (an independent advisory body) to consider how to incorporate the provisions of the UN Convention against Torture into Danish legislation.

Meanwhile, the Committee for Criminal Law officially recommended that the use of solitary confinement during custody, which has been criticized by NGOs and international monitoring bodies,<sup>5</sup> be restricted.<sup>6</sup> These recommendations are expected to be laid down in law. However, two main concerns remained: no absolute time limit on the use of solitary confinement was proposed for remand prisoners charged with serious crimes and while serving a sentence the prisoner has no independent legal protection concerning the length of isolation.

◆ At the end of the year, five individuals suspected of involvement in terrorist activ-

ities remained in solitary confinement in Vollmose, four of them for the fifth month. The authorities justified the decision to hold these individuals in solitary confinement by arguing that there was otherwise a risk that they would influence witnesses, and thereby the investigation into the case.

The existing system for filing complaints about misconduct by police, which has been in force for more than ten years,<sup>7</sup> was criticized for granting district attorneys the power to deal with complaints about police work despite their close relation to and cooperation with police. In 2006 the government finally responded to the criticism and established a special committee to make recommendations for the establishment of an independent, impartial body to investigate and decide on complaints of police misconduct.<sup>8</sup> However, Amnesty International among others criticized the composition of this committee, *inter alia* because half of the members were representatives from the police, prosecution and ministries.

## **Migrants, asylum seekers and refugees**

### ***Family reunification***

At the end of the year, new legislation proposed by the government, which would make it even more difficult for a foreigner to join his or her spouse in Denmark, remained under consideration in parliament.

Under legislation already in force, family reunification could only take place if both spouses were above 24 years of age and could prove that they, as a couple, had a stronger attachment to Denmark than to any other country where they may live together. Among other requirements that had to be met was a regulation concerning the size of the apartment where the couple planned to live together, and their income and property. In addition, the couple had to pay a security deposit to cover pos-

sible public expenses inflicted by the arriving spouse.<sup>9</sup>

The new draft law introduced an additional requirement for foreigners who wish to marry and join persons residing in Denmark to pass an exam prior to entering the country. This exam will test knowledge of Denmark and Danish society and test takers will, in particular, be expected to demonstrate understanding of "Danish norms, values, and basic rights," e.g. with respect to democracy, personal integrity, freedom of religion and expression, gender equality and women's rights. They will also be expected to have knowledge of existing prohibitions on circumcision, forced marriage and the use of violence in the upbringing of children, as well as on issues concerning education, health, labor and taxation. The draft law did not provide any information as to how the exam will be organized, or by whom, or what criteria will be used to decide whether applicants have passed it. The expenses connected with the exam will be born by the applicant.<sup>10</sup>

The DHC was concerned that the proposed new rules, in many cases, would prevent couples from marrying and living together and found that they could be considered to be in violation of articles 8 (right to respect for private and family life) and 12 (right to marry) of the European Convention for Human Rights.

### ***Asylum seeking children<sup>11</sup>***

Restrictive asylum policies, as well as slow processing of asylum applications, had particularly serious implications for children. Asylum was rarely granted on humanitarian grounds, and the interests and needs of children were not given adequate consideration when asylum decisions were made.

◆ In one case, a family who had waited 12 years for a decision on their asylum application was ordered to leave the country after being denied both asylum and resi-

dence permits. The children in this family had never been in their parents' country of origin.

The situation of asylum seeking children received wide attention in media after members of a parliamentary committee on integration visited several asylum centers and described the conditions there as disgraceful. Families often lived for years in small rooms of 5-10 m<sup>2</sup>, and shared bathroom, toilet and kitchen facilities with other families, which left little room for privacy. Frequent moves between centers, lack of opportunities for education or work as well as uncertainty about the future also made it difficult for parents to

grant their children a happy and secure childhood at the centers. Children normally did not attend public schools, while education organized at the centers was of poor quality. There were also few, if any, possibilities for children to play or engage in sports or other extra-curricular activities.

Children living at asylum centers faced alienation and discrimination from early on in life, undermining integration efforts and limiting their future opportunities even if they would be allowed to stay in Denmark.

Over 220 children had lived in Danish asylum centers for more than four years.

The minister of integration rejected the criticism of the conditions of asylum seeking children.

### SOURCES FOR FURTHER INFORMATION:

- ◆ Danish Helsinki Committee, at [www.helsinki-komiteen.dk](http://www.helsinki-komiteen.dk)

#### Other organizations:

- ◆ The Danish Institute for Human Rights, at [www.humanrights.dk/news/udredninguk/](http://www.humanrights.dk/news/udredninguk/)
- ◆ Amnesty International Denmark, at [www.amnesty.dk](http://www.amnesty.dk)
- ◆ UNHCR Denmark, at [www.unhcr.org/country/dnk.html](http://www.unhcr.org/country/dnk.html)

#### Publications:

- ◆ Danish National Institute of Social Research ("Socialforskningsinstituttet"), *Livsvilkår for børn med familie på danske asylcentre* ("Living conditions of children whose families live at Danish asylum centers"), No. 06:25, 2 October 2006, at [www.sfi.dk/sw42726.asp](http://www.sfi.dk/sw42726.asp)
- ◆ Report from the Committee for criminal law No. 1469/2006 regarding solitary confinement during custody in accordance to the law of 2000.
- ◆ Juraportal, [www.juraportal.dk](http://www.juraportal.dk), a database for easy access to official and legal websites.
- ◆ Supplementary reports submitted to the UN treaty bodies, at [www.humanrights.dk/frontpage/RogM/reports/Supplementary\\_reports/](http://www.humanrights.dk/frontpage/RogM/reports/Supplementary_reports/)
- ◆ UNHCR comments on Denmark's draft bill on foreigners, at [www.unhcr.org/news/NEWS/3cb58e214.html](http://www.unhcr.org/news/NEWS/3cb58e214.html)
- ◆ UNHCR comments on a number of topics concerning foreigners, including family reunification, at [www.unhcr.org/protect/PROTECTION/436623be2.pdf](http://www.unhcr.org/protect/PROTECTION/436623be2.pdf)
- ◆ [www.ecre.org/files/06.%20Denmark.pdf](http://www.ecre.org/files/06.%20Denmark.pdf) Statistical overview and analysis of refugees in Denmark

**Endnotes**

- <sup>1</sup> For a detailed discussion of the cartoon-row, see the chapter on Denmark in IHF, *Human Rights in the OSCE Region: Report 2006 (Events of 2005)*, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4255](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4255).
- <sup>2</sup> The new acts had yet to be published at the time of writing.
- <sup>3</sup> Act N. 570, Law on Press Subvention, 9 June 2006.
- <sup>4</sup> Ruling by the Copenhagen City Court, 4 December 2006. For comments on the ruling, see e.g. [www.retssal.dk/nyheder2.php3?side=902](http://www.retssal.dk/nyheder2.php3?side=902).
- <sup>5</sup> See the chapter on Denmark in IHF, *Human Rights in the OSCE Region: Report 2006 (Events of 2005)*.
- <sup>6</sup> Report of the Committee for Criminal Law No. 1469/2006 regarding solitary confinement during custody in accordance to the law of 2000, at [www.jm.dk](http://www.jm.dk). See also a press statement by the Minister of Justice Lene Esperson of 2 February 2006, at the same website.
- <sup>7</sup> Act No. 1001, Administration of Justice, 5 October 2006, chapter 93b – 93d.
- <sup>8</sup> The terms of the committee's work can be found at [www.jm.dk](http://www.jm.dk) under press releases (only in Danish).
- <sup>9</sup> Act No. 808, Law on Aliens, 14 July 2004, art. 9, para. 1, no. 1 and para. 7.
- <sup>10</sup> Draft Law No. 93 of 29 November 2006.
- <sup>11</sup> This section is partly based on a report from The Danish National Institute of Social Research (Socialforskningsinstituttet) entitled *Livsvilkår for børn med familie på danske asylcentre* ("Living conditions of children whose families live at Danish asylum centers"), No. 06:25, 2 October 2006, at [www.sfi.dk/sw42726.asp](http://www.sfi.dk/sw42726.asp).